

**Guildhall Gainsborough
Lincolnshire DN21 2NA**

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AGENDA

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

Planning Committee

Wednesday, 7th March, 2018 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 Michael Devine
- Councillor Hugo Marfleet
- Councillor Giles McNeill
- Councillor Mrs Jessie Milne
- Councillor Roger Patterson
- Councillor Mrs Judy Rainsforth
- Councillor Thomas Smith
- Councillor Robert Waller

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 3 - 7)
 - i) Meeting of the Planning Committee held on 7 February 2018, 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** (VERBAL REPORT)

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/>

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

Large Clear Print: Braille: Audio: Native Language

6. Planning Applications for Determination

i) 136309 - Willingham Road, Lea (PAGES 8 - 57)

ii) 137095 - Brigg Road, Caistor (PAGES 58 - 70)

iii) 137063 & 137064 - 25 Market Street Gainsborough (PAGES 71 - 84)

7. Determination of Appeals

(PAGES 85 - 113)

Mark Sturgess
Head of Paid Service
The Guildhall
Gainsborough

Tuesday, 27 February 2018

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 7 February 2018 commencing at 6.30 pm.

Present:

Councillor Ian Fleetwood (Chairman)
Councillor Owen Bierley (Vice-Chairman)

Councillor Matthew Boles
Councillor David Cotton
Councillor Michael Devine
Councillor Hugo Marfleet
Councillor Giles McNeill
Councillor Mrs Jessie Milne
Councillor Mrs Judy Rainsforth
Councillor Thomas Smith
Councillor Robert Waller

Councillor Paul Howitt-Cowan

In Attendance:

Martha Rees	Legal Advisor
Oliver Fytche-Taylor	Planning & Development Manager
Charles Winnett	Planning Officer
Ele Durrant	Democratic and Civic Officer

56 PUBLIC PARTICIPATION PERIOD

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

57 TO APPROVE THE MINUTES OF THE PREVIOUS MEETING

Meeting of the Planning Committee held on 13 December 2017.

RESOLVED that the Minutes of the meeting of the Planning Committee held on 13 December 2017 be confirmed and signed as a correct record.

58 DECLARATIONS OF INTEREST

The Chairman commented that the applicant for planning application 136725 (agenda item 6(a)) was from the immediate family of an elected Member of council and therefore, for transparency, this should be declared for all Members of the Planning Committee.

59 UPDATE ON GOVERNMENT/LOCAL CHANGES IN PLANNING POLICY

The Planning & Development Manager explained he had several updates on changes to planning policy. He presented a summary of these changes and advised Members that his summary and links for more information would be included in the minutes of the meeting, as follows.

Community Infrastructure Levy (CIL)

Following adoption of CIL at Council in November 2017, WLDC commenced CIL charging for all developments given planning permission after 22 January 2018. Permissions granted before this date cannot have CIL applied retrospectively – this would include any site gaining Outline Planning Permission prior to 22 January too.

CIL was introduced by the Government to try to ensure that when land is developed, it comes with the necessary infrastructure to support it such as schools, public transport and leisure facilities.

As members will be aware, CIL will be charged on almost all new buildings to ensure that development contributes towards the infrastructure needed to support growth in an area. Exceptions to CIL charging, for example self-build development, are set out in guidance previously circulated to Members at full council. Previously many smaller developments made no specific contribution towards infrastructure, even though, collectively, they could place significant demands on local facilities. CIL will change this.

Planning Officer reports will include a section to show whether or not CIL is applicable to a development, including for any applications brought before Planning Committee to determine. More details at CIL can be found here: <https://www.west-lindsey.gov.uk/my-services/planning-and-building/community-infrastructure-levy-cil/>

5 Years Housing Land Supply Update

At the meeting of the Central Lincolnshire Joint Strategic Planning Committee in January the Joint Planning Team delivered the latest update to the 5 year housing land position for Central Lincolnshire. Members will be aware that this update sits alongside the new Local Plan and sets out a delivery timetable for developments across the area. Planning authorities are required to maintain an annually updated housing supply report and to ensure that at least 5 years supply of developable land is in place across the plan area. Where this cannot be demonstrated the Local Plan may be considered out of date, as previously experienced in West Lindsey. For this reason, and as previously raised with Members, support for the strategic sites set out in the plan is essential in order to maintain a healthy supply position and ensure planning policies continue to carry full weight.

The latest position is not significantly different to the previous annual report, however it does reflect a slightly reduced position. This results from the slowdown in on-site delivery of new homes rather than any reduction in granting planning permissions, which has been significant during the past 12 months. Therefore it is essential to work with the development industry to understand ways that the Council can assist in encouraging a higher pace of

delivery of new homes across the area, where planning permissions have been granted. For this reason there is now a strong corporate focus on enabling development to encourage on-site delivery.

The five year supply report shows that the local plan area has a **6.19** years of supply at this time. The full report can be found here: www.central-lincs.org.uk

Neighbourhood Plans

Members will be aware that at Council on 22 January two Neighbourhood Plans were made, becoming formally adopted as part of the development plan. These followed successful referendums in Lea, and for Scotter. A number of other plans are now at an advanced stage, including in Cherry Willingham, Great Limber, Osgodby and Willoughton where draft plans have, or will shortly be, submitted for consultation.

Dedicated Neighbourhood Plans Officers continue to work extensively with a high number of groups on emerging plans, on potential reviews of plans already made and also to provide advice to areas where neighbourhood plans are perhaps not achievable or where different forms of support have been requested.

This professional advice is backed up by a partnership with the organisation 'Community Lincs' under a 3 year Service Level Agreement. This additional line of support is proving to be particularly beneficial in helping new groups set-up and in getting plans back on track in areas where plans have stalled. It also provides an important way of ensuring the correct advice is provided to groups and that at all times the advice given keeps pace with the changes to legislation and guidance that impacts on neighbourhood plans. Links to copies of individual neighbourhood plans have been provided to Members previously, alternatively the full suite of plans and updates on the status of every plan underway can be accessed here: <https://www.west-lindsey.gov.uk/my-services/planning-and-building/neighbourhood-planning/>

It is important that if members receive interest for any new neighbourhood plans in their area all enquiries are directed to the officers. This ensures that the interest is properly recorded and is the quickest means of ensuring that the relevant parish council or group are contacted to discuss options around establishing a group and seeking funding. Groups are invited to contact neighbourhoodplans@west-lindsey.gov.uk.

Fee increase for planning applications in effect from 17 January

Following changes in legislation in late December 2017, Local Planning Authorities implemented a 20% increase in planning fees with effect from 17 January 2018. The proposal for this increase was supported at Council earlier in 2017 and represents the first change to fees since 2012.

The change has been widely communicated to all users of the planning service, including any developers or agents that have previously worked in the district and has been extensively covered in the local press and social media. See <https://www.west-lindsey.gov.uk/my-council/council-news/planning-fees-increase/> for details.

Brownfield Register published 31 Dec 2017

A new Brownfield register has been published in line with new legislative requirements introduced last year in the The Town and Country Planning (Brownfield Land Register) Regulations 2017, previously reported to Prosperous Communities Committee. To be included on the register the sites are tested against a number of criteria, including site size, constraints, location and sustainability and have been extracted from the Strategic Housing and Economic Land Availability Assessment (SHELAA) which will be updated by the Joint Planning Team annually. These include:

- Sites that have been granted planning permission and are either under construction or not started
- Sites submitted as part of the SHELAA call for sites
- Sites within West Lindsey District Council's ownership; and
- Any other sites identified for assessment through this process

The Council has been somewhat ahead of this curve particularly in Gainsborough with seeking to bring forward vacant Brownfield sites, launching the Housing Zone and putting policies in place in the new local plan that promote development on brownfield sites in suitable locations. Further details at: <https://www.west-lindsey.gov.uk/my-services/planning-and-building/planning-policy/evidence-base-and-monitoring/brownfield-register/>

A Member of Committee enquired whether the introduction of CIL had had any impact on the number of planning applications received and whether it would affect only new applications or existing ones as well. The Member also asked whether there was any involvement from Officers with Neighbourhood Plan groups when it was nearing time of review for an individual plan, as not everyone had been aware of the need to review a plan once it had been agreed.

The Planning and Development Manager explained that as CIL had not been implemented until the beginning of 2018 it was too early to fully comment on its impact. There had been significant positive feedback in relation to the clear communications from the Planning Team. If the decision for an existing application was made after the implementation of CIL, it would be liable for being charged under CIL. Anyone who this was likely to have impacted was contacted well in advance of CIL coming into effect. The impact of CIL would be monitored over the coming months and reviewed after approximately 12 months.

With regards to the support available to Neighbourhood Plan groups, it was explained that the need to review any given Neighbourhood Plan should be included in group considerations and the Examiner would look for provisions to review as necessary when considering each application for such a plan. The Planning and Development Manager explained that groups were encouraged to use the Officer support available to them through the council and also to connect with 'Community Lincs'.

A Member of Committee then enquired of the Planning and Development Manager what could be done to stay ahead of the five year plan and to counteract negative factors such as developers 'sitting on land' rather than developing it. The Planning and Development Manager explained that although local authorities did not have powers to deal with 'land-banking', West Lindsey District Council had been proactive in encouraging, enabling and facilitating development and a lot of work had been done to incentivise ongoing

development.

The Planning and Development Manager reiterated that the full details, along with the relevant internet links, would be circulated to Members within the minutes of the Committee.

60 PLANNING APPLICATIONS FOR DETERMINATION

RESOLVED that the application detailed in agenda item 6 (a) be dealt with as follows:-

60a 136725 - GRANGE BUNGALOW, HARPSWELL

The Chairman introduced planning application 136724 for the demolition of an existing dwelling and the erection of a replacement dwelling, as a resubmission of application 135018. The Planning Officer advised there was no update for this application and there were no speakers.

It was enquired of the Planning Officer whether the application would have usually been agreed under the scheme of delegations, had it not been for the association with an elected member of the council. The Planning Officer confirmed this to be the case.

A Member of Committee enquired whether there were stipulations for the timeliness of the demolition of the existing dwelling. It was explained that planned work needed to commence within three years although there were no specifics as to when the demolition would need to take place. It was asked whether this meant that the existing dwelling could therefore be rented out if the owners so wished, it was confirmed this could happen.

There were no further questions or comments and it was therefore moved, seconded and voted upon with unanimous agreement that permission be **GRANTED** in accordance with the conditions as set out in the report.

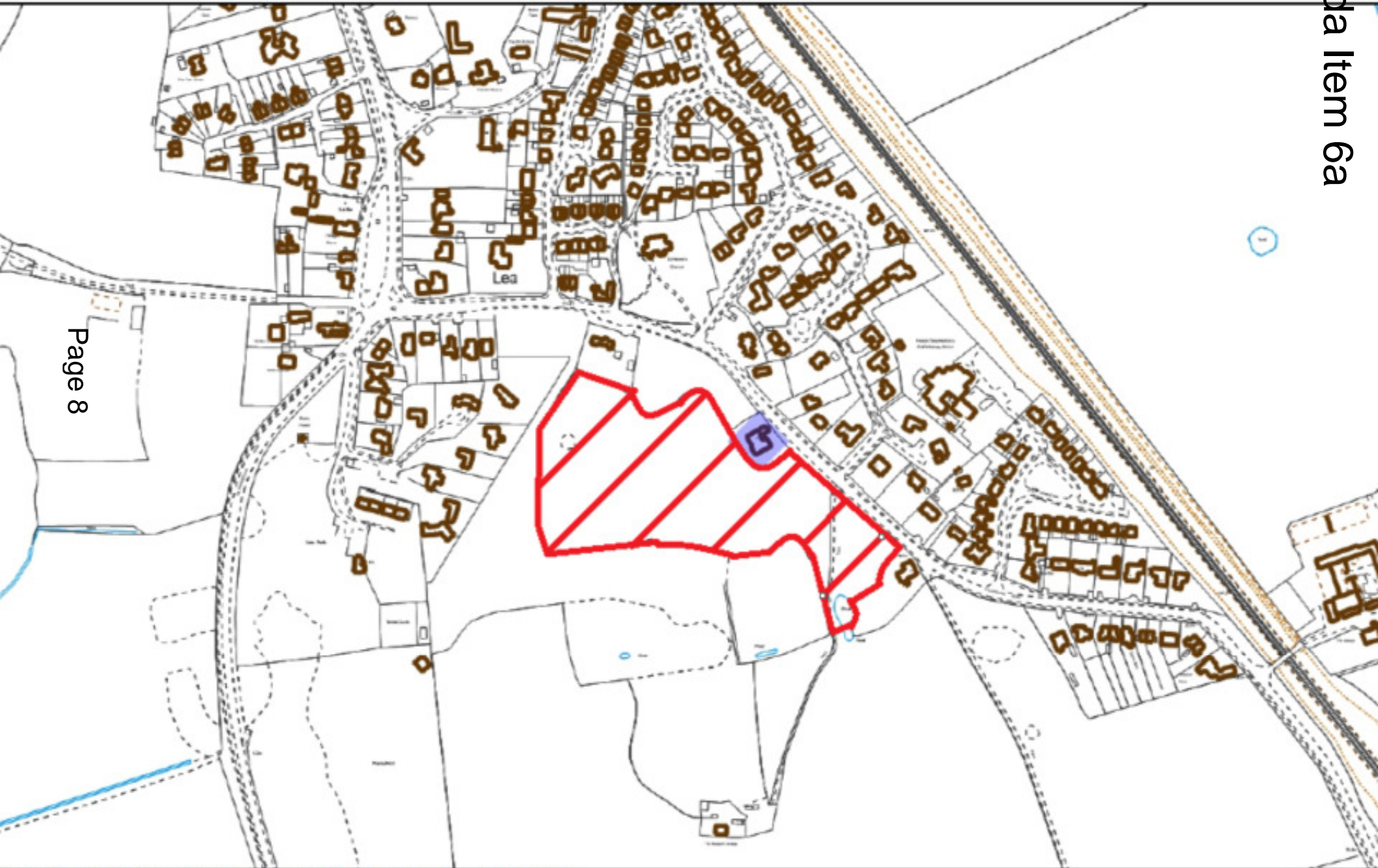
61 DETERMINATION OF APPEALS

The Chairman commented that it was very positive that all appeal decisions were upheld. It was agreed that this supported the work of the Planning Officers and the success of the Local Plan being used to inform planning decisions.

RESOLVED that the determination of appeals be noted.

The meeting concluded at 6.50 pm.

Chairman



Officers Report

Planning Application No: 136309

PROPOSAL: Outline planning application to erect 61 no. dwellings-access to be considered and not reserved for subsequent applications.

LOCATION: Land off Willingham Road Lea Gainsborough DN21 5EN

WARD: Lea

WARD MEMBER(S): Cllr J Milne

APPLICANT NAME(S): B Barton & R Iredale

TARGET DECISION DATE: 21/08/2017

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:-

- The delivery of no less than 20% as affordable housing;
- Measures to secure the delivery, and ongoing maintenance and management of public open space, drainage features and ecological and protected species works including potential mitigation and compensatory features/land;
- A capital contribution towards enhancements of Lea Park, playground and woodland walk and strategic sports provision.
- Provision and maintenance of a pedestrian footpath linking site to Lea Park

In addition to the s106 agreement the Community Infrastructure Levy (CIL), is in force and a contribution will be required in accordance with WLDC's regulation 123 list. The exact detail of the contribution will be determined at the reserved matters stage, when floor space can be accurately calculated.

In the event of the s106 not being completed and signed by all parties within 9 months from the date of this Committee, then the application be reported back to the next available Committee meeting following the expiration of the 9 months.

This application has been referred to the committee as officers deemed it appropriate to do so in view of the public interest generated and the apparent contentious nature of the proposals.

Non-technical summary:

This is an outline application for 61 dwellings with all matters (layout, scale, appearance, landscaping) reserved, except access. The access is detailed and a vehicular junction is proposed to Willingham Road. Pedestrian access would also be possible from this location.

Location: The site is currently paddock with a parkland character to the south of the village of Lea. A small number of residential properties directly adjoin the site. The site is private land used sporadically for the grazing of horses but with an existing access to Willingham Road.

Policy: The development plan comprises the adopted Central Lincolnshire Local Plan (CLLP) and Lea Parish Neighbourhood Plan (LNP). Policy 50 of the CLLP and policy 1 of the LNP allocates the site for residential development with an indicative no of 68 dwellings.

Objections: Objections to the scheme in summary include: The allocation of a specific site for housing development, its need and the scale of development within Lea, impact on: the character and appearance of the area, heritage issues, residential amenity, ecology, highway capacity and safety, sustainability, facilities, infrastructure and drainage.

Principle: An outline application for 61 dwellings would accord with the adopted development plan (CLLP and LNP) policies LP2, LP3 and LP50 and policy 1 in principle.

Housing Mix: The plan provided is indicative in nature but shows that a good mix of housing units could be provided in terms of size and nature in accordance with policy LP10 of the CLLP and policy 3 of the LNP. In addition to this, the applicant is willing to accept a condition for that a minimum of 30% of dwellings be constructed to Building Regulations standard M4(2) in order to comply with LP10. Similarly, 20% of the housing would be secured as affordable through a legal obligation, to accord with policy LP11.

Character and historic assets: The development of this site will alter its appearance and character from a paddock to a residential area. The allocation of the site for housing within the development plan has established this change in character in principle. The Landscape Visual Impact Assessment indicates that main impact of the development would be on a local scale. The LVIA along with the indicative plan submitted indicates that subject to conditions for landscaping and open space the development could take place in a sensitive manner to maintain an attractive character to the village. Similarly, following advice it is considered that the setting of historic assets could be maintained. The proposal therefore accords with policies LP17, LP25 and LP26 of the CLLP and policies 1 and 4 of the LNP.

Highway Capacity and Safety: The allocation of the site with the development plan (CLLP policy LP50 and LNP policy 1) establishes the principle of an access onto Willingham Road for around 68 dwellings. The proposal details the access and subject to conditions this has not raised any objection from the Highway Authority. Similarly, both through the development plan adoption process and the assessment of this application the safety of the existing highway infrastructure and its capacity (including junctions) are deemed acceptable. The proposal is therefore in accordance with policy LP13 of the CLLP and policy 1 of the LNP.

Drainage and flooding: The allocation of the site in the development plan (CLLP and LNP) for housing included consultations with relevant water bodies and the

Environment Agency and was been deemed acceptable. This application has provided an indicative overall drainage strategy for the site which has been assessed by the Lead Local Flood Authority as being suitable to drain surface water generated by the site without increasing flood risk to existing areas. In addition to this, Seven Trent Water has indicated that enhanced infrastructure work required to accommodate the development will be undertaken but that the occupation of any dwellings approved will only be allowed once such works have been completed. It is considered therefore that the proposal, subject to conditions, accords with Policy LP14 of the CLLP and policy 1 of the LNP.

Residential Amenity: Any development of the site will have an impact on the surrounding residential properties. The indicative plan has shown that the residential amenities of adjoining occupiers could be adequately protected (subject to conditions requiring landscaping and limiting development to single storey directly to the rear of these dwellings) in accordance with policy LP26 of the CLLP and policy 1 of the LNP.

Trees & Ecology: The site includes only a small number of trees but is surrounded by prominent areas of mature trees. The indicative layout provided indicates that a development could proceed, subject to reserved matters applications and conditions, without harm to trees within the surrounding area in accordance with policy LP17 of the CLLP and policy 1 of the LNP. It is noted that a mature tree to the rear of 12 Willingham Road would be felled which would detract from the character of the site. This tree has been assessed and found to be unsuitable for safe retention in a residential environment.

Surveys have indicated that the pond to the south eastern corner of the site has been used by Great Crested Newts. Similarly, bats could find the tree to the rear of 12 Willingham Road attractive for roosting. Additional surveys in accordance with Natural England Standing Advice have been undertaken without either Great Crested Newts or evidence of bat roosts being found. Subject to conditions requiring further surveys before development commences and a mitigation and potential compensation strategy (secured through a planning obligation) being submitted and implemented the proposal is deemed to accord with policy LP21 of the CLLP.

Sustainability and community services: The allocation of this site within the development plan (policy 50 of the CLLP and policy 1 of the LNP) has established the site to be sustainable with good access to facilities, services and work places within Gainsborough and the wider area. The submission of a draft travel plan with this application supports access of such areas by sustainable means.

Any development on this site will increase the use of community services such as health and educational facilities in the wider area. The appropriate bodies have specifically not requested any contributions or enhancements. It is noted, however, that if the development is approved it would be liable for a CIL charge which could contribute towards secondary education. The proposal is therefore deemed to accord with policies LP9 and LP12 of the CLLP and policy 1 of the LNP.

Recreation: The development would increase the use of recreation facilities adjoining the site. The indicative plan identifies potential areas of informal recreational open space on site whilst a footpath to Lea Park and a contribution towards enhancements

to Lea Park and playground equipment would mitigate the impact amenity in accordance with policy LP24 of the CLLP and the policies 1, 5 and 6 of the LNP.

Description:

The site is allocated within both the adopted Central Lincolnshire Local Plan, policy LP50 ref CL3044; and the made Lea Parish Neighbourhood Plan, policy 1 for housing. In both policies it has an indicative capacity of 68 dwellings.

The application site is located on the south of the village of Lea fronting Willingham Road. The site has an attractive parkland type character of roughly 3.04ha in area.

The site appears to be used for grazing horses and includes an access running to Keeper's Cottage to the south of the site. Ground levels fall almost immediately from the site frontage at Willingham Road (19m AOD) before falling more gently to the main part of the site and then again to the western section of the site 12m AOD. A drainage pond exists to the south eastern corner of the site. Although the character of the area is dominated by adjoining trees only one large mature tree grows within the body of the site, which is to the rear of 12 Willingham Road.

The character of the site is dominated by substantial tree cover immediately beyond the southern and western boundaries of the site. Further tree substantial cover is found the north of the site along with two residential properties, 10 and 12 Willingham Road. 10 Willingham Road is a large two storey detached dwelling in grounds backing onto the application site. The boundary is currently demarcated by a three bar open fence with some limited planting. 12 Willingham Road is a modern dormer bungalow type dwellings with full glazed gables to the south western elevation. This property is located on raised ground compared to the application site and currently allows views across the site. It is also bounded by a three bar open fence. Also adjoining the site is 14 Willingham Road to the south eastern corner of the site. This detached house and garden is partially screened by trees to the site edge but also includes substantial open boundaries with post and wire fencing.

Bounding the site to the east is Willingham Road. A mixed hedgerow and a number of trees form a natural boundary to the road. Access to the site is also located at this point and is marked by a metal field gate.

This application seeks outline consent for up to 61 dwellings. All matters (layout, scale, appearance and landscaping) are reserved, except for access which is to be considered as part of this application. The access is proposed to Willingham Road some 42m from the garden boundary at 12 Willingham Road. The access would be 5.5m in width with 2m wide footpaths either side. These footpaths would extend to the full width of the site frontage with drop kerbing proposed at either end which would correspond with similar features to the footpath on the opposite side of Willingham Road.

An indicative layout is provided along with an indicative housing mix.

The site, as is the village, is within an area designated as an Area of Great Landscape Value (AGLV) in the Central Lincolnshire Local Plan.

Relevant history:

134871 Pre application for erection of residential development

Representations:

Lea Parish Council: accept the proposal of up to 68 Dwellings to support sustainable development in the village of Lea over the next 20 years. But, proposals for the development on this site will be accepted only where they can satisfactorily demonstrate that the development complies with the Lea Parish Neighbourhood Plan and demonstrate to the local planning authority, that this development will not have any detrimental impact on the following issues:

- A) Residential amenity to existing properties along Willingham Road and Park Close
- B) Existing flood risk, surface water runoff and foul sewage drainage, particularly within the village already impacted by such issues
- C) Existing capacity of the local school and health facilities
- D) Existing highway network, in particular access onto Willingham Road, Parishioners have serious concerns about the additional hazards which will be created by the proposed access to the site being opposite Stainton Close, one of the two entrances to the primary school. School children will need to cross, here in both directions and will be impeded by parked cars as well as traffic movements along Willingham Road (including vehicles exceeding the speed limit) and into and out of the site. Provision of safety measures particularly for children are essential.
- E) The local character, density and distinctiveness is reflected within the scheme
- F) The height and scale of existing properties surrounding the site
- G) The use of appropriate boundary treatments and screening through the creation of a "green buffer" to existing nearby properties
- H) The protection and enhancement of trees, hedgerows and the natural environment, taking into account also local topography, landscape and site orientation
- I) Take advantage of the views from Willingham Road towards the historic park land
- J) Take opportunities to provide, or enhance existing, connections to other parts of Lea through the creation of green infrastructure
- K) The provision of an appropriate mix of property types and tenures that help meet the needs of the local community, as set out in policy 3 Lea NP
- L) The provision of an appropriate level of off-street garages and driveways for residents and visitors parking that are integrated into the scheme; and
- M) Where appropriate, incorporate suitable drainage and flood mitigation measures using Sustainable Urban Drainage Systems
- N) Useable and functional on site open space should be provided or an offsite contribution should be provided.

Local residents: Objections have been received

10 (x3), 12, 13, 14, 20 & Keepers Cottage Willingham Road,
2 (x2), 3 Park Close,

57 Gainsborough Road,
The Old School House, Lea Park (x3),
The Brye Stephenson's Hill House, Station Road, Knaith (x2),
Clear Group (Concerned Lea Residents Groups) who have instructed Thea Osmund
–Smith Barrister.

Objections and comments can be summarised as:

Planning Policy Issues

- The allocation of a specific site for housing development, its need and the scale of development within the Central Lincolnshire Local Plan and the Lea Parish Neighbourhood Plan has been questioned along with the processes undertaken to adopt such plans and the sites sustainability.

Appearance character and historic significance

- Proposal is contrary to LP25 and LP38 of the CLLP as it will have a detrimental impact upon the village and specifically will not:
 - i) Make a positive contribution to the natural environment
 - ii) Protect and conserve or enhance the benefits of heritage assets;
 - iii) Protect Local Views;
 - iv) Protect and enhance the landscaped character of the site; and
 - v) Will bring significant harm to this parcel of Green Field Land and its setting.
- The assessment submitted takes no real account of the position of the site next to a historic parkland or its position with the AGLV Area of Great Landscape Value. There should be better screening to the site and along the access to Keepers Cottage.
- Until the CLLP, the site was considered as part of the open countryside not part of Lea village. The proposal will destroy an area of natural beauty within the village. It is in the centre of the loop pathway to Lea Woods
- This is the thin end of the wedge and will lead to further development.
- There is planning history on the site from 1968 and 1988. All developments were refused as the land was designated green belt area and the area was open countryside and adds significantly to the rural character of the area and should remain undeveloped and would set an undesirable precedent for further development. Nothing has changed since then and it should remain historic park land as it has done for the last 100 years.
- Loss of views from 10, 12, 14 Willingham Road and Keepers Cottage. Other property to the north of Willingham Road will be lost. Any screening does not amount to much.

- The Landscape and Visual Impact Assessment (LVIA) undertaken does not follow guidance published by the Landscape Institute: 3rd edition of Guidelines for Landscape and Visual Impact Assessment (April 2013). The text is descriptive and not analytical. It cannot be relied upon and makes no real attempt to justify the layout and development in terms of the parkland, relationship to public vantage points or how the open space would complement the character of this attractive area.
- Proposal makes no effort to integrate 12 Willingham Road into the layout and design of the estate and would reduce light to this property. Indeed the proposal does not consider the impact on 10 or 12 Willingham Road.
- The report is wrong in its conclusions, the land did form part of the parkland to Lea Hall linking the gardens of the Hall to the Laundrymaid's Cottage and drying ground (now no. 10 Willingham Road). The vista is still a green link between the church and the Hall. The trees to the area do not form a complete screen between the site and church particularly in winter.
- It is contended that the protection, enhancement and intrinsic value of our landscape which positively contributes to the character of the area, including historic buildings (St. Helen's Church – Grade I), topography, trees, woodland, landscape views etc... will be subjected to significant harm if this development is allowed to proceed. Furthermore, it will drastically mar the views over open countryside and of the previous Lea Hall Estate land, enjoyed from St. Helen's Church and those properties to the Northern side of Willingham Road.
- The heritage assessment makes no reference to the grade 1 listed St Helen's Church which is a serious omission contrary to para. 128 of the NPPF.

Residential amenity

- Properties adjoining no. 14 and to the rear of Park Close should all be bungalows not a mixture of two storey houses otherwise privacy would be compromised.
- A close boarded fence should be erected to the boundary of no. 14 (and to Park Close with soft landscaping to the front to maintain security and privacy.

Drainage

- Concern over responsibility for pond
- Drainage is a key concerns as the bottom of the garden regularly floods and has been turned into a bog garden as a result.
- Water runs off Willingham Road onto this site and is a sponge for village it will be made worse if drainage is not designed or considered correctly. The area and indeed that surrounding it are often flooded with large ponds of water. The area to the entrance is often flooded as is the access to Keeper's Cottage. The

design of the drainage at this stage is simply a draft with the detail only really known at reserved matters stage. Area is mainly clay and will not be suitable for soak away drainage. Water will always run down from Willingham Road so will always be wet. At that point will there be enough attenuation space for water? Will this be sufficient? Conditions should be used to ensure this detail is provided as a minimum. A proposal on higher ground should not exacerbate drainage to lower levels surrounding the site. The area around the pond flood already so a soakaway will make things worse.

- The Laundry & Laundry Maids Cottage (new no. 10 Willingham Road) drew water from the site showing it is already water logged. The pond and general soakaways will not be sufficient to deal with the level of water running off the site. The suds features may well assist the site but at 50m from properties at Park Close it will increase the risks to these dwellings and in a storm event could overwhelm these features and flood neighbours dwellings.
- Foul sewerage issues remain and a non-return valve has had to be fitted to protect the property from surcharging. This needs to be investigated as the network cannot cope. Statements about improvements and diversions are vague, what will the pumping station be required for, will there be noise issues.

Highway capacity and safety

- There are a lot of children going to the school opposite the site. Cars park on the highway at school times creating congestion along Willingham Road, Stainton Close and The Grove. It is impossible for two vehicles to pass here. With buses and heavy goods vehicles passing, the school bus parking on Stainton Close, not to mention speeding vehicles in this area, vehicles entering and leaving the site (293) there will be accidents. With children crossing to school, this will be made worse. Previous highway design guides (DB32) indicate that staggered junctions are much safer than cross road, but this is what is being proposed and at a school entrance too. Previous applications for planning permission on this site were turned down on highway grounds. Assessments of traffic do not take account of afternoon pick up of children when street is gridlocked.
- The assessment makes no assessment about how many cars that people in Lea own, the Office of National Statistics show that an additional 107 vehicles would be owned within Lea and surrounding area as a result of these proposals. Also no account is taken of delivery vehicles or friends or relative visiting.
- The sustainability of the location is poor with a heavy reliance on the private car. The majority of facilities are significantly further away than the 400m recommended. No contributions are proposed to support public transport facilities.
- The gradient for the access will make it impossible to use in snow. Visibility in this area is poor.

- 160 extra vehicles generated will create congestion at the junction of Gainsborough Road (A156) at rush hour. The road has a 40 mph speed limit.
- Highway experts should assess the proposal at peak times.
- The planting to the front of the site on Willingham Road will reduce visibility

Trees and landscaping

- Green buffers should be evergreens. A mixture of Holly and laurel would be in keeping with the historic character of the park.
- The Tree to the rear of no. 12 has not been fully assessed as to its value in the townscape. It does at least recognise it has acceptable health. The assessment to justify its removal has not been made and to simply replace it with further housing nos. is not acceptable. Other layout options should be explored to allow it to remain. The tree should be retained for its intrinsic quality and an independent mature tree in this majestic setting.

Ecology

- The ecology report submitted is not suitable for fully assessing the impacts on species within the area. The bat survey should continue up until August and the newt surveys should be undertaken in April and May. The proposal should therefore be refused.
- Surveys are also important to consider how layout should be designed, whether and ponds should be placed in certain locations and the acceptability of landscape proposals. Without realistic understanding of whether a licence would be granted from Natural England for any mitigation works and that there are no alternative works proposed.
- This is the only paddock in the village which attract deer, various birds of prey, and pheasants amongst others. Also 19 species of birds have been found on site many of which are classified as RED (Globally Threatened) and Amber Unfavourable conservation status in Europe). In order to protect such species the hedgerows to Willingham Road should be retained. Badgers are known to the north of the site.

Design and layout

- There is no design and access statement when there should be one.
- The design/ layout proposed is unremarkable, uninspiring and not of the quality required in an area of limited development. Too much emphasis is placed on the need to have a dominating spin road in the middle of the site which directs how dwellings will be located. It takes no account of the loose grain of surround areas nor the importance of landscaping. Park Close should be the model.

- There should be no 3 storey houses (including those with rooms in roof voids. Should also be fewer semi-detached houses. No bungalows should have rooms in roof as this would be contrary to Lea Neighbourhood Plan (para 5.7)
- A development of 22 houses per ha in this location is quite high given the context for the area and should be closer to 8 or 9 per ha. Where such dense development have been built they have detracted from the area and this should not be repeated here.
- There should be greater open space, it is just not usable. The development includes family housing but has no real amenity space. Also retention pond will be a danger to children and who will have responsibility for this area?
- There are not enough car parking spaces proposed.

Infrastructure

- Local facilities cannot cope, the school and nursery are full, and the good secondary schools are full with only spaces at a failing one. Parents will end up taking children to Lincoln, Market Rasen or Kirton Lindsey. You have to wait three weeks for a doctor and many people travel to Willingham to see a doctor but this is also full. This will generate a need for 27 additional places for students. £150000 offered by the applicant will not build another school in the village nor attract additional teachers. Also the playing field will be the only location to expand on.
- A contribution of £425 per dwelling for the NHS (£28900) will not be sufficient to fund a new surgery or attract GP's to the area. The reason why no objections have been received from LCC Highways, Seven Trent, Environment Agency and Health Care and Education is because the application is in outline only. If additional information had been provided that Lea was a village the responses would be different.
- The amenity space of Lea Park is of real benefit but the facilities are of a poor quality and should be improved.

Other issues

- Loss of housing value.
- The planning committee should visit the site to assess the situation before making a decision.

Historic England: Recommend advice be taken from the Council's own specialist advisers on conservation and archaeology.

Lincolnshire Fire & Rescue: Request the development be built to various standards and include the requirement for additional hydrants

LCC Highways/ Lead Local Flood Authority: Initially the proposals for drainage were objected to by the LLFA. Following the receipt of *revised proposals detailing a drainage* strategy the scheme was accepted. Conditions were therefore requested including:

- No development shall take place until a surface water drainage scheme for the site, based on sustainable urban drainage principles and an assessment of the hydrological and hydrogeological context of the development has been submitted to and approved in writing by the Local Planning Authority. The scheme shall:
 - a) Provide details of how run-off will be safely conveyed and attenuated during storms up to and including the 1 in 100 year critical storm event, with an allowance for climate change, from all hard surfaced areas within the development into the existing local drainage infrastructure and watercourse system without exceeding the run-off rate for the undeveloped site;
 - b) Provide attenuation details and discharge rates which shall be restricted to 5 l/s;
 - 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.

Also requests conditions requiring formation of:

- *1.8m wide footpath across site frontage with tactile paving,*
- *An assessment of existing drainage to Willingham Road; and*
- *Formation of access junction, visibility splays and first 60m of estate road from junction into the estate.*

Environment Agency: No comments to make as proposal does not meet criteria for consultation.

Archaeology: No input required

Lincolnshire Police: Provides guidance on matters of designing out crime.

LCC Education: Capacity is available within the local school and as a result no contribution is required.

Natural England: Natural England has no comments to make on this application.

Natural England has not assessed this application for impacts on protected species. Natural England has published Standing Advice which you can use to assess impacts on protected species or you may wish to consult your own ecology services for advice.

Conservation officer: No objection following amendment to indicative layout.

Relevant Planning Policies:

Planning law¹ requires that applications for planning permission must be determined in accordance with the development plan, unless material considerations indicate otherwise. The Development Plan in this location comprises the Central Lincolnshire Local Plan (April 2017); the Lea Neighbourhood Plan (January 2018); and the Lincolnshire Minerals and Waste Local Plan (2017).

Central Lincolnshire Local Plan (Adopted 2017)

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

LP1: Presumption in favour of sustainable development
LP2: The spatial strategy and settlement hierarchy
LP3: Level and Distribution of Growth
LP4: Growth in villages
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
LP18: Climate change and low carbon living
LP21: Biodiversity and geodiversity
LP24: Creation of new open space, sports and recreation facilities
LP25: The historic environment
LP26: Design and amenity
LP38: Protecting Gainsborough's Setting and Character
LP50: Residential allocations – main towns (site CL3044)

Lea Neighbourhood Plan

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

The Lea Neighbourhood Plan has been examined with the examiner's report including modifications being approved on the 19th September 2017. Following approval from Prosperous Communities Committee (24th October 2017) a referendum was held on the 7th December 2017. Of those voting 73% voted in favour of the neighbourhood plan. The plan was presented to Full Council on 22nd January 2018 where the decision to make the plan was taken. In line with the Neighbourhood Planning Act 2017 the Lea

¹ [Section 38\(6\)](#) of the Planning and Compulsory Purchase Act 2004 and [section 70\(2\)](#) of the Town and Country Planning Act 1990

Parish Neighbourhood Plan now forms part of the Development Plan and should be given full weight in the decision making process.

Policies:

Policy 1 – The comprehensive development of site 1 off Willingham Road

Policy 3 – Housing Mix

Policy 4 – Design and character

Policy 5 – Wider green infrastructure

Policy 6 - Lea Green Wheel

Policy 10 – Flooding and drainage

Policy 11 – Waste water and supply

Lincolnshire Minerals and Waste Local Plan

<https://www.lincolnshire.gov.uk/residents/environment-and-planning/planning-and-development/minerals-and-waste/>

The Core Strategy & Development Management policies (CSDMP) were adopted in June 2016 and forms part of the Development Plan. The application site is within a Sand and Gravel Mineral Safeguarding Area (MSA). Policy M11 applies.

The Site Locations were adopted in December 2017. The application site is not within an allocated minerals or waste site.

National guidance

National Planning Policy Framework (NPPF)

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

National Planning Practice Guidance (NPPG)

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

Other

Natural England: Great Crested Newts: Surveys and mitigation for development projects – Standing advice for local planning authorities who need to assess the impacts of development on great crested newts:

<https://www.gov.uk/guidance/great-crested-newts-surveys-and-mitigation-for-development-projects>

Main issues

- Principle of housing in this location
- Housing Mix
- Character & design
- Residential amenity
- Trees and wildlife
- Drainage
- Access & Transportation

- Open space, recreation, health and education

Assessment:

- Principle of housing in this location

The application site is located to the southern edge of the village of Lea but existing housing areas are located to the west, north and east of the site (albeit with intervening trees and landscaping to the north and west). The site is allocated within the adopted Central Lincolnshire Local Plan for primarily residential development, ref. no. CL3044 under policy LP50. The policy notes that CL3044 would have an indicative capacity of 68 dwellings.

Despite the objections received to this application and the site's residential allocation, the development plan allocation at Lea has been assessed and found to be sound by the Planning Inspectorate as part of the Central Lincolnshire Local Plan. The hearing in public included the submission of documentation in relation to Lea and indeed some of the objectors to this application took part in this public process. Having considered all representations made, the CLLP was found to be sound with the inclusion of the site allocation. Indeed one of the key concerns of objectors, that Lea is used to accommodate housing for the Gainsborough area is specifically addressed in para 3.4.9 of the CLLP which states: *'The reason for this is that whilst Lea is a settlement in its own right, it is physically connected to the urban area of Gainsborough, and the same is the case for Morton. As such, Lea and Morton were considered for allocations to help meet Gainsborough's growth needs.'*

This application for (outline) planning permission does not afford the opportunity to review or otherwise reassess the site allocation. In accordance with statutory planning law, this application for planning permission must be determined in accordance with the development plan, unless material considerations indicate otherwise.

The Lea Neighbourhood Plan (LNP) has now been made (22nd January 2018) and forms part of the development plan against which this application must be determined - its policies have full weight within the planning process. This followed a referendum held on the 7th December 2017 result clearly favouring the adoption of the plan. In line with s38 of the Planning and Compulsory Purchase Act 2004 the policies of the plan now form part of the development plan for this area.

Policy 1 of the LNP accepts the Central Lincolnshire Local Plan housing allocation (CL3044) for up to 68 dwellings on the application site. It includes a plan which demarcates the site for housing. It also provides further guidance on the type of development which would be suitable and provides a criteria by which to assess proposals to ensure: a) the layout respect the amenities of existing properties along Willingham Road and Park Close; b) the technical design of the scheme does not have an unacceptable impact on surface water runoff and foul sewerage within the village; c) the proposal takes account of existing capacity of the local school and health facilities; d) the proposal takes account of the existing capacity of the highway network and provides for a satisfactory vehicular access to Willingham Road in particular; e) the design and layout reflect the character, density and distinctiveness of the surrounding area, including height, scale and mass of existing residential properties;

f) the design and layout provides sensitive boundary treatments and screening to create an appropriate green buffer between the new development and existing residential properties g) the design and layout of the proposal protects and where appropriate enhances trees, hedgerows and the natural environment by taking account of local topography, landscape and orientation of the site; and h) the layout of the scheme provides useable and functional open space to development plan standards.

In making his assessment on the acceptability of the plan the neighbourhood plan examiner stated within his report (19th September 2017) that with respect to policy 1, para 7.15, 'I have given careful consideration to the physical and site-specific matters raised in the representations and looked at the site in detail. I am satisfied that the development of this site is appropriate and will represent sustainable development'. In doing so he considered that policy 1 incorporated appropriate environmental safeguards to ensure this happened.

As such subject to more detailed assessment of the physical nature of the site and its impact on the surrounding area the principle of 61 residential dwellings on this site is in direct accordance with the provisions and strategy of the development plan - namely Central Lincolnshire Local Plan, policies LP1, LP2, LP3, and LP50 and The Lea Neighbourhood Plan Policy 1.

This site also contributes towards meeting the housing need within Central Lincolnshire but also specifically the 12% allocated for Gainsborough under CLLP policy LP3.

- Housing Mix,

CLLP Policy LP10 seeks development to meet housing need within the area. This is mainly focused on the Strategic Housing Market Assessment but also considers other appropriate local evidence. In general this requires a mix of housing tenures, types and sizes, it notes however that there is a particular need for housing suitable for the more elderly and those with long term health or disability issues.

Policy LP10 also seeks to cater for those less mobile residents, those getting elderly or the disabled. As such 30% of dwellings are expected to meet Building Regulation Standard M4(2) to deliver housing that can be easily adapted to meet people's changing needs. This can be secured by way of a planning condition.

Policy LP11 of the Local Plan seeks to meet the strategic aim of delivering 17400 affordable housing over the plan period, to assist those residents unable to compete on the open market. The policy indicates that for developments over 11 dwellings outside of the Lincoln strategy or SUE areas 20% of the housing should be affordable.

Lea Neighbourhood Plan Policy 3 - Housing mix, also accords with policy 1 of the LNP and requests that proposals should have an appropriate mix and type of units to help address the needs of the community. Local investigations show that the village as a whole has large numbers of 3, 4 and 5 bedroom houses but less than 0.2% of properties being single and two bedroom properties, with very little socially rented properties or indeed privately rented accommodation. Consultation evidence also

found an increasingly elderly population but with fewer smaller properties to down size to or indeed for first time buyers leading to a loss of younger people. Of those who responded to the Neighbourhood Plan questionnaire 59 respondents sought bungalows, 58 people stated the village needed family housing needed, 30 wanted retirement housing apartments whilst 28 wanted lower cost/affordable/ starter homes. No one sought 3 storey housing nor apartments.

Although this application is in outline form only, with the detail of the proposal, including housing mix to be determined at reserved matter stage, the applicant has provided an indicative plan to show that 61 dwelling units could be accommodated on site. The indicative plan shows that to a mix of housing that seeks to meet the CLLP and LNP concerns with 8 x 1 bed units (13%), 20 x 2 bed dwellings (33%) and 27 x 3 bed dwellings (44%) with only 10% of dwelling units being proposed for 4 and 5 bed roomed units. A planning condition is considered necessary to ensure that an inclusive housing mix is achieved, in order to comply with CLLP policy LP10 and LNP policy 3.

The designs of the dwellings proposed are also indicative (scale & appearance are reserved matters) but seek to accord with the CLLP and LNP policies with 2 storey dwellings proposed with a small number of bungalow and dormer bungalow designs. Similarly a range of detached, semi-detached and terraced proposals are shown. The majority (56%) of the indicative units proposed are semi-detached designs with 15% being in the terraced format and 13% being flats. It is noted that the flat blocks would only be 2 storey in height and accommodate 4 flats in each block. These could therefore appear very similar to housing units. Whilst this could change at reserved matters stage it does indicate that a mixed development in line with local requirements could be achieved.

The applicant has agreed to a condition requiring 30% of the units to be built to Building Regulations Part M4(2) in accordance with policy LP10 of the CLLP. Similarly, 20% of the residential units of site would be designated as affordable to accord with policy LP11 of the CLLP and policies 1 and 3 of the LNP. These requirements would be enforced through conditions and inclusion with the s106 legal agreement respectively.

It is considered therefore that the development of this site could provide an acceptable mix of property in accordance with the development plan policies in accordance with policies LP2, LP10 and LP11 of the CLLP and policies 1 and 3 of the LNP.

- Character and design

Matters of layout, scale, appearance and landscaping are all reserved for subsequent approval ('reserved matters'). Nonetheless, indicative drawings have been supplied to illustrate how development may be accommodated on site.

Efficient use of land is tempered by the natural characteristics of any site, and in this instance the site's its parkland appearance which is clearly cherished by a good proportion of the local community (as attested to by policy 1 of the LNP) and particularly those whom overlook the site.

Policy LP17 of the Central Lincolnshire Local Plan seeks to protect and enhance the intrinsic value of the 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, such as (but not limited to) historic buildings and monuments, other landmark buildings, topography, trees and woodland, hedgerows, walls, water features, field patterns and inter-visibility between rural historic settlements.

The policy also notes that all development proposals should take account of views into, out of and within development areas: schemes should be designed (through considerate development, layout and design) 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 inter-visibility from various viewpoints.

Similarly, policy LP26 of the CLLP requires all development to be of a high quality sustainable design that contributes positively to local character, landscape and townscape and supports diversity, equality and access for all. It notes that development proposals must take into consideration the character and local distinctiveness of the area (and enhance or reinforce it, as appropriate) and create a sense of place. This includes seeking to:

- c) respect the 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,
- f) incorporating and retaining as far as possible existing natural and historic features such as hedgerows, trees, ponds, boundary walls, field patterns, buildings or structures;
- h) provide well designed boundary treatments, and hard and soft landscaping that reflect the function and character of the development and its surroundings and;
- i) protect any important local views into, out of or through the site.

Policy LP50 of the CLLP does, however, allocate the site for housing with an indicative number of 68 dwellings on this site.

As noted above Policy 1 of the LNP also allocates residential development of up to 68 dwellings on the site the site subject to: e) the design and layout of the proposal reflects the character, density and distinctiveness of the surrounding area including the height, scale and mass of existing residential properties and; g) the design and layout of the proposal protects and, where appropriate, enhances trees, hedgerows and the natural environment by taking account of local topography, landscape and the orientation of the site.

It further requires developers to demonstrate how they have addressed and incorporate the following features into its layout and design:

- a) the views from Willingham Road towards the historic park land;

b) the provision or the enhancement of existing connections to other parts of Lea through the creation of green infrastructure;

The site is located within an Area of Great Landscape Value (AGLV) (CLLP policy LP17). It is noted that the site does not fall within designated local green spaces (LNP policy 7) nor any key views or vistas as identified within appendix B of LNP. It is located, however, close to an area of Important Open Space and a Local Nature Reserve.

It should be noted that whilst the site was formerly allocated as part of Important Open Space within the now superseded West Lindsey Local Plan (WLLP) this allocation was not upheld in the recently adopted CLLP and does not form development plan policy. The site is not designated nationally or locally as a historic park or garden.

Finally policy 4 of the LNP seeks to establish a design criteria to deliver good quality design. The policy requires all new development, where relevant, to accord with the following local design principles:

- a) should respect the linearity of settlement and the way the streets and spaces relate to the underlying land form;
- b) recognise and reinforce the distinct local character in relation to scale, mass, form, character, density, landscape setting and materials;
- c) the scale of the development should be limited to a maximum of 2 storey throughout the development site to reflect local characteristics;
- e) provide clear and appropriate boundary treatments to provide screening;
- g) respect and protect listed buildings and their settings and the key views towards these important structures are retained;
- h) the views into and out of the settlement as identified in Appendix B should be retained; ...

This application is in outline form with only access not reserved and to be considered in detail. The applicant has provided an indicative plan to assist to show that up to 61 dwelling units could be accommodated on this site. As it is indicative, the layout could well change at reserved matters stage but does provide a useful, if limited, indication as to how a development could impact on the character and appearance of this area.

The applicant has provided a revised Landscape Visual Impact Assessment (LVIA). This document assesses the impact of the proposed development from a wider perspective but also from specific local viewpoints/receptors. The report concludes that visual landscape impacts would be very localised due in the most part to the topography of the area but also the significant blocks of deciduous woodland and parkland landscaping which screens the site from the majority of medium and long distance views (i.e. the development has small Zone of Visual Influence).

The West Lindsey Character Assessment (WLCA) which notes that development can be accommodated on the high ridges to the south and east of Gainsborough, provided it is associated with new tree and hedgerow planting which is designed to integrate with local field patterns. Whilst the site is not particularly on the high ridge the existing tree planting surrounding a substantial part of the site creates very similar circumstances limiting/ filtering views of the proposal. The WLCA also notes that new

development on the periphery of settlements should always be bounded by new or existing hedgerows and native hedgerow trees so that buildings are anchored within the wider landscape pattern. The proposals are such that such that a development would not be so dense that an arrangement is possible with areas of open space being proposed to the south and east of the site to provide attractive landscaped areas close to the main visual receptors.

In a similar manner the majority of views of the site from local viewpoints are also assessed by the LVIA. The report notes that the views of the site from public footpaths Lea/1053/1 and Lea/1055/1 would be limited by substantial vegetation or distance. These footpaths form part of the Lea Neighbourhood Plan's Green Wheel (Policy 6) project and as such this is important consideration. As such the impact on the character of these areas are determined as Minor Adverse/Negligible. Having visited the application site and the wider area, it is considered that such a conclusion is not an unreasonable.

Perhaps the greater visual and character impacts would be from the immediate surroundings of the site. In particular the adjoining residential properties and views from Willingham Road. As is noted by the LVIA properties to the west on Park Close would be screened by a tree belt filtering views of the proposed development even in winter. Further planting is shown on the site boundaries and this could be conditioned to be undertaken forming a further screening. To the north the impact of the development on 10 Willingham Road would be much greater. Here the report indicates that impact would initially be Moderate Adverse reducing to Moderate/Minor Adverse once any landscaping close to the boundary is allowed to grow. A bungalow is also assessed to this boundary. This assessment relies on matters which have not yet been detailed at outline state such as the nature of any landscaping and the type of dwelling to the rear of this property. Nonetheless it would be open to the committee to condition a landscape boundary scheme to be submitted and agreed and that any dwelling directly behind this property to be a bungalow. Whilst the change in character to this dwelling would be moderate adverse no one has a right to a view. Implications for residential amenity will be considered below.

In a similar way, but to an even greater extent, are the implications for the dwelling at 14 Willingham Road. This is due to the orientation of the dormer bungalow, the large full glazed gables and its elevated location overlooking the application site. Here the loss of a clear and open view of the current field and parklands would represent a significant impact for existing occupiers. The LIVA notes that such impacts should be classed as major/moderately adverse due to proposed screening to the site boundary and the potential construction of a bungalow at this point. The use of conditions to ensure a landscaped strip is provided along this boundary could be imposed. The loss of attractive views of the current open space is recognised but careful design at reserved matters stage could ensure acceptable outlook is created, and again a view is not a right. It is noted that this situation is not materially different from many other development locations where existing occupiers have enjoyed views of open fields previously.

The other key viewpoint to assess the impact on the character of the area is from Willingham Road around the proposed access. Here views of the site are available to residential dwellings across Willingham Road but also passing views from vehicles,

cyclist and pedestrians. Within an LVIA the sensitivity of impacts are graded depending on the receptor. The impact on a householder would be significantly greater than that felt by someone passing within a vehicle. Views, however, of an area including, for example of a historic feature (or its setting) or a green space particularly cherished by a community would have a greater significance within an assessment.

The views from the houses on the opposite side of Willingham Road would be impacted upon with a moderate/ minor adverse classification. This classification has been given as a result of the 30m distance these dwellings are to the boundary of the site and the revisions undertaken by the applicant including an 1176 sq. m area of landscaped open space at the entrance of the site along with proposals to enhance the boundary to the road with further trees and hedging. This together with the approximate 2m fall in ground levels would reduce the impact of views of the development to these properties assisting to retain a visual link to the parkland trees beyond.

In a similar way, whilst it is noted that the site is a pleasant view for residents walking along Willingham Road, and is part of the LNP's Green Wheel (policy 6) amenity walk the impact of the development on users is noted as being classified as moderate/minor adverse. It is considered that viewpoints of the site are limited in geographical scope by landscaping/ trees, the existing residential dwellings and trees either side of the identified viewpoint. Indeed when travelling along Willingham Road it is the banks of trees adjoin to the site particularly along Willingham Road frontage and the properties opposite which form the real character for the majority of this road. It is specifically at the site frontage that any change to the character be obvious. Whilst accepting that this would be a significant change of view, the site is allocated for housing in the Development Plan and the indicative plan proposed open space, and boundary planting to the site frontage which would further soften the impact. Similarly, if a reserved matters application followed this approach housing visible would generally be located on lower ground levels which would further soften any impact and retain views of the bank to trees to the south of the site.

The indicative plan provided indicates that the site could accommodate 61 dwellings (23 dwellings per ha excluding main access road and amenity/space/attenuation pond). It is accepted that this is higher than the surrounding area (10 and 12 dwellings per ha advocated in policy 4 (Map 6) of the LNP, but as the allocation in both the CLLP and LNP is for an indicative figure of 68 dwellings then such a level is not deemed unreasonable. Similarly, whilst accepting the indicative density levels identified within the development plan allocation are higher than the surrounding areas, the applicant has sought to reduce the density of properties to the Willingham Road frontage to further blend the development in with its surroundings. It is considered therefore that even for leisure pedestrians that the impact should only be classified as moderate/minor adverse and should not be considered as sufficient to sustain a reason for refusal on character grounds.

As noted above although it is highly likely that the application site formed part of the parkland grounds to Lea Hall (and this is disputed by the applicant). It is not listed on either the national Register of Parks and Gardens nor as a local designation as a park or garden of particular significance. It is nevertheless an attractive area with parkland feel to it. The site is, however, private land without public access and as has been

noted above it is the visual enjoyment from public vantage points on Willingham Road and the two more distant public footpaths where public value is derived. A footpath is noted by a number of objectors to be directly to the west of the site boundary allowing views of the site. This is not, however, a public right of way and as a private footpath that has been closed by the applicant for around 15 years following various trespass incidents.

St Helen's Church, a grade 1 listed building also fronts Willingham Road to the north east of the site. Constructed between the 13th and 15th Centuries, it was restored in 1849. It is constructed of coursed limestone rubble, blue lias rubble, limestone ashlar. It has a plain tiled roofs with coped gables. It is located centrally within the church yard which rises above Willingham Road. The church yard is a pleasant area with a number of trees growing within it. This together with the mature trees opposite the church yard to the southwest and the curvature of Willingham Road ensures that neither the church nor its tower will be readily seen from the highway with the proposed development in the foreground nor background when trees are in leaf. As such the development of this would not generally have a significant impact on the setting of the listed church. A similar point was made by the Local Plan Inspector whom stated:

'It (the site - added by author) is also located on the opposite side of Willingham Road to the Church of St Helen and is separated from it by mature trees. Whilst the effect of a proposal on the significance of neighbouring heritage assets would be a matter for the detailed layout, scale and design of a scheme to consider, in principle new residential development would not harm the setting of the church. Given the size of the site there is nothing to indicate how or why any important features such as pedestrian links or mature trees and landscaping could not be retained as required in the design process.'

It is accepted, however, that during the winter months or if any trees on this intervening private site were removed a visual relationship between the estate and the church could occur. The Council's conservation officer has reviewed the proposals and raises this issue. As a result of this, her advice is that to the first cul-de-sac there should be no houses backing on to the intervening area. This approach therefore seeks to create a positive relationship with the church with street scene views of the church as vice versa rather than closing off ugly boundary fencing and the utilitarian rear elevation of properties.'

The indicative layout also shows a line of housing backing onto trees to the south of the site. Whilst the impact on residential amenity and the health of trees will be considered below in more detail it is worth noting that whilst the scale/ density of this scheme is deemed acceptable in principle (based on the indicative layout and detail provided) the full impact of the development on the trees and vice versa cannot be identified until the detailed layout of the scheme has been submitted. Some concerns about this relationship remain and this could result in a number of plots being moved away from the wooded areas and/or the density of the scheme reducing but this would not be on a significant level and the character of the trees in this area would be maintained.

The principle of developing the site for residential development of up to 68 dwellings is established by its allocation within the development plan. All matters of layout, scale,

appearance and landscaping are reserved for subsequent approval. Nonetheless, the indicative material submitted illustrates that, with care, the site can accommodate at least the 61 dwellings proposed without deviating from wider environmental policies.

It is concluded that development can be expected to comply with policies, subject to careful consideration at the reserved matter stage.

- Residential amenity

The proposed development is in outline form – layout, and scale are reserved for subsequent approval. It will therefore be important to ensure that residential amenity is not unduly compromised in consideration of these matters. Nevertheless the indicative plan submitted does illustrate that the 61 dwellings could be reasonably accommodated without causing undue harm to existing residential amenity in terms of dominance, light, sunlight and privacy.

This includes 10, 12 and 14 Willingham Road. It is accepted that any development of this site would represent a significant change for residents of these properties whom have enjoyed views across the open field towards the park but nonetheless, the indicative plans have shown that a development such as that proposed could be accommodated on site in a manner which would be acceptable in planning terms. The applicants have also indicated that the site boundaries could be landscaped and that sufficient garden areas could be created. Similarly, they would be willing to accept conditions limiting development on the plot directly behind nos. 10 and 12 Willingham Road to single storey only. To a lesser extent 14 Willingham Road would also be similarly affected and here a bungalows is shown to the side of the garden with a dwelling further back.

The other main concern re the principle of the development and residential amenity is the proximity of the southern line of dwellings to the grouping of high trees to the south of the site. Occupiers generally expect to have some direct sunlight reaching their gardens and windows for a good portion of the day. The BRE Document 209 – Site Layout Planning for Daylight and Sunlight indicates that people like sunlight, and in surveys, about 90% of people said they appreciated sunlight in their homes, particularly in the afternoons (when the sun would be to the south and southwest of this site). As noted above, in the majority of situations the relationship between the trees and the indicative housing plots are deemed acceptable but in some areas a number of the properties proposed could be impacted by the trees causing a level of nuisance limiting general light levels, causing leaf litter and other general concerns where trees are in close proximity to gardens and dwellings. The application, however, reserves scale and layout and plans submitted are indicative only. The applicant also rightly notes that the areas to the south and west would benefit from some management, some trees are a poor state of health, whilst others have partially fallen and it is likely that such work would open up some areas of the canopy allowing further light to gardens and houses. It would not, however, be acceptable for significant, unjustified reduction in trees to take place and as this could have a detrimental impact on the character of this area. To ensure that the trees and housing would maintain and acceptable relationship it is recommended that at reserved matters stage a full survey of the adjoining trees is undertaken including an assessment of their potential impact on any future layout. The Council's Trees and Woodlands Officer has not objected to

the proposal but would require a detailed assessment to be provided at reserved matters stage, to be secured by planning condition.

The access road to the site will increase traffic on Willingham Road and could cause nuisance to dwellings opposite and further along this road. The access point is shown to be opposite Stainton Close. The access would be 42m from the garden boundary of 12 Willingham Road which would be the subject of additional planting and possibly with an intervening dwelling between it and the access. It is not considered therefore that occupiers would be subject to unacceptable nuisance. The houses opposite the junction are set back from the road and would as a result be better protected from noise and nuisance generated. The change in ground levels could, however, lead to light nuisance from headlights reducing amenity. The nature of the gardens and potential additional planting to the application site frontage would assist to limit such nuisance.

Willingham Road itself is also a moderately busy road, the development as proposed would generate 293 two way vehicle movements over the day (07:00 to 19:00) which in the morning peak would include 34 departures and arrives with a similar number (33) in the evening peak. Given existing traffic past existing houses and the distance from the access to adjoining dwellings it is not deemed that such increases would be so great as to represent a material reason to resist the proposal on residential amenity grounds – the principle of this scale of the development is established within the development plan. Any additional nuisance experienced during school drop off and pick up times would be time limited as is presently the case.

It is concluded that, subject to approval of reserved matters, the development can reasonably be expected to comply with policies LP2, LP13 and LP26 of the Central Lincolnshire Local Plan.

- Trees and wildlife

Policy LP21 Biodiversity and Geodiversity indicates all developments should:

- protect, manage and enhance the network of habitats, species and sites of international, national and local importance (statutory and non-statutory), including sites that meet the criteria for selection as a Local Site;
- minimise impacts on biodiversity and geodiversity; and
- seek to deliver a net gain in biodiversity and geodiversity.

The policy goes on to indicate that: ‘Proposals for major development should adopt an ecosystem services approach, and for large scale major development schemes (such as Sustainable Urban Extensions) also a landscape scale approach, to biodiversity and geodiversity protection and enhancement identified in the Central Lincolnshire Biodiversity Opportunity Mapping Study.’

Generally it notes that ‘Development proposals should create new habitats, and links between habitats, in line with Biodiversity Opportunity Mapping evidence to maintain a network of wildlife sites and corridors to minimise habitat fragmentation and provide opportunities for species to respond and adapt to climate change. Development should

seek to preserve, restore and re-create priority habitats, ecological networks and the protection and recovery of priority species set out in the Lincolnshire Biodiversity Action Plan and Geodiversity Action Plan.

Such an approach is supported by Policy 5 of the LNP.

The site is not designated for its ecological or geological importance within the Local Plan or Neighbourhood Plan. Similarly, it is not proposed as an ecological improvement area. Nevertheless it is close, but not directly linked, to a Local Nature Reserve and the wooded areas surrounding it, along with the pond to the south eastern corner an ecological habitat for wildlife.

The applicant has undertaken an ecological survey of the site (March 2017) along with additional newt survey and a bat surveys later in the year. The surveys reveal that the site as a whole is of limited ecological value, but includes features such as the pond in the south eastern corner and a small number of trees on the site which could well and do support protected species.

Newts

Great crested newts are a European protected species. The animals and their eggs, breeding sites and resting places are protected by law. Things that can cause the law to be broken include:

- capturing, killing, disturbing or injuring great crested newts deliberately
- damaging or destroying a breeding or resting place
- obstructing access to their resting or sheltering places (deliberately or by not taking enough care)
- possessing, selling, controlling or transporting live or dead newts, or parts of them
- taking great crested newt eggs

If found guilty fines are unlimited and up to 6 months in prison for each offence can be upheld if anyone is found guilty.

In line with standing advice published by Natural England additional surveys were carried out on the three ponds (one on site and the other two in the adjoining woodlands) in April, May and June 2017. eDNA sampling of the water on 27th April 2017 showed that Great Crested Newts (GCN) had been present in the pond on site. Further additional investigations did not identify any GCNs in pond on any of the six visits, although one smooth (common) newt was found, along with a number of toads and frog tadpoles. No GCN were found. It is concluded therefore that whilst the pond and surroundings do provide a suitable habitat for GCNs, and indeed traces of their DNA are present, no lamping, egg searches or trapping provided any amphibians and as a result the population using the pond is deemed low and this is not a breeding pond. Given the potential attractiveness of the pond (even at a low level) for GCN, the loss of habitat close to the pond it is likely that precautionary mitigation measures are required.

The applicant has identified a need to obtain a European Protected Species licence from Natural England to move any newts found from the development site before

construction and prevent their access to the area. There is likely to be other mitigation works and/or compensatory habitat formed to ensure the newts and their habitat will not be harmed. The applicant has provided a draft management and mitigation plan to identify in principle how this area and the species would be protected if this proposal is granted permission. The report identifies the measures to trap and remove newts from the application site and prevent further access during construction, it also notes a 20m wide exclusion zone around the pond to prevent harm to this habitat area and includes measures to enhance the attractiveness of the area to newts after construction. This also includes proposals to create compensatory habitat within the applicant's land but outside of the application site through the creation of two ponds. The mitigation /management plan has been submitted to both the Lincolnshire Wildlife Trust and Natural England. Natural England will not provide advice on protected species outside of SSSI's and a formal response from Lincs Wildlife Trust is awaited.

Given such proposals will need to be formally assessed at reserved matters stage when the full layout is known, conditions are recommended to ensure an up dated and fully detailed management/ mitigation plan is submitted to and agreed (in accordance with Natural England's standing advice) with a completed s106 legal agreement for any required works to protect the species and/or create compensatory habitat. What the management/ mitigation plan submitted does provide is reasoned assurance that a development of this nature can proceed without harm to these protected species or their habitat.

Bats

All bat species, their breeding sites and resting places are fully protected by law - they're European protected species. The law will be broken if you:

- deliberately capture, injure or kill bats
- damage or destroy a breeding or resting place
- obstruct access to their resting or sheltering places
- possess, sell, control or transport live or dead bats, or parts of them
- intentionally or recklessly disturb a bat while it's in a structure or place of shelter or protection

If the law is broken either or both of the following could be imposed:

- a prison term of up to 6 months
- an unlimited fine

Following more generic ecological surveys of the site a specific bat survey was undertaken on the 23rd August 2017. This survey was undertaken in the evening and focused on the limited number of potential habitats on site for bat roosts and an examination of the site for bat foraging and feeding. In particular this focused on the large mature sycamore tree to the north east of the site but nonetheless bat activity was recorded in the general area. The survey included a visual assessment of the tree and bat detectors.

The report concluded that despite the mature sycamore (noted for felling behind 12 Willingham Road) having a number of features that could support a bat roost no actual evidence of bat roosts were identified. Given that the tree has suitable habitats for roosts and bat activity (albeit limited) was recorded in the wider site it is recommended

that prior to any development occurring a final emergence and re-entry survey should be carried out along with an endoscopic search. If bats are found at that stage then an EPS licence will be required otherwise the tree can be felled subject to a specific protocol which reduces the likelihood of harm to bats. In addition to this, it is recommended that 10 bat boxes are installed in the surrounding area. This includes boxes within the woodland area to the south of the site which is in the ownership of the applicant. It is considered that these further assessments and measures should be conditioned.

Other precautionary measures re birds, badgers and other animals are also recommended to limit any potential impact on wildlife.

In addition to this, there are a number of features which could enhance the biological diversity of the site subject to good management, this includes the retention pond, drainage swale and open space with additional planting to boundaries. Whilst the details of such features are not known and details are indicative, subject to conditions enhancement features to attract wildlife could be included subject to not detracting from the efficiency of drainage features.

Trees and Woodland

It is noted above in some detail that if not carefully considered some houses proposed to the south of the site could be considered to be too close trees adjoining the site. These concerns remain and will not be repeated. It is noted however, that the health of the trees in these adjoining areas could be affected by construction through damage to roots of branches. The applicant however, has indicated root protection areas (RPA) on proposed layout plans. Whilst somewhat generic and some larger trees may well have greater a RPA than shown, the Council's Trees and Woodlands officer has accepted this as a realistic assessment at outline stage for a woodland area with a range of tree sizes and species. As such is it deemed that the site could be developed whilst being able to protect the trees in and on the adjoining site. Full assessment will however, be required at reserved matters stage. This should be conditioned.

One large mature sycamore tree would be felled on the application site. It is currently growing to the rear of 12 Willingham Road and is an attractive feature tree. In accordance with policy LP17 of the CLLP and LP1 of the LNP development should respond positively to such features - not remove them. On assessment, however, the tree was found with decay present at its base clearly exposing heart wood which is drying and becoming brittle. Although no signs of fungi are present as would be expected, such a tree could still fall over. In the applicant's arboricultural advisor's experience similar trees have stood for many years like this whilst other similarly affected but otherwise appearing healthy have fallen very quickly. It therefore presents a dilemma. Whilst its retention in a field with no public access and a reasonable distance from adjoining properties is deemed to be low risk, its retention in the middle of a housing estate creates greater risk. The tree whilst large is not deemed to be a veteran tree, it is not of particular note species wise and has only limited ecological value. The tree has also been assessed by the Council trees and woodlands officer and she is of a similar opinion to the applicant's adviser in this instance. Whilst attractive, the tree is not deemed of sufficient merit to require its retention particularly given the decay identified. Whilst indicative, it should be noted that the applicant has

shown that a number of large feature trees could be introduced within the layout as a replacements. As such the Trees and Woodlands Officer has no objection to its proposed felling.

Other trees on the site are generally poor quality, have a limited future life span or are of limited quality. It is noted that the trees within the hedgerow to Willingham Road are also in poor health and should be replaced with new specimens. This includes a horse chestnut tree and elm hedging. The applicant has indicated that this hedge and landscaping be bolstered in this areas. This should be conditioned.

Finally as noted previously, additional planting is proposed to the site boundaries to the west and north of the site. This will assist to soften the appearance of the development within the surrounding area. Landscaping is however, a reserved matter.

- Drainage

Policy LP14 of the CLLP indicates that all developments will be considered against the NPPF, including the application of the sequential and exceptions test if necessary. Proposals should demonstrate:

- b) there is no unacceptable increased risk of flooding to the development site or to existing properties;
- c) that the development will be safe during its lifetime, does not affect the integrity of existing flood defences and any necessary flood mitigation measures have been agreed with the relevant bodies;
- d) the adoption, on-going maintenance and management of any mitigation measures have been considered and any necessary agreements are in place;
- e) how proposals have taken a positive approach to reducing overall flood risk and have considered the potential to contribute towards solutions for the wider area;
- f) that they have incorporated Sustainable Urban Drainage Systems (SUDS) in to the proposals unless they can be shown to be impractical.

Policy 1 of the LNP, which specifically relates to the development of this site indicates development of 68 dwellings on this site will be supported subject to: b) the technical design of the scheme does not have an unacceptable impact on surface water runoff and foul sewage drainage within the village. Similarly policy 10 of the LNP states:

- 1) Development proposals, within areas that have experienced flooding as shown on proposal map 13 should demonstrate that the proposal will not have a detrimental impact on the foul and surface water drainage infrastructure.
- 2) The development proposed should not increase the rates of surface water run-off or increase flood risk in the area;
- 3) Proposals for new residential development should be accompanied by a drainage strategy which outlines the way in which the drainage infrastructure will be designed and constructed such that it does not increase the level of flood risk and, wherever possible, reduces flood risk in the area;
- 4). Proposals that include de-culverting any culverted watercourses within the development boundary will be particularly supported;

- 5) Where viable dwellings should be designated to minimise the discharge of surface water and proposals that include the provision of permeable parking spaces and driveways would be particularly supported.
- 6) Drainage strategies for the management of surface water run-off from new development should incorporate sustainable drainage techniques and should be designed to deliver ecological benefits where possible; and
- 7) Proposals for residential and commercial development will not be supported on Flood Zone 3 as shown on the most up to date Environment Agency maps.

Finally policy 11 of the LNP requires developers to demonstrate that there is adequate waste water and water supply capacity or that it can be made available, both on and off site to serve the development and that it would not lead to problems for existing or new users.

Flooding from the rivers and the sea

As an outline application the full detail of any future drainage scheme is not known at this stage. Nevertheless it is known that the site and wider area have experienced flooding in the past, some of which has been significant and has been shown on objectors' photographs and is detailed within policies of the LNP.

The applicant has provided a Flood Risk Assessment. The site is located within the Environment Agency flood zone 1 which is sequentially the lowest category of flood risk level available. The risk of fluvial flooding is less than 1 in 1000. As an allocated site within FZ1 the development site has been sequentially tested and meets with the sequential test aim of locating development to those areas at lowest risk of flooding.

The NPPF indicates residential development is generally acceptable in such areas although subject to other types of flooding such as from surface water also being found to be acceptable. Records indicate that flooding from the tidal River Trent and any other rivers has not reached the site although parts of Lea Park and the main road have been inundated.

Surface water

Planning Practice Guidance ([Paragraph: 079 Reference ID: 7-079-20150415](#)) sets out that for major development, "sustainable drainage systems should be provided unless demonstrated to be [inappropriate](#)."

Environment Agency flood maps for the area show flooding from surface water run off occurs in a number small areas of the site. The risk from flooding is low and medium with the exception of the pond area to the south eastern corner of the site which is at high risk of flooding from surface water. Further areas of medium to low flood risk from surface water are identified in adjoining areas including, Stainton Close, Willingham Road, 10 Willingham Road and part of Park Close. It is important therefore that a proposal to develop the site will not make existing surface water flooding worse.

The applicant has produced a flood risk assessment and drainage strategy. The strategy includes consideration of topography, geology and existing flood events. It has been identified that site levels generally fall east to south west. It also identifies that whilst eastern and western parts of the site are predominant of sandy composition, which are suitable for soakaways, the central section of the site is of a clay composition which would be unsuitable for soakaways. In designing the scheme it is estimated that impermeable development would cover 40% of the site. Such an assumption is not usual when considering gardens, open spaces and verges.

The development proposes that to the eastern area that each house and driveway will be drained to a soakaway within the property whilst the road and paved areas will be directed into an attenuation pond within the open amenity area to the east of the site. The roads in this area will be connected to the infiltration basin to the south western corner of the site via swales to the road side.

The central area will not sustain any soakaways so all roof and paved areas will be directed into under drained swales and piped sewer system into a larger single infiltration basin located to the south western end of the site, where the sandy composition of the area will allow infiltration.

Within the western area roof and driveway water will be directed into individual soakaways at each property whilst paved areas will be directed to the infiltration basin in the south western corner of the site.

The infiltration basin is designed to be 1m deep and 613 sq. metres in area with the scheme designed to accommodate a 1 in 100 year plus climate change (40%) event. Such a system represents an acceptable sustainable urban drainage system within the constraints of the site in accordance with guidance within the NPPF.

Similarly, it is recognised that surface water on Willingham Road would run into highway gullies avoiding the site, but at times the system could be overwhelmed leading to flow entering the site along the highway access. Such water would be contained within the estate highway and be directed to the infiltration basin in the southern western corner of the site.

Such a system would require individual householders to maintain their own soakaways whilst the communal areas, including infiltration basin would be maintained by a management company.

The Lead Local Flood Authority has assessed this proposal and deemed the scheme to be viable and suitable for the area subject to detailed design at reserved matters stage. The applicant has demonstrated that a suitable SuDS scheme should be feasible. It is recommended that a condition be imposed to ensure the correct level of detail is proposed, that details of provided for the future maintenance of the drainage features, to ensure full compliance with LP14.

Foul Drainage

National Planning Practice Guidance (NPPG) <https://www.gov.uk/guidance/water-supply-wastewater-and-water-quality#water-supply-wastewater-and-water-quality--considerations-for-planning-applications> provides guidance for decision makers where developments are proposed in areas where inadequate waste water infrastructure is available. It notes that the preparation of Local Plans should be the focus for ensuring investment plans of water and sewerage companies align with development needs. The site is an allocation within the CLLP and Seven Trent Water were consulted through the local plan adoption process they could have objected to the allocation but they did not.

Many objectors have, however, identified the lack of capacity with the existing foul drainage network. This has led to surcharging of the system (including internal flooding) during periods of heavy rain. The foul drainage within the area is at or is close to capacity and Seven Trent Water has indicated that this development would lead to an increase in flooding of 122 cubic metres of foul water. Seven Trent Water has confirmed the development will lead to the need for remodelling and improvements which it is the responsible body for, and will fund. The water company has therefore recommended that a condition is imposed to prevent any development taking place until a scheme has been agreed to provide appropriate capacity and that no occupation of any dwelling occurs before the capacity improvements are completed. Such advice accords with guidance within the NPPG.

- Access & Transportation

The application site is a housing allocation within the CLLP and has been determined to be sustainable in principle.

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

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

A core NPPF principle (paragraph 17) is to “*actively manage patterns of growth to make the fullest possible use of public transport, walking and cycling, and focus significant development in locations which are or can be made sustainable*”.

The table below indicates distances to the facilities and wider transport facilities from the application site.

Facility	Distance (from centre of site) (approx.)
Primary School	0.250km
Village Hall	0.740km
Play ground	0.230km
Doctors	3.950km
Supermarket	2.800km
Gainsborough Town Centre	3.950km
Secondary School	5.540km
Rail Station	2.800km
Bus Stop	0.580km

The application site is an allocated in the CLLP which has been assessed for its sustainability. The site is well connected to the rest of the village with a lit footpath being formed to the site frontage (with drop kerbs being formed to aid access across the road). The footpath network then connects Willingham Road to those facilities within the village such as the school, village hall and church. The village itself also has good transport links to Gainsborough. This includes a continuous lit footpath and cycle lane along Gainsborough Road and north and south bound bus stops.

Lea is served by a good bus route (no. 100) which runs as 10 services from 07:35 to 17:20 in the Lincoln direction and 11 services in the Gainsborough direction between 08:08 to 18:38. There are no evening or Sunday services. In addition to this, routes 105 and 107 run three services Monday to Saturday towards Lincoln at 06:40, 07:29 (school days only) and 07:31 and four services towards Gainsborough 15:25, 16:05 and 18:12 (school and college days) and 16:03 on non-school days.

Journey times vary slightly but are timetabled to be approximately 10 minutes to Gainsborough bus station.

The TA nonetheless envisages (derived from 2011 census data for the ward of Lea) a multi-modal split with 78% car drivers & passengers, 20% pedestrian and cyclists and only 2% of journeys using public transport. It should be noted that of the private vehicle occupants 20% would be vehicle passengers which can be considered more sustainable.

Although these figures indicate that private motor vehicle travel would predominate, the site would still allow a good proportion of travel by sustainable means. The ability to access a frequent bus service to and from Lincoln and Gainsborough, the lit cycle and pedestrian pathway and a number of local facilities point to the sustainability of this proposal.

A Travel Plan (TP) has been submitted with the application as is encouraged by the NPPF (paragraph 36). It sets out measures to reduce the need to travel and encourage Public Transport take-up. This includes publicising information about travel routes and services. The TP nonetheless sets a provisional target of reducing the percentage of car drivers 'by 5%' over five years (it suggests a final target is set following the results of an initial travel survey). This would reduce sole car use from 58% to 53%. A planning condition should be employed to ensure suitable implementation of the Travel Plan and ensure the promotion of more sustainable means of travel.

Development is otherwise deemed to accord with CLLP policy LP13 in this regard.

Highway safety and capacity

Policy 1 of the LNP supports the development of 68 houses on the application site subject to various criteria including d) the proposal takes account of the existing capacity of the highway network and provides for a satisfactory vehicular access to Willingham Road in particular.

Policy LP13 of the CLLP similarly, indicates proposals which contribute towards and efficient and safe transport network that offers a range of transport choices for the movement of people and goods will be supported.

The application seeks permission for site access (it is not a reserved matter). A singular point for vehicular access is proposed – directly off Willingham Road (B1241) on the eastern boundary of the site. Pedestrian access would also be gained at this point with a 2m wide footpath being created to the Willingham Road frontage to the site with drop kerbs to respond to similar features to be installed on the existing pathways opposite. As noted earlier a new public footpath would be created from the rear south western corner of the site to Lea Park.

Residents have raised concerns with the proposed location of the site access, and capacity of local junctions to accommodate further traffic.

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.”*

As an allocated site, the principle of taking access off Willingham Road to serve up to 68 dwellings, is already established – with consideration now required into the specifics of the proposed access.

A Transport Statement (TS) has been submitted with the application. This together with drawing no. 16-005-25 rev R shows the access will be a priority junction with 5m carriage width with footpaths either side. A visibility splay of 5m x 60m would be provided. This requires the cutting back and replacement of some of the trees and hedging to the site frontage. Due to the scale of development it anticipates that 293 two way vehicle movements a day (07:00 – 19:00) will be generated. At such levels the access junction proposed is deemed acceptable.

The Highways Authority has considered the impact of developing this site during the Central Lincolnshire Local Plan process and through this specific application. Officers have visited the site and note has been taken of traffic levels on Willingham Road, the junction to Stainton Drive and indeed additional on street parking during school start and finishing times. Whilst acknowledging the concerns raised by some objectors the advice of the Local Highway Authority is that subject to the proposed alterations to the highway proposed the access point in this location is deemed acceptable on safety grounds.

As improvements are needed to take place outside the application site within the public highway, a “Grampian condition” should be considered which prohibits occupation of any dwellings, unless the highway improvements have been undertaken.

The Local Highways Authority has raised no objections on highway safety grounds, but does request such a Grampian condition be applied.

The TS has used TRICS survey data to estimate the vehicular trips to be generated by the development, as follows:

Peak Hour	Trip rates (per dwelling)		Trip Generation (67 dwellings)	
	In	Out	In	Out
AM (0800-0900)	0.128	0.372	9	25
PM (1700-1800)	0.338	1.144	23	10

The Local Highway Authority consider that such levels of traffic would not generate specific capacity issues at the junction proposed.

Residents have also raised concerns with the capacity of the A156 Gainsborough Road/ B1241 Willingham Road to accommodate the additional traffic generated by the development. The TS has modelled this junction and concludes that the junction will act comfortably within capacity by the base year of 2022. It is also useful to note that the much larger development (450 dwellings) ref. no. 133236 on Willingham Road refused by this committee would have had a much greater impact on this junction but was still deemed to be acceptable on traffic generation and junction operation grounds.

It is concluded that, subject to conditions, the cumulative transport effects of development would not be severe.

- Open space, recreation, health and education

Policy LP9 seeks that development consider positive and physical and mental health outcomes of its design and provisions. Where negative adverse outcomes are identified, the applicant is expected to demonstrate how these will be addressed and mitigated. Conditions or planning obligations are likely to be required for many proposals to ensure that development meets these principles.

Policy LP12 indicates that all development should be supported by, and have good access to, all necessary infrastructure. Planning permission it notes will only be granted if it can be demonstrated that there is or will be sufficient infrastructure to support and meet all the necessary requirements arising from the proposed development.

Policy LP24 of the Central Lincolnshire Local Plan indicates that the central 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 recreation facilities; and
- improve the quality of, and access to, existing open spaces, sports and recreation facilities.

It notes that residential development will be required to provide new or enhanced provision of public open space, sports and recreation facilities in accordance with the standards set out in Appendix C of the CLLP.

Policy 5 (Wider Green Infrastructure) of the Lea Neighbourhood Plan, seeks development to contribute towards the protection, enhancement and provision of new green infrastructure, public spaces and linkages for benefit of biodiversity and the community.

The policy then notes that in line with the requirements set out in the most up to date local plan new development proposals should provide:

- a) functional on site open space and/or sports facilities; or
- b) contributions towards new or improved facilities elsewhere within the village.

Similarly, policy 6 (The Green Wheel) identifies a linked route of green open spaces capable of forming a footpath walk enhancing health, wellbeing and recreation of residents and seeking to improve the ecology of the area for all flora and fauna. As a result the policy states:

- 1. Development proposals which enhance the accessibility of the 'Lea Green Wheel' and its associated amenity value will be supported. Where appropriate, development proposals, directly adjacent to the 'Lea Green Wheel', should:*
 - a) Seek to retain and enhance public access and extend access through the formation of walkways; and*
 - b) Preserve and enhance its amenity, biodiversity and recreational value.*
- 2. Development proposals which encroach upon or materially harm the function, character or appearance of the 'Lea Green Wheel' will not be supported.*

It is noted that through the neighbourhood plan consultation local views submitted underlined the importance of retaining the woodland walks, Lea Park facilities. Similarly, with respect to youth comments received more play equipment was required (like Richmond Park in Gainsborough), an adult outdoor gym and a climbing frame were requested.

The table below verifies the relationship of the site to the local facilities and their quality.

Facility	Distance from site (from centre of site)	Quality
Park and Garden	230m Local – Lea Park 5km Strategic – Richmond Park	Lea Park is a positive facility but as noted in the LNP enhancements area required.
Green Amenity area over 0.2 ha	350m	Lea Park includes such an area plus approximately 0.1ha would be formed on site.
Formal Equipped Play area	250m – Local LEAP 250m - Strategic NEAP	Two swings, slide and wooden balance trail but would not meet LEAP NEAP standard. Additional features required as required by LNP.
Playing field provision	300m – Local Provision & Strategic Provision – Lea Park cricket pitch, tennis court 5km - Gainsborough Leisure Complex & schools	Cricket Pitch & playing field. Evidence to support the Central Lincolnshire Local Plan indicated that there was issues with the quality of the provision i.e. poor quality artificial wicket, no practise nets, drainage issues and no changing facilities. Two synthetic tennis courts with flood lighting. Tennis courts appear in reasonable order. Football pitches for formal matches are available in Gainsborough. .
Natural/ Semi Natural Green Space (including access to green corridor)	300m – Local 4ha & 1.8 km Strategic 20 ha (cumulatively).	10.3 ha locally available through LNP Green Wheel & Lea Park, Contribution to assist with footpath provision, and enhancement of accessibility and ecology as required through the LNP.
Civic Space including cemetery	300m	St Helen’s Church

Allotments	Available in at Foxby Lane Gainsborough	Plots available in Gainsborough
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A proposal for 61 dwellings would generate an additional population which will require outdoor amenity facilities. Policy LP24 indicates that the first preference should always be provision on site. Where on site provision is not feasible or suitable within a local context, consideration of a financial contribution to the creation of a new facility or the upgrade and improvement of an existing facility will be considered as per as set out in the developer contribution SPD and in accordance with national legislation.

The character of the area is an important consideration in this application and the indicative plan has shown landscaped areas on site which could be used for useable open space particularly for informal play or recreation. These areas on site are not substantial in size making wider provision unfeasible, in addition to this, both are likely, in part, to be used for drainage purposes. The site also almost adjoins Lea Park and a proposed public footpath would link the site to the playground, sports pitches and woodland walk. It is deemed reasonable and indeed beneficial to defer at least part of the on-site provision to instead request improvement of existing facilities. This would also accord with LP24 (c) which seeks consideration of any existing facilities and maximise any opportunities for improvement within the wider area where these are relevant to the development of the site. Similarly, policy 5 of the Neighbourhood Plan seeks the provision improvements towards new or improved facilities elsewhere within the village, whilst policy 7 notes Lea Park should be enhanced as a multi-functional public space including associated buildings, fixtures and fittings.

The Draft Developer Contributions Supplementary Planning Document has been through a number of consultation phases and amendments are being made to the proposed guidance although these are not anticipated to change the document in any fundamental way. As such it can be given medium weight in any planning application process. The DDCSPD and guidance within appendix C of the CLLP indicates open space provision falls within two distinct areas: strategic provision and local useable green space. The SPD provides a criteria based assessment which calculates the area of open space/ financial contribution (based on the floor area of the dwellings proposed) required to meet the needs of the development proposed in each category. As this application is outline and floor space is not yet known only generalised assessment can be made in terms of the levels of funding available.

Strategic open space relates to playing pitches and more formal recreation facilities or more district wide facilities such as public footpath networks. As noted above the study supporting LP24 of the CLLP indicates that the quality of the pitch and facilities requires enhancement. It is therefore deemed appropriate that this development contributes to its enhancement. Using proposed calculations within the SPD (based on the average floor area of dwellings in Central Lincolnshire) this equates to an approximate contribution of £22000 for 61 dwellings. Lea Park contains a number of potential facilities which meet the criteria for strategic facilities. It is considered, however, that the application requires the formation of a footpath to reach the park. This should be seen therefore as a strategic link and as a result can be seen as a relevant focus for funding on this basis. It has been estimated that a 150m 2m wide footpath would cost around £16000 to provide a good quality footpath for all to use

including those with mobility issues. Such a level could therefore be set against any strategic contribution reducing any likely contribution to approximately £8600.

Moving to local useable green space, i.e. more informal local recreational facilities, the proposed open areas proposed within the site can perform a useful recreational role aesthetically and as result a condition is required that half of any area required through the SPD formula can be accepted as useable local amenity space. The other half of the requirement should, however, be sought as a financial contribution to enhance Lea Park. The playground currently falls below the standards for a LEAP (Local Equipped Play Area)/ NEAP (Neighbourhood Equipped Play Area). With only three pieces of equipment instead of 6/9. It is therefore deemed reasonable for the developer to provide and contribute towards further enhancement through new equipment. Equally, the creation of a woodland walk would also enhance recreation. Such facilities could then be maintained in future by the Parish Council as part of Lea Park. Again using the calculations recommended within the SPD this contribution would equate to approximately £52000.

As noted above the outline nature of the proposal is such that the exact figure required cannot be generated and it is recommended that a formula is added to any s106 agreement to allow an accurate figure to be generated once the floor area of the proposed dwellings are known.

It also requires that the Parish Council agree to take such contributions and use them to enhance the recreational facilities of Lea Park. Confidence is such an approach can be found within the Lea Neighbourhood Plan which identifies the limitations of the offer available. Nevertheless agreement will be needed as part of any s106 legal obligation.

Health and education

Policy LP9(a) indicates that developer contributions towards new or enhanced health facilities from developers where development results in a shortfall or worsening of provision, as informed by the outcome of consultation with health care commissioners will be sought.

Despite concerns raised by objectors no contribution towards enhanced health facilities has been requested by the NHS. It is noted that Lincolnshire along with many other rural areas is facing a shortfall in GP's and other professional staff. This issue is not a material consideration within the remit of the planning system and other policy regimes are in place to tackle such issues. As the NHS has not requested a contribution no such requests can be made of the applicant.

LCC Education has indicated that no contribution is sought for primary education for Lea Primary School and that capacity exists within the school for additional places.

The introduction of the West Lindsey Community Infrastructure Levy (CIL) requires developers to contribute to major infrastructure and community projects which have been agreed as part of the Reg123 list. This includes contributions towards secondary & sixth form education. In addition to this, 25% of the levy will be directed to the Parish Council to use as they have a Neighbourhood Plan.

The site lies within charging zone 2 (Non-Lincoln Strategy Area) where the charge will be £15 per square metre (gross internal area). The exact levy will be calculated on the basis of floor area so at outline stage it is not possible to confirm. Similarly there may be part exemptions (for instance, with affordable housing units) which again cannot be certain at this stage until exact numbers are known. The levy will therefore be calculated at reserved matters stage and will be due on commencement of building. Nevertheless the applicant has been made aware of this and accepts its need.

Other

The application site is within a Sand and Gravel Mineral Safeguarding Area (MSA). Policy M11 of the Lincolnshire Minerals and Waste Plan applies: this indicates that whether the proposal would impact on potential deposits or not, if the site is already allocated for development within the Local Plan it will be approved. It is considered therefore that the development of this allocated site would accord with this policy.

Conclusions

The principle of residential development of this site is established through its allocation within the development plan. Both the Central Lincolnshire Local Plan and Lea Neighbourhood Plan, allocate the site for residential development for, indicatively, 68 dwellings.

The level of development proposed would be below the indicative number of houses noted within policies LP2, LP3 and LP50 of the CLLP and Policy 1 of the LNP being 61 units as opposed to 68. The proposal would accord with the development plan for the area, which seeks to provide a range of different types and sized sites to assist to meet housing needs within Central Lincolnshire.

Although shown indicatively on plan, it has been demonstrated that a mix of house types and sizes could be achieved to meet policies LP10 and LP11 of the CLLP and policies 1 and 3 of the LNP. A condition would secure this.

The allocation of the site within the CLLP (policy LP50) and LNP policy 1 has already established the principle of a change in character from paddock to residential area of approximately 68 dwellings. The application is supported by an indicative plan and an LVIA. Together they show that the character impacts would be localised due to the natural screening of the site to the south, west and to a lesser extent to the north and east but also other residential development in the area.

This site forms part of the AGLV (policy LP17) but is not designated otherwise, either nationally or locally to be retained as open space. This site is a private area surrounded for the most part by other private land without public access. The main visual amenity and character of it is derived by a number of individual landowners and public views from parts of Willingham Road. The indicative plan shows that a scheme of the numbers proposed, 55 buildings (61 housing units) could be accommodated on site in an acceptable manner, taking account that any development of this site will modify its character from specific viewpoints.

Whilst a matter to be considered at detailed stage the indicative plan shows a development of this site could provide an additional landscaped area to the Willingham Road frontage to soften any proposal and provide feature trees/ hedging to screen/ frame the proposed development. This together with a lower density south eastern portion of development, with denser development in more screened locations indicates that a scheme could be acceptably developed in this location. The proposal would therefore accord with policies LP17 and LP26 of the CLLP and policies 1 and 4 of the LNP.

The mature trees bounding the site are a key characteristic of this area. One of the main mature trees on site is located to the rear of 12 Willingham Road. Although attractive the tree is shown to have health issues which would preclude protection under a Tree Preservation Order (TPO). Similarly the risk of it falling when surrounding by housing is unacceptable. The loss of this tree from the site would therefore detract from the sites character but is unavoidable.

The outline nature of the application means that the impact of the development on mature trees surrounding the site cannot be fully quantified until the actual layout of a scheme is agreed. The indicative plan, however, shows that the majority of the houses proposed could have significant garden areas which would allow sufficient light to these dwellings. The report provided also indicates that the adjoining woodland areas, particularly to the south require some management. This could increase light to residential area. Similarly, the applicant has provided details of a root protection area. It is recommended that a full arboricultural assessment of adjoining trees is undertaken at reserved matters stage to ensure that future homes are not unacceptably impacted upon by trees. The indicative layout shows sufficient flexibility to accommodate further change if required but the approval of outline permission would not preclude numbers from being slightly reduced if necessary to ensure sufficient protection for trees. The proposal would therefore accord with policies LP17 and LP26 of the CLLP and policy 1 of the LNP.

In the same way the indicative layout has sought to show that a scheme could be provided that would maintain the character of the area and the setting of heritage assets. The layout with its cul-de-sacs running north to south would enable views and setting to be maintained to the grade 1 listed St Helen's church. Such designs would also open up new public views of the church for future residents and users of the estate. The proposal would therefore accord with policies LP17 and LP26 of the CLLP and policies 1 and 4 of the LNP.

Access is not a reserved matter and is positioned in the only real location possible onto Willingham Road. The allocation of the site for housing within the CLLP and LNP establishes the principle of an access in this location. It is accepted that the junction will increase conflicting movements and may lead to on street parking during school drop off hours being moved but nonetheless the Local Highways Authority have not raised an objection to the scheme, accident data for the area is low with no specific pattern to those accidents which have occurred. Subject to conditions requiring the access, visibility splays and footpath to be created it is not deemed that highway safety would be severely affected. In a similar way, the capacity of the network, including junctions would not be significantly affected by the levels of traffic generated and would

operate within design capacity. The proposal would therefore accord with policy LP13 of the CLLP and policy 1 of the LNP.

The site lies outside of flood risk zones 2 and 3 (flooding from rivers and the sea) and is suitable for housing. Some surface water has occurred on part of the site and in surrounding area. The plans submitted detail a hybrid approach of sustainable positive drainage with swales, soakaways and retention ponds to deal with water from the site taking account that part of the site is impermeable. The scheme proposed would be suitable to deal with an extreme weather event of 1 in 100 years plus climate (+40). This is the standard required and the proposal has gained the support, after modification, from the Lead Local Flood Authority subject to conditions requiring a full detailed scheme to be submitted at reserved matters stage.

Foul drainage is known to be an issue but this has been recognised by Seven Trent Water and an upgrade scheme to the network including pumping station has been proposed. Subject to a condition being imposed ensuring dwellings are not occupied until the upgrade has been completed the proposal is deemed to accord with policy LP14 of the CLLP and policy 1 of the LNP.

The site is not designated as an ecological area but the pond is known to be used by protected species including Great Crested Newts. Further investigations, as specified through English Nature Standing Advice, have taken place. The lack of any further evidence of newts indicates the importance of these features are low. The applicants have taken a precautionary approach to this important issue and indicate a wish to maintain, protect and enhance the pond environment before and after development takes place to aid newt use of this area but also ensure that complimentary features (other ponds) upon adjoining land are provided. Whilst a formal licence from Natural England will be required to approve works proposal, the information provided gives sufficient comfort that the approach taken to these species is acceptable and accords with policy LP21 of the CLLP.

In the same way the mature tree to the rear of 12 Willingham Road has been assessed as having potential qualities which would attract/ accommodate bats. On further investigation, however, no bats or evidence of a roost were observed. Subject to further investigations being carried out before felling it is not deemed that the loss of this tree would have a significant impact on a protected species.

Having taken into account all known material considerations, Approval of this site, subject to conditions and a planning obligation, would accord with the adopted development plan (Central Lincolnshire Local Plan & Lea Parish Neighbourhood Plan) and the National Planning Policy Framework along with National Planning Practice guidance.

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:-

- The delivery of no less than 20% as affordable housing;

- Measures to secure the delivery, and ongoing maintenance and management of public open space, drainage features and ecological and protected species works including potential mitigation and compensatory features;
- A capital contribution towards enhancements of Lea Park, playground and woodland walk.
- Provision and maintenance of a pedestrian footpath linking site to Lea Park

In the event of the s106 not being completed and signed by all parties within 9 months from the date of this Committee, then the application be reported back to the next available Committee meeting following the expiration of the 9 months.

Conditions

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 the development. Application for approval of the reserved matters shall be made to the Local Planning Authority before the expiration of 3 years from the date of this permission. No development shall commence unless approval of the reserved matters has been obtained from the local planning authority. Development shall be carried out in accordance with the approved details.

Reason: This 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 Central Lincolnshire Local Plan, Lea Parish Neighbourhood Plan and the provisions of the National Planning Policy Framework 2012.

2. The development hereby permitted shall be begun not later than the expiration of two years from the approval of the last of the reserved matters for the development.

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

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

a) Provide details of how run-off will be safely conveyed and attenuated during storms up to and including the 1 in 100 year critical storm event, with an allowance for climate change, from all hard surfaced areas within the development into the existing local drainage infrastructure and watercourse system without exceeding the run-off rate for the undeveloped site;

- b) Provide attenuation details and discharge rates which shall be restricted to 5 l/s;
- 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 in accordance policy LP14 of the Central Lincolnshire Local Plan to accord with the provisions of the National Planning Policy Framework 2012.

- 4. No building works which comprise the erection of a building requiring to be served by water services shall be undertaken until full details of a scheme (including works identified in the Seven Trent Sewer Capacity Assessment - 1st November 2017) 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 these works have been completed in accordance with the approved scheme.

Reason: To ensure adequate foul water drainage disposal scheme is provided to serve the development and/or to prevent pollution of the water environment in accordance with West Lindsey Local Plan First Review Policy NBE14.

- 5. The details to be submitted in accordance with condition no. 1 above shall include:
 - a) Design and Access statement identifying how the development would maintain the character of the village of Lea, Lea Park, heritage assets and provide an acceptable transition from village to open countryside;
 - b) A landscaping scheme which details boundary treatment to existing residential dwellings and areas of Willingham Road and Park Close;
 - c) A landscaping scheme and open space to provide an acceptable transition from village to open countryside; and
 - d) An overall drainage plan for the site to identify suitable sustainable urban drainage solutions within the reserved matters layout.
 - e) Measures to maintain and manage such areas going forward.

The development shall thereafter proceed in strict accordance with the approved details.

Reason: To maintain the character of the area and to protect residential amenity in accordance with policies LP17 and LP26 of the Central Lincolnshire Local Plan.

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;
 - b) a Biodiversity Protection, Enhancement & Mitigation Scheme setting out including measures for dry and wetland habitat maintenance, creation and management, including (but not exclusively) the provision of bat roosts, bird boxes and amphibian hibernaculum;
 - c) details of management, mitigation and protection measures before, during and after construction including potential compensatory habitat creation for Great Crested Newts and setting out management responsibilities and maintenance schedules and;
 - d) timescales for the implementation of matters approved.
 - e) further investigation in accordance with Natural England Standing advise on Great Crested Newts and Bats and the Bat Survey Results by Andrew P Chick.

The development shall proceed only in strict accordance with the approved details.

Reason: In the interests of landscape and visual amenity, residential amenity and in the interests of biodiversity enhancement, in accordance with the National Planning Policy Framework and policies LP17, LP26, LP21 and LP24 of the Central Lincolnshire Local Plan.

7. No development on site shall take place, until a Construction Method Statement for the development has been submitted to, and approved in writing by, the local planning authority. The approved Statement shall be adhered to throughout the construction period. The Statement shall provide for:
 - (i) the routeing and management of construction traffic including the exclusion of traffic entering and leaving the site during school start and leaving time; including the hours of 08:00 – 09:00 and 15:00 and 16:00 ;
 - (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

Reason: In the interests of amenity, and ecological protection and in accordance with policy LP1, LP13, LP26 and LP21 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 1.8 metre wide full frontage footway and uncontrolled tactile crossing point, 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.

Reason: To ensure safe access to the site and each dwelling/building in the interests of residential and in accordance with policy LP1 and LP13 of the Central Lincolnshire Local Plan.

9. 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 Central Lincolnshire Local Plan policies LP14, LP17 and LP26.

10. Notwithstanding the indicative plans supplied details to be submitted in accordance with condition no. 1 above shall include an area of useable open green space on site in accordance with the requirements of policy LP24 of the Central Lincolnshire Local Plan. Any details provided shall include a timetable for the provision of such space and measures for the securing of on-going maintenance of this area.

Reason: To ensure sufficient open amenity space is available for recreation, surface water drainage and wildlife promotion and in accordance with policies LP14, LP21 & LP24 of the Central Lincolnshire Local Plan and the provisions of the National Planning Policy Framework.

11. 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 LP1 and LP13 of the Central Lincolnshire Local Plan and the provisions of the NPPF.

12. Detailed plans at reserved matters stage shall be submitted to show that at least 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.

13. As part of the reserved matters applications required by condition 1 of this decision, details of the housing mix (size, type and tenure 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.

14. No development shall commence until full details of the footpath linking to the site to Lea Park have been submitted to and agreed in writing by the Local Planning Authority. The details shall include construction details to ensure the protection of trees and details of a scheme for the on-going maintenance of the footpath and its continued access by the public. No development shall commence until the footpath has been completed in accordance with the approved plans and is available for use by the public.

Reason: To ensure public access to open amenity facilities is available and the health of trees is not compromised and in accordance with policies LP17, LP21 and LP24 of the Central Lincolnshire Local Plan and the National Planning Policy Framework.

15. Notwithstanding details shown on the indicative plan, no development shall commence until details and identification of single storey dwellings on the plots directly to the rear of dwellings at 10, 12 and 14 Willingham Road have been identified and detailed. These dwellings shall be erected in accordance with the approved details and retained as such thereafter. Notwithstanding the provisions of Classes A, B, and C of Schedule Part 1 of the Town and Country Planning (General Permitted Development) (Amendment) Order 2008 (or any order revoking and re-enacting that Order no further development shall occur.

Reason: To protect the amenities of residents within these existing properties and in accordance with policy LP26 of the Central Lincolnshire Local Plan.

16. The details to be submitted in accordance with condition no. 1 above shall include:

- a) A plan showing the location of , and allocating a reference number to each existing tree on the site and adjoining land which has a stem with a diameter exceeding 150 mm (measured over the bark at a point 1.5 metres above ground level), showing which trees are to be retained, height and the crown spread of each tree and root protection area;
- b) Details of the species, diameter (measured in accordance with paragraph (a) above) and the approximate height, and an assessment of the general state of health and stability of each retained tree and of each tree which is

on land adjacent to the site and to which paragraphs (c) and (d) below apply;

- c) Details of any proposed topping or lopping of any retained tree, or of any tree on the land adjacent to the site;
- d) Details of any proposed alterations in existing ground levels, and of the position of any proposed excavation, within the crown spread of any retained tree or of any tree on land adjacent to the site;
- e) Details of the specification and position of fencing and of any other measures to be taken for the protection of any retained tree or tree on adjoining land from damage before or during the course of development.
- f) A detail assessment, including visual representation, of the impact of the trees on adjoining land on the general light and sunlight levels within any proposed residential dwellings and gardens on the application site.

The development will then proceed in strict accordance with the approved details.

Reason: In the interest of visual and residential amenity, tree health and biodiversity in accordance with Central Lincolnshire Local Plan Policies LP17, LP26 and LP21.

17. No building on any part of the development hereby permitted shall exceed 2 storeys in height

Reason: To prevent over development of the site, maintain the character of the area and to safeguard the amenities of the area in accordance with policy LP17 and LP26 of the Central Lincolnshire Local Plan and the provisions of the Lea Parish Neighbourhood Plan

18. No development shall take place before a CCTV camera survey of the existing surface water drainage pipe shown on the attach plan (Willingham Road, Lea - Drainage 136309) between points A and B has been completed along with any remedial work identified to ensure it functions satisfactorily.

Reason: To safeguard the site from flooding arising from Willingham Road, Lea and in accordance with Policy LP14 of the Central Lincolnshire Local Plan.

19. No dwellings (or other development as specified) shall be commenced before the first 60 metres of estate road from its junction with the public highway, including visibility splays, as shown on drawing number 16-005-25 Rev S has been completed.

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

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

20. Irrespective of the number of dwellings in any particular phase the total number of dwellings to be developed on the site shall not exceed 61.

Reason: To maintain the character of the area, highway safety and capacity, residential amenity and drainage and in accordance with policies: LP2, LP13, LP14, LP17, LP21, LP24, LP26 and LP50 of the Central Lincolnshire Local Plan.

21. 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 LP17, LP26 and LP21 of the Central Lincolnshire Local Plan 2006 and the National Planning Policy Framework.

22. No works shall take place involving the loss of any hedgerow, tree or shrub other than outside the bird nesting season (1st March to 31st August), unless it has been thoroughly checked for any nests and nesting birds by a suitably qualified person who has confirmed there are no active nests present.

Reason: To protect the wildlife using the hedge in accordance with policy LP21 of the Central Lincolnshire Local Plan and the National Planning Policy Framework

23. 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.

Reason: To ensure safe access to the site and each dwelling/building in the interests of residential amenity, convenience and safety and policies LP13 and LP26 of the Central Lincolnshire Local Plan.

24. 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 and in accordance with policies LP13 and LP26 of the Central Lincolnshire Local Plan.

25. 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 policy LP14 of the Central Lincolnshire Local Plan and the provisions of the National Planning Policy Framework 2012.

26. 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: 16-005-20 rev B, 16-005-21 rev A, 16-005-25 rev S (access highway access and junction works only) and documents: Design & Access Statement, Travel Plan, Desk Based Archaeological and Heritage Impact Assessment – ArcHeritage Report 2017/23 April 2017, Heritage Assessment Addendum Jan 2018 ArcHeritage, Ecological Appraisal – Andrew P Chick March 2017, Bat Survey Results – Aug 2017 Andrew P Chick, Great Crested Newt Survey April – Jun 2017 Andrew P Chick, Update Information Regarding Great Crested Newts – 25th Jan 2018 Andrew P Chick, Site Investigations Report TLP Ground Investigation – April 2017, Tree Survey – Anderson Tree Care – March 14th – 31st 2017, Landscape Visual Appraisal Nov 17 FPCR, and Flood Risk Assessment Final Rev B, Nov 2017 EWE Associates. 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 LP1, LP2, LP3, LP9, LP10, LP11, LP12, LP13, LP14, LP17, LP21, LP24, LP25, LP26 and LP50 of the Central Lincolnshire Local Plan.

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

27. No development shall take place until, a plan showing the position and depth of all existing and proposed services has been submitted to and approved in writing by the Local Planning Authority. The installation of services shall be carried out in accordance with the approved details.

Reason: To ensure that trees are not affected by the installation of services in the interest of visual amenity in accordance with policy LP17 of the Central Lincolnshire Local Plan.

Notes to the Applicant

The provision of on-site green space for outdoor recreation (including visual amenity) as required by condition 10 shall accord with the provisions of policy LP24 but with account taken of the location of Lea Park reducing any local green space provision by 50%.

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

Prior to the submission of details for any access works within the public highway you must contact the Head of Highways - on 01522 782070 for application, specification and construction information.

You are advised to contact Lincolnshire County Council as the local highway authority for approval of the road construction specification and programme before carrying out any works on site.

Please contact Lincolnshire County Council Streetworks & Permitting team on 01522 782070 to discuss any proposed statutory utility connections and any other works which will be required in the public highway in association with this application. This will enable Lincolnshire County Council to assist you in the coordination and timings of such works.

Reasons for granting permission

The proposed development would provide 61 new dwellings on an allocated site within the Central Lincolnshire Local Plan and Lea Parish Neighbourhood Plan. The proposal development would have an acceptable impact on the character of the area, setting of heritage assets and allow a mix of residential dwellings to be provided. The proposal would not have a detrimental impact on residential amenity, highway safety, surface and foul water drainage, facilities and infrastructure in the area and would protect the majority existing trees in the area and ecological interest in accordance with policies LP1, LP2, LP3, LP9, LP10, LP11, LP12, LP13, LP14, LP17, LP21, LP24, LP25, LP26 and LP50 of the Central Lincolnshire Local Plan and policies 1, 3, 4, 5, 6, 10, and 11 of the Lea Parish Neighbourhood Plan and the provisions of the National Planning Policy Framework (NPPF).



Officers Report

Planning Application No: 137095

PROPOSAL: Planning application for change of use from industrial use-B2 to gym- D2.

LOCATION: Workshop Adjacent Ranyard Signs, Brigg Road, Caistor, Market Rasen LN7 6RX

WARD: Caistor and Yarborough

WARD MEMBER: Cllr Owen Bierley

TARGET DECISION DATE: 09/02/2018

DEVELOPMENT TYPE: Change of Use

CASE OFFICER: Ann Scott

RECOMMENDED DECISION: Approve with conditions

Description:

The application proposes the change of use of an existing industrial building currently under use class B2 to use as a Gymnasium under D2 Assembly and Leisure of the Use classes Order 2012.

The applicant is Bfit Gym and is proposing relocation from an existing building on the Hill Crest Garage Site on the A46 Grimsby Road, Caistor which is currently operating without planning approval. The applicant is having to relocate to more suitable premises due to the Hill Crest Site being the subject of redevelopment for Business Units under B1, B8 and A3 use.

The site is situated on Brigg Road Caistor and lies between an existing residential property and a car repairs and sales garage known as MPVS. Opposite the site is open countryside designated as an area of great landscape value (AGLV). Adjacent to the site is a caravan park and residential property to the eastern boundary near the vehicular access.

Relevant history:

CR/114/68 – Erect agricultural workshop.

CR/96/91 Use agricultural workshop in connection with agricultural and motor engineers business.

123958 Planning application to extend a workshop to provide MOT testing facilities, including alterations to the roof and a new vehicular access onto the highway. Granted 28/5/2009.

127261 Non-Material amendment to application to planning permission 125460 granted 12th April 2010 - changes to internal layout and high-level window, granted 9/5/2011.

136092 – Pre application enquiry.

Relevant History related to application:

135007 Planning permission for change of use from A1-Retail to D2-Gymnasium. At Hillcrest Garage Grimsby Road Caistor Refused 16/12/2016.

136558 Change of use of garage to a gym at Hillcrest Garage, Grimsby Road Caistor – withdrawn 27/11/17.

Representations:

Chairman/Ward member(s): none received.

Sir Edward Leigh MP I give my full support my constituent's application on the basis of the substantial benefits across the social spectrum, not only health benefits but clearly the gym is a health social outlet for all, notwithstanding a place of work for employees.

Town Council: Support the application.

Local residents: Comments and letters of **support** from the occupiers of 2 & 14 Beckside, 17 Clixby Lane, 82 Lammas Leas Road, Dovecot Hous, & Wold House Grasby, The Old Barn Cadbourne Vale, Wallis House Houlton le Moor, 1 Risedale Caistor, 3 Nettleton road Caistor,. Comments received can be summarised as:

The full noise impact assessment is considered to provide satisfactory soundproofing to the proposed gym and also the installation of air conditioning ensures that the gym is adequately ventilated during warmer weather to ensure noise pollution is not an issue. Support for the gym in relation to the provision of a much needed, essential and valuable facility in the community, increase in jobs, asset to the community, popular with locals, appropriate use of an existing building rather than leaving it empty.

Comments from Woodbine Cottage Brigg Road Caistor have also been received in respect of noise and disturbance in particular from music and the need for a condition requiring mitigation measures to address this.

LCC Highways/Lead Local Flood Authority: Having given due regard to the appropriate local and national 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.

Environmental Health: no replies received to date.

Archaeology: No archaeological input required.

Growth Team: The Growth Team would make the following observations in respect of this proposal:

- The Growth Team are fully supportive of this application, which will safeguard an important business, and facility for the local community, in Caistor.
- The Bfit Gym is the only fitness facility in Caistor, currently employing 5 staff (including 4 apprenticeship posts). With a growing membership, the proposed conversion will enable the business to expand, leading to further employment and training opportunities in the form of apprenticeships as well as through complementary services such as sports massage. This is an important enterprise for the local economy. The new facility will enable an expanded range of services which will help to increase turnover and GVA.
- Representatives from the Growth Team (and the Lincolnshire Business growth Hub) have been working with the applicant and business owner to secure alternative premises and to advise on business planning and funding opportunities. A number of alternative, more centrally located premises were considered for the gym. This includes the former Co-operative building in Caistor Market Place and the Council's premises, Southdale. None of the alternatives were considered to meet the floorspace and specification requirements for the gym – all requiring extensive modernisation, modification and/or sub-division, at a cost which cannot currently be supported by either landlord or prospective tenant.
- After extensive analysis of alternative sites, the owner of the gym has secured premises on Brigg Road. The site offers a viable alternative for the gym business and is in an accessible location for existing and future service users (by car and on foot).

Idox checked 15/2/18

Relevant Planning Policies:

National Planning Policy Framework (2012)

National Planning Policy Guidance (2014)

Central Lincolnshire Local Plan (adopted April 2017)

Policy LP1 A presumption in favour of sustainable development

Policy LP2 The Spatial Strategy and settlement hierarchy

Policy LP5 Delivering prosperity and jobs

Policy LP6 Retail and town centres in Central Lincolnshire

Policy LP7 A sustainable visitor economy

Policy LP9 Health and Wellbeing

Policy LP13 Accessibility and Transport

Policy LP14 Managing Water resources and flood risk

Policy LP15 Community facilities

Policy LP17 Landscape Townscape and views

Policy LP26 Design and Amenity

Caistor Neighbourhood Plan (Made 3rd March 2016)

The Caistor Neighbourhood Plan has been made and its policies should be given full weight in planning application determinations.

Policy 2 Type, scale and location of new development – new development will be permitted in order to support growth whilst contributing to the sustainability or vitality of the town and relates mainly to major development proposals. Development should reflect the character and appearance of the town, where possible re use existing buildings, provide walking and cycling opportunities, safeguard amenities, preserve the identity of Caistor, be within 800 metres of the market place. Major development should not be outside 800 m along Brigg Road or North Kelsey Road or otherwise should provide a strategy to resolve existing HGV movements through the town centre. New development in Caistor should be reflective of the desire to see a mixed and diverse local economy catering for the variety of needs within the Community. The growth of the town is welcome but this needs to be at a scale that reflects the historic character of the town. The importance attached to the 800 metres from the town centre reflects the distance that can reasonably be walked within 10 minutes as advocated by the National Health Service (Healthy Choices) to access shops, schools and other facilities. As the main bus stops for the town are sited in the market place this is an appropriate place from where to measure for new sites

Policy 7 Community facilities – development that delivers improvements to existing community facilities or delivers new community facilities will be supported. Sustainable growth of the town is dependent on offering a range of service and community facilities to enhance the quality of place and life for residents.

Policy 8 Leisure facilities the development of leisure facilities within Caistor will be supported as they provide for the wider environs around the Caistor area. Leisure facilities are a high priority in the community the provision of these within the town removes the need to travel out of the town and enhances the role of the town as a local service centre. Local Access to such facilities will bring health welfare and community benefits. The town is well served by existing parks and recreational areas and traditional play areas within them. The town is well supported by a range of well-established sports clubs including cricket, football, tennis, running and bowls. Other more specialist facilities are lacking.

Main issues

- Planning Policy
- Community facilities
- Residential amenity
- Economic development
- Visual impact
- Highway safety
- Drainage/flood risk

Assessment:

Planning Policy

Planning Law requires that applications are determined in accordance with development plan policies unless material considerations indicate otherwise. The National Planning Policy Framework 2012 defines walking distance as being within 900 metres of a town centre.

The application is for the change of use of a vacant existing industrial premises under class B2 previously used as a motor engineers to a Gym D2 (assembly and Leisure) at A1084 Brigg Road Caistor. The application site lies between an existing residential property and a car repairs and sales garage known as MPVS. The site was also used for vehicle sales previously by the adjacent car sales and garage premises known as MPVS.

The site is situated in the vicinity of Caistor in open countryside, Brigg Road is characterised by built development with significant gaps between the built up settlement and the site is along a stretch of highway with ribbon development interspersed with residential, holiday and commercial uses.

Policy LP2 of the Central Lincolnshire Local Plan relates to the spatial strategy and settlement hierarchy. Caistor is a market town (LP2(3)). Market towns will provide the focus for proportionate but significant growth in housing, employment, retail and wider service provision. Most of this growth will be by sites allocated in this plan or appropriate infill, intensification or renewal within the existing developed footprint of Caistor. However, additional growth on non-allocated sites** in appropriate locations** outside of but immediately adjacent to the developed footprint *** of these market towns may also be considered favourably although these are unlikely to be supported if over 50 dwellings.

This application is not for residential development but for a community use and it is clearly not within or immediately adjacent to the developed footprint. As such the proposal would therefore be contrary to policy LP2 (3). It is therefore located within the open countryside which is level 8 of policy LP2. This policy indicates that development within the open countryside will be resisted unless it can supported by policy LP7. LP7 indicates that development of high quality visitor facilities such as culture and leisure will be supported. The policy directs that developments should be located within existing settlements, or as part of planned urban extensions, unless it can be demonstrated that:

- Such locations are unsuitable for the nature of the proposal and there is overriding benefit to the local economy and/or community and/or environment for locating away from such built up areas.

Policy LP6 of the Central Lincolnshire Local Plan relates to Retail and Town Centres in Central Lincolnshire. Caistor is identified as a Town Centre in Policy LP6 which provides a range of services and facilities for a wider catchment area within the main towns and market towns. This supports the function of Caistor and as the sequential approach has been robustly applied and has not identified any appropriate available

sites within the Town Centre this edge of town site has been put forward as an appropriate location which utilises an existing building which is presently unoccupied. Similarly, Caistor does not have a gym and as a result this proposal would have no detrimental impact on the vitality of the town centre. The site meets with the criteria in other local and neighbourhood plan policies in terms of location, accessibility, amenity, highway safety and visual impact and also accords with the advice in paragraph 26 of the National Planning Policy Framework in relation to development outside of town centres.

Policy LP9 of the Central Lincolnshire Local Plan relates to health and well-being and supports development proposals that have the potential for achieving positive mental and physical health outcomes. The proposal is considered to comply with Policy LP9 from the resulting use which will contribute to support and enhance physical and mental health and well-being.

Whilst Policy 2, 7 and 8 of the Caistor Neighbourhood Plan support new community and leisure facilities within Caistor this site is not specifically in Caistor. In particular Policy 8 supports specialist facilities of which there is a shortage. Without Bfit Gym there would be no gym in Caistor serving the community. The operation is currently trading without the benefit of planning permission at the Hill Top Garage Site on the A46. Permission was refused in 2016 for a change of use of the current premises from A1 retail to D2 Assembly and Leisure use. Mainly this was because of policy reasons in relation to accessibility and highway safety as the site is on the busy A46 junction with A1084 Ribby/Grimsby Road and High Street. This application proposes the change of use to a Gym to allow the existing business to relocate to more appropriate premises.

Extensive research has been undertaken by the applicant to enable the relocation of the business. A large number of sites have been considered, none which have been considered as suitable. Two were identified for further consideration within the centre of Caistor one being the former coop/bank premises in Market Place/Bank Lane and the other being a former Council Depot on Vicarage Close in Caistor. Both buildings were unsuitable due to size, layout and access. No parking other than on street parking was available at the Market Place/Bank Lane premises and the Vicarage Close site was unsuitable due to size and construction/layout of the building, as parking was available at that site. The owner of the Vicarage Close building was also unable to guarantee funding/facilities to alter the building to suit the requirements of the applicant. The current site is independently owned and the applicant has a long term lease on the premises. Other sites were examined including sites at North Kelsey Road, Grimsby Road, Hershey Road and High Street and were discounted for reasons in relation to size, location, suitability and availability for lease.

The current site has therefore been put forward as having the available size and off street parking facilities. Whilst normally sites in a more central location would be considered a more sustainable location in terms of sustainability and Local Plan and Neighbourhood Plan spatial approach the applicant has demonstrated that this is the only site available suitable for the requirements of the business operation to relocate to in the vicinity of Caistor. The development is also supported by Caistor Town Council who seek to normally develop sites within the settlement and in particular the

town centre. This is particularly important. Support has also come from many outlying villages as well as the Town Council, local MP and residents in Caistor.

A core NPPF principle (paragraph 17) is to “actively manage patterns of growth to make the fullest possible use of public transport, walking and cycling, and focus significant development in locations which are or can be made sustainable”.

Acceptable walking distances suggested by the Institution of Highways and Transportation^[1] are set out below:

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

It is noted that whilst located outside of the main part of Caistor the site is part of a ribbon of development which is served by a continuous footpath to Caistor. At 1200m from the centre of the Market Place it is considered that walking is a realistic option for access. Indeed walking up to 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.

Community facilities

Policy LP15 of the Central Lincolnshire Local Plan relates to community facilities and requires proposals for community facilities such as leisure facilities, including places of worship, libraries, public houses or other registered assets of community value are an integral part in achieving and maintaining sustainable well integrated and inclusive development.

Proposals for new stand-alone facilities will be supported in principle, and should prioritise and promote access by walking, cycling and public transport. Community facilities may have a local or wider catchment area: access should be considered proportionately relative to their purpose, scale and catchment area; be accessible to all members of society; be design so that they are adaptable and can easily be altered to respond to future demands, where applicable be operated without detriment to local residents; this especially applies to facilities which are open in the evening, such as leisure and recreation facilities.

Existing facilities in Policy LP15 does not support the loss of a community facility. Whilst the Gym is trading at existing premises at the Hill Top Garage Site on Grimsby Road on the A46. This site does not have the benefit of planning permission and is on a busy road with limited access for walking and cycling due to its remote location.

[1] Guidelines for Providing for Journeys on Foot (IHT, 2000)

The users will mainly access the existing site by car. The application proposes the relocation to the Brigg Road site subject to approvals necessary for planning and building regulations.

The proposed site offers more accessible means other than the private car. Brigg Road is accessible by walking, cycling and public transport with the number 53c Call Connect bus which connects Caistor with the outlying villages in the area and including the 121 bus to and from the larger settlement of Brigg in North Lincolnshire as well as Market Rasen, Grimsby and Lincoln. There is sufficient on-site parking for customers who need to travel by car. The proposal is considered to comply with the criteria in Policy LP15.

Residential amenity/Visual impact

Policy LP26 of the Central Lincolnshire Local Plan relates to Design and Amenity. Applications for development will be considered against the existing residential and visual amenities of the area.

The proposed changes to the building are mainly to the layout of the building internally. The proposed external elevations will be as existing other than for the blocking up one personal door on the West elevation. The proposed internal changes are to provide larger areas to accommodate, gym, a mezzanine exercise studio, spinning and other areas including a limited refreshment/kitchen area and a small area of seating, weights area, equipment store, yoga room, crèche room, sunbed, and sauna, changing rooms, toilets and a physiotherapy room. The entrance is via a door into the main Gym room accessed from the rear car park and one front entrance to access the lobby, crèche room, sunbed and physio room.

Policy LP26 requires that development proposals take account of local distinctiveness and character. Proposals will be required to demonstrate that they make effective and efficient use of land, respect existing character and identity, and relate well to the site and surroundings. In addition public places and buildings should ensure that they are accessible to all. Policy LP26 also requires that the amenities which existing and future residents enjoy are not unduly harmed from the resulting development. In particular compatibility with neighbouring land uses should be demonstrated together with no adverse overlooking, over shadowing, loss of light, increase in artificial light or glare, no adverse noise, vibration or odour and should have adequate provision for the storage and disposal of waste.

The existing building will remain as is albeit for the blocking up of one door in the North West elevation. Car parking will be to the rear of the building. This will ensure the existing character is maintained.

An appropriate condition to secure details of the method of storage and disposal of waste, noise attenuation measures, removal of permitted development rights to restrict the use to a Gymnasium only and the ancillary crèche, sauna, sunbed, refreshment and physiotherapy facilities to a use ancillary to the use as a Gymnasium can be attached to the decision notice in accord with Policy LP5 and LP26 which seek to restrict the likely impact on the character and appearance of new development on the

area and in the interests of the preservation of the existing residential amenities of the locality.

The main issues in relation to amenity are the likely impact on noise and potential for disturbance to the nearby dwelling and occupants of the caravan park. It is considered that a condition to provide for mitigation measures in relation to noise and disturbance prior to the use being implemented is appropriate in this case. In terms of disturbance the proposed use is subject to hours of operation. The applicant is willing to accept a condition to ensure that the use is not ongoing at unsocial hours. Normal opening times are 7 am to 10.00 pm Monday to Friday, 8.00 am to 6.00 pm Saturdays and 8 am to 3.00 pm Sundays. Closed Bank and public holidays.

Comments from neighbours are generally supportive but there are some concerns raised with regard to noise and disturbance. It is considered that the proposed use is not likely to be worse than the existing use class B2 general industrial. The applicant advises that there is already soundproofing in the building, this together with mitigation measures to include additional sound proofing if necessary together with the hours of operation would likely overcome any concerns from nearby properties in accord with Policy LP5 and Policy LP26 of the Central Lincolnshire Local Plan.

Landscaping

The impact of the proposal will not adversely affect existing landscaping. No trees are affected by the development and the landscaping to the front and sides of the site are not changing in accord with Policy LP17 Landscape Townscape and views.

Economic development

The proposed gym will be of benefit to the local community of Caistor and the wider surrounding villages with the provision of a much-needed facility offering an accessible training space and gym equipment in order to increase the level of health and fitness for the local and wider community in accord with Policy LP9 Health and Wellbeing. The gym will also provide employment for three full time employees. Policy LP5 of the Central Lincolnshire Local Plan relates to delivering prosperity and jobs. Where other employment proposals in location is not covered by Sustainable urban extensions, established employment areas and Local Employment sites. Other employment proposals not covered by the above will be supported provided there is a clear demonstration that there are no suitable appropriate sites or buildings within allocated sites or within the built up area of the settlement. The scale of the proposal must be commensurate with the scale and character of the existing, there is no significant adverse effect on the appearance or amenities of the area or neighbouring occupiers. There is not significant adverse effects on the highway network. There is no significant adverse impact on the viability of delivering any allocated employment site and the proposals maximise the opportunities for a shift away from the use of the private car to access the development. In addition the expansion of existing businesses which are currently located in areas outside allocated employment sites will be supported, provided that;

- existing buildings are reused where possible;
- they do not conflict with neighbouring land uses;

- they will not impact unacceptably on the local and or strategic highway network and;
- the proposal would not have an adverse impact on the character and appearance of the area.

As the gym is already in operation on another site they have demonstrated in the submitted information that this site is the only suitable site in terms of size, access, parking and availability. A number of other sites have been demonstrated in the accompanying supporting statement including others in the centre of Caistor, and premises on North Kelsey Road, Hershey Road and High Street. All other sites have been discounted due to size, accessibility, unsuitability and some not being available for lease as a gym amongst other reasons. The proposal is considered to comply with the Criteria in LP5 in that the applicant has reasonably demonstrated that they have gone as far as they can to demonstrate there are no other suitable sites in a sequential approach. The site proposed is considered to be of a suitable scale and location. It is not considered to adversely affect the character of the area, residential amenity or highway safety and will provide an employment use in an existing building in accord with Policy LP5 of the Central Lincolnshire Local Plan.

Highway safety

There are no objections in principle to the proposal from the highway control officer who has no comments to make on the proposal. The site will provide for 18 off street car parking spaces to the rear of the site.

In accord with Policy LP13 Accessibility and transport. As set out in the policy section of this report the site is also readily accessible by bus, cycling and walking. The site is approximately 900 metres from the centre of Caistor and is within walking distance of the town. The proposal complies with LP13 of the Central Lincolnshire Local Plan.

Drainage/flood risk

The site is not situated in an area at risk of flooding and the site is on raised levels of approximately 1-2 metres above the level of Brigg Road. The proposal will utilise existing foul and surface water facilities and accords with Policy LP14 Managing Water Resources and Flood risk.

Conclusions

The application has been considered against the criteria in the National Planning Policy Framework, National Planning Policy Guidance and the relevant policies in the Central Lincolnshire Local Plan namely: Policy LP1 A presumption in favour of sustainable development, Policy LP2 The Spatial Strategy and settlement hierarchy, Policy LP5 Delivering prosperity and jobs, Policy LP6 Retail and Town Centres in Central Lincolnshire, LP7 A sustainable visitor economy, Policy LP9 Health and Wellbeing, Policy LP13 Accessibility and Transport, Policy LP14 Managing Water resources and flood risk, Policy LP15 Community facilities, Policy LP17 Landscape Townscape and views, Policy LP26 Design and Amenity and Policies, 2 Type scale and location of development, 7 community facilities & 8 leisure facilities of the Caistor Neighbourhood Plan. A sequential approach to other sites has been clearly and

robustly applied and there are no other suitable sites available within Caistor. The application is considered to benefit the community in terms of health, wellbeing, economic development and provides a more appropriate site for the gym than its existing premises. The application is recommended for approval.

RECOMMENDATION: Approve with Conditions

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

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

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

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

2. Prior to the use hereby approved being implemented details of mitigation measures in respect of a scheme for noise attenuation including details of amplified sound equipment and extraction/air-conditioning equipment and a noise management policy to include, noise limiting equipment, a specification of the acoustic attenuation of the building, noise levels from sound equipment and vehicles visiting the site. Shall be submitted to and agreed in writing with the Local Planning Authority. The measures agreed shall be implemented before the use first commences thereafter be retained.

Reason: This condition is imposed in the interests of the residential amenities of the locality and in accord with Policy LP5, and LP26 of the Central Lincolnshire Local Plan.

3. Prior to the use hereby approved being implemented details of the storage and disposal of waste shall be submitted to and agreed in writing with the local planning authority. The agreed measures shall be implemented before the use first commences and thereafter retained unless otherwise agreed in writing.

Reason: This condition is imposed in the interests of the amenities of the locality and for the avoidance of doubt and in accord with Policy LP26 of the Central Lincolnshire Local Plan.

4. Prior to the use hereby approved being implemented details of any air conditioning/and or extraction equipment shall be submitted to and agreed in writing with the Local Planning Authority. The approved scheme shall be implemented as agreed before the use is first commenced any agreed details shall thereafter be retained unless otherwise agreed in writing.

Reason: This condition is imposed in the interests of the residential amenities of the locality for the avoidance of doubt and in accord with Policy LP5 and LP26 of the Central Lincolnshire Local Plan.

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

None

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

5. The development hereby approved shall operate only between the hours of 7.00 am to 10.00 pm Monday to Friday, 08.00 am to 6.00 pm Saturdays and 08.00 am to 3.00 pm on Sundays with no operation at all on Bank and Public Holidays.

Reason: This condition is imposed in the interests of the residential amenities of the locality and in accord with Policy LP5 and LP26 of the Central Lincolnshire Local Plan.

6. The development hereby approved shall be limited to Class D2 as a Gymnasium only and for no other use within Class D2 of the Town and Country Planning Use Classes Order or any other order re-enacting or revoking that order unless otherwise agreed in writing with the Local Planning Authority.

Reason: This condition is imposed in the interests of the amenities of the locality and in accord with Policy LP5 and LP26 of the Central Lincolnshire Local Plan.

7. The facilities within the development hereby approved in respect of the Crèche room, Sauna, Sunbed, physio therapy room and refreshment area shall be used only as an ancillary use to that of the permitted use as a Gymnasium Class D2 and for no other purpose.

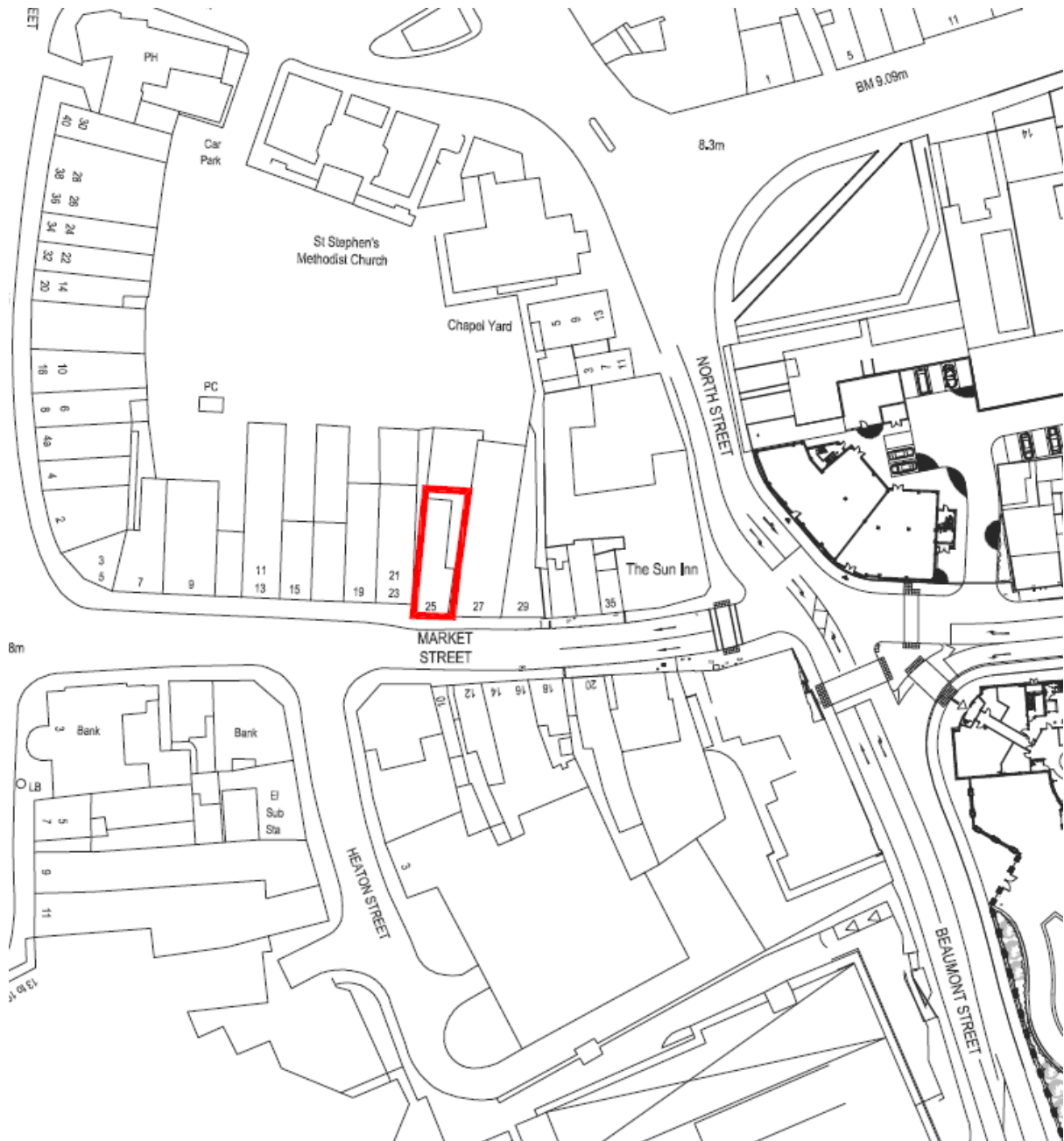
Reason: This condition is imposed in the interests of the amenities of the locality for the avoidance of doubt and in accord with Policy LP5 and LP26 of the Central Lincolnshire Local Plan.

Human Rights Implications:

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

Legal Implications:

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



Planning Application No: 137063 and Listed Building Consent application: 137064

Officers Report

Planning Application No: 137063

Listed Building Consent application: 137064

PLANNING APPLICATION PROPOSAL: Planning application for internal works to include the refurbishment of the ground floor shop and refurbishment of the residential accommodation on the 1st and 2nd floors to provide 2no. apartments. Also replacement windows, new roof and alterations to existing outbuilding to form bin store.

LISTED BUILDING CONSENT PROPOSAL: Listed building consent for internal works to include the refurbishment of the ground floor shop and refurbishment of the residential accommodation on the 1st and 2nd floors to provide 2no. apartments. Also replacement windows, new roof and alterations to existing outbuilding to form bin store.

LOCATION: 25 Market Street Gainsborough, DN21 2BE

WARD: Gainsborough South West

WARD MEMBER(S): Cllr Mrs J Rainsforth and Cllr T Young

APPLICANT NAME: Market Street Renewal Ltd

TARGET DECISION DATE: 08/03/2018

DEVELOPMENT TYPE: Minor - Dwellings

CASE OFFICER: Joanne Sizer & Russell Clarkson

RECOMMENDED DECISION:

- (1) To grant planning permission, subject to conditions.
- (2) To grant Listed Building Consent, where revised drawings have been submitted to demonstrate the appropriate retention of the historic fabric of the building.

Description:

The application site is located within Gainsborough Town Centre and Gainsborough Britannia Conservation Area. It also sits within Gainsborough Town Centre and the primary shopping area. It hosts a Grade II listed building which is described in listing as:

C18 origin. 3 storeys in brick with steep pantile roof with dentil eaves cornice. 3 windows, painted brick voussoirs, wood cases, hung sashes with glazing bars. Brick band between storeys. Late C19 shop front. Nos 25 to 39 (odd) form a group, Nos 27 and 39 being of local interest.

The property has most recently been used as a shop (use class A1) at ground floor and residential accommodation above. It is surrounded by other commercial premises some of which are also grade II and II* listed.

This application seeks planning permission for change of use to ground floor shop (use class A1) with two flats (use class C3) above. External works will include the installation of a new shopfront.

Separate Listed Building Consent is being applied for the enabling works, internally and externally, for the change of use.

Relevant history:

Application site:

W33/LB/1/80 – Renovation of outhouse – LBC – 07/02/80

W33/A/9/83 – Erect box sign – A – 04/05/83

W33/4B/7/78 – Re-roof 18/07/78

On adjacent sites:

135750 - 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 – GC – 24/07/17

135751 - 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 – GC – 24/07/17

Representations:

Chairman/Ward member(s): None received

Parish/Town Council/Meeting: Gainsborough Town Council is fully supportive of these applications. They are pleased to see that efforts being made to improve these buildings and supports the concept of residential accommodation above shops within the town centre.

Local residents: None received

LCC Highways/Lead Local Flood Authority: Does not wish to restrict the grant of permission.

Archaeology: This application does not suggest any groundworks will be undertaken which are likely to impact upon archaeological remains. There is no need for further archaeological input.

Joint committee of the National Amenity Societies: None received

Lincs Historic Buildings: None received

WLDC Conservation Officer (in summary):

Site: 25 Market Street is a grade II listed building, with 18th century origins, and later 19th century alterations. The principle frontage has a very good shop front of the early part of the 20th century, and the interior contains a number of original features along with a high level of historic fabric. There are diminishing wings to the rear of the building (L Plan form) and covered passage on its eastern side. The rear wings have suffered from some inappropriate changes. Some later 20th century alterations are a detraction to heritage significance, as is the concrete pantile roof covering.

The site is within the Britannia Works Conservation Area, and forms a group with 27, 29, 31, 33 and 35 Market Street (of which all but 25 are grade II listed), and historic buildings on the other side of Market Street.

In summary, supportive of principle of bringing building back into active use.

However does note ambiguity in drawings as to whether or not historic features are to be retained. Applicant's written statement that features will be retained are not yet reflected in drawings. Updated drawings are required to enable the Council to meet its statutory duty to have special regard for the preservation of the listed building or any of its features.

Notes applicant's proposal to replace original doors with fire resistant doors and to meet with today's Building Regulations. However, Listed Buildings do have certain exemptions and other solutions need to be explored in the first instance.

Concludes that, whilst in support of principle of the change of use, is unable to yet recommend granting Listed Building Consent in the absence of revised drawings, without greater clarity on loss/retention of historic features / fabric.

Relevant Planning Legislation and Policies:

Statutory Duties:

Any decisions relating to listed buildings and their settings and conservation areas must address the statutory considerations of the Planning (Listed Buildings and Conservation Areas) Act 1990 (in particular sections 16, 66 and 72).

S66(1) - In considering whether to grant planning permission for development which affects a listed building or its setting, the local planning authority or, as the case may be, the Secretary of State shall have special regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses.

S72(1) - In the exercise, with respect to any buildings or other land in a conservation area, of any [functions under or by virtue of] any of the provisions [in the planning Acts], special attention shall be paid to the desirability of preserving or enhancing the character or appearance of that area.

Development Plan:

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).

Central Lincolnshire Local Plan 2012-2036

LP1 A Presumption in Favour of Sustainable Development

LP6 Retail and Town Centres in Central Lincolnshire

LP14 Managing water resources

LP17 Landscape, Townscape and Views

LP25 The Historic Environment

LP26 Design and Amenity

LP27 Main Town Centre uses – Frontages and Advertisements

LP38 Protecting Gainsborough's setting and character

LP42 Gainsborough Town Centre and Primary Shopping Area

The CLLP is available to view here: <https://www.n-kesteven.gov.uk/central-lincolnshire/local-plan/>

Neighbourhood Plan

Gainsborough Town boundary has been designated in a Neighbourhood Plan Area. However at the time of this report no Neighbourhood Plan has been published which can be taken into consideration.

National Guidance

National Planning Policy Framework

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

National Planning Practice Guidance

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

Main issues

- Principle
- Visual amenity
- Impact on listed building(s) and conservation area
- Listed Building Consent
- Neighbouring amenity
- Highway Safety
- Drainage
- Waste

Assessment:

Principle

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

Central Lincolnshire Local Plan 2012-2036 (adopted in April 2017) contains a suite of policies that provide a framework to deliver sustainable development.

The proposed site being located within Gainsborough Town Centre and seeking to alter/refurbish an existing shop and residential accommodation to facilitate their re-use would principally be considered against Local Plan Policies LP1 A Presumption in Favour of Sustainable Development, LP6 Retail and Town Centres in Central Lincolnshire and LP42 Gainsborough Town Centre and Primary Shopping Area.

LP6 sets out a retail hierarchy to guide investment and other activity to improve the vitality and viability of the identified centres and in planning applications for retail and other town centre uses (as defined in the NPPF). Gainsborough is designated as a Town centre in tier 2 of the table and its role and function is stated to provide a range of facilities and services for a wider catchment area within the main towns and market towns. Development proposals should be appropriate in scale and nature to the size and function of the relevant centre and to the maintenance of the retail hierarchy as a whole.

LP42 states that proposals for main town centre uses will be supported within Gainsborough Town Centre provided that the proposed development is compatible with the use of adjacent buildings and land. Proposals for non-retail use on ground floors will only be supported if they:

- a. Are a recognised main town centre use; and
- b. Would not result in the over concentration of non-retail uses that would undermine the primary shopping area's overall retail function and character; and
- c. Would have no demonstrable impact on the vitality and viability of the centre as a whole.

Paragraph 23 of the NPPF recognise that residential development can play an important role in ensuring the vitality of centres and set out policies to encourage residential development on appropriate sites.

The application proposes to alter and refurbish the existing shop at ground floor and form two flats above. The proposals are therefore considered to be appropriate in scale to the function of the centre and will support its vitality. The uses are as existing and similar to those existing around it. The development is therefore considered compatible to other uses of adjacent buildings and land. Consequently the proposal is principally supported by the above policies.

Impact on listed building(s) and conservation area:

The site contains, falls within, and is adjacent to, a number of designated Heritage Assets. It also falls within the Gainsborough Britannia Works Conservation area.

The Britannia Works Conservation Area Appraisal (1999) states *“in townscape terms the area is important as a primary entrance to the town centre with many buildings in the conservation area terminating vistas along streets.”* The accompanying “townscape analysis” identifies the Sun Inn Hotel Frontage on the corner of North Street / Market Street as *“important corners and frontage”*.

Any decisions relating to listed buildings and their settings and conservation areas must address the statutory considerations of the Planning (Listed Buildings and Conservation Areas) Act 1990 (in particular sections 16, 66 and 72) as well as satisfying the relevant policies within the National Planning Policy Framework and the Local Plan.

Central Lincolnshire Local Plan (CLLP) policy LP25 requires, where a development proposal would affect the significance of a heritage asset (whether designated or non-designated), an assessment of its significance, assessment of impact, and a clear justification for the works.

Similarly guidance contained within Paragraph 128 of the NPPF states that *‘in determining applications, local planning authorities should require an applicant to describe the significance of any heritage assets affected, including any contribution made by their setting. The level of detail should be proportionate to the assets’ importance and no more than is sufficient to understand the potential impact of the proposal on their significance’*.

LP25 goes on to state that:

Permission to change the use of a listed building or to alter or extend such a building will be granted where the local planning authority is satisfied that the proposal is in the interest of the buildings preservation and does not involve activities or alterations prejudicial to the special architectural or historic interest of the Listed Building or its setting.

Permission that results in substantial harm to or loss of a Listed Building will only be granted in exceptional or for grade I and ii* Listed Buildings, wholly exceptional circumstances.

In the Conservation Area section of LP25 it states that *‘Development within, affecting the setting of, or affecting views into or out of, a Conservation Area should preserve (and enhance or reinforce it, as appropriate) features that contribute positively to the area’s character, appearance and setting’*. Criteria (j) through to (o) provides a base to assess the impact on the Conservation Area.

The NPPF similarly sets out policies for conserving and enhancing the Historic environment.

The NPPF also states in (paragraph 131), “In determining planning applications, local planning authorities should take account of:

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

*132. 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**. The more important the asset, the greater the weight should be. Significance can be harmed or lost through **alteration** or destruction of the heritage asset or development within its setting. As heritage assets are irreplaceable, any harm or loss should require clear and convincing justification. Substantial harm to or loss of a grade II listed building, park or garden should be exceptional.*

*Paragraph 133. Where a proposed development will lead to **substantial harm** to or total loss of significance of a designated heritage asset, local planning **authorities should refuse consent, unless** it can be demonstrated that the substantial harm or loss is necessary to achieve substantial public benefits that outweigh that harm or loss.*

*134. Where a development proposal will lead to **less than substantial harm to the significance of a designated heritage asset**, this harm should be weighed against the public benefits of the proposal, including securing its optimum viable use.*

Heritage assessment of proposals:

The significance of the existing building and the proposals which including the extensive refurbishment to all floors are set out in a Heritage Statement submitted with the applications. This planning application however only considers the use of the premises as a shop and any alterations associated with it and the formation of two residential units and external alterations to the building as a whole.

The conservation officer is principally supportive of the continued use of a shop at ground floor and the overall use of all the upper floors as two residential apartments. It is specifically noted in this regard that although the subdivision of the historic plan form would be potentially considered harmful, this alteration could be justified through the benefits it will bring through the conservation and on-going maintenance of the building.

The proposals also result in some improvements to the shop front and such benefits afforded weight in the determination of the application. There is

however still some uncertainty over some aspects of the proposals and their acceptability on the external appearance of the building, the associated significance of the listed building and wider impact on the setting of other listed buildings and character of the conservation area.

These relate to:

1. The exact detail of the retention/repair/alterations/replacement/blocking up of the windows, doors and gates serving the building.
2. The exact detail of the new external staircase utilised to gain access to upper flat.
3. Roofing materials (New pantiles required – Liz notes on plan but also comments made relating to rear roof but not in her matters to be addressed)
4. Alterations to shop front (doors covered by No 1 above)

Such final details could however be secured through conditions of any planning permission. With such conditions in place and appropriate detail secured the proposals could support the preservation and conservation of the building, and would not be prejudicial to the special architectural and historic interest of this Heritage Asset, its setting and those within its setting; nor the character of the Conservation Area.

In conclusion weight is afforded to the proposals in that they would result in an appropriate use of the building which would aid in the conservation and preservation of this historic asset. The alterations proposed subject to conditions are also considered not to be prejudicial to the special architectural and historic interest of this listed building, with appropriate alterations to the shop front being considered to offer some enhancement. The proposals thereby preserve the setting of the nearby listed buildings and special characteristics of the conservation area.

Visual Amenity:

The site being located within Gainsborough town centre is subject to a suite of policies within the Central Lincolnshire Local Plan relating to overall visual amenity. They are noted below and assessed collectively.

Policies LP17, LP26, LP27, LP38 all have applicable policies relating to the townscape and wider setting.

The building is within the Britannia Works Conservation Area, and forms a group with 27, 29, 31, 33 and 35 Market Street (of which all but 27 are grade II listed). Other historic buildings are also on the other side of the Street. The host property is therefore an important building forming the special character of the town centre.

The Committee will likely be aware that, properties within Market Street are undertaking a renewal, following the grant of planning permission 135750, with the aim of reinstating more traditional shop fronts and features. This

application aims to continue this renewal with a similar approach now being applied to no.25.

Accordingly, subject to planning conditions to secure the final details, the development can be expected to contribute towards the wider enhancement of Market Street and its historical setting.

Listed Building Consent

The application for Listed Building Consent (LBC) also includes internal works necessary to allow the change of use to take place. This primarily relates to changes at the first and second floors to enable two separate units of living accommodation.

Flat 1 will be accessed at ground floor from the rear of the property, and use the existing C18th staircase (the Roseway Carpark is to be opened up as part of the permission granted under application 135750).

Flat 2 will be accessed at first floor via a new external staircase (accessed from the rear).

Whilst the applicant has provided assurances that historic features will be retained where possible, this is not always evident within the drawings – for instance, clear identification (and demonstrated retention) of the historic fireplaces is not shown.

The applicant also seeks to replace and widen the existing doorways to meet with modern fire and accessibility standards. However, it has not been demonstrated that other means of retro-fitting fire safety measures to the doors has been considered, to otherwise enable their retention.

As it stands, the plans would indicate the loss of historic fabric, culminating in harm to the Listed Building. However, the applicant has advised that they do wish to retain as much of the building's historic fabric as possible. Consequently Officers are actively working with the applicant, to enable them to revise the drawings to reflect or otherwise demonstrate this, without compromising the overall scheme.

As it stands, the drawings would indicate harm to this Grade II Listed Building. However, revised drawings should be able to offer greater clarity as to the retention of historic features / fabric and ensure that any resulting harm to the building is minimised/removed. Subject to acceptably revised drawings, Listed Building Consent should then be forthcoming.

Officers will be able to update the Committee at the meeting in this regard, and offer suitably worded conditions to ensure the building's preservation/enhancement as appropriate.

Neighbouring Amenity:

LP26 sets out Amenity Considerations and advises that amenities which all existing and future occupants of neighbouring land and buildings may reasonably expect to enjoy must not be unduly harmed by or as a result of development.

The proposals do not introduce any new uses within the existing premises and weight therefore afforded to this. The development uses are not therefore considered to result in any additional or undue harm to those nearby or each other. Nor are the alterations of a scale that is likely to result in any. The proposals are therefore considered acceptable in neighbouring amenity terms.

Highway Safety:

The proposals do not significantly offer any changes in terms of vehicular access. Lincolnshire County Council Highways have not raised any objections and the application considered acceptable to highway safety.

Drainage:

The alterations/refurbishments do not result in any significant change in terms of foul and surface water and the existing system utilised in this instance.

Waste:

A bin store is to be provided within the rear aspect of the building.

CIL:

The application site is within Charging Zone 4 (Gainsborough West) where the charge is £0 charge per square metre for apartments.

Conclusions

Planning Permission:

The application seeks to restore no.25 into an active, viable use within the town centre. It seeks to reinstate a more traditional shopfront as part of a wider renewal scheme for Market Street.

It is considered that, subject to conditions to secure final details, the principle of the development accords with Local Plan policies which seek to enhance the vitality and viability of town centres, and preserve and/or enhance the setting of heritage assets.

It is recommended that planning permission is granted, subject to planning conditions as recommended below.

Listed Building Consent:

As it stands, the drawings submitted would appear to suggest the loss of historic fabric and features resulting in harm to the Listed Building.

Nonetheless, the applicant has expressed a willingness to retain the historic features of the building. The applicant is engaged with Officers to revise the drawings in order to demonstrate that they can retain as much of the historic

building to the extent that is possible, and offer clear justification to any areas if this cannot be achieved.

Where revised drawings are provided to demonstrate this, Listed Building Consent should then be forthcoming. Officers will therefore be in a position to update the Committee at the meeting in this regard, and as to any relevant and necessary conditions that should be applied.

Recommendation

(1) Approve Planning Permission 137063 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. Notwithstanding the details submitted, no alterations, including the removal of any of the existing windows, doors and gates, including their openings and the blocking up of any shall take place until the exact detail of each opening has been submitted to and approved in writing by the local Planning Authority. Such information should include the intended treatment in terms of retention/repair/alteration/replacement and blocking up. Specific detail should also be provided for each treatment. This will include a schedule/method of repairs and alterations, joinery details, including sections at a scale of 1:5 for all replacement windows and doors, stating their material/finish; and a sample for any windows approved to be bricked up. The design, material and finish of any gates shall also be included. The approved details shall then be implemented and retained thereafter.

Reason: To preserve the significance of the listed building, its setting and those around it; as well as safeguarding the character of the conservation area and town centre in accordance with policy LP25, LP26 and LP42 of the Central Lincolnshire Local Plan 2012 – 2036 and the NPPF.

3. Notwithstanding the details submitted the external stair utilised to gain access to the upper floor flat as noted on drawing No 8315S/SK164A shall not be replaced until details of its replacement has been submitted to and agreed in writing by the local Planning Authority. The approved stair shall then be implemented and retained thereafter.

Reason: To preserve the significance of the listed building, its setting and those around it; as well as safeguarding the character of the conservation area and town centre in accordance with policy LP25, LP26 and LP42 of the Central Lincolnshire Local Plan 2012 – 2036 and the NPPF.

4. Notwithstanding the details submitted none of the roofing tiles shall be replaced with alternative tiles or materials unless details of their replacement has been submitted to and agreed in writing by the Local Planning Authority. The approved tiles shall then be implemented and retained thereafter.

Reason: To preserve the significance of the listed building, its setting and those around it; as well as safeguarding the character of the conservation area and town centre in accordance with policy LP25, LP26 and LP42 of the Central Lincolnshire Local Plan 2012 – 2036 and the NPPF.

5. With the exception of the detailed matters referred to by the conditions of this consent, the development hereby approved shall be carried out in accordance with the following drawings: 8315s/sk153N and 8315s/sk164A. The works shall be carried out in accordance with the details shown on the approved plans and in any other approved documents forming part of the application.

Reason: To ensure the development proceeds in accordance with the approved plans and to accord with Policy LP1 of the Central Lincolnshire Local Plan 2012-2036.

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

None.

(2) To grant Listed Building Consent, where revised drawings have been submitted to demonstrate the appropriate retention of the historic fabric of the building.

Human Rights Implications:

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

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

Legal Implications:

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



Planning Committee

7 March 2018

Subject: Determination of Planning Appeals

Report by:

Chief Operating Officer

Contact Officer:

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

Purpose / Summary:

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

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

IMPLICATIONS

Legal: None arising from this report.

Financial: None arising from this report.

Staffing: None arising from this report.

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

Risk Assessment: None arising from this report.

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

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

Call in and Urgency:

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

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

Yes

No

Key Decision:

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

Yes

No

Appendix A - Summary

- i) Appeal by Mr and Mrs Darron Childs against the decision of West Lindsey District Council to refuse planning permission for the removal of the existing garage and build new garage with new entrance gates x2 (apps 135479 and 135480) at The Lindens, 1 & 3 Willingham Road, Lea, Gainsborough, Lincolnshire DN21 5EH.

Appeal allowed for the entrance, dismissed for the garage – see copy letter attached as Appendix Bi

Officer Decision – Refuse permission

- ii) Appeal by Furrowfresh Limited against the decision of West Lindsey District Council to refuse to grant outline planning permission for 'Mixed use sustainable village extension comprising; up to 325 private and affordable dwelling units (Use Class C3); Community meeting and community health rooms (Use Class D1) with ancillary pub / café (Use class A4) and sales area (Use Class A1) and sales area (Use Class A1); new landscaping; (app 134411) public and private open space' at land west of the A1133, Newton-on-Trent, LN1 2JS.

Appeal dismissed – see copy letter attached as Appendix Bii

Officer Decision – Refuse permission.

- iii) Appeal by Mr and Mrs Chapman against the decision of West Lindsey District Council to refuse planning permission for a proposed development described as a 'new dwelling within residential rear garden to 14 Front Street along with proposed off street car parking spaces for 14 Front Street (app 136230) at Greensand House, 14 Front Street, Tealby, Market Rasen LN8 3XU.

Appeal dismissed, costs refused – see copy letter attached as Appendix Biii

Officer Decision – Refuse permission.

- iv) Appeal by Mr Wallace against the decision of West Lindsey District Council to refuse planning permission for demolition of previously converted outbuildings and erect two semi-detached duplex apartments (app 135943) at 154A Trinity Street, Gainsborough DN21 1JN.

Appeal dismissed – see copy letter attached as Appendix Biv.

Officer Decision – Refuse permission.

Appeal Decision

Site visit made on 17 January 2018

by Sarah Colebourne MA, MRTPI

an Inspector appointed by the Secretary of State

Decision date: 9th February 2018

Appeal A: Ref: APP/N2535/W/17/3182888

The Lindens, 1 & 3 Willingham Road, Lea, Gainsborough, Lincolnshire, DN21 5EH

- 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 and Mrs Darron Childs against the decision of West Lindsey District Council.
 - The application Ref 135479, dated 16 November 2016, was refused by notice dated 11 April 2017.
 - The development proposed is described as '*removal of existing garage and build new garage with new entrance gates x2.*'
-

Appeal B: Ref: APP/N2535/Y/17/3182890

The Lindens, 1 & 3 Willingham Road, Lea, Gainsborough, Lincolnshire, DN21 5EH

- The appeal is made under section 20 of the Planning (Listed Buildings and Conservation Areas) Act 1990 against a refusal to grant listed building consent.
- The appeal is made by Mr and Mrs Darron Childs against the decision of West Lindsey District Council.
- The application Ref 135480, dated 16 November 2016, was refused by notice dated 11 April 2017.
- The works proposed are described as '*removal of existing garage and build new garage with new entrance gates x2.*'

Decisions

1. The appeals are dismissed insofar as they relate to the proposed garage. The appeals are allowed insofar as they relate to the proposed entrance.
2. Appeal A: Planning permission is granted for the new entrance at The Lindens, 1 & 3 Willingham Road, Lea, Gainsborough, Lincolnshire, DN21 5EH in accordance with the terms of the application, Ref 13580, dated 16 November 2016, subject to the conditions at the end of this decision.
3. Appeal B: Listed building consent is granted for the new entrance at The Lindens, 1 & 3 Willingham Road, Lea, Gainsborough, Lincolnshire, DN21 5EH in accordance with the terms of the application, Ref 13579, dated 16 November 2016, subject to the conditions at the end of this decision.

Main issues

4. The main issues are the effect of the proposals on the special architectural and historic interest of the listed buildings at 1 & 3 Willingham Road.

Reasons

5. In considering proposals for planning permission, the duty imposed by section 66 of the Planning (Listed Buildings and Conservation Areas) Act 1990 requires that special regard must be had to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses. Paragraph 132 of the National Planning Policy Framework (the Framework) states that when considering the impact of new development on the significance of a designated heritage asset, great weight should be given to its conservation. The paragraph goes on to say that significance can be harmed or lost through alteration or destruction of the heritage asset or development within its setting. Paragraph 134 requires that where the harm is less than substantial, it should be weighed against the public benefits of the proposal. The most relevant policy in the development plan is policy LP25 of the Central Lincolnshire Local Plan (2017), which reflects the statutory duty and accords with the Framework.
6. 1 & 3 Willingham Road are a pair of semi-detached houses. No 3 dates from the mid C18th and has a symmetrical three bay front. No 1 is a smaller early C19th house. Their significance derives from both their architectural interest as typical Lincolnshire building types from those periods and from their historic interest (no 3 was built as the Dower House for Lea Hall estate). They stand on a corner plot and their principal elevations face onto Willingham Road from which there is pedestrian access only. There are two existing vehicular accesses to the rear of the properties from Gainsborough Road and an existing single garage. The properties have been sympathetically renovated and are in use as a domestic residence and offices for the appellants' business which employs eight people.
7. The proposals include the removal of the existing garage to the rear of no 1, the erection of a new garage in a different position further from the road to the rear of no 3, new entrance gates set back from the footway between brick pillars and a new personal gate set between railings and brick pillars. The new garage would have three bays, two of which would be open with a pitched roof and with a hipped roof over the third bay closest to the house.
8. I agree with the Council that the general siting, form and massing of the proposed garage is acceptable. I accept that the appellants have not sought to create a pastiche of a historic outbuilding and that the proposed design is simple and attractive in itself. However, in my experience the Council is correct in its assertion that timber framed barns in a Kentish style are not the traditional vernacular of Lincolnshire where cart sheds to C18th houses were almost exclusively constructed of brick or stone with open fronts created between brick pillars or plain timber posts without curved braces, often with cast iron stanchions. The locations of the other examples referred to by the appellants are unclear and they do not, therefore, provide justification for this proposal. In the surrounding area I saw no examples of similar buildings. Rather than telling the story of the evolution of the listed buildings, the exposed oak frame in the proposed garage would be uncharacteristic in this context and would detract from the buildings' significance.
9. As the evidence provided by the appellants shows that the access to no 3 dates from the first half of the C20th and the access to no 1 including the existing garage from the 1970's, the proposed double width access would not replicate

the historic single entrance but would replace the existing modern twin entrance. The size of the new entrance would increase its prominence above that of the existing entrance and this would harm the significance of the listed buildings to a small degree. Few details are shown for the proposed entrance gates but they appear to be of a solid timber design which has a modern appearance and would be more suited to a suburban location rather than a historic Georgian context in a rural village.

10. I must give considerable weight to the conservation of the heritage assets. The removal of the existing garage would be a benefit in heritage terms given its unsympathetic design and condition. However, a more appropriately designed building would also have the same benefit and the proposed design before me is not the only option for the replacement of the garage. I conclude then that whilst the level of harm arising from the proposed garage would be less than substantial, there are, therefore, no public benefits that would outweigh the identified harm as required in paragraph 134 of the Framework.
11. The existing access arrangement allows only for one way entry and exit to and from the property due to the position of the existing garage. I have noted that the Highways Authority had required a one way in and one way out system. Given the siting of the entrance close to the junction of this very busy road it is clear that the new entrance would have considerable benefit in terms of highway safety over the existing arrangement in view of the number of employees at the property in addition to its domestic use. I conclude that this public benefit provides sufficient justification for the new entrance. Conditions excluding the gates details from the plans and requiring further details would mitigate sufficiently the harm I have identified. Conditions requiring details of the materials to be used in the construction of the pillars and further details for the design and materials for the railings are necessary in the interests of the listed buildings.

Conclusion

12. I conclude, for the reasons given above, that the proposed garage would fail to preserve the special architectural and historic interest of the listed buildings at 1 and 3 Willingham Road. It would, therefore, conflict with local plan policy LP25 and the development plan as a whole and there are no material considerations that justify determining the appeals otherwise in so far as they relate to the garage.
13. I conclude that the public benefit to highway safety arising from the proposed entrance provides sufficient justification for that part of the proposals and it would accord with local plan policy LP25 and the development plan as a whole and there are no material considerations that justify determining the appeals otherwise in so far as they relate to the entrance. As the proposed entrance is clearly severable from the garage, I shall issue a split decision in this respect. The appeals should be allowed insofar as they relate to the proposed entrance.

Sarah Colebourne

Inspector

Schedule of conditions:

Appeal A:

- 1) The development hereby permitted shall begin not later than three years from the date of this decision.
- 2) The development hereby permitted shall be carried out in accordance with the following approved plans: DC/16/01 with the exception of the gates.
- 3) No development shall take place until samples of all external materials have been submitted to and approved in writing by the local planning authority. The work shall be carried out in accordance with the approved details.
- 4) No development shall take place until details of the proposed gates and railings have been submitted to and approved in writing by the local planning authority. The work shall be carried out in accordance with the approved details.

Appeal B:

- 1) The works hereby permitted shall begin not later than three years from the date of this decision.
- 2) The development hereby permitted shall be carried out in accordance with the following approved plans: DC/16/01 with the exception of the gates.
- 3) No works shall take place until samples of all external materials have been submitted to and approved in writing by the local planning authority. The work shall be carried out in accordance with the approved details.
- 4) No works shall take place until details of the proposed gates and railings have been submitted to and approved in writing by the local planning authority. The work shall be carried out in accordance with the approved details.

End of conditions.

Appeal Decision

Inquiry Held on 28, 29, 30 November and 1 December 2017

Unaccompanied site visit made on 1 December 2017

by C Sherratt DipURP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 12 February 2018

Appeal Ref: APP/N2535/W/17/3175670

Land west of A1133, Newton-on-Trent, LN1 2JS

- 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 Furrowfresh Limited against the decision of West Lindsey District Council.
 - The application Ref 134411, dated 9 May 2016, was refused by notice dated 17 November 2017.
 - The development proposed is 'Mixed use sustainable village extension comprising; Up to 325 private and affordable dwelling units (Use Class C3); Community meeting and community health rooms (Use Class D1) with ancillary pub / café (Use class A4) and sales area (Use Class A1) and sales area (Use Class A1); new landscaping; public and private open space.'
-

Decision

1. The appeal is dismissed.

Preliminary Matters

2. The application is made in outline with all matters reserved for subsequent approval. At the time of the determination of the application the development plan included the West Lindsey Local Plan First Review (2006). However, on the 24 April 2017 the Central Lincolnshire Local Plan (CLLP) was adopted and the policies cited in the refusal notice were superseded.

Main Issues

3. The main issues are:
 - (a) Whether the development would be a sustainable form of development having regard in particular to:
 - (i) the spatial strategy and settlement hierarchy set out in the CLLP; and
 - (ii) the location of the site and its proximity to services and facilities;
 - (b) Whether, having regard to the location of the site within an area identified as being within Flood Zones 2 and 3, the development would satisfy the sequential test set out in the National Planning Policy Framework (NPPF) and, if necessary, whether the exceptions test is

satisfied in relation to demonstrating that there are wider sustainability benefits of the proposal which would outweigh the flood risk.

Reasons

4. The appeal site is some 18 hectares and comprises fields which are in use as an organic free range chicken enterprise with associated infrastructure. The proposal comprises an extension to the village of Newton on Trent, intended to meet BREEAM Communities accreditation of 'Excellent / Outstanding' and be based on Garden City principles. The application is accompanied by a Masterplan which indicates that the existing High Street through the village will be extended into the site. A village hub would provide business and community space, including a licensed café and pop-up shops. Outdoor recreational facilities including a village green, allotment pods, a trim trail, cycle and footpaths are to be provided.

Sustainable form of development

Spatial strategy and settlement hierarchy

5. The overarching spatial strategy set out in the CLLP is to concentrate growth on the main urban areas of Lincoln, Gainsborough and Sleaford, and in settlements that support their roles. Remaining growth will be delivered elsewhere in Central Lincolnshire to support the function of other sustainable settlements and to help meet local needs. This approach makes the most of existing services and facilities. Outside of the main urban areas, smaller towns and villages vary in size, demography, accessibility, facilities, issues and opportunities. The CLLP determines how each community can contribute to the delivery of a sustainable Central Lincolnshire. The CLLP was adopted in April 2017 having been found sound. It is therefore consistent with the NPPF.
6. Policy LP2 sets out a spatial strategy and settlement hierarchy. It confirms that development should create strong, sustainable, cohesive and inclusive communities, making the most effective use of previously developed land, and enabling a larger number of people to access jobs, services and facilities locally.
7. Within the settlement hierarchy, Newton on Trent is classed as a Small Village. Unless otherwise promoted via a Neighbourhood Plan or through the demonstration of clear local community support, small villages will accommodate small scale development of a limited nature in appropriate locations and proposals will be considered on their merits but will be limited to around 4 dwellings, or 0.1 hectares per site for employment uses.
8. There is no dispute that the proposed development would not be small scale. It would clearly exceed the quantum of 'up to around 4 dwellings' set out in Policy LP2. The appellant therefore relies upon a demonstration of clear local community support to justify a development of the scale proposed. The term 'demonstration of clear community support' is defined as meaning that at the point of submitting a planning application to the local planning authority there should be clear evidence of local community support for the scheme, with such support generated via a thorough, but proportionate, pre-application community consultation exercise. If, despite a thorough, but proportionate, pre-application consultation exercise, demonstrable evidence of support or

objection cannot be determined, then there will be a requirement for support from the applicable Parish or Town Council.

9. Notwithstanding the view of the Council, provided such community support is demonstrated, there is no limit set thereafter within this policy on the scale of development that may be permitted. In these circumstances, scale is therefore governed by what will be supported by the community.
10. Policy LP2 also includes a cross-reference to LP4 when referring to Small Villages. Having set out what is applicable to proposals not promoted via a neighbourhood plan or through the demonstration of clear local community support, it states in a separate sentence that Policy LP4 establishes the total level of percentage growth for each Small Village, and further policy requirements in respect of identifying whether a site would be suitable for development.
11. Policy LP4 gives a strategic steer as to what level of growth over the plan period is appropriate in villages. As a starting point the level of growth is set at a 10% increase in the number of dwellings over the plan period. In some that is increased to 15%. In Newton on Trent flood risk is recognised to be a strategic constraint to growth and so here, a 10% growth level remains and will only be supported if flood risk constraints can be overcome¹.
12. Having set out the growth levels, Policy LP4 then stipulates that a sequential test will be applied with priority given to brownfield land or infill sites, in appropriate locations, within the developed footprint of the settlement; brownfield sites at the edge of a settlement, in appropriate locations and greenfield sites at the edge of a settlement, in appropriate locations².
13. In addition, the policy requires that a proposal within or on the edge of a village should be accompanied by demonstrable evidence of clear local community support for the scheme if the proposal would increase the number of dwellings in a village by more than the identified growth level (10%) or for non-dwellings have a floorspace of 1000 square metres or more. Local communities can, through Neighbourhood Plans or other means, deliver additional growth over the levels proposed in this Policy.
14. Again, there is no dispute that the 10% level of growth is exceeded and so, the appellant again relies on demonstrable evidence of clear local community support in this regard. The extent of any departure in growth from 10% is again not restricted by this section of the policy provided the necessary community support is demonstrated for the level of growth proposed.
15. The main parties do however disagree on whether the sequential test and appropriate location element of Policy LP4 needs to be applied in circumstances where the proposal has community support, a point to which I shall return in due course.

¹ In terms of supply in the plan period, the CLLP assumes a zero per cent increase to take account of the uncertainty in villages with such constraints.

² An 'appropriate location' is defined as meaning a location which does not conflict, when taken as a whole, with national policy or policies in this Local Plan (such as, but not exclusively, Policy LP26 (Design and Amenity)). In addition, to qualify as an 'appropriate location' the site, if developed, would:

- Retain the core shape and form of the settlement;
- Not significantly harm the settlement's character and appearance; and
- Not significantly harm the character and appearance of the surrounding countryside or the rural setting of the settlement.

16. Policy LP3 sets out the level and distribution of growth required to facilitate the delivery of 36960 dwellings over the plan period. Most will come forward in the Lincoln Strategy Area, Gainsborough and Sleaford with some 12% (4435) of the total homes and employment needed expected to come forward from 'elsewhere', including Small Villages.
17. I turn first to consider whether there was the necessary community support for the proposal as without such support neither Policy LP2 or LP4 can be complied with. In formulating the masterplan concept, the appellant has followed closely the BREEAM Communities sustainability framework principles of consultation and engagement. Each BREEAM Communities topic has a strict set of criteria that must be achieved to be accredited with the scores available. The topics are based upon national sustainability targets and priorities. The potential scoring of the scheme is set out in the BREEAM Communities Sustainability Assessment (CD1.14). One assessment category is Governance, the aim of which is to promote community involvement in decisions affecting the design, construction, operation and long term stewardship of the development. Governance categories include:
- 01) 'Consultation Plan' to ensure the needs, ideas and knowledge of the community are used to improve the quality of stakeholder engagement, throughout the design, planning and construction process; and
- 02) 'Consultation and Engagement' to ensure the needs, ideas and knowledge of the community and key stakeholders are used to improve the quality and acceptability of the development throughout the design process.
18. Prior to submitting the application the appellant commissioned a company "to provide an analysis of the demographic profile of Newton on Trent as well as to establish the priorities and needs of the parish to inform a masterplan proposal for the 42 acre site to the north of the village". The conclusions are set out in Core Document 1.35 'Understanding Newton on Trent'. The various activities undertaken to ensure that the local community were involved are set out in the 'Consultation Plan' (CD 1.36), dated November 2014. It describes the process of a pre-application community involvement programme extending over 6 months. It describes four stages to the consultation for the site.
19. The evidence submitted with the application demonstrates that the goals, needs and priorities of the local community were identified; those comments and suggestions were used to shape the design, carry out research and feasibilities; and that community stakeholder design review workshops were held to help to finalise the masterplan. The description of development and masterplan includes facilities and housing tenures generally identified as being of the highest and medium priority for the village. These include particular types of housing, nature areas, circular walks and cycle paths, new bus stops, a recreation ground, allotments and a community hub.
20. What is lacking in the context of CLLP policies is the evidence to demonstrate further engagement with the community to establish their support for the resultant proposal, prior to the submission of the application. I heard from the Parish Council witness that the scale of the development was referred to verbally as around 350 dwellings at the workshops. However that is not clearly reflected in the presentation of material from those events. I cannot be confident that others at the workshops, and indeed those that were not involved, would have been aware of the scale of the development and

- supported it. Some initial comments did express concern that a development might 'swamp the village', suggest that no more houses / development is needed and query the relationship of the site to the village.
21. Whilst an information leaflet was circulated to residents when the application was submitted, at no stage of the process is it apparent to me, from the written or oral evidence I read or heard, that consultation based on the description of development contained within the outline application was carried out before the application was submitted. For example at no time was the community clearly asked to respond to the question 'do you support a proposal for a development of up to 325 private and affordable dwelling units (Use Class C3); Community meeting and community health rooms (Use Class D1) with ancillary pub / café (Use class A4) and sales area (Use Class A1); new landscaping; public and private open space on the identified site?'
 22. Whilst the consultation and engagement approach carried out to accord with the BREEAM Communities sustainability framework principles of consultation and engagement must be welcomed and commended and will ensure a high score in this regard, it does not expressly confirm support for the resultant scheme or overall scale of development submitted. That is what the policies require. In my view the exercise that was undertaken, as comprehensive and commendable as it is, could not be described as one which demonstrated community support for the proposal, generated via a thorough, but proportionate, pre-application community consultation exercise, directed at a development of the scale proposed. Rather, it is a comprehensive engagement exercise required as part of the accreditation for BREEAM, to establish the needs, goals and desires of the community so that they could inform the masterplan for development. I therefore find conflict with Policies LP2 and LP4 in this regard.
 23. The appellant's Planning Witness made much of the intention to produce a Neighbourhood Plan. However the fact remains that no Neighbourhood Plan was progressed and so policies LP2 and LP4 cannot be met in this regard.
 24. Whilst the Parish Council clearly support the proposal, that in itself does not satisfy the requirements of Policy LP2. It is only in circumstances when, despite a thorough, but proportionate, pre-application consultation exercise, demonstrable evidence of support or objection cannot be determined that there will then be a requirement for support from the applicable Parish or Town Council. As it is considered that the exercise undertaken was not a thorough pre-consultation exercise relating to the proposal itself, it follows that this is not a proposal where support from the Parish Council would satisfy the requirements of Policy LP2.
 25. Whilst finding conflict with policies LP2 and LP4 for the reasons set out above, I am mindful that these policies were not adopted when the application was submitted or determined by the Council. I shall therefore return to this in considering whether other material considerations exist that should be balanced against such conflict with the development plan.
 26. The restrictions on the scale of development set out in Policy LP2 require sites to also be in appropriate locations. This is not repeated as being applicable to proposals where the necessary community support can be demonstrated for the purposes of assessing developments against Policy LP2. Appropriate

location is not therefore a consideration in relation to larger scale developments for the purposes of Policy LP2.

27. On this basis, the appellant argues that the sequential test set out in Policy LP4, that requires sites to be in appropriate locations, must also be of no relevance and not applicable when applying policy LP4. I do not agree. Policy LP2 indicates that it is Policy LP4 which not only establishes the level of growth for each village but any further policy requirements in respect of identifying whether a site would be suitable for development. The sequential test is a further policy requirement to be met by all proposals being put forward in Small Villages. There is certainly no expression in either policy to indicate that where there is community support, considerations of whether a location is appropriate or not are of no relevance. I see no inconsistency between the two policies.
28. Furthermore, the policy text in Policy LP4 does not include the word "or" to offer a choice of options that can be met. A straight-forward reading of Policy LP4 would therefore suggest that all aspects of it should be met, including the sequential test. This in turn requires all sites to be in appropriate locations. Supporting text in paragraph 3.4.13 also reiterates that development in villages should follow a sequential approach to growth, making no distinction between proposals with or without community support.
29. I accept the appellant's proposition that where community support has been demonstrated, the sequential test can be confined to Newton on Trent since it would be nonsense to accord with policies requiring community support simply to then go beyond the settlement to search for alternative sites.
30. However, in this case, where a departure from the limited scale and growth normally permitted in Small Villages is not justified through community support, a wider application of the sequential test would be appropriate; the proposal should then be regarded as a housing led scheme to meet the housing requirements of the CLLP area. As the sequential test is not met it is not strictly necessary to consider if the 'appropriate location' criteria linked to the sequential test are satisfied. Nevertheless, the extent of the departure from policy is very apparent when the size of the site is viewed on the site location plan relative to the existing village. The proposal is promoted as a village extension and given its scale, simply cannot be integrated and assimilated within the existing built form of the development in the same way as a development of say 4 dwellings. The masterplan indicates a continuation of the High Street into the appeal site aimed at reflecting and continuing the form of the existing village, although there is no continual flow of development from the existing to the new, resulting in some detachment. The westward projection into the countryside would be far greater than currently exists at the south of the village. It is difficult to reconcile how the core shape of the village can be retained when the extension would occupy a site area not dissimilar to the existing village. On balance, I consider there would also be further conflict with this element of Policy LP4.
31. Finally, in relation to Policy LP3, it was agreed that a proposal of 325 homes would provide over 7.2% of the housing proposed to come forward during the plan period in the 'elsewhere category'. The Council assert that this would be a significant departure from the spatial strategy and have clear implications for

the growth strategy set out in the CLLP, disproportionately skewing the level and distribution of growth in the 'elsewhere' category to Newton on Trent.

32. The proposal would indeed be a significant departure in the context of the scale and percentage growth considered to be sustainable in Newton on Trent in the context of the spatial strategy and settlement hierarchy, where there is no community support. However, in the context of Policy LP3, whilst provision of 7.2% of the housing expected to be delivered in the 'elsewhere' settlements in one location is not insignificant, the overall housing requirement figure of 36960 is not to be seen as a ceiling and the percentage distribution of that housing is defined as 'around' that percentage rather than a maximum figure. The percentage growth criteria in Policy LP4 is only concerned with the quantum of development in a particular village not a combination of all. Accordingly, if permitted, the development would not restrict appropriate growth in other settlements within the 'elsewhere' category. I find no conflict with Policy LP3.
33. To conclude on this first point, I find that the development would conflict with the spatial strategy and settlement hierarchy set out in policies LP2 and LP4, in that the requirement for demonstrable community support is not met nor the sequential test satisfied.

Proximity to services and facilities

34. As suggested on behalf of the appellant, the level of services and facilities available in a village would not be comparable to those in towns. Some greater reliance on the private car is therefore inevitable. That is clearly reflected in the overall strategy and settlement hierarchy.
35. Newton on Trent has only a limited amount of services and facilities which include a Post Office and small shop attached to it, an outdoor recreation area and a primary school. That is commensurate with its low ranking in the settlement hierarchy. Additional facilities as previously described are proposed and could be secured through suitably worded conditions and the section 106 agreement. At 1 March 2015, Newton on Trent contained 167 dwellings. The proposal could add a further 325 dwellings to the village. As a starting point, car ownership levels for new households are predicted to be in line with current levels in the village.
36. Where community support has been demonstrated for the scale of a development, consideration of the proximity of the site to services and facilities is somewhat academic irrespective of the lower settlement hierarchy ranking of Small Villages, as clear policy support exists in any event. Nevertheless, that is not the case here.
37. Various measures are proposed by the appellant to reduce transport carbon emissions. These include the provision of new bus stops and contributions to improve bus services, Travel Plans, provision of new footpaths and cycleway routes including a link to Laughterton, provision of broadband to encourage home working together with the availability of rentable business space. Such measures that seek to reduce pollution associated with car use and provide alternatives to car ownership are of course to be welcomed in the design of developments generally and help secure BREEAM accreditation. Public transport services link the village with Gainsborough and Lincoln. In addition

there is a school bus to Tuxford Academy and a CallConnect service operates in the area.

38. However, the proposed village extension would accommodate almost double the number of dwellings of the existing village. Even assuming the success of measures to reduce the average number of car trips made, the development would still significantly increase the number of households and in turn, the number of car journeys overall to and from the village. Any reduction in the reliance on the private car achieved for existing residents would be more than offset by the overall increase in car travel resulting from the new development. The BREEAM accreditation is concerned with the measures included within a scheme to reduce carbon emissions relative to that development. It does not seek to compare and contrast whether the same development, if located closer to urban areas and settlements with a good range of employment, services and facilities easily accessible by means other than the private car would enable a larger number of people to access jobs locally, in accordance with the objectives of policy LP2. It was accepted that it is not a site selection tool³.
39. Furthermore, the appellant has provided evidence which concludes that there is little demand for affordable rented, social rented and intermediate affordable housing. It is notable that both the local planning authority and registered provider do not regard the village as an appropriate location for investment in social rented housing, at least in part due to its poor accessibility.
40. To conclude on the first issue, the proposed development is clearly contrary to policies LP2 and LP4 of the CLLP that underpin the overall spatial strategy and settlement hierarchy for the Central Lincolnshire area. It would not be a sustainable form of development having regard in particular to the spatial strategy and settlement hierarchy set out in the CLLP and the location of the site and its proximity to services and facilities.

Flood risk

41. In Newton on Trent flood risk is identified as a strategic constraint to growth in the village. The site is situated in an area identified as Flood Risk 2 and 3. The NPPF explains that when determining planning applications, local planning authorities should ensure flood risk is not increased elsewhere and only consider development appropriate in areas at risk of flooding where, informed by a site-specific flood risk assessment following the Sequential Test, and if required the Exception Test, it can be demonstrated that:
 - within the site, the most vulnerable development is located in areas of lowest flood risk unless there are overriding reasons to prefer a different location; and
 - development is appropriately flood resilient and resistant, including safe access and escape routes where required, and that any residual risk can be safely managed, including by emergency planning; and it gives priority to the use of sustainable drainage systems.
42. Policy LP14 contains a number of criteria that proposals should satisfy. It is common ground that a satisfactory flood risk assessment has been carried out which demonstrates that subject to mitigation measures, that there will be no unacceptable increased risk of flooding to the development site or existing

³ Kate Hiseman in cross-examination

- properties. These mitigation works involve raising the ground levels across the site. To achieve this, a substantial volume of material will need to be imported to the site. The measures proposed would lessen the risk of flooding to the whole village.
43. Paragraph 101 of the NPPF states that the aim of the Sequential Test is to steer new development to areas with the lowest probability of flooding. Development should not be permitted if there are reasonably available sites appropriate for the proposed development in areas with a lower probability of flooding. A sequential approach should be used in areas known to be at risk from any form of flooding. The Planning Practice Guidance advises that the aim is to steer new development to Flood Zone 1 (areas with a low probability).
44. The area to apply the sequential test across will be defined by local circumstances relating to the catchment area for the type of development proposed. The appellant argues that as this is a development serving the needs of Newton on Trent, it is wholly appropriate that the sequential test should be confined to Newton on Trent.
45. Part of the rationale for the appellant's assessment on the catchment area is that a search for sites in a Neighbourhood Plan would clearly only consider sequentially preferable sites within the plan area. As clear community support for a development or support for a site in a Neighbourhood Plan both have the same outcome in allowing a greater level of growth than would normally be permitted in a Small Village, the appellant argues the same principle must apply. The development cannot provide the community benefits if located elsewhere.
46. As a matter of fact, the appeal site is not a site promoted through a Neighbourhood Plan. It is not a development that I have found to benefit from demonstrable community support and so the scale of the development is a significant departure from the development plan. It is not a settlement relied upon to contribute to the supply of housing in Central Lincolnshire⁴. Accordingly, it is not considered that the catchment area for the application of the sequential test is one that should be confined to Newton on Trent. The catchment area for the proposal in these circumstances would be wider and most probably be the area defined by the CLLP.
47. On the basis of a wider catchment area, the sequential test is not satisfied. There are allocated sites available elsewhere that have already satisfied a sequential test through the local plan process. To conclude on this issue the development would conflict with both national policy and Policy LP14 in that the sequential test is not satisfied. It is not therefore necessary to consider whether the exceptions test is met.

Other Matters

48. The proposal will provide a mix of housing types including retirement bungalows and smaller family houses in accordance with Policy LP10. Policy LP11 requires a 20% affordable housing contribution. There is agreement

⁴ The location of the site can be distinguished from that referred to in appeal decision reference APP/R3650/W/15/3129019 within which it was accepted that the current policy was out of date; that greenfield sites around Cranleigh were likely to be released to meet future housing needs; and, Cranleigh was identified as a location for housing growth and one of four largest settlements in the Borough requiring homes in the emerging plan.

between the parties that the viability of the scheme is not a barrier to this being met. The existing primary school cannot accommodate the likely need for school places that would be generated if the development were to proceed. However the appellant has tailored solutions to extend the school which could be secured. It is not considered these are matters that would justify planning permission being withheld.

Other Considerations

49. The policies, by virtue of the definition of 'demonstration of clear community support', require such support to be demonstrated at planning application stage. However the CLLP was not adopted at the point that the application was submitted. It was not therefore a requirement of an adopted plan at that time. Nevertheless, a considerable amount of engagement and consultation has been carried out to ensure any development incorporates features identified as being of priority and needed, that would be welcomed by the community. This is a consideration weighing in favour of the development that I afford great weight. So too is the support of the Parish Council.
50. The appellant owns the land and is a main employer in the village. The site owners live in the village and are part of the community. It is their intention to manage some of the facilities. It is notable that a development of the scale proposed has generated only minimal objection. However, in terms of understanding the level of support, the lack of objection by a person or household living in the community, does not necessarily equate to an indication that they are in favour of the development; rather it might indicate a neutral or indifferent view whether it goes ahead or not. In the context of a policy requiring a 'demonstration of clear community support', insufficient evidence is before me, even at appeal stage, to determine that clear community support exists.
51. The appellant's Planning Witness suggested that for the purposes of the policies the requirements could be applied as if a Neighbourhood Plan were in place and that the consultation responses could be compared to a referendum. However the fact remains that no Neighbourhood Plan was progressed, and none is currently emerging. It would be wrong to presume with any certainty that had such a plan progressed, that it would have included this particular site for development. Such an approach would simply not reflect the requirements of the relevant policies and undermine the examination process a Neighbourhood Plan is subjected to. It is an argument to which I give no weight.
52. The appellant argues exemplary sustainability credentials of the appeal proposal, derived primarily from BREEAM accreditation and that the Government's own assessment criteria for the designation of Garden Villages in the UK are exceeded. From a design perspective, the commitment of the appellant to such highly sustainable building methods and community-led design are extremely commendable and to be welcomed in any proposal. This is a material consideration to be afforded significant weight in the planning balance.
53. The appellant explains that the ethos of the development is to make the village more resilient to some of the common issues found in rural villages, namely a decline in village infrastructure and an exodus of young adults and the elderly. It was suggested, on behalf of the appellants, that the policies could never deliver strong, sustainable, cohesive and inclusive communities because 10%

growth is simply not enough. However the spatial strategy was considered as part of the CLLP, having regard to the NPPF, and included consideration of the appropriate level of growth in villages having regard to such common issues. The development plan allows considerable flexibility but only in circumstances where the requirement to demonstrate community support is satisfied. The CLLP is up-to-date and I find no reason to give weight to an alternative strategy or to re-visit the distribution of housing in relation to the Torksey Ward. To do so would undermine the CLLP.

54. The proposal would result in less risk of flooding to the village as a whole, a consideration that carries great weight.

Balancing exercise

55. The proposed development represents a significant departure from the scale of development that will generally be supported in Small Villages. To allow the scale of development proposed, where clear community support has not been demonstrated, would clearly conflict with and undermine the overall strategy for the distribution and scale of development within the settlement hierarchy set out in the CLLP. The proposed development does not accord with the development plan overall.
56. On the other hand, the engagement and consultation with the local community, the layout and design principles to gain BREEAM Communities Accreditation and improvements to reduce the risk of flooding in the village all weigh in favour of the development. However, these considerations are not of such cumulative weight, when balanced against the conflict with the development plan, to indicate that planning permission should nevertheless be granted.

Overall Conclusion

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

Claire Sherratt

Inspector

APPEARANCES

FOR THE LOCAL PLANNING AUTHORITY:

Stephanie Hall of Counsel	Instructed by Solicitor for West Lindsey District Council
She called George Backovic BA(Hons)BTP MRTPI	Principal Development Manager for West Lindsey District Council

FOR THE APPELLANT:

D E Manley QC	Instructed by Neil Boughey, Director of Acorn Planning
He called: Mr Pilgrim	Clerk to Newton on Trent Parish Council
Kate Hiseman	BREEAM License Assessor
Joanna Posnett BA (Hons) MCIHT	Principal Transport Planner for BSP Consulting
Chris Broughton	Director of arc ⁴
Neil Boughey BA(Hons) LLB Laws DipTP MRTPI	Director of Acorn Planning Ltd

INTERESTED PERSONS:

Mr Maddison	Local resident
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DOCUMENTS RECEIVED AT / AFTER THE INQUIRY

- 1 Addition to Core Document 4.4 (Planning Practice Guidance extract).
- 2 Errata sheet to proof of Mr Backovic.
- 3 Opening submissions for the local planning authority.
- 4 Draft Planning Obligation by way of Unilateral Undertaking.
- 5 Draft Planning Obligation by way of section 106 agreement.
- 6 Schedule of Suggested Conditions.
- 7 Plan showing neighbour notification of planning application.
- 8 Closing submissions on behalf of local planning authority.
- 9 Closing submissions on behalf of appellant.
- 10 Completed Unilateral Undertaking.
- 11 Completed Section 106 agreement.



Appeal Decision

Site visit made on 5 February 2018

by Michael Moffoot DipTP MRTPI DipMgt

an Inspector appointed by the Secretary of State

Decision date: 15th February 2018

Appeal Ref: APP/N2535/W/17/3183874

Greensand House, 14 Front Street, Tealby, Market Rasen LN8 3XU

- 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 Chapman against the decision of West Lindsey District Council.
 - The application Ref: 136230, dated 14 May 2017, was refused by notice dated 11 August 2017.
 - The development proposed is described as 'new dwelling within residential rear garden to 14 Front Street along with proposed off street car parking spaces for 14 Front Street'.
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Decision

1. The appeal is dismissed.

Application for Costs

2. An application for costs was made by Mr & Mrs Chapman against West Lindsey District Council. This application is the subject of a separate Decision.

Preliminary Matter

3. The appeal papers include a revised plan (Drawing No 03 Rev B) which re-sites the proposed dwelling and omits the proposed parking spaces for No 14 Front Street. These are not significant amendments and the Council and others have had the opportunity to comment. I do not consider that any party would be prejudiced by my determining the appeal on the basis of the amended plan.

Main Issues

4. The main issues in this case are:
 - (i) whether the proposed development would preserve or enhance the character or appearance of the Tealby Conservation Area and, in relation to listed buildings, the effect on their setting; and
 - (ii) the effect of the proposal on the living conditions of occupiers of properties on Church Lane with reference to noise and disturbance.

Reasons

Effect on the character and appearance of the area

5. The appeal site lies within the extensive Tealby Conservation Area and comprises a sizeable parcel of open land containing a number of small fruit trees. Mature deciduous trees adjoin the western boundary adjacent to a

- public footpath connecting Church Lane to Rasen Road. Residential development lies to the south of the site and a substantial area of open land borders the northern and eastern boundaries.
6. The proposal involves the erection of a relatively large, two-storey dwelling with a single-storey rear wing. The building would be set in the middle of the site on an east-west axis with its principal elevation facing north, and would be constructed of limestone with brick detailing under a reclaimed clay pantile roof. A tree in the south-west corner of the site would be felled and the bank excavated to form a vehicular and pedestrian access to Church Lane. Some other trees within the site would also be removed to accommodate the development.
 7. The *Tealby Conservation Area Appraisal* notes that the village owes much of its charm to its natural setting, the informal nature of its street pattern, the overall looseness of its development, the commanding position of All Saints' Church ("the main focal point in the village") and the largely unspoiled character of the older parts of the settlement. I recognised all of these qualities during my site visit.
 8. Front Street is one of the village's oldest thoroughfares. Here, development to the south of the appeal site and on the east side of Church Lane is characterised by tight-knit, linear 18th and 19th century housing. It includes traditional terraced cottages and larger detached dwellings with a visual richness in the individual facades that contributes significantly to the intimate quality of the winding street scene here. More recent residential development is apparent on the west side of Church Lane, with mainly single-storey, detached properties on generous, well landscaped plots. The open rising land to the north and north-east of the site towards Rasen Road is in marked contrast to this distinctive pattern and historic grain of built development, and as such makes an important contribution to the character and appearance of the Conservation Area.
 9. Paragraph 132 of the *National Planning Policy Framework* ('the Framework') confirms that when considering the impact of a proposed development on the significance of a designated heritage asset (such as a conservation area or listed building), great weight should be given to the asset's conservation. The more important the asset, the greater the weight should be. Significance can be harmed or lost through alteration or destruction of the heritage asset or development within its setting.
 10. The proposed dwelling would be a significant and conspicuous addition to the Conservation Area. Its scale, form and massing would be distinctly at odds with the linear pattern of development to the south, and it would not be visually associated within the more loose-knit housing to the west of the lane. The development would be visible from local vantage points on Church Lane and Front Street, and in more distant views from Rasen Road and the churchyard. From these locations the dwelling would be perceived as an encroachment into the extensive open land to the north and east of the site, notwithstanding that during summer months views would be filtered to some extent by vegetation. In addition, the sloping site is elevated above Church Lane and the public footpath, and the removal of banking, a tree and vegetation to form the access would increase the prominence and visual impact of the development to the

detriment of the street scene. The landscaping volunteered by the appellant would not overcome these concerns.

11. As a result, the appeal proposal would be wholly out of keeping with the prevailing pattern of development and harmful to the character and appearance of the Conservation Area.
12. Section 66(1) of the Act¹ requires that special regard be paid to the desirability of preserving a listed building, its features and setting. The imposing Grade I listed All Saints' Church is constructed of coursed ironstone under a slate roof and dates from the 11th century with later alterations and additions. It occupies prominent, elevated land to the north-east of the appeal site and dominates the village. Its commanding setting is greatly enhanced by the open land to the south, which would be unacceptably compromised by the encroachment of the appeal proposal into this area when viewed from Church Lane and, in panoramic views, from Rasen Road.
13. The Grade II listed Tealby Primary School lies to the east of the site on Front Street. It is a most attractive Victorian building constructed of ironstone with a grey tiled roof, and despite some rather inappropriate modern additions makes a positive contribution to the Conservation Area. The proposal would be observed within the context of the school from elevated viewpoints on Rasen Road and, to a lesser degree, from Front Street. As in the case of the church, the encroachment of the proposal in to the adjacent open land would undermine the setting of this listed building. I do not, however, consider that the proposal would compromise the setting of the Grade II listed, mid-terrace Primrose Cottage on Front Street.
14. The Council also submits that the proposal would be harmful to the Lincolnshire Wolds Area of Outstanding Natural Beauty (AONB). The Framework advises that great weight should be given to conserving the landscape and scenic beauty of such designated areas, and affords them the highest status of protection in relation to these qualities. The appeal proposal would conflict with these objectives and adds weight to my concerns regarding the impact of the proposal on the area.
15. Paragraph 134 of the Framework states that where a development would lead to less than substantial harm to the significance of a designated heritage asset, this harm should be weighed against the public benefits of the proposal. In this case the development would make a very modest addition to housing provision and may involve some small contribution to the local economy as public benefits. However, whilst the harm to the significance of the Conservation Area would be less than substantial, the public benefits are not sufficient to outweigh that harm.
16. For these reasons, I conclude on the first issue that the proposal would fail to preserve or enhance the character and appearance of the Conservation Area, would harm the setting of those listed buildings I have referred to and would be harmful to the landscape and scenic beauty of the AONB. As such, it would conflict with Policies LP17, LP25 and LP26 of the *Central Lincolnshire Local Plan* (2017) which, amongst other things, seek to preserve and enhance features that contribute positively to the character and appearance of Conservation

¹ Planning (Listed Buildings and Conservation Areas) Act 1990

Areas, preserve the setting of listed buildings and enhance local distinctiveness and the intrinsic value of the AONB.

Effect on residents' living conditions

17. Amongst other matters, Policy LP26 of the Local Plan requires that development does not unduly harm the amenities of neighbouring occupants and requires proposals to take into account the impact of adverse noise.
18. Church Lane is a narrow, single-track highway that serves a number of dwellings. In addition to the occupants' vehicles, the development would attract visitor and delivery traffic which would pass in close proximity to dwellings on the lane, and particularly those on the east side which abut the highway. Whilst the coming and going of additional vehicles may be apparent to existing residents on occasion, the numbers involved would not be significant and would not be unduly intrusive in terms of noise. In this respect I note that the Council's Environmental Health Officer raised no objections to the proposal.
19. Concerns regarding disruption from construction traffic are noted, but it is normally a short-term inconvenience to be expected when building operations are taking place and does not weigh against the proposal.
20. The development would not therefore materially harm residents' living conditions and there would be no conflict with Local Plan Policy LP26.

Other Matters

21. The fourth reason for refusal refers to inadequacy of information regarding disposal of surface water and foul drainage from the proposed development. The appeal papers include Drawing No 04 Rev A which details provision of a soakaway and bio-treatment plant. The Council has not commented on these measures. However, I see no reason why such matters could not be controlled by planning condition were the appeal to succeed, and I therefore find no conflict with Policy LP14 of the Local Plan.
22. Concerns have also been raised regarding the implications of the proposal for highway and pedestrian safety on Church Lane. However, the Highways Officer has no objections in principle to the proposal and there is no technical evidence before me to show that the safety of users of the lane would be compromised by the development.

Conclusion

23. I have found no harm to residents' living conditions a result of the proposal and am satisfied that drainage concerns could be resolved by condition. However, the determining issue in this case is the harm to the character and appearance of the Conservation Area and the setting of listed buildings and the adverse impact on the AONB, in conflict with the development plan.
24. For the reasons set out above, I conclude that the proposal is unacceptable and the appeal should fail.

Michael Moffoot

Inspector



Costs Decision

Site visit made on 5 February 2018

by **Michael Moffoot DipTP MRTPI DipMgt**

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

Decision date: 15th February 2018

Costs application in relation to Appeal Ref: APP/N2535/W/17/3183874 Greensand House, 14 Front Street, Tealby, Market Rasen LN8 3XU

- The application is made under the Town and Country Planning Act 1990, sections 78, 322 and Schedule 6, and the Local Government Act 1972, section 250(5).
 - The application is made by Mr & Mrs Chapman for an award of costs against West Lindsey District Council.
 - The appeal was against the refusal of planning permission for 'new dwelling within residential rear garden to 14 Front Street along with proposed off street car parking spaces for 14 Front Street'.
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Decision

1. The application for an award of costs is refused.

Reasons

2. The *Planning Practice Guidance* (PPG) advises that, irrespective of the outcome of the appeal, costs may be awarded against a party who has behaved unreasonably and thereby caused the party applying for costs to incur unnecessary or wasted expense in the appeal process.
3. In essence, the basis of the costs claim relates to the alleged failure by the Council to co-operate during the processing of the planning application and delay in determining it.
4. The PPG advises that local planning authorities are required to behave reasonably in relation to procedural matters at an appeal, for example by complying with the requirements and deadlines of the process. Examples of unreasonable behaviour which may result in an award of costs include lack of co-operation with the other party or parties and delay in providing information or other failure to adhere to deadlines.
5. According to the appeal papers the application was registered by the Council on 19 May 2017 with a statutory target date for a decision of 14 July. The PPG advises that if it is clear that the local planning authority will fail to determine an application within the time limits it should give the applicant a proper explanation. The Council requested extension of the statutory time period on two occasions, citing workload volume as the reason. In turn, the applicants requested an extension of time to consider the comments of the Council's Conservation and Tree Officers regarding the proposal, although it appears that this was not confirmed by the Authority. It is also clear that there was other contact and dialogue between the Case Officer and the applicants' agent during the processing of the application.

6. This culminated in the Case Officer indicating to the agent that the proposal could not be supported for reasons including harm to the Conservation Area and the setting of listed buildings, loss of neighbouring residents' amenity and inadequate drainage details. These concerns had previously been conveyed by the Council in its informal response to the applicants' pre-application enquiry regarding the proposed development.
7. The application was refused on 11 August; some four weeks after the expiry of the statutory deadline for a decision. However, on the basis of the evidence before me there appears to have been reasonable communication between the parties during the processing of the application. Extensions to time were requested by the Council, although it is not clear whether these were formally agreed to by the applicants. Nevertheless, in the event that an applicant is unwilling to agree an extension of time it is open to them to appeal on the basis of non-determination. This option was not exercised by the applicants in this case. They were also given the opportunity to withdraw the application and resubmit if they wished to try and overcome the Council's concerns regarding the proposal, but they opted for the application to be determined as submitted.
8. It seems to me that the Council had legitimate concerns regarding the proposal, including its visual impact on the Conservation Area and listed buildings, and conveyed these concerns to the applicants' agent both before and during the life of the application. Given the sensitive location of the site and the implications of the proposal for the visual amenity of the area the proposal required careful consideration by the Council, including an assessment by its Conservation and Tree Officers and responses from other consultees. In doing so the decision was delayed by a few weeks, but this does not amount to unreasonable behaviour by the Council in the circumstances I have described.
9. I therefore find that unreasonable behaviour resulting in unnecessary or wasted expense, as described in the PPG, has not been demonstrated and the application for an award of costs fails.

Michael Moffoot

Inspector

Appeal Decision

Site visit made on 5 February 2018

by Michael Moffoot DipTP MRTPI DipMgt MCMI

an Inspector appointed by the Secretary of State

Decision date: 21st February 2018

Appeal Ref: APP/N2535/W/17/3188804

154A Trinity Street, Gainsborough DN21 1JN

- 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 A Wallace against the decision of West Lindsey District Council.
 - The application Ref: 135943, dated 9 March 2017, was refused by notice dated 23 May 2017.
 - The development proposed is demolition of previously converted outbuildings and erect two semi-detached duplex apartments.
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Decision

1. The appeal is dismissed.

Main Issues

2. The main issues in this case are:
 - (i) the implications of the proposal for flood risk having regard to the location of the site within Flood Zone 3 and national guidance for the prevention of flooding; and
 - (ii) the effect of the proposed development on the living conditions of the occupiers of Nos 150 and 152 Trinity Street, with particular reference to daylight and sunlight, outlook and privacy.

Reasons

Flood risk

3. The appeal site includes part of a small, open rear yard and a range of single-storey outbuildings used for storage and preparation purposes in connection with the adjacent fish and chip shop. The buildings would be replaced by a pair of two-storey duplex apartments, each comprising a lounge, kitchen and WC on the ground floor and bedroom and bathroom facilities at first floor level. There would be small communal amenity area to the rear of the building accessed via an alley off Portland Terrace.
4. The *National Planning Policy Framework* (the Framework) sets out strict tests to protect people and property from flooding, and advises that where these tests are not met new development should not be allowed. Paragraph 101 requires that a sequential approach should be applied in areas known to be at risk from any form of flooding. It states that the aim of a Sequential Test (ST) is to steer new development to areas with the lowest probability of flooding,

and development should not be permitted if there are reasonably available sites appropriate for the proposed development in areas with a lower probability of flooding. The steps to be followed are set out in detail in the *Planning Practice Guidance* (the PPG).

5. The appeal site is within Flood Zone 3 which benefits from flood defences, with a 1% chance of a river flood each year. The appellant's Flood Risk Assessment (FRA) states that as the development aims to convert existing buildings a ST is not appropriate. However, the proposal involves demolition of the existing buildings and new build on the site and a ST is therefore necessary, as noted in the Environment Agency's (EA) consultation response to the planning application. Although the appellant has acknowledged this omission an appropriate ST has not been provided. The Council advises that there are significant areas in Gainsborough to the east of the appeal site which are in Flood Zone 1 ('low probability of flooding') and could accommodate the proposed development. The appellant does not challenge this assertion.
6. As the proposal does not include a ST it does not therefore accord with guidance in the Framework relating to the proper approach to be employed in considering such development. It also conflicts with Policy LP14 of the *Central Lincolnshire Local Plan* (2017) which states that in order to manage flood risk all development proposals will be considered against the Framework, including application of the ST and, if necessary, the Exception Test.
7. The EA advises that the FRA does not comply with the requirements for a site-specific flood risk assessment in PPG¹ and in particular fails to propose appropriate measures, including finished floor levels, or adequately consider how people will be kept safe from identified flood hazards. It also notes that the proposal includes living accommodation below the level of the modelled breach flood at this location, and in such a breach scenario the ground floor would be flooded to a substantial depth ('danger for all'). In addition, an evacuation plan is required to provide a safe route of exit in the event of a flood.
8. A revised FRA to address these matters has not been provided. However, the appellant submits that to overcome such a breach scenario the ground floor level of the proposed development would be 1.3m above the adjacent ground level. It is argued this would be harmful to the street scene as would using the ground floor for garaging as the EA suggests. This may be the case, but it suggests to me that living accommodation at ground floor level should not form part of the appeal proposal, notwithstanding the flood resilience measures suggested by the appellant. The first floor of the development would provide satisfactory refuge for occupiers of the apartments in the event of a breach of the flood defences and inundation of the building. However, provision of living accommodation at ground floor level would place the occupiers at undue risk in such circumstances. Furthermore, the proposal is not supported by an evacuation plan.
9. I also recognise that, as a major settlement within the District, Gainsborough fulfils the majority of the sustainability credentials for new housing development in the Local Plan. However, in the absence of compelling evidence to overcome legitimate concerns regarding flood risk the proposal fails to fulfil the environmental dimension of sustainable development set out in the Framework.

¹ ID: 7-030-20140306

10. For these reasons, I conclude that the proposal would be unacceptable in flood risk terms, contrary to the guidance in paragraph 103 of the Framework. It would conflict with Policy LP14 of the *Central Lincolnshire Local Plan (2017)* which, amongst other things, requires that development proposals do not give rise to unacceptable increased risk of flooding to the site and will be safe during the lifetime of the development.

Living conditions

11. In relation to amenity, Policy LP26 of the Local Plan includes a requirement for development proposals to demonstrate how they have considered matters of overshadowing, loss of light and overlooking. Outlook is not included in the policy, and I shall assess this aspect of the proposal on its planning merits.
12. The rear elevation of No 152 Trinity Street includes windows to a bathroom and bedroom at first floor level. The adjoining property at No 150 has two ground floor windows which appear to serve a kitchen and living room and a window on the first floor which looks to serve a bedroom.
13. There is a single-storey lean-to roofed extension and a two-storey mono-pitch roofed wing to the rear of Nos 152 and 154A respectively. The appeal proposal would add to the bulk of built development in close proximity to the bedroom window in No 152. As a result, the daylight and sunlight reaching the room would be further curtailed and the sense of enclosure for those using the room would be increased. The outlook from the first floor window in the rear of No 150 would also be compromised and the daylight and sunlight to the ground and first floor rooms would be diminished.
14. Whilst not an issue for the Council, the occupier of No 150 has additional concerns regarding the impact of the proposal on her privacy. However, the first floor bathroom windows in the rear of the proposed building would be obscure glazed. Suitable screen fencing or walling on the northern boundary of the appeal site would prevent overlooking of No 150 and could be required by condition were the appeal to succeed. As such, the neighbour's privacy would not be harmed by the proposal.
15. I therefore conclude that the proposed development would unacceptably harm the living conditions of the occupiers of Nos 150 and 152 Trinity Street in respect of daylight, sunlight and outlook, contrary to Policy LP26 of the Local Plan.

Other Matters

16. In coming to my findings in relation to flood risk, I acknowledge the residential conversion schemes permitted within Flood Zone 3 within the town. In the case of the Bacon Street development, the modest 0.2m breach level for the ground floor living accommodation was considered an acceptable risk by the Council and EA in conjunction with the flood resilience measures proposed. The Trinity Street scheme involved self-contained first floor flats, and the communal rooms on the ground floor were deemed acceptable as it was unlikely they would be used for sleeping accommodation. I see no reason to disagree with the approach taken by the Council and EA to these schemes, and they are therefore of limited relevance to the appeal proposal.

17. The appellant submits that the proposed development would help to sustain his adjacent fish and chip shop and fund improvements to the building. However, no details of measures to achieve these objectives are provided.
18. Reference is made to the three dimensions of sustainable development set out in the Framework. The proposal would provide short-term employment opportunities during the construction phase, make a modest contribution to housing choice in the District and the occupiers would support local services and facilities. It involves the use of previously developed land, would improve the street scene and the site enjoys good access to public transport services. However, these factors do not outweigh the flood risk and harm to neighbours' living conditions upon which my decision turns.

Conclusion

19. For the reasons set out above, I conclude that the proposal is unacceptable and the appeal should fail.

Michael Moffoot

Inspector