

**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, 30th May, 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

- a)** Meeting of the Planning Committee held on 2 May 2018 (PAGES 3 - 12)
- b)** Meeting of the Planning Committee held on 14 May 2018 (at the conclusion of Annual Council) (PAGES 13 - 14)

4. **Declarations of Interest**

Members may make any declarations of interest at this point but may also make them at any time during the course of the meeting.

5. **Update on Government/Local Changes in Planning Policy**

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

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

6. **Planning Applications for Determination**

- | | | |
|-----------|--|-----------------|
| a) | 137531 - 40 Lodge Lane, Nettleham | (PAGES 15 - 34) |
| b) | 137697 - Ivy Lodge, Messingham Road, Scotter | (PAGES 35 - 42) |
| c) | 136604 - Brigg Road, Caistor | (PAGES 43 - 83) |
| d) | 137532 - Church Lane, Saxilby | (PAGES 84 - 96) |

7. **Determination of Appeals** (PAGES 97 - 105)

- 13688 – Land off Manor Lane, Aisthorpe
- 136292 – Land adjacent to Corner House Farm, Main Road, Linwood, Market Rasen

Mark Sturgess
Head of Paid Service
The Guildhall
Gainsborough

Monday, 21 May 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 2 May 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 Roger Patterson
Councillor Mrs Judy Rainsforth
Councillor Thomas Smith
Councillor Robert Waller

In Attendance:

Cllr Mrs Jackie Brockway
Cllr Lewis Strange
Cllr Jeff Summers
Oliver Fytche-Taylor
Ian Elliott
Rachel Woollass
Martha Rees
James Welbourn

Planning & Development Manager
Senior Development Management Officer
Interim Planning Officer
Lincolnshire Legal
Democratic and Civic Officer

Apologies: None.

Also present: There were 10 Members of the public

78 PUBLIC PARTICIPATION PERIOD

There was no public participation.

79 TO APPROVE THE MINUTES OF THE PREVIOUS MEETING

Councillor David Cotton outlined to committee that the draft minute for item 76c from the meeting on 4 April referred to a 'stream', when in fact it should have been a 'spring'.

Subject to this amendment, the draft minutes from the meeting held on 4 April were

approved.

80 DECLARATIONS OF INTEREST

Councillor G. McNeill declared that he knew an objector to application number 137326 (Main Street, Burton).

Councillor Roger Patterson had spoken to residents about application 137374 (Sussex Gardens, Scampton), and would step down from the Planning Committee during item and speak as the Ward Member.

81 UPDATE ON GOVERNMENT/LOCAL CHANGES IN PLANNING POLICY

There was no update for this Committee.

82 137326 - LAND EAST OF HILLSIDE COTTAGES, MAIN STREET, BURTON LN1 2RD

The Senior Development Management Officer introduced planning application number 137326 – Land East of Hillside Cottages Main Street Burton Lincoln LN1 2RD. This was a planning application to erect a single cottage, together with part conversion and extension of an existing garage block to form ancillary annexe with access and landscaping (a resubmission of application number 136100).

The Senior Development Management Officer reminded Committee that policy LP22 of the Central Lincolnshire Local Plan (CLLP) for green wedges applied; the green wedge ran from Lincoln to the South Carlton area. However, the site was within the development footprint, was not in a wide open area, and did not join two settlements together.

The first speaker on this item was Councillor Sue North of Burton by Lincoln Parish Council. The parish council's views are highlighted below:

- The site had construction materials from Essex House, and trees and shrubbery from one of the nearby Hillside Cottages dumped onto the land;
- Formerly, the land had been used as allotments, with the garages on the site being used to allow the occupants of the cottages to park their cars away from the carriageway;
- There was a water channel at the back of 1 Hillside Cottage, which took the water from one of the many natural springs that ran through the site;
- People who used to work the land on the allotments notified the parish council that there were many Victorian pipes that ran underneath the site that had to be worked around whilst planting;
- There was concern from the parish council that major construction may divert ancient water courses and could have detrimental consequences on the Hillside Cottages;
- The sewerage pipes for the three stone cottages on Middle Street also run through

the proposed site, connecting to the sewer in Essex House;

- The artist's impression of the wall surrounding the site was misleading, and makes the stone walls appear higher than they actually are;
- The style of the building was not in keeping with neighbouring properties;
- The annexe was close to the boundary wall of Main Street, and will have a significant impact on the scenery in that part of the conservation area;
- The scheme would have a detrimental effect to the streetscene in the area; the Hillside Cottages are referred to in the Burton Conservation Plan as being of significant importance;
- The proposed development was in the key part of the conservation area; in the parish council's view, the views of Hillside Cottage would be detrimentally affected, contrary to LP25 of the CLLP. In addition, the prominent location of the site in relation to the neighbouring properties would breach LP26 of the CLLP;
- Previous comments on this application still stand, and for the reasons stated above the parish council would not support this application.

The second speaker was James Lambert from JH Walter, the agent for the applicant. The views of the speaker are summarised below:

- The proposed site was a brownfield, infill site;
- Burton had been allocated growth, and the site sat at the top of Burton's local plan hierarchy for land release. It would contribute to being one of the 7 sites required for Burton's growth, without using any greenfield sites;
- The earth excavation on site would allow a modest cottage to be built with no adverse impact on the neighbouring cottages;
- The artist's impressions show that the cottage will blend into the existing street scene, and the annexe was of an appropriate size;
- Natural stone, lime mortar, and William Blyth natural clay tiles had been specified;
- The proposal was subject to a pre-application enquiry, and the applicants met with West Lindsey District Council's (WLDC) Conservation officer, and Planning Officer on site to ensure that the approach to the architecture, detailing, siting, orientation and outlook of the dwelling was appropriate;
- The annexe would be used completely in conjunction with the main house, and would not be sold or rented separately;
- WLDC had full control over alterations in the future.

The third speaker was Mr Richard Seabrook, objecting on behalf of the owners of 1 Hillside Cottage. Their views are summarised below:

- The spring had run underneath their cottage for at least the previous 60 years;
- The new driveway would undermine the privacy of the back garden of 1 Hillside Cottage;
- The comparison of the line of Essex House to the line of the new proposed developments was unfair, as Essex House was set back on a large estate surrounded by gardens;
- The workshop on the site had always been a dry building; if the water course underneath the proposed development were to change course this may not be the case in the future;
- The new building would loom over the back of the 5 Hillside Cottages;
- An extension of the retaining wall would cut into the copper beech trees retaining ring; this should be re-examined by tree and landscape officers before proceeding;
- One of the artist's impressions made the stone walls appear higher than they are to lessen the appearance of a safety problem to the existing outbuilding;
- The objections from the previous meeting on 4 April still stand, along with those made above.

Finally, Councillor Jackie Brockway, Ward Member for this proposed site spoke to the application, and her views are summarised below:

- Support was given to those objection made above, namely LP25 and LP26 of the CLLP;
- In addition, the loss of sunlight and privacy would be detrimental to neighbouring properties;
- No new evidence had come forward on the presence of springs at the proposed site;
- The garages did not have foundations for houses.

Following these speakers, the Senior Development Management Officer and the Planning and Development Manager replied to some of the concerns as follows:

- During the site visit, the spring appeared to run through the front section of the development; this area would be undergoing the least amount of work as the excavation was due to take place at the rear of the property. To date, there was no clear evidence as to where the spring were located on the site;
- The illustrative drawings were intended as a guide only; as they were illustrative, they

would not be exact;

- Landscaping would be conditional and would be agreed at a later date. This would involve the Tree and Landscaping Officer;
- The Conservation Officer had been heavily involved and had no objections to the design, siting, scale and massing of the dwellings.

Members of the Planning Committee then had the opportunity to provide additional comments and questions, which are highlighted below:

- The site visit was explanatory; the water flow was at the bottom of the hill, and there was no evidence that it flowed underneath the site;
- Burton was a sensitive conservation area, and any development would need to be done correctly, and would need to meet criteria that would enhance the village;
- A Trees Officer had been involved in the application, and there was a condition in the report to make sure measures were put in place during construction on the subject of trees.

It was then moved and seconded that the recommendation in the report to agree the application, subject to conditions, be overturned and on voting it was **AGREED** that the application be **REFUSED** for the following reasons:

1. The proposed development does not take account of its historic environment or how it sits and impacts of the Burton Conservation Area, particularly in terms of design and amenity. The site is located in an unsustainable location away from transport links and shops. The proposal is therefore contrary to local policies LP13, LP25 and LP26 of the Central Lincolnshire Local Plan and guidance within the National Planning Policy Framework.

83 137374 - 36 SUSSEX GARDENS, SCAMPTON LN1 2UL

The Planning and Development Manager introduced planning application number 137374 – 36 Sussex Gardens, Scampton LN1 2UL. This was a planning application for the erection of 2no. dwellings and car parking. He also read out a note on Scampton Village and Scampton Former RAF settlement growth levels, which had been included in the agenda pack.

It was confirmed that the position statement read out by the Planning and Development Manager would be taken to a future meeting of Prosperous Communities Committee for further discussion. The Planning and Development Manager and the Council's solicitor both confirmed that the existing policies set out in the adopted Local Plan provided a clear direction and sound policy basis for making a decision on this planning application, and advised that the Council was therefore required to determine the planning application expediently.

The only speaker on this application was Councillor Roger Patterson, Ward Member for Scampton, who stood down from his role on the Planning Committee for the duration of this application. The following points were made by Councillor Patterson:

- The RAF base at Scampton is current and still active. The roads and infrastructure around the site were jointly owned by the Ministry of Defence and two local residents' associations;
- Inset 1 of the Central Lincolnshire Local Plan showed Scampton, and RAF Scampton as one whole settlement. A historic footpath linked the two conurbations;
- There was a joint parish council for Scampton;
- The builders started digging out footings on the site without planning permission;
- Another application, not in keeping with the area that had been passed without coming to Planning Committee had undergone building work without having previous planning permission;
- There had been no direct consultation with residents; the only notice displayed in the area was around 100 metres away, and behind a tree;
- There was contamination on the land; however it was not clear what the type of contamination was, and what action had been taken;
- Scampton and RAF Scampton should be counted as one settlement until such time that the situation was reviewed, and adopted by Council;
- Under LP4, the application should be refused as Scampton had already met its full quota of development.

The Planning and Development Manager, the Planning Officer and the Chairman then replied to some of these points:

- The application for a home office would not normally come to Planning Committee unless there was a specific request for it to do so, which had not been forthcoming. There was an enforcement case underway;
- Officers follow policies set for them; the professional opinion of the officers was as set out in the report. It was unfortunate that this settlement was omitted from the local plan;
- The Chairman commented that the Central Lincolnshire Local Plan was adopted in 2017 and all parish councils were included at every stage of consultation prior to adoption. It had subsequently been adopted by the Central Lincolnshire Joint Strategic Planning Committee and was now the development plan in place for this area and was supported by all four partner authorities (WLDC, North Kesteven District Council, City of Lincoln Council and Lincolnshire County Council);
- Only the historic part of the village was shown as Scampton on the inset map as part of the CLLP. The two settlements were separate;
- Section 73a of The Town and Country Planning Act 1990 dealt with developments

that had been started, or carried out, before the date of the application.

Sub section 1 deals with developments that had been carried out:

- (a) Without planning permission;
- (b) In accordance with planning permission granted for a limited period;
- (c) Without complying with some conditions subject to which planning permission was granted.

Following further queries from Members, the following information was provided:

- The former RAF housing was not within the Area of Great Landscaped Value (AGLV). There may be footpaths that connect the two areas, but there was degrees of separation for the settlements;
- It cannot be said that the settlements are linked for planning considerations just because they had one parish council;
- This was a retrospective application, which would complete the end of a row of housing, similar to other rows on the site. The two additional dwellings were, taking into account all of the above, otherwise acceptable in planning terms;
- The car parking with the dwellings was separate land, which the applicant does not own.

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

84 135868 - LAND OFF CARR ROAD, NORTH KELSEY, MARKET RASEN LN7 6LG

The Planning Officer introduced planning application number 135868 – Land off Carr Road, North Kelsey, Market Rasen LN7 6LG. This was an outline planning application for residential development of up to 9 dwellings – all matters reserved.

There were no further updates from the Planning Officer.

Councillor Lewis Strange, Ward Member for Kelsey Wold, spoke to the application and made the following points:

- It was pleasing that the proposal had been restricted to 9 houses;
- The water run-off on the proposed site was a concern; it would be advantageous for the water authorities to commit to taking care of the run-off;
- This needed to be a development that West Lindsey was proud of.

In response to these comments, the Planning Officer informed Members of the following issues:

- The proposed development was policy compliant within a medium sized village;

- There was a condition suggested by Highways Lincolnshire to provide a linked footway from Carr Lane into the village of North Kelsey.

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

The Committee also requested that the application come back at the reserved matters stage.

85 137057 - BLEAK FARM, HIGH STREET, CHERRY WILLINGHAM LN3 4AH

Note: Councillor Ian Fleetwood declared an interest prior to the start of this item as it was within his ward as a County Councillor. He had not been actively involved with the Planning Committee on Cherry Willingham parish council, even though he was a Member. He had also not been lobbied.

The Senior Development Management Officer introduced planning application number 137057 – Bleak Farm, High Street, Cherry Willingham LN3 4AH – for the residential development of 5no. detached dwellings.

There had been a previous application (132418) – outline planning application for up to 13 dwellings with all matters reserved, and the conversion of a barn to a dwelling. This was granted with a legal agreement in August 2016. This application had been for the entire site; the application before Members here (137057) was just on part of the site.

Committee had had strong views on the previous application, and on the accompanying site visit. This was why the current application had been referred to Planning Committee.

As a further update to Committee, there was a slight mistake in the report. The Tree and Landscape Officer was listed as having an ‘objection’; this had been changed to ‘no objections subject to mitigation conditions’. This was due to moving plot 5 further away from a protected tree on site.

The parish council had submitted further comments on 1 May. These were:

- The heritage document did not address that the Neighbourhood Plan had Bleak Farm as a non-designated site;
- The style of the development was not appropriate for a central historical village location;
- The site demands a quality development appropriate to the location and heritage of the site.

The Neighbourhood Plan remained in draft form, and could only be afforded limited weight. Within the Plan, Bleak Farm was listed as a non-designated heritage asset, but the site as a whole was not.

The first speaker on this application was Cherry Willingham parish Councillor Paul Moore. The following points were highlighted:

- The parish council do not have an objection in principle with the development for residential purposes;
- The application failed to make appropriate use of the important site, and was a missed opportunity;
- The site's present condition was not as it should be. However, the present condition of the site was not a reason for this development to be granted;
- Paragraph 130 of the National Planning Policy Framework (NPPF) advised that "where there is evidence of deliberate neglect of, or damage to a heritage asset, the deteriorated state of the heritage asset should not be taken into account in any decision." The heritage assessment was inadequate and a more robust assessment should take place as advocated by WLDC's Conservation Officer;
- The development of the site would impact on nearby heritage buildings, in addition to Bleak Farmhouse and its former associated farm buildings. With appropriate development, these buildings could be enhanced and improved;
- The generic design and lack of appreciation of the historic context of the development was contrary to Policy LP25 of the CLLP;
- The submitted heritage statement does not satisfy paragraph 128 of the NPPF, as it does not refer to Bleak farmhouse as a non-designated heritage asset;
- Paragraph 58 of the NPPF required that the new development added to the overall quality of the area, over the short and long term. There was little short term benefit in just tidying up the site;

The final speaker, in support of the application, was Michael Orridge, agent for the applicant. He highlighted the following points:

- The site was located in the large village of Cherry Willingham as an infill location. The draft Neighbourhood Plan for Cherry Willingham acknowledged the need for large dwellings in the village;
- The proposed dwellings provide the amenities required by growing families, including en-suite bathrooms, open plan living arrangements, bedrooms for use as a home office, and room for extended family;
- The applicant was willing to construct the road frontage dwellings at plots 1 and 2 out of reclaimed brick;
- The proposal, due to its siting, scale, massing and design of the dwellings would preserve the setting of the nearby listed buildings and the non-designated heritage assets;
- The proposal was in line with the local planning policies LP25 and policy HE1 of the

draft Neighbourhood Plan;

- There was outline planning permission granted by WLDC Planning Committee previously; this development would be able to contribute to the site's longevity and allow families to enjoy the village setting.

Members then had the opportunity to provide comment on the application. These comments are highlighted below:

- This was the historic core of the village; there was a large heritage asset representing this core;
- Since the demolition, the site's appearance had declined;
- There was a contamination condition proposed – work must be stopped for remediation if contamination were to be found should the application be granted.

It was then moved and seconded that the recommendation in the report to agree the application, subject to conditions, be overturned and on voting it was **AGREED** that the application be **REFUSED** for the following reasons:

1. The proposed development will not protect the historic village centre of Cherry Willingham, its setting and its heritage assets including non-designated heritage assets through its detrimental layout and design. The proposal is therefore contrary to local policies LP25 and LP26 of the Central Lincolnshire Local Plan, guidance within the National Planning Policy Framework, particularly paragraph 58, 128, 132 and 133 and the statutory duty set out in section 66 of Planning (Listed Buildings and Conservation Areas) Act 1990.

86 DETERMINATION OF APPEALS

RESOLVED that the determination of appeals be noted.

The meeting concluded at 8.22 pm.

Chairman

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 14 May 2018 commencing at 8.14 pm.

Present: Councillor Mrs Pat Mewis (Chairman of Council - In the Chair)

Councillor Ian Fleetwood
Councillor Owen Bierley
Councillor Matthew Boles
Councillor David Cotton
Councillor Michael Devine
Councillor Steve England
Councillor Giles McNeill
Councillor Mrs Jessie Milne
Councillor Roger Patterson
Councillor Mrs Judy Rainsforth
Councillor Thomas Smith
Councillor Robert Waller

In Attendance:
Alan Robinson Strategic Lead Governance and People/Monitoring Officer
Katie Coughlan Senior Democratic & Civic Officer

Apologies: Councillor Hugo Marfleet

Membership: Councillor Steve England substituting for Councillor Hugo Marfleet

1 TO ELECT A CHAIRMAN FOR THE CIVIC YEAR

RESOLVED that Councillor Ian Fleetwood be appointed Chairman of the Committee for the 2018/19 civic year.

Councillor Fleetwood took the Chair for the remainder of the meeting, and in doing so paid tribute to former Councillor Curtis for the work he undertaken previously in the role.

2 TO ELECT A VICE CHAIRMAN FOR THE CIVIC YEAR

RESOLVED that Councillor Owen Bierley be appointed Vice-Chairman of the Committee for the 2018/19 civic year.

3 TO DETERMINE THE NORMAL COMMENCEMENT TIME OF MEETINGS

RESOLVED that the meetings of the Committee would normally commence at 6.30 pm.

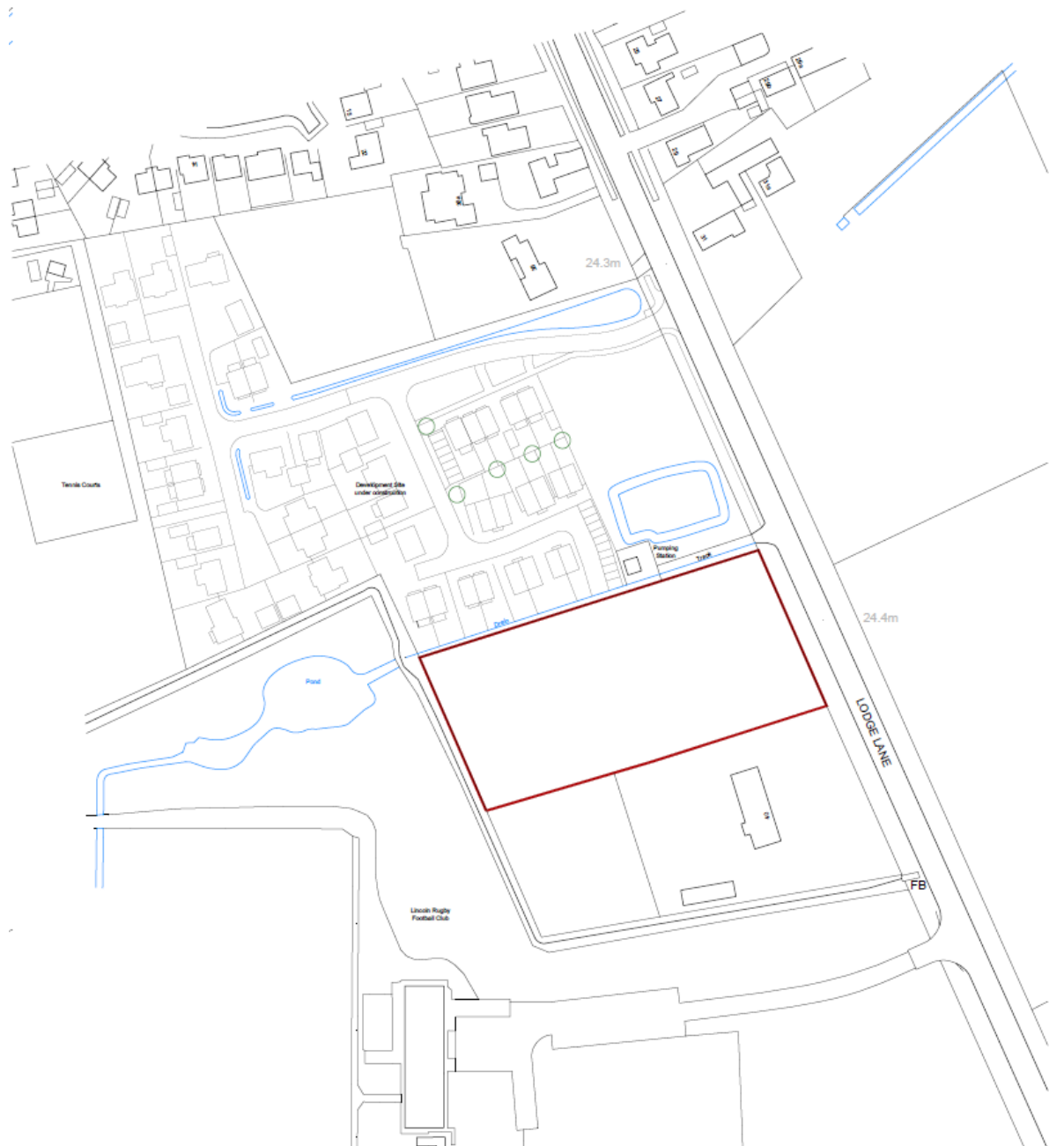
4 TRAINING

It be noted that a training session at which Members of the Committee will be required to attend, will be arranged and further details will be circulated in due course.

Note Any Member wishing to serve or substitute on this Committee must have undertaken such training as deemed appropriate by the Monitoring Officer, and as a minimum, within the previous two years of the date of the meeting.

The meeting concluded at 8.19 pm.

Chairman



Officers Report

Planning Application No: 137531

PROPOSAL: Planning application for proposed development of 7no. dwellings

LOCATION: Ambrose House 40 Lodge Lane Nettleham Lincoln, Lincolnshire LN2 2RS

WARD: Nettleham

WARD MEMBERS: Cllr G McNeill & Cllr Mrs A White

APPLICANT NAME: Gelder Ltd & Mr D Tate

TARGET DECISION DATE: 23/05/2018 (Extension of time agreed until 01/06/2018)

DEVELOPMENT TYPE: Minor - Dwellings

CASE OFFICER: Russell Clarkson

RECOMMENDED DECISION: Refuse planning permission.

Description:

The application has been referred to the Committee at the request of the Ward Member.

Planning permission is sought to erect 7no. detached bungalows. This would be across three different houstypes:

- Type 1 / Type 1M (Plots 2, 3 & 6) – 3 bedroom bungalow. 16.5m wide x 12.1m long. Roof ridge 6m high;
- Type 2 (plots 5 & 7) – 3 bedroom bungalow. Maximum 21m wide by 11.5m long. Roof ridge 6m high;
- Type 3 (plots 1 & 4) - 3 bedroom bungalow. Maximum 21.5m wide by 15m long. Roof ridge 6m high;

All three houstypes share similar characteristics, which include integral garages, hipped roofs and chimneys.

The site is located to the south of the village of Nettleham, on the western side of Lodge Lane.

The site comprises an undeveloped grassed paddock, associated with the dwelling at 40 Lodge Lane. The site is enclosed by mature planting along its boundaries.

To the north is an allocated development site – as employment land in the Nettleham Neighbourhood Plan (Site NE(2)); and as a residential site in the Central Lincolnshire Local Plan (site CL4726 – policy LP52). The development of 40 dwellings is presently underway, following the grant of planning permission in 2015.

To the immediate south is 40 Lodge Lane, a bungalow, set back from the road by approximately 35 metres.

A Public Bridleway (Nthm/147/3) runs from Lodge Lane along the southern boundary of no.40, and to the rear of the dwelling and application site (western boundary) before going westward.

Beyond the Public Bridleway, to the South / South-West of the application site, is the Lincoln Rugby Football Club.

Town and Country Planning (Environmental Impact Assessment) Regulations 2017:

The development is neither Schedule 1 nor 2 Development and would not therefore be EIA Development for the purposes of the regulations.

Relevant history:

132116 - Outline planning application for the erection of 10no. residential dwellings with access and layout to be considered. **Refused 24th April 2015.**
Appeal (APP/N2535/W/15/3133902) dismissed, 2nd January 2016.

130890 - Planning application for residential development of 26no. dwellings. **Refused 30th April 2014.**

On land to the immediate north (site CL4726):

132063 - Outline planning application for erection of up to 40no. dwellings and commercial development to include Class B1-Offices and D1-Non- residential institutions-access to be considered and not reserved for subsequent applications. **Refused 29th May 2015. Appeal allowed (APP/N2535/W/15/3129061) 17th December 2015.**

and

135896 - Application for approval of reserved matters for erection of up to 40no dwellings following outline planning permission 132063 granted at appeal 17 December 2015. **Granted 12th May 2017**

137381 - Application for removal of condition 10 of planning permission 132063 granted on appeal 17 December 2015-re: footpath. **Application under consideration.**

Representations:

Ward Member Cllr G McNeill: Requests that the application is considered by the committee for the following reasons:

- In conflict with a representation received from a parish council (they have registered an objection);

- By virtue of the foregoing Nettleham Parish Council contend that it conflicts with the policies within the made Nettleham Neighbourhood Plan;
- Should the aforementioned be insufficient for a referral I observe that:
 - the application seems to be contradictory in relation to foul water drainage;
 - it conflicts with policy in relation to the location of development (NNP D-5, CLLP LP17 & LP26);
 - there appear to be unresolved issues around the sustainability and accessibility (I note that the Highways authority have made comment on this, albeit without reference to the greater weight that needs to be applied to NNP D-3) in terms of the walking distance to local services, likely to lead to use of motor vehicles.

Whilst it may be possible to resolve some or all these issues, at the current time, I feel that it is necessary for the Council's Planning Committee to determine this application.

Nettleham Parish Council: Objects to the application.

This Application seeks to establish the principle of development taking place on the site. Whilst it contains a number of promises and aspirational ideals, these are precisely that, and therefore cannot be relied upon to be contained within a Full Planning Application in the event of that being forthcoming. The Application itself contains anomalies, e.g. foul sewage is said to be disposed of to the main sewer but at the same time states that it is "unknown" whether connection will be to the existing drainage system.

The Nettleham Neighbourhood Plan (NNP) guides Planning Policy within the village and this Application does not accord with the NNP:

1. Policy H-1 provides for the primary focus of new residential development within the plan area to be focused on four allocated sites within the village. None of these sites are close to the Applicant site and as such an Approval would be contrary to Policy H-1. The Council accepts that the CLLP has included a site to the North of the Applicant site as part of the CLLP Housing Land Supply but would point out that the site was given Approval on Appeal prior to the NNP being adopted.
2. Policy D-5 seeks to resist development in the open countryside. Other than the applicant's bungalow and the club house and associated works for Lincoln Rugby Club, the land to the south and west of the site principally comprises of open agricultural fields, paddocks and sports pitches. Consequently, the provision of new dwellings on this land, which is located on one of the main access roads into the village, would clearly extend the linear format of the settlement out into the open countryside to the south of the existing settlement. Although there are occasional examples of sporadic built development to the south of the settlement, this area is largely defined by open fields, paddock land and playing pitches which contribute to the verdant, semi-rural character of the southern approach into the village. The introduction of

new dwellings within this context would have an urbanising effect and detract from the predominately open pastoral feel of the area. This impact would not be sufficiently mitigated by existing landscaping which defines the boundaries of the Applicant site and partially obscures views from the public right of way which passes to the west of the site. Whilst the approved development on the adjacent land to the North will extend the built form of the settlement to the South, it directly adjoins the village boundary and unlike this proposal, would not therefore encroach out significantly beyond the existing settlement limits of Nettleham. As such, the proposal would conflict with the overall objectives of policy D-5 of the NNP which seeks to protect the countryside and to concentrate new development within or adjacent to the existing village. In addition, the proposed development would conflict with the aims of CLLP Policy LP17 and Policy LP26.

3. Policy D-2 relates to Sustainability and Accessibility. The distance to the majority of local shops and services in the village centre exceeds the maximum walking distance of 800m sought by the Institute of Highways and Transportation document 'Providing for Journeys on Foot' (IHT). A distance of up to 800m is also identified as a characteristic of a walkable neighbourhood in Manual for Streets (section 4.4.1) which provides national guidance on reasonable walking distances. Although the village centre and local schools are within the maximum preferred walking distance cited in the IHT, the Council considers that it is unlikely that potential future occupiers would walk for between 13 and 16 minutes to reach the bus services, shops and schools in the village centre. As such, whilst the village has reasonable public transport provision, the Application site is not well located in terms of accessibility on foot to some of the bus stops, services and facilities in the village which would be required by future residents on a daily basis. The inevitable result would be that additional vehicle journeys would be generated, adding to the already crowded roads leading to and from the village centre and increasing the parking issues already present. One of the aspirational ideals suggested within the Application documents is that properties, if constructed, would be aimed at retirees. That market segment would almost certainly drive to the village centre.
4. Policy D-3 requires proposed developments to provide adequate off street car parking. The Application states that each property would only have two parking spaces which is at odds with the three spaces required by Policy D-3.
5. The CLLP provides for sufficient housing numbers in the plan area to meet government housing targets. Within those numbers Nettleham has already exceeded the stated requirement and therefore additional development in the village is neither necessary to meet targets nor to sustain services.

Local Highways & Lead Flood Authority (LCC): Access is acceptable as is the layout. Frontage footway shown is required and will be subject to final conditions.

The following amendments will be required:

Increase in parking provision.

All plots to have 2 off road parking spaces (garage not included as provision unless it's a double garage or of sufficient size to allow parking and storage).

Public Rights of Way Officer (LCC): The Definitive Map and Statement shows Definitive Bridleway (Nettleham) No.147 adjoining the site although this would not appear to affect the proposed development.

Comments;

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

ii/ Clarification is sought as to the ownership of the hedge between the site and the adjoining field containing the bridleway. If this were the applicant's then this would need to be conveyed to the adjoining households both to entitle their control of the growth levels and to avoid an enduring responsibility on the applicant's part. The county council does not own the hedge and will not intervene in any circumstances of the hedge presenting a danger or nuisance to the proposed homes.

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

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

Archaeology (LCC): No archaeological input required.

Environmental Protection:

Radon - The site is within an area which may require measures to address Radon.

Noise - The site particularly plots 1 & 2 are situated close to the adjacent pumping station, as such measures ought to be considered to protect these properties from noise from the pumping which may operate at any time of the day or night. A suitable acoustic fence along the boundary should suffice and ought to be conditioned along with a future proof scheme to ensure that it remains maintained.

Local residents:

General observation from **36 Lodge Lane**: I would happily support this application should the Lodge Lane footpath and street lighting offered by the applicant be conditioned within any forthcoming approval in the interests of Highway safety. This would allow a much needed safe link from the village to both the public rights of way and Lincoln Rugby Club on Lodge Lane.

I would also request a condition stating that the existing 30 mph speed limited be relocated to the east of the Rugby Club access should this application be approved and any other traffic calming measures be included, again in the interest of Highway Safety.

Relevant Planning Policies:

Development Plan

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 Nettleham Neighbourhood Plan (2016); and the Lincolnshire Minerals and Waste Local Plan (2017).

If to any extent a policy contained in a development plan for an area conflicts with another policy in the development plan the conflict must be resolved in favour of the policy which is contained in the last document to become part of the development plan.²

Central Lincolnshire Local Plan (CLLP)³

The CLLP was adopted in April 2017 and forms the Development Plan covering the whole district (and other Central Lincolnshire Authorities). The following policies are considered most relevant in consideration of the application:

Policy LP1: A Presumption in Favour of Sustainable Development
Policy LP2: The Spatial Strategy and Settlement Hierarchy
Policy LP3: Level and Distribution of Growth
Policy LP9: Health and Wellbeing
Policy LP10: Meeting Accommodation Needs
Policy LP12: Infrastructure to Support Growth
Policy LP13: Accessibility and Transport
Policy LP14: Managing Water Resources and Flood Risk
Policy LP16: Development on Land Affected by Contamination
Policy LP17: Landscape, Townscape and Views
Policy LP18: Climate Change and Low Carbon Living
Policy LP21: Biodiversity and Geodiversity
Policy LP24: Creation of New Open Space, Sports and Recreation Facilities
Policy LP26: Design and Amenity
Policy LP52: Residential Allocations – Large Villages

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

² [Section 38\(5\)](#) of the Planning and Compulsory Purchase Act 2004

³ Available at <https://www.n-kesteven.gov.uk/central-lincolnshire/local-plan/>

Nettleham Neighbourhood Plan (NNP)⁴

The Nettleham Neighbourhood Plan was formally made in March 2016, following a successful referendum. It forms part of the statutory Development Plan, and covers the Neighbourhood Area covering the Parish of Nettleham (see section 1.3 of the Plan). The following policies are considered most relevant in consideration of the application:

Policy D-1 Access;
Policy D-2 Pedestrian and Cycle Access;
Policy D-3 Parking Provision (New Housing);
Policy D-4 Water Resources and Flood Risk;
Policy D-5 Residential Developments in the Open Countryside;
Policy D-6 Design of new development;
Policy H-1 Managed Housing Growth;
Policy H-3 Housing for Older People.

Lincolnshire Minerals and Waste Local Plan⁵

The Core Strategy & Development Management policies (CSDMP) were adopted in June 2016 and forms part of the Development Plan. The application site is not within a Mineral Safeguarding Area (MSA).

The Site Locations were adopted in December 2017. The site is not within an allocated Minerals Site or Waste Site/Area.

Main issues

- Nettleham Neighbourhood Plan – Principle of Residential Development (NNP policies H-1 & D-5)
- Central Lincolnshire Local Plan - Principle of Residential Development (CLLP policy LP2)
- Highway Safety, Access and Parking (CLLP policy LP13; NNP policies D-1, D-2, D-3)
- Character, Layout & Design (CLLP policies LP17, LP26; NNP policies D-5 & D-6)
- Housing Types (CLLP policy LP10; NNP policy H-3)
- Flood Risk & Drainage (CLLP policy LP14; NNP policy D-4)
- Biodiversity (CLLP policy LP21; NNP policy D-4)

Assessment:

Planning permission is sought, in full, for seven bungalows, with access to be taken directly from Lodge Lane.

⁴ Available at <https://www.west-lindsey.gov.uk/my-services/planning-and-building/neighbourhood-planning/all-neighbourhood-plans-in-west-lindsey/nettleham-neighbourhood-plan-made/>

⁵ Available at <https://www.lincolnshire.gov.uk/residents/environment-and-planning/planning-and-development/minerals-and-waste/>

Previous applications for residential development on the site have been refused. However these decisions predate the current Development Plan. In accordance with planning law this application must be considered against the provisions of the current development plan (unless material considerations indicate otherwise) – now being the adopted policies of the Nettleham Neighbourhood Plan and Central Lincolnshire Local Plan.

(i) Nettleham Neighbourhood Plan (NNP) – Principle of Development

The application site is not allocated for residential development within the Neighbourhood Plan. It is not subject to any specific allocation. The site to the immediate north is allocated as a business development area (site NE(2)).

Within the NNP, policy H-1 states:

“The primary focus of new residential development in the Plan area will be within the four allocated housing sites identified on the Proposals Map.”

Policy D-5 states that:

“New residential developments will be resisted unless they are adjacent to the existing continuous built form of Nettleham. Isolated dwellings in the countryside will not be supported.”

With the supporting text (page 30) it is explained that: *“in order to ensure a sustainable compact growth strategy for the village, new housing will only be permitted on sites adjacent to existing housing (i.e. not in the open countryside).”*

The Parish Council contend that the proposed residential development of the site would not accord with the NNP and is in conflict with policies H-1 and D-5.

Policy H-1 states that “the primary focus of new residential development...” will be on the allocated sites. It does not state that the allocated sites would be the sole or only focus, nor does the policy set out that residential development beyond the allocated sites should be resisted. The inference from the use of the word ‘primary’ is that there will be some ‘secondary’ development elsewhere. The proposals do not conflict with policy H-1.

Policy D-5 which states that “*New residential developments will be resisted unless they are adjacent to the existing continuous built form of Nettleham*”, explicitly acknowledging that residential development beyond the allocated sites under H-1 will be considered.

At the time of the Case officer’s site visit (3rd May 2018), development of the allocated site (CL4726) to the immediate north was heavily underway. Two storey dwellings immediately adjacent to the northern boundary of the application site, appeared to be complete and had covered roofs. The effect of the residential development now underway, is to redefine the “continuous built

form” of Nettleham. It can be concluded that, unlike with earlier decisions, the application site is now adjacent to the existing continuous built form of Nettleham.

The policy is clear that “*isolated dwellings in the countryside*” will not be supported. The term “isolated dwellings” has, for planning purposes, been the recent subject of a Court of Appeal judgment⁶. The Court upheld an earlier High Court Judgment⁷ in which Mrs Justice Lang observed that “*isolated*” should be given its ordinary objective meaning of “*far away from other places, buildings or people; remote*” and not the claimant’s position that isolation should be taken to mean away from services and facilities.

Following this legal interpretation, I consider that, in view of the development underway on site CL4726, the presence of 40 Lodge Lane and the Rugby Club, then proposed dwellings on the site would not be “isolated” and the development would not therefore be contrary to policy D-5 in this regard.

The policy also sets out that “*proposed new residential development along the principal access roads into the village will only be permitted where those proposals would not extend the linear format of the settlement*”.

I am mindful of the previous findings of Planning inspector Tom Cannon BA DIP TP MRTPI, who when dismissing an earlier appeal against refusal of planning permission on the site, had considered (following a site visit on 5th November) that:

“The appeal site is currently separated from the southern edge of the settlement by an open field. I recognise that the adjoining land is allocated for employment use in the LPR and benefits from planning permission for light industrial and office use. A recent appeal (Ref: APP/N2535/W/15/3129061) has also been allowed for a mixed residential and employment development on this site. However, as neither of these permissions has been implemented, the appeal site cannot be considered to be adjacent to the ‘existing continuous built form of the settlement’ and would therefore conflict with policy D7 of the ENP. Moreover, other than the applicant’s bungalow and the club house and associated works for Lincoln Rugby Club, the land to the south and west of the site principally comprises of open agricultural fields, paddocks and sports pitches. Consequently, the provision of 10 new dwellings on this land which is located on one of the main access roads into the village would clearly extend the linear format of the settlement out into the open countryside to the south of the existing settlement. As such, the proposal would conflict with the overall objectives of policy D7 of the ENP which seeks to protect the countryside and to concentrate new development within or adjacent to the existing village.”

⁶ Braintree District Council v Secretary of State for Communities and Local Government & Ors [2018] EWCA Civ 610 Case Number: C1/2017/3292

⁷ Braintree District Council v Secretary of State for Communities and Local Government & Ors. [2017] EWHC 2743 (Admin)

Whilst the Inspector had previously found that development of the site would *“clearly extend the linear format of the settlement out into the open countryside”*, the developing out of the allocated site is a significant material consideration, from the time of the Inspector’s conclusions. The application site is no longer separated away from the village, comprising linear development into the open countryside. It would comprise development immediately adjacent to the *“existing continuous built form of Nettleham”* which is supported by policy D-5, and enclosed by the public bridleway.

Overall therefore, whilst having had regard to the Parish Council’s comments, I find that development of this land adjacent to the existing continuous built form of the settlement would be in accordance with, not contrary to, policy D-5. It would not be contrary to policy H-1 which is otherwise silent on the matter of residential development upon non-allocated sites.

(ii) Central Lincolnshire Local Plan - Principle of residential development

The site is not allocated for residential development in the Central Lincolnshire Local Plan. Under CLLP policy LP2, Nettleham is identified as a ‘Large Village’ within the settlement hierarchy. The policy states:

“[Large villages] will be a focus for accommodating an appropriate level of growth. Most of this growth will be via sites allocated in this plan, or appropriate infill, intensification or renewal within the existing developed footprint. In exceptional circumstances, additional growth on non-allocated sites in appropriate locations outside of, but immediately adjacent to, the developed footprint of these large villages might be considered favourably, though these are unlikely to be of a scale over 25 dwellings / 1 ha per site (whichever is the smaller).”

The policy defines ‘developed footprint’:

“...as the continuous built form of the settlement and excludes:
a. individual buildings or groups of dispersed buildings which are clearly detached from the continuous built up area of the settlement;
b. gardens, paddocks and other undeveloped land within the curtilage of buildings on the edge of the settlement where land relates more to the surrounding countryside than to the built up area of the settlement;
c. agricultural buildings and associated land on the edge of the settlement; and
d. outdoor sports and recreation facilities and other formal open spaces on the edge of the settlement.”

“Infill” is defined, within the glossary (appendix D) as *“development of a site between existing buildings”*.

The applicant puts forward that *“the site is bounded by non-agricultural uses on all four of its boundaries, Lodge Lane to the east, the Lincoln rugby club west, a dwelling (40 Lodge Lane) to the south and a residential development to the north. As a consequence, the site should be considered as infill due to*

the surrounding development that has effectively redefined the boundaries of Nettleham village.”

Planning permission has now been implemented and development of the site to the north is significantly underway. The effect of this is to redefine the settlement boundary to the northern boundary of the application site. The application site should now be considered as being adjacent to the “existing continuous built form of the settlement”.

Whilst I recognise the views of the applicant, I am unconvinced that the application site itself should now be seen to be included within the ‘developed footprint’, as defined under LP2. My perception of the site was as an undeveloped paddock associated with the dwelling at 40 Lodge Lane, which effectively separates the dwelling away from the built up area. My perception was of land more closely related to the surrounding countryside than to the built up area and that it does not form part of the continuous built form of the settlement. To the east are open fields, and to the south and west the site is enveloped by the Rugby Club (beyond the public bridleway). The policy definition is specific that “*outdoor sports and recreation facilities*” are not considered to be within the ‘developed footprint’.

To this end, I conclude that the development would not comprise the “*appropriate infill, intensification or renewal within the existing developed footprint*” as supported by policy LP2. Instead the application proposes the development of undeveloped paddock land, (now) adjacent to the developed footprint.

In reaching this conclusion, I have had regard to the recent appeal decision⁸ by Inspector D Hendley BA(Hons) MA MRTPI. In dismissing an appeal against the refusal of a single dwelling on Land off Manor Lane, Aisthorpe (application reference 136888) he concluded that “...*the proposal would not, therefore, constitute infill. It would not be within the continuous built form of the settlement, and so it would not be within the developed footprint of the village.*” Whilst every case is to be determined on its own individual merits, by way of comparison I would conclude that the application site is even further related to the countryside than the Aisthorpe site.

Nonetheless, policy LP2 does state that, “*in ‘exceptional circumstances’ additional growth on non-allocated sites in ‘appropriate locations’ outside of, but immediately adjacent to, the developed footprint.. might be considered favourably...*”.

The policy sets out that ‘appropriate locations’ means a location which does not conflict with planning policy, and if developed would:

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

⁸ Appeal APP/N2535/W/18/3195173

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

The application site is enclosed by mature planting, and enveloped by the public bridleway to the rear and presence of no.40 to the south. The plans indicate that the mature planting would be maintained to the rear (western boundary) and to the frontage (eastern boundary) with Lodge Lane. Plots 1 & 7 would be set back some 30 metres (in line with no.40) behind the retained landscaping boundary. In this respect the visual impact of development will be significantly mitigated, and limited to glimpses through the planting, and along the proposed access road. I am therefore of the view that, as a result of its enclosed nature, adjacent to the existing built form, that the development would retain the core shape and form of the settlement, would not harm the character and appearance of the settlement, or the surrounding countryside. It can be considered to be an 'appropriate location' subject to meeting with all other planning policies.

'Exceptional circumstances' in the policy is a 'matter for the decision maker to determine, but could be, for example, where the development delivers a community facility (see Policy LP15) substantially above and beyond what would ordinarily be required by Policy LP12 or LP15 (or any other policy in the Local Plan), and for which a clear need has been identified.'

The applicant has been asked to set out what 'exceptional circumstances' could be taken into consideration, who responds as follows:

"We will voluntarily deliver all of the properties to M4(2) of the building regulations. We are looking at possibly undertaking two of the properties (Plots 1 & 4) as M4(3)'s – but we are still assessing this so would not want to commit just yet.

We will fill provide a 1.8m wide footpath across the front of the application site and Ambrose Cottage. This would extend the footpath to the public ROW / Bridleway that abuts Ambrose House. We are willing to extend this further into the bell mouth of Lincoln Rugby Club but would need the landowners consent - whether that is highways or Lincoln Rugby Club. Either way, this is not expected to be an issue as LRFC are supportive of the proposals."

(iii) Highway Safety, Access and Parking

CLLP policy LP13 requires that development should *"provide well designed, safe and convenient access for all"*.

Access is proposed to be taken directly off Lodge Lane. The national speed limit (60mph single carriageway) applies along this section of Lodge Lane. The site is set back from the road by a deep grass verge (measuring 6m on plan), indicating that a satisfactory visibility splay can readily be achieved. The Local Highways Authority have not raised any concerns on safety grounds and advise that "access is acceptable as is the layout".

The application seeks permission for only seven dwellings (non-major development). This would not lead to a material change in the volume or character of traffic entering or leaving the highway, and will therefore meet with NNP policy D-1.

Policy (CLLP policy LP13 & NNP policy D-2) seeks to incorporate pedestrian and cycling access into the design. Drawing PLA103 shows that a pedestrian footway will be incorporated onto one side of the road serving properties.

Furthermore, the plan indicates a pedestrian footway will be introduced within Lodge Lane itself – heading north up to the boundary with the allocated site; and south, providing access to the public bridleway, and up to the Rugby club. This would significantly improve accessibility to the Public Bridleway and access to the countryside, and to an existing sports and recreational facility.

Development would accord with LP13 and D-2 in this respect.

The Parish Council put forward that it would be an unsustainable location by virtue of walking distances to the village centre, leading to an over-reliance on private vehicles. Whilst NNP policy D-2 requires new development to *“incorporate routes and access arrangements that minimise distance to travel to the village centre”*, it does not set out any minimum distance requirements from the village centre. As previously stated, policy D-5 makes clear that countryside development will be resisted unless *“adjacent to the existing continuous built form of Nettleham”* indicating that development in such locations is deemed acceptable.

NNP policy D-3 sets out a minimum requirement of 3 off street car parking spaces per 3 bedroom dwelling. The applicant has revised the layout (drawing PLA103) in order to ensure each dwelling can accommodate a minimum of three cars (including the integral garage spaces).

(iv) Character, Layout & Design

The layout (see drawing PLA104) indicates seven bungalows across the 0.77ha site – a low gross density of 9.09 dwellings per hectare (dph).

Plot's 1 & 7 would be orientated to 'face' the western boundary with Lodge Lane. They would however be set back from the boundary by a minimum of 30 metres – in line with 40 Lodge Lane. The plans indicate that the established mature boundary treatments would remain along the site boundaries – effectively minimising the visual impacts of development. This approach would accord with NNP policy D-6 criteria (e) and (f).

It would also accord with the Village Design Statement⁹ which states (p13) that *“The open approach of the country lanes into the village, with their wide verges and distant views, should be retained and protected”* and that

⁹ Available at <https://www.west-lindsey.gov.uk/my-services/planning-and-building/neighbourhood-planning/all-neighbourhood-plans-in-west-lindsey/nettleham-neighbourhood-plan-made/>

“Hedgerows adjacent to roads should be retained wherever possible in order to maintain the character of the area”.

A planning condition to secure the retention of mature planting along the boundaries, would be recommended.

An illustrative masterplan has been submitted. It is considered necessary and reasonable for a planning condition to secure final landscaping details, in order to ensure both ‘hard’ and ‘soft’ landscaping adheres to policies LP26 and D-6.

In regard to house styles, the Character Assessment (appendix A of the NNP) states that *“In the building developments of the latter half of the twentieth century, the buildings are typically constructed of imported brick with tile roofs. Within these distinct areas there are other individual styles, but they tend to be ‘infill’ developments, often visually obtrusive and would not meet recent planning guidance.”*

The dwellings proposed are true, single storey bungalows. Three different housetypes are shown but all would have hipped roofs, with a maximum ridge height of 6m and eaves level of approximately 3 metres high.

No details of materials are given and this would need to be subject of a planning condition, to ensure adherence to CLLP policy LP26 and NNP policy D6.

Overall, however, it is considered that the development offers a low density scheme of low height dwellings, set back from the road and enclosed by mature planting. Enclosed by the dwelling at no.40 and the public bridleway, It would not necessarily result in ribbon development, but instead would offer a gentle transition from the settlement edge into the countryside. It is considered to accord with CLLP policy LP26 and NNP policy D-6 in this regard.

(v) Housing Types

The development is proposed across three house types, as follows:

- Type 1/1M (plots 2, 3 & 6): approximately 150m² GIA (Gross Internal Area);
- Type 2 (plots 5 & 7): 185 m² approximately GIA;
- Type 3 (plots 1 & 4): 210 m² approximately GIA.

The applicant in fact calculates a total floorspace (GIA) of 1266m².

CLLP policy LP11 will require affordable housing provision on sites of less than 11 units where the total floorspace exceeds 1000m². The site is within the Lincoln Strategy Area where the policy will seek a contribution of 25% (2 dwellings).

The applicant advises it had not been their intention to provide affordable housing, but if the development qualifies they would like to offer an off-site financial contribution.

In order for the development to comply with CLLP LP14 and NNP policy H-4, the applicant will need to commit to the provision of affordable housing, likely through a S106 planning obligation.

CLLP policy LP10 seeks the provision of higher accessible homes by delivering 30% of dwellings to M4(2) of the Building Regulations. It adds that *“Proposals which voluntarily deliver more than 30%, or deliver the 30% requirement to the higher M4(3) standard will be supported.”*

The applicant has advised that they are seeking to deliver all of the properties to at least M4(2), and at the time of writing are looking at the possibility of undertaking two of the properties to M4(3).

NNP policy H-3 sets out a requirement to incorporate appropriate provision for older persons' housing.

The applicant proposes that the development will meet *“the needs of older members of the community whose homes and gardens are too big for them now and who need to downsize but still wish to retain a high quality home.”*

The Neighbourhood Plan states that *“this [older persons' housing] provision could be achieved through bungalows and homes which are flexible to cope with changing needs of their occupants.”*

The proposed bungalows, built to the higher accessibility standards of Part M4(2), would potentially meet with this aim. The applicant has however advised that they would not wish to commit to the provision of the dwellings being older persons' housing through an obligation. They explain *“Whilst we are intending to market these properties to retirees / older persons from Nettleham Village, we realise that these some of these properties would be suitable for wheelchair users. Therefore we would prefer not to have a planning obligation.”*

(vi) Flood Risk & Drainage

The site is within flood zone 1 (low probability). It therefore meets with CLLP policy LP14's sequential test with the aim of directing development to those areas at lowest risk of flooding.

The application form states that surface water will be disposed off via sustainable drainage system (SuDS). This would accord with CLLP policy LP14 and NNP policy D-4, which requires SuDS unless otherwise shown to be impractical.

It may be noted that the drainage scheme for the allocated site¹⁰ to the north incorporates above ground water conveyancing (swales) and storage (balancing pond) – with a discharge into a culverted waterway within Lodge Lane. As no further drainage details are provided with this application –a condition to secure final details is considered to be necessary and reasonable.

The application form states that foul sewage will be disposed of to the main sewer, although states it is unknown whether it is proposed to connect to the existing drainage system. It is noted that the site to the north connects foul sewage to the mains sewer that runs across that site. It is considered in view of the ambiguity, that a planning condition would be necessary to secure full details in order to ensure compliance with CLLP policy LP14 and NNP policy D-4.

(vii) Biodiversity

Policy (CLLP LP21) requires that all development should “protect, manage and enhance the network of habitats, species and [designated] sites”, minimise impacts on, and seek to deliver a net gain in biodiversity and geodiversity.”

A [Phase 1] Protected Species and Ecology Walkover has been submitted with the application.

In summary it concludes as follows:

Habitats - The grassland does not meet the required standard to qualify as a Local Wildlife Site. The boundary hedgerows and trees have some local value for nature conservation; under the current proposals the hedgerows and many of the planted trees will be retained.

A planning condition to secure the retention of existing trees / hedges is therefore recommended.

Bats - A single willow tree located in the north-west section of the northern hedgerow has features with high potential to support roosting bats. If it is necessary to fell or manage this tree then further survey work and advice will be required. The site will undoubtedly be used for foraging and commuting by local bats (there are records of bat species in the local area). It is recommended that any proposed lighting schemes are designed in order to allow the boundaries of the site to remain unlit and dark and therefore suitable for use by foraging/commuting bats.

A condition to secure a lighting scheme would therefore be recommended.

Reptiles & Amphibians - Some areas of the rough grassland were considered to have potential for use by both reptiles and amphibians.

¹⁰ See reference 137167.

A condition to secure a walkover survey prior to works commencing is therefore recommended.

Birds - The site has very high potential for use by nesting birds.

A condition would be recommended to ensure that any site clearance work that has any impact upon the hedgerows/trees should be timed to avoid the bird breeding season, which runs from March to September (inclusive).

The assessment indicates that the impact upon habitats and species will be minimal, in accordance with LP21. Measures to deliver a net gain in biodiversity are not detailed – a planning condition would therefore be recommended to secure this.

Other matters

The Environmental Protection team has raised the potential for requiring measures to address Radon. The applicant has subsequently submitted a Report from Public Health England to show this is not a Radon affected area.

Plot 1 would be located within 10 metres of the pumping station within the site to the north. It is recognised that the garage would be located along this side of the dwelling, but in view of the close proximity, it would be considered relevant and necessary for a planning condition to secure measures for noise mitigation for this property.

Residential development for dwellings will be liable for the Community Infrastructure Levy (CIL). The site is within zone 1 (Lincoln Strategy Area) where the rate is £25 per square metre. As Nettleham has a Neighbourhood Plan in place, 25% of CIL raised will be passed to the Parish Council.

Overall Balance and Conclusions

Planning permission for residential development on the site has previously been refused. However, planning law requires the application to be considered against the provisions of the development plan, unless material considerations would indicate otherwise.

The development plan now comprises the provisions of the Nettleham Neighbourhood Plan and the Central Lincolnshire Local Plan.

Following the development of allocated site CL4726 on the northern boundary, the developed footprint of the settlement is considered to have extended up to the northern boundary of the application site. It should now be considered as being adjacent to the developed footprint of the village.

This would accord with the Neighbourhood Plan (policy D-5) which states that *“New residential developments will be resisted unless they are adjacent to the*

existing continuous built form of Nettleham.” The development will now be adjacent to the continuous built form of Nettleham.

Under policy LP2 of the Local Plan “*in ‘exceptional circumstances’ additional growth on non-allocated sites in ‘appropriate locations’ outside of, but immediately adjacent to, the developed footprint.. might be considered favourably...*”.

It is considered that the development offers a low density scheme of low height single storey bungalows, set back from the road and enclosed by mature planting. With the presence of the dwelling at no.40 and enclosed by the public bridleway, It would not necessarily result in ribbon development, but instead offers a gentle transition from the settlement edge into the countryside. It is therefore considered that it could qualify as an ‘appropriate location.’

Nonetheless, the essence of the policy is to focus development upon allocated sites (of which Nettleham has five, with an indicative total capacity of 237 dwellings), or “appropriate infill, intensification or renewal within the existing developed footprint”. It is only in exceptional circumstances that additional growth on non-allocated sites adjacent to the developed footprint of a large village might be considered favourably.

The applicant proposes that the houses will be marketed to older persons, for which the Neighbourhood Plan identifies a Parish need, but is not willing to commit to an obligation that would secure them only for such persons. Accordingly, this limits the amount of weight that can be attributed to this potential benefit of development.

The applicant does propose that all of the dwellings are built to the higher accessibility standards of at least part M4(2), exceeding the policy requirement of CLLP policy LP10. Nonetheless, the provision of higher accessibility housing is undermined by locating it at the very edge of the village. Policy LP10 does state that “*Where possible, higher accessible homes should be located close to any existing or proposed centre (as defined in Policy LP6) and public transport connections.*”

The application does also propose a public footpath within the highway, providing connection to the public bridleway and the entrance to Lincoln Rugby Club. Improved accessibility and public connectivity could be considered as a benefit of development. Nonetheless, such works within the public highway could be achieved without development taking place outside the development footprint.

In conclusion, it is considered that exceptional circumstances have not been demonstrated that may otherwise give support to additional growth on a non-allocated site adjacent to the developed footprint of this large village. This would undermine the clear policy intention to focus non-allocated growth within the developed footprint. Development is therefore contrary to policy LP2 of the Central Lincolnshire Local Plan.

Recommendation

It is recommended that planning permission is refused for the following reason:

1. The application seeks residential development on a non-allocated site outside of, but immediately adjacent to the developed footprint of Nettleham, a large village. Policy LP2 of the Central Lincolnshire Local Plan seeks that most large village growth to be via sites allocated in the development plan, or appropriate infill, intensification or renewal within the existing developed footprint. It is only in exceptional circumstances that additional growth may be considered in such locations. It is considered that exceptional circumstances have not been demonstrated that may justify additional growth outside of the developed footprint. Development is therefore contrary to the provisions of the development plan, in particular policy LP2 of the Central Lincolnshire Local Plan.

Human Rights Implications:

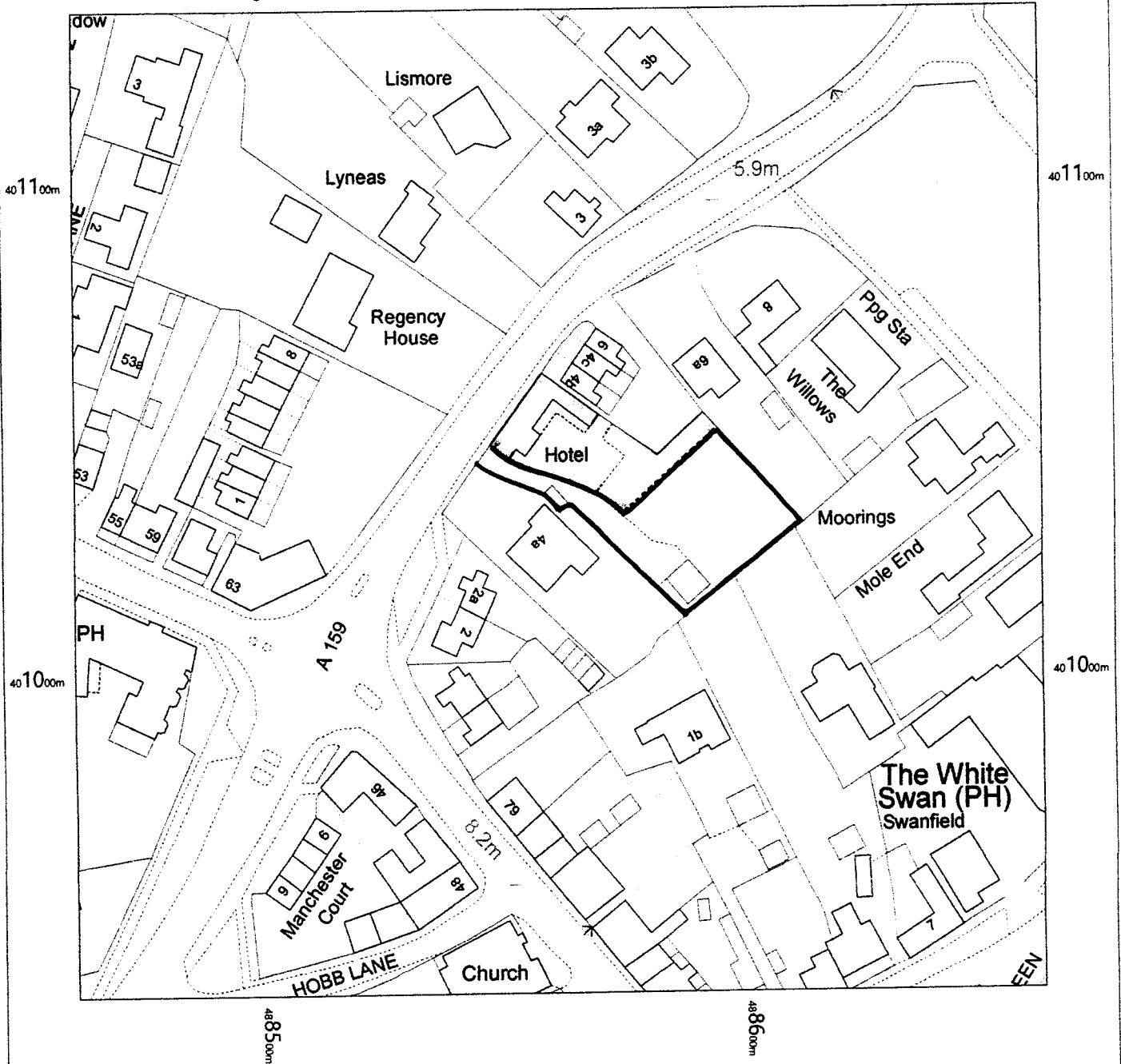
The above objections, considerations and resulting recommendation have had regard to Article 8 and Article 1 of the First Protocol of the European Convention for Human Rights Act 1998. The recommendation will not interfere with the applicant's and/or objector's right to respect for his private and family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

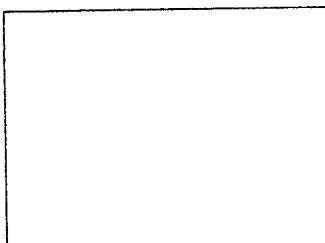
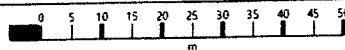
Scotter

MRS. P. MEWIS
LAND TO REAR OF
IVY LODGE
4 WESSINGHAM ROAD
SCOTTER DN21 3UQ



"LOCATION PLAN"

DRS.Nº.PM/18/01



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1:1250 scale print at A4, Centre: 488562E, 401036 N

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Officers Report

Planning Application No: 137697

PROPOSAL: Outline planning application to erect 1no. detached bungalow-access to be considered and not reserved for subsequent applications

LOCATION: Land to rear of Ivy Lodge 4 Messingham Road Scotter Gainsborough DN21 3UQ

WARD: Scotter and Blyton

WARD MEMBER(S): Cllr Allison, Cllr Mewis and Cllr Rollings

APPLICANT NAME: Mrs Mewis

TARGET DECISION DATE: 14/06/2018

DEVELOPMENT TYPE: Minor - Dwellings

CASE OFFICER: Martin Evans

RECOMMENDED DECISION: Grant Permission subject to conditions.

Description:

This is an outline planning application with access to be determined for the erection of a detached bungalow.

This application has been reported to planning committee because Cllr Mewis is the applicant.

The application site consists of a vehicle access to the side of Ivy Lodge and its large flat lawned garden. An outbuilding would be demolished as part of the proposal. The submitted design and access statement says Ivy Lodge was previously used as a bed and breakfast with live in accommodation but that it is now a dwelling. The immediate surrounding area is residential in nature.

Whilst all matters apart from access are reserved, a proposed block plan has been submitted to demonstrate a potential layout.

Relevant history:

M05/P/1377- Planning application to erect double garage with pitched roof. Approved 13/2/2006.

Representations:

Local residents: three letters of objection have been received from 6a Messingham Road, Cockthorn Farm and Swanfield, The Green which are summarised as follows;

- Principle of development- backland development contrary to Res 3. Too dense with little garden for existing and proposed dwelling. Other

suitable sites including within allocated sites within Scotter and there is historical opposition to development within the village therefore proposal seems unnecessary.

- Residential amenity- increased use of gravel driveway by vehicles would cause noise and disturbance harmful to residential amenity. Removal of outbuilding would create overlooking between 4a and Ivy Lodge and leave owners of Ivy Lodge without storage or garage. 4a is split level plot meaning potential orientation could cause overlooking.
- Highways- insufficient car parking for existing and proposed dwellings contrary to Policy T9 of neighbourhood plan. Overflow frontage parking would harm highway safety.
- Character and appearance of the area- additional backland development would harm greenspace, layout and character of old Scotter contrary to Res 3iii.
- Proposal would prevent future commercial use of these buildings. It is not clear whether permission was granted to change use from commercial to residential use.
- If approved, retention of the outbuilding, additional parking space, boundary wall, bungalow orientation and non-gravel driveway should be conditioned.
- Contrary to Policy D5 of Neighbourhood Plan as it does not respect local context, street pattern, scale or proportions of surrounding dwellings. Overlooking, loss of privacy, overshadowing and visually overbearing. Insufficient privacy for future occupants of bungalow.
- “We would urge you to consider the responsibilities of the council under the Human Rights Act in particular Protocol 1, Article 1 which states that a person has the right to peaceful enjoyment of all their possessions which includes the home and other land. We believe that the proposed development would have a dominating impact on us and our right to the quiet enjoyment of our property. Article 8 of the Human Rights Act states that a person has the substantive right to respect for their private and family life.”
- Landscape harm due to loss of greenspace.
- Overdevelopment of site.
- Construction hours and parking should be conditioned.
- Could the proposal change if this is approved?

LCC Highways: Could you please ask the applicant to demonstrate that they can achieve adequate visibility splays as detailed in DfT Manual for Streets. If they are not able to achieve 2.4m x 43m in both directions as required (for 30mph speed limit), then they can instruct for traffic surveys to be undertaken to document the actual speed of vehicles at the site location. If the actual speed differs to the speed limit then the applicant can use the 85th percentile speed to demonstrate that they can achieve adequate visibility splays. While sufficient parking is proposed for the new dwelling (2 spaces for a 3 bedroom property), we would request that a minimum of 3 parking spaces are retained for Ivy Lodge as a 4+ bed dwelling. The applicant should be aware that if this planning permission is granted then it may prohibit Ivy Lodge operating as a

bed and breakfast in future, should they so decide to change the use again, as adequate parking provision will not be provided for guests.

Relevant Planning Policies:

Development Plan;

Central Lincolnshire Local Plan 2012-2036 (CLLP);

Policy LP1: A Presumption in Favour of Sustainable Development

Policy LP2: The Spatial Strategy and Settlement Hierarchy

Policy LP3: Level and Distribution of Growth

Policy LP13: Accessibility and Transport

Policy LP14: Managing Water Resources and Flood Risk

Policy LP17: Landscape, Townscape and Views

Policy LP25: The Historic Environment

Policy LP26: Design and Amenity

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

Scotter Neighbourhood Development Plan 2017-2036 made 22 January 2018 (SNDP)

Policy H4: Small Scale Residential Development

Policy D5: Design of New Development

Policy T8: Roads and Streets

Policy T9: Parking and Parking Standards

Policy F11: Flood Risk

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

Other;

National Planning Policy Framework

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

Planning Practice Guidance

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

Main issues

- Principle
- Residential amenity
- Highways and access
- Other

Assessment:

Principle

Policy LP2 of the CLLP designates Scotter a large village and states;

“To maintain and enhance their role as large villages which provide housing, employment, retail, and key services and facilities for the local area, the following settlements will be a focus for accommodating an appropriate level of growth. Most of this growth will be via sites allocated in this plan, or appropriate infill, intensification or renewal within the existing developed footprint.”

The site is surrounded by buildings therefore it is classed as an appropriate infill plot within the existing developed footprint of Scotter. The proposal complies with Policy LP2.

Policy H4 of the SNDP supports small scale residential development within the existing built form of Scotter. Whilst specific criteria within the policy relate to matters not under consideration in this outline application such as scale and form it is clear this policy supports the principle of development.

A neighbour objection received refers to the West Lindsey Local Plan which has been superseded by the CLLP. Nonetheless, there is not considered to be a fundamental problem with development within a rear garden in this instance because such development is part of the character of the area and can be found directly to the south of the application site at The Old Orchard (1 The Green) and Swanfield (The Green). As such the proposal reflects the character of the area in accordance with Policies LP26 and D5.

The proposal complies with LP2 and H4 and is acceptable in principle.

Residential amenity

The submitted proposed site layout is not the final design but indicates a potential reserved matters application. It shows a subdivided plot with garden and two car parking spaces for Ivy Lodge and the proposed bungalow with rectangular footprint and the benefit of an existing double garage and summer house. Such a layout would achieve separation distances of 20m to Ivy Lodge to the north west, 22m to 4b, 4c and 6 Messingham Road to the north, 11m to 6a Messingham Road to the north, over 25m to The Willows to the east, over 35m to Swanfield to the south, over 30m to The Old Orchard to the south and 20m to 4a Messingham Road to the west.

The objections of local residents are noted with regards to the impact of the proposal on residential amenity by virtue of issues such as overlooking, differing surrounding land levels etc. The proposal is for a bungalow with no roof openings which can be secured by condition. There are surrounding boundary treatments that will serve to prevent overlooking problems at ground floor level. Residents of 4a Messingham Road object to potential overlooking of their two side openings and patio area/garden. The final design would be subject to reserved matters approval but the indicative layout shows a separation distance of 20m can be achieved which is sufficient to prevent any harm to residential amenity. The design and orientation will be finalised at reserved matters stage. Whilst the rear garden of 4a Messingham Road is split level there is sufficient distance between it and the proposal to prevent

harm to residential amenity. The demolition of the small outbuilding is not considered to harm residential amenity. Noise from use of a gravel driveway is not considered to be a reason for refusal.

It will be necessary to control construction hours and construction parking via condition. Subject to such conditions the impact on residential amenity is acceptable in accordance with Policy LP26.

Highways and access

The comments of LCC Highways are noted. It requests a traffic survey in the absence of suitable visibility splays of 2.4m x 43m for a 30mph road. Such visibility splays are not possible due to the presence of a party wall on one side of the proposed access and Ivy Lodge on the other. Ivy Lodge has historically been used as a bed and breakfast for a maximum of 6 persons. It is considered that the current use of Ivy Lodge as a dwelling combined with the proposed bungalow would generate a similar level of vehicle activity at the proposed access. Despite LCCs request for a traffic survey, it is considered the proposal would not generate use of the existing access significantly above the historical use. LCC has not highlighted any issues relating to accidents at the access. The use of the access is considered acceptable for these reasons.

LCC also requests three car parking spaces are retained for use of Ivy Lodge. The proposed block plan has been amended to show three car parking spaces for Ivy Lodge.

Policy T9 sets car parking standards for new development. The submitted plans show three or four car parking spaces could easily be provided on the site. The proposal complies with Policy T9. Demolition of the existing outbuilding would benefit vehicle movement within the site.

The highway implications are acceptable in accordance with Policy LP13 and T9.

Other

It is proposed to drain foul water to mains sewer and surface water to soakaway. This is acceptable in principle and accords with Policies LP14 and F11 subject to final details as secured by condition.

Any archaeological requirements received from LCC will form part of an update to Members at the meeting and may require further conditions.

The proposal may be CIL liable and a note to this effect will be added to any outline planning permission granted. The site is in zone 2 where the charge is £15 per square metre for dwellings. 25% of any fee raised will be made available to the Parish Council who have an adopted Neighbourhood Plan in place.

Overall planning balance and conclusion

The proposal would accord with CLLP policy LP2 and SNDP policy H4 and is therefore acceptable as a matter of principle. Subject to final reserved matters, it would not be expected to harm prevailing residential amenity. Additionally generated traffic would not be expected to unduly compromise highway safety. It is recommended therefore that outline planning permission should be granted, subject to the following conditions:

Recommendation: Grant Planning Permission subject to the conditions below

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

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

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

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

Reason: The application is in outline only and the Local Planning Authority wishes to ensure that these details which have not yet been submitted are appropriate for the locality.

3. The development hereby permitted shall be begun before the expiration of two years from the date of approval of the last of the reserved matters to be approved.

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

4. The hereby approved dwelling shall only have a single storey of living accommodation.

Reason: The development has been found to be acceptable on the basis of a single storey dwelling only.

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

5. No development shall take place until details of surface water drainage in accordance with SUDS principles (including percolation tests where necessary) and foul drainage have been submitted to and approved in writing

by the Local Planning Authority. The details approved shall be completed prior to occupation of the bungalow.

Reason: To ensure appropriate drainage in accordance with Policy LP14 of the Central Lincolnshire Local Plan and Policy F11 of the Scotter Neighbourhood Development Plan.

6. No development shall take place until details of on-site construction vehicle parking and delivery space has been submitted to and approved in writing by the Local Planning Authority. The agreed details shall be provided throughout the construction period.

Reason: To prevent highway parking inconvenient to other road users in accordance with Policy LP13 of the Central Lincolnshire Local Plan.

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

7. Development shall only take place between the hours of 08:00 to 18:00 Monday to Friday, 09:00 to 13:00 hours on Saturday and no development shall take place on Sundays or Bank Holidays.

Reason: In the interests of residential amenity in accordance with Policy LP26 of the Central Lincolnshire Local Plan.

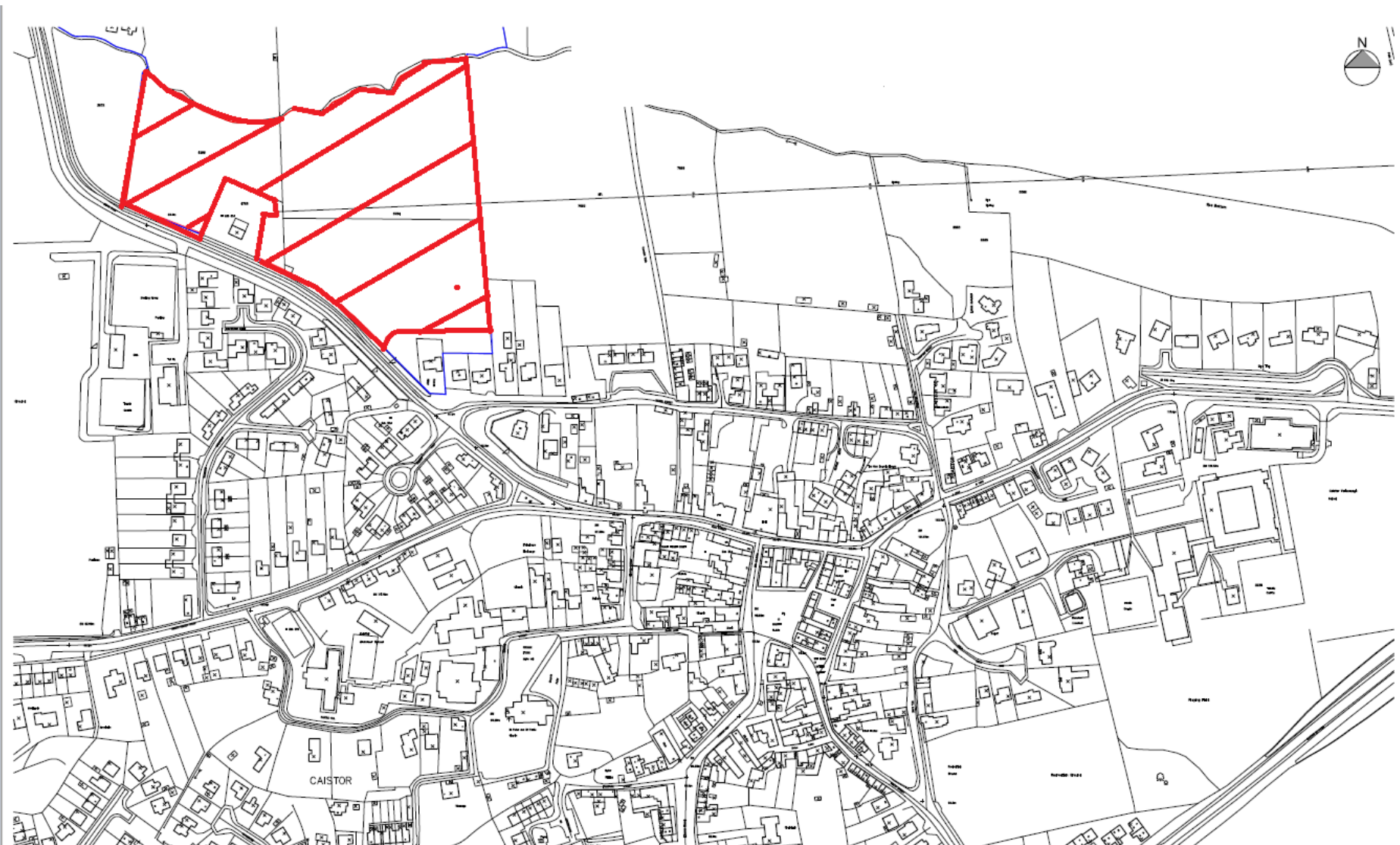
8. The three car parking spaces shown within the curtilage of Ivy Lodge on drawing PM/18/02A revised 17/5/18 shall be made available prior to occupation of the development hereby permitted and retained in perpetuity.

Reason: To ensure appropriate vehicle parking space is retained for Ivy Lodge in accordance with Policy LP13 of the Central Lincolnshire Local Plan.

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

9. Notwithstanding the provisions of Classes B and C, Part 1, Schedule 2 of the The Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended), no additions or other alterations to the roof of the bungalow shall be carried out without planning permission having first been granted by the Local Planning Authority.

Reason: To prevent additions to the bungalow that would harm residential amenity contrary to Policy LP26 of the Central Lincolnshire Local Plan.



Officers Report

Planning Application No: 136604

PROPOSAL: Outline planning application for erection of 69 no. dwellings- access to be considered and not reserved for subsequent applications - resubmission of 131181.

LOCATION: Land at Brigg Road Caistor Lincolnshire LN7 6QG

WARD: Caistor and Yarborough

WARD MEMBER(S): Councillor O Bierley. Councillor A Lawrence

APPLICANT NAME: Mr R Oxley & Mr R Marriot

TARGET DECISION DATE: 03/11/2017

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 15% as affordable housing (70% rented – 30% shared ownership) or equivalent housing contribution if no registered provider can be identified;
- Measures to secure the delivery, and ongoing maintenance and management of public open space, drainage features and ecological areas;
- A capital contribution towards primary education (based on a set formula relating to housing size and numbers).

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.

Executive Summary:

This is an outline application for 69 dwellings with all matters reserved except for access.

This is a resubmission application following refusal of a previous proposal for 69 houses (ref. no. 131181). The current application seeks to address the previous reason for refusal. The reason for refusal was:

- The surface water drainage strategy submitted is not sufficient to be able to conclude that the proposal would adequately dispose of water in a safe and sustainable manner without increasing the risks of: flooding on site and to adjoining land and pollution to the environment including local streams of ecological importance. In addition to this, the proposal fails to adequately justify measures to ensure foul water from the development can be disposed of viably to and within the existing foul drainage network. The proposed development is therefore contrary to saved Local Plan Policies STRAT1, NBE14 and RES1 of West Lindsey Local Plan First Review 2006 and the National Planning Policy Framework.

The application site is located to the immediate north of Caistor adjoining the existing developed area and fronting Brigg Road (A1084). It has an area of 3.34ha and until recently was grazed. Ground levels raise to the east and south by approximately 20m. The north of the site is bounded by a beck beyond which is open countryside.

The majority of the site is allocated within the Central Lincolnshire Local Plan for housing, ref. no. CL1888 which has an area of 2.21ha with an indicative number of dwellings being noted as 50. The majority of land outside the allocation, however, is shown on the indicative plan as open space.

Access would be to Brigg Road with the access road to the estate being 5.5m wide with paving either side.

Objections have been received from Sir Edward Leigh MP and Caistor Town Council. The objections mirror the objections of residents including impact on stretched services, over development of the site, highway safety, impact on ecology, lack of drainage capacity, potential for flooding (foul and surface water), lack of affordable housing and the need to bury electricity cables.

Objections from 21 individual addresses (some of which include multiple communications) have been received. The objections can be summarised as

- Highway safety – The proposed junction would have limited visibility, the road is very busy especially in summer with HGV's, farm traffic, motorbikes, no account taken of new developments in area, 270 car movements a day would be generated by this proposal. The road never dries out it is an accident waiting to happen. Traffic constantly speeds here.
- Accessibility - The footpath to North Street is narrow, overgrown and needs cleaning and widening. It is very dark here reducing visibility and trees also obscure streetlights. Any children crossing to the sports/ playground close to a blind bend would make matters worse. Most facilities would be up hill and links would be poor.
- Character - Caistor is a traditional market town with listed buildings not housing estates. The development would not be in keeping with the rest of the town.
- Loss of greenfield - The site is one of Caistor's beauty spots that would be lost forever, its loss would affect many locals who use the area for walking or who

enter the village in this location on the Viking Way. The site is not in an AONB but it is the AGLV. These footpaths are the town's tourist draw and this development would put the valley at risk.

- Flood Risk (surface water) - The site is prone to flooding, that is why it is called Waterhills. Canada Lane floods regularly. Proposals would make it worse.
- Flood Risk (foul) – Sewerage treatment works is at capacity and trucks take waste away. Anglian Water previously stated the network couldn't cope, any improvements would cause significant nuisance to residents.
- Ecology - The Chalk Stream rare in Europe and Caistor's would also be harmed. The latest design in terms of surface water drains into the chalk stream with 1 huge attenuation tank and one downstream defender unit. If this fails polluted water would flow straight into the stream. Wildlife in this area would be impacted upon with a wide range of species seen. Flora would be similarly effected and would be lost.
- Density & Need - The developers have exceeded the amount of houses Caistor Town Council recommended by up to 20 houses. There are better brown field sites more central to Caistor which should be used. Greenfield sites at the edge of a settlement is the last in the hierarchy to be developed.
- Infrastructure - The doctors and schools are full, no dentist at all
- Open space - The open spaces on site would be either too small or are too steep to be useable for recreation. Children would need to cross the road and this would reduce safety.
- Affordable housing – No affordable homes or less than policy – 20% required.

1 letter of support has been received praising the provision of new homes for locals.

The majority of the site (2.21 ha) is already allocated in the CLLP for housing (policies LP2 and LP50). However, additional growth on non-allocated sites in appropriate locations outside of but immediately adjacent to the developed footprint may be considered favourably, though these are unlikely to be supported if over 50 dwellings (policy LP2). Only a small proportion of the unallocated area of site would be likely to be used for housing (due to topography and ecology) and when the site is developed as a whole it would be adjacent to the developed footprint of Caistor. It is considered that the proposal would accord with these dual elements of policies LP2 and LP50.

The Caistor Neighbourhood Plan does not include land use allocations for new development but policy 2 indicates new development will be permitted in order to support growth whilst contributing to the sustainability and viability of the town. Given the housing allocation in the CLLP identifying a local housing need, its sustainable location, connections to the town and its proximity to the Market Place (less than 800m) the proposal would accord to the principles of the CNP.

Although not adopted at the time of the original application, ref. no. 131181, the policies of the CLLP are not materially different from the policies of the Submitted Central Lincolnshire Local Plan considered previously. The Caistor Neighbourhood Plan had full weight when the previous proposal was considered. In policy terms the principle of development in this location has not materially changed compared to that considered previously. The reason given for refusal of application ref. no. 131181 relates specifically to drainage and ecology issues only. Unless a material change has occurred (either in policy or physically) any additional reasons for refusal would be difficult to sustain.

The site is located adjacent to the town and will give good access to local facilities. Whilst placing additional pressure on such facilities the applicant will provide the full contribution required towards primary education to mitigate such impacts. A viability appraisal has been submitted in support of this contributions and has been assessed by officers. In addition, the applicant has offered 15% affordable houses (up to 10.35 units) and has accepted the development is CIL liable which would provide funds for the Lincoln Eastern Bypass and/or Secondary Education. No NHS contributions have been requested.

The development of the majority of the site is allocated within the CLLP. The principle of developing the site into residential area has been accepted. The proposed indicative plan, though just that, shows that the site plus the smaller additional area, could be developed whilst retaining the character of the Caistor and having an acceptable impact on the surrounding area, including setting of Caistor.

The acceptability of the site access for accommodating housing has been looked at, in detail, on at least three occasions. Firstly through the CLLP allocation/adoption process, secondly, through the application 131181 and thirdly through this current submission. On none of these occasions have the Local Highway Authority raised any substantive objections which could not be addressed through conditions. Highway officers are well aware of more recent developments in the area (Caistor Lakes, Wolds View & Wold Retreat) and safety concerns of the residents of Caistor. It is considered, however, that the highway and the proposed access would be acceptable on capacity and safety grounds.

The main reason for refusal of application ref. no. 131181 related to drainage. Since the refusal of that application the applicant has had a number of meetings (including a MAG meeting) with the Lead Local Flood Authority. Accepting the nature of the site, topography and geophysical nature, the revised draft drainage strategy is more traditional in nature and the development would be serviced by pipes and attenuation tanks, with fewer SUDs features to provide the necessary storage levels for a 1 in 100 year (plus climate change) storm event. This would discharge into the existing stream at 5 litres per second (greenfield rate). This would ensure that the development would not lead to flooding of the surroundings areas. Within the drainage system, a defender system would be used to trap potential contaminants before releasing water into the stream. This is an on line system to which all water would be directed. This would protect the chalk stream. The MAG meeting included a representative of the Lincs Wildlife Trust who indicated their acceptance of such a method to protect the environment.

Further work has been undertaken with Anglian Water, including various modelling assessments. The applicant has agreed that foul water would need to be pumped up gradient to the nearest suitable manhole. Resizing various manholes and the piped network would be required to be undertaken by Anglian Water and paid for in part by the applicant. Anglian Water has accepted its responsibility to undertake any off line improvements and has requested conditions to ensure no development commences until improvements to the network have been agreed in accordance with policy LP14 of the CLLP.

As the design of the scheme is reserved for later consideration the impact on residential amenity is difficult to assess at this stage, however, indicative plans provide sufficient detail to show that 69 dwellings could be accommodated without unacceptable impacts on existing residents.

Description:

This application seeks outline permission to erect 69 houses with access to be considered and all other matters reserved. The application site is located to the north of Caistor and fronts onto Brigg Road. The application site is irregular in shape with an area of 3.34ha. The site does not include an electrical substation which fronts Brigg Road and has its own access.

The layout provided is indicative but access is under consideration and would be to Brigg Road. The access would have a width of 6m with paving either side. Of the site, approximately 2.41ha would be developed leaving an area of 0.93ha as open space. The proposed development would have a range of housing types from bungalows to houses (up to three storeys in height). An area of land to the front of the site would be available as open space whilst a more substantial area of open space would also be formed to the northern section of the site adjoining the stream and the open countryside.

The site was until recently grazing land. Whilst relatively flat to the north western parts of the site, gradients rise to the east and south east considerably. The maximum change in ground levels at its greatest would be 20m. Gradients at the site would be more severe on some parts of the site compared to others. The northern part of the site includes a stream and is the lowest part of the site and has the steepest gradients.

To the north, north east and east of the site is further grazing land, part of the Waterhills area a locally designated area of nature conservation. To the south east is residential development within the North Street area of Caistor. To the south and west is Brigg Road (A1084) which is the main road running through Caistor to the north. Beyond this road are further dwellings within the Keyworth Drive area. Also to the north west of the A1084 is Caistor Sports Ground.

Relevant history:

131181 Outline planning application for erection of 69no. dwellings-access to be considered and not reserved for subsequent applications. Refused 23rd Dec 2016. Reasons for refusal:

The surface water drainage strategy submitted is not sufficient to be able to conclude that the proposal would adequately dispose of water in a safe and sustainable manner without increasing the risks of: flooding on site and to adjoining land and pollution to the environment including local streams of ecological importance. In addition to this, the proposal fails to adequately justify measures to ensure foul water from the development can be disposed of viably to and within the existing foul drainage network. The proposed development is therefore contrary to saved Local Plan Policies STRAT1, NBE14 and RES1 of West Lindsey Local Plan First Review 2006 and the National Planning Policy Framework.

Representations:

Ward member: Requested to be kept informed of progress but has not commented on proposal

Sir Edward Leigh: Object - If approved this will inevitably place greater pressure on already over stretched services

Caistor Town Council: Object (In summary)

Highway Issues:

- The Council has sought advice from a highway safety specialist consultant. Given the position of the highway access/ egress, which is approached from the west, is on a bend and in summer is shaded by tree growth the Council has grave concerns re existing highway safety especially given the number of unreported no injury accidents particularly during the winter.
- Two new tourist sites have opened since the 2013 traffic survey and a new survey should be undertaken.
- The Council supports the decrease in speed limit as part of any traffic calming measures proposed. A speed indicator with vehicle number plate recognition device is requested as a condition.

Infrastructure

- The Council notes the previous reasons for refusal and notes Anglian Water does not have capacity to treat flows. The Council therefore fully supports the condition to improve capacity before commencement of any work.
- Surface water is also a major concern and has very real concerns over flooding downstream. The area has many springs and hence its name Waterhills.

- The NHS facilities in the town are inadequate. The Council is disappointed that NHS England have previously failed to request funding towards evidenced lack of built facility to expand or build a new facility.

Density and massing

- 70 dwellings is over development of the site. Whilst the majority of the site is within the settlement limit the remainder is in open countryside. The allocation is suggesting 50 dwellings not 70.

Affordable housing

- The lack of affordable housing is unacceptable. There should be 14 dwellings on site to meet local need. CLLP policy LP11 indicates the Council may consider a reduction in numbers but not a complete loss of such houses. Together with the reduction of other contributions and it is assumed CIL payments would be at total variance to the CLLP. The development of this site will be difficult and costly to develop but this should not be to the detriment of the town, where there are much easier brownfield sites to develop.

Drainage

- The Waterhills area is a catchment area for the North Kelsey Beck which is a chalk stream on the western edge of the Lincolnshire Chalk Streams Project. Greater Lincs Nature Partnership describe these streams as "rare habitats unique to the south and east of England and Normandy in France."

The rolling hills of the Wolds, which includes Waterhills, has underlying chalk. Rain that falls on the slope is filtered through the underlying chalk aquifer. Water then moves through the fissures in the chalk and emerges at ground level from springs which in turn filter into the North Kelsey Beck. Development on this land would have a serious and detrimental effect on the chalk stream included in the project which promotes landscape scale conservation to restore and improve Lincolnshire's chalk streams for the benefit of wildlife and the community. Council has concerns relating to contamination of the aquifer and flooding downstream as expressed previously.

Wildlife

- Part of the Waterhills is a designated Local Wildlife site and 9.34 hectares of the low land meadow is listed as priority habitat. This site provides a valuable corridor for protected habitats and species and is connected by the watercourse to the wildlife site. The potential for pollution is significant therefore.

Electric Cables

- The Council request that the burying of cables be conditioned to occur.

Inaccuracies

- Q13 Biodiversity – should be answered yes as the site is adjacent or close to a designated site.
- The Caistor neighbourhood Plan does not include any allocated sites.

Other

- The Council supports the comments of the Police, Fire & Rescue and Rights of Way Officer.

Following amended plans further comments include:

- Foul water issues are still not resolved. Canada Lane drain is already unable to cope with existing water. This will be worsened by the development. The Eco Management Plan addresses some of the concerns with the chalk stream contamination but who will be responsible for maintenance? Conditions required. Still no comments from LCC Highways.

Local residents

Chapel House (x4), Plough Hill, 102 Brigg Road 15 Cherry Holt (x2), 2 Keyworth Drive, 16 Ayscough Grove, Belleau Lodge Grimsby Road, 10 & 12 Whitegate Hill, 84, 88, 90 (x2) North Street, 42 Kelsway, 21 Nettleton Road, 20 High Street, 5 Spa Top, 20 Lincoln Drive (x2), 5, 8 Spa Top, Hansard Crescent, 24 Kinloch Way, Immingham:

Objections to the scheme as originally submitted can be summarised as:

- Highway safety and capacity

A former police driver and secretary of Lincolnshire Institute of Advanced Motorists has disagreed with the experts findings and considers the road is potentially dangerous. In February a Council maintenance truck ran off the road at the near corner smashing off the rear mudguard. On an evening in May two motorcyclists travelling towards Brigg left the road on the same corner with luckily only cuts and bruises. In June a car towing a caravan ran into the hedge at the same corner. These accidents were witnessed but others I have heard about as well. It is far too dangerous to add traffic from 70 more residents on this road. Cars are seen very late on even at existing junctions within the area.

270 car movements a day would be generated by this proposal reducing safety. As the road never dries out it is an accident waiting to happen.

Two houses on Brigg Road were turned down for access points by WLDC as two dangerous. An access for 20 houses (Keyworth Drive) was turned down on safety grounds – it was opposite the current proposed access – so what has changed – nothing, it should be refused.

Although not classed as a busy road over 24 hours at certain times of the day it certainly is and is used by heavy lorries, farm machinery, motorbikes, sometimes numbering 50 or more and speeding cars.

The report submitted is still out of date and does not take account of summer traffic or more recent developments. This includes caravans and motorbikes. The survey should be done during the summer.

Cars travel too fast along this road increasing danger, particularly if cars are seeking to turn into the site.

As a pedestrian you cannot see cars coming so you have to listen. There is a sharp bend to north which to the south the road bends, dips and rises through an area shaded by overhanging trees. It is a difficult road to cross for mothers with prams and for old people. The footpath between North Street and the proposed entrance is narrow and overgrown and needs cleaning and widening. It is very dark here reducing visibility and trees also obscure streetlights. Any children crossing to the sports/ playground close to a blind bend will make matters worse.

Cars turning right will block road to the west into Caistor blocking the road.

An assessment of the number of cars using the proposed junction should include the additional traffic likely to be generated by the allocated site to the east CL2093.

Given the market place is up hill most people will use the car to access the market place so the Neighbourhood Plans guidelines not a guarantee for sustainability.

Please can we have the trees cut back and speed limit reduced?

Internal estate roads are only 3-4m wide reducing ability to be serviced or cars to turn around and will have to use driveways.

Some of the roads will be in excess of 7% gradients, how will gritters access the site, if at all?

Not enough car parking leading to parking on streets.

Where are the pathways linking to other areas?

- Character

Caistor is a traditional market town with listed buildings not housing estates. The development is not in keeping with the rest of the town.

There is no need for this development especially on the edge of the Water Hills – refuse again. There are two existing sites on the flattest areas of Caistor that are not yet built out and houses are for sale in the village for over a year.

Once land has gone it has gone for good depriving our future generations from the beauty we have enjoyed. The site is one of Caistor's beauty spots that will be lost forever. The locals cherish this area and its loss will affect many who use the area for walking or who enter the village in this location.

The site is not in an AONB but it is the AGLV with footpaths crossing close by. These footpaths are the town's tourist draw and this development will put the valley at risk.

LP22 – promotes green space and areas and views of special features unique to the area. It is argued that Waterhills of which this site forms part of should be designated under paragraphs 5.8, 5.82 and 5.85 as providing a green lung for the people of Caistor. It is within easy reach of the town unlike the land to the south of the A46 where you take your life in your own hands.

- Flooding

The area was refused on flood grounds last year for good reason. The site is prone to flooding as shown on signs in area, it never dries out. That is why it is called Waterhills

Brigg Road at the junction with Canada Lane constantly floods in winter with mud over the pathway and the carriageway constantly wet.

The development will drain into a chalk stream which is very rare ecology. If it is contaminated it is lost.

What will stop the stilling pond from overflowing into the stream during heavy periods of rain? Also costs seem to indicate the price of only 2 downstream defender units and there are three on the drawing!

Streets are so narrow they will funnel water and with no kerbs this would lead to flooding at end of the street.

The latest design in terms of surface water drainage into a chalk stream has put all its eggs in 1 basket at the bottom of the site with 1 huge attenuation tank and 1 downstream defender unit instead of 3 sets as previously shown. If the only filtration before the watercourse is the single downstream defender and it becomes blocked (it only removes 80% of solids) it will bypass and put polluted water straight into the stream with 0 % filtration- surely the Environment Agency should make some comment on this layout ?

- Policy and density

The developers have exceeded the amount of houses Caistor Town Council recommended by up to 20 houses. None are designed as affordable and if this site is approved the next site will be developed too and this adjoins the Viking Way.

There are better brown field sites more central to Caistor which should be used. The sequential approach to brownfield sites first has not been undertaken. There are plenty of small sites which could be used first. Greenfield sites at the edge of a settlement is the last in the hierarchy.

- Infrastructure

The doctors cannot cope (two weeks for an appointment), the schools are full, no dentist and drainage cannot cope.

No one walks (as it is up hill) so the Market Place and surrounding area is over run with cars as there aren't enough car parking spaces. The same is true of school children with parking chaos when schools are operational.

The bottom of Canada Lane was awash with water in recent rain

Sewerage tankers take the waste way from Caistor as the treatment works cannot cope.

The sewerage network does not have capacity to even get sewerage to the treatment works. A gravity system will not work so an expensive pumped system will be needed to be improved which will be expensive. When the cost of this is taken into account and the cost of burying overhead electric cables this explains why there is no money for schools, affordable housing and doctors. The fact that this site would fall within the Neighbourhood Plan's distance criteria should not blind people to the cost of such a development, its problems and the lack of any benefit to the town.

The applicant quotes exact figures to upgrade network but where does this come from? Where are the details to back this up? Will it involve the closing of the main Brigg Road whilst they put a new main in, this will be not be popular with Caistor residents and businesses alike. Anglian Water report has lots of errors and requires odorous and hazardous solutions close to dwellings and the Grammer School. There is no guarantee the works will be done! Who will pay...residents of Caistor.

The open spaces on site are either too small or are too steep to be useable for recreation. Children will need to cross the road and this will reduce safety.

- Affordable housing

This will not benefit anyone from Caistor. There are no affordable houses or infrastructure improvements so children will continue to need to leave the town for Lincoln/ Grimsby where there are suitable affordable houses. The proposals offer nothing but profit for applicants.

Policy requirements are for 20% affordable housing and the fact that this is a difficult site to develop is not a reason to let the developer off this requirement. Developers do not need to be incentivised to develop. Surely it would be better to focus on allocated sites further down Kelsey Road.

Other estates are not being built out and the Navigation Road site has high levels of housing association families.

The fact that the affordable housing and s106 contributions are different should ensure this application is not treated as a resubmission but a completely new application where all issues can be re-considered including highway safety.

- Ecology

Wildlife in this area will be impacted upon with a wide range of species seen. Flora is similarly effected and will be lost.

The Chalk Stream rare in Europe will also be harmed.

Will horses in the area be able to stay once development has been completed?

- Other

People have chosen to make homes in Caistor because of the positive atmosphere of the town. All this new development in the town is radically changing the atmosphere and people no longer have the same bonds and ties and awareness of each other. People who want larger bustling town with more available amenities should live there and leave Caistor to have a close community.

Support: 15 Teal Close

- Growth, housing and economy

More housing is a good thing and it's good for the local economy.

Civic Society: This development would encroach on the Waterhills which is a local beauty spot much appreciated by local people and tourists. The Society provide guided walks which helps your Council's tourism policy.

The proposed access to Brigg Road causes much concern about highways safety. Local people know how dangerous this section of road can be. It is also worrying that the layout of the proposed development shows that there is a road leading to the adjoining field to the east of the site. Would this be the thin edge of the wedge to further encroachment into Waterhills?

The Planning Committee will gather that there is very strong local opposition to this proposed development. Please ensure that Local Government prevails.

LCC Highways & Lead Local Flood Authority: *(in summary) Requests conditions be attached to any approval:*

- a) *A scheme for the provisions of a 1.8m wide footpath across the frontage of the site (including drainage provisions). Including approval and implementation;*

- b) Scheme for the creation of a tactile paved uncontrolled crossing point with 1.8m wide footpath on the opposite site of the site and implementation;
- c) The first 60m of the access road be completed before any dwellings are commenced;
- d) Drainage scheme to be submitted to include attenuation to restrict discharge rates to a maximum of 5 litres per second. Details of maintenance of scheme shall be included.

NHS England: NHS England will not be putting a s106 tender for the development of 70 dwellings in Caistor

Lincolnshire Police: (in summary) Provide advice on design whilst accepting the outline nature of the scheme. In particular the police raise concerns over the need for habitable windows to front onto habitable streets to contribute to natural surveillance. Particular concern is raised with respect to the covered car ports. This parking is likely to be away from and out of sight of the residential dwellings and therefore have a lack of natural surveillance limiting the attractiveness of this area to users. It could also increase anti-social behaviour. Any subsequent detailed design should allow for all round natural surveillance, clear lines of sight and appropriate lighting.

LCC Rights of Way: Definitive Footpath No.29 and Bridleway (Caistor) No. 30 are in the vicinity of the site but the new development would not directly affect them. 70 new homes would add considerably to the demands placed on these footpath. General guidance is also proposed as an advice note.

Comments;

- i/ It is expected that there will be no encroachment, either permanent or temporary, onto the right of way as a result of the proposal.
- ii/ The construction should not pose any dangers or inconvenience to the public using the right of way.
- iii/ If any existing gate or stile is to be modified or if a new gate or stile is proposed on the line of the public right of way, prior permission to modify or erect such a feature must be sought from this Division.

Should the blue ownership outline extend to Bridleway 30 then this development would make it prudent to create a further public footpath to link to this to the north of the site to facilitate opportunity for local exercise. Planners are invited to consider imposing a condition that a further link path be provided in this way.

Archaeology: No objection

Environmental Protection: No objection in principle but need to address contamination from substation and potential hot spots of contamination resulting from long term burning on the site. Should also consider noise from the substation. Need to consider the terrain which would need to mitigate the surface water generated by the proposal and the ability to store, attenuated and infiltrate the surface water on site.

Education: A contribution of £157 870 is requested for the primary school

Environment Agency: Originally raised concerns with respect to foul drainage but following additional information the agency raises **no objection** subject to a condition requiring an adequate scheme for the provision of mains foul sewerage infrastructure on and off site to have been submitted to and approved by the Local Planning Authority:

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

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

Informative

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

Lincolnshire Wildlife Trust: No response at time of writing

Anglian Water: Have confirmed that there is not capacity to accommodate a 70 house development within the Caistor Water Recycling Centre sewerage network. Anglian Water are obligated to accept foul flows from development with planning consent and should take the necessary steps to ensure that there is sufficient treatment capacity should the planning authority grant planning permission.

Development will lead to an unacceptable risk of flooding downstream. A drainage strategy will need to be prepared in consultation with Anglian Water to determine mitigation measures.

A condition requiring the drainage strategy covering the issue(s) is requested to be agreed.

CONDITION

No development shall commence until a foul water strategy has been submitted to and approved in writing by the Local Planning Authority. No dwellings shall be occupied until the works have been carried out in accordance with the foul water strategy so approved unless otherwise approved in writing by the Local Planning Authority.

REASON

To prevent environmental and amenity problems arising from flooding.

Surface water is not a matter relevant to Anglian Water and the Environment Agency should be contacted.

Lincolnshire Fire & Rescue: Do not make an objection provided the following items are included within the development:

- I. Access to buildings for fire appliances and fire fighters must meet with the requirements specified in Building Regulations 2010 Part B5. These requirements may be satisfied with other equivalent standards relating to access for fire-fighting, in which case those standards should be quoted in correspondence.
- II. Lincolnshire Fire and Rescue also requires a minimum carrying capacity for hard standing for pumping appliances of 18 tonnes, not 12.5 tonnes as detailed in the Building Regulations 2010 part B5. This weight limit would also apply to any private/shared access roads in order to achieve the above item.
- III. Lincolnshire Fire and Rescue recommends that fire hydrants be installed within this development at the developer's expense. However, it is not possible, at this time, to determine the number of fire hydrants required for fire-fighting purposes. The requirement will be determined at the water planning stage when site plans have been submitted by the water companies.

Relevant Planning Policies:

Development Plan

Central Lincolnshire Local Plan (Adopted April 2017)

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

- LP1: A presumption in favour of sustainable development
- LP2: The spatial strategy and settlement hierarchy
- LP3: Level and distribution of growth
- LP9: Health and wellbeing
- LP10: Meeting housing needs
- LP11: Affordable housing
- LP12: Infrastructure to support growth
- LP13: Accessibility and transport
- LP14: Managing water resources and flood risk
- LP16: Development on land affected by contamination
- LP17: Landscape, townscape and views
- LP21: Biodiversity and geodiversity
- LP24: Creation of new open space, sports and recreation facilities
- LP25: The Historic Environment
- LP26: Design and amenity
- LP51: Residential allocations – Market Towns

Caistor Neighbourhood Plan (CNP) Made Version

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

CNP Policies:

- 1 - Growth and the resumption in favour of sustainable development
- 2 - Type scale and location of development
- 3 - Design quality
- 4 - Housing mix and affordable housing provision
- 5 - Improved pedestrian and cycling linkages
- 8 – Leisure facilities
- 10 - Tourism
- 14 – Community infrastructure requirements

Aspiration 1 – Transport, traffic and highway infrastructure delivery and management strategy

The Caistor Neighbourhood Plan has been produced following extensive public consultation. The formal making of the plan occurred on the 6th March 2016. Through the making of the plan the CNP now forms part of the Adopted Development Plan for West Lindsey and is used to determine planning applications.

National guidance

National Planning Policy Framework (NPPF)

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

National Planning Practice Guidance (NPPG)

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

Other

Adopted West Lindsey Landscape Character Assessment

Draft Central Lincolnshire Development Contributions Supplementary Planning Document (SPD).

Main issues

- *Principle of housing in this location, sustainability & facilities (LP1, LP2, LP3, LP9, LP10, LP11, LP12, LP15, LP23, LP24 & LP51)*
- *Character, design & nature conservation issues (LP2, LP17, LP21, LP25 and LP26, NBE15 and NBE20)*
- *Highway safety and capacity (LP2, LP13 and LP51)*
- *Drainage and Flooding (LP14)*
- *Archaeology (LP25)*
- *Design and residential amenity (LP17 & LP26).*

Assessment:

- *Principle of housing in this location sustainability & facilities*
- i) *Provisions of the Central Lincolnshire Local Plan*

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

The Central Lincolnshire Local Plan contains a suite of policies relating to the planning principle for the area and land allocations. The plan categorises settlements as per their function, scale, services and connections. Policy LP2 indicates that Caistor is classified as Market Town. Here policies indicate that Caistor will be the focus for significant but proportionate, growth in housing... Most of its growth it notes will be via sites allocated in this plan, or the intensification or renewal of the existing urban area. However, additional growth on non-allocated sites in appropriate locations on the edge of these market towns (but immediately adjoining the developed footprint) may also be considered favourably though these are unlikely to be supported if over 50 dwellings/ha per site (whichever is the smaller).

Policy LP51 of the CLLP includes allocation CL1888 which has an area of 2.21ha with an indicative number of dwellings being noted as 50 (23 dwellings per ha (dph)). This allocation covers the majority of the application site with only the northern eastern corner falling outside the allocated area. The remaining part of the site is unallocated open countryside. It should be noted that of the 3.34ha application site approximately 0.93ha would fall outside of the allocation and be open countryside. The majority of the site outside the allocation, however, is shown on the indicative plan as open space. Whilst the plan is indicative, this part of the site includes the steepest section of the site so it less likely to be used for development. Nonetheless, the plan shows 12 dwellings either partially or wholly within this area. As the proposal, including the non-allocated area would be developed as a whole with the allocation, it is considered that the development would accord with policy LP2.

It should also be noted that the indicative number of houses of 50 identified in the policy is simply that, indicative. This figure is an average of housing development per ha found in Central Lincolnshire. Therefore development on any particular site could be higher or lower dependant on detailed considerations. In principle, therefore, it is considered that 69 houses (32 dph) in this location would not be unacceptable in principle. It is also noted that whilst the previous application (ref. no. 131181) for 69 dwellings was refused in September 2016 it was not resisted in principle or on density grounds. Whilst the Central Lincolnshire Local Plan was not adopted in Sept 2016 it had reached an advanced stage and the allocation policies relating to Caistor have not changed since that stage. Whilst objectors therefore seek the refusal of this application on policy and density grounds it would be very difficult to defend any such appeal given the merits (discussed later in this report) of the scheme, the grounds of refusal given the previous decision and the current adopted development plan policies.

ii) Caistor Neighbourhood Plan

Paragraph 184 of the NPPF indicates: *Neighbourhood planning provides a powerful set of tools for local people to ensure that they get the right types of development for their community. The ambition of the neighbourhood should be aligned with the strategic needs and priorities of the wider local area. Neighbourhood plans must be in general conformity with the strategic policies of the Local Plan.*

The NPPF further notes that: *Once a neighbourhood plan has demonstrated its general conformity with the strategic policies of the Local Plan and is brought into force, the policies it contains take precedence over existing non-strategic policies in the Local Plan for that neighbourhood, where they are in conflict (para 185).*

The Caistor Neighbourhood Plan should be given full weight in this application assessment as it has now been made. The CNP does not allocate development sites but its policies seek to provide a broad criteria for future development to meet. Of particular note is policy 1 which seeks a presumption in favour of sustainable development. Policy 2 goes further and provides guidance as to the type, scale and location of development. The policy indicates, amongst other requirements, that proposals should reflect the character and appearance of the town and be within 800m of the market square where a large number of the town facilities are.

The application site falls clearly within this distance based criteria, a well-used tool for assessing sustainable access. In addition to this, the site falls outside of allocated natural and semi-natural green spaces as shown within the Composite Plan of the CNP.

The impact on the character of the area is an important consideration but will be assessed below.

Sustainability & facilities

Paragraph 7 of the NPPF identifies three dimensions to sustainable development: economic, social and environmental. It is important to note from paragraph 37 of the Dunholme appeal decision that *“the NPPF enjoins the planning system to seek joint and simultaneous gains across the three mutually dependent dimensions of sustainable development: social, economic and environmental”* and *“the overall balance must look across all three strands”* but that *“weakness in one dimension did not automatically render a proposal unsustainable.”*

Caistor is classified as a Market Town (CLLP LP2). The settlement contains: primary and secondary schools, churches, community and sports facilities, shops, public houses, medical facilities and employment opportunities. The site is located approximately 400 - 600 metres from the centre of the village which would be a comfortable walking distance even taking account of topography. It is accepted that as a maximum distance access to some of the schools would be approximately 1km away from the site and uphill however, whilst 800m is a comfortable 10 minute walk this is not the upper limit of advice as 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. The application site is also opposite the sports ground which includes play equipment increasing use of such facilities without having to resort to the use of a motor vehicle.

Caistor is reasonably well served by bus routes and these services are considered to provide a sustainable method of connecting to Grimsby/ Lincoln, Market Rasen and indeed Brigg (although with a very limited service). The bus stop closest to the site is

within the Market Place within approximately 400m (600m from the furthest part) of the site.

The application site would also connect to the existing footpath network at the site frontage. The Highway Authority has requested that a 1.8m high footpath be formed to the frontage of the site to link and enhance the existing footpath network. In addition to this, a tactile paved uncontrolled crossing points are proposed to the site frontage and to the opposite site of Brigg Road to connect to another proposed 1.8m wide pavement leading to the access to the sports club. The objectors points are noted and the improvements to the footpath network would also enhance access to the wider area. It is noted in one area that the footpath would remain narrow but this is not considered of such detriment to warrant a recommendation of refusal. At reserved matters stage it is also likely that detailed designs would be required to ensure footpath and cycle routes would permeate within the site to aid accessibility. This would accord with the requirements of CLLP policy LP13.

As LP12 of the Central Lincolnshire Local Plan requires developments to be supported by, and have good access to, all necessary infrastructure. Planning permission it notes will only be granted where it can be shown that there is, or will be, sufficient infrastructure capacity to support and meet all necessary requirements arising out of a scheme not just on site or its immediate vicinity. Supporting paragraphs to the policy indicate that this includes water and drainage energy, communications, leisure and green infrastructure, education health and transport. This accords with policy 7 of the CNP which require support of local facilities.

NHS England have advised that a financial contribution would not be required to contribute to the capital cost of health care infrastructure in this instance. Whilst the concern over the capacity of the local GP practise is important, the issue of doctor recruitment is not a planning matter and is a national issue which cannot be rectified by individual developments or developers.

The Education Authority have stated that the development would result in a direct impact on local schools. A £157 870 contribution is therefore requested to mitigate against the impact of the development at local level. This is a valid request compliant with legislation and would need to be secured through the S106 planning obligation. The applicant has indicated a willingness to agree to such a figure.

The application site is located outside the Lincoln Strategy Area, SUE's and as a result CLP policy LP11 requires that 20% of housing development to be affordable. The applicant has indicated that the development could not support the full contribution on viability grounds but has offered 15% (10.3 units) affordable units on this site.

In assessing the proposal, officers are aware that the site would also be liable for Community Infrastructure Levy (CIL). This requires development across Central Lincolnshire over 100 sq. m (housing) to contribute to important infrastructure requirements. The West Lindsey CIL seeks contributions to the Lincoln Eastern Bypass and secondary school education. The contribution is assessed on the basis of floor area and so at outline it is not usually possible to identify an exact figure. The applicant has calculated a ball park figure based on West Lindsey average house size

to aid his assessment of costs. This has had an effect of increasing contributions required from developers above that considered in the last application.

Due to the limitations on contributions a viability assessment has been provided to your officers to assess. Due to the difficulties of developing this site and low sale values within the area the full request is not deemed viable. It is therefore recommended that the education contribution be supported in full and the CIL contributions are met. The applicant is also willing to provide 15% affordable housing. This could be provided on site or through a financial contribution which could then be used off site within Caistor to assist other affordable led proposals.

Despite the affordable housing contribution being 5% below the usual standard, it is recognised that the applicant is now required to support CIL payments. Having considered the viability assessment officers are content that the evidence provided to meet less than the full contribution has been justified. It is also noted that a similar shortfall in affordable housing was outlined in the previous application (131181) but did not generate a reason for refusal when it was determined by this authority. It is recommended that the Planning Committee support the recommendation subject to a s106 legal agreement being drawn up to include the education, open space and affordable housing requirements.

The application site would provide approximately 1.16 ha of open space on site and this will provide a level of amenity for future occupants and users of the site. It accepted however, that a significant proportion of this space would be of visual amenity value due to the steepness of the site. Other areas would though be available for informal recreation. Policy LP24 states that Central Lincolnshire Authorities will seek to:

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

The policy notes that residential development will be required to provide new or enhanced provision of public open space in accordance with the appendix c of the CLLP and indeed the Draft Central Lincolnshire Development contributions Supplementary Planning Document.

The application site is well located for access to the Caistor Sports and Recreation Club located almost opposite the site. This provides good and easy access to the facilities including both formal (cricket, football, tennis pitches) and informal play equipment. It is noted in the Playing Pitch Needs & Evidence report that supported the Central Lincolnshire Local Plan that the cricket pitch facilities were good but over used with an additional synthetic wicket requested and along with enhanced changing facilities including official's accommodation. With reference to more informal play the CNP policy 8 indicates the wish to provide a skate/ roller blade/ BMX track to be supported.

Policy LP24 notes that where such facilities are available in the area, within the correct distances, and where on site provision is not feasible or suitable consideration will be given to a financial contribution to the creation of a new facility or the upgrade and improvement of an existing useable facility will be considered.

In this instance, whilst the proposal would increase the use of facilities locally the existing range and quality of facilities available opposite the site which provides activities for all ages, including both informal and formal play/ sports is considered sufficient. Whilst enhancements could be made as discussed above these are not considered essential to support the recreational wellbeing of future residents nor would the existing facilities be overwhelmed by the demands placed on it by future residents. As such it is considered that the scheme would not be contrary to policy LP24.

- *Character, design & nature conservation issues*

The application site is positioned on the edge of Caistor and is located outside the built up area of the town but directly adjoins it. The application site falls into an Area of Great Landscape Value (AGLV) but is not within the Area of Outstanding Natural Beauty (AONB).

Policy LP17 of the CLLP seeks to protect and enhance the intrinsic value of our landscape and townscape, including the setting of settlements. Proposals, it notes, 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. Where a proposal may result in significant harm, it may, exceptionally, be permitted if the overriding benefits of the development demonstrably outweigh the harm: in such circumstances the harm should be minimised and mitigated. Policy LP17 also states that: all development proposals should take account of views in to, out of and within development areas: schemes should be designed (through considerate development, layout and 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.

Noting the importance of the Lincolnshire Wolds, AONB and AGLV policy LP17 states: The considerations set out in this policy are particularly important when determining proposals which have the potential to impact upon the Lincolnshire Wolds AONB and the Areas of Great Landscape Value (as identified on the policies map) and upon Lincoln's historic skyline.

Within the West Lindsey Landscape Character Assessment the area is noted as forming part of the North West Wolds Escarpment although the lower edge of the site adjoins the Heathland Belt character area. The Escarpment forms the backdrop to this part of the district and the slopes are steep, hummocky and indented by the action of streams and landslips. Although Caistor extends up the escarpment and punctures the skyline in places, the adopted Countryside Design Summary for the area advises that new development should be severely restricted along the prominent ridgeline and scarp face. New buildings it notes should only be accommodated on the lower slopes, following the existing settlement pattern.

It further notes that careful consideration should be given to the siting of buildings, taking account of local topography, vegetation and views. Buildings which are situated at the foot of slopes or in the folds of undulating ground are characteristic; they should be associated with substantial tree planting designed to integrate them with the surrounding contours and landscape pattern. Developments should not be linear but seek to ensure buildings contribute to the setting of the village. Substantial blocks of development would be inappropriate in this natural landscape setting.

CNP policy 2 notes that the growth of the town is welcomed but that growth needs to be at a scale and in locations that reflect the historic character of the town and avoid undue expansion.

The visual impacts of this proposal on the character of the area are twofold: a) impact on the character of the countryside including the entrance to Caistor itself and b) the layout and design of the development.

a) Impact on the character of the countryside including the entrance to Caistor

As noted the site is currently grazing land which extends from Brigg Road upwards along the escarpment to the east and to existing dwellings to the south, south east. To Brigg Road the site wraps around a large fenced compound that accommodates a single storey brick substation and transformer. This compound is partially screened from the road with hedges but is nonetheless clearly seen particularly when arriving into Caistor from Brigg. It is also present in many of the views of the escarpment from Brigg Road. On a more positive note mature trees existing in the southern corner of the site currently provide a green entrance to the village.

It is considered that the proposed development would modify the character of the entrance to the village in this location but that the harm of the existing substation could be reduced through screening of some views with positive housing designs either side of the compound. This could enhance the entrance to Caistor particularly with the retention of the mature trees in southern corner of the site, the mature hedges to the site boundary and the creation of a village green type area to the Brigg Road frontage. In addition to this, the termination of the development short of the curve in the road and the stream to the north would retain some undeveloped views of the escarpment/ Waterhills beyond. The site is also partially opposite the housing to Keyworth Drive which is formed of two storey buildings. This provides a partial setting for the site along Brigg Road.

The Viking Way is positioned to the east of the site, some way up the escarpment. This well-known long distance pathway does not directly adjoin the application site which is some 120m to the west. Views from the pathway especially during the summer months is heavily screened by hedging and trees which form a canopy over the pathway. In addition to this, the topography of the land relative to this long distance footpath would considerably reduce views of large sections of the development.

Similarly, although more views of the site would be possible from Canada Lane, again hedging and mature trees would screen most views whilst from closer sections any development would be seen in the context of the housing to North Street, the substation and Keyworth Drive beyond. Therefore whilst again changing the character

of this area it is not deemed significant nor sufficient to seek to resist development on landscape grounds.

Views from other public vantage points on top of the escarpment at Riby Road would be limited by the brow of the descent with the development being on the lowest levels of the hill in accordance with the West Lindsey Character Assessment.

b) The layout, density and design of the development

Although outline in form and as such any plan is indicative, the applicant has sought to consider the character of the development through assessing the layout of Caistor, its building types, position, density and spaces. It seeks to provide a unique design that follows the character of the town rather than a standard estate plan. The proposal also seeks to address the open countryside with a reduction in density towards the edges of the site. Building heights are also indicative but range from single storey to three storey in height. Similarly, detached, semi-detached and terraced formats are proposed again mimicking the town itself.

Therefore whilst the proposal would replace a greenfield site and some views from public vantage points would change, the impact on views of acknowledged importance would be limited whilst other views would benefit from the screening of the substation.

It should also be noted that as an allocated site, within the Central Lincolnshire Local Plan there is an expectation that the majority of this site would be developed for housing which in itself would lead to a significant change to the character of the area. Although slightly larger than the allocated site, in area, a large proportion of this wider area would be undeveloped and remain open making any difference compared to the allocation limited. Another consideration is the increased density of the proposal. The indicative density of the site is for 50 dwellings (23 dwellings per ha) whilst proposed development at 69 dwellings (32 dwp ha) whilst a 40% increase in scale the visual impact on the surrounding area would be limited and would create the general scale and density of the more historic parts of Caistor as opposed to newer suburban areas. Given the importance of design as outlined within policy 3 of the CNP this increase is deemed acceptable. Similarly, it should be noted that a similarly dense development (ref. no. 131181) was not opposed on design grounds in 2016 and is almost identical to the current proposal.

Ecology

The site is not designated as an ecologically important site but it is close to Waterhills Local Wildlife Site (LWS).

The CLLP includes policy LP21 which relates to biodiversity and geodiversity. It notes: *All development 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.*

Planning permission will be refused for development resulting in the loss, deterioration or fragmentation of irreplaceable habitats, including ancient woodland and aged or veteran trees, unless the need for, and benefits of, the development in that location clearly outweigh the loss or harm.

Proposals for major development should adopt a landscape scale and ecosystem services approach to biodiversity and geodiversity protection and enhancement identified in the Central Lincolnshire Biodiversity Opportunity Mapping Study.

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.

Where development is within a Nature Improvement Area (NIA), it should contribute to the aims and aspirations of the NIA.

Development proposals should ensure opportunities are taken to retain, protect and enhance biodiversity and geodiversity features proportionate to their scale, through site layout, design of new buildings and proposals for existing buildings.

Mitigation

Any development which could have an adverse effect on sites with designated features and / or protected species, either individually or cumulatively, will require an assessment as required by the relevant legislation or national planning guidance. Where any potential adverse effects to the biodiversity or geodiversity value of designated sites are identified, the proposal will not normally be permitted.

Development proposals will only be supported if the benefits of the development clearly outweigh the harm to the habitat and/or species.

In exceptional circumstances, where adverse impacts are demonstrated to be unavoidable, developers will be required to ensure that impacts are appropriately mitigated, with compensation measures towards loss of habitat used only as a last resort where there is no alternative. Where any mitigation and compensation measures are required, they should be in place before development activities start that may disturb protected or important habitats and species.

As noted, the proposal would not fall within the designated LWS and is separated from it by a section of field. Nevertheless, the site has value of its own and is connected to the Waterhills LWS by the watercourse. A number of ecological surveys have been undertaken which have shown that the site is generally made up of poor quality grassland but that there are areas which are species rich within the northern section of the site close to the watercourse. Whilst such areas are limited they would meet the LWS designation criteria for such species. These areas should therefore be protected and enhanced. The applicant has shown the areas of interest to fall into areas of open grassland to the north of the site where the gradient of the site is greater. Although

some houses within the site would have gardens extending down to the stream it is recommended that these are limited and areas shown green on the latest indicative plan be conditioned to be maintained as public open space. Such conditions would be required to agree a management scheme at the site. Although no response has been received from the Lincolnshire Wildlife Trust the trust has been involved with the previous application and pre application discussions for this submission. It is considered that such conditions would address the previous concerns of the Trust. The applicant has indicated a willingness to accept conditions to this affect.

The other issue is the potential pollution of the water course. Such pollution could impact on the Waterhills LWS. The applicant was originally seeking to direct surface water drainage directly into the watercourse which would have increased the potential for pollution. The proposal, however, has now been amended to include an attenuation tank with a defender in place to cleanse water before discharging the water into the watercourse. Although the design has slightly changed since submission the principle of such protection has been considered by the Lincolnshire Wildlife Trust at pre application state as being acceptable and would be maintain the quality of water entering into the Chalk Stream. Conditions are proposed to agree the detailed designs of the actual scheme including its future management. It is likely that subject to detailed designs it is considered that such features would protect the LWS but also allow for enhanced biodiversity on site.

Consideration of wildlife using the site are noted but are not considered significant. Standing advice is therefore recommended whilst enhancement works suggested would assist the support of other animals and birds. This together with the previous planting recommendations of the Lincolnshire Wildlife Trust accord with policy LP21 of the CLLP.

- *Highway safety and capacity*

The proposed development would be accessed from Brigg Road the A1048. Access is not a matter reserved and can be considered in detail. The proposed access would be located approximately 27m to the north of the substation access. The access road would be 5.5m wide with a pavement either side of the carriageway.

Taking account of vehicle speed at this part of Brigg Road (40mph) the visibility splays required at the access would be between 90 and 116m. Calculated stopping distance for traffic in wet weather is between 96 to 120m. This also accords with Lincolnshire County Council guidance. The applicant has shown that the proposed site access could meet a 116m visibility envelope. The position of nearby access to the sports club has also been noted. Taking account the nature of the site and details submitted the proposal has not been objected to by the Highway Authority. It is noted that some drivers do not always obey speed limits but this is not a matter for the planning authority and can be enforced by the police. The applicant has offered to reduce the speed limit in this area but even with the proposed development the Highway Authority does not seek to impose such a requirement.

Accident data has been assessed from 2009 to 2015 which indicates that 31 accidents have occurred in the surrounding area but only one slight accident, occurred within the vicinity of the application site at the Brigg Road/North Kelsey Road junction. This

involved a car and cyclist and took place late in the evening and is attributed to driver error and distraction. This indicates that safety concerns at this location are not significant. Concerns over motor cycles are noted, however, the road is considered safe so as to not justify an objection on these grounds.

Traffic counts have been undertaken at the site, with approximately just under 300 vehicles per hour passing the site at worst and typically under 200 for the rest of the day. A 69 dwellings estate is considered to generate approximately 296 trips per day, some 34 in the morning peak hour and 25 in the afternoon/evening peak hour. It is noted that a 6.1m wide road, to which the A1084 conforms, can accommodate an hourly flow of 750 vehicles in a single direction. Brigg Road would, even taking account of Caistor Lakes, the Wolds Retreat and the time of year of the survey, be sufficient to accommodate the flows proposed.

It is noted that some objections received have noted that the assessment is out of date due to its age. The Highway Authority, however, is content that the traffic situation within Caistor has not significantly changed to the extent that a new survey is required.

As noted above the proposal would generate pedestrian traffic due to its proximity to the Town Centre. The site is currently served by a sub-standard 1m wide footpath. In recognising this the applicant has proposed an enhanced footpath across the site and this would be supported by a condition for a 1.8m footpath. Due to the topography of the site however, the embankment in the south western corner of the site would preclude significant enhancement in this location. To assist pedestrians it is also proposed that a tactile crossing point close to the sports field is also conditioned.

- *Drainage and Flooding*

The site is located within the western escarpment of the Lincolnshire Wolds. It is characterised in part by its steep gradients (1 in 10) within the site and ground levels which generally fall to the north east to the beck which runs along its northern boundary. The area is known to locals as Waterhills although the actual extent of this area is disputed by some.

The site falls within Environment Agency Zone 1 indicating it is not at significant risk from sea or river flooding. No sequential assessment is therefore required. The main issue therefore is surface water drainage both in terms of current flows but also those generated by the proposal. No significant areas of flooding/ponding were noted on site during site investigation during the month of November.

To seek to meet the latest Sustainable Urban Drainage (SUDs) guidance a sequential assessment of potential drainage systems should be considered with on-site infiltration being the ideal system followed by drainage into existing water courses and finally drainage into existing sewerage network. The drainage of the site has been a major issue for this scheme and led to the refusal of previous application 131181 in 2016. Since then the agent has, in discussion with the Lead Local Flood Authority considered a number of options. Following an acceptance that despite permeable soils the gradients on site would render infiltration unworkable a more traditional approach has been advocated. Similarly, only small areas of traditional swales or permeable road surfaces (as a means to clean water before directing them to carrier pipes) are likely

to be possible on this site. As such the more traditional form of drainage gullies, pipes leading to an underground attenuation tank (1128 cubic metre capacity) is recommended. This would be large enough to store water generated on the site for during a 1 in 100 year flood event plus climate change allowance (40%) with water being released into the stream at maximum rate of 5l/s (greenfield rates). As noted above the scheme would include the installation of a defender system to ensure that contaminated water would not enter the chalk stream.

The LLFA has accepted this drainage strategy in principle as workable but recommend conditions for a full drainage scheme to be submitted and approved before construction commences.

Foul drainage would be to the main foul sewer in Brigg Road/North Street junction. A pumped system would be required and the applicant has shown a pumping station within the north western corner of the site. Anglian Water has indicated that neither Caistor Water Treatment Works nor the network leading to it has capacity for the flows generated by this proposal.

Additional investigation work has taken place with Anglian Water (AW) and as a result a number of enhancements to the network has been recommended including the enhancement and up sizing of manhole connections, vertical realignment (re-grading) pipes and enlarging others to provide sufficient capacity to the system. An off line storage solution including a deep storage capacity solution at the junction of Brigg Road and North Kelsey Road is also an option. The applicant has agreed to partially fund such works which ever final design is determined to be the best option. AW requests that conditions are placed to ensure that development does not take place until a final detailed scheme has been agreed with a timescale for network enhancements to take place. AW also confirm it is their responsibility to upgrade the treatment works.

It is considered therefore that subject to conditions it is appropriate to recommend this revised proposal for approval.

- *Archaeology*

Caistor is known to have pre-historic and Roman origins and has resulted in a number of important finds and features being identified within the town and surrounding countryside. Although there have been no finds on the application site Romano- British pottery has been identified in the garden of a bungalow at the western end of Canada Lane some 100m to the north west of the site.

Following submission of a desk top survey negotiations led to a geophysical survey being undertaken at the site. This found a number of features including buried ditches and areas of ridge and furrow. Ferrous rich materials were also found which corresponded with modern boundaries indicating they were likely to be the result of modern interventions. To be certain however, intrusive investigations in the form of dug trenches were undertaken in those areas where the geophysical survey showed potential. Eleven trenches were dug and were overseen by an officer from LCC Archaeological Service. The results of such investigations were of limited interest although some small flint finds were made which correspond with surrounding field

work at Sandbraes Farm confirming the presence of low level flint working in the vicinity.

The result show that there is limited archaeological interest at the site and no further investigations or mitigation are required.

- *Design and residential amenity*

The outline nature of the proposal makes the assessment of the design difficult. The applicant has, however, provided an indicative layout which indicates that 69 dwellings could be accommodated on the site. The design and access statement also indicates that the proposal would take its layout and design references from the town itself with housing close to pavements and irregular street form and town green type arrangements. The density whilst higher towards the centre reduces to the edge of the development.

In a similar way, the impact on existing residents cannot be fully assessed as the layout is only indicative. What can be determined, however, is that a scheme of 69 dwellings could be accommodated on site with each property having a reasonable outlook, garden space and parking areas to maintain residential amenity.

It is noted that some of the dwellings are proposed to be three storeys in height. Such heights are characteristic of Caistor and are located at the lowest part of the site. This would have the impact of making a positive character to the entrance of town but also allowing them to be seen in the context of higher ground levels and dwellings beyond. In a similar way the two and a half storey units are shown located just forward of where land rises to the rear in quite a pronounced way reducing the impact of such properties on surrounding the area. Whilst deemed acceptable such matters can be determined in more detail at reserved matters stage.

The noise of the substation is an issue but the applicant has indicated a willingness to agree to condition to mitigate noise levels through acoustic fencing/ other measures. It should be noted that in many cases housing is close to such facilities including for example Bob Reynolds Way in Gainsborough.

Other issues

The position of the site adjoining the substation could lead to contamination but Public Protection colleagues indicate conditions would suffice to determine the potential and remediation of such ground conditions.

The reduction in house value is not a material consideration in the planning system.

Conclusion

The proposed development would provide a range of dwellings up to 69 in number. The majority of the site is allocated within the Central Lincolnshire Local Plan (LP50) for housing but a portion is located in open countryside. The incursion of some development into the open countryside would still accord with policy LP2 of the CLLP as being immediately adjacent to the developed footprint of the town and allocation.

Its position close to Caistor Market Place would accord with Caistor Neighbourhood Plan policy 2 and provide good links to services without recourse to motor transport. It is considered that this should attract significant positive weight.

The design of the development whilst, greater in density to the indicative capacity would accord with that found in the traditional areas of Caistor as would the heights and mix of housing types suggested. The proposal would, in part, screen the substation whilst views from other public vantage points, including the Viking Way would again, in part, be screened by topography or mature hedgerows and trees. Where views are possible the development would generally be seen in the context of existing housing as such it is considered the proposal would accord with CLLP policies LP1, LP2 and LP17.

The applicant indicates the designs, whilst indicative could provide a range of house types to meet local housing need and would also accept a condition that 30% of the properties would be constructed to meet Building Regulations M4 (3) to assist people with mobility impairments to remain in houses when alterations are required. The proposal would also provide 10.3 affordable housing units which should be afforded significant weight in accordance with CLLP policy LP11 despite the reduced offer due to viability.

Access to the site can be achieved without harm to highway safety or capacity and improvements to footpaths and crossing points would allow easy access to the site subject to conditions and s106 legal agreement to accord with policy LP13.

Facilities and services within the town would be impacted upon, however, the applicant will provide the full education contribution to reduce the impact on the school. In addition to this, the development will be subject to CIL which would support infrastructure including the Lincoln Eastern bypass and secondary education in accordance with policy LP12.

Although the site is not part of an ecologically important area it is linked to one and includes areas of grassland that are worth managing and enhancing in accordance with ecological guidelines to enhance bio-diversity. Details provided show that the designated site would be protected whilst subject to conditions the areas of grassland deemed worthy of enhancement on site are also maintained. The drainage proposals also include details of protection measures to ensure that the receiving chalk stream is protected.

The proposal would, however, lead to a loss of a greenfield site and views which are cherished by some locals. Once built upon this site as an amenity, despite being in private ownership, would be lost. The site is however allocated for the development. Notwithstanding this as has been noted views are already limited and in part are eroded due to the position of the substation close to Brigg Road or protected by topography and landscaping. Conditions are proposed to provide a landscaping scheme.

The development of the site as with all new developments would generate additional traffic, however, noting the concerns of local residents, no objections on the grounds of harm to highway safety have been raised by the Highways Authority.

Surface water drainage is an issue in this area and the gradients on site has led to a considerable investigation as to its impacts. Building on greenfield locations such as this increases runoff which could exacerbate flooding. Following the refusal of planning application 131181 a redesign process has been undertaken, the result of which has been a more traditional but acceptable form of drainage scheme of gullies, pipes and attenuation tanking before controlled discharge into the stream. This, subject to detailed designs, secured by planning conditions is deemed to meet previous concerns of the Lead Local Flood Authority.

Similarly, foul water disposal has been known to be an issue in the area due to capacity issues. Anglian Water the network operator and the applicant has been involved in additional negotiations and a mutual agreement has been reached to upgrade the foul network in the area to accommodate flows. A condition is requested therefore to prevent the development until improvements to the network capacity have been completed. The proposal therefore accords with policy LP14 of the Central Lincolnshire Local Plan.

The occupants of 69 new dwellings would use local services including local schools, pre-schools and medical facilities which are under stress. The applicant has indicated a willingness to provide additional funding for schools to mitigate this impact. No request has been made from the NHS as was the case in the previous application. Whilst the concern over the capacity of the local GP practise the issue of doctor recruitment is not a planning matter and is a national issue which cannot be rectified by individual developments or developers. The proposal is therefore considered to accord with policy LP12 of the Central Lincolnshire Local Plan.

The proximity to the Water Hills Local Wildlife site and its connection through the beck is noted. The loss of the site to development would reduce ecological interest particularly as it is known to be used by animals and birds and is also home to various plant species some of which are afforded a level of protection. Surveys indicate however, that the proposal would not lead to a significant loss of habitat of species/types of importance and that schemes for mitigation can be agreed to protect and enhance areas of importance. Similarly, subject to the design of the surface water drainage scheme including the defenders it is considered that the quality of the chalk stream would be maintained in accordance with policy LP21 of the CLLP.

The application for housing on this greenfield site has courted a lot of interest and debate. The proposal for dwellings in this location would accord with Local Plan policies and provide accommodation in a sustainable location, including the provision of 15% affordable housing. Subject to conditions and s106 legal agreement it is considered that the proposal would be acceptable and would not have a detrimental impact on the character of the area nor entrance to the town, highway safety/capacity, residential amenity, ecology, drainage nor the availability of services in accordance with policies LP1, LP2, LP3, LP9, LP10, LP11, LP12, LP13, LP14, LP17, LP21, LP25 and LP51 of the CLLP and policies 1, 2, 3, 4, 5 of the Caistor Neighbourhood Plan.

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 15% as affordable housing (70% rented – 30% shared ownership) or equivalent housing contribution if no registered provider can be identified;
- Measures to secure the delivery, and ongoing maintenance and management of public open space, drainage features and ecological areas;
- A capital contribution towards primary education (based on a set formula relating to housing size and numbers).

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.

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, Caistor 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 (identified by Anglian Water) 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 to prevent pollution of the water environment in accordance with West Lindsey Local Plan First Review Policy LP14.

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 Caistor, the Waterhills and provide an acceptable transition from open countryside to Market Town;
 - b) A landscaping scheme which details boundary treatment to existing residential dwellings and road frontage Brigg Road Caistor;
 - c) A landscaping and open space scheme 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.

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, streams, grassland, ditches/ swales, any balancing ponds/ drainage basins and areas identified in the Biodiversity Protection, Enhancement, Mitigation;
 - b) a Biodiversity Protection, Enhancement, Mitigation and Management Scheme for dry and wetland habitat maintenance including water quality, chalk streams, grassland management, and (but not exclusively) the provision of bat roosts and bird boxes and retention of trees and hedgerows, as recommended by Scarborough Nixon ;
 - c) details of management, mitigation and protection measures before, during and after construction and setting out management responsibilities and maintenance schedules for the protection of unimproved grassland and chalk stream and;
 - d) timescales for the implementation of matters approved.

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 routing and management of construction traffic;
 - (ii) the parking of vehicles of site operatives and visitors;
 - (iii) loading and unloading of plant and materials;
 - (iv) storage of plant and materials used in constructing the development;
 - (v) the erection and maintenance of security hoarding including decorative displays and facilities for public viewing, where appropriate;
 - (vi) wheel cleaning facilities;
 - (vii) measures to control the emission of dust and dirt during construction;
 - (viii) details of noise reduction measures;
 - (ix) a scheme for recycling/disposing of waste resulting from demolition and construction works;
 - (x) no construction works (including use of machinery and vehicles entering and/or leaving the site) shall take place outside of the hours of 7.30am – 6pm Monday to Friday and 8am to 1pm on Saturdays and at no time on Sundays or Public Holidays unless agreed with the LPA
 - (xi) mammal ramps to be installed in any uncovered trenches overnight

(xii) measures to prevent contamination of the stream and grassland areas during construction.

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/ in the interests of highway safety in accordance with policy LP1 and LP13 of the Central Lincolnshire Local Plan.

9. No development shall take place before a scheme has been agreed in writing by the local planning authority for the construction of a uncontrolled tactile paved crossing point and a 1.8 metre wide footway link from points A, B to C on the attached plan (Brigg Road, Caistor - 136604), together with arrangements for the disposal of surface water run-off from the highway at the frontage of the site. The agreed works shall be fully implemented before (any of) the dwellings are occupied. Or in accordance with a phasing arrangement to be agreed in writing with the Local Planning Authority.

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

10. No development shall take place until, details of all finished floor 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 does not occur and the character or appearance of the area are protected in accordance with Central Lincolnshire Local Plan policies LP14, LP17 and LP26.

11. 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.

12. 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.

13. Detailed plans at reserved matters stage shall be submitted to show that at least 30% of the houses approved can and will be built to Building Regulation Part M4(3) standard. 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.

14. 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.

15. 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 detailed 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.
- g) A timetable for the implementation of the protection measures.

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.

16. 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 2315.P103 rev M 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 Brigg Road, Caistor in accordance with Central Lincolnshire Local Plan Policy LP 13.

17. No development shall commence until details have been submitted to and approved in writing by the Local Planning Authority, of noise attenuation measures proposed for any residential properties and their gardens adjoining and/or abutting the electricity substation and the scheme as approved shall be implemented in full before the dwelling is first occupied.

REASON: To maintain residential amenity from noise nuisance from the electricity substation adjoining the site and in accordance with policy LP26 of the Central Lincolnshire Local Plan.

18. No development shall take place until, a contaminated land assessment and associated remedial strategy, together with a timetable of works, have been submitted to and approved in writing by the Local Planning Authority (LPA) and the measures approved in that scheme shall be fully implemented. The scheme shall include all of the following measures unless the LPA dispenses with any such requirement specifically in writing:

- a) The contaminated land assessment shall include a desk study to be submitted to the LPA for approval. The desk study shall detail the history of the site uses and propose a site investigation strategy based on the relevant information discovered by the desk study. The strategy shall be approved by the LPA prior to investigations commencing on site.
- b) The site investigation, including relevant soil, soil gas, surface and groundwater sampling, shall be carried out by a suitably qualified and accredited consultant/contractor in accordance with a Quality Assured sampling and analysis methodology.

c) A site investigation report detailing all investigative works and sampling on site, together with the results of analysis, risk assessment to any receptors and a proposed remediation strategy shall be submitted to the LPA. The LPA shall approve such remedial works as required prior to any remediation commencing on site. The works shall be of such a nature as to render harmless the identified contamination given the proposed end-use of the site and surrounding environment including any controlled waters.

d) Approved remediation works shall be carried out in full on site under a quality assurance scheme to demonstrate compliance with the proposed methodology and best practice guidance. If during the works contamination is encountered which has not previously been identified then the additional contamination shall be fully assessed and an appropriate remediation scheme agreed with the LPA.

e) Upon completion of the works, this condition shall not be discharged until a closure report has been submitted to and approved by the LPA. The closure report shall include details of the proposed remediation works and quality assurance certificates to show that the works have been carried out in full in accordance with the approved methodology. Details of any post-remedial sampling and analysis to show the site has reached the required clean-up criteria shall be included in the closure report together with the necessary documentation detailing what waste materials have been removed from the site.

Reason: In order to safeguard human health and the water environment and identify potential contamination on-site and the potential for off-site migration as recommended Environmental Protection due to the presence of a current and historical electrical substation in accordance with policy LP16

19. 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.

20. No development shall take place until a phasing plan for the whole development to include the provision of necessary infrastructure including drainage and access arrangements has been submitted to and approved in writing by the Local Planning Authority.

Reason: In the interests of proper planning

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

20. The total number of dwellings to be developed on the site shall not exceed 69.

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 LP51 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/ in the interests of residential amenity, convenience and highway safety in accordance with 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: 2315.P001, 2315.P002, 2315.P103 rev M (access highway access and junction works only) and 1376/001.

Documents: Design & Access Statement, Travel Plan, Archaeological Desk Based Assessment – OPUS, Archaeological Evaluation Report – PCA Services Ltd, Archaeological Geophysical Survey – PCA Services Ltd, Phase 1 (Desk Study) Investigation Report – OPUS, Planning Statement – Hodson Architects, Transport Statement - May 2016, Transport Statement (update) Aug 2017, Ecology & Protected Species Survey Dec 2013 – Scarborough Nixon, Update April 2015 – Scarborough Nixon. The works shall be carried out in accordance with the details shown on the approved plans and in any other approved documents forming part of the application.

Reason: To ensure the development proceeds in accordance with the approved plans in the interests of proper planning 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:

None

Notes to the Applicant

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.

The development approved is outline in form and reserved matters application will be required. It is important to ensure that the access roads, private drives and home zone areas, whether to be adopted or not, should be of sufficient width with useable turning facilities, parking and service strips to meet Lincolnshire County Council Highway Standards. The indicative layout provided would fall somewhat short of the required standards. It is recommended that prior to any submission of reserved matters advice is requested on this matter from the Head of Highways on 01522 782070.

The development approved is outline in form and reserved matters application will be required. It is important to ensure that any proposal is design to reduce the opportunities for crime. The indicative plans show a parking court which would raise security concerns and should be reconsidered and redesigned to remove these issues.

Reasons for granting permission

The approved development would provide 69 new dwellings almost wholly on an allocated site within the Central Lincolnshire Local Plan. The proposed development would have an acceptable impact on the character of the area, setting of the town within the countryside and allow a mix of residential dwellings to be provided. The proposal would, subject to conditions, 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 of existing trees in the area and ecological interests in accordance with policies LP1, LP2, LP3, LP9, LP10, LP11, LP12, LP13, LP14, LP16, LP17, LP21, LP24, LP25, LP26 and LP50 of the Central Lincolnshire Local Plan and policies 1, 2, 3, 4, 5, 8, 10 & 14 of the Caistor Neighbourhood Plan and the provisions of the National Planning Policy Framework (NPPF).

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



Officers Report

Planning Application No: 137532

PROPOSAL: Planning application for the proposed replacement of the communal building approved under 134583 with the erection of two single storey bungalows and associated works

LOCATION: Land At Church Lane Saxilby Lincoln LN1 2PE

WARD: Saxilby

WARD MEMBER(S): Cllr Cotton & Cllr Brockway

APPLICANT NAME: ACIS

TARGET DECISION DATE: 17/05/2018

DEVELOPMENT TYPE: Minor - 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 two affordable rented bungalows.

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 6 months from the date of this Committee, then the application be reported back to the next available Committee meeting following the expiration of the 6 months.

Description:

The original reserved matters planning permission allowed on appeal (ref. no. 134583) at this site approved an over 55's housing complex which included 60 residential units. Included within the scheme was a two storey community hub which would accommodate two single flats at first floor, a guest suite (single beds and en-suite) and at ground floor a communal area including an activity room, reception, kitchen and resident's lounge. This application seeks change the scheme by replacing the proposed community hub, two flats and a guest suite with two bungalows. The bungalows would include two bedrooms each, one double and one single. Car parking would occur to the south in a communal parking area with an area of open landscaping also created to the south.

The site is currently a building site with phases 1 and 2 under construction along with the spine road which will eventually serve the whole development. The site is

surrounded on three sides by phases 1 and 2 of the wider development with phase 3 to the north.

Town and Country Planning (Environmental Impact Assessment) (England and Wales) Regulations 2017:

The development is not within a 'sensitive area' as defined in Regulation 2(1) of the Regulations and falls significantly below development levels in the context of Schedule 2 of the Regulations. Therefore the development is not 'EIA development'.

Relevant history including applications on wider site:

131174 Outline planning application for residential development, to include associated estate roads and open space. Access to be considered and not reserved for subsequent applications. Refused but allowed at appeal 9th Dec 2015

134583 Application for approval of reserved matters for residential development including associated estate roads and open space following outline planning permission 131174 granted 09 December 2015-Phase 1 of development to erect 60no. over 55's units. Granted 25 Aug 2017

134895 Reserved matters application for 20 dwellings following outline planning permission 131174. Granted 25 Aug 2017

137061 Planning application for demolition of existing dwelling and the erection of 3no. dwellings. Granted 12 Jan 2018

137071 - Application for approval of reserved matters (appearance, landscaping, layout, scale) for residential development, to include associated estate roads and open space - following outline planning permission 131174 allowed on appeal 9 December 2015. Approved 28 Mar 2018

Representations:

Councillor Cotton & Councillor Brockway: The inspector, Mr. Manning was clear in his view the community building was central to the 60 retirement dwellings to be built.

The retirement village similarly was key to the reasoning for granting the application.

The people occupying that set of dwellings will be far enough away from other community buildings as to make them an issue for regular use. We have a similar facility in Rookes Close, also retirement homes, this community building is very well used several times a week by the residents.

Given the planning Inquiry and the issues with this I would request this go to committee rather than delegation. I'm keeping an open mind and not expressing a formal opinion but need to see robust reasons for removal of the community building as I believe it is an essential facility with 60 dwellings with a minimum of 60 residents and a maximum of 120 residents who will be buying/renting a lifestyle.

Committee must decide this in my view.

Saxilby Parish Council: The Council strongly requests that the application is considered by the WLDC planning committee.

Following the extensive public inquiry, the over 55's village and the associated community facility was central in permission being granted for the development by the inspector.

The Committee strongly opposes the removal of a community facility and contends statements made in ACIS supporting letter:

Management of the facility – similar existing developments in the community have a communal space and the key is not held off site, it is held by a responsible resident in the building and effectively managed on-site without additional management costs being incurred.

Use of the building – Saxilby is a large hub village which also serves the wider rural communities. Currently the other venues in the village are well used, including those managed by the Council. The Committee does not agree that an additional facility would undermine other affordable provision in the community. Again, with reference to key holders, this could effectively be managed on-site by a responsible member of the community (as is the case of other local facilities).

The location of the site is not near the centre of the village, where the other community spaces are. This development is specifically for older people who have a higher prevalence of reduced mobility and health conditions, therefore a communal space in the development is required to meet the populations needs and reduce possible isolation.

Saxilby with Ingleby Parish Council are committed to promoting a high standard accommodation for the ageing population. Providing amenities such as a fitness room, library, cafe etc contribute to the physical and emotional health and well-being of an ageing population. Applying to remove this communal resource does not demonstrate a commitment for the welfare of the older people who the development is being constructed for.

The Local Plan LP10 Meeting Accommodation Needs states the developer is expected to provide housing solutions to meet the housing needs of the housing market area. In the Housing Needs Assessment (2016) a supporting document in the Saxilby with Ingleby Neighbourhood Plan (2017) there was a clear need for specialist accommodation to meet the needs of older people; removal of this facility does not meet these needs.

Condition 6 from planning inspector stated that the development shall not exceed 230 buildings, so no further dwellings can be added to the development site.

Local residents: None

LCC Highways: No objection

Archaeology: No objection

Housing Strategy and Supply Manager: (in summary);

- Through no fault of Lindum or Acis the scheme being delivered is not the same as the original retirement village proposal.
- Acis do not have a business model where there is on site staff.
- The addition of the communal facilities will mean an increase in service charge for tenants and home owners (see below)
- In terms of meeting housing need as evidenced by through the authorities waiting list the Acis scheme will provide a more acceptable mix of retirement living than the original proposal with the inclusion of affordable rented dwellings
- There is a risk that the community facilities will not be utilised at all if it is necessary for a key to be collected from Gainsborough.
- There are limited options for developers to secure a registered provider to deliver affordable housing. If Acis hadn't have come forward then the developer would not have been able to meet his s106 obligations and the site would have stalled

Service charge

Acis have advised that it is not possible at this time to give exact figures in relation to the service charges which will be incurred by the residents of the over 55 housing. It is advised that charges for ground maintenance would be in the region of £120 to £150 per annum. If roads are not adopted then further charges are incurred for roads and street lights. With the additional communal facilities in the original scheme the service charge could be in excess of £300 per year. This charge would be incurred by all residents in addition to any rent or mortgage payments. For those in rented accommodation who need to claim housing benefit this charge would not be covered by housing benefit payments and therefore could make the affordable rented dwellings unaffordable to many households.

Relevant Planning Policies:

National guidance

National Planning Policy Framework (NPPF)

Central Lincolnshire Local Plan adopted 2019 (CLLP)

LP1: A presumption in favour of sustainable development

LP2: The spatial strategy and settlement hierarchy

LP9: Health and wellbeing

LP10: Meeting accommodation

LP11: Affordable housing

LP15: Community facilities

LP26: Design and amenity

LP52 Residential allocations – Large villages

Saxilby with Ingleby Neighbourhood Plan (SwINP) – Made Plan

Policy 1: Housing mix

Policy 2: Design of new development

Policy 3: Comprehensive development of land at Church Lane

Policy 4: Allocation of affordable housing

Policy 9: Protecting community facilities

Main issues

- *Provision of affordable housing*
- *Change from the original proposal to provide an on-site community facility*
- Design and parking

Assessment:

- *Provision of affordable housing*

The application site forms part of a wider development which has outline planning permission for 230 dwellings including 60 no. over 55's properties within phase 1 of the overall estate, ref. no. 131174. The detail of phase 1 was approved through reserved matters approval 134583 and included a community hub and a visitor suite (a twin bedroom and bathroom) to serve the retirement village. The current application presented to the planning committee seeks to change the community hub building, two associated flats and visitor suite with two single storey affordable bungalows. The site is currently under development and the approved community hub and flats have not yet been constructed.

Policies LP2 and LP52 of the CLLP support housing on this site. Similarly, policy 3 of SwINP seeks a mix of housing development and ancillary and associated development on this site. As such the proposal in its most basic form would accord with both the Central Lincolnshire Local Plan and the Saxilby with Ingleby Neighbourhood Plan. It should be noted that the proposal would not increase overall housing numbers on site, as the bungalows would simply replace the original flats approved under 134583.

The proposal also seeks to provide accommodation for occupiers over 55 in line with the original outline permission (condition 16) to create 60 such dwellings overall on site. The proposal therefore accords with policy LP10 of the CLLP which seeks developments to meet the needs of the housing market area. This includes a mix of housing tenures, types and sizes to help support the creation of mixed, balanced and inclusive communities. The policy more specifically seeks to cater for the needs of less mobile occupants, including older people and disabled people. Similarly, supporting paragraphs 39 and 40 of policy 4 of SwINP indicates there is an identified growth in demand for specialist accommodation to meet the needs of older people. It notes: 'An ageing population will increase the demand for specialist accommodation, and the survey provides some evidence of this. The proposal would therefore accord with this evidence and continue to provide such specialist accommodation.'

Similarly, the proposals seeks to retain the affordable status of the two residential units approved in the original proposals but in a bungalow form rather than as two first floor flats. These bungalows will form part of the affordable housing contribution secured through the s106 for 58 dwellings across the site. Policy LP11 seeks to deliver a strategic aim of 17400 affordable dwellings across Central Lincolnshire to meet the needs of residents unable to compete on the open market. As the proposal delivers two such bungalows the scheme would accord with CLLP policy LP11. Similarly, evidence to support policy 4 of SwINP indicates there is a requirement for 5 x two bedroomed bungalows for rent or shared ownership in the village. It is recognised however, that given the number of affordable units proposed overall withn the wider scheme, residents could be attracted from a wider area.

- *Change from the original proposal to provide an on-site community facility*

The aspect of this application that requires the most careful consideration is the proposal to replace a proposed Community Facility, part of the original approved scheme, with two bungalows. This aspect has attracted comments from both the Parish Council and Ward Councillor in their respective responses. Whilst Policy LP15 and Policy 9 of the SwINP relate to the loss or conversion of existing buildings, in this case the community facilities proposed in the original application have not been built, and therefore these policies cannot be afforded weight as no physical loss of existing facilities will occur. For clarity this would mean there would be no community facility provided within the development if this application were to be approved. The development would therefore be reliant to on alternative existing facilities elsewhere within the village. As such, an appropriate justification must be considered in order to assess the planning merits and possible impact of this change.

To begin to understand the need for this application it is first worth briefly considering the history of the development, the developers involved in its promotion and changes to the back ground of funding such provision.

Following the appeal decision a reserved matters application was submitted for phase 1 of the scheme. Lindum Homes was supported by a registered provider whom indicated that they had a dedicated retirement home company which could deliver home ownership specifically for the retirement market. This scheme included the community hub.

Negotiations between the developer and this registered provider ultimately broke down placing the retirement village at particular risk. Acis, however, were able to put a viable and deliverable offer to the developer which would comprise of 20 dwellings available for open market sale, 20 shared ownership and 20 affordable rent. Acis do not, however, have a dedicated retirement arm to their operation and the focus is much more on general needs affordable housing to rent or buy (shared ownership) with an age restriction.

The following comments/evidence of need was provided to support delivery at the time of the reserved matters application;

The Lincs Homefinder CBL waiting list identifies 1091 households registered of which 480 were in the over 55 age group. The Central Lincolnshire SHMA 2015 demonstrates that Central Lincs had seen a considerable growth in older persons between 2001 and 2011 particularly in West Lindsey where the over 65 age group had seen a 28.5% increase. Further considerable growth is expected in this age group over the project period - (up to 2036).

The PPG which sits alongside the NPPF highlights the importance of considering housing need when considering development. It further recognises that the need to provide housing for the elderly is critical and that supporting independent living helps reduce costs to health and social care which this proposal would contribute towards.

The Lincs Homefinder CBL waiting list therefore provided strong evidence of need for affordable rented dwellings for those over 55 both now and in the future.

Although the level of need today has fallen very slightly demand still remains high. It is clear that the specific model of provision for the over 55's accommodation originally proposed could not be supported by many of those providers approached and indeed the new partner Acis has offered to deliver and manage the majority of scheme as approved although on a different tenure basis as identified above. The need, however, for the provision of over 55 accommodation, as shown above, continues to increase underlining importance of such the provision.

The current application under consideration therefore seeks change the community hub building, two flats and visitor accommodation approved under 134583 to two single storey bungalows and associated works. The applicant, Acis', has also provided justification for this change and relates both to its operation model but also the cost of providing such a facility to future occupiers of the retirement village and itself as a not for profit organisation.

Firstly Acis does not run a community building/ guest/ warden type operation and could not justify subsidizing one in Saxilby as a business nor expect other developments to contribute towards this. As a result any key they indicate would need to be kept in Gainsborough as it would be unreasonable to expect one of the residents of the scheme to manage the facility.

Secondly, the applicant indicates the provision of such a facility would attract ongoing maintenance costs for the facilities (maintenance, heating, cleaning and general operation) and a manager. These would be considerable and would be borne by future occupiers of the development (except those within the affordable rented accommodation where any additional costs would be borne by ACIS or spread across the remaining non affordable rented units). The approved hub would be a considerable facility with a large kitchen, office, activity room/ lounge and sunroom not to mention the guest facility. This is not the type of unit be locked up and hired out occasionally but would need to be actively promoted by the owner with staff employed to arrange and manage activities to a considerable level to make the hub work in the manner expected. This is likely to require a day and evening presence by staff so when assessed Acis determined that two part time workers would be required. Equally, given the age group involved and the level of activity/ organisation required there would need to be good quality and experienced event organiser's/ managers whom could also deal

with any eventuality/ emergency. This would therefore be likely to be someone of significant experience which would attract a salary commensurate to the role.

The service charge to cover cleaning/ operation/ replacements/ depreciation/ services/ security/ council tax and staff management 365 days a year day/evening, would therefore, have to be budgeted for on top of any usual service charge. The applicant indicates that in a warden type/hotel facility that could easily reach £50-60000 per annum or £20 per week per unit which is unaffordable for most of its residents.

The Council's Housing Strategy and Supply Manager indicates that Acis have advised her that it is not possible at this time to give exact figures in relation to the service charges which would be incurred by the residents of the over 55 housing. ACIS and indeed the Housing Strategy Manager, however, suggest that a general service charge of £120 - £150 per dwelling per annum (£2.30 – 2.90) per week per unit) for maintenance of properties, verges, driveways etc is usual and is deemed sustainable for those on lower incomes/ pensions. This would also increase year on year in line with the retail price index. The Church Lane development is not a standard scheme and has considerable additional landscaped areas, both generally and within the communal garden areas to maintain, along with the car parks. If roads are not adopted then further charges are incurred for roads and street lights. With the additional communal facilities in the original scheme the service charge could be in excess of £300 per year (£20 per week). This charge would be incurred by residents in addition to any rent or mortgage payments. Whilst this may not seem, a great deal when the state pension starts at approximately £164 a week a £20 additional charge on top of the cost of rent, mortgage, food, bills etc is considerable.

For those in rented accommodation who need to claim housing benefit this charge would not be covered by housing benefit payments. For those purchasing shared ownership dwellings the additional cost could make them unaffordable to many households. The market units (55/60 sq. metres in area) are likely to retail around £140000 and would not, due to their size be attractive to those with substantial income/ pensions. As such a high service charge would be unattractive to potential purchasers and could limit the viability of the proposal. Similarly, where Homes England grant is secured to fund the development of affordable rented accommodation (20 units) such additional charges could not be levied on occupiers and ACIS would have to fund such additional charges itself which it cannot afford to do, particularly given the essential service charges to maintain the estate and grounds. Costs are therefore a key element of concern for the viability of the scheme.

It is clear from the Inspector Manning decision notice that he agreed with the developer at the outline appeal that the site was sustainably located within Saxilby and most facilities could be reached on foot by future residents. Nonetheless, those older residents with limited mobility would be unlikely to reach the village centre and the loss of the community centre with potential social activities and catering facilities would significantly detract from its sustainability for them. This weighs against the proposal within the planning balance.

It should be noted as a matter of fact that if this application is approved the site will have two approvals upon it, either of which could be implemented, although only one would obviously proceed. Equally and whilst somewhat unpalatable it must also be

stated that if this application were to be refused there would be no power through the planning system to ensure the continued operation of the facility if it is unviable or indeed any compulsion for the development to operate it at all. As noted above Inspector Manning's conditions did require the provision of 60 over 55's dwellings but did not mention the community hub. The section 106 agreement sealed, did require the provision of 25% affordable houses but did not require the provision or operation of the community hub. This therefore is a material consideration.

- Design and parking

The design of the bungalows would follow the majority of other bungalow units on the site. It would have a dual frontage to address the green to the north of the site, whilst to the west it would also have an attractive frontage to the road. The two storey unit approved opposite the site to the west would also provide a visual 'book end' to the proposed run of bungalows from the other two storey apartment to the east. It is considered therefore that the designs would not detract from the character of the area in accordance with policies LP17 and LP26 of the CLLP and policies 2 & 3 of SwINP.

Parking to the bungalows would be available to the south of the bungalows within the car park area which already has consent.

Other matters

Given the single storey nature of the proposals and their central location within the site, these properties would not lead to residential amenity concerns.

Conclusion

The promotion of the wider development site for housing at previous application stages highlighted the provision of the retirement village with various design features and services which could be attractive to the older population. Such development would meet an identified need within Central Lincolnshire, West Lindsey and on much a smaller scale Saxilby.

The change in the scheme omitting the proposed community hub is disappointing but is not contrary to policies LP15 and 9 of the CLLP and SwINP respectively as it has yet to be provided. It would, however, reduce the attractiveness of the scheme to some potential future occupiers and would weigh against proposal.

The proposal, however, would still provide a retirement village, the new registered provider, would develop 60 retirement units within phase 1 as required by the outline appeal approval 131174. Housing need for the older population remains a key challenge within Central Lincolnshire and this proposal would assist to meet this need. This is a substantial positive material consideration which would support approval of this proposal.

Unlike the over 55 retirement residential units and affordable houses the outline planning permission (appeal decision notice nor associated legal agreement) does not specifically require any supporting facilities in the retirement village to be retained or

indeed provided. The enforcement of the actual provision of this facility or its retention if the current application is refused cannot therefore be undertaken.

The Planning Inspector determined that the location was a sustainable and that good links with the village centre, with its facilities, was available to future residents. Whilst it is accepted that older less mobile residents will reside at the properties, the age criteria would be such that genuinely mobile residents over 55 would also occupy the properties.

The applicant has addressed the issue of affordability and identified that the nature of the hub with its facilities and features would need to be actively managed and maintained to provide the service intended by the original operator. This would represent a significant weekly cost to future occupiers which would place the units beyond most of the likely occupiers placing the viability of the whole scheme in question. The general details provided to support this statement which have been considered by the Council's Housing Strategy and Supply Manager whom has agreed with the assessment. The current provider also offers a scheme with a wider range of tenure options for the retirement village as a whole which should also not be discounted.

Whilst the change proposed moves away from that originally promoted, the current applicant has presented a reasoned planning argument that would justify the approval of this scheme in accordance policies: LP2, LP26 and LP52 of the Central Lincolnshire Local Plan and policies 1, 2 & 3 of the Saxilby with Ingelby Neighbourhood Plan and assist to meet an important housing need within central Lincolnshire.

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 two affordable rented bungalows

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 6 months from the date of this Committee, then the application be reported back to the next available Committee meeting following the expiration of the 6 months.

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

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

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

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

2. No development shall take place until details of all external and roofing materials to be used have been submitted to and approved in writing by the Local Planning Authority and the development shall only be carried out using the agreed materials.

REASON: To safeguard the character and appearance of the building(s) and its surroundings and ensure the proposal uses materials and components that have a low environmental impact in accordance with policy LP26 of Central Lincolnshire Local Plan.

3. No development shall commence until, full details of the treatment of all boundaries of the site, including where appropriate, fencing, walling hedgerows to be retained, or other means of enclosure have been submitted to and approved in writing by the Local Planning Authority. The approved details shall be implemented prior the dwellings are first occupied.

REASON: To ensure the provision of appropriate boundary treatment in the interest of the visual and residential amenity of the area in accordance with policy LP26 of Central Lincolnshire Local Plan.

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

4. Before each dwelling is occupied the roads and footways providing access to that dwelling, for the whole of its frontage, from an existing public highway, shall be constructed and completed to a specification to enable them to be adopted as Highway Maintainable at the Public Expense.

REASON: As recommended by the Highway Authority to ensure the provision of adequate access and in the interests of highway safety and in accordance with policy LP13 of the Central Lincolnshire Local Plan.

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

5. The two bungalows hereby approved shall be restricted to occupation only by (i) persons aged 55 years and over; (ii) persons who are living as part of a single household with a person aged 55 years or over; and (iii) persons who were previously living in that dwelling as part of a single household with a person aged 55 years or over who has since died.

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

Reason for approval

The proposal provides two specialist dwellings to meet a specific identified need within central Lincolnshire without detracting from the character of the area, highway safety nor residential amenity in accordance with policy LP1, LP2, LP15 and LP26 of the Central Lincolnshire Local Plan.

Notes to the Applicant

Please be aware that as of the 22nd January 2018 West Lindsey District Council implemented a Community Infrastructure Levy and that eligible development granted on or after this date will be subject to this charge. The development subject to this Decision Notice could fall within the definitions held within the adopted charging schedule and as such may be liable to pay the levy. For further information on CIL, processes, calculating the levy and associated forms please visit the Planning Portal www.west-lindsey.gov.uk/cilforms and West Lindsey District Council's own website www.west-lindsey.gov.uk/CIL

Please note that CIL liable development cannot commence until all forms and necessary fees have been submitted and paid. Failure to do so will result in surcharges and penalties

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

30 May 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

x

Key Decision:

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

Yes

☐

No

x

Appendix A - Summary

- i) Appeal by Mr J Lockwood against the decision of West Lindsey District Council to refuse planning permission to erect 1no. dwelling on land off Manor Lane, Aisthorpe, LN2 1GS

Appeal Dismissed - See copy letter attached as Appendix Bi.

Officer Decision – Refuse permission

- ii) Appeal by Mr J Blakey against the decision of West Lindsey District Council to refuse planning permission for 2 custom-build houses and accessed via an upgraded existing driveway at Corner House Farm, Main Road, Linwood, Market Rasen LN8 3QG.

Appeal Dismissed - See copy letter attached as Appendix Bii.

Officer Decision – Refuse permission

Appeal Decision

Site visit made on 24 April 2018

by Darren Hendley BA(Hons) MA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 9th May 2018

Appeal Ref: APP/N2535/W/18/3195173

Land off Manor Lane, Aisthorpe LN2 1GS

- 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 J Lockwood against the decision of West Lindsey District Council.
 - The application Ref 136888, dated 11 October 2017, was refused by notice dated 6 December 2017.
 - The development proposed is a planning application to erect 1no. dwelling.
-

Decision

1. The appeal is dismissed.

Procedural Matters

2. The description of development set out in the banner heading above is taken from the decision notice as the appeal form confirms it has changed to this revised wording from what was stated on the planning application form.
3. I have dealt with the Council's reasons for refusal together as the issue of whether or not the proposal would constitute infill development in the settlement is related to the effect on the character and appearance of the area.

Main Issue

4. The main issue is the effect of the proposal on the character and appearance of the area.

Reasons

5. The appeal site comprises an area of cleared land which forms a frontage onto Manor Lane on the edge of this small settlement. The site is abutted on 2 sides by a large expansive field. The boundaries with this field are defined by rows of recent planting. A public right of way (PROW) runs through the field immediately adjacent to the site. The field is typical of the prevailing character of land around the settlement which is a predominantly of an open arable landscape and countryside. The site is also found next to the village hall and this boundary is delineated by more mature vegetation. On the opposite side of Manor Lane are semi-detached residential properties. Beyond the corner on the road, just passed the site, the pattern of development changes as a continuous built form is found on both sides of the road.

6. For the purposes of Policy LP2 of the Central Lincolnshire Local Plan 2012-2036 (2017) (Local Plan), Aisthorpe is a hamlet where single dwelling infill developments (i.e. within the developed footprint of the village and within an otherwise continuous built up frontage of dwellings) in appropriate locations will be supported in principle. Under the policy, developed footprint is defined as the continuous built up form of the settlement, with specified exclusions, and appropriate locations includes the consideration of character and appearance matters.
7. When the site's undeveloped form, its proximity to the open field on 2 sides and its location on the edge of this modest sized settlement are taken together, its character is informed appreciably by the open countryside. This aspect of the character would be significantly reduced under the proposal because of the substantial footprint and built form of the proposed dwelling. The proposal would represent a marked incursion into the countryside on the edge of the settlement, and this feature of the site and its contribution to the rural character would be unduly lost.
8. The proposed dwelling would also be of a notably larger scale than the nearest properties and appear dominant in the streetscene as approached along Manor Lane. As such, it would appear uncomfortable with its location on the edge of the settlement and this would further detract from the character. This would not be satisfactorily addressed by the use of different building heights on parts of the proposed dwelling, because its overall scale would be in significant contrast with its immediate surroundings.
9. As regards to whether the proposal would constitute infill, whilst it would be located next to existing built development on the side of the village hall, on the opposite side it would be next to the field. The next property is beyond this part of the field, around the corner on the road. The proposal would be on land that relates more to the surrounding countryside than to the built up area of the settlement.
10. For the purposes of Policy LP2, the proposal would not, therefore, constitute infill. It would not be within the continuous built form of the settlement, and so it would not be within the developed footprint of the village. None of the related exclusions under Policy LP2 are of particular relevance to the site although this does not diminish from that it would not accord with the policy. It would also not be in an otherwise continuous built up frontage of dwellings. As a consequence, it would not respect the existing pattern of development in the part of the settlement where the site is found and, with the significant harm that would arise to the character and appearance of the area, nor would it be an appropriate location.
11. The Council's Conservation Officer did not object to the planning application, although I consider this is of more relevance to the consideration of the effect on the setting of a listed building, rather than on infill and the character and appearance of the area.
12. I conclude the proposal would have a significant and unacceptable harmful effect on the character and appearance of the area. As such, it would not comply with Policy LP2 as regards infill development in a hamlet, nor with Policies LP17 and LP26 of the Local Plan which seek to protect and enhance the intrinsic value of the landscape, including the setting of settlements, and state that all development must achieve high quality sustainable design that

contributes positively to local character and landscape, and must take into consideration the character and local distinctiveness. I attach significant weight to the conflict with these policies as they are of relevance to the main issue and the related concerns set out in the reasons for refusal.

13. In coming to my conclusions on Policy LP17, I have had regard to that the policy does provide for the overriding benefits of the development to demonstrably outweigh the significant harm. The proposal would make a contribution to the housing supply and mix, albeit this would be limited to one additional unit. Hence, this would not constitute an overriding benefit that would demonstrably outweigh the significant harm.
14. The proposal would not constitute a new isolated home in the countryside under paragraph 55 of the National Planning Policy Framework (Framework), and would accord with its policy guidance in relation to supporting rural services, and the associated advice in the Planning Practice Guidance. However, this does not address the conflict by way of the effect of the proposal on the character and appearance of the area, as the Framework recognises the intrinsic character and beauty of the countryside, and the need to respond to local character and distinctiveness.

Other Matters

15. Manor Cottages are grade II listed properties related to a former farmhouse building. They lie beyond the corner of the road and are separated from the site by a number of other properties. With the intervening built form and boundary enclosure, and as they form a distinct building on their plots, the proposal would not impinge on their qualities. Accordingly, it would preserve the setting of the listed building and accord with the statutory duty under Section 66 (1) of the Planning (Listed Buildings and Conservation Areas) Act 1990.
16. As the proposal would be well separated from the nearest residential properties, it would protect the living conditions of their occupiers. It would also not be unacceptable with regard to highway safety, with the likely traffic generation, and with regard to drainage and the effects on the PROW. However, these matters are neutral and do not address the unacceptable harm that would arise concerning the effect on the character and appearance of the area.

Conclusion

17. For the reasons set out above and having regard to all matters raised, the appeal should be dismissed.

Darren Hendley

INSPECTOR



Appeal Decision

Site visit made on 18 April 2018

by Elaine Gray MA(Hons) MSc IHBC

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

Decision date: 16 May 2018

Appeal Ref: APP/N2535/W/18/3195111

Corner House Farm, Main Road, Linwood, Market Rasen LN8 3QG

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant outline planning permission.
 - The appeal is made by Mr J Blakey against the decision of West Lindsey District Council.
 - The application Ref 136292, dated 26 May 2017, was refused by notice dated 4 August 2017.
 - The development proposed is described as '2 custom-build houses and accessed via an upgraded existing driveway'.
-

Decision

1. The appeal is dismissed.

Main Issue

2. The main issue is whether the site is, in principle, an appropriate location for the proposed development.

Reasons

3. There is no dispute between the main parties that Linwood is defined as a hamlet. Policy LP2 of the Central Lincolnshire Local Plan (LP) defines hamlets as settlements with dwellings clearly clustered together to form a single developed footprint. Within such settlements, single dwelling infill developments in appropriate locations will be supported in principle. However, infill developments must be within the developed footprint, and within an otherwise continuous built up frontage of dwellings.
4. The term 'appropriate location' means a location which does not conflict, when taken as a whole, with national policy or the policies in the LP. Furthermore, to qualify as an 'appropriate location', a site, if developed, should: 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.
5. The Council contends that the appeal site is a defined gap within the hamlet, and is not suitable for infill development. LP Policy LP2 clarifies that the term 'developed footprint' of a settlement is defined as the continuous built form of the settlement and excludes, amongst other things, gardens, paddocks and other undeveloped land within the curtilage of buildings on the edge of the settlement where land relates more to the surrounding countryside than to the built up area of the settlement.

6. On one side of the appeal site is a terrace of dwellings and on the other is Corner House Farm, with its associated barn. The site, which the appellant describes as marginal, and historically used for fruit trees, is an area of rough grass bounded by an informal, well-maintained hedge. Whilst not part of the agricultural holding, the appearance of the site is akin to the adjacent rural land. As such, I consider that it relates more to the surrounding countryside than to the built up area of the settlement.
7. That being the case, I conclude that the site falls within the definition of the types of land that are excluded from the developed footprint of the settlement, as described in LP Policy LP2. As it is excluded from the developed footprint, the site would not meet the criteria for infill development. The presence of the buildings on either side would not alter this conclusion.
8. Drawing these factors together, I conclude that the appeal site would not, in principle, be an appropriate location for the proposed development. In the absence of any compelling case to depart from the development plan, I therefore find that the development would unacceptably fail to comply with the spatial strategy and settlement hierarchy set out by LP Policy LP2.
9. Even if I were to find that the site met the conditions for infill development, LP Policy LP2 allows only for the development of single dwellings within such sites. As the proposal would create two new dwellings, it would conflict with the policy in this regard in any case. I agree that broad frontages, such as that of Linwood Manor, are often characteristic, and that it is not untypical to find access tracks to agricultural land in gaps between dwellings in rural locations. However, these matters would not outweigh the policy conflict I have identified, or lead me to the view that the Council's definition of the term 'infill' is too restrictive.
10. I have had regard to an extant permission (ref: 132740) for the conversion of the adjacent agricultural building for use as a single dwelling. The appellant confirms that they have subsequently received approval for three dwellings on this site (ref: 137295). I acknowledge the appellant's willingness to forego the development of the barn on the basis that the appeal scheme for two dwellings would be more appropriate. However, as I have found that the appeal site would not be an appropriate location for the proposal, I can attach little weight to this fallback position. My attention has been drawn to a recent court case¹ and also two appeal decisions² within West Lindsay. However, the details of these cases are not before me, and so I can give them limited weight in my consideration.
11. In terms of sustainability, Linwood lies approximately a mile from the edge of Market Rasen, which offers a number of services and facilities. The appellant argues that this proximity would mitigate the lack of services within Linwood itself. However, there is little cogent evidence before me to show that future occupants would regularly use sustainable modes of transport to access the facilities in Market Rasen. Reference is made to timetabled and hopper bus services, but I have not been provided with any details of these, and so I can attach little weight to them.

¹ Mansell v Tonbridge and Malling Borough Council [2017] EWCA Civ 1314

² APP/N2535/W/16/3156035 & APP/N2535/W/16/3142624

12. Whilst a mile would be a reasonable walking distance, the route along the main road would be unlit for the most part, and would not be suitable for regular journeys on foot to access day-to-day services. Similarly, although there is a national cycle network from Linwood, I am not convinced that cycling would be an attractive option throughout the year, and in various weathers, for regular and sustained trips to access employment and other facilities. I am therefore satisfied that the site would not be a sustainable location for the development, as defined in the National Planning Policy Framework.

Other Matters

13. I note the appellant's contention that the application was made on the basis that one dwelling might be permitted under the 'hamlet' policy, and the other as self-build. However, this distinction would not overcome my concerns regarding the overall acceptability of the scheme. The development of two properties, as opposed to one, could be regarded as making more efficient use of the land. Nonetheless, this aim would not strike an acceptable balance with the unacceptable policy conflicts that I have identified.
14. The appellant states that the development would offer the opportunity to address a long-standing foul drainage problem relating to the adjacent cottages. However, this problem may be able to be addressed independently of the appeal scheme, and so I can afford the matter little weight in planning terms.
15. Whilst the development would be designed to resemble a grouping of agricultural buildings, and would conceal the adjacent modern barn building, these factors would not make the scheme acceptable in terms of the requirements of LP Policy LP2. Whilst sustainable and efficient modes of construction would be used, this would be insufficient to tip the planning balance in favour of the proposal.
16. I have had regard to the representation that has been received in support of the proposal development. However, this has not led me to a different conclusion. The appellant raises issues in respect of the Council's administration of the self-build register. However, this is a matter for the relevant parties to resolve between themselves, and has not formed part of my consideration.

Conclusion

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

Elaine Gray

INSPECTOR