

AGENDA

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

Planning Committee
Wednesday, 14th November, 2018 at 6.30 pm
The Council Chamber - The Guildhall

Members:

- Councillor Ian Fleetwood (Chairman)
- Councillor Owen Bierley (Vice-Chairman)
- Councillor Matthew Boles
- Councillor David Cotton
- Councillor Michael Devine
- Councillor Hugo Marfleet
- Councillor Giles McNeill
- Councillor Mrs Jessie Milne
- Councillor Roger Patterson
- Councillor Mrs Judy Rainsforth
- Councillor Thomas Smith
- Councillor Robert Waller

1. Apologies for Absence

2. Public Participation Period

Up to 15 minutes are allowed for public participation. Participants are restricted to 3 minutes each.

3. To Approve the Minutes of the Previous Meeting

(PAGES 3 - 15)

- i) Meeting of the Planning Committee held on 17 October 2018, previously circulated.

4. Declarations of Interest

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

5. Update on Government/Local Changes in Planning Policy

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) 136826 - Land at Eastfield Rise Farm, Fiskerton Road, Cherry Willingham (PAGES 16 - 84)
- b) 138377 - Land off Lincoln Road, Fenton (PAGES 85 - 94)
- c) Objection to Tree Preservation Order Market Rasen No2 2018 (PAGES 95 - 100)

7. Determination of Appeals

(PAGES 101 - 118)

- 137094 – Silver Trees Farm
- 137164 – South Street, Morton
- 135610 – Kingsmead Park, Swinhope

Mark Sturgess
Interim Head of Paid Services
The Guildhall
Gainsborough

Tuesday, 6 November 2018

WEST LINDSEY DISTRICT COUNCIL

MINUTES of the Meeting of the Planning Committee held in The Council Chamber - The Guildhall on 17 October 2018 commencing at 6.30 pm.

Present: Councillor Ian Fleetwood (Chairman for items 39-44 inclusive, and item 46)
Councillor Owen Bierley (Vice-Chairman. Chairman for item 45 only)

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:
George Backovic Principal Development Management Officer
Russell Clarkson Development Management Team Leader
Martha Rees Legal Advisor
James Welbourn Democratic and Civic Officer

Apologies: None.

Membership: Councillors Maureen Palmer and Anne Welburn were in attendance up to and including item 43.

13 Member of the public were present.

39 PUBLIC PARTICIPATION PERIOD

After opening the meeting, the Chairman reminded Members, people in the public gallery, and viewers of the webcast that application number 138180, Reepham Road Fiskerton had been withdrawn by the applicant, and would not be discussed.

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

40 TO APPROVE THE MINUTES OF THE PREVIOUS MEETING

The minutes of the meeting dated 19 September 2018 were agreed as a true record and signed by the Chairman.

41 DECLARATIONS OF INTERESTS

Councillor Fleetwood declared an interest in application number 137950 – Land off Lea Grove, Bardney, and would stand down as Chairman for this item and speak as Ward member. He had been lobbied by the Parish Council and members of the public.

Councillor Fleetwood declared a non-pecuniary interest with relation to the planning application to be heard as agenda item 6a, in that he was Vice Chairman for the Parish Council which was objecting to the application. He clarified that he had not been involved with any of the parish planning decisions and would be considering the application solely in his role as Chairman of the Committee.

42 UPDATE ON GOVERNMENT/LOCAL CHANGES IN PLANNING POLICY

The Development Management Team Leader gave the following local and national updates:

- The consultation on the Cherry Willingham Neighbourhood Plan had ended. The independent examination was now underway;
- The consultation on the submission draft on the Willoughton Neighbourhood Plan had just ended. There was now a move to appoint an Independent Examiner;
- Consultation on the draft version of the Neighbourhood Plan in Sudbrooke was underway until the 5th November;
- In a change to legislation, as of 1 October, the local Planning Authority required the written agreement of the applicant in order to apply any pre-commencement conditions.

43 138157 - BLEAK FARM, CHERRY WILLINGHAM

The Principal Development Management Officer introduced application number 138157, an application for 5no. dwellings at Bleak Farm, Cherry Willingham.

There were a number of updates for this item:

- The original appeal on this site had now been validated by the planning inspectorate, and had a start date of 11 October;
- No additional information from the applicant had been submitted following last month's Planning Committee, so the application remained as written;
- The Cherry Willingham Neighbourhood Plan was referenced in the report; however, some of the policies within the Plan, in particular H3 have been challenged. The weight given to these policies would have to be tempered whilst the challenge was ongoing;

The first of the public speakers on this item was Parish Councillor Paul Moore, from Cherry Willingham Parish Council. He raised the following points:

- The Parish Council fully accepted the principal of development on this site, as established by the previously granted outline permission;
- This was an important site at the heart of the village, and it justified a development that made the most of the heritage and potential of the site;
- The Parish Council were gratified when an earlier application in May 2018 was refused, as they felt it did not live up to these heritage standards;
- This application seemed almost identical to a previous application from May 2018, which was rejected by committee; the Parish Council felt that there were no material changes in this application that could lead to this new application being granted;
- The site, until recent times, was a working farmstead. It was confirmed as a non-designated heritage asset in the Neighbourhood Plan;
- Some of the buildings on-site had now gone through demolition; however the historic context and the setting of the farmstead and nearby listed buildings remained unaltered. Any development on this site would have an effect on the setting and significance of these heritage assets, but this should be properly assessed to inform the design and layout of any new development. That was the requirement of adopted planning policy;
- The Parish Council agreed with Lincolnshire County Council's (LCC's) Historic Environment Officer that the submitted heritage statement was wholly inadequate;
- By only developing part of the site, the application failed to make the most of the whole area, and there was no requirement for public open space or affordable housing;
- Policy LP25 of the Central Lincolnshire Local Plan (CLLP) required that development proposals protected the significance of designated heritage assets, including their setting, as well as promoting opportunities to better reveal the significance of heritage assets. In addition, the desirability of sustaining and enhancing non-designated heritage assets should be taken into account;
- Many developments exist on old village-centre farmyards that retained design and layout links with the site's former use, and produced a high quality development that enhanced the village centre;
- The site's present condition was very poor; this did not justify an inadequate development proposal for this site simply to tidy it up (reflected in the National Planning Policy Framework – NPPF);
- It was important for this site to have the following as part of any application:
 - I. Establish a strong sense of place;
 - II. Respond to local character and history and reflect the identity of local surroundings;

III. Ensure that new developments were visually attractive as a result of good architecture and appropriate landscaping;

- The application site provided an opportunity for a good, sensitive development that respected and acknowledged its historical context and the wider character of the village;
- The submitted scheme failed to meet these objectives;

The next speaker was Councillor Maureen Palmer, Ward member for Cherry Willingham. She highlighted the following:

- The principal of a residential development on the site of a former working farmstead was accepted; any development would need to fit in with the setting of the site;
- Unless there were any significant differences in this application, it should also be refused;
- The inclusion of this site in the Neighbourhood Plan was not just focused on the preservation of the farm's buildings; heritage issues should have been an important part of the application;
- There were comments from district councillors previously about the site currently being an 'eyesore'; this may be the case, but any replacement not up to standard would be an eyesore for years to come;
- The overall site design should reflect that it was agricultural in nature in a previous time;
- The application site provided an opportunity for a sensitive development contributing to the wider character of the village; the submitted scheme failed to achieve those objectives.

The final speaker was Councillor Ann Welburn, also a Ward councillor for Cherry Willingham. The following points were highlighted:

- The original application back in August 2016 was for 13 dwellings with conversion of a barn. It was agreed with 25% of affordable housing units, with the provision of no less than 3% designated as public open space;
- Subsequently to this, the site had been sold, all outbuildings had been destroyed, bricks had been removed, the house had been vandalised and the site had been left derelict;
- Application number 137057, considered back in May 2018 was rejected for not protecting an historic site in Cherry Willingham, and was a proposal contrary to LP25 and 26 of the CLLP, as well as guidance within the NPPF at paragraphs 58, 128, 132 and 133. Added to this were statutory duties in section 66 of the Planning, Listed Building and Conservation Areas Act;

- The application before committee on 17 October was very similar to application 137057;
- Cherry Willingham residents welcome this development but request that it be dealt with as a whole. The importance lies with the setting;
- The wall outside the site is in disrepair and should be taken down;
- It was suggested that the applicant work with a steering group and the Parish Council as that would produce a far better outcome.

The Principal Development Management Officer reminded Members that they were considering the application before them now, and that it would not be for them to ask the developer to go away and come back with a larger site to be developed.

In relation to affordable housing, LP11 of the CLLP was referred to. It was explained that whilst the number of dwellings fell below the threshold for requiring affordable housing, if the scheme was followed by an obviously linked subsequent development scheme at any point where the original permission remains extant, or up to 5 years following completion of the scheme, then, if the combined total of dwellings qualified for affordable housing, the level of affordable housing would be backdated to include this scheme.

Some weight could be afforded to the draft Neighbourhood Plan, however there were unresolved objections to this, which would temper the weight that may be given.

There seemed to be a general acceptance of development at the site, but problems with the scheme's layout. There needed to be a wider perception of reflecting the local character.

Officers recognised that the site was being considered as important; however this wasn't reflected in the development plan or the Neighbourhood Plan.

Following these issues raised by officers, Planning committee members then provided their own comments;

- There was currently a planning appeal lodged against a previous iteration of this application;
- The site was in the centre of the village; non-designated heritage assets are no less important than their designated counterparts;
- There were sufficient reasons to support refusal, namely LP25 and LP26 of the CLLP, regarding the historic setting. Also, policy 127(c) of the 2018 national policy, which was sympathetic to local character and history, and policy 128 – design quality should be considered throughout the evolution of proposals.
- Paragraphs 185(c) and 191 of the NPPF were applicable;
- Other Councillors felt that there wasn't enough information in the application to refuse;

- There was not enough assurance in the application that there would be outcomes that were going to protect the heritage of the site;
- No development would take place on site until a sample of brick no more than 1m in height be installed. Officers and Members could go to the site to inspect materials;

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 development is not sympathetic to local character and history, including the surrounding built environment. 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 design quality and layout. The proposal is therefore contrary to local policies LP25 and LP26 of the Central Lincolnshire Local Plan and guidance within the National Planning Policy Framework, particularly paragraph 127(c), 128, 185(c) and 191.

44 138097 - CHURCH ROAD, STOW

The Development Management Team Leader introduced application number 138097, for the proposed erection of 2no. dwellings at Church Road, Stow.

There were two updates to the report:

- An extension of time on the application had been agreed to the 19 October 2018;
- The applicant had agreed to the pre-commencement decision on materials.

Councillor Chris Turner spoke on behalf of Stow Parish Council, and highlighted the following five objections:

1. In the opinion of the Parish Council, conditions 4 and 5 of the outline planning permission had not been met. These related to surface, and foul water drainage issues on Church Road, which was prone to flooding. The officer's report confirmed these conditions had to be met at some time in the future, but that it did not relate to reserved matters in this application. It would be difficult to consider drainage after approval had been granted for development;
2. Permission for a small bungalow immediately to the north-west of this application was refused. The applicant in that case appealed; this was unsuccessful; the proposed bungalow would have damaged the view of the open countryside from Church Road. For application 138097, this appeared to have been addressed by the officer under the 'views' section. Extensive bedrooms in the roof will make them appear like three-storey properties, which again would damage the view of the open countryside from Church Road;
3. It was hard to envisage a house with five bedrooms, a large number of toilets and a double garage conforming to low carbon living;
4. There was no requirement for an archaeological survey;

5. There was a vibrant community in Stow; what the village needed was affordable housing for families.

The next speaker was Mrs Carolyn Turner, who was objecting to the application. She raised the following points:

- Mrs Turner was a local resident of 35 years;
- Earlier in 2018 planning permission for a small bungalow adjacent to the plot for application 138097 was refused because it would detract from the view of the countryside from Church Road;
- The proposed dwellings were totally out of character with the area. They contained many windows, and did not blend in with the tiny single track road on Church Lane;
- The submitted plans show a laudable attempt at fitting into the surrounding landscape; however, closer inspection shows that hedges were to be destroyed as they were overrun with species. In fact, the hedgerow could be seen as a haven for flora or fauna;
- Bulldozers had already decimated the area;
- LP4 of the CLLP advised that Stow should accommodate small scale development of a limited nature in an appropriate location; this development was neither small-scale nor appropriately located;
- The drainage in place could not cope with a one in ten year event;
- The application was totally inappropriate in terms of appearance, style, and landscape.

Following these comments, the Development Management Team Leader responded:

- Planning permission had already been granted on this site; this application is for reserved matters only;
- Drainage was a condition of the application. The applicant would need to submit these details and it would need to be agreed. The lead local flood authority did not raise objections at the time of granting planning permission;
- The bungalow to the north of the site was refused; however the application before Members was independent of that application and was not seeking planning permission;
- No conditions were required for archaeology, nor the ecology of the site at the time of granting permission;
- Consideration was required purely for the reserved matters - scale and appearance of

the buildings, and the layout of the site, landscape and access.

Members then provided their comments on the application. Following this, further information was provided;

- The proposed houses had dedicated garages to their front, with ample off-road parking;
- If the landowner had not been an immediate family member of a Councillor, the application would have been an officer decision;
- On previous applications when a site visit had been requested, the developer had put up height indicators so it would be clear how much massing there would be;

At this stage in proceedings, it was moved and seconded that the committee go on a site visit, but this was **REFUSED**.

Further comment was provided:

- The last assessment Strategic Housing Market Assessment was in July 2015; it outlined that houses of all types were needed in Central Lincolnshire. The greatest need was for small properties, but all types were needed;
- When speaking to businesses in the area, their preference was for more executive homes in West Lindsey;

It was proposed, and seconded that Members support the officer recommendation in the report, but this was **REFUSED**.

There were no further questions or comments and it was therefore moved, seconded and voted upon that permission be **REFUSED**. The scale of the development does not relate well to the site and surroundings and therefore does not achieve a high quality design that contributes positively to local character and is contrary to the provisions of the Central Lincolnshire Local Plan, in particular policy LP26.

45 137950 - LAND OFF LEA GROVE, BARDNEY

Note: At this point in proceedings, Councillor Ian Fleetwood stepped down from the committee to speak as Ward Member for the item and Councillor Owen Bierley sat as Chairman.

The Principal Development Management Officer gave the following update to committee:

- The minerals and waste team from Lincolnshire County Council have lifted their safeguarding objection to the proposal;

The first public speaker was Councillor Robert Webb, from Bardney Group Parish Council. He raised the following points from the viewpoint of the Parish Council:

- There was currently no spare capacity in the drainage system. Several properties had been flooded with effluent; at times of heavy rainfall; surface water was a known problem in Bardney;
- Anglian Water had assessed the area and concluded it was acting above its previously stated capacity; they had also said that this development would lead to an unacceptable risk of flooding downstream;
- In recent times heavy rainfall had caused flooding to take place; the last occurrence was 8 October;
- A water study in 2010 stated that the drainage infrastructure in Bardney could only cope with an additional 333 dwellings; since that date, 400 homes had been approved or built. No further applications should be approved on public health grounds until the health matter was resolved;
- The true measurement of the road is 4.8 metres; this was not a straight road and had a 90 degree angle;
- The Highways department at Lincolnshire County Council in October this year said there had been no consultation between the risk management team and the regional team covering Bardney; therefore the response to the consultation had been inaccurate and should not be accepted;
- Parking on Lea Grove was difficult as not all houses had driveways;
- The nearest bus stop was half a mile from the site, with only five buses a day. Most residents have to use private vehicles;
- The development made no provision for employment or retail within the village;
- It was disputed whether the site was brownfield; it had historically been greenfield and used for grazing;
- A letter had been received from the local school outlining that the cost of an additional classroom would be approximately £300,000, not £45,000.

Note: Councillor David Cotton declared a personal interest as he was acquainted with Mr Michael Braithwaite, the next speaker, as Mr Braithwaite had worked alongside him on the Joint Strategic Local Plan. He had not had any dealings with Mr Braithwaite on this application.

Councillor Owen Bierley added that Members of the Central Lincolnshire Joint Strategic Planning Committee had met Mr Braithwaite in his former role on the Central Lincolnshire Joint Strategic Planning Committee.

The next speaker was Mr Michael Braithwaite, planning consultant, acting for the applicant. He raised the following points:

- The planning application was prepared and submitted following positive pre-application advice with officers at West Lindsey District Council;
- The brownfield site was within the developed footprint of Bardney;
- This site met the intensification and renewal criteria within the Central Lincolnshire Plan for a large village;
- There was contact with Highways at Lincolnshire County Council to explore capacity on the site. This was supported; Highways had had comments drawn to their attention and considered that the site met their standards;
- Discussions had been held with Children's Services at Lincolnshire County Council about the needs of the local primary school;
- The Parish Council had been approached; it was understood that the area was not developing a Neighbourhood Plan;
- Discussions with the local planning authority and the applicants had led to some changes; most notable was the reduction in the number of proposed houses on the site, and a change to the redline boundary that cuts through the existing bowls pavilion;
- Lincolnshire County Council had now withdrawn its objection to the application as it would not be able to extract gravel from underneath the site;
- There had been no response to highways safety as this had been covered by the relevant consultees and conditions;
- The granting of planning permission would enable the redevelopment of a derelict site within West Lindsey;

The third speaker was Mr Rowlett, a local resident opposing the application. The following points were raised:

- His home on the corner of Lea Grove had been flooded a number of times as drainage could not cope. People across the road had had effluent in their gardens;
- People were parking on the grass verge in the estate, which was in a terrible state;
- The street would struggle to cope with construction traffic; refuse lorries have been scratching cars on Lea Grove;
- A number of elderly people live on the street, as well as children;
- There were two to three cars for every house; as a result, there was parking on the

street, and it was difficult to see to come out of your driveway;

- The main concerns were safety, drainage, and heavy vehicles on the road.

The final speaker was Councillor Ian Fleetwood, Ward Member for Bardney. He raised the following points:

- This application had come back for all matters reserved; matters are made more difficult as Bardney did not have a Neighbourhood Plan;
- The access to Lea Grove was 4.8-4.9 metres wide in some places;
- Councillor Fleetwood had met local residents and discussed the issue; if the location was viewed on a Saturday morning, there would be cars parked on the corner of Lea Grove. Some houses do not have any parking space at all. It would be virtually impossible on a normal evening or weekend to see to exit Lea Grove;
- Sewage was coming into residents' gardens. There were issues with heating oil coming out of the ground and into drains;
- Emails to the clerk at Bardney Group Parish Council from Anglian Water about the capacity for drainage on the site had been received;
- A site visit would be recommended; this would allow information from Anglian Water to come forward. Members would be invited to park on Lea Grove and see for themselves what the site was like;
- Access to the site used to be from the elbow bend on Wragby Road;
- If committee were not minded to vote for a site visit, they were encouraged to refuse the application.

Officers then responded to points raised during the speakers' section of the meeting. These were as follows:

- When looking at infrastructure requirements, there would be dialogue with the Estates department at Lincolnshire County Council (as Local Education Authority) rather than contacting the school direct – this was standard practice;
- Flooding – the site fell within Flood Zone 1. There were no objections to this proposal on the grounds of flooding from Anglian Water or the lead local flood authority;
- There were conditions proposed, as requested by Anglian Water, for a foul water drainage strategy to be agreed;
- Highways Lincolnshire had been contacted twice about this application because of the large number of objections on the grounds of parking on Lea Grove; this was not currently an issue as far as Highways were concerned;

- If there were to be a Highways issue in the future, it would be within their gift to put double yellow lines onto the road;

[Due to technical issues with the webcast, the meeting was adjourned at 2030.

The meeting reconvened at 2034.

Note: Councillor Ian Fleetwood left the Chamber on the advice of the legal representative so as not to provide undue influence over the committee. This happened during the adjournment, and he did not return upon the resumption of the meeting. All other Members were present at the resumption.]

The Principal Development Management Officer finished his response by saying that the bar set by the National Planning Policy Framework on highways grounds had been set high in terms of a refusal on highway safety; if Members were minded to go against the advice of Highways they would need evidence to support a contrary view.

Members were then asked to provide comments on the application. Further information was provided:

- Access from Wragby Road was not precluded on this application;
- The statutory consultee on flooding was Lincolnshire County Council as Lead Local Flood Authority, not the Environment Agency;
- There was a duty, given concerns raised by the public, to investigate instances of effluent entering homes;
- The response from Anglian Water on foul water stated ‘the foul drainage from this development was in the catchment of the Bardney water recycling centre that would have available capacity for these flows’.

There were no further questions or comments and it was therefore moved, seconded and voted upon that the decision to grant planning permission be **AGREED**, subject to conditions, and would 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:-

- An affordable housing contribution of 5 dwellings on site
- A contribution of £45,105 towards an additional classroom at Bardney Primary School or land adjacent Bardney Primary School as an in-kind payment of this contribution

In addition to the S106 as the Community Infrastructure Levy (CIL) is in force – the development is expected to be liable.

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 will be reported back to the next available Committee meeting following the expiration of the 9 months.

46 DETERMINATION OF APPEALS

Note: Councillor Ian Fleetwood rejoined the meeting for the final item.

RESOLVED that the determination of appeals be noted.

The meeting concluded at 8.54 pm.

Chairman

1. Non-Technical Summary

Introduction

- 1.1. This report summarises the results of an Environmental Impact Assessment of the potential effects of a development of an inland marina with associated enabling development and open space. The findings are set out in a detailed Environmental Statement. The objectives of this Environmental Statement are to identify the key environmental impacts that could arise during the construction and operation of the marina and the associated complementary uses, and to detail any mitigation measures necessary to reduce these impacts.

The Proposed Development

- 1.2. The development site is located immediately north of the River Witham, south of Fiskerton Road some 5km east of Lincoln, as shown in Figure 1. The site is currently in agricultural use, with a small number of farm buildings located to the north west of the site. The application site measures some 31 hectares in all, including the part of the riverbank within the applicant's ownership.

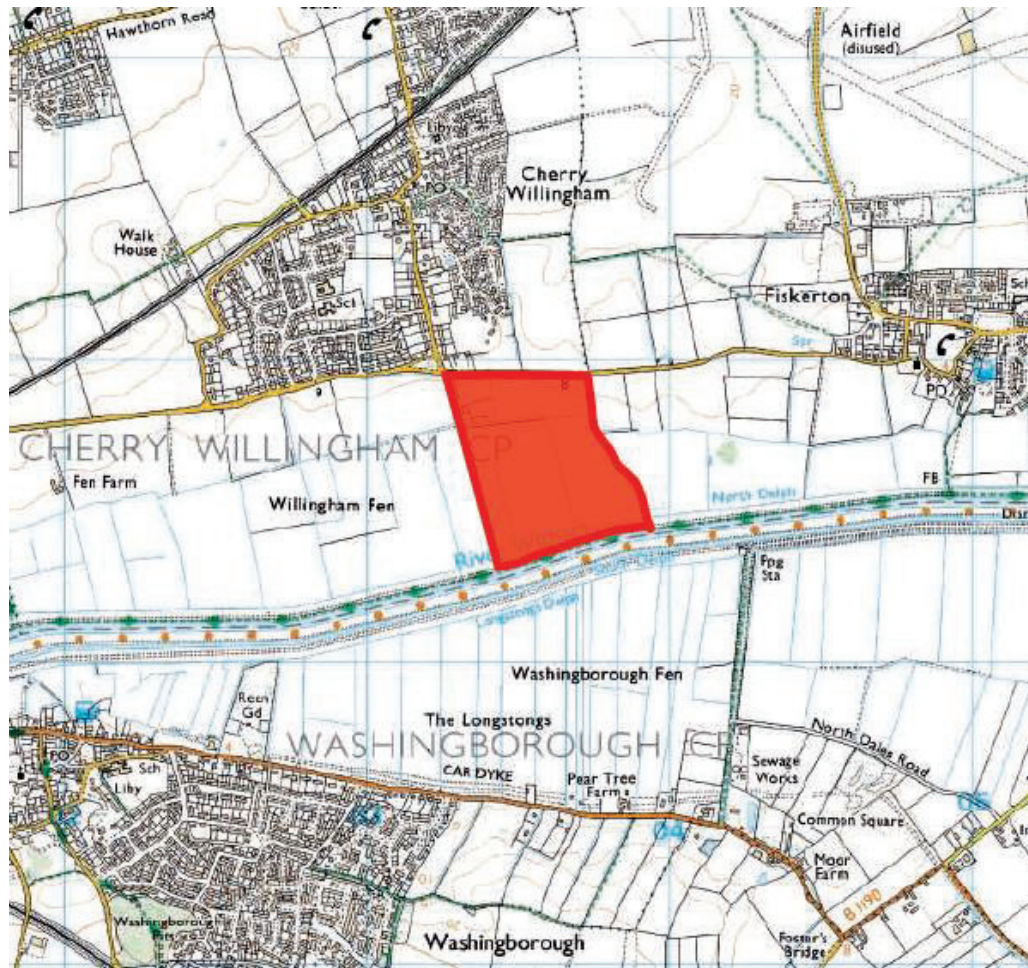


Figure 1: Site Context

- 1.3. The proposed development follows an earlier proposal that received planning permission for a similar development. That development, application reference number 127112, was granted planning permission on 4th July 2012. That approval was for a Marina development which was supported by ‘enabling’ development comprising a hotel/pub/restaurant and a 40 lodge holiday park.
- 1.4. The current development proposals comprise:
- construction of new 220 berth marina with reinstated flood defences;
 - chandlery building with café/bistro, showers, and toilets;
 - boat repair workshop;
 - access road, footpaths, and cycleways;
 - erection of a new cycle/footbridge connecting the site to the Water Rail Way cycleway south of the river, and footbridge re-connecting the northern river bank over the access channel;
 - construction of new surface water pump house;
 - use of open land between the proposed housing development and the river as publicly accessible open space/meadow area with heritage interpretation information on display;
 - erection of up to 155 dwellings (Outline);
 - business units totalling 663 sqm (Outline).
- 1.5. The proposed development follows an acknowledgement that the approved 2012 scheme was not viable, and that the much awaited marina development could not be delivered until an alternative comprehensive development solution was agreed.
- 1.6. The proposed layout is shown in Figure 2.

Marina

- 1.7. The marina basin is, in effect, an expanse of water created by containing the space within the relocated flood embankment and creating an opening to the river through the existing embankment. Its built environment is shown within the submission, and the scale of moorings to be developed is submitted as 220 berths. This scale is consistent with the aspirations set out by The Lincolnshire Waterways Partnership (LWP) in its development strategy for such a facility to be located close to the eastern limits of the City of Lincoln. The proposed development is ideally located to meet The LWP’s objectives.
- 1.8. The marina buildings will provide a focal point for the marina and will be a hub of activity, providing facilities for boaters and the general public wishing to access the river.
- 1.9. The Marina building will provide the following accommodation:
- Marina repair and servicing;
 - Staff offices and WC;
 - Chandlery;
 - Customer toilets and shower facilities;
 - Laundry facilities;
 - Store/cycle hire opportunity;
 - Café/bar.
- 1.10. The retail and cafe space is open and flexible, thus allowing it to cater for the most demanded services, and will be provided on the ground and first floors. This allows customers to enjoy elevated views of the marina and Witham valley from the glazed elevation.
- 1.11. Access to the marina building will be provided from both the marina side and the car park to the north. It is designed with multiple aspects to provide clear legibility for its customers, who may or may not be boaters, as well as active elevations.
- 1.12. A dry dock area and workshop building is also proposed to the west of the marina which will provide a facility for boat repair and maintenance.

Housing

- 1.13. The proposed housing is limited to the number needed to deliver the marina, the bridge, and the community infrastructure as a viable investment. On that basis, work has been undertaken to assess the scale of development needed to support the project. Initially, this required knowledge of how many houses would be needed to generate the value necessary to deliver the Marina. Following consultation with the local community, it was very clear that aspirations included the early and positive delivery of a new foot/cycle bridge, rather than safeguarding land to deliver a bridge at some future stage. The project has therefore been expanded to positively deliver the bridge, which has meant an increase in housing numbers to 155 dwellings.

- 1.14. The 155 houses includes 2, 3 and 4-bedroom dwellings, and would be sited between the proposed marina basin and Fiskerton Road.

Business Units

- 1.15. The application also includes the development of B1 business units which are intended to offer small businesses the opportunity to establish here and create/accommodate local employment. The inclusion of this element is a direct response to the community consultation process where it was made clear that, despite being a large settlement, it had no business park or location which accommodated local office employment.
- 1.16. The B1 business units again, seek outline planning permission, with means of access being the only matter not to be reserved for later consideration. They have a total gross floor area of 663sqm.

Open Space

- 1.17. The large area between the proposed marina, the river Witham, and the eastern field boundary will be left as an area of open space. Footpaths will be provided within this area – as detailed in the landscape strategy plan – to provide access to the public. The intention here, and for the site generally, is that this development delivers an open and inclusive facility for everyone. The open spaces will include well situated seating at key focal points which exploit attractive views of the Witham valley and the Cathedral crowned historic hillside, with heritage interpretation explaining the archaeological finds on the site.

New footbridge connection to the Sustrans Water Rail Way

- 1.18. The scheme also proposed a major addition in the form of a new footpath/cycle bridge connecting the development to the Sustrans Route number 1 along the Water Rail Way. This strategic connection is currently beyond easy and convenient reach of the residents of Cherry Willingham, as the closest access point is via the existing bridge east of Fiskerton some 3km eastwards from the site – in the opposing direction to the main demand, which is to connect to Lincoln. This proposal will offer a direct connection by a simple unobtrusive structure that will provide an off-road commuter route into the city centre, as well as a recreational route connecting Cherry Willingham to the Sustrans network. It will also provide a helpful link to Washingborough, connecting settlements north and south of the river with a sustainable transport option.
- 1.19. The structure itself is designed meet the stringent adoption requirements of the Lincolnshire County Council Bridges and Structures Team, and it will become the property of either the County Council or Sustrans. Access will be provided without steps to provide seamless connectivity to the Marina, the Viking Way along the north bank, and the Water Rail Way along the south bank. It will be 2.5m in width to meet the shared surface requirements of the aforementioned authorities.

Site Access

- 1.20. The access to the proposed development is intended to be a simple junction with Fiskerton Road East. An assessment of the likely operation of the access has been conducted with the results detailed in the submitted Transport Assessment. This assessment shows that the junction providing access to the development would operate within capacity, with negligible queuing, and takes account of recent and ongoing investment and traffic management measures associated with the delivery of the Eastern Bypass.
- 1.21. To ensure effective integration with the village, a new Toucan crossing is proposed to provide safe and convenient access for pedestrians and cyclists.
- 1.22. Within the site, access is provided directly onto the Viking Way, linking to an attractive network of footpaths which are proposed within the development site. This provides an opportunity for residents, as well as users of the site, to access central Lincoln through an attractive and peaceful footpath which runs along the river corridor. The new connection to the Viking Way will form part of a well landscaped focal point close to the water's edge with seating and amenity facilities provided.
- 1.23. The delivery of a bridge over the River Witham to connect to the Water Rail Way will offer a serious non-car mode of transport alternative for local commuters as well as for leisure use.

Construction Programme (Broad Phasing and Timescales)

- 1.24. Table 1 (below) sets out the phasing of works, in brief.

Table 1: Construction Works Phasing

Phase	Task	Start	Finish
Phase 1	Site Preparation	March 2018	June 2018
Phase 1	Ground Works And Marina Basin	March 2018	Oct 2018
Phase 1	Roads And Sewers	June 2018	Dec 2018
Phase 1	Services	Aug 2018	Dec 2018
Phase 2	Bridges	Jan 2019	Mar 2019
Phase 2	Housing Phase 1	Sept 2018	July 2019
Phase 2	Marina Chandlery And Workshop	Dec 2018	Nov 2019
Phase 2	Strategic Landscaping	Jan 2018	Mar 2018
Phase 3	Business Units	April 2019	Feb 2020
Phase 3	Housing Phase 2	Sept 2019	Aug 2020

Need and Alternatives

Strategic Context

- 1.25. Lincolnshire's waterways are underutilised and underdeveloped as assets which promote recreation and leisure for its residents as well as its visitors. This point is long recognised, and a shared strategy and joint action plan has been secured to address the factors that contribute to the poor performance of our waterways. The Lincolnshire Waterways Strategy, established by partner organisations including the Environment Agency, the Canal and River Trust (formerly British Waterways), and the County Council, has invested in excess of £20m in

waterway infrastructure improvement projects. These have led to the emergence of waterway businesses creating the potential for a growing waterways industry.

- 1.26. At a national level, Britain's inland waterways are thriving. The number of privately owned craft on the inland waterways has been increasing steadily since the 1950s, and has accelerated in recent years with a 2.4% annual increase recorded year on year from 2000 up to the recession. Whilst up to date figures aren't known, the anecdotal view is that growth has continued as a result of *staycation* trend.
- 1.27. Leisure spending in general had increased, supported by an increase in personal disposable income, which fed through to discretionary expenditures. Boating has continued to take its 'fair share' of that increased spending, and whilst increases have been more modest in recent years, there has been no fall back. Additionally, the growing importance of the 'grey pound' has delivered benefits to the boating sector disproportionately, with some 80% of boaters being over 50 years old. Also, waterways are offering steadily increasing amenity value as investment is made in the improvement of the environment of the canal network and in opening up new strategic links within the network.

The Do Nothing Option

- 1.28. There is an acknowledgement that the waterway network requires further investment and development in order to offer the level and quality of facilities that are demanded for it to function as an attractive leisure route/destination. The option of doing nothing would simply ensure that the current situation prevails, in that the lack of facilities along the route, and in particular east of the city of Lincoln, severely limits the attraction of the River Witham as a leisure route. These issues are understood and generally acknowledged by all parties. The geography of the City dictates that a marina must sit adjacent to, or, alongside the river and, therefore, the opportunities are restricted to the land adjacent to the river, either north or south of its route. Proximity to the City is a key consideration, and so, sites within the Parishes of Cherry Willingham, Fiskerton, and Washingborough offer the most likely localities to accommodate a marina of this sort.

Alternative Locations

- 1.29. Alternatives sites which could potentially, if available, deliver this facility have been discussed within the Environmental Statement. The applicant has considered three alternative sites within the 10km to the east of Lincoln along the course of the River Witham.

Table 2: Alternative Locations

Alternative Location	Assessment
Land north of Fen Road, Washingborough	Land north of Fen Road, Washingborough has been discounted as a realistic alternative due to the potential to significantly impact on a designated heritage asset of national significance – a well preserved section of the Carr Dyke, Roman Canal.
Land south of Lincoln Road / Ferry Road, Fiskerton	The environmental impacts associated with developing land south of Lincoln Road / Ferry Road, Fiskerton are likely to be similar to the proposed site at Cherry Willingham. However, the site is located further from Lincoln than the proposed site, and the

	highways impacts on the narrow streets within the centre of the village would need to be considered carefully. Development here is likely to have increased impact on the character and setting of the Grade I Listed Church of St Clement.
Spa Road, Lincoln	This site is known to be significantly contaminated due to a legacy of industrial former uses. Significant remediation work would be required in order to ensure there is no risk of contamination on site, or through the leaching of polluted waters. The economic viability of the development is also an issue, and it is noted that a substantial housing proposal on this site now benefits from planning permission.

1.30. Each of the alternative sites have significant environmental constraints and it is considered, based on the information available at the time of writing, that none of the reasonable alternatives represent options which could be considered a better practicable environmental option.

Preparation of the Environmental Statement

1.31. A team of specialist consultants have been advising the applicant throughout the advancement of the proposed development. This team of consultants have been commissioned to assess the likely effects of the development in the following subject areas.

Table 3: Environmental Statement Project Team

Environmental Statement Chapter	Technical Consultant
Introduction	Globe Consultants Limited
Planning Policy	Globe Consultants Limited
Need for Development and Alternatives	Globe Consultants Limited
Application Site and Proposed Development	Globe Consultants Limited
Socio-Economic Assessment	Globe Consultants Limited
Landscape Visual Impact Assessment	Influence Environmental Limited
Archaeology and Cultural Heritage	Pre-Construct Archaeology Limited /Globe Consultants Limited
Nature Conservation, Ecology and Biodiversity	Tim Smith - Freelance Ecology Consultant
Transport, Accessibility and Movement	Turvey Consultancy Limited
Flood Risk and Surface Water Drainage	Roy Lobley Consulting
Land Quality and Ground Conditions	Delta Simons Environmental Consultants Limited
Interactions and Cumulative Impacts	Globe Consultants Limited

Environmental Statement Availability

- 1.32. This Environmental Statement is available for inspection by the public during normal office hours (9am - 5pm Monday and Tuesday, 10am - 5pm Wednesday, 9am - 5pm Thursday and Friday) at West Lindsey District Council's offices at the following address:

West Lindsey District Council
Guildhall
Marshall's Yard
Gainsborough
Lincolnshire
DN21 2NA
Email: customer.services@west-lindsey.gov.uk
Telephone: 01427 676676

Impact Assessment

- 1.33. In order to ensure that all aspects of the environment were properly covered, the Environmental Impact Assessment was carried out by a team of specialists in several environmental disciplines. A non-technical summary of each specialist chapter is provided below. The reader is respectfully urged to consider the full Environmental Statement when considering the technical merits of the proposed development.

Socio-Economic

- 1.34. The proposed development will result in a net gain of direct and indirect employment. This development is expected to result in the creation of 53 additional job opportunities.
- 1.35. The new marina is expected to attract over £1 million per year in both indirect and direct revenue, with an additional £753,520 of indirect spending which is expected to further boost the wider economy. Visitors using the boating moorings and future residents of the new homes will also help to create additional job opportunities through consumer spending.
- 1.36. The development will increase Lincolnshire's tourist offer, with increased visiting numbers likely to have a positive impact on the County's economy.
- 1.37. The development provides social provisions through the inclusion of green infrastructure. The access the scheme provides, by means of a bridge to the 'Water Rail Way' assists in the promotion of the health and social benefits of increased activity and high quality living environments. The pedestrian and cycle access to Lincoln promoted by this new bridge, has the potential to contribute to increased car-free travel. There are also probable, but unmeasured, economic benefits derived from people having a more active lifestyle.

Archaeology and Cultural Heritage

- 1.38. The proposed development site lies across the historic fen-edge, and includes the natural earthwork of a former bank of the River Witham. The bank is associated with a number of features identified as cropmarks from aerial photographs, including three Bronze Age round barrows. A programme of archaeological investigation carried out in 2009 encountered

significant archaeological remains in the vicinity of the barrows, discovering a number of worked timber posts preserved in waterlogged peat layers. These were dated by sherds of late Bronze Age to early Iron Age pottery and part of a late Bronze Age sword. Other cropmark features were also encountered, but seemed likely to be post-medieval to modern in date.

- 1.39. This assessment, and the previous archaeological works undertaken in support of the planning application, have shown the potential for, and location of, archaeological remains within the proposed development area. This has enabled a mitigation strategy to be put forward to preserve the significant archaeological remains recorded with the south-east corner of the site, and to identify and preserve by record, through archaeological monitoring during construction works, any archaeological remains which may be encountered within the remainder of the site.
- 1.40. Key, long ranging views of Lincoln Cathedral and historic Lincoln will be maintained from the majority of key viewpoints, with the Cathedral crowned hillside remaining a dominant feature in the landscape. The setting of the Cathedral and other listed buildings within the vicinity of the site will not be significantly harmed by the development.

Landscape and Visual Impact Assessment

- 1.41. The effects on the users of the Viking Way and the Sustrans Route near the proposals and for a short period of time, would be significant. However, the landscape is expansive and the long ranging views and key features such as Lincoln Cathedral and the River Witham, would remain visible and dominant. The development type introduces some new elements to the landscape such as the marina, but it is appropriate in this location and low-key by nature of its design. The development proposals are supported by an extensive and substantial landscape strategy which aims to mitigate any adverse impacts of the proposed development.

Nature Conservation, Ecology and Biodiversity

- 1.42. The development site is currently an area of arable dominated farmland, with some improved grassland horse paddocks and mown areas, buildings, and internal and peripheral field boundary ditches, large drains and hedges. None of the existing habitats are of significant nature conservation interest. The majority of the vegetation is composed of plants which are common and widespread species of farmland, grassland, scrub, and wetlands, and only four species are of local nature conservation interest. The site has no significant populations of protected species or other wildlife interest. It has a breeding bird community which is typical for the onsite habitats; this includes small numbers of UK and Lincolnshire BAP Priority Species.
- 1.43. The development of the marina and associated features would result in a small number of adverse impacts on habitats, locally notable plants, and on components of the breeding bird community. The significance of these impacts is mostly negligible, although moderate or minor in a few instances. With appropriate mitigation and enhancements for wildlife (which the site offers much scope for on account of its size and the proposed landscaping and habitat creation), the residual impacts would not be significant for habitats, vegetation, protected species, most breeding birds, or other wildlife. There would be a residual adverse impact of

minor significance for the element of the breeding bird community which relies on open arable farmland.

- 1.44. In conclusion, therefore, the development of the marina, housing and other features, would result in a small number of adverse impacts, but these would be of limited significance. However, with appropriate mitigation and habitat enhancements, the site would result in gains for wildlife on the site and in the local area.

Transport, Accessibility and Movement

- 1.45. Local traffic data shows that at the present time, Fiskerton Road adjacent to the proposed site entrance carries approximately 650 vehicles during the busiest hour. It is forecast that the development could add 181 vehicles to the surrounding road network during the peak travel hour.
- 1.46. The assessment shows that the Church Lane/Fiskerton Road gyratory continues to operate within capacity, but with an increase in total delay in the morning of 3.5 seconds, and 3.2 seconds in the evening peak period. At the Outer Circle Road mini-roundabouts, the total delay at the combined junctions increases by 7.4 seconds in the morning (11%) and 0.3 seconds in the evening.
- 1.47. Road accident and casualty statistics show no accidents at the proposed site access and two 'slight' personal injury accidents within 500m of the site, over the most recent five year period. Neither of the accidents were close to the site, with one in 2015 being close to Church Lane/Fiskerton Road, and the second accident being in 2016 at the junction of Ash Grove.
- 1.48. The site access proposals are for a priority junction, dimensioned as previously approved, at Fiskerton Road where visibility in excess of current standards can be achieved. It is anticipated that the proposed junction will have ample capacity to accommodate the proposed development without resulting in unnecessary driver delay.
- 1.49. A formal pedestrian toucan crossing is to be provided to the west of the site access, connected to the site by a 3m shared footway/cycleway, which provides access and connectivity to the amenities provided in Cherry Willingham.
- 1.50. Within the site, access is provided directly onto the Viking Way by providing a crossing point over the North Delph and on to the riverbank. This will link to an attractive network of footpaths that are proposed within the development site, and will provide an opportunity for residents, as well as users of the site, to access central Lincoln through an attractive and peaceful footpath which runs along the river corridor. The new connection to the Viking Way will form part of a well landscaped focal point close to the water's edge with seating and amenity facilities provided. A major addition will be the construction of a new footpath/cycle bridge connecting the development to the Sustrans Route number 1 along the Water Rail Way.

Flood Risk and Surface Water Drainage

- 1.51. The site is located on the left bank of the River Witham which flows in an easterly direction past the site. The River Witham is designated as a Main River by the Environment Agency.

Earth flood banks run along both banks of the River Witham; these are maintained by the Environment Agency and protect the site from flooding.

- 1.52. The North Delph flows adjacent to the River Witham, just to the north of the north flood bank. The North Delph is an Internal Drainage Board watercourse; a further watercourse flows through the centre of the site into the North Delph.
- 1.53. Based on the Environment Agency’s Flood Map, part of the site lies within an area which has been identified as being potentially liable to flooding.
- 1.54. The Drainage Strategy includes calculations of greenfield runoff rates and indicative sizes of the pond have been provided to ensure that there is adequate attenuation and storage on site (up to the 1 in 100 years + climate change rainfall event) so that the flow leaving the site is increased because of the development. The surface water sewers will be designed to Sewers for Adoption (7th Edition) and Building Regulations Part H standards. As surface water systems will be appropriately designed, sized, and sited, the risk from flooding of proposed surface water management systems is low. The Drainage Strategy sets out the proposed discharge location for the foul water from the proposed development which is into the existing foul sewers.
- 1.55. Following mitigation, the risk of flooding to the site is low.

Ground Conditions

- 1.56. The site is likely to be underlain by made ground or topsoil overlying alluvial soils in the south and mudstone in the north. A band of limestone bedrock is located through the centre of the site. The alluvium and mudstone are classified as Secondary Aquifers. The Limestone in the centre of the site is classified as a Principal Aquifer. A number of abstractions are located within 250m of the site for agricultural purposes.
- 1.57. The North Delph dyke flows adjacent to the southern boundary of the site, and the River Witham flows parallel to the dyke, approximately 50 m to the south of the southern site boundary. There are several drainage ditches that run through the site that feed North Delph Dyke and therefore the River Witham.
- 1.58. No potentially contaminative historical land use has been identified within 250m in the vicinity of the site from the available historical maps. There is limited potential for ground contamination to be currently present at the site from its current site use, which is mostly arable farmland and agricultural vehicle storage. An above ground fuel storage tank was observed in the south of the site adjacent to a farm building. Key potential contaminants are considered to be fertilisers and diesel oils, although no evidence of fertilisers were present during the site walk over, they may have been stored sometime in the past.
- 1.59. In order to mitigate the risks associated with potential contamination located on the site, the following is required;
 - Pre-demolition Asbestos Survey prior to the demolition of the buildings. If present, all asbestos is to be removed prior to demolition by a suitably qualified contractor, and strict health and safety precautions will be drawn up and adhered to during the asbestos removal.

- Appropriate measures are required to be taken to protect the adjacent watercourses from surface water run off during the construction phase.
 - Consideration will be given to any engineering earthworks which may be required. Only suitable materials will be re-used on-site so as to not pose a risk to future users. Any material not suitable to be re-used on-site, will be disposed of appropriately. In order to avoid waste, a Waste Management Plan will be drawn up prior to the redevelopment.
 - A hotspot protocol will be drawn up prior to construction/ground works to ensure that any contamination identified during the earthworks that is not previously identified during investigatory works, is assessed by a specialist in contaminated land.
 - A suitable layer of topsoil and subsoil will be provided in areas of landscaping or garden areas.
 - Gas/Radon protective measures are required to be installed in any proposed buildings.
- 1.60. Upon completion of the above mitigation measures, the risk to the end user, controlled waters, and the environment is considered to be low.

Cumulative Impacts

- 1.61. This chapter focuses on the individual environmental impacts assessed under each of the specialist chapters within this Environment Statement, and considers whether the combination of these impacts may act cumulatively to have a more significant overall effect.
- 1.62. To determine other developments within the area, a check of planning applications submitted to West Lindsey District Council and Lincolnshire County Council within the last 5 years was undertaken in October 2017. A further assessment was undertaken in relation to the Central Lincolnshire Local Plan (CLLP), in particular, Policy LP52: Residential Allocations - Large Villages which sets out the residential allocations during the CLLP plan period.
- 1.63. The CLLP allocates 432 homes to be built in Cherry Willingham over the plan period. The cumulative impacts associated with these future housing developments were assessed along with the Lincoln Eastern Bypass which is currently under construction.
- 1.64. Overall, the cumulative impact on the surrounding area is not considered to be significant due to the appropriate mitigation and enhancement measures forming a fundamental component of each of the planned developments referenced in this chapter. It is considered that the mitigation measures proposed for each individual effect within the Environmental Statement are sufficient to successfully mitigate against any further intra-project effects or cumulative impacts on receptors.

Officers Report

Planning Application No: 136826

PROPOSAL: Hybrid planning application seeking full planning permission for the construction of a new 220 berth marina with reinstated flood defences, chandlery, workshop, cafe/bistro, showers and toilets; access road, footpaths and cycleways; erection of a new cycle/footbridge connecting the site to the Water Rail Way south of the River Witham; erection of footbridge across the proposed access channel; construction of a new surface water pump house; change of use of land to public open space/meadow area with heritage interpretation information on display; and outline planning permission for up to 155no. dwellings and business units totalling 663sqm with access to be considered

LOCATION: Land at Eastfield Rise Farm Fiskerton Road Cherry Willingham Lincoln

WARD: Cherry Willingham

WARD MEMBERS: Cllr Darcel, Cllr Palmer, Cllr Welburn

APPLICANT NAME: Mr Dean Sempers

TARGET DECISION DATE: 09/02/2018 (Extension of time agreed until 16th November 2018)

DEVELOPMENT TYPE: Major - Other

CASE OFFICER: Rachel Woollass

RECOMMENDED DECISION: Grant permission subject to conditions and S106 for open space and NHS contribution £98,037.50
Executive Summary

This application has been referred to the Planning Committee as it contains elements that are a potential departure from the provisions of the development Plan.

The application seeks planning permission to provide a 220 berth marina with reinstated flood defences, chandlery, workshop, café/bistro, showers and toilets; access road, footpaths and cycle ways, erection of a new cycle/footbridge, construction of a new surface water pump house, change of use of land to open space/meadow area with heritage interpretation information on display.

The application also seeks outline permission for up to 155 dwellings and business units totalling 663sqm with access to be considered, and all other matters (layout, scale, appearance and landscaping) to be reserved for subsequent approval (“reserved matters”).

The housing element would be a departure from the local plan as they would be situated in open countryside, with no rural justification given. However the housing is intended to be used as enabling development. Whilst a robust case

for viability has not been shown, the benefits of the scheme are felt to outweigh any negative impacts of the dwellings. The benefits of the scheme are to be secured by condition and within the S106.

There is to be no affordable housing due to the housing element being used as enabling development for the marina development.

A benefit to the scheme is a purpose built bridge linking the village with the Sustrans Water Railway route into the city of Lincoln. The closest access point currently is via the existing bridge east of Fiskerton some 3km eastwards from the site.

The proposal also includes an extensive open space area with archaeological interpretation boards close to the area where most heritage interest exists relating to historic settlement within the Witham Valley at Willingham Fen.

These elements will be open to the public at all times apart from essential maintenance.

This proposal is in alignment with Lincolnshire County Council's Waterways Development Strategy 2008 - 2018 and their draft Waterways Development Strategy 2018 - 2028 and is therefore supported by Lincolnshire County Council.

The marina proposal accords with policy LP55 (Development in the Countryside) and accords with LP5 (Delivering Prosperity and Jobs) and LP7 (A Sustainable Visitor Economy) of the Central Lincolnshire Local Plan. The NPPF states that planning decisions should enable "sustainable rural tourism and leisure developments which respect the character of the countryside".

The residential element is considered would amount to a departure from policy LP55 Part D of the Central Lincolnshire Local Plan. There is no affordable housing provision – a departure from LP11. However, it is considered that there is evidence to show that enabling development is necessary to make a viable project. The residential development would fulfil the role of enabling development, whilst making a significant contribution towards housing land supply, and this is a significant material consideration.

The proposals include the provision of a Land Drainage Pumping Station as a replacement of the Board's Greetwell Pumping Station.

The development of the marina, housing and other features would result in a small number of adverse impacts but which are of limited significance. However, with appropriate mitigation and habitat enhancements the site would result in gains for wildlife on the site and in the local area.

Whilst some objections have been received from the community the proposal has also gained community support for the proposal through comments on the application and consultation events. There is no policy for the marina in the draft neighbourhood plan but the text within the plan states that "the

Neighbourhood Plan supports this proposed development and the employment offer to the wider community.”

The local highways authority have no objections to the principle of development. The proposal subject to conditions would be in accordance with policy LP13 of the Central Lincolnshire Local Plan.

Foul water will discharge into the existing Anglian Water Drain.

The FRA concludes that the proposed development is not at significant flood risk and will not increase flood risk to others, subject to the recommended flood mitigation strategies being implemented. The proposal would therefore be in accordance with policy LP14 of the Central Lincolnshire Local Plan.

There will be a loss of some of the agricultural land associated with the existing farm on site and the introduction of built form and commercial development. However, the development presents an opportunity to enhance and reinforce the existing landscape features.

There will be long term, permanent and adverse impacts to a limited number of sensitive landscape and visual receptors. The effects on the users of the Viking Way and the Sustrans Route near the proposals and for a short period of time would be significant.

However, the landscape is expansive and the views long ranging, key features such as Lincoln Cathedral and the River Witham remain visible and dominant. The development type introduces some new elements to the landscape such as the marina, but it is appropriate in this location, inconspicuous by nature of its design and absorbed into the wide and open view over time in accordance with policy LP17.

The site lies within a minerals safeguarding area. A minerals assessment has been provided as part of the application. Lincolnshire County Council Minerals and Waste Team have been consulted and raise no safeguarding objections.

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

The application is ‘EIA Development’ under the 2017 Regulations and an Environmental Statement has been submitted with the application.

Under regulation 26, when determining an application... in relation to which an environmental statement has been submitted, the relevant planning authority... must—

(a) examine the environmental information;

(b) reach a reasoned conclusion on the significant effects of the proposed development on the environment, taking into account the examination referred to in sub-paragraph (a) and, where appropriate, their own supplementary examination;

(c) integrate that conclusion into the decision as to whether planning permission or subsequent consent is to be granted; and

(d) if planning permission or subsequent consent is to be granted, consider whether it is appropriate to impose monitoring measures.

Description:

The site known as Eastfield Rise Farm is located immediately north of the River Witham and south of Fiskerton Road on the edge of the village of Cherry Willingham.

The site comprises: a) two large fields lying wholly within the former fens, these forming the larger, southern part of the site, and b) a third field and area of paddocks clustered around a yard and modern farm buildings in the north of the site. The latter are located on the lower slopes of ground that rises to the north. Currently all of the fields are under arable cultivation; horses and sheep occupy the paddocks.

The site is defined east and west by open drains. The eastern drain indicates the Parish boundary. The North Delph defines the southern extent of the site with the embanked River Witham immediately to the south. The north of the site flanks the adjacent road Fiskerton Road, which runs along the higher ground. There is a modern housing development (Lady Meers Road) which has been constructed to the north of the road.

The Viking Way public footpath is located between the North Delph and River Witham close to the south of the site. However, there is no lawful access to the Viking Way.

The application is a hybrid planning application which seeks:

- (1) full planning permission for the construction of a new 220 berth marina with reinstated flood defences, chandlery, workshop, café/bistro, showers and toilets; access road, footpaths and cycleways; erection of a new cycle/footbridge; construction of a new surface water pump house; change of use of land to open space/meadow area with heritage interpretation information on display; and
- (2) outline planning permission for up to 155 dwellings and business units totalling 663sqm, with access to be determined (Matters of layout, scale, appearance and landscaping are reserved matters).

The proposal includes a chandlery which is 8.8m in total height with one element at 7.5m in height. The chandlery is in a T shape with maximum widths 36.5m x 21.5m.

The chandlery comprises at the ground floor – sales, open plan bistro, kitchen, office, toilets, showers, store, laundry, plant room, and sluice and service area.

The first floor comprises an open plan/mezzanine with 3 stores/offices.

There is a workshop which is approximately 7.6m in height and is 15.3m x 24.3m.

The gatehouse is 7.5m in height and 14.6m x 9.4m and includes showers and toilet, plant room, store, laundry and sluice.

Relevant history:

M05/P/1065 – Agricultural determination to erect general store. Prior approval not required 08/11/05

127112 – Planning application for development of a 220 berth marina with access to the moorings from the river Witham and marina building incorporating a chandlery, workshop, café and customer facilities. Also, 40 2 bedroom holiday lodges, 24 bedroom hotel with attached restaurant-bar, landscaping and open space improvements and improved access from Fiskerton Road East incorporating a right turn ghost island. Permission granted 04/07/12

129442 – Planning application for the removal or variation of conditions 12, 17 and 20 of planning permission 127112 granted 4 July 2012. Condition 12 relating to lighting scheme for public areas, condition 17 bridge design and construction and condition 20 mooring design, materials and specification.

130191 – Planning application for variation of conditions 2, 3, 9, 10, 11, 15 and 16 of planning permission 129442 granted 16 April 2013. Permission granted 18/12/13

130193 – Request for confirmation of compliance with conditions 4, 5, 7, 13, 14, 18, 19, 21 and 22 of planning permission 129442 granted 16 April 2013. Conditions discharged 13/02/14

Representations:

Chairman/Ward member(s): Cllr Darcel - As a ward councillor I must report when canvassing the County Council elections in May I met dozens of Cherry Willingham, Reephams and Fiskerton residents who were most enthusiastic about the marina, the sculptured open space and the extra recreation facility it will bring to the ward.

The support was not unanimous but it was overwhelming. The concerns were

either that the village was already big enough or that the Local Highways Authority had not thought through the extra traffic that will be using Fiskerton Rd and Lincoln Rd to Lincoln. There was perceived to be a need for a pavement/cycle path along the two roads linking Fiskerton to Lincoln.

My personal opinion is that the developer should not be expected to fund the whole cost of the bridge. It will add too much money to the price of each new home, making them unaffordable to local residents.

The new bridge will be used by residents from across the ward, and from south of the river, as well as visitors to the area and by walkers on the Viking Way. It will prove a major contributor to West Lindsey's and LCC economies and I believe the bridge should be jointly funded by the developer, LCC and WLDC.

The bridge and marina should prove a major improvement to the infrastructure of the area, permission should be granted and the bridge jointly funded with public money or from CILs.

Cherry Willingham Parish Council: Has the potential to have a range of impacts both positive and negative. The proposals for the marina, associated infrastructure, the small business units and new public open space are all positive elements. The proposed residential development is however, notwithstanding any suggestion that it should be considered as 'enabling' development, a negative.

- The location of the proposed residential development is a poor location compared with other potential sites in the village.
- Concern that allowing residential development to the south of Fiskerton Road will create a planning precedent for further residential development on other nearby sites and will weaken the adjacent Green Wedge.
- Questions arose as to whether the existing and whether work carried out on site was sufficient to accept a material start has been made.
- Significant parts of the site remain at risk of flooding.
- The cycle bridge across the North Delph and River Witham is of significant potential/benefit to many residents.
- The proposed business units are regarded as an essential part of the proposed development.
- It is recognised that the developer is amenable to negotiating appropriate agreements with the Planning Authority to govern the phasing and delivery of the residential development and marina to reduce the risk of non-delivery of important elements. However there is a concern with regards to the enforceability of such agreements.
- The Parish Council has not seen any detailed information supporting or justifying the quantum of enabling residential development, would request WLDC Planning Officer confirm they have examined the viability assessments and are satisfied.
- Additional residential development will place additional stress on services in the village. Vital that contributions provide additional capacity in Cherry Willingham itself.

- Development must be designed to be an integral part of the village rather than a separate satellite community.
- The proposed public open space is welcomed however more details are required regarding its long term access arrangements and maintenance.
- Developer is proposing a Toucan Crossing and other speed control measures on Fiskerton Road. Understood these proposals have been agreed with the Highway Authority but have not yet seen the Highway Authorities detailed response. We would welcome being kept informed of the detail.
- Does not consider the submitted Heritage Impact Assessment is as robust as it should be.

In conclusion, the Parish Council would tentatively and conditionally support the application if delivered in full as currently proposed subject to the significant concerns being effectively mitigated.

Fiskerton Parish Council: The council can see there is potential for such a development as the marina to be a significant asset to Fiskerton residents as well as Cherry Willingham providing that the appropriate links are given full consideration. Firstly we would say we are in agreement with the Cherry Willingham PC submission in general terms and specifically –

- Location for residential development on a flood plain and in contention with the newly adopted Central Lincolnshire Local Plan.
- Permitting development to the south of Lincoln/Fiskerton Road eroding the current Green Wedge and setting a precedent for further building.
- Loss of flood plain area. Our concern is that any loss of flood defence in one area impacts on the remaining at risk areas. Allowing residential development in other areas south of Lincoln/Fiskerton Road. Any development of the flood plain will increase flood risk for the village of Fiskerton and Short Ferry should the river burst its banks and need to utilise the whole of the designated flood plain area.
- Traffic control measures. We can see the need for traffic control measures and consultation and agreement with the Highways Authority and both Cherry Willingham PC and Fiskerton PC should be undertaken during the design stage.
- Would also make the point that whilst there is a lot of discussion around forming a circular walk between both villages, there are no footpath/cycle tracks linking the villages. Walkers and cyclists will have to use the main carriageway. This we feel will create a major health and safety hazard for potential users of the proposed facilities. We feel that the provision of footpath/cycle tracks on these roads should be a consideration of any approval.

Local residents: There has been 10 objections, 10 in support and one general observation made –

Objections

The main concerns are as follows –

- Loss of a view
- Extra noise and fumes

- Only way to get built the proposed marina and bridge to the Water Railway is to insist on them being built before any housing
- Concern the marina will not be delivered only the housing
- Flood risk
- Drainage issues
- Current facilities will not cope with the extra demand
- Until the full impact of the Lincoln Eastern bypass and the closure of Hawthorn Road has been fully assessed over the course of at least 5 years, then no further estates/developments on this scale should be accepted.
- Road will be considerably busier
- No demand for the marina
- 40mph limit is not observed on Fiskerton Road
- The proposed housing design is not in keeping with the style of the village.
- Marina isn't financially sustainable, may not ever be built
- Does nothing to address the traffic problems on Fiskerton Road
- Toucan crossing positioned making access in and out of existing properties difficult
- Will lead to other properties being located on a flood plain
- Crossing and road entrance should move down towards Lady Meers Road to allow better access to the houses on Fiskerton Road east and make the road layout more formal

Support

- fully support the proposed development of Marina with associated housing, business units and cafe
- Welcome the building of the marina and inclusion of public access to the site and the green space
- Welcome the inclusion of constructing a bridge over the River Witham to join the public right of way across the site to the Water Railway
- Support is conditional on WLDC committing to constructing a solid legal obligation on the developer to build all elements. WLDC should ensure the developer agrees to financial penalties if they fail the obligation. That an appropriate portion of all house sale income is placed in a bond to fund the marina, bridge and public access and a reasonable time limit is placed on the developer to commence work on and complete marina, bridge and public access once work on the housing, business units and café have been completed.
- Accept the need to build the houses in order to fund the cost of the marina but want the house building to be conditional
- Feel the marina would be a great asset to Cherry Willingham because it will bring income from the visitors
- The support facilities for the marina such as the café and shop will bring employment to the village
- Marina will provide an amenity for those in the village to walk round and provide long awaited access to the river and bridge over to the Water Railway
- Will promote growth and diversity
- Will be a point of focus for the village

General Observation

- Believe there is a strong case to request a level of planning gain for the residents of Fiskerton
- Reasonable to request a footpath/cycle path from Lady Meers Road towards Fiskerton
- Clear that residents of Fiskerton will experience delays and inconvenience from the additional traffic caused by the marina development
- Plans show limited parking and currently the route which Fiskerton resident would need to travel along to access the marina site is along a busy and fast road. Improving the link between Cherry Willingham and Fiskerton by providing a safe and proper path would increase footfall at the marina at the benefit of the development
- Fiskerton residents are dependent on the facilities provided at the parade in Cherry Willingham. Creating a footpath between the two villages will provide mutual benefit by providing access to the facilities in Cherry Willingham for the residents of Fiskerton and increasing footfall for the businesses in Cherry Willingham
- As the marina plans include a bridge over the River Witham creation of a footpath along Fiskerton Road would allow a circular walking route between two villages, through the marina and along the river bank. This would benefit the residents of both villages and the marina.

LCC - Highways and Lead Local Flood Authority: The following improvements will be required for this development (to form part of recommended conditions to the Local Planning Authority as part of final comments):

- A full frontage footway extending from the eastern boundary of the site to the existing bus stop on Fiskerton Road East.
- Improvements to the existing bus stop on Fiskerton Road East.
- The pedestrian crossing point shown on the submitted drawing, numbered SK003. Type to be agreed with the Highway Authority.
- An uncontrolled dropped kerb and tactile crossing point between the new site access and Lady Meers Road.

The following information will be required –

- Clarification on the width, construction, designation and future maintenance of the link proposed from the Sustrans cycleway through the site to Fiskerton Road East (including the connecting structures spanning the River Witham).
- Clarification as to the surface treatment and future maintenance of the proposed public footpath 102 and connecting structure.

Travel Plan Assessment

The Framework Travel Plan is for c155 dwellings and 2416m² offices. Overall it contains the relevant information that would be expected, however, there are areas where additional details or clarity is required. A revised Framework Travel Plan needs to be provided. S106 funding of at least £5000, £1000 per annum for 5 years monitoring is requested.

Bus Services

To meet the sustainable transport needs of this development a bus service linking residents within the development to and from Lincoln is vital. The developer is responsible for the provision of this service and may wish to enter into a contract with an appropriate transport provider to deliver this.

Bus Stop Infrastructure

Prior to any occupation on the site, provision of bus stop infrastructure on the north and south side of Fiskerton Road near to the entrance of the site, including 160mm raised kerbs, bus stop pole with timetable case/flag, appropriate crossing facilities and bus stop clearway markings would be required.

Drainage

Following a Multi-Agency Group meeting to discuss various issues around drainage the HLLFA would make the following comments:

- The information contained in the FRA regarding the control of surface water on site using SUDs features is acceptable. Swales accepting overland flows from the carriageway would be the preferred option for highway drainage due to the lack of infiltration on site. At reserved matters stage a detailed ground investigation report will be required to confirm water table levels etc. Can the applicant confirm how the private curtilage surface water is to be conveyed to the outfall?
- At a multi-agency group meeting the option of having unrestricted run off from the development was discussed and the use of the potential redundant part of the North Delph as storage for the surface water runoff. As this option has the potential to provide the most benefit overall, this is acceptable to the HLLFA provided they meet the requirements of the Witham 3rd IDB (W3IDB). Calculations and confirmation of outfall detail/consent into the W3IDB maintained section will be required.

Following a new travel plan being received there were no further comments on this.

LCC Flood Risk and Development Management: This proposal is in alignment with Lincolnshire County Council's Waterways Development Strategy 2008 - 2018 and our draft Waterways Development Strategy 2018 - 2028 and is therefore supported by this Authority.

Environment Agency:

25th July 2018: Thank you for referring the amended Flood Risk Assessment (FRA) (ref: RLC/0012/FRA01, revision 4) dated July 2018 on the above application, which was received on 16 July 2018.

Whilst the FRA indicates that there will be some very minor increase in flood risk to additional properties, it also demonstrates that possible internal flooding would be to a maximum depth of 10mm. Given that this is a minor increase in risk, and that flood risk benefits have been identified for the proposal we would like to remove our objection.

We have **no objections** to the proposed development, as submitted, subject to the imposition of a condition (in addition to those previously proposed in our letter reference: AN/2017/126469/04, dated 13 April 2018)

28th November 2017: We have reviewed the application and inspected the documents submitted. We object to the grant of planning permission and recommend refusal on the basis of the following:

- The absence of an acceptable Flood Risk Assessment (FRA)

- The absence of a Water Framework Directive (WFD) Assessment or consideration of the WFD through the Environmental Impact Assessment (EIA)

Witham Third District Internal Drainage Board: The board objects to the application. While the principles of the marina are acceptable there are aspects of the proposal that are not acceptable and other that require additional information and clarification.

Following amendments to the flood risk assessment and drainage strategy the board had the following comments –

The principles of the surface water drainage is acceptable.

With regard to flood risk it is noted for a breach of the River Witham flood defences there is a potential increased impact of the flood water, but the risk of a breach is significantly reduced because the length of flood bank is approximately halved. If there was a high level over flow route East to West through the Marina development for the any additional water flood risk would be reduced.

The proposals include the provision of a Land Drainage Pumping Station as a replacement of the Board Greetwell Pumping Station. The Board has accepted the principle of this and would be willing to adopt it subject to suitable design, installation and a commuted sum.

However modelling work will be required to establish the specification of the new station and impact on the existing pumped system to ensure there is no increase in flood risk within the Greetwell and Southrey catchments following the split.

Growth Team: In principle and subject to normal planning considerations, the Growth and Projects Team are supportive of the business/visitor economy elements of this planning application. The proposed new business units will provide high quality commercial space and job creation projections in respect of this element of the development (approx.30) are welcomed.

Planning Casework Unit (HM Government): Confirm that we have no comment to make on the Environmental Statement.

LCC Local Education Authority: Due to local school capacity we have no comment to make in respect of an education contribution.

NHS England: The development is proposing 155 dwellings which, based on the average of 2.3 people per dwelling for the West Lindsey District Council area would result in an increase in patient population of 357. The increase in population will place extra pressure on existing provisions. This in turn impacts on premises, with extra consulting/treatment room requirements.

As such Nettleham Medical Practice and Brayford Medical Practices may be affected by the development. Using the calculations shown in the consultation response a total cost of £185 per patient is determined. This figure is multiplied by 2.3 (the average number of persons per dwelling for West Lindsey District Council) to provide a funding per dwelling of £425.50. The contribution requested for the development at Cherry Willingham is £65,952.50 (£425.5 x 155 dwellings).

Revised figures have been published by NHS England: Midlands and East (Central Midlands) which were operational from 1 August 2018. The figure is therefore updated to £632.50 per dwelling.

The contribution requested will be £632.50 x 155 dwellings = £98,037.50.

Natural England: Statutory nature conservation sites – no objection
Protected Species – we have not assessed this application and associated documents for impact on protected species. Natural England has published standing advice on protected species.
Landscape enhancements – This application may provide opportunities to enhance the character and local distinctiveness of the surrounding natural and built environment.

Lincolnshire Wildlife Trust: We have read the Environment Statement and are satisfied that provided the recommendations are followed there should be any significant negative impacts on protected species.

Tree Officer: I have no objections to the proposed development of this land. A detailed scheme of landscaping is required to provide the necessary information for each tree, hedge, grass mix etc. to be planted/sown. Details on ground preparation, pit preparation, tree/plant protection and support should be included.

An implementation condition for the landscaping is required to ensure any approved landscaping is carried out.

A Landscape Management plan should be required, to provide details on establishment and maintenance actions and frequency.

Canal & River Trust: The main issues relevant to the Trust as statutory consultee on this application are:

- a) The impact of the proposed river bridge upon the character and appearance of the River Witham;
- b) The impact upon the navigation safety and structural stability of the River Witham;
- c) The impact upon the water quality of the River Witham;
- d) Measures to enhance biodiversity on the waterway corridor; and
- e) The impact of the proposals upon Heritage Assets associated with the waterway corridor.

On the basis of the information available our advice is that suitably worded conditions are necessary to address some of these matters.

- The trust has reservations with regards to the design of the proposed bridge over the River Witham. We request that consideration is given towards amending the design to reduce its visual mass relative to the river.
- To manage water resources upon the River Witham, stop plank grooves should be included at the position of the opening to the marina.
- Offside bank works may be required to mitigate this impact.
- Applicant is reminded of the need to ensure that all necessary consents are obtained from the Trust as landowner prior to the commencement of any developments.

Following these comments the agent sent in an amended bridge design. The Canal & River Trust were re-consulted and commented that the amended plans shows a bridge form utilising a more lightweight balustrade system on the bridge. The Trust welcome this amendment, as we believe it would help improve the appearance of the bridge on the waterway.

We do recommend that full details of the materials and finish are provided prior to the development.

Please note that this should be read in conjunction with our response of 24th November and that the other matters raised (notably those that could be reserved by condition) still apply.

Witham Valley Access Group: Formally agreed that the group should support the proposed development. Members are especially pleased that it would provide access to the River Witham, the Viking Way and the Water Railway. An open development such as this would make the village unique within the area and could provide employment and business opportunities from which residents would benefit.

However any support should not be taken as a general approval of housing development to the south of Fiskerton Road. Our support is based purely on the benefit of the open green space, footpaths and access to the River Witham, Viking Way and the Water Railway which the housing development would enable. We would not support a housing development on its own.

- WLDC must ensure all the appropriate conditions are included to make the farms as binding as possible. Our main concern, along with many other residents, is that we may end up with a housing development but no marina or access to the river.

- Likewise, the bridge over the River Witham is an essential part of the development and should be included in a Section 106 requirement to ensure it is built.

- The speed limit on Fiskerton Road should be reduced within the village limits to 30mph. Pedestrian access to the site from the village will necessitate crossing the busy Fiskerton Road. Although a Toucan Crossing is a welcome feature, believe it would make access much safer if the limit was 30mph.

- Proposals say the site is to be accessible to the public and there will be no restrictions on access to open space. The relevant planning conditions should be applied to ensure it does not become a gated community and that village residents are able to access the marina and space in perpetuity.

Lincolnshire Police: Do not have any objections to this development.

Minerals and Waste:

28th November 2017 - Following earlier comments, the agent provided a Minerals Assessment. The Minerals and Waste Team were re-consulted and are satisfied that the assessment is proportionate and sufficient to qualify as a "Minerals Assessment" for the purposes of policy M11 of the Minerals and Waste Local Plan: Core Strategy and Development Management Policies (2016) document.

27th October 2017 - The proposed development has been identified as being within a Minerals Safeguarding Area and is subject to policy M11 (Safeguarding of Minerals Resources) of Lincolnshire minerals and Waste Local Plan (Core Strategy and Development Management Policies) adopted June 2016. Within a minerals safeguarding area, except for the exemptions set out in policy M11, applications for non-minerals development should be accompanied by a minerals assessment prepared in accordance with the latest guidance from the British Geological Survey.

The applicant should therefore be asked to provide a Minerals Assessment. At this stage the County Council objects to the application, pending evidence that the proposal would accord with policy M11.

Archaeology: Recommendation:

Prior to any groundworks for the marina basin and environs up to North Delph the developer should be required to commission a Scheme of Archaeological Works (on the lines of 4.8.1 in the archaeological handbook (2016)) in accordance with a written scheme of investigation submitted to and approved in writing by the local planning authority. This should be secured by an appropriate condition to enable historic assets within the site to be recorded prior to their destruction.

Initially I envisage that this would involve an archaeological supervised topsoil strip, map and sample of the proposed excavation area of the marina basin and surrounding environs up to North Delph, which will identify any archaeological remains existing at this location and allow for their recording. I also envisage the Scheme of Archaeological Works to include the completion of all specialist recommendations identified during the previous archaeological works associated with planning permission for 127112, the deposition of the archive in an appropriate museum and the publication of the site if and where appropriate.

No groundworks shall occur in the south eastern area of the site. Which has been designated as 'Public Open Space'. This area will be fenced off during all groundworks associated with the development to prevent any machinery tracking over the archaeology and to prevent any spoil being stored on the site. This is to prevent any compression of the archaeology. Provision should also be made to ensure that no future services, roads or any other development in this area in order to ensure that the archaeology is preserved in situ. If this area is to undergo landscaping this should only be done in consultation with this department, again in order to preserve important archaeological remains in situ.

Recommendation: Prior to any groundworks the developer should be required to commission a Scheme of Archaeological Works (on the lines of 4.8.1 in the Lincolnshire Archaeological Handbook (2016)) in accordance with a written scheme of investigation submitted to and approved in writing by the local planning authority. This should be secured by an appropriate condition to enable heritage assets within the site to be recorded prior to their destruction. Initially I envisage that would involve a fully supervised topsoil strip, map and sample across the marine basin and the entire area of proposed residential development.

Previous recommendations on this site have included the provision of archaeological interpretation boards and provision for these should also be made a condition on any forthcoming consent, and that the detail of the boards be approved and installed prior to any occupation of the site.

The application included a proposed Mitigation Strategy from PCAS Archaeology, this does not fully address the requirements for and archaeological Strip, Map and Sample and the other elements of this recommendation and will need revising before it is acceptable.

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); and the Lincolnshire Minerals and Waste Local Plan.

Central Lincolnshire Local Plan 2012-2036

LP1: A Presumption in Favour of Sustainable Development

LP2: The Spatial Strategy and Settlement Hierarchy

LP3: Level and Distribution of Growth

LP4: Growth in Villages

LP5: Delivering Prosperity and Jobs

LP7: A Sustainable Visitor Economy

LP9: Health and Wellbeing

LP10: Meeting Accommodation Needs

LP11: Affordable Housing

LP12: Infrastructure to Support Growth

LP13: Accessibility and Transport

LP14: Managing Water Resources and Flood Risk

LP15: Community Facilities

LP17: Landscape, Townscape and Views

LP21: Biodiversity and Geodiversity

¹ Section 38(6) of the Planning and Compulsory Purchase Act 2004 and section 70(02) of the Town and Country Planning Act 1990

LP24: Creation of New Open Space, Sports and Recreation Facilities
LP25: The Historic Environment
LP26: Design and Amenity
LP55: Development in the Countryside

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

Lincolnshire Minerals and Waste Local Plan

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

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

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

National guidance

National Planning Policy Framework 2018

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

The new NPPF was published in July 2018. Paragraph 213 states:

"Existing [development plan] policies should not be considered out-of-date simply because they were adopted or made prior to the publication of this Framework. Due weight should be given to them, according to their degree of consistency with this Framework (the closer the policies in the plan to the policies in the Framework, the greater the weight that may be given)."

National Planning Practice Guidance

<http://planningguidance.planningportal.gov.uk/>

Cherry Willingham Neighbourhood Plan

Cherry Willingham Parish Council has formally submitted their Neighbourhood Development Plan and associated documents for consideration as part of the Neighbourhood Plan Regulations 2012 (as amended).

Examination of the plan by an independent examiner is underway. .

Paragraph 48 of the NPPF (2018) states:

"Local planning authorities may give weight to relevant policies in emerging plans according to:

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

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

Other

The Town and Country Planning (Pre-commencement Conditions) Regulations 2018

Main issues

- Principle
- Viability
- Community Support
- Highways
- Drainage
- Flood Risk
- Effect on the Open Countryside
- Landscaping
- Affordable Housing
- Infrastructure
- Ecology
- Archaeology
- Minerals and Waste

Assessment:

Principle

The application seeks full planning permission for the construction of:

- (1) a new 220 berth marina with reinstated flood defences, chandlery, workshop, café/bistro, showers and toilets; access road, footpaths and cycle ways; erection of a new cycle footbridge; construction of a new surface water pump house; change of use of land to open space/meadow area with heritage interpretation information on display; and
- (2) outline planning permission for up to 155 dwellings and business units totalling 663sqm with access to be considered.

The application is ‘EIA Development’ under the 2017 Regulations and an Environmental Statement has been submitted with the application.

The environmental statement highlighted the following impacts –

- Socio-Economic
- Archaeology and Cultural Heritage
- Landscape and Visual Impacts
- Nature Conservation, Ecology and Biodiversity
- Transport, Accessibility and Movement
- Flood Risk and Surface Water Drainage
- Ground Conditions
- Cumulative Impacts

which are discussed throughout the report.

Marina and associated development

A previous application on the site sought to create a leisure and tourist destination. The scheme proposed a marina incorporating a chandlery, workshop, café and customer facilities. It also proposed 40no. two-bedroomed holiday lodges, a 24-bedroom hotel with attached restaurant/bar, landscaping and open space improvements and improved access.

However this scheme was deemed unviable but remains extant due to a material start on the site.

Part E of Policy LP55 is applicable in this application and states that

“Proposals for non-residential developments will be supported provided that:

- a. The rural location of the enterprise is justifiable to maintain or enhance the rural economy or the location is justified by means of proximity to existing established businesses or natural features;*
- b. The location of the enterprise is suitable in terms of accessibility;*
- c. The location of the enterprise would not result in conflict with neighbouring uses; and*
- d. The development is of a size and scale commensurate with the proposed use and with the rural character of the location.”*

Policy LP5 states that other employment proposals in locations not covered by SES, ESUE, EEA and LES categories above will be supported, provided:

- there is a clear demonstration that there are no suitable or appropriate sites or buildings within allocated sites or within the built up area of the existing settlement;
- the scale of the proposal is commensurate with the scale and character of the existing settlement;
- there is no significant adverse impact on the character and appearance of the area, and/or the amenity of neighbouring occupiers;
- there are no significant adverse impacts on the local highway network;
- there is no significant adverse impact on the viability of delivering any allocated employment site; and

- the proposals maximise opportunities for modal shift away from the private car.

Policy LP7 states that development and activities that will deliver high quality sustainable visitor facilities such as culture and leisure facilities, sporting attractions and accommodation, including proposals for temporary permission in support of the promotion of events and festivals, will be supported. Such development and activities should be designed so that they:

- a. contribute to the local economy; and
- b. benefit both local communities and visitors; and
- c. respect the intrinsic natural and built environmental qualities of the area; and
- d. are appropriate for the character of the local environment in scale and nature.

Development should be located within existing settlements, or as part of planned urban extensions, unless it can be demonstrated that:

- such locations are unsuitable for the nature of the proposal and there is an overriding benefit to the local economy and/or community and/or environment for locating away from such built up areas; or
- it relates to an existing visitor facility which is seeking redevelopment or expansion.

This proposal includes a marina and marina building which will provide accommodation for marina repair and servicing, staff offices and WC, chandlery (mixed used given the facilities), customer toilets and shower facilities, laundry facilities, store/cycle hire opportunity and a café/bar.

Access to the marina building will be provided from both the marina side and the car park to the north. The buildings have been designed with a dual frontage with activity promoted on both the north and south elevations.

A dry dock area is proposed to the west of the marina which will provide a facility for boot repair and maintenance.

Market housing is proposed as an enabler to deliver the marina and will be discussed in further detail in the viability section.

The housing element is accepted at the scale shown to be necessary for the overall project to be delivered viably.

The application includes the siting of a number of business units which would be in the use class of B1 (Offices).

Part G of policy LP55 states that proposals should protect the best and most versatile agricultural land so as to protect opportunities for food production and the continuance of the agricultural economy. With the exception of allocated sites, development affecting the best and most versatile agricultural land will only be permitted if:

- a. There is insufficient lower grade land available at that settlement (unless development of such lower grade land would be inconsistent with other sustainability considerations); and
- b. The impacts of the proposal upon ongoing agricultural operations have been minimised through the use of appropriate design solutions; and
- c. Where feasible, once any development which is permitted has ceased its useful life the land will be restored to its former use, and will be of at least equal quality to that which existed prior to the development taken place (this requirement will be secured by planning condition where appropriate).

Some of the land is classified as grade 4 poor with some grade 2 very good.

Paragraph 170(d) states that planning policies and decisions should contribute to and enhance the natural and local environment by: minimising impacts on and providing net gains for biodiversity, including by establishing coherent ecological networks that are more resilient to current and future pressures;

There will be some loss of agricultural land however some of this land is poor and with regards to the higher quality land, the wider benefits of this scheme would outweigh this loss. The development does present an opportunity to enhance and reinforce the existing landscape features.

The area between Fiskerton Road and the river to the east of the marina and housing development will be planted as an area of publicly accessible open space. This would not be gated. The meadow area will accommodate an interpretation board close to the area where most heritage interest exists relating to historic settlement within the Witham Valley at Willingham Fen.

A benefit to the scheme is a purpose built bridge linking the village with the Sustrans Water Railway route into the city of Lincoln. The closest access point currently is via the existing bridge east of Fiskerton some 3km eastwards from the site.

Lincolnshire County Council has been developing navigable waterways throughout the County for approximately 15 years, because in economic terms our waterways have long been underperforming assets. Throughout this period LCC has worked in partnership with the Environment Agency, the Canals and Rivers Trust, Lincolnshire Wildlife Trust, District Councils, SUSTRAN's and other partners to deliver approximately £26m of new or restored infrastructure. These have including slipways, multi user trails, locks, moorings, bridges and destination developments which have increased the demand for water related activities including boating and have stimulated private sector investments in new businesses linked to the tourist and visitor economy.

As well as increasing economic activity those assets have direct impacts on people's health and wellbeing by providing sustainable and active travel and leisure activity options based around blue-green infrastructure, which in turn

have positive environmental impacts due to reducing the carbon footprints of both areas of activity.

Ultimately realising the full economic potential of our waterways is dependent upon the provision of off line moorings and other facilities for leisure boaters.

This is now beginning to happen with new marinas proposed or in development at several locations including this application at Cherry Willingham. These developments will create direct employment opportunities in addition to the indirect growth already happening because of increasing numbers of tourists and visitors.

This proposal is in alignment with Lincolnshire County Council's Waterways Development Strategy 2008 - 2018 and their draft Waterways Development Strategy 2018 - 2028 and is therefore supported by Lincolnshire County Council.

The marina, by virtue of requiring close proximity to an existing waterway, can be justified for requiring a countryside location.

It would meet the criteria under policy LP7 which states that [sustainable visitor economy] should be located within existing settlements unless it can be demonstrated that:

“such locations are unsuitable for the nature of the proposal and there is an overriding benefit to the local economy and/or community and/or environment for locating away from such built up areas;”

It is considered the rural location is justified by means of its proximity to a natural feature and would enhance the rural economy. It therefore accords with policy LP55(E) which states that:

Proposals for non-residential developments will be supported provided that:
a. The rural location of the enterprise is justifiable to maintain or enhance the rural economy or the location is justified by means of proximity to existing established businesses or natural features;

Paragraph 83(c) of the NPPF (2018) states planning policies and decisions should enable sustainable rural tourism and leisure developments which respect the character of the countryside. Policy LP55 is consistent with this part of the NPPF along with policy LP7, and can be attached full weight.

The proposal will also be in accordance with policy LP5 as the proposal would assist in the delivery of economic prosperity and job growth to the area. LP5 is consistent with NPPF chapter 6, and can be attached full weight.

There is no policy for the marina in the neighbourhood plan but the text within the plan states that proposals that support sustainable rural tourism and

leisure developments that benefit businesses in rural areas, communities and visitors (including the proposed marina).

“As the village community generally supported the original proposal because of the employment and leisure opportunities it incorporated, the Neighbourhood Plan supports this proposed development and the employment offer to the wider community.” The Neighbourhood Plan can be attached weight as a material consideration - it is at a fairly advanced stage, now under examination.

Residential development – enabling development?

Part D of policy LP55 states that applications for new dwellings within the countryside will only be acceptable where they are essential to the effective operation of rural operations listed in policy LP2. Applications should be accompanied by evidence of:

- a. Details of the rural operation that will be supported by the dwelling;
- b. The need for the dwelling;
- c. The number of workers (full and part time) that will occupy the dwelling;
- d. The length of time the enterprise the dwelling will support has been established;
- e. The ongoing concern of the associated rural enterprise through the submission of business accounts or a detailed business plan;
- f. The availability of other suitable accommodation on site or in the area; and
- g. Details of how the proposed size of the dwelling relates to the enterprise.

The housing element of the applicant would not accord with part D of policy LP55 as the housing is not essential to the effective operation of rural operations. The proposal is therefore contrary to policy LP55.

As the residential element is a departure from the local plan, it can only be justified as enabling development.

A viability assessment was submitted as part of the application. This was independently reviewed by an appointed consultant by the Council. The summary of this initial review did not discount the case for residential development to be used as enabling development for the marina. It did however advise that the evidence submitted by the applicant can only lead us to conclude that there is an insufficient financial case to justify the amount of residential enabling development being sought to cross-subsidise the proposed marina development.

Further information was provided which then was advised by the consultants would require a further review and appraisal. However there was some disagreement with the agent whether a further review was required and they deemed their information was sufficient to determine a viability position.

The Council recognises the different positions with regards to viability and the evidence considered to date. This has been a key point of contention and whilst it was an area for concern, it was also fully appreciated that assessing viability for developments such as this is a highly complex process especially

in lieu of an operating model, or lead operator being on board at this time, and the inability to assess the precise values of the development. As a result of this the cash flow and build programme that would normally be expected to be used to inform the critical path is not in place.

On the evidence provided however it was concluded that it is likely that enabling development is necessary, and there is justification for a departure from the provisions of the development plan.

It has not convincingly demonstrated the precise amount necessary, however, although it is appreciated that this is difficult to model.

The applicant has stated a commitment to delivering the community benefits early in the development.

Therefore the council asked that they submit trigger points and undertakings to ensure this happens together with safeguards that will ensure that the housing does not appear without the marina.

A 'review mechanism' can be employed to ensure that only a proportionately justified element of residential development is brought forward.

Heads of Terms to reflect the triggers, plus all of the other obligations related to this development were submitted and either form conditions or are part of the S106. The application is to be presented to committee with a signed s106 therefore there can be no ambiguity over the community benefits, and to demonstrate firm assurances of how these will be delivered.

Whilst housing would not normally be accepted in this countryside location it is felt that the benefits of the overall scheme would outweigh the harm of the residential element.

It is considered that the role of residential development as an enabler to the wider benefits of the marina development is a significant material consideration that can justify a departure from the provisions of policy LP55 Part D.

Community Support

The application has included evidence of the community consultation.

A newspaper article was placed in the Cherry News in the July 2017 edition. This included a site plan of the proposal and text explaining the development. Residents were invited to comment by email or by letter.

40 response were received from residents with the following comments:

- The cherry crossing will better my way of life in every way! My wife and I will love to walk over it every day.

- I support the Cherry Willingham crossing 100% me and my children and I will use it every day for walking the dogs!
- I am writing in support of the footpath and cycleway. Fabulous idea I fully support the proposal and I would use it regularly use it.
- I fully support this Development and hope planning etc is granted asap. It will be an asset to the Local community and Lincoln in General.
What a great project to be part of and hope all goes well. We will support you throughout this project. After discussing the bridge as part of the permission it's like the icing on cake! Quality houses next to water is the best combination for a successful and deliverable outcome.
- Looking at the details in the Cherry Willingham News reference your new plans I think this will connect CW to the River Witham making it a great place to live in the future. The Bridge over to the Water Railway makes the connectivity for walkers and cyclist alike to use the facilities and bring revenue into the site and village. Making a pedestrian crossing with traffic lights will slow down the ever increasing speed that drivers seem to do these days.
- Having a bridge to go over the river Witham to the water railway would make many of the local residents in Cherry Willingham and surrounding villages (of which we are one) very pleased. Having an access to the river will connect the village to Lincoln, without having to suffer the bad bends etc at Greetwell (with no footpath) and allow those who wish to cycle to work etc to do so safely and easily.
- Bike hire, boat hire etc etc will also increase revenue to the village supporting local businesses like the post office and many other small companies. Open space being provided for the local community and the young, will also provide a very valuable asset I believe, not to mention much more wildlife activity, which is very pleasing to see. Myself personally, my family and my business are in full support of such a scheme to go forward.
- We would like to offer our support for the proposed marina development at Cherry Willingham. In our view the development would enhance the village immensely bringing employment and prosperity to the area. It would make Cherry Willingham a more desirable place to live. The bridge over the Witham to the cycleway is an excellent idea, we regularly use this cycleway but currently have to cycle to Five Mile Bridge in order to cross.
- With regards to the above, I'd like to add my support to the development. With populations rising we need more houses and infrastructure added to the village to cope with demands. Making the marina attractive will no doubt pull in more people and visitors not just to this area, but the whole village itself. Having a marina will ensure that the local population will also be catered for through access to the river and/or paths and byways and by allowing those to access the river, surely then this will help develop local business such as hospitality and catering for those visiting the river and marina. Certainly people I've spoken to have been positive with the developments and I look forward to seeing the project move forward as soon as possible.
- As a resident of Cherry Willingham, I am very excited about the new marina being built I think it's going to improve the village, adding value to houses in

the village. I look forward to a nice local restaurant that we can walk to, access to the river bank is fantastic as we don't feel cycling with children to the Fiskerton access is safe with 3 children and can't fit 5 bicycles in our car so we feel we miss out on what is a great place to be. I look forward to the public space that will be accessible to all in peaceful surroundings. A crossing would be a very good idea making it safe for all to cross the busy road.

Washingborough Council agreed to support in principle.

A letter of support was submitted and printed in the Cherry News December 2017 edition.

Support was received from Cllr Darcel who suggested that the support was not unanimous but was overwhelming.

The Parish Council community consultation 16/10/17 show the overall results were overwhelmingly favour of this development subject to actually making the marina and not just the houses.

Two residents' drop-in sessions had been held for viewing the plans and for leaving comments. About 40 people had attended. Most had been positive about the plans, and the majority did not want housing without the marina. Also to make sure legally that the bridge is built and secured to the site development.

The consultation shows that there is community support for the proposal.

Highways

A Transport Assessment (TA) has been prepared to accompany this Planning Application for a residential and Marina development at Fiskerton Road, Cherry Willingham, between the village and the River Witham to the south.

The assessment addresses proposed residential components in addition to the Marina, uses current traffic data in the analyses and acknowledges the forecast future influence of the Lincoln Eastern Bypass, which is currently under construction.

Six junctions require consideration,

- Site Access/Lady Meers Road
- Church Lane/Fiskerton Road
- Church Lane/Fiskerton Road northbound
- Fiskerton Road/Fiskerton Road northbound
- Greetwell Road/Allenby Road roundabout
- Greetwell Road/Outer Circle Road roundabout

In the weekday peak periods there are clear peaks in traffic between 0800 hours and 0900 hours in the morning and between 1700 hours and 1800 hours in the evening.

Fiskerton Road adjacent to the proposed site entrance carries a peak hour flow of under 650 vehicles (two way) now giving rise to a busiest direction flow of up to around 420 vehicles per hour.

The proposed site is located south of the village and around 800m from the village amenities, in a 40mph speed restricted area and served by bus stops towards Church Lane some 200m from the site entrance.

The City of Lincoln is around 6km to the south-west with Wragby (12km) and Market Rasen (16km) to the North East and North respectively and Sleaford some 26km to the south.

Cherry Willingham had a population at 2011 of around 3500.

Access to local facilities by sustainable modes other than by car include the use of public transport, and local walking and cycling facilities.

There are public transport links providing services between Lincoln and Fiskerton with bus stops in the village centre and along Fiskerton Road, within 200m of the site, along with footway linkages adjacent to the eastbound carriageway of Fiskerton Road, towards the west of the site.

The marina will have 220 berths.

It is envisaged that around 50% of these will be non-residential 'permanent' moorings, whilst the remaining 50% will be used by vessels 'stopping off' at the marina as part of a longer trip along the River Witham.

The key findings of the assessment are –

- The forecasts represent an uplift in peak period traffic of over 15% compared to current traffic levels before the development traffic is added.
- At the elevated levels, a further 181 trips is added to the local network in the peak periods.
- Road accident and casualty statistics show no accidents at the proposed site access and two 'slight' personal injury accidents within 500m of the site, over the most recent five year period. Neither of the accidents were close to the site with one 2015 (3 casualties) being close to Church Lane/Fiskerton Road and the second accident being in 2016 at the junction of Ash Grove (1 casualty)
- The walking catchment illustrates that all local facilities including schools and community facilities are within walking distance of the proposed development site.
- The development has been assessed some five years beyond opening year of 2018 i.e. 2023.
- The site access proposals are for a priority junction at Fiskerton Road where visibility in excess of the Manual for Streets guidance (MfS) of 2.4m by 45m can be achieved. A formal pedestrian toucan crossing is to be provided to the west of the site access, connected to the site by a 3m shared footway/cycleway.

- Operationally, the assessment appears to show that taking account of background traffic growth, the effects of Lincoln Eastern Bypass and the addition of the development traffic at 2023 that –
 - The site access operates well within capacity
 - The Church Lane/Fiskerton Road gyratory continues to operate within capacity but with an increase in total delay in the morning 3.5 seconds (+6%) and 3.2 seconds (+8%) in the evening peak period (based on the maximum value of average delay per arriving vehicle)
 - At Outer Circle Road mini-roundabouts, the Outer Circle Road junction has a maximum ratio of flow to capacity (RFC) of 0.91 without the development and 0.93 with it. The total delay at the combined junctions increases by 7.4 seconds in the morning (11%) and 0.3 seconds in the evening (less than 1%) (based on the maximum value of average delay per arriving vehicle)

The site access and the proposed pedestrian crossing of Fiskerton Road and the associated pedestrian/cycle facilities that link it with the site access would be constructed in accordance with design guidance by the Highways Authority and in discussion with officers.

The traffic assessment states that in consideration of the forecast impact of Cherry Willingham marina proposals on the local highway network and its associated junctions, this is considered likely to be negligible.

A Travel Plan was submitted as part of the application. This Framework Travel Plan deals with the residential and workplace components of the site and shows the Developers commitment to promote sustainable transport and how this will be achieved by reducing single car occupancy to/from the site.

There was some additional clarity required of the travel plan however following amendments to the plan there were no further comments.

The highways team requested the following improvements -

- A full frontage footway extending from the eastern boundary of the site to the existing bus stop on Fiskerton Road East.
- Improvements to the existing bus stop on Fiskerton Road East.
- The pedestrian crossing point shown on the submitted drawing, numbered SK003. Type to be agreed with the Highway Authority.
- An uncontrolled dropped kerb and tactile crossing point between the new site access and Lady Meers Road.

The following information will be required –

- Clarification on the width, construction, designation and future maintenance of the link proposed from the Sustrans cycleway through the site to Fiskerton Road East (including the connecting structures spanning the River Witham).
- Clarification as to the surface treatment and future maintenance of the proposed public footpath 102 and connecting structure.

These improvements will be achieved by attaching appropriate conditions.

The highways team have no objections to the principle of development and the access, the layout of the housing has not been considered at this stage as this is a reserved matter.

Subject to necessary conditions it is considered that the application is in accordance LP13 of the Central Lincolnshire Local Plan.

Drainage

Surface Water

The recommended surface water drainage hierarchy is to utilise soakaway, or infiltration as the preferred option, followed by discharging to an appropriate watercourse or if this is not available the final option is to an existing public sewer. This approach accords with the hierarchy for sustainable drainage ([Paragraph: 080 Reference ID: 7-080-20150323](#))

The online British Geological Survey maps indicates that the site is located on bedrock consisting of clay in the northern part of the site and Limestone in the south with superficial deposits over most of the site of clay, silt, sand, and gravel which is unlikely to support the use of infiltration.

Revision 1 of Flood Risk and Drainage report included calculations to restrict the discharge from the development to Qbar and to store approximately 3,200m³ of storm water, utilising a length of the North Delph.

At a Multi Agency group meeting on 4th December 2017 it was agreed with the IDB, subject to hydraulic modelling at detail design stage, that an unrestricted discharge into their system would be more sustainable, provided there was sufficient storage capacity within the system, or additional storage to be provided as part of the development.

The length of North Delph on the site would be no longer be maintained by the IDB but would be enhanced to provided environmental benefits with the water level being retained as present. If required, additional storage would be provided along with the environmental enhancements.

The proposals include the provision of a Land Drainage Pumping Station as a replacement of the Board's Greetwell Pumping Station. The IDB has accepted the principle of this and would be willing to adopt it subject to suitable design, installation and a commuted sum. However modelling work will be required to establish the specification of the new station and impact on the existing pumped system to ensure there is no increase in flood risk within the Greetwell and Southrey catchments following the split.

A condition will be attached for further details on the surface water drainage scheme.

Foul Water Drainage

It is proposed to discharge the foul water into the existing Anglian Water drain.

Flood Risk, Biodiversity and Water Framework Directive

Most of the site lies within flood zones 2 and 3.

A Flood Risk Assessment (FRA) was submitted with the application and upon consulting with the EA they initially objected to the proposal as the FRA did not comply with the requirements set out in the National Planning Practice Guidance. The FRA therefore did not provide a suitable basis for assessment to be made of the flood risk arising from the proposed development.

The EA needed more detail on the pump station and the proposed volume discharge to the River Witham. The total being discharged through any arrangement of pump stations shall be no greater than the existing volume. They were satisfied with the bank levels of 5.3mAOD and finished floor levels for the new houses of now lower than 5.0mAOD. However the EA wanted to see proposed final levels across the whole site, particularly the embankments on both sites of the site.

The EA had raised concerns that proposal would compartmentalize the flood plain as there would be a barrier across the flood plain. They also had concerns with the proposal to use the North Depth channel as storage for surface water. This would see the land behind the River Witham defences potentially more saturated than currently and therefore increase the risk of bank failure.

Following discussion with the EA and the submission of further information and a final FRA the EA removed their initial objections subject to a condition that the development be carried out in accordance with the approved FRA and specified mitigation measures.

The FRA concludes that the proposed development is not at significant flood risk, and will not increase flood risk to others, subject to the recommended flood mitigation strategies being implemented.

The identified risks and mitigation measures are summarised below;

Source	Level of Risk	Proposed Mitigation
Fluvial	High	Minimum FFL 0.30m above 100-year + 35% flood level. FFL = 5.00m AOD.
Tidal	None	
Pluvial	Medium	As Fluvial
Groundwater	Medium	As Fluvial
Sewers	Low	
Reservoir	Medium	As Fluvial
Canal/Artificial	None	
Development Foul & Surface Water	High	Unrestricted discharge of Surface water to IDB. Foul water to existing AWS sewers.

Biodiversity and Water Framework Directive

The EA also commented with regards to the Water Framework Directive (WFD). They initially objected as more information was needed to ensure the requirements of the Water Framework Directive are met.

A fundamental requirement of the WFD is to attain good ecological water quality status and that deterioration in the status of waters is prevented.

To overcome the objection the WFD requires that the current and future status of a waterbody be considered when relevant activities in the water environment are planned. The potential implications of a proposal on the hydromorphological, chemical and physico-chemical elements, and the biological quality elements which they support should be assessed and if necessary, addressed. In addition, the proposal should be assessed to ensure it does not prevent a waterbody from achieving good ecological status/potential.

Following further information submitted the EA withdrew their objection with regards to the WFD element subject to conditions on landscape management, construction management and water voles.

Subject to conditions the proposal is therefore in accordance with policy LP14 of the Central Lincolnshire Local Plan. LP14 is consistent with NPPF paragraphs 148, 149, 155-159 and 163.

Landscaping and the Effect on the Open Countryside

Policy LP17 states that to protect and enhance the intrinsic value of our landscape and townscape, including the setting of settlements, proposals should have particular regard to maintaining and responding positively to any natural and man-made features within the landscape and townscape which positively contribute to the character of the area, such as (but not limited to) historic buildings and monuments, other landmark buildings, topography, trees and woodland, hedgerows, walls, water features, field patterns and intervisibility 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.

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 intervisibility from various viewpoints.

The considerations set out in policy LP17 are particularly important when determining proposals which have the potential to impact upon the

Lincolnshire Wolds AONB and the Areas of Great Landscape Value and upon Lincoln's historic skyline.

The site currently supports grazing and arable farming with a number of non-descript agricultural buildings and stables. It is a large scale flat open landscape with regular field pattern enclosed by hedgerows of limited species and a few hedgerow trees.

The site is located on low-lying topography of the River Witham Valley; the topography of the site is flat, rising up slightly from the River Witham, along the southern boundary to 5m above ordnance datum (AOD) along the road to the northern site boundary.

The river is enclosed by a grassed flood defence bund, which slopes down towards the southern site boundary, with the Viking Way running along the higher level. In the wider landscape context, the land slopes gently up to the northwest of the site and to the southwest to Washingborough.

There are several water features in the vicinity of the site, with several channels running through and across the site. The River Witham flows west to the east along the southern site boundary, with the North Delph Channel and is situated to the south of the River Witham.

There are not many woodland areas within the surrounding landscape of the site. Long Woods and Newball Wood ancient woodland is located to the east and northeast of the site, along with some smaller areas of woodland. There are some individual trees and hedgerows along the boundaries. Native species of tree within small groups or as individuals in the area are field maple, ash, alder, poplar and willow.

Cherry Willingham Village lies directly to the north of the site and is typical of the character of settlements within the area. The historic core of the village is focussed around St Peters Church, just to the south of the railway line.

There is no public access through the site. However, the Viking Way runs along the southern edge, outside the application boundary and the Sustrans route which runs along the former railway line is on the south side of the river. There are a number of local Public Rights of Way in the area.

The Cherry Willingham Neighbourhood Plan: Landscape Character Assessment describes the site as

- large scale, open landscape, gently sloping from Fiskerton Road in the north to Willingham Fen. Extensive views west to Lincoln Cathedral and east to Fiskerton Church.
- Northern area slopes gently south, some areas of traditional field boundaries with large mature trees. Traditional farm stead to west with more rolling landscape, visually linked to adjacent Scheduled Monument. Important for views from settlement across landscape to the south.

- Willingham Fen located to the south of area; spreading expansive, open, flat peat flood plain landscape used as pasture and arable land. Matrix of extensive drainage ditches and broken boundary hedges. Embanked River Witham located to the south creating elevation for Viking Way. Possibility of archaeology interest.

The site sits within area 3 of the assessment, more specifically 3C and 3D.

The south of the site is within 3C where the landscape sensitivity and the visual sensitivity is classed as high.

The north of the site is within 3D where the landscape sensitivity is classed as high to medium and the visual sensitivity is high.

A Landscape Visual Assessment has been carried out for the site. This concludes that although there will be a loss of some of the agricultural land associated with the existing farm on site and the introduction of built form and a commercial development, the development presents an opportunity to enhance and reinforce the existing landscape features through a substantial landscape strategy across the whole site. Key, long ranging views of the cathedral will be maintained and the expansive and open nature of the landscape will not be compromised.

Although there will be a wholesale to the landscape of the site and its immediate surroundings, residential development is not an uncommon feature in this landscape and the marina is appropriate and inconspicuous. The footbridge will introduce a new but not an inappropriate feature.

The application has been assessed by the tree officer who advises that a detailed scheme of landscaping is required along with a landscape management plan to provide details on establishment and maintenance actions and frequency. This can be conditioned. A landscape strategy will enhance and improve the condition of the landscape features of the existing landscape. Long term a landscape strategy will assimilate the developments into the landscape.

It is acknowledged that the scheme will have some adverse impact on the landscape as a receptor, however, the overall effect will not be significant. The landscape of the site is not valuable in terms of designations but clearly has a value as open countryside, part of the floodplain and the visual connection to the river.

Users of the Viking Way and the Sustrans are the most sensitive visual receptors to the proposed development. Visitors are using the routes along the edge of the river in order to experience the landscape and the associated views.

In close proximity to the application site, the receptors along these routes will experience a complete change to their experience and view. However over

time as the scheme settles into the landscape and the mitigation and enhancement planting matures, the impact will lessen.

The development is not inappropriate in this location, the views are long ranging and the experience is one of an open and expansive landscape, which will still be enjoyed in the main.

Along with the above receptors, residents directly opposite the site access on Fiskerton Road East will experience the loss of their views as a result of the residential units to the north of the Scheme. The existing hedgerow contains the views however there is a sense of openness still perceptible beyond the site boundary. The experience will be more contained. There will be very negligible impact overall from the marina elements of the scheme.

Users of the wider, yet limited PRow network and the residents of surrounding villages, on both the north and south side of the river will experience a noticeable but not significant change as a result of the proposals.

For the majority of the visual receptors there will not be a significant impact however for those users of the Viking Way and to a slightly lesser degree the Sustrans Route, there will be High and Adverse impacts from the construction and operation of the proposed Marina, which will result in a Significant effect on the visual receptors. However, this is for a very short stretch of the Viking Way which in total covers approximately 150 miles and although is a significant change it is not a development proposal that by nature would be out of character in this location.

In summary, there will be long term, permanent and adverse impacts to a limited number of sensitive landscape and visual receptors. The effects on the users of the Viking Way and the Sustrans Route near the proposals and for a short period of time, would be significant.

However, the landscape is expansive and the views long ranging, key features such as Lincoln Cathedral and the River Witham remain visible and dominant. The development type introduces some new elements to the landscape such as the marina, but it is appropriate in this location, inconspicuous by nature of its design and absorbed into the wide and open view over time.

The proposal is therefore in accordance with policy LP17 of the Central Lincolnshire Local Plan. LP17 is consistent with paragraphs 20, 127 and 170 of the NPPF and can carry full weight.

Policy LP24 states that the Central Lincolnshire Authorities will seek to:

- reduce public open space, sports and recreational facilities deficiency;
- ensure development provides an appropriate amount of new open space, sports and recreation facilities; and
- improve the quality of, and access to, existing open spaces, sports and recreation facilities.

Residential development will be required to provide new or enhanced provision of public open space, sports and recreation facilities.

Open space, sports and recreation provision requirements should:

- a. as first preference be provided on-site in a suitable location. Where on site provision is not feasible or suitable within a local context, consideration of a financial contribution to the creation of a new facility or the upgrading and improvement of an existing usable facility will be considered as per the criteria set out in the Developer Contribution SPD and in accordance with national legislation;
- b. be multifunctional, fit for purpose and support health and outdoor recreation;
- c. consider the context of any existing provision and maximise any opportunities for improvement within the wider area where these are relevant to the development of the site;
- d. when new provision is provided, have appropriate mechanisms secured which will ensure the future satisfactory maintenance and management of the open space, sports and recreational facility.

The proposal includes an extensive open space area with archaeological interpretation boards close to the area where most heritage interest exists relating to historic settlement within the Witham Valley at Willingham Fen.

These elements will be open to the public at all times apart from essential maintenance.

This is a significant public benefit which will also have ecological benefits.

Affordable Housing

Policy LP11 states that affordable housing will be sought on all qualifying housing development sites of 11 dwellings or more. Policy LP11 is largely consistent with the NPPF which states (paragraph 63) only that affordable housing should not be sought on non-major residential development. The scale of residential development proposed qualifies as a major development.

As the site is for 155 dwellings, it would qualify for affordable housing. The site is in the Lincoln Strategy Area therefore the percentage sought will be 25%. This works out at 39 dwellings to be affordable.

The policy states that *“The Central Lincolnshire authorities will seek the level of affordable housing on the basis of the [-] targets, but will negotiate with developers if an accurate viability assessment demonstrates these cannot be met in full.”*

However as the 155 dwellings are considered to be enabling development, no affordable housing, as a cost, is proposed.

The application has been submitted with supporting information that the marina development can only proceed with enabling development therefore no affordable housing will be provided.

Development will therefore be contrary to policy LP11. However, it is considered the need for the residential development as enabling development is a significant material consideration that would justify a departure from the Local Plan.

Infrastructure

The Local Education Authority (LCC) were consulted on the application and have not requested any contributions.

NHS England have been consulted on the application and have stated there will be an increase in patient population of 357. The increase in population will place extra pressure on existing provisions. This in turn impacts on premises with extra consulting/treatment rooms required.

As such Nettleham Medical Practice and Brayford Medical Practices may be affected by the development. Using the calculations shown in the consultation response a total cost of £185 per patient is determined. This figure is multiplied by 2.3 (the average number of persons per dwelling for West Lindsey District Council) to provide a funding per dwelling of £425.50. The contribution requested for the development at Cherry Willingham is £65,952.50 (£425.5 x 155 dwellings).

Revised figures have been published by NHS England: Midlands and East (Central Midlands) which were operational from 1 August 2018. The figure is therefore updated to £632.50 per dwelling.

The contribution requested will be £632.50 x 155 dwellings = £98,037.50.

This will be secured via a S106 agreement.

Ecology

A protected species survey has been carried out on the site.

It was concluded that the development of the marina and housing and other features would result in a small number of adverse impacts but which are of limited significance. However, with appropriate mitigation and habitat enhancements the site would result in gains for wildlife on the site and in the local area.

Mitigation and enhancement can be conditioned.

Archaeology

Archaeological evaluation was undertaken in 2009 across the site in order to support the planning application for the marina and associated leisure facilities. Fourteen trenches were excavated targeting findings of a previous geophysical survey. The south eastern area of the site was identified as of

highest archaeological potential due to trenching revealing vertically set timber posts very close to three known Bronze Age round barrows. These posts were probably load bearing indicating the presence of at least one structure, probably dating from the Bronze Age period. This evidence alongside artefactual evidence during a deliberately damaged Bronze Sword suggest this area may have been used for ritual purposes.

Another vertical timber post and a horizontal timber post were found in Trench 1 west. This suggests that there is the possibility of further structures to the southern part of the site. Although trenches 2 to 6 did not contain artefacts, these trenches represent a small sample of the overall ground are. Furthermore this area is close to the River Witham which is regarded as highly significant in archaeological terms due to the prehistoric and Bronze Age metalwork found along the river. This area is a target area for significant archaeology which is why it is deemed to be of greater archaeological potential than the northern half of the site.

It is recommended that prior to any groundworks for the marina basin and environs up to the North Delph the developer should be required to commission a Scheme of Archaeological Works. It is also recommended that prior to any ground works for the north of the site the developer should be required to commission a Scheme of Archaeological Works.

Previous recommendations on this site have included the provision of archaeological interpretation boards. Provision of these will be required in this application and can be conditioned.

Minerals and Waste

The proposal lies within a minerals safeguarding area.

Within a minerals resource safeguarding area, except for the exemptions set out in Policy M11, all applications for non-minerals development should be accompanied by a Minerals Assessment prepared in accordance with the latest guidance from the British Geological Survey (currently set out in Mineral Safeguarding in England: Good Practice Advice, reference OR/11/046).

Following the initial consultation from the Minerals and Waste Team, a Minerals Assessment was provided as per the consultation response and requirement of policy M11.

Given the particulars of this proposed development, LCC Minerals and Waste Team were satisfied that the assessment was proportionate and sufficient to qualify as a "Minerals Assessment" for the purposes of Policy M11 of the Minerals and Waste Local Plan: Core Strategy and Development Management Policies (2016) document.

It is considered that having regard to the scale, nature and location of the proposed development, the applicant has demonstrated that in accordance with the criteria set out in policy M11 that prior extraction of the mineral would

be impractical and that the development could not reasonably be cited elsewhere. Accordingly, the County Council has no safeguarding objections.

Conclusion

The application is 'EIA Development' under the 2017 Regulations and an Environmental Statement has been submitted with the application.

The environmental statement highlighted the following impacts –

- Socio-Economic
- Archaeology and Cultural Heritage
- Landscape and Visual Impacts
- Nature Conservation, Ecology and Biodiversity
- Transport, Accessibility and Movement
- Flood Risk and Surface Water Drainage
- Ground Conditions
- Cumulative Impacts

It has been determined based on the information submitted that overall the cumulative impact on the surrounding area is not considered to be significant due to the appropriate mitigation and enhancement measures within the environmental statement.

The proposed development would provide a 220 berth marina with reinstated flood defences, chandlery, workshop, café/bistro, showers and toilets; access road, footpaths and cycle ways, erection of a new cycle/footbridge, construction of a new surface water pump house, change of use of land to open space/meadow area with heritage interpretation information on display and outline permission for up to 155 dwellings and business units totalling 663sqm with access to be considered.

The housing element would be a departure from the local plan as they are situated in open countryside with no rural justification. However the housing is to be used as enabling development. Whilst a robust case for viability has not been shown the benefits of the scheme are felt to outweigh any negative impacts of the dwellings. The benefits of the scheme are to be secured by condition and within the S106.

A negative to the development as there is to be no affordable housing to the scheme as all the housing is to be enabling development.

A benefit to the scheme is a purpose built bridge linking the village with the Sustrans Water Railway route into the city of Lincoln. The closest access point currently is via the existing bridge east of Fiskerton some 3km eastwards from the site.

The proposal also includes an extensive open space area with archaeological interpretation boards close to the area where most heritage interest exists relating to historic settlement within the Witham Valley at Willingham Fen.

These elements will be open to the public at all times apart from essential maintenance.

This proposal is in alignment with Lincolnshire County Council's Waterways Development Strategy 2008 - 2018 and their draft Waterways Development Strategy 2018 - 2028 and is therefore supported by Lincolnshire County Councils.

The marina proposal accords with policy LP55 (Development in the Countryside) and accords with LP5 (Delivering Prosperity and Jobs) and LP7 (A Sustainable Visitor Economy) of the Central Lincolnshire Local Plan. The NPPF states that planning decisions should enable “sustainable rural tourism and leisure developments which respect the character of the countryside”.

The residential element is considered would amount to a departure from policy LP55 Part D of the Central Lincolnshire Local Plan. There is no affordable housing provision – a departure from LP11. However, it is considered that there is evidence to show that enabling development is necessary to make a viable project. The residential development would fulfil the role of enabling development, whilst making a significant contribution towards housing land supply, and this is a significant material consideration.

The proposals include the provision of a Land Drainage Pumping Station as a replacement of the Board's Greetwell Pumping Station.

The development of the marina, housing and other features would result in a small number of adverse impacts but which are of limited significance. However, with appropriate mitigation and habitat enhancements the site would result in gains for wildlife on the site and in the local area.

Whilst some objections have been received from the community the proposal has also gained community support for the proposal through comments on the application and consultation events. There is no policy for the marina in the neighbourhood plan but the text within the plan states that “the Neighbourhood Plan supports this proposed development and the employment offer to the wider community.”

The highways team have no objections to the principle of development. The proposal subject to conditions would be in accordance with policy LP13 of the Central Lincolnshire Local Plan.

The proposals include the provision of a Land Drainage Pumping Station. Foul water will discharge into the existing Anglian Water Drain.

The FRA concludes that the proposed development is not at significant flood risk and will not increase flood risk to others, subject to the recommended flood mitigation strategies being implemented. The proposal would therefore be in accordance with policy LP14 of the Central Lincolnshire Local Plan.

There will be a loss of some of the agricultural land associated with the existing farm on site and the introduction of built form and commercial development. However, the development presents an opportunity to enhance and reinforce the existing landscape features.

There will be long term, permanent and adverse impacts to a limited number of sensitive landscape and visual receptors. The effects on the users of the Viking Way and the Sustrans Route near the proposals and for a short period of time would be significant.

However, the landscape is expansive and the views long ranging, key features such as Lincoln Cathedral and the River Witham remain visible and dominant. The development type introduces some new elements to the landscape such as the marina, but it is appropriate in this location, inconspicuous by nature of its design and absorbed into the wide and open view over time in accordance with policy LP17.

The site lies within a minerals safeguarding area. A minerals assessment has been provided as part of the application. Lincolnshire County Council Minerals and Waste Team have been consulted and raise no safeguarding objections.

The proposal is on balance acceptable. Whilst housing would not normally be accepted in this location it is felt that the benefits of the scheme would outweigh the harm of the residential element. The housing forms enabling development to bring the wider benefits of the scheme into fruition. This can be secured by condition and within the S106.

Subject to conditions it is considered the proposal would be acceptable and would not have a detrimental impact on the character of the area, highway safety/capacity, residential amenity, ecology, flood risk and drainage in accordance with policies LP1, LP2, LP3, LP4, LP5, LP7, LP9, LP10, LP11, LP12, LP13, LP14, LP15, LP17, LP21, LP24, LP25, LP26, LP55, Policy M11 of the Minerals and Waste Local Plan: Core Strategy and Development Management Policies (2016), including the advice given in the National Planning Policy Framework and the National Planning Practice Guidance and the emerging Cherry Willingham Neighbourhood Plan.

The application is recommended for approval subject to the following conditions:

Outline Planning Permission

The grant of outline permission in the area shown in blue on drawing J1525 SK18 dated OCT 2018, subject to the following conditions:

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 development 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 final approval of the reserved matters or, in the case of approval on different dates, the final approval of the last such matter to be approved.

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

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

4. No development shall take place until a surface water drainage scheme for the site based on sustainable urban drainage principle and an assessment of the hydrological and hydrogeological context of the development has 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 agreed with the Internal Drainage Board;
- 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 ensure adequate drainage facilities are provided to serve the development in accordance with policy LP14 of the Central Lincolnshire Local Plan.

5. No development shall take place until a Construction Method Statement 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) the hours during which machinery may be operated, vehicles may enter and leave, and works may be carried out on the site;
- (xi) Measures for the protection of any existing trees and hedgerows;

Reason: In the interests of amenity and in accordance with policy LP13 of the Central Lincolnshire Local Plan.

6. No development shall take place until details have been submitted to demonstrate that at least 30% of the total number of dwellings meet the required standards set out in Part M4(2) of the Building Regulations 2010 and have been agreed in writing with the local planning authority. Development shall thereafter proceed in accordance with the agreed details.

Reason: To ensure the development meets the requirements for accessibility set out in Part M4(2) of the of the Building Regulations 2010 and to accord with the National Planning Policy Framework and local policy LP10, LP17 and LP26 of the Central Lincolnshire Local Plan 2012-2036.

7. No development shall take place until a written scheme of archaeological investigation has been submitted to and approved in writing by the local planning authority. This scheme shall include the following

1. An assessment of significance and proposed mitigation strategy (i.e. preservation by record, preservation in situ or a mix of these elements).
2. A methodology and timetable of site investigation and recording.
3. Provision for site analysis.
4. Provision for publication and dissemination of analysis and records.
5. Provision for archive deposition.
6. Nomination of a competent person/organisation to undertake the work.
7. The scheme to be in accordance with the Lincolnshire Archaeological Handbook.

Reason: To ensure the preparation and implementation of an appropriate scheme of archaeological mitigation and in accordance with the National Planning Policy Framework.

8. The local planning authority shall be notified in writing of the intention to commence the archaeological investigations in accordance with the approved written scheme referred to in condition 8 at least 14 days before the said commencement. No variation shall take place without prior written consent of the local planning authority.

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

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

9. The archaeological site work shall be undertaken only in full accordance with the written scheme required by condition . Following the archaeological site work a written report of the findings of the work shall be submitted to and approved in writing by the local planning authority within 3 months of the said site work being completed.

The report and any artefactual evidence recovered from the site shall be deposited within 6 months of the archaeological site work being completed in accordance with a methodology and in a location to be agreed in writing by the local planning authority.

Reason: To ensure the satisfactory archaeological investigation and retrieval of archaeological finds in accordance with the National Planning Policy Framework.

10. Development shall be implemented in strict accordance with the build program (P2120 Build programme – final version received 31/10/18)

Reason: Enabling development has only been granted due to the benefits of the marina, cycle bridge, public open space and footways. Housing would not normally be granted in this countryside location and therefore adhering to the build program will enable the other elements of the scheme to be built not just the housing.

11. No occupation of any dwelling or building shall take place until a scheme for the construction of a 2 metre wide footway (to include an uncontrolled tactile crossing point to DfT standards between the site access and the Eastern boundary of the site), together with arrangements for the disposal of surface water run-off from the highway at the frontage of the site has been submitted to and approved in writing by the Local Planning Authority. The agreed works shall be fully implemented before any of the development is occupied. Or in accordance with a phasing arrangement to be agreed in writing with the Local Planning Authority.

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

12. No occupation dwelling or building shall take place before a scheme for the construction of structure spanning the River Witham together with a cycleway link through the site to Fiskerton Road East (width, construction, designation and future maintenance proposals to be agreed with the Highway Authority) has been submitted to and approved in writing by the Local Planning Authority. The agreed works shall be fully implemented before any of the development is occupied. Or in accordance with a phasing arrangement to be agreed in writing with 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.

13. No occupation dwelling or building shall take place before a scheme for the improvement of public footpath No.102 (Viking Way) (width, construction, designation and future maintenance proposals to be agreed with the Highway Authority) has been submitted to and approved in writing by the Local Planning Authority. The agreed works shall be fully implemented before any of the development is occupied. Or in accordance with a phasing arrangement to be agreed in writing with 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.

14. No occupation of any dwelling or building shall take place until a scheme for the construction of a pedestrian crossing, type to be agreed with the Highway Authority (as indicated on drawing SK003) has been submitted to and approved in writing by the Local Planning Authority. The agreed works shall be fully implemented before any of the development is occupied. Or in

accordance with a phasing agreement to be agreed in writing with 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.

15. No occupation of any dwelling or building shall take place until a scheme for improvements to the existing bus service by means of the provision of a bus stop on the North and South side of Fiskerton Road East (to include a 2m wide footway link from the site access to the proposed bus stop on the south side of Fiskerton Road East) has been submitted to and approved in writing by the Local Planning Authority. The agreed works shall be fully implemented before any of the development is occupied. Or in accordance with a phasing arrangement to be agreed in writing with 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.

16. Before each dwelling or building 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 Highway Maintainable at the public expense, less the carriage and footway surface courses.

The carriageway and footway surface courses shall be completed within three months from the date upon which the erection is commenced of the penultimate dwelling or building.

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

17. The development shall be carried out in strict accordance with the Travel Plan (Fiskerton Road, Cherry Willingham, Residential Marina Development Residential and Work Place Framework Travel Plan dated May 2018 by Turvey Consultancy Limited).

Reason: To ensure that access to the site is sustainable and reduces dependency on the car in accordance with the National Planning Policy Framework.

18. The development permitted by this planning permission shall be carried out in accordance with the approved Flood Risk Assessment (ref: RLC/0012/FRA01, revision 4) dated July 2018 and the following mitigation measures detailed within the FRA:

1. Minimum level of the flood defence will be 5.30m above Ordnance Datum (AOD).
2. Finished floor levels for residential development are set no lower than 5m AOD.
3. Floodplain compartmentalisation as described.

The mitigation measures shall be fully implemented prior to occupation and subsequently in accordance with the timing / phasing arrangements embodied within the scheme, or within any other period as may subsequently be agreed, in writing, by the local planning authority.

Reason

To reduce the risk of flooding to the proposed development and future occupants.

19. Prior to occupation of the dwellings or buildings a scheme for a footway/cycleway through the site and its future management shall be submitted to and approved in writing by the Local Planning Authority. The footpath/cycleway shall be provided in accordance with those details and shall be fully implemented before any of the dwellings are occupied. The footpath/cycleway shall be open for the use of all members of the public thereafter unless for essential maintenance work.

Reason: In the interests of amenity in accordance with policies LP17 and LP26 of the Central Lincolnshire Local Plan.

20. Prior to the occupation of any dwelling or building, details of the cycle bridge to connect the cycleway to the Sustrans National Cycle route number 1 south of the River Witham and its future management shall be submitted to and approved in writing by the Local Planning Authority. The cycle bridge shall be provided in accordance with those details and shall be fully implemented before any of the dwellings are occupied. The cycle bridge shall be open for the use of all members of the public thereafter unless for essential maintenance work.

Reason: In the interests of amenity in accordance with policies LP17 and LP26 of the Central Lincolnshire Local Plan.

21. Prior to the occupation of any dwelling or building, details of the foot bridge along the northern river bank and its future management shall be submitted to and approved in writing by the Local Planning Authority. The foot bridge shall be provided in accordance with those details and shall be fully implemented before any of the dwellings are occupied. The foot bridge shall be open for the use of all members of the public thereafter unless for essential maintenance work.

Reason: In the interests of amenity in accordance with policies LP17 and LP26 of the Central Lincolnshire Local Plan.

22. The public open space on drawing number N0383(08) 001 shall be landscaped in accordance with the approved landscape plan ((96)001 dated 02.02.18) and made available for use by any member of the public before the first dwelling is occupied. The public open space shall remain available for public use thereafter.

Reason: In the interests of amenity in accordance with policies LP17 and LP26 of the Central Lincolnshire Local Plan.

23. Construction works shall only be carried out between the hours of 08:00 and 18:00 on Mondays to Fridays; 09:00 and 13:30 Saturdays, and no time on Sundays and Bank Holidays unless specifically agreed in writing by the Local Planning Authority beforehand.

Reason: To protect the amenity of the occupants of nearby dwellings in accordance with LP26 of the Central Lincolnshire Local Plan.

24. All vehicular traffic associated with implementing the approved development shall use the existing access road to the site until the new estate road has been implemented for the first 60 metres from its junction with the public highway. This will be completed to base course and include visibility splays, as shown on drawing number SK003.

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 Fiskerton Road East.

25. The development shall be carried out in strict accordance with the mitigation measures within the updating and protected species survey report of land off Fiskerton Road East, Cherry Willingham, Lincolnshire by Tim Smith dated June 2017 Report Reference: 2017/05/429a

Reason: To safeguard wildlife in the interests of nature conservation in accordance with policy LP21 of the Central Lincolnshire Local Plan

26. The development shall only be carried out in strict accordance with the mitigation measures within the Environmental Statement by Globe Consultants dated October 2017.

Reason: To accord with all the environmental elements highlighted as impacted within the report.

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

27. Notwithstanding the provision of The Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended) or any amendment to that act, the business units hereby proposed shall be for B1 use only.

Reason: In order for the Local Planning Authority to assess whether other uses are acceptable in this open countryside location.

Full Planning permission

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 92 (2) of the Town and Country Planning Act 1990 (as amended).

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

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

- e) 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;
- f) Provide attenuation details and discharge rates which shall be agreed with the Internal Drainage Board;
- g) Provide details of the timetable for and any phasing of implementation for the drainage scheme; and
- h) 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 ensure adequate drainage facilities are provided to serve the development in accordance with policy LP14 of the Central Lincolnshire Local Plan.

3. No development shall take place until a landscape management plan, including long- term design objectives, management responsibilities and maintenance schedules for all landscaped areas (except privately owned domestic gardens), has been submitted to and approved in writing by the local planning authority. The landscape management plan shall be carried out as approved.

The plan shall include the following elements:

- Replication within the development of bankside marginal vegetation that will be lost through creation of the marina entrance to the River Witham
- Details of compensatory habitat to be provided within the new development for the section of the North Delph that will be disconnected
- Details of on-line habitat enhancements to support robust fish populations, such as refuges below mooring platforms
- Details of treatment of site boundaries and/or buffers around water bodies
- Details of maintenance regimes
- Details of management responsibilities

Reason: To ensure the development will not cause a WFD deterioration or prevent improvements in the future in line with the Water Framework Directive and to ensure the protection of wildlife and the habitat which supports it and secure opportunities for the enhancement of the nature conservation value of the site in line with national and local planning policy (LP21).

4. No development shall take place until a water vole survey (of the North Delph and the River Witham) and details of mitigation measures if required have been submitted to and approved in writing by the local planning authority. The mitigation measures shall be delivered as approved.

Reason: This condition is necessary to ensure the protection of wildlife and supporting habitat and secure opportunities for the enhancement of the nature conservation value of the site in line with national and local planning policy.

5. Prior to any groundworks for the marina basin and environs up to North Delph a written scheme of archaeological investigation shall be submitted to and approved in writing by the local planning authority. This scheme shall include the following

1. An assessment of significance and proposed mitigation strategy (i.e. preservation by record, preservation in situ or a mix of these elements).
2. A methodology and timetable of site investigation and recording.
3. Provision for site analysis.
4. Provision for publication and dissemination of analysis and records.
5. Provision for archive deposition.
6. Nomination of a competent person/organisation to undertake the work.
7. The scheme to be in accordance with the Lincolnshire Archaeological Handbook.

The scheme needs to involve an archaeological topsoil strip, map and sample of the proposed excavation area of the marina basin and surrounding environs up to North Delph.

Reason: To ensure the preparation and implementation of an appropriate scheme of archaeological mitigation and in accordance with the National Planning Policy Framework.

6. The local planning authority shall be notified in writing of the intention to commence the archaeological investigations in accordance with the approved written scheme referred to in condition 6 at least 14 days before the said commencement. No variation shall take place without prior written consent of the local planning authority.

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

7. No groundworks shall occur in the south eastern area of the site which has been designated as 'Public Open Space'. This area will be fenced off during all groundworks associated with the development to prevent any machinery tracking over the archaeology and to prevent any spoil being stored on the site. Provision should also be made to ensure that no future services, roads or any other development in this area in order to ensure that the archaeology is preserved in situ. Any landscaping to this area shall be done in consultation with LCC Archaeology Department.

Reason: To prevent any compression of the archaeology in order to preserve important archaeological remains in situ.

8. No development shall take place until a method statement/construction environmental management plan that is in accordance with the approach outlined in the Environmental Statement, has been submitted to and approved in writing by the local planning authority. This shall deal with the treatment of any environmentally sensitive areas, their aftercare and maintenance as well as detailing the works to be carried out and showing how the environment will be protected during the works. The statement/plan shall include details of the following:

- The timing of the works
 - o no in channel works are permitted between 15 March and 15 June inclusive in any year (potential for fish spawning).
- The measures to be used during the development to minimise environmental impact of the works (considering both potential disturbance and pollution)
 - o suitable silt protection should be in place prior to connecting the new development to prevent excessive siltation of the watercourse.
- The ecological enhancements as mitigation for the loss of habitat resulting from the development

- A map or plan showing habitat areas to be specifically protected (identified in the ecological report) during the works.
- Any necessary mitigation for protected or priority species of importance for nature conservation
 - o Pumping equipment will need to comply with the Eel Regulations (2009) <https://www.legislation.gov.uk/ukxi/2009/3344/contents/made> unless the applicant can prove that eels aren't present within the North Delph.
- Any necessary measures to remove / prevent the spread of invasive non-native species.
- Construction methods.
- Any necessary pollution protection methods.
- Information on the persons/bodies responsible for particular activities associated with the method statement that demonstrate they are qualified for the activity they are undertaking.

The works shall be carried out in accordance with the approved method statement.

Reason: To ensure the development will not cause a WFD deterioration or prevent improvements in the future in line with the Water Framework Directive and to ensure the protection of wildlife and the habitat which supports it and secure opportunities for the enhancement of the nature conservation value of the site in line with national and local planning policy (LP21).

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

9. The archaeological site work shall be undertaken only in full accordance with the written scheme required by condition 5. Following the archaeological site work a written report of the findings of the work shall be submitted to and approved in writing by the local planning authority within 3 months of the said site work being completed.

The report and any artefactual evidence recovered from the site shall be deposited within 6 months of the archaeological site work being completed in accordance with a methodology and in a location to be agreed in writing by the local planning authority.

Reason: To ensure the satisfactory archaeological investigation and retrieval of archaeological finds in accordance with the National Planning Policy Framework.

10. No occupation of any building shall take place until details (including the information to be displayed) of the interpretation boards to be provided on the open space has been submitted to and approved in writing by the Local Planning Authority. The interpretation boards shall only be carried out in accordance with the approved details and shall be installed prior to occupation of any building.

Reason: To ensure satisfactory display of archaeological details.

11. No occupation of any building shall take place until a scheme for the construction of a 2 metre wide footway (to include an uncontrolled tactile crossing point to DfT standards between the site access and the Eastern boundary of the site), together with arrangements for the disposal of surface water run-off from the highway at the frontage of the site has been submitted to and approved in writing by the Local Planning Authority. The agreed works shall be fully implemented before any of the development is occupied. Or in accordance with a phasing arrangement to be agreed in writing with the Local Planning Authority.

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

12. No occupation of any building shall take place before a scheme for the construction of structure spanning the River Witham together with a cycleway link through the site to Fiskerton Road East (width, construction, designation and future maintenance proposals to be agreed with the Highway Authority) has been submitted to and approved in writing by the Local Planning Authority. The agreed works shall be fully implemented before any of the development is occupied. Or in accordance with a phasing arrangement to be agreed in writing with 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.

13. No occupation of any building shall take place before a scheme for the improvement of public footpath No.102 (Viking Way) (width, construction, designation and future maintenance proposals to be agreed with the Highway Authority) has been submitted to and approved in writing by the Local Planning Authority. The agreed works shall be fully implemented before any of the development is occupied. Or in accordance with a phasing arrangement to be agreed in writing with 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.

14. The arrangements shown on the approved plan J1525 (08) 001 Rev E dated APR 2017 for the parking/turning/manoeuvring/loading/unloading of vehicles using the marina and business units shall be available at all times when the premises are in use.

Reason: To enable calling vehicles to wait clear of the carriageway of Fiskerton Road East and to allow vehicles to enter and leave the highway in a forward gear in the interests of highway safety.

15. No occupation of any building shall take place until a scheme for the construction of a pedestrian crossing, type to be agreed with the Highway Authority (as indicated on drawing SK003) has been submitted to and

approved in writing by the Local Planning Authority. The agreed works shall be fully implemented before any of the development is occupied. Or in accordance with a phasing agreement to be agreed in writing with 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.

16. No occupation of any building shall take place until a scheme for improvements to the existing bus service by means of the provision of a bus stop on the North and South side of Fiskerton Road East (to include a 2m wide footway link from the site access to the proposed bus stop on the south side of Fiskerton Road East) has been submitted to and approved in writing by the Local Planning Authority. The agreed works shall be fully implemented before any of the development is occupied. Or in accordance with a phasing arrangement to be agreed in writing with 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.

17. No occupation of any building shall take place until a scheme for the provision of an Access Lincoln Hire Bike Station together with associated car parking provision has been submitted to and approved in writing by the Local Planning Authority. The agreed works shall be fully implemented before any of the development is occupied. Or in accordance with a phasing arrangement to be agreed in writing with 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.

18. Before each building 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 Highway Maintainable at the public expense, less the carriage and footway surface courses.

The carriageway and footway surface courses shall be completed within three months from the date upon which the erection is commenced of the penultimate dwelling or building.

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

19. The development shall be carried out in strict accordance with the Travel Plan (Fiskerton Road, Cherry Willingham, Residential Marina Development Residential and Work Place Framework Travel Plan dated May 2018 by Turvey Consultancy Limited).

Reason: To ensure that access to the site is sustainable and reduces dependency on the car in accordance with the National Planning Policy Framework.

20. With the exception of the detail matters referred by the conditions of this consent, the development hereby approved shall be carried out in accordance with the following drawings:

J1525 (08) 001 Rev E dated APR 2017
J1525 (08) 002 Rev B dated April 2017
J1525 (08) 003 Rev B dated April 2017
J1525 (08) 004 Rev B dated April 2017
J1525 (08) 005 Rev B dated April 2017
J1525 (08) 006 Rev B dated APR 2017
J1525 (08) 007 Rev C dated APR 2017
J1525 (08) 008 dated AUG 2017
J1525 SK11 Rev B dated July 2017
(96) 001 dated 02.02.18
4743-P-01 Rev B dated May 17

The works shall be in accordance with the details shown on the approved plans and in any other documents forming part of the application.

Reason: To ensure the development proceeds in accordance with the approved plans.

21. The development shall be carried out in strict accordance with the Travel Plan (Fiskerton Road, Cherry Willingham, Residential Marina Development Residential and Work Place Framework Travel Plan dated May 2018 by Turvey Consultancy Limited).

Reason: To ensure that access to the site is sustainable and reduces dependency on the car in accordance with the National Planning Policy Framework.

22. The development permitted by this planning permission shall be carried out in accordance with the approved Flood Risk Assessment (ref: RLC/0012/FRA01, revision 4) dated July 2018 and the following mitigation measures detailed within the FRA:

1. Minimum level of the flood defence will be 5.30m above Ordnance Datum (AOD).
2. Finished floor levels for residential development are set no lower than 5m AOD.
3. Floodplain compartmentalisation as described.

The mitigation measures shall be fully implemented prior to occupation and subsequently in accordance with the timing / phasing arrangements embodied within the scheme, or within any other period as may subsequently be agreed, in writing, by the local planning authority.

Reason

To reduce the risk of flooding to the proposed development and future occupants.

23. The landscaping shall be implemented in accordance with plan (96)001 dated 02.02.18.

Reason: In the interests of amenity in accordance with policy LP17 of the Central Lincolnshire Local Plan.

24. Construction works shall only be carried out between the hours of 08:00 and 18:00 on Mondays to Fridays; 09:00 and 13:30 Saturdays, and no time on Sundays and Bank Holidays unless specifically agreed in writing by the Local Planning Authority beforehand.

Reason: To protect the amenity of the occupants of nearby dwellings in accordance with LP26 of the Central Lincolnshire Local Plan.

25. All vehicular traffic associated with implementing the approved development shall use the existing access road to the site until the new estate road has been implemented for the first 60 metres from its junction with the public highway. This will be completed to base course and include visibility splays, as shown on drawing number SK003.

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 Fiskerton Road East.

26. The development shall be carried out in strict accordance with the mitigation measures within the updating and protected species survey report of land off Fiskerton Road East, Cherry Willingham, Lincolnshire by Tim Smith dated June 2017 Report Reference: 2017/05/429a

Reason: To safeguard wildlife in the interests of nature conservation in accordance with policy LP21 of the Central Lincolnshire Local Plan

27. The development shall only be carried out in strict accordance with the mitigation measures within the Environmental Statement by Globe Consultants dated October 2017.

Reason: To accord with all the environmental elements highlighted as impacted within the report.

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

28. All planting, seeding or turfing comprised in the approved details of landscaping shall be carried out in the first planting and seeding season following the occupation of the buildings or the completion of the development, whichever is the sooner; and any trees or plants which within a period of 5 years from the completion of the development die, are removed, or

become seriously damaged or diseased shall be replaced in the next planting season with others of similar size and species, unless the Local Planning Authority gives written consent to any variation.

Reason: To ensure that an approved landscaping scheme is implemented in a speedy and diligent way and that initial plant losses are overcome, in the interests of the visual amenities of the locality in accordance with policy LP17 of the Central Lincolnshire Local Plan.

Notes

1. Under the terms of the Board's Byelaws, the prior written consent of the Board is required for any proposed temporary or permanent works or structures in, under, over or within 9m of the top of the bank of a Board maintained watercourse.
2. Under the terms of the Land Drainage Act. 1991 the prior written consent of the Board is required for any proposed temporary or permanent works or structures within any watercourse including infilling or a diversion.
3. A Consent has been issued by the Board for the diversion of The Green (TD-2665-2016-CON), however the current proposals are different to Consent. Further discussion is required to determine if the Consent can be revised or if further Consent(s) are required.
4. This development will require an Environmental Permit from the Environment Agency under the terms of the Environmental Permitting (England and Wales) (Amendment) (No. 2) Regulations 2016 for any proposed works or structures, in, under, over or within 8 metres of the top of the bank of designated 'main rivers'. This was formerly called a Flood Defence Consent. Some activities are also now excluded or exempt. An environmental permit is in addition to and a separate process from obtaining planning permission. Further details and guidance are available on the GOV.UK website: <https://www.gov.uk/guidance/flood-risk-activities-environmental-permits>
5. Please contact our Partnership and Strategic Overview Team in Lincoln by email psolincs@environment-agency.gov.uk to discuss your proposals. The team will be able to advise if a permit or exemption is required and the fee applicable. Please be aware we have up to two months to determine the application from duly made date, therefore prompt discussions are advised.

Human Rights Implications:

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

Legal Implications:

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

Representors to be notified -
(highlight requirements):

Standard Letter

Special Letter

Draft enclosed

Prepared by : Rachel Woollass

Date: 31/10/2018

Signed: *Rachel Woollass.*

Authorising Officer: 

Date: 31/10/2018

Decision Level (tick as appropriate)

Committee

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No.	Revisions	Date	Drawn by
	WILLINGHAM FEN MAZINA		
	Drawn by	Checked	Date
	J		AUG 2017
	Scale		1:2500 of A3
	DRILLING PLAN	Drawn by	Date
		J. S. S. (S) 001	

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Officers Report **Planning Application No: 138377**

PROPOSAL: Planning application for change of use from paddock land to residential amenity land, surface water drainage swale and landscaping strip.

LOCATION: Land off Lincoln Road Fenton Lincoln LN1 2EP
WARD: Torksey
WARD MEMBER(S): Cllr S F Kinch
APPLICANT NAME: Mr S Kinch

TARGET DECISION DATE: 16/11/2018
DEVELOPMENT TYPE: Change of Use
CASE OFFICER: Ian Elliott

RECOMMENDED DECISION: Grant permission subject to conditions

Description:

The application has been referred to the Planning Committee as the applicant is an elected member.

The application site is an area of paddock land (1153m²) to the east of a small residential development of four houses. The site is located to the east of plot 3 (occupied) and plot 4 (under construction at time of officer site visit). The land is compacted earth and is set lower than the two plots and the adjacent highway. The site is screened to the north by high trees and hedging and open to the east. The south boundary is screened by hedging with an open west boundary. Neighbouring dwellings sit to the north and west with open fields to the east and west. The site is within flood zone 3 and a sand and gravel mineral safeguarding area.

Proposal:

As the boundary fencing is already in place identifying the extended rear amenity space this is a retrospective application seeking permission to change the use from paddock land to residential amenity land, surface water drainage swale and landscaping strip.

Relevant history:

131784 - Planning application for change of use from B1 business and B8 storage to housing with the erection of four new houses – 22/01/15 - Granted time limit and other conditions

133055 - Planning application to vary condition 4 of planning permission 131784 granted 22 January 2015-revised surface water drainage details – 30/07/15 - Granted time limit and other conditions

134112 - Application for a non-material amendment to planning permission
131784 granted 22 January 2015 - changes to plot 3 appearance/fenestration
– 21/03/16 - Granted with conditions

134115 - Planning application to vary condition 4 of planning permission
133055 granted 30 July 2015-amendments to appearance, size and scale and
repositioning of garages of plots 1 and 2 only – 30/06/16 - Granted time limit
and other conditions

134559 - Planning application to vary condition 4 of planning permission
133055 granted 30 July 2015-revised plans with amended appearance, size,
scale and position of plot 4 – 02/18/16 - Granted time limit and other
conditions

Representations

Chairman/Ward member(s): No representations received to date

Parish/Town Council/Meeting: No representations received to date

Local residents: No representations received to date

LCC Highways: No representations received to date

Environment Agency: No objections

We consider that the FRA appropriately considers flood risk and do not wish to propose any conditions. The proposed relocation of the swale excavation represents a fairly minor amendment in order to increase the residential amenity land to the properties. This will not result in increased risk to the inhabitants of the new dwellings nor will it increase flood risk to third parties. The FRA recognises that during the most extreme events there could be a small amount of flooding to the expanded residential amenity land.

LCC Minerals and Waste: No representations received to date

LCC Archaeology: No objections

Tree and Landscape Officer: No objections

The revised landscaping plan is suitable and provides the necessary information.

Trent Valley Internal Drainage Board: No objections with observations

IDOX checked: 26th October 2018

Relevant Planning Policies:

Central Lincolnshire Local Plan 2012-2036 (CLLP):

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

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

comprises the Central Lincolnshire Local Plan (April 2017) and the Lincolnshire Minerals and Waste Local Plan (June 2016).

Central Lincolnshire Local Plan 2012-2036 (CLLP):

Following adoption on 24th April 2017 the CLLP forms part of the statutory development plan. Planning law requires that applications for planning permission must be determined in accordance with the development plan unless material considerations indicate otherwise. The policies considered relevant are as follows:

LP1 A Presumption in Favour of Sustainable Development

LP2 The Spatial Strategy and Settlement Hierarchy

LP14 Managing Water Resources and Flood Risk

LP17 Landscape, Townscape and Views

LP25 The Historic Environment

LP26 Design and Amenity

LP55 Development in the Countryside

<https://www.west-lindsey.gov.uk/my-services/planning-and-building/planning-policy/central-lincolnshire-local-plan/>

Lincolnshire Minerals and Waste Local Plan (Core Strategy and Development Management Policies):

<https://www.lincolnshire.gov.uk/residents/environment-and-planning/planning-and-development/minerals-and-waste/88170.article>

The site is within a Sand and Gravel Mineral Safeguarding Area. Policy M11 (Safeguarding of Mineral Resources) applies.

In accordance with paragraph 213, the above policies are consistent with the NPPF and are attached full weight.

Neighbourhood Plan

Fenton has to date not declared any interest in starting the process of creating a neighbourhood plan.

National Guidance

National Planning Policy Framework

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

National Planning Practice Guidance

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

Main issues

- Principle of the Development
Planning Permission 133055 dated 30th July 2015
National Planning Policy Framework
Flood Risk
Concluding Assessment
- Visual Amenity

- Residential Amenity
- Surface Water Drainage
- Landscaping
- Minerals and Waste
- Archaeology

Assessment:

Principle of the Development

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

Planning Permission 133055 dated 30th July 2015:

Planning permission 133055 was submitted to vary condition 4 (plans) of planning permission 131784 dated 22nd January 2015 and is the most recent planning permission for this site. Permission 133055 included site plan 2624-106 Rev B dated 17th October 2014 and drainage plan 001 dated 7th April 2015.

When compared with the site plan ARQ/1164/03 Rev B dated 25th October 2018 submitted in this application the rear garden spaces are extended across the position of the swale and landscaping approved in 133055. This then requires the relocation of the swale and landscaping to the east therefore the overall site is only extended by the area covered by the relocated swale and landscaping.

The extended garden spaces to plot 3 and plot 4 will be within the site boundaries which was previously approved as part of a residential use on a modest residential development. Therefore the principle for residential use on the extended garden spaces has already been established on planning permissions 131784 and most recently 133055.

The proposed position of the swale and landscaping will technically be located in an open countryside location on the edge of the Fenton settlement measuring approximately 10 metres in length and 95 metres in width. The development will intrude further into the open countryside, however the extended area will be extensively landscaped to retain the character and appearance of the area. Therefore whilst this development does not specifically accord with the criteria of LP55, it is considered that nevertheless due to the specific characteristics of the proposal which includes no new built development that on balance on this occasion it is considered acceptable.

National Planning Policy Framework:

Paragraph 213 of the NPPF states that '*However, existing [development plan] policies should not be considered out-of-date simply because they were adopted or made prior to the publication of this Framework. Due weight should be given to them, according to their degree of consistency with this Framework (the closer the policies in the plan to the policies in the Framework, the greater the weight that may be given)*'.

Flood Risk:

The application site is situated in flood zone 3 and a Flood Risk Assessment has been submitted with the application. In summary the Environment Agency have no objections to the development as the Flood Risk Assessment appropriately considers flood risk and the proposed relocation of the swale excavation represents a fairly minor amendment in order to increase the residential amenity land to the properties.

Residential amenity space is not classified in table 2 (Flood Risk Vulnerability Classification) of paragraph 66 (Reference ID: 7-066-20140306) of the NPPG. However amenity open space and swales (water transmission infrastructure) are classified as water-compatible development.

Guidance contained within paragraph 155 of the NPPF indicates that development should be directed away from areas at highest risk from flooding. Guidance notes states that the application of the Sequential Test should be applied first to guide development to Flood Zone 1, then Zone 2, and only Zone 3 if there are no other readily available sites in any of the less vulnerable locations.

However guidance contained within paragraph 67 (Reference ID: 7-067-20140306) of the NPPG states that '*The Sequential and Exception Tests do not need to be applied to minor developments and changes of use, except for a change of use to a caravan, camping or chalet site, or to a mobile home or park home site*'. As this is a change of use application the passing of the sequential and exceptions test is not required.

The submitted Flood Risk Assessment concludes that '*The development of the site would not increase the risk of flooding to third party properties and therefore meets the requirements of the NPPF in this regard. The recent re-profiling the site using free-draining topsoil will now allow rainwater to permeate into the surface rather than shed off the hard clay soils on the site and may reduce the run-off from the site*'.

The extension of residential amenity space and relocation of the swale/landscaping area will not increase the flood risk on the site or the dwellings. Flood risk is not a reason to withhold consent.

Concluding Assessment:

Therefore the principle of the development is acceptable subject to meeting all other material considerations.

Visual Amenity

Local Policy LP17 of the CLLP states that '*To protect and enhance the intrinsic value of our landscape and townscape, including the setting of settlements, proposals should have particular regard to maintaining and responding positively to any natural and man-made features within the landscape and townscape which positively contribute to the character of the area*'

Local policy LP26(c) of the CLLP states that *All development proposals must take into consideration the character and local distinctiveness of the area (and enhance or reinforce it, as appropriate) and create a sense of place. As such, and where applicable, proposals will be required to demonstrate, to a degree proportionate to the proposal, that they:*

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

The site will not introduce any additional built form and will simply push the rear boundary of plot 3, the side boundary of plot 4 and the swale further east. The strip of land which includes the swale will be landscaped with a number of trees and extensive shrub planting which once established will soften the appearance of the site from the east.

The proposal will not have an adverse visual impact on the site or the surrounding area and accords to LP17 and LP26 of the Central Lincolnshire Local Plan and the provisions of the NPPF.

Residential Amenity

The proposal will provide a benefit to the living conditions of plot 3 and plot 4 by increasing the size of their garden spaces. The development does not include any further built form therefore the amenity of the neighbouring dwellings will not be affected in terms of overlooking, overbearing and loss of light.

The proposal will therefore not have an adverse impact on the living conditions of neighbouring dwellings and accords to LP26 of the Central Lincolnshire Local Plan and the provisions of the NPPF.

Surface Water Drainage

The application has included a drainage plan ARQ/1164/02A dated 25th October 2018. This plan is identical to the approved foul and surface drainage plan from planning permission 133055 apart from the extension of the pipework to reach the new position of the swale.

The proposed drainage plan is therefore acceptable and accords to LP14 of the Central Lincolnshire Local Plan and the provisions of the NPPF.

Landscaping

The application has included landscaping details on block plan ARQ/1164/03 Rev B dated 25th October 2018. The Authority's Tree and Landscape has no objections to the plan and its detail.

The proposed landscaping plan is therefore acceptable and accords to LP17 and LP26 of the Central Lincolnshire Local Plan and the provisions of the NPPF.

Minerals and Waste

Guidance contained within paragraph 142-149 of the NPPF sets out the needs to safeguard mineral resources through local plan policies ‘to support sustainable economic growth and our quality of life’.

Policy M11 of the Lincolnshire Minerals and Waste Local Plan (Core Strategy and Development Management Policies) states that:

‘Applications for non-minerals development in a minerals safeguarding area must be accompanied by a Minerals Assessment. Planning permission will be granted for development within a Minerals Safeguarding Area provided that it would not sterilise mineral resources within the Mineral Safeguarding Areas or prevent future minerals extraction on neighbouring land. Where this is not the case, planning permission will be granted when:

- *the applicant can demonstrate to the Mineral Planning Authority that prior extraction of the mineral would be impracticable, and that the development could not reasonably be sited elsewhere; or*
- *the incompatible development is of a temporary nature and can be completed and the site restored to a condition that does not inhibit extraction within the timescale that the mineral is likely to be needed; or*
- *there is an overriding need for the development to meet local economic needs, and the development could not reasonably be sited elsewhere; or*
- *the development is of a minor nature which would have a negligible impact with respect to sterilising the mineral resource; or*
- *the development is, or forms part of, an allocation in the Development Plan.*

The Minerals and Waste Planning Team at Lincolnshire County Council has to date not commented or requested a Minerals Assessment on the application.

No Mineral Assessment has been submitted with the planning application to date, however this is not considered necessary given the type and scale of the development which includes no built form plus the benefits of the proposal in terms of additional garden space and the use of a sustainable urban drainage scheme.

Therefore the proposal does not significantly sterilise the minerals resources in West Lindsey. The development therefore accords with policy M11 of Lincolnshire Minerals and Waste Local Plan (Core Strategy and Development Management Policies) and the provisions of the NPPF.

Archaeology

The Historic Environment Officer at Lincolnshire County Council has no objections to the proposal therefore the proposal accords to local policy LP25 of the CLLP and the provisions of the NPPF.

Other Considerations:

Community Infrastructure Levy (CIL)

The proposed development is not liable to CIL payment

Conclusion and reasons for decision:

The decision has been considered against policies LP1 A Presumption in Favour of Sustainable Development, LP2 The Spatial Strategy and Settlement Hierarchy, LP14 Managing Water Resources and Flood Risk, LP17 Landscape, Townscape and Views, LP25 The Historic Environment, LP26 Design and Amenity and LP55 Development in the Countryside of the Central Lincolnshire Local Plan 2012-2036 in the first instance and guidance contained within the National Planning Policy Framework and National Planning Practice Guidance. In light of this it is considered on balance that the principle of the development is acceptable. The proposal will not have a significant adverse visual impact on the site or the surrounding area. It will not have a harmful impact on the living conditions of neighbouring dwellings, increase the risk of flooding, or sterilise mineral resources

Human Rights Implications:

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

Legal Implications:

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

Representors to be notified -

(Highlight requirements):

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

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

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

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

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

NONE

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

2. With the exception of the detailed matters referred to by the conditions of this consent, the development hereby approved shall be carried out in accordance with the following drawings (all dated 25th October 2018):

- ARQ/1164/01 REV A – Location Plan
- ARQ/1164/02 Rev B - Proposed Block Plan with Surface Water Drainage Details
- ARQ/1164/03 Rev B - Proposed Block Plan with Landscaping Details

The works shall be carried out in accordance with the details shown on the approved plans and in any other approved documents forming part of the application.

Reason: To ensure the development proceeds in accordance with the approved plans and to accord with the National Planning Policy Framework and local policies LP14, LP17 and LP26 of the Central Lincolnshire Local Plan 2012-2036.

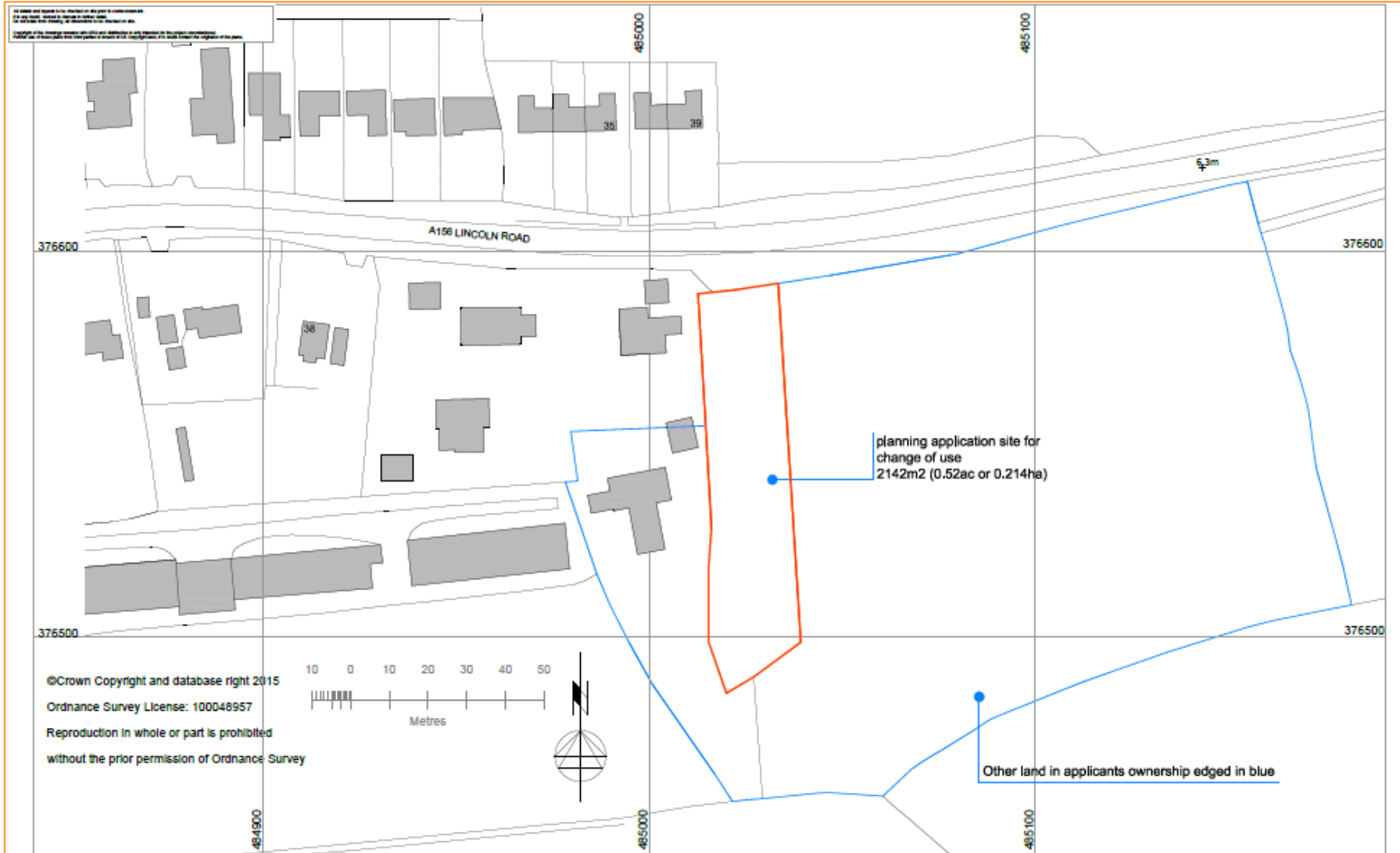
3. Prior to occupation of plot 4 the foul and surface water drainage must be completed in accordance with the details shown on the Proposed Block Plan with Surface Water Drainage Details ARQ/1164/02 Rev B dated 25th October 2018.

Reason: To ensure adequate drainage facilities are provided to serve the development, to reduce the risk of flooding and to prevent pollution of the water environment to accord with the National Planning Policy Framework and policy LP14 of the Central Lincolnshire Local Plan 2012-2036.

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

4. All planting or turfing comprised in the approved details of landscaping on plan ARQ/1164/03 Rev B dated 25th October 2018 must be carried out in the first planting and seeding season following the completion of the development, whichever is the sooner; and any trees or plants which within a period of 5 years from the completion of the development die, are removed, or become seriously damaged or diseased shall be replaced in the next planting season with others of similar size and species, unless the Local Planning Authority gives written consent to any variation. The landscaping should be retained thereafter.

Reason: To ensure that any planting which fails to establish or dies within the first five years is replaced to accord with the National Planning Policy Framework and local policies LP17 and LP26 of the Central Lincolnshire Local Plan 2012-2036.



Revisions:	Date	Scale:
A	Revised application site area to include the area previously approved for siting the noise and landscape area	1:1250
		Date: 25OCT18
		Drawn: TA
		Issue: Planning Application

Project:	Change of Use from Paddock Land to Residential Amenity Land, Surface Water Drainage Swale and Landscaping Strip - Land off Lincoln Road, Newton, Lincolnshire
Client:	JR Dubs
Drawing Title:	OS Location Map
Revision: A	Paper Size: A4 Drawing No: ARQ119401



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Planning Committee

14 November 2018

Subject: Objection to Tree Preservation Order Market Rasen No2 2018

Report by:

Executive Director of Operations and Head of Paid Service

Contact Officer:

Carol Slingsby
Area Development Officer
01427 676650
Carol.slingsby@west-lindsey.gov.uk

Purpose / Summary:

This report relates to an objection received against the making of a new Tree Preservation Order protecting two large birch trees within a front garden.

RECOMMENDATION(S): That Members, notwithstanding the objections made by the neighbour, approve the confirmation of the Tree Preservation Order Market Rasen No2 2018.

IMPLICATIONS

Legal: None

Financial: FIN/142/19/CC

There are no financial implications arising from this report

Staffing: None

Equality and Diversity including Human Rights: The process for making and confirming Tree Preservation Orders is set out in primary legislation and government guidance. Therefore, if all decisions are made in accordance with those statutory requirements and guidance and are taken after having full regard to all the facts, no identified breach to the Human Rights Act 1998 should arise as a result of this report.

Risk Assessment: None

Climate Related Risks and Opportunities: None

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

PPG (Planning Practice Guidance) - <https://www.gov.uk/guidance/tree-preservation-orders-and-trees-in-conservation-areas> explaining the legislation governing the making of TPO's.

The Town & Country Planning Act, Part VIII, Chapter I, sections 197 & 198 – the duty to make provisions for protecting trees
<http://www.legislation.gov.uk/ukpga/1990/8/part/VIII/chapter/I>

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

Call in and Urgency:

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

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

Yes

No

Key Decision:

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

Yes

No

1 Introduction

- 1.1 An outline planning application was received, ref: 137764, to erect one dwelling within the front garden of Quinn-a-Mara, Crane Bridge Close, Willingham Road, Market Rasen. The site contains numerous trees within the front garden, and although outline, the application included an intended site layout which involved the removal of several trees.
- 1.2 A tree report was provided with the planning application, giving detailed information on each tree and identifying two birch trees as being category B trees (trees of moderate quality and amenity), of which I am in agreeance with the assessment of the trees. All other trees were category C trees (trees of low quality) and as such should not pose a constraint to development. The tree categories are in accordance with the cascade chart in the British Standards guidance BS5837:2012 Trees in relation to design, demolition and construction.
- 1.3 The Town and Country Planning Act 1990 and the NPPF require the planning process to minimise impacts on biodiversity, and to make appropriate provision for the preservation of trees by the imposition of conditions and/or by making a Tree Preservation Order where necessary in the interests of amenity.
- 1.4 Following a site visit, an assessment was completed for the two birch trees and their contribution to the amenity and character of the area. The results were considered and on balance it was determined that the trees are important features and key to maintaining the green tree'd character in this area of the street, and to compliment the trees on the opposite side of the road. The trees have a remaining life expectancy of at least 20 years, and if these trees were inappropriately pruned or removed the verdant character would be lost for this section of the road, with the trees as a feature not starting until further west along the street where other trees exist. Because of these birch trees being the key components of maintaining structural greenery along this section of the street, it was decided to make a TPO to protect the two birch trees. Tree Preservation Order Market Rasen No2 2018 was made on 18th June 2018 and posted to all relevant people, including the tree owner and the adjoining neighbour at Lindum Court.
- 1.5 No objection has been received from the tree owner or their planning agent.
- 1.6 An objection was received 16 July 2018 from the adjoining neighbour to the east at Lindum Court, Willingham Road.

2 Discussion

- 2.1 Having received an objection to the TPO, a response was sent to the objector to address the concerns the objector raised. No further comments have been received, but the objection has not been withdrawn. One of the objection points raised is that the objector is of the

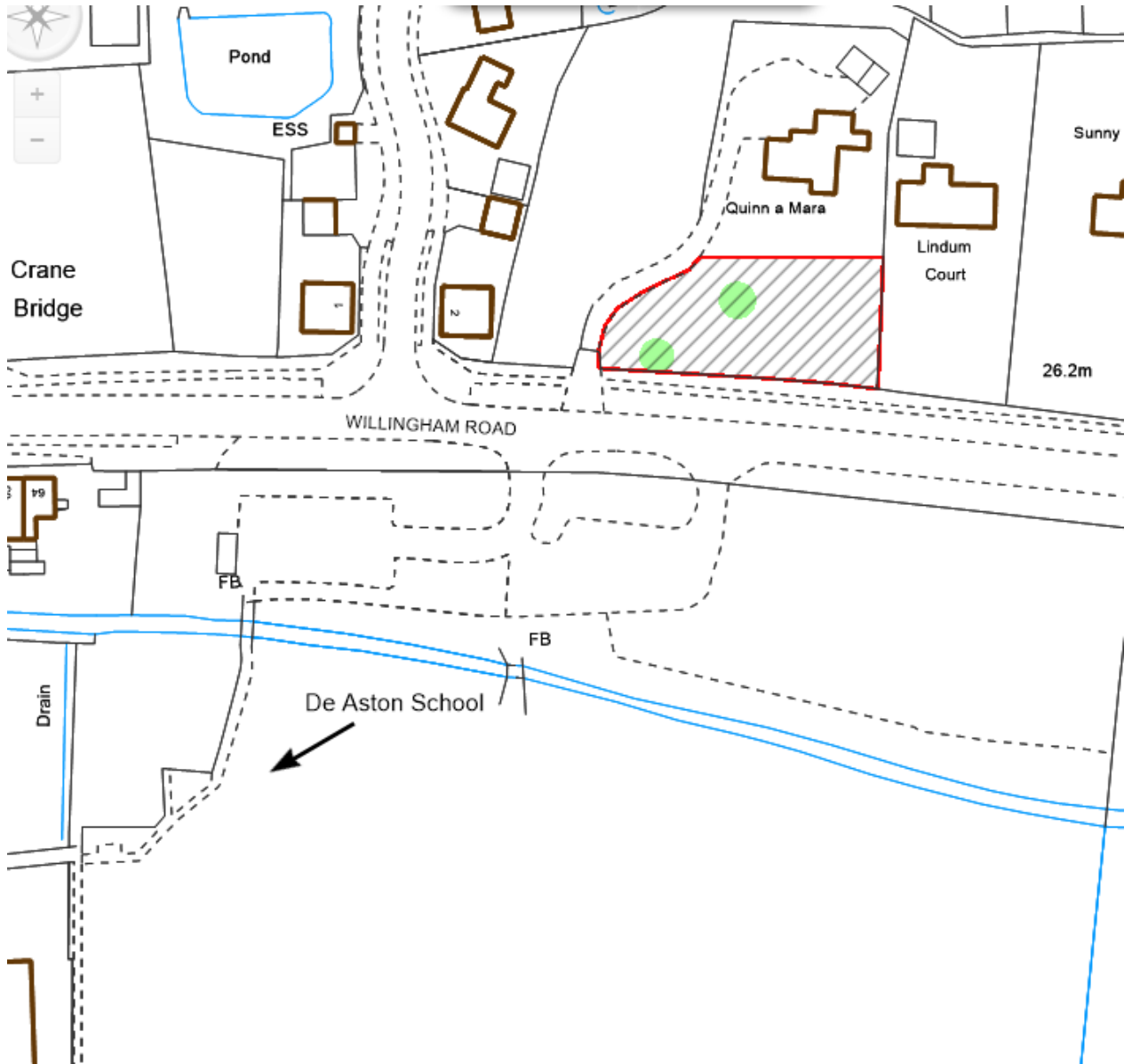
opinion that the TPO was created to give weight to the planning application, and the importance of the birch is being increased to substantiate the reason for development. The WLDC response is that the TPO identifies trees of importance to an area, substantiated by the tree report data and the amenity assessment carried out. The creation of the TPO is to ensure important trees are given adequate and appropriate protection, and if affected by development, full consideration with regards to whether special construction methods or tree protection measures are required, and if the impact would be too great and the application be refused. Whilst TPO's can protect trees due to development proposals it is not usual to consider that a TPO be made with the aim of increasing the prospects of a development gaining permission. Indeed this would not be the case in this application.

- 2.2 The planning application was refused on 28th June 2018, prior to the objection being received from the neighbour. Reasons for the refusal included its impact on the verdant character and appearance of the area, and the likely undue pressure it would create on the trees.
- 2.3 Another objection point raised by the objector is that the quality of trees and their importance across the whole site should be considered in a wider context, as various trees were excluded from the provisional TPO. The objector considers the pear and apple trees to be beautiful well shaped trees in keeping with the front garden landscape, streetscape, and contribute to a soft boundary. The WLDC response is that although there are various other trees within the garden, which from surrounding areas appear to be nice trees contributing to the verdant character of the area, they are in fact generally of low quality. A comprehensive tree survey was submitted with the planning application which identified various defects and issues with the other trees in the garden which meant they were not of good enough quality to protect even though superficially they looked nice trees. The apple tree has considerable decay within its stem and has dieback of its branches due to poor health. There is no pear tree in the site. Examples of tree condition from the tree report are; a mature sycamore (T7) dominates the site but is multi-stemmed from a low level with tight compression forks at risk of future failure. Swedish whitebeam (T10) has a basal cavity with significant decay extending down into its roots. Other than the two birch, the other trees are of low quality, category C trees, with the report giving a good description of their form and condition, and are valid reasons why the other trees could not be included in the TPO.
- 2.4 The objector has further concerns regarding proximity of the birch trees to a building. The trees are appropriate distances from existing buildings. If any further applications or an appeal is submitted to develop the site then proximity and the relationship between tree and any future building could well be a serious consideration in any planning application. The retention of the TPO on the two birch would raise the importance of the trees having adequate space to avoid conflict with any future proposal to ensure their retention in a healthy manner.

- 2.5 The objector has concerns that a permanent TPO would not give adequate flexibility of landscaping in an on-going manner. In response, the TPO only regulates proposed work to the two trees covered by the TPO, and has no bearing on work to the rest of the site and other trees. Any proposed work to the TPO birch trees is likely to gain consent if it is appropriate or necessary for good management of the trees.
- 2.6 The objector points out that she is sceptical that her property's environment at Lindum Court would be given equality in consideration either in the planning application or the TPO. In response, the planning application has already been refused, and any application for work to the TPO trees would be considered based on the need and justification for the work balanced against its impacts on the trees future health and retention and impact to the appearance of the trees, but also the amenity they provide to the area. Their appearance and amenity to the area is the only part of the process that could have an impact on the neighbouring property, and the purpose of a TPO is to minimise any negative impacts by ensuring only appropriate work is carried out.
- 2.7 The trees are within the westerly half of the site whereas the objector lives off the east side of the site. The nearest of the two birch to the boundary adjoining the objectors property is roughly 23m away from the boundary. The trees do not overhang or impact on the objector's property or use of the property.
- 2.8 A TPO is not meant to prevent all work from being done to a tree. Trees are living things that occasionally require maintenance. Dead wood can be removed at any time, and any intended pruning of live wood just needs an application asking for consent to carry out works. Tree applications are free, and are a process where any necessary or appropriate work would get consent.

3 Conclusion

- 3.1 The trees in the garden are prominent features within the street scene, contributing to the character and amenity of the area. It is unfortunate that other trees in the garden are not of good enough quality to protect, but the confirmation of this order is the only way to ensure these two trees are not removed, inappropriately pruned, or compromised by potential development without good reason.





Planning Committee

14 November 2018

Subject: Determination of Planning Appeals

Report by:

Executive Director of Operations

Contact Officer:

Mark Sturgess
Executive Director of Operations
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 D Young against the decision of West Lindsey District Council to refuse planning permission for a proposed commercial unit at Silver Trees Farm, Westmoor Lane, Kettlethorpe, Lincoln LN1 2JW.

Appeal Dismissed – See copy letter attached as Appendix Bi.

Officer Decision – Refuse permission

- ii) Appeal by Mr and Mrs Rea against the decision of West Lindsey District Council to refuse outline planning permission for 3 dwellings, at 17 South Street, Morton, Gainsborough DN21 3AT.

Appeal Dismissed – See copy letter attached as Appendix Bii.

Officer Decision – Refuse permission

- iii) Appeal by Turner Britannia Parks Limited against the decision of West Lindsey District Council to refuse planning permission for the change of use of land to site 35 holiday lodge caravans and one site office/reception caravan at Kingsmead Park, Swinhope, Market Rasen LN8 6HS.

Appeal Dismissed – See copy letter attached as Appendix Biii.

Officer Decision – Refuse permission



Appeal Decision

Site visit made on 16 August 2018

by **D Guiver LLB (Hons) Solicitor**

an Inspector appointed by the Secretary of State

Decision date: 11 October 2018

Appeal Ref: APP/N2535/W/18/3201624

Silver Trees Farm, Westmoor Lane, Kettlethorpe, Lincoln LN1 2JW

- 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 D Young against the decision of West Lindsey District Council.
 - The application Ref 137097, dated 1 December 2017, was refused by notice dated 11 January 2018.
 - The development is described as proposed commercial unit.
-

Decision

1. The appeal is dismissed.

Preliminary Issues

2. Since the date of the Council's decision, the National Planning Policy Framework 2018 (the Framework) has been published and has effect. The parties have had the opportunity to comment on the Framework and I have taken comments received into account in this decision.

Main Issues

3. The main issues are whether the proposal would be acceptable having regard to:
 - a) its location in relation to the minerals safeguarding area, the countryside and its accessibility by means of transport other than private vehicular transport; and
 - b) local planning policies relating to employment development.

Reasons

Location

4. The appeal site comprises an area of land and a number of former agricultural buildings that have been converted into 12 or so units for commercial use within use classes B1, B2 and B8 of the Schedule to the Town and Country Planning (Use Classes) Order 1987. The proposal is for the construction of an additional building with a footprint of approximately 670 square metres to provide three further commercial units in similar use with roughly 220 square metres of floor-space per unit together with welfare facilities. The building would be located on part of the site currently given over to grass and hardstanding.

Minerals Safeguarding Area

5. Policy M11 of the Lincolnshire Minerals and Waste Local Plan - Core Strategy and Development Management Policies 2016 (the Minerals Plan) seeks to ensure that developments do not prevent the exploitation of mineral deposits as an economic resource within identified Minerals Safeguarding Areas (MSAs) without adequate justification. Within MSAs proposals for non-minerals development should be accompanied by a Minerals Assessment, unless the development falls within one of the exemptions to the Policy. As the appropriate authority, Lincolnshire County Council should be consulted before any planning approval is given for non-exempt developments in MSAs.
6. None of the exemptions in Policy M11 applies to this proposal and the application was not accompanied by any assessment. Since the date of the Council's decision the appellant has contacted the relevant officer at Lincolnshire County Council and has clarified that assessments need only address the five bullet points set out in Policy M11.
7. The County Council has the responsibility for minerals safeguarding and has a legitimate role and expectation in the planning process for developments in MSAs. The appellant has addressed the bullet points in evidence but the Council has not responded to clarify its position. There is no evidence before me that the County Council has been consulted on the appellant's evidence. Accordingly, I cannot be satisfied that the appellant's responses to the bullet points would be sufficient and therefore the proposal does not accord with Policy M11 of the Minerals Plan.

The Countryside

8. Part E of Policy LP55 of the Central Lincolnshire Local Plan 2017 (the Local Plan) seeks to ensure that non-residential development in the countryside is appropriate having regard to its location, accessibility, impact on neighbouring uses and scale. The appeal site is largely developed as a commercial estate and is close to the A57 primary route, which offers access to the main transport networks. The fields surrounding the appeal site are largely in agricultural use and therefore the proposal is unlikely to have any unacceptable detrimental impact on the living conditions of neighbouring occupiers from noise and disturbance or other factors.
9. The proposed development would be contained wholly within the existing site and would be built partially on land already given over to hardstanding. Given the limited size of the building proposed the scale of development would be entirely in keeping with the existing use of the site and the surrounding area. Therefore, the proposal would accord with Policy LP55 of the Local Plan.

Accessibility by Public and Private Transport

10. Policy LP1 of the Local Plan supports sustainable development mirroring the Framework. Any increase in employment opportunities will have obvious economic and social benefits but increased car use has the potential for a negative impact on the environmental objective of sustainable development. The Council has pointed to alternative industrial areas in Saxilby, which have rail and bus links, whereas there are no rail links or dedicated bus stops for the appeal site. However, the appeal site is close to a number of villages that have no rail links with Saxilby and restricted bus links, none of which would appear

to be convenient for normal working hours. Therefore travel from these villages to employment in Saxilby is at least as likely to require private modes of transport as employment at the appeal site and for longer journeys.

11. Moreover, given the rural nature of the area, a greater reliance on private transport is to be expected and there is no evidence before me to show that the proposed development would lead to excessive reliance on private cars. Accordingly, the proposed development would not have any unacceptable environmental impact and the use of motor vehicles for employment purposes would comply with the requirements of sustainable development for the purposes of Policy LP1 of the Local Plan.

Employment Development

12. Policy LP5 of the Local Plan seeks to ensure that proposals that assist with job growth are supported subject to certain criteria being met. The Policy divides employment proposals into a number of categories based upon the designation of the location for the development. There are four main designations, with the last being Local Employment Sites (LES). In addition the Policy refers to 'Other Employment Proposals', where the location does not fall within any of the four main categories.
13. The Council's evidence clearly shows that it assessed the proposed development under the 'Other Employment Proposals' section of the Policy. However, the site itself is previously developed land defined in the glossary to the Framework as 'land which is or was occupied by a permanent structure, including the curtilage of the developed land... and any associated fixed surface infrastructure'. None of the exceptions in the definition apply to the appeal site. Moreover, the site is an established employment site having operated as a site for B1, B2 and B8 uses since 2004. Therefore, the proposal should have been assessed under the LES category of Policy LP5 of the Local Plan rather than under the 'Other Employment Proposals' section of the Policy as suggested by the Council.
14. Proposals under the LES category should demonstrate that the development would not conflict with neighbouring land uses, its scale would not harm the character of the area or the amenities of neighbouring occupiers and it would not have an unacceptable impact on the local or strategic highway network. The character and appearance of the appeal site would remain largely unchanged as a result of the proposed development and therefore it would have no appreciable additional effect on the character and appearance of the neighbouring area.
15. Access to the site is more than adequate to cope with additional traffic from an increase in commercial units and access to the main road network would not pose any unacceptable risks. The other matters are dealt with above in relation to development in the countryside and therefore the proposed development would accord with Policy LP5 of the Local Plan.

Planning Balance and Conclusion

16. I have concluded that the application is in accordance with Policies LP1, LP5 and LP55 of the Local Plan. However, on the basis of the evidence before me I cannot be satisfied that the assessment would be sufficient to satisfy the County Council. Given the County Council's responsibility for MSAs there is an

overriding requirement for consultation before any planning permission can be granted. I attach significant weight to the requirement for consultation and for this reason I conclude that the appeal should be dismissed.

D Guiver

INSPECTOR



Appeal Decision

Site visit made on 24 September 2018

by Graeme Robbie BA(Hons) BPI MRTPI

an Inspector appointed by the Secretary of State

Decision date: 16 October 2018

Appeal Ref: APP/N2535/W/18/3203787

17 South Street, Morton, Gainsborough DN21 3AT

- 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 & Mrs Rea against the decision of West Lindsey District Council.
 - The application Ref 137164, dated 15 December 2017, was refused by notice dated 27 April 2018.
 - The development proposed is an outline application for 3 dwellings.
-

Decision

1. The appeal is dismissed.

Procedural Matters

2. The application was submitted as an outline planning application with all matters reserved for future consideration. The application was accompanied by a site plan¹ that demonstrates how three dwellings could be accommodated within the site. It is clear that the site plan is indicative in its nature and content and that the Council considered it as such. I have determined the appeal accordingly.
3. A revised and updated version of the National Planning Policy Framework (the Framework 2018) was published on 24 July 2018. Both main parties were invited to make comments on the implications of the Framework 2018 to their respective cases. I have considered the appeal accordingly.

Main Issue

4. The main issue is whether, having regard to the development plan and national planning policy, the appeal site is an appropriate location for housing, with particular regard to flood risk.

Reasons

5. The village of Morton is designated in the Central Lincolnshire Local Plan (CLLP) as a medium village², which is considered to be capable of growth of up to 15%³ over the plan period. However, the supporting text⁴ to CLLP policy LP4 identifies circumstances in which that growth level may be either boosted or constrained. Morton is one such village, where the growth level is

¹ Drwg No: LIMC 002

² Policy LP2

³ Policy LP4

⁴ Paragraphs 3.4.4 and 3.4.5

- elevated to 15% due to its proximity to Gainsborough, but conversely where flood risk is a known constraint potentially acting against such levels of growth.
6. The Framework states⁵ that inappropriate development in areas at risk of flooding should be avoided by directing development away from those areas at highest risk towards areas with the lowest probability of flooding. To do this, it establishes a Sequential Test (ST) in order to determine whether there are any sites with a lower probability of flooding. The Guidance states that the area across which to apply the ST will be defined by local circumstances relating to the catchment area for the type of development proposed. Beyond that, neither the Framework, nor the Guidance or the CLLP provide much in the way of further detail regarding what constitutes an applicable area to apply to the ST.
 7. The entirety of Morton lies within Flood Zone (FZ) 3 as defined in the Environment Agency flood maps. FZ3 is an area at high risk of flooding which, in the case of Morton, arises from the tidal stretch of the River Trent, a short distance to the west of the site. The appellant's ST confines its search area to sites within or adjoining Morton, an area that the appellant considers to be appropriate. However, other than referring to the CLLP's aspirations for medium villages to accommodate 10% - 15% growth over the plan period, there is little justification provided as to why the extent of the search area is considered to be appropriate. Thus, given Morton's location within FZ3, the appellant's FRA and ST concludes that there are no sequentially preferable sites at a lower risk of flooding than the appeal site.
 8. In this respect, I have been referred by the Council to two recent appeal decisions⁶ for residential development in Morton. In those instances, the Inspectors concluded that because of the scale of the first proposal⁷ and the similarity between the two in terms of site area⁸, the applicable area for the ST should be drawn on a wider basis than just the parish of Morton. Having regard to the conclusions reached in those two cases, the Council aver that the appellant's ST should have considered a wider area than just Morton. In the Council's view the proximity of Gainsborough, which they consider to be an area at a lower probability of flooding, suggests that the scope of the ST should have included that main town.
 9. It seems to me that to define the ST's search area so tightly around Morton is to unnecessarily and inappropriately restrict the scope of the ST. I accept that the proposal, for a net increase of two dwellings, is of limited scale and therefore smaller than either of the two previous appeal proposals to which I have been referred. For that reason, the previous Inspectors' concerns about the relationship between search area and scale of proposal are not directly comparable to the proposal before me.
 10. However, having regard to the Guidance, which suggests that the search area might be identified from Local Plan policies, I am mindful of CLLP policy LP4, in which it is stated that medium villages such as Morton are capable of accommodating growth of 10% - 15% over the plan period. As a medium village, the CLLP therefore anticipates more than the small scale growth

⁵ Paragraph 155

⁶ APP/N2535/W/17/3172910 and APP/N2535/W/16/3152072

⁷ APP/N2535/W/16/3152072 - up to 37 dwellings

⁸ APP/N2535/W/17/3172910

suggested in CLLP policy LP2's settlement hierarchy for smaller villages, hamlets and the countryside beyond. Thus, it seems to me entirely appropriate that the scope of the ST should extend to an area wider than just Morton itself, even if to do so would be likely to highlight areas at lower risk from flooding. By virtue of its definition as a medium village within the settlement hierarchy, it is clear to me that such villages serve more than just a parochial base. Whilst I am mindful of the conclusions reached by the previous Inspectors, I have considered the factors around the appellant's ST on their own merits.

11. Because it has not been satisfactorily demonstrated that the development could be accommodated within an area at lower flood risk, the Sequential Test has not been satisfied. Therefore, to comply with the Framework and CLLP policy LP14 the proposal would need to meet the Exception Test as set out in the Framework.
12. There are two elements to the exception test, both of which should be satisfied for the development to be permitted. With regard to the first element, it must be demonstrated that the proposal would provide wider benefits to the community that outweigh the risk from flooding. The proposal is for three dwellings, representing a net increase in two residential units. It is agreed that Morton is a sustainable location with a range of services, facilities and transport links and that the site is located within the built extent of the settlement. Although it is not disputed that the Council are currently able to demonstrate a housing supply in excess of 5 years⁹, the proposal would nonetheless contribute towards boosting housing supply.
13. However, the contribution that two additional dwellings would make to housing supply would be limited and the Council have no reliance on the delivery of housing from this site to meet housing supply targets. Similarly, the contribution that the proposal would make in economic and social terms arising from the delivery of two additional dwellings, whilst weighing in support of the proposal, would do so only modestly. I do not therefore consider that it has been satisfactorily or sufficiently demonstrated that wider sustainability benefits would outweigh the risk from flooding. The proposal therefore fails to satisfy the first part of the exception test.
14. With regard to the test's second element, I note that the Environment Agency withdrew their objection to the proposal on the basis of an updated and revised FRA. That FRA, together with a topographical survey of the site, demonstrates that the majority of the site lies above the critical flood level of 5.3mAOD. Whilst indicative in its content, the site plan when read in conjunction with the topographical survey demonstrates how development could be accommodated outwith, or minimising the extent of it within, the critical flood level. As such, the FRA sets out a range of mitigation measures which both the Environment Agency and the Council have accepted without objection.
15. As both elements of the exception test are required to be passed, and as I have concluded that the proposal fails with regard to the first element, I consider the proposal to fail the exception test overall. The proposal would therefore fail to comply with the Framework and, in turn, with CLLP policy LP14 which together seek to direct development to areas at lower probability of flooding.

⁹ Central Lincolnshire Five Year Land Supply Report – 01 April 2018 to 31 March 2023 – 6.19 years supply

Conclusion

16. The proposal would provide sustainability benefits in terms of the delivery of an additional two dwellings within the built up area of Morton, which itself is considered to be a settlement with a suitable range of services, facilities and transport links for further development. However, those benefits would only be modest, as commensurate with a development delivering only a net increase of two dwellings. It has not been demonstrated that there are any sequentially preferable sites and the proposal fails the first element of the exception test.
17. Thus I conclude that the appeal site would not be an appropriate location for housing, with particular regard to the risk from flooding, and the appeal should therefore be dismissed.

Graeme Robbie

INSPECTOR



Appeal Decision

Site visit made on 26 July 2018

by **D Guiver LLB (Hons) Solicitor**

an Inspector appointed by the Secretary of State

Decision date: 24 October 2018

Appeal Ref: APP/N2535/W/18/3200598 Kingsmead Park, Swinhope, Market Rasen LN8 6HS

- 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 Turners Britannia Parks Limited against the decision of West Lindsey District Council.
 - The application Ref 135610, dated 6 April 2017, was refused by notice dated 20 October 2017.
 - The development proposed is change of use of land to site 35 holiday lodge caravans and one site office/reception caravan.
-

Decision

1. The appeal is dismissed.

Preliminary Issues

2. The original site notice did not mention that the appeal scheme affected the setting of a number of listed buildings and scheduled ancient monuments as required by the Planning (Listed Buildings and Conservation Area) Regulations 1990. A further site notice was therefore posted inviting any comments. While such comments should have been limited to the setting of the heritage assets, the time limit for general comments having passed, a single response was received dealing with a number of potential issues. I have had regard to that response only insofar as it contained comments on issues related to the setting of the relevant assets.
3. A site layout was provided with the application. As the application is for a change of use the site layout is largely indicative insofar as it concerns the lodge caravans, but it does address site access and landscaping. I have therefore considered the relevant plans to be indicative of the final form of the proposal and have determined this appeal accordingly.
4. Since the date of the Council's decision, the National Planning Policy Framework 2018 (the Framework) has been published and has effect. Local development plan policies that pre-date the publication should be given due weight according to the degree of consistency with the Framework. Where Policies are consistent, I am satisfied that neither party would be prejudiced by my determining this decision in accordance with those Policies without seeking further comments.

Main Issues

5. The main issues are:

- a) Whether the proposal would conserve and enhance the landscape and scenic beauty of the Lincolnshire Wolds Area of Outstanding Natural Beauty and preserve the setting of nearby designated heritage assets; and
- b) whether the proposal would result in undue reliance on private motor transport.

Reasons

6. The appeal site comprises an open field given over to grassland located in a prominent position on a hillside in the valley of the Waithe Beck. The topography of the valley shields the site from view in some directions but it is clearly visible for some distance from the north east round to south east, especially as the land climbs out of the valley in those directions. The surrounding area predominantly comprises fields in agricultural use though the site is bordered to the north by Kingsmead Park (a large caravan park) and the village of Brookenby to the south. A further village, Binbrook, lies due south of the site.
7. Brookenby is the site of housing for the former Air Force base at RAF Binbrook. Access to the village, the appeal site and Kingsmead Park is off Swinhope Road. Brookenby is effectively divided into two clusters with the larger southern part fronting along Swinhope Road. Roughly in the middle of the village, between the entrances to Kent Road and to York Road the developed footprint moves away from Swinhope Road and there is a wide area of open land. North of York Road the village again fronts Swinhope Road terminating in the area immediately adjacent to the appeal site.
8. The proposal is for the change of use of the appeal site to provide an additional caravan park for up to 35 static 'holiday lodge' caravans and a site office. There is dense, mature vegetation surrounding the site with a proposal to reinforce boundaries with additional planting. However, hedges along the south-eastern boundary, which is the most sensitive to visual impact, would be removed for some distance either side of the site entrance to provide for access and visibility splays.

Area of Outstanding Natural Beauty

9. The appeal site is located in the Lincolnshire Wolds Area of Outstanding Natural Beauty (AONB) and comprises approximately 3.5 hectares. For the purposes of paragraph 172 of the Framework the proposal would constitute major development. Paragraph 172 advises that great weight should be given to conserving and enhancing landscape and scenic beauty in AONBs, which have the highest status of protection in relation to these issues.
10. The proposal would cause the existing site at Kingsmead Park to coalesce with the village of Brookenby resulting in an almost unbroken line of development along a kilometre or so stretch of Swinhope Road. A large proportion of that unbroken line would be static caravans and lodges whose appearance would sit uncomfortably in the scenic beauty of the AONB. This would have an unacceptable negative impact on the scenic character of the area. The proposal would also result in the loss of the current field open to grassland which is a feature of the landscape.
11. Reinforcement planting would eventually provide some shielding for the site when viewed at ground level, though I note that the existing development at

Kingsmead Park is clearly visible from the road despite boundary hedges. However, hedging would have little impact on the more important long-distance views into the site and the proposed development would be clearly visible from across the valley. The scheme would result in an intrusion into the landscape that would cause unacceptable harm to the landscape and scenic beauty of the AONB.

Setting of Heritage Assets

12. There are a number of listed buildings on Swinhope Lane, off Swinhope Road in the vicinity of the appeal site, and I am mindful of my statutory duty, arising under section 66(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990, to have special regard to the desirability of preserving them or their settings when considering the grant of planning permission. In addition, there are a number of Scheduled Ancient Monuments (SAMs) in the locality and in accordance with paragraph 192 of the Framework I take into account the desirability of sustaining and enhancing their significance as designated heritage assets including, in accordance with paragraph 190, their setting. Further to paragraph 193 I attach great weight to the conservation of heritage assets.

Listed Buildings

13. Swinhope House is a Grade II* Listed Building on Swinhope Lane dating from the late 18th century. It is a small country house rich in period details and set amidst a small park surrounded by agricultural land. A short distance away along Swinhope Lane is a further small park surrounding The Old Rectory, which is an early 19th century example of church ministry housing. Nearby stands the 13th to 14th century Church of St. Helen, which was largely rebuilt in the mid-eighteenth century though it retains features from the earlier periods. Both The Old Rectory and the church are Grade II Listed Buildings.
14. Swinhope House and The Old Rectory are contemporary with the rebuilding of the church and with the final stages of land enclosure in the Lincolnshire Wolds. As such the heritage assets and the surrounding land paint a picture of an important historical period and the agricultural fields are an important element in the setting of the Listed Buildings, contributing notably to their significance. The topography of the Lincolnshire Wolds means that only a limited area of the appeal site is inter-visible with the Listed Buildings but this topography itself is part of the setting and which therefore extends beyond the immediate vicinity. The scope of the setting will diminish over distance, which because of winding roads and hills will need to be measured other than purely in a straight line.
15. The appeal site is some distance by road from the listed buildings although there is only one significant hill between the respective locations. The proposal would increase the developed footprint fronting Swinhope Road, which is part of the setting and would result in the loss of an open field. While the distance between the locations lessens the effect overall, the scheme would nevertheless have a moderate negative impact on the setting of the Listed Buildings causing less than substantial harm.

Scheduled Ancient Monuments

16. Two Neolithic long barrows are located on Hoe Hill across the valley from the appeal site and occupy a prominent position above Waithe Beck but below the summit of the hill. The barrows are in a rough line with one slightly higher on

the hillside than the other. The upper barrow, also known as Cromwell's Grave lies 300 metres or so from the B1203, which is the nearest road. The lower barrow is approximately 430 metres from the road. The barrows are isolated from any development in the middle of an agricultural field and from this location there is an uninterrupted line of sight towards the appeal site. The barrows are important historical sites and, standing apart in an uncluttered landscape, provide a clear connection with the distant past.

17. Parts of Brookenby and Kingsmead Park are visible from the location of the barrows and the undeveloped field at the appeal site provides a break in the built form along the opposite hillside that helps to preserve the setting of these assets. The proposal would result in a cluttered vista from the barrows that would erode their sense of isolation and so be detrimental to the existing setting resulting in less than substantial harm.
18. A third Neolithic barrow, also known as Ash Hill Long Barrow, lies north of the site and is accessed by a track north of Kingsmead Park. The setting of this barrow is largely informed by the neighbouring farm and industrial buildings and the development on Kingsmead Park which lies between the appeal site and the heritage asset. The proposed development would have little further impact on the setting of this barrow and the effect would not be harmful.
19. The site of a Neolithic hillfort lies south of the barrows on Swinhope Hill and this is similarly isolated amidst agricultural fields. However, the setting of this site is to a large extent informed by the proximity of the village of Binbrook and the view across the valley towards the larger, southern part of Brookenby. The western slope of Hoe Hill also restricts the view of the appeal site and therefore the proposal would have a limited effect on the setting and is not likely to cause harm.
20. Two further SAMs, the site of a medieval nunnery and a deserted medieval village, lie to the southwest of the site but these are on the far side of Brookenby, which has greater impact on their setting. The distance and intervening built-form of Brookenby mean that the proposal would be likely to have a negligible effect on the setting of these heritage assets and would not result in any harm.

Other Considerations

21. Paragraph 172 of the Framework advises that the scale and extent of development in an AONB should be limited and planning permission for major development should be refused other than in exceptional circumstances and where it can be demonstrated that the development is in the public interest.
22. In each case where the proposed development would cause less than substantial harm to the setting of a listed building or a SAM I must weigh the harm against the public benefit of the proposed development. I attach considerable importance and weight to the desirability of preserving the setting of these heritage assets. I also take into account the impact of the proposed development on a number of heritage assets which, while not cumulative, nevertheless adds significant further weight to the desirability of preserving the settings in question.
23. The development at the appeal site would provide tourist accommodation for visitors to the AONB. However, its contribution to the local economy would be limited. There are very few services and amenities in Brookenby and Binbrook

that would be supported by the development and while each village has a single store, and Binbrook has a pub and a petrol station other amenities would require significant travel. Services in Binbrook are approximately 2.5 km away by road. While the area surrounding the appeal site would provide an attractive place for walking and cycling, those pastimes do not generally generate significant spending. Access to services in the nearest town at Market Rasen or to other tourist sites would not depend on the location of the appeal site and such services and facilities could be visited from any number of bases in the district.

24. The proposal would create one full-time and two part-time posts on the appeal site itself but these would be very modest benefits. The appellant has provided figures to suggest tourist spending would create further employment opportunities but these rely on an assumption of spending at local facilities and are based on the average spending of tourists across the country, which presumably includes people visiting large cities. Spending in the vicinity of the appeal site is more likely to be at the lower end of the scale. The presumptions about levels, frequency and duration of occupancy of a future development on the appeal site are not supported by any compelling evidence. Accordingly, I attach little weight to the very modest economic benefits likely to arise from the proposed development.
25. An ecological survey concluded that there are no protected plant or animal species on the appeal site and limited opportunities for such species to become established. The additional planting proposed on the site boundary would provide a potential habitat for plants, insects, birds and small mammals, increasing biodiversity in the area. However, an absence of such biodiversity in the surrounding area would be likely to result in limited scope for future growth as the local ecology appears to be relatively settled.
26. Accordingly I find it has not been shown that there are exceptional circumstances around the scheme or that the development is in the public interest. As such, the harm it would cause to the AONB means it would not accord with Policies LP7, LP17, LP26 and LP55 of the Central Lincolnshire Local Plan 2017 (the Local Plan), which together seek to ensure that developments protect or enhance the character and appearance of an area and do not result in the coalescence of settlements.
27. Moreover, the scheme's public benefits do not outweigh the harm to the settings of the various designated assets identified, and so the proposed development would not accord with Policies LP17 and LP25 of the Local Plan, which together seek to ensure that developments preserve or better reveal monuments and historic buildings.

Access to services

28. Given the rural location of the appeal site it is understandable that future occupiers would be more likely to travel to access services than, say, the occupiers of an urban development. The appellant states that the site is close to a bus stop, which presumably refers to the stop adjacent to the entrance to Kingsmead Park. The entrance to Kingsmead Park is 100 metres or so from the proposed site entrance which is an easily walkable distance. However, the journey would be along an unlit stretch of road subject to the national speed limit which is not served by any footpath. There is a narrow grass verge running between the carriageway and a hedge fronting Kingsmead Park but

there are a number of road signs on this verge so any pedestrian would have to step into the carriageway to pass them. The verge would also provide an unacceptable path during or following wet weather when it is likely to be slippery with mud.

29. Public transport from the adjacent site appears to be extremely limited with the appellant describing only two services of limited frequency to Market Rasen and on to Grimsby. The limited availability of public transport is likely to make it an unattractive option, especially for short-term visitors who would be more likely to rely on private motor vehicles even for relatively short journeys. Moreover, the use of these facilities by those who did not have use of private motorised transport would be significantly restricted.
30. There is an additional unscheduled service with no fixed route that can be booked following registration with the service provider. However, there is no guarantee that a services would be available when required and holiday-makers would likely be unaware of the service and unlikely to register to use such a services when staying for a short period.
31. Therefore, the proposed development would not accord with Policy LP13 of the Local Plan which seeks to ensure that developments are located where travel will be minimised and sustainable transport modes maximised, including safe and convenient public transport.

Other Matters

32. The application proposes a separate foul water drainage system for the development discharging into the public system maintained by Anglian Water. Anglian Water has confirmed that the arrangements would be acceptable subject to satisfactory completion of works and I therefore attach little weight the third party objections in this regard.
33. Vehicles and pedestrians entering or leaving the site by way of Swinhope Road would have a good view of any oncoming traffic as the road runs in a relatively straight line at that point and the proposal provides for wide visibility splays. Although the road is subject to the national speed limit, traffic survey data indicated that traffic flows were light and that speeds were relatively low, presumably as traffic would have to slow down to take, or come out of a sharp bend in the road 120metres or so north of the site entrance. Therefore, the proposal would not present any unacceptable risk to highway safety. I note that the highways authority does not object to the scheme.
34. The concern about noise and disturbance was from a suggestion that future occupants would arrive and remain on site rather than undertake excursions, and that as a result they would create noise and anti-social behaviour. While I accept that there is limited scope for day excursions in the immediate vicinity, no compelling evidence has been provided to show that future occupants would be likely to engage in anti-social behaviour or cause disruption to occupiers of units at Kingsmead Park. I therefore attach little weight to this objection.

Conclusion

35. There are some very modest benefits identified above that would arise from the proposal but these are insufficient to provide the exceptional circumstances required to justify major development in, or to overcome the great weight I attach to preserving the scenic and landscape beauty of the AONB. The public

benefits of the scheme do not outweigh the harm to the setting of the listed buildings and SAMs identified above. Accordingly, for the reasons given above, and taking into account all other material considerations, I conclude that the appeal should be dismissed.

D Guiver

INSPECTOR