

**Guildhall Gainsborough
Lincolnshire DN21 2NA**

Tel: 01427 676676 Fax: 01427 675170

AGENDA

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

Planning Committee

Wednesday, 9th January, 2019 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

3 - 12

- i) Meeting of the Planning Committee held on 12 December, previously circulated.

4. Declarations of Interest

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

5. Update on Government/Local Changes in Planning Policy VERBAL REPORT

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

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

6. Planning Applications for Determination

- | | | |
|------|--|-----------|
| i) | 138576 - Land adj 25b Church Road Stow | 13 - 21 |
| ii) | 138491 - Land to West of A1133 Newton on Trent Lincs | 22 - 82 |
| iii) | 138494 - Land off The Hawthorns Nettleham | 83 - 118 |
| iv) | 138563 - Land off Dunholme Road Scothern Lincoln LN2 2UD | 119 - 141 |

7. Determination of Appeals 142 - 158

Mark Sturgess
Head of Paid Service
The Guildhall
Gainsborough

Friday, 28 December 2018

WEST LINDSEY DISTRICT COUNCIL

MINUTES of the Meeting of the Planning Committee held in The Council Chamber - The Guildhall on 12 December 2018 commencing at 6.30 pm.

Present:

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

Councillor Matthew Boles (up to item 63)
Councillor David Cotton
Councillor Michael Devine
Councillor Giles McNeill
Councillor Mrs Jessie Milne
Councillor Roger Patterson
Councillor Mrs Judy Rainsforth
Councillor Thomas Smith
Councillor Robert Waller

In Attendance:

Oliver Fytche-Taylor	Planning & Development Manager
George Backovic	Principal Development Management Officer
Russell Clarkson	Development Management Team Leader
Martin Evans	Senior Development Management Officer
Richard Green	Planning Officer
Martha Rees	Legal Advisor
James Welbourn	Democratic and Civic Officer

Also in attendance: 37 members of the public

Apologies: None were received.

57 PUBLIC PARTICIPATION PERIOD

There was no public participation.

58 TO APPROVE THE MINUTES OF THE PREVIOUS MEETING

Meeting of the Planning Committee held on 14 November 2018.

RESOLVED that the Minutes of the meeting of the Planning Committee held on 14 November 2018 be confirmed and signed as a correct record.

59 DECLARATIONS OF INTERESTS

Councillor Jessie Milne declared an interest in application 138145, Holywell Grange Snitterby, as a member of the public had contacted her in her capacity as Secretary to Sir

Edward Leigh MP.

This did not preclude her from speaking or voting on this item.

60 UPDATE ON GOVERNMENT/LOCAL CHANGES IN PLANNING POLICY

There was no update on Government/Local changes in Planning policy.

61 138618 - DAWN HILL LANE, HEMSWELL, GAINSBOROUGH DN21 5UH

The Principal Development Management Officer introduced application number 138618, an application for a single storey rear extension at 11 Dawnhill Lane, Hemswell, Gainsborough DN21 5UH.

It was confirmed that the Highways department had stated no objection to the proposals.

The application was proposed, seconded and voted upon and approved unanimously.

It was therefore **AGREED** that the application be **GRANTED**, subject to conditions.

62 138441 - LAND EAST OF A1133 NEWTON ON TRENT LN1 2GJ

The next item was application number 138441, an application for change of use of existing building and adjoining land to commercial use at Land East of A1133 Newton on Trent, Lincoln, Lincolnshire LN1 2GJ.

There were no updates from Planning Officers at this point.

The first speaker on the item was Mr Nick Grace, agent for the applicant. He raised the following points:

- RSM undertook agricultural and highways verge maintenance, contract work, and had diversified over time;
- There was a need to permanently operate on site;
- There had been no objections from third parties to this application;
- The site was ideally suited for its rural activity;
- The growth team at West Lindsey District Council (WLDC) supported continued activity at the site. It was considered a sustainable location for the company's operation, and growth;
- Paragraphs 83 and 84 of the National Planning Policy Framework (NPPF) applied to this application, regarding supporting a 'prosperous rural economy';
- Regarding the applicant potentially having time to relocate to another site, this was considered to 'fly in the face' of the NPPF as decisions should enable the growth and expansion of all types of business in rural areas through the conversion of existing

buildings;

- A temporary permission was seeking to force an existing business out of an established site and into a site being developed by WLDC; that site would not be fit for purpose due to size;
- Many local people rely on RSM for work; relocation would have significant implications for the business, and there would be the loss of local jobs;
- Respectfully ask for full planning permission to ensure the long term viability of this flagship local rural business.

Following this, Councillor Stuart Kinch spoke as the Ward Member for the application. He highlighted the following points:

- The business had been broken into several times;
- It would be very difficult to relocate the business for cost reasons. The number of people employed were 12 full-time staff, and 5 part-time staff; rural businesses are few and far between;
- The growth team at WLDC fully supported this application;
- Cllr Kinch urged committee to debate the item thoroughly with a view to passing the application.

Note: Following his speech, Councillor Kinch left the Chamber.

Members then debated the application; following consultation with officers, the following points were raised:

- The application was supported by the community and had no objections;
- The business had been operating in its current location for a long period of time;
- No alternative access to the site had been proposed;
- There was an opportunity with a temporary permission to find an alternative location that was compliant with the Local Plan (i.e. an allocated site); planners were not seeking to direct the applicant to a specific site;
- Temporary planning permissions can be granted for longer than a year, but these lengths of time would be subject to a reasonableness test;
- Paragraphs 83 and 84 of the NPPF could be appropriately applied to the application as it was contributing substantially to the local community in terms of jobs.

An amendment to the application was proposed, seconded and voted upon and approved; the amendment removed the temporary 12 month permission stipulation in the report.

It was therefore **AGREED** that full planning permission be **GRANTED**, subject to conditions.

63 137789 IRWIN ROAD, BLYTON

The Senior Development Management Officer introduced application number 137789, an outline planning application for up to 9no. dwellings with all matters reserved at Land East of Laughton Road, adjacent to Irwin Road, Blyton.

There was no planning officer update on this item.

The first speaker on this item was Councillor Mark Harrison of Blyton Parish Council, who raised the following points:

- The development would be using existing drainage on Irwin Road, which would overload a system which was not suitable in the first place;
- The area of the application was a flow risk; more and more planning applications were being put forward and approved, but the dykes remain of the same size and condition and were very rarely maintained;
- In 2007 the dykes hadn't been maintained for 40 years;
- The drains in the village remain broken and disconnected;
- There was a total disconnect between Planning, and other areas such as Highways. When people have a problem in the village, there was no money to fix an antiquated system;
- When it rained hard the dykes were overflowing into the beer garden of one of the village pubs;
- The sewers were not coping with the foul water and sewerage on Irwin Road;
- There needed to be consistency with how costs were distributed on the access road; some houses did not currently contribute to the cost of the upkeep of the road.

The next speaker was Mr Philip Marris, the applicant. He raised the following points in respect of the application;

- All issues with the proposal had been addressed to a satisfactory level in accordance with local and national planning policies. The Planning Officer's report demonstrates this, and gives good clear reasoning. The number and location of the dwellings was acceptable in principle;
- The impact on potential mineral resources was acceptable;
- The impact on highway safety and convenience was acceptable;

- There were no open space requirements from the proposal;
- There was no harm to amenities or ecology arising out of the proposal;
- A foul and water drainage solution exists; there were no technical problems with the application;
- There was no Neighbourhood Plan for Blyton;
- Objections had been listened to and relevant documents produced. History showed that the applicant had listened to WLDC's guidance; evidenced by the number of time extensions agreed with WLDC;
- All of the objections raised were from Irwin Road residents, and not the wider community;
- It was requested that the committee approve the application.

The third speaker was Marcus Walker, an objector to the application. He raised the following points;

- This application had been received before, and was the same arable field tagged onto the edge of the village on a steep hill, which abutted the residents of Irwin Road;
- There had been two studies; one on the sequential test, and the other being on a potential future solution to the drainage problems. A potential future solution to the drainage was insufficient, as the lives of Irwin Road residents were affected directly by this;
- Opposition to this development was staggering and overwhelming in Blyton; no-one in support of the application could be found. Two Ward Members were against the application;
- There had been flooding in the past, and no more was desired in the future;
- Irwin Road was a small estate of 52 houses and flats; 66 residents had signed a petition against the application;
- Irwin Road was built 13 years ago with sub-standard drainage; the sewer remains unadopted and was in a poor state;
- When the estate was built it was conditioned to have hedgerows, subject to a management fee. These would be destroyed if the development went ahead;
- The highway was five metres wide upon entering the estate; there was a huge problem with car parking;
- The site was unsustainable; it was 1 kilometre from the nearest shop and school. It did not provide affordable housing;

- The application should not be granted.

The final speaker was Councillor Lesley Rollings, one of the Ward Members for Scotter and Blyton, who raised the following points:

- The drains cannot cope in the area;
- The development sought to add to a housing development on Irwin Road that was still unadopted; the residents believe that the developer had walked away;
- Anglian Water did not have to comment on applications of less than ten houses;
- It was understood that Severn Trent Water had not responded to requests to comment on the application even though they had been contacted several times;
- It was not clear what the application would add to the village of Blyton;
- The village received no section 106 payments;
- The pavement leading from Irwin Road was very narrow and caused problems, with an example being people with pushchairs;
- Lincolnshire County Council deals with the rise in water levels. It was not acceptable to be approving 'bolt-on' developments;
- Committee were urged to reject the application in light of the problems with flooding in the village, and because nothing will be added to the village by this application.

Note: Following her speech, Councillor Rollings left the Chamber.

Members then had the opportunity to provide comment, and also ask questions of the Senior Development Management Officer. Further information was provided, as below:

- The lead local flood authority had been consulted, and following amendments to the drainage strategy, they were satisfied it would be possible to drain the surface water from the site in an appropriate manner; this could be via infiltration to the ground, or through the watercourse to the south-west of the site;
- Severn Trent Water had not objected to the application on the grounds of foul water drainage; it would always be possible to upgrade sewerage infrastructure. If, in time, the sewers were adopted by Severn Trent, they could be updated by Severn Trent's legal process;
- There was no requirement for Severn Trent to respond to the application;
- The eventual layout of the site could be changed; a new condition had been attached to the application which would consider a wholesale look at the surface and foul water drainage;

- Surface water from this development would not drain into the adjacent estate; a soakaway test had been done by the applicant, and this was successful;
- According to government guidance, Infiltration and soakaways were the preferred method of sustainable drainage, followed by discharge into an existing watercourse, and then existing sewer capacity;
- Comments from the Environmental Protection Officer were overcome by the latest submitted drainage comments;
- The site was located on grade 3 agricultural land. LP55 of the Central Lincolnshire Local Plan (CLLP) supported the officer's view that the site was outside of the footprint of the village of Blyton;

Note: Councillor Matt Boles left the meeting at 1924 and did not return.

- LP4 of the CLLP does permit development of greenfield land and was acceptable as a matter of principle. It was considered that the site passed the sequential test provided by LP4, and would result in the loss of a very small parcel of grade 3 agricultural land.

The opportunity to undertake a site visit was proposed, seconded and voted upon and approved.

A site visit was therefore **AGREED**, with a time and date to be decided by Members for the earliest available date.

Note: The meeting was adjourned at 1929.

64 138145 - HOLYWELL GRANGE, SNITTERBY DN21 4UH

Note: The meeting reconvened at 1933, and all Members present at the start of the meeting were present, with the exception of Councillor Matt Boles.

The Principal Development Management Officer introduced application number 138145, an application for change of use of land for the siting of 84no. chalet lodge units, with 3no. additional lodges for use as site manager's accommodation, multi-functional space and a reception manager's office Holywell Grange, Moor Road, Snitterby Gainsborough DN21 4UH.

There were a number of updates for this item, as follows:

- The final comments from the Highways department had been received , recommending imposition of conditions relating to:
 - the provision of a proposed 1.5 m footway;
 - prohibition of site occupation until implementation of Travel Plan;
 - Implementation of an approved surface water drainage scheme;
 - Prohibition of development until submission and subsequent approval of a

Construction Management Plan and Method Statement. This to be strictly adhered to throughout construction;

- 3 additional objections to the proposal since the report had been prepared on the perceived lack of capacity for the drainage that had been put forward, and concerns it would drain onto other people's land. It was noted by the PDMO that no objections were raised by the Lead Local Flood Authority to the proposal;
- There had been a response from the applicant and agent on proposed changes to the scheme since the report had been prepared, relating to the reduction in the number of lodges (either 82, or 75).

They had also submitted a "rebuttal" to the comments of WLDC's Landscape Officer. This had been assessed together with proposed revised layouts by the Landscape Officer who confirmed that it did not alter her conclusions and objections to the scheme;

- There had been a detailed response from the applicant's heritage adviser in relation to the comments of the conservation officer on the impact on Holywell Grange, a Grade II listed building. There is a difference of opinion between the two and reference was made to a detailed response from the conservation officer. On the whole the impact was considered "less than substantial" and weighed against approval detracting from the benefits to the tourism economy.

The first of the speakers was Kate Hiseman, the agent for the applicants. She raised the following points:

- The proposal contributes to visitor shortfall in the WLDC area. It was recognised that the provision of quality accommodation was important for sustainable development in the District;
- Families and couples would buy lodges and use them as a retreat;
- It could be used by those who have long-term health issues;
- A diverse tourism offer would contribute to sustainability in the area;
- Visit England reported that 400,000 residents with an impairment did not take a holiday in the previous year;
- There was support from a national chiropractor and wellness clinic searching for sites in the UK; the nearest equivalent was in Thirsk;
- All objections were based on the assumption that the scheme submitted would fail; no-one had challenged the Business Plan. The lodges would only be in position once sold;
- The applicant had 30 years' experience in the caravan and holiday industry, and was on the committee of the Caravan Club that wrote the code of practice for the siting

and transportation of caravans and lodges. He had been contacted by them to use the site as an example nationally;

- The scheme would deliver significant spin-off expenditure to the local economy, and a sustainable tourism plan was uniquely placed to deliver this;
- It would contribute to £380,000 gross value added per year and offers the opportunity for joint working with communities;
- The scheme aims to create high value tourism jobs;
- The Sustainability Tourism Plan was clear in putting local people first in terms of jobs;
- The sustainability appraisal and planning statement as submitted conform there were no unacceptable adverse impacts on the CLLP or national planning policy;
- The proposal takes a multi-layered view of how tourism can provide benefits, and add to health and wellbeing;
- The development would be for up to 84, high quality detached lodgings, with a mix of sizes, and a site office and café. It would sit within woodland and a wildlife area.

The Principal Development Management Officer advised the committee that the application before them was for holiday lodges; there was nothing before the committee on implementation and delivery of the scheme, which would be something for the future. There were no delivery mechanisms in terms of transport.

The final speaker was Councillor Jeff Summers, Ward Member for the application. He raised the following points;

- The site was in open agricultural land, and was bounded on two sides by a highway. It was on the opposite side to Black Dyke, which runs past Snitterby, forming a natural boundary between the application site and the village. In 2007 this dyke overtopped and house were flooded;
- In no way was the site connected to Snitterby or Waddingham;
- The application did not meet or comply with any of the 15 points in the CLLP at 2.5.2; nor did it meet any of the criteria of LP55 of the same document;
- The inclusion of a shop on the site would do nothing to add to the Public House in Snitterby and the shop in Waddingham; both are struggling somewhat and therefore do not need competition;
- There had been 54 representations from local people opposing the application;
- The main residence was an 18th century listed building; wooden lodges crowding the building would not enhance its designation;

- There did not seem to be any justification for sustainability; in recent years a similar application in Caistor that came to committee several times had to be converted into full-time living accommodation;
- The officer recommendation was fully supported.

Note: Following his speech, Councillor Summers left the Chamber.

Members then provided comment on the application:

- The transport links in the area were relatively non-existent; the Call-Connect bus would be to Gainsborough or Brigg only;
- Paragraphs 193 and 194 of the NPPF would be covered by LP25 of the CLLP which was in conformity with the NPPF.

There were no further questions or comments and it was therefore moved, seconded and voted upon that permission be **REFUSED**, as per the officer recommendation in the report.

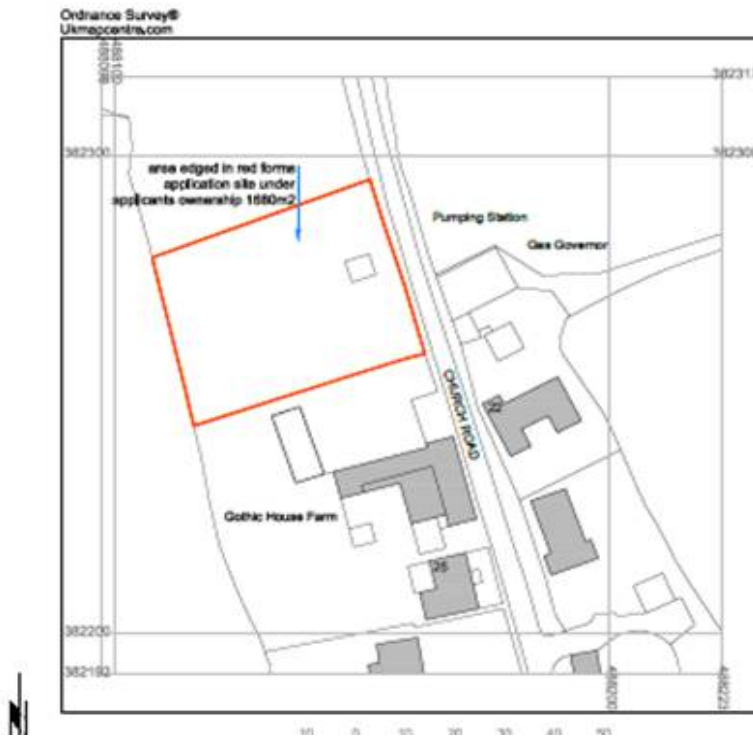
65 DETERMINATION OF APPEALS

The costs for the appeal at Burton were highlighted.

All the appeals were noted.

The meeting concluded at 7.58 pm.

Chairman



Application Number 138576

Officers Report

Planning Application No: 138576

PROPOSAL: Application for approval of reserved matters for the erection of 2no. dwellings considering access, appearance, landscaping, layout and scale, following outline planning permission 134537 granted 29 July 2016 - resubmission of 138097.

LOCATION: Land adj 25b Church Road Stow Lincoln LN1 2DE
WARD: Stow

WARD MEMBER: Cllr R Shore
APPLICANT NAME: Mr C Lister and Mrs S Kinch

TARGET DECISION DATE: 02/01/2019 Extension of Time agreed until 10/01/2019

DEVELOPMENT TYPE: Minor - Dwellings

CASE OFFICER: Vicky Maplethorpe

RECOMMENDED DECISION: Grant permission

The application is presented to committee as the applicant is from the immediate family of a Councillor.

Description: The application site comprises a parcel of land on the edge of the village of Stow located off Church Road. The site is well kept but does not form part of the garden to 25b Church Road. The site is surrounded by residential dwellings to the south and east and open countryside beyond.

Planning permission (in outline) was granted in 2016, to erect 2no. dwellings. The application is seeks only the approval of the following reserved matters following the grant of planning permission - access, appearance, landscaping, layout and scale.

The application is a re-submission of previously refused Reserved Matters application 138097. This application was considered by the planning committee at its October meeting, and planning permission was subsequently refused for the following reason:

'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.'

Relevant history:

138097 - Application for approval of reserved matters for the erection of 2no. dwellings considering access, appearance, landscaping, layout and scale,

following outline planning permission 134537 granted 29 July 2016, Refused at Committee 18/10/18.

134537 - Outline planning application to erect 2no. dwellings - all matters reserved, Granted permission, 29/7/16.

Representations:

Chairman/Ward member(s): None received

Stow Parish Council: 'My Council has considered the changes in this application and accept that the houses have been reduced in size so have no objections. However the drainage problems need to be addressed. The Council still considers that an Archaeological survey should be carried out on the site in line with other applications in Stow.'

Local residents:

Comments received from 27 Church Road:

'I notice the resubmitted are now in a different name to the original. However the reduced size of the new proposals are so minimal means that these 2 properties 3 storey dwellings will still have a detrimental effect on the surrounding area. The height of the proposed dwellings will still obscure views of the church and rural landscape when walking into the village along church road from the north. Unless extensive alternative drainage work is carried out effluent and surface water run-off will cause flooding problems on that part of the lane.'

Comments received from 23a Church Road:

'Having just compared these revised plans with the former plans which were recently refused by members of the planning committee on account of the general size, scale, height and proximity between the 2 proposed properties, I struggle to understand how the minimal reduction in scale can make any significant difference. These large 3-storey 5- bedroom executive-style houses will still have the same blocking effect on views of the surrounding countryside and significantly Stow Minster looking South along the lane. Surely the only acceptable style must be a completely new design more appropriate to the location along a single track lane which is a cul-de-sac? There are residents of Stow actively seeking downsized properties suitable for retirement. This location would be ideal for single storey/ dormer bungalows which would blend far better in the surroundings. Such housing would meet the objectives of the Central Lincolnshire Local Plan particularly with respect to LP18, (climate change and low carbon living) by minimising energy and water consumption and LP26, (design & amenity) by contributing positively to local character and landscape. The proposed plans clearly continue to contravene such objectives. I therefore consider this application should be refused for exactly the same reasons as the previous one.'

LCC Highways: No objections, request informatives

Archaeology: None received

Relevant Planning Policies:

Development Plan;

Central Lincolnshire Local Plan 2012-2036 (CLLP);

Policy LP13: Accessibility and Transport

Policy LP14: Managing Water Resources and Flood Risk

Policy LP17: Landscape, Townscape and Views

Policy LP25: The Historic Environment

Policy LP26: Design and Amenity

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

Neighbourhood Plan

There is no neighbourhood plan for Stow

Other;

National Planning Policy Framework

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

Planning Practice Guidance

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

Main issues

- Principle
- Appearance, layout and scale
- Impact on residential amenities
- Landscaping
- Access
- Other matters

Assessment:

Principle

The principle of housing has already been established in the granting of outline permission 134537. Planning permission is granted for two dwellings.

This application seeks only the approval of reserved matters which is for the appearance, layout, scale, access and landscaping.

Any other matters raised, that do not directly relate to the reserved matters, are not relevant to the application under consideration.

Appearance, layout and scale

The application is a re-submission of previously refused application 138097. This application was due to '*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...*'

The new application sees the overall scale of the dwellings reduced:

Plot 1: Ridge height 9.54m

Width of dwelling 13.7m

Length of dwelling 7m
(excluding 2 storey rear protrusion)

Plot 2: Ridge height 9.58m
Width of dwelling 12.8m
Length of dwelling 7m
(excluding two storey rear protrusion)

Previously refused measurements:

Plot 1: Ridge height 10.08m
Width of dwelling 14.6m
Length of dwelling 7.7m

Plot 2: Ridge height 10.03m
Width of dwelling 13m
Length of dwelling 7.5m

Policy LP26 states that all development, including extensions and alterations to existing buildings, must achieve high quality sustainable design that contributes positively to local character, landscape and townscape, and supports diversity, equality and access for all.

The 2 dwellings are to be 5 bedrooled, two storey detached dwellings (with accommodation in the roofspace) with detached double garage to the front along with off road parking.

The dwellings would have a footprint measuring approximately 118 square metres and 151 square metres. By way of comparison, footprints at nearby properties are approximately 130 square metres.

Whilst the dwellings have been perceived as “large” – they are not out of scale with surroundings. The most recent Strategic Housing Market Assessment (July 2015) had concluded that “*The analysis of housing need by size suggests that there is a need for property of all sizes in Central Lincolnshire*” (paragraph 9.67).

The proposed materials have not been specified. However these can be secured via a condition. Although the dwellings are large the plots are equally large and leave adequate amenity space to the front and rear.

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.

Concerns have been raised with regards to the impact the proposal will have on Stow Minster and the rural landscape. Stow Minster is grade I listed and is located over 250m to the south of the site with various other properties between the application site and church. Therefore given the separation distance and existing built form the application can be supported. It is considered that the proposal will preserve the setting of Stow Minister.

When entering the village along Church Road the new dwellings will be set against the back drop of the village and adjacent dwellings and would not have a significant detrimental effect on the surrounding countryside.

The application site is not within a Conservation Area. The area immediately surrounding the site is characterised by a mix of modern detached dwellings and bungalows with a gothic style period property to the south of the site, just beyond no's 25a and 25b and The Granary, a converted barn. The proposal responds positively to the immediate and wider area with its complimentary design.

The proposal is therefore deemed to be in accordance with policies LP17, LP25 and LP26.

Residential amenity

Policy LP26 states that the amenities which all existing and future occupants of neighbouring land and buildings may reasonably expect to enjoy must not be unduly harmed by or as a result of development.

There are no concerns with overlooking of the neighbouring properties, no's 25a and 25b Church Road.

There is more than adequate separation to the surrounding dwellings.

The development is deemed to accord with LP26 in this regard.

Landscaping

The existing hedge along the front boundary is to be removed along with a number of self-set trees. The proposed landscaping includes a new hawthorn hedge set further back from Church Road to allow for adequate visibility displays, along with the retention of a small group of trees in the south east corner. The new hedge (when established) and existing trees will help to soften the impact of the development on the streetscene. The rear gardens are to be laid to lawn with the existing trees at the rear of plot 1 being retained.

The placement of the hedge and retention of some trees is deemed appropriate in accordance with LP17 and LP26.

Access

The site is to be accessed via Church Road. Concerns have been raised by neighbouring properties with regards to the increase in traffic and highway safety. However, planning permission is already granted for 2no. dwellings and the principle of taking access off Church Road is already established. This application considers only the specific details of the proposed access itself.

The Local Highways Authority have raised no objections to the proposal. Highway safety is not expected to be compromised and would be compliant with policy LP13.

Conclusion

The proposal has been considered in light of relevant development plan policies namely policies LP13: Accessibility and Transport, LP14: Managing Water Resources and Flood Risk, LP17: Landscape, Townscape and Views, LP25: The Historic Environment and LP26: Design and Amenity of the Central Lincolnshire Local Plan as well as the National Planning Policy Framework and Planning Practice Guidance.

For the reasons set out above, the appearance, landscaping, layout, scale and access of the proposal are considered to be acceptable and in accordance with policy. Therefore it is recommended that the application should be approved, subject to the following conditions.

Recommended conditions:

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

1. No development shall take place until details of the external finishing materials of the buildings has been submitted to and approved in writing by the Local Planning Authority. The development shall proceed in accordance with the approved details.

Reason: To secure good design in accordance with policy LP26 of the Central Lincolnshire Local Plan.

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 drawings ARQ/1140/03 Rev A, ARQ/1140/04 Rev A, ARQ/1140/05 Rev A, ARQ/1140/06 Rev A, ARQ/1140/07 Rev A and ARQ/1140/08 Rev A dated 5 June 2018. 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 LP1, LP17 and LP26 of the Central Lincolnshire Local Plan 2012-2036.

3. The root protection measures shown on drawing number ARQ/1140/03 dated 5 June 2018 shall be implemented in accordance with these details and permanently secured before development commences and retained at all times until construction work has been completed.

Reason: To ensure that adequate measures are taken to preserve trees and hedges and their root systems whilst construction work is progressing on site in accordance with policies LP17 and LP26 of the Central Lincolnshire Local Plan 2012-2036.

4. The boundary treatments shall be in accordance with drawing: ARQ/1140/03 dated 5 June 2018 and retained as such thereafter.

Reason: In the interest of preserving amenity and the character of the area in accordance with policies LP17 and LP26 of the Central Lincolnshire Local Plan.

5. All planting and turfing approved in the scheme of landscaping shown on drawing ARQ/1140/03 dated 5 June 2018 shall be carried out in the first planting and seeding season following the completion of the development, whichever is the sooner; and any trees or hedging 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 soft landscaping is provided within the site to soften the appearance of the dwellings to accord with the National Planning Policy Framework and policies LP17 and LP26 of the Central Lincolnshire Local Plan.

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

None

Human Rights Implications:

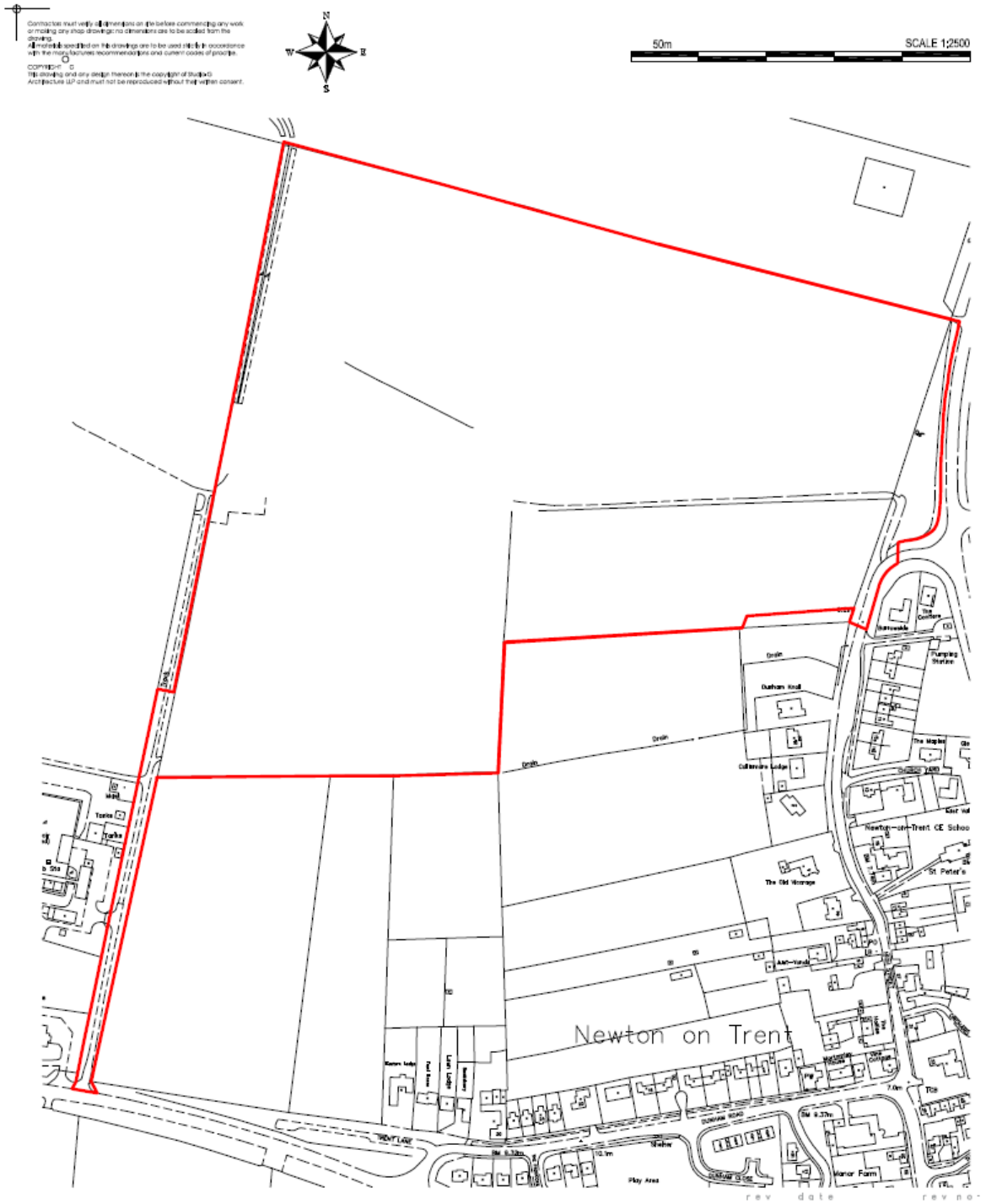
The above objections, considerations and resulting recommendation have had regard to Article 8 and Article 1 of the First Protocol of the European Convention for Human Rights Act 1998. The recommendation will not interfere with the applicant's and/or objector's right to respect for his private and family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

Agenda Item 6b

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Application number 138491

Officers Report

Planning Application No: 138491

PROPOSAL: Outline planning application for mixed use village extension comprising of up to 325 no. private and affordable dwelling units-Use Class C3, community meeting rooms-Use Class D1, with ancillary pub-cafe-Use Class A4 and sales area-Use Class A1, new landscaping, public and private open space with all matters reserved- resubmission of 134411.

LOCATION: Land to West of A1133 Newton on Trent Lincs

WARD: Torksey

WARD MEMBER: Cllr S Kinch

APPLICANT NAME: Mrs BM Arden

TARGET DECISION DATE: 16/01/2019

DEVELOPMENT TYPE: Major - Dwellings

CASE OFFICER: Jonathan Cadd

RECOMMENDED DECISION: Refuse permission

Non-technical summary:

The proposed development provides 325 houses, a community facility and business barn along with supporting open space and other features. Notwithstanding previous determinations, it is considered that the vast majority of the site would fall within the open countryside, designated category level 8 within policy LP2. The development does not accord with the restricted range of uses deemed appropriate for the countryside, or other policies and so falls contrary to policy LP2 and LP55 of the CLLP.

Should it be determined, however, that the development would fall within Newton on Trent, the development would represent a significant departure from the small scale development usually allowed within small villages, category level 6, of policies LP2 and LP4 and would therefore represent a substantial quantum of development in an unsustainable location.

Policy LP2 and LP4 provides some flexibility on the quantum of development allowed if clear local community support can be demonstrated. Despite further community consultation and a vote, clear local community support not been established for the scheme but rather a mixed view with a substantial minority of votes being cast against the proposal. The positive support of the parish council whilst important would not form a casting vote within policy LP2 as sufficient response has been received to ascertain the level of support and objection to the scheme. It is considered therefore that the proposal would be contrary to policies LP2 and LP4 of the CLLP as clear local community support has not been demonstrated.

In addition, to this Policy LP4 also requires developers to undertake a sequential approach to development sites in appropriate locations. The scale of development would mean that the development would fall within the least preferable site due to its

scale and would not meet the appropriate location test as the proposal would not retain the core shape and form of the settlement indeed it would practically double the number of dwellings in the village and its footprint into the countryside.

The application site measures approximately 18 hectares in area, and is located within a mineral safeguarding zone as designated within the Lincolnshire Minerals and Waste Local Plan Core Strategy and Development Management Policies. No assessment has been submitted to indicate that sand and gravel minerals would not be sterilised as a result of the proposal contrary to policy M11 nor that it could not be extracted before development or why the development could not be located elsewhere or indeed whether there are any overriding economic reasons that would outweigh the importance of mineral extraction at the site.

The location of the proposed development within Flood Zones 2 (medium probability) & 3 (high probability) is considered to place future occupiers and development at potential risk from flooding without adequate overriding reasons due the level of allocated, less vulnerable, sites available within the CLLP suitable for a housing led schemes, and is therefore contrary to the provisions of the NPPF and policy LP14 of the CLLP. The scheme does not include adequate reasons to limit the sequential search to Newton on Trent and would provide a scheme which would not generate a sustainable development, which even with enhancements to facilities and transport connections proposed would still be likely to cumulatively increase the level of car usage overall within the village with access to the majority of day to day services/ employment facilities away from the village. The proposal would also place existing village facilities under pressure and would not accord with the NPPF (033 Reference ID: 7-033-20140306) and create a significant sustainable extension to Newton on Trent.

Policies LP10 and LP11 seek development to provide an appropriate mix of housing types, sizes and tenures including affordable housing. The housing mix proposed is generally deemed acceptable in scale and type, however, the affordable housing tenure proposed has not been justified and may not meet the housing need for affordable homes within Central Lincolnshire contrary to the affordable rented tenure advocated within the adopted Development Contributions Supplementary Planning Document (adopted July 2018) and as justified by the Central Lincolnshire Strategic Housing Market Assessment 2015. Similarly, the retirement units should include a percentage of affordable homes to meet housing need.

Finally, strategic playing field contributions are required to meet a shortfall in need and standard at Saxilby with respect to the tennis courts contrary to policy LP24 of the CLLP.

Opposing this, the engagement and consultation with the community over the design and additional facilities provided by the proposal is positive even if it did not provide clear local community support for the proposal overall and should be given positive weight.

The flood risk assessment submitted is also positive would provide a development which would not only create a safe development for its life time without increasing risk elsewhere but would also reduce the level and extent of flood risk currently endured

by some adjoining residents in Newton on Trent. This should also be given positive weight.

The BREEAM accreditation for the development is very positive and indicates that the development itself would present energy efficient buildings with additional community and employment facilities, which the settlement does not currently have and would increase some transport options for existing and future occupiers alike. This should therefore be given positive weight within the planning balance.

However, this is not considered to offset the otherwise unsustainable credentials of a development of this scale, in a rural location.

The limited impact on the character of the area, highway safety and capacity, ecology and character of the area are noted and should be given limited positive weight in the planning balance.

Concluding whilst the positive elements of the scheme are recognised, together they do not outweigh the limitations of the scheme contrary to the sustainable spatial strategy of the development plan, adopted SPG on developer contributions, the Lincolnshire Minerals and Waste Local Plan Core Strategy and Development Management Policies and national policies of the NPPF supported by guidance within the NPPG.

Description:

The application seeks outline planning permission with all matters reserved (layout, scale, appearance, landscaping and access) for residential development of up to 325 houses (use class C3), community meeting room (use class D1 with ancillary public house/ café (class A4), and sales area (class A1). In addition to this, associated open space (approx. 5.5 ha), landscaping access roads and parking areas are proposed. Although not a matter under consideration the applicant indicates the main access road would be to High Street, Newton on Trent whilst an emergency access would be formed to the south west of the site onto the A57 along site the Anglian Water pumping station.

The application site is an open agricultural field to the north and west of Newton on Trent (a 'small village' under the settlement hierarchy in the Central Lincolnshire Local Plan (policy LP2)).

The site forms an inverted 'L' shape and is approximately 18 ha in size. The site appears generally flat but in actual fact falls west to east by approximately 2m (from 8m AOD to 6m AOD). The site is grazing land and is currently used to house free range chickens and accommodates multiple chicken sheds across the site and bird feed silos (to the west). The site is surrounded by mature hedging to the north and west with a similar hedge extending to the south. To the east is another hedge but with a substantial number of trees running alongside High Street. A small copse of trees also exists to the north eastern corner of the application site. To the east a rough tarmac dropped curb to High Street quickly changes to a farm track to enter the site. To the south west is another access. This is another farm track, with a rutted aggregate finish. This adjoins the tarmac road to the Anglian Water treatment works.

To the east is High Street, which runs to a priority junction with the A1133 to the east of the site. The road has a width of 7m and has grassed verge on either side, the footpath finishes 60m to the west of the site boundary. The road is lit.

The site fronts High Street and to the south eastern corner of the site are two dwellings, Barrowside and The Conifers, Newton on Trent, whilst further east across the A1133 is Furrowlands, an agricultural storage and wood storage plant. To the north are open fields although 212m to the north is the East Midland Sunfolk Caravan site and a pig farm. To the west are agricultural fields and to the south west adjoining the emergency access to the application site is the Anglian Water pumping station, a series of single storey buildings, plant and equipment. To the south are a series of smaller paddocks, larger open fields and further south residential properties fronting High Street (47m) and Dunham Road (239m) and Trent Lane (191m).

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

The development has been assessed in the previous application/appeal in the context of Schedule 2 of the Regulations and after taking account of the criteria in Schedule 3 it has been concluded that the development is not likely to have significant effects on the environment by virtue of its nature, size or location. Neither is the site within a sensitive area as defined in Regulation 2(1). This is a resubmission application and there are no significant physical nor policy changes since which would modify this conclusion. Therefore the development is not 'EIA development'.

Relevant history:

134411 Outline planning application for mixed use sustainable village extension comprising up to 325no. private and affordable dwelling units-Use Class C3, community meeting and community health rooms-Use Class D1, with ancillary pub-cafe-Use Class A4 and sales area-Use Class A1, new landscaping, public and private open space-all matters reserved. Refused 17 November 2016

Reasons:

1. The development is proposed within an area at risk of flooding contrary to the sequential approach to site selection, with the aim of steering development to those areas at lowest risk of flooding advocated by the National Planning Policy Framework. The Development does not comply with the saved policies of the West Lindsey Local Plan First Review (2006), most particularly STRAT 1.
2. Development of the scale proposed would result in the growth of this subsidiary rural settlement at unsustainable levels demonstrated by its inability to meet the infrastructure requirements. Future occupants of the development would be heavily dependent on private vehicles to access employment, retail and other basic facilities leading to a significant increase in car travel. The adverse impacts of development would significantly and demonstrably outweigh the benefits of development and the development does not meet the NPPF presumption in favour of sustainable development. Development does not

comply with the saved policies of the West Lindsey Local Plan First Review (2006), most particularly STRAT 1, STRAT 12, STRAT 19, SUS 1 and RES 6.

Following a 4 day Public Inquiry held in November/December 2017, an appeal was subsequently dismissed on 20th March 2018 (Appendix A)

M02/P/0159 Outline planning permission was granted for the erection of a village community centre and formation of a car park in 2002 on a square shaped area of land on the north eastern section of the site. Reserved Matters approval was subsequently granted in 2003 (Ref: M03/P/0057).

Representations, in summary:

Chairman/Ward member(s): None received

Newton on Trent Parish Council: (Summary) As with the previous application 138411, the Council continues to support this scheme.

The village, at present, lacks any amenities for communal meeting, except for the church, which is used mainly by the school. The village does not have a public house, and this development would provide much needed premises for communal activities and social drinking and eating.

Newton on Trent is "land locked" meaning that a car is needed for safe access to walking routes in the local area. The new development would provide open spaces and a trail, as the village green was lost to the village when the A57 was built, leaving only the verges around the perimeter of the village for such things as dog walking or personal exercise.

Newton on Trent Primary school would receive sustained support from new families coming to live in the village.

Council is also aware that there is good support from electors, evidenced by comments left on the website and an above average return of the latest survey.

Some concern was expressed at the likelihood of the area becoming "car dependent" as public transport fails to keep up with a growing population, so leading to much heavier traffic in the local area. However, the Council feels that, considering the whole picture, there are far more advantages than disadvantages, and so supports this project.

Local residents: As of 17/12/2018, 44 responses have been received 36 in support and 8 objecting:

Support: 1, 2(x3), 25, 26, 30 (x3), 33, 47, 55, 57, 61(x3), 73 High Street, 3, 5 Orchard Close, 4 (x3) Cockerels Roost, 9, 11 Dunham Close, Anvil House, Trent Lodge Dunham Road, Cobthorne Lincoln Lane, 8 The Grove, 1 Collingham Road (x2), Newton on Trent, The Rowans Sallie bank Lane Laughteron, 10, 12 Trent Port Road Marton, Cedar Lodge Monks Manor Drive Lincoln, 77 Wragby Road, Lincoln, 256 Springfield Road Chelmsford (own a property in Newton).

Comments in summary:

- Village consultation: 61% support the application – a clear democratic result.
- Facilities and services: The proposed extension to the village would benefit residents by providing new facilities and opportunities including meeting/ eating/ drinking places and pleasant areas to walk and relax outside. The community centre would provide something which we don't have for dance, sports and other social classes for which we currently have to go out the village for. Would provide greater facilities for children. Benefits would flow to other surrounding villages supporting them too.

The loss of village facilities over the years (pub) has been significant and fresh life is badly needed, especially if we want young people to remain to continue its existence. The church and school would also benefit. It would be an overall boost to the village.

Will create a fresh community cohesion lost for a number of years

Without this development the village will continue to die as remaining facilities close and public transport diverts away from village.

- Housing: Housing in villages is generally out of reach of young people therefore new housing will benefit area, especially the affordable housing proposed. New housing will bring families and young professionals into the village to boost school numbers and using existing play facilities, the village is currently just getting older.

Housing market is stagnated only because a) only a few houses available and b) the price of those available is over £200K why should locals be forced out village due to limited funds if parents can't help? If people are brought up in the countryside why shouldn't they be able to stay if they wish?

Considering moving into Newton and community and retirement facilities would be attractive.

For too long the only housing built is on adhoc land with only a few houses which are expensive and out of reach of locals and their children.

- Employment: New jobs created should be considered a significant benefit.

New business opportunities will boost the profile of the village and make it self-sufficient.

Proposal will increase footfall to post office/shop which would enhance its sustainability.

- Travel and Transport: The planned road access would direct traffic to the A1133 ensuring that village roads would not be greatly affected.

Increasing numbers of cars use the A1133 and A57 whether this development will occur or not – times change and this proposal should be grasped. New housing would assist to support additional bus services as there are only 5 services a day to Lincoln and only two return in the afternoon.

The walk to Laughterton is a significant benefit and would aid dog walking.

Development to the north east of the village will stop the current practise of rat running through from the A57 to the A1133.

- Amenity & character: One of the big benefits is that its location will mean minimal impact on residents during its 5 – 10 year build program.

Living opposite the site one respondent considers that countryside views would remain and will tidy up this portion of the village which is only used by a few people.

- Services and infrastructure: There will be no effect on the West Lindsey area as if this gets turned down then other development will be approved and so policing, NHS etc. will still be needed for that.

Objections (Summary) Dunham Lodge, The Conifers, 6, 6A, 9(x2), 37 High Street; 26 Dunham Road –

- Consultation: the village consultation was not carried out properly – some received no voting forms, others received two and after complaining some received the voting form after the deadline.

Much has been made of the level of support but 70 respondents is poor and nearly 40% whom responded objected – not what you would class as overwhelming support by any means.

Suggestion that the only people that want this are connected to the applicant and many don't live in village.

Also questions with respect to the probity of Parish Council.

There are questions regarding the validity of the vote and counting process.

Has the Community still been asked the question as stated in section 21 ["do you support a proposal for a development of up to 325 private and affordable dwelling units..."] of the appeal decision?

- Traffic & transport: The traffic concerns only one entrance/ exit from site A1133 and to village could lead to rat running to the A57 if junction is busy past the school which is dangerous at school times and includes lorries, school buses as well as tractors. At peak times the A57 and A1133 are always busy leading to problems leaving the village.

Newton crossroads – numerous accidents have taken place on the A57 and 300+ cars would cause major traffic issues as people will commute to the larger settlements. 700 cars would be generated each day on the same poor road system.

This will increase parking congestion at the school as people will drop children off in car creating an impasse at the start and end of the school day.

The creation of a car park to assist school and church traffic and remove current parking problems is unrealistic as this car park would be half a mile away from the facilities and unfortunately people will not walk this far so will not alleviate this issue.

Very poor bus service and development wouldn't assist this much.

- Scale and connectivity: It would not form part of the village it would be totally detached.

It would double the size of the village, if people want to live in large village they should go to the city or Saxilby.

- Quality of development: When site is sold to a builder the fear is that this would totally change what had been offer to something very different without the benefits.
- Amenity: Proposals would ruin view of countryside and peace and tranquillity of countryside.

Proposal will bring 1300 vehicle journeys to this end of the village each day creating an intolerable increase in noise and traffic pollution not to mention service traffic.

- Housing need: Houses in Newton do not sell fast, it has taken 11 months to sell a desirable dwelling at a much lower price than it was worth – no demand, housing stock always available on the market.
- Facilities and School: The school cannot cope with the influx of children. School can hold 70 children with a current roll of 52 and 325 houses is bound to bring in more than capacity. The school has seen the applicant's proposal and the governors rejected it. This is due to the lack of classroom space but also lack of room in the playground.

No prospects for older children other than to travel to senior school but Tuxford has stopped taking children from this side of the Trent and the other three schools are either at capacity (2) or have limited capacity.

It is noted that a cafe / pub is planned. This has been made to sound very appealing but I seriously question how realistic this opportunity is. The latest figures show that pubs are closing at a rate of 29 per day across the country,

this includes our own village pub which had to close because it was no longer financially viable. I fear that this venture has had inadequate research and is only included in the proposal to sugar coat and appease current residents.

- Planning policy: Been refused previously and by a government planning inspector, is sequentially unacceptable being out of line with the CLLP and does not have the support of the district Council, nor indeed a number of key transport providers.
- Employment: there are no sizeable employers in the village, Listers' staff all drive cars in and out of the village every day and do not seem to live here.

It is very unclear how adding this huge and vastly disproportionate extra 325 dwellings will help with any notion of further employment, services or infrastructure, let alone any new form of social cohesion. It will also add further burdens onto local healthcare providers, blue light services and the District and County Councils.

- Infrastructure: There are approximately 189 properties in Newton and the sewerage disposal system is close to capacity.
- Other:
- I do firmly believe in building and providing new housing (especially social housing, which this plan finally added a very small portion of) and the infrastructure to fulfil the needs of a growing population, but this must be done sensibly and in proportion. If this plan was at a scale of say 25 to 50 new houses I think there would be the 'considerable local support', as it stands, it shows a contemptuous lack of understanding of what is acceptable to not only the existing village but the services and organisations that support the welfare of communities. This application is no doubt taking considerable time and the limited resources of the District Council yet again, which is completely unnecessary.

LCC Highway and Lead Local Flood Authority: (Summary)

Highways

The principle of development is acceptable to the HLLFA. The submitted Transport Assessment is a reasonable representation of the likely impact on the highway network and demonstrates the modelled junctions have capacity to include the trip generation from this development. Local road network capacity and geometry is also sufficient to cope with the additional flows.

Further discussions with the County Council's Transport Services section is recommended with respect to the bus services contributions.

Whilst not matters under considerations concerns are raised with respect to access junction location and design, the provision of an emergency link, estate road layout and design and parking provision.

Guidance is also provided with respect to the need for agreements to provide bus stop and shelters, extension of 2m wide footpaths to Newton on Trent and the shared cycleway/footpath to Laughterton will require an s278 Highway Agreement and should terminate outside of Southlands Laughterton.

Drainage

It is shown that the site is generally at low risk from surface water flooding, with the exception of small pockets showing a medium to high risk. This is accepted by the HLLFA as not a significant cause for concern, however subsequent detailed applications for layout and drainage approval will require mitigation measures should these areas be developed. The HLLFA would make the following points on the drainage strategy:

- Limiting rate of discharge will be set at 1.4 l/s per hectare (24.8 l/s total) in line with TVIDB guidance as the receiving body.
- Further ground investigation at detailed application stage will be required to identify if any areas are suitable for some bespoke infiltration, although it is noted this may be unviable due to geology and water table levels. Therefore it is accepted the main drainage strategy for the site will take the form of swales and attenuation ponds for conveyance, treatment and storage.
- The areas of development on the indicative drainage strategy not shown with a roadside swale arrangement will require further SUDs drainage techniques incorporating into the layout on future detailed applications.
- Private curtilage run-off will require draining using sustainable techniques to complement the rest of the site drainage strategy.

Overall comments

Further discussions are required on the public transport and travel plan but no principle issues remain and conditions and advice notes are recommended.

Environment Agency: (Summary) We have reviewed the submitted flood risk assessment (FRA), and consider that it demonstrates that the development will be safe for its lifetime, without increasing flood risk elsewhere, i.e. the second part of the exception test is passed. Therefore, if it were deemed by your authority that the proposed development had passed the sequential test and first part of the exception test, we would have no objection subject to the imposition of planning conditions.

The conditions include a requirement to construct the development in accordance with the Flood Risk Assessment, Finished Floor Levels and ground level rises agreed, and retained access to maintain the EA flood dense. It also notes the need to ensure works to the south of the A57 are included in a s106 legal agreement due to their positioning on third party land outside the applicants ownership.

The EA also notes it is the responsibility of the Local Planning Authority to determine whether the sequential test is passed.

LCC Minerals & Waste Authority: (Summary) The proposed development has been identified as being located within a Minerals Safeguarding Area and is subject to Policy M11 (Safeguarding of Mineral Resources) of the Lincolnshire Minerals and Waste Local Plan (Core Strategy and Development Management Policies) adopted June 2016.

The authority notes: ‘...**All** applications for non-minerals development should be accompanied by a Minerals Assessment which shall be assessed by the Minerals Authority....’ This application does not include an assessment.

A Minerals Assessment should provide an appropriate assessment of the mineral resource, its potential for use in the forthcoming development and an assessment of whether it is feasible and viable to extract the mineral resource ahead of development to prevent unnecessary sterilisation. Where prior extraction of some or all of the mineral can be undertaken, the assessment should also include an explanation of how this will be carried out as part of the overall scheme. In addition the impacts of proximal sterilisation of minerals resources on adjacent land by the introduction of the development and or more sensitive receptors will need to be addressed as part of the assessment.

Archaeology: (summary of comments): Previous evaluations at pre application stage was for the most part negative across the site, however there was a concentration of Roman materials in Trench 4 (NW of the site) which appears to be connected with a corn dryer and also evidence of a high status building. With this in mind it is recommended that prior to development, the developer should undertake a scheme of archaeological monitoring and recording on all ground works in the northwest corner of the site. The exact details of the plots to be monitored will be finalised when the reserved matters application is submitted. **Conditions are therefore recommended.**

NHS: (summary of comments) The development of 325 dwellings is likely to increase the local patient population by 748 (based on an average 2.3 people per dwelling. Based on this new population and the Department of Health calculation in HBN11-01: Facilities for Primary and Community Care Services the increase in patients will place extra pressure on existing services and increased appointments which in turn impact on premises with extra consulting/ treatment room requirements. Practises most likely to be affected include The Glebe Practice, The Surgery (Willingham by Stow) and Trent Valley Surgery.

This development would put additional demands on the existing GP services for the area and additional infrastructure would be required to meet the increased demands.

The Clinical Commissioning Group (CCG) is working towards a move to a population based delivery of care model (Neighbourhood model.) For the Gainsborough area, the CCG is working towards developing a Primary Care hub as part of the work to consolidate the Primary Care services in the area. As such, the s106 funding from this planning application would go towards the development of facilities and relocation of primary care provisions at John Coupland Hospital, to increase consultation capacity and accessibility to primary care in the area, however, if this is not deemed CIL compliant as such then, as before the surgeries at Saxilby and Torksey would be the appropriate location for support.

The contribution requested for the development is £205,562.50 (£632.50 x 325 dwellings).

LCC Education: (based on 283 dwellings i.e. not including proposed over 55s housing).

The table below relates the number of places available in local schools from/for the proposed development:

Type	Children produced by scheme	Sufficient places 2019/20 (Y/N/Partial)	Places to be mitigated	Contribution sought
Primary	56	Partial	35	£394675
Secondary	53	N	53	£0
Sixth-form	10	N	10	£0
			Total	£394675

As this is an outline application a formulaic approach will be used in an s106 legal agreement. This could result in a higher contribution if a higher proportion of large houses are built. This would only be finalised at reserved matters stage.

NB Secondary and Sixth Form contributions will be dealt with through CIL provisions.

Primary contributions will be spent in the following way:

Type	Amount	Scheme
Primary	(see below)	Towards either an extension of Newton on Trent or towards two additional classrooms and a studio hall at Saxilby Primary

The costs requested in relation to this development are either:

- The full costs of the extension at Newton on Trent Primary as these are not likely to be typical of a normal school extension, and there is no ability to pool contributions for expansion of this school as the current scheme would use all capacity created; or
- The standard formula contribution towards Saxilby Primary School (detailed below) plus a contribution towards transporting children to and from the school. The cost of this, commuted for a 15 year period, is a total of £484,500 (£32,300 per annum for the 35 children that there is insufficient capacity available for at Newton on Trent Primary).

The below table indicates the number of pupils generated by the proposed development. This is on the basis of research by Lincolnshire Research Observatory utilised to calculate Pupil Production Ratio (PPR) multiplied by the number of homes proposed.

House Type Known (if	No. of Properties	PPR Primary	Primary Pupils	PPR Secondary	Secondary Pupils	PPR Sixth Form	Sixth form pupils
2 bed		0.09		0.09		0.018	
3 bed		0.17		0.17		0.034	
4+ bed		0.33		0.27		0.054	
Unknown (discounting over 55s housing)	283	0.2	56.6	0.19	53.77	0.038	10.754
Total (rounded down)	283	-	56	-	53	-	10

Capacity us assessed using the County Council's projected capacity levels at 2021/22, this is the point when it is reasonable to presume that the development would be complete or well on the way.

Type	Local school/ school planning area	Pupils generated	Sufficient places available 2019/20 (Y/N/Partial)	Places to be mitigated
Primary	Saxilby Primary planning area	56	Partial	35
Secondary	Lincoln south secondary planning area	53	N	53
Sixth-form	Lincoln South Secondary Planning Area	10	N	10

As the development would result in a direct impact on local schools, a contribution is therefore requested to mitigate the impact of the development at local level. This is a recognisable and legitimate means of addressing an impact on infrastructure, accords with the NPPF (2012) and fully complies with CIL regulations; we feel it is necessary, directly related, and fairly and reasonably related in scale and kind to the development proposed in this application.

Type	Places to be mitigated	Contribution per place*	Sub-total	Local multiplier**	Total contribution
Primary	35	£12257	£428,995	0.92	£394675
Secondary	53	£18469	£978857***	0.92	£900548***
Sixth-form	10	£20030	£200300***	0.92	£184276***
Total	-	-	£428995	-	£394675

*current cost multiplier per pupil place based on National Cost Survey

**to reduce cost and to reflect Lincolnshire's lower than average build cost compared to national average

***reduced to zero as currently on WLDC's Regulation 123 list

It is suggested that s106 monies are paid at the halfway point in the development to allow timely investment by the County Council whilst not adversely affecting the developer's viability.

Lincolnshire Police: (In summary) Do not have any objections but offer advice on natural surveillance, parking provision, public open space and communal areas, lighting and footpaths.

Natural England: (Summary): No objection based on the plans submitted, Natural England considers that the proposed development will not have significant adverse impacts on Designated Sites or Protected Landscapes and has no objection. Natural England's advice on other natural environment issues including the welcoming of green infrastructure on site (trails, green spaces, green roofs, community and education space, tree planting, orchards, outdoor play space etc. Natural England recommends that these be linked together for form green corridors linking to large green space and the wider natural environment. It is recommend that the Sustainable Urban Drainage (SuDs) areas which are shown on the masterplan incorporate biodiversity enhancement measures.

It is recommended that a suitably worded condition(s) be imposed to ensure further detail is provided to be addressed through a subsequent full application. The use of method statements for working in close proximity to the most sensitive receptors and/or an overall landscape management plan would allow any mitigation, compensation and enhancements measures to be successfully implemented.

Further advice is provided to maximise the multi functions of green infrastructure including improved flood risk management, accessible green space, climate change adaption and biodiversity enhancement, landscape, protected species, local sites and priority habitats and species, ancient woodland/ veteran trees, general environmental enhancements, access and recreation and rights of way and the biodiversity duty.

Lincolnshire Wildlife Trust: Summary: We wish to support the ecological ethos of the proposed development and we also support the details provided in Section 7 (Landscape and Ecology) of the Masterplan (October 2018, N0282-1 R01 Rev D) and the details provided in the Landscape and Ecological Management Plan (15/04/16 Doc Ref: INF_N0282_R02). We are especially happy to see that there will be a long-term financial commitment to achieving the desired outcomes of the LEMP and that these will involve monitoring and adaptive management. If the scheme goes ahead as proposed, we would be keen to explore opportunities to monitor results in terms of both biodiversity and the wider determinants of health and well-being for residents.

Further comments and advice covers: types of seeds/ planting proposed, maintenance of hedgerows, grassed areas and meadows.

Nottinghamshire County Council: Summary

- Highways & Transport

In dealing with planning applications the Highway Authority and Local Lead Flood Authority will evaluate the applicants proposals specifically related to highway and flood risk matters only. As a consequence developers may in cases where their initial

proposal raise concern or are unacceptable amend their initial plans to incorporate revisions to the highway and flood risk measures that they propose. The process behind this can be lengthy and therefore any initial comments on these matters may eventually be different to those finally made to the Local Planning Authority. In view of this and to avoid misleading information comments on planning applications made by the Highway Authority and Local Lead Flood Authority will not be incorporated into this letter.

- Minerals

Though this development is outside the Nottinghamshire County area, it is within approximately 650m (at its closest extent) of a Minerals Safeguarding and Consultation Area for sand and gravel within Nottinghamshire. At this distance it is unlikely that this proposed development would sterilise a potential future extraction area. Therefore, there are no safeguarding concerns in respect to this site and the County Council does not wish to raise any objections to the proposal from a minerals perspective.

- Waste

There are no existing waste sites within the vicinity of the site whereby the proposed development could cause an issue in terms of safeguarding existing waste management facilities.

- Strategic Highways

There are a number of village communities in Nottinghamshire close to Newton on Trent which already suffer from adverse environmental impacts caused by HGV traffic. Collingham village, which straddles the A1133, is a case in point and where an overnight EWR has been introduced to limit the detrimental impacts of HGV through traffic. In considering this application, it is recommended that an HGV routing agreement is entered into by the applicant with both Nottinghamshire County Council and Lincolnshire County Council such that HGV construction traffic is directed to use the most suitable routes in both Nottinghamshire and Lincolnshire to gain access to and from the application site.

- Ecology

The County Council has no ecology comments to make on this application as it is not envisaged that it will give rise to any significant ecological impacts within Nottinghamshire. The Local Planning Authority should seek ecological advice from within their own county.

- Developer Contributions

Bus Service Support - It is assumed that Lincolnshire County Council will provide a separate submission with their comments and requirements in respect of this application.

At this time it is not envisaged that contributions towards local bus service provision will be sought by Nottinghamshire County Council.
Infrastructure

At this time it is not envisaged that contributions towards local bus stop infrastructure provision will be sought from Nottinghamshire County Council, but requirements will be included as part of a response from Lincolnshire County Council.

Lincolnshire Fire & Rescue: objects on grounds of inadequate water supply for fire-fighting. To remove this objection 4 hydrants will be required supported by the Anglian Water mains network and dwellings will need to conform to Building Regulations 2000 part B5.

Relevant Planning Policies:

Planning law requires that applications for planning permission be determined in accordance with the development plan, unless material considerations indicate otherwise. Here, the development plan comprises the provisions of: The Central Lincolnshire Local Plan (April 2017); and the Lincolnshire Minerals & Waste Local Plan (2018).

- Central Lincolnshire Local Plan (CLLP) 2017 <https://www.n-kesteven.gov.uk/central-lincolnshire/local-plan/>

The following are considered the most relevant policies:

LP1: A presumption in favour of sustainable development

LP2: The spatial strategy and settlement hierarchy

LP4: Growth in villages

LP5: Delivering prosperity and jobs

LP6: Retail and town centres in Central Lincolnshire

LP9: Health and well being

LP10: Meeting accommodation needs

LP11: Affordable housing

LP13: Accessibility and transport

LP14: Managing water resources and flood risk

LP15: Community facilities

LP17: Landscape, townscape and views

LP18: Climate change and low carbon living

LP21: Bio diversity and geodiversity

LP24: Creation of new open space, sports and recreation facilities

LP25: The historic environment

LP26: Design and amenity

LP55: Development in the countryside

- Lincolnshire Minerals & Waste Local Plan Core Strategy & Development Management Policies (adopted June 2018) (LMWLPCS) <https://www.lincolnshire.gov.uk/residents/environment-and-planning/planning-and-development/minerals-and-waste/>

The following policy is considered relevant:
MW11: Safeguarding of minerals resources

- Neighbourhood Plan

Newton on Trent does not have a neighbourhood plan at this time.

- Development Contributions Supplementary Planning Document (adopted July 2018)<https://www.n-kesteven.gov.uk/central-lincolnshire/local-plan/supplementary-planning-documents-and-guidance-notes/>
- West Lindsey Character Assessment
- National guidance

National Planning Policy Framework (NPPF) 2018

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

National Planning Practice Guidance (NPPG)

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

Main issues

- *Principle of housing in this location: spatial hierarchy position, and community support*
- *Sustainability, infrastructure provision and housing need (inc. housing mix and affordability)*
- *Flood risk & sequential test*
- *Minerals & Waste*
- *Design and Character*
- *Residential amenity*
- *Highway & parking*
- *Ecology*
- *Open space*
- *Heritage and Archaeology*

Assessment:

- *Principle of housing in this location, community support & housing need*

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

The Central Lincolnshire Local Plan was adopted in April 2017. This has been assessed by Planning Inspectors as sound. The latest assessment¹ shows there is a 5 year supply of housing land plus 20% buffer through its allocations.

At the time of writing, the Government has yet to publish the Housing Delivery test results, and the Housing Delivery Test is not yet engaged under paragraph 215 of the NPPF (2018).

In terms of para 11d) of the NPPF the policies of the CLLP are therefore deemed to be up to date and as such the presumption in favour of housing development is not activated and, in line with para. 2 of the NPPF and planning law, development should proceed in accordance with the development plan and residential development should not be given enhanced weight within the planning balance.

It is therefore important to consider the proposal in line with policies: LP2, LP3 and LP4, which provide a sustainable spatial strategy for Central Lincolnshire.

Policy LP2 indicates that the spatial strategy will focus on delivering sustainable growth for Central Lincolnshire that meets the needs for homes and jobs, regenerates places and communities, and supports necessary improvements to facilities, services and infrastructure. Development, it notes, should create strong, sustainable, cohesive and inclusive communities, making the most effective use of previously developed land (except where that land is of high environmental value), and enabling a larger number of people to access jobs, services and facilities locally...

The policy directs decisions on investment in services and facilities, and on the location and scale of development, will be assisted by a Central Lincolnshire Settlement Hierarchy. This strategy seeks to concentrate growth in the main urban areas and in settlements that support their roles, with remaining growth being delivered elsewhere to support the function of other sustainable settlements and to help meet local needs.

Newton on Trent is classified within policy LP2 as a small village (category 6) within the hierarchy. The policy states:

'Unless otherwise promoted via a neighbourhood plan or through the demonstration of clear local community support****, the following applies in these settlements:

- they will accommodate small scale development of a limited nature in appropriate locations**.
- proposals will be considered on their merits but would be limited to around 4 dwellings, or 0.1 hectares per site for employment uses.'

** throughout this policy, the term 'appropriate locations' means a location which does not conflict, when taken as a whole, with national policy or policies in this Local Plan (such as, but not exclusively, Policy LP26). In addition, to qualify as an 'appropriate location', the site, if developed, would:

¹ See <https://www.n-kesteven.gov.uk/central-lincolnshire/planning-policy-library/>

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

Policy LP4 also provides guidance on the overall quantum of development allowed within category 5-6 settlements. Newton on Trent has a growth level of 10% but this is subject to a known strategic constraint (flood risk) which will need to be overcome if development will be allowed to come forward. For this reason, no growth has been attributed to these villages to meet the growth targets identified within policy LP3.

In each settlement in categories 5-6 of the settlement hierarchy, a sequential test will be applied with priority given as follows:

1. Brownfield land or infill sites, in appropriate locations**, within the developed footprint** of the settlement
2. Brownfield sites at the edge of a settlement, in appropriate locations**
3. Greenfield sites at the edge of a settlement, in appropriate locations**

Proposals for development of a site lower in the list should include clear explanation of why sites are not available or suitable for categories higher up the list.

A proposal within or on the edge of a village in categories 5-6 of the settlement hierarchy should be accompanied by demonstrable evidence of clear local community support** for the scheme if, in combination with:

- a. other development built since April 2012;
- b. any extant permissions; and
- c. any allocated sites,

the proposal would increase the number of dwellings in a village by more than 10% or, where relevant, the identified growth level in the above table;

Local communities can, through Neighbourhood Plans or other means, deliver additional growth over the levels proposed by this Policy.

Since the appeal for 325 houses (ref. no. 134411) was dismissed last year the applicant has sought to provide additional information to show clear local community support for a larger quantum of housing than is usually permitted within the general hierarchical spatial strategy for housing growth within small villages as advocated within policy LP2 and LP4 of the Central Lincolnshire Local Plan. Whilst noting the role community support can play in policy LP2 Small Villages, and will be returned to, it must first be determined whether indeed this development would be located within/ adjoining the village of Newton on Trent or whether it should be considered as open countryside (category 8).

The site is located on farmland currently used for organic chicken farming. The site fronts the High Street and is opposite two detached dwellings Barrowside and the Conifers. The community hub shown on the indicative plan is also roughly in line with Dunham Knoll to the western side of High Street although the application site is divided

from this property by two paddocks some 59m in width. Whilst opposite the site across the A1133 is Furrowlands this is an agricultural use and is considered to be detached from the continuous built up area of the settlement. Policy LP4 states: **** throughout this policy and Policy LP4 the term 'developed footprint' of a settlement is defined as the continuous built form of the settlement and excludes:*

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

The scale of the development site is such that it covers approximately 18ha in area with a curtilage perimeter of 1.890km (excluding emergency access and amended junction to High Street), however of this only 60m (3%) fronts High Street with the remaining 1.830km (97%) adjoining land classified as open countryside. Therefore whilst there could be an argument that a small portion of the site would adjoin the village of Newton on Trent the vast majority falls within open countryside. This is further underlined when an aerial photograph (appendix B) is considered. As such it is considered that, due to the extremely limited portion of the site which could be determined as adjoining the village (LP2 and LP4) the site should not be determined with reference to (policy LP2) hierarchy category 6. Small Villages but category 8. Countryside. Such a position is supported in part by the comments of Planning Inspector Sherratt in the previous appeal (appendix A) who stated: para 30:

...The masterplan indicates a continuation of the High Street into the appeal site aimed at reflecting and continuing the form of the existing village, although there is no continual flow of development from the existing to the new, resulting in some detachment. The westward projection into the countryside would be far greater than currently exists at the south of the village. It is difficult to reconcile how the core shape of the village can be retained when the extension would occupy a site area not dissimilar to the existing village...

The scale of the development is such, that it far exceeds the “small scale development of a limited nature” envisaged for category 6 (small villages) settlements and is not retained within the developed footprint (as defined within LP2) of this small village. The consequence of the scale of the proposal is such that it cannot be contained within the developed footprint and results in a significant extension into countryside (tier 8).

It can be noted that during consideration of previous application 134411, policies relating to development within the countryside, were not engaged. Whilst officers are respectful of previous considerations/ determination it is considered that its altered position with reference to the Central Lincolnshire Local Plan policies and through assessment of the physical nature of the site has been suitably justified and this proposal should be determined in accordance with both CLLP policies LP2 and LP55.

Policy LP2 category 8. Countryside indicates that unless allowed by: a) policy in any levels 1-7 in **policy LP2**; or b) any other policy in the Local Plan (such as LP4, LP5, LP7 and LP57), development will be regarded as being in the countryside and as such restricted to:

- that which is demonstrably essential to the effective operation of agriculture, horticulture, forestry, outdoor recreation, transport or utility services;
- renewable energy generation;
- proposals falling under policy LP55; and
- to minerals or waste development in accordance with separate Minerals and Waste Local Development Documents.

It is considered that the proposal for 325 dwellings for market and social housing would not meet any of the policy requirements under policy LP2 category 8, nor would it meet the test under policies LP4 (for the reasons outlined above), LP5, LP7 and LP57 and would not therefore accord with policy LP55 and the Local Plan spatial strategy which would weight against the proposal within any planning balance.

Given the stance advocated previously by the Local Planning Authority, however, it is still open to the committee, if they disagree with the above, to consider the development wholly as an addition to a small village under policies: LP2 (category 6.) and LP4 of the CLLP. Indeed, as a fall back this is considered important to consider such an option in any case.

As has been noted above policies LP2, LP3 and LP4 provide (as identified through para. 3.2.4 of the CLLP) the strategic spatial approach to development growth within Central Lincolnshire based on an assessment of sustainability. The approach of the CLLP to the spatial strategy for growth has been assessed at examination and been found to be sound (para 126 of the CLLP Planning Inspectorate Report 2017. This includes the assessment of settlements on the basis of their size (dwelling numbers), Inspectors Youle and Birkinshaw stating (para 79):

‘...the availability of services in a particular village can vary over time and the overall size of a village is a reasonable way of deciding its position in the hierarchy. It also has the advantage of being a relatively straightforward and constant measure to count on a consistent basis. Furthermore, in very broad terms, larger settlements will generally tend to provide more services than smaller ones.’

They further note at para. 89: *‘We have not been provided with any clear evidence that shows a direct link between particular growth levels and the maintenance or enhancement of particular services in the Large, Medium or Small Villages. However, as a matter of planning judgement a reasonable level of growth has been allowed for in these rural villages and this will be likely to help support their vitality, as sought by the Framework. Furthermore, Policies LP2 and LP4 allow for more growth to come forward in Small and Medium villages, for example if advanced through a Neighbourhood Plan or with the benefit of demonstrable community support.’*

Finally, para 114 indicates that: *‘The size limits for individual development proposals (typically up to... 4 dwellings in Small Villages) are based on reasonable planning judgements and should help ensure that the scale of individual developments is*

proportionate to the village...To provide flexibility in small villages, and in recognition that some small villages have a range of employment opportunities and good access to services, the policy should be amended to specify that 'around' 4 dwellings would be acceptable...'

For Newton on Trent development will generally be limited, through policy LP2, to small scale development of a limited nature in appropriate locations**. Whilst development will be considered on its merits, it notes that proposals will be limited to around 4 dwellings. Policy LP4 is also relevant in that it permits Newton (subject to overcoming the strategic constraint of flooding) to grow by 10% in the number of dwellings over the plan period. As of the 4th December 2018 remaining latent capacity within the village amounted to 16 dwellings².

A 325 house estate plus community and business facilities would clearly significantly exceed the moderate levels of sustainable growth, envisaged for a small settlement. The scheme would therefore fall to be refused when considered in relation to the spatial strategy for growth in Central Lincolnshire. Policy LP2 & LP4, indicates, however, that proposals which include a demonstration of clear local community support*** can exceed these standard scale thresholds.

The applicant undertook a public consultation exercise through planning application ref. no. 134411, to seek to identify community support for the proposals and identify the particular requirements of the community to assist in the design of the development. At the following appeal Inspector Sherratt commended this consultation exercise describing it as comprehensive but, at para 22, also stated:

'...it does not expressly confirm support for the resultant scheme or overall scale of development submitted. That is what the policies require. In my view the exercise that was undertaken, as comprehensive and commendable as it is, could not be described as one which demonstrated community support for the proposal, generated via a thorough, but proportionate, pre-application community consultation exercise, directed at a development of the scale proposed. Rather, it is a comprehensive engagement exercise required as part of the accreditation for BREEAM, to establish the needs, goals and desires of the community so that they could inform the masterplan for development. I therefore find conflict with Policies LP2 and LP4 in this regard.'

This current application includes additional consultation undertaken in an attempt to address the stated shortcoming. The three week consultation exercise (10th – 31st May 2018) was undertaken prior to the application as required by policy LP2 and included a leaflet and voting slip outlining the scheme (as now submitted) sent to all businesses & services (52), residents within Newton on Trent Parish (167) and parish councils (7). This included a unique number so that responses through the Newton on Trent 2014 web site or at a physical post box at exhibitions could be received and counted. Posters were displayed at the village shop, school, church and parish notice boards whilst the web site included full details, plans and reports. Finally, a public exhibition was held at the church on Thursday evenings and all day on Saturday throughout the

² See <https://www.west-lindsey.gov.uk/my-services/planning-and-building/planning-policy/housing-growth-in-medium-and-small-villages-policy-lp4/>

consultation period. Additional voting slips could be obtained from the applicant and different coloured slips were available from the public exhibitions.

The voting slip asked the following question: 'Do you support the Outline planning application for a sustainable phased mixed use garden village extension to Newton on Trent comprising up to 325 private and affordable dwelling units, community meeting rooms with ancillary pub/café and sales area, new landscaping, public and private open space and employment space on land to the west of the A1133/ Newton on Trent.' The response required a Yes or No box to be ticked.

Although questions have been raised by objectors with respect to the probity of the process, it is considered that the unique numbering system utilised ensured that only one vote per household/ business could be achieved, similarly the question and response required was clear and unambiguous. The nature and coverage of leaflets/ voting slips sent out and publicity undertaken is considered to represent a fair and proportionate process as required by policies LP2 & LP4 of the CLLP.

The voting slips and comments were received from a total of 77 households/ properties, a response rate of 34% from the 226 leaflet/ voting slips sent out. The response to the question whether to support the development of 325 houses etc. as noted above received the following responses:

TOTAL OF ALL RESPONSES		
No. of consultees	226	100%
No. of responses	77	34%
No. of Yes	48	62%
No. of No	29	38%

We have sought additional clarity on the actual responses to the consultation vote relating to actual responses forming the vote from individuals. At the time of writing we have not yet received this information.

The majority of responses have returned positive but does this amount to clear local community support? Policy LP2 provides a definition for the '****demonstration of clear local community support' as meaning:

'...at the point of submitting a planning application to the local planning authority, there should be clear evidence of local community support for the scheme, with such support generated via a thorough, but proportionate, pre-application community consultation exercise...'

It cannot be disputed that the majority of responses received have indicated support for the proposals, however, this is not the test required by policy LP2. This is aptly summed up by one objector to the scheme whom indicated:

'For this 'new' application, much has been made of the considerable local support for the scheme, as per the table below (author above) representing households in the village – 70 respondents is poor and still nearly 40% of those responding object – not what you would class as overwhelming support by any means.'

This underlines the issue of concern. It is recognised that the applicant has done her best to solicit a comment from local residents but nevertheless 66% of consultees contacted have not responded. It cannot be concluded that this lack of a response equals support for a proposal, merely a lack of objection and at best it is a consideration of neutrality. Neutrality is not required by policy LP2 but clear local community support is. The lack of response therefore is a consideration against this proposal.

The policy test is not of a simple majority vote but a demonstration of clear community support. In this case a substantial proportion of those responding, 38%, object to the proposal. This demonstrates that there is substantial objection to this proposal within the village, which whilst a minority in simple numerical terms it is large enough to determine that there is not demonstrable local community support but a clear division of views within the village over this development. On this basis it is considered that community is split with substantial factions supporting and objecting to the proposal.

The responses to the formal planning application are less substantial, which is not unusual given the scale of correspondence and the number of site notices posted, however, it is worth noting that of those individual households responding, excluding responses received outside of the Parish of Newton on Trent, 37% of individual responses received oppose the development whilst 63% supported it, very roughly mirroring the applicants consultations (NB this excludes additional responses from households posting multiple responses or those outside the Parish) and again showing substantial division within the village.

The definition of clear local community support included within Policy LP2 also includes the sentence:

If, despite a thorough, but proportionate, pre-application consultation exercise, demonstrable evidence of support or objection cannot be determined, then there will be a requirement for support from the applicable Parish or Town Council.

The active participation of Parish Council within policy LP2 is only therefore pivotal when insufficient response to a consultation exercise has been received to make any clear determination of support or objection to a planning application. It is not a 'deciding vote' where a clear but balanced response to a consultation has been received, therefore the positive response of Newton on Trent Parish Council is important and will need to be considered within the planning balance but is not considered as the deciding authority of community support in this instance.

The proposal therefore, and despite the additional work undertaken, fails to demonstrate clear local community support and should therefore be determined in strict accordance with the spatial strategy outlined within LP2 and LP4, which has already been found to be contrary to these policies.

- *Sustainability, infrastructure provision and housing need (inc. housing mix and affordability)*

The spatial strategy of the CLLP has been noted as being sustainable taking account of the advice within the NPPF and the nature, facilities and connections settlements

have within its area. The development's failure to comply with policies LP2 and LP4 of that Plan is a serious failure but nonetheless the application is proposed as a sustainable garden village extension which would provide 325 high quality energy efficient houses, which would support existing social and retail facilities and provide / enhance others thus enhancing the sustainability of Newton On Trent overall. The applicant has undertaken a substantial amount of work to show how the proposal would seek to accord with the BREEAM Communities Sustainability Assessment and achieve an aspiration very good/ excellent rating.

Policy LP18 (Climate Change and Low Carbon Living) of the CLLP indicates Development proposals will be considered more favourably if the scheme would make a positive and significant contribution towards one or more of the following (which are listed in order of preference):

- Reducing demand: by taking account of landform, location, layout, building orientation, design, massing and landscaping, development should enable occupants to minimise their energy and water consumption, minimise their need to travel and, where travel is necessary, to maximise opportunities for sustainable modes of travel;
- Resource efficiency: development should (a) take opportunities to use sustainable materials in the construction process, avoiding products with a high embodied energy content; and (b) minimise construction waste;
- Energy production: development could provide site based decentralised or renewable energy infrastructure. The infrastructure should be assimilated into the proposal through careful consideration of design. Where the infrastructure may not be inconspicuous, the impact will be considered against the contribution it will make;
- Carbon off-setting: development could provide extensive, well designed, multi-functional woodland (and, if possible, include a management plan for the long term management of the wood resource which is produced), fenland or grassland. The Central Lincolnshire Biodiversity Opportunity Mapping (or subsequent relevant document) should be used to guide the most suitable habitat in a particular area.

Proposals which address one or more of the above principles (whether in relation to an existing development or as part of a wider new development scheme) which are poorly designed and/or located and which have a detrimental impact on the landscape, the amenity of residents, or the natural and built environment, will be refused.

Each one of these points will be considered in turn.

Reducing demand

The layout and design of the site is not a matter under consideration at this outline stage and as a result only limited assessment can be made, however, supporting documentation underlines the importance of passive heating and the reliance on natural phenomena such a heating from the sun and ventilation from the breeze. As a result it is considered that there is sufficient opportunity to maximise these aspects at reserved matters stage and this should be given positive weight.

The policy, however, also requires location to be a consideration to 'minimise their (*occupiers*) need to travel and, where travel is necessary, to maximise opportunities for sustainable modes of travel.'

As has been noted above the settlement hierarchy within the CLLP has been based on size of settlement with, in general, larger settlements supporting more services, facilities and connections. The hierarchy within policy LP2 and LP4 is therefore based on housing numbers with Newton on Trent being a "small village" i.e. 50 dwellings plus but smaller than a medium village of 250 dwellings plus (in actual fact 167 dwellings). Notwithstanding the strategic constraint from the River Trent in Newton's own case, in general, such villages are only capable of very limited growth to: '*allow for steady growth to occur without overwhelming a village and its services, whilst not leading to an absence of growth that might starve services and lead to an imbalance of population*' para 3.14 of the Central Lincolnshire Settlement Hierarchy & Growth Distribution Study (2016).

The CLLP has assessed Newton on Trent as a small village (level 6), in the hierarchy with only a limited growth attributed to it. It is a concern that the proposal would not accord with the sustainable principles approved by the CLLP, policies LP2 and LP4 and would overwhelm the village and its services and lead it to unacceptable levels of travel on a day to day basis. The 325 houses, community and business units proposed therefore appears contrary to this sustainable approach.

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

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

Para 72 of the NPPF notes that the supply of large numbers of homes can often be achieved through planning for large scale development, such as new settlements or significant extensions to existing villages and towns, provided they are well located and designed and supported by the necessary infrastructure and facilities. The policy continues:

'b) ensure that their size and location will support a sustainable community, with sufficient access to services and employment opportunities within the development itself (without expecting an unrealistic level of self-containment), or in larger towns to which there is good access;...'

It is accepted that the village has facilities that offer a range services, retail, education and employment options. These distances are noted below in metres, along with other uses related to day to day or important general needs elsewhere.

Facility	Distance from centre of site (approx. in metres)
Post Office (NoT)	550
Primary School/ Nursery (NoT)	500
Church (NoT)	550
Playground (NoT)	850
Bus stops (NoT)	850 (reduced to 300m with s106)
Furrowlands including Merlin Logistics (NoT)	372
Football pitch (NoT)	415
Medical Centre Torksey	4700
Medical Centre Saxilby	8500
Saxilby Primary School	7800
Co-op (Saxilby)	8000
Saxilby Rail Station	7400
Lea Road Station, Gainsborough	13500
Gainsborough Town Centre	14500
Lincoln City Centre	16500

NoT – Newton on Trent or the immediate environment.

The current village provisions are limited, the post office is small and although contains retail goods these are very small and at best could only be considered for very limited top up shopping with residents needing to travel to Saxilby or one of the other villages some distance away for anything beyond the most basic of goods. The village store/post office at Laughterton has closed. The nearest supermarkets are located within Gainsborough and Lincoln.

Similarly, as noted by the County Council, the village school has limited capacity and would require the majority of children from the development to be bused to Saxilby for schooling. There is currently no bus suitable for this, and it is likely that the education authority would need to fund this. Although, the application indicates expansion could be accommodated at the school through expansion, permission would be likely to be required and options are limited with constraints on the site, including the need for immediate open amenity space for pupils and the settling of the Grade II* Church of St Peter. Therefore instead of enhancing the sustainability of the village it could well be the case that it would instead place extra strain onto an existing facility or would increase travel requirements to other schools. It is noted, however, that a contribution requested from the Education Authority covers both eventualities but includes the need to expand Saxilby and support travel to this school. This will amount to £394665.00 and this will need to be agreed as part of an s106 agreement. It highlights, however, the unsustainable nature of the proposal.

The nearest medical centres within the area are at: The Surgery, Willingham by Stow, the Trent Valley Surgery at Torksey (AM only)/Saxilby (AM & PM) and Glebe Surgery,

Saxilby. These facilities have limited facilities are under significant pressure. There are no waiting lists at these surgeries and they are obliged to take new patients even if at capacity. The NHS is therefore proposing a Primary Care Hub at the John Coupland Hospital Gainsborough to provide additional capacity within West Lindsey. Questions have been raised with respect to the direction of monies to Gainsborough and whether this would meet CIL 122 tests and as a result it is recommended that the Saxilby and Torksey surgeries are also considered for funding. All surgeries would require travel and not necessarily easily achieved by public transport further underlining the limited sustainability of Newton on Trent. It is also noted that to facilitate the Primary Care Hub to accommodate the additional patients generated the NHS request £205562.50. This should form part of an s106 of the application is to be supported.

The applicant also draws on the potential to support the post office to be retained. It is likely that additional trade would be generated by the houses proposed but there are no guarantees that this would automatically be case and as it is within private ownership there are other considerations or business decisions which could take precedence. Similarly, whilst the hub would provide opportunities for social activities and would perhaps be in the gift of the applicant to maintain, there are again no guarantees that this would be successful in the same way as the pub within the village wasn't.

Finally, jobs; the level of employment opportunities within the local area, even taking account of the business hub and any enhancements to broadband and homeworking would still only account for a small proportion of the overall proposed number of residents (17% currently) that it is estimated would be generated from the site leading to an increasing need to travel to the main centres of Gainsborough, Lincoln or indeed further afield. It is estimated that only 7% would have no place of employment at all meaning of those whom are likely to work 76% of those future residents will have to travel. This is a substantial amount of people travelling either for work, school or other daily needs.

The applicant has sought to address these concerns through the provision of additional footpaths aiding access to the school, church, play areas and post office but also a longer distance pedestrian/cycle path to Laughterton with its facilities. Finally, the applicant offers a substantial sum of money to enhance the currently bus service (including new bus stops within 300m of the centre of the site).

Currently the timetabled stagecoach service 106 leaves Newton on Trent for Gainsborough at 09:37, 11:37, 13:24 and 18:04 for Gainsborough Bus station (approx. 1 hour journey) Monday to Saturday with services to Lincoln at 10:28, 12:28, 14:08 and 16:42 Mon to Sat with no evening or Sunday services either way. The call connect service (no. 100G) is a demand service that runs between Gainsborough and Saxilby (and vice versa) hourly from 07:30 to 18:30 (Monday to Friday) 08:30 to 17:30 (Saturday). This service requires pre-booking and journey times cannot be guaranteed as they are dependent on the location of pick-up and drop off of customers. There are also single return school services to Tuxford (Monday – Friday), a single return Tesco service (Wednesday only) and the Edwinstowe Shopper (Friday only return).

The application recognises the poor offer currently available and negotiations with both LCC Transport Officers but also Stagecoach has sought enhancements. It is recognised that the current no. 106 has capacity and is currently poorly utilised. It was noted that Stagecoach wish to consolidate this service with an enhanced 100 half hourly service. In addition to this, it is recommended that a semi timetabled minibus service with 50% of services being timetabled and others being demand based connects with the 100 at say Saxilby. This would create would create a better service to Newton on Trent and allow commuter services to both Lincoln and Gainsborough. It was noted that the consolidation of the 106 with the 100 would be a viable commercially and therefore this scheme and any s106 contribution would only be used towards the semi - flexible service to outlining villages (including Newton on Trent) and other opportunities for tailored service to meet particular destinations such as Rampton Hospital or the power stations on the Trent. This should be given a positive weighting in the planning balance.

It is accepted that through discussions that the enhanced bus service would create some benefits, however, the commercial changes to the 100 and 106 service have yet to take place and it is unknown when or whether they will be implemented as these are decisions for the operator. Similarly, it is unclear as to the level of direct service from Newton on Trent to Gainsborough, Saxilby and/or Lincoln and their times. The flexible minibus is positive with some direct timetabled connections with the 100 or rail services but any change required at Saxilby (although some services could run directly to Gainsborough) or elsewhere would be off putting to some, equally given the nature of call connect service journey times to and from connecting services can vary which again is likely to be off putting to some when the direct alternative would be more convenient. Should such services occur the travel plan still indicates that 55% of the residents would travel by car (rising to 68% when including car passengers). This still a very significant proportion of journeys by unsustainable modes and only 2% would use public transport. Travel plan measures proposed if successful would only reduce this by 5%.

It is interesting to note, however, when the wider Torksey Ward is considered, the 2011 Census data appears to indicate that of those currently aged 16 – 74 (minus those not in employment) the census indicates 10% work from home, 75% drive to work, 5.5% are car passengers, and 1% ride a scooter travel with only 2% using public transport (Nomis – Area E05005716: Torksey). Similar, percentages are also found for the Super Output area West Lindsey 007C, including Newton on Trent. This indicates: 10% work at home, 73% travel to work by car, 7% are passengers with only 2% using the bus or train.

Similar services were considered by Inspector Sherratt in the previous appeal whom stated (para. 38) when considering the sustainability overall scheme:

'However, the proposed village extension would accommodate almost double the number of dwellings of the existing village. Even assuming the success of measures to reduce the average number of car trips made, the development would still significantly increase the number of households and in turn, the number of car journeys overall to and from the village. Any reduction in the reliance on the private car achieved for existing residents would be more than offset by the overall increase in car travel resulting from the new development...'

As the scheme has not significantly changed from the previous proposal and whilst some positive benefits could be attributed to the potential changes to bus services it is not considered that these are so substantial with respect to the likely modal shift that they can be given great weight within the overall planning balance.

Together, it is considered that the existing village amenities, connections to Laughterton, proposed on site facilities and enhanced bus service would therefore offer some sustainable benefits to future residents but that these benefits would not in any way be equal to, and would be more than offset by the scale of development proposed, which would lead to an increase and over reliance on motor vehicles and outweigh any positive benefits. It must also be argued that the CLLP policies and allocation also offer more sustainable options to meet the development need in central Lincolnshire without developing within Newton on Trent. As such therefore it is argued that on balance, despite the potential benefits the design and layout would bring, the proposal would be contrary to the sustainable provisions of this part of LP18 and should be weighed against the proposal in the planning balance.

Resource Efficiency

With respect to energy and resource efficiency the application focuses on a fabric first approach, i.e. constructed to utilise a minimal amount of energy due to design, materials and features rather than renewable energy generation. Dwellings will be built to code Level 4 overall (although the energy efficiency levels would equate to level 5) and where possible code level 5+ / Passivehaus standards. Of the 325 houses proposed the applicant indicates that 48 homes would be Eco Exemplar homes. Community buildings will be built to BREEAM Non-Domestic standard achieving very good/ excellent level. Equally buildings would be suitable for retro fitting with renewable energy features such as solar panels, heat pumps, wind power although these will not be constructed by the applicant and would be for the occupier to install.

The development will include one, possibly two electric car charging points at the site. Given most electric vehicles can plug into the house mains utilising a standard plug, this is not deemed unreasonable, but should permission be granted it is recommended that all properties have electric connections to the garage or a secure external plug and charging point be added to the community and business hub.

This must be welcomed and weighs in favour of the development in line with policy LP18, although it should also be noted that it is expected that building regulations will soon require this to be modified so that 'the new national technical standard' will be a minimum equivalent of a CSH level 4. Nevertheless it remains a benefit.

Energy production

The applicant has considered carefully the options for renewable energy production and whilst there would be capacity to retro fit features to individual buildings there are no significant proposals being made. Instead, it has been found that the fabric first approach to limiting energy usage provides a more sustainable approach.

Carbon off-setting

The application site currently provides limited tree cover with the exception of the small copse to the north eastern corner of the site. The applicant proposes 5.5ha of open space of which approximately 2 ha would be woodland and this along with tree planting throughout the site would provide some carbon off setting. Although a potential it is not thought that the woodland areas would be managed for sustainable fuel production i.e. wood pellets but would nonetheless provide significant benefits for existing and future residents alike. In a similar way, the significant planting of trees, gap planting hedgerows, amenity open spaces and swales are also proposed to be designed to enhance biodiversity on a site which currently has limited value to wildlife. Together, it is considered that these proposal would accord with policy LP18 in this manner.

Housing need including affordability and custom build housing

Policy LP10 indicates that: *‘Developers are expected to provide housing solutions that contribute to meeting the housing needs of the housing market area, as identified in the latest Strategic Housing Market Assessment (SHMA) and in any other appropriate local evidence. This means new residential development should maintain, provide or contribute to a mix of housing tenures, types and sizes to help support the creation of mixed, balanced and inclusive communities.*

More specifically, to cater for the needs of less mobile occupants, including older people and disabled people, and to deliver dwellings which are capable of meeting peoples’ changing circumstances over their lifetime, proposals for 6 or more dwellings (or 4 or more dwellings in small villages) must deliver housing which meets the higher access standards of Part M Building Regulations (Access to and use of buildings) by delivering 30% of dwellings to M4(2) of the Building Regulations, unless the characteristics of the site provide exceptional reasons for delivery of such dwellings to be inappropriate or impractical. Proposals which voluntarily deliver more than 30%, or deliver the 30% requirement to the higher M4(3) standard will be supported.

Where possible, higher accessible homes should be located close to any existing or proposed centre (as defined in Policy LP6) and public transport connections.’

Similarly, the CLLP seeks to meet housing needs for Central Lincolnshire including affordable and specialist housing. Policy LP11 of the Local Plan indicates, that, outside the Lincoln strategy area and SUEs, 20% of housing within a development will be required to be affordable. The Central Lincolnshire Developer Contribution SPD (2018) indicates that this will be required on site and only in exceptional circumstances will the provision of affordable housing on an alternative site or equivalent financial contribution will be considered. For West Lindsey this means a minimum of 70% affordable housing should be in the form of affordable rent housing.

The outline nature of the application precludes a detailed analysis of house size and mix but the applicant indicates a range of dwellings from 1 to 5 bedroom sizes with a mix of apartments, small terraces, semi-detached and detached dwellings including some bungalows. This is positive and it is recommended that conditions be placed on any approval to require the housing mix to be agreed with the Local Planning Authority at reserved matters stage.

The application also indicates that 30% of the dwellings would be built to M4(2) standards. This too is positive and could be conditioned. However, as noted above, Policy LP10 indicates where possible higher accessible homes should be located close to any existing or proposed centres and public transport connections. Newton on Trent has poor connections and facilities as noted previously and even with the improvements to public transport services, footpaths and facilities proposed would still provide few options to access day to day needs without a motor vehicle. Newton on Trent therefore compares poorly with other substantial allocated housing sites.

As indicated above Central Lincolnshire has a 5 year supply of housing land through formal designations or through a percentage growth in appropriate villages within the settlement hierarchy (policies LP2, LP3 and LP4). The need for this overall quantum of housing in this location to meet housing need is therefore low. This is perhaps indicated by the information submitted indicating that only 18 households within the village wished to move in the next 5 years. In addition to this, there are currently only 6 requests on the council's Custom Build Register for self-build plots within West Lindsey and only one within the Torksey/ Hardwick area. Such evidence therefore indicates that the vast majority of households would be brought in from outside of the village, which does not indicate a particular need within the village to be met and as a result the application should be considered as a significant housing led scheme rather than a Newton on Trent specific proposal to meet a specific housing need which is clearly not evidenced in the submission.

Central Lincolnshire Strategic Housing Market Assessment 2015 indicates a need for 676 new affordable homes per annum. For West Lindsey this means 181 homes. The application provides 20% affordable houses in the form of low cost home ownership and social rented accommodation. Both of these fall within the Affordable Housing definition within the NPPF but this would not, however, meet the requirements of the adopted SPD which seeks to meet the need within Central Lincolnshire through affordable rented accommodation (70%) with a preference for on-site provision.

The current need (a snap shot in time only) for property in Newton On Trent as identified through the West Lindsey Homes Choice Register indicates only one household registered with a local connection to Newton on Trent (although they haven't indicated a particular wish to staying in the village) with a further 27 households indicating an interest in Newton. It should be noted, however, that this is potentially not the only village that these people are interested in and there could be more. All require affordable rented accommodation.

The need for the low cost homes offered by the applicant has not been clearly justified. Generally, the lower cost of housing within Central Lincolnshire limits the need for such accommodation. The need for affordable rented property however has been evidenced through the Central Lincolnshire Strategic Housing Market Assessment 2015. In a similar manner it is noted that social rented accommodation is offered on later phases of the proposal but this is not a product that has been found to be viable within West Lindsey previously as rents are lower than those offered under the affordable rent product thus limiting its attractiveness to registered providers whom generally do not take up such accommodation within West Lindsey. It is important to note that the location of the site remote from services and facilities is not one that it is

attractive to registered providers of such accommodation. This is not likely to have changed since the submission of the previous application.

Similarly, off site provision offered is usually deemed less suitable as it would provide a less diverse community on site, but also across the district limiting the options for residents needing this type of accommodation. Maintaining the spatial growth strategy as advocated by policies LP2 and LP4 would allow developments to come forward in sustainable locations where the full offer of affordable housing can be achieved.

As a result the proposal falls contrary to policy LP11 of the Local Plan and the adopted SPG on contributions. It is also recognised that the application provides evidence that Registered Providers do not wish to build affordable houses within Newton on Trent due to the lack of facilities and connections. This is recognised but is perhaps an indication to the overall concerns raised with respect to the sustainability of the location even with the proposed improvements proposed.

The application indicates that a large number of market retirement properties (42 units) will also be provided. Need for such accommodation within Central Lincolnshire is noted but evidence suggests, and LP11 requires, that this is required across all tenures and as such affordable rented retirement units need to be considered within the housing mix. Again the Homes Choice Register for those indicating an interest in or association with Newton indicates 9 out of the 27 households are over 55 and would require affordable rented accommodation. Similar concerns are also raised in respect to the sustainability of the Newton for those residents without a motor vehicle and the ability to meet their daily needs compared to other larger settlements with better facilities within walking distance. This includes social and health facilities. Without easy access to these facilities it is questionable whether such facilities would be suitable.

- *Flood risk & sequential test*

It is a requirement of Policy LP14 that all development proposals will be considered against the NPPF, including application of the sequential and, if necessary, the exception test. Paragraph 155 of the NPPF indicates that ‘Inappropriate development in areas of flooding should be avoided by directing development away from areas at highest risk (whether existing or future). Where development is necessary in such areas, the development should be made safe for its lifetime without increasing flood risk elsewhere.’

In this instance, the application site is located within flood zones 2 (medium probability) and 3 (high probability) and as such it would be usual to apply the sequential test to consider whether there were any other alternative sites in less vulnerable locations available. The NPPG³ (033 Reference ID: 7-033-20140306) indicates:

‘the area to apply the Sequential Test across will be defined by local circumstances relating to the catchment area for the type of development proposed. For some developments this may be clear, for example, the catchment area for a school. In other cases it may be identified from other Local Plan

³ See <https://www.gov.uk/guidance/flood-risk-and-coastal-change#Sequential-Test-to-individual-planning-applications>

policies, such as the need for affordable housing within a town centre, or a specific area identified for regeneration. For example, where there are large areas in Flood Zones 2 and 3 (medium to high probability of flooding) and development is needed in those areas to sustain the existing community, sites outside them are unlikely to provide reasonable alternatives.'

It is usual for housing led developments to be assessed at a district level as general housing need can be met across a local authority area and this is deemed to be correct in this instance. This decision, contrary to the more restrictive search area advocated within the application (predicated on the level of community support received for this scheme and facilities provided for Newton), is justified based on: a) the development plan is up to date, b) the application for 325 houses, which has no evidenced justification to be based solely within Newton on Trent (limited need for market housing in this location, affordable housing and retirement housing has been shown) and c), Community support (whether demonstrated or not in this instance) does not negate the requirements of policy LP14 and the NPPF for a full sequential assessment to be undertaken. In particular distinction should be made within any determination to reduce a search area between: 'community need' for a development, and 'community support'. Community support is not noted within either LP14 nor the NPPG as a reason for reducing the sequential test search area. The examples given within the NPPG are such that a 'need' requires to be met whereas in this development the proposal is desirable, to a percentage of the village/ parish, and this is not required to sustain the existing community and place substantial new development within designated flood zones.

Taking this wider search area it is considered that there are a significant number of less vulnerable sites readily available to accommodate the housing development either as a whole or disaggregated into a smaller number of smaller sites as identified through sites allocated within the CLLP and the sequential test is therefore not been met.

Guidance is further provided within para 159: 'If it is not possible for development to be located in zones with a lower risk of flooding (taking into account wider sustainable development objectives), the exception test may have to be applied.' It should therefore be noted that the exception test is only engaged, where the sequential test has been passed.

For the exception test to be passed it must demonstrate that:

'a) the development would provide wider sustainability benefits to the community that outweigh the flood risk; and

b) the development will be safe for its lifetime taking account of the vulnerability of its users, without increasing flood risk elsewhere, and, where possible, will reduce flood risk overall.' (para 160).

As the sequential test has been deemed not to have been passed there is no requirement to consider the exceptions test, however, it is worth recognising with respect to part a) of the test that whilst the wish for community facilities, additional footpaths/ open space and support for existing facilities has been outlined there is no

demonstration that the level or type of housing required would be justified as enabling development in order to achieve this. This weighs against approval in the planning balance. It is, however, worth noting b) that the proposed development has been shown to be safe for the lifetime of the development and that this has been supported through a site specific flood risk assessment. The Environment Agency has not objected to the scheme following additional work before the previous appeal.

Works to ensure the site is safe will include a substantial portion of the ground levels of the site being raised to 7.95 AOD in the west to 6.74m AOD in the east. In addition, this also includes a 10m portion of land being increased to 8.3m AOD immediately adjoining the toe of the EA defence to the east of the site. An 8m wide easement would be formed within this area with planting but no development allowed. Further to this, the proposed residential dwellings finished floor levels (FFL) would be set 150mm to 300mm above ground levels. This would be sufficient to withstand a 1 in 100 year flood event including 30% climate change event combined with a 1 in 5 year tidal event. With the increased FFL the housing would also be above a 1 in 1000 event.

In addition to this, an enhancement to the existing Environment Agency flood defence bund to the North West of the site would take place. This would increase a low spot (10 – 20m in length) in the defence to a 8m AOD bund consist across its full extent. The bund would then link as a whole to the defence around the Anglian Water treatment plant creating a continuous defence, whilst to the south of the A57 further low spots would be enhanced to a final level of 7.575m AOD. This is land in private ownership but agreement in principle has been gained. Should the application be supported this will need to be required through an s106 agreement.

The outcome of these works is such that Newton on Trent would have a continuous defence against a 1 in 100 year event for the first time and the defence would also ensure flood levels and the extent of flooding within Newton on Trent would be reduced during a 1:100 year plus climate change event.

In the event, of a major flood the applicant has indicated a requirement to sign up to the EA Flood Warning System and has shown an evacuation route to Flood Zone 1 area, albeit with small sections being with Danger to Some zones. The Environment Agency, however, has accepted this and indeed the flood risk assessment showing that the site would be safe for its life time and the risks to adjoining land would not be increased but slightly decreased. This element despite the overall failure of the sequential test with should be given positive weight within the planning balance.

A surface water drainage strategy has been identified for the site by the applicant. This includes a series of sustainable urban drainage features including, swales, pervious pavements and ponds for conveyance, treatment and storage. This would allow for a limited rate of discharge 1.4 l/s per ha (24 l/s total), in line with the receiving body requirements to the Newton Drain and then the Torksey Main Drain. Infiltration is likely to be limited due to basal mud stone and in places water close to the surface being found.

This approach has been supported by the Lead Local Flood Authority in principle although they are likely to press for further swales and other features within the site than shown in the master plan but this can be agreed at reserved matters stage.

- *Minerals & Waste*

The Site is located within a sand and gravel minerals safeguarding area and Petroleum Exploration Development Licence (PEDL) Block within the adopted (June 2016) Lincolnshire Minerals and Waste Local Plan Core Strategy (LMWLPCS).

This document forms part of the development plan for Central Lincolnshire. Planning law requires that applications for planning permission be determined in accordance with the development plan, unless material considerations indicate otherwise.

Sand and gravel resources are considered to be of current or future economic importance where shown within minerals safeguarding areas of the plan. Non mineral development should not sterilise mineral resources nor prevent mineral extraction from adjoining land. The application site at 18ha in size and is mainly within the open countryside and could therefore represent a resource which requires protection from sterilisation.

Policy M11 of the LMWLPCS indicates that applications for non-mineral development will be permitted in a safeguarding area provided it would not sterilise mineral resources or prevent future minerals extraction on neighbouring sites. All non-mineral applications for development within Mineral Safeguarding Areas should be accompanied by a mineral assessment. A Minerals Assessment should provide an appropriate assessment of the mineral resource, its potential for use in the forthcoming development and an assessment of whether it is feasible and viable to extract the mineral resource ahead of development to prevent unnecessary sterilisation.

Where prior extraction of some or all of the mineral can be undertaken, the assessment should also include an explanation of how this will be carried out as part of the overall scheme. In addition the impacts of proximal sterilisation of minerals resources on adjacent land by the introduction of the development and or more sensitive receptors will need to be addressed as part of the assessment.

Where mineral resources would be sterilised by a proposal, Policy M11 sets out the tests that need to be met in order to enable planning permission to be granted. This includes, but not exclusively: why prior extraction would be impractical, why the development could not be sited elsewhere, whether there is an overriding need for the development to meet local economic need and why this could not be reasonable sited elsewhere or the development is, or forms part of, an allocation in the development plan. Exceptions to the policy are noted but do not relate to this proposal.

The applicant has not submitted a minerals assessment with the application and therefore the scheme is contrary to policy M11 of the LMWLPCS and should be refused on these grounds. It is considered that the proposal as noted above is contrary to planning policy issues in principle and is recommended for refusal. Should the application be refused, the applicant would be at liberty to consider all matters in the round and determine whether the additional work should be undertaken at that stage. A technical reason for refusal on these grounds is therefore recommended to recognise this particular situation.

The development also falls within the Petroleum Exploration Development Licence (PEDL) Block, however, no mineral safeguarding areas are identified as such prospects can only be identified after extensive exploration activity. In any event, oil and gas deposits are found at much greater depths than other minerals exploited within the county and are therefore less threatened by surface development (para 5.89 of the policy M11). It is notable that the Minerals and Waste Authority have not objected to the development on petroleum grounds only sand and gravel.

Members should be aware that neither the previous application nor appeal took account of the minerals resource as identified by the LMWLPCS. The Core Strategy was adopted at the time of both determinations and the safeguarding areas were shown on proposals maps and it is therefore unclear as to why this was not taken into account although it is noted that no representations were received at the time from the Minerals Authority.

Nonetheless, this is a new planning application and there is a statutory duty to determine the application against the provisions of the up to date development plan (including the Core Strategy), as well as the provisions of the NPPF (para. 20) as a significant material consideration.

- *Design and Character*

Policy LP26 notes that all development... must achieve high quality sustainable design that contributes positively to local character, landscape and townscape, and supports diversity, equality and access for all. The policy divides into two, design principles and amenity considerations

In a similar manner policy LP17 seeks: *'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 inter-visibility between rural historic settlements. Where a proposal may result in significant harm, it may, exceptionally, be permitted if the overriding benefits of the development demonstrably outweigh the harm: in such circumstances the harm should be minimised and mitigated.'*

The application is outline in nature with all matters reserved, including appearance, it is therefore difficult to assess the proposals design or impact on the surrounding area in any detail, however, it is possible to assess the general impact of 325 houses, community facilities/ business hub on the surrounding area and village.

The applicant has provided an LVIA which assesses the impact on the character of the area in detail using a 5km zone of influence and determining particular viewpoints of importance, receptors including public vantage points and historic assets.

The site is designated within the adopted West Lindsey Character Assessment as being within the Trent Valley area. This character area runs along the eastern margins of the River Trent from Gainsborough to just south of Newton on Trent. Characteristics

of the area include a robust network of hedgerows with some significant woodland and small park land to provide a sense of enclosure. Views are relatively contained although the power stations to the west of the Trent, their associated transmission lines along the Trent have a wider impact.

The LVIA indicates that the application site and surrounding area does not fit particularly well within this classification but nonetheless exhibits a number of features stated including robust hedgerows and enclosed views and the dominating presence of Cottam Power Station.

The views of the site from public vantage points are largely limited by mature field hedgerows, existing development and intervening fields reducing the impact of development from these areas. This is not to say there would not be any impact as the development of 325 single and two storey homes across an 18 ha site would be visible and would extend the village into the open countryside but that these views would be more limited, softened by existing and proposed landscaping and subject to detailed designs the impact would be largely localised. As such and subject to details being agreed at reserved matters stage the proposal would not appear contrary to policies LP17 and LP26.

- *Residential amenity*

A number of concerns have been raised with respect to residential amenity. As noted above LP26 has two distinct strands – design principles but also amenity considerations. The policy states: *‘The amenities which all existing and future occupants of neighbouring land and buildings may reasonably expect to enjoy must not be unduly harmed by or as a result of development.’* A list of criteria is noted to assess proposals by.

The nature of the majority of the site, located away from the village would significantly reduce the impact on residential amenity both in terms of construction and during its occupational life. In addition to this, the access to the site is such that it would allow the vast majority of vehicles to access the A1133 and the A57 without travelling through the village which would again be a benefit.

It is clear, however, that a small number of properties closest to the entrance of the site and the community hub would experience an increase in activity and nuisance. Whilst acknowledging this, the Environmental Protection Team have not raised an issue with traffic noise and levels of traffic generally. This together with the position of nearby properties would not be so significant in overall terms as to create an unacceptable impact. Full details of the access would be required at reserved matters stage providing further level of assessment. In a similar manner whilst raising some concerns with respect to the community hub, the master plan indicatively shows the unit an acceptable distance from nearby properties. Conditions requiring details of acoustic performance of such a facility, any potential mitigation including hours of operation, amplified music and location of car parking could be added to any approval to ensure such a facility does not create a nuisance.

Construction traffic and general activity which could create substantial noise and nuisance could also be the subject of conditions including hours of operation,

measures to reduce noise, dust and vibration and even construction vehicle routing to limit the impact on existing residents.

Finally, it is noted that some residents would also lose cherished views of the countryside. Whilst no one has a right to a view, all properties would have some remaining open space, landscaping or fields between them and the proposed development again limiting harm. This would also ensure that future dwellings would not dominate existing properties.

It is considered, therefore, that the proposal subject to conditions would not be likely to represent an unacceptable impact on residential amenity in accordance with policy LP17 of the CLLP.

- *Highways & parking*

Policy LP13 indicates that: *'All developments should demonstrate, where appropriate, that they have regard to the following criteria:*

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

Any development, the policy notes, that has severe transport implications will not be granted planning permission unless deliverable mitigation measures have been identified, and arrangements secured for their implementation, which will make the development acceptable in transport terms.

The positioning of the development at Newton on Trent and the access to public transport has been considered above and as a result this section will focus on the impact on motor vehicle traffic on the existing network.

Many of the objections received noted the potential for accidents and congestion with many vehicles travelling through the village at times when the school and the church is at their busiest. These concerns are understandable but are not supported by the evidence submitted and the tests which apply to through Policy LP13 and indeed the NPPF, para. 109, which indicates that development should only be prevented on highways grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network would be severe.

The applicant has assessed the nature of the proposed estate and using comparable data from other similar sized development and shown that in total there would be

approximately 264 vehicle movements in and out of the estate during the morning peak, and 284 in the evening peak or 4-5 additional vehicles travelling on the local highway network every minute during peak hours. The direction of traffic using the local highway network is anticipated to be as follows:

Route	Percentage of traffic
A1133 (north)	39.36
A57 (east)	42.19
A1133 (south)	6.16
A57 (west)	11.79
Total	100.00

Given the likely use of routes noted (based on census detail of employment destinations), substantial numbers of vehicles (18 am peak, 19 pm peak) are unlikely to drive through the village to access the wider network and would not reach a level of impact that could be classified as severe. In accordance with guidance provided by the Local Highway Authority the applicant has assessed the impact additional traffic would have on key junctions at: High Street/ A1133, the A57/A1133 and the A57/Dunham Road. At all of these junctions in 2028 (when the development is expected to be completed) it has been shown, taking into account natural increases in traffic levels that the impact of the additional traffic from the development would not lead any junction to operate above its capacity. The busiest would be the A57/A1133 and even in this case queue levels at the 2028 would only increase from two cars at peak hours to three cars as a result of the proposal. This cannot therefore considered severe.

It should be noted that although all matters are reserved, the applicant has provided detailed plans at the junction of the site and High Street. Again figures show such a design would operate well within capacity, however the Highways Authority has objected to the change in priority in favour of the site on safety grounds. This is not an issue to refuse the application upon as it is not a matter under consideration, however, should the committee seek to support this proposal an advice note outlining concerns should be including for information.

In the same way concern has been raised with respect to the emergency access proposed which if not correctly designed will be used as a rat run to an access on the A57 which whilst safe is not ideal for significant traffic. As such therefore an advice note to this effect on any approval is recommended.

Accident data has also been assessed and shown that there 9 PIA records in the local area in the last 5 years, an average of 1.8 per year. None were fatal but 2 were classified as serious. The review shows that there are no clear patterns or common causes for these accidents and there was a reduction compared to the previous 5 years when there were 16 PIAs recorded. This improvement is likely to be due to highway enhancements at the A1133/A57 junction in that period. It is not considered therefore that the road network in this area is unsafe. This position accords with the advice from the Highway Authority.

Car parking levels are raised with respect to the scheme, but as with layout these are not matters under consideration at outline stage.

- Ecology

Policy LP21 Biodiversity and geodiversity in summary indicates all development should:

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

The application site is not designated as a site of ecological importance and is in commercial use for agriculture (organic chicken production) and is laid to grass with mobile chicken sheds located upon them. Mature hedging surrounds most of the fields whilst a small woodland copse exists to the north east. This woodland is relatively weak, as are the hedges, due in part to incidents of Dutch Elm disease. Uncultivated field margins exist in narrow strips at the field edge but are dominated by ruderal and scrub vegetation.

The applicant has undertaken a phase 1 habitat survey including a desk top investigation and site visits. A zone of influence was established at 500m and historic records of European protected species were considered within the wider area. Great Crested Newts were recorded in 1997 in Kettlethorpe between 500 and 1km from the site whilst bat roosts and general records of bat activity were identified between 0.25km – 1.7km from the site along with various mammals on the Trent including otters and voles.

In terms of the zone of influence the survey indicates a small number of features of potential interest which were identified within 500m of the site. This includes a pond within a Furrowlands opposite the site entrance. Here a pond was considered to be of sufficient merit to survey for Great Crested Newts. The assessment was undertaken in accordance with the standing advice of Natural England and no GCN were identified only toads, a frog and on two occasions: one male smooth newt, none of which are protected.

In addition to this, bat surveys were undertaken, no roost were identified on site but several instances of bats foraging and/or commuting were identified. This included Common Pipistrelles but also small numbers of: Soprano Pipistrelles (1) but also occasional Myotis and Noctule and a single Brown Eared bat. Roosts are known to exist to the west and north of the site so this is not considered unusual.

The remaining surveys did not identify any further protected species on site and the potential landscaping (including: open spaces, enhanced hedging and SUDs features) proposed would aid ecology in the area mitigating any losses from this limited value site in ecological terms. These surveys were undertaken in 2015 and are now over 3 years old. The site however, remains in agricultural use and appears not to have changed in any meaningful way. Given this, and the nature of the A1133, the Lincolnshire Wildlife Trust has indicated that the surveys and assessments can still be considered up to date and the risks due to their age are low. This is based on advice

within the British Standard Biodiversity — Code of practice for planning and development BS 42020:2013 which indicate that assessments have a shelf life of 2 – 3 years. Similarly, Natural England do not object to the proposal.

The application is in outline with all matters reserved, however, it includes a number of proposed features which seek to promote ecology, this includes ponds (approx. 10895 sq. m) and swales (part of the SUDs systems), tree planting (woodland approx. 20000sq. m) and hedge gapping up, orchards and allotments (approx. 1015 sq. m & 7 edible pods), amenity grass land (approx. 2210 sq. m) and wildflower meadows (approx. 11905 sq. m) along with more traditional developer responses such as a range of bird and bat boxes. These are positive features and a condition is recommended that such matters should be detailed in full at reserved matters stage based on the proposals outlined in this submission.

The landscape and ecological features proposed are positive and would not, subject to mitigation and enhancements have a significant impact on protected species and would support ecology in accordance with policy LP21 of the CLLP.

- *Open space and landscaping*

Open space and landscaping can assist a number of policy objectives including providing a positive living environment for future residents, maintaining the character of an area (or mitigating the impact of the development on its surroundings), providing sufficient outdoor amenity space for recreation and sport and assisting maintain and enhance ecology.

Policy LP24 indicates that authorities will seek to:

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

New and enhanced provision of public open space, sports and recreational facilities will be required to accord with the Central Lincolnshire Development Contributions Supplementary Planning Document.

As noted above the applicant seeks to provide a community green 6140 sq. m, village green 685 sq. metres, Equipped Natural Play Areas for 0-4 and 0-8 year olds, woodland natural play space, 1000 sq. metres, circular walk and trim trail and edible pods on site whilst off site provision will include: possible MUGA and enhanced equipment at the existing play ground on Dunham Road and cycle and pedestrian link to Loughterton.

The applicant has not provided all the additional facilities requested by the public including football pitch, bowling green, footpath to Dunham or access to River Trent walk.

Policy LP24 indicates that there are two specific types of infrastructure: Strategic Formal Playing Fields and Local Useable Greenspace (Rural towns & villages). The applicant has not proposed any contribution to strategic space and most facilities are within the required access distance. The development, however, should contribute to strategic needs as there are facilities within the distances that have limitations and shortfalls which should be addressed by this development to meet the needs of future occupiers.

It is noted that strategically that sports pitch provision includes pitches at Saxilby which are overused, although further provision is available at Gainsborough and Lincoln, similarly the cricket pitches at Lea and Saxilby are available but have limitations in their quality and need enhancement and the tennis courts available at Saxilby, some of which are poor quality and floodlighting is requested to enhance usage. It is also noted that Laughterton has a tennis court but it is unclear as to its quality, availability and ownership. Nevertheless, however, the lack of any strategic provision or where facilities within the area are limited development should contribute to mitigating the impact of this development.

More localised needs for outdoor recreation (Local Useable Green Space) such as playgrounds, informal sport pitches (local) and open space and footpaths through semi natural areas are proposed by the applicant to meet the needs of future residents. This includes a LAP (formal equipment and open space play for 0- 4) a LEAP (formal equipment and open space play or 0-8), a community open space and village green, a Trim Trail for adults and young people, allotments/ edible plods and country walk. Contributions are also offered for a MUGA/ NEAP to the Dunham Road Park. It is recommended that this is placed within an s106 to ensure provision and future maintenance of these facilities to meet the needs of policies LP24, for Local Useable Green Space and indeed LP9 for health and amenity.

The proposed landscaping and amenity open space is such that it would assist to assimilate the development within the countryside as outlined above within the design and character stage subject to detail plans at reserved matters stage.

- Heritage and Archaeology

Policy LP25 indicates Development proposals should protect, conserve and seek opportunities to enhance the historic environment of Central Lincolnshire. It states that *'Unless it is explicitly demonstrated that the proposal meets the tests set out in the NPPF, permission will only be granted for development affecting designated or non-designated heritage assets where the impact of the proposal(s) does not harm the significance of the asset and/or its setting.'*

Newton on Trent accommodates a number of listed buildings within the vicinity of the site including St Peters a Grade 2* listed church and Hall Farmhouse Grade 2. The positioning of the site away from the village, intervening development and the location of the main village access roads and public footpaths is such that the impact on the setting of these heritage assets would be minimal. Careful consideration of any future layout would also allow new views of these assets to be created which is positive.

Heritage matters which includes archaeology, is given significant weight within the NPPF and is given a specific chapter in the same way as housing, the economy etc. and it forms a key element of assessing whether a development is sustainable or not. It notes at paragraph 184 that Local Planning authorities should plan positively for the conservation and enjoyment of the historic environment and states: *'In doing so, they should recognise that heritage assets are an irreplaceable resource and conserve them in a manner appropriate to their significance'*.

It then further notes *'Where a site on which development is proposed includes or has the potential to include heritage assets with archaeological interest, local planning authorities should require developers to submit an appropriate desk-based assessment and, where necessary, a field evaluation.'* National Planning Policy Framework Section 16, para 189. This site has already undergone pre-determination evaluation which for the most part was negative across the site, however, there was a concentration of Roman material in one of the trenches which appeared to be connected with a corn-dryer and also evidence of a high status building. This is capable of being resolved by condition as recommended by LCC Historic Services.

- **Planning Balance & Conclusion**

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

The proposed development provides 325 houses, a community facility and business barn along with supporting open space and other features. Notwithstanding previous determinations, it is considered that the vast majority of the site would fall within the open countryside, designated category level 8 within policy LP2. The development does not accord with the restricted range of uses deemed appropriate for the countryside, or other policies and so falls contrary to policy LP2 and LP55 of the CLLP.

Should it be determined, however, that the development would fall within Newton on Trent, the development would represent a significant departure from the small scale development usually allowed within small villages, category level 6, of policies LP2 and LP4 and would therefore represent a substantial quantum of development in an unsustainable location.

Policy LP2 and LP4 provides some flexibility on the quantum of development allowed if clear local community support can be demonstrated. Despite further community consultation and a vote, clear local community support not been established for the scheme but rather a mixed view with a substantial minority of votes being cast against the proposal. The positive support of the parish council whilst important would not form a casting vote within policy LP2 as sufficient response has been received to ascertain the level of support and objection to the scheme. It is considered therefore that the proposal would be contrary to policies LP2 and LP4 of the CLLP as clear local community support has not been demonstrated.

In addition, to this Policy LP4 also requires developers to undertake a sequential approach to development sites in appropriate locations. The scale of development would mean that the development would fall within the least preferable site due to its

scale and would not meet the appropriate location test as the proposal would not retain the core shape and form of the settlement indeed it would practically double the number of dwellings in the village and its footprint into the countryside.

The application site measures approximately 18 hectares in area, and is located within a mineral safeguarding zone as designated within the Lincolnshire Minerals and Waste Local Plan Core Strategy and Development Management Policies. No assessment has been submitted to indicate that sand and gravel minerals would not be sterilised as a result of the proposal contrary to policy M11 nor that it could not be extracted before development or why the development could not be located elsewhere or indeed whether there are any overriding economic reasons that would outweigh the importance of mineral extraction at the site.

The location of the proposed development within Flood Zones 2 (medium probability) & 3 (high probability) is considered to place future occupiers and development at potential risk from flooding without adequate overriding reasons due the level of allocated, less vulnerable, sites available within the CLLP suitable for a housing led schemes, and is therefore contrary to the provisions of the NPPF and policy LP14 of the CLLP. The scheme does not include adequate reasons to limit the sequential search to Newton on Trent and would provide a scheme which would not generate a sustainable development, which even with enhancements to facilities and transport connections proposed would still be likely to cumulatively increase the level of car usage overall within the village with access the majority of day to day services/ employment facilities away from the village. The proposal would also place existing village facilities under pressure and would not accord with the NPPF (033 Reference ID: 7-033-20140306) and create a significant sustainable extension to Newton on Trent.

Policies LP10 and LP11 seek development to provide an appropriate mix of housing types, sizes and tenures including affordable housing. The housing mix proposed is generally deemed acceptable in scale and type, however, the affordable housing tenure proposed has not been justified and may not meet the housing need for affordable homes within Central Lincolnshire contrary to the affordable rented tenure advocated within the adopted Development Contributions Supplementary Planning Document (adopted July 2018) and as justified by the Central Lincolnshire Strategic Housing Market Assessment 2015. Similarly, the retirement units should include a percentage of affordable homes to meet housing need.

Finally, strategic playing field contributions are required to meet a shortfall in need and standard at Saxilby with respect to the tennis courts contrary to policy LP24 of the CLLP.

Opposing this, the engagement and consultation with the community over the design and additional facilities provided by the proposal is positive even if it did not provide clear local community support for the proposal overall and should be given positive weight.

The flood risk assessment submitted is also positive would provide a development which would not only create a safe development for its life time without increasing risk elsewhere but would also reduce the level and extent of flood risk currently endured

by some adjoining residents in Newton on Trent. This should also be given positive weight.

The BREEAM accreditation for the development is very positive and indicates that the development itself would present an energy efficient buildings with additional community and employment facilities, which the settlement does not currently have and would increase some transport options for existing and future occupiers alike. This should therefore be given positive weight within the planning balance.

However, this is not considered to offset the otherwise unsustainable credentials of a development of this scale, in a rural location.

The limited impact on the character of the area, highway safety and capacity, ecology and character of the area are noted and should be given limited positive weight in the planning balance.

Concluding whilst the positive elements of the scheme are recognised, together they do not outweigh the limitations of the scheme contrary to the sustainable spatial strategy of the development plan, adopted SPG on developer contributions, the Lincolnshire Minerals and Waste Local Plan Core Strategy and Development Management Policies and national policies of the NPPF supported by guidance within the NPPG.

RECOMMENDATION: Refuse permission for the following reasons:

1. The development proposed would be located within open countryside and would not accord with the limited development types usually acceptable outside settlements contrary to the sustainable spatial strategy advocated within the Central Lincolnshire Local Plan. As an extension to Newton on Trent the development would vastly exceed the small scale development of a limited nature typically supported within a small village. There has not been a clear demonstration, through evidence, of local community support. At the scale proposed, it would result in the growth of this small village at unsustainable levels in view of its limited facilities and being heavily dependent on private vehicles to access employment, retail and other basic facilities. The application site would expand the village in housing numbers and area substantially and it would not retain a tight village nucleus, and would instead extend away from the village into the open countryside almost doubling in size. The adverse impacts of development would significantly and demonstrably outweigh the benefits of development and the development does not meet the NPPF presumption in favour of sustainable development. Development does not comply with the policies of the Central Lincolnshire Local Plan, namely policies LP2, LP4 & LP13.
2. The application proposes a non-mineral development within a Mineral Safeguarding Area for Sand and Gravel. The development would sterilise mineral resources within the Mineral Safeguarding Area, and it has not been demonstrated that the development could not be reasonably sited elsewhere. Development does not therefore comply with policy M11 of the Lincolnshire

Minerals and Waste Plan: Core Strategy and Development Management policies.

3. The proposed development would be located within flood zones 2 & 3 contrary to policies: LP4, LP14 and the provisions of the NPPF as the proposal fails to provide sufficient evidence that sites less vulnerable to flooding were not available to accommodate this level of development and sufficient exceptional reasons have been provided to support the scheme.

Other matters

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

Appeal Decision

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

Unaccompanied site visit made on 1 December 2017

by C Sherratt DipURP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 12 February 2018

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

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

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant outline planning permission.
 - The appeal is made by Furrowfresh Limited against the decision of West Lindsey District Council.
 - The application Ref 134411, dated 9 May 2016, was refused by notice dated 17 November 2017.
 - The development proposed is 'Mixed use sustainable village extension comprising; Up to 325 private and affordable dwelling units (Use Class C3); Community meeting and community health rooms (Use Class D1) with ancillary pub / café (Use class A4) and sales area (Use Class A1) and sales area (Use Class A1); new landscaping; public and private open space.'
-

Decision

1. The appeal is dismissed.

Preliminary Matters

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

Main Issues

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

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

Reasons

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

Sustainable form of development

Spatial strategy and settlement hierarchy

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

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

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

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

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

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

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

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

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

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

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

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

Proximity to services and facilities

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

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

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

Flood risk

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

³ Kate Hiseman in cross-examination

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

Other Matters

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

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

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

Other Considerations

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

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

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

Balancing exercise

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

Overall Conclusion

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

Claire Sherratt

Inspector

APPEARANCES

FOR THE LOCAL PLANNING AUTHORITY:

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

FOR THE APPELLANT:

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

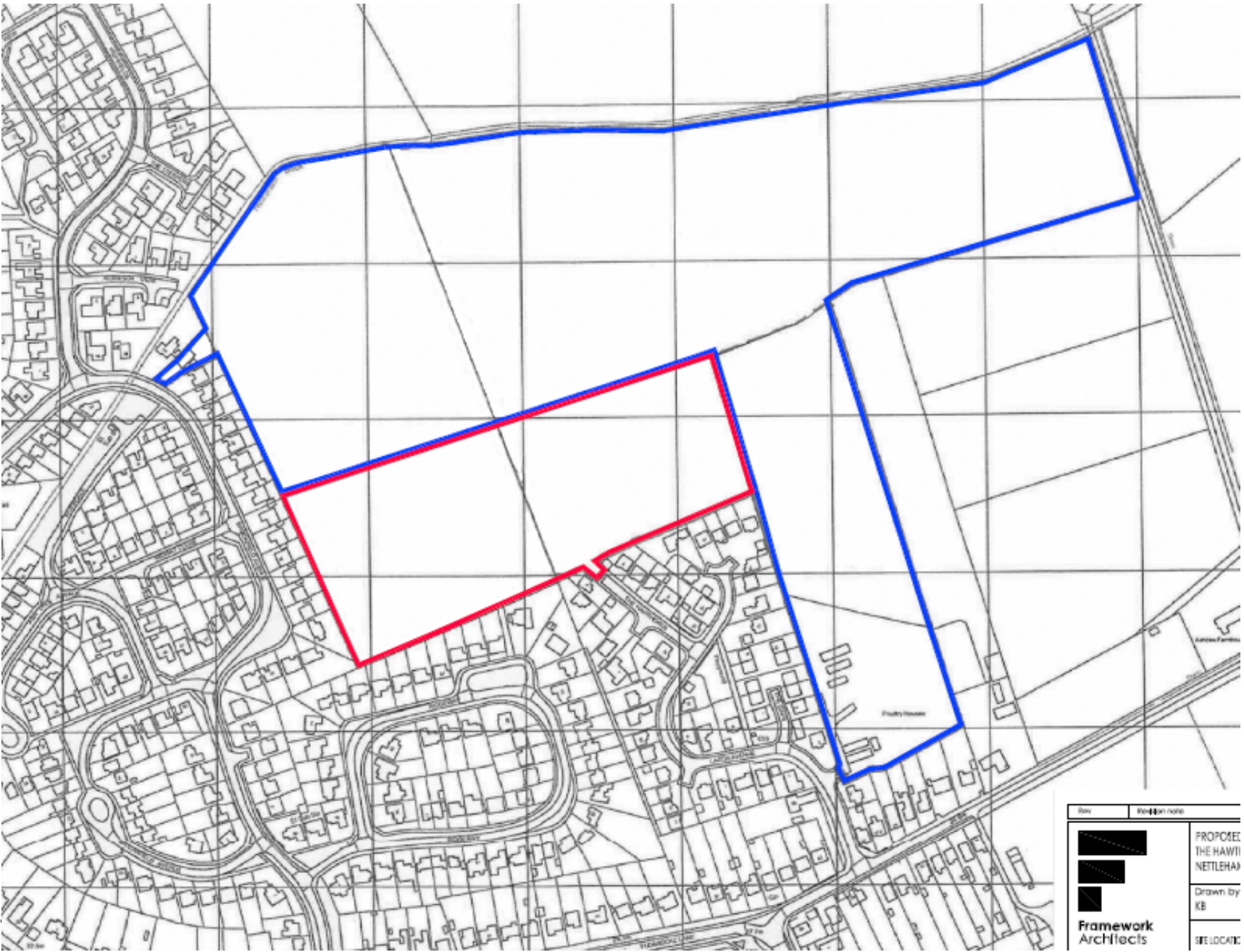
INTERESTED PERSONS:

Mr Maddison	Local resident
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DOCUMENTS RECEIVED AT / AFTER THE INQUIRY

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





Officers Report

Planning Application No: 138494

PROPOSAL: Outline planning application for erection of up to 63no. dwellings with garages, access roads, footpaths and open space-access to be considered and not reserved for subsequent applications.

LOCATION: Land off The Hawthorns Nettleham

WARD: Nettleham

WARD MEMBER(S): Cllr Mr G McNeill and Cllr Mrs A White

APPLICANT NAME: J Dixon, J Gauke, J Pickwell and J Pickwell

TARGET DECISION DATE: 23/01/2019

DEVELOPMENT TYPE: Major - Dwellings

CASE OFFICER: Ian Elliott

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

- The construction of 16 affordable homes with tenure to be agreed at reserved matters. This is an indicative number dependant on the dwelling number applied for at reserved matters,
- An NHS contribution to create additional consultation space at the surgery. Based on an indicative number of houses and their size, which would only be determined at reserved matters, this could amount to £39,847.50
- An LCC Education contribution towards additional classrooms at the Carlton Academy, Lincoln. Based on an indicative number of houses and their size, which would only be determined at reserved matters stage this could amount to £135,517.00
- Open space on the site including a management and maintenance plan.
- Pedestrian footpath from the south boundary of the site to the Nettleham Beck and then south to the Anglian Water Sewage Works (see plan J1727 SK12 dated December 2018)

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

Executive Summary:

This is an outline application for up to 63 dwellings with access to be considered from The Hawthorns. The site is an allocated housing site to adjacent the north and east built form of Nettleham for an indicative 50 dwellings in the Central Lincolnshire Local Plan (CL4662) and the made Nettleham Neighbourhood Plan (policy H-7)

The main objections relate to:

- Proposed dwelling number is above the indicative 50 of the development plan
- Impacts on the local services such as the Primary School and Doctors
- Impact on the village by traffic generated by the development
- Impact of noise and disturbance caused by footpath and access on the residential amenity of neighbouring dwellings.

The principle of housing development on the site has been established through its allocated status and access to the site is only possible from one location, namely The Hawthorns. Its allocated status is important to the Central Lincolnshire housing supply and the aspirations of the made Nettleham Neighbourhood Plan.

The development would meet all the contributions requirements of affordable housing, NHS, Education, open space as well as providing a public footpath to more than meet an aspiration of the Nettleham Neighbourhood Plan.

The maximum of 63 dwellings proposed by this outline application is above the indicative 50 dwellings for this allocated site. An indicative site layout has been submitted which clearly demonstrates the capability of the site to accommodate up to 63 dwellings and all the necessary infrastructure such as roads and footpaths whilst retaining the character of the adjacent and nearby residential built form of the village and could protect residential amenity.

Some concerns have been raised from Anglian Water in relation to Surface Water drainage but in conformity with the Lead Local Flood Authority have recommended that surface water drainage is capable of being justified by the submission of further details through a condition.

Subject to conditions (particularly surface water drainage and housing mix) and a reserved matters application it is considered that the proposal would be acceptable and would accord with policies LP1, LP2, LP3 LP9, LP10, LP11, LP12, LP13, LP14, LP17, LP21, LP24, LP25, LP26, LP52 of the Central Lincolnshire Local Plan, policy M11 (Safeguarding of Mineral Resources) of the Lincolnshire Minerals and Waste Local Plan (Core Strategy and Development Management Policies), policies_Policy E-5 Nettleham Beck Green Corridor, Policy D-1 Access, Policy D-2 Pedestrian and Cycle Access, Policy D-4 Water Resources and Flood Risk, Policy D-6 Design of New Development, Policy H-1 Managed Housing Growth, Policy H-2 Housing Mix, Policy H-3 Housing for Older People, Policy H-4 Affordable Housing and Policy H-7 Land behind the Hawthorns and the provisions of the National Planning Policy Framework.

Proposal:

Outline planning permission is sought for a residential development of 63 dwellings with access to be considered. Scale, appearance, layout and landscaping are reserved for a subsequent application(s) – ‘reserved matters’.

The development is proposed to provide 47 market dwellings, 16 affordable homes and associated infrastructure such as roads, footpaths, drainage and open space.

Description:

The application site comprises an area totalling 3.09 hectares from two individual agricultural fields which are only separated by a ditch and a line of hedging. The site is located to the north and east of the Nettleham developed footprint. The site is allocated for housing within the Central Lincolnshire Local Plan 2012-2036 (CL4662) and the Made Nettleham Neighbourhood Plan (Policy H-7). The agricultural land is primarily used for crops (arable farming) apart from an area directly to the north of the site's south boundary between 7 The Hawthorns and 20 Larch Avenue. This area comprises overgrown grass. The land is predominantly flat but starts to slope gently downwards around the north boundary and even more the further north you walk off the site towards the Nettleham Beck.

The north boundaries of the site are open to the remainder of the associated field. The east boundary is screened by hedging with a small gap of the width of an informal agricultural vehicular access. The south and west boundaries which adjoin to Nettleham are screened by a mix of low and high fencing, hedging and an occasional tree. Neighbouring dwellings of mixed age, scale, design and position and are adjacent or opposite to the south and west boundaries. Open fields are to the north and east.

The Nettleham Beck runs east to west and is approximately 190 metres from the north boundary of the site. Public Rights of Way Nttm/149/1 sits approximately 450 metres to the north of the site. The site is a Limestone Minerals Safeguarding Area and in flood zone 1.

Relevant history:

132847 - Hybrid planning application for a change of use to provide areas of public open space-sports facilities, including outline planning application for the erection of up to 200no. dwellings and associated roads and infrastructure with access to be considered and not reserved for subsequent applications – 15/02/16 – Refused (Planning Committee) – Appeal Dismissed 20/07/17 (APP/N2535/W/16/3147409)

Reasons for refusal:

Paragraph 41 states that *'The development would conflict with the spatial strategy and settlement hierarchy of the LP and be at odds with the quantum and location of development expected by the NNP. It would also result in a harmful impact on the character and appearance of the area. As such, it would be contrary to Policies LP2, LP52 and LP55 of the LP, as well as H-1 and H-7 of the NNP'*.

Other important relevant extracts:

Extract from Paragraph 16 states that *'I see no reason why the development could not create a sensitive edge to the village, particularly given the indication in the illustrative site layout that large areas of open space and planting would wrap around the site'*.

Extract from Paragraph 17 states that *'The proposed development would be substantial and would clearly have an impact on landscape character but it would, in my view, relate well to the existing buildings on the village edge. With appropriate design and landscaping at the reserved matters stage, the visual effects could be partially mitigated but the scale of the development would be such that it would be seen as sizeable extension of the village'*.

Extract from Paragraph 19 states that *'The NNP offers some flexibility on numbers and density, subject to a number of criteria being met. I see no reason why the development could not achieve a suitable density in the context of existing development on the edge of the village'*.

Extract from Paragraph 20 states that *'Consequently, I do not share concerns that a larger scale development would necessarily harm the character of the area or prevent effective integration with the village but, in this case, a significantly larger scheme would have greater impacts than a scheme for 50 dwellings'*.

Extract from Paragraph 21 states that *'Overall, the development would result in no more than limited harm to the character and appearance of the area. I find no conflict with policies LP17 and LP26 of the LP'*.

Extract from Paragraph 26 states that *'Although I have had regard to the significant number of concerns raised with respect to pressure on local infrastructure, I have been provided with no evidence to demonstrate any harm that would arise from the development in these terms. As such, I have no reason to conclude that the development would be unacceptable on these grounds, or set aside the contrary views of local service providers'*.

Extract from Paragraph 27 states that *'This may lead to some level of additional noise and disturbance from increased activity but it is accepted that the village needs to grow and the additional development proposed as part of this scheme would be relatively small in the context of the size of the village'*.

Extract from Paragraph 28 states that *'Taking this into account, and the limited duration of the construction works, I do not consider that the living conditions of existing residents would be materially harmed'*.

Representations

Cllr Mr G McNeill: Comments

I would like to request determination of this planning application by committee on the basis of Part IV/Page 38 of the Constitution, 'Development Management' (b).

Policy H - 1 of the made Nettleham Neighbourhood Plan (NNP) indicates that:

These housing sites will each be restricted to a yield of 50 homes unless it can be demonstrated that their proposed numbers can be satisfactorily incorporated into the community and also that their proposed design, layout and dwelling numbers can be satisfactorily incorporated into their topography and landscape settings.

The proposed number of dwellings for the site is 63 which is considerably greater (26%) than the indicative number given within the NNP and the Central Lincolnshire Local Plan LP52. This is supported in the decision of the inspector in the planning appeal (APP/N2535/W/16/3147409) for the previous application on this site at point 8 where he states:

Site allocation CL4662 falls within the appeal site, where it is expected that 50 dwellings will be delivered.

The inspector attached significant weight to the harm due to the conflict with LP2 & LP52 and NNP H – 1 & H – 7 in his determination of the appeal on the previous application which relates to the quantum of development.

Further, the policy also states that:

Planning applications for the four allocated housing sites in this Plan will be supported where they demonstrate through the submission and approval of a construction management plan that their development will not have any unacceptable impacts on the community. At the time of writing there appears to be no such plan presented with the application.

I have received representations from local residents in the adjoining Larch Avenue development that they believe the proposal will harm their residential amenity; which would be a conflict with NNP H – 7 (b) On the basis of the foregoing I humbly submit that the application is in conflict with a valid planning reason, that is unlikely to be resolved prior to determination, namely the quantum of the development. It therefore meets criteria (ii). Further, as the inspector's decision to the previous application made clear, the policy within the Local Plan have only recently been set. This includes the spatial strategy and settlement hierarchy. As the proposed development would take the level of development beyond the 237 dwellings identified in the Local Plan it is of significance to the whole district if the levels of development set out in the Local Plan are to be exceeded, so early in the life of the Local Plan. It therefore meets criteria (i).

Nettleham Parish Council: Objects

In summary:

- The site is an allocated site in the CLLP and the Nettleham Neighbourhood Plan. This indicates a housing density of around 50 dwellings. The application is for 63 dwellings which is 25% above the 50 dwelling target. It conflicts with local policy LP52 of the CLLP and policy H-1/H-7 of the NNP.

- 55 dwellings have been approved in the village over and above the identified numbers in the CLLP.
- The numbers on the site should be constrained to 50 dwellings.
- If minded to approve the Parish Council would expect a substantial sum through a section 106 agreement in order to improve and maintain the existing adjacent children's play area.

Local residents: Representations received from:

- 49, 51 and 57 Ridgeway
- 31, 39 and 41 Larch Avenue
- 71 Sudbrooke Lane

Objections (summarised):

Allocation/Density

- Dwelling number exceeds 50 limit in LP52 of the CLLP and Nettleham Neighbourhood Plan therefore not in keeping with local planning strategy.
- 200 dwellings should be constructed over 25 years and not within a 1-2 year period without a timely uplift in local amenities.

Highway Safety

- It will further increase traffic generation, congestion plus parking around and within the village centre.
- It will cause congestion along Hawthorn Avenue and surrounding roads through use of the proposed access with street parking that occurs.
- Impact from construction traffic for 12 months or more.

Residential Amenity

- Impact of development on privacy of 39 Larch Avenue through closeness and proposed adjacent back garden.
- Impact on privacy noise, pollution and nuisance of proposed footpath on 49 and 51 Ridgeway.
- Overlooking, loss of light and overbearing impact on 41 Larch Avenue.
- Noise, vibration and disruption from additional traffic generated.

Local Amenities (services and facilities)

- Impact on community and already significant pressure on local amenities such as the doctor appointments, school places and parking at the villages Co-op store from existing development in the village and neighbouring villages (Cherry Willingham and Welton).
- Impact on Nettleham Medical Centre and Nettleham Primary School.

Other

- Layout promotes future development north of the site.
- This application should be cross referenced to application 132847 which was rightly refused in 2016, and involves the same land and the same applicants.

- I do not want our house (71 Sudbrooke Lane) to be enclosed by yet more dwellings.
- 71 Sudbrooke Lane and our neighbours have received no consultation about this application.

LCC Highways: No objections subject to conditions

LCC Lead Local Flood Authority: No objections subject to conditions

The Lead Local Flood Authority had initial concerns over the manner and method of drainage indicated. However the issue with the drainage of the site in a sustainable manner has now been overcome subject to a comprehensive condition.

Environment Agency: No objections with advisory comments

WLDC Public Protection: No objections

A previous application for a larger development on the site brought housing much closer to the Anglian Water sewage treatment plant north east of the site and an odour assessment was sought at that time.

This new application has a much reduced number of proposed dwellings, located away from the treatment plant, but again an odour assessment was required. This assessment has concluded that there will be little impact upon the residents of the new dwellings, as such I have no objection on odour grounds.

LCC Archaeology: No objections

In light of previous archaeological evaluation on this site, no further archaeological input will be required.

Natural England: No objections with advisory comments

Lincolnshire Wildlife Trust: No representations received to date

NHS England: No objections subject to a financial contribution

The contribution requested for the development is £39,847.50 (£632.50 x 63 dwellings). To create additional consultation space through converting a room currently used for the storage of medical records into a clinical room. This would enable the Practice to employ additional clinical staff, thereby increasing their capacity to deal with the anticipated increase in patient numbers.

LCC Education: No objections subject to a financial contribution

Comments (summarised):

The development is required to mitigate for 12 Primary School Place meaning an education contribution of £135,517. Where an application is outline a formulaic approach will be taken in a section 106 agreement, this may result in a higher contribution if a high proportion of large houses are built. This would be finalised at the reserved matters stage.

The contribution will go towards a 0.5FE extension of the Carlton Academy, Lincoln via four additional classrooms. Nettleham Primary School is incapable of extension. Any Lincoln children going to Nettleham can go to the Carlton Academy making room at Nettleham.

The contribution is to be paid at the halfway point of the development.

Lincolnshire Police: No objections with advice

LCC Minerals and Waste: No objections

Whilst the policy does essentially have the 'catch all' of requiring a Minerals Assessment for all development within a safeguarding area, it does state that we would grant planning permission for development that sterilises mineral if the site is allocated in a Local plan. Therefore in this instance we would be satisfied for the District Authority to determine what was appropriate to meet this criteria, without the need to consult LCC Minerals and Waste further.

LCC Health Impact: No representations received to date

WLDC Senior Housing Strategy and Enabling Officer: Comment

As per the Central Lincolnshire Local Plan, on a development of that size they would be required to provide 16 affordable dwellings (as they have stated). The tenure split would be 70% affordable rent and 30% shared ownership.

WLDC Waste Services: No representations received to date

Anglian Water: Objections with conditions

Wastewater Treatment:

- Nettleham Water Recycling Centre will have available capacity for these flows.

Used Water Network:

- Development will lead to an unacceptable risk of flooding downstream. Anglian Water will need to plan effectively for the proposed development, if permission is granted. We will need to work with the applicant to ensure any infrastructure improvements are delivered in line with the development. We therefore request a condition requiring phasing plan and/or on-site drainage strategy.

Surface Water Disposal:

The surface water strategy/flood risk assessment submitted with the planning application relevant to Anglian Water is unacceptable. Insufficient evidence has been provided to show that the surface water hierarchy has been followed as stipulated in Building Regulations Part H. This encompasses the investigations in to discharging direct to a watercourse. If this method is deemed to be unfeasible for the site, we require confirmation of the intended manhole connection point and discharge rate proposed before a connection to the public surface water sewer is permitted. We would therefore recommend

that the applicant needs to consult with Anglian Water and the Environment Agency. We request that the agreed strategy is reflected in the planning approval.

Summary of recommended conditions:

- A scheme for on-site foul water drainage works prior to the construction above damp proof course.
- A surface water management strategy prior to any drainage works commencing.

IDOX checked: 13th December 2018

Relevant Planning Policies:

Local Policy

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 (June 2016).

Central Lincolnshire Local Plan 2012-2036 (CLLP)

The policies considered most relevant are as follows:

LP1 A Presumption in Favour of Sustainable Development

LP2 The Spatial Strategy and Settlement Hierarchy

LP3 Level and Distribution of Growth

LP9 Health and Wellbeing

LP10 Meeting Accommodation Needs

LP11 Affordable Housing

LP12 Infrastructure to Support Growth

LP13 Accessibility and Transport

LP14 Managing Water Resources and Flood Risk

LP17 Landscape, Townscape and Views

LP21 Biodiversity and Geodiversity

LP24 Creation of New Open Space, Sports and Recreation Facilities

LP25 The Historic Environment

LP26 Design and Amenity

LP52 Residential Allocations – Large Villages

<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)

The site is within a Limestone Minerals Safeguarding Area. Policy M11 (Safeguarding of Mineral Resources) applies.

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

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

Nettleham Neighbourhood Plan (NNP)

The Nettleham Neighbourhood Plan was formally 'made' by West Lindsey District Council at a Full Council Committee meeting on the 3rd March 2016. As per Neighbourhood Plan Regulations 2012, this Neighbourhood Plan is now 'made' and should be used when determining planning applications within the identified Neighbourhood Area.

Policy E-5 Nettleham Beck Green Corridor

Policy D-1 Access

Policy D-2 Pedestrian and Cycle Access

Policy D-4 Water Resources and Flood Risk

Policy D-6 Design of New Development

Policy H-1 Managed Housing Growth

Policy H-2 Housing Mix

Policy H-3 Housing for Older People

Policy H-4 Affordable Housing

Policy H-7 Land behind the Hawthorns

Appendix A Character Assessment (CA)

Appendix B Proposals Map

Appendix E Ecological Strategy

Appendix J Nettleham's Housing Evidence Paper

Nettleham Village Design Statement dated December 2010

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

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>

Other

Central Lincolnshire Developer Contributions Supplementary Planning Document Adopted June 2018

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

Strategic Housing Market Assessment dated July 2015

Main issues

- Principle of the Development
Central Lincolnshire Local Plan 2012-2036
Nettleham Neighbourhood Plan
National Planning Policy Framework

Discussion

Concluding Statement

- Access
- Minerals and Waste
- Affordable Housing
- Developer Contributions
- *National Health Service*
- *LCC Education*
- *Open Space*
- Health Impact Assessment

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.

Central Lincolnshire Local Plan 2012-2036:

Local policy LP2 sets out a spatial strategy and settlement hierarchy from which to focus growth. Local policy LP2 states most housing development proposals in Nettleham (Large Village) will be '*via sites allocated in this plan, or appropriate infill, intensification or renewal within the existing developed footprint*'.

Local Policy LP52 identifies sites within large villages which are allocated primarily for residential use. This Nettleham site is identified by allocation reference CL4662 as land east of Brookfield Avenue, Nettleham (2.79 hectares) for an indicative 50 dwellings.

Made Nettleham Neighbourhood Plan (NNP):

As referenced above the made Nettleham Neighbourhood Plan is part of the Development Plan and has full weight in the decision making process. The relevant policies are listed in the policy section above.

Policy E-5 protects the setting, character and enjoyment of the Nettleham Beck from inappropriate development.

Policy D-1 ensures residential developments does not harm the safety and flow of the local highway network.

Policy D-2 ensures that pedestrian and cycling routes are considered in residential developments.

Policy D-4 ensures developments are safe from flood risk and are served by appropriate drainage systems.

Policy D-6 provides design principles for all new development in the settlement including character, landscape and parking.

Policy H-1, H-2, H-3 and H-4 sets out the villages aspirations for housing growth within or adjacent the settlement.

Policy H-7 is a specific policy dedicated to residential allocation site C (the application site) in the Nettleham Neighbourhood Plan. It indicates that the quantum of: *'Dwellings allocated within the area: (is) approximately 50 dwellings'*. This is subject to criteria (a-c) which the development needs to adhere to, and these will be returned to later.

National Planning Policy Framework:

Paragraph 67 of the NPPF states that *'strategic policy-making authorities should have a clear understanding of the land available in their area through the preparation of a strategic housing land availability assessment. From this, planning policies should identify a sufficient supply and mix of sites, taking into account their availability, suitability and likely economic viability. Planning policies should identify a supply of:*

a) specific, deliverable sites for years one to five of the plan period and

b) specific, developable sites or broad locations for growth, for years 6-10 and, where possible, for years 11-15 of the plan.

Paragraph 69 of the NPPF states that *'Neighbourhood planning groups should also consider the opportunities for allocating small and medium-sized sites (of a size consistent with paragraph 68a) suitable for housing in their area'*.

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)'*.

Discussion:

The application proposes to construct 63 dwellings on an allocated site which adjoins two boundaries of the settlement. The CLLP and NNP identify that the site is appropriate for an indicative 50 dwellings towards the growth of Nettleham and the Central Lincolnshire housing supply.

The application has included an indicative site layout plan J1727 SK01B received 24th October 2018 which demonstrates that the site can accommodate the proposed amount of dwellings alongside infrastructure and an area of open space.

Section 3.2.1 of the submitted Integrated Planning Statement states that the proposal amounts to 20 dwellings per hectare which meets the recommended density in section 5.3.1 (Housing Growth - page 35) of the NNP. The density proposed is commensurate and reflective of the areas of Nettleham surrounding the site such as The Hawthorns, Larch Avenue, Ridgeway and Brookfield Avenue.

Policy H-1 of the NNP states that *'These housing sites will each be restricted to a yield of 50 homes unless it can be demonstrated that their proposed numbers can be satisfactorily incorporated into the community and also that their proposed design, layout and dwelling numbers can be satisfactorily incorporated into their topography and landscape settings'*.

As previously stated the indicative layout demonstrates a density and form which is appropriate to the adjoining residential area and can provide a good mix of dwellings including affordable housing on site to suit the needs of all ages. Unlike the previous application the development would also remain within the allocated site. The proposal would provide contributions to education and national health facilities to retain the standard and quality of service provided to the community whilst supporting the local economy within the village. The site would include the required quantity of open space whilst being located within walking distance of play equipment, and the park (Mulsanne Park) The development would additionally go above and beyond what is required by NNP policy H-7(c) by implementing a footpath which travels not only north to south through the site to the Nettleham Beck but then goes east towards the sewage works. This will provide a dedicated footpath for walkers and dog walkers.

Concluding Statement

The principle of housing development on the site has been established by its allocation status in the CLLP and the NNP. The application has demonstrated that the site is capable of achieving a slightly greater but acceptable density for 63 dwellings above indicative numbers stated in the plan, whilst satisfactorily incorporating the development into the community. The development therefore accords with local policies LP1, LP2 and LP52 of the CLLP, policy H-1 and H-7 of the NNP and the provisions of the NPPF.

It is considered that policies LP1, LP2, LP52, H-1 and H-7 are consistent with the sustainability and housing growth guidance of the NPPF and can be attached full weight.

Access

Objections have been received from neighbours based on the potential traffic congestion the development could cause along The Hawthorns, the surrounding roads and the village centre.

Local policy LP13 of the CLLP states that *'development proposals which contribute towards an efficient and safe transport network that offers a range of transport choices for the movement of people and goods will be supported' and sets out criteria to be considered including public transport, cyclist and walkers.*

Policy H-7 of the NNP on page 45 states that *'the detailed map shows the two possible points by which vehicular access could be achieved into the site'* and includes the following criteria:

'a) Provision of satisfactory vehicular access;

b) The design, layout and vehicular access into the site shall respect and safeguard the residential amenities of the existing residential properties in the Hawthorns, Ridgeway and Brookfield Avenue’.

Guidance within paragraph 109 of the NPPF states that *‘development should only be prevented or refused on highways grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network would be severe’.*

The Map shown on page 46 of the NNP indicates that vehicular access to the site can be achieved where The Hawthorns (adopted carriageway) currently terminates adjacent 8 The Hawthorns and 9 The Hawthorns or alternatively through a single agricultural track accessed from Ridgeway. The Hawthorns option currently terminates to an existing agricultural gated access to the site.

The single agricultural track off Ridgeway is not wide enough for two vehicles and pedestrian footpaths therefore the development has opted to provide vehicular access to the site from The Hawthorns. The indicative site layout plan J1727 SK01B received 24th October 2018 demonstrates that there will not be a junction where The Hawthorns currently terminated or immediately within the site. The indicative site layout plan demonstrated that The Hawthorns will potentially maintain its direction with a very gentle right to left bend for a further 60 metres before connecting to a junction well within the site.

In paragraph 27 of appeal APP/N2535/W/16/3147409 (200 dwellings) the inspector concluded that the additional traffic generation would *‘lead to some level of additional noise and disturbance from increased activity but it is accepted that the village needs to grow and the additional development proposed as part of this scheme would be relatively small in the context of the size of the village’.*

The Highways Authority at Lincolnshire County Council subject to normal conditions associated with a housing development of this scale have no objections.

The development is therefore considered to accord with policy LP13 of the CLLP, policy H-7 of the NNP and the provisions of the NPPF.

It is considered that policy LP13 and H-7 are consistent with the highway safety guidance (paragraph 109) of the NPPF and can be attached full weight.

Minerals and Waste

Guidance contained within paragraph 203-211 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 site is within a Limestone Minerals Safeguarding Area. The nature of the proposed development will sterilise the minerals resource on the site but the indicative site layout plan J1727 SK01B received 24th October 2018 retains access to the adjacent agricultural fields. Even if the development prevented access to these fields there are other means of accessing them therefore the development will not prevent future mineral extraction from the adjacent agricultural fields.

In any case the last bullet point in the above criteria makes it clear that planning permission on allocated sites will be granted permission even if the minerals resource is sterilised or prevents future extraction of neighbouring land. This has been confirmed in writing by the Minerals and Waste Team at Lincolnshire County Council.

Although the proposal will sterilise a mineral resource in West Lindsey its housing allocation status makes the minerals sterilisation acceptable and the development accords with policy M11 of Lincolnshire Minerals and Waste Local Plan (Core Strategy and Development Management Policies) and the provisions of the NPPF.

It is considered that policy M11 is consistent with the minerals guidance (chapter 17) of the NPPF and can be attached full weight.

Affordable Housing

Local policy LP11 of the CLLP states that *'affordable housing will be sought on all qualifying housing development sites of 11 dwellings or more'*. Criteria b (i) equates that to 25% (Lincoln Strategy Area (Excluding SUE's)) of the dwellings on site being affordable housing.

Policy H-4 of the NNP states that *'It is important to support a diverse and vibrant community with a balance of age groups. This is currently a problem in Nettleham due to the lack of affordable housing particularly for first time buyers'*. In summary policy H-4 states that onsite affordable housing is expected unless exceptional circumstances are justified, it should be seamlessly integrated into the development and a mix of housing is required to meet local need.

The Authorities Senior Housing Strategy and Enabling Officer confirms that the amount of affordable housing proposed by the development meets the required number for a 63 dwelling development in Nettleham and *'the tenure split would be 70% affordable rent and 30% shared ownership'*.

The Residential/Dwelling Units (Supplementary information template) received 24th August 2018 declares that of the 63 dwellings proposed 16 will be affordable homes. This equates to 25.3% of the dwellings being affordable homes which accords with the required provision for Nettleham.

The agent has submitted heads of terms to ensure the provision of affordable homes is legally obliged through a signed and certified S106 agreement created by the Authorities legal team.

The development is therefore in accordance with the affordable housing contribution required by local policy LP11 of the CLLP and policy H-4 of the NNP.

It is considered that policy LP11 and H-4 are consistent with the contributions for affordable housing on major developments guidance of the NPPF and can be attached full weight.

Developer Contributions

Objections have been received from residents in relation to the impact of the development on the local medical centre and Primary School.

Local policy LP9 of the CLLP states that *'The Central Lincolnshire authorities will expect development proposals to promote, support and enhance physical and mental health and wellbeing, and thus contribute to reducing health inequalities. This will be achieved by:*

- a) *Seeking, in line with guidance at policy LP12, developer contributions towards new or enhanced health facilities from developers where development results in a shortfall or worsening of provision, as informed by the outcome of consultation with health care commissioners'*

Local policy LP12 of the CLLP states that *'developers will be expected to contribute towards the delivery of relevant infrastructure. They will either make direct provision or will contribute towards the provision of local and strategic infrastructure required by the development either alone or cumulatively with other developments'*.

Policy S-1 of the NNP states that *'proposals that result in a loss of service, or facility, or result in significant harm to the community value of such services will be resisted unless it can be clearly demonstrated that the facility or service is replaced by one of enhanced quality, or that the ongoing delivery of such a service or facility is no longer financially viable'*.

National Health Service (NHS):

The Primary Care Support Medical & Pharmacy Officer at the NHS has requested a contribution of £39,847.50 (£632.50 x 63 dwellings). This will help create additional consultation space through converting a room currently used for the storage of medical records into a clinical room. This would enable the Practice to employ additional clinical staff, thereby increasing their capacity to deal with the anticipated increase in patient numbers.

LCC Education:

The Strategic Development Officer (SDO) at Lincolnshire County Council has requested a requirement for the development to mitigate for 12 Primary School Place meaning an education contribution of £135,517. Where an application is outline a formulaic approach will be taken in a section 106 agreement, this may result in a higher contribution if a high proportion of large houses are built. This would be finalised at the reserved matters stage.

The contribution will go towards a 0.5FE extension of the Carlton Academy, Lincoln via four additional classrooms. Nettleham Primary School is incapable of extension. Any Lincoln children going to Nettleham can go to the Carlton Academy making room at Nettleham. The SDO has recommended that the contribution is paid at the halfway point of the development.

The agent has submitted heads of terms to ensure the NHS and Education contribution is paid in a timely manner at agreed trigger points through a signed and certified S106 agreement created by the Authorities legal team. Therefore these contributions will ensure that the development will not have a significant harm on the community value of the medical centre and primary school.

The development is therefore in accordance with local policy LP12 of the CLLP and policy H-4 of the NNP.

It is considered that policy LP11 and H-4 are consistent with the contributions for affordable housing on major developments guidance of the NPPF and can be attached full weight.

Open Space:

Local policy LP24 of the CLLP 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 in accordance with the standards set out in Appendix C and in compliance with the latest Central Lincolnshire Developer Contributions Supplementary Planning Document (or similar subsequent document)’. It additionally states that the first option is for it to ‘be provided on-site in a suitable location’.

Appendix C of the CLLP provides the standards required for category 4 settlements in the hierarchy of local policy LP2. It declares that the local usable greenspace should be at a level of 1.5 hectares per 1000 population. It is preferred that the greenspace is provided on site but if not feasible then an offsite contribution to improve existing facilities will be considered.

Appendix C additionally sets out accessibility and quality standards to open space play provision within the area. These standards are:

Open Space Type	Accessibility Standards	Quality Standard
Amenity Green space over 0.2 hectare	Local (LAP) - 400m or 5 minute walk	Good and above as defined by Green Flag standards or any locally agreed quality criteria.
Formal Equipped Play areas	Local Equipped Area of Play (LEAP) - 400m or 5 minute walk Neighbourhood Equipped Area of Play (NEAP) - 1200m or 15 minute walk	Good and above as defined by Fields in Trust standards and/or any locally agreed quality criteria.
Playing Field provision	Local provision - 1200m or 15 minute walk Strategic provision - 15km distance or 15 minute drive	Good and above as defined by sport England Governing body standards or locally agreed quality criteria.

According to The Fields in Trust website ²(FIT) (previously the National Playing Fields Association (NPFa)) *standards have 3 categories of equipped play areas. These are local areas for play (LAP), local equipped area for play (LEAP) and neighbourhood equipped area for play (NEAP). The main characteristics of each category are:*

LAP (Local Area for Play)

The LAP is a small area of open space specifically designated and primarily laid out for very young children to play close to where they live.

² <http://www.softsurfaces.co.uk/blog/playground-surfacing/lap-leap-neap-play-area/>

LEAP (Local Equipped Area for Play)

The LEAP is an area of open space specifically designated and laid out with features including equipment for children who are beginning to go out and play independently close to where they live.

NEAP (Neighbourhood Equipped Area for Play)

The NEAP is an area of open space specifically designated, laid out and equipped mainly for older children but with the play opportunities for younger children as well.

Mulsanne Park is an approximate 844m (via Poachers Meadow) or 920m (via Greenfields and Field Close) walk from the proposed vehicular access of the site and comprises the following facilities:

- Fenced Children's Playground with a slide, 2 toddler swings, 4 children swings, 2 spring rides with an area of grass.
- Fenced Scooter and Skate Park for BMX's, scooters, skateboards and roller skates.
- Together the two individual fenced areas above include a bench, bins (including a dog bin) and safety signs.
- Grass Football Pitches (full sized, junior and mini)
- Grass Cricket Pitch
- Tennis Courts
- 100 space car park

The Bill Bailey Memorial Playing Field is an approximate 1500m walk from the proposed vehicular access of the site and comprises the following facilities:

- Fenced Children's Playground with 3 slides (mixed sizes), 1 combined slide/climbing frame, 4 toddler swings, 4 children swings, 3 spring rides, 1 rocking horse, 1 roundabout, 1 seesaw, 3 individual climbing apparatus with good sized areas of grass.
- The fenced area includes 2 benches, 2 bins and safety signs.
- Open areas of grass with football goals

The playground off Larch Avenue is an approximate 100m walk from the proposed vehicular access of the site and comprises the following facilities:

- Fenced Children's Playground a combined slide/climbing frame, 2 toddler swings, 2 children swings, 2 spring rides with an area of grass.
- The fenced area includes 2 benches, 2 bins and safety signs.

In light of the facilities listed above The Bill Bailey Memorial Park and Mulsanne Park are considered to be a Neighbourhood Equipped Area for Play (NEAP) and Larch Avenue playground is considered a Local Equipped Area for Play (LEAP).

When compared against the standards table in appendix C Mulsanne Park is within the 1200m or 15 minute walk limit and Larch Avenue is within the 400 metre or 5 minute walk limit. Therefore the proposed development is close

enough to an existing NEAP and LEAP which can more than adequately deliver exercise, enjoyment and a safe play environment to children of all ages.

Indicative site layout plan J1727 SK01B received 24th October 2018 identifies an area of public open space which will provide an onsite local area of play (LAP). It is approximated that the area of proposed public open space next to the vehicular access indicates an area of 1811m². In total the site is 30,900m² (3.09 hectares) in size which equates to 5.8% (1811m²) of the site set aside for public open space.

Paragraph 10.8 of the Central Lincolnshire Developer Contributions Supplementary Planning Document (DCSPD) adopted June 2018 provides a table to enable an assumption of housing developments population creation. In this case the figure cannot be exactly calculated as the application is in outline form with scale and appearance reserved for future determination. Therefore an approximate figure will be calculated by adding the five West Lindsey figures from the table together and dividing by five.
 $1.3+1.7+2.3+2.8+3.1 = 11.2/5 = 2.24$ people per dwelling

To derive at the population increase this approximate figure is multiplied by the proposed number of dwellings.

$$2.24 \times 63 = 141 \text{ people (141.12)}$$

Therefore the development is considered to increase the population of Nettleham by approximately 141 people.

To derive at the amount of public open space the development should deliver it is necessary to calculate the proposed population increase against the amount of greenspace the development should deliver (preferably on site):

$$141 \text{ (approximate residents)}/1000 \text{ population} \times 1.5 \text{ hectares} = 0.2115 \text{ hectares or } 2115\text{m}^2$$

Therefore using these figures the area of open space indicated on the plan is below required 2115m².

However, Criteria (c) of Policy H-7 of the NNP states that the development is subject to *'the provision of a footpath within the site and alongside the existing hedge running north--south (and as shown on the detailed map with this policy)'*. The agent has submitted a plan (J1727 SK12 dated December 2018) demonstrating the delivery of this footpath which runs from north to south through the site. In addition the development will extend the footpath further north to the Nettleham Beck and then east towards the land which serves the sewage works. Therefore the extent of the footpath provided will be above and beyond what is expected to accord with policy H-7(c) of the NNP.

In summary the application has demonstrated a commitment to provide a footpath which is over and above what is expected by policy H-7 of the NNP

and helps to realise an aspiration of NNP in so far as a useable open countryside footpath adjacent to this part of the village. This in itself is an important contribution to open space and amenity and provides health benefits to users. The development also indicates an approximate 1811 m² of open space provision (LAP) on the site and is located within acceptable walking distances of existing open space facilities with good quality play equipment (LEAP and NEAP) in the village. Therefore together these cumulatively would accord with local policy LP9 and LP24 of the CLLP, policy D-6 and H-7 of the NNP and provisions of the NPPF subject to the signing of a section 106 agreement.

It is noted that the Parish Council seek a substantial sum of money to assist to improve and maintain the adjacent playground. Whilst such a request is understandable, it is important to consider the legal tests that any contribution should be considered against, these are outlined within the CIL regulation 122 (2) which is as follows:

A planning obligation may only constitute a reason for granting planning permission for the development if the obligation is—

- (a) necessary to make the development acceptable in planning terms;
- (b) directly related to the development; and
- (c) fairly and reasonably related in scale and kind to the development.

In this instance, the development would require open amenity space for future occupiers to enjoy and use, and subject to the correct calculations would be justified as fairly and reasonable related in scale and kind to the development. The site provides for a substantial quantity of open space land required but would also be located within acceptable distances to a number of good quality play areas which are suitable to meet the various age group needs of residents without enhancement limiting the necessity to request a contribution. As existing facilities, the playgrounds maintenance are the owner's responsibility and are not reasonably related to the development nor required to make this proposal acceptable as such maintenance occurs with or without this development. As such it is not deemed appropriate to request a contribution to play equipment as requested.

In overall terms, therefore, the open amenity space, LAP and footpath proposed when consider together with the existing recreation facilities within the area would accord with policies LP9 and LP24 of the CLLP, the SPG on Contributions, policies D-6 and H-7 of the Neighbourhood Plan and the provisions of the NPPF.

Health Impact Assessment

Local policy LP9 states that planning has a vital role '*in creating and supporting strong, vibrant and healthy communities, in terms of physical and mental health, is well recognised and is a key element in delivering **sustainable development*** (Bold format added)'. Criteria (b) of LP9 states

that 'In the case of development of 25 dwellings or more, or 0.5ha or more for other development, developers submitting a fit for purpose Health Impact Assessment (HIA) as part of the application or master planning stage where applicable, and demonstrating how the conclusions of the HIA have been taken into account in the design of the scheme. The HIA should be commensurate with the size of the development'.

The agent submitted a Health Impact Assessment (HIA) on 18th November 2018. This has satisfactorily answered all the themes set out in the HIA checklist and is commensurate to the size of the proposal. This together with the contribution to enhance medical facilities within the Nettleham is deemed to accord with LP9.

Other Considerations:

Scale, Appearance, Landscaping and Layout

Details of scale, appearance, landscaping and layout cannot be assessed at this stage as they are reserved for subsequent approval. However the application has included an indicative site layout plan J1727 SK01B received 24th October 2018.

Housing Mix (Scale and Appearance):

Paragraph 9.67 of the Strategic Housing Market Assessment dated July 2015 states that 'the analysis of housing need by size suggests that there is a need for property of all sizes in Central Lincolnshire under both the demographic and employment-led scenarios. The greatest requirement under all of the scenarios, however, is for property of between 50 and 89 sqm, which generally relates to 2 or 3 bedroom flats, mews or semi-detached homes. In the context of the HMA as a whole having a comparatively high representation of detached properties this suggests the need for new stock to contribute positively to the overall balance through the provision of smaller family sized housing. This, however, will need to be balanced against the provision of all types and sizes of housing'.

Local policy LP10 of the CLLP requires that *'new residential development should maintain, provide or contribute to a mix of housing tenures, types and sizes to help support the creation of mixed, balanced and inclusive communities'.*

The scale and appearance of the 63 dwellings has not been submitted as it is reserved for subsequent approval. However section 3.2.3 of the submitted Integrated Planning Statement states that the development is proposed to be a *'mixture of single and two storey and a range of sizes between 2 and 4/5 bedrooms to meet a variety of housing needs including accommodation suitable and desirable for those people entering the later stages of their lives and who seek smaller, low maintenance accommodation in 'their' home village'.* This statement has been questioned in relation to the presence of 3 bedroom dwellings. The agent has clarified in an email dated 27th November 2028 that it would have been clearer to state *'including 2, 3, 4 and 5 bed'* houses. Section 3.2.3 goes on to state that *'materials are expected to be*

taken from a palette informed by the local characteristic prevalent in Nettleham’.

Therefore there is no reason or indication that an appropriate housing mix, compliant with LP10 or housing design, could not be achieved on the site but conditions would ensure that the size and mix can be assessed at reserved matters stage are proposed.

Layout:

The indicative layout plan undoubtedly demonstrates that 63 houses at a density of 20 per hectare can be integrated onto the site alongside garden space, off street parking, open space and all the other necessary infrastructure. On investigation of the surrounding built form it is clear that the indicated density and size of plots will be more than appropriate for the area.

Policy D-6 of the NNP states that *‘new development including infill development and residential extensions, should preserve and enhance the village of Nettleham by:*

b) Designing housing proposals to reflect existing residential densities in the locality of the scheme’.

In paragraph 20 of appeal APP/N2535/W/16/3147409 (200 dwellings) the inspector concluded that the additional traffic generation would *‘Consequently, I do not share concerns that a larger scale development would necessarily harm the character of the area or prevent effective integration with the village but, in this case, a significantly larger scheme would have greater impacts than a scheme for 50 dwellings’*

In this case the number of dwellings proposed is contained within the allocated site boundaries and 13 dwellings is not significantly larger than the indicative 50 dwellings.

The layout will need to acceptably integrate into its location on the edge of the settlement and the nearby residential form as previously stated. Given the scale of the site and the number of units proposed it is considered that a suitable layout can be negotiated/designed at reserved matters stage.

Landscaping:

Policy D-6 of the NNP states that *‘new development including infill development and residential extensions, should preserve and enhance the village of Nettleham by:*

g) Ensuring boundary treatments reflect the distinct local character in relation to materials, layout, height and design. In areas where there is no boundary treatment and gardens are unenclosed, new development should seek to replicate this openness’.

Details of landscaping are not to be considered at this stage and a comprehensive landscaping plan including appropriate detailing (including all

planting (species, height and planting formation), boundary treatments, driveway materials, ecology measures etc.) will need to be submitted for consideration through a reserved matters application.

Although all the landscaping of the site is important it is particularly important that the edges of the site relate well to the agricultural open fields to the north and east to help integrate the development into its location and minimise the introduction of built form.

Residential Amenity

Objections have been received from some residents who reside adjacent the sites boundary in relation to overlooking, loss of light, overbearing impact plus disturbance from additional traffic.

As scale, appearance, layout and landscaping is reserved for future determination the impact on the development on the residential amenity of the existing neighbouring dwellings cannot be assessed.

The occupants of 49 and 51 Ridgeway have objected to the use of an agricultural access track which runs past their entire side boundaries as a pedestrian footpath. The west boundary of 49 Ridgeway has high boundary treatments and the east boundary of 51 Ridgeway has low rear boundary treatments screening its rear garden amenity space. The proposed future users of the footpath will be able to see into the rear garden and windows of 51 Ridgeway. However the occupants of 51 Ridgeway can install 2 metre boundary treatments to this part of their boundary without the need for planning permission. It is again acknowledged that the proposed indicative footpath and the agricultural track it links to is an aspiration of the NNP (policy H-7) and its actual physical design, will be subject to conditions.

The indicative site layout plan suggests that the site can accommodate 63 dwellings whilst retaining the amenity of the existing and future residents.

It is also recommended that any permission granted should include a pre-commencement condition requiring a comprehensive construction management plan to restrict the impact on the neighbouring residents.

Odour

The application has included the submission of an Odour Assessment dated 11th October 2018 prepared by Redmore Environmental. Section 5.1.5 of the assessment concludes '*based on the assessment results, future residents are considered unlikely to be exposed to odour concentrations above the relevant criteria as a result of the proposed development*'. This assessment is supported by the authorities Public Protection Officer who has no objections.

Heritage

The Historic Environment Officer at Lincolnshire County Council has no objections to the proposal. The site is not within or close to the Nettleham Conservation Area and is not within the setting of any Listed Buildings or

Schedules Ancient Monuments. Therefore the development accords to Local Policy LP25 of the CLLP and the provisions of the NPPF.

It is considered that policy LP25 are consistent with the heritage guidance of the NPPF and can be attached full weight.

Ecology/Trees

Guidance contained within paragraph 174 of the NPPF states that '*to protect and enhance biodiversity and geodiversity, plans should:*

b) promote the conservation, restoration and enhancement of priority habitats, ecological networks and the protection and recovery of priority species; and identify and pursue opportunities for securing measurable net gains for biodiversity'.

Paragraph 175 states that '*when determining planning applications, local planning authorities should apply the following principles:*

a) if significant harm to biodiversity resulting from a development cannot be avoided (through locating on an alternative site with less harmful impacts), adequately mitigated, or, as a last resort, compensated for, then planning permission should be refused;

d) development whose primary objective is to conserve or enhance biodiversity should be supported; while opportunities to incorporate biodiversity improvements in and around developments should be encouraged, especially where this can secure measurable net gains for biodiversity'.

Local Policy LP21 of the CLLP states that '*All development should:*

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

There are no protected trees on or adjacent the boundaries of the site. The application has included the submission of:

- Review of Ecological and Arboricultural Reports dated 21st September 2018 prepared by CBE Consulting
- Updated Reptile Presence/Absence Survey dated 21st September 2018 prepared by CBE Consulting

Section 5 of the Review of Ecological and Arboricultural Reports document lists (a-i (pg15-16)) a set of recommendations for the development in terms of the potential tree and protected species impacts.

The Updated Reptile Presence/Absence Survey concludes and replicates the recommendation in the Review of Ecological and Arboricultural Reports document in that '*development proposal should include replacement habitat including artificial refugia in another location, preferably with good links to the Nettleham Brook. A reptile of this and provision of refugia should be prepared and submitted to the Local Planning Authority*'.

It is considered subject to conditions that the proposal will not have a harmful impact on ecology or trees therefore accords to local policy LP21 of the Central Lincolnshire Local Plan 2012-2036 and the provisions of the National Planning Policy Framework.

It is considered that policy LP21 is consistent with the natural environment guidance of the NPPF and can be attached full weight.

Drainage

The application has included a Flood Risk and Drainage Assessment (FRDA) dated October 2018 prepared by Alan Wood and Partners. Section 5.0 (Surface Water) and section 6.0 (Foul Water) sets out the methods of disposal.

Foul Water:

The application form states that foul water will be disposed of to the mains sewer. Paragraph 6.1 and 6.2 of the FRDA states that a mains sewer crosses the site but it is unknown if a gravity system will work meaning the potential for a pumped system. Agreement will need to be formally approved by Anglian Water.

Anglian Water have confirmed capacity in the area for these flows but have recommended a foul water condition for onsite foul drainage works. As an allocated site within the Central Lincolnshire Local Plan and Nettleham neighbourhood Plan, Anglian Water have been party to the allocations process and therefore have had the opportunity to object to allocation at that stage. They did not and have not objected in principle to this development but simply requested a condition to restrict development until enhancement works have been agreed.

The disposal of foul water into an existing mains sewer is therefore considered acceptable subject to further details through a condition on the permission.

Surface Water:

The application form states that surface water will be disposed to a sustainable urban drainage system and/or soakaways which is encouraged.

The application includes an indicative drainage layout plan (NET-AW-ZZ-XX-DR-C-0010 Revision P2 dated 29th October 2018).

Paragraph 165 of the NPPF states that *'major developments should incorporate sustainable drainage systems unless there is clear evidence that this would be inappropriate. The systems used should:*

- a) take account of advice from the lead local flood authority;*
- b) have appropriate proposed minimum operational standards;*
- c) have maintenance arrangements in place to ensure an acceptable standard of operation for the lifetime of the development; and*
- d) where possible, provide multifunctional benefits'.*

Paragraph 5.2.2 of the FRDA states that *'ground Investigation works have revealed that the underlying strata is not suitable for soakaways/infiltration trenches to be used, due to the shallow depth at which ground water was encountered'.*

Paragraph 5.2.5 confirms that it is *'proposed that the surface water run-off from the new development is discharged into this drainage ditch, either directly or indirectly via a connection to the existing public sewer which outfalls to the drainage ditch, for which approval from Anglian Water will be required'.*

Paragraph 5.9.1 states that *'highways drainage from the proposed roads on site will be collected by trapped gullies prior to discharge into the below ground drainage network'.*

Anglian Water have stated that the FRDA is unacceptable and *'insufficient evidence has been provided to show that the surface water hierarchy has been followed as stipulated in Building Regulations Part H'.* Anglian Water have additionally recommended a condition to ensure a suitable surface water scheme is implemented.

The Lead Local Flood Authority at Lincolnshire County Council has no objections to the development subject to a comprehensive surface water drainage condition.

The submitted drainage strategy indicates that surface water will be dealt with through under-piped swales connected to highway and public open space surface water pipes which discharge into the existing dyke which splits the site. This will then flow to Nettleham Beck. Drainage of surface water from the roofs will again be directed to the under-piped swales through diffuser crates located in the permeable paving. Further surface water will naturally drain through the grassed gardens and permeable driveways. This therefore a part piped system and part sustainable urban drainage system that will eventually be released into the Beck at a restricted greenfield rate.

The concerns of Anglian Water are acknowledged but again this is an allocated housing site and it is considered that technically surface water is capable of being appropriately discharged from the site.

It is considered that surface water is capable of being addressed by condition. This condition will require comprehensive justification and reasoning if a part or none-sustainable urban drainage system is put forward.

Subject to a separate foul and surface water drainage condition the development accords to local policy LP14 of the CLLP, policy D-4 of the NNP and the provision of the NPPF.

It is considered that policy LP14 is consistent with the drainage guidance of the NPPF and can be attached full weight.

Flood Risk

The site sits within flood zone 1 therefore has the lowest risk of flooding therefore meets the NPPF sequential test.

Accessibility

Local policy LP10 of the CLLP states that *'more specifically, to cater for the needs of less mobile occupants, including older people and disabled people, and to deliver dwellings which are capable of meeting peoples' changing circumstances over their lifetime, proposals for 6 or more dwellings (or 4 or more dwellings in small villages) must deliver housing which meets the higher access standards of Part M Building Regulations (Access to and use of buildings) by delivering 30% of dwellings to M4(2) of the Building Regulations, unless the characteristics of the site provide exceptional reasons for delivery of such dwellings to be inappropriate or impractical'*. This requirement has been discussed with the agent and will mean that 19 (30%) out of the 63 dwellings will need to meet the part M4(2) standard.

It is considered necessary to add a condition limiting the site to a maximum of 63 dwellings and ensuring compliance with part M4(2) of the Building Regulations 2010.

Community Infrastructure Levy (CIL)

West Lindsey District Council adopted a Community Infrastructure Levy (CIL) which will be charged from 22nd January 2018. However this is an outline application and if the application was to be approved the CIL charge would be liable at reserved matters stage.

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 Growth in Villages, LP3 Level and Distribution of Growth, LP9 Health and Wellbeing, LP10 Meeting Accommodation Needs, LP11 Affordable Housing, LP12 Infrastructure to Support Growth, LP13 Accessibility and Transport, LP14 Managing Water Resources and Flood Risk, LP17 Landscape, Townscape and Views, LP21 Biodiversity and Geodiversity, LP24 Creation of New Open Space, Sports and Recreation Facilities, LP25 The Historic Environment, LP26 Design and Amenity and LP52 Residential Allocations – Large Villages of the Central Lincolnshire Local Plan 2012-2036, policy M11 of the Lincolnshire Minerals and Waste Local Plan (Core Strategy and Development

Management Policies) and policies of the Made Nettleham Neighbourhood Plan in the first instance, relevant policies of the Cherry Willingham Draft Neighbourhood Plan and guidance contained within the National Planning Policy Framework and National Planning Practice Guidance.

The site is allocated for an indicative 50 dwellings under CL4662 of the Central Lincolnshire Local Plan and policy H-7 of the Nettleham Neighbourhood Plan therefore the principle for housing on the site is established. The proposal has proven through an indicative plan that the site can accommodate 63 dwellings including 16 affordable homes towards the housing supply in Central Lincolnshire. The site additionally has the room for all the associated infrastructure including a sufficient amount of onsite usable greenspace. The site is in the sustainable location of Nettleham with good public transport links and all facilities/services within an acceptable walking distance away. The proposed vehicular access will not have an adverse impact on highway safety. The proposal will acceptably sterilise a mineral source due to its housing allocation status and will not have a harmful impact on archaeology, drainage, ecology or increase the risk of flooding. The proposal is therefore acceptable subject to the signing of a Section 106 Agreement and satisfying a number of pre-commencement conditions.

Human Rights Implications:

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

Legal Implications:

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

Representors to be notified -

(highlight requirements):

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

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

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

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

2. No development shall take place until, plans and particulars of the appearance, layout and scale of the buildings to be erected and the landscaping of the site (hereinafter called "the reserved matters") have

been submitted to and approved in writing by the Local Planning Authority, and the development shall be carried out in accordance with those details.

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

3. The development hereby permitted shall be begun before the expiration of two years from the date of 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 detailed surface water drainage scheme for the site, based on sustainable urban drainage principles has been submitted to and approved in writing by the Local Planning Authority. If a full sustainable urban drainage system scheme is incapable of being delivered then comprehensive justification of this must be submitted. The scheme shall:
 - be based on sustainable drainage principles and an assessment of the hydrological and hydrogeological context of the development;
 - 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
 - provide attenuation details and discharge rates which shall be restricted to Greenfield Run-off rate
 - provide details of the timetable for and any phasing of implementation for the drainage scheme; and
 - 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.

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 that surface water is adequately and appropriately drained on the site and without creating or increasing flood risk to land or

property, nor drainage network adjacent to, or downstream of, the permitted development to accord with the National Planning Policy Framework, local policy LP14 of the Central Lincolnshire Local Plan 2012-2036 and policies of the Nettleham Neighbourhood Plan

5. No development shall take place until details of a scheme for the disposal of foul sewage have been submitted to and approved in writing by the Local Planning Authority. Development shall thereafter proceed in strict accordance with the details and be operational before the first dwelling is occupied.

Reason: To ensure adequate foul drainage facilities are provided to serve the development to prevent the pollution of the water environment and to accord with the National Planning Policy Framework, local policy LP14 of the Central Lincolnshire Local Plan 2012-2036 and policies of the Nettleham Neighbourhood 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 in order to meet a housing need for all and to accord with the National Planning Policy Framework, policy LP10 of the Central Lincolnshire Local Plan 2012-2036 and policies of the Nettleham Neighbourhood Plan.

7. No development shall take place until a construction method statement has been submitted and agreed in writing by the local planning authority. The approved statement(s) shall be adhered to throughout the construction period. The statement shall provide for:

- (i) the routing and management of traffic;
- (ii) the parking of vehicles of site operatives and visitors;
- (iii) loading and unloading of plant and materials;
- (iv) storage of plant and materials used in constructing the development;
- (v) wheel cleaning facilities;
- (vi) measures to control the emission of dust and dirt;
- (vii) details of noise reduction measures;
- (viii) a scheme for recycling/disposing of waste;
- (ix) Measures for protecting trees adjacent the site.
- (x) the hours during which machinery may be operated, vehicles may enter and leave, and works may be carried out on the site;

Reason: To restrict disruption to the living conditions of the neighbouring dwelling and surrounding area from noise, dust and vibration and to

accord with the National Planning Policy Framework, local policies LP13 and LP26 of the Central Lincolnshire Local Plan 2012-2036 and policies of the Nettleham Neighbourhood Plan.

8. No development shall take place until a comprehensive ecology and Nettleham Brook mitigation strategy has been submitted and approved by the Local Planning Authority. The mitigation strategy shall be created in accordance with section 5 (a) and (i) of the Review of Ecological and Arboricultural Reports (EAR) dated 21st September 2018 prepared by CBE Consulting

Reason: In the interest of nature conservation to protect protected species and the Nettleham Brook to accord with the National Planning Policy Framework, local policy LP21 of the Central Lincolnshire Local Plan 2012-2036 and the policies of the Nettleham Neighbourhood Plan.

9. No development shall commence until full details of the footpath identified on plan J1727 SK12 dated December 2018 have been submitted to and agreed in writing by the Local Planning Authority. The details shall include construction details and details of a scheme for the on-going maintenance of the footpath and its continued access by the public. The footpath must be completed in accordance with the approved plans and must be made available for use by the public prior to the occupation of the 31st dwelling.

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

10. In accordance with condition 2 above the reserved matters application shall include a schedule of the size (bedrooms) and type of dwellings proposed, and a design and access statement providing clear detail as to how the development will be assimilated within the surrounding residential areas to the south and west and countryside to the north and east.

Reason: To ensure the balanced housing mix and, an attractive development when viewed from outside the site in accordance with saved policies LP17 and LP26 of the Central Lincolnshire Local Plan and the National Planning Policy Framework.

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

11. 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:

- Location Plan J1727 (08) 01 dated October 2018

- Indicative Site Layout Plan (Vehicular Access Only) J1727 SK01B received 24th October 2018.

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, local policies LP2, LP13 and LP52 of the Central Lincolnshire Local Plan 2012-2036 and policies of the Nettleham Neighbourhood Plan.

12. The development shall comprise of a maximum of sixty three dwellings.

Reason: To preserve the character of the area and to integrate with the adjoining built residential form and to protect residential amenity to accord with the National Planning Policy Framework, local policies LP2, LP10, LP17, LP26 and LP52 of the Central Lincolnshire Local Plan 2012-2036 and policies of the Nettleham Neighbourhood Plan.

13. The development hereby approved shall only be carried out in accordance with the recommendations set out in section 5 (c), (d), (e), (f), (g) and (h) of the Review of Ecological and Arboricultural Reports (EAR) dated 21st September 2018 prepared by CBE Consulting

Reason: In the interest of nature conservation to protect protected species and the Nettleham Brook to accord with the National Planning Policy Framework, local policy LP21 of the Central Lincolnshire Local Plan 2012-2036 and the policies of the Nettleham Neighbourhood Plan.

14. Before any dwelling is occupied, all of that part of the estate road and associated footways that forms the junction with the main road and which will be constructed within the limits of the existing highway, shall be laid out and constructed to finished surface levels in accordance with details to be submitted to, and approved in writing by, the Local Planning Authority.

Reason: In the interests of safety, to avoid the creation of pedestrian trip hazards within the public highway from surfacing materials, manholes and gullies that may otherwise remain for an extended period at dissimilar, interim construction levels to accord with National Planning Policy Framework, local policy LP13 of the Central Lincolnshire Local Plan 2012-2036 and the policies of the Nettleham Neighbourhood Plan.

15. The permitted development shall be undertaken in accordance with an Estate Road Phasing and Completion Plan, which shall first be approved in writing by the Local Planning Authority. The Plan shall set out how the construction of the development will be phased and standards to which the estate roads on each phase will be completed during the construction period of the development.

16. Reason: To ensure that a safe and suitable standard of vehicular and pedestrian access is provided for residents throughout the construction period of the development to accord with National Planning Policy Framework, local policy LP13 of the Central Lincolnshire Local Plan 2012-2036 and the policies of the Nettleham Neighbourhood Plan...

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

NONE

ADVISORY

Anglian Water

Anglian Water has assets close to or crossing this site or there are assets subject to an adoption agreement. Therefore the site layout should take this into account and accommodate those assets within either prospectively adoptable highways or public open space. If this is not practicable then the sewers will need to be diverted at the developers cost under Section 185 of the Water Industry Act 1991. Or, in the case of apparatus under an adoption agreement, liaise with the owners of the apparatus. It should be noted that the diversion works should normally be completed before development can commence.

Notification of intention to connect to the public sewer under S106 of the Water Industry Act Approval and consent will be required by Anglian Water, under the Water Industry Act 1991. Contact Development Services Team 0345 606 6087.

Protection of existing assets - A public sewer is shown on record plans within the land identified for the proposed development. It appears that development proposals will affect existing public sewers. It is recommended that the applicant contacts

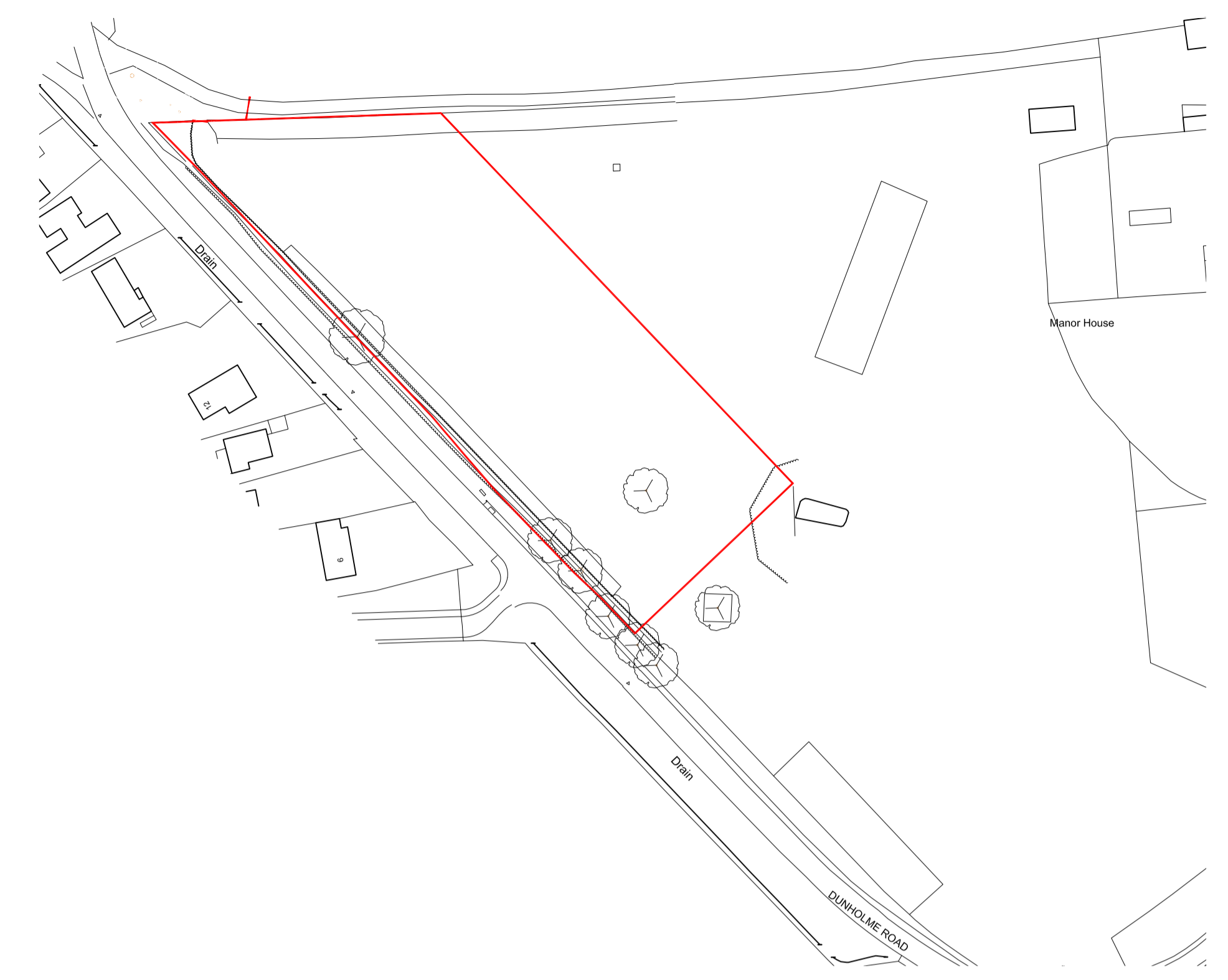
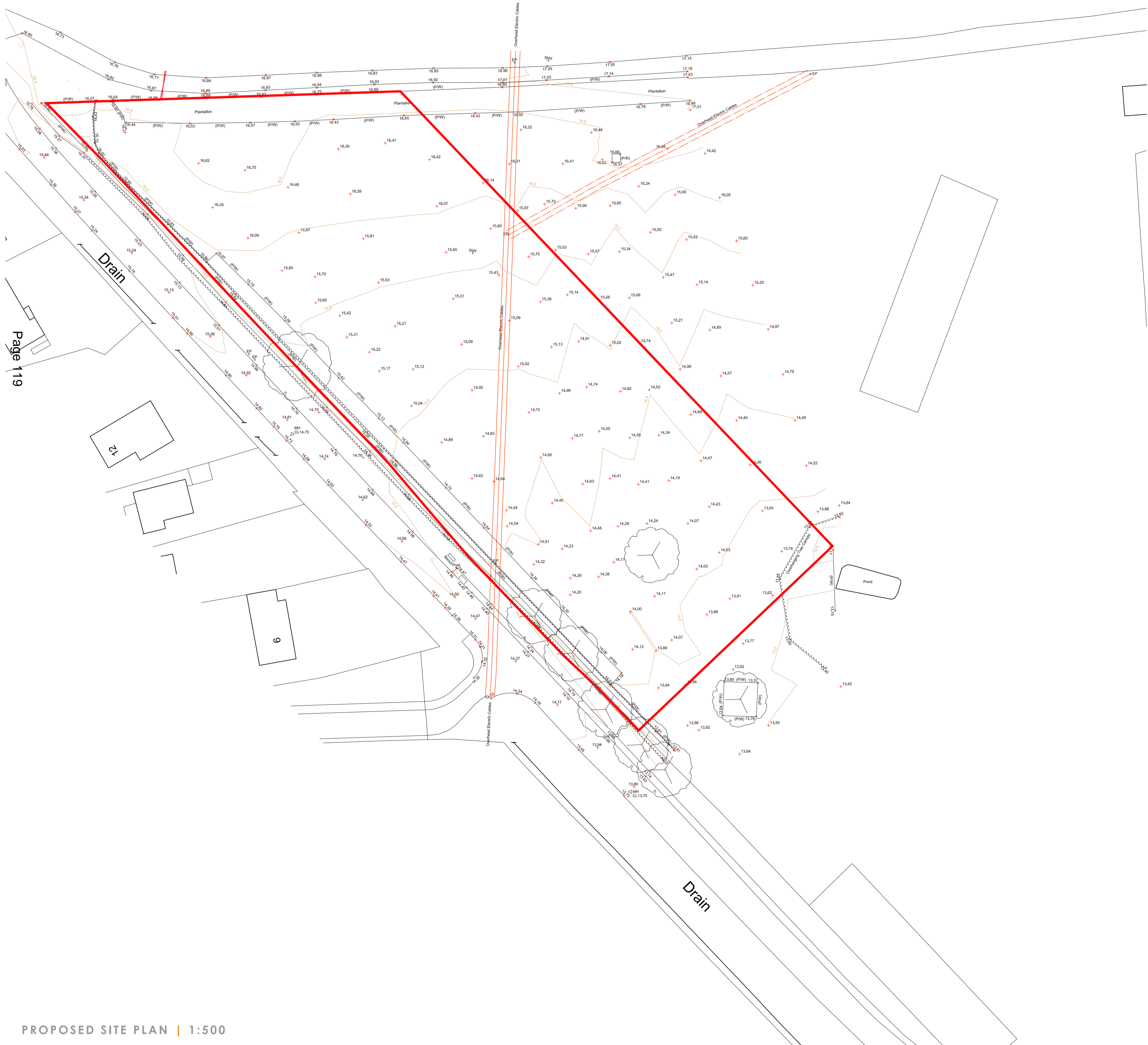
Highways

The permitted development requires the formation of a new/amended vehicular access. Applicants should note the provisions of Section 184 of the Highways Act 1980. The works should be constructed to the satisfaction of the Highway Authority in accordance with the Authority's specification that is current at the time of construction. For further information, please telephone 01522 782070.

All roads within the development hereby permitted must be constructed to an engineering standard equivalent to that of adoptable highways. Those roads that are to be put forward for adoption as public highways must be constructed in accordance with the Lincolnshire County Council Development Road Specification that is current at the time of construction and the developer will be required to enter into a legal agreement with the Highway Authority under Section 38 of the Highways Act 1980. Those roads that are not to be voluntarily put forward for adoption as public highways, may be

subject to action by the Highway Authority under Section 219 (the Advance Payments code) of the Highways Act 1980.

Please contact the Lincolnshire County Council Streetworks and Permitting Team on 01522 782070 to discuss any proposed statutory utility connections and any other works which will be required within the public highway in association with the development permitted under this Consent. This will enable Lincolnshire County Council to assist in the coordination and timings of these works.



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Application Number 138563

12 Vickers Lane | Louth | Lincolnshire | LN11 9P

Idc LINES DESIGN CONSULTANCY

T | 01507 611155 | E | admin@indesignconsultancy.co.uk

PROJECT	Proposed Residential Development Scothern
DATE	April 2018
TITLE	Existing
SCALE	As shown
ORIGINAL SIZE	A1
DRAWING NUMBER	LDC2157-01

This drawing is the copyright of Lines Design Consultancy and may not be reproduced without written consent. The contractor is responsible for taking and checking all dimensions on site prior to commencement and reporting back to the architectural consultant any discrepancies. All materials specified on this drawing are to be used in strict accordance with the manufacturer's written instructions and current codes of practice.

All details and specifications on this drawing and in relation to this project should be adhered to. If any deviations occur the contractor should inform Lines Design Consultancy immediately as we cannot be held responsible for errors resulting from unadvised detail and specifications changes.

Agenda Item 6d

Officers Report

Planning Application No: 138563

PROPOSAL: Outline planning application to erect 6no. dwellings with all matters reserved - resubmission of 136727

LOCATION: Land off Dunholme Road Scothern Lincoln LN2 2UD

WARD: Sudbrooke

WARD MEMBER(S): Cllr Robert Waller

APPLICANT NAME: Mr Stuart Kinch

TARGET DECISION DATE: 31/12/2018 (Extension of time agreed until 11/1/19)

DEVELOPMENT TYPE: Minor - Dwellings

CASE OFFICER: Martin Evans

RECOMMENDED DECISION: Refuse outline planning permission.

This application is reported to Planning Committee because the applicant, Mr Stuart Kinch, is an elected Councillor of West Lindsey District Council.

Description:

Outline planning permission is sought for the erection of six dwellings.

Matters of layout, scale, appearance, landscaping and access are all reserved for subsequent approval ("reserved matters").

The site is positioned on the north-eastern side of Dunholme Road, in Scothern (A medium village, under policy LP2 of the Local Plan).

The site area is approximately 0.9 hectares. Land levels rise gently to the North West. It is currently used for grazing. The site features a substantial hedgerow with occasional tree fronting Dunholme Road.

There are residential dwellings, with Scothern Nurseries positioned to the rear of no.'s 6 & 8, to the south-west, on the opposite side of Dunholme Road. To the south, on the opposite side of the road, development is underway for a residential development of 33 dwellings (outline planning permission 132275 and reserved matters 136923 and amendments).

To the north is an access track to Manor Farm with farmland beyond. To the east and south are further grazing areas. The Manor House, a grade II listed building¹, is approximately 115m to the east of the application site.

¹ View List entry here: <https://historicengland.org.uk/listing/the-list/list-entry/1309122>

An indicative site layout plan shows six dwellings set in garden plots, with five vehicular accesses from Dunholme Road requiring removal of sections of existing hedge. Retained and additional planting to northern and eastern boundaries is shown. The application form states surface water drainage would be dealt with via SUDS.

The application includes:

- Amended design and access statement
- Heritage statement
- Ecology and protected species survey

Relevant history:

136727 Outline planning application to erect 6no. dwellings with all matters Reserved. Withdrawn by applicant 1/11/17.

W87/422/88 Outline application to erect dwellings. Refused 26/5/88.

Representations, in summary:

Scothern Parish Council (in summary):

- Requests determination by planning committee.
- Does not support the application.
- The offer of £150,000 from the developer to Scothern Recreation Centre has not been taken into account as this is a private arrangement.
- Not a grassed field, it is part of Manor Park which is historically significant and important green area to residents.
- Existing village hall funds are private donations. Hall requires improvement.
- The flyer may not have been delivered to all residents and is flawed.
- The responses breakdown is inaccurate and includes non-local responses.
- Would significantly harm the character and appearance of the surrounding countryside.
- There is no demonstrable local community support.
- The development area is not continuous.
- Contrary to NPPF as there would be no community benefit during construction phase and the proposed contribution shouldn't be considered.
- Contrary to neighbourhood plan policy S1 as the site is not in the built up area and is not infill.
- Policy D1 is relevant.

Local residents:

Letters of support have been received from The Manor House; and from outside the District, from the following addresses: 1 Villa Way, Wootton, Northamptonshire; 8 Missenden Road, Winslow, which are summarised as follows:

- Proposal provides small number of attractive dwellings for professional families, which are badly needed, to live in Scothern.
- Wouldn't be obtrusive for neighbours, harm the listed building or its setting.
- Proposal is within the curtilage of the village.
- Proposal will provide funds to restore and upkeep the Manor House and village hall which without will be shut and likely sold for future development.
- Proposal would redress balance between Scothern and adjacent villages.

Letters of objection have been received from residents of the following Scothern addresses - 1, 3, 6, 9, 11 Lime Tree Paddock; Brookside Cottage, 18, 28 Main Street; 36 Craypool Lane; 6, 12, 18, 20, 22 Dunholme Road; Keepers Cottage, School Crescent; which are summarised as follows:

- Contrary to LP17. Site not allocated in the Neighbourhood Plan. Contrary to the plan as it is not within built up area.
- Already numerous housing developments in Scothern. Growth in the village has already exceeded policy requirements.
- No amenities or suitable infrastructure to accommodate growth.
- Executive homes are provided in recent village developments.
- Existing traffic and highway safety problems will be exacerbated.
- There are few remaining open spaces in the village.
- Harm to rural character of village, a scenic approach and historic value of listed building and its setting would be harmed. Loss of parkland and veteran trees. The Manor and parkland are a quintessential part of Scothern's landscape character and should be preserved.
- Ecological impacts. Habitat fragmentation.
- No social, financial or environmental benefit to the village.
- Increased noise pollution.
- Sewerage, health, school, electricity and broadband systems cannot cope with this development.
- Concerns raised with applicant's proposed village hall donation – perceived as a financial inducement; interpreted as 'buying planning support' ; unprofessional / immoral applicant behaviour ; perceived as trying to force peoples' decisions via donation to village hall redevelopment; proposal causes division; causes a distorted view of the application which should be judged on planning criteria alone.

General observations have been received from residents of 2 Back Lane, Scothern (summary):

- Scothern may lose its identity due to various developments. Scothern should remain a village. Surrounding villages have become like small towns.

- Was linking approval of the application with a donation to the village hall right?
- It is not established that the vast majority of the village are interested in the village hall or can see what benefit it would be to them.
- If the vast majority of villagers were interested in the village hall they would have exercised their right in the recent parish council referendum.
- I did support the extra parish tax for village hall equipment and am interested in the village retaining such an amenity.

Representations have been received with incomplete addresses from Church Street, Scothern (objection); Lime Tree Paddock, Scothern (objection); Sudbrooke Road, Scothern (support) which are summarised as follows:

- Scothern has been developed extensively. New housing and garden centre has resulted in increased traffic.
- Few open spaces in Scothern.
- Object to developer offering to buy planning support via payment to village hall.
- Rural character and historic value should be preserved.
- Housing growth in Scothern has exceeded targets.
- Objections based on personal grounds rather than planning principles. There would be benefits to the whole village.
- Small development will little impact on the village and would enhance Dunholme Road.
- Scothern Neighbourhood Plan supports proposal as a small infill development.
- Small part of The Manor site with no impact on the building.
- Contribution towards hall would be positive allowing renovation or rebuild.
- Majority of the village support the proposal.
- Presumption in planning law and guidance in favour of small developments.
- The proposal would support upkeep of the listed building.
- If refused, the alternative for the listed building would be worse for the village.

Witham Third District Internal Drainage Board: Forwarded its comments for the previous application which recommended a condition to secure a scheme for the provision, implementation and future maintenance of a surface water drainage system. Any discharge into a watercourse should be limited to greenfield rate.

LCC Local Highways and Lead Local Flood Authority: Principle of development is acceptable. Conditions recommended regarding provision of 1.8m wide footway and drainage. A legal agreement between landowner and LCC is required to secure these highway improvement works.

Environment Agency: Has no comments to make.

LCC Archaeology:

- Heritage statement incomplete. This has led to incomplete conclusions being drawn regarding this development's impacts on the historic environment.
- The Heritage Statement also does not fully acknowledge that the proposed development is in historic parkland.
- This site is a non-designated heritage asset which contributes to setting of the listed building.

“Recommendation: it is therefore recommended that the developer be required to revise their Heritage Statement to take into account several major publications that describe the significance of this site to the village's medieval and later history (details below), and in light of this consider the impacts upon the historic parkland that constitutes the setting for the Listed Manor House. Following this, the Design & Access Statement should also be revised in order to address how the proposed development on this sensitive site will mitigate the harm caused to the historic environment. It is recommended that this application is not determined until the information required has been provided. This is in order to fulfil the local planning authority's requirement to ensure developers meet their obligations to describe the significance of heritage assets affected (NPPF 189), and to take account of such evidence using any necessary expertise in order to minimise conflict between heritage assets and any aspect of the development (NPPF 190) and the need to have "special regard" to preserving the setting of a Listed building under the Planning (Listed Buildings & Conservation Areas) Act 1990.

WLDC Conservation:

The plans are outline supplying a plot form only, but it can be seen from these that the properties are large, and although a variety of plans is provided, the plan form proposed is formulaic and bears no relationship to the historic form or traditional building that is locally distinctive in Scothern, and would result in a line of six very large new dwellings with prominently located garages.

A heritage statement is supplied, but states in its introduction, that this is an archaeological heritage statement, and therefore, contains no contextual analysis about how sensitive or otherwise, this setting is, but it does include a brief note stating that any new development will affect the setting of the grade II listed Manor House, but that this would be 'less than substantial harm' (which means that it does inadvertently concur that the development will result in harm to that setting)

This statement is very much lacking in consideration of this setting and does nothing to demonstrate how this setting is experienced from either within the site or beyond it and does not consider any historic links seen on old OS maps regarding how the parkland was designed to interact with the house itself. The proposed development will very much impact on the setting of the house and is likely to give rise to harm to that setting and how it is experienced.

The development will also impact on how the setting is experienced from within the land and from the house itself and the setting of a listed building does not have to be publicly accessible to be considered significant.

The proposed development would be a substantial intervention to this historic setting and would cause harm to the setting of the listed Manor House as a result.

Relevant Planning Policies:

Statutory test

Planning (Listed Buildings and Conservation Areas) Act 1990

“66 General duty as respects listed buildings in exercise of planning functions.

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

Development plan

To the extent that development plan policies are material to an application for planning permission the decision must be taken in accordance with the development plan unless there are material considerations that indicate otherwise (section 70(2) of the Town and Country Planning Act 1990 and section 38(6) of the Planning and Compulsory Purchase Act 2004).

Here, the Development Plan comprises the provisions of the Central Lincolnshire Local Plan (April 2017); Scothern Neighbourhood Plan (January 2017); and the Lincolnshire Minerals and Waste Local Plan (December 2017 and June 2016).

Lincolnshire Minerals and Waste Local Plan

- **Core Strategy and Development Management Policies**
- **Site locations**

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

The site is not within a Mineral Safeguarding Area or allocated waste/minerals site.

Central Lincolnshire Local Plan

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

Policy LP2: The Spatial Strategy and Settlement Hierarchy

Policy LP3: Level and Distribution of Growth

Policy LP4: Growth in Villages

Policy LP10: Meeting Accommodation Needs

Policy LP12: Infrastructure to Support Growth

Policy LP13: Accessibility and Transport

Policy LP14: Managing Water Resources and Flood Risk

Policy LP17: Landscape, Townscape and Views

Policy LP21: Biodiversity and Geodiversity
Policy LP25: The Historic Environment
Policy LP26: Design and Amenity
Policy LP55: Development in the Countryside

Scothern Neighbourhood Development Plan

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

S1: Location of new development

H1: Future Housing Need

H2: Housing Mix and Type

D1: Design and Character

T1: Parking standards

T2: Pedestrian and Cycle Routes

E2: Biodiversity

C1: Provision of new or improved community facilities

C2: Retention and improvement of existing community facilities

Other

Central Lincolnshire Developer Contributions Supplementary Planning Document

<https://www.n-kesteven.gov.uk/central-lincolnshire/local-plan/supplementary-planning-documents-and-guidance-notes/>

National Planning Policy Framework and Planning Practice Guidance

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

Main issues

- Scothern Neighbourhood Plan – Residential Developments
- Central Lincolnshire Local Plan – Residential Developments
- Demonstration of Clear Community Support?
- Community Facilities
- Impact on heritage and village character
- Impact on residential amenity
- Highway impacts
- Drainage
- Ecology

Assessment:

Scothern Neighbourhood Plan – Residential Developments

In light of the above policy context the first requirement is to establish whether the proposal accords with the Development Plan, which includes the Scothern Neighbourhood Development Plan. Policy S1 of the SNP reads:

“S1: Location of new development

New developments will be focussed within the built up area of Scothern.

Proposals for development located within the built up area will be supported, provided they accord with the provisions of the Neighbourhood Plan and other relevant development plan policies.

The built up area of Scothern is defined as the continuous built form and excludes:

1. Individual buildings or groups of dispersed buildings which are clearly detached from the continuous built up area of Scothern;
2. Gardens, paddocks, and other undeveloped land within the curtilage of buildings on edge of Scothern where land relates more to the surrounding countryside than to the built up area of Scothern;
3. Agricultural buildings and associated land on the edge of Scothern; and
4. Outdoor sports and recreation facilities and other formal open spaces on the edge of Scothern”

The application site is considered to be undeveloped land within the curtilage of a building where the land relates more to the surrounding countryside than to the built up area of Scothern. Therefore, Policy S1 presumes against the proposal.

The site is not allocated by Policy H1. The plan states (page 19) “any additional housing requirement will be limited to small scale infill within the existing built up area of the village. Limiting additional development to infill will help to ensure that the village does not further expand into the open countryside and that new development is located within sustainable locations, close to the village centre and amenities.”

The application site is not considered to be an infill site within the existing built up area of the village as it fronts open land on three sides and relates more to the countryside than the built up area. The proposal is contrary to Policy H1.

Policy H2 states:

“H2: Housing Mix and Type

All new developments for housing should meet locally identified needs. Proposals that provide a mix of houses and which cater for the housing needs of the local community will be supported. Proposals that include one and two bedroom houses based on the local housing need will be particularly supported.

At least 30% of dwellings on sites of over six dwellings should be built to the higher access standards in Part M4 (2) of the Building Regulations, other than in circumstances where the commercial viability of the scheme would be unacceptably affected.”

And:

“The neighbourhood plan will seek to tackle these affordability issues by ensuring that a mix of dwellings sizes and types are provided in the village and by encouraging the provision of smaller dwellings.”

Scale is a reserved matter. Nonetheless, the size of the application site and the number of dwellings proposed is indicated to result in large dwellings on large plots or an inefficient use of land (6.6 dwellings per hectare). The former would conflict with Policy H2 which encourages smaller more affordable dwellings with a mix of housing. The latter would be contrary to LP26 part (a) of which requires proposals “Make effective and efficient use of land”.

It would therefore be relevant, and necessary, for a planning condition to require the final housing mix to be agreed with the Local Planning Authority, in order to ensure compliance with policy H2.

Overall, the proposal is not supported and is considered would result in a departure from the neighbourhood plan.

The neighbourhood plan approach of allowing additional housing in infill plots only is more restrictive than the strategic policies of LP2 and LP4 of the Central Lincolnshire Local Plan (CLLP). Section 38(5) of the Planning and Compulsory Purchase Act 2004 requires “If to any extent a policy contained in a development plan for an area conflicts with another policy in the development plan the conflict must be resolved in favour of the policy which is contained in the last document”. The proposal must therefore be considered against the provisions of the CLLP, including policies LP2 and LP4.

Central Lincolnshire Local Plan – Residential Developments

Policy LP2 designates Scothern a medium village where:

“Unless otherwise promoted via a neighbourhood plan or through the demonstration of clear local community support****, the following applies in these settlements:

- they will accommodate a limited amount of development in order to support their function and/or sustainability.
- no sites are allocated in this plan for development, except for Hemswell Cliff and Lea.
- typically, and only in appropriate locations**, development proposals will be on sites of up to 9 dwellings or 0.25 hectares for employment uses. However, in exceptional circumstances***** proposals may come forward at a larger scale on sites of up to 25 dwellings or 0.5 hectares per site for employment uses where proposals can be justified by local circumstances.”

Policy LP4 establishes the total level of % growth for each Medium Village, and further policy requirements in respect of identifying whether a site would be suitable for development.

“** throughout this policy, the term ‘appropriate locations’ means a location which does not conflict, when taken as a whole, with national policy or policies in this Local Plan (such as, but not exclusively, Policy LP26). In addition, to qualify as an ‘appropriate location’, the site, if developed, would:

- retain the core shape and form of the settlement;
- not significantly harm the settlement’s character and appearance; and
- not significantly harm the character and appearance of the surrounding countryside or the rural setting of the settlement.”

Six dwellings are proposed, amounting to the scale of residential development “typically” permitted under LP2. Located within historic parkland, adjacent to the built up area, it is considered the development would not retain the core shape and form of the settlement. It therefore needs to be determined as to the impact upon the character and appearance of the settlement, its rural setting and that of the surrounding countryside in order to determine as to whether this is an “appropriate location”.

Policy LP4 permits 10% growth in Scothern, equivalent to 36 dwellings. The number of dwellings approved within the parameters defined in the CLLP (as of 04/12/2018) is 73².

Settlement Name/App. Ref.	Hierarchy Position	Base number of Dwellings	Growth Level	Number of Dwellings for Growth	Dwellings Approved	Completions Pre 2012	Dwelling Completions 2012 - 2018	Outstanding dwellings with permission	Date of decision	Remaining Growth
Scothern	Medium Village	364	10%	36	73	0	1	72		0
134424					1	0	0	1	05/08/16	
137555					1	0	0	1	25/05/18	
136336					2	0	0	2	08/08/17	
134778					2	0	0	2	19/09/16	
134686					1	0	0	1	03/11/16	
136923					33	0	0	33	22/02/18	
132983					1	0	0	1	10/05/16	
Superseded 131584	-	-	-	-	2	0	0	2	03/11/14	-
130063					1	0	0	1	15/10/13	
132027					30	0	0	30	29/06/15	
126157					1	0	1	0	20/08/10	

(Extract from Housing Growth Table as of 04/12/2018)

The 10% growth allowance under policy LP4 is exceeded. A need for clear local community support is required under the terms of Policy LP4 which states:

*“A proposal within or on the edge of a village in categories 5-6 of the settlement hierarchy should be accompanied by demonstrable evidence of clear local community support** for the scheme if, in combination with:*

- a. other development built since April 2012;*
- b. any extant permissions; and*
- c. any allocated sites,*

the proposal would increase the number of dwellings in a village by more than 10%”

Whether a demonstration of clear local community support for the scheme has been evidenced, will be addressed later within the report.

Policy LP4 sets the following sequential test:

² See <https://www.west-lindsey.gov.uk/my-services/planning-and-building/planning-policy/housing-growth-in-medium-and-small-villages-policy-lp4/>

“In each settlement in categories 5-6 of the settlement hierarchy, a sequential test will be applied with priority given as follows:

- 1. Brownfield land or infill sites, in appropriate locations**, within the developed footprint** of the settlement*
- 2. Brownfield sites at the edge of a settlement, in appropriate locations***
- 3. Greenfield sites at the edge of a settlement, in appropriate locations***

Proposals for development of a site lower in the list should include clear explanation of why sites are not available or suitable for categories higher up the list.”

The proposal complies with the numerical limit of up to 9 dwellings, set by policy LP2. The road front hedge with intermittent trees and undeveloped character of the site is considered an important characteristic of the village which contributes in a significant way to the character and appearance of this part of Scothern and in turn to the setting of the listed building, The Manor House. The proposal is considered to significantly harm the settlement’s character and appearance and its rural setting, as well as the setting of the listed building (discussed in more detail below). This is not considered to be an appropriate location for development, as defined in the CLLP. The proposal is therefore contrary to Policy LP2. This inappropriate location does not fall to be considered on any tier of the sequential test in Policy LP4. The proposal is contrary to LP4.

Natural England’s Agricultural Land Classification Map indicates the site forms part of a small area of potential grade 2 very good agricultural land. This qualifies as best and most versatile agricultural land as defined in the NPPF. The application site was in use for sheep grazing at the time of the officer’s site visit. The indicative map suggests this is the only parcel of such high grade land near the village of Scothern. Policy LP55 part G seeks to protect such land unless certain exceptions are satisfied, the first stating “There is insufficient lower grade land available at that settlement (unless development of such lower grade land would be inconsistent with other sustainability considerations)”. The proposal is considered contrary to Policy LP55 part G.

Demonstration of clear local community support?

As set out above, the development would exceed, along with other permitted developments / allocations, the growth allowance under policy LP4. The policy therefore requires demonstrable evidence of clear local community support.

This is described in the Local Plan (within policy LP2) as follows:

*“**** throughout this policy and Policy LP4 the term ‘demonstration of clear local community support’ means that at the point of submitting a planning application to the local planning authority, there should be clear evidence of local community support for the scheme, with such support*

generated via a thorough, but proportionate, pre-application community consultation exercise.

If, despite a thorough, but proportionate, pre-application consultation exercise, demonstrable evidence of support or objection cannot be determined, then there will be a requirement for support from the applicable Parish or Town Council. If an applicant is in doubt as to what would constitute a 'thorough, but proportionate, pre-application consultation exercise', then the applicant should contact the applicable local planning authority."

The accompanying Design and Access Statement (DAS) considers a thorough and proportionate pre-application consultation process was undertaken; a flyer explaining the proposal and asking for feedback was delivered to dwellings throughout the village; the flyer described the proposals for the 6 dwellings and the additional benefits of the contribution to the village hall; a copy of the flyer is provided at appendix B of the now superseded DAS. It continues:

"70 responses were received from local residents with the following results:

Agree = 70

Disagree = 29

Not sure = 6"

"The consultation process has therefore shown an obvious majority in favour of the proposed development."

The application does not include specifics of each response because it considers this would be contrary to data protection laws, and instead sets out its own summary of such. No copies of correspondence, demonstrating community support are therefore included within the application.

The application does not explain what 'throughout the village' means in terms of addresses consulted. It states that *"It is suggested that the local community should been taken as being the village of Scothern and surrounding parishes."*

It also states some responses were from outside of this area, for example Exeter and Nottingham. It is therefore unclear as to the extent of consultation undertaken. However such responses would not be considered to be a representation of the "local community".

The Parish Council, within their representations, have queried the extent of consultation undertaken. By way of comparison, the neighbourhood plan states there are 366 households within Scothern.

Furthermore, the quoted response numbers are contradictory, viz, 70 responses but if 70 agree, 29 disagree and 6 aren't sure the total would be 105, not 70.

If the survey results were substantiated, 29 disagree means there has been a meaningful level of objection to the proposal and it could be that as much as half of the respondents (29 disagree plus 6 don't know= 35 (half of 70) do not actively support the proposal.

It can also be noted that, following a period of publicity, representations made on the application (at the time of writing) do not reflect or support the applicant's claim that there is clear local community support for the development. The clear majority objecting as part of the planning application consultation does not lend itself to demonstrating 'clear local community support' in any way. The responses received thus far, also make no reference to any community consultation exercises having taken place.

The application does not include copies of the neighbour responses therefore the claimed response cannot be verified.

The onus is placed on the applicant to demonstrate '*at the point of submitting a planning application to the local planning authority, that there should be clear evidence of local community support for the scheme, with such support generated via a thorough, but proportionate, pre-application community consultation exercise.*'

The application does not provide any evidence of a thorough, but proportionate, pre-application consultation exercise. It has not provided any clear evidence of local community support for the scheme.

Representations made on the application do not support the applicant's claim that there is clear local community support (with a majority raising objections), and the Parish Council makes clear that it does not support the application.

The Design & Access Statement states (paragraph 4.2) that a flyer was hand delivered to residents in the village - "*The flyer described the proposals for the 6no dwellings and the additional benefit of the contribution to the village hall*" and includes an example of the consultation leaflet. This makes express comments to the effect:

"£150,000 to be given to Scothern Village Hall, should the application for six new homes gain planning permission. We need your help in securing enough community support to make this possible..."

The application does not include any obligation or commitment to making any such contribution. Planning law³ sets out that:

(2) A planning obligation may only constitute a reason for granting planning permission for the development if the obligation is—

(a) necessary to make the development acceptable in planning terms;

³ Regulation 122 of The Community Infrastructure Levy Regulations 2010 (<http://www.legislation.gov.uk/ukxi/2010/948/regulation/122/made>)

(b) directly related to the development; and

(c) fairly and reasonably related in scale and kind to the development.

Whilst it would be open for the applicant to make a voluntary payment “outside” of the planning system, the consultation pamphlet clearly seeks that this be taken into consideration at the time of the consultation exercise, by members of the local community.

Indeed, the Design & Access Statement implies this was indeed a factor within their consultation responses. It quotes that comments ‘in favour’ included *“This would be a welcome boost for the village hall which is much needed”* and *“Scothern’s facilities are poor and a new village hall will help to solve this”*.

The application does not include any proposals for a new village hall, or any planning obligation (which would need to comply with the statutory test, above) or mechanism to improve facilities at the existing village hall. The representations do not therefore appear to directly relate to the development that is the subject of this application.

The CLLP examiners report provides helpful commentary on community support:

“113. Secondly, Policy LP4 allows for additional development where there is “clear local community support” (or, where demonstrable evidence of this cannot be determined, support from a Parish or Town Council). Again, this aligns with the principles of ‘localism’. The Inspector examining the Fenland District Core Strategy Local Plan concluded that a similar policy approach recognised that “individual communities are best placed to determine the level of growth required beyond these thresholds.” The same logic applies here, and the policy places a responsibility on local communities to base their support or otherwise on sound planning reasons. In overall terms, the plan builds in a suitable level of flexibility in these villages to allow for the possibility of more development even when the specified village growth level has been achieved.”

The inclusion of demonstrable clear local community support was agreed as suitable and aligned to the principles of localism, provided the support (or otherwise) was based on ‘sound planning reasons’. With the support for this application predicated, in part, on the promise of the donation, i.e. not a planning consideration, it casts doubt on whether support is based on sound planning reasons.

It is concluded that the application has not demonstrated clear local community support.

It is not considered to have demonstrated a thorough but proportionate exercise through which demonstrable evidence of support for the development that is subject of this application.

The Parish Council does not support the proposal.

It is concluded that the proposed development will be contrary to policy LP4 of the CLLP.

Community Facilities

As stated above, the public consultation exercise made explicit reference to a financial contribution of £150,000 towards the village hall.

The accompanying Design and Access Statement puts forward that the development will meet the social objectives of the NPPF as *“the development will provide a large contribution of £150,000 to assist the local village hall project. This project will provide new facilities to be used by the local community creating a considerable social benefit...”* On page 17, it further states *“The applicant has pledged to donate £150,000 to this cause from monies derived from the proposed development which would enable grant aid to be obtained.”*

Whilst the Statement implies that this financial “donation” should be taken into consideration as part of the application, the application makes no provision for any obligation in order to do so.

The NPPF (paragraph 56) states that planning obligations must only be sought where they meet the statutory tests:

- (a) necessary to make the development acceptable in planning terms;*
- (b) directly related to the development; and*
- (c) fairly and reasonably related in scale and kind to the development.”*

Policy LP12 provides the policy context for developer contributions. It requires development contribute towards the delivery of relevant infrastructure, which can take the form of a contribution towards the provision of local or strategic infrastructure required by the development either alone or cumulatively with other developments. LP12 sets out further guidance on implementation of this policy will be set out in a Developer Contributions Supplementary Planning Document (SPD).

The SPD states:

*“Community Halls & Facilities
12.7 Village and community halls can be an important local recreational resource. This is recognised in Local Plan Policy LP15 which seeks to ensure that where possible existing community facilities are protected along with the requirement for new development to make provision either on site or off-site. LP15 and its supporting text define community facilities.*

12.8. The provision of new and improved community facilities is considered to be a local issue. Therefore, with the exception of Sustainable Urban Extensions over the threshold set out below, contributions will not be sought and provision should be made utilising other funding sources such as the local proportion of CIL receipts which a neighbourhood or parish may receive.”

The SPD is clear therefore that it would not expect contributions to be sought towards community halls and facilities and that provision should be made through other funding sources such as CIL receipts.

A S106 planning obligation would not therefore meet paragraph 56 of the NPPF or the statutory test. In any event, no such mechanism has been put forward by the applicant.

Policy C1 the neighbourhood plan states “The community has expressed support for the redevelopment and or refurbishment of the existing village hall and this is also considered as part of Community Aspiration CA1 for use of *CIL monies* (my emphasis).” Section 5 Community aspirations sets out these aspirations *do not* form part of the statutory development plan for Scothern but provide a guide for future projects and a steer should the identified development opportunities arise. CA1 identifies Improvements/enhancements to the village hall.

Policy C2 states “The retention, continued use, refurbishment and improvement of all the community buildings and their associated uses will be supported.”

Accordingly therefore, the Neighbourhood Plan makes provision for CIL monies to go towards such facilities (as is expected by the Central Lincolnshire SPD).

It is not demonstrated that a contribution towards the village hall is necessary to make the development acceptable in planning terms; directly related to the development; and fairly and reasonably related in scale and kind to the development. Nor, in any event has the applicant committed to any obligation as part of the planning application under consideration.

A number of residents that have made representations on the application have raised concerns with this aspect, note that this would be a private arrangement between the developer and Scothern Recreation Centre, and question the ethics and morals of such a practice.

Whilst it is open to the applicant to make a voluntary contribution towards such a cause, it is not a material consideration that can be taken into account or can be afforded any weight as part of the determination of this planning application.

Impact on heritage and village character

The Local Planning Authority has a statutory duty as respects listed buildings in exercise of planning functions:

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

This test is reflected in Policy LP25 of the CLLP which also seeks appropriate consideration of archaeological potential.

Policy LP17 of the CLLP seeks:

“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.”

Policy LP26 of the CLLP encourages development to prevent ribbon development and retain natural features such as trees and hedgerows.

Policy D1 of the SNP supports proposals that have regard to the Scothern Character Assessment, particularly where they respect the archaeological, historic and natural assets of the surrounding area; recognise and reinforce local character in relation to height, scale and space of buildings; enhance pedestrian and cyclist connectivity; respect local landscape quality ensuring that views and vistas are maintained wherever possible. The policy names Manor Farm as a listed building and states “The surrounding countryside, landscape and natural features within Scothern contribute to the character of the area and its sense of space. In order to retain the village feel the areas of countryside surrounding Scothern will be retained and ribbon development will not be supported.”

The neighbourhood plan character assessment (CA), views and vistas, states:

“Sheep are often grazed on Manor Park/ Paddock, a tract of privately owned land on the east side of Dunholme Road.” The application site is in the Dunholme Road Character Area whilst the Manor House is in the Scothern Historic Core Character Area. The CA states the historic core is “bounded by Manor Park to the north” and “houses in this area benefit

from views of the privately owned Manor Park.” The CA identifies “The Manor House and grounds are at the western end of this area.” (Main Street). The Dunholme Road Character Area section identifies the application site as Manor Park stating “Grazing land within Manor Park forms the eastern side of Dunholme Road. The area has wide verges, thick, natural hedgerows and mature trees. Farm buildings lie to the north of Manor Park.”

The Manor House, Scothern is an early 19th century house, on the westerly bounds of Scothern constructed of a gault brick in the Regency style, and of sufficient architectural and historic merit to have been listed grade II (a designated heritage asset). To the left of the house, and forming a key element of its setting is a large, pleasant green space likely to have been part of the designed landscape which included tree planting and a pond. The 1906 OS map (surveyed in 1886 and revised in 1904) shows a circular driveway to the south elevation of the house, and a path and a driveway terminating in views over the land to the west. This land also contains ancient ridge and furrow, and the site is that of an ancient manor. There are a number of trees within the parkland, and the site is bounded by a natural hedge and trees which give rise to a sense of enclosure to the parkland from within, with glimpses through from the road when seen from Dunholme Road. On the southern boundary of the park the landscape is viewed from under a canopy of trees and the sense that this is an important landscape seen beside the house is a very important element of how this setting is experienced outside the site. This landscape forms a high quality setting to the grade II listed house, which has a principal architectural elevation to looking to the SW, including historic views over part of the proposed development site.

Scothern is a predominantly stone built village, with a range of historic plot sizes and there are few large green spaces to be seen. The land west of the Manor House is a major contributor to a feeling of green space in the village, particularly on approach from the Dunholme Road and travelling into the village, with the hedge and tree-lined route providing a sense of arrival.

A heritage statement is supplied, but states in its introduction, that this is an archaeological heritage statement, and therefore, contains no contextual analysis about how sensitive or otherwise, this setting is, but it does include a brief note stating that any new development will affect the setting of the grade II listed Manor House, but that this would be ‘less than substantial harm’ (which means that it does inadvertently concur that the development will result in harm to that setting) and also, mentions briefly that the principal elevation of the listed building has a view over its land to the south. This statement is very much lacking in consideration of this setting and does nothing to demonstrate how this setting is experienced from either within the site or beyond it and does not consider any historic links seen on old OS maps regarding how the parkland was designed to interact with the house itself. The proposed development will very much impact on the setting of the house and is likely to give rise to harm to that setting and how it is experienced.

The development will also impact on how the setting is experienced from within the land and from the house itself and the setting of a listed building does not have to be publicly accessible to be considered significant. The proposed development would be a substantial intervention to this historic setting and would cause harm to the setting of the listed Manor House as a result.

The public benefits arising from the proposal are limited to the provision of a footpath to the front as required by LCC Highways. This benefit is not considered to outweigh the harm caused to the setting of the listed building.

The accompanying Design & Access Statement (DAS) sets out that *“The income derived from the sale of the application site will also provide the finance to help with the ever-present need for repairs and general maintenance of the Manor House and therefore help secure the future of the building in the longer term.”*

However, the application does not set out a costed list of necessary repairs to the Listed Building – or any obligation / commitment for making monies available for this purpose. Accordingly, it is considered that no weight can be given to the application as a potential “enabling development” in this regard. Paragraph 202 of the NPPF is not engaged.

The proposal would result in ribbon development which is contrary to Policy D1 and LP26 part e. Furthermore, the required footway is likely to result in the erosion of the quality of some or all of the established roadside verge as well as hedge and trees in order to gain vehicle access. This would harm the positively identified features “wide verges, thick, natural hedgerows and mature trees” identified in the CA.

LCC Archaeology does not recommend any conditions.

The proposal would cause unacceptable harm to the setting of the listed building and would harm the character of Scothern, contrary to the statutory test and aforementioned policies.

Impact on residential amenity

The application site is relatively removed from existing residential dwellings with a gap of approximately 25m between the site frontage and those of the dwellings opposite on Dunholme Road. Whilst the outlook for residents of these dwellings would change it is not considered the proposal would result in harm to residential amenity by virtue of issues such as overlooking, loss of light or a sense of overbearing. The impact on residential amenity accords with Policy LP26.

Highway impacts

Access is a reserved matter and is therefore not being considered as part of this application. LCC Highways has not raised any concerns with the proposal

in terms of the principle of development. It can reasonably be assumed access would be from the Dunholme Road frontage or the farm track to the north or a combination of both.

Policy T1 requires new residential development must provide the following minimum number of off street parking spaces per dwelling:

- 1 or 2 bedrooms 2 spaces
- 3 or 4 bedrooms 3 spaces
- 5 or more bedrooms 4 spaces

Policy T2 requires new developments provide for safe, direct and landscaped pedestrian and cycle routes through the development and into the village centre where these are required by the development and do not currently exist.

LCC Highways requirement for a footway extension along Dunholme Road and vehicle parking required by Policy T2 could be included as conditions if the application is approved.

The impact of the proposal on highway safety and convenience are otherwise considered acceptable in accordance with Policies LP13, T1 and T2.

Drainage

The application form states surface water drainage will be dealt with by SUDS. No further details are provided. A condition would be required to ensure drainage is dealt with in accordance with the SUDS hierarchy of infiltration, watercourse then sewer and Policy LP14.

Ecology

Policy LP21 requires the proposal to minimise impacts on biodiversity. Any development which could have an adverse effect on sites with designated features and / or protected species, either individually or cumulatively, will require an assessment as required by the relevant legislation or national planning guidance.

Policy E2 requires all developments protect, manage and enhance the network of habitats, species and sites of importance including trees, hedgerows and roadside verges; minimise impacts on biodiversity; and where possible seek to deliver a net gain in biodiversity.

The submitted report of ecology and protected species survey identifies some bird potential within boundary planting that would need to be subject to standard mitigation with removal outside breeding season or following inspection if during the breeding season. Great Crested Newt eDNA testing of ponds was carried out with negative results. Hedges should be searched for hedgehogs prior to works within them. Enhancements for birds, bats and hedgehogs are recommended.

Protected species are not considered to represent a constraint to development. Enhancements are proposed. The proposal complies with LP21 and E2.

Conclusions

The proposal would be contrary to the provisions of the Neighbourhood Plan, would exceed the growth permitted under Policy LP4 and does not demonstrate clear local community support. This is not considered to be an appropriate location for development and would harm the character and appearance of the area and the setting of a grade II listed building without benefits sufficient to outweigh the harm.

The proposed development is found to be contrary to the provisions of the development plan, in particular policies LP2, LP4, LP17, LP25, LP26 and LP55 of the Central Lincolnshire Local Plan; and policies S1, H1 and D1 of the Scothern Neighbourhood Plan

Recommendation

It is recommended this application for outline planning permission is refused for the following reasons:

- 1) The development would, in combination with other development built since April 2012, other extant permissions and allocated sites, increase the number of dwellings within the village by more than 10%. The application does not demonstrate evidence of clear local community support. Development would therefore be contrary to policy LP4 of the Central Lincolnshire Local Plan.
- 2) The development would not be focussed within the built up area of Scothern and is not considered to qualify as an “appropriate location”. It is therefore contrary to policy S1 of the Scothern Neighbourhood Plan, and policy LP2 of the Central Lincolnshire Local Plan. This is an inappropriate location for development, is not infill development, does not meet the definition of any tier of the site development sequential test, is likely to result in an inefficient use of land and entails development on part of what may be the only parcel of grade 2 best and most versatile agricultural land in Scothern. Development would therefore be contrary to Policies LP2, LP4, LP26 and LP55 Part G of the Central Lincolnshire Local Plan and Policies S1 and H1 of the Scothern Neighbourhood Development Plan.
- 3) The proposal would result in ribbon development, the loss of undeveloped roadside verge, hedging and trees, and development of land that positively contributes to the setting of a listed building. The proposal is considered to significantly harm Scothern’s character and appearance and its rural setting. There would be harm (less than substantial) to the setting of The Manor House, a grade II listed building, without the demonstration of any public benefits that would otherwise outweigh the identified harm. The proposal is contrary to

Policies LP17, LP25 and LP26 of the Central Lincolnshire Local Plan and Policy D1 of the Scothern Neighbourhood Development Plan and associated Character Assessment.

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

Agenda Item 7



Planning Committee

9 January 2019

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 and Mrs A Wood against the decision of West Lindsey District Council to refuse a first floor extension to dwelling to provide space for an aging parent at 3 Holme Drive, Sudbrooke, Lincoln LN2 2QL.

Appeal Dismissed – See copy letter attached as Appendix Bi.

Officer Decision – Refuse permission

- ii) Appeal by Mr Reed against the decision of West Lindsey District Council to refuse a change of use from residential garden and the erection of a new dwelling at 6 Bunkers Hill, Hemswell, Gainsborough DN21 5UE.

Appeal Dismissed – See copy letter attached as Appendix Bii.

Officer Decision – Refuse permission

- iii) Appeal by Mr Peter Wright, Bell Wright & Co, against the decision of West Lindsey District Council to refuse planning permission for a residential development of up to 5 dwellinghouses including one replacement dwellinghouse at East View Farm, Main Road, Laughterton, Lincoln LN1 2JZ

Appeal Dismissed – See copy letter attached as Appendix Biii.

Officer Decision – Refuse permission

- iv) Appeal by Gelder Limited and Mr D Tate against the decision of West Lindsey District Council to refuse planning permission for a proposed development of vacant land with 7no. detached bungalows at Ambrose House, 40 Lodge Lane, Nettleham, Lincoln LN2 2RS

Appeal Dismissed – See copy letter attached as Appendix Biv.

Officer Decision – Refuse permission



Appeal Decision

Site visit made on 22 November 2018

by D Guiver LLB (Hons) Solicitor

an Inspector appointed by the Secretary of State

Decision date: 14th December 2018

Appeal Ref: APP/N2535/D/18/3209705

3 Holme Drive, Sudbrooke, Lincoln, Lincolnshire LN2 2QL

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission.
 - The appeal is made by Mr and Mrs A Wood against the decision of West Lindsey District Council.
 - The application Ref 137883, dated 29 May 2018, was refused by notice dated 18 July 2018.
 - The development proposed is first-floor extension to dwelling to provide space for aging parent.
-

Decision

1. The appeal is dismissed.

Preliminary Matters

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 make representations on the effect of the Framework on the application and I have taken all comments into consideration in this decision.

Main Issues

3. The main issues are the effect of the proposed development on:
 - a) the character and appearance of the area; and
 - b) the living conditions of the occupiers of neighbouring dwellings with regard to overlooking and privacy.

Reasons

Character and Appearance

4. The appeal site comprises a roughly L-shaped detached bungalow set back from the road in a relatively compact plot of land. The building has a dual pitched roof with gables located at the front and rear of the main wing and a third at the end of the subsidiary wing facing the flank boundary of the site. There is also an attached flat-roof garage to the front of the property between the two wings of the building. The site is in a prominent position close to entrance into Holme Drive from Scothern Lane and facing towards the junction between Holme Drive and Beech Close.

5. The surrounding area is predominantly residential in character with neighbouring dwellings being similarly sized detached bungalows. There is slight variation in design and evidence that some of the neighbouring properties have been extended. However, the roof line of dwellings is largely consistent for some distance on both sides of the road, with little evidence of roof-lights or windows in front-facing roof pitches.
6. The proposed development is for the creation of additional living space in the attic which would require the creation of an additional gable on the northeast-facing flank, the increase in the height of the ridge of the subsidiary wing to roughly double the existing roof height, and the increase in the height of the existing rear and flank gables. Additionally the proposal would create two roof-lights in the front pitch of the roof over the subsidiary wing and box dormers to the rear of the pitch.
7. The proposed new roof would disrupt the existing pattern of the low-level buildings on Holme Drive and would result in the roof of the subsidiary wing dominating the existing building, making it appear top-heavy. The prominent position of the appeal site would result in an incongruous addition to the street scene causing unacceptable harm to the character and appearance of the area.
8. Therefore, the proposal would not accord with Policy LP26 of the Central Lincolnshire Local Plan 2016 (the Local Plan) which seeks to ensure that developments achieve high quality sustainable design that contribute positively to local character and relate well to their site and surroundings.

Living Conditions

9. The rear gable and the new flank gable would introduce first-floor windows to the building. The window in the flank gable would look towards the blank gable end of the dwelling at 5 Holme Drive and would serve a bathroom so obscure glazing and restricted opening could be secured by condition. However, the windows in the rear-facing gable would serve a bedroom and would be close enough to the boundary to look down into No. 5's garden. The dormer windows on the rear pitch of the subsidiary wing would serve a further bedroom and a living room and would be close to the boundary with 1 Holme Drive resulting in overlooking of its garden.
10. The nearby dwellings are bungalows and there is a greater expectation of privacy when surrounding properties are low level. Such an expectation would increase when the private rear garden space is relatively shallow. The overlooking from windows above ground-floor level and close to the boundary would result in an unacceptable loss of privacy for the occupiers of Nos. 1 and 5.
11. Therefore the proposed development would not accord with Policy LP26 of the Local Plan which also seeks to ensure that developments do not unduly harm the amenities which all existing and future occupants of neighbouring land and buildings may reasonably be expected to enjoy.

Other Matters

12. I note from the description of the development that the proposal would provide accommodation for aging relatives. While personal circumstances are a material consideration there is no evidence of any particular need for the relatives to be accommodated at the appeal site. In any event, the personal

needs of individuals would not be sufficient to overcome the unacceptable impact of the proposal on the character and appearance of the area and the living conditions of neighbouring residents, save in exceptional circumstances. I therefore attach little weight to the expressed need for the proposed development.

Conclusion

13. Therefore, for the reasons give above and taking into account all other material considerations, I conclude that the appeal should be dismissed.

D Guiver

INSPECTOR

Appeal Decision

Site visit made on 11 December 2018

by Andrew McGlone BSc MCD MRTPI

an Inspector appointed by the Secretary of State

Decision date: 17 December 2018

Appeal Ref: APP/N2535/W/18/3210783

6 Bunkers Hill, Hemswell, Gainsborough DN21 5UE

- 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 Reed against the decision of West Lindsey District Council.
 - The application Ref 137125, dated 29 November 2017, was refused by notice dated 10 April 2018.
 - The development proposed is change of use from residential garden and the erection of a new dwelling.
-

Decision

1. The appeal is dismissed.

Procedural Matter

2. During the appeal I wrote to the main parties seeking their views on whether the proposed development would result in harm to the Hemswell Conservation Area (HCA) and the Area of Great Landscape Value, and if so, what degree of harm this would be, and whether there are there any public benefits of the proposal, including securing its optimum viable use that would outweigh this harm. I have considered the parties' responses in arriving at my decision.

Main Issue

3. The main issue is whether the proposed development would preserve or enhance the character or appearance of the HCA and the Area of Great Landscape Value, including whether sufficient information has been provided in respect of protected trees within the site.

Reasons

4. Section 72(1) of the of the Planning (Listed Buildings and Conservation Areas) Act 1990 sets out the statutory duty to pay special attention to the desirability of preserving or enhancing the character or appearance of a Conservation Area.
5. The appeal site is part of the garden of 6 Bunkers Hill, a large dwelling house in the small village of Hemswell. The village is characterised by a large number of attractive and well maintained dwellings principally built of stone. The appeal site is on the edge of the HCA where there is a loose group of dwellings arranged around a tight bend in the road, which also forms a junction with Weldon Rd. The site forms part of the extensive landscaped grounds to No 6.

6. To the east of the site is an access serving a residential dwelling that cannot be viewed from the road. Hence, No 6 is the first or last dwelling visible on entering or leaving the village along Bunkers Hill which slopes upwards to the east. There are a number of important buildings in the HCA nearby at 1, 2, 3, 6 and 6a Bunkers Hill.
7. Within the appeal site there are a couple of outbuildings. T1 (Maple) and Group 1 and Group 2 are protected under a Tree Preservation Order (TPO) (Hemswell No.1 2008). There are further protected trees within and next to the site as they are within the HCA. Collectively, the trees make a positive contribution to the character and appearance of the HCA in that they form a leafy backdrop to Bunkers Hill and form an important transition between the built development within the village and a more densely wooded area to the east. They are a key part of its character.
8. No heritage assessment has been submitted by the appellant to enable consideration of the proposal's effect on the HCA. Nor has an assessment been submitted about the protected trees. Given the siting of the proposed dwelling and its location within the HCA and the positive contribution that protected trees make to the HCA, both would be useful tools in assessing the significance of the heritage asset, its setting or the proposal's impact, especially in relation to the protected trees.
9. The proposal would be an infill development between two existing dwellings. The dwelling would be next to Bunkers Hill and a cluster of three trees, one of which is substantial in size. Due to the position of the proposed dwelling and its driveway there is a strong chance that development would be formed within the root protection areas (RPA) of the mature Maple (T1) and the cluster of trees next to Bunker Hill. These trees seem to be in good health with no obvious damage or dead wood and despite their mature age they have a reasonable lifespan remaining. The trees play an important role within the HCA and their canopies cover a significant area, especially T1.
10. A cellular confinement system could be used to construct the driveway where it extends within any of the RPA's. However, this would need to be built above existing ground levels. To avoid damage to tree roots ground levels around the driveway should not be raised. As there are no details of either before me the proposal is likely to result in the loss of these trees or at the least reduce their contribution to the HCA. Furthermore, a further tree near to the site's northern boundary is not shown on the plans before me. The siting of the proposed dwelling would be likely to result in its removal.
11. When considering the impact of a proposed development on the significance of a designated heritage asset, great weight should be given to the asset's conservation. I note the Council's Conservation Officer and Tree and Landscape Officer have commented on the proposal. There is a variety of architectural styles in Hemswell. The proposed dwelling would be modest and of a traditional design. However, its position next to the road near to several protected trees would, in tandem with its scale and massing, introduce built development into a pleasant open space. Nor would the proposal take into account of other traditional, vernacular dwellings in the HCA that are important buildings, including No 6 which has a simpler form and appearance and sited next to the highway. This would result in significant harm to the character and appearance of the HCA. This harm would be magnified by the potential loss or

- reduced contribution that the protected trees would make to the HCA and the approach in and out of the village. Due to the slope of the site, the proposed dwelling would be a prominent form of development that would not retain or reinforce local distinctiveness. Thus, the scheme would fail to preserve or enhance the character and appearance of the HCA.
12. With regard to paragraph 196 of the National Planning Policy Framework (the Framework) the harm to the HCA would be less than substantial. Even so this still amounts to a harmful impact which adversely affects the significance of the HCA as a heritage asset. Public benefit would arise from a dwelling being built in a sustainable location. The dwelling would contribute to significantly boosting the supply of homes, make effective use of land and not harm the living conditions of neighbouring residents. However, the harm to the HCA and the site would, to which I attach considerable importance and weight, in my view, clearly outweigh these modest public benefits.
 13. I conclude that the proposed development would harm the character and appearance of the HCA, and that insufficient information has been provided in respect of protected trees within the site. Thus, the proposal would not preserve or enhance the character or appearance of the HCA, and the appeal scheme would be contrary to Policies LP2, LP21, LP25 and LP26 of the Central Lincolnshire Local Plan (Local Plan), and Framework paragraph 196. Jointly, these policies and guidance seek, among other things, proposals within and affecting the setting of a conservation area to retain, preserve and reinforce features that contribute positively to the area's character, appearance and setting; and minimise impacts on biodiversity and deliver net gains.
 14. The site is also located within an Area of Great Landscape Value. While Local Plan Policy LP17 refers to the effect of proposals on such areas, the Council has not provided me with enough information about that to enable me to reach a conclusion on this matter. The Council also refer to Local Plan LP4, but they confirm that the proposal would accord with the growth level of this policy. Thus, no conflict would arise. Even so, my conclusions about the scheme's effect on the HCA are significant and outweigh this.
 15. I note that the Council has approved an application by Hemswell Parish Council to have parish of Hemswell designated as a neighbourhood area, for purposes of producing a Neighbourhood Plan (NP), but no draft NP has been published.

Conclusion

16. For the reasons set out above, I conclude that the appeal should be dismissed.

Andrew McGlone

INSPECTOR



Appeal Decision

Site visit made on 22 November 2018

by D Guiver LLB (Hons) Solicitor

an Inspector appointed by the Secretary of State

Decision date: 24 December 2018

Appeal Ref: APP/N2535/W/18/3209303

East View Farm, Main Road, Laughterton, Lincoln LN1 2JZ

- 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 Peter Wright, Bell Wright & Co against the decision of West Lindsey District Council.
 - The application Ref 137400, dated 14 February 2018, was refused by notice dated 6 April 2018.
 - The development proposed is residential development of up to 5 dwellinghouses including one replacement dwellinghouse.
-

Decision

1. The appeal is dismissed.

Preliminary Matters

2. The application is made in outline with all matters save access reserved for future consideration. Drawings submitted with the application showing a potential site layout are described as indicative and I have determined this appeal accordingly.
3. 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 make representations on the effect of the Framework on the application and I have taken all comments into consideration in this decision.

Main Issues

4. The main issues are whether the proposal would be in an acceptable location having regard to:
 - a) flood risk; and
 - b) the minerals safeguarding area.

Reasons

5. Laughterton is a small village where development is controlled by Policy LP2 of the Central Lincolnshire Local Plan 2017 (the Local Plan). The Policy seeks to ensure that developments are small in scale, usually limited to around four dwellings, and are in appropriate locations. Appropriate locations are defined as those where development would not conflict with Framework and Local Plan

Policies taken as a whole and would retain the settlement's core shape and not harm its character and appearance.

6. The appeal site comprises a bungalow set 40 metres or so back from the highway in a plot of land approximately 0.3 hectares in size within the developed footprint of the small village of Laughterton. Access to the site would be taken off Main Road and would run along the southern boundary of the site. The proposed development would not alter the core shape of the village. The proposal is for the demolition of the existing bungalow and outbuildings on the site and the erection of up to five dwellings, which is a net gain of four homes, so would be a small sale development.

Flood Risk

7. Policy LP14 of the Local Plan and Framework Policies seek to direct development away from areas at highest risk of flooding. Schemes in areas at risk of flooding should apply the sequential test and, if necessary, the exceptions test. Proposals should demonstrate that there would be no unacceptable increased risk of flooding and that appropriate mitigation measures have been considered. Policy LP4 of the Local Plan sets a target of 10% growth for Laughterton but recognises that a different level of growth might be appropriate due to flood risk in the village.
8. The site is located in Flood Zone 2. Laughterton has parcels of land in Flood Zones 1, 2 and 3 with the majority of the settlement area in Flood Zones 2 and 3. The site benefits from some local flood defences but if these were to fail there would likely be some shallow flooding on part of the site as a result of a 1 in 100 year flood. Ground levels on the remainder of the site would be a little less than half a metre above the likely high water level from such a flood. In the event of a 1 in 1000 year flood the site would be inundated to between 0.39 and 1.39 metres.
9. The appellant has undertaken a sequential test initially restricted to the village itself but subsequently widened to include the village of Kettlethorpe, which together with Laughterton make up the parish of Kettlethorpe. The sequential tests concluded that there were no suitable reasonably available alternative sites with a lower probability of flooding available in the search areas.
10. The Planning Practice Guidance (PPG) advises that in the first place it is for the local planning authority to determine if the sequential test is satisfied and for housing the test will often extend across a town or district area. The Council's default position is for the sequential test to apply to the whole of the district. However, the PPG also advises that the area may be more narrowly defined by reference to local circumstances, for example around school catchment areas, and that a pragmatic approach should be taken.
11. The appellant has referred me to a number of planning and appeal decisions where the decision-maker determined that the appropriate area for the application of a sequential test was to be narrowly construed to the settlement in which the development was to be located. Two of these decisions relate to sites in close proximity to the appeal site before me. The first was an appeal from 2003¹, since which time there has been a significant change in the understanding of specific climate events. The second was a decision from

¹ APP/N2535/A/03/1114653

- 2015² made at a time when the Council was unable to demonstrate a five-year supply of deliverable housing sites and a specific need was demonstrated under the then applicable local development plan.
12. In an appeal from 2016³ the development site was in Derbyshire and there was a dispute as to whether the site was in Flood Zones 1, 2 or 3 and the area was at least partially surrounded by Green Belt. Finally, a decision from 2016⁴ concerned a site in Newton upon Trent, which was also during a time when the local development plan was considered to be out of date.
 13. I note that in each case the proposal was for a single dwelling. The scheme before me is for up to five dwellings, being one replacement and four new buildings. Four additional dwellings would have a significantly greater impact on ground conditions than a single additional dwelling and therefore none of the decisions referred to are comparable to the circumstances of this case.
 14. It was also a theme of some of these decisions that the proposal would support or ensure the viability of local services. There are few services if any in Laughterton other than a local pub and a development would offer little if any support. Services in neighbouring villages might be supported but could be supported by development elsewhere. I do not have before me the evidence upon which the Inspectors or planning officers made their decisions and must determine this appeal on its own merits. I have also been referred to a number of appeal decisions by the Council but none of these was similar to the appeal before me in relation to scale, location or flood zone, as the case may be, and I therefore attach limited weight to them.
 15. Given the flood risk and the maximum number of dwellings in the proposal, together with the lack of local services, the application of the sequential test to the narrow confines of the parish of Kettlethorpe is insufficient. Without justification for a narrower catchment, a broader, district-wide sequential test would be required to support this proposal.
 16. Therefore, the proposed development does not accord with Policy LP14 of the Local Plan or the requirements of the Framework with regard to Flood Risk.

Minerals Safeguarding Area

17. The appeal site lies within a wind-blown sand mineral safeguarding area and sand and gravel mineral safeguarding area (the Mineral Safeguarding Areas). Policy M11 of the Lincolnshire Minerals and Waste Local Plan Core Strategy and Development Management Policies 2016 (the Minerals Plan) requires proposals for developments in the Mineral Safeguarding Areas to be accompanied by a minerals assessment. The Policy also seeks to ensure that mineral resources of current or future economic importance are protected from permanent sterilisation by other development.
18. The Policy provides for planning permission to be granted where development would not sterilise mineral resources or prevent future minerals extraction on neighbouring land, or where a developer can demonstrate that prior extraction of the mineral would be impracticable, and that the development could not reasonably be sited elsewhere.

² 132876 dated 2 September 2015

³ APP/M1005/W/16/3155384

⁴ 134992 dated 22 November 2016

19. Since the date of the Council's decision the appellant has provided a minerals assessment. The assessment concludes that the estimated volume of relevant minerals beneath the site would not be economically viable to extract. Moreover, as the proposed development is consistent with the current land use and that of neighbouring properties development would not have a significant impact on the volume of minerals available for extraction.
20. The Council has considered the assessment and concludes that it is acceptable and no longer wishes to rely on the second ground of refusal. Therefore the proposal would accord with Policy M11 of the Minerals Plan. However, compliance with this Policy would not overcome the risk or flooding and want of an adequate sequential test.

Other Matters

21. A number of interested parties have objected to the proposed development on the ground of the impact on privacy. The proposal is for outline permission and scale, design, orientation and boundary treatments would all be required to demonstrate there would be no unacceptable impact on privacy. As these are matters for future determination I attach limited weight to this argument. Further objections were raised regarding loss of value to neighbouring dwellings and existing buildings containing asbestos. These are not proper planning considerations though any asbestos in buildings to be removed would be a matter for the Council to address under other regulatory powers.

Conclusion

22. For the reasons given and taking account of all other material considerations I conclude that the appeal should be dismissed.

D Guiver

INSPECTOR



Appeal Decision

Site visit made on 22 November 2018

by D Guiver LLB (Hons) Solicitor

an Inspector appointed by the Secretary of State

Decision date: 24 December 2018

Appeal Ref: APP/N2535/W/18/3209967

Ambrose House, 40 Lodge Lane, Nettleham, Lincoln LN2 2RS

- 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 Gelder Limited and Mr D Tate against the decision of West Lindsey District Council.
 - The application Ref 137531, dated 8 March 2018, was refused by notice dated 31 May 2018.
 - The development is described as proposed development of vacant land with 7no. detached bungalows.
-

Decision

1. The appeal is dismissed.

Preliminary Matters

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 make representations on the effect of the Framework on the application and I have taken all comments into consideration in this decision.

Main Issue

3. The main issue is whether the proposal would be acceptable having regard to its location outside the developed footprint of the village.

Reasons

4. Policy LP2 of the Central Lincolnshire Local Plan 2017 (the Local Plan) seeks to ensure that developments are concentrated in identified settlements, including large villages. The Policy states that development in large villages should be within allocated sites or on infill or previously developed sites within the existing developed footprint. Development on other sites in appropriate locations outside developed footprints would be considered in exceptional circumstances.
5. The developed footprint is defined as the continuous built form of the village excluding individual buildings or groups which are clearly detached from the continuous built up area, agricultural buildings and open land such as gardens, paddocks and outdoor sports and recreation facilities. Appropriate locations are those which, when taken as a whole, do not conflict with the Framework or

the Local Plan and, if developed, would retain the core shape and form of the settlement and not significantly harm its character and appearance or the character and appearance of the surrounding countryside. The Policy does not define exceptional circumstances but suggests that it requires the development to deliver benefits over and above those ordinarily required.

6. The appeal site comprises an open field outside the main built form of the developed footprint of Nettleham, which is identified as a large village. The field is not an allocated development site. The site is located between an ongoing development that has expanded the developed footprint south towards the appeal site, and a solitary dwelling at 40 Lodge Lane. No. 40 is clearly detached from the village and therefore does not form part of the developed footprint for the purposes of infill. Accordingly, the appeal site is located in the open countryside.

Appropriate Location

7. The proposal would result in a significant built form being introduced into the countryside on the periphery of the village. Because of the proximity of No. 40 the overall impact of the proposal would be to fundamentally alter the core shape and form of the settlement on its southern side. The site is not connected to the village by any footpath and the road is a relatively narrow unclassified road that is unlit and subject to the national speed limit. Therefore, while the site is relatively close to services within the village it would not provide adequate pedestrian permeability as required by Policy LP26 of the Local Plan. Therefore the appeal site would not be in an appropriate location and would not accord with Policy LP2 of the Local Plan.

Exceptional Circumstances

8. The appellants have offered to voluntarily deliver all of the properties to the higher accessibility standards of M4(2) of the Building Regulations. This would exceed the requirements of Policy LP10 of the Local Plan for 30% of the houses to meet this standard. However, a similar voluntary undertaking could be given at a site within the developed footprint of a large village. Given the number of houses proposed the scheme would make a very modest additional contribution over and above the requirements of the Policy which would be insufficient to overcome the harm to the spatial strategy and settlement hierarchy.
9. The appellants stated a willingness to provide a footpath to the front of the site and extend it to the entrance to the Rugby Club. However, this would require development of land in third-party ownership and no evidence has been provided that the footpath would be deliverable and I therefore give little weight to the stated willingness to provide the path.
10. The appellants also stated an intention to market the houses in the development to persons over 55 years of age which would satisfy a need for housing of older persons identified in Policy H-3 of the Nettleham Neighbourhood Plan 2015 (the NNP). However, the appellants say that while they would be agreeable to market the housing as described, they would prefer not to be required to do so by way of a planning obligation.
11. In the absence of a planning obligation the marketing of housing specifically to older persons would not be an enforceable requirement. The offer to market

houses on this basis does little more than comply with the policy requirements of the NNP. While the appellants would ultimately accept a planning obligation of required, no such obligation has been provided.

12. Planning obligations should only be sought where they satisfy the three tests in paragraph 56 of the Framework. The provision of housing for older persons would be directly related to the development and a contribution determined in accordance with Policy H-3 of the NNP would be fairly and reasonably related in scale and kind to the development. Given the requirements of Policy H-3, a planning obligation would be necessary to make a similar development acceptable in planning terms.
13. The proposals for accessible housing, a footpath and marketing to older persons could be achieved at other sites and therefore do not constitute exceptional circumstances. In the absence of a planning obligation the proposal for marketing to older persons would not be enforceable despite the policy requirement in the NNP. Therefore, the proposed development would not accord with Policy LP2 of the Local Plan

Other Matters

14. The appellants state that the decision notice does not reflect the Council's determination of the matter at its planning committee. However, notwithstanding comments made by individual members, the recommendation and resolution to refuse was clearly based on the facts and assessment in the officer's report which does reflect the reason for refusal.
15. Policy LP11 of the Local Plan provides that developments should make a provision for affordable housing where the proposal is for eleven or more dwellings or where the total floor space of the proposed units exceeds 1,000 square metres. The appellant has indicated a total gross internal floor space of 1,266 square metres and therefore the proposal falls within the scope of Policy LP11 for the provision of affordable housing. Paragraph 63 of the Framework states that affordable housing should not be sought for residential developments that are not major developments.
16. Policy LP11 identifies qualifying housing development sites by reference to floor space, which is not directly replicated in the definition of major developments in the Framework. However major developments are clearly identified by reference to their overall area so Policy LP11 should not be considered out of date if the appeal site would otherwise be within the definition. Major developments are defined for housing purposes as those where ten or more homes will be provided or where the site has an area of 0.5 hectares or more. The appellant states that the appeal site has an area of 0.6831 hectares. Accordingly, the scheme would be a major development and therefore would require a contribution towards affordable housing secured by way of a planning obligation.
17. The provision of affordable housing would be directly related to the development and the level of contribution determined in accordance with Policy LP11 of the Local Plan would be fairly and reasonably related in scale and kind to the development. Given the requirements of Policy LP11, a planning obligation would be necessary to make a similar development acceptable in planning terms but would not be sufficient in this case to overcome the want of exceptional circumstances required to justify the development.

18. I have been referred to an earlier appeal decision relating to a proposed development on the site¹. Although the decision was made before the adoption of the current Local Plan and the Framework, the main issue was broadly similar to the main issue in this appeal. Having reached similar conclusions to the Inspector I do not consider it necessary to further address the appeal decision.

Conclusion

19. For the reasons given and taking account of all material considerations, I conclude that the appeal should be dismissed.

D Guiver

INSPECTOR

¹ APP/N2535/W/15/3133902