

AGENDA

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

Planning Committee**Wednesday, 1st May, 2019 at 6.30 pm****Council Chamber - The Guildhall, Marshall's Yard, Gainsborough, DN21 2NA****Members:**

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

1. Apologies for Absence**2. Public Participation Period**

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

3. To Approve the Minutes of the Previous Meeting

3 - 14

- i) Meeting of the Planning Committee held on 3 April 2019, previously circulated.**

4. Declarations of Interest

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

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

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

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

6. **Planning Applications for Determination**

i) 136577 Horsley Road, Gainsborough 15 - 44

ii) 139207 Blyton 45 - 52

7. **Determination of Appeals** 53 - 67

- 138091 – Land adjacent 25b Church Road, Stow
- 137057 – Land south of High Street, Cherry Willingham

Mark Sturgess
Head of Paid Service
The Guildhall
Gainsborough

Tuesday, 23 April 2019

WEST LINDSEY DISTRICT COUNCIL

MINUTES of the Meeting of the Planning Committee held in the Council Chamber - The Guildhall, Marshall's Yard, Gainsborough, DN21 2NA on 3 April 2019 commencing at 6.30 pm.

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

Councillor Matthew Boles
Councillor Michael Devine
Councillor Hugo Marfleet
Councillor Giles McNeill
Councillor Roger Patterson
Councillor Thomas Smith
Councillor Robert Waller
Councillor Mrs Sheila Bibb

Also In Attendance: Councillor Mrs Lesley Rollings
Councillor Lewis Strange

In Attendance:
Mark Sturgess Executive Director of Operations and Head of Paid Service
Russell Clarkson Planning Manager (Development Management)
Ian Elliott Senior Development Management Officer
Martin Evans Senior Development Management Officer
Richard Green Planning Officer
Ele Snow Democratic and Civic Officer

Apologies: Councillor David Cotton
Councillor Mrs Jessie Milne
Councillor Mrs Judy Rainsforth

Membership: Councillor Mrs Sheila Bibb was appointed as substitute for Councillor Mrs Jessie Milne, for this meeting only

Also Attending: 58 Members of the Public

94 CHAIRMAN'S WELCOME

The Chairman welcomed all present and explained the housekeeping arrangements for the night. He explained the procedure for those registered to speak on the planning applications and reminded the public gallery of the need to allow all speakers to be heard.

95 PUBLIC PARTICIPATION PERIOD

There was no public participation.

96 TO APPROVE THE MINUTES OF THE PREVIOUS MEETING

Meeting of the Planning Committee held on 6 March 2019.

RESOLVED that the Minutes of the meeting of the Planning Committee held on 6 March 2019 be confirmed and signed as a correct record.

97 DECLARATIONS OF INTEREST

Councillor S. Bibb declared that she would be stepping down as a Committee Member for planning application number 136577 and would address Committee as Ward Member for Gainsborough North.

Councillor M. Boles declared that he was also Ward Member for Gainsborough North but had not communicated about the application and would remain as a Member of Committee.

Councillor O. Bierley declared that he had received an email representation relating to planning application 138971 and a letter relating to planning application 138794, however he had not responded to either.

Councillor R. Patterson declared that he had also received the email relating to planning application 138971 but had not responded.

Councillor I. Fleetwood declared that he had also received the email relating to planning application 138971 but had not responded.

Note: Councillor R. Waller arrived at 6.40pm

98 UPDATE ON GOVERNMENT/LOCAL CHANGES IN PLANNING POLICY

The Development Management Team Leader advised the Committee of several updates regarding Neighbourhood Plans. He explained that, since the previous meeting, consultation on the submissions versions for Glentworth and Spridlington had ended and examination arrangements were awaited. Consultation on the Sudbrooke final version was due to close the following week and there were two consultations open on draft versions for Scotton and Waddingham. Further details for all Neighbourhood Plans were available on the West Lindsey website.

99 PLANNING APPLICATIONS FOR DETERMINATION

RESOLVED that the applications detailed in agenda item 6 be dealt with as follows:-

100 138971 - IRWIN ROAD, BLYTON

The Chairman introduced the first of the applications to be heard, application number 138971, outline planning application for up to 9no. dwellings with all matters reserved, on land east of Laughton Road adjacent to Irwin Road, Blyton. He invited the Senior Development Management Officer to provide any update to the application and it was explained that since the report was drafted, Severn Trent had confirmed it would want a connection to be at manhole 7301 because the former manhole was receiving the rising main from the Irwin Road pumping station. By making the connection into the above sewer it meant the flows would be going out into Laughton Road and not further into Irwin Road and towards where the issues may be occurring. Additional letters of objection had been received citing the risk of exacerbated flooding and stating unanimous opposition within Irwin Road and Blyton as a whole. The updates did not change the recommendation.

The Chairman notified the Committee that there were three public speakers and he invited the first, Parish Councillor Mark Harrison, to address the room.

Mr Harrison thanked Committee for the chance to speak and highlighted his three main concerns about the application. He stated that traffic entering the village near the junction to Irwin Road and the proposed development was often travelling in excess of 60mph and there would need to be traffic calming measures in place to mitigate the risk of that junction. With regards to top water, Mr Harrison explained that the dykes were not managed and since the previous construction work had been undertaken, when the flood plain had been infilled with rubble and then built on, the dykes were now breached in several places on a regular basis when there was heavy rain. His final point was regarding the sewerage infrastructure and that it was not sufficient for the existing homes, without the risk of adding more properties into the system. He stated that all such problems should be resolved prior to any further building works going ahead.

The second speaker, Mr Marcus Walker speaking as an objector to the application, was invited to address the Committee. He supported the comments made by Mr Harrison in terms of the inadequate drainage systems and explained to Members that he had been in frequent contact with Severn Trent with regards to the drainage and sewerage systems. He stated that they had accepted the system was substandard but had not undertaken any investigations to see what could be done to remedy the situation. He called for the Committee to refuse the planning application on this basis.

The third speaker, Ward Member Councillor Lesley Rollings, reiterated the points made by the previous two speakers and commended their dedication to researching and collating the information they had in relation to the drainage systems. She confirmed that there were already problems with flooding in the area that was at risk of worsening with any new development.

Note: The Chairman requested that additional paperwork submitted by Mr Walker be passed to the Executive Director of Operations as it had not been submitted for consideration prior to the publicised deadline.

Councillor Rollings continued with her allocated speaking time to repeat the concerns about the drainage systems and also the risk to local businesses by flooding. She also asked the Committee to consider ecological impacts not just with watercourse problems but also the

risk to the local environment such as loss of insects, wild flowers and open space.

With nothing further to be added from the Senior Development Management Officer, the Chairman opened discussions to the Committee.

A Member of Committee noted that Ward Member Councillor Mewis had submitted a Member request for call-in, stating that alongside widespread local opposition, it was also considered that the application was contrary to LP2 (would not be appropriate location or retain core shape and form, would change shape of the village creating further linear ribbon development away from core services), contrary to LP2 and LP4 (outside developed footprint which specifically excludes agricultural land on the edge of the settlement, hedge forms boundary to countryside), contrary to LP14b (Irwin Road flooding and drainage problems would be exacerbated), contrary to LP14e (it would not reduce flood risk overall and would not provide solutions for the wider area) and contrary to LP14 (SUDS not provided). On the basis of those planning policies, the Member of Committee moved a proposal to refuse planning permission which was then seconded with support for the reasons given.

Note: Councillor M. Devine declared that he had also received email contact regarding the application but had not responded to it.

There was further discussion regarding the risk of flooding. The Senior Development Management Officer clarified that the results of any drainage surveys may show that remedial cleansing work was required and the proposal was for the flow to be directed into an area away from Irwin Road. The Legal Advisor confirmed that the applicant was required to demonstrate that their development could be mitigated and that in mitigating their development it would not contribute to other areas. Although there were issues in the locality, the statutory authorities had confirmed that they considered the application to be acceptable.

Following final comments with regards to drainage and the risk of flooding, the Chairman repeated the proposal to refuse permission for the reasons that it was contrary to LP2, LP4, LP14b and LP14e. With nine votes in favour of the proposal and one abstention it was passed that planning permission be **REFUSED** for the reasons given above.

Note: The meeting was adjourned at 7.07pm to allow members of the public to leave the Chamber. The meeting reconvened at 7.10pm.

101 136577 - HORSLEY ROAD, GAINSBOROUGH

The Chairman introduced planning application number 136577, an outline planning application for the development of up to 49no. dwellings, with access to land to the west of Horsley Road, Gainsborough to be considered and not reserved for subsequent applications - resubmission of 134824. He invited the Senior Development Management Officer to provide any updates. He advised Committee that since the report was drafted, additional letters of objection had been received from residents regarding concerns about the impact on infrastructure and services, parking, access and road safety issues, concerns about flood risk and whether the development would be affordable housing. He advised, however, that the updates did not change the recommendation.

The Chairman invited the first registered speaker, Rebecca Housam, to address the Committee. She explained she was speaking on behalf of the applicant and stated there were strong and robust reasons for the application to be approved. She detailed the conversations and testing that had occurred in relation to the drainage considerations and assured Members that the proposal sought to reduce the flood risk overall as well as alleviate the existing problems. She highlighted that the proposal provided sustainable housing as well as other contributions to the local community. It was explained that they had worked closely with the Council to allay any concerns and respectfully asked the Committee to approve the application.

The Chairman then invited Councillor S. Bibb, Ward Member, to speak. She noted that the original objections had centred on the likelihood of flooding to the area and accepted that there were details within the proposals which would aim to alleviate the flood risk, although there was no guarantee of this. She explained that the existing houses did experience difficulties and it would need to be assessed whether the proposals offered reasonable solutions. She also explained that access was another major concern and she found it difficult to understand how the Highways Agency had found the access acceptable. She stated that the roads are already very congested, it was already very difficult to manoeuvre any large vehicle (such as delivery vans) around the area and cars were consistently parked on both sides of the roads. In addition to these concerns, Councillor Bibb raised the environmental impact of losing the biodiversity of the area. She urged the Committee to consider their options, whether that be for refusal or deferment for a site visit.

Note: Councillor S. Bibb withdrew from the Chamber at 7.21pm for the duration of the discussions.

The Senior Development Management Officer clarified that pedestrian access was to be determined as part of the application and that vehicular access was straightforward, as shown on the site map, with no issues raised by the Highways Agency. He added that the issue regarding surface water had been adequately resolved with the plan to pump the water directly into the River Trent. The Chairman opened discussions from Members of the Committee.

There was discussion between Members as to the concerns regarding the risk of flooding and drainage issues on the site, as well as the significant problems regarding access. A Member of Committee, believing the application to be acceptable, moved the Officer's recommendation.

Following further discussion, the proposal for a site visit was moved, with the Member of Committee feeling the access and parking issues needed to be seen before any decision could be made. There were comments made regarding the benefit of a riverside development and the Officer's recommendation was seconded.

The Committee continued to discuss the merits of the application versus the concerns regarding flooding and access. It was highlighted that the application was indicative only and further details would be provided with the full application. The proposal to hold a site visit was subsequently seconded and the Chairman put this to the vote. With five Members in favour and two against it was

RESOLVED that application number 136577 in relation to Horsley Road, Gainsborough, be deferred for a site visit to take place, date and time to be arranged following the conclusion of the meeting.

Note: The meeting was adjourned at 7.34pm for members of the public to leave the room. Councillor S. Bibb re-joined the Committee and the meeting reconvened at 7.35pm.

102 138477 - LAND OFF BRIGG ROAD, GRASBY

The next item on the agenda was introduced, planning application number 138477, for change of use of land for the siting of 32no. holiday lodges, 1no. warden's lodge with adjacent site supply shed-shop, pond and associated site landscaping on land off Brigg Road & Grasby Wold Lane Grasby. The Senior Development Management Officer provided the Committee with updates in relation to a further objection received from Councillor Strange regarding delaying the application until the traffic speed restrictions had been implemented, however, it was confirmed that the County Council had approved the speed limit to be reduced to 40mph on the road in question and although there was no definite time scale for this being implemented, public notification would be along the road from May or June 2019 and the operational date would be after that.

The Chairman informed the Committee there were three speakers and invited the first, Councillor Mrs Forbes of Grasby Parish Council to address the Committee.

Councillor Forbes explained that the main concerns about the proposal were regarding the traffic implications, surface and foul water drainage, the use of the lodges and the impact on the local ecology. She accepted that the speed limit on the road was to be reduced but explained that the entrance to the site was on the brow of a hill where visibility was not ideal. She also explained that the development of the lodges would put additional strain on water systems that were already struggling, both fresh water with low water pressure in existing dwellings and foul water treatment systems being at capacity already. She suggested that the development would require an additional septic tank to be installed on site. With regards to the use of the lodges, Councillor Forbes explained that they had heard the lodges would be used for accommodation for offshore workers, rather than as a holiday lodge park. She highlighted that this use would be different to that detailed in the application. For her final point, Councillor Forbes commented on the ecology of the area and the risk to the biodiversity including bat activity. She requested that the application be delayed to allow time for the second ecological survey to take place in the summer. She highlighted that it was a fabulous opportunity for all parties to work together to forge a development that was advantageous in all ways and requested that the proposal be delayed.

The second speaker, Mr Greenwood, spoke to the Committee as the applicant for the proposal. He thanked all present for the opportunity to speak and for the guidance received with his application. He explained the nature of the family business and stated that they wanted to create a thriving and attractive holiday park in the Wolds. He highlighted that the amended layout had left approximately 25% of the site undeveloped in order to protect the biodiversity and the grassland in part of the site. Mr Greenwood highlighted that there had been an independent highways inspection commissioned which had found no problems with the proposed access and they had also re-sited the pathway. He offered to work with the

Parish Council in terms of traffic calming measures and highlighted the potential benefit to the local businesses with increased footfall in the area. He once again thanked the Committee for their time and concluded his speech.

The Committee then heard from Councillor Strange who concurred with all that had been said by Councillor Forbes earlier in the meeting. He suggested that, whilst it was a positive that the County Council had agreed to reduce the speed limit, the application should be postponed until such a time as the speed limit had taken effect. He noted that the road onto which the site would open was fairly narrow and known for speeding traffic, he hoped that some kind of traffic calming measures could be introduced as well as the reduced speed limit. Councillor Strange also supported the comments regarding the need for additional sewerage and drainage options and concluded his comments by thanking the Committee for their time.

The Senior Development Management Officer clarified that Anglian Water had raised no objections to the application and there was capacity for additional foul water. There was a condition which clearly defined the park would be for holiday accommodation and amendments had been made following the detailed involvement of the Lincolnshire Wildlife Trust. In addition, the Highways Agency hadn't raised any objections to the entrance location even when the road had been at national speed limit.

The Chairman invited comments from the Committee Members and there was discussion about the environmental impact and traffic concerns. There was agreement that the reduction in the speed limit would be a positive for the area and the Officer recommendation to approve the application was moved.

A Member of Committee stated the site was currently an environmental asset to the area and the concerns raised were too significant to overlook. He moved a proposal to refuse permission as contrary to LP7, LP13 subsection b, LP21 and LP55.

In discussing the drainage issues, a further proposal to defer the application was moved however, on discussing with Officers the comments from Anglian Water and the responses received from the County Council, it was clarified that there were no objections and the move to defer was withdrawn.

The Vice Chairman noted that the application gave reassurance that there had been significant negotiations with the wildlife trust and the planning department and, in view of the planned speed reduction, he was satisfied the main concerns had been addressed. He therefore seconded the proposal to approve the application.

A Member of Committee commented further on the ecological impact of the proposed development and seconded the motion to refuse permission.

The Chairman asked the Committee to vote on the proposal to refuse permission, with 3 votes in favour of refusal and 5 votes against refusal, the motion was not carried.

The Chairman then asked the Committee to vote on the proposal to grant planning permission. A Member of Committee moved for a condition to be added regarding drainage of the site, and, on clarification from the Senior Development Management Officer that this was already in place, the suggestion was withdrawn.

With 7 votes in favour and 3 against, it was agreed that permission be **GRANTED** subject to the conditions detailed in the Officer's report.

NOTE: Councillor T. Smith requested that his vote against the application be recorded.

103 138794 - LAND EAST OF ST MARY'S LANE, CLAXBY

Application number 138794, for the erection of 1no. two storey detached dwelling and detached, single storey double garage on land east of St Marys Lane Claxby Market Rasen, was introduced by the Chairman. The Planning Officer confirmed there was no update. The Chairman invited the sole registered speaker to address the Committee.

Mr Darren Drury, speaking in favour of the application, introduced himself and thanked the Committee for their time. He explained the proposal was to build a long term family home on a site which should be considered a brownfield site. He stated that the property would be the smallest house on the lane and the placement and layout of the house had already been modified in order to make it the best possible fit for the area. He highlighted that there were no objections raised by the Parish Council and they had received several letters of support from local families. He concluded by inviting Committee Members to visit the site should they feel they needed to see the situation and location first hand.

The Chairman then advised Committee that the Ward Member, Councillor Tom Regis, had wished to register to speak also but had been unable to attend in person. He had instead provided a written statement in support of the application and this was read aloud by the Chairman.

The Planning Officer explained that according to the footprint of the village, the site was considered to be in the countryside and formed part of the old shrunken medieval village. It was in close vicinity to a Grade 1 listed church and a Grade 2 listed building. Half of the site had been recently cleared where it had previously been grown over and merged in with the countryside.

The Chairman invited comments from the Committee and there was discussion between Members as to whether the assessment of the site being in the countryside was considered to be accurate. Members felt that the location was typical of rural Lincolnshire and to class the site as being in open countryside was misleading. A Member of Committee expressed the opinion that the application would accord with LP10 and moved the approval of the application. The Development Management Team Leader reiterated the definition of the developed footprint as given in the Local Plan and suggested that by that definition, the assessment of the site as outside of the developed footprint was accurate. After further discussion, the proposal to approve the application was seconded.

Note: Councillor G. McNeill left the room at 8.35pm and returned at 8.36pm

The Committee continued to discuss the layout of the village and the consideration of open countryside. The Legal Advisor requested that Members gave thought only to the application in front of them at this time and also to reiterate that the developed footprint within the Lincolnshire Local Plan was the accepted footprint of the village.

The Chairman repeated the proposal to approve the application based on LP10, to which a Member of Committee added reasons of LP2 paragraph B bullet points 7,8 and 9.

With 8 votes in favour, one against and one abstention it was agreed that planning permission be **GRANTED**.

Members enquired of the Planning Officer what conditions would be given with the application and these were given as follows:

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

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

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

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

2. No development shall take place until a Flood Risk Assessment is submitted to and approved in writing by the local planning authority. The development shall be carried out in accordance with any mitigation measures recommended in the Flood Risk Assessment and retained as such thereafter.

Reason: To reduce the risk and impact of flooding on the approved development and its occupants in accordance with National Planning Policy Framework and National Planning Policy Guidance and Policy LP14 of the Central Lincolnshire Local Plan.

3. No development shall take place until the proposed new walling, roofing, windows, doors and other external materials have been submitted to and approved in writing by the local planning authority. The development shall thereafter be constructed in accordance with the approved details. The details submitted shall include; the proposed colour finish, rainwater goods (see notes to applicants below) and type of pointing to be used.

Reason: To ensure the use of appropriate materials to safeguard the character and appearance of the street scene, The Lincolnshire Wolds Area of Outstanding Natural Beauty and the setting of Listed Buildings in accordance with the NPPF and Policies LP17, LP25 and LP26 of the Central Lincolnshire Local Plan.

4. No development shall take place until details of all new and external windows and doors at a scale of no less than 1:20 and glazing bars at scale of 1:1 to include method of opening, cills, headers and lintels, colour and finish are submitted and approved in writing by the local planning authority. The development shall thereafter be constructed in accordance with the approved details.

Reason: To ensure the use of appropriate materials to safeguard the character and appearance of the street scene, The Lincolnshire Wolds Area of Outstanding Natural Beauty and the setting of Listed Buildings in accordance with the NPPF and Policies LP17, LP25

and LP26 of the Central Lincolnshire Local Plan

5. No works shall take place until a 1m square sample panel of the proposed new brick work, showing the coursing of the stonework, colour, style and texture of the mortar and bond of the stonework have been provided on site for the inspection and approval in writing by the Local Planning Authority (the sample is to be retained on site until the new development is completed). The development shall thereafter be constructed in accordance with the approved details

Reason: To ensure the use of appropriate materials to safeguard the character and appearance of the street scene, The Lincolnshire Wolds Area of Outstanding Natural Beauty and the setting of Listed Buildings in accordance with the NPPF and Policies LP17, LP25 and LP26 of the Central Lincolnshire Local Plan.

6. No development shall take place until a scheme for the disposal of foul and surface waters (including the results of soakaway/percolation tests) have been submitted to and approved in writing by the Local Planning Authority. The development shall only be carried out in accordance with the approved details and prior to occupation of the dwelling.

7. Before development commences on site further details relating to the vehicular access to the public highway, including materials, specification of works and construction method shall be submitted to the Local Planning Authority for approval. The approved details shall be implemented on site before the development is first brought into use and thereafter retained at all times.

Reason: In the interests of safety of the users of the public highway and users of the site in accordance with National Planning Policy Framework and Policy LP13 of the Central Lincolnshire Local Plan.

Reason: To ensure adequate drainage facilities are provided to serve the development in accordance with Policy LP14 of the Central Lincolnshire Local Plan.

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

8. 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: LDC2308-PL-02A, LDC2308-PL-03A and LDC2308-PL-04A dated February 2019. The works shall be carried out in accordance with the details shown on the approved plans and in any other approved documents forming part of the application.

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

9. The development shall be carried out in full accordance with the recommendations contained within the Ecology and Protected Species Survey by Scarborough Nixon Associates Limited (December 2018).

Reason: To safeguard wildlife in the interests of nature conservation in accordance with National Planning Policy Framework and Policy LP21 of the Central Lincolnshire Local Plan

10. Construction work shall only be undertaken between the hours of 8am and 6pm Monday to Friday and 9am to 1pm on a Saturday and not on a Sunday or Bank Holiday.

Reason: To preserve residential amenity in accordance with the National Planning Policy Framework and Policy LP26 of the Central Lincolnshire Local Plan.

11. New hardstanding shall be constructed from a porous material (gravel is mentioned in the supporting statement) or shall be appropriately drained within the site and shall be retained as such thereafter.

Reason: To ensure appropriate drainage to accord with the National Planning Policy Framework and Policy LP14 of the Central Lincolnshire Local Plan.

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

12. All planting and turfing approved in the scheme of landscaping (Drawing No: LDC2308-PL-03A dated February 2019) 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 the site is visually softened by appropriate methods and to enable any such proposals to be assessed in terms of their impact on the street scene, The Lincolnshire Wolds Area of Outstanding Natural Beauty and the setting of Listed Buildings in accordance with the NPPF and Policies LP17, LP25 and LP26 of the Central Lincolnshire Local Plan.

13. Notwithstanding the provisions of Classes A, B, C, D, E, F, G and H of Schedule 2 Part 1 and Class A of Schedule 2 Part 2 of the Town and Country Planning (General Permitted Development) (Amendment) Order 2015, or any Order revoking and re-enacting that Order, the building hereby permitted shall not be altered or extended, no new windows shall be inserted, and no buildings or structures shall be erected within the curtilage of the host dwelling, no new hardstanding, chimney's or flues, microwave antenna and gates, walls or fences unless planning permission has first been granted by the Local Planning Authority.

Reason: To enable any such proposals to be assessed in terms of their impact on the street scene, The Lincolnshire Wolds Area of Outstanding Natural Beauty and the setting of Listed Buildings and on the living conditions of the host dwelling/the resulting amount of space around the host dwelling in accordance with Policies LP25 and LP26 of the Central Lincolnshire Local Plan.

104 138795 - HILLCREST, CAISTOR TOP

The Chairman introduced application number 138795, for proposed extension to building at Hillcrest, Caistor Top. The Planning Officer confirmed there was no update to the application.

The Vice Chairman enquired whether the application would have been dealt with under delegated powers, had there not been the connection with a District Councillor and it was confirmed this was the case. The Vice Chairman then moved the Officer recommendation, this was seconded and voted upon and unanimously agreed that permission be **GRANTED** with conditions as detailed in the planning application report.

105 DETERMINATION OF APPEALS

RESOLVED that the determination of appeals be noted.

The meeting concluded at 8.45 pm.

Chairman



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Officers Report

Planning Application No: 136577

PROPOSAL: Outline planning application for the development of up to 49no. dwellings, with access to land to the west of Horsley Road, Gainsborough to be considered and not reserved for subsequent applications - resubmission of 134824.

LOCATION: Land to the West of Horsley Road Gainsborough DN21 2TD

WARD: Gainsborough North

WARD MEMBERS: Cllr Bardsley, Cllr Bibb and Cllr Boles

APPLICANT NAME: Thonock and Somerby Estates

TARGET DECISION DATE: 3/5/19

DEVELOPMENT TYPE: Major - Dwellings

CASE OFFICER: Martin Evans

RECOMMENDED DECISION: It is recommended that planning committee delegates powers to officers to approve the application subject to conditions and the negotiation and completion of a s106 agreement securing:

Affordable housing

- Priority for 20% on-site affordable housing with flexibility to provide an off-site commuted sum in the event the final house types are not appropriate for affordable housing. An off-site commuted sum would be up to £804,000.00.

Education

- As this application is outline a formulaic approach will be taken in accordance with LCC and WLDC policies. This would be finalised at the reserved matters stage. The final contribution would be used towards 0.5 form entry extension of Castle Wood Academy to 1.5 form entry including 4 additional classrooms and ancillary facilities.

NHS

- £20,849.50 towards the development of the Trent Side facility at John Coupland Hospital, for the relocation of Caskgate Street Surgery to increase consultation capacity and accessibility to primary care in the area.

Strategic Formal Playing Fields

- A contribution towards off-site improvements of the football and cricket pitches at The Roses Sports Ground, Gainsborough to be calculated at reserved matters stage in accordance with Policy LP24 and Appendix C of the Central Lincolnshire Local Plan and Developer Contributions SPD.

In the event the legal agreement is not concluded within 6 months of the date of this committee the application will be reported back to the next available committee.

This application is reported to planning committee following a request made by Ward Councillors and public interest.

This application was reported to the Planning Committee meeting held on Wednesday 3rd April 2019. It was decided to defer the application to the subsequent meeting to allow Members of the Planning Committee to visit the site and consider the proposed vehicular access point and wider site. The site visit took place on Monday 8th April 2019 and the application is now reported back for determination.

Since the report to 3rd April Planning Committee was drafted additional letters of objection have been received from residents of Carr Farm, Blyton Carr, Vestry House 13A Lea Road, 81 Campbell Street, 5 Lewis Street, 30 Portland Terrace, 31 Granary Wharf, Bridge Street, 4, 12, 15, 18, 29 and 39 Horsley Road, 13 St Pauls Road and 22 Greystones Road Gainsborough, summarised as follows:

- Disagree with development of the Trent Side facility at John Coupland Hospital, for the relocation of Caskgate Street Surgery due to less accessible location and traffic increase.
- The proposal will create access, parking, traffic and road safety problems and overcrowd the area.
- May be difficult to build on wet ground and would increase flooding problems.
- Proposal is contrary to the sequential test.
- Impact on infrastructure and services.
- Do not want the area spoiled by affordable housing. It should be pepper potted throughout the development. The houses will not be affordable. Residents of affordable housing may not have a sense of ownership and thus create problems.
- Community oppose the proposal. Other proposals have been resisted.
- Ecological impacts
- Disruption and noise pollution for residents
- Health and safety issues
- Views and visibility
- Lighting
- Confined spaces

These updates do not change the recommendation. Below is the previous report to 3rd April Planning Committee.

Description:

The application site currently consists of flat undeveloped grass and scrub land used as a horse paddock which is accessed from Floss Mill Lane. The site is not publicly accessible.

There is residential development to the north and east of the site. The Roses Sports Ground is to the south. The river Trent and associated flood defence is to the west.

Access is to be determined. Vehicular access to the site is proposed from Horsley Road. Emergency breakthrough access is proposed from Floss Mill Lane. Pedestrian access includes three footpaths connecting to the riverside walk and a further pedestrian link to the Horsely Road estate.

The indicative site plan shows 49 dwellings with 2, 3 and 4 bedroom dwellings set over 2, 3 and 3.5 storeys with 2, 3 or 4 car parking spaces including on plot and remote, frontage parking and integral garages; an 8m easement strip aside the river Trent flood defence; a locally equipped area of play and two surface water attenuation ponds with pumping station. It is noted the flood risk assessment indicates the dwellings will be three storeys high to overcome flood risk issues.

The flood risk assessment outline development proposal is that housing units will be of three storey with uninhabited ground floors (e.g. access hallway, utility room and car garage only) with habitable accommodation on the first and second floors.

The planning statement proposes an off-site contribution to affordable housing in lieu of on-site provision.

The entire application site is in flood zone 3; an area benefitting from flood defences; and a minerals safeguarding area.

Relevant history:

134824 Outline planning application for the development of up to 49no. dwellings, with access to land to the west of Horsley Road, Gainsborough to be considered and not reserved for subsequent applications. Withdrawn 15/11/16.

Representations:

Cllr Bardsley and Cllr Bibb:

Request the application is called in to planning committee via the pro-forma within the 28 day call in period and state:

“In addition to the policy comments set out below there is also considerable concern among the residents of nearby properties, namely Horsley Road, St. Paul’s Road, Greystones Road and Floss Mill Lane, regarding flooding and their own recent experiences, as well as access to the new site through already congested roads. The Gainsborough Neighbourhood Plan is still being drafted but is highly likely to call for this area to be designated as a green space.

This application for 49 houses is for a site off Horsley Road, lying between Horsley Road and the Riverside Walk which fronts the River Trent. This piece

of land is not designated as part of the Housing zone in the Local Plan and is in excess of the required 5 year housing supply, currently 6.25 years.

Additionally we consider the following apply:

LP14 – The Flood risk since this is in the Zone 3 area. There is historic flood experience in this area and despite the flood defences which are in place there are regularly areas under water.

LP40 – A Riverside location and this site should be intrinsic to the vision behind the policy especially given Gainsborough’s current regeneration plans which include an enhanced Riverside walk.

LP2 – This is not an appropriate site as it contradicts LP40

LP21 – Refers to greenspaces and again raises the question of the vision behind West Lindsey’s Corporate Plan, as well as the need for greenspaces to not only enhance the environment but also to contribute to the wellbeing of the people. At a time when it is hoped to develop the riverside walk further it makes no sense to allow development here.

LP22 – Relates to biodiversity. The site adjoins Mercer Wood which we know has a thriving bat population and we believe a bat survey should be undertaken so that they can be protected. Species which are known to be in the area include:

Common Pipistrelle

Soprano Pipistrelle

Noctule

Brown long-eared

Species of Myotis

It may also be relevant to undertake a reptile survey.”

Gainsborough Town Council:

15/9/17: Supports this application provided it is built in the same style as the adjoining new development.

11/12/18: “RESOLVED to raise concerns over the access for emergency vehicles as it is not an appropriate route.”

Local residents:

Objections have been received from residents of 1 Floss Mill Lane; 19, 21 Greystones Road; 4 St Pauls Road; 8, 12, 22, 24, 29, 35, 37 Horsley Road; and 29 Ruby Lane, Upton, Pontefract which are summarised as follows:

- Flood risk from existing and proposed residents including from the river Trent and surface water flooding. Increased impermeable area will result in flooding. Land raising will cause off site flooding. The site acts as a flood plain. Geology and soil may cause problems. Existing drainage not maintained.
- Sequential flood risk test is a concern. The exceptions test may not be passed.
- Exacerbation of highway safety problems including amount of traffic, on street parking, lack of car parking, car and pedestrian safety, and larger vehicle access. There will be vehicle access from Floss Mill Lane in the

long term. Noise, air pollution and vehicle lights nuisance to neighbours.

- Construction disturbance.
- Exacerbation of smell from drains.
- Impact on residential amenity (overshadowing, loss of light and privacy) due to height and proximity of proposed dwellings to neighbours. Enjoyment of rear gardens. Impact on night shift workers.
- There are alternative better development sites in Gainsborough so this development should be stopped. Lots of empty houses and houses up for sale already.
- High density low value properties are unacceptable.
- Loss of important greenfield site, resulting visual, health and wellbeing, and ecological impacts including bats. Many of the trees in the report have been removed.
- Is the site still a designated open space?
- There should have been wider consultation.
- The riverbank walk is well used.
- A neighbourhood plan should protect the site as a local green space.
- Loss of property value. May need to move house. More difficult to sell. Council Tax should be reduced.
- Upsets calm and peace of the area.

A petition signed by 152 people has been received which opposes the granting of planning permission. It proposes that the site should be protected and designated a local green space in the local neighbourhood development plan.

Council Housing Strategy Lead Officer comments summarised as follows:

- Allocated site CL4688 in the CLLP was one of the housing sites within the Greater Gainsborough Housing Zone. This has been identified by WLDC and its development partner for commercial and leisure site.
- With the allocated housing site no longer bringing forward housing the application site, whilst not brownfield, will contribute to the shortfall of housing against the CLLP target to deliver 4435 new homes in the town within the plan period and is therefore supported by the strategic housing team.
- Planning policy prioritises on-site affordable housing. However, there are locations that may not lend itself to house types appropriate for affordable housing. This site may be such a location. On site provision should be the priority but with flexibility to allow an off-site commuted sum in the event the final house types are inappropriate for affordable housing.
- The affordable housing requirement will be for 20% of the total units be delivered as affordable housing which equates to 9.8 dwellings (rounded up to 10). Based on the Central Lincolnshire Developer Contributions SPD adopted June 2018 this equates to £804,000.00.

Council Environmental Protection Officer (EPO) raises no objections in relation to drainage option 1.

Council Tree Officer:

- Northern and southern boundary hedges are species rich to be retained
- A landscaping scheme is required
- On site trees are not a constraint to development
- Some category A and B trees adjacent to the site with Root Protection Areas within the site. The ditch will have impeded root spread
- Drainage works may affect trees and hedges
- Land levels should not be raised within tree and hedge RPA's
- An Arboricultural Method Statement should include details on;
 - Identify which trees remain,
 - RPA's,
 - Tree protection measures (position and design/type),
 - Details on any changes in ground levels/soil grading within tree RPA's (any changes in ground level within tree & hedge RPA's should be kept to a minimum),
 - Details of any excavations within tree protection areas,
 - Details of any methods of construction/excavation/installation works within RPA's, with the aim of minimising impact to trees and hedges,
 - Underground utilities within RPA's,
 - Schedule of any tree/hedge pruning works

LCC Highways and Lead Local Flood Authority: access acceptable; indicative parking is too low, 2/3 bedroom dwelling requires 2 spaces, 4 bedroom dwelling requires 3 spaces. Garages are not included in the above provision unless of a double nature or sufficient size to accommodate parking and storage. Conditions are recommended regarding improvements to Floss Mill Lane to bring it up to adoptable standards; access to dwellings; construction of first 60m of estate road before commencement of dwellings; and surface water drainage scheme. Informatives are recommended regarding new accesses, road adoption, legal agreement and works within the highway.

LCC Local Education Authority: Notes 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. It indicatively requests £90,211 towards 0.5 form entry extension of Castle Wood Academy to 1.5 form entry including 4 additional classrooms and ancillary facilities. The County Council will ensure that no more than five s.106 agreements are signed towards a specific piece of infrastructure. We would suggest the s.106 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.

LCC Minerals and Waste Team: no safeguarding objections.

LCC Archaeology: no comments.

LCC Public Rights of Way: The Definitive Map and Statement shows Definitive Footpath (Gainsborough) No.1 alongside the site although this would not appear to affect the proposed development. Standard comments are provided relating to encroachment of the right of way; no dangers or inconvenience to users of the right of way; gate or stile work will require consent; planning gain is sought to improve Floss Mill Lane with the provision of a footway and street lighting.

Lincolnshire Bat Group: The Extended Phase 1 Habitat Survey Report is very comprehensive and we endorse its recommendations. Small pipe ends should be covered to protect hedgehogs.

Environment Agency: withdraws its initial objection on the basis of the amended flood risk assessment. No objection is raised subject to the following conditions:

“Condition 1

The development shall be carried out in accordance with the submitted FRA (ref: 067611-CUR-00-XX-RP-C-001, revision 3) dated February 2019 and the following mitigation measures it details:

- Finished floor levels for the habitable accommodation to be set no lower than 7.30 metres above Ordnance Datum (AOD).
- Flood resilience and resistance measures as described.

Reason

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

These mitigation measures shall be fully implemented prior to occupation and subsequently in accordance with the scheme’s timing/phasing arrangements. The measures detailed above shall be retained and maintained thereafter throughout the lifetime of the development.

Condition 2

The development shall be carried out in accordance with the submitted FRA (ref: 067611-CUR-00-XX-RP-C-001, revision 3) dated February 2019 and the following mitigation measures it details:

- Non-habitable ground floor uses only as stipulated in section 2.11.
- Any garage should act as a ‘car port’ and remain open either side.

Reason

To allow the free flow of water across the floodplain during an extreme event, and to reduce the risk of impact on third parties.

These mitigation measures shall be fully implemented prior to occupation and subsequently in accordance with the scheme’s timing/phasing arrangements. The measures detailed above shall be retained and maintained thereafter throughout the lifetime of the development.”

Information is provided for the Council regarding emergency planning and to the applicant regarding Environmental Permit regulations.

Natural England: no comment.

NHS England: The contribution requested for the development is £20,849.50. This would go towards the development of the Trent Side facility at John Coupland Hospital, for the relocation of Caskgate Street Surgery to increase consultation capacity and accessibility to primary care in the area.

Lincolnshire Fire and Rescue: no objections subject to access to buildings and fire fighters in accordance with building regulations; minimum carrying capacity for hard standing for pumping appliances of 18 tonnes, not 12.5 tonnes as detailed in the Building Regulations 2010 part B5; fire hydrants be installed on the site at the developers expense.

Lincolnshire Police: note this is an outline application and offers advice regarding car parking; landscaping; and building regulations.

Relevant Planning Policies:

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); 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>

Policy M11: Safeguarding of Mineral Resources

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 LP9: Health and Wellbeing

Policy LP10: Meeting Accommodation Needs

Policy LP11: Affordable Housing

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 LP24: Creation of New Open Space, Sports and Recreation Facilities

Policy LP25: The Historic Environment

Policy LP26: Design and Amenity

Policy LP38: Protecting Gainsborough's Setting and Character

Policy LP40: Gainsborough Riverside
Policy LP41: Regeneration of Gainsborough
Policy LP50: Residential Allocations - Main Towns
Policy LP55: Development in the Countryside

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 2019 and Planning Practice Guidance

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

The new NPPF was published in February 2019. Paragraph 213 states:

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

Gainsborough Town Neighbourhood Plan

West Lindsey District Council has approved the application by Gainsborough Town Council (9th January 2017) to have the town of Gainsborough designated as a neighbourhood area, for the purposes of producing a neighbourhood plan.

The neighbourhood plan group are now consulting with the public and working towards the production of the neighbourhood development plan. In the absence of a draft plan, it has no impact on the determination of this application.

Main issues

- The principle of development
- Flood risk and drainage
- Residential amenity
- Highway safety and convenience
- Ecology and trees
- Open space requirements
- Affordable housing and developer contributions
- Other

Assessment:

The principle of development

The site is in a sand and gravel minerals safeguarding area designated by policy M11. A mineral sterilisation appraisal has been submitted. LCC Minerals and Waste raise no minerals safeguarding issues. The proposal complies with the requirements of policy M11.

Policy LP2 designates Gainsborough a main town. To maintain and enhance its role as a main town, and to meet the objectives for regeneration, Gainsborough will be the focus for substantial housing development primarily via allocated sites. Additional growth on non-allocated sites in appropriate locations** within the developed footprint*** of Gainsborough's urban area* will also be considered favourably.

“* Whilst the Sleaford and Gainsborough urban area is not defined by a boundary on the Policies Map, the Key Diagrams on pages 101 and 94 respectively provide an indicative representation of the built up urban areas of these towns to assist in differentiating between what is within the town and what is within neighbouring villages.”

“** 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.”

“*** 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
- d. outdoor sports and recreation facilities and other formal open spaces on the edge of the settlement.”

The site is within the indicative urban area of Gainsborough on page 94 of the CLLP. The site is considered to be within the urban area of Gainsborough given its close relationship with existing development and lack of wider connection to the countryside. The site is considered to be within the developed footprint of Gainsborough for the same reasons. With regards to the appropriate location test, compliance or otherwise with other national and local policies is discussed below but the proposal is considered to retain the core shape and form of the settlement as it is an undeveloped parcel of land in a area characterised by suburban development between existing dwellings,

the river Trent and sports field. The application site was deselected as an open space as part of the CLLP examination process as it did not meet the necessary tests. It is not allocated for a particular purpose in the CLLP. The site is not publicly accessible and does not feature any trees of significant quality. Based on the representations received from local residents it seems the site provides a pleasant outlook for local residents and is appreciated as an undeveloped area. Given the overgrown scrubland nature of the site with no public access, lack of significant trees within it and active de-selection as an important open space by the CLLP Inspector, it is considered that development of the site would not lead to *significant* harm to Gainsborough's character and appearance. Development of the site is not considered to harm the character and appearance of countryside on the opposite side of the river Trent. There is no other adjacent countryside to impact. This is considered to be an appropriate location as defined. The proposal complies with Policy LP2.

The East Midlands Agricultural Land Classification, whilst used for strategic high level planning and indicative in nature, classifies the site as non-agricultural land "land predominantly in urban use". Therefore, the requirements of Policy LP55 Part G "Protecting the best and most versatile agricultural land" do not apply to the proposal.

The proposal complies with policies M11, LP2 and LP55 and is therefore acceptable as a matter of principle. These policies are consistent with the NPPF.

Flood risk and drainage

Policy LP14 requires, amongst other things, no unacceptable increased risk of flooding to the development site or existing properties; the development be safe during its lifetime, doesn't affect existing flood risk defence integrity; maintenance and management of mitigation measures are considered; and they incorporate SUDS unless shown to be impractical. Policy LP14 requires the sequential and exception tests in the NPPF be carried out.

The NPPF requires:

"155. Inappropriate development in areas at risk 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."

"158. The aim of the sequential test is to steer new development to areas with the lowest risk of flooding. Development should not be allocated or permitted if there are reasonably available sites appropriate for the proposed development in areas with a lower risk of flooding. The strategic flood risk assessment will provide the basis for applying this test. The sequential approach should be used in areas known to be at risk now or in the future from any form of flooding."

"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. The need for the

exception test will depend on the potential vulnerability of the site and of the development proposed, in line with the Flood Risk Vulnerability Classification set out in national planning guidance.”

“160. The application of the exception test should be informed by a strategic or site-specific flood risk assessment, depending on whether it is being applied during plan production or at the application stage. For the exception test to be passed it should be demonstrated 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.

161. Both elements of the exception test should be satisfied for development to be allocated or permitted.”

“163. When determining any planning applications, local planning authorities should ensure that flood risk is not increased elsewhere. Where appropriate, applications should be supported by a site-specific flood-risk assessment. Development should only be allowed in areas at risk of flooding where, in the light of this assessment (and the sequential and exception tests, as applicable) it can be demonstrated that:

- a) 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;
- b) the development is appropriately flood resistant and resilient;
- c) it incorporates sustainable drainage systems, unless there is clear evidence that this would be inappropriate;
- d) any residual risk can be safely managed; and
- e) safe access and escape routes are included where appropriate, as part of an agreed emergency plan.”

“165. 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.”

Sequential test

An amended flood risk assessment and outline drainage strategy dated 25/2/19 has been submitted. It identifies the site is in flood zone 3a (high probability) but is also within areas benefitting from flood defences. Dwelling houses are defined as ‘more vulnerable’ in the PPG. Table 3 attached to the flood risk section of the PPG advises more vulnerable development in flood zone 3a requires the exception test be passed to permit development.

The applicants' sequential test information includes, amongst other things, the following:

- “Given the extent of a 1 in 200 year flood as identified within the strategic FRA (Flood Zone 3), the application of the sequential test could render large areas of Gainsborough unsuitable for development given the other growth ambitions and land allocations situated in Flood Zone 1. Ordinarily, this would prohibit any significant development on the West side of Gainsborough and lead to considerable regeneration and social difficulties by starving one of the most deprived areas of town from any inward investment.”
- It is important to recognise flood defences along the river Trent have been recently upgraded therefore it is appropriate to apply a significant flood risk reduction when assessing proposals in this part of Gainsborough.
- There are a number of housing zones sites located adjacent the river Trent.
- The application site was always considered a ‘follow on’ development from that adjacent.
- The application site was removed from the CLLP as public open space as it failed the necessary tests. It is not fulfilling any other purpose.
- At least one housing zone site (Riverside Gateway reference 134014 now has in principle permission by way of Local Development Order). This was approved in flood zones 2 and 3 in consultation with the EA and LLFA. Regeneration benefits were considered to outweigh flood risk concerns. “The Statement of Reason associated with this LDO outlines that although the majority of the site is within Flood Zone 3, the site is also identified as benefitting from flood defence, including the recent £16 million upgrade completed in 2010. There is no reason why this approach cannot be repeated, and this reasoning be applied, elsewhere in Gainsborough. It is within this context that a Sequential Test is not considered to be applicable for the proposed site which seeks to contribute to the delivery of Gainsborough’s wider regeneration and growth strategy. If the Sequential Test had been applied strictly, on a WLDC wide basis and without the regeneration context, the LDOs would not have been granted.”
- LP2 designates Gainsborough a main town and is the main town in West Lindsey. Additional growth on non-allocated sites in appropriate locations** within the developed footprint*** of Gainsborough urban area* will also be considered favourably.
- LP3 aims to deliver 12% of CLLP growth (4,435) of the total homes and employment land needed in Gainsborough to be delivered through a combined strategy of urban regeneration and sustainable urban extensions.

The PPG advises 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. In some cases it may be defined by other Local Plan policies. When applying the Sequential Test, a pragmatic approach on the availability of alternatives should be taken.

Policy LP2 designates Gainsborough a main town. To maintain and enhance its role as a main town, and to meet the objectives for regeneration, Gainsborough will be the focus for substantial housing development. Additional growth on non-allocated sites in appropriate locations** within the developed footprint*** of Gainsborough's urban area* will also be considered favourably.

Policy LP3 sets out the aim to facilitate 36,960 new dwellings over the plan period with Gainsborough contributing around 12% (4,435) of the new dwellings delivered through a combination of urban regeneration and sustainable urban extensions. The 36,960 dwelling figure should not be seen as a ceiling, but rather the level of growth which is both needed and anticipated to take place in the plan period.

Policy LP38 seeks to protect Gainsborough's setting and character by requiring development make a positive contribution to built and natural environments and quality of life in the town. Whilst there are no heritage assets or positively identified local views to consider as required by the policy the proposal would enhance the public realm by creating a play area in an otherwise publicly inaccessible site and providing connections through the site. This complies with requirement c of the policy.

Policy LP40 sets out expectations for development sites adjacent to the river Trent. This includes:

- "Proposals should also seek to improve connectivity between the riverside and other parts of the town, including the new urban extensions."
- "Where relevant, proposals for sites adjacent to the River Trent must seek to extend and enhance the existing public realm improvements and deliver an enhanced pedestrian and cycle network."
- "Proposals should take account of the need to provide an easement strip behind the flood defences to facilitate ongoing access for future maintenance and repair."

Policy LP41 requires development to assist in meeting wider regeneration and investment objectives in Gainsborough. In particular, development proposals will be supported which enhance linkages to and from the riverside.

LP2 is clear a proposal of this scale (49 dwellings) is only envisaged at tier 1 (Lincoln urban area), tier 2 (Sleaford and Gainsborough) and tier 3 (Caistor and Market Rasen) of the settlement hierarchy.

It is understood allocated housing site CL4688 described in Policy LP50 as Town Centre Riverside Housing Zone b, Gainsborough will no longer be brought forward for residential development. This will result in the loss of an allocated housing site with an indicative capacity of 55 dwellings. There is considered to be a need to carefully consider the merits of additional development opportunities in Gainsborough, as presented by this proposal.

Given the above planning policy and development context, it is considered reasonable to define Gainsborough only as the catchment area for the flood risk sequential test. This specifically excludes smaller settlements such as Morton and Lea from the sequential test as this scale of development is not envisaged in these areas under LP2 and would be contrary to the wider sustainability objectives of the CLLP.

Within this catchment area, there is considered to be a requirement to find sites *in addition* to those allocated in the CLLP for housing. Excluding approximately the western third of Gainsborough which is also in flood zone 3 and so at equivalent risk of flooding and therefore not sequentially preferable, there are no apparent sites of sufficient size to accommodate the proposal that are not already allocated for housing, designated as important open space or an area of great landscape value, or otherwise in less sustainable locations than the application site. The application site is contiguous with the built form of Gainsborough and is within walking distance of services and facilities such as the John Coupland Hospital to the east, the Roses Sports Ground facilities to the south and co-op store on Front Street, Morton. In this case, it is not possible to locate this development in an area at lower risk of flooding as this would be contrary to wider sustainable development objectives noted above and as set out in the CLLP. Development of alternative sites at lower risk of flooding would not provide the opportunities to enhance pedestrian and cycle networks and enhance linkages to and from the riverside as presented by the proposal. This is a wider sustainable development objective mentioned in policies LP40 and LP41. This development in flood zone 3 is therefore considered necessary and it passes the flood risk sequential test in LP14 and the NPPF and PPG.

Exceptions test

LP14 and the NPPF and PPG require the exceptions test is carried out. In this instance it is informed by a site specific flood risk assessment. The NPPF requires:

“160. For the exception test to be passed it should be demonstrated 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.

161. Both elements of the exception test should be satisfied for development to be allocated or permitted.”

The PPG provides advice on the exceptions test. It states:

“How can it be demonstrated that wider sustainability benefits to the community outweigh flood risk?...”

If a planning application fails to score positively against the aims and objectives of the Local Plan Sustainability Appraisal or Local Plan policies, or

other measures of sustainability, the local planning authority should consider whether the use of planning conditions and/or planning obligations could make it do so. Where this is not possible, the Exception Test has not been satisfied and planning permission should be refused.”

In this instance there is considered to be broad support for the proposal in Policies LP2 and LP3 as well as site specific benefits arising from the proposal such as the chance to create pedestrian and cycle links and permeability from Horsley Road to the riverside walk as supported in LP40 and LP41. Existing residents may use the on-site play provision which is a benefit. Critically the outline drainage strategy includes the following:

“an updated outline drainage scheme has been prepared which not only provides drainage to the new houses and roads within the site but also incorporates additional features which will deal with the boggy conditions to the north of the site and provide a positive outfall to the southern ditch and thus allow the adoption of the adjacent housing sites drainage to proceed.”

Providing positive outfall for an existing northern on site ditch and Horsley Road drainage ditch is a significant sustainability benefit to the local community and reducing flood risk overall.

The proposal conforms with key CLLP policies. The proposal is considered to score well against other measures of sustainability such as proximity to services, facilities and public transport options provided by its contiguous relationship with the built form of Gainsborough and Morton.

The submitted flood risk assessment identifies the proposal is ‘more vulnerable’ residential development with a 100 year lifetime. It demonstrates that with land raising, three storey design, non-habitable ground floor rooms and provision of a flood warning and evacuation plan the proposal would be safe for its lifetime. This means in the event of the most severe flooding event, residents would receive a flood warning in advance, allowing them to escape and if this is not possible before the event they will have safe refuge at first and second floors which are design to be above the predicted flood water depth and in a building that is designed to withstand such events. It should be noted the EA recommended conditions require an open car port and non-habitable rooms at ground floor to reduce risks to future residents and to allow the free flow of water across the floodplain during an extreme event, and to reduce the risk of impact on third parties.

The proposal is considered to pass both parts of the exceptions test.

Site specific flood risk assessment and drainage matters

The FRA considers the risk of flooding from overtopping or breach of flood defences to be very high risk which cannot be mitigated against just by raising ground levels. The FRA proposes non-habitable ground floor rooms and that the habitable floors are above the breach flood level (e.g. three storey town houses with garage, entrance hall and utility only on the ground floor). With

typical driveway drainage falls and Building Regulation 2 brick course upstands, the ground floor is likely to be a minimum 300mm above the access road level which will be set similar to the existing ground level of approximately 4.5mAOD. A standard ceiling height of 2.3m and 200mm floor construction will ensure the inhabitable first floor is some 2.8m above the main access road levels and of similar if not greater height than that of the existing flood defence crest (e.g. 7.3mAOD compared to the in river level of 6.72mAOD). On this basis the first floor would provide a 'place of safety' to be rescued from should the 'Danger for All' risk conditions occur before occupants have had chance to evacuate on receiving flood warnings. A site wide development platform of 4.50mAOD would be created on which to build the houses.

The FRA considers flood risk mitigated by:

- The lowest habitable finished flood level being set at 7.3mAOD
- The occupants of the site registering for flood warning with the Environment Agency
- Submission of a flood warning and evacuation plan.

No soakaway testing has been carried out and no investigation of ground water levels has been carried out. Infiltration methods are discounted by the applicant on this basis.

Following extensive negotiations between applicant and the EA, the proposed drainage solution is to pump surface water to the river Trent. Surface water runoff will need to be restricted to greenfield runoff rate before it leaves the site. This will require storage or attenuation of such waters on the site with restricted peak runoff rate of 7.5 litres per second. Two on-site attenuation ponds have been designed to allow this.

Ground levels will be raised to 4.5mAOD. This is below the adjacent development and above the level of the ditch on the southern boundary enabling exceedance flood water to flow to the south. Foul water would connect to the existing system at Bracken Close.

The Lead Local Flood Authority, Council Environmental Protection Officer and Environment Agency raise no objection to the proposed drainage arrangements subject to conditions. The proposal is considered to comply with LP14 and the NPPF and PPG. This policy is consistent with the NPPF.

Residential amenity

The latest indicative layout (PL10 Rev H) shows the following separation distances can be achieved:

- 21m rear to rear between plots 7-13 and 8 St Pauls Road.
- 20m rear to rear between plot 7 and 10 St Pauls Road.
- 17m side to side between plot 7 and 28 Horsley Road.
- 31m side to rear between plot 13 and 1 Floss Mill Lane.

12.5m rear to side between plots 2-6 and 30 Horsley Road.
5m side to side between plot 1 and 37 Horsley Road
12.5m rear to side between plot 49 and 29 Horsley Road.
15m side to rear between plot 44 and 25 Horsley Road.

It is important to note all matters are reserved aside from access therefore the above distances only provide an indication of potential separation distances. It is considered the site is capable of accommodating 49 units with a likely three storey design to overcome flood risk issues in a manner that would not cause harm to residential amenity by virtue of issues such as overlooking, loss of light or a sense of overbearing. The density of development accords with that of Horsley Road and the three storey height would not appear out of place. It is noteworthy some dwellings on Floss Mill Lane have three or more storeys.

A development of this scale has the potential to cause some construction disturbance therefore to minimise this a construction method statement condition is recommended in order to minimise and prevent such issues as far as possible.

The impact on existing resident's views across the application site is not considered to amount to a reason for refusal.

The proposal is considered to comply with Policy LP26. This policy is consistent with the NPPF.

Highway safety and convenience

Access is to be determined and is described in the PPG as:

“‘Access’ – the accessibility to and within the site, for vehicles, cycles and pedestrians in terms of the positioning and treatment of access and circulation routes and how these fit into the surrounding access network.”

Therefore, the vehicular access from Horsley Road, emergency breakthrough from Floss Mill Lane, pedestrian link from Horsley Road between plot 1 and 2, and three pedestrian links to the riverside walk are to be considered.

The submitted Transport Statement states:

“7.5 Traffic generation for the site has been based on observed flows from Horsley Road and it has been established that the site would generate a total of 36 two-way trips during the period 0800- 0900hrs and 37 two-way trips during the period 1700-1800hrs.

7.6 The operation of the Horsley Road/Greystones Road junction has been assessed using PICADY and this details the junction would be able to adequately accommodate the proposed trips in the 2021 Assessment year.”

LCC Highways consider the proposed access arrangements acceptable. The site would benefit from good access to public transport and is within walking

and cycling distance of Gainsborough and Morton centres. LCC Highways consider there is a need to upgrade Floss Mill Way to adoptable standards for pedestrian benefit.

The nature of the application means the internal road layout and vehicle parking provision will be considered under reserved matters.

The impact of the proposal on highway safety and convenience is considered acceptable in accordance with Policy LP13. This policy is consistent with the NPPF.

Ecology and trees

Ecology- The submitted extended phase 1 habitat survey identifies no statutory designated sites within 1km of the site and no impact on any non-statutory and statutory designated sites. There is low bat roost potential in three trees to the south of the site but these would remain. The site has moderate suitability for commuting and foraging bats and will result in the loss of some suitable foraging and commuting habitat. The site has ideal nesting bird habitat. No reptiles were identified during the survey. The survey recommends retention of hedgerows and off site trees. If scrub or hedgerows are to be removed they should be inspected for large animal holes and if found shall remain undisturbed until further surveys are undertaken. Excavations should be covered or graded to allow mammals an escape route if they fall in and large pipes capped off overnight. An assessment of bat activity is recommended. Vegetation clearance should take place outside of bird nesting season, or if during the season a nesting survey should be undertaken. Reptile surveys are recommended. Enhancements are recommended including native planting, verge and scrub planting, 6 bat bricks in the walls of dwellings, lighting directed downwards and away from mature trees, street lighting should be on a timer, bird boxes on retained trees and within new buildings and fencing designed to allow hedgehog movement.

A reptile and bat survey has been provided. As no evidence of reptiles was recorded; no further surveys or specific mitigation measures are considered necessary. From the transect data, there is very little bat activity in and around the site.

The ecological impacts are considered acceptable in accordance with LP21 subject to a condition requiring a scheme of mitigation and enhancements as part of the reserved matters. This policy is consistent with the NPPF.

Trees- The submitted tree report considers there are no trees worthy of retention on the site. All of the trees of high and moderate value (Categories A and B) within the group of trees nos. 1-12 are located offsite to the south and it is assumed that these trees will therefore be retained. The need for protective fencing and an arboricultural method statement in the case of development within RPA's is set out.

The Council's Tree Officer considers on site trees can be removed if required; the boundary hedges should be retained. Off-site trees should be considered via an arboricultural method statement submitted as part of the reserved matters which should, amongst other things, take account ground raising.

This will ensure the retention of natural features on and around the site (trees and hedges) in order to maintain these features which contribute positively to the character of the area. Tree impacts accord with Policy LP17 and LP26. These policies are consistent with the NPPF.

Open space requirements (LP24, Appendix C and SPD)

Policy LP24 requires developments provide new open space, sports and recreation facilities and reduce deficiencies and improve the quality of such resources. On site provision is the priority.

Strategic playing fields

Based on predicted occupancy levels and the formula in the local plan and SPD the proposal generates a need for 1239.7m² of strategic playing fields.

The SPD requires applications of this size to provide off-site contributions to existing strategic playing fields if within Local Plan access standard thresholds via S106. The Roses Sports Ground is within the access standard.

Central Lincolnshire Open Space Audit and Provision Standard Assessment April 2016 names the Roses Sports Grounds as a strategic playing pitch with quality improvements needed to football provision.

Central Lincolnshire Playing Pitch Needs and Evidence - October 2015 Update states:

Football- "5.143 Some quality concerns are raised and it is clear that drainage is one of the key concerns in West Lindsey. The following site specific issues were raised by clubs;...

- Roses Sports Ground - uneven (due to moles)"

User comments are "Poor drainage, some issues with moles mean that pitches are uneven"

"Roses Sports Ground – Playing Surface"

Cricket- Roses CC – "wicket requires greater protection".

The financial contribution required of the developer will be calculated based on the Indicative open space provision costs in Appendix 7 of the SPD. This will be secured via s106 agreement with precise calculations made at reserved matters stage.

Local Useable Green Space

Based on predicted occupancy levels and the formula in the local plan there is a need for 2028.6m² of locally useable green space.

The application indicatively shows a locally equipped area of play (LEAP) with three public open spaces totalling approximately 2000m².

The SPD requires applications of this size provide on-site provision of local useable green space (a LEAP is within the definition) if there is no existing provision within Local Plan access standards. There are none therefore on site provision is required.

Provision of policy compliant local useable green space will be secured by condition as will in perpetuity maintenance and management of all areas outside residential curtilage.

The application demonstrates it is capable of accommodating appropriate on site open space and a contribution to off-site strategic playing fields in accordance with LP24, Appendix C and the SPD subject to conditions and completion of s106. These policies are consistent with the NPPF.

Affordable housing and developer contributions (LP11 and LP12)

Policy LP11 requires 20% affordable housing. There is an element of inconsistency between thresholds in LP11 and the NPPF but for a development of this scale affordable housing is required under both. Of the affordable dwellings provided, the exact tenure mix should be informed by and be compatible with the latest government guidance and an up-to-date local Strategic Housing Market Assessment (SHMA), and be informed by discussion with the local authority. This will form the basis of a S106 Agreement to accompany the planning application.

Affordable housing shall be provided on-site, unless it can be demonstrated that exceptional circumstances exist which necessitate provision on another site, or the payment of a financial contribution to the relevant local planning authority (equivalent in value to it being provided on-site), to enable the housing need to be met elsewhere.

The applicant proposes an affordable housing off-site commuted sum instead of on-site provision. The EA requirement for three storey development with non-habitable rooms at ground floor *may* not lend itself to on-site affordable housing provision. It is considered appropriate to secure on-site as first preference but with the flexibility to allow an off-site commuted sum in the event final house types are not suitable for affordable housing. An off-site commuted sum equates to 9.8 dwellings (rounded up to 10). Based on the Central Lincolnshire Developer Contributions SPD adopted June 2018 this equates to £804,000.00. This is acceptable and complies with LP11.

Policy LP12 requires developer contributions towards, amongst other things, health and education.

NHS England requests a contribution of £20,849.50. This would go towards the development of the Trent Side facility at John Coupland Hospital, for the

relocation of Caskgate Street Surgery to increase consultation capacity and accessibility to primary care in the area.

LCC Corporate Property Team notes 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. It requests £90,211 towards 0.5 form entry extension of Castle Wood Academy to 1.5 form entry including 4 additional classrooms and ancillary facilities. The County Council will ensure that no more than five s.106 agreements are signed towards a specific piece of infrastructure. LCC suggest the s.106 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.

The above requests are considered compliant with the CIL regulations as they mitigate the impact of the development and comply with Policy LP12 and the SPD. This policy is consistent with the NPPF.

Other

No archaeological requirements arise from the proposal in accordance with LP25.

Policy LP9 requires a health impact assessment, as submitted. The proposal entails on and off site open space provision and improvements as well as increased connectivity with existing Riverside walk facilities with associated health benefits. Contributions will mitigate health service demand generated by the proposal. The health impact assessment complies with Policy LP9.

Policy LP10 requires 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. The three storey design with non-habitable ground floor rooms required to overcome flood risk are considered exceptional reasons such that this policy requirement can be dis-applied.

The same policy requires 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. Whilst affordable housing is to be dealt with as an off-site contribution, the types and sizes of houses still needs to be conditioned to create balanced communities. The proposal is considered compliant with LP10.

The proposal would not impact a public right of way.

Conclusion

The proposal has been considered in light of relevant development plan policies Policy M11: Safeguarding of Mineral Resources of the Lincolnshire Minerals and Waste Local Plan Core Strategy and Development Management Policies and Policy LP2: The Spatial Strategy and Settlement Hierarchy,

Policy LP3: Level and Distribution of Growth, Policy LP9: Health and Wellbeing, Policy LP10: Meeting Accommodation Needs, Policy LP11: Affordable Housing, 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 LP24: Creation of New Open Space, Sports and Recreation Facilities, Policy LP25: The Historic Environment, Policy LP26: Design and Amenity, Policy LP38: Protecting Gainsborough's Setting and Character, Policy LP40: Gainsborough Riverside, Policy LP41: Regeneration of Gainsborough, Policy LP50: Residential Allocations - Main Towns and Policy LP55: Development in the Countryside of the Central Lincolnshire Local Plan as well as the Central Lincolnshire Developer Contributions Supplementary Planning Document and National Planning Policy Framework 2019 and Planning Practice Guidance.

The proposal would not harm minerals safeguarding and is considered acceptable. The provision of significant additional housing in a sustainable location is considered to attract significant weight in the planning balance given the loss of an allocated riverside housing site of similar capacity. The proposal has the opportunity to contribute to the development of the riverside which is also given weight in the planning balance. The proposal is considered to pass the flood risk sequential and exceptions tests and the site specific flood risk and drainage implications are acceptable. The impact on residential amenity and the character and appearance of the area would be minimal and acceptable. Proposed access arrangements result in no harm to highway safety and convenience and provide appropriate links to the Riverside. Ecological and arboricultural impacts are minimal and acceptable. The proposal demonstrates it can accommodate appropriate on site open space with contributions sought for off-site strategic playing field improvements. Either on-site or an off-site affordable housing commuted sum and other required developer contributions would comply with the development plan and can be secured by legal agreement. There are no other technical problems with the application.

Recommendation

It is recommended that planning committee delegates powers to officers to approve the application subject to conditions and the negotiation and completion of a s106 agreement securing:

Affordable housing

- Priority for 20% on-site affordable housing with flexibility to provide an off-site commuted sum in the event the final house types are not appropriate for affordable housing. An off-site commuted sum would be up to £804,000.00.

Education

- As this application is outline a formulaic approach will be taken in accordance with LCC and WLDC policies. This would be finalised at the reserved matters stage. The final contribution would be used towards 0.5 form

entry extension of Castle Wood Academy to 1.5 form entry including 4 additional classrooms and ancillary facilities.

NHS

- £20,849.50 towards the development of the Trent Side facility at John Coupland Hospital, for the relocation of Caskgate Street Surgery to increase consultation capacity and accessibility to primary care in the area.

Strategic Formal Playing Fields

- A contribution towards off-site improvements of the football and cricket pitches at The Roses Sports Ground, Gainsborough to be calculated at reserved matters stage in accordance with Policy LP24 and Appendix C of the Central Lincolnshire Local Plan and Developer Contributions SPD.

In the event the legal agreement is not concluded within 6 months of the date of this committee the application will be reported back to the next available committee.

Conditions:

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

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

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

2. No development shall take place until, plans and particulars of the layout, scale and appearance of the building(s) 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 take place not later than 2 years from the date of approval of the last of the reserved matters to be approved.

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

4. The reserved matters required by condition 2 shall detail dwellings of no more than 3 storeys in height and provide details of the types and sizes of dwellings. Development shall proceed in accordance with the approved details.

Reason: In the interests of preventing harm to the character and appearance of the area and to create mixed and balanced communities in accordance with Policies LP10 and LP26 of the Central Lincolnshire Local Plan.

5. An Arboricultural Method Statement shall be submitted as part of the reserved matters application required by condition 2 and shall include the following details;

- Identify which trees and hedged remain,
- Root protection areas (RPA)
- Tree and hedge protection measures (position and design/type)
- Details on any changes in ground levels/soil grading within tree and hedge RPA's
- Details of any excavations within RPA's
- Details of any methods of construction/excavation/installation works within RPA's
- Underground utilities within RPA's
- Schedule of any tree/hedge pruning works

Reason: To ensure trees and hedges are retained where possible in accordance with Policies LP17 and LP26 of the Central Lincolnshire Local Plan.

6. The reserved matters required by condition 2 shall detail the provision of local useable green space in accordance with the requirements of Policy LP24 and Appendix C of the Central Lincolnshire Local Plan and Central Lincolnshire Developer Contributions Supplementary Planning Document Adopted June 2018 and an implementation timetable and in perpetuity maintenance and management arrangement for all areas outside residential curtilage within the development. Development shall proceed in accordance with the approved details.

Reason: To ensure appropriate on site open space is provided, maintained and managed in accordance with Policy LP24 and Appendix C of the Central Lincolnshire Local Plan and Central Lincolnshire Developer Contributions Supplementary Planning Document Adopted June 2018 .

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

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

The scheme shall:

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

- b) Provide attenuation details and discharge rates which shall be restricted to 7.5 litres per second (Qbar rural);
- c) Provide further cctv investigation of the culvert at the east end of southern ditch to ascertain its full route, its purpose and condition along with any necessary remedial works required;
- d) Provide the incorporation of the southern and northern ditch drainage into the proposed sites specific drainage strategy;
- e) Provide details of the timetable for and any phasing of implementation for the drainage scheme; and
- f) Provide details of how the scheme shall be maintained and managed over the lifetime of the development, including any arrangements for adoption by any public body or Statutory Undertaker and any other arrangements required to secure the operation of the drainage system throughout its lifetime.

The development shall be carried out in accordance with the approved drainage scheme and no dwelling shall be occupied until the approved scheme has been completed or provided on the site in accordance with the approved phasing. The approved scheme shall be retained and maintained in full in accordance with the approved details.

Reason: To ensure that surface water run-off from the development will not adversely affect, by reason of flooding, neighbouring land and property in accordance with Policy LP14 of the Central Lincolnshire Local Plan.

8. No development shall take place until a detailed scheme of ecological mitigation, enhancements and a timetable for its implementation have been submitted to and approved in writing by the Local Planning Authority. Development shall proceed in accordance with the approved details.

Reason: To secure ecological mitigation and enhancements in accordance with Policy LP21 of the Central Lincolnshire Local Plan.

9. No development shall take place, until a Construction Method Statement has been submitted to and approved in writing by the Local Planning Authority. The approved Statement shall be adhered to throughout the construction period. The Statement shall provide for:

- 1 the routeing and management of construction traffic;
- 2 loading and unloading of plant and materials;
- 3 storage of plant and materials used in constructing the development;
- 4 the erection and maintenance of security hoarding including decorative displays and facilities for public viewing, where appropriate;
- 5 wheel cleaning facilities;
- 6 measures to control the emission of dust and dirt during construction;
- 7 the hours during which machinery may be operated, vehicles may enter and leave, and works may be carried out on the site;

Reason: In the interests of amenity and 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:

10. Access to the site shall be in accordance with the details shown on drawing number PL10 Rev H.

Reason: For the sake of clarity and in the interests of proper planning.

11. 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 in accordance with Policy LP13 of the Central Lincolnshire Local Plan.

12. The development hereby permitted shall not be occupied before improvements to bring Floss Mill Lane, Morton up to an adoptable standard has been provided in accordance with details that shall first have been submitted to, and approved in writing by, the Local Planning Authority. The works shall also include appropriate arrangements for the management of surface water run-off from the highway. The agreed improvements shall be completed before first occupation of the development.

Reason: To ensure the provision of safe and adequate pedestrian access to the permitted development, without increasing flood risk to the highway and adjacent land and property in accordance with Policy LP13 and LP14 of the Central Lincolnshire Local Plan.

13. Before each dwelling is occupied, the roads and footways providing access to that dwelling, for the whole of its frontage from an existing public highway, shall be constructed to a specification to enable them to be adopted as Public Highway, less the carriageway and footway surface courses. The carriageway and footway surface courses shall be completed within three months from the date upon which the erection is commenced of the penultimate dwelling (or other development as specified).

Reason: To ensure that a safe and suitable standard of vehicular and pedestrian access is provided for residents throughout the construction period of the development and that the roads and footways are completed within a reasonable period following completion of the dwellings in accordance with Policy LP13 of the Central Lincolnshire Local Plan.

14. No dwelling shall be commenced before the first 60 metres of estate road from its junction with the public highway have been completed.

Reason: To ensure construction and delivery vehicles, and the vehicles of site personnel may be parked and/or unloaded off the existing highway, in the interests of highway safety and the amenity of neighbouring residents in accordance with Policy LP13 of the Central Lincolnshire Local Plan.

15. Prior to the first occupation of the development, a flood warning and evacuation plan (also providing details of and encouraging future occupants of the development to sign up to the Environment Agency flood warning service) shall be submitted to and approved in writing by the Local Planning Authority. The development shall proceed in accordance with the submitted details.

Reason: To minimise future risk to future residents in accordance with Policy LP14 of the Central Lincolnshire Local Plan.

16. The development shall be carried out in accordance with the submitted Flood Risk Assessment (ref: 067611-CUR-00-XX-RP-C-001, revision 3) dated February 2019 and the following mitigation measures it details:

- Finished floor levels for the habitable accommodation to be set no lower than 7.30 metres above Ordnance Datum (AOD).
- Flood resilience and resistance measures as described.

Reason: To reduce the risk of flooding to the proposed development and future occupants. These mitigation measures shall be fully implemented prior to occupation and subsequently in accordance with the scheme's timing/phasing arrangements. The measures detailed above shall be retained and maintained thereafter throughout the lifetime of the development. In accordance with Policy LP14 of the Central Lincolnshire Local Plan.

17. The development shall be carried out in accordance with the submitted Flood Risk Assessment (ref: 067611-CUR-00-XX-RP-C-001, revision 3) dated February 2019 and the following mitigation measures it details:

- Non-habitable ground floor uses only as stipulated in section 2.11.
- Any garage should act as a 'car port' and remain open either side.

Reason: To allow the free flow of water across the floodplain during an extreme event, and to reduce the risk of impact on third parties. These mitigation measures shall be fully implemented prior to occupation and subsequently in accordance with the scheme's timing/phasing arrangements. The measures detailed above shall be retained and maintained thereafter throughout the lifetime of the development. In accordance with Policy LP14 of the Central Lincolnshire Local Plan.

Informatives

LCC Highways and LLFA wishes to make the applicant aware of the following:

There is a requirement for a new/amended vehicular access. Applicants should note the provisions of Section 184 of the Highways Act 1980. The

works should be to the specification and constructed to the satisfaction of the Highway Authority, please contact 01522 782070.

All or part of the highway to be constructed in accordance with planning approval hereby granted is to be constructed to an adoptable standard and subsequently maintained at public expense. It is necessary for the developer to comply with the Lincolnshire County Council Development Road Specification in accordance with a Section 38 (Adoption of highway by agreement) or Section 219 (the Advance Payments code) of the Highways Act 1980. You are reminded of the need for early discussions with statutory undertakers to co-ordinate the laying of services under highways to be adopted by the Highway Authority. Please contact 01522 782070 or developmentmanagement@lincolnshire.gov.uk

The highway improvement works referred to in the above condition are required to be carried out by means of a legal agreement between the landowner and the County Council, as the Local Highway Authority.

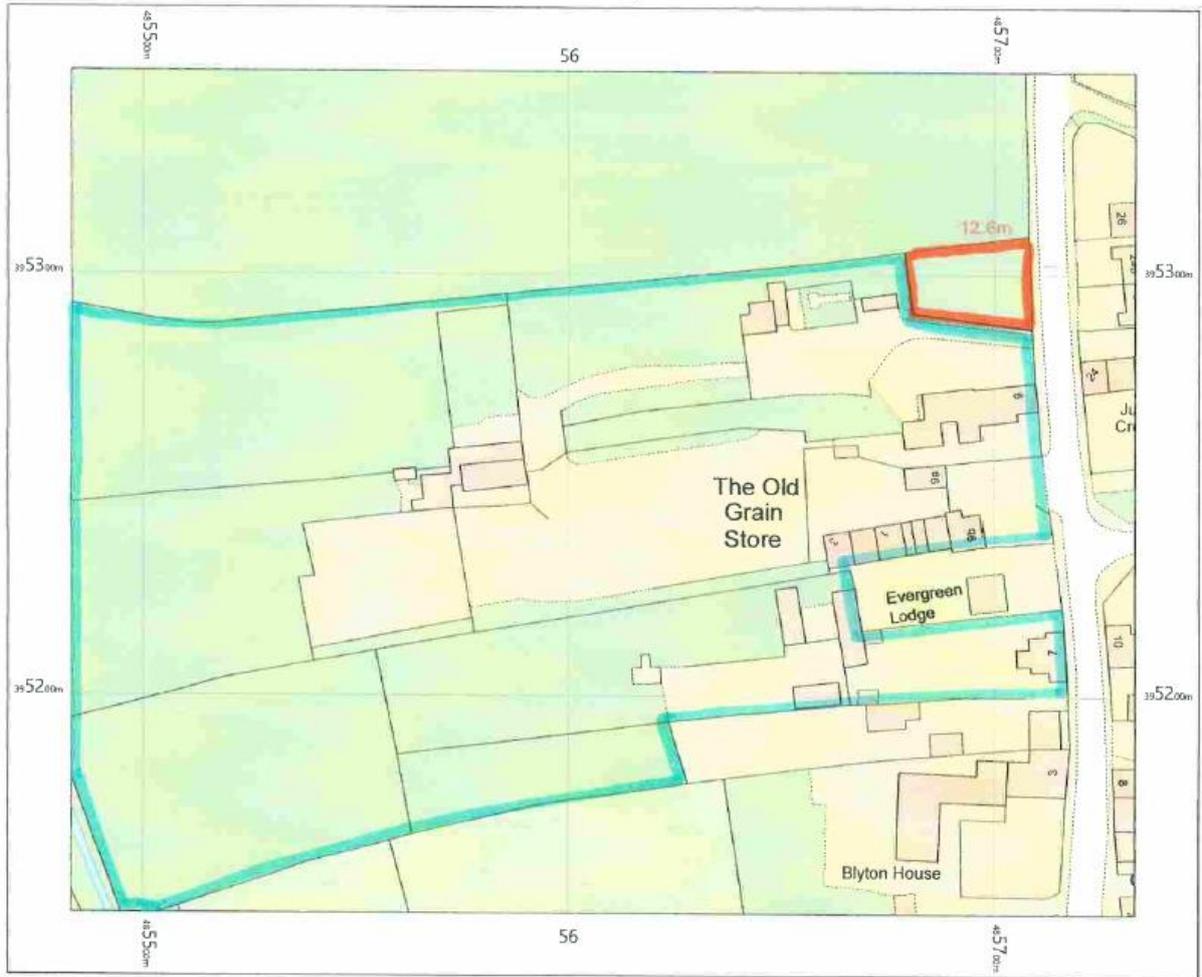
Please contact the Lincolnshire County Council Streetworks and Permitting Team on 01522 782070 to discuss any proposed statutory utility connections and any other works which will be required in the public highway in association with this application. This will enable Lincolnshire County Council to assist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

Human Rights Implications:

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

Legal Implications:

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



Officers Report

Planning Application No: 139207

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

LOCATION: Land adjacent to 9 Laughton Road Blyton Gainsborough DN21 3LG

WARD: Scotter and Blyton

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

APPLICANT NAME: Don Clixby Ltd

TARGET DECISION DATE: 07/05/2019

DEVELOPMENT TYPE: Minor - Dwellings

CASE OFFICER: Martin Evans

RECOMMENDED DECISION: It is recommended that Planning Committee delegate powers to officers to approve the application subject to conditions and the receipt of a unilateral undertaking to ensure the fence granted planning permission (reference 138841) is not built if the proposed development is implemented.

This application is reported to planning committee because the applicant is related to an officer of the Council.

Description:

This is an outline planning application for the erection of one dwelling with access and layout to be determined. Appearance, landscaping and scale are reserved matters.

The drawings show vehicle access onto Laughton Road with on site turning head and parking for two cars. The dwelling would have an L shaped footprint with 7m deep front garden and 9m deep rear garden. Existing planting to the north, east and south boundaries is shown to be retained with a close boarded fence on the west boundary. It is proposed to drain foul water to septic tank and surface water to soakaway.

The application site is side garden to 9 Laughton Road. There are residential dwellings to the north, east and south of the site with a mix of commercial uses to the west and south west.

Relevant history:

138841 Planning application to erect 2.1m fence to eastern boundary. Approved 7/3/19.

97/P/0107 Outline planning application to erect one dwelling in connection with haulage business. Refused 12/06/97.

Land directly north of the application site:

132782 Outline planning application for the erection of up to 19no. dwellings-access to be considered and not reserved for subsequent applications. Approved 10th February 2016.

136671 Application for approval of reserved matters (appearance, landscaping, layout and scale) for the erection of 19no. dwellings following outline planning permission 132782 granted 10 February 2016. Approved 15/11/17.

137936 Planning application to vary condition 8 of application 136671 granted 15 November 2017- position of pumping station and access. Approved 10 August 2018.

Representations:

LCC Highways and LLFA: no objections subject to informatives regarding the new vehicular access, parking provision and works within the highway.

LCC Minerals and Waste: “It is considered that having regard to the scale, nature and location of the proposed development, the applicant has demonstrated that in accordance with the criteria set out in policy M11 that the site is of a minor nature which would have a negligible impact with respect to sterilising the mineral resource . Accordingly, the County Council has no safeguarding objections.”

Scunthorpe & Gainsborough Water Management Board: “The above application lies within the IDB (extended) district and indicates that: -
The application may increase the impermeable area to the site and the applicant will therefore need to ensure that any existing or proposed surface water system has the capacity to accommodate any increase in surface water discharge from the site.”
Generic guidance on surface water drainage options is provided.

Relevant Planning Policies:

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); 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>

Policy M11: Safeguarding of Mineral Resources

Central Lincolnshire Local Plan

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

Policy LP2: The Spatial Strategy and Settlement Hierarchy

Policy LP4: Growth in Villages

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

Other

National Planning Policy Framework 2019 and Planning Practice Guidance

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

The new NPPF was published in February 2019. Paragraph 213 states:

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

There is no neighbourhood plan for Blyton.

Main issues

- **The principle of development**
- **Residential amenity**
- **Layout and access**
- **Flood risk and drainage**

Assessment:

The principle of development

The site is in a sand and gravel minerals safeguarding area therefore a minerals assessment is required by Policy M11. The comments of LCC Minerals and Waste demonstrate minerals safeguarding is not a constraint to development. The proposal complies with M11.

Policy LP2 designates Blyton a medium village unless promoted by neighbourhood plan or through demonstration of clear local community support, it will accommodate a limited amount of development in order to support its 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. 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.

LP4 permits 10% growth in Blyton with 19 dwellings growth remaining according to the growth table on the Council’s website dated 31/3/19. LP4 sets the following sequential test:

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**

*** 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
- d. outdoor sports and recreation facilities and other formal open spaces on the edge of the settlement.

The CLLP defines infill as “Development of a site between existing buildings.”

This proposal is within the size limit and remaining growth set by the Local Plan. This is considered an appropriate location within the developed footprint and is sequentially preferable because it is an infill plot surrounded by existing buildings within the developed footprint.

The site is considered capable of accommodating a dwelling without harm to the character of the area given this is currently side garden. There is a relatively steep slope on the site but it will be possible to engineer a solution at reserved matters stage.

The development accords with Policies M11, LP2 and LP4 and is therefore acceptable in principle. Policies LP2 and LP4 are consistent with the NPPF paragraph 78 requirement for policies to “identify opportunities for villages to grow and thrive” so are attributed full weight.

Residential amenity

The layout provides a gap of 16m between the proposed dwelling and 9 Laughton Road. 24a and 24b Laughton Road are on the opposite side of Laughton Road to the proposal. There would be a 9m gap between the side elevation of the proposed dwelling and that of the newly constructed dwelling to the north. These distances and the ability to control openings and scale of the dwelling at reserved matters stage result in the conclusion the proposal would have an acceptable impact on residential amenity in accordance with LP26. Policy LP26 is considered consistent with the requirements of NPPF Paragraph 127 that policies and decision should ensure that developments “f) create places that are safe, inclusive and accessible and which promote health and well-being, with a high standard of amenity for existing and future users”. LP26 is consistent with section 12 of the NPPF in requiring well designed places.

Layout and access

The proposed layout and access arrangements raise no objection from LCC Highways with regards to the impact on highway safety and convenience. It would provide appropriate turning space and front and rear garden layout. The dwelling would respect the building line in the area. The access and layout are considered acceptable in accordance with Policies LP13 and LP26. Policy LP13 requires well designed, safe and convenient access for all and that appropriate vehicle parking provision is made for development users. This is consistent with NPPF paragraph 108 requiring proposals ensure safe and suitable access to the site can be achieved for all users and paragraph 109 requiring development should only be prevented or refused on highways grounds if there would be an unacceptable impact on highway safety. The policy is therefore attributed full weight.

Flood risk and drainage

The site is not in an area at risk of flooding from any source and is therefore sequentially acceptable. The application forms state foul would be dealt with by septic tank. However, there is an expectation the proposal would connect to Severn Trent's foul sewer in Laughton Road. It is proposed to deal with surface water via soakaway but no percolation test is provided to demonstrate this is achievable. It will therefore be necessary to condition details of foul and surface water in order to comply with the requirements of Policy LP14. Policy LP14 requires proposals demonstrate that they have incorporated Sustainable Drainage Systems (SuDS) in to the proposals unless they can be shown to be impractical whereas NPPF Paragraph 165 requires this for only major developments. However, there is general consistency in requiring developments do not lead to increased risk of flooding therefore LP14 is given full weight.

Conclusion

The proposal is considered to provide a development of a scale envisaged by the local plan and within the growth target for the village. The site is an appropriate location for development and is classed as infill within the developed footprint. It is sequentially preferable to develop this site. Minerals are not a constraint to development. Subject to this the principle of development is acceptable. There are no concerns regarding the impact on residential amenity. The proposed access and

layout arrangements are demonstrably acceptable. There are no flooding or drainage problems subject to condition requiring final details.

Recommendation

The proposal complies with the development plan therefore it is recommended that Planning Committee delegate powers to officers to approve the application subject to conditions below and the receipt of a unilateral undertaking to ensure the fence granted planning permission (reference 138841) is not built if the proposed development is implemented.

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 scale and appearance of the building(s) 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 take place not later than 2 years from the date of approval of the last of the reserved matters to be approved.

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

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

4. No development shall take place until details (including percolation test) of the foul and surface water drainage of the development have been submitted to and approved in writing by the Local Planning Authority. The details approved shall be implemented in full prior to occupation of the development.

REASON: To secure appropriate drainage and prevent flooding in accordance with Policy LP14 of the Central Lincolnshire Local Plan.

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

5. The layout and access matters shall be developed in accordance with the following approved plans: BP/19/02A.

REASON: For the sake of clarity and in the interests of proper planning.

Informatives

LCC Highways and LLFA wishes to make the applicant aware of the following:

The permitted development requires the formation of a new 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. The applicant should be made aware of Lincolnshire County Council parking requirements.

A four bed property requires a minimum of three spaces, and a three bed property requires a minimum of two spaces. A parking space in front of a garage is considered as 1 parking space.

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.

Human Rights Implications:

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

Legal Implications:

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



Planning Committee

1 May 2019

Subject: Determination of Planning Appeals

Report by:

Executive Director of Operations / Head of Paid Service

Contact Officer:

Mark Sturgess
Executive Director of Operations / Head of Paid Service
Mark.sturgess@west-lindsey.gov.uk
01427 676687

Purpose / Summary:

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

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

IMPLICATIONS

Legal: None arising from this report.

Financial: None arising from this report.

Staffing: None arising from this report.

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

Risk Assessment: None arising from this report.

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

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

Call in and Urgency:

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

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

Yes

No

Key Decision:

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

Yes

No

Appendix A - Summary

- i) Appeal by Mr Charlie Lister against the decision of West Lindsey District Council to refuse planning permission for access, appearance landscaping, layout and scale for a proposed development of 2no. dwellings – all matters reserved on land adjacent to 25B Church Road, Stow, Lincoln, LN1 2DE.

Appeal Allowed – See copy letter attached as Appendix Bi.

Costs Refused – See copy letter attached as Appendix Bia.

Officer Recommendation – Grant permission

Committee Decision – Refuse permission

- ii) Appeal by Tennyson Homes Ltd against the decision of West Lindsey District Council to refuse planning permission for a residential development of 5 detached dwellings on land south of High Street, Cherry Willingham, Lincoln, LN3 4AH.

Appeal Dismissed – See copy letter attached as Appendix Bii.

Costs Refused – See copy letter attached as Appendix Bii

Committee Decision – Refuse permission



Appeal Decision

Site visit made on 28 February 2019

by D Guiver LLB (Hons) Solicitor

an Inspector appointed by the Secretary of State

Decision date: 10 April 2019

Appeal Ref: APP/N2535/W/18/3216551

Land Adjacent 25B Church Road, Stow, Lincoln LN1 2DE

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant consent, agreement or approval to details required by a condition of a planning permission.
 - The appeal is made by Mr Charlie Lister against the decision of West Lindsey District Council.
 - The application Ref 138097, dated 17 July 2018, sought approval of details pursuant to conditions Nos. 2 and 3 of a planning permission Ref 134537, granted on 29 July 2016.
 - The application was refused by notice dated 18 October 2018.
 - The development proposed is described as outline planning application to erect 2no. dwellings – all matters reserved.
 - The details for which approval is sought are: access, appearance landscaping, layout and scale.
-

Decision

1. The appeal is allowed and the details submitted pursuant to conditions Nos. 2 and 3 attached to planning permission Ref 134537 dated 29 July 2016, namely access, appearance landscaping, layout and scale details in accordance with the application Ref 138097, dated 17 July 2018 are approved subject to the additional conditions in the attached Schedule.

Application for costs

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

Main Issue

3. The main issue is the effect of the proposed development on the character and appearance of the area, with particular regard to scale.

Reasons

4. Planning permission was given for two dwellings with all matters to be determined. The scheme now before me is for two five-bedroom detached houses with additional accommodation in the roof space. In terms of layout and landscaping, it is common ground that the proposed dwellings leave sufficient amenity space and that landscaping proposals are appropriate to the development. The plans also clearly show a turning area at the front of the properties to allow vehicles to enter and leave in forward gear.

5. In the report for outline planning permission the Council's officer noted that the site was on the edge of the village and would extend the built form into the countryside. The officer stated that notwithstanding the countryside location, two dwellings on the appeal site would not result in significant harm as they would be set against a backdrop of other residential dwellings. As the permission was granted that assessment was presumably accepted.
6. The Council now states that the view of the countryside beyond the edge of the village is a defining characteristic, the type of dwellings proposed would not be in keeping with nearby dwellings and would be overly dominant in size and style. The Council's evidence clearly points to the scheme being refused because of its countryside location as well as the scale and design of the buildings.
7. I have been referred to my previous appeal decision¹ in respect of an outline application for development of an adjacent field which dealt with the impact of that proposal on the open countryside. However, the main issue in that appeal was development beyond the settlement boundary. The scheme now before me has already determined that the location of the development is acceptable in principle and therefore is distinguished from my previous decision.
8. The proposed houses would occupy a similar footprint to the immediately adjacent dwellings on Church Road and the separation between the buildings would not differ to any appreciable extent to neighbouring properties.
9. Opposite the appeal site there is a large two-storey house at 22 Church Road with additional accommodation in the attic. This is a modern property and is a few metres higher than its neighbours and significantly closer to the road than either of the proposed dwellings would be. The buildings on the appeal site would be of a similar modern character and similar in scale. Therefore, the proposed dwellings would relate well to, and reflect surrounding properties. The set-back of the proposed dwellings would prevent the formation of an abrupt gateway from countryside to village.
10. Therefore, the proposal would accord with Policy LP26 of the Central Lincolnshire Local Plan 2017, which seeks to ensure that developments preserve or enhance the character and appearance of the area.

Other Matters

11. Outline permission was given for two dwellings on the appeal site subject to a number of conditions. Those conditions continue to apply and where they relate to pre-commencement matters, such as drainage, they will have to be satisfied before development commences.
12. Interested parties have raised a number of issues in addition to comments on the effect of the proposal on character and appearance of the area by reason of appearance, scale and landscaping. The comments include the loss of views from specific houses, other refused applications, ecological and flooding issues, highway safety and overdevelopment of the site. The loss of a view is not a planning consideration. The other matters would be pertinent to a planning application, but the permission already exists for development of the appeal site and therefore other matters cannot be considered unless they directly relate to reserved matters.

¹ APP/N2535/W/17/3192633

Conditions

13. The conditions in the attached Schedule are based on those suggested by the Council. Where necessary I have amended the wording of these in the interests of precision and clarity in order to comply with the advice in the Planning Practice Guidance. For certainty I have imposed a condition requiring compliance with the relevant application plans.
14. In the interests of protecting the character and appearance of the area I have imposed conditions requiring approval of materials for the external surfacing of the proposed dwelling and implementation of landscaping works. To protect retained trees and prevent root damage I have imposed a condition requiring fencing. I have not imposed a condition requiring the implementation of boundary treatments in accordance with the approved plans as this is already required by the first condition.

Conclusion

15. For the reasons given and taking account of all other material considerations, I conclude that the appeal should be allowed.

D Guiver

INSPECTOR

Schedule

- 1) The development hereby permitted shall be carried out in accordance with the following approved plans: ARQ/1140/03, ARQ/1140/04, ARQ/1140/05, ARQ/1140/06 and ARQ/1140/07.
- 2) Notwithstanding Condition 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.
- 3) All planting, seeding or turfing comprised in the approved details of landscaping shall be carried out in the first planting and seeding seasons following the occupation of the buildings or the completion of the development, whichever is the sooner; and any trees or plants which within a period of 5 years from the completion of the development die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of similar size and species.
- 4) The 'no dig' root protection areas shown on the plan ARQ/1140/03 shall be protected in accordance with the details shown on the plans. Fencing shall be erected in accordance with the approved details before any equipment, machinery or materials are brought onto the site for the purposes of the development, and shall be maintained until all equipment, machinery and surplus materials have been removed from the site. Nothing shall be stored or placed within any fenced area, and the ground levels within those areas shall not be altered, nor shall any excavation be made, without the prior written consent of the local planning authority.

END OF SCHEDULE



Costs Decision

Site visit made on 28 February 2019

by D Guiver LLB (Hons) Solicitor

an Inspector appointed by the Secretary of State

Decision date: 10 April 2019

Costs application in relation to Appeal Ref: APP/N2535/W/18/3216551 Land Adjacent 25B Church Road, Stow, Lincoln LN1 2DE

- The application is made under the Town and Country Planning Act 1990, sections 78, 322 and Schedule 6, and the Local Government Act 1972, section 250(5).
 - The application is made by Mr Charlie Lister for a full award of costs against West Lindsey District Council.
 - The appeal was against the refusal to grant consent, agreement or approval to details required by a condition of a planning permission pursuant to condition No 2 of a planning permission Ref 134537, granted on 29 July 2016.
-

Decision

1. The application for an award of costs refused.

Reasons

2. The Planning Practice Guidance (PPG) advises that costs may be awarded against a party who has behaved unreasonably and thereby caused the party applying for costs to incur unnecessary or wasted expense in the appeal process. Costs may be awarded to any party regardless of the outcome of the appeal. The PPG makes it clear that a local planning authority is at risk of an award of costs if it behaves unreasonably with respect to the substance of the matter under appeal by preventing or delaying development which should clearly be permitted, having regard to its accordance with the development plan, national policy and any other material considerations.
3. The applicant submits that the Council has acted unreasonably in that it failed to follow officer recommendations and thereby delayed development that clearly should have been permitted.

Reasons for Refusal

4. The application was for approval of reserved matters for the construction of two dwellings. In summary, the application was refused on the ground that the proposal would have an unacceptable impact on the character and appearance of the area.
5. The Council's evidence clearly referred to two elements in reaching its conclusion that the proposal would not be acceptable in terms of its effect on the character and appearance of the area. The first of these was the impact on the countryside by reason of the location of the appeal site outside the existing developed footprint of the village of Stow. The second element was the relationship of the proposed dwellings with the built-form of the village.

6. In seeking to refuse the application on the ground that development at the location of the appeal site would have a detrimental effect on the character of the countryside, the Council did not properly address the fact that outline permission had been granted and that development in principle was approved. While detailed proposals for reserved matters could be contrary to Policy notwithstanding an outline permission, it can be seen from my decision in the substantive appeal that the Council's evidence referred to development per se adversely affecting the defining characteristic of countryside views.
7. In this regard I was referred to my own earlier appeal decision for the neighbouring plot of land that dealt with the impact of a proposal on the open countryside. In refusing approval on this element, the Council behaved unreasonably in seeking to address matters that should have been raised at outline permission stage.
8. The second element of the ground of refusal was that the scale of the proposed dwellings would have an unacceptable impact on the character and appearance of the area. Scale was a specifically reserved matter and one upon which members were entitled to exercise their planning judgment and where they were not bound to follow the advice of their officers. From the substantive appeal it will be seen that I reached a different conclusion to the Council, but the proper exercise of planning judgment is not unreasonable behaviour.
9. Consequently, although the Council acted unreasonably regarding the character of the countryside, the appeal would have been required and the costs of appeal incurred in any event.

Conclusion

10. On the basis of the evidence before me, I conclude that it has not been demonstrated that the Council caused unnecessary or wasted expense in so far as an award of costs could be justified. I therefore determine that the costs application should fail and no award is made.

D Guiver

INSPECTOR



Appeal Decision

Site visit made on 13 February 2019

by R Bartlett PGDip URP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 12 April 2019

Appeal Ref: APP/N2535/W/18/3210404

Land South of High Street, Cherry Willingham, Lincoln, LN3 4AH

- 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 Tennyson Homes Ltd against the decision of West Lindsey District Council.
 - The application Ref 137057, dated 21 November 2017, was refused by notice dated 4 May 2018.
 - The development proposed is residential development of 5 detached dwellings.
-

Decision

1. The appeal is dismissed.

Application for costs

2. An application for costs was made by Tennyson Homes Ltd against West Lindsey District Council. This application is the subject of a separate decision.

Procedural Matters

3. The application and appeal forms did not include a postcode for the site address. This has been taken from the Council's decision notice in the interests of completeness.
4. The revised National Planning Policy Framework (the Framework) was published on 19 February 2019 replacing previous versions. For clarity, any references made to the Framework in this decision are to the 2019 version.
5. Since the application was determined the Cherry Willingham Neighbourhood Plan (NP) has successfully progressed through Referendum and is expected to be Adopted/Made on 4th March 2019. As such it has been given significant weight in my consideration of this appeal.

Main Issue

6. The main issue in this appeal is the effect of the design and layout of the proposal upon the character and appearance of the area, including its effect upon heritage assets and their setting.

Reasons

7. The site lies in the centre of Cherry Willingham and comprises part of a former farmstead, within an otherwise predominantly residential area. The brick built, traditional, farm buildings that previously existed on the site have been

- demolished leaving only a few old walls, together with the plant and steel frame associated with a more modern agricultural building.
8. On my site visit I saw that the surrounding area comprises buildings of varying age, design and materials. The farmhouse immediately adjacent to the site is recognised as a non-designated heritage asset in the NP. It appears to me that despite the need for repair, the traditional appearance of this dwelling makes a positive contribution to the area. The NP also identifies other non-designated heritage assets located along High Street, including the cottages located roughly opposite the site access. The significance of these assets is their traditional scale and appearance, which is typical of a rural village.
 9. The site is not within a conservation area and the nearest designated heritage assets are The Manor House, which is a grade II listed building located approximately 26 metres to the south east of the site and 21-27 High Street, which is a grade II listed building located approximately 95 metres to the west of the site. Given the separation distances and the presence of existing built development between the site and the listed buildings, it is my view that the proposal would have no adverse impact upon any designated heritage assets or their setting.
 10. I am aware that the appeal site, together with the adjoining land to the west, has outline planning permission, with all matters reserved, for up to 13 dwellings. However, as the site has now been sub-divided, I cannot be sure what development, if any, will take place on the land to the west. In the absence of any development on the adjoining site, I have assessed the proposal against what I observed on my site visit.
 11. Whilst the layout of development in the area is varied, dwellings typically have a good standard of space around them and are broken up by single storey elements or driveways between properties. Parking is generally to the side of properties and is provided within curtilages as opposed to in separate parking courts.
 12. The proposed dwellings would be of similar height and sited closely together, creating a very dense roofscape and a poor sense of space. All five of the proposed dwellings would be large, detached, family houses. Three of these would have no garage and although this is not a necessity, I am mindful of the fact that this is likely to result in a future requirement for outbuildings in the gardens, some of which are already compromised by the proposed parking area.
 13. The dwellings would be located close to the road with the frontages being dominated by car parking. The front garden to plot 3 would most likely also become additional, more convenient, parking space for future occupants of that dwelling. The cramped garden, parking and turning arrangements would not be in keeping with the character and appearance of the area and there would be insufficient space for any meaningful landscaping. In the absence of any development to the west, the whole of the proposal would be highly visible from the High Street and would be viewed in context with the old farmhouse adversely impacting upon its setting.
 14. The indicative plan submitted with the outline permission demonstrated a much higher quality layout, showing dwellings of smaller scale than the farmhouse, with space between dwellings, which respected the setting of this building.

15. Turning to the design of the proposed dwellings, I can see that attempts have been made to give plots 1 and 2 an agricultural appearance by adding brick arches and timber panels to the ground floor fenestration and by incorporating a steeper roof pitch. However, the scale and proportions of these two large buildings, which would be very high, would not reflect the appearance of a typical traditional barn and being located close to the highway would be unduly prominent in the streetscene. Furthermore, the height of these dwellings would not be in keeping with this part of the High Street, which is made up primarily of low rise bungalows and modest cottages opposite the site.
16. Plot 3 has the proportions of a barn but not the fenestration. The L shaped dwellings on plots 4 and 5 also significantly lack architectural detail. The windows and doors are a mixture of sizes and styles with no detailing above them. The gables above the windows in plot 5 are disproportionate to the windows and the roof.
17. The proposals as a whole are confused and replicate neither a traditional housing development nor the appearance of a traditional agricultural farmstead that has been converted to residential use. There is no explanation within the submissions, for the design and layout or the thought process behind it. The appellant's appeal statement and design and access statement suggest that the finer architectural details of the scheme, such as windows and doors, could be dealt with via conditions. However, this is a full application and therefore full details of the appearance, including finer details such as heads, cills, eaves and ridge detailing should be considered at this stage. In any event my design concerns go beyond window and door details.
18. In light of the above, I conclude that the design and layout of the proposal, would be harmful to the character and appearance of the area and the setting of nearby non-designated heritage assets.
19. The proposal is therefore contrary to Policies LP25 and LP26 of the Central Lincolnshire Local Plan, which seek to enhance non-designated heritage assets and their setting and to ensure high quality design that contributes positively to local character. The proposal would also conflict with policy D1 of the NP, which requires new development to respect its wide surroundings in relation to historic development patterns and the aims of the Framework in relation to heritage assets and good design.

Other Matters

19. Paragraph 197 of the Framework states that in weighing applications that directly or indirectly affect non-designated heritage assets, a balanced judgement will be required having regard to the scale of any harm or loss and the significance of the heritage asset. In this case, I find that the harm that would be caused to the setting of the non-designated assets would be less than substantial.
20. Set against this, I acknowledge that the proposal would result in some social, economic and environmental benefits and this was accepted by the Council in granting outline planning permission for the wider site. I also acknowledge that due to recent demolition and neglect the site currently has a negative impact on the appearance of the area. However, the Local Planning Authority (LPA) has powers to address untidy land in the absence of a suitable re-

development scheme being progressed and as such the appearance of the site is not justification for permitting poor quality design.

Conclusion

21. Therefore, for the reasons given, and having had regard to all other matters raised, the appeal is dismissed.

Rachael Bartlett

INSPECTOR



Costs Decision

Site visit made on 13 February 2019

by R Bartlett PGDip URP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 12 April 2019

Costs application in relation to Appeal Ref: APP/N2535/W/18/3210404 Land South of High Street, Cherry Willingham, Lincoln, LN3 4AH

- The application is made under the Town and Country Planning Act 1990, sections 78, 322 and Schedule 6, and the Local Government Act 1972, section 250(5).
 - The application is made by Tennyson Homes Ltd for a full award of costs against West Lindsey District Council.
 - The appeal was against the refusal of planning permission for a residential development of 5 detached dwellings.
-

Decision

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

Reasons

2. The Planning Practice Guidance advises that costs may be awarded against a party who has behaved unreasonably and thereby caused the party applying for costs to incur unnecessary or wasted expense in the appeal process.
3. The applicant states that the council behaved unreasonably by refusing the application contrary to the advice of its officers but then goes on to accept that the reason for refusal related to a subjective issue. Authorities are not bound to accept the recommendations of their officers, but if their professional or technical advice is not followed, then reasonable planning grounds for taking a contrary decision needs to be provided, and supported by relevant evidence.
4. The Committee after considering the Officer report, representations and objections, including those of the conservation officer, decided that the proposal would, amongst other things, be harmful to the character and appearance of the area and the setting of non-designated heritage assets and I found similarly.
5. The applicant states that the Council failed to substantiate its reasons for refusal by making no assessment of the significance of the heritage assets that would be affected by the appeal proposal. The National Planning Policy Framework is clear, at paragraph 189, that it is the applicant that should undertake this assessment, and not the Council. Whilst I acknowledge that a Heritage Statement was submitted with the application, this did not assess the significance or setting of the non-designated heritage assets adjacent to the site in any detail.
6. The decision notice was clear and well-reasoned and I am satisfied that the Council substantiated its reason for refusing the planning application. Despite the recommendation of approval, officers are obliged to defend the decision

reached by the Council and there is a high probability that the appeal statement submitted on behalf of the Local Planning Authority relates to the reasoning for the Council's decision as opposed to the officer's personal views. This approach is not an indication of unreasonable behaviour on the Council's part.

7. In light of the above I find that unreasonable behaviour resulting in unnecessary or wasted expense, as described in the Planning Practice Guidance, has not been demonstrated.

Rachael Bartlett

INSPECTOR