



Officers Report

Planning Application No: 133156

PROPOSAL: Outline planning application for proposed residential development of up to 150 no. dwellings with associated amenity space, estate roads and surface water attenuation-all matters reserved

LOCATION: Land South of The Ridings Market Rasen Lincolnshire LN8 3EE

WARD: Market Rasen

WARD MEMBERS: Cllr H Marfleet, Cllr J McNeill and Cllr T Smith

APPLICANT NAME: Prospect Place Ltd

TARGET DECISION DATE: 14/09/2015 (Extension of time agreed until 01/07/2016)

DEVELOPMENT TYPE: Small Major - Dwellings

RECOMMENDED DECISION:

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

- Capital contribution towards Primary School facilities (£338,293) in lieu of on-site provision;
- Capital contribution (£425 per dwelling) towards Health care provision within the Parish of Market Rasen, in lieu of on-site provision;
- Provision of affordable housing on site (type and tenure to be agreed).

And, in the event of the s106 not being completed and signed by all parties within 6 months from the date of this Committee, then the application be reported back to the next available Committee meeting following the expiration of the 6 months.

Description:

The application seeks planning permission, in outline, for a residential development of up to 150 dwellings, with associated development including public open space. All matters of scale, appearance, layout, landscape and access are reserved for subsequent approval (reserved matters).

An illustrative masterplan (drawing 1102-02-MP02 rev A) submitted with the application, indicates that the main pedestrian and vehicular access would be taken from The Ridings, to the north. 'Possible future access' is indicated to the east, south, and two access points to the west.

It suggests a balancing pond in the north-eastern corner, as part of a sustainable drainage system (SUDS), and indicates a number of single storey properties within the northern part of the site. Public Open Space (POS) is indicated along the northern boundary adjacent to the POS on the existing housing site.

The application site is to the immediate south of Market Rasen, measures 5.84 hectares in area, and is an agricultural field in active arable use.

Bungalows within The Ridings and Wells Drive, part of a fairly recent housing development, adjoin the site to the north-east. Agricultural fields adjoin the site to the south-east and south. Private land to the west separates the site from Linwood Road. Public Open Space serving The Ridings Estate adjoins the site to the north-west.

The site lies outside of Market Rasen's settlement boundary as defined in the West Lindsey Local Plan First Review.

It lies within Flood Zone 1 (low probability) on the Environment Agency's Flood Maps.

Town and Country Planning (Environmental Impact Assessment) Regulations 2011 (as amended):

The development of 150 dwellings on a 5.84ha site would qualify as Schedule 2 development (paragraph 10(b)) based on the site area (more than 5ha). It is however far below the indicative threshold within Planning Practice Guidance¹ which considers development which "would have significant urbanising effects in a previously non-urbanised area (e.g. a new development of more than 1,000 dwellings)". After taking account of the criteria in Schedule 3 it has been concluded that the development is not likely to have significant effects on the environment by virtue of its nature, size or location. Neither is the site within a sensitive area as defined in Regulation 2(1). Therefore the development is not 'EIA development'.

Relevant history:

None applicable.

Representations:

Market Rasen Town Council:

Comments on 8th July 2015:

Infrastructure will suffer i.e. doctors, dentists and schools etc. There are no job opportunities in the area and we have poor public transport. There are not many leisure facilities in the area. Car parks and roads will suffer. Car parks

¹ [Paragraph: 058 Reference ID: 4-058-20150326](#)

are already getting full and people are parking down narrow roads. The estate will become extremely busy with traffic, especially on race days.

In the past there has been flooding in the area and the drainage struggles to cope. With additional properties, drainage will need to be investigated.

Main concern raised was the one access point. It is not practical to use existing access for this proposal. These additional houses will need its own access road. Can this be considered? With only having one access road, this will become very difficult for residents, emergency services and bin collections.

This estate is currently lovely and quiet so this proposal will affect many residents. Some residents will see an increase in their home insurance; some will lose their lawns and many properties views will change. Social housing may increase the crime rate in the area.

Comments on 1st December 2015:

Concerns were stated over drainage and the main point. The water will be backed up and could possibly cause flooding in the town. What happens when the water goes to the main point, where does it go then? If the water builds up it could flood the school field along with other areas of the town.

Whilst we note that some improvements have been made to the plans in respect of the flood risk assessment and drainage strategy, however the Council are still not satisfied and feel that this work is still incomplete, further investigation work is needed. What calculations have been made to manage the system? We find this of great importance as properties will be in great danger if this system is not properly managed.

Further distress was expressed on the sewerage system. There is still a lot of additional foul water in the town. Councillors conveyed the need of extra sewerage which needs to be maintained on a regular basis.

We note from the plans that a foul pumping station is to be installed alongside existing properties. What impact will it have on residents? What will the noise level be?

In addition the Committee expressed concerns over the impact on health services/schools, poor public transport, no job opportunities, possible increase in crime, access (only access being Beechers Way) and very narrow roads for emergency services/bin collections, and the problems it could cause with traffic flow in the town, especially on race days. Have schools and health services been approached? What consultation has been done?

Environment Agency: The site is in Flood Zone 1 so the submitted flood risk assessment will address mainly surface water runoff management. Responsibility for advising on this has moved from the Environment Agency to

the Lead Local Flood Authority (Lincolnshire County Council) so we do not wish to comment.

Local Highways and Lead Local Flood Authority:

Request that any permission has a condition for details of 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, to be submitted to and approved in writing by the Local Planning Authority.

Application is outline with all matters reserved, therefore the Highway Authority (HA) have only considered the drainage principles as part this consultation. Access and layout will be considered by the HA as part of a reserved matters application.

Regarding submitted Transport Assessment, acknowledge the capacity issues relating to the Oxford Street / Willingham Road junction. Considering the two mitigation options proposed, consider that a right turn lane is not feasible due to restricted widths and the right turn ban would not be a practical solution. The junction currently operates MOVA to counter the capacity issues suffered at this junction and although the proposed development will have additional impact it would not be severe enough to warrant refusal. It is therefore considered that no mitigation measures will be required at this junction.

Natural England: Satisfied that the development, being carried out in strict accordance with submitted details, will not damage or destroy the interest features of the nearby Linwood Warren Site of Special Scientific Interest (SSSI). Council should consider impact on local sites, local landscape character and local or national biodiversity priority habitats and species.

Welcome the provision of Green infrastructure (GI), particularly the incorporation of the pond and surrounding amenity space and the retention of existing trees.

The Council should consider securing measures to enhance the biodiversity of the site.

Lincolnshire Wildlife Trust: Satisfied that, provided the consultant's recommendations are followed, there should not be significant negative impacts on protected species. Support suggestions for enhancement including provision of a range of bird nest boxes, retention / strengthening of existing hedgerows and native tree and shrub planting.

Recommend species-rich grassland is incorporated into areas of open space. Habitat links should be provided where possible.

Strongly support inclusion of SUDS. Pond ideally should always be wet to maximise wildlife benefits.

Recommend inclusion of features within built environment for biodiversity, for example provision of nesting boxes/cups.

Trees and Woodlands Officer: Has no objections to the outline application. Consideration should be given to moving properties further away from the existing trees in the westerly half of the site, unless tree survey indicates they are of poor quality and should be removed.

Archaeology: The results of the archaeological evaluation were very decisive, the majority of the site appears to have very little archaeological merit, but there is a small section where trenches 1 and 2 were excavated which are of great interest.

These trenches relate directly to the already well know Roman pottery industry in Market Rasen which is on both sides of Linwood Road and to the north where the Riding housing estate now stands. The evaluation confirms that pottery production was taking place on this part of the development site and a kiln was recorded. There is a high potential for more kilns and associated finds and features associated with the pottery production on this site.

Recommend that should planning permission be forthcoming for this site that it should be subject to set piece archaeological excavation, limited to the western strip where archaeological trenches 1 and 2 were excavated. This excavation should be subject to the relevant planning condition and that it should be completed in advance of any work beginning on this part of the site. Prior to any groundworks the developer should be required to commission a Scheme of Archaeological Works (on the lines of 4.8.1 in the Lincolnshire Archaeological Handbook (2012)) in accordance with a written scheme of investigation submitted to and approved in writing by the local planning authority. This should be secured by an appropriate condition to enable heritage assets within the site to be recorded prior to their destruction. This should consist of set piece archaeological excavation.

Housing and Communities Project Officer: The affordable housing requirement will be for 25% of the total units to be delivered on site. Type and tenure to be agreed through discussion. It's likely that a 70/30 split affordable rent to shared ownership will be acceptable in this location.

NHS England: Market Rasen Surgery practice population is just above 10,000. Currently up to capacity with the ratio of GPs to patients above the national average. An additional 345 new patients means level of patient care may be compromised and could become unsafe. The building no longer lends itself to further expansion. Has potential for some internal reconfiguration by reducing the main waiting room area to accommodate extra consulting and treatment rooms. Seek capital contribution of £425 per dwelling (up to £63,750).

Local Education Authority: The Market Rasen Primary School has insufficient capacity to accommodate the pupils generated by development.

Seek a capital contribution (£338,293) to enable 30 additional primary school places.

Anglian Water: Foul drainage is in catchment of Market Rasen Water Recycling Centre that has limited available capacity for these flows. Sewerage system at present has available capacity for these flows.

Lincolnshire Fire and Rescue: Object on the grounds of inadequate water supply. Can be overcome with the installation of two fire hydrants.

Lincolnshire Police: Well-designed development making good use of a cul-de-sac layout. Offers guidance on safety including ensuring public areas are overlooked, car parking, clearly defined space, low boundary treatments.

Local Residents:

Letters of support from **41 Anglian Way, Garnetts (45 Queen St), Spring Market Rasen Ltd / The March Hare Market Rasen Ltd (14 Market Place), Stoves of Market Rasen Ltd (3 Queen St)**. In summary:

- Town's retail offer is in decline – new homes and families will support local businesses/jobs and increase town centre footfall;
- Allow this application to save our town;
- Contributions from development will benefit local schools, doctors etc.

Objections from **2, 4, 5, 6, 7, 11, 14, 15, 27, 37, 39 Beechers Way, 4, 5 Farriers Way, 22 Haydock Way, 1, 11, 17, 21 Horseshoe Way, Linwood Road (Winrush, Wodelyn Cottage), 2, 3 Saddlers Way, 4, 5, 6, 7 Stable Way, 12, 29, 30, 31, 32, 35, 37, 43, 45, 46, 47, 51 The Ridings, 16, 21 Wells Drive**. In summary:

- Concerns with flood risk within site and to adjacent properties (including 29, 31, 37 The Ridings, 21 Wells Drive which already experience flooding);
- Concerned surface water will be discharged into existing balancing pond alongside Horseshoe Drive properties, which has a history of flooding;
- Surface water will flood lagoon and the local river through De Aston School;
- Revised Flood and Drainage Risk Assessment along with its recommendations do not satisfy the potential of further flooding or the disposal of sewage through existing drainage systems;
- Concerned with potential noise / nuisance from pumping station;
- Proposed open water will attract mosquitoes;
- Existing drainage and traffic problems on Linwood Chase will be exacerbated;
- Should consider further access/egress. One access is insufficient;
- There is only access for emergency services;
- Proposed access using Beechers Way is inadequate;
- Add to existing highway safety concerns on The Ridings which has inadequate passing;
- Increase congestion at Linwood Road / Beechers Way junction;

- Disruption during construction. Residents have already had to endure many years of disruption during building of Linwood Chase. The Ridings is insufficient for construction traffic;
- Detrimental impact on 43 The Ridings;
- No demand or need for new housing in Market Rasen;
- Market Rasen does not have traffic capacity, services or infrastructure capacity (health, education) to accommodate further development;
- Lack of car parking within Market Rasen;
- The scale of the proposed development is huge, out of proportion and outside the natural town envelope, to be built on existing farm land, which is or should have been within the green belt;
- Loss of agricultural land and greenfield site;
- Development in the open countryside ultimately has adverse landscape and visual impacts;
- Extra light and noise pollution;
- Development will block long views enjoyed by existing residents;
- Will affect the setting of a historic roman settlement;
- Site was a haven for wildlife until used for arable farming in last four years. Its potential for ecology will forever be lost;
- Dedicated footpath to existing public Open Space will be required;
- Concerns with level of publicity of the planning application.

Relevant Planning Policies:

- **National policy and guidance**
National Planning Policy Framework (2012)
<http://planningguidance.communities.gov.uk/>
Planning Practice Guidance
<http://planningguidance.communities.gov.uk/>
- **Local Policy**
Planning law requires that applications for planning permission must be determined in accordance with the development plan, unless material considerations indicate otherwise. The saved policies of the **West Lindsey Local Plan First Review 2006 (WLLP)** remains the statutory development plan for the district. Paragraph 215 of the National Planning Policy Framework (NPPF) states that due weight should be given to relevant policies in existing plans 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).
 - STRAT 1 Development Requiring Planning Permission
<http://www2.west-lindsey.gov.uk/localplan/written/cpt3a.htm#strat1>
 - STRAT 3 Settlement hierarchy
<http://www2.west-lindsey.gov.uk/localplan/written/cpt3a.htm#strat3>
 - STRAT5 Windfall and Infill Housing – Development in Market Rasen and Caistor
<http://www2.west-lindsey.gov.uk/localplan/written/cpt3b.htm#strat5>
 - STRAT 9 Phasing of Housing Development and Release of Land
<http://www2.west-lindsey.gov.uk/localplan/written/cpt3b.htm#strat9>

- STRAT 12 Development in the open countryside
<http://www2.west-lindsey.gov.uk/localplan/written/cpt3b.htm#strat12>
- STRAT19 Infrastructure requirements
<http://www2.west-lindsey.gov.uk/localplan/written/cpt3b.htm#strat19>
- SUS4 Cycle and pedestrian routes in development proposals
<http://www2.west-lindsey.gov.uk/localplan/written/cpt4.htm#sus4>
- RES 1 Housing Layout and Design
<http://www2.west-lindsey.gov.uk/localplan/written/cpt6.htm#res1>
- RES 2 Range of housing provision in all housing schemes
<http://www2.west-lindsey.gov.uk/localplan/written/cpt6.htm#res2>
- RES 5 Provision of play space/recreational facilities in new residential development.
<http://www2.west-lindsey.gov.uk/localplan/written/cpt6.htm#res5>
- RES6 Affordable housing provision
<http://www2.west-lindsey.gov.uk/localplan/written/cpt6.htm#res6>
- CORE 10 Open Space and Landscaping
<http://www2.west-lindsey.gov.uk/localplan/written/cpt8.htm#core10>
- NBE10 Protection of Landscape Character in development proposals
<http://www2.west-lindsey.gov.uk/localplan/written/cpt11.htm#nbe10>
- NBE 14 Waste Water Disposal
<http://www2.west-lindsey.gov.uk/localplan/written/cpt11.htm#nbe14>
- NBE19 Landfill and Contaminated Land
<http://www2.west-lindsey.gov.uk/localplan/written/cpt11.htm#nbe19>
- NBE20 Development on the Edge of Settlements
<http://www2.west-lindsey.gov.uk/localplan/written/cpt11.htm#nbe20>

Emerging Planning Policy

The NPPF (paragraph 216) states that decision-takers may also give weight to relevant policies in emerging plans according to the stage of preparation of the emerging plan (the more advanced the preparation, the greater the weight that may be given); the extent to which there are unresolved objections to relevant policies and the degree of consistency with the NPPF.

The 3rd Draft of the **Central Lincolnshire Local Plan (CLLP)**, the Proposed Submission CLLP, was subject to public consultation between Friday 15th April and Thursday 26 May. Following consultation, it will soon be formally submitted to the Secretary of State for examination. The plan is available to view here: <http://www.lincolnshire.gov.uk/central-lincolnshire/local-plan>

At this final draft stage of plan preparation, the weight to be given to this emerging Local Plan is greater than for previous stages, though the 'starting point' for decision makers remains with the extant plan.

Market Rasen is allocated as a Market Town (draft policy LP2), 'the focus for significant, but proportionate, growth in housing, employment, retail and wider service provision. Most of this growth will be via sites allocated in this plan, or appropriate infill, intensification or renewal of the existing urban area.'

The emerging CLLP allocates the site for residential development (draft policy LP51). Site CL1359 'Land off Linwood Road & The Ridings' is allocated for

133 dwellings. The Council have not raised any objections to development in this location or made any formal comments against the suitability of this site for a residential land allocation within the CLLP. The site has been considered by the Council, for local plans purposes and in order to meet the objectively assessed need for housing, to be a necessary and suitable part of the future growth of Market Rasen.

Main issues

- Principle of Residential Development (WLLP policies STRAT3, STRAT5, STRAT9 and STRAT12)
- Landscape and Visual Impact (CORE10, NBE10, NBE20)
- Highways Access and Safety (STRAT1, SUS4)
- Flood Risk and Drainage (STRAT1)
- Ecology (NPPF Chapter 11)
- Archaeology (NPPF Chapter 12)
- Local Infrastructure and Services (STRAT19)
- Affordable Housing (RES2, RES6)
- Indicative layout and Residential Amenities (STRAT1, RES1, RES2, RES5, CORE10)

Assessment:

(i) Principle of Residential Development

The site is an undeveloped site on the southern edge of the market town of Market Rasen. It is previously undeveloped, or 'greenfield', land currently being used for agricultural purposes, growing crops.

The site is not allocated for residential development in the WLLP, and falls immediately outside the settlement boundary. At the time of the Plan (2006), the Beechers Way / The Ridings development to the immediate north was allocated as having an existing permission.

Policy STRAT5 (Windfall and Infill Housing Development in Market Rasen...) states that permission will be granted for new residential development on previously developed land within the settlement boundary of Market Rasen subject to meeting criteria including a limit of no more than 20 dwellings. As a 'greenfield' site outside the defined settlement boundary and at the scale proposed here, STRAT5 does not apply.

As a 'greenfield' site, it falls at the bottom rung of STRAT9's sequential approach towards prioritising previously developed land.

Land not within the built footprint of settlements is treated as 'open countryside' (WLLP paragraph A99) and policy STRAT12 applies. STRAT12 does not support the grant of permission "*unless the development is essential to the needs of agriculture, horticulture, forestry, mineral extraction or other land use which necessarily requires a countryside location*".

In view of the above, the planning proposal would be a departure from the WLLP 2006. In accordance with planning law, permission should be refused unless there are material considerations which indicate otherwise.

The National Planning Policy Framework (NPPF) is a significant material consideration. A core principle (paragraph 17) is that *“Every effort should be made objectively to identify and then meet the housing, business and other development needs of an area”*.

Paragraph 49 states that *“Housing applications should be considered in the context of the presumption in favour of sustainable development.”*

For decision-taking this means (paragraph 14):

- approving development proposals that accord with the development plan without delay; and
- where the development plan is absent, silent or relevant policies are out-of-date, granting permission unless:
 - any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in the NPPF taken as a whole; or
 - specific policies in the NPPF indicate development should be restricted.

Because the spatial application of the WLLP can be considered to be out of date as it no longer meets the objectively assessed housing needs of the area, then the second bullet point of the NPPF presumption test can be applied.

Another material consideration is the emerging Central Lincolnshire Local Plan (CLLP). The 3rd Draft of the Plan, the Proposed Submission Draft, has been subject to public consultation and will imminently be submitted to the Secretary of State for public examination. In accordance with the NPPF (paragraph 216), it can be attached some weight in the decision making process. The CLLP proposes (policy LP2) that Market Rasen is *“the focus for significant, but proportionate, growth in housing, employment, retail and wider service provision. Most of this growth will be via sites allocated in this plan...”*

The application site is allocated for residential development within the emerging CLLP. Under policy LP51, the site is given reference ‘CL1359’ and is allocated for 133 dwellings.

The Plan has been through three rounds of consultation. It must be noted that the Council have not raised any objections to development in this location or made any formal comments against the suitability of the site for inclusion as a residential land allocation.

The NPPF (paragraph 49) states that “Relevant policies for the supply of housing should not be considered up-to-date if the local planning authority cannot demonstrate a five-year supply of deliverable housing sites.”

The Latest (May 2016) Central Lincolnshire Five Year Land Supply Report² demonstrates a 5.33 year supply (12,283 dwellings) based on a five year housing land requirement of 11,531 dwellings (incorporating a 20% buffer and previous shortfall).

A number of sites within the emerging CLLP are included towards achieving the five year supply. Notably, this includes the application site, reference CL1359, which is calculated to deliver 133 houses overall, and which includes 90 towards the five year supply.

Overall, the site would be a departure from the WLLP 2006. Nonetheless, the Plan no longer meets the objectively assessed housing needs of the area. Market Rasen is proposed as a focus for significant but proportionate growth in the emerging CLLP, and the application site is proposed for residential development in order to contribute towards this. The site is also expected to contribute 90 dwellings towards the five year housing requirements for the area.

It is considered that development should be supported where it would meet the NPPF presumption in favour of sustainable development.

(ii) Landscape and Visual Impact

WLLP policy NBE10 states that *“High priority will be given to conserving the distinctive landscape features, landscape character and the landscape amenity value of the District. Development will not be permitted if it is likely to have an adverse impact on the features, setting or general appearance of the Landscape Character Areas as defined in the Landscape Character Assessment”*.

Policy NBE20 states that *“Development will not be permitted which detracts from the rural character of the settlement edge and the countryside beyond.”*

A Landscape and Visual Impact Assessment (LVIA) was requested from the applicant but was not forthcoming.

The site lies within the Heathland Belt Local Landscape Character Area (LLCA) in the West Lindsey Landscape Character Assessment 1999, a background document to the Local Plan.

A key characteristic is that *“the fringes of Market Rasen and Caistor have a relatively wide range of land uses.”* It states that *“the landscape on the outskirts of Market Rasen has a particularly diverse pattern and a variety of uses including agriculture, light industry, kennels, nurseries, a race course,*

² See <https://www.lincolnshire.gov.uk/central-lincolnshire/planning-policy-library/126952.article>

golf course and camping areas. The blocks of woodland, hedgerows and trees help to accommodate this varied range of land uses in a predominantly flat agricultural landscape.”

The approaches to Caistor and Market Rasen are considered to be one of the more sensitive parts of the landscape. Considering principles of accommodating new development, it says *“any new development on the fringes of Market Rasen or Caistor should be accompanied by mass planting which is designed to help integrate the development with the surrounding landscape pattern. It should include elements such as mixed woodland, hedgerows and hedgerow trees (predominantly oaks).*

The site is a relatively flat arable field positioned alongside a new housing estate, on the southern edge of this Market Town. It is enclosed by traditional hedgerows and trees. The indicative layout would suggest these can be retained without compromise, and the masterplan suggests the boundary treatment could be improved with new planting.

It is not a particularly sensitive landscape, and it is considered that, with a suitable layout and landscaping scheme (‘reserved matters’) development could be assimilated into the landscape without significant harm occurring.

In terms of visual impact, the site would be visible from Linwood Road (B1202) the main road approaching the town from the south. It would nevertheless be set back some 180 metres from the road, and would not be considered to be a significant visual impact.

Public Footpath MaRA/162/6, runs approximately 250 metres to the east of the site. Whilst the development may be visible from the footpath, this would be when approaching the town and it is not considered that the development would result in having a significant visual impact in this respect.

A more significant visual effect would be from the adjoining residential estate and its area of public open space. The proposed development would enclose this space. This is nonetheless part of an already established residential environment.

The landscape and visual impacts of the development are not expected to be substantial or lead to a significant adverse effect. Subject to reserved matters, development would not be expected to be contrary to saved policies NBE10 and NBE20.

The NPPF (paragraph 112) states that *“Local planning authorities should take into account the economic and other benefits of the best and most versatile agricultural land. Where significant development of agricultural land is demonstrated to be necessary, local planning authorities should seek to use areas of poorer quality land in preference to that of a higher quality.”*

The applicant has not provided details of the Agricultural Land Classification of the site. The ‘high-level’ Natural England maps, indicate the site is grade 3

(good to moderate). The loss of agricultural land is an adverse impact of development, although it is not in the highest land classifications.

(iii) Highways Access and Safety

WLLP policy STRAT1 requires development to be satisfactory in regard to: *“The provision of adequate and safe access to the road network to prevent the creation or aggravation of highway problems”*

The NPPF (paragraph 32) states that *“Development should only be prevented or refused on transport grounds where the residual cumulative impacts of development are severe.”*

Access is a reserved matter. Nonetheless, access is indicated to be taken from The Ridings, to the north.

The Town Council and local residents have raised concerns with the amount of generated traffic (particularly on race days), highway safety and that only one vehicular access is proposed.

It anticipates the following trip generation:

Traffic Generation (no. of vehicles)	Arrive	Depart	Two-way
0800-0900	36	74	110
1700-1800	72	37	109

Table 1: Anticipated Vehicle Trip Generation

The Transport Assessment (TA) finds that there is sufficient capacity at the following junctions to comfortably accommodate the development:

- The Ridings / site access junction;
- B1202 Linwood Road / Beechers Way priority controlled T-junction;
- Legsby Road/The Ridings priority controlled T-junction.

The TA picks up that the A631 Willingham Road / B1202 Oxford Street traffic signal controlled crossroads operates over capacity. Additional traffic from the development will increase delays. The TA proposes two possible mitigation solutions:

- Firstly, that dedicated narrow right-turn lanes from Queens Street and Willingham Road could improve flow and capacity;
- Secondly, to ban right hand turns and direct right turning traffic elsewhere.

The Local Highways Authority have reviewed the proposals and advise that a dedicated right turn lane would not be feasible due to restricted widths, and that the right-hand turn ban would not be practical. The traffic junction

currently operates MOVA³ to manage capacity and queuing. Whilst the additional traffic generated by the development will have an additional impact, the cumulative impact of development would not be severe under NPPF paragraph 32. No mitigation measures will be required at the junction.

Whilst the Town Council and residents have raised concerns with additional traffic on race days, these events are infrequent and do not typically clash with peak travel hours.

Residents have requested that an alternative, or second access is sought to serve the development. Nor the Local Highways Authority, or emergency services, have sought an additional access.

The Local Highways Authority has raised no objections on highway safety grounds and it is considered that the residual cumulative traffic effects of the development would not be severe.

WLLP Policy STRAT1 seeks that development is suitable in terms of:

- iii. The scope for providing access to public transport;*
- iv. The scope for reducing the length and number of car journeys;*
- v. The provision of vehicular and cycle parking facilities;*

Paragraph 34 of the NPPF states that:

'Decisions should ensure developments that generate significant movement are located where the need to travel will be minimised and the use of sustainable transport modes can be maximised. However this needs to take account of policies set out elsewhere in this Framework, particularly in rural areas.'

Development is located on the edge of a Market Town, giving access to services, and public transport connections. The Institute of Highways and Transportation make the following suggested acceptable walking distances⁴:

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

Table 2: Suggested Acceptable Walking Distances (IHT)

The TA shows that the entire town is within 2000m walking distance of the site, covering the preferred maximum for commuting to work and school. The edge of the town centre can be reached with an approximate 1km walk from the site entrance.

The Tesco Superstore on Linwood Road is an approximate 700m walk.

³ Microprocessor Optimised Vehicle Actuation (MOVA)

⁴ Guidelines for Providing for Journeys on Foot, The Institute of Highways and Transportation (2000)

The De Aston School is a 1km walk. The Market Rasen Church of England Primary School is a 1.3km walk.

The Railway Station is an approximate 1.2km walk, with services to Grimsby and Lincoln (broadly one every two hours). The nearest active bus stop (service 3/3a/3b Lincoln to Grimsby, hourly service) is approximately 630m walk, at the Tesco Superstore.

Located on the edge of an established Market Town, it is considered to be a sustainable location for new residential development, with accessible services and public transport connections within reasonable walking distances.

A Travel Plan has been submitted, in accordance with NPPF paragraph 36, to promote alternatives to using private vehicles. This can be secured by a planning condition.

(iv) Flood Risk and Drainage

A Flood Risk Assessment has been submitted, in accordance with the requirements of the NPPF⁵.

The site lies within Flood Zone 1 (low probability - <0.1% annual probability of river or sea flooding) on the Environment Agency's flood maps. Development of the site will therefore accord with the NPPF's⁶ sequential approach to locating development to those areas at lowest risk of flooding.

Planning Practice Guidance⁷ states that when considering major development, sustainable drainage systems (SUDS) should be provided unless demonstrated to be inappropriate.

The FRA explains that trial holes across the site reveal the depth to standing water to be around 1.2m. Because design guidance recommends that infiltration drainage should be sited at least 1m above groundwater levels, infiltration is not considered to be feasible.

The development had initially proposed to discharge, at an attenuated rate, into the existing drainage channel on the eastern boundary. Water flows northward into a culvert underneath the gardens of Well Drive properties into the adjoining estate. The bank tops were proposed to be raised.

Nonetheless, neighbours have cited that the watercourse is prone to overflowing and Well Drive and The Ridings properties on the north-eastern corner have been subjected to local flooding. Photographs have been provided to support their claims.

The applicant has surveyed the culvert and find that it is silted, and that when cleaned its capacity is still estimated to be less than the 1 in 100 year (plus

⁵ Footnote 20 states that a site-specific flood risk assessment is required for proposals of 1 hectare or greater in Flood Zone 1.

⁶ Paragraph 100 onwards.

⁷ [Paragraph: 079 Reference ID: 7-079-20150415](#)

climate change) greenfield runoff from the upstream catchment. It is therefore concluded that it is not possible to attenuate runoff from the site to a flow which could be discharged into the culverted watercourse without a risk of flooding to either the site itself or adjoining land. The FRA calculates that the development site represents 22% of the total area upstream of the culvert inlet. The preferred method is therefore to direct surface runoff away from the culvert and thereby reduce the existing risk of flooding.

As sewers serving The Ridings are not adopted by Anglian Water, a new outfall sewer designed to adoptable standards is proposed to discharge surface water flows from the proposed development to the watercourse downstream of Legsby Road (to the east).

The revised drainage strategy now proposes the use of permeable paving and discharge into a swale and wet/dry attenuation basin in the north east corner of the site. This would then be discharged at an attenuated rate into the new outfall.

The revised drainage strategy follows months of discussions with the Lead Local Flood Authority to address concerns with localised flooding. By directing surface water away from the existing drainage channel and culvert, betterment is achieved.

Because the application is only in outline, the drainage strategy is indicative, and on the advice of the Lead Local Flood Authority, a condition will be required to secure the final drainage details.

(v) Ecology

The NPPF (paragraph 109) states that *'The planning system should contribute to and enhance the natural and local environment by minimising impacts on biodiversity and providing net gains in biodiversity where possible...'*

An Ecology and Protected Species Survey has been submitted with the application.

Great Crested Newts - The report considers the majority of the site has very limited potential for use by Great Crested Newts. The boundary ditch would offer sub-optimal aquatic habitat and the rough grassland field edges and hedgerow bases would offer some limited potential. As a precautionary measure, the report recommends that a Method Statement is prepared immediately ahead of development which can be secured by planning condition.

Bats - The report identifies four mature trees on the southern boundary and western part of the site with the potential to support bats. It concludes that as the trees are likely to be retained, further survey work or large scale mitigation is not required.

Badgers - No signs of badger were found on site. Mitigation is not proposed.

Water voles - The Report advises no signs of use by water vole were noted, although the ditches would offer sub-optimal habitat. No further survey work or mitigation is recommended.

Birds - A 'typical assemblage of common birds were noted on site. Trees and hedgerows were noted as having high potential for use by nesting birds. A condition is recommended, to secure works outside the active nesting season (March to late August) unless a survey has taken place. A Barn Owl box was noted within a tree on the southern boundary, but appeared to be unused. The Report recommends it is repositioned to face over the adjacent fields.

Biodiversity enhancement - The report proposes measures to enhance biodiversity which include:

- Retention and enhancement of existing hedgerows/trees on the boundaries where possible;
- Use of native and locally appropriate species within landscaping scheme including provision of berry bearing species;
- Provision of a small number of mixed design bird nesting boxes within the development.

It is considered that biodiversity enhancement measures can be secured by planning condition.

(vi) Archaeology

The NPPF (paragraph 128) states that *“Where a site on which development is proposed includes or has the potential to include heritage assets with archaeological interest, local planning authorities should require developers to submit an appropriate desk-based assessment and, where necessary, a field evaluation.”*

The applicant has provided a Desk-based Assessment and Geophysical Survey, followed by a field evaluation comprising trenching.

The Assessments find that the site has the potential to include heritage assets, as it lies within an area demarcated in the Lincolnshire Historic Environment Record as the boundary of monument 52736, indicating the neighbourhood of the Roman pottery production industry.

Fifteen trenches were opened up and several of these contained archaeological deposits and remains, predominantly related to the Roman pottery industry. In particular, a number of finds were made in trenches 1 and 2, in the north-western strip, including a kiln and associated deposits from the mid-2nd Century into the 3rd Century.

The County Archaeology team found the excavations to be of great interest and recommend that any planning permission should be subject to set piece archaeological excavation, limited to the western strip where archaeological trenches 1 and 2 were excavated. This excavation should be subject to the

relevant planning condition and that it should be completed in advance of any work beginning on this part of the site.

(vii) Local Infrastructure and Services

The Town Council and local residents have questioned whether Market Rasen has the capacity or infrastructure to support further residential development.

Market Rasen is allocated as a Town in the WLLP 2006 (the top of policy STRAT3's settlement hierarchy) and as a Market Town in the emerging CLLP (policy LP2).

As draft policy LP2 states, Market Rasen can be expected to be the focus of significant, but proportionate, growth in housing, employment, retail and wider service provision, across the lifetime of the emerging plan. It is notable that some local businesses have written in support of the additional benefits that would arise from increased footfall from an increased population.

The Local Education Authority, Lincolnshire County Council, has advised that the Market Rasen Primary School will not have the capacity to accommodate the proposed development. A capital contribution to enable up to 30 additional primary school places (£338,293) is sought. The applicant has confirmed they will meet this in full, which will need to be secured through a S106 legal planning obligation.

NHS England has advised that the ratio of GPs to patients at the Market Rasen Surgery (Mill Road) is above the national average, and are concerned with the possibility of patient care and safety being compromised by an additional 345 new patients. They seek a capital contribution of £425 per dwelling (up to £63,750) in order to reconfigure the building more efficiently to enable extra consulting and treatment rooms. The applicant has confirmed they will meet this in full, which will need to be secured through a S106 legal planning obligation.

It is considered that, subject to a S106 planning obligation to mitigate the impact on Health and Education capacity, development would be compliant with WLLP saved policy STRAT19 which states that *“Development that increases demand on infrastructure that cannot be satisfactorily provided for within the existing capacity of on- and off-site service and social/community infrastructure or other services will not be permitted unless extra capacity will be provided to serve the development.”*

(viii) Affordable Housing

WLLP policy RES6 states that *“Where there is a demonstrated need the provision of affordable housing will be sought, the Council will seek to negotiate in the region of a 25% contribution towards affordable housing”*.

The applicant had submitted a Viability Assessment (December 2015) which indicated that the provision of affordable housing would not be viable. A number of the assumptions made in the report have been questioned by Officers. Through negotiation, the applicant has now proposed a 10% (15 affordable dwellings) on-site contribution. The provision of affordable housing can be attached positive weight in the overall balance.

Nonetheless, it has not yet been satisfactorily demonstrated that more than 10% would render the scheme unviable and Officers would aim to continue to negotiate with the applicant, through preparation of the S106 planning obligation required to secure this provision.

(ix) Indicative layout and Residential Amenities

All matters of scale, appearance, layout and landscape are reserved for subsequent approval (reserved matters).

Nonetheless, an indicative masterplan (drawing 1102-02-MP02 rev A) submitted with the application shows how the site could readily accommodate up to 150 dwellings incorporating a mix of housing (including single storey development) public open space and water features. The plan would indicate that development can be achieved without overlooking or having an overbearing impact upon existing residential properties.

Taking access from The Ridings will result in traffic flow through what is presently a cul-de-sac. Residents at 37, 39 and 41 The Ridings in particular will experience passing traffic which they are not usually subjected to. This will result in some harm to their amenities compared with their current experiences. Nonetheless, the level of traffic envisaged (see table 1), would not be considered extraordinary for a residential estate and it is not considered that a substantial level of harm would be likely to occur.

Whilst consideration of reserved matters would be subject to a separate application, there is no evidence to suggest at this outline permission stage that residential development could not be achieved on the site without unduly compromising existing amenities or that the development would be otherwise unable to accord with existing WLLP policies STRAT1, RES1, RES2, RES5 and CORE10.

Other matters

Lincolnshire Fire and Rescue have objected on the grounds of inadequate water supply and state that this can be overcome with the installation of two fire hydrants. The application is in outline only, with layout yet to be determined, but there is nothing to indicate that this could not be achieved, and accordingly is not considered to be a reason for withholding planning permission.

Overall balance and conclusions

Development is proposed on a green field site, outside the settlement boundary of Market Rasen. Development is contrary to the provisions of the development Plan, chiefly policies STRAT3, STRAT9 and STRAT12 of the West Lindsey Local Plan First Review 2006. It therefore falls to be refused unless there are material considerations which indicate otherwise.

The NPPF, a significant material consideration, states that *“Housing applications should be considered in the context of the presumption in favour of sustainable development.”*

Because the Local Plan no longer meets the objectively assessed housing needs of the area, the test should be applied as follows:

- where the development plan is absent, silent or relevant policies are out-of-date, granting permission unless:
 - any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in the NPPF taken as a whole; or
 - specific policies in the NPPF indicate development should be restricted.

The emerging CLLP, which can be attached some weight at this stage having completed its third round of public consultation, proposes that Market Rasen is a Market Town and is *“is ‘the focus for significant, but proportionate, growth in housing, employment, retail and wider service provision. Most of this growth will be via sites allocated in this plan...’”*

The site is allocated within the draft CLLP and is expected to deliver 133 dwellings. The Council have not raised any previous objections to development in this location or made any formal comments against the suitability of this site for a residential land allocation within the emerging Plan. The site has been considered by the Council, for local plans purposes and in order to meet the objectively assessed need for housing, to be a necessary and suitable part of the future growth of Market Rasen.

The site is also included in the latest five year housing land assessment. The ability of the site to contribute 150 dwellings towards an identified housing need (90 dwellings anticipated towards the five year supply) can be attached significant weight in the overall balance.

The applicant proposes on-site affordable housing (at least 10%) which can be attached significant weight.

A positive drainage scheme, incorporating SUDS principles has been shown to be feasible. By directing surface water runoff away from the existing drainage channel – a benefit of development is deemed to occur.

The site would be well located on the edge of the Market Town, within walking and cycling distance of its facilities. An increased population will be likely to support local businesses and services – a benefit of development.

Development would not be expected to affect any protected species or priority habitats and has the potential to lead to a biodiversity enhancement – a benefit of development.

The local Primary School and Health Clinic do not have capacity to accommodate the new development. However, the applicant has agreed to make capital contributions to expand capacity. This is a neutral effect.

Assessment has found areas of archaeological interest. This can be addressed through planning conditions to secure further archaeological evaluation, but is not considered to be a restriction on development.

The Highway capacity and safety implications of the development would not be expected to be severe.

Landscape and visual impacts would be fairly limited, and would not be expected to amount to substantial harm.

All traffic movements serving the site will be off a cul-de-sac within The Ridings. The introduction of such traffic movements will adversely affect the amenities enjoyed at the neighbouring properties. Nonetheless, the traffic generated by the development is not considered unusual for an established residential area and the adverse impacts would be considered to be less than substantial.

Overall it is considered that any adverse impacts identified do not significantly and demonstrably outweigh the benefits of the development. Development would accord with the NPPF presumption in favour of sustainable development. This is a significant material consideration which is deemed to outweigh the development being a departure from the current Local Plan.

Accordingly, it is recommended that planning permission is granted, subject to planning conditions and a S106 planning obligation to secure contributions towards, health, education and affordable housing provision.

RECOMMENDED DECISION:

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

- Capital contribution towards Primary School facilities (£338,293) in lieu of on-site provision;
- Capital contribution (£425 per dwelling) towards Health care provision within the Parish of Market Rasen, in lieu of on-site provision;
- Provision of affordable housing on site (type and tenure to be agreed).

And, in the event of the s106 not being completed and signed by all parties within 6 months from the date of this Committee, then the application be

reported back to the next available Committee meeting following the expiration of the 6 months.

Conditions requiring reserved matters and stating the time by which the development must be commenced:

1. No development shall take place until, plans and particulars of the **layout, scale and appearance** of the buildings to be erected, the means of **access** to the site 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.

2. Application for approval of the reserved matters shall be made to the Local Planning Authority before the expiration of two years from the date of this permission.
REASON: To conform with Section 92 (2) of the Town and Country Planning Act 1990 (as amended).

3. The development to which the permission relates must be begun not later than the expiration of two years from the final approval of the reserved matters or, in the case of approval on different dates, the final approval of the last such matter to be approved.
REASON: To conform with Section 92 (2) of the Town and Country Planning Act 1990 (as amended).

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

4. No development shall take place until a surface water drainage scheme for the site, based on sustainable urban drainage 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 **8** litres per second;

c) Provide details of the timetable for and any phasing of implementation for the drainage scheme; and

d) Provide details of how the scheme shall be maintained and managed over the lifetime of the development, including any arrangements for adoption by any public body or Statutory Undertaker and any other arrangements required to secure the operation of the drainage system throughout its lifetime.

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

Reason: In order to minimise the risk of flooding in accordance with the provisions of the National Planning policy Framework.

5. No development shall take place until, full details of the proposed foul drainage for the site have been submitted to and approved in writing by the Local Planning Authority. The approved details shall thereafter be implemented in full before the dwellings are first occupied.

Reason: To ensure satisfactory drainage of the site in accordance with West Lindsey Local Plan First Review Policy STRAT1 and NBE14.

6. No development shall take place, until a Construction Method Statement has been submitted to, and approved in writing by, the local planning authority. The approved Statement shall be adhered to throughout the construction period. The Statement shall provide for:
 - (i) the routing and management of construction traffic;
 - (ii) the parking of vehicles of site operatives and visitors;
 - (iii) loading and unloading of plant and materials;
 - (iv) storage of plant and materials used in constructing the development;
 - (v) the erection and maintenance of security hoarding including decorative displays and facilities for public viewing, where appropriate;
 - (vi) wheel cleaning facilities;
 - (vii) measures to control the emission of dust and dirt during construction;
 - (viii) details of noise reduction measures;
 - (ix) a scheme for recycling/disposing of waste resulting from demolition and construction works;
 - (x) the hours during which machinery may be operated, vehicles may enter and leave, and works may be carried out on the site;
 - (xi) Measures for tree and hedgerow protection;
 - (xii) A Construction Environmental Management Plan (CEMP) to ensure the protection of habitats and protected species, to

include a Great Crested Newt Method Survey as recommended at section 5.1.2 of the Ecology and Protected Species Survey.

Reason: In the interests of amenity and in accordance with saved policy STRAT1 of the West Lindsey Local Plan First Review.

7. The details to be submitted in accordance with condition no. 1 above shall include a Landscape Management Plan setting out management responsibilities and maintenance schedules for all landscaped areas (excluding private gardens), inclusive of trees, hedges, ditches and balancing ponds; and a Biodiversity Enhancement Scheme setting out measures for habitat creation and management in accordance with the principles set out at Section 5.3.2 of the Ecology and Protected Species Survey. Development shall thereafter proceed in accordance with the approved details.

Reason: In the interests of amenity and biodiversity, in accordance with the provisions of the National Planning Policy Framework.

8. No development shall take place until a written scheme of archaeological investigation has been submitted to and approved in writing by the local planning authority. This should provide details of methodology, which should comprise set piece archaeological excavation limited to the western strip where archaeological trenches 1 and 2 were excavated as reported the Archaeological Evaluation Report, and a timetable of site investigation and recording. The archaeological site work shall be undertaken in full accordance with the approved written scheme. The Local Planning authority shall be notified at least 14 days before the commencement of the on site investigation.

Reason: In order to facilitate the appropriate monitoring arrangements and to ensure the satisfactory archaeological investigation and retrieval of archaeological finds in accordance with the National Planning Policy Framework (2012).

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

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

Reason: To protect biodiversity in accordance with the recommendations of the Phase 1 Habitat Survey and in accordance with policy STRAT 1 of the West Lindsey Local Plan and the National Planning Policy Framework.

10. No trees or hedges shall be removed from the site without the prior written agreement of the Local Planning Authority.

Reason: In the interests of amenity and protection of habitats, in accordance with the provisions of the National Planning Policy Framework.

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

11. Development shall proceed in accordance with the Travel Plan by BWB. Prior to the occupation of any dwelling, details of the Travel Plan Coordinator shall be submitted to the Local Planning Authority. Copies of the annual monitoring reports shall be supplied to the Local Planning Authority.

Reason: In order to promote sustainable modes of transport, in accordance with the provisions of the National Planning Policy Framework.

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