





**PL03 16/17**

**Planning Committee**

**29 June 2016**

**Subject: Review of planning application 133815**

Report by:

Chief Operating Officer

Contact Officer:

Jonathan Cadd: Principal Development  
Management Officer

Purpose / Summary:

To assess planning application 133815 (Outline application for the erection of 135 dwellings, a community hub comprising of up to 200sq.m shop use- class A1, 300sq.m restaurant café – Class A3 and 300 sq.m community hall – Class D1, ancillary public open space, landscaping, drainage and access) Land off Gainsborough Road Lea; and ascertain the views of the Committee in advance of a planning appeal against the non-determination of the application.

**RECOMMENDATION:** That the Council would have been minded to refuse planning permission on the following grounds:

1. The development proposed within an Area of Great Landscape Value (AGLV) alongside a subsidiary rural settlement. Development at the scale proposed would result in the growth of this subsidiary rural settlement at unsustainable levels in view of its limited facilities, being heavily dependent on private vehicles to access employment, retail and other basic facilities. It would adversely harm the sensitive landscape setting and character of this rural village. Development would conflict with and potentially undermine the growth strategy being advocated by the emerging Central Lincolnshire Local Plan. The adverse impacts of development would significantly and demonstrably outweigh the benefits of development and the development does not meet the NPPF presumption in favour of sustainable

development. Development does not comply with the policies of the West Lindsey Local Plan First Review (2006), most particularly policies STRAT1, STRAT9, STRAT12, STRAT19, NBE10 and NBE20.

2. Insufficient information has been provided to show that the development could be accommodated without undue harm to the ecology of the locally important designated nature area (Local Wildlife Site contrary to saved policies of the West Lindsey Local Plan First Review (2006), most particularly policies STRAT1 and NBE12.
3. Insufficient information has been provided to show that the development could be accommodated without undue harm to the archaeology of the area contrary to saved policy STRAT1 of the West Lindsey Local Plan First Review (2006).

## IMPLICATIONS

**Legal: N/a**

**Financial: FIN/45/17 The applicant could apply for an award of costs against the Council if they consider unreasonable behaviour has occurred.**

**Staffing : N/a**

**Equality and Diversity including Human Rights :**

N/a

**Risk Assessment: The applicant could apply for an award of costs against the Council if they consider unreasonable behaviour has occurred.**

**Climate Related Risks and Opportunities : N/a**

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

National Planning Policy Framework (NPPF)

[https://www.gov.uk/government/uploads/system/uploads/attachment\\_data/file/607](https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/607)

[7/2116950.pdf](#)

National Planning Practice Guidance (NPPG)

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

### 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

### Introduction

The Planning Inspectorate (PINS) has given notice that they have received an appeal against the failure of the Authority to give notice of its decision for planning application 133815 within the appropriate period, and in the absence of the written agreement of the parties to extend the decision making period (a 'non-determination' appeal).

The purpose of this report is to determine what decision would have been made by the Local Planning Authority if a decision had been made. This will be used in evidence for the appeal.

### Description:

The application site is located to the south western edge of the village of Lea. It has an area of 11.88ha and is currently in use for agriculture. Ground levels rise significantly from the south and west to the north east.

Within the south western section of the site is a large modern agricultural barn of concrete and metal construction. A large pile of aggregate and straw is located within this area too. The majority of the site, however, is used for grazing with hedging dividing the site into fields although most boundaries area formed from wire fencing with sporadic trees and hedging. More significant trees and hedging to the boundaries are found to the south of the site. The main access to the site is from Gainsborough Road (A156) to the south eastern corner of the site. This is a fully formed tarmac access junction with gates set back into the site. A further pedestrian access to the site is between 1 and 9 Lea Road. The tarmac access is shared with a number of other dwellings in the area as their main entrances but remains private. Gates divide the application site from the shared drive with the formalised tarmac pathway petering out to a rough track within the site.

Within the adopted Local Plan the whole site falls within an Area of Great Landscape Value whilst a small section falls within a SSSI Track on Lea Marshes. This crosses the site from the pedestrian access from between 1 and 9 Lea Road past the barns to the west.

To the north of the site are residential dwellings fronting Green Lane a private driveway. No access is available to this lane. To the east is a variety of residential properties ranging from detached low density housing in significant grounds to more suburban type properties which form The Crescent. To the south and west of the site are agricultural fields.

This outline application seeks permission for up to 135 dwellings, a community hub comprising up to 200 sq. m hub, a 300 sq.m restaurant-café and a 300 sq.m community hall, ancillary public open space, landscaping, drainage and access. All matters are reserved.

Despite the outline nature of the application an indicative plan is provided showing that the access would be via the existing junction with Gainsborough Road. The access would lead to the community hub, open space and sheltered housing whilst the housing areas would be created to the north west extending up the side of the hill. Further open space would be provided to the west of the site.

### **Town and Country Planning (Environmental Impact Assessment) (England and Wales) Regulations 1999:**

The development has been assessed in the context of Schedule 2 of the Regulations and after taking account of the criteria in Schedule 3 it has been concluded that the development is not likely to have significant effects on the environment by virtue of its nature, size or location. Neither is the site within a sensitive area as defined in Regulation 2(1). Therefore the development is not 'EIA development'.

### **Relevant history:**

128957 Erection of building for housing of livestock Approved 17 Sept 2012

### **Representations:**

**Chairman/Ward member(s):** None

**Parish/Town Council/Meeting:** The proposed development is inappropriate, contrary to existing national planning policy guidance, existing and emerging Local Planning policies and should be refused planning permission for the reasons elaborated below.

1. National Planning Policy is set out in the National Planning Policy Framework (NPPF). At the heart of these policies is the need to achieve sustainable development - "The purpose of the planning

system is to contribute to the achievement of sustainable development." (para.6).

The substantial housing development proposed is within an area of open countryside remote from employment opportunities and other necessary social facilities, of a scale unrelated to the achievement of a more natural and acceptable form of organic growth and in a location not well served by public transport infrastructure. Furthermore it is considered that if approved the development would prejudice the achievement of more appropriate, properly planned and sustainable development within the nearby urban area of Gainsborough.

2. In the West Lindsey Local Plan First Review (June 2006) Lea is identified as a Subsidiary Rural Settlement (policy STRA T3) wherein new housing development is limited to infill housing provided it meets a local need. (policy STRAT7).

The development proposed is clearly completely contrary to the spirit, terms and objectives of adopted West Lindsey Local Plan First Review policy STRAT7.

3. In the Central Lincolnshire Local Plan Preliminary Draft (October 2014) Gainsborough is defined as a main urban area wherein it is proposed to accommodate around 15% of Central Lincolnshire's new housing growth. Most of this growth is proposed within large scale sustainable urban extensions (SUEs) "that can be master-planned and integrated into the town". Emerging policy LP33: A Growing Gainsborough proposes the consideration of three such SUEs which have been well researched on a comprehensive basis and one of which already has the benefit of planning permission. Some West Lindsey Members will well recall 'Gainsborough Regained – The Masterplan' and the concurrent success in achieving Growth Point Status, in July 2008. In addition, more recently, West Lindsey has been selected as a potential housing Zone, which initiative is seen as an opportunity to get some momentum behind plans to increase housing opportunities in Gainsborough. These initiatives were as a consequence of a recognition of the need to address Gainsborough's relative lack of prosperity and continuing deprivation. The solution was seen as a need to grow the town to a point where it could be self-sustaining in social and economic terms, as well as being environmentally renewed and regenerated. The proposed development can only prejudice and frustrate these objectives.

The development proposed will result in a substantial housing development inappropriately attached to a small village, which is lacking in the necessary supporting services and facilities to enable a sustainable development to be achieved. Furthermore, the development has not been properly master-planned and cannot realistically be properly integrated into the nearby Gainsborough urban area. As such the development is contrary to, and would be likely to prejudice the implementation of the



emerging Central Lincolnshire Local Plan Preliminary Draft (Oct 2014) core policy LP33 which has evolved as a consequence of a number of master-planning initiatives over the last ten years or so.

4. Lea village is defined in the Central Lincolnshire Local Plan Preliminary Draft as a 'small village' (policy LP2) "where development will normally be of a very limited nature and normally limited in scale to residential infilling on small sites (3 dwellings/O.1 hectares maximum)".

The proposed development is clearly contrary to Central Lincolnshire Local Plan Preliminary Draft (Oct 2014) emerging policy LP2 and if approved would thus prejudice the fundamental provisions of an emerging Local Plan.

5. Traffic. Households have an average of 2 vehicles owned at the moment which would mean a possible 250 vehicles coming and going from the site. The junction of Willingham Road and Gainsborough Road (A156) currently suffers major congestion at peak periods with several accidents over recent times (unreported due to no injuries) and agitated and irate drivers a regular feature. The increased volume of traffic will only add to this problem. For those that choose to leave the area by other routes this will lead to congestion and increased potential for accidents in neighbouring villages (part of the Lea Ward). The single vehicular entry/exit for the development will create a potential blockage point as vehicles attempt to pull out onto the A156 or pull off the A156 into the development, particularly at peak periods. It is easily foreseen that this will lead to accidents which will serve to block what is a major trunk route between Lincoln and Gainsborough creating mayhem for local residents, commuters, commercial users and the emergency services. We note that the traffic figures used in the applicants' documentation come from various areas, but none of them are near Gainsborough nor do they seem to be from comparable areas.
6. Drainage. The village is currently served by two main sewage lines both of which are only 150mm (6 inch) in diameter. These lines are currently inadequate for the existing housing, with regular 'outflows' occurring causing damage to property and possessions. If the development is allowed to proceed it intends, according to the available plans, to tap into the current sewage lines. We fail to see how the sewage lines will cope with 135 extra homes (anticipated approximately 135 - 450 people) discharging into the system on the A156. The plans submitted do not make adequate provision for the disposal of the extra sewage created by the development
7. Schooling. The current schools are at capacity (save for 20 year 5 places) and could not cope with a possible extra 300 children moving to the area. The proposals do not allow for an extra school or expansion of the existing one. It would appear that no account has been made for the increase in traffic and therefore congestion around

the existing school, putting the children in increased danger of being hit by vehicles, particularly as tempers fray while trying to get in and out of the area of the school.

8. Surface water clearance. The village suffers flooding on a regular basis at all times of the year. The building of a development on this particular piece of land will only serve to send rainwater downhill to add to the existing problem at the bottom of Willingham Road. In times of flooding and/or high river levels the excess water could cause flooding problems to homes on the site, particularly the sheltered accommodation as this seems to be the lowest lying.
9. Need. The developers would have us believe that there is a need for this quantity of new homes in the area. The homes that are currently for sale in Lea are not selling quickly, in fact are remaining on the market for some considerable time. If there were a need for housing, those that came up for sale would sell quickly. Furthermore, there is a site nearer Gainsborough that has current planning permission for 2000 odd houses that has not been developed. If the need existed then this site would surely have been developed.
10. Medical facilities. The applicants met with the Practice Manager and two GPs from Willingham Medical Practice and were informed in no uncertain terms that: 1) The practice is currently at capacity and 2) If there were to be a further influx of people requiring registration at a medical practice then Willingham Medical Practice would not cope and would therefore be seen as a failing practice and be subject to closure. Even if the developers had proposed to build a new facility, we are informed that there is a national shortage of GPs and there is a distinct possibility that the new facility would not be able to recruit GPs to staff it.
11. Woodland and Wildlife. There is believed to be a considerable amount of wildlife that inhabits the proposed site, ranging from snakes (including at least one Grass Snake) through several protected/threatened species of birds, badgers and Deer. We feel it would not be desirable to 'evict' the wildlife that inhabits this area.
12. Access. The proposed access to the site is on Gainsborough Road in a "National Speed Limit" area. We feel that this is inviting an increase in accidents due to vehicles pulling out onto fast moving stretch of road, both northbound and southbound, and queues of traffic trying to get onto the site. We also have concern over the potential access (or lack of) for emergency vehicles as there is only one vehicular access route into the development. Should this be blocked by residents/visitors vehicles at any time the access to those needing of any of the 3 services will be severely hindered.
13. Flooding. The proposed site is regularly subject to flooding from the River Trent and surface water. Should the site proceed, and flooding



similar to that seen as recent as in 2000 in which the A156 and the proposed access road was totally submerged, we feel very strongly that this would put peoples' lives at unnecessary risk due to the inability of the Emergency Services vehicles to access the site

We hope that the above points will be taken into account in the decision making process and feel that we must re-iterate in the strongest possible terms that this development should not be allowed to proceed in any form.

**Local residents:** Objections have been received from 10 Cavendish Drive; 5 Mayflower Close & a potential purchaser of dwelling in Mayflower Close; 1, 2, 4(x4), 5 (x2), 6, 11, 12(x2), 13, 14 (x2), 14A(x2), 15(x2), 16 & 17 Green Lane; Pasture House Crowgarth Lane; Beech Lodge(x4) 9, 15A, 21, 24 (x2), 39, 41, 51 & 57A Gainsborough Road; Mayflower Close; Cowsland Fam; 11 Priory Way, 2, 6, 10, 14, 26, 28, 36 & Yew Tree House (x2) The Crescent (x2); Yew Tree House (x2); The Old School House Lea Park; 29 The Grove; 5 & 22 Meadow Rise; 2A, 3d, 5, 17(x2) & 27b Willingham Road; 13 Causeway; The Beeches Rectory Lane; 21(x2) Priory Way; 5 & 6 Churchill Way and; 24 Cromwell Avenue. In summary:

This development and indeed that at Willingham Road cannot be divorced from each other as the impact would totally change Lea (an additional 652 dwellings).

Individually the impacts on the village would be severe. Many houses in Lea remain unsold so why are more needed? This particular development represents a 29% increase in the size of the village which is unacceptable. The proposal is therefore contrary to the Central Lincolnshire Local Plan for two reasons, firstly in terms of the scale of development proposed within Lea and secondly through the diversion of housing from Gainsborough. Growth levels for the village are for a 20 year period not straight away. The proposal in any case is significantly larger than even the Plan allocation.

How will this proposal assist to regenerate Gainsborough – more development should be focused on Gainsborough not Lea. Developing here will prevent Gainsborough from developing?

The school is oversubscribed and cannot cope, this proposal will make it worse, and the parking at the school is also very limited with parking spilling out onto surrounding roads making it very dangerous (indeed accident data showed a serious accident on a road used by school traffic. Most people choose to drive their children to school due to family/ work commitments. The school recently closed the second entrance which stopped parking on Stainton Close. The Grove is now heavily parked in the morning/ afternoon. Matters got heated with the police attending to ensure parking restrictions and the safety of all were up held. Also parents would have to walk down the hill then up the other side (Willingham Road) to the school and then back again. This makes it less attractive and less likely to be sustainable. Car use is more likely. The school has recently been extended with a new classroom to cope and there is no more room. Any further extensions (except for upwards) would

reduce the playing field to the detriment of the health of children. Children will also have to cross the busy A156 hardly ideal and safe. Limited visibility would preclude the creation of a crossing in this location.

The GP is the same, Caskgate cannot recruit GPs so how can it accommodate more people. Waiting time for the GP is three weeks. There are only two ambulances in Gainsborough so it will put further strain on these service, particular as it takes 90 minutes to get to Lincoln Hospital from Gainsborough. There are no jobs in Lea and not many in Gainsborough were will people work? There is already a village hall, a shop (Bankside) and open space in the form of Lea Park, what benefits would this development bring? Who would support such facilities, they would compete with the village hall, only one would prevail. Will supported housing actually be provided – what guarantees are there? Is this a good location for them or would they be better located on the edge of a town? The same is true for affordable housing.

Police are over stretched too.

The highway network is too busy, extra traffic will reduce safety and increase pollution and nuisance. The access is on a bend and will not allow safe access and exit to the site. Limited visibility to the north at the junction due to the “S” bend. The traffic is fast moving in this location (over the speed limit) and is opposite another junction further reducing safety. The speed limit will need to reduce. It will lead to significant conflicting traffic movements. Gainsborough Road is already very busy and it takes up to 5/6 minutes to access the road due to existing flows. This is the main southern access to Gainsborough. It will be the same for any occupiers of the main development. Within the last three years the main road past the site has closed due to being flooded. A pedestrian crossing to Gainsborough Road will be needed. Cars waiting to turn right into Knaith Park back up past the site entrance at peak periods making the situation dangerous. If there is repairs on the main road all these cars would be required to go through the villages which will reduce safety.

The traffic assessment under plays the traffic situation due to the period of time the road was assessed and the number of vehicles generated by a development of this size. Looking at the census figures residents on have between 1 and 4 vehicles. Apply this to the development would equal an additional 216 vehicles.

Whilst the transport assessment makes the most of buses and cycle routes into the town centre of Gainsborough many of the employment opportunities are located out of the centre making the use of sustainable forms of transport unlikely.

Green Lane is a private drive and the proposal would, even if informally, make this into a pedestrian access which is unacceptable and is not the will of owners in the lane. To stop this high 6ft fences would need to be built which would be very unattractive. Similarly, the proposed pedestrian access between 5 and 7 Gainsborough Road conflicts with the commercial vehicles,

cars and service vehicles which use access causing safety concerns. Is there a right of access across this land for the public?

Soon there will be no green spaces left, loss of agricultural land and areas for food production (including animal grazing)

The village will soon turn into a town, people moved here for the quiet not to be part of a bustling town. Lea is a retirement village. The proposal would lead to excessive light and noise from dwellings close to existing properties. Why do we need such development when so many developments are going ahead in Gainsborough? Gainsborough/ Saxilby are much more sustainable locations and should be the focus for development. Plenty of other sites elsewhere wholly outside of the flood zone. Intermediate housing will stay vacant for a considerable period. There are no facilities for the young in the village or the infirmed.

A lot of the site and village suffers from flooding, this scheme will make it worse. Parts of the site were flooded in 1932, 1947, 1977, 2000 (evidence supplied to planning web site) and in 2012 (lowest area). This seems to be at odds with the once in a 100 year event data or even once in a 1000 year. The report is therefore wrong. The site is used by the overflow waters from the Trent. The existing surface and foul sewerage systems are at capacity. 1 in 100 year events are now almost everyday events so any systems or protection measures should be constructed to 1 in 200 year standard. The land at the top of the development is actually sloping towards Green Lane increasing the risk of flooding to these properties. The surface water from many of the adjoining properties to the north and east flow into soak aways which then drain into the application site. How will this impacted upon if new building and foundations stop these flows? The land to the rear is regularly flooded blocking the proposed road. The suspected level of water at the entrance of the site was nearer 6.8m AODn above the road height. How will people get out or emergency vehicles access the site. The lower levels of the site would also flood which places the sheltered housing and the community hub at risk. The SUDs pond would also be in the flood zone. A sequential test should result in a refusal as there are other sites in the area which is out of the flood zone. Flooding has occurred previously to properties at Causeway Lane and the houses at the lower parts of Gainsborough Road. Flood water has also come up to garden boundaries at The Crescent. Some residents seek to remind decision makers that the Trent is tidal so it doesn't have to be heavy rain that causes flooding – water can come from the Newark direction or from the Humber.

Manhole 3001 has blown by sewer pressure three times recently with waste and other products being blown 6ft into the area and into garden of 15 Green Lane. On call Seven Trent engineers said it was lack of capacity. It will pollute fish ponds and field that animal's use (Llamas, geese and pigs). An additional 135 dwellings will make matters worse. This is not acceptable and it can't be right that Seven Trent has not objected. Waste water also been found at Causeway Lane.

Loss of privacy, light, sunlight and creation of an over dominant form of development when perceived from at Green Lane, Crowgarth Lane and The Crescent. This particularly true where dwellings (including dormer bungalows) overlook bungalows. Certain properties will also suffer from head lights shining into rooms. Additional noise from the development will be a significant nuisance to neighbours. Loss of view for adjoining occupiers and a loss of value. The proposed walk way around the edge of the site will lead to additional litter and anti – social behaviour for adjoining residents. In addition construction will take 4 – 6 years creating further nuisance. The Green is already having nuisance issues with people parking to catch the Lincoln bus. Additional people coming from the estate whether by car or foot would make it worse.

Cowland Farm owns the fields below the proposed site and there is concern that flooding will occur on these adjoining fields. Whilst accepting existing flooding occurs the water from the proposal will only come south into the adjoining fields making matters worse. The proposals to support drainage are not sufficient. All water goes via the Lea Marsh Main Drain to the River Trent. This outlet, however, is regularly blocked as the sluice gates cannot open in winter when the water table is high. Water will therefore end up on adjoining fields reducing their productivity. Scunthorpe Drainage Board are well aware of this.

The area is well known for wildlife including woodpeckers, barn owls, birds of prey, squirrels and foxes. Protected species of birds and badgers are found on site. Great crested newts have been found the garden of houses next to 14A Green Lane and on site.

The site is a historic battlefield and should be preserved. Loss of greenbelt land.

The Design and Access statement states para 6.28 that the site is bordered by existing houses on two sides. In looking at the proposed development in reality this is a large sweeping arc of dwellings and other buildings projecting outwards from the village in a westerly through easterly direction. It is not a case of the existing dwellings “wrapping around” this site implying a small enclosed development. It is a development that does project markedly into the open countryside. The proposal is outside the village boundary as defined by STRAT3 of the WLLP 2006 and should be resisted as it is in open countryside.

Upset to think that the village of Lea will be changed forever. The damage to the community would be unrepairable. There has never been a more inappropriate site for development.

**LCC Highways:** No formal response initially received but comments were received relating to the revised proposals – See below

**Archaeology:** The heritage section within the Design and Access Statement contains very little information regarding the impact on the heritage on and

around the proposed development site. Although it has some information regarding the built heritage there is no information regarding the impact on below ground archaeology.

The site lies within Lea Park and parkland features may survive; we also have archaeological records of quantities of Roman material, including coins being found within the site boundaries as well as medieval and post medieval finds.

Insufficient information is available at present with which to make any reliable observation regarding the impact of this development upon any archaeological remains. I recommend that further information is required from the applicant in the form of an archaeological evaluation to be considered alongside the application. This evaluation should provide the local planning authority with sufficient information to enable it to make a reasoned decision on this planning application. It is recommended that the evaluation should in the first instance be comprised of geophysical survey across the site, dependant on site conditions as overhead lines crossing the site were mentioned in the design and access statement which could interfere with the results. This will then help to identify if and where features of archaeological interest exist and will inform where further intrusive evaluation is required to inform the application to identify the nature, extent and significance of any archaeological features on the site.

'Where a site on which development is proposed includes or has the potential to include heritage assets with archaeological interest, local planning authorities should require developers to submit an appropriate desk-based assessment and, where necessary, a field evaluation. National Planning Policy Framework Section 12, para 128.

**Lincolnshire Police:** No objection but provide guidance on reducing crime through design.

**LCC Education:** Both the primary and the school-based sixth forms at Lea and Gainsborough are projected, notwithstanding the proposed development, to be full in the future to the permanent capacity of the school. A contribution is therefore requested to mitigate against the impact of the development at local level. The level of contribution sought in this case equates to £292,088. 21 primary and 3 school-based sixth form places will be required in the locality as a direct consequence of this development and, as there is insufficient capacity available, we propose the applicant should mitigate the effect of the proposal by payment of a capital contribution to allow creation of more capacity. At present projections show that, excluding the effect of the development in question, Lea Frances Olive Anderson CE Primary School will have no permanent surplus places and Gainsborough school-based sixth forms which serve Lea will have no surplus permanent places by 2018 when it is reasonable to presume this development would be complete or well on the way.

The funding could be held by the LPA or County Council and only spent by The County Council at Lea Schools and School-based Sixth Forms that serve

Lea. The appropriate school(s) will be specified in the requested S.106 Agreement to ensure the contribution can only be used there. We would suggest the S.106 monies are paid at the halfway point in the development to allow timely investment by LCC whilst not adversely affecting the developer's viability.

**Lincolnshire Wildlife Trust:** The Trust would wish to register a holding objection to this application until further information is submitted which can demonstrate that there will be no impacts on Track to Lea Marshes Local Wildlife Site or that any potential impacts will be mitigated or compensated for as appropriate.

The proposed development site includes the Track to Lea Marshes Local Wildlife Site (LWS). Whilst it appears from the block plan as though most of the LWS will be retained within the green infrastructure of the site, this plan does indicate that a road will cut through the LWS. Whilst the presence of the LWS has been recognised within the ecological report, no detailed plans were available at the time of writing and so no detailed recommendations could be made. Given the block plan indicates there will be impacts on the LWS, including loss of a section, we would expect further information to be supplied as to the avoidance, mitigation or compensatory measures which will be required.

The LWS was designated primarily for the presence of a population of subterranean clover (*Trifolium subterraneum*), a species which is known from only one other site in Lincolnshire. It will be essential to not only preserve the population within the LWS but also to ensure that appropriate management is established to allow its ongoing maintenance and spread where possible into the adjacent areas of green space. The plant requires sandy soils with an open short sward. This habitat can be maintained through informal 'management' by grazing rabbits or through a regime of light grazing by sheep. We would strongly recommend that the landscaping plans for the site include provision of acid grassland habitats where sandy soils are present. Provision of new areas suitable for subterranean clover and other species from the LWS to spread would help to provide compensation for the predicted loss of part of the LWS. Where loss of LWS quality habitat will occur, we would expect provision of at least double the area of habitat of equal quality. We are pleased that the plans indicate a large area of green space within the development, which could not only provide sufficient compensatory habitat but also provide significant net gains in biodiversity if designed appropriately. We would recommend that the consultant ecologists are involved in the design of the green spaces on site to ensure that the maximum benefits, appropriate to the site, can be achieved.

**NHS England:** NHS England will be requesting a contribution for the above planning application at £425 per dwelling X 135 = £57,373.

The development is proposing 135 dwellings which based on 2.3 per dwelling for the West Lindsey District Local Authority (WLDC) Area may result in an increased patient population of 311. Any future increase in practice population place constraints on existing premises, for example extra appointments lead

to additional consulting/treatment room requirements. There are three GP practices within Gainsborough, however, the surgery that will be directly affected by the increased population is the Caskgate Street surgery on Caskgate Street Gainsborough

The practice premise is an old listed building. The practice currently has capacity issues and no longer has the ability to meet the demands of the patients. The registered population is circa 10,500 and as at 1 April 2015 it held 44% of the total registration list for Gainsborough. The building is now inadequate for the current services required, it was not purpose built.

Due to patient choice patients can register at any practice if they live within the practice boundary. Any further increase in practice population will add additional pressure to the GPs and put the existing infrastructure and patients at risk.

Practices cannot normally close their patient list to new registrations unless there are extenuating circumstances; they have to apply to NHS England to do this.

Any proposed development needs to be acceptable in planning terms, with sufficient mitigation to address increasing pressure on the existing primary care facilities. The proposal for another 311 residents is untenable for this surgery and will place further pressure on existing clinicians. The lack of space will make difficult to engage extra clinical staff for the extra 10 hours per week required.

The s106 contribution would be pooled towards the plan for a specific solution to the problem. This plan is to relocate the practice premises, utilising funding towards the part refurbishment of an existing local authority building when a particular property comes on stream.

Environment Agency: We **object** to the grant of planning permission for the following reasons:

- Hydraulic modelling indicates that the SuDS detention basin is currently proposed within Flood Zone 3b (functional floodplain), defined by the Flood Risk and Coastal Change section of the Planning Practice Guidance (PPG) as being land where water has to flow or be stored in times of flood. This is not appropriate in accordance with the National Planning Policy Framework and Table 3 of the PPG. In the case of this application, the Environment Agency will not support any proposed development within the functional floodplain.
- Hydraulic modelling indicates that the principal access/egress route is currently proposed within Flood Zone 3b (functional floodplain), and that water depths of approximately 1.2 m would be experienced during a 1 in 100 annual probability flood event with allowance for climate change effects. Owing to the nature of the River Trent catchment, any flooding experienced would be likely to remain for an extended period of time, thus rendering the proposed access road non-operational and unsafe for users;



- The FRA does not propose an adequate finished flood level for the residential properties;
- The FRA does not propose an adequate finished flood level for the community hub buildings;
- The FRA does not address the need for compensatory floodplain storage for any land raising proposed below the 1 in 100 annual probability plus climate change modelled flood level (i.e. the community hub and access road);
- The FRA has not used a sequential approach to locate the car parking bays associated with the proposed community hub within a suitable flood zone.

### **Overcoming our objection**

The applicant can overcome our objection by submitting a revised FRA which covers the deficiencies highlighted above and demonstrates that the development will be safe, not increase risk elsewhere and where possible will reduce flood risk overall. If this cannot be achieved we are likely to maintain our objection to the application. For the avoidance of any doubt, this would require:

- sequentially locating the proposed SuDS Detention Basin outside the areas at risk of flooding (i.e. above 6.95 mAOD).
- sequentially locating the principal access/egress route outside the areas at risk of flooding (i.e. above 6.95 mAOD);
- raising finished floor levels of the proposed residential properties to at least 600 mm above the 1 in 100 annual probability plus climate change modelled flood level (i.e. a minimum of 7.55 mAOD);
- raising finished floor levels of the proposed community hub buildings to at least 300 mm above the 1 in 100 annual probability plus climate change modelled flood level (i.e. a minimum of 7.25 mAOD);
- demonstrating how compensatory floodplain storage will be provided on a level-for level and volume-for-volume basis for any land raising proposed below the 1 in 100 year plus climate change modelled flood level;
- sequentially locating the car parking bays associated with the proposed community hub outside the areas at risk of flooding (i.e. above 6.95 mAOD).

### **Natural England: No objection subject to conditions**

This application is in close proximity to Lea Marsh Site of Special Scientific Interest (SSSI). However, given the nature and scale of this proposal, Natural England is satisfied that there is not likely to be an adverse effect on this site as a result of the proposal being carried out in strict accordance with the details of the application as submitted. We therefore advise your authority that this SSSI does not represent a constraint in determining this application. Should the details of this application change, Natural England draws your attention to Section 28(1) of the *Wildlife and Countryside Act 1981* (as amended), requiring your authority to re-consult Natural England.

### **Conditions**

The SSSI is notified as floodplain meadow and wet grassland and our main concern would be the water balance around the site. We would want to be assured that there was a clear understanding of the hydrology and drainage of the SSSI and how the proposed plan could impact on this. We would also be concerned about run-off from the site both volume and quality during in the construction phase and subsequently.

In addition there should be some planning for flooding events, particularly prevention of contamination of the site via flooding from the site onto the low-lying ground between the site and the SSSI. If you are minded to grant planning permission we would wish to see suitably worded conditions attached as follows:

- A construction management plan should be approved prior to any development including suitable mitigation measures to protect the SSSI against incidents of pollution, spill and sediment run-off while construction works are taking place.

If your Authority is minded to grant consent for this application without the conditions recommended above, we refer you to Section 281 (6) of the *Wildlife and Countryside Act 1981* (as amended), specifically the duty placed upon your authority, requiring that your Authority;

- Provide notice to Natural England of the permission, and of its terms, the notice to include a statement of how (if at all) your authority has taken account of Natural England's advice; and
- Shall not grant a permission which would allow the operations to start before the end of a period of 21 days beginning with the date of that notice.

### **Green Infrastructure**

Natural England welcomes the green infrastructure (GI) element of the proposal as set out on the masterplan. This particularly includes the green corridor along the western boundary which includes a SUDs pond. Natural England would encourage these areas to be designed with maximum benefit to biodiversity and would allow linkage along green corridors through the application site and into the other open green spaces identified on the site masterplan. The linking of the green spaces through the site and into the wider locality would be of maximum benefit to people and biodiversity.

In order to secure a comprehensive scheme of green infrastructure creation, Natural England would advise the attaching of a suitably worded planning condition(s) which would allow further detail to be addressed through a subsequent full application. We would also support the use of method statements for working in close proximity to the most sensitive receptors and/or an overall landscape management plan which would allow any mitigation, compensation and enhancements measures to be successfully implemented.

Multi-functional green infrastructure can perform a range of functions including improved flood risk management, provision of accessible green space, climate change adaptation and biodiversity enhancement.

### **Protected Species**

#### **Priority habitat creation**

Another area which we would advise your authority to explore with the applicant is the potential for priority habitat (as listed on Section 41 of the Natural Environment and Rural Communities (NERC) Act 2006) creation. Recent publications such as the Government's "*Making space for nature*" highlights the importance of linking ecological assets and habitats on a landscape scale.

Natural England would therefore welcome any proposal on site which seeks to maximise the creation of this priority habitat and in accordance with local priorities such the Biodiversity Action Plan for Lincolnshire. The areas identified as 'public open space' would benefit from priority habitat creation.

#### **Biodiversity enhancements**

This application may provide opportunities to incorporate features into the design which are beneficial to wildlife, such as the incorporation of roosting opportunities for

bats or the installation of bird nest boxes. The authority should consider securing measures to enhance the biodiversity of the site from the applicant, if it is minded to grant permission for this application. This is in accordance with Paragraph 118 of the NPPF. Additionally, we would draw your attention to Section 40 of the Natural Environment and Rural Communities Act (2006) which states that *'Every public authority must, in exercising its functions, have regard, so far as is consistent with the proper exercise of those functions, to the purpose of conserving biodiversity'*. Section 40(3) of the same Act also states that *'conserving biodiversity includes, in relation to a living organism or type of habitat, restoring or enhancing a population or habitat'*. We have not assessed this application and associated documents for impacts on protected species.

Natural England has published Standing Advice on protected species.

**Trees & Woodlands Officer:** This site and surrounding area are locally designated as an AGLV – Area of Great Landscape Value). This is an area which has retained its old farmland character with remnant hedgerows and occasional hedgerow tree.

New planting would provide some screening and privacy and should help to lessen the impact any development would have on the existing properties which have previously enjoyed uninterrupted views over the pretty open countryside.

This is an outline application with all matters reserved, including the landscape details. The indicative layout shown on the outline plans shows a swath of landscaping and a SUDs' basin' along the Southwest/West sides of the proposed development, plus an area of Public Open Space in the SE area of the site. These are good sized areas for public access, amenity, and for screening and softening the site from outside views.

There is also a landscape area including tree planting shown along the easterly and northerly boundaries between the proposed development and the neighbouring existing properties. This will provide some screening and softening of any new properties for the existing dwellings, but the properties around the end of The Crescent might not appreciate the current views being obscured and the shade to their gardens that will be created by new tree planting as the trees grow larger.

**Potential effect on any trees or hedges on or near the site:**

The 1964 TPO trees no longer exist, but there are various non-protected trees within the site, some which would require protection measures during any development works, and some which would have to be removed with the current indicated layout.

A close inspection of trees within the site was not done due to livestock being on the land.

The existing hedgerow running NE to SW across the middle of the site is a sparse remnant hedge, but is typical of unmanaged old hedgerows between fields which are no longer required to act as a barrier/divide, and much of it has been left to grow into small trees. The individual hawthorns along the hedge line add to the character and feature of the landscapes which has retained its old character. If outline permission is granted, this hedgerow should be retained

where possible to provide existing green feature, and to break up the area of the development. Hedgerows are a BAP (Biodiversity Action Plan) priority habitat and should be retained and improved where possible.

There are a couple of trees which stands out as features along this hedge line, but the current layout shows these trees as to be removed to make way for a road. The habitat survey includes some information about the hedgerows and very few of the trees. TN1 photo shows the top half of the crown dying back, but the info in the report does not go into as much detail as a tree survey would, so does not clarify if there is a health issue causing the upper crown to thin, or if it is experiencing natural retrenchment due to old age. TN1 and TN2 do not look to be of good enough quality or prominence to insist of their retention for this application. Other trees within the site and along its borders are mainly proposed to be retained within the landscape areas.

The LWT have given a holding objection to the proposals, pending further information, due to the rare subterranean clover across an area designated as a LWS (Local Wildlife Site). I would just like to add, if permission is granted for development, how will the current positive management of grazing by sheep be recreated if the LWS is eventually incorporated into an open space area with public access, and how will the rare plants and their growing environment be affected by people digging holes and planting trees, people walking over it (probably with dogs), and probable expected mowing as part of the POS management?

#### Conclusion

If the application results in planning permission being issued, a detailed scheme of landscaping should be required in any subsequent application. It should be conditioned that existing hedge lines should be retained where possible, and infilled with locally characteristic native shrubs. Although these hedges are species poor, hedgerows are a BAP priority habitat, important as a wildlife habitat and as a wildlife corridor. Ideally, a condition should include a minimum hedgerow height to prevent new residents cutting the hedge down to a low level, or even to ground level.

Along with the Lincolnshire Wildlife Trust, I have concerns for the future and appropriate management of the LWS and its rare subterranean clover. If permission is granted, this area should have protective fencing around it prior to any work commencing, and be kept in place until completion. There should be no changes of existing ground level in this area.

#### Comments to revised plans

**Environment Agency:** Following the submission of the revised design the Agency's objection is **withdrawn** subject to the following conditions:

- 1) The development permitted by this planning permission shall be carried out in accordance with the approved Flood Risk Assessment (FRA) by TD Infrastructure Ltd, Revision C: April 2016 including the following mitigation measures detailed within the FRA:
  - The proposed SuDS detention basin (swales and infiltration areas) to

be located above the 7.00 mAOD (above Ordnance Datum) level on the site, to lie outside the 100 year plus climate change potential flood areas

- Level for level and volume for volume compensatory flood storage to be provided, with at least 3000m<sup>3</sup> of material to be excavated between the 5.50mAOD and 6.50mAOD contours
- Finished floor levels of the dwellings to be set no lower than 7.75 mAOD
- Finished floor levels of the community hub to be set no lower than 7.25 mAOD
- Levels for car parking and play areas around the community hub to be set no lower than 6.95 mAOD
- Level of the principal access/egress route to be set no lower than 6.95 mAOD

The mitigation measures shall be fully implemented prior to occupation and subsequently remain in place, in accordance with the timing / phasing arrangements embodied within the scheme.

Reason: To prevent flooding elsewhere, to reduce the risk of flooding to the proposed development and future occupants and to ensure safe access and egress from and to the site.

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

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

Advice note

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

**Archaeology:** The geophysical survey highlights several areas of potential archaeology, in particular an area which has been interpreted as a Romano-British enclosure. However we still have insufficient information regarding the exact nature of this potential archaeology and its significance.

Given this I recommend that further information is required from the applicant in the form of an archaeological evaluation to be considered alongside the application. This evaluation should provide the local planning authority with sufficient information to enable it to make a reasoned decision on this planning application. This evaluation should consist of trial excavation.

'Where a site on which development is proposed includes or has the potential to include heritage assets with archaeological interest, local planning authorities should require developers to submit an appropriate desk-based assessment and, where necessary, a field evaluation. National Planning Policy Framework Section 12, para 128.

I am aware that the current indicative layout excludes the Romano-British enclosure but that at this outline stage that the developer is trying to establish the principle of development rather than formalise the exact scheme which could mean that during the reserved matters a new layout could include development of this area.

If the planning department is minded to make approve this application without the benefit of further archaeological information we would like to suggest that the archaeological evaluation is secured by condition. We always prefer to have this information prior to determination but we do appreciate that on occasions this is not always possible. Should this be the case we would like to request that an evaluation, in the form of trial trenching (which should be agreed with this department) is undertaken prior to a reserved matters application being submitted. This will mean that any mitigation strategy that may be required that can be secured by condition on the reserved matters application.

Recommendation: It is recommended that, prior to development, the developer should be required to commission a Scheme of Archaeological Works (on the lines of 4.8.1 in the new archaeological handbook (2012)) according to a written scheme of investigation to be agreed with, submitted to and approved by the local authority. This should be secured by an appropriate condition to enable the historic assets within the site to be recorded prior to their destruction. The results of the survey should be submitted to the Local Planning Authority and the Historic Environment Record prior to work commencing on site.

"[Local planning authorities] require developers to record and advance understanding of the significance of any heritage assets to be lost (wholly or in part) in a manner proportionate to their importance and the impact, and to make this evidence (and any archive generated) publicly accessible." Policy 141. National Planning Policy Framework (2012).

A brief will be produced by this department which will lay out the details above, and the specification for the work should be approved by this department prior to the commencement of works.

**Lincolnshire Wildlife Trust:**

The Trust is not satisfied that the additional information adequately resolves the original issues raised.

For clarity, the Local Wildlife Site (LWS) affected by this proposal is known as Track to Lea Marshes LWS not Lea Marshes which is a separate site to the west designated as a Site of Special Scientific Interest.

Assurances given are not sufficient to assure the Trust that the LWS will not be significantly impacted upon.

This is due to the survey identifying the location of the Subterranean Clover being based on out dated information and being undertaken by an unqualified person. Whilst the more up to date 2012 survey shows the Clover in similar locations to that identified a full survey should be undertaken to ensure the locations are correct.

The plan produced does not provide evidence that the area will be retained within the proposed greenspace. It should have shown the locations of the Subterranean Clover on the plan and in relation to the proposed elements of the scheme.

The supporting statement of the intended management regime is not sufficient detail to determine whether this area would be adequate or appropriate to maintain and enhance the retained LWS and subterranean clover. It is noted that further detail would be agreed within an enhancement and management plan to be provided either under condition or through a section 106 agreement and the Trust would be satisfied with this.

The submitted plan does not indicate any areas for compensation for the loss of the area of LWS to the access road construction or areas of biodiversity enhancement, nor any details of how these might be created and managed.

Additionally, there is no information to demonstrate the mitigation measures that will be incorporated during construction to ensure that there will be no significant impacts on the areas of retained LWS habitat. It does not appear that this information has been included and there is no indication that it will be included elsewhere.

**Lea Parish Council:** All previous objection remain

**Lincolnshire County Council (Highways / Lead Flood & Drainage Authority):** Do not object to the proposal but request conditions including detailed drainage scheme at reserved matters stage, improvements to junction including right hand turning lane and pedestrian refuge at Willingham Road/ Gainsborough Road junction.

**Neighbours:** 9, Gainsborough Road; 5 Mayflower Close; 2, 5, 6, 12 (x2), 14, 14A, 15A, 16 & 17 Green Lane; 5 Churchill Way, The Old School House, Lea



Park; 2A Willingham Road; Potters Cottage Cowgarth Lane and: 26 The Crescent.

Objections: Located on marshland, poor drainage, flooding will be considerable. Lower parts of the area have been flooded a few metres deep. Land floods across the A156 at times. The use of higher land to build upon will leave less area for water to soak into and increase the risk to properties adjoining the site on all sides. The Trent also floods in the area and the new road will be under water at times. Adjoining houses on Green Lane have experienced surface water flooding and as a result have to pay significant premiums on insurance...new owners will be likely to be subject to this too. 15A Gainsborough Road had flood waters up to garden boundary in the year 2000. Existing properties will be placed at greater risk of flooding as a result of the proposal. Although the Environment Agency has withdrawn their objection their comments are based on current rules/ assessments they do not take account the more extreme events now occurring in the weather. Cumbria is a good example where there have been 3 so called 1:100 year events in the last decade. The Prime Minister has called for a review of current rules and approaches to flood risk. It is suggest that a precautionary approach is taken to this matter and site.

Village has a lack of services, road access already too busy, lack of police, doctors and spaces at school. However, we don't need a new community hub as these are facilities which are available in the village e.g. Butlers Pantry and the village hall. There not enough volunteers to keep these facilities going never mind about new facilities

Lea is a beautiful small village that will be lost. Development should be in Gainsborough where there are brownfield sites. Keep Lea rural. Lea is becoming like Morton – part of Gainsborough. This development will ensure this occurs. We should keep greenfields not build on them constantly especially the ones which are also flood areas.

The level of dwellings proposed far exceeds the number proposed within the new Local Plan. This policy amounts to 70 dwellings over a 20 year period not 135 in one go on one site. Central Lincolnshire now has a 5 year supply of land without the need for this site.

The boundary to Green Lane could provide access to this private lane. Despite what is said Green Lane will become an unofficial pedestrian access. This is not acceptable. The pedestrian access shown is also used currently by vehicles from Mulberry House and nos. 5, 7 & 9 Gainsborough Road. In addition a commercial transit van uses the drive along with WLDC refuse trucks, an oil delivery lorry and delivery vehicles. This is a poor situation that will reduce safety. No account has been taken of existing residents and their lives and the issue of liability needs to be considered as it is not fair put future residents at risk nor place existing residents at a disadvantage.

Despite changes proposed dwellings will still overlook adjoining properties reducing privacy. As houses will back onto Green Lane they will present a

poor street scene. Continued loss of privacy from two storey buildings (dormer bungalows) adjoining the bungalows on Green Lane.

The use of a single main access for all is dangerous even with the secondary access to The Green. Is the secondary access in private ownership, does the applicant have a right of access across it? This is not a good access for emergencies. I live on Willingham Road/ Gainsborough Road junction and you can't leave the driveway between 8.45/9.15am.

The area is important to ecology and should be protected for these reasons alone.

There are significant issues with respect to the sewerage system in the area which surcharges leaving sewage in gardens and homes. No response from Seven Trent Water. The Lea Park pumping station fails to cope with demand. There is a 150mm pipe that is laid across the site at a shallow gradient – it will not cope with the peak flows from the development.

Loss of important natural landscape to the village. Developments should be incremental with smaller plots developed incrementally. David Cameron said that urban sprawl should not prevail. Please let common sense prevail.

### **Relevant Planning Policies:**

#### National guidance

National Planning Policy Framework (NPPF)  
<http://planningguidance.communities.gov.uk/>

National Planning Practice Guidance (NPPG)  
<http://planningguidance.communities.gov.uk/>

#### West Lindsey Local Plan First Review 2006

#### **West Lindsey Local Plan First Review 2006**

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), a material consideration, 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).

- **STRAT1:** Development requiring planning permission;  
<http://www2.west-lindsey.gov.uk/localplan/written/cpt3a.htm#strat1>

- **STRAT3:** Settlement Hierarchy;

<http://www2.west-lindsey.gov.uk/localplan/written/cpt3a.htm#strat3>

- **STRAT9:** Phasing of housing development and release of land;  
<http://www2.west-lindsey.gov.uk/localplan/written/cpt3b.htm#strat9>

- **STRAT12:** 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>

- **SUS1:** Development proposals and transport choice;  
<http://www2.west-lindsey.gov.uk/localplan/written/cpt4.htm#sus1>

- **SUS4:** Cycle and pedestrian routes in development proposals;  
<http://www2.west-lindsey.gov.uk/localplan/written/cpt4.htm#sus4>

- **RES1:** Housing layout and design;  
<http://www2.west-lindsey.gov.uk/localplan/written/cpt6.htm#res1>

- **RES2:** Range of housing provision in all schemes  
<http://www2.west-lindsey.gov.uk/localplan/written/cpt6.htm#res2>

- **RES5:** Provision of play space / recreational facilities in new residential developments;  
<http://www2.west-lindsey.gov.uk/localplan/written/cpt6.htm#res5>

- **RES6:** Affordable Housing;  
<http://www2.west-lindsey.gov.uk/localplan/written/cpt6.htm#res6>

- **CORE10:** Open Space and Landscaping within Developments  
<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>

- **NBE14:** Waste water disposal;  
<http://www2.west-lindsey.gov.uk/localplan/written/cpt11.htm#nbe14>

- **NBE20:** Development on the edge of settlements.  
<http://www2.west-lindsey.gov.uk/localplan/written/cpt11.htm#nbe20>

Although not forming part of the statutory development plan, the **West Lindsey Landscape Character Assessment (1999)** (<http://www.westlindsey.gov.uk/residents/planning-and-building/planning-policy/evidence-baseand-monitoring/landscape-character-assessment/104847.article>) is a background document which forms a material planning consideration, particularly relevant to policies NBE10 and 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 **Preliminary Draft Central Lincolnshire Local Plan** (PDCLLP) was released in October 2014 and has been subject to public consultation. The second **Further Draft Central Lincolnshire Local Plan** (FDCLLP) ran its formal six week public consultation period between 15 October and 25 November 2015.

**Proposed Submission Central Lincolnshire Local Plan** (SCLLP) was agreed on the 14<sup>th</sup> March 2016 and has now completed its final public consultation on 26<sup>th</sup> May 2016. Following the collation of the comments received the Plan is expected to be submitted to the Planning Inspectorate for examination in late June/July 2016. The final adopted CLLP will replace the West Lindsey Local Plan. The Submission Draft of the Local Plan represents an advanced stage in the development of the Central Lincolnshire Local Plan (having been through three stages of the consultation and no further changes will be made to the plan before it is submitted to the Secretary of State). Its policies can therefore be attached some weight, in accordance with NPPF paragraph 216. The exact weight of each policy will depend on individual circumstances.

Relevant Draft Policies:

LP1: A presumption in favour of sustainable development

LP2: The spatial strategy and settlement hierarchy

LP3: Level and distribution of growth

LP4: Growth in villages

LP6: Retail and town centres in Central Lincolnshire

LP9: Health and wellbeing

LP10: Meeting accommodation needs

LP11: Affordable housing

LP12: Infrastructure to support growth

LP13: Transport

LP14: Managing water resources and flood risk

LP15: Community facilities

LP17: Landscape, townscape and views

LP18: Climate change and low carbon living

LP20: Green infrastructure network

LP21: Biodiversity and geodiversity

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

LP25: The historic environment

LP26: Design and amenity

LP53: Residential allocations: Medium and small villages

LP55: Development in hamlets and in the countryside

**Main issues**

1. Planning Policy
  - i) Provisions of the West Lindsey Local Plan First Review
  - ii) National Policy
  - iii) Emerging Local Policy
  - iv) Housing Delivery and Affordable Housing Provision
2. Landscape Character and Visual Impact
3. Highways Impact and Safety
4. Accessibility and Public Transport
5. Local Infrastructure
6. Design, Layout and Landscaping
7. Archaeology
8. Ecology
9. Flood Risk and Drainage

## **Assessment:**

### **1) Planning Policy**

#### *(i) Provisions of the West Lindsey Local Plan First Review*

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. The Proposed Submission Central Lincolnshire Local Plan (SCLLP) is a material consideration to be considered against its provisions.

The site is outside the settlement of Lea, as defined in the WLLP 2006. The entirety of the site is within the allocated Area of Great Landscape Value (AGLV) – policy NBE10. It is important to note that the whole site remains allocated as an AGLV within the SCLLP indicating that the importance of this area as a landscape feature in both the adopted Local Plan and the emerging plan. This adds weight to the policy approach when assessing proposals.

The site is not allocated for residential development. Lea is identified as a Subsidiary Rural Settlement within the Local Plan's settlement hierarchy (policy STRAT3).

Paragraph A100 explains *“For the Subsidiary and Small Rural Settlements no settlement boundary is shown. The assessment of what is either within the settlement or within the open countryside is a subjective matter which needs to be considered on an individual case by case basis.”*

The application site comprises open fields in active grazing use with a modern agricultural barn within the southern portion of the site. It is bounded to the west and south by further open fields. Existing residential areas do exist to the east and partially to the north but these are limited in their nature and whilst visible in part do not form the prominent character of the area. The site along with its southern and western neighbours form a clear open agricultural

character which bounds the entrance to the village. It is considered to be in the open countryside and policy STRAT12 is applicable.

Policy STRAT12 does not support development proposals in the open countryside *“unless the development is essential to the needs of agriculture, horticulture, forestry, mineral extraction or other land use which necessarily requires a countryside location, or otherwise meets an objective supported by other Plan policies.”*

The application is proposed on previously undeveloped, or greenfield land. It falls on the bottom rung of policy STRAT9’s sequential approach towards the phasing of housing development and release of land.

The application seeks permission to develop up to 135 dwellings within this location, along with a 200sq.m shop, 300 sq.m restaurant/café and 300sq.m community hall.

Large residential development is not in compliance with policy STRAT12. It is at the bottom rung of policy STRAT9. A more detailed landscape and visual impact assessment will be considered below to see if the proposal accords with policies NBE10 and NBE20 of the WLLP.

The principle of development as proposed on this site is contrary to the provisions of the statutory development plan, and the application falls to be refused planning permission unless there are material considerations which indicate otherwise.

#### (ii) National Policy

The National Planning Policy Framework (NPPF) and online Planning Practice Guidance, are material considerations to take into account alongside the development plan.

The NPPF post-dates the Development plan and requires<sup>1</sup> Councils to *“identify and update annually a supply of specific deliverable sites sufficient to provide five years’ worth of housing against their housing requirements with an additional buffer of 5% (moved forward from later in the plan period) to ensure choice and competition in the market for land.”* The buffer raises to 20% where there is a consistent record of under delivery.

The latest Housing Land Availability Assessment (May 2016) identifies a need of 11,531 dwellings across five years, which includes a 20% buffer and previous undersupply. The assessment identifies a land supply of 5.33 years (12,283 dwellings) in the five year period 2016/17 to 2020/21. The assessment includes:

- sites under construction;
- sites with full planning permission, but development has not started;

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<sup>1</sup> Paragraph 47

- sites where there is a resolution to grant planning permission;
- sites with outline planning permission;
- sites allocated in an adopted Local Plan; and
- sites not allocated in a Local Plan or without planning permission and which have no significant infrastructure constraints to overcome
- A windfall allowance

Planning Practice Guidance states that *“Where evidence in Local Plans has become outdated and policies in emerging plans are not yet capable of carrying sufficient weight, information provided in the latest full assessment of housing needs should be considered. But the weight given to these assessments should take account of the fact they have not been tested or moderated against relevant constraints.”*

The latest released five year supply figures are based upon an overall housing requirement for the plan period of 36,960 dwellings - this figure is based on a published Strategic Housing Market Assessment (SHMA). It is acknowledged that the methodology employed is yet to have been formally tested within the Local Plan examination – this is expected to be held in the summer 2016. However, substantial evidence reports have been published, including sustainability appraisal of all such sites, which intend to justify the selection of such sites.

Paragraph 49 of the NPPF 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.” As the identified five year supply relies upon departures from the West Lindsey Local Plan Review 2006, then the extant plan no longer meets the objectively assessed housing needs of the Authority – its housing supply policies can be considered to be out of date, in accordance with NPPF paragraph 215. The WLLP’s policies for the supply of housing should therefore be considered out of date. Nonetheless, whilst this may limit the weight to be afforded to such policies within the planning balance it does not mean they should be disregarded or otherwise carry no weight.

The application should therefore be considered against the second bullet point of the NPPF’s presumption in favour of sustainable development, which for decision-taking means:

- 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 Framework taken as a whole; or



– specific policies in the Framework indicate development should be restricted.

### (iii) Emerging Local Policy

The emerging Central Lincolnshire Local Plan is a material consideration to take into account against the policies of the statutory development plan. 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 (2<sup>nd</sup>) Further Draft (FDCLLP) Plan concluded its public consultation in November. The publication of the Pre-submission (3<sup>rd</sup>) Draft has now completed its final public consultation and representations are being collated before submitted for examination in May. The submission draft of the Central Lincolnshire Local Plan (SCLLP) is considered to at an advanced stage in the adoption process having completed to three consultation stages and as a result no further changes to the plan are anticipated before it is put to a Local Plan Examination. It is therefore now the policy position which Central Lincolnshire wish to promote to the Examination. Its policies can be attached some weight that previous editions of the plan.

Draft Policy LP2 sets out a spatial strategy and settlement hierarchy from which to focus growth. Lea is designated as a Medium Village – Category five of six hierarchical categories. This is an uplift from the Preliminary Draft CLLP which allocated Lea as a “small village” – the settlement hierarchy was reviewed to ensure consistency and in the case of Lea, due to its proximity to Gainsborough.

The Proposed Submission CLLP (policy LP2) states that Medium villages: *“will accommodate a limited amount of development in order to support their function and/or sustainability... Typically, development proposals will be on sites of up to 9 dwellings... However, proposals may exceptionally come forward at a larger scale on sites of up to 25 dwellings... where proposals can be justified by local circumstances.”*

Policy LP2 should be read alongside LP4: Growth in villages. This acknowledges that some growth in smaller settlements lower down the hierarchy *“Will help to enhance or maintain the vitality of rural communities”*. Growth is typically limited to 10% across the Plan Period unless expressly stated otherwise. Lea is envisaged for 15% growth – due to its proximity to Gainsborough which together with Morton recognises the inter relationship of these areas to each other and the regeneration/ growth aspirations for Gainsborough. This is recognised through the proposed allocation for housing within the Proposed Submission CLLP which would meet this growth indicated through allocated site CL3044 on Willingham Road. This site has been assessed as readily available and free from significant encumbrances.

In recognising the growth policies for the Greater Gainsborough area it is also important to accept that Lea is also an independent village as a whole, which has its own identity, is of limited scale and has few facilities of its own. To protect these characteristics and limitations the number of homes proposed for Lea has been placed at 71 dwellings. Whilst this is not an upper limit beyond which no further development can take place it provides a realistic figure that allows growth but protects the settlements characteristics at the same time.

Appendix B of the Proposed Submission Draft CLLP sets out that Lea has a base number of 473 dwellings. 15% growth would account for an additional 71 dwellings. Minus recent completions and planning permissions, it gives an allowance of 67 additional dwellings within the plan period to 2036.

At 135 dwellings, the application proposes to effectively increase the number of dwellings already within Lea by almost a third (a 28.5% increase on the base number). It would be double the housing growth that is envisaged for Lea during the whole of the Plan's lifetime (up to 2036).

Whilst policy LP4 does not limit growth absolutely, it does require proposals that would exceed this level significantly to demonstrate an appropriate level of community support. The application does not address this aspect of the policy, indeed the Parish Council has written to object to the proposal on multiple grounds.

The development is therefore considerably in excess of the moderate growth for Lea envisaged by the emerging draft Plan, and such an uplift would conflict with the planned growth strategy set out in the Local Plan.

SCLLP policy LP17 indicates proposals should: 'protect and enhance the intrinsic value of landscape and townscape, including the setting of settlements, proposals should have particular regard to maintaining and responding positively to any natural and man – made features within the landscape and townscape which positively contribute to the character of the area...'. It further notes that these considerations are particularly important when determining proposals which have the potential to impact the...AGLV... The level of development proposed within this prominent location is a significant consideration and is deemed to harm the entrance to Lea and will be considered below in more detail.

Similarly, the site is not allocated within the SCLLP for housing and Lea is noted as a medium village, policy LP4. The policy notes that a sequential analysis of sites should take place with the focus of development being within the continuous built form of the village, before considering brownfield sites at the edge of settlements and finally greenfield sites at the edge of the village.

Again in a similar manner policy LP55 (Development in Hamlets and the Countryside) of the CLLP is applicable. LP55 indicates dwellings will only be acceptable in the countryside where they are essential to the effective operation of: *agriculture, horticulture, forestry, outdoor recreation, transport or*

*utility services; renewable energy generation and to minerals or waste development.*

The proposal does not meet any of the exception criteria within the policy and therefore fails to accord with the emerging policy.

The scale of development proposed is at odds with, and would undermine, the strategy of the emerging CLLP, which seeks to focus growth on established areas with adequate services.

#### (iv) Housing Delivery and Affordable Housing Provision

The development would contribute up to 135 dwellings towards an identified need for housing within Central Lincolnshire. This can be attached positive weight. The applicant suggests they could deliver the full 135 homes within the five year period, which given general housing development rates within the region is deemed reasonable although no developer has been identified at this stage.

However, it should be noted that the May 2016 5yr HLS Statement, and emerging Central Lincolnshire Local Plan, both recognise a five year supply of housing land without the inclusion of the application site. Although it is recognised that the 5 year supply has yet to be independently tested the emerging plan has reached an advanced stage and as such this figure should be given significant weight within the planning balance.

Saved WLLP policy RES6 states, “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 Lincs Homefinder CBL Partnership, of which West Lindsey is one of 4 partners, provides evidence of a demonstrable need for affordable housing with in excess of 1500 households registered for affordable housing in the district and in excess of 5000 households requiring affordable housing across the partnership area of Central Lincolnshire.

The emerging Further Draft Central Lincolnshire Local Plan also identifies a need, evidenced in the Strategic Housing Market Assessment (SHMA) for 17,400 affordable dwellings across the plan period (2012-2036). It sets a 20% requirement to meet this need (draft policy LP11).

The S106 Heads of Terms submitted with the application proposes up to 33 no. dwellings would be delivered as Affordable Housing. This would equate to 25% of the overall development of 135 dwellings, and is therefore in accordance with saved policy RES6 and policy LP11.

The contribution of 25% affordable homes can be afforded significant positive weight in the overall planning balance.

## 2) Landscape Character and Visual Impact

WLLP Policy NBE10 indicates: *“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 and amplified in the Countryside Design Summary.”* The policy continues: *“Areas of particularly high local landscape value because of their distinctive characteristics have been identified on the Proposals Maps as Areas of Great Landscape Value.”*

Further to this, WLLP NBE20 indicates that development will not be permitted which detracts from the rural character of the settlement edge and the countryside beyond. *“Where development on the edge of settlements is permitted the Council will require:*

- i. Design proposals which respect and maintain the existing character and appearance of the boundary of the settlement footprint, or result in the improvement of an unattractive approach;*
- ii. An agreed scheme of landscape treatment and/or open space provision”*

The application is located on the southern edge of Lea. The site rises significantly to the north with the open fields appearing prominently to traffic and pedestrians travelling northwards along the A156 Gainsborough Road, Lea. The site is adjoined by houses to the east and north which form the current limit to development at the village entrance to Lea. Due to the topography of the site and the position of the main public view point (the A156) the visibility of the majority of the housing to the north and indeed to a certain extent the east are not visible. The character of this part of the AGLV and the entrance to Lea is therefore predominantly rural with little visual indication of the extent of the urban area beyond. The site therefore assists to present a village entrance to the Lea and appearing as an integral part of the open countryside to the west with a small number of dwellings to the east.

The development proposal falls into three sections: the highway entrance, the community facility and finally the housing.

The current site access is a wide tarmac junction but quickly reduces into a farm track which impacts little on the rural character of the area. The proposed highway entrance would formalise the existing facility widening the actual junction, include a right hand turning lane, slip road and widening of the access drive to allow vehicles to pass each other. This will be formalised with paving and street lighting. To combat flooding the access would need to be increased to a level of 6.98m AODn increasing its appearance within the street scene. Such a development would significantly urbanise this area, reducing the rural feel of this site.

Although the plan submitted is indicative the community facility shown would, roughly, be positioned on the site of the existing barn complex. The barns are substantial but they are an isolated group of structures within the open area. Whilst large and industrial in scale they are clearly agricultural in character

and therefore do not appear out of keeping with the open rural character of this site. The proposed community facility is not detailed and could be a simple single storey building of a traditional rural design that would not significantly detract from the area. Such a design would be a matter for consideration at detailed stage. Equally, however, the building would be supported by car parking, lighting, bin storage and landscaping etc. which would urbanise this part of the site. Cumulatively the building in conjunction with the proposed housing to the north and north west would extend the urban character further into the open countryside.

The proposed housing would cover the lower slopes of the application site before rising north and westward to cover the whole of the southern slope of the rise into Lea. As noted the site currently has a rural character, due to its openness, topography and visual connection with land to the west. The application, however, would not erode this rural character but replace it with an urban housing estate which due to topography would extend significantly north and westwards when viewed from the A156. The rising topography would only emphasise the overall quantum of houses in that the housing within the inner parts of the estate would be seen rising up from the community hub. This would totally change the pleasant open and rural entrance to the village of Lea and replace it with an urban estate which, however, well designed would appear as a significant urban mass.

The adopted Countryside Design Summary seeks specifically to provide the key design principles to help to protect, reinforce, maintain and enhance the local identity, sense of place and wider landscape character. It also seeks to explore the relationship between settlements and their surrounding landscapes. More specifically it notes the importance of first impressions and the character of approaches and entrances to settlements.

Lea falls within the Trent Valley landscape classification. This notes the gentle undulating landscape on the eastern margins of the River Trent, with a ridge of higher land on the outskirts of Gainsborough. It notes that a robust network of hedgerows combined with some significant woodland and parkland landscapes to provide a sense of enclosure. Through roads and important junctions are part of the settlement pattern along with parkland landscapes at Lea.

The application site conforms with this characterisation in that it forms the southern ridge and slope of the undulating landscape at the eastern margins of the Trent. Views of the site are enclosed along the A156 by Lea Park (a historic park and garden) with its trees and the mature tree line along the western side of the highway to form and direct views of the site to the north. The traditional centre of the village is located to the east of the application site close to its junction with Willingham Road and the built mass of the village is not evident until the immediate turn into the village close to the site entrance junction. This character would be totally reversed if the current proposals were to proceed.

The design summary notes that entrances to settlements, abrupt road bends and junctions in the Trent Valley are particularly sensitive sites; they are the focus for local views and can easily be marred by nondescript development. New development it notes should be designed to provide one off distinctive buildings, which reflect local building types and materials.

The site is located on a busy classified road, the A156. The road curves abruptly at the entrance to the village which provides views across the application site rather than dwellings within the village. Approval of the development will therefore change the open rural character to one of urban development detracting from the entrance to the village and the character of the Trent Valley. It is particularly sensitive site as it is prominently viewed from the A156 detracting from the pleasant character of this area contrary to Saved Policies STRAT1, NBE10 and NBE20 of the WLLP. The whole site remains allocated as an AGLV within the SCLLP (Policy LP17) indicating that the importance of this area as a landscape remains both in terms of the adopted Local Plan and the emerging plan. This adds weight to the policy approach when assessing proposals.

### 3. Highways Impact and Safety

As indicated previously the site would be accessed by vehicles at a single access point. This will be located at the existing farm access with improvement recommended to aid access from the north. The access is currently located within the national speed limit although the restricted 40mph limit is located immediately to the north of the junction. Pedestrians would also use this access although a more direct route would be formed to the east between 1 and 9 Gainsborough Road, Lea.

The applicant has undertaken a Traffic Assessment which has considered accident data, vehicle speeds and traffic flows. The accident data (involving personal injury) shows that there have in 9 accidents within Lea over the last 5 years of which only one was serious. The locations for such accidents were scattered indicated that there is not a particular issue with highway safety in the village. Vehicle speeds were also assessed, during off peak times when traffic flows more freely, and these speeds were then translated into stopping distances and required visibility distances. The existing junction to the site would be up graded and plans show that the correct distances could be achieved maintaining safety for cars turning into and out of the site.

The capacity of the highway network including the junction of Willingham Road (B1241) and Gainsborough Road (A156) and at the site entrance were also considered as part of the transport assessment. The assessment showed that the development would generate an extra 126 extra trips in and out of the site in the morning peak period (07:45 – 08:45) and 142 trips in the evening peak (16:30 to 17:30).

Based on data within the 2011 Census for West Lindsey 007 area which includes Lea it has been determined that 55.8% of residential traffic to work generated would turn southwards towards Lincoln with 39.7% turning north to

Gainsborough. 4.5% of traffic would leave the site and head to Willingham Road. Trips generated by the shop, restaurant and community hub would be different in nature but the general traffic levels themselves would be very small in comparison.

When such flows are considered in relation to the key junctions: Willingham Road and Gainsborough Road would experience (net) 76 additional vehicles in the morning peak and 84 in an evening. Similarly, the site access at its junction with Gainsborough Road would have an increase (net) of 140 vehicles in a morning and 156 in an evening.

Assessments have also taken account of existing flows through these junctions before assessing the cumulative impact of expected traffic growth within West Lindsey by 2020 and taking account of known development and predicted traffic generated by other developments, this includes the 450 dwelling development at Willingham Road, Lea which was recently refused (ref no. 133236). Taking these flows together it is still deemed that the highway network and in particular these key junction would operate safely and within capacity.

The assessment has been considered by the Highway Authority. Officers have raised a number of concerns with respect to the operation of the junction at the entrance to the site/Gainsborough Road and have negotiated alterations to the junction to provide a right hand turn lane within the highway to aid safe access into the site and to limit any queuing in the highway. Other modifications sought include a pedestrian island at Willingham Road junction to aid safe access across the road. These matters can be dealt with through the use of conditions and a s106 agreement. In general, however, it has been determined that the development can be reasonably accommodated within the road system and the development would conform to advice within saved Policy STRAT1 of the West Lindsey Local Plan (First Review) 2006.

#### 4. Accessibility and Public Transport

Key to considering the sustainability of a development is how easy it is to access life services required by future occupiers in their everyday lives and the impact it would have on the surrounding area. The first aspect of this is to consider how to access services, work, leisure and retail activities without resorting to private motor vehicles. The second aspect is how, vehicles traffic generated would impact on safety and traffic flows generally which has been considered above. This conforms to advice provided within the NPPF paragraphs: 7 and 32.

The village of Lea is noted as being a medium village within the emerging plan with limited services. The services which are available within the actual village include a school and village hall. In addition to this, the applicant is proposing a retail shop 200 sq.m shop, 300 sq.m restaurant/ café and 300 sq.m community hall. The off licence/newsagent noted in letters from the public is actually on Lea Road, Gainsborough approximately 1.6km from the site entrance (1.3km from the secondary pedestrian access).

The Department for Transport's (DfT) document entitled 'Manual for Streets' (2007) section 4.4 sets out the requirements for pedestrians stating:-

*"Walkable neighbourhoods are typically characterised by having a range of facilities within 10 minutes' (up to about 800 m) walking distance of residential areas which residents may access comfortably on foot". It also states, however at para 6.3.1, that a 20 minute walk time (equivalent to a 1.6km walk distance) is acceptable subject to an attractive walking environment.*

The Institute of Highways and Transportation (IHT) document 'Providing for Journeys on Foot' sets out acceptable maximum walk distances of, 2km for Commuting and school journeys, 800m for town centres, and 1.2km for elsewhere.

The facilities proposed on the site and indeed within the village of Lea itself all conform to these guidelines indicating that they would be suitable to be accessed by pedestrians without a serious distance impediment. This is a positive consideration in the application process. It should be noted, however, that the on-site facilities are all speculative. Whilst shown on plans there is no operator identified to take these proposals forward, the community centre could also duplicate services provided at the existing village hall, despite comments to the contrary. It is considered therefore that these elements of the scheme should be given less weight in any consideration.

Facility	Distance from entrance to site (km)
Lea Primary School	1.3km
Lea Village Hall	0.5km

The main facilities and work opportunities for future residents would generally be within Gainsborough or potentially the Lincoln area. Whilst the site is approximately 3km from the edge of Gainsborough and is linked by a lit and signed footpath/ cycle path along the busy A156. Research has shown that 5km is an accepted distance for cycling as an alternative to car travel. Whilst Gainsborough town centre would be just beyond the limit of this distance (3.3km), Aldi the closest food retailer would be 2.1km, it is considered reasonable that some people would access services jobs, education and leisure by bicycle. Indeed at the very extreme of this distance a substantial proportion of the employment areas with Gainsborough would be reached. To the Heapham Road/ Foxby Lane Industrial Estate this distance would increase to an approximate 4.2km.

The site, however, is also within 400m of the nearest bus stop on Gainsborough Road. Services which serve this stop include the 100 to Scunthorpe, Gainsborough and Lincoln, 105 and 107 Gainsborough to Lincoln services. The 100 is an hourly service during the day Monday to Saturday but with no evening services and no service on a Sunday. The 105 is a twice daily school service whilst the 107 is also a twice daily service with no service on a Sunday. In general, therefore, this provides the village with a reasonable level of service.



As noted earlier facilities within Lea are extremely limited leaving residents to travel for most services. Whilst the accessibility of services in Gainsborough is noted the modal split of vehicular traffic to non-vehicular traffic indicates that 21% of trips would be by non-car means only. This leaves the majority of journeys to be undertaken by private motor vehicle. It is also worth noting that a similar modal assessment was undertaken for the recent application at Willingham Road, Lea (ref. no. 133236). Whilst accepting that, that proposed development was substantially larger and positioned further to the south east of the village here the assessment indicated 91.5% modal split in favour of car travel. This perhaps shows the difficulty in assessing the modal split between car and non-car travel but it does show that despite the availability of alternative methods of transport the majority of trips will still be undertaken by car indicating the sustainability of Lea is limited and is not suited to very large proposals such as the application submitted.

## 5. Design, Layout and Landscaping

This application is in outline form with all matters reserved. The detail of the layout is, therefore, difficult to assess. An indicative layout has been provided, however, and the natural flood constraints of the site will limit the extent of actual development.

The access road will extend from the road and will provide an urban estate access road to the site through farm or grazing land. The community centre and public open space will be located upon the lower land removing the existing large agricultural buildings.

The indicative layout seeks to surround the estate to the west and south with open space which can be landscaped to soften the impact on the character of the adjoining countryside. This will also assist with drainage. This also marks the two natural constraints of the site, namely the extent of the flood area to the south and west and the nature conservation area, which connects to a SSSI further to the west and needs to be protected. Whilst beneficial it is not considered that the open space and planting would be sufficient in itself to protect the character of the area.

Roads will in general follow the contours of the site to provide a rounded edge to the site. A swale and footpath would however run roughly north to south to create a green avenue through the housing.

Noting the amenities of existing residents the applicant has sought to place a landscaped edge to the northern and eastern edges of the site. This will soften the impact on these properties although some objections have outlined concerns about the footpath which could reduce security and increase noise and nuisance.

The applicant has proposed a maximum height of two storeys on the development although dormer bungalows are shown to the east and parts of the northern section of the estate to reduce impact on adjoining properties. The sheltered accommodation and community facilities are proposed to be

single storey structures. This will provide a graduated appearance to the development from the A156. These matters can be conditioned.

It should be noted that approximately 3.78ha sq.m of open space will be provided which more than meets the required percentage of open space required by saved Policy R5 of the West Lindsey Local Plan. The area however, would on the whole be available for informal recreation rather than formal recreation on account of its dimensions. The parts of open space are also designated nature areas which means that they cannot be utilised for general use, but would still provide some visual amenity and so can be usefully considered as amenity space.

## 6. Infrastructure

STRAT9 indicates that proposals for the development and other use of land must take account of the need to provide on- and off-site service and social/community infrastructure and other services in accordance with the requirements of statutory undertakers and other providers of essential services. 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.

Following consultations with health and education authorities it has been determined that this proposal would impact upon these services. Both have requested commuted sums.

It has been determined that even without the proposal the Primary school at Lea, the Frances Olive Anderson CE Primary School will have no surplus spaces by 2018, when it is reasonable to assume would be the earliest the development would begin to be occupied. Equally, it has been determined that school based 6<sup>th</sup> Form education facilities would not have sufficient capacity to accommodate pupils generated by the proposal. Secondary education provided by schools within Gainsborough would, however, have capacity and as a result no contribution is sought for these schools. The primary contributions would equate to 2 spaces and 6<sup>th</sup> Form, 3 spaces. The contribution would total £292,088. LCC education has indicated that these sums would be spent on those schools that serve the local population of Lea. The applicant has indicated a willingness to meet this contribution.

The NHS has indicates that residents of Lea utilise three GP practices but that Caskgate Street Practice in Gainsborough would be most directly impacted upon. It is likely that 311 patients would be generated from 135 dwellings and the practice could not accommodate such numbers. At present the registered population of the practice is circa 10,500 and as at 1 April 2015 it held 44% of the total registration list for Gainsborough. The building is now inadequate for the current services required, it was not purpose built. Funding is therefore sought to be pooled to allow the purchase of a larger building or for its refurbishment. A formula to calculate the cost of such a patient has been utilised and is based upon on the needs of a Primary Care Health Team and

associated administration support. This leads to a request of £57,375. The applicant has again noted this and has outlined a willingness to fund such a contribution as part of an s106 agreement.

The village of Lea has a small play area which is located across the road from the application site. It is within 400m of the site and as a result is accessible and would be aided by the pedestrian refuge proposed at Gainsborough Road/ Willingham Road.

The applicant is also seeking to provide a community centre which includes a café and hall which would be available for functions etc. Whilst the provision of community facilities can be attached positive weight, the applicant has not demonstrated a need, indicated how this would be provided, would it be built or would it simply be land available should the proposal come forward. Without clear and definite assurances that such facilities could be brought forward this element of the scheme should only be afforded limited weight in any considerations.

## 7. Archaeology & Heritage

Heritage matters which includes archaeology, is given significant weight within the NPPF and is given a specific chapter in the same way as housing, the economy etc. and it forms a key element of assessing whether a development is sustainable or not. It notes at paragraph 126 that Local Planning authorities should plan positively for the conservation and enjoyment of the historic environment and states: *'In doing so, they should recognise that heritage assets are an irreplaceable resource and conserve them in a manner appropriate to their significance'*.

It then further notes 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. National Planning Policy Framework Section 12, para 128.

The application site lies within Lea Park and parkland features may survive; there are also archaeological records of quantities of Roman material, including coins being found within the site boundaries as well as medieval and post medieval finds.

Following earlier concerns the applicant has provided a geophysical survey of the site which has highlighted a potential Romano-British enclosure. Insufficient information is currently available on this to ascertain the exact nature of this potential archaeological find nor its significance. It was recommended that the applicant provide an additional intrusive survey to identify the significance including trial trenching.

However, the applicant has enacted their right of appeal without having fully appraised this impact, contrary to NPPF paragraph 128. Given the non-determination application submitted this is not possible and this has been

communicated to Lincolnshire County Council's archaeological advisers. Notwithstanding their concerns the latest response to this matter has suggested that whilst not ideal they would be willing to accept a condition to undertake such work before a reserved matters application is submitted. This is due, in part to the outline nature of the proposal which can exclude the area of interest. The applicant has also shown that the area would not form part of the main developed area. The development, however, is outline in form and as a result the significance and protection of these potential features cannot be guaranteed by the use of conditions which has been indicated within the response from the archaeological officers. Given the potential importance of such finds it is considered that this weighs heavily against the proposal.

The site is also close to a number of listed buildings, namely Mellow Cottage and the Old Post Office (grade 2), Holly House (Grade 2) & the Village Farm House. The proposal would be close to these dwellings but their setting and significance would not be significantly impacted upon due to existing development wrapping round these properties. As such it is not considered that the proposal would detract from the significance of these listed buildings and the proposal would accord with the provisions of the NPPF.

## 8. Ecology

The site is bounded by an area known as the Lea Marshes to the west of the site which is a Site of Special Scientific Interest (SSSI). Although the site adjoins the SSSI it does not project into the designation. The lower section of the site, however, is also dissected by a narrow strip of land which has a local designation of ecological importance (Track to Lea Marshes Local Wildlife Site (LWS)). The importance of this land is due to its fauna – subterranean Clover which is only found in one other location in Lincolnshire.

### Lea Marshes SSSI

Despite the position of the development adjoining the SSSI, Natural England has not objected to the development. The main concern relates to the position of the site partially within a flood zone and its potential to contaminate the area as a result of flood waters from the site. As the importance of the SSSI relates to the habitat as a floodplain meadow and wet grassland a clear understand of the hydrology and drainage of the SSSI is required along with the impact of run off from the site and prevention of contamination during a flood event. A condition, however, is requested to agree such details before development commences which would mitigate these concerns.

### The LWS

The design of the proposal indicates that most of the LWS will be retained within the green landscaped of the site but that the main access road would cut through the LWS. Whilst the presence of the LWS has been recognised within the ecological report, no detailed plans were available at the time of writing and so no detailed recommendations could be made. Given the block plan indicates there would be impacts on the LWS, including loss of a section

for the pathway and access, further information on such an impact should be supplied as to the avoidance, mitigation or compensatory measures. It should also be noted that the proposed pedestrian access would also run along a substantial length of the LWS which would further detract from the ecological importance of this area.

Policy NBE12 of the WLLP indicates that development will not be permitted which would adversely affect any of the following, unless there is a demonstrable overriding regional or local need for the development which cannot be accommodated elsewhere and the reason for the development clearly outweighs the need to safeguard the substantive nature conservation value of the site:

- i. Site of Nature Conservation Importance;*
- ii. A Local Nature Reserve;*

It further notes that where development is permitted planning conditions will be imposed which will require:

- a. That adequate opportunity is provided to enable proper recording of the site;*
- b. That before development commences measures are agreed with the Council and taken by the Developer which mitigates the effects of the development on the site, the woodland and the wildlife, and compensate for any potential loss, in order to recognise and preserve the nature conservation interest.*

The LWS was designated primarily for the presence of a population of subterranean clover (*Trifolium Subterraneum*), a species which is known from only one other site in Lincolnshire. It is essential to not only preserve the population within the LWS but also to ensure that appropriate management is established to allow its ongoing maintenance and spread where possible into the adjacent areas of green space. The plant requires sandy soils with an open short sward. This habitat can be maintained through informal 'management' by grazing rabbits or through a regime of light grazing by sheep. This is what is happening currently.

The Lincolnshire Wildlife Trust '*strongly*' indicated that landscaping plans for the site included provision of acid grassland habitats where sandy soils are present. Provision of new areas suitable for Subterranean Clover and other species from the LWS to spread, it noted would help to provide compensation for the predicted loss of part of the LWS by the roadway. They also noted that where the loss of LWS habitat occurred, replacement provision of at least double the area of habitat of equal quality ought to be sought.

The plans presented indicate large areas of green space which would be provided within the development. This could not only provide sufficient compensatory habitat but also provide significant net gains in biodiversity if designed appropriately. Whilst the potential for such areas is recognised, the detail of how these areas would be set out and managed is not detailed. This

is particularly important as the open space would become available for the residents of the estate.

The applicant has responded to these points through the addition of a brief management plan. This includes details of planting and fencing to ensure such features are maintained. Whilst this has been recognised Lincolnshire Wildlife Trust remains unconvinced that the measures recommended would protect or enhance these important features of the site and in particular the population of the Subterranean Clover. The information of the location of this important fauna is based on a 2006 survey which has been superseded by the more recent 2012 survey. Whilst the locations identified are similar to that shown in 2012 an up to date survey of the site undertaken by a competent botanist should have been undertaken to ensure that nothing has changed significantly. This should be accurately plotted on the proposed plans to identify which areas would be impacted upon. In the same way the plans submitted have not identified areas for compensation habitat due to the construction of the access road or indeed areas of biodiversity enhancement.

The management plan has also been shown to be of limited quality and relate only to the management of the existing areas of the LWS rather than including compensatory areas of land to be formed. It is accepted that conditions could be imposed to address this issue.

Finally, there should also be some information to demonstrate the mitigation measures that will be incorporated during construction to ensure that there will be no significant impacts on the areas of retained LWS habitat.

No such detail has been provided and as a result the proposal is deemed to harm this Local Wildlife Site which has district importance.

It appears therefore that whilst the proposed development has the potential to protect the important ecological features of this area, the detail provided to identify the area of actual significance, the impact the proposal would have on these designated area and mitigation possible has not been properly identified. Until such detail is provided the actual impact, potential harm/mitigation cannot fully assessed and as a result the proposal falls contrary to saved Policy NBE12 of the West Lindsey Local Plan First Review.

### Protected Species

Public consultation indicates that there are a number of protected species on site, or within the surrounding area. The applicant has provided an Extended Phase 1 Habitat Survey where evidence of badger sets have been identified to the south western boundary of the site some of which are deemed to be active. Badgers are known to roam and abandon their sets but the current active set appears to be located within a proposed area of open space. In addition to this, a small number of trees were identified as having the potential to accommodate bats at the site. Further surveys of these features are required and have not been provided. The wider area is attractive to protected bird species and as a result the report recommends that the site includes a

15m strip of broadleaf woodland to prevent disturbance to the wetland bird species found in the area. The site, however, does not contain any habitats that are likely to attract Great Crested Newts. No objections have been received from Natural England or Lincolnshire Wildlife Trust on these grounds. Given the information available and in accordance with standing advice it is considered that these issues can be dealt with through appropriate conditions for further surveys, potential mitigation measures and habitat enhancement.

## 9. Flood Risk and Drainage

The NPPF indicates that inappropriate development in areas at risk of flooding should be avoided by directing development away from areas at highest risk, but where development is necessary, making it safe without increasing flood risk elsewhere (para. 100).

The NPPG also requires the submission of a Flood Risk Assessment to show that proposals have fully considered flood risk by directing development away from those areas most at risk of flooding, both at site selection stage but also within the site. Proposal would also be required to show that flooding would not be made worse elsewhere surrounding the site.

The vast majority of the application site has been shown to fall within Environment Agency Flood Zone 1 which is suitable for housing development. All residential development would be located within this area. The lower parts of the site however, fall into zones 2 and 3. This effects the areas of open space, the community centre (part) and the main access road. The Environment Agency originally objected to the proposal on these grounds and the fact that the main swale SUDs were also located within flood zones 2 & 3. Following discussions the swales have now been relocated onto higher land and it is proposed to increase the ground levels of both the community centre and the access to above flood level. As a result the Agency has withdrawn its initial objections to the proposals.

The aim of a sequential test is to direct development to the least vulnerable flood risk locations. The applicant has outlined that a sequential test is not required for developments within flood zone 1 and that the majority of site falls within this area. As noted, however, the main access to the site, the open space areas and parts of the community hub do however, fall within flood zones 2 and 3. It is therefore appropriate for decision makers to consider alternative sites in a sequential analysis. The NPPG indicates that when applying the sequential test decision makers should take a pragmatic approach to alternative sites (para 33 ref id -7-33-20140306). In this instance, given all the housing (more vulnerable use) is located outside flood zones 2 and 3 and following amendments which modify land levels where the community building and access (less vulnerable use) would be sited the property is deemed suitable for development sequentially and that alternative sites should not, in this instance be considered.

The exceptions test also needs to apply, which again is difficult as the majority of the site and all the dwellings are located outside of the flood zones 2 and 3. The community hub would be assist to serve the area as a whole whilst the road is required to access the estate. On this basis the need for the applicant to locate these aspects of the development on this area is deemed acceptable.

The changes to ground levels to the community centre and the road would ensure that the development was safe for its life time. The raising of these two, in effect small areas of the site, would be compensated for by the use of materials excavated from the site itself creating replacement flood plain areas so that the adjoining land would not be detrimentally affected by water. Further to this culverts would be placed under the built up access road to allow flood waters to flow east of the access as it currently does in extreme events. This again would ensure that adjoining properties would not suffer from displaced water.

The application has been the subject of pre application advice and the applicant has put forward a scheme which provides Sustainable Urban Drainage suitable for a site where ground levels fall by approximately 15m to the south west. This has been designed with the use of swales, piping where necessary and larger swales to the west and south of the site.

In investigating the site, it was found that the upper parts of the site were in essence of a clay nature limiting natural infiltration but that lower slopes were of a sandy make up. The proposed positive drainage of the upper areas of land directing water into swales/ a piped system towards the proposed swales would sufficiently deal with the levels of water generated. This would then be released at a limited rate into the surrounding water courses. The Lead Flood Authority has considered this and have not raised an objection. The outline nature of the proposal is however noted and as a result conditions are required to provide full details of a scheme based on these principles agreed.

The third drainage issue is to ensure that the proposal has an adequate foul drainage connection. The existing Seven Trent Water's foul drain is located through the site and its capacity is questioned. Seven Trent Water has indicated that the system may have to be up graded but has not objected to the proposal. It is considered therefore that subject to restrictive conditions requiring the upgrade of the system to be agreed this matter would not represent an issue that would justify a refusal of planning permission.

### **The planning balance and conclusions**

The development seeks to erect up to 135 dwellings, a 200sqm A1 retail unit, a 300 sq.m class A3 café/ restaurant and a 300 sq.m community hub within open countryside outside of the settlement of Lea.

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



Development would run contrary to the provisions of the statutory development plan, the West Lindsey Local Plan First Review 2006. It would be contrary to saved policies STRAT1, STRAT3, STRAT12, NBE10 and NBE20 which seek focus development in sustainable locations, to protect the intrinsic character of the countryside and to protect the natural resources of the borough. Development would therefore fall to be resisted unless other material considerations indicate otherwise.

Whilst the Authority is able to demonstrate a deliverable supply of housing land to meet need over five years, this is dependent upon departures from the extant plan. The spatial application of housing policies in that plan is therefore considered to be out of date and the second bullet point of the NPPF presumption in favour of sustainable development is engaged which is:

- *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 Framework taken as a whole; or*
  - *specific policies in the Framework indicate development should be restricted.*

The development would contribute market housing towards an identified need and the applicant claims it could be delivered within a 5 year period, despite no developer being on board at this stage. Nevertheless, delivery of the site is not essential in order to maintain a deliverable 5 year supply of housing land.

25% of the development would be designated as Affordable Housing, of which there is a District wide need. The delivery of housing (including a policy compliant percentage of affordable housing) can be attached positive weight in the overall balance.

Nonetheless, Lea is a subsidiary rural settlement in the Local Plan – and designated a medium village in the emerging Central Lincolnshire Local Plan. Lea has basic facilities (a primary school, village hall, playing fields) – it does not have any shop, post office, public house or other facilities (health clinic, secondary school etc.) – it is truly subsidiary to Gainsborough. It is not an area in which significant growth is envisaged.

Lea, however, benefits from its close proximity to Gainsborough and does have a regular bus service. Accounting for this, the draft Plan envisages Lea could accommodate 15% growth over the plan period, rather than the standard 10% for medium villages. In comparison, the application proposes 28.5% growth for the village– almost double that which is envisaged for a medium village with such limited facilities as Lea.

There are little facilities within convenient walking of the site but the Gainsborough Town Centre would be within cycling distance of the

development. The application concludes that most users (79%) will be using private car to access employment, retail and other facilities. It does not anticipate that despite positive measures to increase public transport take-up, that this would significantly shift modal choice.

The development proposes the inclusion of a 200sq.m A1 retail unit, a 300sq.m class A3 café/ restaurant and a 300 sq.m community hub. There is, however, no commitment to deliver this infrastructure, no potential operators. Equally the provision of onsite convenience goods is no guarantee that it would reduce the need to travel. This benefit should only be attached limited weight.

The impact on the highway of this development is not deemed severe and whilst additional traffic would be generated it is considered that this can be acceptably mitigated through improvements to the highway, mainly at the site junction on the A156 but also through the provision of an island at the junction of the A156 and Willingham Road to aid pedestrian access.

The majority of the site including all housing and the proposed swale SUDs are located within flood zone 1. Sequentially, although a proportion of the site is located within flood zones 2 and 3 amendments to the scheme have raised the site's access and the community facilities above a level that flooding would occur. Despite original concerns sufficient detail is deemed to have been provided to show that the site can operate at times of an extreme event for its life time and without causing additional harm elsewhere.

The drainage of the site is deemed acceptable subject detailed designs being provided at reserved matters stage and will not harm surrounding areas. Foul drainage is potentially at capacity but subject to conditions an acceptable solution is possible.

The scale of development would be double that anticipated for the village of Lea having a detrimental impact on the character and nature of the settlement. The proposal would also potentially undermine the emerging Central Lincolnshire Local Plan.

The scale of development proposed would project prominently into important open countryside (AGLV) harming the character of the area. It would be readily perceptible from the busy classified road (A156) changing the entrance character of Lea from rural to a distinctly urban.

The development would take place within a sensitive Local Wildlife Site (LWS) which includes flora that is almost unique within the district. Insufficient information has been provided with respect to the quantum and quality of the protected species and the future maintenance of the LWS and its ecological importance. In addition it is unclear whether mitigation/ replacement measures identified would adequately protect the ecological importance of this area.

In addition, the impact on potential archaeological remains on the site has not been fully determined and as such it cannot be certain whether there would be a loss of significant.

On balance it is considered that the three strands of sustainable development (social, economic and environment) required by the NPPF are not met.

It is concluded that, in view of the scale of development envisaged within village with limited facilities, its sensitive location and potential impacts on a Local Wildlife Site, that the adverse impacts of development would significantly and demonstrably outweigh the benefits of development.

Development does not comply with the policies of the West Lindsey Local Plan First Review (2006), most particularly policies STRAT1, STRAT9, STRAT12, NBE10 and NBE20. Development does not meet the NPPF presumption in favour of sustainable development.

*Other matters*

None

#### **Human Rights Implications:**

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

#### **Legal Implications:**

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

#### **Representors to be notified -**

*(highlight requirements):*

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

**Prepared by :** Jonathan Cadd

**Date :** 17/06/2016

**Signed:**



**Authorising Officer:**

**Date:** 17/6/16

**Decision Level** (tick as appropriate)

Committee