

## **Officers Report**

### **Planning Application No: 136577**

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

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

**WARD:** Gainsborough North

**WARD MEMBERS:** Cllr Bardsley, Cllr Bibb and Cllr Boles

**APPLICANT NAME:** Thonock and Somerby Estates

**TARGET DECISION DATE:** 3/5/19

**DEVELOPMENT TYPE:** Major - Dwellings

**CASE OFFICER:** Martin Evans

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

#### *Affordable housing*

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

#### *Education*

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

#### *NHS*

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

#### *Strategic Formal Playing Fields*

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

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

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

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

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

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

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

**Description:**

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

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

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

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

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

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

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

**Relevant history:**

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

**Representations:**

**Cllr Bardsley and Cllr Bibb:**

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

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

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

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

Additionally we consider the following apply:

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

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

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

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

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

Common Pipistrelle

Soprano Pipistrelle

Noctule

Brown long-eared

Species of Myotis

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

### **Gainsborough Town Council:**

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

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

### **Local residents:**

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

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

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

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

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

**Council Housing Strategy Lead Officer** comments summarised as follows:

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

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

**Council Tree Officer:**

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

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

**LCC Local Education Authority:** Notes where an application is outline a formulaic approach will be taken in a section 106 agreement, this may result in a higher contribution if a high proportion of large houses are built. This would be finalised at the reserved matters stage. It indicatively requests £90,211 towards 0.5 form entry extension of Castle Wood Academy to 1.5 form entry including 4 additional classrooms and ancillary facilities. The County Council will ensure that no more than five s.106 agreements are signed towards a specific piece of infrastructure. We would suggest the s.106 monies are paid at the halfway point in the development to allow timely investment by the County Council whilst not adversely affecting the developer's viability.

**LCC Minerals and Waste Team:** no safeguarding objections.

**LCC Archaeology:** no comments.

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

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

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

**“Condition 1**

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

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

**Reason**

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

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

**Condition 2**

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

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

**Reason**

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

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

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

**Natural England:** no comment.

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

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

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

### **Relevant Planning Policies:**

#### **Development plan**

To the extent that development plan policies are material to an application for planning permission the decision must be taken in accordance with the development plan unless there are material considerations that indicate otherwise (section 70(2) of the Town and Country Planning Act 1990 and section 38(6) of the Planning and Compulsory Purchase Act 2004).

Here, the Development Plan comprises the provisions of the Central Lincolnshire Local Plan (April 2017); and the Lincolnshire Minerals and Waste Local Plan (December 2017 and June 2016).

#### **Lincolnshire Minerals and Waste Local Plan**

- Core Strategy and Development Management Policies
- Site locations

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

Policy M11: Safeguarding of Mineral Resources

#### **Central Lincolnshire Local Plan**

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

Policy LP2: The Spatial Strategy and Settlement Hierarchy

Policy LP3: Level and Distribution of Growth

Policy LP9: Health and Wellbeing

Policy LP10: Meeting Accommodation Needs

Policy LP11: Affordable Housing

Policy LP12: Infrastructure to Support Growth

Policy LP13: Accessibility and Transport

Policy LP14: Managing Water Resources and Flood Risk

Policy LP17: Landscape, Townscape and Views

Policy LP21: Biodiversity and Geodiversity

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

Policy LP25: The Historic Environment

Policy LP26: Design and Amenity

Policy LP38: Protecting Gainsborough's Setting and Character



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

## **Other**

Central Lincolnshire Developer Contributions Supplementary Planning Document

<https://www.n-kesteven.gov.uk/central-lincolnshire/local-plan/supplementary-planning-documents-and-guidance-notes/>

National Planning Policy Framework 2019 and Planning Practice Guidance

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

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

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

## **Gainsborough Town Neighbourhood Plan**

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

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

## **Main issues**

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

## **Assessment:**

### **The principle of development**

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

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

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

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

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

“\*\*\* throughout this policy and Policy LP4 the term ‘developed footprint’ of a settlement is defined as the continuous built form of the settlement and excludes:

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

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

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

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

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

### **Flood risk and drainage**

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

The NPPF requires:

"155. Inappropriate development in areas at risk of flooding should be avoided by directing development away from areas at highest risk (whether existing or future). Where development is necessary in such areas, the development should be made safe for its lifetime without increasing flood risk elsewhere."

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

"159. If it is not possible for development to be located in zones with a lower risk of flooding (taking into account wider sustainable development objectives), the exception test may have to be applied. The need for the

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

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

- a) the development would provide wider sustainability benefits to the community that outweigh the flood risk; and
- b) the development will be safe for its lifetime taking account of the vulnerability of its users, without increasing flood risk elsewhere, and, where possible, will reduce flood risk overall.

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

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

- a) within the site, the most vulnerable development is located in areas of lowest flood risk, unless there are overriding reasons to prefer a different location;
- b) the development is appropriately flood resistant and resilient;
- c) it incorporates sustainable drainage systems, unless there is clear evidence that this would be inappropriate;
- d) any residual risk can be safely managed; and
- e) safe access and escape routes are included where appropriate, as part of an agreed emergency plan.”

“165. Major developments should incorporate sustainable drainage systems unless there is clear evidence that this would be inappropriate. The systems used should:

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

### *Sequential test*

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

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

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

The PPG advises the area to apply the sequential test across will be defined by local circumstances relating to the catchment area for the type of development proposed. In some cases it may be defined by other Local Plan policies. When applying the Sequential Test, a pragmatic approach on the availability of alternatives should be taken.

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

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

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

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

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

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

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

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

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

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

#### *Exceptions test*

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

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

- a) the development would provide wider sustainability benefits to the community that outweigh the flood risk; and
- b) the development will be safe for its lifetime taking account of the vulnerability of its users, without increasing flood risk elsewhere, and, where possible, will reduce flood risk overall.

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

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

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

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

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

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

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

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

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

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

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

#### *Site specific flood risk assessment and drainage matters*

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



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

The FRA considers flood risk mitigated by:

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

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

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

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

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

### **Residential amenity**

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

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

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

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

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

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

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

### **Highway safety and convenience**

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

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

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

The submitted Transport Statement states:

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

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

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

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

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

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

### **Ecology and trees**

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

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

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

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

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

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

### **Open space requirements (LP24, Appendix C and SPD)**

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

#### *Strategic playing fields*

Based on predicted occupancy levels and the formula in the local plan and SPD the proposal generates a need for 1239.7m<sup>2</sup> of strategic playing fields.

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

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

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

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

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

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

"Roses Sports Ground – Playing Surface"

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

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

#### Local Useable Green Space

Based on predicted occupancy levels and the formula in the local plan there is a need for 2028.6m<sup>2</sup> of locally useable green space.

The application indicatively shows a locally equipped area of play (LEAP) with three public open spaces totalling approximately 2000m<sup>2</sup>.

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

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

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

### **Affordable housing and developer contributions (LP11 and LP12)**

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

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

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

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

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

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

LCC Corporate Property Team notes where an application is outline a formulaic approach will be taken in a section 106 agreement, this may result in a higher contribution if a high proportion of large houses are built. This would be finalised at the reserved matters stage. It requests £90,211 towards 0.5 form entry extension of Castle Wood Academy to 1.5 form entry including 4 additional classrooms and ancillary facilities. The County Council will ensure that no more than five s.106 agreements are signed towards a specific piece of infrastructure. LCC suggest the s.106 monies are paid at the halfway point in the development to allow timely investment by the County Council whilst not adversely affecting the developer's viability.

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

### **Other**

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

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

Policy LP10 requires 30% of dwellings to M4(2) of the Building Regulations, unless the characteristics of the site provide exceptional reasons for delivery of such dwellings to be inappropriate or impractical. The three storey design with non-habitable ground floor rooms required to overcome flood risk are considered exceptional reasons such that this policy requirement can be dis-applied.

The same policy requires new residential development should maintain, provide or contribute to a mix of housing tenures, types and sizes to help support the creation of mixed, balanced and inclusive communities. Whilst affordable housing is to be dealt with as an off-site contribution, the types and sizes of houses still needs to be conditioned to create balanced communities. The proposal is considered compliant with LP10.

The proposal would not impact a public right of way.

### **Conclusion**

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

Policy LP3: Level and Distribution of Growth, Policy LP9: Health and Wellbeing, Policy LP10: Meeting Accommodation Needs, Policy LP11: Affordable Housing, Policy LP12: Infrastructure to Support Growth, Policy LP13: Accessibility and Transport, Policy LP14: Managing Water Resources and Flood Risk, Policy LP17: Landscape, Townscape and Views, Policy LP21: Biodiversity and Geodiversity, Policy LP24: Creation of New Open Space, Sports and Recreation Facilities, Policy LP25: The Historic Environment, Policy LP26: Design and Amenity, Policy LP38: Protecting Gainsborough's Setting and Character, Policy LP40: Gainsborough Riverside, Policy LP41: Regeneration of Gainsborough, Policy LP50: Residential Allocations - Main Towns and Policy LP55: Development in the Countryside of the Central Lincolnshire Local Plan as well as the Central Lincolnshire Developer Contributions Supplementary Planning Document and National Planning Policy Framework 2019 and Planning Practice Guidance.

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

## **Recommendation**

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

### **Affordable housing**

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

### **Education**

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

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

#### NHS

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

#### Strategic Formal Playing Fields

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

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

Conditions:

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

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

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

2. No development shall take place until, plans and particulars of the layout, scale and appearance of the building(s) to be erected, and the landscaping of the site (hereinafter called "the reserved matters") have been submitted to and approved in writing by the Local Planning Authority, and the development shall be carried out in accordance with those details.

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

3. The development hereby permitted shall take place not later than 2 years from the date of approval of the last of the reserved matters to be approved.

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

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



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

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

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

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

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

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

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

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

The scheme shall:

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

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

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

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

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

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

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

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

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

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

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

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

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

Reason: In the interests of safety, to avoid the creation of pedestrian trip hazards within the public highway from surfacing materials, manholes and gullies that may otherwise remain for an extended period at dissimilar, interim construction levels in accordance with Policy LP13 of the Central Lincolnshire Local Plan.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

## **Informatives**

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

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

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

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

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

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

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

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

#### **Legal Implications:**

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