

Officers Report

Planning Application No: 140111

PROPOSAL: Planning application for residential development of 135no. dwellings, comprising one and two storey dwellings and 2no. four storey apartment buildings, with associated amenity spaces and car parking.

LOCATION: Land off Bowling Green Road Gainsborough
WARD: Gainsborough North
WARD MEMBER(S): Cllr M D Boles, Cllr M J Snee and Cllr K R Panter
APPLICANT NAME: Acis Group

TARGET DECISION DATE: 03/01/2020 (Extension of time agreed until 10/01/2020)
DEVELOPMENT TYPE: Major - Dwellings
CASE OFFICER: Rachel Woollass

RECOMMENDED DECISION: Grant permission subject to the EA response and conditions.

The application has been referred to the committee as West Lindsey District Council own part of the site.

Description:

The site is approximately 3.25ha and is predominantly flat, separated from the River Trent by a steeply sloping bank. This defines the western boundary of the site and elevates a walkway from the bank of the river. It is approximately 2m above the general site level.

To the north and east of the site sit two storey residential developments, typical of the Victorian vernacular style of the area.

A more contemporary 2000's residential development, containing a combination of two and three storey terraced and detached dwellings, sits along Bowling Green Road overlooking the site's southern boundary.

Wilson Street, is an existing adopted road which runs north to south

The application seeks permission (in full) for a residential development of 135 dwellings comprising of one and two storey dwellings and 2 four storey apartment buildings, with associated amenity spaces and car parking.

The site is allocated for residential development in the Central Lincolnshire Local Plan (site CL4689).

Relevant history:

120984 – Demolition Determination – Consent to demolish dwellings, grub up floor slab and foundations and seal redundant drains. Prior approval not required 18/10/07

Representations:

Gainsborough Town Council: Members raised concerns regarding the increase in traffic onto Ropery Road.

Local residents:

5 Asquith Street – Has there been any assessment on the increase of traffic to the proposed application?

3 George Street – with respect to the proposed siting of the electricity sub-station behind the borders of gardens of the odd numbers of George Street (drawing number 302.03.101), I would proposed changes that site the transformer at least 8 metres from the George Street gardens border (presently approximately 3 metres), be in brick built construction and vented towards the Riverside (west) to reduce noise, especially at night when a no load on a transformer gives 50hz (hertz) hum sound to the surrounding area. The architects are aware a substation devalues adjacent properties and have clearly sited their houses at a further distance to the substation than George Street properties.

7 George Street – [recv'd 05/11] I have lived at 7, George street, since August 1981 and in all that time I have always been told that the land behind me would never be built on because of the risk of flooding. Even if we have a rainy summer my garden becomes a quagmire, so it will be even worse closer to the river, and with Global warming, Flooding is becoming a major problem in area's they thought safe.(There is only one insurance company that will insure me because of the close proximity of the river).

People have bought houses and settled in this street (on the river side especially) because of the peace and quiet and the open views of the countryside.

At the public meeting (which I was unable to attend due to a Hospital appointment) I was informed that the houses would stop at the junction of Japan road & George Street, but looking at the plans this is not the case. This is not what the residents want, the noise & traffic will be horrendous compared to what we are used to.

I have already been in to the council to complain about the bulldozers clearing the land of Bushes, undergrowth and even Trees and a small Wood, which the council knew nothing about. At this time of year everything are going into hibernation, the area is full of Hedgehogs, small mammals, Pheasants, Fox's and we have seen Deer going through, the birds are various and number thousands and the Cuckoo returns every April.

I think every piece of Green land is vital in this day and age and everyone should play their part in preserving nature not destroying it.

There are more than enough empty houses in Gainsborough that would be far more beneficial to renovate, to upgrade neighbourhoods than the need to build new.

Highways and Lead Local Flood Authority (LCC):

13/12/19: No objections, conditions and informatives suggested. Requests monies for Travel Plan monitoring and Traffic Regulation Order.

27/11/19 - Highways

General layout arrangement is acceptable, the following information will be required:

- A shaded plan showing areas proposed for adoption.

The turning head serving Block B indicates that it incorporates a vertical deflection, this will require alteration as the HLLFA do not accept vertical deflections in the carriageway. As an indicated shared surface (minimum of 5.5m in width) the 0.5m service margins will require replacing as these are no longer accepted. These should be replaced for a 1.8m wide soft service margin where required. Please refer to Lincolnshire County Councils Development Roads and Sustainable Drainage Design Approach available on our website.

The existing traffic regulation order serving Wilson Street will require revocation. This work would be carried out by the Highway Authority at the applicants expense. A sum of £2000.00 via a Section 106 will be required to cover the cost for the removal of the Traffic Regulation Order. This does not include the physical removal of the signs and markings on site as this will require inclusion in the S38 works to upgrade Wilson Street to serve the proposed development.

Drainage

Current drainage strategy should consider incorporating further SuDS measures in order to improve the quality of surface water discharge leaving site.

Travel Plan

Recommendations requested for the travel plan. A sum of £5000.00 via a Section 106 agreement will be required for approved travel plan monitoring.

NHS England: The above development is proposing 135 dwellings which, based on the average of 2.3 people per dwelling for the West Lindsey District Council area, would result in an increase in patient population of 311. An increase in population of 311 in the West Lindsey District Council area will place extra pressure on existing provisions. As such Cleveland Surgery and Caskgate Street Surgery may be affected by the development. The contribution requested for the development is £85,387.50.

Public Protection: Contamination - Fact of a combined Stage 1/Stage 2 Geo-Environmental Report having been submitted with this application ought

not to detract from the need of a comprehensive contaminated land condition being applied to any permission.

Noise – A piling solution would appear to be required to ensure appropriate foundations in the ground conditions apparent. Piling has the potential for significant noise, including vibration. Accordingly any permission ought to be conditioned to require that if percussion piling is to be used then an overall program and method statement ought to be required and agreed in writing before construction commences. Said program shall demonstrate minimum disruption and impact.

Lighting – It is recommended that a lighting plan be required and approved before development commences.

Lincolnshire Police: Do not have any objections to this application.

LCC Minerals and Waste Team: 22/11/19 - It is considered that having regard to the scale, nature and location of the proposed development, the applicant has demonstrated that in accordance with the criteria set out in policy M11, prior extraction of the mineral resource would be impracticable and proximal sterilisation would not be an issue. Accordingly, the County Council has no safeguarding objections.

This reply sets out the County Council's comments and response in its capacity as the Mineral Planning Authority only. The views/comments of other relevant service areas/departments within the County Council (e.g. Highways & SuDs, Education, Historic Environment, etc.) should therefore also be sought where appropriate and taken into account in the determination of the application.

18/11/19 – Within a Minerals Safeguarding Area. The proposals should therefore be accompanied by a Minerals Assessment.

Natural England: No comments

Strategic Housing Manager: The development of this brownfield site in Gainsborough was identified as a site for residential development in the Greater Gainsborough Housing Zone in 2015.

The proposed mix of housing on the site of affordable rent, shared ownership, housing for older people, supported accommodation and housing available to purchase on the open market sale provides a good mix to reflect housing need in Gainsborough and West Lindsey as set out in the Central Lincolnshire Strategic Housing Market Assessment.

The Central Lincs SHMA 2015 identifies a need to provide 911 units per annum over the period 2014– 2019. This equates to a total of 17,400 affordable homes over the period 2012 – 2036. A further need is evidenced by the Lincs Homefinder housing register which has in excess of 500 households requiring affordable housing within Gainsborough and over 25% of those registered are over the age of 55.

West Lindsey have also been working with Housing LIN (The Housing Learning and Improvement Network) to develop an understanding of the requirement for housing for older people in West Lindsey. This has determined a wider range of housing options for people over the age of 55 is required in West Lindsey and across the whole of Greater Lincolnshire. This scheme provides a mix of accommodation types and tenures for older people helping to meet the objectives set out in the Housing Lin report and assisting to meet the needs of our aging population.

The site is in a sustainable location within close proximity to local amenities, shops, doctors surgeries' school etc. and is therefore a good location to develop affordable housing.

Tree Officer: No representations received to date

LCC Education: No representations received to date

Lincolnshire Wildlife Trust: No representations received to date

Environment Agency: In the absence of an acceptable flood risk assessment (FRA) we **object** to this application and recommend that planning permission is refused.

Reasons The submitted FRA (ref: 17-0571/FRA) dated November 2019 does not comply with the requirements for site-specific flood risk assessments, as set out in paragraphs 30 to 32 of the Flood Risk and Coastal Change section of the planning practice guidance. The FRA does not therefore adequately assess the flood risks posed by the development. In particular, the FRA fails to:

1. Fully assess the impact of a breach of the flood defences on the site
2. Identify an 8 metre easement from the toe of the flood embankment

The West Lindsey District Council Strategic Flood Risk Assessment (SFRA) details additional breaches within Gainsborough (see: 'West Lindsey Strategic Flood Risk Assessment (Final Report) July 2009', Part 6, fig. 9.3). The location of a breach is crucial to determining potential impacts on the proposed development. We would advise that the applicant uses data from the SFRA in combination with Environment Agency breach data and sets the finished floor levels based upon all available data.

The drawing 'Proposed Drainage Strategy With Proposed Levels' (ref: 17-0571-006, Rev. C) shows that the proposed development would encroach on the 8 metre easement strip that is required for access to the toe of the flood embankment. The applicant should provide details of the distance between the proposed development and the flood embankment.

In previous discussions with the applicant it was agreed that an easement strip would be maintained from the toe of the flood embankment. The easement strip allows us to undertake essential maintenance on our asset. The erection of a permanent structure within 3 metres and building within 5 metres of the asset would impede any future improvement works or any emergency repair works that may be required. Please note this easement strip should allow access for vehicles.

This proposal is also contrary to policy LP14 in the Central Lincolnshire Local Plan.

Overcoming our objection - To overcome our objection, the applicant should submit a revised FRA which addresses the points highlighted above. If this cannot be achieved, we are likely to maintain our objection.

Archaeology: I can confirm that the results of this evaluation do not warrant any further archaeological involvement in association with this application. This is because it has demonstrated that the development would have no impact except on modern remains of very low significance.

Idox checked 17/12/19

Relevant Planning Policies:

Planning law requires that applications for planning permission must be determined in accordance with the development plan, unless material considerations indicate otherwise. Here, the development plan comprises the provisions of the Central Lincolnshire Local Plan; and the Lincolnshire Minerals and Waste Local Plan.

Central Lincolnshire Local Plan 2012-2036

Relevant policies include the following:

LP1: A Presumption in Favour of Sustainable Development

LP2: The Spatial Strategy and Settlement

LP3: Level and Distribution of Growth

LP9: Health and Wellbeing

LP10: Meeting Accommodation Needs

LP11: Affordable Housing

LP12: Infrastructure to Support Growth

LP13: Accessibility and Transport

LP14: Managing Water Resources and Flood Risk

LP17: Landscape, Townscape and Views

LP21: Biodiversity and Geodiversity

LP26: Design and Amenity

LP38: Protecting Gainsborough's Setting and Character

LP40: Gainsborough Riverside
LP41: Regeneration of Gainsborough
LP50: Residential Allocations – Main Towns

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

Lincolnshire Minerals and Waste Local Plan

The Core Strategy & Development Management policies (CSDMP) were adopted in June 2016 and forms part of the Development Plan. The application site is not within a Mineral Safeguarding Area (MSA).

The Site Locations were adopted in December 2017. The site is within an allocated Minerals Site.

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

National guidance

National Planning Policy Framework
National Planning Practice Guidance

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

Paragraph 213 states that existing 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

The Gainsborough Neighbourhood Plan Steering Group, formed by Gainsborough Town Council, has prepared a draft Neighbourhood Development Plan for its area. The Draft Plan has now been published for formal consultation with local residents, statutory bodies, business and other interested parties. The consultation period runs from Tuesday 29th October 2019 until 5.00 pm on Tuesday 17th December 2019.

Draft policies that may be relevant include –

NPP 1: Spatial Strategy
NPP 6: Design Principles
NPP 7: A Mix of Housing Types
NPP 14: Riverside North

<https://ragegainsborough.co.uk/wp-content/uploads/2019/10/NHP-V7-Draft.pdf>

Paragraph 48 of the NPPF (2019) states that:

“Local planning authorities may give weight to relevant policies in emerging plans according to:

(a) the stage of preparation of the emerging plan (the more advanced its preparation, the greater the weight that may be given);

(b) the extent to which there are unresolved objections to relevant policies (the less significant the unresolved objections, the greater the weight that may be given); and

(c) the degree of consistency of the relevant policies in the emerging plan to this Framework (the closer the policies in the emerging plan to the policies in the Framework, the greater the weight that may be given).”

The Neighbourhood Plan is currently at the earliest formal stage of publication. The first draft has been published and public consultation is now underway. The extent to which there may be objections is yet to be established. It is therefore considered, in accordance with paragraph 48, that only very limited weight may be given to its policies in the determination of this application. Policies do have the potential to alter following consultation.

Main issues

- Principle
- Highways
- Drainage
- Flood Risk
- Affordable Housing
- Viability
- Infrastructure
- Design
- Residential Amenity
- Landscape, Townscape and Views
- Ecology
- Archaeology
- Minerals
- Contamination

Assessment:

Principle

Policy LP2 states that to maintain and enhance their roles as main towns, and to meet the objectives for regeneration, Sleaford and Gainsborough will, primarily via sites allocated in this Local Plan, be the focus for substantial housing development supported by appropriate levels of employment growth, retail growth and wider service provision.

LP3 states that for Gainsborough - around 12% (4,435) of the total homes and employment land needed, delivered through a combined strategy of urban regeneration and sustainable urban extensions.

The site is part of a wider housing allocation (CL4689) Riverside North Housing Zone. LP50 allocates the whole site (13.74ha) for primarily residential use with an indicative capacity of 170 dwellings.

West Lindsey District Council with the support of the Homes and Communities Agency (HCA), is promoting the redevelopment of a number of derelict and disused brownfield sites within Greater Gainsborough and along the riverfront under the Housing Zone initiative. The 'Greater Gainsborough Housing Zone' was one of a number of areas designated by the Government in 2015 and provides the council access to additional borrowing/funding sources and professional support from the Homes and Communities Agency.

The purpose of Housing Zones is to stimulate and accelerate housing development.

The Greater Gainsborough Housing Zone will act as a catalyst to the creation of a new and differentiated housing market in the town. It will expedite the delivery of housing on brownfield land by providing access to the Housing Zone recoverable investment loan funding, HCA professional staff support and dedicated brokerage support from central government to help remove barriers that are preventing schemes from moving forward.

It aims to deliver a minimum of 750 homes across 13 sites including larger strategic sites, aiming to regenerate the town centre and riverfront areas of the town, former industrial sites and some housing sites which have been partially delivered but have stalled.

The site is identified for residential development in the Greater Gainsborough Housing Zone and will be partly publically funded as per the above.

Planning law requires the application to be determined against the provisions of the development plan, unless there are material considerations to indicate otherwise. The site is allocated for residential purposes within the Central Local Plan, and the principle of development therefore accords with the development plan. The principle of housing is therefore acceptable and is in accordance with policies LP2, LP3 and LP50.

NPPF paragraph 20 states that strategic policies should set out an overall strategy for the pattern, scale and quality of development, and make sufficient provision for:

a) housing (including affordable housing), employment, retail, leisure and other commercial development;

Paragraph 85 of the NPPF states that Planning policies and decisions should support the role that town centres play at the heart of local communities, by taking a positive approach to their growth, management and adaptation.

Paragraph 117 states that strategic policies should set out a clear strategy for accommodating objectively assessed needs, in a way that makes as much use as possible of previously-developed or 'brownfield' land.

Policies LP2, LP3 and LP50 of the Central Lincolnshire Local Plan are consistent with the NPPF and should be attached full weight.

Policy NPP1 of the Draft Gainsborough Neighbourhood Plan states that Development in the Gainsborough Neighbourhood Plan area should be located so that it can make a positive contribution towards the achievement of sustainable development. Development should assist in meeting the economic, social and environmental regeneration of the Town in accordance with District policies. The proposal would therefore be in accordance with policy NPP1 of the Draft Neighbourhood Plan although only very limited weight is given to this policy at this early stage of the Plan's development.

Highways

Policy LP13 states that development proposals which contribute towards an efficient and safe transport network that offers a range of transport choices for the movement of people and goods will be supported.

The application site is presently formed of scrubland and demolished housing plots along the east side of Wilson Street, and is bound by the River Trent along the western boundary of the site. Wilson Street runs through part of the application site. Bowling Green Road forms a junction with the southern end of Wilson Street, whilst Japan Road forms a junction with the northern end of Wilson Street.

The proposed residential development will provide a total of 135 residential dwellings split between a sheltered accommodation bungalow, rented apartments, affordable over 50's apartments, affordable houses and privately-owned houses.

The application has been submitted with a Transport Assessment.

This concludes that high quality pedestrian and cyclist connectivity will be provided between the development site and the public footpath which runs along the western boundary of the site, known as the Riverside Walk, via two access points.

The site location is considered to be sustainable due to close proximity to Gainsborough town centre. A range of goods, services and facilities are accessible within a reasonable walk (within 1.5km) of the proposed development site. Footways and pedestrian crossing facilities are provided throughout the area assisting pedestrian journeys to key destinations within Gainsborough.

The local road network, in addition to the National Byway cycle route running through the area, facilitates cycle journeys within Gainsborough and through to surrounding locations. Public transport in the form of bus services provide links between the site location and a number of destinations, including Lincoln, Scunthorpe, Morton and Kirton Lindsey.

It is anticipated that the proposed residential development will result in an additional 48 vehicle trips in the AM peak and 50 vehicle trips in the PM peak. This is considered to be robust on the basis that 30 of the apartments are for over 50's only, however trips rates for standard affordable apartments have been used for these units. It is reasonable to suggest that the over 50's apartments will generate lower amounts of trips compared to apartments with no restrictions on the age of the occupants, as a higher proportion are likely to have retired or generally generate less trips during the traditional weekday AM and PM peak hours.

Due to the low amount of trips forecast to be generated by the proposed development, and the fact that the development has two points of access, it is reasonable to assume that there will be an impact of less than 30 two-way movements on either of the site access junctions (60% of the total maximum peak hour movements). When distributed beyond the site access junctions the trips will be further diluted and as a result will not have a significant impact on traffic flows, highway capacity and road safety on the highway network in the surrounding area.

A Travel Plan (discussed below) has been prepared alongside this Transport Assessment and includes a number of measures which will be implemented to help to manage the level of traffic generation associated with the residential development.

Personal Injury Accident (PIA) records for the 5-year study period do not indicate any significant cluster sites or specific road safety issues within the study area. No PIAs have been recorded along Wilson Street, Bowling Green Road or Japan Road. The proposals are not considered likely to have any significant effect or 'severe' impact on the local highway network, in terms of road safety. Road safety improvements are not therefore proposed as part of the development proposals.

Travel Plan

The application has also been submitted with a Travel Plan (TP). The TP summarised that the site location is considered to be sustainable due to its close proximity to Gainsborough town centre.

A range of goods, services and facilities are accessible within a reasonable walk (within 1.5km) of the proposed development site. Footways and pedestrian crossing facilities are provided throughout the area assisting pedestrian journeys to key destinations within Gainsborough.

The Riverside Walk for use by pedestrians and cyclists to travel between Bowling Green Road and Front Street, and beyond, is also located adjacent to the site.

The local road network, in addition to the National Byway cycle route running through the area, facilitates cycle journeys within Gainsborough and through to surrounding locations.

Public transport, in the form of bus services, provide links between the site location and a number of destinations, including Lincoln, Scunthorpe, Morton and Kirton Lindsey.

Travel Plans have become an important element of working towards national and local transport and sustainability policy objectives, including the National Planning Policy Framework, the Local Transport Plan prepared by LCC, and the Local Plan prepared by the Central Lincolnshire Joint Strategic Planning Committee (CLJSPC). The document has been prepared in accordance with these policy objectives.

The TP brings together aspects regarding on-site measures, in the form of scheme design and the on-site infrastructure proposed, as well as off-site travel options, including walking, cycling and public transport facilities.

Paragraph 108 of the NPPF states that in assessing sites that may be allocated for development in plans, or specific applications for development, it should be ensured that:

- a) appropriate opportunities to promote sustainable transport modes can be – or have been – taken up, given the type of development and its location;
- b) safe and suitable access to the site can be achieved for all users; and
- c) any significant impacts from the development on the transport network (in terms of capacity and congestion), or on highway safety, can be cost effectively mitigated to an acceptable degree.

Policy LP13 is consistent with the NPPF and should be attached full weight.

The Traffic Order is a matter between LCC Highways and the applicant however an informative will be included on the decision notice.

The request for the Travel Plan Monitoring will not be secured by s106 due to the viability of the site. There will however be a condition for a travel plan to be undertaken and adhered to.

Highways requested some amendments to the layout as per their consultation response. An amended site plan was subsequently received and is acceptable.

The proposed residential development is considered to be acceptable in highway and transport terms in accordance with policy LP13.

Drainage

Policy LP14 states that development proposals should demonstrate that certain criteria are met, including:

- g. that water is available to support the development proposed;*
- h. that development contributes positively to the water environment and its ecology where possible and does not adversely affect surface and ground water quality in line with the requirements of the Water Framework Directive;*
- i. that development with the potential to pose a risk to groundwater resources is not located in sensitive locations to meet the requirements of the Water Framework Directive;*
- j. they meet the Building Regulation water efficiency standard of 110 litres per occupier per day;*
- k. how Sustainable Drainage Systems (SuDS) to deliver improvements to water quality, the water environment and where possible to improve amenity and biodiversity have been incorporated into the proposal unless they can be shown to be impractical;*
- l. that relevant site investigations, risk assessments and necessary mitigation measures for source protection zones around boreholes, wells, springs and water courses have been agreed with the relevant bodies (e.g. the Environment Agency and relevant water companies);*
- m. that adequate foul water treatment and disposal already exists or can be provided in time to serve the development;*
- n. that no surface water connections are made to the foul system;*
- o. that surface water connections to the combined or surface water system are only made in exceptional circumstances where it can be demonstrated that there are no feasible alternatives (this applies to new developments and redevelopments) and where there is no detriment to existing users;*
- p. that no combined sewer overflows are created in areas served by combined sewers, and that foul and surface water flows are separated;*
- q. that suitable access is safeguarded for the maintenance of water resources, flood defences and drainage infrastructure; and*
- r. that adequate provision is made to safeguard the future maintenance of water bodies to which surface water is discharged, preferably by an Agency, Internal Drainage Board, Water Company, the Canal and River Trust or local council).*

It is proposed to utilise existing connections to discharge to the Severn Trent Water combined system located at the end of Japan Road and along Wilson Street. New public sewer connections will be subject to a Section 106 (Water Industry Act) application.

Surface Water

The proposed development has been split into three contributing areas which will discharge to the Severn Trent Water combined system at different locations. In order to maintain the discharge rate of 7l/s for all storms up to and including the 100-year return period with a 30% allowance for climate change attenuation will be required.

Planning practice guidance states that SUDs should be provided for major development unless demonstrated to be inappropriate. Due to the viability on the site this would not be possible. The LLFA have deemed the proposed drainage method acceptable.

Foul Drainage

A foul sewer connection will need to be sought for the proposed development utilising existing connection points. Foul sewers are suitably located at the end of Japan Road and along Wilson Street.

Whilst there could be some improvements to the drainage to incorporate sustainable urban drainage features such as more permeable paving to the site, however given the viability constraints this would not be possible. The drainage overall is acceptable and therefore in accordance with policy LP14.

Paragraph 165 of the states that major developments should incorporate sustainable drainage systems unless there is clear evidence that this would be inappropriate.

Policy LP14 is consistent with the NPPF and is attached full weight.

Flood Risk

Policy LP14 states that all development proposals will be considered against the NPPF, including application of the sequential and, if necessary, the exception test.

Through appropriate consultation and option appraisal, development proposals should demonstrate:

- a. that they are informed by and take account of the best available information from all sources of flood risk and by site specific flood risk assessments where appropriate;*
- b. that there is no unacceptable increased risk of flooding to the development site or to existing properties;*
- c. that the development will be safe during its lifetime, does not affect the integrity of existing flood defences and any necessary flood mitigation measures have been agreed with the relevant bodies;*
- d. that the adoption, ongoing maintenance and management of any mitigation measures have been considered and any necessary agreements are in place;*
- e. how proposals have taken a positive approach to reducing overall flood risk and have considered the potential to contribute towards solutions for the wider area; and*

f. that they have incorporated Sustainable Drainage Systems (SuDS) in to the proposals unless they can be shown to be impractical.

The NPPF states that all plans should apply a sequential, risk-based approach to the location of development – taking into account the current and future impacts of climate change.

However, paragraph 162 makes clear that:

“where planning applications come forward on sites allocated in the development plan through the sequential test, applicants need not apply the sequential test again. However, the exception test may need to be reapplied if relevant aspects of the proposal had not been considered when the test was applied at the plan making stage, or if more recent information about existing or potential flood risk should be taken into account.”

The Environment Agency’s Flood Map for Planning¹ indicates the whole of the site sits within Flood Zone 3 which is the highest risk category of flooding. It does however recognise that this is an area “benefitting from flood defences”.

The site is allocated in the development plan which has been sequentially tested – the sequential test need not be reapplied now, as per NPPF paragraph 162. The site has been identified as a sequentially preferable housing regeneration site within the CLLP therefore the sequential test is deemed to be passed.

A Flood Risk Assessment has been included within the application.

The potential sources of flooding in the vicinity of the site are as detailed below:

Fluvial Flood Risk

The River Trent is the primary Main River in the locality of the site. It lies immediately to the west of the site boundary, separated by an Environment Agency (EA) maintained flood defence.

Tidal Flood Risk

At this location the River Trent is a tidal river. The site is at a minimum level of 4.74m above mean sea level, with the EA maintained defence located between the river and the site at approx. 6.78m AOD. Modelled tidal flood levels provided by the Environment Agency indicate that, during a 0.1% AEP (Annual Exceedance Probability) tidal event, water would be as high as 5.73m adjacent to the site. The defence would, therefore, be substantial enough to protect the site. As such, the site is not at risk of flooding from tidal sources.

Surface Water Flood Risk

The site is located in a generally flat area with very gentle falls that are not perceivable from Ordnance Survey mapping. Generally flat areas do not tend

¹ <https://flood-map-for-planning.service.gov.uk/>

to generate any significant amount of sheet runoff and any surface flooding from pluvial sources tends to pond in localised depressions.

The Risk of Flooding from Surface Water mapping, indicates that the vast majority of the site is at Very Low risk of surface water flooding, with isolated parcels of Low risk. The existing roads within and adjacent to the site are shown to be at High risk.

Wilson Street, Japan Road and Bowling Green Road are lower than the surrounding land. This is likely to result in surface water being stored on the roads before gradually draining away. As this ensures that the surrounding land is not at high risk, and allows for surface water to be managed in a controlled way, the site is not at significant risk of flooding from surface water or flooding from adjacent land.

The development proposals are for the regrading of the site and for the construction of new residential apartments and houses. Apartment blocks B and C closest to the River Trent will incorporate undercroft car parking to utilise the ground floor space while providing significant freeboard above potential flooding levels for the first-floor apartments. In addition, the houses will be designed with raised floor levels and entrances. Land behind the existing flood defence is proposed to be raised to 5.8m AOD which will substantially reinforce the existing embankment.

Other recommendations include –

- Ground finished floor levels at this site shall be elevated above all modelled flood levels to give freeboard above the potential flood water.
- The prospective occupants should register to receive flood warnings.
- The Flood Warning & Evacuation Plan for the site should be brought into place prior to occupation of the development with this information being made available to any subsequent occupants.

The EA have objected to the proposal as the FRA fails to:

1. Fully assess the impact of a breach of the flood defences on the site;
2. Identify an 8 metre easement from the toe of the flood embankment

At the time of writing the report, the agents have sent a further assessment of the impact of a breach of the flood defences on the site and identified the 8m easement. The EA have been consulted on the further information and we anticipate being able to update the Committee on the outcome of this consultation at the meeting.

Should the information be acceptable, the EA have intimated that there will be a condition to be added to the decision notice.

Subject to further representations from the EA and applying any proposed conditions, the proposal would be deemed to be in accordance with LP14.

NPPF paragraph 156 states that strategic policies should be informed by a strategic flood risk assessment, and should manage flood risk from all

sources. They should consider cumulative impacts in, or affecting, local areas susceptible to flooding, and take account of advice from the Environment Agency and other relevant flood risk management authorities, such as local flood authorities and internal drainage boards.

Paragraph 163 states that 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.

Policy LP14 is consistent with the NPPF and is attached full weight.

Affordable Housing

Policy LP11 states that affordable housing will be sought on all qualifying housing development sites of 11 dwellings or more. The site would trigger a need for 20% affordable housing which would equate to 27 dwellings. The proposal provides for approximately 80.7% affordable housing with 109 out of the 135 providing a mix of affordable tenures. This is over and above the requirement for affordable housing and would therefore meet the criteria in policy LP11.

The development of this brownfield site in Gainsborough was identified as a site for residential development in the Greater Gainsborough Housing Zone in 2015.

The proposed mix of housing on the site of affordable rent, shared ownership, housing for older people, supported accommodation and housing available to purchase on the open market sale provides a good mix to reflect housing need in Gainsborough and West Lindsey as set out in the Central Lincolnshire Strategic Housing Market Assessment.

The Central Lincs SHMA 2015 identifies a need to provide 911 units per annum over the period 2014– 2019. This equates to a total of 17,400 affordable homes over the period 2012 – 2036. A further need is evidenced by the Lincs Homefinder housing register which has in excess of 500 households requiring affordable housing within Gainsborough and over 25% of those registered are over the age of 55.

West Lindsey have also been working with Housing LIN (The Housing Learning and Improvement Network) to develop an understanding of the requirement for housing for older people in West Lindsey. This has determined a wider range of housing options for people over the age of 55 is required in West Lindsey and across the whole of Greater Lincolnshire. This scheme provides a mix of accommodation types and tenures for older people helping to meet the objectives set out in the Housing Lin report and assisting to meet the needs of our aging population.

The proposal provides approximately 80.7% for affordable housing with 109 out of the 135 providing a mix of affordable tenures. This over and above the

requirement for affordable housing and would therefore be meet the criteria in policy LP11.

Paragraph 64 of the NPPF states that where major development involving the provision of housing is proposed, planning policies and decisions should expect at least 10% of the homes to be available for affordable home ownership.

Whilst LP11 in its entirety is not wholly consistent with the NPPF (in terms of the thresholds for requiring affordable housing) the development meets the requirement for affordable housing in both the CLLP and NPPF and is therefore attached full weight.

Viability

A viability statement was submitted with the application. This concludes that, taking account of the high abnormal costs, the high levels of affordable housing provided, the low values of the market housing and the need for public funding to enable the development of this site to go ahead, the scheme cannot afford to provide a financial contribution for education and health.

Paragraph 57 of the NPPF states that where up-to-date policies have set out the contributions expected from development, planning applications that comply with them should be assumed to be viable. It is up to the applicant to demonstrate whether particular circumstances justify the need for a viability assessment at the application stage. The weight to be given to a viability assessment is a matter for the decision maker, having regard to all the circumstances in the case, including whether the plan and the viability evidence underpinning it is up to date, and any change in site circumstances since the plan was brought into force.

The viability assessment has been reviewed and is considered that the applicant has demonstrated that it would not be viable for the scheme to be able to meet with the education and health contributions being sought.

The scheme would not therefore be able to fully accord with policy LP12 which states that “Developers will be expected to contribute towards the delivery of relevant infrastructure.”

However, as a strategically planned and allocated site, with above policy provision of affordable housing, and supported by public funding from the HCA, it is considered that these are material considerations that may justify a departure from LP12.

Infrastructure

Policy LP12 states that all development should be supported by, and have good access to, all necessary infrastructure.

Infrastructure

Planning Permission will only be granted if it can be demonstrated that there is, or will be, sufficient infrastructure capacity to support and meet all the necessary requirements arising from the proposed development.

Development proposals must consider all of the infrastructure implications of a scheme; not just those on the site or its immediate vicinity. Conditions or planning obligations, as part of a package or combination of infrastructure delivery measures, are likely to be required for many proposals to ensure that development meets this principle.

Consideration must be given to the likely timing of infrastructure provision. As such, development may need to be phased either spatially or in time to ensure the provision of infrastructure in a timely manner. Conditions or a planning obligation may be used to secure this phasing arrangement.

Developer Contributions

Developers will be expected to contribute towards the delivery of relevant infrastructure. They will either make direct provision or will contribute towards the provision of local and strategic infrastructure required by the development either alone or cumulatively with other developments.

NHS England have been consulted on the application and have stated that there will be an increase in patient population of 311. The increase in patient population will place extra pressure on existing provisions. As such Cleveland Surgery and Caskgate Street Surgery may be affected by the development.

Using the calculations shown in the consultation response a total cost of £275 per patient is determined. This figure is multiplied by 2.3 (the average number of persons per dwelling for West Lindsey District Council) to provide a funding per dwelling of £632.50.

The contribution requested will be $£632.50 \times 135 \text{ dwellings} = £85,387.50$.

As no contributions will be made for health and therefore the proposal would be contrary to policy LP12. However, the demonstration of viability is considered to be a significant material consideration in the determination of this application (Planning Practice Guidance states that “The weight to be given to a viability assessment is a matter for the decision maker, having regard to all the circumstances in the case...”)

Paragraph 20(c) of the National Planning Policy Framework states that Strategic policies should set out an overall strategy for the pattern, scale and quality of development, and make sufficient provision for community facilities (such as health, education and cultural infrastructure).

Design

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

Policy LP10 states that developers are expected to provide housing solutions that contribute to meeting the housing needs of the housing market area, as identified in the latest Strategic Housing Market Assessment (SHMA) and in

any other appropriate local evidence. This means new residential development should maintain, provide or contribute to a mix of housing tenures, types and sizes to help support the creation of mixed, balanced and inclusive communities.

The development comprises 36 affordable, 12 shared ownership, 26 private sale two storey houses, an 8 bedroom, wheelchair accessible supported living bungalow and 60 apartments split equally between two apartment blocks of shared ownership and affordable housing.

The proposal utilises the existing highway off Wilson Street alongside new highways to provide additional access off the site.

The following design principles have been developed as part of the application –

1. Two storey dwellings fronting onto Bowling Green Road, reflecting the street scene created by the Riverside approach development.
2. Two storey dwellings fronting onto Wilson Street providing continuity between the existing street scenes and the proposed.
3. Inward looking two storey dwellings backing onto the River Trent to the west, open space to the north and an apartment block to the south.
4. Two new highway junctions off Wilson Street, provide access to proposed dwellings.
5. Apartment blocks maximise the outlook towards the River Trent. Corner features help terminate vistas created by the new highway. The blocks are orientated to maximise solar gains, providing secure south facing communal garden areas, consequently the carpark area will be positioned to the north, east and in undercroft.

The position of each dwelling has been designed to make the most efficient use of the site whilst respecting the amenity of the surrounding houses and urban grain.

Apartment blocks B and C have been positioned to optimise views over the river and to increase the amount of amenity space provided whilst reducing the impact of parking within the overall street scene.

Where possible parking has been positioned at the side of each dwelling.

The proposed two storey dwellings reflect the scale of the surrounding area, whilst the 4 storey apartment blocks situated adjacent to the river are located strategically to reduce the perception of dominance. One storey are not specifically characteristic of this area however contributes to the mix of housing on the site.

The exact details of the materials have not been provided but include buff brick, grey roof tiles and render. A materials condition will be added for the exact details.

The design of the housing is acceptable with a range of styles and storeys throughout the site. This varying building scale promotes the creation of character throughout the site.

The proposal would therefore be in accordance with policy LP10 and LP26.

The national design guide sets out the characteristics of well-designed places and demonstrates what good design means in practice. This guide illustrates how well-designed places that are beautiful, enduring and successful can be achieved in practice.

The guide was published 1st October 2019.

Paragraph 127 of the NPPF states that planning policies and decisions should ensure that developments:

- a) will function well and add to the overall quality of the area, not just for the short term but over the lifetime of the development;
- b) are visually attractive as a result of good architecture, layout and appropriate and effective landscaping;
- c) are sympathetic to local character and history, including the surrounding built environment and landscape setting, while not preventing or discouraging appropriate innovation or change (such as increased densities);
- d) establish or maintain a strong sense of place, using the arrangement of streets, spaces, building types and materials to create attractive, welcoming and distinctive places to live, work and visit;
- e) optimise the potential of the site to accommodate and sustain an appropriate amount and mix of development (including green and other public space) and support local facilities and transport networks; and
- f) create places that are safe, inclusive and accessible and which promote health and well-being, with a high standard of amenity for existing and future users; and where crime and disorder, and the fear of crime, do not undermine the quality of life or community cohesion and resilience.

Policy LP10 and LP26 are consistent with the principles of the NPPF and is given full weight.

Policy NPP 6 of the draft neighbourhood plan details what design principles proposals must comply with.

Policy NPP 7 of the draft neighbourhood plan details support for housing schemes to deliver a housing mix that reflects the demonstrable need for smaller dwellings.

Policy NPP 14 of the draft neighbourhood plan details that planning permission will be granted primarily for residential use where the proposals are of a high design quality and demonstrates other criteria specifically for that allocation.

However the Neighbourhood Plan is currently at the first stage with the first draft published and public consultation underway on the first draft. The extent to which there are objections is yet to be established. It is therefore considered very limited weight may be given to its policies at this time.

Residential Amenity

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

Proposals should demonstrate, where applicable and to a degree proportionate to the proposal, how the following matters have been considered, in relation to both the construction and life of the development:

- m. Compatibility with neighbouring land uses;
- n. Overlooking;
- o. Overshadowing;
- p. Loss of light;
- q. Increase in artificial light or glare;
- r. Adverse noise and vibration;
- s. Adverse impact upon air quality from odour, fumes, smoke, dust and other sources;
- t. Adequate storage, sorting and collection of household and commercial waste, including provision for increasing recyclable waste;
- u. Creation of safe environments.

There are no concerns with regards to residential amenity – development would not be expected to result in unduly adverse living conditions arising to either existing, or future, residents. There is more than adequate separation between properties.

There is also ample amenity space provided for each property.

A resident has raised concern with regards to the proposed substation however the Public Protection Officer has raised no objections. It would be set approximately 15m from the nearest George street property.

The proposal is therefore in accordance with policy LP26.

Policy LP9 states that the potential for achieving positive mental and physical health outcomes will be taken into account when considering all development proposals. Where any potential adverse health impacts are identified, the applicant will be expected to demonstrate how these will be addressed and mitigated.

The application has been submitted with a healthy planning checklist and includes possible mitigation/enhancement measures to improve health outcomes.

This would be in accordance with policy LP9.

127 (f) states that planning policies and decisions should ensure that developments:

- create places that are safe, inclusive and accessible and which promote health and well-being, with a high standard of amenity for existing and future users.

Policies LP9 and LP26 are consistent with the NPPF and is attached full weight.

Landscape, Townscape and Views

Policy LP17 states that to protect and enhance the intrinsic value of our landscape and townscape, including the setting of settlements, proposals should have particular regard to maintaining and responding positively to any natural and man-made features within the landscape and townscape which positively contribute to the character of the area,

All development proposals should take account of views in to, out of and within development areas: schemes should be designed (through considerate development, layout and design) to preserve or enhance key local views and vistas, and create new public views where possible.

Policy LP38 states that proposals for development should seek to make a positive contribution to the built and natural environment and quality of life in Gainsborough. All development proposals should contribute to the realisation of the following key principles, as applicable, taking into account the Gainsborough Masterplan:

- a. Protect, conserve and, where appropriate, enhance the benefits of heritage assets, key landmarks and their settings to local distinctiveness and sense of place, through sensitive development and environmental improvement;
- b. Protect important local views from both within and outside the town;
- c. Deliver improvements to the public realm that will enhance Gainsborough's attractiveness as a destination;
- d. Support the development of art, cultural, social and leisure assets and facilities within or close to the town centre, and improve access to such assets and facilities;
- e. Protect and enhance the landscape character and setting of Gainsborough and the surrounding villages by ensuring key gateways are landscaped to enhance the setting of the town, minimise impact upon the open character of the countryside and to maintain the setting and integrity of surrounding villages.

Gainsborough is located on the eastern banks of the River Trent, extending its urban area eastwards into an undulating and often wooded landscape.

Gainsborough benefits from a number of buildings of architectural and historical merit. Parts of the riverside, from Chapel Staithe to the Old Hall have unique significance to the Town's medieval heritage, with mill and warehouse buildings a reminder of Gainsborough's later role as an important trading port.

Gainsborough's waterfront is a highly important local asset, offering attractive and unique vistas of the open countryside across the River Trent and important public space.

The proposal is in a prominent riverside location and the flats and houses have been designed to take full advantage of the outlook onto the River Trent and beyond. They have also been designed to be a complementary feature alongside the River Trent continuing the important built up character of the riverside.

The site also benefits from the existing Riverside Walk footpath.

Full landscaping details have not been provided at this stage but can be conditioned. The riverside is an urbanised feature but careful landscaping will also contribute to the visual along the riverside and enhance its relationship with Mercers Wood adjacent.

The proposal is considered to be in accordance with policies LP17 and LP38.

NPPF paragraph 127(c) states that planning policies and decisions should ensure that developments:

- are sympathetic to local character and history, including the surrounding built environment and landscape setting, while not preventing or discouraging appropriate innovation or change (such as increased densities);

Policies LP17 and LP38 are consistent with the NPPF and are attached full weight.

Ecology

Policy LP21 states that all development should:

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

Proposals for major development should adopt an ecosystem services approach, and for large scale major development schemes (such as Sustainable Urban Extensions) also a landscape scale approach, to biodiversity and geodiversity protection and enhancement identified in the Central Lincolnshire Biodiversity Opportunity Mapping Study.

Development proposals should create new habitats, and links between habitats, in line with Biodiversity Opportunity Mapping evidence to maintain a network of wildlife sites and corridors to minimise habitat fragmentation and provide opportunities for species to respond and adapt to climate change.

Development should seek to preserve, restore and re-create priority habitats, ecological networks and the protection and recovery of priority species set out in the Lincolnshire Biodiversity Action Plan and Geodiversity Action Plan.

Development proposals should ensure opportunities are taken to retain, protect and enhance biodiversity and geodiversity features proportionate to their scale, through site layout, design of new buildings and proposals for existing buildings.

As part of the application an ecological assessment has been submitted.

The assessment concludes that due to the lack of complimentary habitats present within the application site, severance by intervening land uses including the River Trent and built up areas, and the type of development works proposed, it is not anticipated that there will be an adverse impact upon the designated sites as a result of the proposed development.

The habitats within the proposals site are generally considered to be of low conservation value, predominantly include dense scrub, semi-improved grassland and trees and shrubs. The plant communities at the site are of widespread occurrence and are characteristic of habitats present in the wider area and common nationally. Features on the site which are of some ecological value include trees and shrubs across the site which is likely to be of value to wildlife, such as foraging and nesting birds, foraging and community bats and small mammals such as hedgehogs.

Bats – Further survey work was recommended along with mitigation. These surveys were carried out in the form of bat activity surveys which found that activity on and adjacent to the site was limited throughout the survey period. Due to the low levels of bat activity recorded on site during surveys, it is considered that there will be a minimal impact to bats.

Reptiles – The site offers some limited suitable habitat for reptiles, therefore it was recommended that reptile surveys were undertaken. During these further surveys no reptiles were recorded on site and no other species including amphibians were noted. No further surveys or precautionary measures are recommended.

Otter – A survey of the River Trent was recommended to further assess the site for use by otter. The otter survey found that the section of the River Trent surveyed was considered suitable for commuting, foraging and resting otter but not for otter holts. No signs of otter were identified during the survey, however there are local records for this species, and the adjacent watercourse provides suitable habitat, therefore it cannot be discounted that otter may access the site.

Potential impacts on the above target species and other local wildlife will be minimised by the implementation of appropriate mitigation and enhancement measures which will be conditioned. Subject to these conditions to the proposed development would be in accordance with policy LP21.

Paragraph 174(b) of the NPPF states that to protect and enhance biodiversity and geodiversity, plans should promote the conservation, restoration and enhancement of priority habitats, ecological networks and the protection and recovery of priority species; and identify and pursue opportunities for securing measurable net gains for biodiversity.

Policy LP21 is consistent with the NPPF and is attached full weight.

Archaeology

Policy LP25 states that development affecting archaeological remains, whether known or potential, designated or undesignated, should take every practical and reasonable step to protect and, where possible, enhance their significance.

Planning applications for such development should be accompanied by an appropriate and proportionate assessment to understand the potential for and significance of remains, and the impact of development upon them.

If initial assessment does not provide sufficient information, developers will be required to undertake field evaluation in advance of determination of the application. This may include a range of techniques for both intrusive and non-intrusive evaluation, as appropriate to the site.

Wherever possible and appropriate, mitigation strategies should ensure the preservation of archaeological remains in-situ. Where this is either not possible or not desirable, provision must be made for preservation by record according to an agreed written scheme of investigation submitted by the developer and approved by the planning authority.

An archaeological evaluation was carried out by CFA Archaeology Ltd as part of the application. Fifteen trenches were excavated across the proposed site in order to evaluate the potential for the survival of archaeological remains.

A single linear ditch was present in Trench 10, which was likely a post-medieval feature thought to be associated with the allotments that previously occupied the site.

Alongside this evidence, two square pits were present in Trench 5, containing a modern assemblage of finds, also thought to be related to the allotments.

A series of fluvial deposits were recorded towards the southern boundary of the site within in Trenches 14 and 15, perhaps highlighting a number of flooding events from the River Trent which lies directly to the west.

Following this evaluation there are no further archaeological recommendations.

Paragraph 189 states that in determining applications, local planning authorities should require an applicant to describe the significance of any heritage assets affected. 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.

Policy LP25 is consistent with the NPPF and is attached full weight.

Minerals

Paragraph 204(c) states that planning policies should safeguard mineral resources by defining Mineral Safeguarding Areas; and adopt appropriate policies so that known locations of specific minerals resources of local and national importance are not sterilised by non-mineral development where this should be avoided (whilst not creating a presumption that the resources defined will be worked).

As part of the application a Minerals Assessment has been submitted as requested by the Minerals and Waste Team.

This concludes that the site lies within a Minerals Safeguarding Area in respect of sand and gravel and accordingly, in line with policies contained within LCC's Minerals and Waste Local Plan, an appropriate Minerals Assessment has been undertaken.

The site lies to the east of the River Trent and to the west of Gainsborough town centre, and is currently vacant.

Site investigations undertaken during 2018 confirmed the site to be underlain by sands and gravels (mineral), though these lie beneath uneconomic deposits of alluvium (overburden). Geological mapping confirms a similar sequence of superficial deposits to extend in all directions.

The potential for the recovery of mineral from within the site is limited by a range of pre-existing constraints, notably the presence of residential properties to the east, a combined sewer/rising main cross cutting the site, and the River Trent to the west.

Taking into account these constraints, and as the identified mineral resource lies at depth below uneconomic deposits of alluvium, it is considered that the prior extraction of any significant volume of mineral from within the site would be unfeasible.

Given the geology, groundworks associated with the Development are highly unlikely to disturb the identified mineral resource and accordingly the potential for the incidental extraction of mineral as part of the Development is negligible.

Accordingly the Development will not result in the direct sterilisation of any potentially recoverable mineral resource worthy of safeguarding.

Whilst similar geological deposits lie in all directions, the presence of existing built development to the north, south and east precludes any potential mineral extraction in these directions, whilst the River Trent effectively prevents any potential extraction immediately to the west and southwest.

The Development will not therefore result in the indirect sterilisation of any potentially recoverable mineral reserves.

No sand and gravel extraction takes place within 1km of the site and no allocation for any future mineral working within 1km is included within LCC's Minerals and Waste Local Plan. Whilst a number of oil and gas well sites lie within 1km, the Development will not impact upon the continued operation of these well sites.

Overall it is concluded that the Development will not result in the sterilisation of a mineral resource worthy of safeguarding and will not prejudice the effective working of any currently permitted or proposed mineral extraction or minerals infrastructure.

The presence of sand and gravel within the surrounding area should not therefore be viewed as a constraint on the Development.

The Minerals and Waste Team were re-consulted on the Minerals Report. They consider that having regard to the scale, nature and location of the proposed development, the applicant has demonstrated that in accordance with the criteria set out in policy M11, prior extraction of the mineral resource would be impracticable and proximal sterilisation would not be an issue.

Accordingly, the County Council has no safeguarding objections.

Contamination

Policy LP16 states that development proposals must take into account the potential environmental impacts on people, biodiversity, buildings, land, air and water arising from the development itself and any former use of the site, including, in particular, adverse effects arising from pollution.

Where development is proposed on a site which is known to be or has the potential to be affected by contamination, a preliminary risk assessment should be undertaken by the developer and submitted to the relevant Central Lincolnshire Authority as the first stage in assessing the risk of contamination.

Proposals will only be permitted if it can be demonstrated that the site is suitable for its proposed use, with layout and drainage taking account of ground conditions, contamination and gas risks arising from previous uses and any proposals for land remediation, with no significant impacts on future users, neighbouring users, groundwater or surface waters.

As part of the application a contamination assessment has been submitted. The Environment Protection Officer has made comments as per the response above. Upon verbal discussion with the Environment Protection Officer of an appropriate condition, this would be in the form of securing the details of the remediation strategy within the report.

Conclusion

The proposal has been considered against the Development Plan namely policies, LP1: A Presumption in Favour of Sustainable Development, LP2: The Spatial Strategy and Settlement, LP3: Level and Distribution of Growth, LP9: Health and Wellbeing, LP10: Meeting Accommodation Needs, LP11: Affordable Housing, LP12: Infrastructure to Support Growth, LP13: Accessibility and Transport, LP14: Managing Water Resources and Flood Risk, LP17: Landscape, Townscape and Views, LP21: Biodiversity and Geodiversity, LP26: Design and Amenity, LP38: Protecting Gainsborough's Setting and Character, LP40: Gainsborough Riverside and LP50: Residential Allocations – Main Towns in the Central Lincolnshire Local Plan including the advice given in the National Planning Policy Framework and the National Planning Practice Guidance.

Due to viability the application does not propose to provide any infrastructure contributions. The site is in the zero charging area for CIL and a housing zone and as such it is recognised that viability is compromised.

Whilst no infrastructure contributions are to be made contrary to policy LP12, on balance the proposal would provide a high level of affordable housing to help meet an identified need.

The proposal would not have a detrimental impact on the character of the area, residential amenity, highways and does not conflict with neighbouring land uses.

The proposal is deemed acceptable subject to the following conditions –

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

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

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

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

2. Prior to commencement a checking survey for otters shall be submitted to and approved in writing by the Local Planning Authority. Development shall be carried out in full accordance with any recommendations of the approved report.

Reason: To safeguard wildlife in the interests of nature conservation in accordance with policy LP21 of the Central Lincolnshire Local Plan.

3. No development shall take place until a phasing plan has been submitted to and approved in writing by the Local Planning Authority.

Reason: To ensure that the development is delivered in a structured way.

4. No development shall take place, including any works of demolition, 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:

- i. the parking of vehicles of site operatives and visitors
- ii. loading and unloading of plant and materials
- iii. storage of plant and materials used in constructing the development
- iv. the erection and maintenance of security hoarding including decorative displays and facilities for public viewing, where appropriate
- v. wheel washing facilities
- vi. measures to control the emission of noise, dust and dirt during construction
- vii. a scheme for recycling/disposing of waste resulting from demolition and construction
- viii. The means of access and routing for demolition and construction traffic.
- ix: piling and construction

Reason: In the interests of amenity and in accordance with policy LP13 of the Central Lincolnshire Local Plan.

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

5. The permitted development shall be undertaken in accordance with a surface water drainage scheme which shall first have been approved in writing by the Local Planning Authority.

The scheme shall:

- be based on sustainable drainage principles and an assessment of the hydrological and hydrogeological context of the development;
- provide details of how run-off will be safely conveyed and attenuated during storms up to and including the 1 in 100 year critical storm event, with an allowance for climate change, from all hard surfaced areas within the development into the existing local drainage infrastructure and watercourse system without exceeding the run-off rate for the undeveloped site;
- provide attenuation details and discharge rates which shall be restricted to **7 litres per second**;

- provide details of the timetable for and any phasing of implementation for the drainage scheme; and
- provide details of how the scheme shall be maintained and managed over the lifetime of the development, including any arrangements for adoption by any public body or Statutory Undertaker and any other arrangements required to secure the operation of the drainage system throughout its lifetime.

No dwelling shall be occupied until the approved scheme has been completed or provided on the site in accordance with the approved phasing. The approved scheme shall be retained and maintained in full, in accordance with the approved details.

Reason: To ensure that the permitted development is adequately drained without creating or increasing flood risk to land or property adjacent to, or downstream of, the permitted development.

6. With the exception of the detailed matters referred to by the conditions of this consent, the development hereby approved shall be carried out in accordance with the details shown on the approved plans:

3024.03.100
3024.03.101B
3024.03.102A
3024.03.110
3024.03.111
3024.03.120A
3024.03.121A
3024.03.122
3024.03.123
3024.03.124
3024.03.125
3024.03.126B
3024.03.130B
3024.03.131A
3024.03.132A
3024.03.133A
3024.03.135B
3024.03.136A
3024.03.140
3024.03.141
3024.03.145
3024.03.150
3024.03.151
3024.03.155
3024.03.160
3024.03.161
3024.03.165
3024.03.166
3024.03.170

and in any other approved documents forming part of the application.

Reason: To ensure the development proceeds in accordance with the approved plans.

7. The development shall be carried out in strict accordance with the recommendations in the additional ecological surveys dated October 2018 by Smeeden Foreman.

Reason: To safeguard wildlife in the interests of nature conservation in accordance with policy LP21 of the Central Lincolnshire Local Plan.

8. Unless otherwise agreed in writing with the Local Planning Authority the affordable housing shall comprise of 36 affordable, 12 shared ownership, an 8 bedroom, wheelchair accessible supported living bungalow and 60 apartments split equally between two apartments blocks of shared ownership and affordable housing. Prior to occupation of these units, details of how the units will be secured and nomination agreement or similar shall be submitted to and approved in writing by the Local Planning Authority. Should an alternative scheme for affordable housing be put forward then a scheme for the provision of this affordable housing shall be submitted to and approved in writing by the Local Planning Authority. The scheme shall include the following –

- Statement justifying tenures proposed linking back to the Strategic Housing Market Assessment and Local Housing Needs Assessment work produced by West Lindsey District Council. The statement should also include how they have liaised with West Lindsey Strategic Housing Team and how this has informed tenure and splits proposed.
- Type of housing, number of bedrooms, sizes of the units and any other features;
- Marked up drawings detailing the plot numbers, housing types and sizes;
- Details of how the units will be secured including a nomination agreement or similar.

The affordable housing shall be retained in accordance with the approved scheme.

Reason: In order to meet a specific housing need within the district in accordance with policy LP11 of the Central Lincolnshire Local Plan.

9. Demolition and/or Construction works shall only be carried out between the hours of 07:00 and 19:00 on Mondays to Fridays; and between 08:00 and 13:00 on Saturdays, with no demolition and/or construction works on Sundays and Bank Holidays unless specifically agreed in writing by the local planning authority beforehand.

Reason: To ensure appropriate mitigation for the impact on residential amenity caused by the construction phases of the development and to accord with policy LP26 of the Central Lincolnshire Local Plan.

10. Prior to occupation, a scheme of landscaping including details of the size, species and position or density of all trees to be planted, fencing and walling shall

be submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in accordance with the approved scheme.

Reason: To ensure that a landscaping scheme to enhance the development is provided in accordance with policy LP17 of the Central Lincolnshire Local Plan.

11. Prior to occupation a schedule of landscape maintenance for a minimum period of five years from the completion of the development of that phase has been submitted to and approved in writing by the local planning authority. The schedule shall include details of the arrangements for its implementation and the development shall be carried out in accordance with the approved details.

Reason: To ensure that an approved landscaping scheme is implemented in a speedy and diligent way and that initial plant losses are overcome, in the interests of the visual amenities of the locality and in accordance with LP17 of the Central Lincolnshire Local Plan.

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

Reason: To ensure the use of appropriate materials to safeguard the character and appearance of the street scene in accordance with the NPPF and Policies LP17 and LP26 of the Central Lincolnshire Local Plan.

13. Prior to occupation, details of the design, specification, position and height of all external lighting for the apartments have been submitted to and approved in writing by the Local Planning Authority.

Reason: To protect the surrounding area to accord with the National Planning Policy Framework and local policy LP26 of the Central Lincolnshire Local Plan.

14. Development shall be carried out in full accordance of the remediation strategy detailed in the Combined Stage 1/Stage 2 Geo-Environmental Report AC1/01rem1.

Reason: In order to safeguard human health and the water environment in accordance with policy LP26 of the Central Lincolnshire Local Plan.

15. Prior to occupation, details of the design, specification, position and height of any external lighting for the apartments have been submitted to and

approved in writing by the Local Planning Authority. The lighting shall be carried out in accordance with the approved details.

Reason: To protect the surrounding area to accord with the National Planning Policy Framework and local policy LP26 of the Central Lincolnshire Local Plan.

16. The permitted development shall not be occupied until a Travel Plan is submitted to and improved in writing by the Local Planning Authority. Those parts of the approved Travel Plan that are identified therein as being capable of implementation before occupation shall be implemented in accordance with the timetable contained therein and shall continue to be implemented for as long as any part of the development is occupied and those implemented following occupation shall be retained thereafter.

Reason: In order that the permitted development conforms to the requirements of the National Planning Policy Framework, by ensuring that access to the site is sustainable and that there is a reduced dependency on the private car for journeys to and from the development.

17. 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.

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

18. All planting, seeding or turfing comprised in the approved details of landscaping shall be carried out in the first planting and seeding season following the occupation of the building(s) or the completion of the development, whichever is the sooner; and any trees or plants which within a period of 5 years from the completion of the development die, are removed, or become seriously damaged or diseased shall be replaced in the next planting season with others of similar size and species, unless the Local Planning Authority gives written consent to any variation.

Reason: To ensure that an approved landscaping scheme is implemented in a speedy and diligent way and that initial plant losses are overcome, in the interests of the visual amenities of the locality in accordance with policy LP17 and LP26 of the Central Lincolnshire Local Plan.

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