

## **Officers Report**

### **Planning Application No: 140375**

**PROPOSAL:** Planning application for the demolition of 20no. garages and the construction of 14no. affordable dwellings

**LOCATION:** Land off Queensway Sturton By Stow Lincoln LN1 2AD

**WARD:** Stow

**WARD MEMBER(S):** Cllr Mrs T J Coulson

**APPLICANT NAME:** ACIS Group

**TARGET DECISION DATE:** 11/03/2020

**DEVELOPMENT TYPE:** Major - Dwellings

**CASE OFFICER:** Ian Elliott

**RECOMMENDED DECISION:** Grant permission subject to conditions and the signing of a Section 106 Agreement comprising:

- 1. Construct 14 affordable homes on the site including an agreement to sell or transfer to a registered provider**
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#### **Planning Committee:**

The application is to be presented to the planning committee to consider whether the proposed development is compliant with the exceptional circumstances test in local policy LP2 of the Central Lincolnshire Local Plan.

Furthermore, the Parish Council has objections concerned with the risk of flooding, following recent flood events.

#### **Proposal:**

The application seeks permission for the demolition of 20no. garages and the construction of 14no. affordable dwellings

The development description was amended to include the demolition of 20 garages. It was not considered necessary to re-consult or re-advertise as the development proposed was not altered. Applying "Wheatcroft Principles", the scheme had not changed and therefore nobody has been deprived of the opportunity to comment upon a changed development.

#### **Site:**

The application site is land (0.27 hectares) in the south west part of Sturton by Stow. The site is primarily grassed with a long narrow building comprising of approximately 20 garages and some hardstanding areas providing access to the garage openings. The site is open to the north, east and south boundaries with hedging and a small area of fencing and gating to the west boundary. Neighbouring dwellings are adjacent or opposite to the north, east and south with an open field to the west.

### **Relevant history:**

129094 - Planning application for the demolition of garages and the erection of eight affordable dwellings – 20/11/13 - Refused

130886 - Planning application for the demolition of 20no. garages and the construction of 8no. affordable dwellings – 04/03/18 - Granted with Legal Agreement.

132804 - Request for confirmation of compliance with conditions 2, 3, 4 and 5 of planning permission 130886 granted 4 March 2015 – 23/12/15 - Condition Discharge Partially (condition 2 and 4 only (condition 5 did not need to be discharged))

136520 - Request for confirmation of compliance with conditions 3(a) and (b) of planning permission 130886 granted 04 March 2015 – 17/08/17 - Condition discharged

137183 - Planning application to vary conditions 5 and 10 of permission 130886 granted 4th March 2015 re: drainage - Withdrawn by Applicant – 16/03/18

137562 - Planning application for the demolition of 20no. garages and the construction of 8no. affordable dwellings – 10/09/18 - Granted time limit and other conditions

### **Representations**

**Chairman/Ward member(s):** No representations received to date

#### **Sturton by Stow Parish Council: Objections**

- The application states “No flooding”. This is not the case, the area was flooded extensively during the end of November floods. The Flood Risk report addresses only the water that falls on the development area itself, it does not address the run off from the fields to the West, which was the main cause of the recent flooding in Queensway. This event has undermined the footpath, it has sunk and cracked and it is possible that this is occurring to the foundations of houses downhill from the flooding. The proposed new pipe across Saxilby Rd is not sufficient itself, this will increase the water past No 59 which is an open ditch NOT piped, as shown. The proposal relies on 54 Saxilby Road agreeing to drainage being across their land. Has this been sought? There is anecdotal evidence that the ditch on Saxilby Road (East Side) field has been filled in at points, discharging the excess water will certainly make flooding much worse for residents as it cannot flow.
- The current sewage system is up to capacity and any additional housing will add to the existing issues already identified in the area of lower High Street and Fleets Road.

- The road is very narrow with cars already parked on both sides. This development will add considerably more vehicles which will force “Fly Parking” wherever they can. This has the potential to be a serious issue for emergency vehicles needing to access the area.
- The application also states “No contaminates” and yet the parish council understand the garages, which are due to be demolished to allow this development to go ahead, may contain asbestos.

**Local residents:** Representations received from:

- 27 and 55 Queensway, Sturton by Stow
- 53, 58 and 64 Saxilby Road, Sturton by Stow

Objections:

#### Flooding

- It floods in the area and it recently has from heavy rainfall
- Parking area adjacent the bungalows (43-55) has flooded 5 times recently and nearly got to the dwellings.

#### Drainage

- Changes to manhole (MH04) and flow out of MH05 to MH04 will be blocked.
- Will discharge of pipes be unaffected by changes
- Culvert size/diameter is incorrect on plan. It states 450mm when in fact 400mm then 300mm.
- It appears as if the flow from the 'missing' manhole is to be deleted to the proposed drainage scheme in drawing GL-1269-01-DR-002.  
Given that there is evidence of errors in information submitted to the WLDC
- I urge that clear calculations and rationale can be produced from suitably qualified people that sewage and surface water drainage will be adequate.

#### Highways

- Need more parking.
- Parking for existing residents will be made worse.

#### Other

- Children need an area to play.
- More children to area with nowhere to go for recreation.

**LCC Highways/Lead Local Flood Authority:** No objections subject to conditions and advisory comments

Conditions recommended for off-site drainage, frontage footpath and Construction Management Plan and Method.

**Strategic Housing Officer:** Support  
Representation received 11th February 2020:

The lack of any affordable housing being delivered in Sturton by Stow in the last 10 years and the mix of housing that is being proposed reflects the needs information that we can ascertain from the housing register. If the need wasn't reflected in both the SHMA and the housing register information, I would suggest a local survey could be undertaken to determine the specific need for affordable housing at this time in that location. However, as the housing register information identifies a clear need for the types of housing that is being delivered, I don't think a survey would be required at this time.

A project that we commissioned through Housing Lin stated that in Greater Lincolnshire we need to deliver a wider mix of housing for older people. This scheme offers bungalows specifically for people over 55 which have not been delivered in this location previously.

Housing have been working with Acis and the developer for a number of years to enable the delivery of this scheme and as a strategic housing team are fully supportive of an affordable housing scheme in this location. It is believed there is a clear identified need for housing of this type in this sustainable location.

Representation received 8th January 2020:

Below are the numbers of people who are registered for affordable housing and have expressed an interest in Sturton by Stow, this is reflected in the house types comprising 1, 2 and 3 bed properties:

1 bed: 97 44/97 over 55  
2 bed: 38 6/38 over 55  
3 bed: 20 1/20 over 55  
4 bed: 10 2/10 over 55

I would like to see the affordable units secured through a S106 as affordable in perpetuity.

**Lincolnshire Police:** No objections with advice

Advice based on dwelling frontages, door chains and viewers, letter plates, intruder alarms, footpaths, gates and sheds/cycle storage.

**Environment Agency:** comment

Does not wish to make any comments on this application. It does not appear to match any of the criteria on our consultation checklist.

**NHS England:** No contribution required

At this point in time NHS England will not be submitting a section 106 request for funding relating to the 14 dwellings at Sturton by Stow.

**LCC Education:** No contribution required

**WLDC Public Protection Officer:** No objections with comments

Surface water management:

Surface water management from this site has been a long standing issue with previous applications on this site. Agreement has previously been reached over the improvement to the existing offsite surface water system and, as part of application 137562, an ongoing management and maintenance plan was agreed to include the immediate off site system. (conditions 10 & 11 refer). This agreement should similarly be continued and conditioned with this application to ensure long term management of the system to protect the end users of this development and existing properties.

Construction management plan:

A suitable construction management plan should be submitted and approved prior to development. The plan should cover all aspects of work on the site to include demolition of existing structures, management of delivery and working times, management of waste and materials being stored on site, management of contractors vehicles, management of noise, dust, vibration etc to protect neighbours during both the demolition and construction phases.

**Archaeology:** No representations received to date

**Anglian Water:** Comments

- The foul drainage from this development is in the catchment of Sturton By Stow Water Recycling Centre that will have available capacity for these flows
- The preferred method of surface water disposal would be to a sustainable drainage system (SuDS) with connection to sewer seen as the last option. Building Regulations (part H) on Drainage and Waste Disposal for England includes a surface water drainage hierarchy, with infiltration on site as the preferred disposal option, followed by discharge to watercourse and then connection to a sewer.

**IDOX checked:** 2nd March 2020

**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 (adopted in April 2017).

Development Plan

- ***Central Lincolnshire Local Plan 2012-2036 (CLLP)***

Relevant policies of the CLLP include:

LP1 A Presumption in Favour of Sustainable Development  
LP2 The Spatial Strategy and Settlement Hierarchy  
LP3 Level and Distribution of Growth  
LP4 Growth in Villages  
LP10 Meeting Accommodation Needs

LP11 Affordable Housing  
LP13 Accessibility and Transport  
LP14 Managing Water Resources and Flood Risk  
LP17 Landscape, Townscape and Views  
LP24 Creation of New Open Space, Sports and Recreational Facilities  
LP25 The Historic Environment  
LP26 Design and Amenity  
<https://www.west-lindsey.gov.uk/my-services/planning-and-building/planning-policy/central-lincolnshire-local-plan/>

#### National policy & guidance (Material Consideration)

- **National Planning Policy Framework (NPPF)**

The NPPF sets out the Government's planning policies for England and how these should be applied. It is a material consideration in planning decisions. The most recent iteration of the 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)."*

- **National Planning Practice Guidance**
- *National Design Guide (2019)*

<https://www.gov.uk/government/collections/planning-practice-guidance>  
<https://www.gov.uk/government/publications/national-design-guide>

#### Other

Planning Committee Minutes from 16<sup>th</sup> April 2014 and 12<sup>th</sup> November 2014

#### **Main issues**

- Principle of the Development  
*Planning Permission 137562 dated 10th September 2018*  
*Central Lincolnshire Local Plan 2012-2036*  
*National Planning Policy Framework*  
*Concluding Assessment*
- Visual Impact
- Residential Amenity
- Drainage  
*Foul Water*  
*Onsite Surface Water Drainage*  
*Offsite Surface Water Drainage Improvements*
- Archaeology
- Highway Safety

- Affordable Housing
- Open Space
- Accessibility

## **Assessment:**

### Principle of the Development

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

#### *Planning Permission 137562 dated 10th September 2018:*

This application was approved for 8 affordable dwellings secured through a Section 106 Legal Agreement. The development has to date not commenced on site but is extant with no conditions to discharge with 20 months left for works to commence on the site. This may be attached weight as a realistic fallback position.

#### *Central Lincolnshire Local Plan 2012-2036:*

Local policy LP2 sets out a spatial strategy and settlement hierarchy from which to focus growth. This policy identifies Sturton by Stow as a medium village and *'unless otherwise promoted via a neighbourhood plan or through the demonstration of clear local community support, the following applies in these settlements:*

- *they will accommodate a limited amount of development in order to support their function and/or sustainability.*
- *no sites are allocated in this plan for development, except for Hemswell Cliff and Lea.*
- *typically, and only in appropriate locations, development proposals will be on sites of up to 9 dwellings or 0.25 hectares for employment uses. However, in exceptional circumstances proposals may come forward at a larger scale on sites of up to 25 dwellings or 0.5 hectares per site for employment uses where proposals can be justified by local circumstances'.*

Local policy LP2 states that *'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'.*

14 dwellings are proposed – above that “typically” permitted (up to 9 dwellings), but within the parameter of that which may be supported in “exceptional circumstances”, which can be justified by local circumstances.

Local policy LP2 of the CLLP defines 'exceptional circumstances' as "*a matter for the decision maker to determine, but could be, for example, where the development delivers a community facility (see Policy LP15) substantially above and beyond what would ordinarily be required by Policy LP12 or LP15 (or any other policy in the Local Plan), and for which a clear need has been identified.*"

Local policy LP4 goes on to say that Sturton by Stow has a growth level of 15% due to its proximity to key facilities (see paragraph 3.4.4 of LP4). An updated table of remaining growth for housing in medium and small villages has been completed (dated 28th February 2020) by the Local Planning Authority to sit alongside the adopted CLLP. This confirms that Sturton by Stow has 649 dwellings which equates to a permitted growth level of 97 additional dwellings. This figure is reduced by 90 dwellings already approved. This figure does however include 8 dwellings that have been previously approved on the site (planning permission 137562).

Therefore Sturton by Stow has a remaining housing growth of 7 dwellings. This site would provide an additional six dwellings to that already accounted for (14 dwellings now proposed, with 8 already approved). The development would not therefore exceed the 15% growth allowance permitted under policy LP4.

Submitted policy LP4 additionally requires a sequential approach to be applied to prioritise the most appropriate land for housing within medium villages. LP4 states that:

*'In each settlement in categories 5-6 of the settlement hierarchy, a sequential test will be applied with priority given as follows:*

- 1. Brownfield land or infill sites, in appropriate locations, within the developed footprint of the settlement*
  - 2. Brownfield sites at the edge of a settlement, in appropriate locations*
  - 3. Greenfield sites at the edge of a settlement, in appropriate locations*
- Proposals for development of a site lower in the list should include clear explanation of why sites are not available or suitable for categories higher up the list'.*

The site is located to south west section of Sturton by Stow with adjacent residential built form to the north, east and south of the site. The site is therefore considered within the developed footprint of Sturton by Stow and is infill development, on previously developed land and meets the top criteria.

The proposed development is above the 9 dwelling limit set out in tier 5 of local policy LP2. Tier 5 also allows for development of 10 to 25 dwellings in exceptional circumstances where it can be justified by local circumstances.

Local policy LP2 of the CLLP defines 'exceptional circumstances' as "*a matter for the decision maker to determine, but could be, for example, where the development delivers a community facility (see Policy LP15) substantially above and beyond what would ordinarily be required by Policy LP12 or LP15*



*(or any other policy in the Local Plan), and for which a clear need has been identified.”*

The proposed development is exclusively for affordable houses in a location already considered as appropriate, with extant permission for residential development. To accord with local policy LP11 of the CLLP only requires the site to include 20% affordable housing which amounts to 3 dwellings. However only meeting the policy requirement for affordable dwellings would be policy compliant but not make the development exceptional.

It is acknowledged that providing affordable housing is not on its own considered an exceptional circumstance, however as confirmed by the Strategic Housing Officer the dwellings proposed will provide dwellings (1, 2 and 3 bedroom dwellings) which meet the registered identified need for people expressing an interest in affordable housing for Sturton by Stow. Over the last 10 years there has been an identified lack of new affordable housing in Sturton by Stow to meet this expressed need. This development proposes to provide 14 affordable homes on a development of 14 dwellings. This equates to a 100% take up of affordable housing on the site where a demonstrated local need exists over and above the policy requirement. Therefore the development can be justified a need identified by local circumstances.

It is concluded that 100% provision of affordable housing over and above the policy requirement, is an exceptional circumstance, for which a clear local need has been identified. In this regard therefore, the development is deemed to comply with policy LP2.

National Planning Policy Framework:

Paragraph 117 of the NPPF states that *“planning policies and decisions should promote an effective use of land in meeting the need for homes and other uses, while safeguarding and improving the environment and ensuring safe and healthy living conditions. 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”*

*Concluding Statement:*

The site is an infill plot within the settlement of Sturton by Stow therefore the site meets the highest priority for housing land as set out in the land availability sequential test of local policy LP4.

It is additionally considered that the site is an appropriate location for housing with areas of previously developed land as set out in local policy LP2.

The development would exceed the 9 dwellings “typically” permitted under policy LP2. However, the policy allows up to 25 dwellings in exceptional circumstances where proposals can be justified by local circumstances.

It is considered that the proposal on its own merits will meet the exceptional circumstances requirement and provide 14 affordable dwellings which meet a

local registered need and adds a further 6 dwellings towards the allocated housing growth for Sturton by Stow in local policy LP4 of the CLLP.

It is therefore considered that the principle of housing development on the site is acceptable subject to meeting all other material considerations and accords the LP2 and LP4 of the Central Lincolnshire Local Plan and the provisions of the NPPF.

It is considered that policy LP1, 2, 3 and 4 are consistent with the sustainability and housing growth guidance of the NPPF and can be attached full weight.

#### Visual Impact

Local 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, such as (but not limited to) historic buildings and monuments, other landmark buildings, topography, trees and woodland, hedgerows, walls, water features, field patterns and intervisibility between rural historic settlements’.*

Developments should also *‘be designed (through considerate development, layout and design) to preserve or enhance key local views and vistas’*

Local policy LP26(c) of the CLLP states that *All development proposals must take into consideration the character and local distinctiveness of the area (and enhance or reinforce it, as appropriate) and create a sense of place. As such, and where applicable, proposals will be required to demonstrate, to a degree proportionate to the proposal, that they:*

*c. Respect the existing topography, landscape character and identity, and relate well to the site and surroundings, particularly in relation to siting, height, scale, massing, form and plot widths;*

According to the submitted elevation plans the development will comprise and measure approximately:

Plot	Type	Bedrooms	In metres		
			Height	Length	Width
1-6	Semi-detached	3	8.2	8.6	5.5
7-12	Semi-detached	2	5.7	8.6	8.9
13-14	Semi-detached	1	5.7	6.0	11.2

The materials schedule for each plot identified on the elevation and floor plans are acceptable. The design of the dwellings are similar to the dwellings approved in planning permission 137562.

The site is not situated within an area which is designated for its character or its special landscape value.

The application site is a long narrow strip of land which influences the layout of the proposal with 14 dwellings adjacent and fronting the highway to allow for adequate rear gardens. It is acknowledged that the rear garden spaces are modest particularly for plots 11-14 but these are one and two bedroom bungalows and on balance it is considered that there is enough garden space for the occupants to comfortably sit outside, hang out clothes with some room for children to play.

The proposal additionally removes an old long detached garage building which has a negative visual Impact on the immediate street scene.

It is considered that the proposal will not have a harmful visual impact on the site or the street scene and will in particular enhance the northern section of the site. Therefore the proposal will accord to local policy LP17 and LP26 of the CLLP and the provisions of the NPPF.

It is considered that policy LP17 and LP26 are consistent with the design, character and visual amenity guidance (Chapter 12) of the NPPF and can be attached full weight.

#### Residential Amenity

The proposed dwellings will have neighbouring dwellings to the north, east and south. The front elevation of the existing dwellings along Queensway to the east will be at approximately 13.2 to 15.1 metres from the nearest elevation of the proposed dwellings. Plots 11 to 14 have the least separation to dwellings opposite but these plots will accommodate bungalows so are single storey in height. Therefore the development would not cause any harmful overlooking, a harmful loss of light or a harmful overbearing impact on the existing neighbouring dwellings.

It is additionally important to consider any amenity issues on the future residents:

The two storey dwellings (plots 1-6) will overlook parts of the proposed rear garden areas from the rear first floor windows, however with appropriate landscaping some privacy will be retained immediately outside the rear elevations.

Plots 7-14 are bungalows and with appropriate landscaping to the rear gardens will not cause any harmful overlooking, a harmful loss of light or a harmful overbearing impact on the future residents.

Due to the close proximity of neighbouring dwellings it is considered that a construction method statement is required to ensure the construction phase considers the amenities of neighbouring residents. A construction management plan dated 12th February 2020 has been submitted with this application. This can be conditioned on the permission.

It is considered that the proposal will not have a harmful impact on the living condition of existing and future residents and will accord to local policy LP26 of the CLLP and the provisions of the NPPF.

It is considered that policy LP26 is consistent with the residential amenity guidance of the NPPF and can be attached full weight.

#### Drainage

Objections have been received in relation to surface water flooding of the area and the off-site drainage improvement scheme.

#### *Foul Water:*

The application states foul water will be discharged to the mains sewer as identified between 11 and 13/21 Queensway on plan DSA19-053 PP-001 dated December 2019 within appendix A of the Flood Risk Assessment & Drainage Strategy by DesignSpace Architecture dated December 2019. 11 and 13/21 Queensway are owned by the applicant (ACIS) therefore access to complete the work is not a problem. Anglian Water has stated that there is available capacity for the additional flows. The method of foul drainage is considered acceptable and will be conditioned on the permission.

#### *Onsite Surface Water Drainage:*

The application has included a Flood Risk Assessment & Drainage Strategy by DesignSpace Architecture dated December 2019 and a Management and Maintenance Plan for Surface Water Drainage Scheme prepared by Inspire Design and Development received 12th February 2020. The surface water drainage scheme is in appendix A of the Flood Risk Assessment & Drainage Strategy.

National Planning Practice Guidance<sup>1</sup> states that a hierarchy to discharging surface water run-off should be followed:-

*Generally, the aim should be to discharge surface run off as high up the following hierarchy of drainage options as reasonably practicable:*

- 1. into the ground (infiltration);*
- 2. to a surface water body;*
- 3. to a surface water sewer, highway drain, or another drainage system;*
- 4. to a combined sewer.*

*Particular types of sustainable drainage systems may not be practicable in all locations.*

The FRA confirms that, following infiltration testing, filtration is poor, and infiltration techniques are considered to be impractical.

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<sup>1</sup> [Paragraph: 080 Reference ID: 7-080-20150323](#) Flood Risk & Coastal Change

The FRA calculates that at present, overland flows from the 2762sqm site will either infiltrate or flow overland towards the local watercourse. It calculates the existing runoff rate will be 6.74 litres per second (l/s).

The surface water scheme proposes run-off be restricted by a controlled discharge to 3.0l/s to the local watercourse (2<sup>nd</sup> on the hierarchy), amounting to a considerable betterment on the present situation.

To allow for a 1 in 100 year flood event (plus 30% climate change allowance) – a need for 114 cubic metres on site storage is found.

Furthermore, the scheme also proposes off-site drainage works to improve the current situation (see below).

It is considered that the proposed development offers a positive drainage scheme, a betterment on the existing uncontrolled situation.

There have been no objections received from the Lead Local Flood Authority or the Authority's Public Protection Officer. Anglian water have been consulted, and acknowledge the proposed scheme would not affect their assets. The method of onsite surface water drainage is considered acceptable and will be conditioned on the permission.

*Offsite Surface Water Drainage Improvements:*

The application includes off site Drainage Improvement Works plan GL-1269-01-DR-002 Rev P1 dated 12<sup>th</sup> December 2017 and a Management and Maintenance Plan for offsite Surface Water Drainage prepared by Inspire Design and Development received 12th February 2020. The scheme proposes to improve the drainage scheme along Saxilby Road by:

- increasing the diameter of the pipe to 450mm from 300mm to the front of 60 and 62 Saxilby Road
- and
- install a new 450mm pipe to go from the front of 62 Saxilby Road Manhole MH04 across the highway to the south west corner of 59 Saxilby Road to Manhole MH06.

This work will be carried out and maintained by the applicant and not by a relevant body or authority. This will include regularly inspections (6 monthly), jet washing (every 2 years) and two yearly CCTV investigations (every 5 years).

This scheme was accepted in extant planning permission 137562. There have been no objections to the proposed alternative improvements scheme from the Lead Local Flood Authority and the Authority's Public Protection Officer.

A resident of Sturton has questioned the accuracy of the offsite drainage plan stating that *"it appears as if the flow from the 'missing' manhole is to be deleted to the proposed drainage scheme in drawing GL-1269-01-DR-002"*.

In response the agent has submitted an email making it clear that the CCTV Survey of the offsite drainage system was purely done underground and not above ground. Manhole cover was not located because it was not looked for by the engineer. Its presence will not be removed or the existing drain to the south blocked off as part of the offsite surface water drainage improvement. As part of the improvement Manhole 4 will now flow straight to Manhole 6 on the opposite side of Saxilby Road instead of flowing first to manhole 5.

It is therefore considered that the proposed onsite and offsite drainage methods are acceptable and will be conditioned on the permission.

On research of the planning committee minutes for 130886 (see planning policy section) it was considered by the members at that time that the off-site drainage improvement works was fundamental to the approval of planning application 130886 and that the works should be conditioned (see condition of 130886) to be completed prior to any works commencing on the site. At this moment in time the site is primarily grassed with a long garage building and some hardstanding and the development will significantly increase the built form on the site.

With this in mind it is essential that the offsite drainage works are completed before either any or too much development begins on the site. The options are to condition that the offsite drainage improvements works are completed:

- Prior to any development commencing on site  
or
- Prior to the commencement of the third dwelling to allow a modest commencement on the site.

The Lead Local Flood Authority has recommended that the off-site drainage improvements works should be completed prior to first occupation. This could result in the entire development being built before the off-site drainage improvements works are completed reducing the surface water permeability of the site. This is therefore not considered an acceptable timing for completion of the offsite drainage improvements works.

After consideration it seems unreasonable to restrict all development on the site given that some hardstanding and built form exists on the site. It is therefore considered that an appropriate condition restricting the commencement of the third dwelling before the completion of the offsite drainage works.

It is considered that the proposal will not have a harmful impact on the drainage, and can be expected to have a beneficial impact that would decrease and not increase the risk of flooding. It therefore accords to local policy LP14 of the CLLP and the provisions of the NPPF.

It is considered that policy LP14 is consistent with the drainage guidance of the NPPF and can be attached full weight.

### Archaeology

The Historic Environment Officer at Lincolnshire County Council has not submitted any comments on the application. However no objections were raised in planning application 137562 therefore it is considered reasonable to conclude that this stance will not have altered. Therefore the development will not be expected to have a harmful archaeological impact and accords to local policy LP25 of the CLLP and the provisions of the NPPF.

It is considered that policy LP25 is consistent with the historic environment guidance of the NPPF and can be attached full weight.

### Highway Safety

Objections have been received in relation to vehicle parking on Queensway.

The proposal introduces two single vehicular access points/driveway (Plots 1, and 14) and six double access points/driveways (Plots 2/3, 4/5, 6/7, 8/9, 10/11 and 12/13). Each driveway provides acceptable off street parking but no turning spaces. Queensway is a no through road with a 30mph speed limit. The front of the proposed dwelling allows for adequate visibility in both directions therefore a vehicle can safely back out of the drives onto the highway. There is additionally an area of parking to the far north of the site for residents and visitors. The Highways Authority at Lincolnshire County Council has no objections to the proposal.

The Highways Authority have additionally recommended the construction of a 1.8 metre wide pedestrian footpath to the front of the site to connect to the existing footpath. The site plan includes a 1.7-1.8 metre wide footpath to the front of the site apart from the frontage of plots 13 and 14. The proposed footpath is therefore acceptable but no construction details have been submitted.

Therefore subject to conditions it is considered that the proposal will not have a harmful impact on highway safety grounds therefore accords to local policy LP13 of the CLLP and the provisions of the NPPF.

It is considered that policy LP13 is consistent with the highway safety guidance of the NPPF and can be attached full weight.

### Affordable Housing

Local Policy LP11 states that '*The strategic aim will be to deliver the 17,400 affordable dwellings that are needed to meet the needs of residents unable to compete on the open market*'. Furthermore it states that '*to help maximise what the planning system can contribute to meeting affordable housing need, then:*

*a. Affordable housing will be sought on all qualifying housing development sites of 11 dwellings or more, or on development sites of less than 11 units if the total floor space of the proposed units exceed 1,000 sqm.*

The applicant is a social housing provider and as the description states this application is to exclusively provide 14 affordable homes. This is considered a benefit to the development and the affordable homes will be obligated by a signed and certified Legal Section 106 Agreement.

The proposal therefore accords to local policy LP11 of the CLLP and the provisions of the NPPF.

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.

#### Open Space

Comments have been received in relation to the loss of the area for children to play.

Local policy LP24 states that *'the Central Lincolnshire Authorities will seek to:*

- reduce public open space, sports and recreational facilities deficiency;*
- ensure development provides an appropriate amount of new open space, sports and recreation facilities; and*
- improve the quality of, and access to, existing open spaces, sports and recreation facilities.*

During previous site visits it was noticed that the local children do use the current grassed area for recreational uses such as playing football and riding their bicycles. However, it is not a formal recreational area.

Sturton by Stow has a recreational ground with a large grass area including a grass football pitch, small enclosed hard surfaced pitch and a skate board facility. This is approximately 900m walk from the site predominantly along the pedestrian footpaths. In addition there is a playground to the rear of the Village Hall which is approximately 650 metres away. The development will not include any areas of open space on the site.

However as a medium village the settlement accommodates an appropriate amount of recreational space and play equipment within a short and safe walking distance. It is therefore considered that the proposed dwellings will be served by more than adequate open space within the village and there does not need to be an open space contribution provided.

The proposal therefore accords to local policy LP24 of the CLLP and the provisions of the NPPF.

It is considered that policy LP24 is consistent with the contributions for open space guidance of the NPPF and can be attached full weight.

#### Accessibility

Local policy LP10 of the CLLP states that *'more specifically, to cater for the needs of less mobile occupants, including older people and disabled people,*



*and to deliver dwellings which are capable of meeting peoples' changing circumstances over their lifetime, proposals for 6 or more dwellings (or 4 or more dwellings in small villages) must deliver housing which meets the higher access standards of Part M Building Regulations (Access to and use of buildings) by delivering 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'.*

This requirement has been communicated to the agent who has confirmed in an email dated 13<sup>th</sup> February 2020 that plots 10, 11, 12, 13 & 14 will accord with the space standards set out in M4(2). The five dwellings (35.7%) would meet the 30% requirement but no further details have been submitted.

Subject to a condition will be attached to the permission to ensure that the development meets the M4(2) standard in LP10.

It is considered that policy LP10 is consistent with the accommodation guidance of the NPPF and can be attached full weight.

#### Community Infrastructure Levy (CIL)

West Lindsey District Council adopted a Community Infrastructure Levy (CIL) which will be charged from 22<sup>nd</sup> January 2018. The site is within charging zone 2, where the charge would be £15 per square metre for houses.

Paragraph 65 (Reference ID: 25-065-20190901) in the CIL section of the NPPG states that '*Social housing relief is a mandatory discount that applies to most social rent, affordable rent, intermediate rent provided by a local authority or Private Registered Provider, and shared ownership dwellings. Subject to meeting specific conditions, social housing relief can also apply to discounted rental properties provided by bodies which are neither a local authority nor a private registered provider. Regulation 49 (as amended by the 2015 Regulations) defines where social housing relief applies.*

*To qualify for social housing relief, the claimant must own a material interest (defined in regulation 4(2)) in the relevant land (the area granted planning permission) and have assumed liability to pay the levy for the whole chargeable development.*

*A charging authority may offer separate, discretionary, relief for affordable housing types which do not meet the criteria required for mandatory social housing relief and are not regulated through the National Rent Regime. When applying for relief, a claimant must provide evidence that the chargeable development qualifies for social housing relief. The Regulations provide that dwellings no longer meeting these requirements must pay the levy'.*

This affordable housing development will qualify for relief from CIL providing the appropriate paperwork is submitted prior to commencement on the site. Therefore the development might not be liable to a CIL payment.

## **Other Considerations:**

### Demolition

The demolition of the garages will need to be completed in an appropriate and respectful manner given the closeness of the site to residential dwellings. The Parish Council have expressed concerns that the garages to be demolished may contain asbestos. Following a discussion the Environmental Officer agrees that the garages corrugated roof may contain asbestos but not necessarily to a harmful level.

The application has included a brief but acceptable statement on the construction management plan to remove and dispose with any known or found asbestos using a licensed contractor.

However, the removal of asbestos is covered by areas of legislation other than planning.

### **Conclusion and reasons for decision:**

The decision has been considered against policies LP1 A presumption in Favour of Sustainable Development, LP2 The Spatial Strategy and Growth in Villages, LP3 Level and Distribution of Growth, LP4 Growth in Villages, LP10 Meeting Accommodation Needs, LP11 Affordable Housing, LP13 Accessibility and Transport, LP14 Managing Water Resources and Flood Risk, LP17 Landscape, Townscape and Views, LP24 Creation of New Open Space, Sports and Recreational Facilities, LP25 The Historic Environment and LP26 Design and Amenity of the Central Lincolnshire Local Plan 2012-2036 in the first instance and guidance contained within the National Planning Policy Framework and National Planning Practice Guidance.

In light of this it is considered that on its own merits the principle of the development is acceptable including contributing 14 affordable dwellings on an appropriate site within the developed footprint of a medium settlement and towards the housing growth in Sturton by Stow and housing supply in Central Lincolnshire. In this case the exceptional circumstances requirement is met because this exclusive affordable homes site meets a recognised local circumstance and need. The proposal will utilise part of the land which has been previously developed. The proposal will not have a significant adverse visual impact on the site, the street scene or the surrounding area. It not have a significant harmful impact on the living conditions of neighbouring dwellings, highway safety, archaeology or drainage.

### **Human Rights Implications:**

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

### **Legal Implications:**

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

**Representors to be notified -**

*(highlight requirements):*

**Standard Letter** ☐

**Special Letter** ☐

**Draft enclosed** ☐

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

1. The development hereby permitted must 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:**

NONE

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

2. With the exception of the detailed matters referred to by the conditions of this consent, the development hereby approved must be carried out in accordance with the following proposed drawings (Unless Stated Dated 6th December 2019):

- DSA19-053 1000 – House Type A Floor, Roof and Elevation Plans
- DSA19-053 1001 – House Type B Floor, Roof and Elevation Plans
- DSA19-053 1002 – House Type C Floor, Roof and Elevation Plans
- DSA19-053 1003 Rev A dated 27th January 2019 – Site Plan

The works must be carried out in accordance with the details shown on the approved plans and in any other approved documents forming part of the application.

Reason: To ensure the development proceeds in accordance with the approved plans and to accord with the National Planning Policy Framework and local policies LP17 and LP26 of the Central Lincolnshire Local Plan 2012-2036.

3. The proposed dwellings must be constructed from the materials in the materials schedule on the three Floor, Roof and Elevation Plans listed in condition 2 of this permission.

Reason: To ensure the use of appropriate materials in the interests of visual amenity and the character and appearance of the site and the street

scene to accord with the National Planning Policy Framework and local policies LP17 and LP26 of the Central Lincolnshire Local Plan 2012-2036.

4. No occupation of the dwellings must take place until construction details for the pedestrian footpath to the front of the site as shown on site plan DSA19-053 1003 Rev A dated 27th January 2019 have been submitted to and approved in writing by the Local Planning Authority. The details submitted must also include appropriate arrangements for the management of surface water run-off from the highway. No occupation must take place until the footpath has been completed in accordance with the approved plans and details and retained for that use thereafter.

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.

5. The development must be completed in accordance with the foul and surface water drainage plan DSA19-053 PP-001 dated December 2019 within appendix A of the Flood Risk Assessment & Drainage Strategy by DesignSpace Architecture dated December 2019. No occupation of each individual dwelling must occur until the individual dwelling has been fully connected to the approved drainage scheme.

Reason: To ensure adequate drainage facilities are provided to serve the development and to accord with the National Planning Policy Framework and local policy LP14 of the Central Lincolnshire Local Plan 2012-2036.

6. No more than two of the dwellings hereby permitted shall commence unless the off-site surface water drainage improvement works have been completed in accordance with the Proposed Alternative Improvements plan identified on plan GL-1269-01-DR-002 Rev P1 dated 12<sup>th</sup> December 2017.

Reason: To improve and maintain adequate drainage within the area to accord with the National Planning Policy Framework and local policy LP14 of the Central Lincolnshire Local Plan 2012-2036.

7. The development must be completed in accordance with the Construction Site Management Plan dated 12th February 2020 including the removal and disposal of any known or found asbestos through a licensed contractor.

Reason: To preserve residential amenity to accord with the National Planning Policy Framework and local policy LP26 of the Central Lincolnshire Local Plan 2012-2036.

8. Before each dwelling is occupied, their vehicular access and driveway must be completed in accordance with the approved site plan DSA19-053 1003 Rev A dated 27th January 2019 and retained for that use thereafter.

Reason: To ensure safe access to the site and each dwelling/building has sufficient off street parking in the interests of highway safety to accord with the National Planning Policy Framework and local policy LP13 and LP26 of the Central Lincolnshire Local Plan 2012-2036.

9. Notwithstanding the approved plans, plots 10, 11, 12, 13 & 14 must be constructed to comply with the standards set out in Part M4(2) (Volume 1: dwellings) of the Building Regulations 2010.

Reason: To ensure the development meets the requirements for accessibility set out in Part M4(2) of the Building Regulations 2010 and to accord with the National Planning Policy Framework and local policies LP10, LP17 and LP26 of the Central Lincolnshire Local Plan 2012-2036.

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

10. The method of surface water drainage from the site completed in accordance with condition 5 of this permission must be managed and maintained in accordance with the Management and Maintenance Plan for Surface Water Drainage Scheme prepared by Inspire Design and Development received 12<sup>th</sup> February 2020.

Reason: To ensure adequate drainage facilities are provided to serve the development and to accord with the National Planning Policy Framework and local policy LP14 of the Central Lincolnshire Local Plan 2012-2036.

11. The off-site surface water drainage improvement works completed in accordance with condition 6 of this permission must be managed and maintained in accordance with the Management and Maintenance Plan for offsite Surface Water Drainage prepared by Inspire Design and Development received 12<sup>th</sup> February 2020.

Reason: To maintain adequate drainage within the area to accord with the National Planning Policy Framework and local policy LP14 of the Central Lincolnshire Local Plan 2012-2036.