

Officers Report

Planning Application No: 142208

PROPOSAL: Planning application for variation of condition 16 of planning permission 138921 granted 29 August 2019 re: completion of roundabout.

LOCATION: Land at Foxby Lane Gainsborough Lincolnshire DN21 1PP

WARD: Gainsborough South West

WARD MEMBER(S): Cllr Mrs J A Rainsforth, Cllr T V Young

APPLICANT NAME: Keepmoat Homes

TARGET DECISION DATE: 24/03/2021

DEVELOPMENT TYPE: Major - Dwellings

CASE OFFICER: Rachel Woollass

RECOMMENDED DECISION: Grant permission subject to the signing of the deed of variation of the s106.

Description:

The site is within the Gainsborough Southern Neighbourhood SUE (Sustainable Urban Extension) as allocated within the Central Lincolnshire Local Plan (CLLP) (site CL1239 under policies LP39/LP48)

The site is located to the south of Foxby Lane and to the west of Park Springs and Bass Wood. The southern extent is defined by Lea Wood and Warren Wood.

The application seeks a variation of condition 16 which relates to the implementation of the roundabouts throughout the site.

It is proposed to alter the below condition –

16. No dwelling shall be first occupied until the roundabout at the junction of Foxby Hill and Lea Road and the roundabout at Middlefield Lane have been completed that follow the principles of the approved TTHC drawings M06052-A-140 Sheets 1 to 3 dated 14th December 2010 and have been completed to a final specification submitted to and agreed in writing by the Local Planning Authority, with the exception of:-

- *the roundabout annotated as “I” on drawing M06052-A-140 sheet 2 of 3 which shall be completed before the first occupation of any dwelling other than within phase 1 as annotated on the approved drawing 10754 302 dated July 2019 Rev P01*
- *the roundabout annotated as “L” on drawing M06052-A-140 sheet 3 of 3 which shall be completed before the first occupation of any dwelling other*

than within phases 1, 2 and 3 as annotated on the approved drawing 10754 302 dated July 2019 Rev P01

Reason: *As recommended by the Highway Authority to ensure the provision of adequate access in the interests of highway safety in accordance with policy LP13 of the Central Lincolnshire Local Plan.*

And to amend to –

16. No dwelling shall be first occupied until the roundabout at Middlefield Lane has been completed. The roundabout at the junction of Foxby Hill and Lea Road shall be completed, prior to the occupation of the 100th dwelling or two years from the date of this permission, whichever is the earlier date. Both roundabouts shall be completed in accordance with the approved TTHC drawings M06052-A-140 Sheets 1 to 3 dated 14th December 2010 and to a final specification submitted to and agreed in writing by the Local Planning Authority, with the exception of:-

- *the roundabout annotated as “I” on drawing M06052-A-140 sheet 2 of 3 which shall be completed before the first occupation of any dwelling other than within phase 1 as annotated on the approved drawing 10754 302 dated July 2019 Rev P01*
- *the roundabout annotated as “L” on drawing M06052-A-140 sheet 3 of 3 which shall be completed before the first occupation of any dwelling other than within phases 1, 2 and 3 as annotated on the approved drawing 10754 302 dated July 2019 Rev P01.*

Reason: *To ensure the provision of adequate access in the interests of highway safety in accordance with policy LP13 of the Central Lincolnshire Local Plan.*

Relevant history:

125020 – Outline planning application for 2500 new homes with associated employment land (use classes B1 Business and B2 General Industry), community services and facilities (use classes A1 shops, A2 financial & professional, A3 restaurants and cafes, A4 drinking establishments, A5 hot food takeaways, D1 non-residential institutions and D2 Assembly and Leisure, formal and informal open space and landscaping; together with the construction of new access junctions, cycleways and footpaths and associated infrastructure and facilities (access to be considered and not reserved). Permission granted 5th July 2011

138921 – Planning application to vary conditions 1, 2, 3, 6, 11, 17, 19, 20, 21, 26, and 27, and remove conditions 4, 5, 7, 8, 9, 10, 12, 13, 18, 23, and 25, of planning permission 125020 granted 5th July 2011. Permission granted 29/08/19

140081 – Reserved matters application for Phase 1 to erect 454no. dwellings, considering appearance, landscaping, layout and scale, following outline planning permission 138921 granted 29 August 2019. Permission granted 06/02/20

141697 – Planning application to remove part of hedge to provide temporary Access. Permission granted 19/11/20 with the following condition –

3. *Following the completion of the roundabout and main entrance at the junction of Foxby Lane and Middlefield Road, the temporary access shall be closed in accordance with details (to also include details of replacement of hedge) that shall first be submitted to and approved in writing and certified complete by the Local Planning Authority.*

Reasons: *In the interest of highway safety and visual amenity in accordance with policies LP13 and LP17 of the Central Lincolnshire Local Plan.*

Representations:

Cllr Boles: 2nd February 2021 - I object to the varying of condition 16 in the above application in the strongest terms. This condition was in part of the original application with the reason “As recommended by the Highway Authority to ensure the provision of adequate access in the interests of highway safety in accordance with LP13 of the CLLP”

With that in mind I see absolutely no grounds for this condition to be removed or altered. This change would not be “minor” as the application suggests. Quite the opposite the failure to deliver this highway infrastructure would have a huge impact on the residents in the locality and also the wider population of Gainsborough. To have this development be fully built before the infrastructure being implemented would be remise of the Council and should not be allowed to happen. All too often we are asked to grant these huge developments with the promise that vital infrastructure will follow but hardly ever does. Therefore, I cannot understand why this application would be considered as acceptable. If you were minded to approve this application I respectfully request that it is placed before the Planning Committee due to the reason above and the number of objections from the Public. Whilst I appreciate the application is deemed to be in the South West Ward, I believe that the variation affects the Gainsborough Hill Division that I represent at Lincolnshire County Council.

No comments received following the re-consultation - 11th March 2021

Cllr Devine: 1st February 2021 I object to the varying of condition 16 in the above application on the grounds of Safety. This condition was in part of application 138921 with the reason “As recommended by the Highway Authority to ensure the provision of adequate access in the interests of highway safety in accordance with LP13 of the CLLP” The condition was maintained in application 141697 temporary hedge removal as condition 3 and refers to the temporary access to be closed once the roundabout is complete, “in the interests of Highway Safety and visual amenity in accordance with LP13 LP17 of the CLLP”

I find it incredulous that the application is referred to as a “Minor” variation, this will have major implications for the area

1) The roundabout will not be built until prior to occupation of the 455th home, the first one in Phase 2 this may well be some time in the future and doesn't stop the building of many more homes before the condition is met.

2) The temporary access will not be closed for a long time and will no doubt be used as access for residents possibly by variation of condition 3, this will be dangerous for exiting and entering the site and also for motorists clearing the top of Foxby Hill

3) The increased traffic at what are in effect temporary junctions will be huge, somewhere between 700 and 900 potentially, this is nowhere near minor, I am also surprised that LCC have said the junction with Lea Road is able to absorb the additional traffic of 460 homes, traffic will be backed up to Middlefield Lane at busy times.

4) The roundabouts should be completed as per the original application granted as this will mean less inconvenience for current residents of Uphill Gainsborough than will occur once traffic from 454 additional homes.

If you were minded to approve this application I respectfully request that it is placed before the Planning Committee due to the reason above and the number of objections from the Public I Note that the application is deemed to be in the South West Ward, however I believe that the variation affects the East Ward in this instance.

No comments received following the re-consultation 11th March 2021

Cllr Rainsforth: 12th February 2021 - Strongly oppose the request to vary condition 16. When the application for this development first reared its head eleven years ago we spent a full day on this alone, as you can imagine there was a lot of public opposition to it, we put on conditions that would make it a nice development, plenty of parking and green spaces. I have lost count since then how many times it's been back for a change of conditions on one thing or another, I now don't think it will resemble anything like was originally intended.

No comments received following the re-consultation of 11th March 2021

Gainsborough Town Council: 26/01/2021 - No comments

24/03/2021 – Have no comments to make on the proposed amendments

Lea Parish Council: 8th February 2021 - Object to this application. Foxby Lane with Lea Road is already a very busy junction especially with the garage, petrol station and cars going in and out of Aldi. There will be an increase of traffic from 450 new houses particularly approaching the A156 from Foxby Lane and this junction will become much more hazardous. A roundabout will aid traffic flow and mitigate the hazard. Condition 16 of Planning Application 138921 should not be varied.

No comments received following the re-consultation - 11th March 2021

Local residents: Objections received from Glindale 15 Foxby Lane, 1 Foxby Lane, 5 Plymouth Close, 66 Theaker Avenue, 3 Foxby Lane, 9 Willoughby Chase, 5 Willoughby Chase, 1 The Pines, 10 Claremont Road, 10 Maple Close, 29 Pilham Court, 69 The Pines and Warren Wood Lodge with the main concerns –

- Delay is far from satisfactory
- Junction in question has never been safe, vehicles from another 450 houses is going to make this far worse
- Junction should have been modified years ago rather than delaying it
- Condition of 141697 for temporary access requires the temporary access to be closed following the completion of the roundabout and main entrance at the junction of Foxby Lane and Middlefield Road. This permission was to enable house building and roundabout construction to proceed at the same time
- the purpose of the approved planning application for the creation of a temporary access was to assist the progression of the house building works while the roundabout was under construction. If this amendment was approved for the roundabouts to be completed prior to the occupation of the 455th dwelling (as opposed to the first) then it could involve a timescale of several years with no limit.
- The temporary access to allow roundabout and house building is in place and the construction of a roundabout could happily take place in conjunction with the ongoing major civil engineering and house building works as they progress on site.
- Amendment proposed cannot be considered as minor, its impact on highway issues on Foxby Lane would be significant
- No reason why construction, sale and occupation cannot commence with immediate effect alongside the construction of Middlefield Lane
- The reasoning behind this application is purely profit led
- Construction of the Middlefield Lane Roundabout is a relatively minor area of work. The Lea Road roundabout is to my mind much less of an issue although still highly significant
- Roundabouts improve road safety
- The assertion that the construction of the roundabouts in accordance with the current condition would somehow delay the construction sale and development of the site is unfounded
- Should be rejected for the safety of the general public
- Both roundabouts are essential
- Road safety should be a priority
- The Summary in the letter attached to the Planning Application speaks of “acceptability” of changes and “looking forward to receiving formal validation shortly” I hope this is not the case and that pre application discussions have not given the impression that approval is forthcoming.

General Observation from 6 Plymouth Close –
Look at the plan to see how it affects me

Following a re-consultation to change the delivery of the Middlefield Lane roundabout to prior to occupation and to deliver the Foxby Hill/Lea Road roundabout prior to occupation of the 100th dwelling –

Support received from 1 Foxby Lane – Common sense has prevailed. The trigger points proposed for the roundabouts are sensible and logical. I think this was simply a case of the developer "trying it on" to minimise outlay and maximise profit.

Objections received from Glindale, 15 Foxby Lane and 9 Willoughby Chase –

- Whilst I fully understand the rationale behind the phasing in of the 2 roundabouts & appreciate that the roundabout at Middlefield Lane/Foxby Lane is the most important one. It is however questionable as to why the roundabout at Lea Road/Foxby Hill should be considered to be delayed, bearing in mind that there will be a further 115 new homes built close by on Middlefield Lane, with cars wanting to use the same junctions that have been mentioned above.

- On the original plans it showed traffic calming tables being constructed at the entrances to The Pines & Park Springs, when are they going to be done? Furthermore, the speed limit hasn't yet been reduced from 60 mph from Morrisons all the way along Foxby Lane, when is this going to happen & when is the speed of traffic going to be monitored, as

it is used a race track, with people taking no notice of the change from 60mph to 30mph? It

would appear that a major incident has to occur before anything is done nowadays. Surely prevention is better than cure.

- Infrastructure is needed sooner rather than later and John Coupland Hospital should remain open to cater for the increased population that is forecast for Gainsborough.

- no occupation of any dwelling should proceed until both roundabouts have been completed. We are already noticing more volume of traffic using this junction and do not want to wait for 100 Houses to be completed before this is completed. This could mean potentially 250 extra cars will be using this junction, which is ridiculous. Especially as the time frame to build and sell 100 new homes could go on for many years.

- Keepmoat Homes knew the terms of the Planning when they decided to take on the contract to build on the site, so they should honour the existing proposal rather than putting their profits over the public's safety.

LCC Highways: 5th May 2021 - In transport terms there is no objection to staging the delivery of the roundabout improvements as outlined in the amended condition in the cover letter dated 10th March 2021. However with regard the agreed S278, the scope of which is the construction of both roundabouts under one agreement, it will be necessary to amend the current agreement to include the site access roundabout only and make a

separate S278 application at a later date to construct the remaining roundabout at the junction of Foxby Hill and the A158 Lea Road.

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) and the Gainsborough Town Neighbourhood Plan.

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

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

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

LP25: The Historic Environment

LP26: Design and Amenity

LP28: Sustainable Urban Extensions

LP39: Gainsborough Sustainable Urban Extensions

LP48: Sustainable Urban Extensions – Allocations

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

Draft Local Plan / Neighbourhood Plan (Material Consideration)

NPPF paragraph 48 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).

- **Gainsborough Town Neighbourhood Plan (NP)**

On 6 May 2021 the referendum on the Gainsborough Town Neighbourhood Plan was held. Residents voted in favour of West Lindsey District Council using the neighbourhood plan to help it determine planning applications in Gainsborough. As it has been successful at referendum the Gainsborough Town Neighbourhood Plan should now be given full weight in such decision making.

Relevant policies of the NP include:

NPP 1: Spatial Strategy

NPP 6: Design Principles

NPP 8: A Mix of Housing Types

<https://www.west-lindsey.gov.uk/my-services/planning-and-building/neighbourhood-planning/all-neighbourhood-plans-in-west-lindsey/gainsborough-town-neighbourhood-plan/>

Main issues

- Principle

Assessment:

Principle

The applications seeks to vary conditions 16 of planning permission 138921 granted 29th August 2019.

Under s73(2) the Council may consider **only** the question of the conditions subject to which planning permission should be granted – it is not an opportunity to reconsider the granting of planning permission.

[Paragraph 55](#) of the National Planning Policy Framework makes clear that planning conditions should be kept to a minimum, and only used where they satisfy the following tests:

1. necessary;
2. relevant to planning;
3. relevant to the development to be permitted;
4. enforceable;
5. precise; and
6. reasonable in all other respects.

The principle of housing has already been established by the previous consent (125020). What has to be considered is the impact, if any, that the variation of the condition would have.

Condition 16 states –

16. *No dwelling shall be first occupied until the roundabout at the junction of Foxby Hill and Lea Road and the roundabout at Middlefield Lane have been completed that follow the principles of the approved TTHC drawings M06052-A-140 Sheets 1 to 3 dated 14th December 2010 and have been completed to a final specification submitted to and agreed in writing by the Local Planning Authority, with the exception of:-*

- *the roundabout annotated as “I” on drawing M06052-A-140 sheet 2 of 3 which shall be completed before the first occupation of any dwelling other than within phase 1 as annotated on the approved drawing 10754 302 dated July 2019 Rev P01*
- *the roundabout annotated as “L” on drawing M06052-A-140 sheet 3 of 3 which shall be completed before the first occupation of any dwelling other than within phases 1, 2 and 3 as annotated on the approved drawing 10754 302 dated July 2019 Rev P01*

Reason: *As recommended by the Highway Authority to ensure the provision of adequate access in the interests of highway safety in accordance with policy LP13 of the Central Lincolnshire Local Plan.*

The application seeks to amend condition 16 of planning permission reference 138921, which requires a roundabout at Foxby Hill/Lea Road and Middlefield Lane *to be completed prior to occupation of any dwellings*.

The agent states that in order to ensure construction, sale and occupation of the first phase of development at the Site can commence as soon as practicable, the Applicant is seeking minor amendments to the timing of these highway works.

They first sought to change the condition to the below –

Prior to the occupation of the 455th dwelling, the roundabout at the junction of Foxby Hill and Lea Road and the roundabout at Middle Field Lane have shall been shall be completed that follow in accordance with the principles of the approved TTHC drawings M06052-A-140 Sheets 1 to 3 dated 14th December 2010 and have been completed to a final specification submitted to and agreed in writing by the Local Planning Authority, with the exception of:-

- the roundabout annotated as “I” on drawing M06052-A-140 sheet 2 of 3 which shall be completed before the first occupation of any dwelling other than within phase 1 as annotated on the approved drawing 10754 302 dated July 2019 Rev P01*
- the roundabout annotated as “L” on drawing M06052-A-140 sheet 3 of 3 which shall be completed before the first occupation of any dwelling other than within phases 1, 2 and 3 as annotated on the approved drawing 10754 302 dated July 2019 Rev P01*

A Transport Assessment has been included in the application and Local Transport Projects have assessed the ability of the existing junction layout to accommodate the traffic associated with Phase 1, and have prepared a Transport Note to support this application.

The Note concludes that the junction capacity assessments, which are based on 460 dwellings and represents a worst-case scenario, demonstrates that the additional vehicle trips generated by Phase 1 could sufficiently be accommodated within the existing junction layout at Foxby Hill/Lea Road, and could operate with spare capacity. In capacity terms, the highway works proposed in condition 16 would not be required until after Phase 1 has been constructed and occupied.

The cover letter states that the proposed amendment does not seek to change the use, scale or character of the site. It is simply proposed to amend the timing of the highway works to allow much needed homes to be constructed and open to the market earlier, rather than having to wait until the works have been completed.

Policy LP13 states that any development that has severe transport implications will not be granted planning permission unless deliverable mitigation measures have been

identified, and arrangements secured for their implementation, which will make the development acceptable in transport terms.

Policy LP28 states that development of an urban extension must be planned and implemented in a coordinated way, through an agreed broad concept plan that is linked to the timely delivery of key infrastructure.....Whilst phasing may be agreed, the local planning authority will need to be satisfied that the key aspects of the concept plan will be delivered. Therefore, to prevent the provision of appropriate infrastructure being either delayed or never materialising, appropriate safeguards will be put in place, normally through a Section 106 agreement, which ensure that specific aspects of the scheme are delivered when an appropriate trigger point is reached.

In order to fully understand the implications and wider implications of the change, the applicant was asked what reassurances they could provide that the change would not prevent development on phase 2 of the site i.e. what mechanisms are in place to ensure the delivery of the roundabout/s as the proposal intends for the roundabout/s to be delivered prior to occupation of the 455th dwelling. The reserved matters for phase 1 is for 454 houses. Therefore they could complete the dwellings without the delivery of both of the roundabouts.

Whilst it is noted that the Transport Assessment concludes there is capacity for phase 1 of the site, this is taken out of context. The whole application is for 2500 homes with a phased approach of infrastructure delivery. This application is dealing with phase 1 as if it is an entity on its own which is not the case. It has very real delivery implications for the wider site as the change would mean phase 2 would not only need to deliver a school and roundabout but a further 2 roundabouts also. This has the potential for wider delivery implications.

The site is part of the housing land supply of which 1,400 dwellings are anticipated to come forward in the plan period to 2036. An understanding of the delivery and mechanisms to secure the roundabouts are required to fully understand any implications they would have on the delivery of the site.

Furthermore the infrastructure plan (future traffic modelling) for the area is derived on the basis that both these roundabouts will be delivered prior to occupation. It has not been shown what implications this change could have on the future traffic modelling.

These concerns were relayed to the applicant.

Keepmoat reconsidered the above factors, and were able to confirm that the Middlefield Lane roundabout would be delivered prior to occupation and that the Foxby Lane/Lea Road roundabout could be delivered prior to the occupation of the 100th dwelling.

They state that "This new, significantly lower "trigger point" for the delivery of this key piece of highways infrastructure demonstrates Keepmoat's commitment to its delivery well in advance of the completion of Phase 1 of the development and prior to it being

necessary to mitigate the impacts of the development itself on the local highway network. This ensures that the roundabout is available to support the first phase, as well as future phases, of development.”

They therefore proposed to amend the wording of condition 16 as follows:

No dwelling shall be first occupied until the roundabout at Middle Field Lane has been completed, and prior to the occupation of the 100th dwelling, the roundabout at the junction of Foxby Hill and Lea Road shall be completed. Both roundabouts shall be completed in accordance with the approved TTHC drawings M06052-A-140 Sheets 1 to 3 dated 14th December 2010 and to a final specification submitted to and agreed in writing by the Local Planning Authority, with the exception of:-

- *the roundabout annotated as “I” on drawing M06052-A-140 sheet 2 of 3 which shall be completed before the first occupation of any dwelling other than within phase 1 as annotated on the approved drawing 10754 302 dated July 2019 Rev P01*
- *the roundabout annotated as “L” on drawing M06052-A-140 sheet 3 of 3 which shall be completed before the first occupation of any dwelling other than within phases 1, 2 and 3 as annotated on the approved drawing 10754 302 dated July 2019 Rev P01.*

This however does not offer the full security that the Foxby Hill and Lea Road roundabout would be delivered and in a timely manner. Therefore it is suggested that the condition be worded as follows –

No dwelling shall be first occupied until the roundabout at Middlefield Lane has been completed. The roundabout at the junction of Foxby Hill and Lea Road shall be completed, prior to the occupation of the 100th dwelling or two years from the date of this permission, whichever is the earlier date. Both roundabouts shall be completed in accordance with the approved TTHC drawings M06052-A-140 Sheets 1 to 3 dated 14th December 2010 and to a final specification submitted to and agreed in writing by the Local Planning Authority, with the exception of:-

- *the roundabout annotated as “I” on drawing M06052-A-140 sheet 2 of 3 which shall be completed before the first occupation of any dwelling other than within phase 1 as annotated on the approved drawing 10754 302 dated July 2019 Rev P01*
- *the roundabout annotated as “L” on drawing M06052-A-140 sheet 3 of 3 which shall be completed before the first occupation of any dwelling other than within phases 1, 2 and 3 as annotated on the approved drawing 10754 302 dated July 2019 Rev P01.*

LCC Highways were consulted on the application and state that in transport terms there is no objection to staging the delivery of the roundabout improvements as outlined in the amended condition in the cover letter dated 10th March 2021. However with regard the agreed S278 highways agreement, the scope of which is the construction of both

roundabouts under one agreement, it will be necessary to amend the current agreement to include the site access roundabout only and make a separate S278 application at a later date to construct the remaining roundabout at the junction of Foxby Hill and the A158 Lea Road.

A **section 278 agreement** (or **s278**) is a **section** of the **Highways Act** 1980 that allows developers to enter into a legal **agreement** with the council (in their capacity as the **Highway** Authority) to make permanent alterations or improvements to a public **highway**, as part of a planning approval.

The S278 is a matter to be dealt with between the applicant and LCC highways. However, the implications to the S278 have been relayed to the agent by the officer.

It is considered that the amendment to the condition to complete the Middlefield roundabout prior to occupation and for the Foxby Hill/Lea Road roundabout to be completed prior to the occupation of the 100th dwelling or 2 years, whichever is the sooner, would be acceptable and would not have an unacceptable impact on highway safety.

Conditions

All conditions from the previous outline are to be transferred over with condition 16 amended as per the suggestion in the report.

Other matters

It is for the Local Planning Authority, not the applicant, to determine the “acceptability” of their application, having taken into account all representations received. “Receiving formal validation” is reference to meeting the statutory requirements for a complete or “valid” application in order for the Local Planning Authority to consider it (i.e. requisite forms, drawings, fees etc. have all been provided) – it is not a reference to the determination of the application.

Conclusion

The application has been assessed in the first instance against the provisions of the development plan policies LP1: A Presumption in Favour of Sustainable Development, LP2: The Spatial Strategy and Settlement Hierarchy, 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, LP24: Creation of New Open Space, Sports and Recreation Facilities, LP25: The Historic Environment, LP26: Design and Amenity, LP28: Sustainable Urban Extensions, LP39: Gainsborough Sustainable Urban Extensions, LP48: Sustainable Urban Extensions – Allocations of the Central Lincolnshire Local Plan as well as other material considerations and guidance contained within the National Planning Policy Framework and National Planning Practice Guidance and policies NPP 1: Spatial Strategy, NPP 6: Design Principles, NPP 8: A Mix of Housing Types of the Referendum version of the Gainsborough Town Neighbourhood Plan. In light of this assessment it is considered that the proposed

variation is acceptable and the amendment to the triggers of the roundabout on Foxby Hill/Lea Road would not have an unacceptable impact on highway safety.

The proposal is recommended for approval 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 two years from the date of approval of the last of the reserved matters to be approved.

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

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

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

3. Application(s) for approval of the reserved matters shall be made to the Local Planning Authority before 5th July 2023.

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

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

4. Development shall be carried out in chronological order as per the phasing plan 10754 302 dated July 2019 Rev P01. No development shall take place within a phase until a built development phasing plan for that phase has been submitted to and approved in writing by the Local Planning Authority. Development shall be carried out in accordance with each built development phasing plan.

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

5. No development shall take place on each phase until a wastewater and foul water strategy for each phase has been submitted to and approved in writing by the Local Planning Authority. The scheme for each phase shall be implemented as approved prior to the occupation of any dwellings.

Reason: To ensure adequate drainage facilities are provided to serve the development in accordance with policy LP14 of the Central Lincolnshire Local Plan.

6. No development shall take place within a phase until a scheme for the provision of affordable housing for that phase of the development has been 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, nomination agreement, and;
- Full planning viability assessment produced in line with Government guidance in place at the time.

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

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

7. No development shall commence within each phase until 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.

8. No development shall take place for each phase, including any works of demolition, until a Construction Method Statement for each phase has been submitted to, and approved in writing by the local planning authority for the relevant phase. 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.

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

9. No development shall take place on each phase until a surface water drainage strategy incorporating SUDs for each phase has been submitted to and approved in writing by the Local Planning Authority. Each scheme shall include –
- a management and maintenance plan for the lifetime of the development which shall include the arrangement for adoption by any public or statutory undertaker or any other arrangement to secure the operation of the sustainable drainage scheme throughout its lifetime.

The approved drainage scheme for that phase shall be implemented prior to occupation of any dwelling in that phase.

Reason: To ensure adequate drainage facilities are provided to serve the development in accordance with policy LP14 of the Central Lincolnshire Local Plan.

10. No development shall take place for each phase of the development until a scheme to secure the implementation of a programme of archaeological work in accordance with a written scheme of investigation for that phase has been submitted to and approved in writing by the Local Planning Authority. The works shall be carried out in accordance with the approved programme.

Reason: In order to ensure that satisfactory arrangements are made for the investigation, retrieval and recording of any possible archaeological remains of the site in accordance with policy LP25 of the Central Lincolnshire Local Plan.

11. No development shall take place for each phase of the development until an ecological report including a mitigation strategy for that phase has been submitted to and approved in writing by the Local Planning Authority. The mitigation shall be carried out in accordance with the approved strategy.

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

12. The permitted development shall not be occupied in a phase until a Travel Plan for that phase is submitted to and approved 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.

13. No development shall take place for each phase of development until a management and maintenance plan for any woodland areas for that phase has been submitted to and approved in writing by the Local Planning Authority. Each phase shall be in full accordance with their approved management and maintenance plan.

Reason: To ensure the appropriate management and maintenance of the woodlands in accordance with policy LP17 and LP21 of the Central Lincolnshire Local Plan.

14. Prior to occupation of a phase, details of cycleways and footpaths/crossings their management and maintenance and timing of delivery to serve that phase shall be submitted to and approved in writing by the Local Planning Authority. The cycleways and footpaths/crossing shall be retained for the lifetime of the development in accordance with their approved management and maintenance.

Reason: To encourage the use of alternative forms of transport to the site, other than the private car 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:

15. 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.

16. No dwelling shall be first occupied until the roundabout at Middlefield Lane has been completed. The roundabout at the junction of Foxby Hill and Lea Road shall be completed, prior to the occupation of the 100th dwelling or two years from the date of this permission, whichever is the earlier date. Both roundabouts shall be completed in accordance with the approved TTHC drawings M06052-A-140 Sheets 1 to 3 dated 14th December 2010 and to a final specification submitted to and agreed in writing by the Local Planning Authority, with the exception of:-

- the roundabout annotated as "1" on drawing M06052-A-140 sheet 2 of 3 which shall be completed before the first occupation of any dwelling other than within

phase 1 as annotated on the approved drawing 10754 302 dated July 2019 Rev P01

- the roundabout annotated as “L” on drawing M06052-A-140 sheet 3 of 3 which shall be completed before the first occupation of any dwelling other than within phases 1, 2 and 3 as annotated on the approved drawing 10754 302 dated July 2019 Rev P01.

Reason: To ensure the provision of adequate access in the interests of highway safety in accordance with policy LP13 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