



## Officers Report

### Planning Application No: 134663

**PROPOSAL:** Outline planning application for the erection of up to 43 residential dwellings (Use Class C3) with access to be considered and other matters reserved for subsequent applications.

**LOCATION:** Land between Castle Hills and The Avenue Gainsborough  
Lincolnshire

**WARD:** Gainsborough North

**WARD MEMBER(S):** Cllr Bardsley, Cllr Bibb & Cllr Boles

**APPLICANT NAME:** (*Thonock & Somersby Estate*)

**TARGET DECISION DATE:** 12/10/2016

**DEVELOPMENT TYPE:** Major - Dwellings

**CASE OFFICER:** Jonathan Cadd

**RECOMMENDED DECISION:** That the decision to grant planning permission, subject to conditions, be delegated to the Chief Operating Officer, to enable the completion and signing of an agreement under section 106 of the Planning Act 1990 (as amended) pertaining to:-

- 25% affordable housing (to be delivered on site; and/or through an offsite contribution)
- A capital contribution (£101,487) in lieu of on site Education provisions
- Provision of a LEAP & open space/attenuation basin and on-going maintenance for these areas and drainage infrastructure.
- Contribution to the provision of a Travel Plan Officer.

And, in the event of the s106 not being completed and signed by all parties within 6 months from the date of this Committee, then the application be reported back to the next available Committee meeting following the expiration of the 6 months.

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#### **Description:**

This application seeks outline planning permission for a residential application for up to 43 dwellings with all matters reserved (appearance, scale, layout and landscaping) except access. An indicative plan has been provided showing an arrangement of dwellings fronting the Avenue to the east and open space to the west. The access would be positioned centrally onto The Avenue.

The application site is located on land immediately to the west of the Avenue, Gainsborough. 2.58 ha in area, site is roughly rectangular in shape. Ground levels fall considerably to the west by approximately 8m. The site is currently open grassland with footpaths cut into longer grass for access. Fronting the site to The Avenue is mature hedging and trees some of which are protected

by a Tree Preservation Order. To the north is a dense bank of mature trees and hedges. The western boundary to the school is formed of paladin fencing whilst the site is open to the former playing fields north west of the site. The southern boundary is formed of paladin fencing to the school driveway.

Beyond the school driveway is open playing fields to the Leisure Centre. To the west is the Castle Wood Academy School, its playground and sports field. Also to the west is an area of former playing fields (see planning history) which are currently over grown, whilst to the north is the Anglian Water Treatment Centre. To the east is The Avenue a 9.5m wide road with paving to both sides (with street lighting to opposite side only) of the highway. Beyond the road is the Sunningdale Way housing estate.

### **Relevant history:**

The application site has planning history only as much through the approval of a residential scheme on the former Castle Hills College site as the access crosses the current application site.

- 131606 Outline planning application for proposed residential development with access to be considered and not reserved for subsequent applications. Approved 6 Oct 2016

This 130 dwelling permission is a resubmission of 128915 which has now expired. The access approved for this development runs through the current application site to The Avenue. This route is utilised in the current application under consideration.

- 130435 Outline planning application for residential development-means of access to be considered and not reserved-to replace extant outline planning permission 126101. Approved 25 Oct 2013
- 126101 Outline planning application for residential development - means of access to be considered and not reserved - to replace extant outline planning permission 120344. Approved 21 Sep 2010
- 120344 Outline Planning Application for residential development (Means of access to be considered and not reserved). Approved 13 July 2007

### **Representations (in summary):**

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

### **Gainsborough Town Council:** Object

- Concerns about the impact of this application on the traffic on the already dangerous Belt Road and the Avenue leading to the Belt Road.
- Concerned about the loss of amenity space for dog walkers and access to the nearby Castle Hills Woodland.

- Believe the site should be for higher value executive housing given the shortage of such housing in Gainsborough and its location near to the golf club.

**Local residents:** 64 The Avenue, 133 Ropery Road, 16 Dog & Duck Lane: Objections, in summary:

- Access/Exit Recently the road has been remarked making one lane on each side of the road and leaving the centre hatched. Vehicles often park on the two lanes and the road is on an incline from the Golf Club and other vehicles have to use the hatched area. The 30mph speed limit is often not observed.
- The dense landscape boundary and tree planting along the Avenue will be retained as promised in the Savills leaflet.
- The bench near the entrance to the site I hope would be retained or even renewed.
- The proposal will effectively end, Gainsborough Parkrun – How will this impact on the Council's Joint Health and Wellbeing Strategy. Up to 30 people use this area as part of a running route each Saturday.
- The information about access to open space is flawed, the Golf Club is not a general park it's a private golf club, also the Queen Elizabeth High School field is not generally accessible to the public. Some of the sites shown are also down for redevelopment. Finally, the space between the Riverbank and Wilson Street is an overgrown waste land not an amenity open space.
- Should the developer be made to open up a route in the woodland to the rear of the site to allow the weekly park run to continue?

**Health & Safety Executive (HSE):**

- The proposal does not lie within a consulting distance of a major hazard site or major hazard pipeline.

**Lincolnshire Fire & Rescue:**

- Object on the basis of inadequate access and water supply. To overcome this objection proposals should conform to the requirements specified within Building Regulations 2000 Part B5. As a minimum carrying capacity for hard standings should be able to accommodate pumping appliances of 18 tonnes (not 12.5 tonnes as detailed in building regulations). It is also recommended that fire hydrants be installed on the development. Details cannot be determined at this stage.

**Natural England:** No comments.

**LCC Highways/ Lead Flood Authority:** No objection to the proposal but request conditions relating to surface water run off being limited to 8.1litres/sec discharge into the Seven Trent Water Sewer, full details of the surface and foul drainage system to be agreed and details of access to be agreed.

**LCC Education:** Gainsborough North Primary Schools will reach capacity in 2018 and 9 spaces are required. A contribution of £101,487 is requested for

0.5FE extension to Castle Wood Academy to 1.5FE including 4 additional class rooms and ancillary facilities.

**Environment Agency:** The site is close to a borehole water extraction site. The site has not been previously developed. Subject to conditions being imposed to protect water quality, no objections are raised.

**Archaeology:** There is insufficient information provided to determine the impact on the setting, on the archaeological potential of the site or indeed of the impact of the site on any archaeology in the area. A heritage assessment should be provided which is proportionate to the assets importance. As a minimum the historic register should be consulted.

**Lincolnshire Police:** Provides guidance on design.

**Trees & Woodlands Officer:**

- No objections to development of this site, although the access and visibility splays in its currently proposed position would involve the removal of a good quality oak which was planted as a replacement following the removal of a TPO beech, and the splays are highly likely to impact on the important TPO beech tree T8 and the TPO replacement for T10 within their RPA's.
- Any development should take adequate consideration of existing good quality trees, especially TPO trees and TPO replacements, and avoid development within their RPA's.
- If consent is issued, a scheme of landscaping should be conditioned to be required in any subsequent application, to mitigate any unavoidable tree loss and hedgerow removal for access, and for improved amenity and biodiversity value of the site.
- Existing trees and frontage hedgerow would require appropriate protective fencing erecting at the outer extents of RPA's.
- There should be no changes in existing ground levels within RPA's

**NHS England:** Consulted but no response received.

Revised Plan

**Trees and Woodlands Officer:** Raises concerns re the impact of the access on a protected tree to the frontage, also the detailed designs of footpath internally within the site. The loss of trees to the northern boundary is also a concern.

**Archaeology:** Additional information required to ensure harm is not caused to any heritage assets.

## Relevant Planning Policies:

### National guidance

National Planning Policy Framework (NPPF)

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

National Planning Policy Guidance (NPPG):

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

### West Lindsey Local Plan First Review 2006

STRAT1 – Development requiring planning permission

<https://planning.west-lindsey.gov.uk/planning/localplan/written/cpt3a.htm#strat1>

STRAT3 – Settlement hierarchy

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

STRAT4 – Windfall and infill housing development in Gainsborough and the urban areas of Lincoln

<https://planning.west-lindsey.gov.uk/planning/localplan/written/cpt3b.htm#strat4>

STRAT9 – Phasing of housing development release of land.

<https://planning.west-lindsey.gov.uk/planning/localplan/written/cpt3b.htm#strat9>

SUS1 – Development proposals and transport choice

<https://planning.west-lindsey.gov.uk/planning/localplan/written/cpt4.htm#sus1>

SUS4 – Cycle and pedestrian routes in development proposals

<https://planning.west-lindsey.gov.uk/planning/localplan/written/cpt4.htm#sus4>

MT1 – Market Towns

<https://planning.west-lindsey.gov.uk/planning/localplan/written/cpt5.htm#mt1>

RES1 – Housing layout and design

<https://planning.west-lindsey.gov.uk/planning/localplan/written/cpt6.htm#res1>

RES2 – Range of housing provision in all housing schemes

<https://planning.west-lindsey.gov.uk/planning/localplan/written/cpt6.htm#res2>

RES5 – Provision of play space/ recreational facilities in new residential developments

<https://planning.west-lindsey.gov.uk/planning/localplan/written/cpt6.htm#res5>

RES6 – Affordable housing

<https://planning.west-lindsey.gov.uk/planning/localplan/written/cpt6.htm#res6>

CORE9 – Retention of Important open space and frontages within or adjoining the settlements

<https://planning.west-lindsey.gov.uk/planning/localplan/written/cpt8.htm#core9>

CORE10 – Open space and landscaping within developments

<https://planning.west-lindsey.gov.uk/planning/localplan/written/cpt8.htm#core10>

NBE14 – Waste water disposal

<https://planning.west-lindsey.gov.uk/planning/localplan/written/cpt11.htm#nbe14>

NBE15 – Water quality and disposal

<https://planning.west-lindsey.gov.uk/planning/localplan/written/cpt11.htm#nbe15>

### **Submitted Central Lincolnshire Local Plan (June 2016)**

<https://www.n-kesteven.gov.uk/resources/assets/attachment/full/0/17818.pdf>

LP1: A presumption in favour of sustainable development

LP2: The spatial strategy and settlement hierarchy

LP3: Level and distribution of growth

LP9: Health and wellbeing

LP10: Meeting housing needs

LP11: Affordable housing

LP12: Infrastructure to support growth

LP13: Accessibility and transport

LP14: Managing water resources and flood risk

LP17: Landscape, townscape and views

LP18: Climate change and low carbon living

LP21: Biodiversity and geodiversity

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

LP25: The Historic Environment

LP26: Design and amenity

LP41: Regeneration of Gainsborough

The CLLP has completed its third and final round of public consultation and has now been submitted for examination by the Planning Inspectorate. The Plan is subject to an Examination in Public (EIP). In accordance with paragraph 216 of the NPPF the weight to afford policies within this draft of the Local Plan can be significantly increased particularly where policies have not been objected to and are deemed in conformity with the NPPF.

#### **Main issues**

- *Principle of dwellings in this location and policy issues*
- *Sustainability*
- *Loss of open space*
- *Character & design*
- *Highways & accessibility*
- *Trees, landscaping & ecology*
- *Archaeology*
- *Drainage*

**Assessment:**

- *Principle of dwellings in this location and policy issues*

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

Planning law requires that applications for planning permission must be determined in accordance with the development plan, unless material considerations indicate otherwise. The saved Policies of the West Lindsey Local Plan First Review 2006 (WLLP) remains the statutory development plan for the district. The Submission Central Lincolnshire Local Plan (SCLLP) is a material consideration to be considered against its provisions.

The site is located within the town of Gainsborough, as defined in the WLLP 2006. Gainsborough is identified at the top of the Local Plan's settlement hierarchy (policy STRAT3).

Saved Policy STRAT4 indicates that planning permission will be granted for new residential development on previously developed land within the settlement boundary of Gainsborough... The application site, however, is located on a private greenfield site that is tenanted by a farmer but which has restricted public access by reason of a private agreement through a Higher Level Stewardship scheme which runs until 2020. The frontage of the site provides an attractive wooded character to the street scene of The Avenue. The open space was also being used by dog walkers, walkers and runners at the time of the site visit.

The whole site is allocated within the WLLP as important open space CORE9 which indicates that development will not be permitted on areas shown to remain undeveloped on the proposals map. Para. 3.36 indicates that infill development is important to sustain housing and other developments within towns and villages of the district. However, as open spaces can in some circumstances make an important contribution to the character and appearance of a settlement, the Council will seek to protect them from development.

As the application for 43 houses is proposed on undeveloped, or greenfield land it also falls on the bottom rung of policy STRAT9's sequential approach towards the phasing of housing development and release of land.

This residential development is not therefore in compliance with policies STRAT4, STRAT9 or CORE9 of the WLLP. The principle of development as proposed on this site is therefore contrary to the provisions of the statutory development plan, and the application falls to be refused planning permission unless there are material considerations which indicate otherwise.

(ii) National Policy



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

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

The latest Housing Land Availability Assessment (Sept 2016) identifies a need of 12092 dwellings across five years, which includes a 20% buffer and previous undersupply. The assessment identifies a land supply of 5.26 years (12,712 dwellings) in the five year period 2016/17 to 2020/21. The assessment includes:

- sites under construction;
- sites with full planning permission, but development has not started;
- sites where there is a resolution to grant planning permission;
- sites with outline planning permission;
- sites allocated in an adopted Local Plan; and
- sites not allocated in a Local Plan or without planning permission and which have no significant infrastructure constraints to overcome
- A windfall allowance (from year two)

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

The latest released five year supply figures are based upon an overall housing requirement for the plan period of 36,960 dwellings - this figure is based on a published Strategic Housing Market Assessment (SHMA). It is acknowledged that the methodology employed is yet to have been formally tested within the Local Plan examination. This examination has begun and it is expected to be concluded by the second week in December 2016.

Paragraph 49 of the NPPF states that *“Relevant policies for the supply of housing should not be considered up-to-date if the local planning authority cannot demonstrate a five-year supply of deliverable housing sites.”* The relevant policies are not therefore made ‘out of date’ by virtue of paragraph 49.

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<sup>1</sup> Paragraph 47

As the identified five year supply relies upon departures from the West Lindsey Local Plan Review 2006, then the extant plan no longer meets the objectively assessed housing needs of the Authority – its housing supply policies may be considered not fully up to date and may be afforded more limited weight in the application process and planning balance.

Applying NPPF paragraph 215 the WLLP's policies for the supply of housing could therefore be considered to have less weight in any determination. However, the test is the consistency with the NPPF, it can therefore be considered that some or parts of policies could maintain their full weighting. Nonetheless, even where policies are not deemed to be fully consistent with the NPPF whilst this may limit the weight to be afforded to them within the planning balance it does not mean they should be disregarded or otherwise carry no weight. It is for the decision maker to determine the weight which each policy should be given, taking account the provisions of the NPPF.

The application should be considered against the NPPF's presumption in favour of sustainable development, which for decision-taking means:

- approving development proposals that accord with the development plan without delay; and
- where the development plan is absent, silent or relevant policies are out-of-date, granting permission unless:
  - any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in the Framework taken as a whole; or
  - specific policies in the Framework indicate development should be restricted.

Given that the WLLP housing allocations are largely built out and that greenfield sites will be required to meet Central Lincolnshire's housing need it is considered that the spatial housing policies of the WLLP are deemed to be largely out of date and the planning balance is activated. Other WLLP policies however, remain fully compliant with the NPPF and should be given full weight.

### **(iii) Emerging Local Policy**

In the event Central Lincolnshire is now proceeding at an advanced stage with a replacement Local Plan which is considered NPPF compliant and the NPPF paragraph 216 provides advice on the weight to be afforded to emerging policies.

Paragraph 216 is clear that decision makers may give weight to relevant policies of emerging plans from the day of publication. The weight attached to such policies however, depends on:

- the stage of preparation of the emerging plan (the more advanced the preparation, the greater the weight that may be given);
- the extent to which there are unresolved objections to relevant policies (the less significant the unresolved objections, the greater the weight that may be given); and
- the degree of consistency of the relevant policies in the emerging plan to the policies in this Framework (the closer the policies in the emerging plan to the policies in the Framework, the greater the weight that may be given).

The emerging Central Lincolnshire Local Plan is a material consideration to take into account against the policies of the statutory development plan. The NPPF (paragraph 216) states that decision-takers may also give weight to relevant policies in emerging plans.

The Submission Central Lincolnshire Local Plan (CLLP) is considered to be at an advanced stage in the adoption process having completed three consultation stages and is now at examination, with public hearings taking place. Its policies can now attract at least a moderate weighting in any planning balance subject to the consideration of outstanding objections to any particular policy.

It is worth noting that in terms of allocated housing supply approximately 60% of the 5 year supply now has the benefit of planning permission, in addition to this, a further 20% of allocated sites have reached examination stage without objection. Finally, taking account of windfall development rates over a significant period some 7% of housing will come forward through these means. On this basis it is considered that the vast majority of predicted housing supply can be considered achievable. Of the 13% of sites which do have objections and will be considered in detail at examination some have only minor objections to them. On these grounds it is therefore considered that the housing policies of the CLLP can be attached moderate weight.

Draft Policy LP2 sets out a spatial strategy and settlement hierarchy from which to focus growth. Gainsborough is designated as a main town – category two of six hierarchical categories.

The Proposed Submission CLLP (policy LP2) indicates that the spatial role of main towns is to maintain and enhance their roles, and to meet the objectives for regeneration. Sleaford and Gainsborough will be the focus for substantial housing development supported by appropriate levels of employment growth, retail growth and wider service provision. Additional growth on non-allocated sites in appropriate locations will also be considered favourably.

This role is supported through policy LP3 which seeks development where it is best suited and most attractive to the market, whilst ensuring there are no locations that are overburdened or that other locations are not starved of growth. Gainsborough is noted for around 12% (4,435 homes) of growth through a combined strategy of urban regeneration and sustainable urban

extensions. Whilst the draft CLLP seeks to meet this target through the SUEs and other sites proposed for allocations, the site will accord with this remit.

It is considered, therefore, that Gainsborough is, in general, a sustainable place to develop and despite the lack of an allocation in the submitted CLLP the development of housing in this location, subject to other plan policies, could be considered acceptable and would assist Gainsborough to meet its housing growth agenda.

The CLLP, unlike the WLLP, does not allocate the site as Local Green Space or Important Open Space. The evidence report to the CLLP provides limited guidance on why the designation was not carried over to the current plan. Other sites previously allocated in the WLLP as Important Open Space have been re allocated as such in the CLLP, however, and so consideration will be required below to consider why this site has not.

Submitted CLLP policy LP17 indicates proposals should: 'protect and enhance the intrinsic value of landscape and townscape, including the setting of settlements, proposals should have particular regard to maintaining and responding positively to any natural and man – made features within the landscape and townscape which positively contribute to the character of the area...'. This site, or perhaps more importantly its mature landscaped frontage is important to the character of the street and this policy is deemed important and will be considered below in more detail.

*Submitted CLLP* policy LP21 seeks to minimise the impacts on bio diversity and geo diversity, and seek to deliver a net gain in bio diversity and geo diversity. This site has been the subject of a Higher Level Stewardship Scheme from Natural England. This has allowed the site to be left as scrub land with the allowance of public access to the site. This element will be considered further below.

- Sustainability

Sustainability is a golden thread that runs through the National Planning Framework. Para 6 indicates that the purpose of the planning system is to contribute to the achievement of sustainable development. There are three dimensions to sustainable development (para 7): an economic role, social role and an environmental role. These roles should not be considered in isolation because they are mutually dependent.

As note previously, the site is located within Gainsborough which is a major town with all the facilities required to live without reliance on private motor vehicles. Nevertheless, certain locations within towns are more accessible than others and it is right to consider the site relationship to shops, facilities and other services.

The site is located on a wide road and is connected to the footpath/ cycle path network of Gainsborough. This would provide access to the majority of facilities in this town.

Facility	Distance (Approximate using pedestrian footpath network)
Castle Hills Primary School	0.118km
Trent Valley Academy	2.0km
Town Centre	1.2km
Bus Stops	0.6km & 0.725km
Rail Station (Lea Road)	3.0km
Retail Convenience Store (SPAR)	1.1km
Leisure Centre and open space	0.3km
Medical facilities	1.3km

It is noted with Manual for Streets (DoT 2007) that the 'walkable neighbourhood' equates to a walking distance of 800m for facilities. It also notes, however, that 2km is a still a viable distance for walking to replace motor vehicle use. The proposals would, with the exception of Lea Road Station, meet the maximum distance levels. In addition to this, the Institute of Transport Guidelines (2000) also provide further guidance on the matter.

	Town Centre (metres)	Commuter/School Sight Seeing (metres)	Elsewhere (metres)
Desirable	200	500	400
Acceptable	400	1000	800
Preferred Max.	800	2000	1200

Here with the exception of access to the town centre/ rail station the site would be within acceptable walking distance of most facilities and within 600m of a bus stop providing acceptable access to further facilities and the town centre. It is considered therefore that the proposal would conform to saved policies STRAT1 and SUS1 of the West Lindsey Local Plan. Equally policies LP1, LP2, LP13 and LP18 of the CCLP would be met.

The development would impact on local services and although no additional contributions have been requested for NHS facilities, a request has been made for primary school contributions to extend the Castle Wood Academy to a 1.5 form entry school. This contribution amounts to £101,487. The applicant has indicated a willingness to agree to this through a s106 agreement.

In addition to this, the proposal seeks to offer a mixture of housing sizes including 4 – two bed, 28 – three bed, 11 – four bed properties. 25% affordable housing is also required to accord with WLLP policy RES6. Whilst this is usually requested on site it has been suggested that a contribution could be accepted in this instance to allow the monies to be used to assist affordable housing lead regeneration within the Gainsborough Housing Zone. At this stage whilst options are available there are no specific schemes which could be identified to utilise these funds. On this basis it is recommended that a flexible approach is taken to allow a s106 planning legal agreement to be drawn up for either on site provisions or a commuted sum to be agreed at

reserved matters stage. This will allow the Housing Zone projects to develop before committing funds. Such an approach would conform to policies RES6 of the WLLP and exceed the requirements of policy LP35 of submitted CLLP.

- Loss of open space

As noted above the site currently forms part of a collection of open spaces which link the Belt Road with The Avenue. This includes fields next to the leisure centre, school fields attached to the Castle Hill Academy, former playing pitches and the application site. This area, however, is being diminished through the approval of 131606 for housing on the former playing pitches and its road being shown dividing the current application site into two.

It is also noted that the site is private land with public access only agreed through a Higher Stewardship Scheme. Participation in this could be withdrawn at any time, removing the right to access the site. This would reduce the site's wider social role to visual amenity only. In addition, the loss of this area through either development or the any limitation of access would not represent a significant loss of amenity area as the leisure centre adjoining the site has a significant open fields for recreation. Richmond Park is also close by with a footpath link under the Barnetby to Gainsborough Central railway line.

It is accepted that the development of the site would restrict access for runners, pedestrians, dog walkers and children, however, access to the site is currently available only through agreement with the site owner, which as has been stated can be revoked at any time. In addition to this it has been shown that alternative facilities are available close by. In this way, the loss of this area for recreation / access is not deemed to be a significant issue.

The proposal is in outline, but the indicative plan shows provision for amenity open space and a play area to the lower parts of the site. Policy RES5 requires 7.5% of the site area be available for open space. The area shown designated for open space (combined with drainage systems) would conform to this requirement and with the play area proposed would provide a lasting facility for the local population. The use of this area for drainage would clearly restrict occasional access to this area, but as a dip of only 600mm would be created this still leaves the site to be used for recreation and amenity. Equally the position of the open space could adjoin the proposed open space at the Castle Hill development to create an extended attractive area for residents to use and relax within.

- Character of area and design

The application site, former Castle Hills College site and leisure central group together to provide a pleasant break in the developed area of Gainsborough. Its importance as such is diminished, however, due to the approval of 130 dwellings on the former school fields known as the former Castle Hills College site. Here, not only are the former school fields be developed but the access

road approved would divide the current application site into two with the junction required to remove a number of trees and a hedge to gain access to The Avenue.

When viewing the site from the Avenue, the key characteristics are not perhaps defined by the open space but rather the trees and hedges that front the site. These mature trees and hedges soften the road and give it an edge of settlement character along with the trees to the north beyond The Belt road. The erection of housing in this area would, subject to the retention of the majority of trees and the hedgerow to the road side maintain this character.

It is noted that the proposed access to the Avenue would include the loss of a small number of trees, including one mature tree, would detract from this character. This loss, however, would occur with the granting of this permission or not as the access has been agreed in the approved scheme at Castle Hills, which itself was a resubmission of a previous approval. The application has also not raised an significant objection from the Council's Trees & Woodlands Officer subject to conditions. Where concerns are raised these have been amended or can be addressed through the reserved matters application or the imposition of conditions.

As noted previously, the site has not been allocated as Local Green Space or Important Open Space within the submitted CLLP. Whilst no detail is provided as to why the protected allocation in the WLLP has not been carried over, potential indications could include: the relocation of the original school and its grounds, the approval of housing development on the lower parts of wider Castle Hills area (includes the construction of a road through the application site) and perhaps the private ownership of the land through which public access has only been agreed through the Higher Stewardship Scheme for a limited period.

It is not considered, given the sustainability of the site and Gainsborough, the limited impact the proposal would have (subject to the retention of trees and hedging to the Avenue) on character / amenity of the area and the availability of other amenity open space locally that the restrictive policy CORE 9 of the West Lindsey Local Plan could be defended if this proposal were resisted on these grounds.

The proposed layout provided is indicative and cannot be given significant weight in any outline determination. The layout does, however, provide sufficient detail to ascertain that an attractive well designed layout can be provided that would both protect the trees and hedging to The Avenue to the east and provide open space to the west. The design utilises the approved access road to the Castle Hills development (131606) and would have the potential to front onto the road creating an attractive set back frontage to The Avenue and the open space proposed to the west. To the southern side a 4m band of landscaping is proposed to assist to soften the rear of the properties to the school entrance. The density proposed at 23 dwellings per ha is not dissimilar to the surrounding area and is perhaps even considered to be quite low whereby providing the area with an attractive residential environment.

- *Highways & accessibility*

The proposed access onto The Avenue has been approved previously under planning permission 131606. The Avenue is a wide road with paving to both side and lighting opposite. At 30mph visibility splays proposed are deemed acceptable maintaining safety. This has been confirmed by the Highway Authority as only conditions have been requested with respect to transport.

The access road would be 5.5m wide with paving either side which would allow easy access to both pedestrians and vehicles without congestion or safety concerns. The layout proposed whilst indicative shows a mix of adopted and private access ways which would provide sufficient access to properties and turning area for service vehicles. Similarly parking could be made available for each property.

As noted above the proposal would connect to the footpath network within the area providing good connections to the wider area.

- *Trees, landscaping & ecology*

As noted above the mature trees and hedging to the site frontage provides an attractive natural frontage to The Avenue. The indicative plan shows that the site would maintain the vast majority of the important trees and hedges on site. In addition to this, the applicant has undertaken a tree survey.

The Trees and Woodland's officer has outlined some slight concerns re the formation of visibility splays at the site and as a result the plans have been altered slightly so that potential harm to a mature class A tree is avoided. The applicant has agreed to this, change despite the access already having approved under planning application 131606.

In other areas the proposals would encroach into the root protection areas of the trees, however, the indicative layout is such that rear garden areas are generous and would allow access ways and dwellings to be pulled away from the trees providing further protection. This could be adequately achieved at reserved matters stage. Conditions are also proposed. Additional planting is proposed although given the outline nature of the application this is likely to be conditioned.

The site has not specifically allocated for ecology reasons, Natural England has not objected to the proposals and a phase 1 Ecology Report has indicated limited ecological interest in the area. Perhaps unsurprisingly the areas of most quality (although even this is limited) is within the parts of the site covered by trees and hedges. A number of mitigation measures and proposals to enhance the ecological interest in the area are recommended as a result of the survey. Conditions are therefore proposed to meet these requirements.



It is also important to note that the site has not been enhanced as a result of the Higher Stewardship Scheme at the site. The site has been left to grow longer grass but this has not produced any specific interest ecologically. Natural England has confirmed that no specific planting has been proposed at this site as a result of the stewardship scheme and that any closure of the agreement would not involve any repayment of funding. This together with the quality of the current grass land leads, this instance, not to require invertebrate surveys which were initially considered.

- *Archaeology*

The site is close to the Castle Hills Scheduled Ancient Monument (SAM) and as a result there is potential for finds of archaeological interest. The NPPF places significant weight on the protection of such historic assets within Chapter 12 of the NPPF.

The applicant has not yet produced an investigation which adequately considers the impact on the significance these important historical assets and as such the LCC archaeologist retains an objection until this work has been undertaken.

It is of interest, however, that the adjoining site at former Castle Hills College site to the north west has been the subject of archaeological investigations to allow the approval of 131606. These investigations did not identify any particular issues. Given that, that site adjoins the current application site and is closer to the SAM this is deemed significant and perhaps reduces the likelihood of finds at The Avenue. Nevertheless, consideration of the application site is required and additional information is being provided by the applicant and will be considered by LCC. The recommendation below is therefore subject to the submission to and acceptance by LCC archaeological advisers that the site is of limited interest. It is therefore recommended that a verbal update be provided to the Planning Committee when this information has been examined.

- *Drainage*

The site levels fall considerable to the west. Investigations have indicated that the site is unlikely to achieve any significant infiltration due to the geology of the area and there are no water courses available for connection to. A surface water sewer is available to the Avenue but this is at the top of the site making a pumped system a requirement, this would limit the viability of the scheme. To the south western corner of the site, however, is a Seven Trent combined sewer connection. This is the preferred connection point for surface water. Seven Trent have indicated that an attenuated rate of 8.1 litres/sec (green field rate) could be accepted into the system subject to additional network modelling taking place or 5l/s without modelling. Such levels they indicate (subject to modelling) could be accommodated within the network capacity.

To achieve such levels the applicant has indicated a SUDs system of controlled road side swales leading to an attenuation basin. These basins

would be 600mm deep and grassed and would be constructed so that their bases were porous allowing any water to soak into attenuation crates below. These crates would store excess water whilst releasing it at a controlled rate into the sewer. The benefits of this system is to provide a useable amenity area for residents which at the same time would be utilised for drainage at times of heavy rainfall. The areas shown on indicative plans indicate the attenuation basins being suitable for retention of the level of water generated from the development and to allow release of rate of 8.1l/s into the Seven Trent system. It should be noted that only a small additional basin area would be required to meet the lower 5l/s discharge required which given the level of land available on site can be achieved.

In a similar way investigations have shown that the foul connections could be fully achieved through the Seven Trent network without any concerns over network capacity.

### **Planning Balance**

The site is located quite centrally within Gainsborough with good access to the majority of services, facilities, jobs and public transport connections normally required for everyday living. Both the WLLP and the CLLP indicate that Gainsborough is the focus for significant sustainable growth even on sites which have no housing allocation. This should be given significant weight in the planning balance.

Although not yet independently examined Central Lincolnshire is considered to have a 5 year supply of housing land available and therefore the weight attached to providing additional dwellings is therefore slightly lessened. Nevertheless, the 5 Year supply of housing land is a minimum requirement and where sustainable proposals accord with up to date Local Plan policies development should be granted (NPPF).

In this instance, the West Lindsey Local Plan allocations are generally deemed insufficient to meet the housing need identified and therefore its housing supply policies may be deemed to be out of date, greenfield sites not identified in the WLLP are required to meet the housing need unless other material concerns outweigh such considerations.

This site is noted in the WLLP as being part of an area of important open space where development should not be granted, saved Policy Core 9. This saved policy would therefore weigh against the proposal. As this policy seeks protect the character of important areas and as such is deemed to accord with the NPPF, There is no detail as to why this site was allocated as such and in any case a large proportion of the allocation has already been approved for housing (ref.no. 131606). In addition to this, the submitted CLLP does not allocate this site as Important Open Space, indeed it has no allocation at all. Other sites allocated as Important Open Space in the WLLP have been included as protected sites under a reciprocal policy in the CLLP. Given the lack of a corresponding policy in the CLLP, this reduces the weight to be afforded to WLLP policy CORE9 in this instance.

In addition to this, it should be noted that development has been approved on part of the original CORE 9 allocation and the limited permissive nature of public access over this private land is only possible through agreement with the land owner. The weight that can be attached to WLLP saved Policy CORE9 is therefore reduced further particularly given the presence of other areas of amenity open space in the vicinity and the amenity area and LEAP proposed on site.

Another key issue in the loss of this open space is the character of the area. This character has been assessed and it is considered that key element of the site with reference to the area's pleasant character is not particularly due the open space itself but the mature green hedge and tree belt which fronts onto The Avenue. Despite, the need to clear an access to the site (already agreed through the approval of ref. no. 131606), the vast majority of this important frontage would be maintained and an additional landscaped area provided to soften the southern boundary. Given this, it is considered, subject to conditions, that this important character can be maintained to The Avenue.

Central Lincolnshire has a significant need for affordable housing and the applicant is willing to provide 25% affordable housing either on site or as a contribution to be used in the regeneration in other parts of Gainsborough. This should be given significant positive weight. In addition to this, a mixture of house types is shown. Contributions to educational facilities has also been requested to mitigate any impact on local services. No response has been provided by the NHS. These contributions would therefore reduce any negative weight attached to the impacts of the proposal.

The retention of the trees and hedges on the site would maintain the ecological importance of the site, and subject to conditions and careful detailed designs at reserved matters stage, this is not deemed to be a negative issue.

Access and accessibility is deemed to be acceptable and would not generate significant concern from the Highways Authority, the access has been previously been approved under 131606 for 130 dwellings and the addition of 43 more would not detract from safety and capacity. In a similar manner both surface water and foul drainage is deemed subject to conditions and s106 legal agreement to be acceptable.

In conclusion, therefore, it is considered that the proposal, whilst a departure from the adopted West Lindsey Local Plan would generally conform to the submitted Central Lincolnshire Local Plan and would provide an attractive, sustainable addition to the growth agenda of Gainsborough without have a detrimental impact on the surrounding area, open space provision, character, safety, residential amenity, ecology or drainage of the area in accordance with saved Policies STRAT1, STRAT3, STRAT9, RES1, RES5, RES6 and CORE10 of the West Lindsey Local Plan, policies: LP1, LP2, LP3, LP9, LP11, LP12, LP13, LP14, LP17, LP18, LP21, LP25 and LP26 of the submitted

Central Lincolnshire Local Plan and the provisions of the National Planning Policy Framework.

**RECOMMENDATION:** That the decision to grant planning permission, subject to conditions, be delegated to the Chief Operating Officer, to enable the completion and signing of an agreement under section 106 of the Planning Act 1990 (as amended) pertaining to:-

- 25% affordable housing (to be delivered on site; and/or through an offsite contribution)
- A capital contribution (£101,487) in lieu of on site Education provisions
- Provision of a LEAP & open space/attenuation basin and on-going maintenance for these areas and drainage infrastructure.
- Contribution to the provision of a Travel Plan Officer.

And, in the event of the s106 not being completed and signed by all parties within 6 months from the date of this Committee, then the application be reported back to the next available Committee meeting following the expiration of the 6 months.

**Conditions requiring reserved matters and stating the time by which the development must be commenced:**

**Conditions requiring reserved matters and stating the time by which the development must be commenced:**

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

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

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

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

3. The development to which the permission relates must be begun not later than the expiration of two years from the final approval of the reserved matters or, in the case of approval on different dates, the final approval of the last such matter to be approved.

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

The scheme shall:

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

b) Provide attenuation details and discharge rates which shall be restricted to the 8.1 litres per second green field run off rate (unless further modelling suggests 5 litres per second);

c) Provide details of the timetable for and any phasing of implementation for the drainage scheme; and

d) Provide details of how the scheme shall be maintained and managed over the lifetime of the development, including any arrangements for adoption by any public body or Statutory Undertaker and any other arrangements required to secure the operation of the drainage system throughout its lifetime.

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

**Reason:** In order to minimise the risk of flooding in accordance with the provisions of the National Planning policy Framework.

5. No development shall take place until a wastewater and foul water strategy for the site have been submitted to and approved in writing by the Local Planning Authority. The scheme shall be designed to ensure infiltration systems are only used where it has been demonstrated that they will not pose a risk to groundwater quality. Only surface water from roofs and paved areas not accessible to vehicles should be discharged to

soakaway. The scheme shall be implemented as approved before the dwellings are first occupied.

**Reason:** To ensure satisfactory drainage of the site and part of the development site is within Source Protection Zone I and as such the protection of controlled waters is of high importance in accordance with West Lindsey Local Plan First Review Policy STRAT1 and NBE14.

6. No development shall commence until a scheme for the construction of foul sewers has been submitted to and approved in writing by the Local Planning Authority. The scheme shall include the following information:
- Confirmation that all foul sewers shall be constructed with a secondary Cured in Place Plastic (CIPP) liner or with an equivalent lining technology;
  - Any foul sewer chambers / manholes and pumping stations shall be constructed with a full concrete surround;
  - Confirmation that any pumping stations shall be constructed with a full concrete surround incorporating internal benching;
  - Details of how any lining measures will be constructed and how they will tie into any new or existing sewers lying outside Source Protection Zone 1.

The approved scheme shall be implemented in full and certification that the liners have been installed to the correct standard submitted to and approved in writing by the Local Planning Authority, prior to occupation.

**Reason:** The proposed development lies within a Source Protection Zone which is an area of sensitive groundwater used for human consumption. Lining the sewers will minimise any pollution of the groundwater from the sewers

7. No development shall take place, until a Construction Method Statement has been submitted to, and approved in writing by, the local planning authority. The approved Statement shall be adhered to throughout the construction period. The Statement shall provide for:
- (i) the routing and management of construction traffic;
  - (ii) the parking of vehicles of site operatives and visitors;
  - (iii) loading and unloading of plant and materials;
  - (iv) storage of plant and materials used in constructing the development;
  - (v) the erection and maintenance of security hoarding including decorative displays and facilities for public viewing, where appropriate;
  - (vi) wheel cleaning facilities;
  - (vii) measures to control the emission of dust and dirt during construction;
  - (viii) details of noise reduction measures;
  - (ix) a scheme for recycling/disposing of waste resulting from demolition and construction works;

- (x) the hours during which machinery may be operated, vehicles may enter and leave, and works may be carried out on the site;
- (xi) Measures for tree and hedgerow protection;
- (xii) Measures to ensure no encroachment onto the public right of way, or pose any dangers or inconvenience to its users;
- (xiii) A Construction Environmental Management Plan (CEMP) to ensure the protection of habitats and protected species.

**Reason:** In the interests of amenity and in accordance with saved policy STRAT1 of the West Lindsey Local Plan First Review.

8. The details to be submitted in accordance with condition no. 1 above shall include a Landscape Management Plan setting out management responsibilities and maintenance schedules for all landscaped areas (excluding private gardens), inclusive of trees, hedges, ditches and balancing ponds; and a Biodiversity Enhancement Scheme setting out measures for habitat creation and management in accordance with the principles set out in the Extended Phase 1 Habitat Survey. Development shall thereafter proceed in accordance with the approved details.

**Reason:** In the interests of amenity and biodiversity, in accordance with the provisions of the National Planning Policy Framework.

**Reason:** To ensure safe access to and from the site, in accordance with saved policy STRAT1 of the West Lindsey Local Plan First Review and the National Planning Policy Framework.

9. No dwellings hereby permitted shall be commenced before the first 60 metres of the estate road from its junction with the public highway including visibility splays has been completed.

**Reason:** To ensure safe access to and from the site, in accordance with saved policy STRAT1 of the West Lindsey Local Plan First Review and the National Planning Policy Framework.

10. No development or other operations shall take place on site in connection with the development hereby approved until, (including any; ground stripping, tree felling, tree pruning, demolition works, soil moving, temporary access construction and/or widening, or any operations involving the use of motorised vehicles or construction machinery) a detailed Arboricultural Method Statement shall be submitted to and approved in writing by the Local Planning Authority. No development or other operation shall take place except in complete accordance with the approved Method Statement. Such Method Statement shall include full details of the following:

- a) Implementation, supervision and monitoring of the approved Tree Protection Scheme

- b) Implementation, supervision and monitoring of the approved Tree Work Specification
- c) Implementation, supervision and monitoring of all approved construction works within any area designated as being fenced off or otherwise protected in the approved Tree Protection Scheme
- d) Timing and phasing of Arboricultural works in relation to the approved development.

**REASON:** For the avoidance of doubt and to ensure all parties are aware of the approved operations, whilst ensuring the continued well being of the trees in the interest of the amenity of the locality in accordance with West Lindsey Local Plan First Review Policies STRAT1 and CORE 10.

11. Notwithstanding the indicative plans no development shall extend within the root protection areas shown within the Tree Constraints Plan drawing no. 1 by Enviroscope unless approved at reserved matters stage by the Local Planning Authority.

**Reason:** To maintain the character of the area and important tree and in accordance with Saved Policy STRAT1 if the West Lindsey Local Plan.

12. The reserved matters applications shall include an area of not less than 7.5% of the site area for use amenity open space.

**Reason:** To maintain amenity and an open character to the area in accordance with saved Policy STRAT1 and RES5 of the West Lindsey Local Plan.

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

13. Before each dwelling (or other development as specified) is occupied the roads and/or footways providing access to that dwelling, for the whole of its frontage, from an existing public highway, shall be constructed to a specification to enable them to be adopted as Highways Maintainable at the Public Expense, less the carriageway and footway surface courses.

The carriageway and footway surface courses shall be completed within three months from the date upon which the erection is commenced of the penultimate dwelling (or other development as specified).

**Reason:** To ensure safe access to the site and each dwelling/building in the interests of residential amenity, convenience and safety.

14. All downpipes carrying rain water from areas of roof shall be sealed at ground-level prior to the occupation of the development. The sealed



construction shall thereafter be retained throughout the lifetime of the development.

**Reason:** To prevent the contamination of clean surface water run-off. National Planning Policy Framework (NPPF) paragraph 109 states that the planning system should contribute to and enhance the natural and local environment by preventing both new and existing development from contributing to or being put at unacceptable risk from, or being adversely affected by unacceptable levels of water pollution.

15. If, during development, contamination not previously identified is found to be present at the site then no further development (unless otherwise agreed in writing with the local planning authority) shall be carried out until the developer has submitted a remediation strategy to the local planning authority detailing how this unsuspected contamination shall be dealt with and obtained written approval from the local planning authority. The remediation strategy shall be implemented as approved.

**Reason:** To ensure the protection of controlled waters and in accordance with saved Policies STRAT1 and NBE14 of the West Lindsey Local Plan.

16. This development hereby permitted shall not exceed 43 dwellings.

**Reason:** To maintain the character of the area, provide sufficient open space and the maintain the health of trees and hedges in the area and in accordance with saved policies STRAT1, RES1 and RES5 of the West Lindsey Local Plan and the provisions of the National Planning Policy Framework.

17. Access to the site shall be provided in accordance with drawings PL03 rev H.

**Reason:** To ensure safe access to and from the site, in accordance with saved policy STRAT1 of the West Lindsey Local Plan First Review and the National Planning Policy Framework.

18. No works shall take place involving the demolition of any existing buildings or the loss of any hedgerow, tree or shrub other than outside the bird nesting season (1st March to 31st August), unless it has been thoroughly checked for any nests and nesting birds by a suitably qualified person who has confirmed in writing to the Local Planning Authority that there are no active nests present.

**Reason:** To protect biodiversity in accordance with the recommendations of the Phase 1 Habitat Survey and in accordance with policy STRAT 1 of the West Lindsey Local Plan and the National Planning Policy Framework.

19. No trees or hedges shall be removed from the site without the prior written agreement of the Local Planning Authority.

**Reason:** In the interests of amenity and protection of habitats, in accordance with the provisions of the National Planning Policy Framework.

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

20. Before the first dwelling being occupied the developer shall submit to and be agreed by the Local Planning Authority a revised Travel Plan based on the Draft Travel Plan. Prior to the occupation of any dwelling, details of the Travel Plan Coordinator shall be submitted to the Local Planning Authority. Copies of the annual monitoring reports shall be supplied to the Local Planning Authority.

**Reason:** In order to promote sustainable modes of transport, in accordance with the provisions of the National Planning Policy Framework.

**Notes for the applicant**

Lincolnshire Fire and Rescue also requires a minimum carrying capacity for hard standing for pumping appliances of 18 tonnes, not 12.5 tonnes as detailed in the Building Regulations 2000 part B5.

Lincolnshire Fire and Rescue recommends that fire hydrants be installed within this development at the developer's expense. However, it is not possible, at this time, to determine the number of fire hydrants required for fire fighting purposes. The requirement will be determined at the water planning stage when site plans have been submitted by the water companies.

*Other matters*

**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