

Officers Report

Planning Application No: 134720

PROPOSAL: Outline planning application for up to 180no. residential units with access to be considered and not reserved for subsequent applications

LOCATION: Land south of A631 Hemswell Cliff

WARD: Hemswell

WARD MEMBER: Cllr P Howitt-Cowan

APPLICANT NAME: Mr Ronald Duguid – Hemswell Estates Ltd

TARGET DECISION DATE: 24/10/2016

DEVELOPMENT TYPE: Major - Dwellings

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:-

- Capital contribution towards primary school facilities (amounting up to £146,593) in lieu of on-site provision;
- Capital contribution (£425 per dwelling) towards health care provision, in lieu of on-site provision;
- On site provision of or off site provision for the delivery of affordable housing and/or enhancement of affordable housing (as defined within the NPPF) within Hemswell Cliff, equivalent to a 25% contribution of the overall amount of housing;
- Measures to deliver and secure the ongoing management and maintenance of Public Open Space (equating to a minimum of 10% of the overall site);
- Provision of a controlled pedestrian crossing on the A631 to serve the development.

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.

Description:

This application has been referred to the planning committee as a Council Member is a Director of Hemswell Estates Ltd and is related to the applicant.

Planning permission is sought, in outline, for up to 180 dwellings with access taken directly from the A631. Matters of appearance, landscaping, layout and scale are all reserved for subsequent approval.

The site, measuring 7.60ha in area, comprises an agricultural field in active arable use. Mature planting and hedges run along the site boundaries, albeit with some breaks/gaps.

The site is located on the south side of the A631.

On the north side of the A631 are open fields (to the north-east) and residential properties (to the north-west).

To the west, is a small wooded copse in private ownership, and enclosed by fencing.

To the south west are detached residential properties within Hemswell Court / Lancaster Green.

To the east, is a small parcel of undeveloped land, between the site and Dog Kennel Road, in private ownership. Beyond Dog Kennel Road are a row of semi-detached residential properties fronting Creampoke Crescent.

Town and Country Planning (Environmental Impact Assessment) Regulations 2011:

The development has been assessed in the context of Schedule 2 of the Regulations and after taking account of the criteria in Schedule 3 it has been concluded that the development is not likely to have significant effects on the environment by virtue of its nature, size or location. Neither is the site within a sensitive area as defined in Regulation 2(1). Therefore the development is not 'EIA development'.

Relevant history:

None applicable on the application site.

It should be noted that outline planning permission has recently been granted for up to 40 dwellings, on land at Lancaster Green, Hemswell Court, approximately 150 metres to the west of the current application site. Planning appeal **APP/N2535/W/16/3147051** was upheld following the Council's non-determination of **application 133344** within the prescribed period.

Representations, in summary:

Hemswell Cliff Parish Council: Wishes it to be noted that the Parish Council would prefer to see applications brought forward on the north side of the road. Have a number of questions which, if can be addressed, the application would not be objected to:

- (1) Safety concerns with crossing the road. Can a crossing be incorporated? Can a 40mph speed limit be introduced?
- (2) Will roads and street furniture be installed to an adoptable standard?
- (3) What studies have been undertaken to ensure sewage management has capacity?
- (4) Would it be possible to reduce the number of houses being built and improve the quality of the build?
- (5) What steps are being taken to ensure there is enough capacity at local schools?

Consider that WLLP policies RES1: Housing Layout and Design, STRAT19: Infrastructure Requirements, SUS2: Transport Assessments and NBE14: Waste Water Disposal are particularly relevant. Consider that NPPF paragraphs 39 (car parking), 64 (good design), 72 (school places), 100 (flood risk), 103 (flood risk sequential test) are particularly relevant.

Growth & Projects Officer (Economic Development):

In principle and subject to normal planning considerations the Growth Team are supportive of this outline planning permission from an economic and regeneration perspective.

Hemswell Cliff currently has 275 households with a population of 739. 65% owner occupation. There is a high proportion of rented in comparison to number of houses. It currently does not have the level of population and needs to sustain services and therefore lacks a number of them necessary for a vibrant village; there is no doctors, community centre and Hemswell Cliff lacks transport links to Gainsborough and Market Rasen.

A volatile rented sector means the school has a high turnover of pupils. The Primary School had a mobility rate of 31% 15/16 year. This is a major issue. Additional population growth in quality houses would offer increased numbers and help stabilise a good primary school.

An increased population together with an increase in workers on the business park will assist the village in getting additional services.

Good quality housing would help bring more quality choice of accommodation and be an attractive pull to existing businesses and new businesses to the Food Enterprise Zone as an offer of live and work in close proximity.

The contribution that Hemswell Cliff will give in terms of employment land development and high value job creation is reflected in the Central Lincolnshire Local Plan Proposed Submission with Hemswell Cliff being put forward as a Strategic Employment Site suitable to accommodate large scale development in the agri-food sector.

Whilst the site at Hemswell Cliff was assessed in exactly the same way as all other proposed employment sites, the additional weight carried by the LDO and Food Enterprise Zone was considered too. These unique features added

strong rationale to the identification of Hemswell Cliff as a proposed Strategic Employment site.

The FEZ Scheme expects to generate approximately 1000 jobs over the next 15 years, representing an increase of nearly 28% on the numbers employed in the sector within West Lindsey in 2014. It will also build on the current strength of the agri-food sector in West Lindsey which represents 10% of the workforce and generates a GVA of approximately £94m.

LCC Highways / Lead Local Flood Authority: Recommend refusal of the application based on the lack of drainage information supplied as part of the application. There are no infiltration tests to prove that infiltration will work and there is no alternative method of drainage being offered.

If WLDC is otherwise minded to grant permission, recommend conditions to: secure a 1.8m footway adjacent to the A631 (from Dog Kennel Road to Lancaster Green); to secure a signalised crossing over the A631; roads and footways to be constructed to an adoptable standard; details of a SUDS drainage scheme.

Health & Safety Executive: Do not advise against, on safety grounds, the granting of planning permission in this case.

National Grid: The National Grid apparatus that has been identified as being in the vicinity of your proposed works is: High or Intermediate pressure (above 2 bar) Gas Pipelines and associated equipment.

Housing Zone Programme Manager:

Current policy within the West Lindsey Local Plan 1st review 2006 is that where there is a demonstrated need the council will seek to negotiate in the region of 25% affordable housing. This is always subject to the viability of the site.

- Due to the evidence of need on site provision is favoured by the Council to meet identified need.
- The West Lindsey SPG Off Site Contributions in lieu of Affordable Housing presents the opportunity for the applicant to provide an off-site contribution in lieu of on site provision in certain circumstances for which I believe this site would qualify
- The off-site contribution in this instance based on the SPG would equate to £2,179,530.00 (45 x £48,434.00)
- The emerging Central Lincolnshire Local Plan 2012-2036 Submission Draft April 2016 policy LP11, allows in exceptional circumstances, on site provision on another site or the payment of a financial contribution (equivalent in value to it being delivered on-site)
- Advice has been sought on the spend of off-site contributions in response to the applicants request
- In response to the advice and for the purposes of agreeing Heads Of Terms to move the application forward we could agree to an off-site contribution being spent on the 'provision or enhancement of affordable

- housing' the detail of which to be agreed with the Council and the Council's legal representative at a later stage
- Affordable Housing has the meaning given to it within the NPPF 2012 or any amendment or supplemental guidance.

LCC Education: This development would result in a direct impact on local Schools. In this case just the primary schools at Hemswell Cliff are projected, notwithstanding the proposed development, to be full in the future to the permanent capacity of the school. A contribution is therefore requested to mitigate against the impact of the development at local level. The PPR calculation illustrates that some 36 primary places will be required in the locality as a direct consequence of this development and there is insufficient capacity available.

At present projections show that, excluding the effect of the development in question, Hemswell Cliff Primary School will have 23 permanent surplus places (to 95% capacity) places by 2018 when it is reasonable to presume this development would be complete or well on the way. Seek a capital contribution, amounting up to £146,593. This will be spent on improvements to Hemswell Cliff Primary School.

NHS England: Seek a capital contribution of £425 per dwelling (up to £76,500). The GP practice that is most likely to be affected by this proposed housing development is The Ingham Surgery. The practice currently has a list size of 3388 (July 2016); the anticipated increase in population of 414 would be a significant increase in the practice list size. Any further increase in practice population will add additional pressure to the GPs and the existing infrastructure. Monies being considered to be used for increased parking and/or reconfigure the use of consulting rooms to multi use clinical rooms to accommodate the increase services that would be needed.

Trees Officer: I have no objections in terms of impact to existing trees or hedges. The indicative layout in this outline application shows a landscape belt along the south and southeast sides of the site. This should be required as a condition so the development is well screened and its impact on the adjacent countryside is reduced and softened. Details would be required in a subsequent application. Gaps and thin sections of the boundary hedgerow should be infilled with locally characteristic native countryside hedge mix. Details should be submitted in a subsequent RM application. A scheme of landscaping should be required for amenity value, to improve biodiversity value of the site, and to soften the impact of the built environment.

Environment Agency: Consider permission could be granted subject to planning conditions. The proposed development site is in or near to the catchment for Hemswell RAF Water Recycling Centre (WRC) ANNNF2068. Flow compliance data we hold for 2015 indicates that there is currently limited headroom for additional flows at the works. It is therefore expected that capacity will need to be upgraded to accept the increase in sewage volume from this development. Connection to the mains sewerage network is the only acceptable solution for the wider area.

The site lies on Lincolnshire Limestone (principal aquifer) outcrop, and in an SPZ 2 for public water supplies 4km to the east. There are closer licensed abstractions within 350 m of the site. This site is very sensitive with regards to groundwater issues. Any contamination not previously identified could impact on groundwater quality and ultimately on licensed abstractors or base flow to surface watercourses if not adequately addressed.

Recommend planning conditions to require details of foul sewage conveyance and treatment; and, protection of groundwater from existing contamination.

Anglian Water: Requests informative notifying that Anglian Water has assets close to or crossing the site. Site layout will need to take this into account or will need formal application under Water Industry act 1991 to divert. The site is in the catchment of Hemswell Water Recycling Centre which does not have the capacity available. Development will lead to an unacceptable risk of flooding downstream. A condition is required to secure a foul water drainage strategy.

Archaeology: No further archaeological input required.

Lincolnshire Police: Appreciates outline permission only. Offers advice for detailed plans on parking provision, clearly delineating public and private space, boundary treatments, design and layout.

Lincolnshire Fire & Rescue: Object to the application on the grounds of inadequate water for firefighting purposes & inadequate access. Recommend fire hydrants be installed at the developer's expense although not yet possible to determine number required. Access to buildings must meet with Building Regulations. 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.

Objections from **10, 15A, Hampden House (Lancaster Green):**

- Unsustainable for size of Hemswell Cliff;
- In accumulation with nearly 40 dwellings at Hemswell Court, the impact of 180 houses as well is going to change the village forever;
- Lancaster Green (a small, quiet community of around 20 detached houses) will be sandwiched right in the middle of it all;
- Home Office guidelines are 9% growth, but in extreme circumstances no more than 25% is allowed. This development plus that already permitted at Hemswell Court is exceeding these limits by astounding proportions;
- To my knowledge this area is prime agricultural land and should not be sacrificed to enable either a farmer (or developer) to make a huge amount of money;
- There is a high pressure gas main running through the site;
- This development, if it goes ahead, will also have an adverse impact on the environment;

- In this particular area there are a number of disused RAF installations which are ripe for redevelopment for both private and affordable housing instead of diminishing the English countryside for the sake of profit;
- for the village to become a coherent settlement, development needs to take place to the north and east of present main village site so that it can be further developed to make provision for a proper village centre with amenities such as at least one shop and a meeting place such as a village hall and other facilities;
- If this application were to go ahead it would not develop the village but it would further split it up so that future development would be impeded by an untidy lot of houses in the wrong place;
- The FEZ is a pure speculative venture. As such, no weight should therefore be given to this development from such a proposal.
- The Hemswell Court is a newly listed Grade II building. The listing itself, was persuasive not just from the building itself, but of the surrounding area of the site;
- Do not consider that applicant's pre-consultation exercise was adequate.

Relevant Planning Policies:

National guidance

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

National Planning Policy Framework (NPPF) Planning Practice Guidance (PPG)

West Lindsey Local Plan First Review 2006

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. Paragraph 215 of the National Planning Policy Framework (NPPF) states that due weight should be given to relevant policies in existing plans 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).

- STRAT 1 Development Requiring Planning Permission
<http://www2.west-lindsey.gov.uk/localplan/written/cpt3a.htm#strat1>
- STRAT 3 Settlement hierarchy
<http://www2.west-lindsey.gov.uk/localplan/written/cpt3a.htm#strat3>
- STRAT6 – windfall and Infill Housing Development in Primary Rural Settlements
<http://www2.west-lindsey.gov.uk/localplan/written/cpt3b.htm#strat6>
- STRAT 9 Phasing of Housing Development and Release of Land
<http://www2.west-lindsey.gov.uk/localplan/written/cpt3b.htm#strat9>
- STRAT 12 Development in the open countryside
<http://www2.west-lindsey.gov.uk/localplan/written/cpt3b.htm#strat12>

- STRAT19 Infrastructure requirements
<http://www2.west-lindsey.gov.uk/localplan/written/cpt3b.htm#strat19>
- SUS4 Cycle and pedestrian routes in development proposals
<http://www2.west-lindsey.gov.uk/localplan/written/cpt4.htm#sus4>
- RES 1 Housing Layout and Design
<http://www2.west-lindsey.gov.uk/localplan/written/cpt6.htm#res1>
- RES 2 Range of housing provision in all housing schemes
<http://www2.west-lindsey.gov.uk/localplan/written/cpt6.htm#res2>
- RES 5 Provision of play space/recreational facilities in new residential development.
<http://www2.west-lindsey.gov.uk/localplan/written/cpt6.htm#res5>
- RES6 Affordable housing provision
<http://www2.west-lindsey.gov.uk/localplan/written/cpt6.htm#res6>
- CORE 10 Open Space and Landscaping
<http://www2.west-lindsey.gov.uk/localplan/written/cpt8.htm#core10>
- NBE10 Protection of Landscape Character in development proposals
<http://www2.west-lindsey.gov.uk/localplan/written/cpt11.htm#nbe10>
- NBE 14 Waste Water Disposal
<http://www2.west-lindsey.gov.uk/localplan/written/cpt11.htm#nbe14>
- NBE19 Landfill and Contaminated Land
<http://www2.west-lindsey.gov.uk/localplan/written/cpt11.htm#nbe19>
- NBE20 Development on the Edge of Settlements
<http://www2.west-lindsey.gov.uk/localplan/written/cpt11.htm#nbe20>

Emerging Planning Policy

The NPPF (paragraph 216) states that decision-takers may also give weight to relevant policies in emerging plans according to 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 and the degree of consistency with the NPPF.

The **Central Lincolnshire Local Plan (CLLP)** has now been submitted to the Secretary of State for examination and is now at an advanced stage. Hearing sessions commenced on 1st November.

The Plan and background papers can be viewed here: <https://www.n-kesteven.gov.uk/central-lincolnshire/>

Hemswell Cliff is allocated as a “Medium Village” under **policy LP2**. It states that *“Unless otherwise promoted via a neighbourhood plan, these settlements will accommodate a limited amount of development in order to support their function and/or sustainability. Typically, development proposals will be on sites of up to 9 dwellings... However, in exceptional circumstances proposals may come forward at a larger scale on sites of up to 25 dwellings... where proposals can be justified by local circumstances.”*

Policy LP4 considers levels of growth in Medium Villages. At paragraph 3.4.7 it explains that *“Hemswell Cliff village is identified for a greater level of growth than would otherwise be the case... The reasoning for this exceptional approach is due to the adjacent Hemswell Cliff Business Park area being*

identified as a national Food Enterprise Zone, which will lead to significant investment and job creation. As such, this Local Plan makes specific allocations for dwellings in Hemswell Cliff (see Policy LP53), to complement the employment and other growth associated with the Enterprise Zone, rather than a more general, no allocation, percentage increase approach.”

The application site is proposed as a residential allocation in the CLLP (**policy LP53**). Site CL4673 is allocated for an indicative number of 180 dwellings.

Hemswell Cliff Masterplan

In June 2016, the Prosperous Communities Committee approved the Hemswell Cliff Masterplan as the basis of the Council’s strategy to further develop the Food Enterprise Zone (FEZ) and drive forward the social and economic regeneration of the wider settlement. A two year Regeneration Improvement Programme has now commenced to help deliver the vision and principles within it.

The Masterplan does not form part of the Statutory Development Plan, but is a material consideration in the determination of the application.

The Masterplan indicates housing on the application site. It states that *“new development south of the A631 will help to connect the two residential areas that side, which are currently isolated from each other and the main part of the village”*.

Main issues

- Provisions of the Development Plan
- Emerging Planning Policy
- National Policy
- Highway Access & Safety
- Flood Risk & Drainage
- Landscape & Visual Impact
- Loss of Agricultural Land
- Ecology
- Infrastructure
- Affordable Housing
- Heritage & Archaeology
- Amenities

Assessment:

- (i) *Provisions of the Development Plan*

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

It is therefore relevant to determine as to whether the development proposal accords with the provisions of the development plan, being the West Lindsey Local Plan (First Review) in the first instance.

Policy STRAT3 allocates Hemswell Cliff as a Primary Rural Settlement. Policy STRAT6 will permit limited small scale and infill housing development (in the range of 5 to 10 dwellings) within the confines of the settlement boundary.

The site lies outside the settlement boundary as set within Inset Map 33.

For the purposes of the Plan, the site is within “Open Countryside” and policy STRAT12 applies. This states that:

“Planning permission will not be granted for development proposals in the open countryside that is, outside of the settlements listed in Policy STRAT 3, unless the development is essential to the needs of agriculture, horticulture, forestry, mineral extraction or other land use which necessarily requires a countryside location, or otherwise meets an objective supported by other Plan policies.”

The development is for up to 180 dwellings which does not meet this criteria.

As a green field site, it is likely to fall within category D under policy STRAT9 “Greenfield land essential for the economic regeneration of the settlement”.

Development is therefore contrary to the provisions of the West Lindsey Local Plan (First Review).

(ii) Emerging Planning Policy

The WLLP was adopted in 2006, and its housing requirements are derived from the, now revoked, Regional Spatial Strategy (RSS). It no longer meets with the full, objectively assessed needs for market and affordable housing in the District.

In February 2015, the Greater Lincolnshire Local Enterprise Partnership (GLLEP) was successful in attracting funding from Defra to support three pilot schemes for developing Food Enterprise Zones (FEZs) in the geographical area consisting of West Lindsey, North East Lincolnshire and South Holland. The food sector is of enormous importance to Greater Lincolnshire; it's the third biggest sector and contributes £2.5 billion every year to the area's economy.

The Zone would capitalise on the opportunities associated with the nearby new specialist agricultural Campus developed by Bishop Burton on the Lincolnshire Showground and the University of Lincoln Institute for Agri-food Technology”. The three FEZs will establish a triangular hub serving the key agri-food clusters in the Greater Lincolnshire area (arable crop sector and food processing in Central Lincolnshire, fish processing in the South Humber Bank and fresh produce at Holbeach). The “A15 growth corridor” links all

three FEZ areas and is thus important strategically in facilitating growth of the food chain across the LEP area.

The CLLP, and Hemswell Masterplan, anticipates that the FEZ will lead to significant job creation and investment. To compliment this, the CLLP proposes that Hemswell Cliff is not allocated a percentage of growth like other small and medium villages, but instead has a specific allocation for residential development.

The CLLP proposes the application site (reference CL4673) for an indicative 180 dwellings (as is now being proposed). This accords with the approach advocated in the Hemswell Cliff Masterplan.

Accordingly the application accords with the emerging Local Plan proposed by the Central Lincolnshire Authorities.

(iii) National Policy

Paragraph 216 of the NPPF states that, from the day of publication, decision-takers may also give weight to relevant policies in emerging plans according to:

- 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 CLLP is at a very advanced stage. It is presently at examination, with Hearings having commenced on 1st November and scheduled to complete by 14th December.

The Proposed Submission Consultation: Key Issues Report (June 2016) indicates support for the approach to Hemswell Cliff under policy LP4, support for the Hemswell Cliff Strategic Employment Site (SES) under policy LP5. Comments on site CL4673 (the application site) are summarised as *“level of growth from this site is broadly appropriate; preference for development in area to occur north of the A361.”*

In the Central Lincolnshire Joint Strategic Planning Committee (CLJSPC) response to the Initial Questions raised by the Local Plan Inspectors (August 2016) – Site CL4673 is listed as a site without planning permission and without objections.

Modifications to the approach for Hemswell Cliff were not proposed at the CLLP examination.

It is considered that there are not significant unresolved objections to the CLLP's approach to Hemswell Cliff or the allocation of site CL4673.

The approach towards Hemswell Cliff is considered to be consistent with the core planning principles proposed by the NPPF (paragraph 17), particularly that planning should:

“proactively drive and support sustainable economic development to deliver the homes, business and industrial units, infrastructure and thriving local places that the country needs...”

It is therefore considered that a significant amount of weight can be applied to the relevant policies of the draft CLLP.

The NPPF expects local planning authorities to *“Significantly boost the supply of housing”* and to identify and update annually a supply of specific deliverable sites sufficient to provide five years' worth of housing against their housing requirements. The latest assessment (September 2016) identifies a 5.26 year supply with in Central Lincolnshire.

The Assessment anticipates that the application site is a deliverable site which will make a contribution of 50 dwellings within five years.

(iv) Highway Access and Safety

WLLP Policy STRAT1 requires development to be satisfactory in terms of:

- ii. The provision of adequate and safe access to the road network to prevent the creation or aggravation of highway problems;*
- iii. The scope for providing access to public transport;*
- iv. The scope for reducing the length and number of car journeys;*

The NPPF (paragraph 32) requires planning decisions to take account of whether:

- *safe and suitable access to the site can be achieved for all people; and*
- *improvements can be undertaken within the transport network that cost effectively limit the significant impacts of the development.*
Development should only be prevented or refused on transport grounds where the residual cumulative impacts of development are severe.

Access is not reserved for subsequent approval and is to be considered as part of this outline application.

A Transport Statement has been submitted (as recommended by NPPF 32).

Vehicular access is proposed directly off the A631. It would have a 5.5m wide carriageway width, 6m corner radii and 2m footways on either side. Drawing J32-2482-PS-001 Rev B shows that a 215 metres by 2.4 metres visibility splay can be achieved.

Pedestrian access to the site will be achieved via the existing pedestrian footway located along the northern perimeter of the site along the A631 within the existing grass verge. An additional pedestrian route will be provided within the site that will link into the existing pedestrian footway on the A631 to the east of Lancaster Green.

Facilities within Hemswell Cliff (employment, primary school) are located on the north side of the A631. The applicant has agreed to the provision of a controlled crossing point on the A631 to ensure safe access to facilities on the north side of the road. This can be secured through the S106 planning obligation.

Safe and suitable access can therefore be achieved for all people.

The Transport Statement anticipates the following trip generation:

	AM Peak (0800 – 0900)			PM Peak (1700 – 1800)		
	Arrive	Depart	Two-way	Arrive	Depart	Two-way
Trip Rate	0.189	0.446	0.635	0.408	0.230	0.638
Trips	34	80	114	73	41	114

The TS has undertaken a Junction Capacity assessment at the following junctions:

- Site access/A631 priority controlled T-junction;
- 'Caenby Corner Roundabout' A15/A631 roundabout junction; and
- A631/B1398 roundabout junction.

The statement concludes that the junctions will continue to operate well within capacity, following traffic generated by the development.

Based on 2011 Census data for the Hemswell ward, the Statement anticipates the following modal split:

Mode	AM Peak (0800 – 0900)		PM Peak (1700 – 1800)	
	Arrive	Depart	Arrive	Depart
Vehicles	34	80	73	41
Car Passenger	2	5	5	3
Public Transport	1	2	2	1
Bicycle	0	2	2	1
On foot	5	11	10	6
Other	1	2	2	1
Total	43	102	94	53

Bus stops are available on the eastern side of the site in Dog Kennel Lane and on the A631. They are served by the 103 service bus which operates a service every two hours to Lincoln / Scunthorpe.

However, one of the key drivers of the development, advocated by the Hemswell Cliff Masterplan, is to secure regeneration and housing for Hemswell Cliff to support the Food Enterprise Zone. The strategic aim of the CLLP allocation is to bring homes to proximity of the employment allocation, thereby reducing the reliance on private motor vehicles to access employment opportunities. This is one of the key aims of the NPPF and policy STRAT1.

(v) Flood Risk and Drainage

The site lies within Flood Zone 1 (low probability). It therefore accords with the NPPF's sequential approach towards locating new development to those areas at lowest risk of flooding.

A Flood Risk Assessment (FRA) has been submitted with the application, in accordance with NPPF (paragraph 103).

It confirms that the sites is in flood zone 1 and that the West Lindsey Strategic Flood Risk Maps confirm the site is not at risk of surface water flooding.

It is proposed that the surface water runoff generated by the development site will be drained to soakaway, via an infiltration basin. The basin would include storage to attenuate surface water from the development site up to a 1 in 100 year storm event (including an additional allowance to account for climate change – 40%) to help reduce flood risk elsewhere. The FRA calculates a storage requirement of approximately 2100m³ for the development area.

The site is underlain by Lincolnshire Limestone foundation bedrock – the FRA expects therefore that it is likely that the majority of run-off from the site infiltrates within the ground naturally.

Planning Practice Guidance¹ states that when considering major development sustainable drainage systems should be provided unless demonstrated to be inappropriate.

The Guidance puts forward a sequential hierarchy, as follows:

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

- 1. into the ground (infiltration);*
- 2. to a surface water body;*

¹ Flood Risk & Coastal Change: [Paragraph: 079 Reference ID: 7-079-20150415](#)

3. *to a surface water sewer, highway drain, or another drainage system;*
4. *to a combined sewer.*

The FRA puts forward that infiltration should be likely. The applicant has been asked to demonstrate as such, but has declined stating that this *“will result in further delays and costs... because it will require consultants to complete soakaway tests to establish the soil conditions and a redesign of the submitted conceptual material.”*

They have also declined to show an indicative SUDS scheme should infiltration be proven to not be feasible. Primarily this is because they are not currently seeking permission for the layout of the development – which would dictate any such surface water drainage layout. If an alternative drainage scheme is required, this may reduce the capacity of the site to accommodate the full 180 dwellings.

The applicant has not demonstrated that 180 dwellings would still be achievable in order to accommodate a full SUDS scheme – in response they state that as permission is sought for “up to” 180 dwellings – a lesser number could still be considered at the reserved matters stage in order to accommodate SUDS.

The Local Lead Flood Authority (Lincolnshire County Council) have recommended that planning permission is refused on the basis that insufficient information has been provided to demonstrate that the surface water flood risk has been adequately addressed.

Whilst the concerns of the LLFA are noted, the Planning Practice Guidance is that when considering major development sustainable drainage systems should be provided unless demonstrated to be inappropriate. The applicant has indicated that they intend to deliver a SUDS scheme (even if it may result in a reduction in housing numbers). There is no evidence provided that would indicate that this would not be feasible or otherwise inappropriate, or that the site is particularly at risk from surface water flooding.

On that basis, it is considered that planning conditions to secure details of infiltration and a full detailed surface water drainage scheme which would incorporate SUDS principles is appropriate, reasonable and necessary.

Both the Environment Agency and Anglian Water have confirmed that the Hemswell Water Recycling Centre is not likely to have capacity to accommodate the development. Neither body object to the development but do recommend a planning condition to secure a Foul Water Drainage Strategy.

(vi) Landscape and Visual Impact

Policy NBE10 states that *“High priority will be given to conserving the distinctive landscape features, landscape character and the landscape amenity value of the District.”*

A Landscape and Visual Impact Assessment has not been provided as part of the application.

The site falls within the Limestone Dip Slope Local Landscape Character Area (LCA) within the West Lindsey Landscape Character Assessment 1999.

The West Lindsey Countryside Design Summary describes the Limestone Dip Slope as “an expansive agricultural landscape crossed by straight wide enclosure roads and tracks”.

The site comprises an arable field enclosed by mature but broken planting. This offers it a degree of separation from the much wider open fields to the south, without boundary enclosures.

The site sits as an undeveloped field between existing development at Lancaster Green to the west, and Canberra Crescent / Creampoke Crescent to the east. It would visually function as bridging the gap between the settlement proper, and the otherwise separated residential development to the east.

In terms of visual impact, the development would be most perceptible to traffic on the A631 and along Dog Kennel Road. As vehicles along the A631 will be traversing through the village in any event, and will currently be in transition between two residential areas at this point, the development would not be expected to have a significantly adverse visual impact.

The development will be visible from Dog Kennel Lane to the south, primarily due to the openness of the intervening landscape. However, the site is currently, in part, screened by the landscape boundary, and would be “infilling” between two residential areas. It would not be overly intrusive into the wider landscape or open countryside.

It is concluded that the development would be unlikely to have a significantly adverse impact upon landscape character or have a significant visual impact upon any sensitive receptors.

It is concluded that development would be able to accord with saved WLLP policies NBE10 and NBE20 in this regard.

(vii) Loss of Agricultural Land

Paragraph 112 states that *“Local planning authorities should take into account the economic and other benefits of the best and most versatile agricultural land. Where significant development of agricultural land is demonstrated to be*

necessary, local planning authorities should seek to use areas of poorer quality land in preference to that of a higher quality.”

The High-Level Natural England maps indicate the site is in Agricultural Land Classification (ALC) 2 – Very Good. Natural England does advise that *“These maps are not sufficiently accurate for use in assessment of individual fields or sites”*

The applicant has been unable to provide any site-specific evidence. They do advise that *“In terms of farming practice, the land is segregated from the rest of [the applicant’s] ownership by the A631 road and [the applicant] is unable to get a water supply to it to irrigate crops so its use for crop production is limited compared to the rest of the holding.”*

In the absence of any data to the contrary, development would be expected to result in the loss of 7.6ha of very good agricultural land. This needs to be considered as an adverse impact in the overall planning balance.

The Natural England map does however show the entirety of Hemswell Cliff and surroundings in ALC2. There is therefore no evidence of reasonably available poorer quality land that could accommodate the development.

(viii) Ecology

An Ecology Assessment has been submitted with the application. The survey found no evidence of any protected species on the site.

The report recommends that a nesting bird survey will be required should works be undertaken during the bird nesting season (March to September) – this can be secured by planning condition.

The report also recommends that the gaps in the hedge are infilled with wildlife friendly species so as to provide a source of nectar, berries as well as a place to shelter and nest. It also recommends that in the planting regime for the open spaces, planting should include insect (especially bee) friendly plants as well as plants with berries etc. for birds. This should increase the wildlife potential for the area.

Landscaping is a reserved matter – it is however recommended that a condition is applied to ensure a biodiversity enhancement scheme is provided and implemented.

(ix) Infrastructure

WLLP policy STRAT19 states:

Proposals for the development and other use of land must take account of the need to provide on- and off-site service and social/community infrastructure and other services in accordance with the requirements of statutory undertakers and other providers of essential services. Development that increases demand

on infrastructure that cannot be satisfactorily provided for within the existing capacity of on- and off-site service and social/community infrastructure or other services will not be permitted unless extra capacity will be provided to serve the development.

The Local Education Authority has confirmed that the Hemswell Cliff Primary School will not have capacity to accommodate the development and that a capital contribution is sought (up to £146,593) to enable an additional 36 Primary places. The applicant has agreed to meet this contribution, which will need to be secured through a S106 planning obligation.

NHS England seek a capital contribution of £425 per dwelling, to create additional capacity for the 414 patients expected to be generated by this development. The surgery most likely to be affected is the Ingham Surgery. The applicant has agreed to meet this contribution, which will need to be secured through a S106 planning obligation.

It is considered that, subject to such a S106 planning obligation, development will accord with policy STRAT19.

(x) Affordable Housing

WLLP policy RES6 requires “where there is a demonstrated need the provision of affordable housing will be sought, the Council will seek to negotiate in the region of a 25% contribution towards affordable housing”.

The Strategic Housing Market Assessment (SHMA, 2015) identifies a need for 17,400 affordable homes in Central Lincolnshire across the CLLP’s lifetime (2012-2036).

The applicant proposes to meet with the 25% requirement – equivalent for up to 45 affordable dwellings.

The applicant notes that, at their pre-application consultations there was a “*a clear preference for financial assistance to improve the existing affordable housing stock within the village in lieu of constructing new affordable housing as part of the proposed development. There was not support for new rented accommodation but clear support for affordable market housing.*”

In response, the Housing Zone Programme Officer considers that, due to the evidence of need, on-site provision is favoured by the Council. Nonetheless, there may be a case for some off-site contribution towards improving the village’s affordable housing (as defined in the NPPF²) stock.

This provision will need to be secured through a S106 planning obligation, with the final details of any share between on and off site provision to be agreed with the Council.

² <http://planningguidance.communities.gov.uk/blog/policy/achieving-sustainable-development/annex-2-glossary/>

The applicant has not provided evidence of viability (despite being requested) – nonetheless, they have committed to signing up to a legal S106 planning obligation to deliver a 25% contribution. Previous mechanisms under the Planning Act 1990 to provide a process to review affordable housing obligations on economic viability grounds were repealed at the end of 30 April 2016. The S106 obligation could only be renegotiated where the Council is amenable to do so – or where the S106 obligation is five or more years old.

(xi) Heritage and Archaeology

A Heritage Statement has been submitted with the application. It incorporates a desk-based assessment and geo-physical assessment of the site.

It concludes the site has low archaeological potential – the County Archaeology team have advised that no further archaeological investigation is required.

It concludes that, as the nearest scheduled monument lies 1.7km west-north-west and the nearest listed building 1.5km south-west within Glentworth Conservation Area, the development would not be expected to adversely affect the setting of any heritage assets.

During consideration of the application, Hemswell Court has been added to the national list (4th November) as a Grade II Listed Building. Under the reasons for designation citing architectural interest, interior, degree of survival, historic interest, it states:

“Context: it retains its immediate contemporary setting, character and relationship to other buildings, including the carefully designed layout of the tree-lined approach road and the green around which the Officers’ housing is arranged.”

The proposed development would be adjacent to, but would not materially affect the original surrounding context of the newly listed building – the tree-lined approach and Officer’s housing around Lancaster Green would not change.

It should also be recognised that the building has been listed in the context of planning permission having been granted for up to 40 dwellings, on appeal, immediately north of Hemswell Court.

It is considered that the proposed development would preserve the building and its setting and any features of special architectural or historical interest which it possesses.

(xii) Amenities

Layout is a matter reserved for subsequent approval. Nonetheless, it is considered that the site can accommodate the level of development proposed

without having an unduly adverse effect upon the amenities presently enjoyed at existing properties.

The only properties which directly adjoin the site are those at 8, 8A and 17 Lancaster Green. It is considered that development can be achieved without compromising their amenities – consideration will need to be given to this with any subsequent application for reserved matters.

The indicative layout shows that the site can accommodate in excess of the 10% minimum requirement for recreational land set by WLLP policy RES5. The indicative plan shows 1.6ha of the 7.6ha site as such, equivalent to 21% of the site.

Other Matters

Lincolnshire Fire & Rescue object to the application on the grounds of inadequate water for firefighting purposes & inadequate access. The application is in outline only – these are matters appropriate for consideration at the detailed matters stage. There is no evidence that would indicate that the site could not accommodate or address these matters.

A resident makes reference to “Home Office guidelines for growth”. As previously stated, planning applications are to be determined in accordance with the Development Plan unless there are material considerations which would indicate otherwise. The appropriate policies for Hemswell Cliff are those set out within the West Lindsey Local Plan (First Review) and emerging Central Lincolnshire Local Plan, as listed above.

The Parish Council have enquired as to whether the roads will be adopted. This is outside the remit of a planning application – but it is advisable for a condition to require that roads are built to an adoptable standard, as has been recommended by the Local Highways Authority.

The Parish Council have raised that WLLP policy SUS2 is relevant – this is not a saved policy and therefore no longer forms part of the statutory development plan. In any event, a Transport Statement has been submitted with the application.

Measures to vary the speed limit on the A631 is within the control of the Local Highways Authority.

Overall Planning Balance and Conclusions

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

Development would run contrary to the provisions of the West Lindsey Local Plan (First Review). It does not comply with the ‘open countryside’ policy STRAT12.

Nevertheless, a significant material consideration are the proposals to develop Hemswell Cliff as a Food Enterprise Zone (FEZ). The emerging Central Lincolnshire Local Plan recognises this and proposes the site for residential development in order to support the FEZ in a sustainable manner, and the regeneration of Hemswell Cliff.

There are no significant outstanding objections to the CLLP's approach and this can therefore be attached a significant amount of weight.

Development would result in the loss of over 7ha of very good agricultural land. However, there are no known reasonably available alternative sites of poorer quality agricultural land that could serve Hemswell Cliff.

It is concluded that there are no significant adverse impacts that would demonstrably outweigh the benefits of development.

It is therefore recommended that planning permission is granted, subject to conditions and a S106 planning obligation.

Recommendation

That the decision to grant planning permission, subject to the conditions listed below, 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:-

- Capital contribution towards primary school facilities (amounting up to £146,593) in lieu of on-site provision;
- Capital contribution (£425 per dwelling) towards health care provision, in lieu of on-site provision;
- On site provision of or off site provision for the delivery of affordable housing and/or enhancement of affordable housing (as defined within the NPPF) within Hemswell Cliff, equivalent to a 25% contribution of the overall amount of housing;
- Measures to deliver and secure the ongoing management and maintenance of Public Open Space (equating to a minimum of 10% of the overall site)
- Provision of a controlled pedestrian crossing on the A631 to serve the development

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:

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 1.4 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 and 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, including phasing for the provision of mains foul sewerage conveyance and treatment infrastructure on and off site, has been submitted to and approved in writing by the Local Planning Authority. No dwelling shall be occupied, unless the approved details have been implemented in full.

Reason: To ensure satisfactory drainage of the site in accordance with West Lindsey Local Plan First Review Policy STRAT1 and NBE14.

6. 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) 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.

- 7. 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 recommendations set out at Section 4.2 of the Preliminary Ecological Appraisal by KJ Ecology Ltd. 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.

- 8. 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.

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

- 9. Access to the site shall be provided in accordance with drawing J32-2482-PS-001 rev B, as contained within the Transport Assessment (December 2015) by Mode Transport Planning.

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. 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 will be dealt with and obtained written approval from the local planning authority. The remediation strategy shall be implemented as approved.

Reason: As advised by the Environment Agency, the site lies on Lincolnshire Limestone (principal aquifer) outcrop, and in an SPZ 2 for public water supplies 4km to the east. There are closer licensed

abstractions within 350 m of the site. This site is very sensitive with regards to groundwater issues. Any contamination not previously identified could impact on groundwater quality and ultimately on licensed abstractors or baseflow to surface watercourses if not adequately addressed.

11. 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 a nesting bird survey has been undertaken 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 Preliminary Ecological Survey and in accordance with policy STRAT 1 of the West Lindsey Local Plan and the National Planning Policy Framework.

12. 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:

13. No dwelling hereby permitted shall be occupied before the works to improve the public highway (by means of upgrading the frontage footway from Dog Kennel Road to Lancaster Green to a 1.8 metre wide footway) has been completed, and this has been confirmed in writing to the Local Planning Authority.

Reason: In the interests of safety of the users of the public highway and the safety of the users of the site, in accordance with policy STRAT 1 of the West Lindsey Local Plan and the National Planning Policy Framework.

14. No dwelling hereby permitted shall be occupied before the works to improve the public highway (by means of providing a signalised crossing to aid pedestrians across the A631) has been completed, and this has been confirmed in writing to the Local Planning Authority.

Reason: In the interests of safety of the users of the public highway and the safety of the users of the site, in accordance with policy STRAT 1 of the West Lindsey Local Plan and the National Planning Policy Framework.

15. Before each dwelling 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 in the interests of residential amenity, convenience and safety, in accordance with policy STRAT 1 of the West Lindsey Local Plan and the National Planning Policy Framework.

16. No dwelling hereby permitted shall be occupied until a Travel Plan has been submitted and approved in writing by the Local Planning Authority. The development shall thereafter be implemented in accordance with the approved details.

Reason: In order to maximise the sustainability of the development in accordance with paragraph 36 of the National Planning Policy Framework.

Notes for the applicant

Anglian Water has assets close to or crossing this site or there are assets subject to an adoption agreement. Therefore the site layout should take this into account and accommodate those assets within either prospectively adoptable highways or public open space. If this is not practicable then the sewers will need to be diverted at the developer's cost under section 185 of the Water Industry Act 1991, or, in the case of apparatus under an adoption agreement, liaise with the owners of the apparatus. It should be noted that the diversion works should normally be completed before development can commence.

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