

Officers Report

Planning Application No: 133741

PROPOSAL: Planning application to erect 6no. detached, two-storey houses with attached garages and driveways with a new vehicle and pedestrian access from Gainsborough Road

LOCATION: Land to West of Fosdyke House Gainsborough Road
Saxilby LN1 2JH

WARD: Saxilby

WARD MEMBERS: Cllr D Cotton; Cllr J Brockway.

APPLICANT NAME: Mrs Mel Holliday

TARGET DECISION DATE: 29/01/2016

DEVELOPMENT TYPE: Minor - Dwellings

RECOMMENDED DECISION: Refuse

Description:

The application site is a plot of paddock land to the west of garden space to Fosdyke House. The site has an approximate area of 0.45 hectares. The site is covered by a number of trees within the site and along its boundaries and is in an overgrown condition. It sits adjacent the highway to the south with a lit footpath in between. There is no current vehicular access. The north boundary is screened by a wire fence and trees of different sizes. The east and west boundaries are screened by a mix of trees and overgrown vegetation. To the south boundary is low hedging and trees. The Fosdyke Navigation sits adjacent to the north with residential dwellings on the other side. Residential dwellings sit to the east and south with the Bridge Inn (Indian Restaurant/Takeaway) to the west. The site is entirely located in flood zone 2 with small sections to the north of the site in flood zone 3.

Permission is sought to erect 6 detached, two-storey houses with attached garages and driveways with a new vehicle and pedestrian access from Gainsborough Road

Relevant history:

None

Representations

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

Saxilby Parish Council: Objections

- Impacts on amenity
- Design, layout and appearance of the proposal does not fit in with surrounding area

- Retention of trees and the Natural Environment
- Road safety and the impact on traffic. Due to its proximity to the A57/Broadholme junction

Local residents: Representations received from:

Aberfoyle, Gainsborough Road, Saxilby
4, 9, 10 West Bank, Saxilby

Objections:

- Is the access to the development and the building work opposite our driveway as it is already often difficult to exit our drive onto the main road due to the speed of traffic
- The entry and exit will be on to the A57 near an already difficult junction to navigate out of and this will only increase the dangers
- Dwelling and balconies having an overlooking impact on privacy of West Bank
- Height of dwellings will be overbearing on West Bank
- The site is in flood zone 3 and there are other more suitable sites in Saxilby
- The proposed houses are not in keeping with the style and manner of the surrounding area and will have be a blight on the gateway to Saxilby from vehicle and boat. The site is a stone's throw from the conservation area and modern cladding bears no resemblance to anything quite so discernible in the locality.
- The proposed development is on a greenfield site
- They are going to have the bedrooms on the ground floor in a flood risk area.
- Removal of nearly all the trees that are alongside the canal and the screening they provide, there seems to have been some missed or misplaced on the plan that presumably are to be removed too.
- This is a crucial habitat for owls and impact on the bank which is used by Kingfishers. The houses are so close to the bank this is going to ruin the habitat and wildlife which use it.
- The canal footpath will be within 1-2 metres of the full length windows of the houses bedrooms. This will impede on the privacy of the residents and of those using the footpath for leisure.
- WLDC already has over 5 year's worth of housing, and Saxilby is already over the proposed housing number in the CLP consultation number.

Supportive comments:

4 West Bank, Saxilby

- Although we object to the proposal the plus points are density of housing and material.

LCC Highways: No objections subject to conditions

Response received 8th February 2016:

As the development access road is serving more than 5 dwellings it will be required to be designed and constructed to an adoptable standard. Typically a 5m wide carriageway with 1.8m wide footway or a 5.5m wide shared surface with a 1.8m wide soft service margin, to include street lighting, adequate drainage and turning provision etc.

There is inadequate parking provision for the size of properties proposed; a minimum of 3 spaces per dwelling is required.

The Highways Authority (HA) request the applicant submits a layout drawing to this effect.

Response received 20th July 2016:

The original submitted drawing did not indicate a 1.8m wide service margin was present, only a 5.5m wide carriageway. That said the current layout is acceptable, however the turning head shown is sub-standard and will require a slight increase. Adoptable road standards/specification can be found on Lincolnshire County Councils website.

Parking provision is assessed on all applications commented on by the Highway Authority. A dwelling of this size requires a minimum of 3 spaces, this doesn't include a garage.

Response received 11th October 2016:

Requests that any permission given by the Local Planning Authority shall include the conditions listed in the response.

Environment Agency: No objections with comments and subject to conditions

Condition: The development permitted by this planning permission shall be carried out in accordance with the approved Flood Risk Assessment (SGA, November 2015) and the Proposed Site Levels and Flood Risk Strategy (SGA, November 2015), including the following mitigation measures:

- Finished floor levels to be set no lower than 6.3m above Ordnance Datum (AOD)
- Access road and driveways to the dwellings to be set no lower than 6.0m AOD
- Dwellings to have a minimum of two storeys

The above mitigation measures shall be fully implemented prior to occupation and subsequently remain in place.

Reason

To reduce the risk of flooding to the proposed development and future occupants.

Informative comments

The proposed finished floor level is 600mm above the 1% (including climate change) flood level, not the 0.1% (including climate change) flood level as incorrectly stated in the Flood Risk Assessment.

The following document contains information on flood resilience and resistance techniques that could be used: 'Improving Flood Performance of New Buildings - Flood Resilient Construction' (DCLG 2007). This is available online at <https://www.gov.uk/government/publications/flood-resilient-construction-of-new-buildings>

Drawing 325-A-100 (November 2015), indicates that although the dwellings will be two-storey houses, sleeping accommodation will be provided on the ground floor. As the site is located in Flood Zone 3 we are concerned about the residual flood risk posed to future residents in case of extreme flood events. As that this is a new development, there is scope to move sleeping accommodation to the first floor. We would advise that a more conventional design, with sleeping accommodation provided on the first floor, is seriously considered.

We also advise that future occupants subscribe to our Floodline Warnings Direct service.

Please note that the Local Planning Authority must be satisfied with regard to the safety of people (including those with restricted mobility), the ability of such people to reach places of safety including safe refuges within buildings and the ability of the emergency services to access such buildings to rescue and evacuate those people.

Public Protection: Comments

There is a lack of detail with this application that requires satisfying before consideration is given to granting any permissions and as there is no statutory duty upon the lead flood authority to consult, I recommend that the application be properly considered at a Multi-Agency meeting

Drainage

Flood risk:

The Flood Risk Assessment is lacking in detail, doesn't address in its own right the full range of flood risks, and is unattributed. Albeit that the Environment Agency are accepting of the proposed finished floor and access route levels (6.3m and 6.0m respectively), I am similarly concerned as to plans that place bedrooms on the ground floor in a flood zone and flag the apparent disparity of there being no stance around building in the flood plain.

NB I seek assurances that all surface water is discharged within the site boundary. There is nothing apparent in the application to negate or allay perception of increased flood risk elsewhere that arise out of loss of flood plain through building and raising levels

Continued appropriate access to the Fosdyke Navigation Canal needs to be assured for the purposes of ongoing and essential maintenance

Surface Water:

There is no assessment of risk in a 1:100 year storm event + 30% climate change nor is there indication how this might be managed with a SuDS system within the site boundary and wholly within the Flood Zones. There is no indication as to how surface water will be discharged or indeed how the site is intended to be managed other than suggestion of the roads not being adopted.

Sewage:

There are no foul sewers in the area and no indication in the application as to how foul sewage is to be dealt with in this 'Flood Zone'

Ownership and management:

There is no indication as to what is intended in terms of ownership and management of infrastructure (roads, drainage, sewage) outside of there being no intent to have the roads adopted

Noise:

Suggestion in the Design and Access Statement is that distancing ought to address apparent potential for noise: *'the land can be developed without unnecessary noise mitigation or operating restrictions being placed on the business due to the acceptable separation distance that will be left between the existing buildings and the site.'*

Added to this, the proposed development is adjacent to a car park, licenced premise and restaurant and main road, as such I suggest that a noise report is required to identify and assess potential for noise impact and propose mitigation as and if appropriate.

Upper Witham Drainage Board: Objects in principle

The Board Objects in principle to any development in flood plain (Zones 2 and 3). However it is up to West Lindsey District Council as the planning Authority to grant planning permission. The site is adjacent to a watercourse that has had issues previously and is considered to be at capacity. As the applicant proposes to use SUDS as a method of surface water disposal the Highways SUDs Support team at Lincolnshire CC need to agree the details. It is unclear whether there is a discharge point and if it discharges to the Fosdyke or one of the other watercourses adjacent to the site. The plan has no levels on the West of the site to determine if the water is retained on the site or over spill into the adjacent watercourse.

Any works within the 9m Byelaw distance from the rear of the flood defence of the Fosdyke Navigation require consent from the Environment Agency. The Board would recommend a permanent undeveloped strip of sufficient width should be made available adjacent to the top of the bank to allow future maintenance works to be undertaken. A permanent undeveloped strip of sufficient width should be made available adjacent to the top of the bank of all

the other watercourses on Site to allow future maintenance works to be undertaken. Suitable access arrangements to this strip should also be agreed. Access should be agreed with the Local Planning Authority, LCC and the third party that will be responsible for the maintenance. Under the terms of the Land Drainage Act. 1991 the prior written consent of the Board is required for any proposed temporary or permanent works or structures within any watercourse including infilling or a diversion. This includes any culverts or outfalls. Guidance notes and a consent form is attached for the use of the agent.

Archaeology: No objection subject to conditions

The site lies adjacent to the Foss Dyke which is believed to originate as a Roman canal. Roman material has been recovered from the Foss Dyke at other locations. The Foss Dyke has been re-cut on several occasions over the centuries, and therefore it is possible that the route has shifted slightly and that the original Roman route is on the development site.

It is recommended that, prior to development, the developer should be required to commission a Scheme of Archaeological Works, according to a written scheme of investigation to be agreed with, submitted to and approved by the LPA. This should be secured by an appropriate condition to enable heritage assets within the site to be recorded prior to their destruction.

Landscape and Tree Officer: No objections

Overall, I have no objections to the proposed development, but it should be clarified what trees are intended to be retained, and to provide information to show they can be retained rather than just showing a few trees on a plan, which when it comes to the excavation work can't actually be safely retained and so have to be removed. Details of the trees Root Protection Areas should be provided and protective fencing should be placed at the outer extents of the RPA's of any trees intended to be safely retained.

Protective fencing should be erected in the correct positions prior to site clearance, and be retained in position throughout development works. Any clearance work within the RPA's should be carried out by hand to avoid machinery compacting the soil or damaging shallow roots.

There should be no changes in existing natural ground levels within the RPA of any trees to be retained, to avoid tree decline and risk of collapse. N.B. This will affect the intended lowered ground for flood attenuation. A scheme of landscaping should be required, including tree planting and hedge reinstatement.

Canal and River Trust: No objection subject to suitable conditions

Drainage:

We suggest that this matter be secured via a planning condition. Additionally, we would advise that any proposed discharges to the Fosssdyke Navigation will require the prior consent of the Canal & River Trust, and an assessment of their acceptability to us will have to be undertaken.

Landscaping and Boundary Treatments:

We would suggest that appropriate measures should be secured for the protection of all trees to be retained and that an appropriately detailed landscaping scheme is also secured in order to ensure that the visual impact of the development on the waterway corridor is minimised and to offset the impact on local wildlife from the loss of existing trees.

Further Comments as Adjoining Landowner:

There is a strip of land approximately 5-7m deep between the northern boundary of the application site and the Fosdyke Navigation which is owned by the Canal & River Trust. Any access to or oversailing of the Trust's land at any stage during development operations will require our prior consent, as would the removal of any trees or other vegetation on this land. The applicant/developer should ensure that the development does not encroach onto our land.

If the Council is minded to grant planning permission, it is requested that the following informatives are attached to the decision notice:

Any drainage discharges to the adjacent Fosdyke Navigation will require the prior consent of the Canal & River Trust. Please contact the Canal & River Trust Utilities Team at the Hatton Office on 01926 626100 in the first instance for further advice. Please also be advised that the Trust is not a land drainage authority and such discharges are not therefore granted as of right; where they are granted, they will usually be subject to completion of a commercial agreement.

The northern boundary of the application site adjoins a strip of land approximately 5-7m deep which is owned by the Canal & River Trust. Any access to or oversailing of this land, or removal of trees or other vegetation on it will require the prior consent of the Trust. Please contact the Trust's Estates Team at the Fazeley office on 01827 252000 for further advice.

Natural England: Comments

Statutory nature conservation sites

No objection

Priority Habitat as identified on section 41 list of the Natural Environment and Rural Communities (NERC) Act 2006

The consultation documents indicate that this development includes an area of priority habitat. Paragraph 118 of the National Planning Policy Framework. States if significant harm resulting from a development cannot be avoided (through locating on an alternative site with less harmful impacts), adequately mitigated, or, as a last resort, compensated for, then planning permission should be refused.

Protected species

You should apply our standing advice to this application

Local Sites

If the site is on or adjacent to a local site e.g. Local Wildlife Site, Regionally Important Geological/Geomorphical Site or Local Nature Reserve the authority should have sufficient information to fully understand the impact of the proposal.

Biodiversity and Landscape enhancements

The proposal could provide opportunities to incorporate wildlife benefits or benefits to positively contribute to the character and local distinctiveness.

Landscape Enhancements

This application may provide opportunities to enhance the character and local distinctiveness of the surrounding natural and built environment; use natural resources more sustainably; and bring benefits for the local community, for example through green space provision and access to and contact with nature.

Impact Risk Zones for Sites of Special Scientific Interest (SSSI)

The local planning authority can use the recently published set of mapped Impact Risk Zones to determine if the proposal is likely to affect an SSSI and the need to consult Natural England.

Strategic Housing Manager: No representation received to date

Lincolnshire Wildlife Trust: No representation received to date

IDOX checked: 29th November 2016

Relevant Planning Policies:

West Lindsey Local Plan First Review 2006 Saved Policies (WLLP)

This remains the statutory development plan for the district. Paragraph 215 of the National Planning Policy Framework (NPPF), a material consideration, states that due weight should be given to relevant policies in existing plans according to their degree of consistency with the 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

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

STRAT 3 Settlement Hierarchy

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

STRAT 9 Phasing of Housing Development and Release of Land

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

STRAT 12 Development in the Open Countryside

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

RES 1 Housing Layout

<http://www2.west-lindsey.gov.uk/localplan/written/cpt6.htm>

CORE 10 Open Space and Landscaping within Developments

<http://www2.west-lindsey.gov.uk/localplan/written/cpt8.htm>

NBE 10 Protection of Landscape Character and Areas of Great Landscape Value

<http://www2.west-lindsey.gov.uk/localplan/written/cpt11.htm>

NBE 14 Waste Water Disposal

<http://www2.west-lindsey.gov.uk/localplan/written/cpt11.htm>

NBE 20 Development on the Edge of Settlements

<http://www2.west-lindsey.gov.uk/localplan/written/cpt11.htm>

Central Lincolnshire Local plan 2012-2036 (March 2016) (CLLP)

The submission draft local plan has now been submitted to the Secretary of State for examination. This version of the Local Plan will therefore carry more weight in determining planning applications than the earlier draft versions. However, the development plan is still considered to be the starting point when considering development. The policies relevant to this application are noted to be:

LP1 A presumption in Favour of Sustainable Development

LP2 The Spatial Strategy and Settlement Hierarchy

LP3 Level and Distribution of Growth

LP4 Growth in Villages

LP10 Meeting Accommodation Needs

LP14 Managing Water Resources and Flood Risk

LP17 Landscape, Townscape and Views

LP21 Biodiversity and Geodiversity

LP26 Design and Amenity

LP55 Development in Hamlet and the Countryside

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

Draft Saxilby with Ingleby Neighbourhood Plan

The Saxilby with Ingleby Neighbourhood Plan group has formally consulted the public (Stage 3) on their draft Neighbourhood Plan for a 6-week period from Wednesday 4th May until the 15th June 2016. The draft plan was due for submission to the Local Authority (Stage 4) at the end of September 2016 but this has now been put back due to further discussions and amendments. The Saxilby with Ingleby Neighbourhood Plan therefore carries some weight.

Policy 1 Housing Mix

Policy 2 Design of New Developments

Policy 3 Comprehensive Development of Land at Church Lane.

Policy 13 Development along the Fosdyke Canal

<https://www.west-lindsey.gov.uk/my-services/planning-and-building/neighbourhood-planning/neighbourhood-plans-being-prepared-in-west-lindsey/saxilby-with-ingleby-neighbourhood-plan/>

National Guidance

National Planning Policy Framework 2012 (NPPF)

National Planning Practice Guidance (NPPG)

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

Other

Institution of Highways and Transportation are set out below from the Guidelines for Providing for Journeys on Foot 2000.

Central Lincolnshire Five Year Land Supply Report 1 April 2016 to 31 March 2021 (CLLSR)

Main issues

- Principle of the Development
- Visual Impact
- Residential Amenity
- Highways
- Archaeology
- Ecology
- Impact on Trees
- Foul and Surface Water Drainage
- Garden Space

Assessment:

Principle of the Development

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

The Local Plan Review contains a suite of strategic (STRAT) and residential (RES) policies that are designed to provide a policy framework to deliver residential development in appropriate locations to respond to need and the Council's housing provision objectives. The CLLP additionally has a similar framework set out in LP policies

West Lindsey Local Plan Review 2006:

The site lies adjacent the settlement boundary of Saxilby therefore policies STRAT 3, STRAT 9 and STRAT 12 of the WLLP are relevant to be considered plus submission draft policies LP2, LP4 and LP55 of the CLLP.

Saved policy STRAT 12 states that '*planning permission will not be granted for development proposals in the open countryside 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 proposal

is not essential to the countryside area and so the proposal falls to be refused unless material considerations indicate otherwise.

The position of the proposed dwellings will be entirely on green field land which is on the lowest rung of sequential release of land advocated through policy STRAT 9 (Class E).

Submitted Central Lincolnshire Local Plan:

Submission draft policy LP2 states that development proposals in Saxilby (Large Village) will meet appropriate growth *'via sites allocated in this plan, or appropriate infill, intensification or renewal of the existing urban area. In exceptional circumstances, additional growth on non-allocated sites in appropriate locations on the edge of these large villages might be considered favourably, though these are unlikely to be of a scale over 25 dwellings'*. In this case the proposal is below the 25 dwelling threshold and the exceptional circumstances put forward by the agents for the applicants include the high level sustainable design of the dwellings and the new footpath to aid access to the village.

In considering the exceptional circumstances the benefits of the new footpath have to be examined. The additional footpath would run along the southern bank of the Fosdyke Navigation to the village centre via the Fosdyke footbridge and then the railway crossing. Whilst accepting there are some limited benefits of an extra footpath away from a busy road the introduction of the footpath is not considered as exceptional as there is already an existing good footpath along Gainsborough Road which provides access to the centre of Saxilby from the dwellings along the north of Gainsborough Road. This is of a very similar distance to the proposed footpath around the site so any benefits are modest and not exceptional. The design and access statement states on page 11 paragraph 5.7 that the *'design of the dwellings is also based upon the principles of energy efficiency'*. The methods and technology used to meet the energy efficiency principles are further described in the Sustainability and Energy Efficiency statement received 23rd November 2016. In summary these include:

- *heavily-insulated external envelope of high thermal mass, triple-glazed windows and low air permeability.*
- *heat recovery system will be installed for each property.*
- *space heating will be provided by passive thermal gain, occupants and electrical appliances, with op-up heating via infrared wall panels.*
- *water heating will be by cylinders with immersion heaters powered by P.V. panels mounted on the roofs of each house.*
- *heat recovery systems on all shower wastes will reduce the water heating requirement substantially.*
- *each property will have a Rainwater Harvesting system.*

The target for the dwellings will be Passivhaus standard which have an excellent thermal performance, exceptional airtightness with mechanical ventilation. Heating requirements in Passivhaus is reduced to the point where

a traditional heating system is no longer considered essential. This is to be welcomed however this is not considered to constitute an “exceptional circumstance”.

National Planning Policy Framework:

The National Planning Policy Framework (NPPF) is a material consideration to be considered against the provisions of the statutory Development Plan. It sets out (paragraph 49) 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 latest five year supply assessment for Central Lincolnshire was published in September 2016. Taking into consideration all current sites with planning permission for Housing, all emerging allocations in the CLLP and windfall allowance (see section 4 of Central Lincolnshire Five Year Land Supply Report) Central Lincolnshire is able to identify a deliverable five year supply of housing land to deliver 12,283 dwellings which equates to a deliverable supply of 5.26 years.

Whilst the Authority can now identify a five year deliverable supply, it is acknowledged that the spatial strategy of the current Local Plan does not include sufficient allocations to meet the five year supply and departures from the Plan are necessary to make up that shortfall. Consequentially, it is considered that saved policies STRAT 3 and STRAT 9 should be given less weight within any planning balance. It is also considered that the application should still be considered against the NPPF’s presumption in favour of sustainable development.

Sustainability:

Nonetheless, when applying the presumption balance test, the ability of the Authority to demonstrate a five year supply means that the ability of the applicant to contribute towards the five year supply may still carry weight, this is less significant than previously found. The proposal will contribute six additional dwellings which is a positive outcome but it is only afforded limited weight in the decision making process. This is due to amount of dwellings making an extremely minimal difference to the housing supply figures.

The NPPF defines the three roles of sustainability as economic, environmental and social and whilst the Submitted Central Lincolnshire Local Plan is only afforded some weight itself, policy LP2 provides a series of criteria against which the development can be assessed for such sustainability. These criteria are also amongst the criteria cited within policies STRAT 1, RES 1, CORE 10 and NBE 14 of the West Lindsey Local Plan First Review 2006:-

Location in or adjacent to the existing built up area of the settlement (environmental and social sustainability)

The site sits opposite the settlement boundary of Saxilby and is divided by the Fosdyke Navigation. There is adjacent built form to the east, south and west but these are outside the settlement.

Accessible and well related to existing facilities and services (social and environmental sustainability)

The village of Saxilby has a good level of local facilities and services available. The services and facilities available are located in different parts of the settlement and future residents could walk to them along pedestrian footpaths via two separate routes.

- Route 1 – Walk east along Gainsborough Road to Mill Lane junction
- Route 2 – Walk east along Gainsborough Road until you reach public right of way saxi/227/1 (enclosed hardstanding with lighting). At the end of the public right of way walk over the bridge and then turn right over the railway line.

Using the two routes above the distances to the different services by foot along main roads are listed in the below table.

Service/Facility	Route 1 (approx metres)	Route 2 (approx metres)
Shops (Bridge Street)	1235	426
Primary School (Highfield Road)	1380	1535
Doctors (Sykes Lane)	2210	1440
Railway Station (Station Approach)	1450	725
Bus Stop (Bridge Street opposite junction with West Bank)	1040	400
Bus Stop (Queensway at near to junction with Mill Lane)	725	825

Suggested acceptable walking distances suggested by the Institution of Highways and Transportation are set out below from the Guidelines for Providing for Journeys on Foot 2000.

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

On comparison of the two tables only the bus stops and railway stations are within acceptable walking distances if the shortest route is used. Therefore most services within Saxilby are considered to be outside acceptable walking distances but are predominantly within the maximum preferred distance. This suggests that the services are on the extremity of the walking distances and

would be less attractive to people particularly those whom are less ambulant. It is more likely that residents would use their vehicle as it would be less attractive to walk.

Accessible by public transport, or demonstrate that the provision of such services can be viably provided and sustained (environmental sustainability)
Saxilby has a main public transport bus route providing regular services to Lincoln and Gainsborough. The walking distances to the railway station and nearest bus stops are provided in the tables above.

Sustainable in terms of impacts on existing infrastructure or demonstrate that appropriate new infrastructure can be provided to address sustainability issues (environmental, social and economic sustainability)
The level of housing is not considered to have a significant impact on local infrastructure which would trigger the requirement for contributions to local facilities.

Loss of locally important open space, playing field etc. unless adequately replaced elsewhere with no detriment (social sustainability)
The site has no special designation and is not an important open space.

Appropriate sequential testing and other planning requirements in relation to flood risk (environmental sustainability)
The site sits entirely within flood zone 2 and a small section to the north sits within flood zone 3 due to its close proximity to the Fosdyke Navigation. Sites within flood zone 2 are at risk of from between a 1:100 year and 1:1000 annual probability of river or sea flooding. Sites within flood zone 3 are at risk from an annual 1:100 year event from river flooding and 1:200 risk from sea flooding. The National Planning Policy Framework (NPPF) requires application's for planning permission to submit a Flood Risk Assessment (FRA) when development is proposed in such locations.

An FRA has been submitted with the application and has been accepted by the Environment Agency. This is subject to a condition ensuring that the proposed ground floor level, access road/driveways level and scale of the dwellings are adhered to, to safeguard the occupants from being inundated.

The proposed use of the site for dwellings is classed under Table 2 (Flood Risk Vulnerability Classification) of the NPPG as being more vulnerable. Given consideration to table 3 (Flood risk vulnerability and flood zone 'compatibility') of the NPPG the site is predominantly appropriate for dwellings, however a small part of the site to the north would be required to pass the exceptions test if the sequential test is passed.

Guidance contained within paragraph 100 and 101 of the NPPF indicates that development should be directed away from areas at highest risk from flooding. Guidance notes states that the application of the Sequential Test should be applied first to guide development to Flood Zone 1, then Zone 2, and only Zone 3 if there are no other readily available sites in any of the less vulnerable locations.

Paragraph 5.12 of the design and access statement completed by JH Walter dated November 2015 provides a justification as to why in their opinion the development passes the sequential test. It states that the '*search should be limited to that in direct vicinity of the affordable housing to the west, within the applicant's ownership and within the Fosdyke flood zone 3a*' for the following reasons (summarised):

- a) In the interest of sustainability the marginalised affordable homes to the west would be better integrated into the rest of the village and this can only be achieved by residential development between the village and this housing on the north side of the road. It will additionally provide the potential to enhance pedestrian linkages through the provision of frontage footway.
- b) The applicant's business is an important employer within the village and the development provides the potential for supplementing their business income and providing a source of funds that can be invested into this business.
- c) Where the actual probability of flooding is defined by the Strategic Flood Risk Assessment as being low provides the opportunity for housing to be built to respond to flooding issue in an environment where it is predicted that future residents of the development and neighbouring residents will be safe from such events.

The sequential test which is applied by the Local Authority is normally a district wide search for more appropriate sites with a lower risk of flooding unless there are justifiable reasons to suggest otherwise. A district wide search would result in a considerable amount of more suitable land on sites of this size which are available in West Lindsey.

No details have been submitted in relation to a search for sites in flood zone 1 either in or around Saxilby or the district as a whole.

Saxilby village is very developed and the availability of land within the village to accommodate 6 dwellings in Flood Zone 1 appears unlikely. However, taking into consideration the land evidenced for Saxilby in the Strategic Housing and Economic Land Availability Assessment dated October 2014 there are sites available which could accommodate 6 dwellings or more. Some of these sites are in Flood Zone 1 and some are in Flood Zone 1/2. These are:

- Land east of Sturton Road (CL2183) – Flood Zone 1
- Land west of Sturton Road (CL2184) (currently under appeal) – Flood Zone 1
- Land off Mill Lane, Saxilby (CL1430) – Flood Zone 1 and 2
This site has a high percentage of land in flood zone 1 with a smaller area to the front and north west corner in flood zone 2.
- Land off Sykes Lane, Saxilby (CL4130) – Flood Zone 1/2
This site is approximately two thirds in flood zone 1 and a third in flood zone 2.

Therefore there are a number of sites on the edge of Saxilby which has less vulnerability to flood risk and would provide a safer site for residents to occupy. There may also be other sites with more thorough investigation within the village that would be suitable,

The reasons for limiting the search to the site in question have been considered, however they are not considered as sufficient justification and the site does not pass the sequential test.

The provision of a footpath to aid access to the affordable housing whilst positive is not sufficient reason, indeed consent was granted for those houses without the additional access so clearly the proposal was seen as acceptable at that stage. So whilst beneficial the path does not provide any special benefits. Secondly, the development would benefit the applicant's business. There is no detailed case as to why this would benefit the business, no financial details to show that the business needs an injection of funds and no mechanism to secure the funding would be used for the business, when or how. Thirdly the development will better integrate the affordable homes into the rest of the village by completing the built form along this part of Gainsborough Road. This section of Gainsborough Road is outside the settlement boundary of Saxilby and clear separation is identified by the Fossdyke Navigation. As previously stated in this report there are other sites adjacent Saxilby which are more appropriate in terms of flooding. Therefore reducing the sequential search area to better integrate to affordable homes into the village is not exceptional. Finally, although it is accepted that the development could be made safe for residents the site would still be at risk of flooding in an extreme event. Access could be cut off, facilities (foul sewage etc.) unusable making normal day to day living impossible during an event. This is not therefore considered environmentally sustainable and would not meet the tests required by the NPPF.

Guidance contained within paragraph 102 of the NPPF states that *'If, following application of the Sequential Test, it is not possible, consistent with wider sustainability objectives, for the development to be located in zones with a lower probability of flooding, the Exception Test can be applied if appropriate. For the Exception Test to be passed:*

- *it must be demonstrated that the development provides wider sustainability benefits to the community that outweigh flood risk, informed by a Strategic Flood Risk Assessment where one has been prepared; and*
- *a site-specific flood risk assessment must demonstrate that the development will be safe for its lifetime taking account of the vulnerability of its users, without increasing flood risk elsewhere, and, where possible, will reduce flood risk overall.*

Both elements of the test will have to be passed for development to be allocated or permitted'.

The application has provided two different options to meet the exceptions test. They are:

- To enhance the existing footpath along the A57 Gainsborough Road
- To install a footpath link from Gainsborough Road to the footbridge over the Fosseydyke (see plan 324-A-009 dated May 2016)

The site in question is already served by an existing pedestrian footpath of good standard to the front which in turn leads to public right of way saxi/227/1 to the east and then the footbridge into the village. This runs alongside Gainsborough Road which at this point has a 40mph speed limit. The current pedestrian footpath runs to the west past the Bridge Inn, Fosseydyke Court (affordable homes) and terminates at Southview and Griffin House.

The two different options would therefore not provide a wider sustainability benefit to the community as there is already a perfectly good footpath to the front which has a similar length route to Saxilby over the footbridge. The installation of a new footpath from Gainsborough Road, along the south bank of the Fosseydyke and to the footbridge is viewed as a very minor benefit to the development. The existing footpath is seen as a perfectly acceptable route to the village albeit alongside a 40mph 'A' road and has no greater distance to the village than the suggested canal side footpath.

The Saxilby with Ingleby Neighbourhood Plan (DSINO) is still at the draft stage but has been through an initial consultation period. The relevant policies within the current draft are listed in the policy section of this report. The DSINO in its current form does not provide any proposed allocated sites for housing. Its housing growth relies on the completion of outline planning permission 131174 dated 9th December 2015 for 230 dwellings off Church Lane. The DSINO does include a policy based on development around the Fosseydyke Canal including support to development which enhances its setting. This development does propose a footpath enhancement to the south. The DSINO is still in draft form and is subject to amendments therefore only carries some weight in the decision making process.

It is considered that the site is in the open countryside opposite the settlement boundary of Saxilby but the services are on the extremity of the suggested walking distances. The site therefore has at best the minimum links/distances to the services in Saxilby making the use of a vehicle a more attractive proposition to the residents. The proposal is not on an allocated site in the CLLP and does not provide any reasoning to meet the exceptional circumstances set out in local policy LP2 of the CLLP for development on the edge of the village. Central Lincolnshire can currently evidence an over-supply of housing as stated in the CLLSR. It is considered that the reasons put forward to pass the sequential and exceptions test are not justified and have failed and there are more appropriate sites with a lower risk of flooding within the district and the village. The mitigation measures which will demonstrate a reasonable degree of safety for the future occupants does not overcome the requirement imposed by the sequential test to direct development away from areas at flood risk. Therefore the principle of the development cannot be supported as the harm outweighs the benefits.

Visual Impact

The application site is within the open countryside but has built form in each direction. The site is covered by a number of trees that although not protected do have some amenity value to the north of Gainsborough Road. The proposal will mean removing some trees particularly a number close or on the north boundary. As the trees are not protected they can be felled at any time by the owner without consent from the Local Planning Authority. The site is a little overgrown but it does provide a softer feel and break between the built form of Fosdyke House and The Bridge Inn. The site currently therefore has a positive impact on the character of the area.

The application form stated that the proposed dwellings will be constructed from:

- Walls - Light coloured render and silver-grey timber boarding
- Roof - Dark blue - grey artificial slate
- Windows - Dark grey PPC aluminium frames
- Doors – Dark grey PPC

It is considered that the proposed materials are acceptable.

The Paragraph 3.2 (appearance) of the design and access statement completed by JH Walter dated November 2015 states that the dwellings will be proposed dwellings will be '*modern in terms of the architectural language*' and '*the external elevations are characterised by sinuous curves faced predominantly with vertical timber cladding*'. It is agreed that the dwellings are unique in their design and completely different to other dwellings in the vicinity. Some objections have been received in relation to the proposed design being out of character with the area.

The proposal for timber cladded dwellings references the dominant feature of trees on the site. Given the retention of trees on the site the proposal will only be in view from close quarters when traveling along West Bank, Gainsborough Road or the Fosdyke Navigation and from some dwellings off the two vehicle highways. The site will additionally be in view from the most northern section of public right of way saxi/227/1.

The proposal will increase the built form and form a continual run of ribbon development along the north side of Gainsborough Road whilst removing an attractive soft break between Fosdyke House and The Bridge Inn. Although the proposal will introduce a modest urbanising affect on the site, the retention of trees to the boundaries will however limit this impact on the surrounding area and this affect is not a significant enough reason to use a reason for refusal.

It is considered that the proposal will not have a significant adverse visual impact on the site, the street scene, the Fosdyke or the open countryside.

Residential Amenity

Objections have been received in relation to the development having an overbearing impact and causing overlooking on neighbouring dwellings.

All of the existing neighbouring dwellings to the north and south are a good distance from the site by being on the opposite side of Gainsborough Road or the Fossey Navigation/West Bank. The proposal will not harm the living conditions of these dwellings due to the separation distance.

Fossey House and its main garden space sits to the east of the site. The closest dwelling sits in the north east corner of the site with its side elevation facing Fossey House. All of the first floor windows on this elevation are secondary windows which serve the living area, the kitchen (x2) and the study/snug. Although some overlooking may occur on the end section of Fossey House's garden it is not considered as significant enough to warrant refusal. The separation distance will allow plenty of privacy to the garden area immediately around Fossey House. The proposal will not harm the living conditions of Fossey House.

It is additionally relevant to assess the privacy of the potential future occupants of the dwellings. All of the dwellings are adequately spaced to not have any overbearing impact or cause a significant loss of light on each other.

The four dwellings to the north of the site will modestly overlook each other mainly due to the position of the terrace aspect to the west side elevation. However each dwelling will have an area of private garden space to the rear and the terraced area will not be able to clearly view into any windows serving primary living accommodation.

The two dwellings to the south of the site are not positioned in such a uniform position as the four dwellings along the north boundary. The concern with the layout is the overlooking on the garden space of the dwelling (A) to the south west corner from the terrace of the dwelling (B) nearest the access. The garden space of dwelling A is approximately 7 metres from the terrace of dwelling B. It is therefore considered that some obscure screening to the first west elevation of dwelling B is required if it was minded to approve the application and this would be secured by a condition.

The Public Protection Officer has recommended a noise report is undertaken. Approximately 50 metres to the west of the nearest proposed dwelling is a former public house (Bridge Inn) converted to an Indian Restaurant with a takeaway service. The associated car park sits between the restaurant and the site and is approximately 2-10 metres from the nearest dwellings to the west of the site. The main building is a good distance from the site and most noise will be from cars and customers entering and exiting the car park. The site is additionally adjacent a busy 'A' road. After consideration the position and use of the restaurant will create some noise which can be heard from the site but not to an extent which will significantly affect any future occupants. In addition to this the Indian Restaurant is an existing business and any occupants choosing to live on this site will be fully aware of its presence.

It is not considered therefore to be harmful to the living conditions of future residents.

Highways

The proposal provides a new vehicular access point to Gainsborough Road in the south east corner. This section of Gainsborough Road has a 40mph speed limit. Gainsborough Road includes a couple of vehicular accesses close by on the opposite side of the road but these are to single dwellings (Cherry Cottage and Aberfoyle). Further to the east is a junction connecting Gainsborough Road and Broadholme Road. As assessed on site the observation views from the proposed access are good due to the clear view provided by the grass verge and footpath to the front. No concerns on the new vehicular access has been received from the Highways Authority at Lincolnshire County Council.

On assessment of the layout it appears that the driveways will be of a size to allow vehicles to turn within the plots and leave each plot in a forward gear. The access road is a cul-de-sac with a low speed limit and no through traffic. Therefore a high percentage of the traffic using the site will be the occupants and visitors. The site additionally includes a turning space in the layout of the access road.

The Highways Authority have requested for the access road to meet the required adoptable standards. The current proposed road is at least 5.5 metres wide but does not provide a 1.8m footway (with a 5m wide road) or a 1.8m wide soft service margin (with a 5.5m road). It additionally needs to include street lighting, adequate drainage and turning provision. Highways have additionally commented that the development does not provide at least 3 parking spaces which is a minimum requirement for dwellings with 4 bedrooms

The agent has submitted an amended proposed site plan (325-A-004 dated August 2015) which has now met the requirements of the Highways Authority explained above. The Highways Authority subsequently have no objections subject to certain conditions. If it was minded to approve the application then these conditions would be attached to the permission.

Archaeology

The Historic Environment Officer (Lincolnshire County Council) has recommended *'that, prior to development, the developer should be required to commission a Scheme of Archaeological Works, according to a written scheme of investigation to be agreed with, submitted to and approved by the LPA'*. If it was minded to approve the application then this would be secured by a condition.

Ecology

Guidance contained within paragraph 118 of the NPPF states that *'When determining planning applications, local planning authorities should aim to conserve and enhance biodiversity by applying the following principles:*

'if significant harm resulting from a development cannot be avoided (through locating on an alternative site with less harmful impacts), adequately mitigated, or, as a last resort, compensated for, then planning permission should be refused'

The application has included an Extended Ecological Appraisal & Protected Species Survey Report (EEA) completed by Sherwood Associated dated October 2015. Natural England have stated that the site is stated in the EEA as an area of priority habitat as a deciduous woodland. Guidance within paragraph 117 of the NPPF states that *'planning policies should promote the preservation, restoration and re-creation of priority habitats'*.

To summarise the EEA concludes that:

Great Crested Newts: (Paragraph 6.1.1)

- The proposal is unlikely to have an adverse impact on the species.
- As a precautionary measure the mound of earth and rubble identified in figure 1.0/2.0 is cleared under the supervision of an experienced ecologist.

Bats: (Paragraph 6.2.1 and 6.2.2)

- The site is utilised by low numbers of bats with no indication of roosts.
- The proposed development has the potential to adversely impact on bats through increased artificial lighting and recommendations provided need to be followed.
- Artificial bat boxes are recommended.

Hedgerows: (Paragraph 6.2.2.)

- To maximise their ecological value, new hedgerows should be planted with a mixture of appropriate native species.

Badgers: (Paragraph 6.3.1)

- open trenches should be filled in at the end of each day or a ramp should be placed at one end of any open trenches to allow any badgers which fall in to be able to escape.

Reptiles: (Paragraph 6.4.1)

- To minimise any future impacts it is advised that tall scrub and herbaceous vegetation is cut to a height of 30mm and maintained at such a height to prevent reptiles from moving into the site.

Nesting birds: (Paragraph 6.5.1, 6.5.2 and 6.5.3)

- It is recommended that where possible, trees and hedgerows should be retained.
- Construction activities should avoid the bird breeding season (February - August inclusive) to avoid damage to nesting species. If this is not practicable then a nesting bird survey should be undertaken by an experienced ecologist prior to site clearance commencement to identify whether active nests are present. If any are found they should be clearly marked and avoided until after the young have fledged and left the nest.

- Three starling boxes and three sparrow terraces are provided.

Hedgehogs: (Paragraph 6.7.1)

- To retain habitat connectivity for hedgehogs and other species it is recommended that proposed properties and gardens should be bounded by hedgerows or fences with adequate gaps for hedgehogs to pass through freely.

Nectar Resource: (Paragraph 6.8.1 and 6.8.2)

- Each tree felled should be replaced by an appropriate native, nectar rich species such as wild cherry *Prunus avium*, small-leaved lime *Tilia cordata* and field maple *Acer campestre*.
- A minimum of three artificial insect refuges should be placed around the site

The report suggests that there will be no significant impact on protected species of fauna and flora providing the above recommendations and procedures are adhered to. It is therefore considered that the site does have the potential to have a significant adverse impact on protected species.

Therefore if minded to approve the application a suitable number of strict conditions would need to be added to the permission to stop any adverse impact from happening.

Impact on Trees

Natural England have stated that the site is stated in the EEA as an area of priority habitat as a deciduous woodland. Guidance within paragraph 117 of the NPPF states that '*planning policies should promote the preservation, restoration and re-creation of priority habitats*'.

The proposal includes a mix of retaining and removing existing trees on the site. The Authority's Tree Officer has assess the proposal and generally has no objections with the proposal but has provided comments requiring further detailing for reasons of clarity and to protect the health of the trees to be retained. Given this and the lack of an objection from Natural England it is considered that subject to further conditions the proposals are deemed acceptable.

Foul and Surface Water Drainage

The application form states that foul water will be drained to the mains sewer and surface water to a sustainable urban drainage scheme (SuDs). There are no details suggesting what the SuDs method or methods will be and comments have been received from the Public Protection Officer summarising the lack of information needed to provide for a drainage strategy. The intended methods are acceptable providing the appropriateness for the site can be evidenced. This could be addressed by imposition of a suitably worded drainage scheme.

Garden Space

The individual plots will be served by an adequate amount of garden space. The four dwellings to the north of the site have smaller rear garden spaces which could be significantly reduced by the dwellings being extended under Part 1 Class A of the Town and Country Planning (General Permitted Development) (England) Order 2015. It would therefore be considered necessary to remove this permitted development right were the development to be approved

Other considerations:

Waterway

The Canal and River Trust have requested that a number of advisory notes are added to the permission if the proposal is approved. This is considered acceptable particularly protection of the strip of land to the north of the site which is used for access and maintenance purposes.

Conclusion and reasons for decision:

The decision has been considered against saved local policies STRAT 1 Development Requiring Planning Permission, STRAT 3 Settlement Hierarchy, STRAT 12 Development within the Open Countryside, RES 1 Housing Layout and Design, CORE 10 Open Space and Landscaping within Developments, NBE 10 Protection of Landscape Character and Areas of Great Landscape Value, NBE 14 Waste Water Disposal and NBE 20 Development of the Edge of Settlements of the adopted West Lindsey Local Plan First Review 2006 in the first instance and local policies LP1 A presumption in Favour of Sustainable Development, LP2 The Spatial Strategy and Settlement Hierarchy, LP3 Level and Distribution of Growth, LP4 Growth in Villages LP10 Meeting Accommodation Needs, LP14 Managing Water Resources and Flood Risk, LP17 Landscape, Townscape and Views, LP21 Biodiversity and Geodiversity, LP26 Design and Amenity and LP55 Development in Hamlet and the Countryside of the Submitted Central Lincolnshire Local Plan 2012-2036. In addition consideration has been given to the position and policies of the Draft Saxilby with Ingleby Neighbourhood Plan and guidance within the National Planning Policy Framework and National Planning Practice Guidance.

It is considered that a convincing case to limit the application of the sequential test to land within the applicants ownership has not been made with no evidence submitted to demonstrate that there are no other appropriate sites in Saxilby that are at a lower risk of flooding the district. The implementation of an upgraded footpath to the front or a new footpath along the towpath of the Fosdyke Navigation is a very minor wider community benefit of the development when an existing footpath connects Gainsborough Road to Saxilby and the affordable homes on Fosdyke Court. Therefore significant weight in the planning decision is given to the proposals failure to pass the sequential flood risk test.

The proposal is not an allocated site and has not provided any reasoning to meet the exceptional circumstances for housing development on the edge of

the village. The proposal is therefore contrary to local policy STRAT 1 of the West Lindsey District Local Plan, local policies LP1, LP2 and LP14 of the Submitted Central Lincolnshire Local Plan 2012-2036 and guidance contained within the National Planning Policy Framework and National Planning Practice Guidance.

The proposal would not, however, have an adverse visual impact on the site, the street scene, the Fossey Navigation or the open countryside. It would not have a significant adverse impact on the living conditions of existing or future residents. The proposal would not have an adverse impact on protected species providing appropriate mitigation measures are employed or have an archaeological impact subject to a scheme of archaeological works. It will not have a harmful impact on highway safety.

RECOMMENDATION: Refuse

1. The proposal represents an unsustainable form of development located within an attractive greenfield site, outside the village of Saxilby at the extreme extent of acceptable walking distances. The proposal is also located within a flood zone without adequate or justified reason or overriding benefit when less vulnerable sites to flooding are available. The proposal is therefore contrary to saved policies STRAT 1 and STRAT 12 of the West Lindsey Local Plan Review 2006, local policies LP1, LP2 and LP14 of the Submitted Central Lincolnshire Local Plan and Saxilby with Ingleby Neighbourhood Plan policy 3 and the provisions of the National Planning Policy Framework.