

Officers Report

Planning Application No: 143728

PROPOSAL: Planning application to erect 49no. dwellings with associated highways works, earthworks to create drainage attenuation pond, landscaping and boundary treatments.

LOCATION: Land North of Hawks Road Welton Lincoln

WARD: Dunholme and Welton

WARD MEMBER(S): Cllr Mrs D M Rodgers, Cllr S England and Cllr Mrs C M Grimble

APPLICANT NAME: Lindum Group Ltd and ACIS Group Ltd

TARGET DECISION DATE: 20/12/2021 (Extension until 4th February 2022)

DEVELOPMENT TYPE: Major - Dwellings

CASE OFFICER: Ian Elliott

RECOMMENDED DECISION: Grant permission subject to conditions and 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:-

- 12 no. affordable homes as identified on the site layout plan (Reference: J2102 – 00103J). The tenure split will 50% shared ownership and 50% affordable rent. ACIS Group Limited will be the registered provider.
- An NHS contribution of £30,992.50 to reconfigure existing space at the Welton Surgery to create larger clinical space and more flexibility to deliver clinical services to manage the projected patient increase.
- An open space management and maintenance plan.

Planning Committee:

The application is being referred to the Planning Committee for determination following public consultation representations from the Ward Member, Welton Parish Council and local residents, on relevant planning matters.

The planning committee, at it's meeting on 5th January 2022 resolved to defer this planning application for a site visit. The committee site visit took place on 12th January 2022 commencing at 1.30pm.

Description:

Full permission is sought for 49 dwellings comprising 12 two bedroom, 27 three bedroom and 10 four bedroom dwellings with associated open space, attenuation pond and infrastructure. Twelve of the dwellings (24%) would be affordable houses.

Site:

The application site is an area of greenfield land (2.35 hectares) to the north, east and west of Welton. The northern section of the site slopes gently upwards from west to east. The southern section slopes gently upwards from north to south then flattens the closer you get to the furthest south boundary. The site is in an overgrown condition with a number of small trees within the northern section and on the inside of the length of the public rights of way to the east boundary. The north and east boundaries are screened by hedging with occasional gaps. The south boundary is screened by fence panels, hedging and post and rail fencing. The west boundary is screened by a mix of trees and hedging. Open fields are to the north and east with residential dwellings to the south and west.

The application site is part of a wider allocated housing site in the Central Lincolnshire Local Plan 2012-2036 under CL1490 measuring 4.15 hectares. Public rights of way Welt/54/1 runs along the east boundary of the site.

Relevant history:

Application Site:
None

Land to the East of Halfpenny Close, and North of The Hardings, Welton:
130995 – Planning application for erection of 50no. residential dwellings, to include 31no. affordable and 19no. open market dwellings – 05/03/15 -
Granted with Legal Agreement

133300 – Application for non-material amendment to planning permission
130995 granted 5 March 2015 - addition of sheds to rear gardens, change in southern boundary treatment and bow top fencing added to balancing pond –
01/09/15 - Granted without conditions

134263 - Planning application to vary condition 9 of planning permission
130995 granted 5 March 2015-boundary treatments – 07/07/16 - Granted time limit and other conditions

Representations (In Summary):**Cllr S England: Objections**

I feel this application is premature the review of the CLLP is not complete. It presents a risk of over development the large Beal Homes site is far from built out so it is difficult to predict the long term effect on the village infrastructure health and education and traffic being of concern. There is also the proposal to remove trees this is quite clearly against the wish of The Queen who wishes for a green canopy and following on from the prime ministers statement yesterday to plant more trees. The thought of our council agreeing to remove some seems at best perverse!!

Cllr D M Rodgers: Comment

As an elected representative of Dunholme and Welton Ward, I hereby call in Planning Application Number 143728, for consideration by the Planning Committee in due time and in due course.

Welton Parish Council: General Observations

Members have had the opportunity to visit the site and found there to be an abundance of wildlife including birds, bats, butterflies and numerous varieties of flora and fauna. There are hundreds of self-set trees at varying degrees of maturity and although the council accepts this is an allocated site within the Local Plan and the need for future development, this is environmental vandalism. Following encouragement from government in their 25 year environmental plan to make sure there are high quality, accessible, natural spaces close to where people live and work, and for more people to spend time in them to benefit their health and wellbeing and The Queen's Green Canopy, a unique tree planting initiative created to mark Her Majesty's Platinum Jubilee in 2022 which invites people from across the United Kingdom to "Plant a Tree for the Jubilee"; the council is opposed to the destruction of this area at a time when there is a large development currently being built in the village which will meet the needs of those seeking market and affordable homes. The infrastructure in the village is already at breaking point with nowhere for cars to park; only one food store servicing 6000 residents in Welton alone, not counting those who use these services from surrounding villages.

Public Rights of Way Footpath number 54 runs along the perimeter of the site, it is a well walked path and provides a real "country walk"; if this development takes place this amenity will be diminished. The village has few rural walks and this one is particularly valued.

Should permission be granted, the council requests that consideration be given to the road on the eastern side of the development be opened up to form a continuous road around the development and not come to a dead end when accessing from Hampden Close.

Properties should be eco-friendly in providing electric vehicle charging points, storage for bicycles, ground/air source heat pumps and those that are south facing have solar panels – when these are installed when being built it is more economical. They should also consider planting hedges between properties rather than erecting fences, as they absorb CO², don't blow down or become dilapidated and encourage wildlife.

With regard to highway safety issues, access to the site is via a very narrow road (Halfpenny Close) which has cars parked along it making it difficult to pass and often leads to one vehicle having to give way. With the increased traffic generation this could cause issues to accessing and exiting the site, in particular to pedestrian safety for children walking to and from school, those with prams and mobility aids. There are also concerns about the safety of the junction with Hawkes Road being so close to driveways of properties.

Local residents: Representations received from:

Objections:

28, 30 Hampden Close, Welton
4, 11, 15, 20, 22 Hawks Road, Welton
10 Halfpenny Close, Welton
14, 25, 27 The Hardings, Welton
9, 73a Eastfield Lane, Welton
32 Rivehall Avenue, Welton
3 The Eshing, Welton
25 Lincoln Road, Welton
2 Swen Close, Welton
Cammeringham Grange, The Cliff, Cammeringham

Biodiversity

- Loss and destruction of habitat.
- Given the recurring problems with chafer bugs in the village, perhaps the planners would consider laying the green areas to wildflower, rather than grass.
- Grows many different rare orchids.
- Birds, mammals and insects thrive here.
- Haven for wildlife – foxes, owls, bats, birds, snakes etc.
- Ecology survey incorrect.
- Impact on wildlife including deer.
- Hedgerows need to be protected.

Residential Amenity

- Concerned a two storey dwelling is planned to rear of 30 Hampden Close and would have direct view into living room/bedroom.
- Overlooking from plot 44 and 45 on 27 The Hardings from two storey dwellings.
- Privacy issues on 27 The Hardings and other properties on Hampden Court and The Hardings.
- Headlight glare from use of access road from plots 44, 45, 46 and 47 on 27 The Hardings.
- Do not want a building site or an obtrusive residential development on doorstep.
- Disruption from construction building work.
- Loss of view over open fields.

Character

- Can Welton take any more housing development without losing its character and without any increase in amenities.
- Sense of village being lost and no longer exists.

Highway Safety

- Put busy traffic onto Hawks Road which is block paved with no safe footpath.

- Welton is becoming congested and dangerous especially around school pick up/drop off time.
- Many paths in Welton are becoming worn, uneven and dangerous.
- Village cannot support more cars.
- Man access junction to proposed development and its location on the safety of residents, road users, dog walkers, disabled and young children.
- Dead end 6 dwelling section of Hawks Road where people tear round the corner and brick wall on the corner creates a blind bend. Putting Hawks Road access near this is dangerous with 60 vehicles coming and going.
- There is street parking for visitors on Hawks Road.
- There is no path network on either side of Hawks Road.
- Hawks Road access should be a continuation of existing road.
- Hawks Road unsuitable for heavy traffic.
- Northfield Road/Halfpenny Close is saturated with parked vehicles.
- Traffic calming measures and parking restrictions need to be investigated before support.
- Call for robust traffic survey at similar sized development.
- Would roads be kept clean by operator?
- The predicted traffic impact is grossly underestimated.
- Vehicle access to the site is via very narrow roads (Halfpenny Close & Northfield Rd) which have cars parked along them making it difficult to pass or see what is coming

Drainage

- Sewers are unfit for purpose and increased demand.
- IDB have concerns around increased flood risk to new and existing properties.

Pollution

- Through the removal of positive trees, flowers etc. and adding negative development.
- Vehicles would generate pollution.
- Air pollution would degrade surfaces of historic buildings.

Neighbourhood Plan

- The site is not specifically referenced in the neighbourhood plan.

Footpath

- Only footpath in the village where walkers can experience the pleasure of a real country walk
- Popular and well-loved walking and dog walking route

Ownership

- Plan drawing on page 4 is inaccurate as it is over the end of 15 Hawks Road driveway

Infrastructure

- Welton does not have the infrastructure. This is the 5th proposal in 5 years.

- No expansion of facilities within the village.
- Even with extension doctors surgery will struggle to cope.
- No parking in the village to get to the shops.
- St Mary's Primary School is full to bursting.
- William Farr is oversubscribed.
- Manor Park cannot accommodate all of the young footballers.

Other

- Vast majority of housing not bought by locals.
- Houses not suitable for first time buyers who will be priced out the market.
- No need as hundreds of houses have already been approved in Welton/Dunholme.
- Will destroy a peaceful place which has value to health and wellbeing.
- Full environmental impact survey to be completed by independent enquiry before approving.

LCC Highways/Lead Local Flood Authority: No objection subject to conditions and advice

Conditions recommended are:

- Construction Management Plan and Method Statement
- Completion of Public Highway Improvements
- Completion of Estate Road and Associated Footways
- Travel Plan
- Surface Water Drainage

Environment Agency: Does not wish to comment

It does not appear to match any of the criteria on our consultation checklist.

WLDC Strategic Housing Officer: Comment

Representation received 15th December 2021:

The requirement for affordable housing on this site is 25% which equates to 12 units. After discussions with the developer and Registered provider, it has been agreed this will be delivered as 50% shared ownership and 50% affordable rent in line with the NPPF requirement for 10% of the site to be delivered as a low cost home ownership option and the layout of the site which makes it more acceptable to the Registered Provider to deliver the housing as 6 units of affordable rent and 6 units of shared ownership.

Representation received 30th September 2021:

Policy LP11 of the Central Lincolnshire Local Plan requires developments within the Lincoln Strategy Area to which this site is located to deliver 25% of all dwellings as affordable housing. With a development of 49 houses, this equates to 12.25 units of affordable housing. The application details 12 houses will be provided as affordable which meets this requirement.

The NPPF requires 10% of all housing on site to be delivered as a low cost home ownership tenure which on this site will equate to 5 (4.9 rounded) units.

This is not in addition to the affordable housing requirement and can be delivered within the 12 units. The new Government initiative First Homes has now also been brought in via Ministerial Statement and requires 25% of all affordable housing contributions to be First Homes. First Homes can be the low cost home ownership option required by the NPPF. The Central Lincolnshire Local Plan Supplementary Planning Document requires the tenure split of affordable housing on site to be 70% affordable rented and 30% shared ownership. Below is a breakdown of the required tenure for the affordable housing on this site based on all of these requirements;

3 units First Homes
3 units shared ownership
6 units affordable rent

These tenures will need securing through the S106 and the developer will need to inform WLDC of which of these units will be which tenure as this is not currently detailed on the application.

WLDC Environmental Officer: No objections subject to contamination conditions

LCC Archaeology: No objections

Natural England: No objections with advice

Lincolnshire Wildlife Trust: Objections

Response received 13th January 2022

I have been sent photographs by a local resident which apparently show species/hybrids of *Dactylorhiza* orchids (Common Spotted-orchid / Southern Marsh Orchid probable) and Meadow Vetchling. The presence of these species would indicate the likely presence of other associated grassland specialist species and a greater ecological significance for at least part of the site. Both species are listed among those included as indicators for consideration for designation as a Local Wildlife Site in the county and we would advise that their occurrence should therefore not be dismissed. The orchids are especially indicative of long-established grassland of lower and more natural soil nutrient status

Conclusions drawn in the Ecology Report 2021 regarding the grassland on site were:

The development of this land will require the removal of an area of unmanaged grassland undergoing succession to scrub. This land was, until fairly recently, managed for agricultural use and is isolated by extensive areas of arable land to the north and east and housing to the south and west. This is a young habitat recently created by lack of management in a field left fallow and this, combined with the relative isolation, limits the ecological diversity within it to some extent and currently species diversity is not high.

The above conclusion may well hold for a large part of the site but cannot apply to all of it if these orchids are present. The occurrence of scarcer species may be confined to a limited area within the site but we would not want this to be assumed at this stage. We note that the grassland survey was undertaken on the 15th of April which is earlier in the year than the optimal time (May-September) when most information of a grassland habitat would be available to a field surveyor. The lack of a record of the above species is no reflection of the competency of the surveyor as these plants are much harder to locate in early season. We would call for a further comment from the ecologists and an opportunity for the ecologists to undertake a confirmatory grassland survey later this year.

Response received 10th January:

Thank you for referring this case to legal advice concerning Biodiversity Net Gain delivery. The Lincolnshire Wildlife Trust would add one further point in this regard which has implications for applications beyond this one. While the NPPF only calls for decisions to “contribute to and enhance the natural and local environment by: providing net gains for biodiversity” (174d) LWT would contend that the Local Authority should be aware that they have a duty to “pursue opportunities for securing measurable net gains for biodiversity” (179b) through their Local Plan and that this would be best achieved if they were to take an approach which meant planning applications were required to quantify the net gains they intend to achieve. Even if the 10% is not to be enforced during the transition period, it would be good to see some clear commitment to measurable BNG from any development leading up to mandatory implementation.

Response received 17th November 2021

In its current form, we do not see how the Proposed Site Plan can deliver the minimum of 10% Biodiversity Net Gain now required under the Environment Act 2021. With the recent enactment of the Environment Bill the ‘Biodiversity Duties’ of local authorities have been strengthened and legal requirements are now in place that require Local Planning Authorities to deliver more than is captured in Central Lincolnshire Local Plan Policy LP21.

We would therefore wish to see a Preliminary Ecological Assessment (PEA) or equivalent document incorporate a BNG Feasibility Study that would establish clearly how a minimum of 10% BNG would be delivered on-site. We would only be happy to see this achieved by offsetting offsite if the full mitigation hierarchy had been observed and other reasonable alternatives had been exhausted. We note that at this stage in the application, no Landscape and Ecological Management Plan (LEMP) has been submitted. We would expect to see such a plan show clearly how BNG (as calculated by the above means) could be delivered.

We support mitigations proposed in the Ecology Report for nesting birds, bats and directional clearance to reduce risk to amphibians and reptiles.

We note that the inspection completed in April 2021 did not identify any physical evidence or field signs of protected species within the survey area.

However, we have received information from local residents that 'snakes' (most likely to be grass snakes) have been seen on site. We would request that this be given professional consideration and surveyed for in advance of ground disturbance as an additional precaution.

We note that the grassland survey was undertaken early in the year before full detail of the habitat could have been surveyed and that two species are recorded as present which are used as indicator species for species-rich neutral grassland in Local Wildlife Site assessments. This suggests that the 'unmanaged grassland' may contain further botanical interest. We support the recommendations made in the Tree and Landscape Officer Comment and Ecology Report to infill gaps in boundary hedgerows with a diverse selection of native shrubs.

The western boundary contains a drainage feature and has the potential to be the most ecologically important stretch of boundary. We note from the Proposed Site Plan that Public Open Space would be located at this location, but we would want to see this area utilised more fully to deliver multifunctional sustainable urban drainage (SUDs) incorporating biodiverse marginal, and wetland native planting.

All internal boundaries should be permeable to hedgehogs where possible and lighting should avoid spilling onto potential bat commuting corridors; i.e. boundary hedgerows and tree lines.

We hold the view that the retention, widening, infilling and increase in height, and diversity of native boundary vegetation would be a key element in delivering biodiversity net gain on this site as well as the retention of more mature trees – especially those recorded as providing notable habitat value for bats. In addition, species rich, neutral grassland would appear to be a further biodiversity opportunity based on the local soil type which would act as an ecologically valuable and complementary fringing habitat to appropriate scrub and tree planting or ideally retention.

WLDC Tree and Landscape Officer: Comments

If these plans are intended to show a proposed scheme of landscaping, then some alterations are required to positioning, hedgerow planting, and information is required to give species, size and form.

LCC Education: No contribution required

There is sufficient primary capacity in the locality. There would have been a secondary education request of £135,931 and a sixth form request of £18,427, however at the present time that is still covered by Community Infrastructure Levy so no request is made at this point.

NHS: Contribution required to be secured by S106 Legal Agreement

The above development is proposing 49 dwellings which, based on the average of 2.3 person per dwelling for the West Lindsey District City Council area, would result in an increase in patient population of 113.

The Welton Surgery currently has 12 clinical rooms (this does not include the extension as it is not officially open at the moment). The surgery has 100% utilisation rate. The practice is providing primary care to a patient list size of 9,454 (list size as on 1st July 2021).

The Welton Surgery will use the funding to reconfigure existing space to create larger clinical space and more flexibility to deliver clinical services to manage the projected patient increase.

The PCN is working to employ additional staff to increase capacity within primary care and as more care is moved to the community from secondary care closer to individuals home

The contribution requested for the development of £30,992.500 (£632.50 x 49 dwellings.)

After reviewing the practice response regarding their capacity to accommodate the increase in patient numbers arising from this development, it's requested that the trigger point for the release for funds for health care be set at payment of all monies upon completion of 50 percent of the dwellings for each phase of the development. This will ensure the practices are not placed under undue pressure.

To ensure that there is sufficient time carry out the works and allow the s106 funds to be spent in the most appropriate way, a repayment period of 10 years from receipt of the final payment transfer (for the entire development) to the relevant NHS body will be required.

The funding is required for the development for the Land North of Hawks Road, Welton for a contribution to allow further expansion or reconfiguring of the Welton Medical Centre to cover the extra capacity created by 49 dwellings.

Anglian Water: Comments

Assets Affected

No known Anglian Water assets affected.

Wastewater Treatment

The foul drainage from this development is in the catchment of Dunholme Water Recycling Centre that will have available capacity for these flows.

Used Water Network

The sewerage system at present has available capacity for these flows.

Surface Water Disposal

The surface water strategy/flood risk assessment submitted with the planning application relevant to Anglian Water is unacceptable Anglian Water will only permit the 1 in 1 year rate as a maximum discharge rate. We would therefore recommend that the applicant needs to consult with Anglian Water and the Lead Local Flood Authority (LLFA). We request a condition requiring a drainage strategy covering the issue(s) to be agreed.

Witham Internal Drainage Board: Comments

Further input and consultation from the Board is requested, prior to full approval being granted by LPA.

North into Private/Riparian watercourse, then into Board maintained 2008 – Eastfield Drain

The first proposal (Page 9 of 37 and Conclusion of FRA & DS) explains surface water discharge to the North of the site, restricted to green field rate, into a private / riparian watercourse before discharging into the Board maintained 2008 – Eastfield Drain, approximately 550m to the north of the site. At the time of writing, the application does not appear to highlight the proposed watercourse to be utilised and an assumption was made it may be the watercourse to the East of the site. If so, further investigation may be required as to the current fall of this watercourse and it's connection to the Board maintained 2008 - Eastfield Drain.

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. Under the terms of the Board's Byelaws, the prior written consent of the Board is required for the introduction of any water into the district, whether directly or indirectly. Additionally, the prior written consent of the Board is required for any proposed temporary or permanent works or structures in, under, over or within the byelaw distance of 9m of the top of the bank of a Board maintained watercourse. Consent Application forms can be downloaded from the Board's website.

Consideration must be given to the route of flow downstream of the site from the discharge point to an appropriately maintained watercourse. Are there any off site works or the need for increased maintenance required to safeguard the site discharge for the life of the development. (Culvert/Field crossing) A permanent undeveloped strip of sufficient width should be made available adjacent to the top of the bank of all watercourses on and from the 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 in consultation with the Internal Drainage Board where a watercourse is subject to Byelaws.

All Surface water discharging in to proposed Attenuation Basin, then Southwards into Anglian Water Surface Water system

The second proposal (FRA Appendix D – Studio 11 Drawing titled Proposed Drainage Strategy (Dwg No: 546-S11-00-SI-SK-C-9000 Rev: /) shows all SW drainage falling to the Attenuation Basin, then a restricted discharge (Hydrobrake @ 8l/s – Southwest corner) into the Anglian Water surface water drainage system via an existing manhole (SWMH9355) which is proposed to be redeveloped. It is unclear if this then eventually discharges into EA Main River – Welton/Dunholme Beck.

Where Surface Water is to be directed into a Mains Sewer System the relevant bodies must be contacted to ensure the system has sufficient capacity to accept the additional Surface Water. The Board also requests that the applicant identify the receiving watercourse that the sewer discharges into and provide details on the potential effect that the proposed discharge may have on the receiving watercourse.

Overall, the Board has a major concern over the long-term maintenance of methods and arrangements such as the use of riparian water courses and attenuation basins and the difficulties of enforcing them. As the Local Planning Authority West Lindsey DC must ensure provisions are put in place to safeguard the long-term maintenance of such, so there is no increased flood risk to the new and existing properties, as currently the only way to enforce this is through the provisions in the planning process.

WLDC Economic Development: No representations received to date

WLDC Waste Services: No representations received to date

Lincolnshire Police: No representations received to date

Ramblers Association: No representations received to date

Relevant Planning Policies:

Planning law requires that applications for planning permission must be determined in accordance with the development plan, unless material considerations indicate otherwise. Here, the Development Plan comprises the provisions of the Central Lincolnshire Local Plan (adopted in April 2017); the Welton by Lincoln Neighbourhood Plan (made 5th September 2016); and the Lincolnshire Minerals and Waste Local Plan (adopted June 2016).

Development Plan

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

Relevant policies of the CLLP include:

LP1 A Presumption in Favour of Sustainable Development

LP2 The Spatial Strategy and Settlement Hierarchy

LP3 Level and Distribution of Growth

LP9 Health and Wellbeing

LP10 Meeting Accommodation Needs

LP11 Affordable Housing

LP12 Infrastructure to Support Growth

LP13 Accessibility and Transport

LP14 Managing Water Resources and Flood Risk

LP16 Development on Land Affected by Contamination

LP17 Landscape, Townscape and Views

LP21 Biodiversity and Geodiversity

LP24 Creation of New Open Space, Sports and Recreation Facilities

LP25 The Historic Environment

LP26 Design and Amenity

LP52 Residential Allocations – Large Villages

<https://www.west-lindsey.gov.uk/my-services/planning-and-building/planning-policy/central-lincolnshire-local-plan/>

- **Welton by Lincoln Neighbourhood Plan (WNP)**

Relevant policies of the NP include:

Policy H1 Type, Size and Mix

Policy D1 Village Character

Policy D2 Safe Environment

Policy EN1 Environmental Capital

Policy EN2 Habitat

Policy EN3 Flood Risk

Policy T2 Cycling

Policy W1 Healthcare

Policy W2 Sports and Recreation

Policy ED1 Improving Education

Welton by Lincoln Village Character Assessment

The site is not within a specified character area as set out in figure 32 (page 35) of the Character Assessment. The site is adjacent to Area I and to a lesser extent Area K.

- **Lincolnshire Minerals and Waste Local Plan (LMWLP)**

The site is not within a Minerals Safeguarding Area, Minerals or Waste site/area.

<https://www.lincolnshire.gov.uk/residents/environment-and-planning/planning-and-development/minerals-and-waste/88170.article>

National policy & guidance (Material Consideration)

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

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

The NPPF sets out the Government's planning policies for England and how these should be applied. It is a material consideration in planning decisions. The most recent iteration of the NPPF was published in 2021.

Paragraph 68 states:

“strategic policy-making authorities should have a clear understanding of the land available in their area through the preparation of a strategic housing land availability assessment. From this, planning policies should identify a sufficient supply and mix of sites, taking into account their availability, suitability and likely economic viability. Planning policies should identify a supply of:

a) *specific, deliverable sites for years one to five of the plan period and*

b) *specific, developable sites or broad locations for growth, for years 6-10 and, where possible, for years 11-15 of the plan.*”

Paragraph 70 states:

“Neighbourhood planning groups should also consider the opportunities for allocating small and medium-sized sites (of a size consistent with paragraph 68a) suitable for housing in their area.”

Paragraph 119 states:

“Planning policies and decisions should promote an effective use of land in meeting the need for homes and other uses, while safeguarding and improving the environment and ensuring safe and healthy living conditions.”

Paragraph 131 states:

“Trees make an important contribution to the character and quality of urban environments, and can also help mitigate and adapt to climate change. Planning policies and decisions should ensure that new streets are tree-lined, that opportunities are taken to incorporate trees elsewhere in developments (such as parks and community orchards), that appropriate measures are in place to secure the long-term maintenance of newly-planted trees, and that existing trees are retained wherever possible. Applicants and local planning authorities should work with highways officers and tree officers to ensure that the right trees are planted in the right places, and solutions are found that are compatible with highways standards and the needs of different users.”

Paragraph 219 states:

“existing [development plan] policies should not be considered out-of-date simply because they were adopted or made prior to the publication of this Framework. Due weight should be given to them, according to their degree of consistency with this Framework (the closer the policies in the plan to the policies in the Framework, the greater the weight that may be given).”

- **National Planning Practice Guidance**

<https://www.gov.uk/government/collections/planning-practice-guidance>

- **National Design Guide (2019)**

<https://www.gov.uk/government/collections/planning-practice-guidance>

- **National Design Model Code (2021)**

<https://www.gov.uk/government/publications/national-model-design-code>

Draft Local Plan / Neighbourhood Plan (Material Consideration)

NPPF paragraph 48 states that Local planning authorities may give weight to relevant policies in emerging plans according to:

a) *the stage of preparation of the emerging plan (the more advanced its preparation, the greater the weight that may be given);*

- b) *the extent to which there are unresolved objections to relevant policies (the less significant the unresolved objections, the greater the weight that may be given); and*
 - c) *the degree of consistency of the relevant policies in the emerging plan to this Framework (the closer the policies in the emerging plan to the policies in the Framework, the greater the weight that may be given).*
- **Consultation Draft Central Lincolnshire Local Plan Review June 2021 (DCLLPR)**

The consultation on the Draft Central Lincolnshire Local Plan which ran for 8 weeks from **30 June to 24 August 2021** has now closed. In regards to paragraph (b) consultation responses to the first (regulation 18) draft have now been published. The Summary document sets out the extent to which there were any Objections/Support/General Comment in regards to each policy. The Key Issues Report sets out a summary of the issues being raised, per policy.

Relevant Policies:

- S1 The Spatial Strategy and Settlement Hierarchy
- S2 Growth Levels and Distribution
- S4 Housing Development in or Adjacent to Villages
- S6 Reducing Energy Consumption – Residential Development
- S20 Flood Risk and Water Resources
- S21 Affordable Housing
- S22 Meeting Accommodation Needs
- S44 Strategic Infrastructure Requirements
- S46 Accessibility and Transport
- S47 Walking and Cycling Routes
- S48 Parking Provision
- S50 Creation of New Open Space, Sports and Leisure Facilities
- S52 Design and Amenity
- S53 Health and Wellbeing
- S55 Development on Land Affected by Contamination
- S56 The Historic Environment
- S59 Protecting Biodiversity and Geodiversity
- S60 Biodiversity Opportunity and Delivering Measurable Net Gains
- S65 Trees, Woodland and Hedgerows
- S79 Housing Sites in Large Villages (WL/WELT/003)

In the key issues report following the consultation period no issues were raised in relation to allocated site WL/WELT/003 in draft policy S79. One representation of support was submitted from Lindums.

The draft plan review is at its first stage (Regulation 18) of preparation and is open to alterations so may be attached **limited weight** in the consideration of this application.

<https://central-lincs.inconsult.uk/connect.ti/CLLP.Draft.Local.Plan/consultationHome>

Other:

Central Lincolnshire Developer Contributions Supplementary Planning Document - Adopted June 2018

<https://www.n-kesteven.gov.uk/central-lincolnshire/local-plan/supplementary-planning-documents-and-guidance-notes/>

Environmental Bill 2021

<https://bills.parliament.uk/bills/2593>

Main issues:

- Principle of the Development
 - Central Lincolnshire Local Plan 2012-2036*
 - Welton by Lincoln Neighbourhood Plan*
 - Discussion*
 - Concluding Statement*
- Affordable Housing
- Developer Contributions
 - National Health Service*
 - LCC Education*
 - Open Space*
 - Community Infrastructure Levy*
- Health Impact Assessment
- Visual Impact
- Residential Amenity
- Highway Safety
- Drainage
 - Foul Water*
 - Surface Water*
- Archaeology
- Biodiversity
 - Protected Species*
 - Trees*
- Landscaping
- Contamination

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.

Central Lincolnshire Local Plan 2012-2036:

Local policy LP2 sets out a spatial strategy and settlement hierarchy from which to focus growth. Local policy LP2 states most housing development proposals in Welton (Large Village) will be '*via sites allocated in this plan, or*

appropriate infill, intensification or renewal within the existing developed footprint'.

Local Policy LP52 identifies sites within large villages which are allocated primarily for residential use. This Welton site is identified by allocation reference CL4490 as land at The Hardings, Welton (4.15 hectares) for an indicative/remaining capacity of 50 dwellings.

Welton by Lincoln Neighbourhood Plan (WNP):

As referenced above the made Welton Neighbourhood Plan is part of the Development Plan and has full weight in the decision making process. The relevant policies are listed in the policy section above.

Policy H1 sets out that development of over 10 dwellings must demonstrate how the mix, type and scale of dwellings has taken account of local need.

Policy D1 sets out that development should respect local character and include wildlife features.

Policy D2 requires development to be safe and accessible environments.

Policy EN1 protects biodiversity and promotes net biodiversity gain. Protects watercourses from degradation and pollution.

Policy EN2 encourages habitat creation and enhancement.

Policy EN3 promotes that use of sustainable urban drainage systems to reduce surface water run off.

Policy T2 Cycling encourages new cycleways, paths and secure storage facilities.

Policy W1 Healthcare would support development which expands or provides new healthcare facilities.

Policy W2 would support the development of public sports and recreation facilities.

Policy ED1 would support development which improves William Farr Comprehensive School and St Mary's Primary School.

Discussion:

The application proposes to construct 49 dwellings on part (2.35 hectares) of an allocated site which adjoins a number of boundaries of the settlement of Welton. Allocated site CL1490 in total covers 4.15 hectares of land and has already been subject of an approved planning permission (130995) for 50 dwellings which has been fully built out. Planning permission 130995 covered 1.7 hectares of the site leaving more than half of the allocated site undeveloped.

This current application is for up to 49 dwellings on 2.35ha – a development density of 20.9 dwellings per hectare (dph).

Local policy LP52 of the CLLP identifies that allocated site CL1490 is appropriate for an indicative/remaining capacity of 50 dwellings towards the growth of Welton and the Central Lincolnshire housing supply.

Page 26 of the WNP identifies the site as site 1 (land off Halfpenny Close) and that construction is underway. Page 26 additionally states *that “The WNP does not propose housing numbers for any site.”*

Local policy S79 of the DCLLPR which has some limited weight in the decision making process as emerging policy, proposes to continue the allocation of the undeveloped site in question as WL/WELT/003 (Land at The Hardings, Welton) for an indicative 42 dwellings on 2.26 hectares of land.

The subject of indicative numbers attached to allocated sites has been considered previously by the Local Planning Authority, the Local Plans Team and Planning Inspectors.

Paragraph 10.2.1 of The CLLP includes that *“The indicative numbers of dwellings are used to demonstrate how the Local Plan requirement can be met. It is emphasised that they are only ‘indicative’, and do not represent a fixed policy target for each individual site.”*

Paragraph 10.2.2 of the CLLP states that “Developers are encouraged to produce the most appropriate design-led solution, taking all national policies and other Local Plan policies into account, in arriving at a total dwelling figure for their site, and they need not be constrained by the figure that appears in the column headed ‘indicative dwelling figure’.”

Paragraph 119 of the NPPF guides that *“planning policies and decisions should promote an effective use of land in meeting the need for homes and other uses, while safeguarding and improving the environment and ensuring safe and healthy living conditions.”*

The Local Plans Team have commented stating that *“whilst the Local Plan has an indicative dwelling figure of 50..., this indicative figure should not be viewed as a ceiling and proposals at allocated sites should be based on the most appropriate design-led solutions taking into account wider policies. For the avoidance of any doubt, I would not see these ‘additional’ dwellings as being contrary to the allocation because they are over the indicative figure, provided that the design is appropriate for the site and satisfies the other policies in the plan.”*

A recent appeal decision is considered relevant as the application for 63 dwelling at Hawthorn Road, Nettleham was conditioned for a maximum of 50 dwellings to meet the indicative number in the CLLP and the Neighbourhood Plan. This condition was appealed against and allowed. In summary the planning inspector set out that the indicative number was not a rigid

maximum, the relevant policies had flexibility and the site in question was of a scale large enough to accommodate 63 dwellings. The inspector in paragraph 17 of the appeal decision stated that:

“In this case, layout is a reserved matter and the details presented with the application are indicative; however, they show that 63 dwellings could be delivered on the site at a density of 20 dwellings per hectare (dph), which would accord with the maximum permissible density set out in the NNP, and the size of the site given in the CLLP.”

“Regardless, the development proposed in this case would be compliant with the Council’s own density parameters, and I am not persuaded that there is any justification for limiting the development to 50 dwellings on the basis of density.”

As this is a full application it has included site layout plan J2102-00106 Rev C dated 26th August 2021 which demonstrates that the remainder of the allocated site can accommodate the proposed amount of dwellings alongside infrastructure and an area of open space.

To put into perspective planning permission 130995 permitted 50 dwellings on 1.7 hectares of land equating to approximately 29 dwellings per hectare. This application proposes 49 dwellings on 2.35 hectares of land equating to 20 dwellings per hectare. The development is therefore of low density, providing generous sized plots whilst relating well to the surrounding residential built form of the area.

As previously stated the layout demonstrates a density and form which is appropriate to the adjoining residential area and provides a good mix of dwellings including affordable housing on site to suit the needs of all ages.

The development would make effective use of the remaining area of the allocated site. The proposal would provide contributions to local national health facilities to retain the standard and quality of service provided to the community whilst supporting the local economy within the village. The site would include the required quantity of open space whilst being located within reasonable walking distance of play equipment and the park (Manor Park and Welton Sports and Social Club).

Concluding Statement

The principle of housing development on the site has been established by its allocation status (CL1490) in the CLLP.

The NPPF (Chapter 11) encourages the effective use of land – it states that *“Planning policies and decisions should promote an effective use of land in meeting the need for homes and other uses”* (paragraph 119) and even that *“local planning authorities should refuse applications which they consider fail to make efficient use of land, taking into account the policies in this Framework”* (paragraph 125).

The application proposes the development of an allocated site at 21dph. Combined with previous development, this would result in 99 dwellings across 4.15ha – an overall gross density of 24dph. This accords with the formula used in the CLLP¹ to estimate site capacity – which would calculate a 4.15ha site in this location at 94 dwellings overall.

The application has demonstrated that the remainder of the allocated site is capable of accommodating a density of 49 dwellings at an appropriate density whilst satisfactorily incorporating the development into the community. The development therefore accords with local policies LP1, LP2 and LP52 of the CLLP, policy H1 of the WNP, draft local policy S1, S2 and S79 of the DCLLPR and the provisions of the NPPF.

It is considered that policies LP1, LP2, LP52 and H1 are consistent with the sustainability and housing growth guidance of the NPPF and can be attached full weight.

Affordable Housing

Local policy LP11 of the CLLP states that ‘*affordable housing will be sought on all qualifying housing development sites of 11 dwellings or more*’. Criteria b (i) equates that to 25% (Lincoln Strategy Area (Excluding SUE’s)) of the dwellings on site being affordable housing.

The WNP is not silent but does not include a specific policy on affordable housing but section 6.3 (pg26-27) has a statement of intent stating that “*The WNP recognises the need to provide housing that is affordable and accessible. The Parish Council will, by working with relevant agencies, monitor and review future need. With building work ongoing for many years, it should be possible to react to such need, perhaps using the Community Right to Build. Entitlement and priority to affordable housing will be set by WLDC Home Choice*”.

The Authorities Homes, Health and Wellbeing Team Manager confirms that the amount of affordable housing proposed by the development meets the required number for a 49 dwelling development in Welton and “*After discussions with the developer and Registered provider, it has been agreed this will be delivered as 50% shared ownership and 50% affordable rent in line with the NPPF requirement for 10% of the site to be delivered as a low cost home ownership option and the layout of the site which makes it more acceptable to the Registered Provider to deliver the housing as 6 units of affordable rent and 6 units of shared ownership.*”

Paragraph 1.2 of the planning statement states that “the new homes will comprise a mix of houses and bungalows (for over 55s) and will also include 12 affordable homes to be managed by ACIS (a local registered provider)”. This equates to 24.5% of the dwellings being affordable homes which accords with the required provision for Welton.

¹ LP48-LP54 residential allocations Evidence Report (April 2016)

The agent has submitted heads of terms to ensure the provision of affordable homes is legally obliged through a signed and certified S106 agreement created by the Authorities legal team.

The development is therefore in accordance with the affordable housing contribution required by local policy LP11 of the CLLP, draft local policy S21 of the DCLLPR and the provisions of the NPPF.

It is considered that policy LP11 is not wholly consistent with the affordable housing for major developments guidance of the NPPF and can be attached some weight.

Developer Contributions

Objections have been received from residents in relation to the impact of the development on the local medical centre and Primary School.

Local policy LP9 of the CLLP states that *'The Central Lincolnshire authorities will expect development proposals to promote, support and enhance physical and mental health and wellbeing, and thus contribute to reducing health inequalities. This will be achieved by:*

- a) *Seeking, in line with guidance at policy LP12, developer contributions towards new or enhanced health facilities from developers where development results in a shortfall or worsening of provision, as informed by the outcome of consultation with health care commissioners'*

Local policy LP12 of the CLLP states that *'developers will be expected to contribute towards the delivery of relevant infrastructure. They will either make direct provision or will contribute towards the provision of local and strategic infrastructure required by the development either alone or cumulatively with other developments'*.

Policy W1 and ED1 supports development which would expand and/or improve local health and educational facilities within the village.

National Health Service (NHS):

The Locality Improvement and Delivery Manager at the NHS has requested a contribution of £30,992.50 (£632.50 x 49 dwellings). This will help create larger consultation space and more flexibility to deliver clinical services at the Welton Surgery to manage the projected patient increase. This would facilitate both collaboration and integrated working of health and wellbeing services, to meet the projected increase in the patient population. Whilst supporting the sustainability of key services in the community enabling an equitable health care provision across the patient population.

LCC Education:

The Strategic Development Officer (SDO) at Lincolnshire County Council has not requested a contribution towards primary schools as there is sufficient capacity in the area. Secondary school contributions would be covered by the Community Infrastructure Levy.

The agent has submitted heads of terms to ensure the NHS contribution is paid in a timely manner at agreed trigger points through a signed and certified S106 agreement created by the Authorities legal team. Therefore these contributions will ensure that the development will not have a significant harm on the community value of the Welton Surgery.

The development is therefore in accordance with local policy LP12 of the CLLP, policy W1 and ED1 of the WNP, draft policy S44 of the DCLLPR and the provisions of the NPPF.

It is considered that policy LP12, W1 and ED1 are consistent with the infrastructure contributions guidance of the NPPF and can be attached full weight.

Open Space:

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

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

'Residential development will be required to provide new or enhanced provision of public open space, sports and recreation facilities in accordance with the standards set out in Appendix C and in compliance with the latest Central Lincolnshire Developer Contributions Supplementary Planning Document (or similar subsequent document)'. It additionally states that the first option is for it to 'be provided on-site in a suitable location'.

Policy W2 of the WNP would support the development of public sports and recreation facilities.

Appendix C of the CLLP provides the standards required for category 4 settlements in the hierarchy of local policy LP2. It declares that the local usable greenspace should be at a level of 1.5 hectares per 1000 population.

It is preferred that the greenspace is provided on site but if not feasible then an offsite contribution to improve existing facilities will be considered.

Appendix C additionally sets out accessibility and quality standards to open space play provision within the area. These standards are:

Open Space Type	Accessibility Standards	Quality Standard
Amenity Green space over 0.2 hectare	Local (LAP) - 400m or 5 minute walk	Good and above as defined by Green Flag standards or

		any locally agreed quality criteria.
Formal Equipped Play areas	Local Equipped Area of Play (LEAP) - 400m or 5 minute walk Neighbourhood Equipped Area of Play (NEAP) - 1200m or 15 minute walk	Good and above as defined by Fields in Trust standards and/or any locally agreed quality criteria.
Playing Field provision	Local provision - 1200m or 15 minute walk Strategic provision - 15km distance or 15 minute drive	Good and above as defined by sport England Governing body standards or locally agreed quality criteria.

According to The Fields in Trust website ²(FIT) (previously the National Playing Fields Association (NPFA)) *standards have 3 categories of equipped play areas. These are local areas for play (LAP), local equipped area for play (LEAP) and neighbourhood equipped area for play (NEAP). The main characteristics of each category are:*

LAP (Local Area for Play)

The LAP is a small area of open space specifically designated and primarily laid out for very young children to play close to where they live.

LEAP (Local Equipped Area for Play)

The LEAP is an area of open space specifically designated and laid out with features including equipment for children who are beginning to go out and play independently close to where they live.

NEAP (Neighbourhood Equipped Area for Play)

The NEAP is an area of open space specifically designated, laid out and equipped mainly for older children but with the play opportunities for younger children as well.

Manor Park Sports Ground is an approximate 800m (via Halfpenny Close, Northfield Road and Hackthorn Road) walk from the proposed vehicular access of the site. Manor Park Sports Ground is accessible on foot via lit public footpaths and comprises the following facilities:

- Large pavilion (includes a library)
- Large car park
- Full and junior sized football pitches
- Enclosed Artificial pitch

² <http://www.softsurfaces.co.uk/blog/playground-surfacing/lap-leap-neap-play-area/>

- Enclosed Crown Bowling Green
- Skate Park
- Fully fenced young children's play area
 - 3 springy rides*
 - 1 climbing frame*
 - 1 toddler climbing/slide combination*
 - 2 young child swing*
 - 1 toddler swing*

The Welton Sports and Social Club is an approximate 900m walk (via Halfpenny Close, Northfield Road, Hackthorn Road and Ryland Road) from the proposed vehicular access of the site and comprises the following facilities:

- Social club
- Modest car park
- Football pitch (no goals)
- Grass space
- 1 Older and 1 younger climbing frame
- 3 older children swings
- 2 toddler swings
- 4 springy rides
- 1 toddler slide
- 1 toddler roundabout
- 6 benches
- 3/4 bins

In light of the facilities listed above Manor Park Sports Ground and Welton Sports and Social Club are considered to be a Neighbourhood Equipped Area for Play (NEAP).

When compared against the standards table in appendix C Mulsanne Park and Welton Sports and Social Club are within the 1200m or 15 minute walk limit for a NEAP. The open space on the site would provide a LAP within 400 metres. There would not be a LEAP within 400 metres but these are available with adult supervision via lit public footpaths.

The presence of a Public Rights of Way adjacent the east boundary would provide a further close useful mode of outdoor exercise to the residents and provide public access to walks within the open countryside. The presence of the Public Rights of Way is a bonus to the potential future residents and would provide an added benefit.

Site layout plan J2102-00106 Rev C dated 26th August 2021 identifies an area of public open space which will provide an onsite local area of play (LAP). It is approximated that the area of proposed public open space to the west of the site is 3,470m². In total the site is 23,500m² (2.35 hectares) in size which equates to 14% (3,470m²) of the site set aside for public open space.

Paragraph 10.8 of the Central Lincolnshire Developer Contributions Supplementary Planning Document (DCSPD) adopted June 2018 provides a table to enable an assumption of housing developments population creation.

In this case the open space figure can be calculated as the application is a full application including elevation and floor plans. The development would comprise:

12 x 2 bedroom dwellings (average 1.7 people)
27 x 3 bedroom dwellings (average 2.3 people)
10 x 4 bedroom dwellings (average 3.1 people)

The average number of people per dwelling size in West Lindsey is set out in paragraph 10.8 of the DCSPD. Therefore the average population can be calculated as follows:

$12 \times 1.7 = 20.4$ people
 $27 \times 2.3 = 62.1$ people
 $10 \times 3.1 = 31$ people

Therefore the amount of people that on average would populate the development is 113.5 people. If you divide this figure by 49 you get the average population for the whole development which equates to 2.3 people per dwelling.

The overall average of people is then multiplied by the dwellings (2.3×49) which equates to the development accommodating on average 113 (112.7) people. Therefore the development would increase the population of Welton by approximately 113 people.

To derive at the amount of public open space the development should deliver it is necessary to calculate the proposed population increase against the amount of greenspace the development should deliver (preferably on site):

113 (average people per dwelling)/ 1000 population $\times 1.5$ hectares = 0.1695 hectares or 1695m^2

Therefore using these figures the area of open space proposed on the site plan ($3,470\text{m}^2$) is more than double the required 1695m^2 .

The development would provide double the policy requirement of open space provision (LAP) on the site and would be connected to a public right of way for access to open countryside walks. The development would also be located within acceptable walking distances of existing open space facilities with good quality play equipment (NEAP) in the village but would not be within 400 metres of a LEAP. The nearest LEAP is approximately 800 metres away but is accessible by lit pedestrian footpaths.

Therefore cumulatively the development particularly with the large area of open space would accord with local policy LP9 and LP24 of the CLLP, draft policy S50 and S53 of the DCLLPR and the provisions of the NPPF.

Maintenance and management of the public open space has been included in the S106 Heads of Terms so will be legally obliged through a signed and certified S106 Legal Agreement.

It is considered that policies LP9 and LP24 are consistent with the public open space and health guidance of the NPPF and can be attached full weight.

Health Impact Assessment

Local policy LP9 states that planning has a vital role '*in creating and supporting strong, vibrant and healthy communities, in terms of physical and mental health, is well recognised and is a key element in delivering **sustainable development** (Bold format added)*'. Criteria (b) of LP9 states that '*In the case of development of 25 dwellings or more, or 0.5ha or more for other development, developers submitting a fit for purpose Health Impact Assessment (HIA) as part of the application or master planning stage where applicable, and demonstrating how the conclusions of the HIA have been taken into account in the design of the scheme. The HIA should be commensurate with the size of the development*'.

The agent submitted a Health Impact Assessment (HIA) on 30th November 2018. This has satisfactorily answered all the themes set out in the HIA checklist and is commensurate to the size of the proposal. This together with the contribution to enhance medical facilities within Welton and provide open space on site is deemed to accord with local policy LP9 of the CLLP, draft policy S53 of the DCLLPR and the provisions of the NPPF.

It is considered that policies LP9 is consistent with the health guidance of the NPPF and can be attached full weight.

Visual Impact

Objections have been received in relation to character and the sense of loss of a village.

Local policy LP17 states that "*To protect and enhance the intrinsic value of our landscape and townscape, including the setting of settlements, proposals should have particular regard to maintaining and responding positively to any natural and man-made features within the landscape and townscape which positively contribute to the character of the area, such as (but not limited to) historic buildings and monuments, other landmark buildings, topography, trees and woodland, hedgerows, walls, water features, field patterns and intervisibility between rural historic settlements*".

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

Local policy LP26(c) of the CLLP states that *All development proposals must take into consideration the character and local distinctiveness of the area (and*

enhance or reinforce it, as appropriate) and create a sense of place. As such, and where applicable, proposals will be required to demonstrate, to a degree proportionate to the proposal, that they:

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

Policy D1 (village character) of the WNP sets out that development should respect local character.

The application does not include any specific external materials for the dwellings and garages. The application form simply states brick and red clay pantile materials but no window or door details. The development would be expected to be constructed from an acceptable mix of brick and roof materials for the area with different colour finishes to the windows. This would stop the development from having a uniform appearance and will add some visual interest. It is considered necessary and reasonable to recommend that all external materials can be conditioned on the permission.

The dwellings are proposed to be (all approximate from submitted plans):

Plot	Name	Type	Bed	Height	Eaves	Width	Length
1	Richmond	2 Storey	4	8.4	5.2	8.7	15.5
2	Regent (h)	2 Storey	4	8.2	5.2	9.4	8.7
3	Regent (h)	2 Storey	4	8.2	5.2	9.4	8.7
4	Gloucester (h)	2 Storey	4	8.2	5.1	9	10.8
5	Balmoral	3 Storey	3	10.1	5.7	5.2	10
6	Balmoral	3 Storey	3	10.1	5.7	5.2	10
7	Greenwich	2 Storey	3	8.5	5.2	5.3	8.8
8	Greenwich	2 Storey	3	8.5	5.2	5.3	8.8
9	Regent (h)	2 Storey	4	8.2	5.2	9.4	8.7
10	Gloucester (h)	2 Storey	4	8.2	5.1	9	10.8
11	Balmoral	3 Storey	3	10.1	5.7	5.2	10
12	Balmoral	3 Storey	3	10.1	5.7	5.2	10
13	Gloucester	2 Storey	4	8.2	5.1	9	10.8
14	Eltham	2 Storey	2	8.3	5.2	4.6	8.6
15	Laceyby B	2 Storey	2	8.8	5.6	9.2	8.8
16	Osbourne	2 Storey	3	9	5.2	7	9.1
17	Greenwich	2 Storey	3	8.5	5.2	5.3	8.8
18	Greenwich	2 Storey	3	8.5	5.2	5.3	8.8
19	Gloucester (h)	2 Storey	4	8.2	5.1	9	10.8
20	Greenwich	2 Storey	3	8.5	5.2	5.3	8.8
21	Greenwich	2 Storey	3	8.5	5.2	5.3	8.8
22	Kingsbourne	2 Storey	3	9	5.2	8.9	7
23	Kingsbourne (h)	2 Storey	3	9	5.2	8.9	7
24	Greenwich	2 Storey	3	8.5	5.2	5.3	8.8
25	Greenwich	2 Storey	3	8.5	5.2	5.3	8.8
26	Greenwich	2 Storey	3	8.5	5.2	5.3	8.8
27	Greenwich	2 Storey	3	8.5	5.2	5.3	8.8
28	Gloucester	2 Storey	4	8.2	5.1	9	10.8

29	Kingsbourne	2 Storey	3	9	5.2	8.9	7
30	Greenwich	2 Storey	3	8.5	5.2	5.3	8.8
31	Greenwich	2 Storey	3	8.5	5.2	5.3	8.8
32	Greenwich	2 Storey	3	8.5	5.2	5.3	8.8
33	Greenwich	2 Storey	3	8.5	5.2	5.3	8.8
34	Brompton	2 Storey	4	8.1	5.2	8.5	10.3
35	Kingsbourne (h)	2 Storey	3	9	5.2	8.9	7
36	Eltham	2 Storey	2	8.3	5.2	4.6	8.6
37	Eltham	2 Storey	2	8.3	5.2	4.6	8.6
38	Beaumont	2 storey	3	8.5	5.2	5.3	8.8
39	Beaumont	2 storey	3	8.5	5.2	5.3	8.8
40	Beaumont	2 storey	3	8.5	5.2	5.3	8.8
41	Beaumont	2 storey	3	8.5	5.2	5.3	8.8
42	Albany	2 storey	2	8.4	5.2	4.6	8.5
43	Albany	2 storey	2	8.4	5.2	4.6	8.5
44	Albany	2 storey	2	8.4	5.2	4.6	8.5
45	Carlton CA	Bung	2	5.5	2.5	11.1	8.9
46	Carlton CA	Bung	2	5.7	2.7	10.9	8.9
47	Carlton CA	Bung	2	5.7	2.7	10.9	8.9
48	Carlton CA	Bung	2	5.7	2.7	10.9	8.9
49	Carlton CA	Bung	2	5.7	2.7	10.9	8.9

Key:

H = Handed Drawing

Bung = Bungalow

Each plot will have the following garage provision:

Type	Plot Number
Detached Single	2, 3, 5, 6, 7, 8, 9, 11, 12, 16, 17, 18, 20, 21, 24, 29, 30, 31, 32, 33, 35
Detached Double	23
Integral Single	1, 4, 10, 13, 19, 28, 34
No	14, 15, 22, 24, 25, 26, 27, 36, 37, 38, 39, 40, 41, 42, 43, 44, 45, 46, 47, 48, 49

The proposed dwellings will predominantly be two storey in scale with 5 bungalows on plots 45 to 49 and 4 three storey dwelling on plots 5, 6, 11 and 12. The bungalows are positioned to the south part of the site and predominantly share a boundary with dwellings off the Hardings. The site would comprise:

- 16 detached dwellings
- 30 semi-detached dwellings
- 3 terraced dwellings

The proposed development includes numerous house types in terms of scale and appearance. None of the two or three storey dwellings proposed are considered overly large in terms of height ranging from approximately 8.1

metres to 10.1 metres high. The variety of designs and the concept of positioning the same design on different parts of the site would provide a more appropriate development than if the designs were concentrated in one particular area.

The site shares parts of the south and west boundaries with modern residential dwellings some of which have been constructed within the last 5 to 10 years. The density of the development as previously confirmed is lower than the density of the surrounding modern developments with generous plot sizes and open space.

It is therefore considered that the layout, scale and appearance of the dwellings would not have a harmful visual impact on the site, the street scene or the settlement edge of Welton and accords to local policy LP17 and LP26 of the CLLP, policy D-1 of the WNP, draft policy LP52 of the DCLLPR and the provisions of the NPPF.

It is considered that policy LP17, LP26 and policy D-1 are consistent with the design, character and visual amenity guidance of the NPPF and can be attached full weight.

Residential Amenity

Objections have been received in relation to residential amenity concerns particularly from the residents of 27 The Hardings and 30 Hampden Close.

Local policy LP26 states that *“The amenities which all existing and future occupants of neighbouring land and buildings may reasonably expect to enjoy must not be unduly harmed by or as a result of development.”*

Section 7 of the WNP states that there should be “no unacceptable loss of light to neighbouring properties”.

The proposed development is of a low density which enables good separation between the dwellings on the site and the existing dwellings on the shared boundary off The Hardings, Hampden Close and Hawks Road.

27 The Hardings:

27 The Hardings would share a boundary with proposed plot 45 which would comprise a bungalow, along with a shared driveway serving plots 45 & 46. Plot 45 does not propose windows within its side elevation. This alongside appropriate landscaping would not be expected to unduly harm the living conditions of 27 The Hardings from overlooking, an overbearing impact, loss of light or headlight glare.

30 Hampden Close:

30 Hampden Close would also share a boundary with proposed plot 45 which would comprise a bungalow. There would be approximately 23 metres between the rear elevation of 30 Hampden Close and plot 45. Plots 42, 43 and 44 are to the north west of 30 The Hardings but a considerable distance away. The nearest plot to 30 The Hardings would be plot 42 at approximately 27 metres away. This alongside appropriate landscaping would not be

expected to harm the living conditions of 30 Hampden Close from overlooking, an overbearing impact or a loss of light.

The development would therefore not be expected to harm the living conditions of the existing neighbouring dwellings or the living conditions of the future residents.

Resident comments have additionally be made in relation to disturbance from the construction phase. Although the construction phase is temporary it can last a number of months when constructing 49 dwellings. To ensure the construction phase would not have an overly disturbing impact on the existing residents it is considered relevant, reasonable and necessary to attach a recommended construction management plan condition to the permission.

Therefore overall the development would not be expected to harm the living conditions of the existing or future residents and would accord with local policy LP26 of the CLLP, section 7 of the WNP, draft policy LP52 of the DCLLPR and the provisions of the NPPF.

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

Highway Safety

Objections have been received in relation to Highway Safety.

Local policy LP13 of the CLLP States that *“development proposals which contribute towards an efficient and safe transport network that offers a range of transport choices for the movement of people and goods would be supported.”*

Whilst the WNP does comprise a parking policy (T1) it is considered that this policy is based on public parking for the village and not residential parking for individual dwellings.

The proposed development would have two new vehicular access points. One of Hawks Road serving Plots 1 to 17 and one off Hampden Close serving plots 38 to 49. The proposed development would include adoptable roads and private drives as identified on Site plan J2102-00196 Revision D dated 23rd November 2021.

Each 2, 3 and 4 bedroom dwelling is served by adequate off street parking provision for driveway parking or driveway/garage parking. There is limited turning spaces provided however the development is made up of a number of small cul-de-sacs and private drives with no through roads. Therefore off street provision is acceptable and would not be expected to harm highway safety

The Highways Authority at Lincolnshire County Council have no objections to the development subject to recommended conditions.

One of the conditions recommended by the Highways Authority is to provide details of:

- Stone surfacing of public footpath 54 from the northernmost part of the site for its full length (excluding the areas which are already metalled) to Eastfield Lane;
- Uncontrolled dropped tactile crossings across Eastfield Lane outside number 25, across Eastfield Lane on the eastern side of Northfield Road junction, across Hackthorn Road at the junction with Ryland Road and at the lined crossing point outside 9 Ryland Road; and
- Improvement to the bus stop outside 79 Ryland Road to 160mm raised kerbs for 5m with 2 transition kerbs.

The public right of way within the east boundary of the site (see photos below) is currently a grassed footpath with areas worn by pedestrian use.



The condition recommends the stoning of the public rights of way from the north boundary of the site to Eastfield Lane where not already metalled.

They have additionally requested a dropped tactile crossing across Eastfield Lane outside number 25 and improvements to the bus stop outside 79 Ryland Road.

Paragraph 58 of the NPPF states that *“planning conditions should be kept to a minimum and only imposed where they are necessary, relevant to planning and to the development to be permitted, enforceable, precise and reasonable in all other respects”*.

The Highways Authority have stated that *“No the development would not be unacceptable on the grounds of highway safety”* should the improvements in the condition not be made.

Whilst the recommended condition by the Highways Authority is acknowledged it is on balance considered that they are not relevant, necessary or reasonable to make the development acceptable in planning terms.

Therefore the development would not have a severe harmful highway safety impact and would accord with local policy LP13 and LP26 of the CLLP, S46 and S48 of the DCLLP and the provisions of the NPPF.

It is considered that policy LP13 and LP26 are consistent with the Highway Safety guidance of the NPPF and can be attached full weight.

Drainage

Objections have been received from residents.

Paragraph 169 of the NPPF guides that *“Major developments should incorporate sustainable drainage systems unless there is clear evidence that this would be inappropriate. The systems used should:*

- a) take account of advice from the lead local flood authority;*
- b) have appropriate proposed minimum operational standards;*
- c) have maintenance arrangements in place to ensure an acceptable standard of operation for the lifetime of the development; and*
- d) where possible, provide multifunctional benefits.”*

Paragraph 80 (Reference ID: 7-080-20150323) of the Flood risk and coastal change section of the NPPG states that *“Generally, the aim should be to discharge surface run off as high up the following hierarchy of drainage options as reasonably practicable:*

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

Particular types of sustainable drainage systems may not be practicable in all locations. It could be helpful therefore for local planning authorities to set out those local situations where they anticipate particular sustainable drainage systems not being appropriate.”

Criteria f of the flood risk section of local policy LP14 of the CLLP requires that *“they have incorporated Sustainable Drainage Systems (SuDS) in to the proposals unless they can be shown to be impractical.”*

Criteria m of the protecting the water environment section of local policy LP14 of the CLLP requires that *“that adequate foul water treatment and disposal already exists or can be provided in time to serve the development”.*

Policy EN3 of the WNP requires that *“Appropriate sustainable urban drainage systems have been incorporated into the proposals unless they can be shown to be impractical”*

The application has included a Flood Risk and Drainage Strategy (FRDS) Revision 01 by Studio 11 dated 5th September 2021. The FRDS includes a preliminary drainage strategy (Appendix D) and percolation test results (Appendix G).

Surface Water:

The Internal Drainage Board (IDB) and Anglian Water have made comments in relation to surface water drainage. Anglian Water have however also recommended a condition to sort any matters of concern.

The IDB have commented on both proposed methods although they acknowledge that each proposal is still under investigation. In summary the IDB state the following on the methods:

North into Private/Riparian watercourse, then into Board maintained 2008 – Eastfield Drain

- The watercourse to be utilised is not highlighted but it is assumed it may be the watercourse to the east of the site.
- If so further investigation may be required as to the current fall of this watercourse and its connection to the board maintained 2008 Eastfield Drain.
- Rate of flow downstream of the site from the discharge point to an appropriately maintained watercourse.
- A permanent undeveloped strip of sufficient width should be made available adjacent to the top of the bank of all watercourses on and from the site to allow future maintenance works to be undertaken. Suitable access arrangements to this strip should also be agreed.

All Surface water discharging in to proposed Attenuation Basin, then Southwards into Anglian Water Surface Water system

- all SW drainage falling to the Attenuation Basin, then into the Anglian Water surface water drainage system via an existing manhole.
- The Board also requests that the applicant identify the receiving watercourse that the sewer discharges into and provide details on the potential effect that the proposed discharge may have on the receiving watercourse.

Page 16-17 of the FRDS provides detail on infiltration rates and the water table concluding that *“In summary, both the depth to the water table and actual testing results show that infiltration is not viable for this site”*.

As infiltration is not viable for the site the FRDS has identified a ditch to the west of the site which flows. This as a surface water body is second on the hierarchy list above and is a form of sustainable urban drainage system. The ditch is owned by the Internal Drainage Board therefore requires their consent to connect to.

The FRDS the adds that if connection to the ditch is not granted *“a surface water connection into the Anglian Water sewer has been considered through the pre-planning wastewater assessment. They have confirmed 8254, in Halfpenny Close”*.

Surface water highway drainage would be directed to a filter drain which is normally a gravel/stone filled trench with a perforated lining. The gravel collects particles to prevent pollutants entering ground water. In this case due to the high water table the trench will have an impermeable lining and convey the water to the attenuation basin which will in turn discharge the surface water to the water body or manhole 8254 at 6 litres per second and not the 8 litres per second stated in the FRDS.

The attenuation basin has been designed to store all storms up to and including the 1 in 100 year plus 40% climate change plus 10% UC storm events. Flows into the watercourse would be restricted so that there will be no increase in water

Surface water from the roofs and drives would be discharge directly to the piped system and into private gullies.

The agent has confirmed that *“To give a definitive scheme, we propose to connect into the Anglian Water sewer shown as 8254 on the screen shot below. This has been agreed in principle (subject to and AW S106 agreement upon planning) through a pre-development report (attached for reference), with the only stipulation being that it is restricted to 6l/s. My current model was restricting this to the Q_{BAR} rate, which gave a figure of 8l/s. I have remodelled this at 6l/s, and it has increased the water level in the pond by 65mm, and given the tolerances within the free board I built in, this is still within a safe range, and is for the very rare storm of 1 in 100 year + 40%CC + 10% UC (for the residential areas). Looking at AW’s comments, they were happy for this to be a condition, to be vetted further through the S104 stage”.*

The Lead Local Flood Authority at Lincolnshire County Council have no objections to the principle of the surface water drainage strategy but have recommended a condition to provide final details to be approved.

Under the before mentioned hierarchy – a surface water sewer connection may be acceptable, where infiltration, or directing to a surface water body is not feasible. It has been shown that infiltration is not feasible – and so, if the surface water body cannot be achieved, a sewer connection can be accepted.

A planning condition would allow the Local planning Authority to scrutinise this – but is not considered an obstacle to granting permission on this allocated site.

Foul water:

Paragraph: 020 (Reference ID: 34-020-20140306) of the water supply, wastewater and water quality section of the NPPG states:

“When drawing up wastewater treatment proposals for any development, the first presumption is to provide a system of foul drainage discharging into a public sewer to be treated at a public sewage treatment works (those provided and operated by the water and sewerage companies). This will need to be done in consultation with the sewerage company of the area.”

Page 26 of the FRDS states that there is an adopted Anglian Water pumping station nearby and the nearest adoptable sewer has been confirmed as 8201. Anglian Water have confirmed that *“The foul drainage from this development is in the catchment of Dunholme Water Recycling Centre that will have available capacity for these flows”.*

The development would therefore discharge wastewater into the existing public sewer which has capacity and is the preferred option according to national guidance.

The proposed use of a Sustainable Urban Drainage system for surface water is acceptable as is connection to the foul sewer for foul water. It is however still considered relevant and necessary to condition comprehensive drainage details on the permission as recommended by the Lead Local Flood Authority and Anglian Water.

Therefore subject to a condition the development is considered to accord with policy LP14 of the CLLP, policy EN3 of the WNP, draft policy S20 of the DCLLPR and the provisions of the NPPF.

It is considered that policy LP14 and EN3 are consistent with the drainage guidance of the NPPF and can be attached full weight.

Archaeology

The Historic Environment Officer at Lincolnshire County Council has no objections to the development therefore the development would not harm any items of archaeological interest. The development accords with policy LP25 of the CLLP, draft policy S56 of the DCLLPR and the provisions of the NPPF.

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

Biodiversity

Objections have been received from residents on the loss of trees and impact on protected species. A holding objection has also been received from the Lincolnshire Wildlife Trust based on evidence for the development to provide a 10% net biodiversity gain in line with the Environment Act 2021. They also requested a response from the ecologist and further survey work following comments received on the siting of snakes and potential siting of orchids on the site.

Local Policy LP21 of the CLLP states that '*All development should:*

- *protect, manage and enhance the network of habitats, species and sites of international, national and local importance (statutory and non-statutory), including sites that meet the criteria for selection as a Local Site;*
- *minimise impacts on biodiversity and geodiversity; and*
- *seek to deliver a net gain in biodiversity and geodiversity.*

Policy EN1 of the WNP protects biodiversity and encourages net biodiversity gain where possible.

Guidance contained within paragraph 174 and 179 of the NPPF encourages the protection and enhancement of protected species (fauna and flora) and providing net biodiversity gains.

Protected Species:

The application has included an Extended Phase 1 Ecology Survey (EPES) by CBE Consulting dated 9th September 2021. This report is very recent up to date assessment therefore the request of Lincolnshire Wildlife for a further survey is not considered reasonable or necessary.

The EPES in summary recommends that:

Birds

- Measures to avoid disturbance to any nests or nesting activity will need to be considered within any development.
- bird boxes could be erected at suitable positions.

Bats

- Bat boxes could be erected at suitable positions

Reptiles

- Measures to protect reptiles will be required as part of any ground preparation work associated with this development.
- Habitat creation measures such as the provision of artificial refugia suitable for grass snake should be included within the development proposals.
- Refugia suitable for reptiles could be constructed in suitable positions in landscaped areas where these will be accessible to these species.

Amphibians

- Measures to protect amphibians should be taken as part of any proposed development.

Hedgehog

- Refugia suitable for hedgehogs could be constructed in suitable positions in landscaped areas where these will be accessible to these species.

Planting

- The landscape areas shown within the conceptual development plan should utilise native species to promote diversity

Trees:

The application has included a Tree Survey (TS) by CBE Consulting dated 16th September 2021. There are no protected trees on or adjacent the site and the small trees within the site could be removed from the site by the land owner without the need for permission from the Local Planning Authority. The TS makes a number of recommendations in section 4.2 to meet best practice principles and figure 4 identifying the root protection areas of the boundary trees.

The proposal would not be expected have a harmful impact on biodiversity and the recommendations have the potential to overall provide a positive biodiversity net gain. It is considered relevant and necessary to attach a condition for an ecology enhancement and management plan to evidence a biodiversity net gain. Therefore subject to conditions the development

accords to local policy LP21 of the CLLP, policy EN1 of the WNP, draft policy S59, S60 and S65 of the DCLLPR and guidance contained within the NPPF.

The Lincolnshire Wildlife Trust has commented on the Environment Act 2021 and the requirement of the Bill to provide a 10% net biodiversity gain. The Environment Act 2021 received royal assent on 9th November 2021. The government website (10/11/21) states that *“Work on implementing Environment Act policies is well underway. We have started work on developing legally binding environmental targets”*³. There are therefore no legally binding targets at the moment such as a 10% net biodiversity gain to consider as a planning material consideration.

The legal status of the Environment Bill has been confirmed in writing by a legal officer who states that *“whilst the Environment Act 2021 is now law, the relevant part concerning 10% biodiversity net gain has not yet been enacted. Therefore at present, you are to rely only on LP21 in respect of biodiversity net gain.”* Having noted this, LWT do refer to paragraph 179(b) of the NPPF which states that LPA’s should *“identify and pursue opportunities for securing measurable net gains for biodiversity.”*

It is recommended that a condition is applied that requires the applicant to demonstrate a biodiversity net gain through an agreed biodiversity metric such as Natural England’s biodiversity metric 3.0 calculation or suitable equivalent. Therefore subject to conditions the development accords to local policy LP21 of the CLLP, local policies S59, S60 and S65 of the DCLLPR and the provisions of the National Planning Policy Framework.

It is considered that policy LP21 and EN1 are consistent with the biodiversity guidance of the NPPF and can be attached full weight.

Landscaping

Paragraph 131 of the NPPF states that *“trees make an important contribution to the character and quality of urban environments, and can also help mitigate and adapt to climate change. Planning policies and decisions should ensure that new streets are tree-lined, that opportunities are taken to incorporate trees elsewhere in developments (such as parks and community orchards), that appropriate measures are in place to secure the long-term maintenance of newly-planted trees, and that existing trees are retained wherever possible. Applicants and local planning authorities should work with highways officers and tree officers to ensure that the right trees are planted in the right places, and solutions are found that are compatible with highways standards and the needs of different users.”*

The removal of the existing small trees from the site would require compensating for by the planting of trees around the development as part of a landscaping plan. Site plan J2102-00196 Revision D dated 23rd November 2021 includes the planting of trees and hedging which would more than compensate for the loss of the existing trees on the site. The Authority’s Tree

³ <https://www.gov.uk/government/news/world-leading-environment-act-becomes-law>

and Landscape Officer has recommended that alterations are required to the landscaping scheme in terms of positioning, hedgerow planting, and information is required to give species, size and form.

Site plan J2102-00196 Revision D dated 23rd November 2021 does indicate the positioning trees to the front of plots within the street scene but cannot be considered to introduce tree-lined streets. As further details are required and more trees are encouraged within the street scene it is considered that a comprehensive landscaping plan and management scheme is addressed through a condition on the permission.

The proposal would be expected to accord with local policy LP17 and LP26 of the CLLP, Policy D1 of the WNP, draft policy S52 of the DCLLPR and guidance contained within the NPPF.

It is considered that policy LP17, LP26 and D1 are consistent with the landscaping and visual impact guidance of the NPPF and can be attached full weight.

Contamination

Local policy LP16 of the CLLP states that *“Development proposals must take into account the potential environmental impacts on people, biodiversity, buildings, land, air and water arising from the development itself and any former use of the site, including, in particular, adverse effects arising from pollution.*

Where development is proposed on a site which is known to be or has the potential to be affected by contamination, a preliminary risk assessment should be undertaken by the developer and submitted to the relevant Central Lincolnshire Authority as the first stage in assessing the risk of contamination.

The application has included a Geo-Environmental Assessment (GA) by deltasimons dated September 2021. The Authority’s Environmental Protection Officer (EPO) has no objections subject to conditions due to the GA recommending that a remediation strategy is prepared in relation to the re-use of topsoils. Following written discussion with the agent and EPO the original condition has been amended to include *“for the re-use of existing topsoil”*.

Therefore subject to conditions the development accords to local policy LP16 of the CLLP, local policies S55 of the DCLLPR and the provisions of the National Planning Policy Framework.

It is considered that policy LP16 is consistent with the contamination guidance of the NPPF and can be attached full weight

Other Considerations:

Local Plan prematurity

Comments have been raised as to whether it is premature to consider this application in view that the Central Lincolnshire Local plan is under review. Paragraphs 49-50 set out that there are only very limited circumstances that would justify a refusal on prematurity grounds and that this “will seldom be justified where a draft plan has yet to be submitted for examination”.

Furthermore planning law requires decisions to be made in accordance with the current development plan – as set out above, the site is allocated for residential development in the Central Lincolnshire Local Plan 2012-2036.

Construction Management Plan

Given the proximity of neighbouring dwellings and the temporary disturbance caused by the development it is considered necessary and reasonable to add a construction management plan condition to the permission to reduce and control the extent of the disturbance.

Community Infrastructure Levy (CIL)

The development is liable to a CIL payment at £25 per square metre of floor space created.

Building Regulation M4(2) Compliance

Local policy LP10 of the CLLP states that *“more specifically, to cater for the needs of less mobile occupants, including older people and disabled people, and to deliver dwellings which are capable of meeting peoples’ changing circumstances over their lifetime, proposals for 6 or more dwellings (or 4 or more dwellings in small villages) must deliver housing which meets the higher access standards of Part M Building Regulations (Access to and use of buildings) by delivering 30% of dwellings to M4(2) of the Building Regulations”*

Site plan J2102-00196 Revision D dated 23rd November 2021 confirms that dwelling types Eltham (plot 14, 36 and 37), Albany (plot 42, 43 and 44), Beaumont (plot 38, 39, 40 and 41) and Carlton (plot 45, 46, 47, 48 and 49) would meet the M4(2) standard. This equate to 30% (15 of the 49) of the dwellings meeting the standard as required by local policy LP10.

Other

We have received objections from 3rd parties questioning the suitability of the developer(s). However, the role of the Local Planning Authority is only to consider whether to grant its planning permission to the proposed development. Planning permission is attached to the land, not applicant, and the perceived suitability of any company or individual to undertake the development is not a material planning consideration in the determination of the application.

Conclusion and Reasons for decision:

The decision has been considered against policies LP1 A presumption in Favour of Sustainable Development, LP2 The Spatial Strategy and Growth in Villages, LP3 Level and Distribution of Growth, LP9 Health and Wellbeing, LP10 Meeting Accommodation Needs, LP11 Affordable Housing, LP12 Infrastructure to Support Growth, LP13 Accessibility and Transport, LP14 Managing Water Resources and Flood Risk, LP16 Development on Land Affected by Contamination, LP17 Landscape, Townscape and Views, LP21 Biodiversity and Geodiversity, LP24 Creation of New Open Space, Sports and Recreation Facilities, LP25 The Historic Environment, LP26 Design and Amenity and LP52 Residential Allocations – Large Villages of the Central Lincolnshire Local Plan 2012-2036, policy H1 Type, Size and Mix, D1 Village Character, D2 Safe Environment, EN1 Environmental Capital, EN2 Habitat, EN3 Flood Risk, T2 Cycling, W1 Healthcare, W2 Sports and Recreation, ED1 Improving Education of the Made Welton by Lincoln Neighbourhood Plan and draft policy S1 The Spatial Strategy and Settlement Hierarchy, S2 Growth Levels and Distribution, S4 Housing Development in or Adjacent to Villages, S6 Reducing Energy Consumption – Residential Development, S20 Flood Risk and Water Resources, S21 Affordable Housing, S22 Meeting Accommodation Needs, S44 Strategic Infrastructure Requirements, S46 Accessibility and Transport, S47 Walking and Cycling Routes, S48 Parking Provision, S50 Creation of New Open Space, Sports and Leisure Facilities, S52 Design and Amenity, S53 Health and Wellbeing, S55 Development on Land Affected by Contamination, S56 The Historic Environment, S59 Protecting Biodiversity and Geodiversity, S60 Biodiversity Opportunity and Delivering Measurable Net Gains and S65 Trees, Woodland and Hedgerows of the Draft Central Lincolnshire Local Plan Review in the first instance. Furthermore consideration has been given to guidance contained within the National Planning Policy Framework, National Planning Practice Guidance, National Design Guide and National Design Model Code.

The site is allocated for an indicative 50 dwellings under CL1490 of the Central Lincolnshire Local Plan therefore the principle of housing on the site has been established. The allocated site does already have 50 dwellings built out on the site covering 1.7 hectares leaving over half the site (application site 2.35 hectares) remaining. The proposed 49 dwellings would provide the most effective use of the land and provide a low density housing development with generous plot sizes. The proposal has proven that the site can accommodate 49 dwellings including 12 affordable homes towards the housing supply in Central Lincolnshire. The site additionally has the room for all the associated infrastructure including a sufficient amount of on-site usable greenspace. The site is in the sustainable location of Welton with good public transport links and all facilities/services within an acceptable walking distance away.

The proposed development would not have an unacceptable harmful visual impact or have a harmful impact on the living conditions of existing and future neighbouring dwellings. The proposal would not have a harmful impact on highway safety, archaeology, drainage, biodiversity, contamination or increase the risk of flooding. It would provide the required infrastructure contributions. The proposal is therefore acceptable subject to the signing of a

Section 106 Agreement and satisfying a number of pre-commencement conditions.

Human Rights Implications:

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

Legal Implications:

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

Representors to be notified -

(highlight requirements):

Standard Letter **Special Letter** **Draft enclosed**

Recommended Conditions:

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

1. The development hereby permitted must be begun before the expiration of three years from the date of this permission.

Reason: To conform with Section 91 (1) of the Town and Country Planning Act 1990 (as amended).

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

2. No development may take place until a remedial strategy for the re-use of existing topsoil with none technical summaries, conclusions and recommendations, together with a timetable of works, have been submitted to and approved in writing by the Local Planning Authority (LPA) and the measures approved in that scheme must be fully implemented. [Outcomes must appropriately reflect end use and when combining another investigative purpose have a dedicated contaminative summary with justifications cross referenced]. The scheme must include all of the following measures unless the LPA dispenses with any such requirement specifically in writing
 - a) A proposed remediation strategy must be submitted to the LPA. The LPA must approve such remedial works as required prior to any remediation commencing on site. The works must be of such a nature as to render harmless the identified contamination given the proposed end-use of the site and surrounding environment including any controlled waters.

- b) Approved remediation works must be carried out in full on site under a quality assurance scheme to demonstrate compliance with the proposed methodology and best practice guidance. If during the works contamination is encountered which has not previously been identified then the additional contamination must be fully assessed and an appropriate remediation scheme agreed with the LPA.
- c) Upon completion of the works, this condition must not be discharged until a closure report has been submitted to and approved by the LPA. The closure report must include details of the proposed remediation works and quality assurance certificates to show that the works have been carried out in full in accordance with the approved methodology. Details of any post-remedial sampling and analysis to show the site has reached the required clean-up criteria must be included in the closure report together with the necessary documentation detailing what waste materials have been removed from the site.

Reason: In order to safeguard human health and the water environment as recommended by Environmental Protection and section 9.2 of the Geo-Environmental Assessment dated September 2021 by deltasimons to accordance with Policy LP16 of the Central Lincolnshire Local Plan and the provisions of the National Planning Policy Framework.

- 3. No development must take place until an ecology enhancement and management plan has been submitted to and approved in writing by the local planning authority. The ecology enhancement and management plan must evidence (and quantify) a measurable biodiversity net gain (through an agreed biodiversity metric) and be informed by the recommendations of the Extended Phase 1 Ecology Survey (EPES) by CBE Consulting dated 9th September 2021. The development must be completed in strict accordance with the approved details of the ecology enhancement and management plan and retained and maintained thereafter.

Reason: In the interest of nature to accord with the National Planning Policy Framework, local policy LP21 of the Central Lincolnshire Local Plan 2012-2036 and policy EN1 Environmental Capital and EN2 Habitat of the Welton by Lincoln Neighbourhood Plan.

- 4. No development must take place until a construction method statement and plan has been submitted and agreed in writing by the local planning authority. The approved statement(s) must be adhered to throughout the construction period. The statement must provide for:
 - (i) the routing and management of traffic including any off site routes for the disposal of excavated material;
 - (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;
- (viii) protection of the public right of way along the east boundary;
- (ix) details of noise reduction measures;
- (x) a scheme for recycling/disposing of waste;
- (xi) the hours during which machinery may be operated, vehicles may enter and leave, and works may be carried out on the site;
- (xii) strategy stating how surface water run off on and from the development will be managed during construction and protection measures for any sustainable drainage features. This should include drawing(s) showing how the drainage systems (permanent or temporary) connect to an outfall (temporary or permanent) during construction.

Reason: To restrict disruption to the living conditions of the neighbouring dwellings and surrounding area from noise, dust and vibration and to accord with the National Planning Policy Framework and local policy LP26 of the Central Lincolnshire Local Plan 2012-2036.

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

5. With the exception of the detailed matters referred to by the conditions of this consent, the development hereby approved must be carried out in accordance with the following proposed drawings (unless stated dated July 2021):
 - J2102-00106D dated 23rd November 2021 – Site Plan including open space
 - J2102-00111 – Eltham Elevations, Floor, Roof and Section Plan
 - J2102-00112 – Greenwich Elevations, Floor, Roof and Section Plan
 - J2102-00113A dated 25th August 2021 – Balmoral Elevations, Floor, Roof and Section Plan
 - J2102-00114A dated 25th August 2021 – Osbourne (Handed) Elevations, Floor, Roof and Section Plan
 - J2102-00115A dated 25th August 2021 – Kingsbourne Elevations, Floor, Roof and Section Plan
 - J2102-00116A dated 25th August 2021 – Kingsbourne (Handed) Elevations, Floor, Roof and Section Plan
 - J2102-00117 – Brompton (handed) Elevations, Floor, Roof and Section Plan
 - J2102-00118 – Richmond Elevations, Floor, Roof and Section Plan
 - J2102-00119 – Regent (handed) Elevations, Floor, Roof and Section Plan
 - J2102-00120A dated 25th August 2021 – Gloucester Elevations, Floor, Roof and Section Plan

- J2102-00121A dated 25th August 2021 – Gloucester (handed) Elevations, Floor, Roof and Section Plan
- J2102-00132A dated 25th August 2021 – Beaumont Elevations, Floor, Roof and Section Plan
- J2102-00133A dated 25th August 2021 – Carlton Elevations, Floor, Roof and Section Plan
- J2102-00134 – Carlton Elevations, Floor, Roof and Section Plan
- J2102-00135A dated 26th August 2021 – Albany Elevations, Floor, Roof and Section Plan
- J2102-00141 – Single Garage (Door Left) Elevations, Floor, Roof and Section Plan
- J2102-00142 – Single Garage (Door Right) Elevations, Floor, Roof and Section Plan
- J2102-00143 – Double Garage (Door Left) Elevations, Floor, Roof and Section Plan

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

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

6. No development above ground level must take place until a comprehensive external materials schedule for all dwelling types and garages listed in condition 5 have been submitted to and approved by the Local Planning Authority. The external material details to include:

- Brick Type
- Roof Type
- Windows and Doors including colour finish
- Rainwater Goods including colour finish

The development must be completed in strict accordance with the approved materials schedule.

Reason: To safeguard the character and appearance of the building and its surroundings and ensure the proposal uses materials and components that have a low environmental impact and to accord with the National Planning Policy Framework, local policy LP17 and LP26 of the Central Lincolnshire Local Plan 2012-2036 and policy D1 of the Welton by Lincoln Neighbourhood Plan

7. No development above ground level must take place until a detailed surface water drainage scheme for the site, based on sustainable urban drainage principles has been submitted to and approved in writing by the Local Planning Authority. If a full sustainable urban drainage system

scheme is incapable of being delivered then comprehensive justification of this must be submitted. The scheme must:

- be based on sustainable drainage principles and an assessment of the hydrological and hydrogeological context of the development;
- provide flood exceedance routing for storm event greater than 1 in 100 year;
- 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;
- provide attenuation details and discharge rates which must be restricted to 6 litres per second;
- provide details of the timetable for and any phasing of implementation for the drainage scheme; and
- provide details of how the scheme must 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.

No dwelling must be occupied until the approved scheme has been completed or provided on the site in strict accordance with the approved phasing. The approved scheme must be retained and maintained in full, in strict accordance with the approved details.

Reason: To ensure that surface water is adequately and appropriately drained on the site and without creating or increasing flood risk to land or property, nor drainage network adjacent to, or downstream of, the permitted development to accord with the National Planning Policy Framework, local policy LP14 of the Central Lincolnshire Local Plan 2012-2036 and policy EN3 of the Welton by Lincoln Neighbourhood Plan.

8. No development above ground level must take place until details of a scheme for the disposal of foul sewage have been submitted to and approved in writing by the Local Planning Authority. Development must thereafter proceed in strict accordance with the details and be operational before the first dwelling is occupied.

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

9. No occupation must take place until all of that part of the estate road and associated footways that forms the junction with the main road and will be constructed within the limits of the existing highway, must be laid out and

constructed to finished surface levels in accordance with details to be submitted to, and approved in writing by, the Local Planning Authority.

Reason: In the interests of safety, to avoid the creation of pedestrian trip hazards within the public highway from surfacing materials, manholes and gullies that may otherwise remain for an extended period at dissimilar, interim construction levels to accord with National Planning Policy Framework, local policy LP13 of the Central Lincolnshire Local Plan 2012-2036.

10. No occupation must take place until those parts of the approved Travel Plan that are identified therein as being capable of implementation before occupation must be implemented in accordance with the timetable contained therein and must continue to be implemented for as long as any part of the development is occupied.

Reason: In order that the permitted development conforms to the requirements of the National Planning Policy Framework, by ensuring that access to the site is sustainable and that there is a reduced dependency on the private car for journeys to and from the development to accord with National Planning Policy Framework, local policy LP13 of the Central Lincolnshire Local Plan 2012-2036.

11. No occupation must take place until a comprehensive landscaping plan and comprehensive planting/management/aftercare statement has been submitted to and approved in writing by the Local Planning Authority. The landscaping plan to include details of:

- All hardstanding
- Retained trees and hedging
- New hedging and trees including position, species, planting height and planting arrangement.

The development must be completed in strict accordance with the approved landscaping and management details.

Reason: To ensure the development site is appropriately landscape in its setting to accord with the National Planning Policy Framework, local policies LP17 and LP26 of the Central Lincolnshire Local Plan 2012-2036 and policy D1 of the Welton by Lincoln Neighbourhood Plan.

12. The development must be completed in accordance with the M4(2) schedule identified on site plan J2102-00106D dated 23rd November 2021.

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

13. No occupation of each individual dwelling must take place until its individual access and driveway identified on site plan site plan J2102-00106D dated 23rd November 2021 has been fully completed and retained for that use thereafter.

Reason: To ensure safe access to the site and each dwelling/building in the interests of residential amenity, convenience and safety and to allow vehicles to enter and leave the highway in a forward gear in the interests of highway safety to accord with the National Planning Policy Framework and local policy LP13 and LP26 of the Central Lincolnshire Local Plan 2012-2036.

14. If during the course of development, contamination not previously identified is found to be present on the site, then no further development (unless otherwise agreed in writing with the Local Planning Authority) must be carried out until a method statement detailing how and when the contamination is to be dealt with has been submitted to and approved in writing by the Local Planning Authority. The contamination must then be dealt with in accordance with the approved details.

Reason: In order to safeguard human health and the water environment as recommended by Environmental Protection in accordance with Policy LP16 of the Central Lincolnshire Local Plan and 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:

NONE