

# **Officers Report**

## **Planning Application No: 144526**

**PROPOSAL:** Outline planning application for residential development of 109no. dwellings, with access to be considered and not reserved for subsequent applications.

**LOCATION:** Land at Eastfield Lane Welton Lincoln Lincolnshire

**WARD:** Dunholme and Welton

**WARD MEMBERS:** Cllr Mrs D M Rodgers; Cllr S England and Cllr Mrs C M Grimble

**APPLICANT NAME:** Turley Farms Ltd

**TARGET DECISION DATE:** 02/06/2022

**DEVELOPMENT TYPE:** Major - Dwellings

**CASE OFFICER:** Rachel Woolass

**RECOMMENDED DECISION:** Refuse permission

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The application is presented to committee following the request of a Ward Member.

### **Description:**

The application site extends to 6.53 hectares and is situated immediately adjacent the north-eastern boundary of the village. The northern and eastern boundaries to the site are characterised by existing hedgerows with open countryside beyond. The southern-most section of the eastern boundary is bordered by the hedgerow adjacent to Eastfield Lane. There is an existing hedgerow along the site's entire southern boundary with existing dwellings immediately beyond and the continuation of Eastfield Lane which turns westwards into the centre of Welton.

The western boundary is demarked by hedgerow. The land immediately beyond the site's western boundary is currently allocated for housing and a recent full planning application was granted approval for 49 dwellings with attenuation pond, landscaping and boundary treatments in February 2022 (WLDC Planning Reference Number: 143728).

Public footpath WELT/54/1 runs along the western boundary.

The application site is currently in agricultural use as an arable field. The levels fall from a high point of approximately 18m AOD in the site's north western corner to approximately 15m AOD in the site's south eastern corner. There is an existing footpath which joins Eastfield Lane in the south to Mill Lane in the north, running immediately adjacent to the site's western boundary. There is an existing field entrance from Eastfield Lane in the site's south eastern corner.

Planning permission is being sought (in outline) to erect 109 dwellings on the site, with associated accesses, public open space and landscaping arrangements.

All matters of layout, scale, appearance and landscaping are reserved for subsequent approval ('reserved matters').

Access is to be considered with this application. Drawings submitted with the application show a singular vehicle access to the site. This access would be taken from Eastfield Lane, where the road bends around from a north to an east direction out of the village. The plans indicate pedestrian access to the public footpath on the western boundary (WELT/54/1) would be provided. They also indicate that vehicle and pedestrian walkways would run up to the western boundary.

**Relevant history:**

None

**Representations:**

**Cllr Mrs D M Rodgers:** As a District Councillor for Dunholme and Welton, I am deeply concerned by the implications of Planning Application No 144526, and ask that it be referred to the Planning Committee, where a wide range of implications can be carefully and comprehensively considered.

A Central Lincolnshire Local Plan was adopted in April 2017. Inset No 24 identified five areas for new development in Welton, and the area identified in Planning Application No 144526 was not among them. The reason is to be found in a Residential Allocations Evidence Report that was published in April 2016 when the site was rejected (see page 508). At that time, it was described as 'Land at Ryland, Welton', and was designated CL2175. The conclusion states "it is not a logical extension to the village" and "there are better sites available".

I was not made aware of the change in the Central Lincolnshire Local Plan Consultation Draft, dated June 2021, where I now notice that the site is described as "Land north of 77 Eastfield Lane" and has been re-designated WL/WELT/008A".

It is noted that the Consultation Draft states: "Site to be phased back after WELT/100A (195 houses off Prebend Lane) and WELT/007 (104 houses east of Prebend Lane)". A provision which the applicant seems to be contesting.

It is also noted that the Consultation Draft states: "Access preferred via development at adjoining allocation to the west". A preference which is also being contested by the applicant. Approval was recently given for the building of 49 houses on the adjoining site, and the applicant now offers the use of land to the east, with access to the north of 77 Eastfield Lane.

The applicant suggests that this would relieve construction traffic congestion on the existing estate, and this may well be true in the short term; but I closely monitored the build of the first 50 houses on the Land at the Hardings, where the transport plan was well managed with minimal impact. On the other hand, the applicant's proposal would have a permanent impact if a thoroughfare was to be created from Eastfield Lane to Hawks Road and onwards to Hackthorn Road.

The proposed Eastfield Lane access is on a right angled corner, which is shared by a gate onto farmland which is not part of this proposal. To the east, the lane is narrow, it is

lined with grass verges, drainage ditches, and hedgerows, and there are several blind bends. For the afore-going reasons, the suggestion that this would provide direct access to the site from the A46, is unacceptable, because the lane also joins the A46 on another dangerous bend.

Clearly this is why the Consultation Draft of the Central Lincolnshire Local Plan prefers a westerly access to the proposed site, and has given priority to the more accessible sites on the westerly edge of the village, and it needs to

be remembered that the Local Plan consultation does not end until 6 May 2022.

Please ensure that these matters are drawn to the attention of the Chairman of the Planning Committee and ask that they be considered by the Committee in due course.

**Welton Parish Council:** This application relates to a site that was considered and rejected in the current Central Lincolnshire Local Plan (CLLP). The site remains unchanged and there are other allocated sites in the Plan that have not been developed; not to mention the allocated sites that have been and are being developed creating an additional 539 homes and potentially 1,130 more residents. There is no justification for granting this application outside the CLLP. This application is premature and based on the assumption that this site will be allocated in the forthcoming CLLP review which is still under consultation and has not been adopted by the local planning authorities, nor approved by the Secretary of State.

The applicants refer to 'emerging neighbourhood planning'. This proposal is incompatible with the existing made Welton Neighbourhood Plan. Welton Parish Council is about to start working on its review which will be written in the context of the new CLLP, when that is finalised. No application for this site should be considered until it has been confirmed in the CLLP nor until the new neighbourhood plan for Welton has been completed in full knowledge of all the approved development sites contained in the CLLP.

The application should not be considered until a response from LCC Highways has been received.

The proposed site entrance is on a narrow country lane and on a very bad bend leading to another equally as bad, before entering the village; Eastfield Lane is narrow throughout its length from the A46 (to the east) and the junction with Ryland Road in Welton. Both these junctions are dangerous, with poor visibility and the added problem of entering a national speed limit at the eastern end. Accidents happen regularly at both these junctions, although few are reported as vehicles usually end up in the ditch with no injuries to the occupants.

Eastfield Lane itself, is barely wide enough for two small vehicles at any point in its length and even narrower at one or two points. Large farm machinery often travels along this lane, particularly during harvest time and if the A46 is closed due to an accident at the Scothern junction. The number of cyclists and pedestrians walking from the village to the coffee shop at the A46 junction has increased due to its popularity. Consideration needs to be given to the impact on the equine establishment on Eastfield Lane and that horses extensively use this lane. There is also the Riding Stables in the centre of the village with riders using the lane to access the open countryside. There is no footpath and pedestrians have to share the carriageway with vehicles and also taking into account the new distance rules for passing cyclists at 1.5 metres and horses

at no more than 10mph at 2 metres distance. A difficult achievement on this stretch of the lane especially when vehicles are negotiating the bends and vehicles egressing from the proposed development.

If this is the only access point, as appears on the plan, this could not be managed safely and the comments from Highways intimate that any suggested resolution would be impractical. It also appears from the applicants' submission that the proposed junction onto Eastfield Lane would be further compromised by a field access immediately alongside it.

Traffic movements are also likely to be exacerbated by the apparent intention that there should be a road connection between this site and another on Hawks Road in Welton. Eastfield Lane is already used as a 'rat run' through the centre of the village between the A46 and the A15, connecting two major trunk roads. The junction with Ryland Road is problematic in that turning into Eastfield Lane from the direction of Dunholme there are two options, taking the first turn means you cannot see any oncoming traffic as it is on a blind bend, the second option is to traverse part-way round the bend and turn right at the T junction, both are not without danger from oncoming traffic. With the increased number of

vehicles, not only for this proposed development, but also for the one already granted off Hawks Road, this could mean an additional 200 vehicles a day taking several journeys, especially if transporting children to and from school.

This site is in a poor position, in principle, for an extension of the built environment in Welton, which was one of the reasons for its rejection in 2017. Residents would be at the extreme outskirts of the village and far from its amenities and over 1km from the nearest bus stop. Children would be living at or beyond 2kms from William Farr School and more than 1.7km from the primary school, which is over the recommended distance for walking to

school and, whatever the hopes for changing behaviour, it is unlikely that journeys to school or to the village centre would be on foot or by bicycle, adding to parking problems in the village centre and around the schools. Other sites under consideration in the draft CLLP are closer to the centre of the village and would be less likely to have this impact.

The site has an abundance of wildlife including birds, bats, butterflies, grass snakes, deer and numerous varieties of insects and flora and fauna. 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; 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 government is also encouraging farmers to grow more cereal crops, and this would be a better use for this land in the current climate.

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.

The Health Centre is at full capacity and finding it difficult to recruit more GPs and medical staff. This development would put additional demands on the existing GP

services for the area and additional infrastructure would be required to meet the increased demands, creating needs for at least another 250 patients.

The Landowner is offering access for construction traffic to the new development via Hawks Road, this is totally unsuitable as was expressed by Councillors at WLDC when granting permission for the extension to that development. The entrance to Hawks Road is via a very winding narrow estate road surrounded by residential properties. Cars are often parked on the road, barely allowing for one car to pass, let alone construction traffic.

Children play in the open spaces in front of the houses on Northfield Road, Hawks Road and Hampden Close and this increase in traffic would pose a danger to them, when we are trying to encourage children to play outside and for pedestrian safety walking to and from school, those with prams and mobility aids.

With regard to sewerage and drainage, it is noted from Anglian Water's response that the applicant has not consulted with them and as this lane is liable to flooding; would suggest they do so before this application can even be considered by WLDC.

The Planning Committee should be mindful when granting permission for future applications, that 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 being fitted with solar panels – if these are installed when properties are being built it is more economical. They should also consider planting hedges between properties rather than erecting fences, as they absorb CO<sup>2</sup>, don't blow down or become dilapidated and encourage wildlife.

The Council requests that members of the WLDC Planning Committee should carry out a site visit prior to considering the application and that determination should be by the WLDC Planning Committee and not delegated to an Officer.

**Local residents:** Objections received from 1 Eastfield Lane, 15 Musgraves Orchard, 21 Eastfield Close, 21 Eastfield Lane, 63A Eastfield Lane, 8 School Drive, 9 Eastfield Close, 9 Ryland Road, The Oaks Eastfield Lane, 1 Dovecote Drive, 15 Dunholme Close, 9 Ayam Close, ( Eastfield Lane, 24 Eastfield Close, 2 Musgraves Orchard, 13 Northfield Road, 17 Willow Way, 35 Musgraves Orchard, 60 Eastfield Lane, 58 Stonecliff Park, Garland Hayes 2 Dovecote Drive, 50 Eastfield Lane, 11 Musgraves Orchard, 15 Musgraves Orchard, 17 Eastfield Lane, 48 Eastfield Lane, 59 Eastfield Lane, Hedgerow Cottage 73A Eastfield Lane, 5 Musgraves Orchard, 50 Eastfield Lane, 68 Cliff Road, 95 Ryland Road, 21 Musgraves Orchard, 46 Stonecliff Park, 49 Eastfield Lane, 51 Cow Pasture Way, 57 Ryland Road, 58 Eastfield Lane, 63 Eastfield Lane, 65 Eastfield Lane, 69 Eastfield Lane, Field House 3 Dovecote Drive, 12 Eastfield Close, 2 Eastfield Close, 23 Eastfield Lane, 63 Ryland Road, 75 Eastfield Lane, Ryland Cottage 51 Eastfield Lane, Sharlands Eastfield Close, 12 Musgraves Orchard, 38 Eastfield Lane, 46 Eastfield Lane, Merriott 11 Eastfield Lane, Shimla Lodge 77 Eastfield Lane, 14 Eastfield Close, 15 Norbreck Lane, 17 Norbreck Lane, 60 Eastfield Lane, 7 Eastfield Close, 9 Manor Court, The Three Owls 53 Eastfield Lane, 1 The Eshings, 19 Eastfield Close, 71 Eastfield Lane, 73 Eastfield Lane, Ryland Manor 12 Eastfield Lane and 58 Eastfield lane with the main concerns (in summary) –

- Housing development on this site was rejected by West Lindsey District Council in 2016 (ref CL2175). The Council concluded "this site...is not a logical extension to the village. The likely access road would need significant works to achieve widths required to serve a development here.... there is a substantial level of growth in Welton from sites with planning permission. There are better sites available." Nothing has changed.
- There are already a number of new housing developments in Welton for which planning permission has already been granted, these should be completed first before any new developments are planned.
- The site to the north of Eastfield Lane was not included in the Welton neighbourhood plan as a site for development. That plan, which expressed the wish of local residents, should be respected.
- A requirement, if approval is granted, should be for every house to be as environmentally compatible as possible and the fitting of solar panels and GS heat pumps should be designed in by the developer.
- In the villages of Welton & Dunholme there are 3 major housing developments currently underway, with one other due to commence imminently. Jointly these are providing in the region of 70+ new houses per annum for the next 5-8 years.
- Regarding the travel report, St Marys School, the Coop, the Surgery etc are all 1 mile away, minimally, from this proposed development (walking along Eastfield Lane and Ryland Road). . The nearest bus stop is more than half a mile away so probably unsuitable for the less mobile. William Farr School is 1.4 miles away. Realistically, most people who would be living on this site would not be walking to the amenities in the village, they would be using their vehicles.
- Eastfield Lane is an old part of the village with Grade II listed buildings and its character should be protected however this development will have a severe detrimental effect.
- This application is premature and based on the assumption that the site in question will be designated the upcoming review of the CLLP. Whilst I appreciate that a landowner may submit a planning application at anytime, it is to be hoped that this particular submission will be subject to the EXISTING CLLP that does NOT allocate this site.
- This development will result in a loss of amenity. This area is popular with walkers, cyclists, horse riders etc.
- The proposed new housing site is currently arable farmland. It is not desirable to lose arable farmland when the UK should be encouraging locally sourced crops to reduce the environmental impact of imports.
- Housing on brownfield sites like RAF Scampton (West Lindsey) would better meet housing development. Here there is room to build new infrastructure and amenities to support new housing development.
- No new housing developments should be approved in Welton until after the new Central Lincolnshire Local Plan (CLL) is drawn up, after adequate consultation with communities affected.
- No new housing developments should be approved in Welton until after the new Welton Neighbourhood Plan is drawn up, after adequate consultation with the villagers.
- Consideration must be given to our adverse loss of privacy and subsequent overlooking into our property.

- No reference has been made about how builder traffic will enter or leave the site
- No energy plan appears to have been submitted as part of this application and it is therefore impossible to judge the developer's plans to mitigate gas and electricity usage.
- Infrastructure and amenities are at breaking point
- Extra traffic on Eastfield Lane will be unbearable
- Open countryside is diminishing fast and habitat for animals and birds is being destroyed
- Existing schools and medical facilities struggle with the existing demand, adding to this will only exacerbate this problem
- Speed limit at the site entrance is unsafe
- Disruption from construction traffic
- Roads and infrastructure need sorting first before more major developments
- Site provisionally designated in the draft CLLP following a public consultation which local residents were not informed about
- Development would seriously damage the peaceful and semi-rural character of the Ryland Area
- Habitat and wildlife impacts are not adequately represented
- Highway safety concerns for vehicle users, pedestrians, cyclists and horse riders
- Development is incompatible with the Welton Neighbourhood Plan
- Village centre does not have the parking doctors or shops to support any more housing
- Build on the edge of Lincoln where the work and shops are.
- Eastfield Lane is too narrow to support the likely volume of traffic
- Flooding concerns
- No site notice posted
- Construction will lead to a substantial increase in noise and pollution
- New homes would lead to noise and pollution
- Not properly consulted on the development
- Application provides no details of street lighting.

General observations from 46 Eastfield Lane, 40 Brinkall Way and 23 Eagle Drive –

- sewerage - this area suffers from blockages/overflow already due to surface water, heavy rainfall. The pumps often are not able to cope resulting in back-up.
- the entrance to the proposed site - I would disagree with the description of a "slow bend" the two bends in the vicinity are more like 90 degrees, the addition of an entrance on such a bend would seem to be asking for trouble. In addition only one access route is also of concern, particularly regarding refuse collection, emergency services etc. when it would seem that the proposed development could be linked into the adjacent development to the west which would allow for a choice of access instead of all concentrated on a dangerous bend in a narrow lane.
- There is also a worry regarding the water table and contamination of water source.
- What is being proposed to improve the infrastructure. We already have 3 recent builds with an extension on Prebend Lane being approved. The doctors still struggle to provide appointments car parking at the coop is already minimal and the schools struggle with

placements. Stop approving applications and improve these areas first. Make more affordable housing available.

- Will the road be widened leading into Welton as people tend to come round the corners quickly and I often have to swerve onto the grass verge. With the increasing amount of traffic this development will produce I believe it is essential that the road is widened

**Welton Family Health Centre:** I am commenting on behalf of Welton Family Health Centre as the Practice Manager and representative of the views of the Partners of the Practice.

The Surgery feels appropriately concerned regarding the vast number of applications that are being proposed, and agreed, within our Practice area. Our Practice area is widespread which means that we are affected by applications made within many villages, not just those made within Welton.

Currently, the Practice is advertising for two additional GP's to join our team but unfortunately with little success. It is recognised nationally that there is a shortage of Doctors coming into General Practice and this is felt even more so in Lincolnshire. We are extremely concerned that the approval of even more planning applications would mean that our already stretched resources would reach a critical level whereby we are required to close our Practice list to new patients or to reduce our Practice boundary, therefore putting increased pressures on other local Practices and colleagues. Patients are already feeling the impact of an increase in our list size and this is reflected in the demand for appointments.

There are also concerns in relation to the practicalities of additional patients being registered with the surgery. Parking within the village is limited, particularly for the Practice and an increase in patient numbers attending the surgery would lead to more cars parked on the roads surrounding the village schools which may lead to an increase in accidents, especially for school children.

There are several unfinished developments within our Practice boundary that we have not yet felt the full impact from. Until the houses are occupied and patients register with the Practice it is hard for us to predict how our list size will increase.

Developers may claim that S106 monies are made available to the Practice, however the strict criteria attached to these payments means that any amount granted under S106 can only be spent on building development. This is not where our need is most significant at the moment and S106 monies cannot be spent on increasing staffing levels or resources, even if these were readily available to us.

In summary, we feel that the significant increase in approved applications for the villages within our Practice boundary has reached saturation point for a safe level of care for our patients within our current resources and we would urge this and any further applications to take these factors into account.

### **LCC Highways and Lead Local Flood Authority:**

#### *Highways*

The submitted Transport Assessment is a fair and reasonable representation of the proposed developments impact on the existing highway network and it is considered acceptable.



Access point shown is acceptable as it offers adequate visibility in both directions. Eastfield Lane will require widening of the carriageway and the provision of a footway, to extend the existing footway into the site and provide adequate carriageway width. These improvement works will require the culverting of one or both existing roadside ditches and as such will be dependent on gaining the relevant permissions and consents.

Further highway improvements will be required as follows:

- Stone surfacing upgrade of the existing Public Right of Way that runs adjacent to the site.
- The provision of tactile crossing points at the following locations – Eastfield Lane, outside No. 25; Junction of Eastfield Road/Northfield Road; Junction of Hackthorn Road/Ryland Road and Ryland Road, outside No. 9.
- Level surface upgrade of the bus stop outside No. 79 Ryland Road.
- 3 No. passing places along Eastfield Lane between the development site and the A46/Eastfield Lane junction

The above improvements are to form part of recommended conditions to the Local Planning Authority as part of final comments.

The existing speed limit traffic regulation order on Eastfield Lane will require extending to encompass the site access, a sum of £2800 will be required for the HLLFA to process this change.

Please see comments for amendments to the submitted Travel Plan, further comments and potential S106/improvement requests may follow once consultation with Lincolnshire County Council Transportation has concluded. Further comments to follow. Layout is a reserved matter, however the indicative layout shown as part of this application is acceptable in general. A reserved matters application to determine the final layout must show pedestrian and vehicle links to the adjacent site, as shown.

#### *Drainage*

The submitted drainage strategy is acceptable in principle, as is the proposed discharge rate. The outfall will require further investigation to confirm its suitability and security for the lifetime of the development. It is requested that this investigation is carried at this time and the details submitted for consideration by the HLLFA.

**Anglian Water:** The foul drainage from this development is in the catchment of Dunholme Water Recycling Centre that will have available capacity for these flows. The preferred method of surface water disposal would be to a sustainable drainage system (SuDS) with connection to sewer seen as the last option. Building Regulations (part H) on Drainage and Waste Disposal for England includes a surface water drainage hierarchy, with infiltration on site as the preferred disposal option, followed by discharge to watercourse and then connection to a sewer.

We note the applicant states the SuDS scheme may / will be adopted by Anglian Water. As yet the applicant has not engaged with us, therefore we cannot comment, at this stage, on the proposals suitability. Anglian Water encourage the use of SuDS and if the developer wishes us to be the adopting body for all or part of the proposed SuDS scheme the Design and Construction Guidance must be followed.

**Witham Third District Internal Drainage Board:** It is noted Surface water discharge from the proposed development will be via surface water pump from the attenuation pond, at a proposed 5 l/s into a riparian watercourse running parallel to Eastfield Lane. 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. Consideration must be given to the route of flow downstream of the site from the discharge point to an appropriately maintained watercourse.

**LCC Education:** As the development would result in a direct impact on local schools, a contribution is therefore requested to mitigate the impact of the development at local level. This is a recognisable and legitimate means of addressing an impact on infrastructure, accords with the NPPF (2019) and fully complies with CIL regulations; we feel it is necessary, directly related, and fairly and reasonably related in scale and kind to the development proposed in this application. The contribution requested is £395,111.

**NHS England:** The development will impact Welton Family Health Centre, Lindum Medical Practice, Ingham Medical Centre, Brayford Medical Practice as the development is within their catchment area. The contribution requested is £68,942.50. Lincolnshire Clinical Commissioning Group (LCCG) wishes for the Section 106 contribution from the development of 109 dwellings on Land at Eastfield Lane, Welton to contribute to the expansion in capacity through remodelling/changes to layout or extension to existing facilities within the IMP Primary Care Network (PCN) at Welton Family Health Centre, Ingham Medical Centre, and Lindum Medical Practice. Alternatively the funding may, where appropriate, be used to support expansion in capacity at an alternative general practice site as required to meet the local population health need. Funding could be used to develop patient facilities and improve patient services for these practices within IMP PCN boundary.

**Strategic Housing:** The Central Lincolnshire Local Plan policy LP11 requires for sites in the Lincoln Strategy Area over 11 units to deliver 25% of the dwellings on site as affordable housing. The NPPF requires 10% of all dwellings built on site to be available as a low cost home ownership tenure. Alongside that, under the new ministerial statement, from the 28th December 2021 25% of all affordable housing contributions are required to be First Homes – which can contribute towards the low cost home ownership requirement. The Central Lincolnshire Local Plan Developer Contributions SPD requires the affordable housing tenure split to be 70% affordable rented and 30% shared ownership. However, due to policies brought in since the adoption of the plan, it is not always possible to achieve this tenure split. In order to meet the requirements of Local and National Planning Policy, the split of affordable housing on this site should be as follows:  
60% affordable rented  
15% shared ownership

## 25% First Homes

The planning statement for the site details the understanding of policy LP11 and the requirement to secure the required affordable housing through a S106 agreement. The S106 will need to secure 25% of the dwellings to be delivered as affordable housing with the above tenure split and the trigger for delivery being 50% of all open market dwellings and the details of the property types and location to be agreed at reserved matters.

**Lincolnshire Police:** Do not have any objections

**Natural England:** Has no comments to make on this application.

**Environment Agency:** Does not wish to make any comments on this application.

**Archaeology:** No archaeological input required.

Idox checked 06/05/22

## 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 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

LP17: Landscape, Townscape and Views

LP18: Climate Change and Low Carbon Living

LP21: Biodiversity and Geodiversity

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

LP26: Design and Amenity

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

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

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: Sport & Recreation

<https://www.west-lindsey.gov.uk/sites/default/files/2022-02/Welton%20NP%20Neighbourhood%20Development%20Plan.pdf>

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

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

National policy & guidance (Material Consideration)

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

The NPPF sets out the Government's planning policies for England and how these should be applied. It is a material consideration in planning decisions.

The most recent iteration of the NPPF was published in July 2021. 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**
- **National Design Guide (2019)**

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

Draft Local Plan / Neighbourhood Plan (Material Consideration)

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

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

*(b) the extent to which there are unresolved objections to relevant policies (the less significant the unresolved objections, the greater the weight that may be given); and*

*(c) the degree of consistency of the relevant policies in the emerging plan to this Framework (the closer the policies in the emerging plan to the policies in the Framework, the greater the weight that may be given).*

- **Draft Central Lincolnshire Local Plan**

Review of the Central Lincolnshire Local Plan commenced in 2019. The 1st Consultation Draft (Reg18) of the Local Plan was published in June 2021, and was subject to public consultation. Following a review of the public response, the Proposed Submission (Reg19) draft of the Local Plan has been published (16th March) - and this is now subject to a further round of public consultation (expiring 9th May 2022).

The Draft Plan may be a material consideration, where its policies are relevant. Applying paragraph 48 of the NPPF (above), the decision maker may give some weight to the Reg19 Plan (as the 2nd draft) where its policies are relevant, but it is advised that this is still limited whilst consultation is taking place and the extent to which there may still be unresolved objections is currently unknown.

The site as applied for relates to WL/WELT/008 this site has been rejected in the draft CLLP. The reason for its rejection is that the site would extend the built footprint into countryside to the north. Other sites are preferable (see WELT/008A).

Site WL/WELT/008A is proposed to be allocated instead. This covers the majority of the application site, but not the triangular area of land in the northern part of the application site. The commentary in the draft CLLP states that the allocation site has revised boundaries to better reflect the existing built line of the village to the north. The site is considered a sustainable location which would provide access to a range of services within the village, including schools. The site is proposed to be allocated. Highways comments on the site are as follows –

No further comments. As per WELT/008 Access would need to be positioned on bend to enable the full 2.4 x 215 metre visibility required for a 60 mph road to be achieved. Eastfield Lane would need to be widened to a minimum of 5.5 metres with a 2 metre frontage footway to link to the existing footway on Eastfield Lane. The presence of roadside ditches on Eastfield Lane will make this difficult to achieve. Please also refer to comments on WELT/003 if access to be provided through this site. If both to be delivered then two access points may be required.

WELT/003 comments says a Section 106 contribution for a minimum of £100K required towards the A46/Lincoln Road junction improvement.

## **Main issues**

Planning law<sup>1</sup> requires that applications for planning permission must be determined in accordance with the development plan, unless material considerations indicate otherwise. The relevant documents of the Development Plan are the Central Lincolnshire Local Plan (adopted April 2017) and Welton by Lincoln Neighbourhood Plan (made September 2016)

The following are considered the most relevant considerations:

- Development Plan policy - principle of residential development
- Emerging Policy and other material considerations
- Highways
- Infrastructure
- Affordable Housing
- Flood Risk and Drainage
- Ecology

## **Assessment:**

### *Development Plan Policy - Principle of residential development*

The application seeks outline permission for a residential development of 109no. dwellings, with access only to be considered and not reserved for subsequent applications. Appearance, layout, landscaping and scale are not for determination in this application.

Welton is defined as a large village in the CLLP. Policy LP2 of the CLLP states that:

*“To maintain and enhance their role as large villages which provide housing, employment, retail, and key services and facilities for the local area, the following settlements will be a focus for accommodating an appropriate level of growth. Most of this growth will be via sites allocated in this plan, or appropriate infill, intensification or renewal within the existing developed footprint. In exceptional circumstances, additional growth on non-allocated sites in appropriate locations outside of, but immediately adjacent to, the developed footprint of these large villages might be considered favourably, though these are unlikely to be of a scale over 25 dwellings / 1 ha per site (whichever is the smaller).”*

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<sup>1</sup> Section 38(6) of the Planning and Compulsory Purchase Act 2004; and section 70(2) of the Town & Country Planning Act 1990

The site is not allocated in the Central Lincolnshire Local Plan and does not amount to the appropriate infill, intensification or renewal within the existing developed footprint. The development seeks a major residential development on open countryside, adjacent to the developed footprint of the village.

Policy LP2 does allow for neighbourhood plans to promote more development than the listed criteria through the neighbourhood plan.

The proposal is not allocated for residential development within the Welton by Lincoln Neighbourhood Plan.

CLLP policy LP2 does set out that:

*“In exceptional circumstances, additional growth on non-allocated sites in appropriate locations outside of, but immediately adjacent to, the developed footprint of these large villages might be considered favourably, though these are unlikely to be of a scale over 25 dwellings / 1 ha per site (whichever is the smaller).”*

The application seeks planning permission for 109 dwellings, on a site with an area of 6.53ha. It is considerably in excess of the scale of development which the policy indicates might be considered favourably in exceptional circumstances.

Whilst the applicant’s accompanying planning statement recognises policy LP2, it does not seek to engage with the policy in any meaningful way. It does not address the “exceptional circumstances” policy or seek to set out why “exceptional circumstances” should be applied here.

The proposal has not demonstrated exceptional circumstances. Should the application have demonstrated exceptional circumstances, the proposal would still need to meet the criteria of 25 dwellings or a 1 ha site. The proposal for 109 dwellings on 6.6ha would be contrary to this.

The proposal would therefore be a significant departure from the development plan. It would be wholly contrary to policy LP2 of the Central Lincolnshire Local Plan. Policy LP2 is clear that “most of” Welton’s planned village growth will be via sites allocated in the plan. There are four Welton sites allocated in the CLLP (policy LP52). Of these, all have planning permission and development is taking place across Welton.

It can be noted that the southern section of the site (3.59ha) had been put forward for inclusion in the Central Lincolnshire Local Plan and considered at the time the CLLP was drawn up. It was given an indicative capacity of 81 dwellings. However, it is set out in the accompanying LP48-LP54 Residential Allocations Evidence Report (April 2016)<sup>2</sup> that site CL2175 had been rejected at the time, the report concluded as per the following:

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<sup>2</sup> Document H0006 <https://www.n-kesteven.gov.uk/central-lincolnshire/planning-policy-library/>

*“This site is reasonably well located for access to the village centre and its services and facilities. It is reasonably well connected to the village as development would not extend beyond existing built extents, but it is not a logical extension to the village. The likely access road would need significant works to achieve widths required to serve a development here. It is within an area categorised as grade 3 agricultural land and is in agricultural use. It is near to some grade 3 listed buildings, but it is not considered that development here would impact on their setting. There are no major constraints on this site, but there is a substantial level of growth in Welton from sites with planning permission. There are better sites available.”*

Consequently, the site was considered at the time and rejected from inclusion as an allocation within the development plan, at the expense of other preferred sites.

The application site is not considered to amount to “appropriate infill, intensification or renewal within the existing developed footprint” and does not put forward any exceptional circumstances for unallocated development on land adjacent the development footprint (and far exceeds the scale of development indicated by the policy).

In accordance with planning law, the application proposes development that would amount to a clear and significant departure from the Development Plan, and it therefore falls to be refused planning permission, unless there are material considerations that would indicate otherwise.

#### *Emerging Policy and other material planning considerations*

As set out above, the proposed development would consist a significant departure from the development plan. Planning permission should be refused, unless there are material considerations that would indicate otherwise.

A significant consideration is national policy, primarily through the National Planning Policy Framework (NPPF, July 2021). Paragraph 11 sets out a “presumption in favour of sustainable development where certain criteria are met.

Paragraph 11 of the NPPF states that plans and decisions should apply a presumption in favour of sustainable development.

For **decision-taking** this means:

- c) approving development proposals that accord with an up-to-date development plan without delay; or
- d) where there are no relevant development plan policies, or the policies which are most important for determining the application are out-of-date, granting permission unless:



- i. the application of policies in this Framework that protect areas or assets of particular importance provides a clear reason for refusing the development proposed; or
- ii. any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in this Framework taken as a whole.

The CLLP is not silent – there are relevant policies relevant to the scale and nature of development in the village, particularly policy LP2. The CLLP is not considered to be “out of date”. The LPA can demonstrate a 5yr HLS (5.35yrs) and achieves the housing delivery test (175%)<sup>3</sup>. Paragraph 11 is therefore not engaged.

Emerging policy may also be a material consideration. NPPF paragraph 48 (a significant material consideration) sets out 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).*

The review of the Central Lincolnshire Local Plan commenced in 2019. The 1st Consultation Draft (Reg18) of the Local Plan was published in June 2021, and was subject to public consultation.

The site WL/WELT/008 site status in the Reg 18 draft plan was reasonable alternative. Comments were received and representatives of the site confirmed availability. They requested phasing of the site be removed from the wording. - Environment Agency: In catchment of Dunholme WRC which has capacity issues.

Site WL/WELT/008A site status was new allocation without permission

Following a review of the public response, the Proposed Submission (Reg19) draft of the Local Plan has been published (16th March) - and this is now subject to a further round of public consultation (expiring 9th May 2022).

Consequently, the draft CLLP is a material consideration. The weight that may be given to it is for the decision-maker to decide, having considered the criteria at NPPF paragraph 48. The site status in Reg 19 draft of the CLLP is to be allocated with a

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<sup>3</sup> <https://www.gov.uk/government/publications/housing-delivery-test-2021-measurement>

different boundary (as detailed below) and not as submitted. It is advised that the weight that may be given is still limited whilst consultation is taking place and the extent to which there may still be unresolved objections is currently unknown. Indeed, the application has drawn significant public comment and much objection. It is quite possible that the application site may now receive further representations at the Local Plan stage.

The applicant recognises the site's inclusion in the draft CLLP. The applicant notes that there was only one representation at the reg18 stage, from the applicant themselves. The applicant states *"Although it is acknowledged there are objections to policy S79 in relation to other draft allocated sites, there are no objections to this specific site, the subject of this application. This means paragraph 48 (b) of the NPPF 2021 advises that greater weight should be afforded to this allocation. It is also considered that bringing this site forward now before the new CLLP policy is adopted is not premature."*

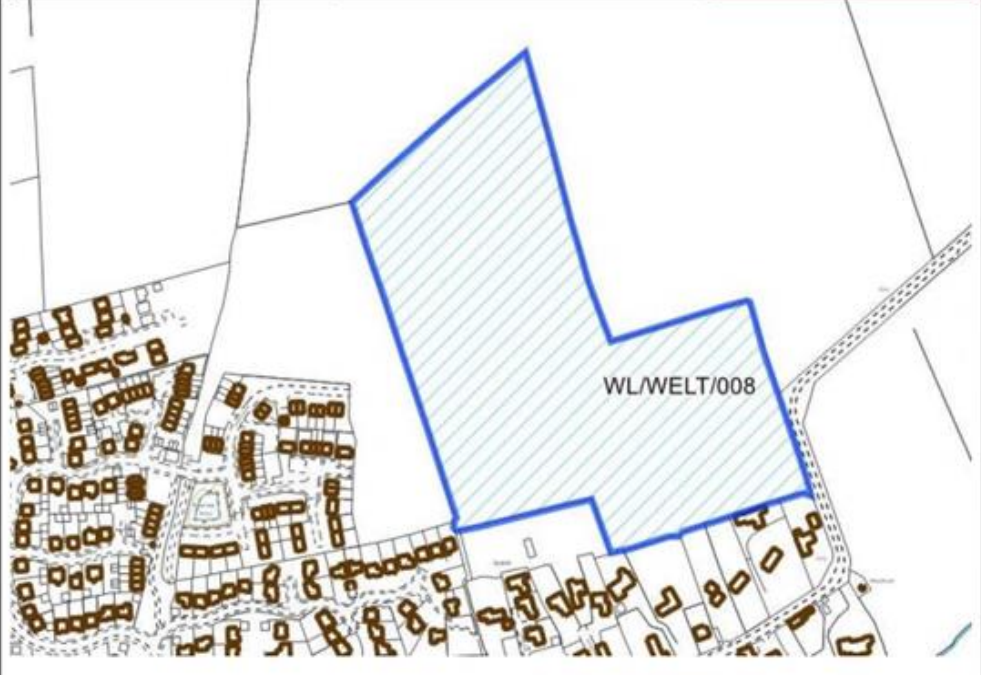
The planning statement states that "The site has been proposed for a residential development allocation in the Central Lincolnshire Local Plan Consultation Draft (June 2021). The site's allocation reference is WL/WELT/008A and identifies the site as promoted for low density development of up to 109 dwellings (<7 per acre)."

The red line submitted does not correspond to WL/WELT/008A. What has actually been submitted is the site outlined in WL/WELT/008 which has been rejected in the proposed allocations for the draft CLLP.


Application site proposed –



Rejected site WL/WELT/008 –

Ref: <b>WL/WELT/008</b>	Site Address: Land north of 77 Eastfield Lane, Welton	Status: Rejected
		

The draft plan proposes a different boundary to be allocated as shown in WL/WELT/008A.

Ref: WL/WELT/008A	Site Address: Land north of 77 Eastfield Lane, Welton	Status: Allocate (New allocation without planning permission)
		

The applicant has not submitted the red line as per WL/WELT/008A. It includes land to the north, which is outside of the proposed allocation site. The indicative plan submitted with the application suggests this triangular area of land would be landscaped / used as open space, without dwellings.

The applicant considers the emerging policy may be given “greater weight” due to the absence of unresolved objections to the site allocation at the initial reg 18 public consultation stage.

The applicant also notes that paragraph 49 sets out the following:

*in the context of the Framework – and in particular the presumption in favour of sustainable development – arguments that an application is premature are unlikely to justify a refusal of planning permission other than in the limited circumstances where both:*

*(a) the development proposed is so substantial, or its cumulative effect would be so significant, that to grant permission would undermine the plan-making process by predetermining decisions about the scale, location or phasing of new development that are central to an emerging plan; and*

*(b) the emerging plan is at an advanced stage but is not yet formally part of the development plan for the area.*

In response the applicant states that “...*It is also considered, at the time of writing, the plan-making process is only at an early stage of production, it is currently at the Regulation 18 stage and the CLLP Policy Team will only be moving to the Pre-Submission Publication Stage (Regulation 19) on 14th March. This means it does not meet criteria b in paragraph 49 of the NPPF for a suitable justification for refusal.*”

However, whilst accepting that the plan “*is only at an early stage of production*” the applicant does not consider how this affects the weight that may be attached the emerging policy under paragraph 48(a).

However, the test in planning law is to determine the applicant against the development plan, unless there are material considerations that would indicate otherwise.

As previously set out, the development would comprise a significant departure from the development plan, and would be in direct conflict with policy LP2.

The Central Lincolnshire Local Plan is not considered to be “out of date”. The Local Planning authority can demonstrate a five year housing land supply. The local planning authority has comfortably met the Housing Delivery Test. Nor is the Local Plan otherwise silent on the matter – policy LP2 is clearly engaged. The CLLP was subject to public examination and found to be “sound” by the Government’s Planning Inspectorate.

The test therefore is whether sufficient weight should be given to the emerging draft policy, that would now justify a departure from the adopted Local Plan.

The Local Plan is still considered to be at an emerging stage – it is at its reg19 public consultation at the time of writing. It has yet to be submitted to the Planning Inspectorate – it is yet to be subject to public examination.

It is still at public consultation. Whilst the applicant gives weight to the limited representations given at the Reg18 stage, we are yet to establish the extent to which there may be unresolved objections arising at this second round of public consultation. The applicant themselves state, that the plan-making process is “*only at an early stage of production*”.

The very act of making the application has drawn significant public comment and much objection. It is quite possible that the application site may now receive further representations at the Local Plan stage.

The amount of weight that may be given to emerging policy is ultimately for the decision-maker, having considered NPPF paragraph 48. Whilst some weight may be given to the emerging policy, it is a substantial way away from nearing adoption. It is considered that the limited weight that may be afforded the draft policy at this time, is not anywhere near substantial enough to justify a departure from the adopted Central Lincolnshire Local Plan.

The Local Planning Authority (LPA) informed the agent of the concerns and lack of compliance with policy LP2 and the limited weight which we consider the draft plan may be given at this time.

The LPA suggested that the applicant considers withdrawing their application due to the clear conflict with the development plan. This offer was declined.

The agent has stated in communication that the LPA have been unreasonable giving the applicant 14 days to respond to the LPA's request for withdrawal of the application and that the LPA should wait for the draft local plan consultation to end and give an extension of time to the application in order for an outcome of the draft plan and its allocations.

. The Local planning authority has a statutory duty to determine the application within 13 weeks, unless an extension of time has been agreed in writing with the applicant. The NPPF (paragraph 47) states that *"Decisions on applications should be made as quickly as possible, and within statutory timescales unless a longer period has been agreed by the applicant in writing"*.

The applicant in effect seeks that the local planning authority now withholds from determining their application until the emerging policy has advanced further. However, for the reasons set out, it is not considered that the emerging policy amounts to justification to enable a significant departure from the development plan. It is within the applicant's own control to make their application at a time when they consider planning policy supports their proposals and it is not considered to be reasonable for the applicant to make an application only to state that they do not consider it should be determined at this time because they seek emerging policy to advance further.

The LPA is not obliged to extend the application in order to wait for the Inspector to scrutinise objection on the draft reg 19 CLLP.

The LPA are however obliged to determine the application and a decision can be made after statutory consultation has taken place (21 days or 24 days where it falls over a bank holiday) or in the case of West Lindsey after 28 days due to extra days given to Ward members and the Parish Councils.

The agent states that an informed decision at this time could not be made. However, the applicant has made their application at this time and it falls to WLDC, as the local planning authority to determine it. This is the process for all planning applications.

In their letter of 14<sup>th</sup> April 2022, the applicant puts forward that *"the CLLP is not at such an advanced stage as stipulated in paragraph 50 of the NPPF and it is difficult, if not impossible, to envisage a situation in which the Council could reasonably argue that any approval of the Application will be so substantial as to prejudice the CLLP, which paragraph 50 of the NPPF requires."*

However, paragraph 50 is not being engaged here. It is not proposed that permission be refused because to do so, would substantially prejudice the outcome of the emerging CLLP.

The correct test is paragraph 48, and the amount of weight that may be afforded the emerging policy as a material consideration. It is noted that the applicant still considers the policy is still *“not at such an advanced stage”* As set out above, it is not considered that such weight may be given to the emerging policy, that it would justify what would be a significant departure from the extant development plan.

With regards to the draft allocation and unresolved objections, what we can see from this application is a significant level of objection to the proposal and the allocation of WL/WELT/008A and that residents and the Parish Council believe there to be better sites in the village that are more sustainable.

The proposal would be wholly contrary to policy LP2 which carries full weight. The site put forward in this application relates to WL/WELT/008 and not WL/WELT/008A. WL/WELT/008 has been rejected in the draft CLLP.

### Highways

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 will be supported.

A Transport Assessment has been submitted with the application. This concludes –

- Vehicular access to the site is to be provided via an existing farm access which is to be redesigned as part of the proposals to form a simple priority T-junction with Eastfield Lane on the eastern boundary of the site. It is expected that suitable parking provision is to be provided to accommodate the likely parking demand generated by the site. Additional pedestrian access is to be provided via a footpath on the western boundary of the site.
- The required visibility splays of 2.4m x 120m to the right and 2.4m x 215m to the left of the access appear to be achievable, subject to vegetation clearance within the highway boundary.
- The site is located within a 2km walking distance of the entire villages of Welton and Dunholme. The site is located within a reasonable cycle ride (circa 8km) of areas including Welton, Nettleham, Scothern and a northern section of Lincoln. The nearest bus stops to the proposed development site are located on Ryland Road, within an approximately 700m walk to the west of the site access junction, providing access to/from key destinations including Market Rasen and Grimsby. Lincoln Central Rail Station is located approximately 10.5km to the south of the site and provides regular services to Doncaster, Sheffield, Peterborough, Leicester, Grimsby Town and London King's Cross.



- A road casualty study showed that five PICs occurred within the study area around the proposed development site during the five year study period. Analysis of the study collisions has not revealed any identifiable existing collision issues associated with the expected movements of the proposed development. If the internal roads and access junction are designed with due consideration to road safety, with appropriate highway design features incorporated into the detailed design, then the proposals should not have a detrimental road safety impact on the local highway network and should not adversely affect the safety of other road users.
- The trip generation projections indicate that the development could be expected to generate up to 53 two way trips during the AM peak hour and 52 during the PM peak hour.
- The distribution and assignment of traffic across the local highway network has shown that only slightly in excess of 30 two way trips are expected to occur at local junctions with Welton village (Eastfield Lane/Ryland Road/Dunholme Road priority junction, the Ryland Road/Hackthorn Road mini-roundabout and the Ryland Road/Lincoln Road/Cliff Road priority junction). Therefore, it is considered that the proposed development is not expected to have a significant impact on the operation of these junctions. It is expected that the site would generate less than 30 two way vehicle movements at busier junctions on the wider highway network during the AM and PM peak hours, including at the Eastfield Lane A46 Junction, the Lincoln Road/A46 junction and the Health Lane/A15 junction.
- Based on the assessments within this TA, it is considered that the proposed development would not be expected to have a significant impact on the operation of the local highway network. Therefore, as the impact of the proposals at the site is not expected to be severed, the proposals are considered to be in accordance with the 'National Planning Policy Framework' (NPPF) which states that "development should only be prevented or refused on highways grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network would be severe" (MHCLG, 2021).
- It is concluded for the assessments within this TA that the proposed development would not be expected to have a significant impact in terms of sustainable travel, traffic impact and road safety.

LCC Highways have been consulted on the application and state that the submitted Transport Assessment is a fair a reasonable representation of the proposed developments impact on the existing highway network and it is considered acceptable. Access point shown is acceptable as it offers adequate visibility in both directions. Eastfield Lane will require widening of the carriageway and the provision of a footway, to extend the existing footway into the site and provide adequate carriageway width.

These improvement works will require the culverting of one or both existing roadside ditches and as such will be dependent on gaining the relevant permissions and consents.

Further highway improvements will be required as follows:

- Stone surfacing upgrade of the existing Public Right of Way that runs adjacent to the site.
- The provision of tactile crossing points at the following locations – Eastfield Lane, outside No. 25; Junction of Eastfield Road/Northfield Road; Junction of Hackthorn Road/Ryland Road and Ryland Road, outside No. 9.
- Level surface upgrade of the bus stop outside No. 79 Ryland Road.
- 3 No. passing places along Eastfield Lane between the development site and the A46/Eastfield Lane junction

These improvements can be conditioned.

In the adjacent site, which has full planning permission (143728), an access is shown to the east of this site to connect to the west of the application site should this application site be allocated.

The applicant has not demonstrated that access can be gained from their site from the west and allow connectivity by vehicles in approved site 143728. There are questions as to whether there may be a ransom strip and whether good connectivity can be achieved through the site.

The application only appears to propose pedestrian access to the west. The accompanying Transport Statement only makes reference to vehicular access to be provided from Eastfield Lane to the east. It also says cyclists will be expected to access the site via the Eastfield Lane access. It says “three pedestrian-*only* accesses are to be provided on the western boundary of the site, connecting to the existing footpath that runs along the sites western boundary. Pedestrians are also expected to access the site via Eastfield Lane, with a footway proposed on the western side of the carriageway..”

The existing speed limit traffic regulation order on Eastfield Lane will require extending to encompass the site access, a sum of £2800 will be required for the HLLFA to process this change. This can be secured by s106.

A Travel Plan has been submitted with the application. Although the travel plan is structured to contain all the elements required in a Travel Plan it is presented in a very ‘academic’ way, it lacks commitment and the measures provided are promotional.

LCC Highways have provided comments and request a revised travel plan. A final travel plan can be conditioned.

The proposal, subject to conditions, would be in accordance with policy LP13.

Paragraph 110 of the NPPF states that in assessing sites that may be allocated for development in plans, or specific applications for development, it should be ensured that:

- a) appropriate opportunities to promote sustainable transport modes can be – or have been – taken up, given the type of development and its location;
- b) safe and suitable access to the site can be achieved for all users; and
- c) any significant impacts from the development on the transport network (in terms of capacity and congestion), or on highway safety, can be cost effectively mitigated to an acceptable degree.

Policy LP13 of the CLLP is consistent with the NPPF and should be attached full weight.

#### Infrastructure

Policy LP12 states that all development should be supported by, and have good access to, all necessary infrastructure.

#### *Infrastructure*

Planning Permission will only be granted if it can be demonstrated that there is, or will be, sufficient infrastructure capacity to support and meet all the necessary requirements arising from the proposed development.

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.

LCC Education have been consulted on the application and state that as the development would result in a direct impact on local schools, a contribution is therefore requested to mitigate the impact of the development at local level. The contribution requested is £395,111.

NHS England have also been consulted on the application. The development will impact Welton Family Health Centre, Lindum Medical Practice, Ingham Medical Centre, Brayford Medical Practice as the development is within their catchment area. The contribution requested is £68,942.50.

Both these contributions can be secured by a s106 planning obligation.

The comments from the Welton Health Centre are noted. The NHS advises the Local Planning Authority that monies secured contribute to the expansion in capacity through remodelling/changes to layout or extension to existing facilities within the IMP Primary Care Network (PCN) at Welton Family Health Centre, Ingham Medical Centre, and Lindum Medical Practice. Alternatively the funding may, where appropriate, be used to support expansion in capacity at an alternative general practice site as required to meet

the local population health need. Funding could be used to develop patient facilities and improve patient services for these practices within IMP PCN boundary.

Paragraph 20(c) of the National Planning Policy Framework states that Strategic policies should set out an overall strategy for the pattern, scale and quality of development, and make sufficient provision for community facilities (such as health, education and cultural infrastructure).

Policy LP12 is consistent with the NPPF and is attached full weight.

#### Affordable Housing

Policy LP11 states that affordable housing will be sought on all qualifying housing development sites of 11 dwellings or more, or on development sites of less than 11 units if the total floorspace of the proposed units exceed 1,000 sqm.

The Central Lincolnshire Local Plan Developer Contributions SPD requires the affordable housing tenure split to be 70% affordable rented and 30% shared ownership. However, due to (national) policies brought in since the adoption of the plan, it is not always possible to achieve this tenure split.

In order to meet the requirements of Local and National Planning Policy, the split of affordable housing on this site should be as follows:

60% affordable rented

15% shared ownership

25% First Homes

The planning statement for the site details the understanding of policy LP11 and the requirement to secure the required affordable housing through a S106 agreement. The S106 will need to secure 25% of the dwellings to be delivered as affordable housing with the above tenure split and the trigger for delivery being 50% of all open market dwellings and the details of the property types and location to be agreed at reserved matters.

Paragraph 65 of the NPPF states that where major development involving the provision of housing is proposed, planning policies and decisions should expect at least 10% of the homes to be available for affordable home ownership.

Whilst LP11 in its entirety is not wholly consistent with the NPPF (in terms of the thresholds for requiring affordable housing) the development meets the requirement for affordable housing in both the CLLP and NPPF and is therefore attached full weight.

#### Flood Risk and Drainage

Policy LP14 states that development proposals should demonstrate that certain criteria are met with regards to drainage and these are listed g-r within the policy.

Policy LP14 also states that all development proposals will be considered against the NPPF, including application of the sequential and, if necessary, the exception test.

Policy EN3 of the NP states that development proposals should seek to reduce surface water run off through sustainable drainage strategies (SuDS). Drainage schemes must not increase flood risk elsewhere. SuDS schemes should provide for simple and straightforward maintenance.

A Flood Risk Assessment and Drainage Strategy have been submitted with the application. This summarises –

- The site falls in Flood Zone 1 (low probability of flooding) on the Environment Agency maps and the proposals are considered to be 'Less Vulnerable' in terms of flood vulnerability (Table 3) which is considered to be appropriate development in terms of flood zone compatibility (Table 4).
- The residential properties are not shown to be at risk from overland surface water flooding on the maps produced from the Environment Agency.
- The surface water drainage for the development should be installed in accordance with Section 6 of this report to ensure the development does not increase the risk of flooding to other parties.
- This report has considered potential sources of flooding to the site, including fluvial, groundwater, surface water, existing sewers, water mains and other artificial sources.
- Overall, this report demonstrates that the flood risk to the site is reasonable and acceptable.
- The report also demonstrates that the foul and surface water drainage networks for the new development can be designed and constructed to meet the requirements of local planning policies.
- Surface water run-off from the development will be attenuated and discharged by means of a pumped outfall at an agreed restricted run-off rate to the neighbouring water course.
- Foul water waste from the development will be discharged to the public foul water sewer located to the south of the site.
- Suitably worded conditions can be applied to the grant of planning permission to control the delivery of the development in the usual manner.

LCC Highways and Lead Local Flood Authority have been consulted on the Flood Risk Assessment and Drainage strategy and state that the submitted drainage strategy is acceptable in principle, as is the proposed discharge rate. The outfall will require further investigation to confirm its suitability and security for the lifetime of the development. It is requested that this investigation is carried at this time and the details submitted for consideration by the HLLFA.

Anglian Water have also been consulted on the application and state that the foul drainage from this development is in the catchment of Dunholme Water Recycling Centre that will have available capacity for these flows.

It is considered that the detail requested can be conditioned within a final drainage strategy.

The proposal subject to conditions is considered to be in accordance with policy LP14 of the CLLP and policy EN3 of the NP.

NPPF paragraph 156 states that strategic policies should be informed by a strategic flood risk assessment, and should manage flood risk from all sources. They should consider cumulative impacts in, or affecting, local areas susceptible to flooding, and take account of advice from the Environment Agency and other relevant flood risk management authorities, such as lead local flood authorities and internal drainage boards.

Paragraph 167 states that when determining any planning applications, local planning authorities should ensure that flood risk is not increased elsewhere. Where appropriate, applications should be supported by a site-specific flood-risk assessment.

Paragraph 169 of the states that major developments should incorporate sustainable drainage systems unless there is clear evidence that this would be inappropriate.

Policy LP14 of the CLLP and policy EN3 of the NP are consistent with the NPPF and attached full weight.

### Ecology

Policy LP21 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 NP states that development will be required to minimise impacts on biodiversity and provide net gains in biodiversity where possible.

An ecological appraisal has been submitted with the application. This recommends the following –

### FURTHER SURVEYS

There is currently no requirement for any further surveys. Any effects on habitats or species can be reasonably predicted and with sufficient confidence to inform the necessary mitigation

measures.

## MITIGATION AND ENHANCEMENT MEASURES

### *Birds.*

Active bird nests are protected by law. The removal of any habitat suitable for use by nesting birds must be undertaken outside the nesting bird season, which typically runs from March to August inclusive. If this is not possible, an ecologist must carry out a search for active nests before work begins. Any active nest must be cordoned off and left until the young have fledged.

The scope to provide nesting opportunities for birds is limited to incorporating discreet nest boxes into houses. A wide range of box types is readily available and a detailed plan setting out the number, design and location of boxes can be submitted by way of reserved matters application.

### *Bats.*

Similarly, the scope to provide roosting opportunities for bats is limited to incorporating discreet roost boxes into houses. As with birds, a wide range of box types is readily available and a detailed plan setting out the number, design and location of boxes can be submitted by way of reserved matters application.

### *Hedgehogs.*

Any re-landscaping of the western boundary hedgerow that requires the removal of bramble scrub and/or hedgerow planting should ideally be carried out between March and November when hedgehogs are not hibernating.

Site fencing will be designed to enable the free movement of hedgehogs between gardens and the wider landscape. Where timber fence panels and gravel boards are used, this can be achieved on Site by cutting a gap measuring 130mm x 130mm from the bottom edge of a panel in the least disturbed part of the garden. With concrete gravel boards, it will require a cut-off saw with a diamond blade, however, some manufacturers are now doing this during the pour, which achieves a neater finish. In all cases, during installation, an upturned brick, block or concrete slab must be set in the ground directly below the opening to form a threshold, thus maintaining the size of the opening and keeping it clear of obstructions.

### *Biodiversity Net Gain.*

Given the low value of the Site, achieving 10% Biodiversity Net Gain is considered feasible on site. Once the scheme has been finalised, it is recommended the impacts be assessed against the baseline in order to calculate the losses/gains. The landscaping design can then be amended to achieve the 10% Biodiversity Net Gain target and be delivered by way of a Biodiversity Management Plan.

These mitigation and enhancement measures can be conditioned.

It is considered that subject to conditions, the proposal would be in accordance with policy LP21 of the CLLP and EN1 of the NP.

Paragraph 179(b) of the NPPF states that to protect and enhance biodiversity and geodiversity, plans should promote the conservation, restoration and enhancement of priority habitats, ecological networks and the protection and recovery of priority species; and identify and pursue opportunities for securing measurable net gains for biodiversity.

Policy LP21 of the CLLP and policy EN1 of the NP are consistent with the NPPF and attached full weight.

#### *Other matters*

The application has been consulted upon as per the legislation.

An energy plan is not required to be submitted with the application.

#### Conclusion

The proposal has been considered against the Development Plan namely policies, LP1: Presumption in Favour of Sustainable Development, LP2: The Spatial Strategy and Settlement Hierarchy, LP3: Level and Distribution of Growth, LP11: Affordable Housing, LP12: Infrastructure to Support Growth, LP13: Accessibility and Transport, LP14: Managing Water Resources and Flood Risk, LP17: Landscape, Townscape and Views, LP21: Biodiversity and Geodiversity and LP26: Design and Amenity in the Central Lincolnshire Local Plan, policies Policy H1 – Type, Size and Mix, Policy D1 – Village Character, Policy D2 – Safe Environment, Policy EN1 – Environmental Capital and Policy EN3 – Flood Risk of the Welton by Lincoln Neighbourhood Plan and the draft review of the Central Lincolnshire Local Plan including the advice given in the National Planning Policy Framework and the National Planning Practice Guidance. The proposal is recommended for refusal for the following reason:

1. The proposal exceeds the level of development permitted by policy LP2 of the Central Lincolnshire Local Plan (CLLP) and is not promoted by the Welton by Lincoln Neighbourhood Plan (NP). The proposal has not demonstrated exceptional circumstances. The site is not within the built up area of Welton and is not allocated for housing. The proposal is therefore contrary to policy LP2 of the CLLP. The emerging policy of the review of the Central Lincolnshire Local Plan is attached weight, but in accordance with paragraph 48 of the NPPF, is not considered to carry such weight that would otherwise justify a significant departure from the extant development plan.

#### **Human Rights Implications:**

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



**Legal Implications:**

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