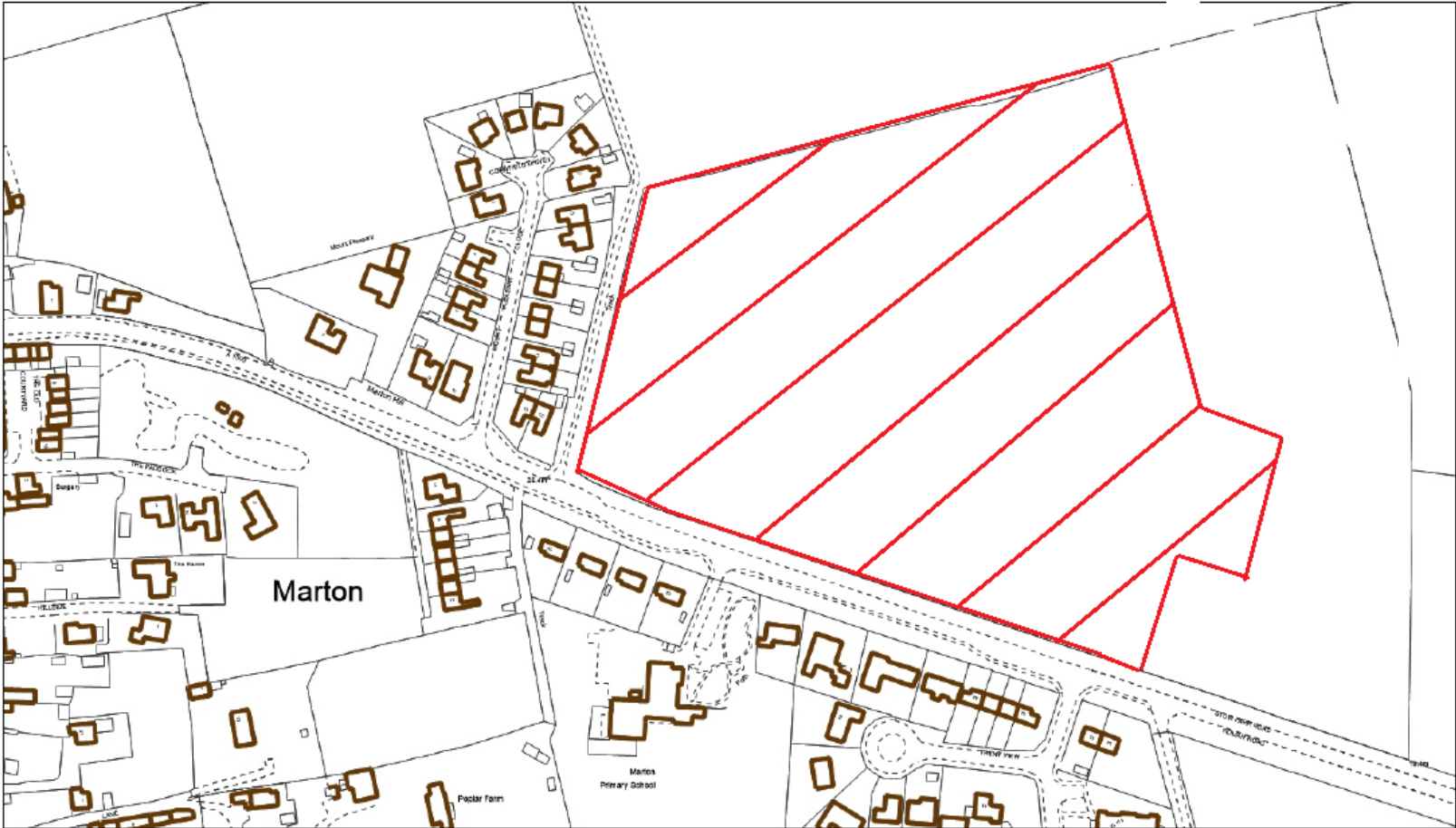




1:2500



© Crown Copyright and database right 23 December 2016. Ordnance Survey 100018701

Officers Report

Planning Application No: 133907

PROPOSAL: Hybrid planning application to include outline planning application for the erection of up to 39 dwellings with all matters reserved and change of use of agricultural land to school car park.

LOCATION: Land off Stow Park Road Stow Park Road Marton Gainsborough
WARD: Torksey
WARD MEMBER(S): Cllr S Kinch
APPLICANT NAME: Mr S Kinch

TARGET DECISION DATE: 06/06/2016
DEVELOPMENT TYPE: Large Major - Dwellings
CASE OFFICER: Jonathan Cadd

RECOMMENDED DECISION:

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

- Capital contribution towards 6th Form facilities (amounting up to £18,427) in lieu of on-site provision;
- On site provision of affordable housing equivalent to a 25% contribution of the overall amount of housing;
- Measures to deliver and secure the ongoing management and maintenance of Public Open Space (equating to a minimum of 10% of the overall site) and car park;
- Provision of an uncontrolled pedestrian crossing on the A1500 to serve the development.
- The provision of a 50 space car park with associated bus parking area, landscaping and barrier.

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

Description:

The site is an existing 5.53 ha agricultural field to the eastern side of the village of Marton. It is located in open countryside. Ground levels slope very slightly to the east and south east. The site is accessed from Stow Park Road, the classified A1500. The site is surrounded on all sides by hedging.

To the north and east of the site are further agricultural fields. To the south is Stow Park Road with residential properties beyond. Also to the south is Marton Primary School which has its access opposite the site. To the west is what appears to be a

farm track/ public footpath with residential bungalows beyond. These dwellings front onto Mount Pleasant Close and Stow Park Road.

The application is a hybrid with 5.2ha of the site being considered for outline planning permission for housing with a further 0.33ha being proposed for a change of use to public car park. The outline permission seeks consent for up to 39 dwellings with all matter reserved. This has been reduced through negotiation from 58 dwellings. The car park would be in the south western corner of the site and have space for 50 vehicles. In addition to this, the car park would include a school bus layby area. Access would be via a dedicated access to Stow Park Road. The car park would be dedicated to Marton Primary School or maintained by a management company.

This application is presented to the planning committee as the applicant is also the ward councillor for the area.

Relevant history:

None

Representations:

Sir Edward Leigh MP: Objects to the development and supports the concerns of worried constituents, particularly with reference to highway safety, the impact on the character of the village and residential amenity.

Parish Council: Objection: Note that there was a mix of feelings in the village both to object but also support for the application. The Parish Council objects to the proposal as it is too large, but would welcome improvements to the village includes help for the village hall, and alterations to the Stow Park Road/High Street.

Marton Primary School: Support - Will assist to reduce parking on the highway which is a busy classified road. This will improve pupil safety. The school roll has increased by 25% in the last 4 years. The school has no funding to improve it's entrances and 75% of pupils are drawn from outside Marton which increases the need to drop children off. The 50 space car park would allow for future expansion of the school with confidence that children can arrive and leave in safety. The site would also allow a safe bus drop off/ pick up area. A crossing would increase the level of safety. The increase in pupils generated would ensure the survival of the school and reduce the number of pupils travelling to the school.

Local residents:

Support: 4 & 42 Stow Park Road (x2), 14 & 17 Trent Approach (x5), 9, 22 & Ingleby Arms, High Street, 140 Lea Road, and 18 Littleborough Lane

Objection: The Old Rectory, Gainsborough Road, The Beeches, 6(x2) & 7 (x2) Cornfield Drive, 4, 6, 7 (x2), 8 & 10 Mount Pleasant Close, 20 (x3), 22, 24 (x2), 26 & 28 Stow Park Road, 5 (X2), 7 & 10 Spafford Close, 8 Adams Way

Objections, in summary:

Development extends the village by 20% not 3% as agreed by Draft Local Plan and current Local Plan. No need for this, it is contrary to the new Central Lincolnshire Local Plan which states it is a medium village with limited facilities and can only accommodate limited growth. There is a 5.37 year supply of housing land so no need for this. Where will this end?

There are no amenities in the village no medical facilities, only a part time shop (4 hours a day), and very limited public transport. School is full. There is no need for an education contribution as the school roll is not full and neither are other local schools in the area. CIL monies should be used for what the local community require them to be used. The doctors do have a surgery a couple of days of the week but this is not sufficient to meet the needs of residents now. The hospitals in Gainsborough/ Lincoln are also under pressure. It would bring 100+ dwellings into the village with no choice but to drive to facilities and work. There are large developments proposed in Lea and this will only increase pressure in the area. Development should be directed to Gainsborough, Market Rasen and Lincoln. Previous schemes in Marton have been turned down as the village was deemed unsustainable.

Loss of good agricultural land should not be allowed when there is a food shortage.

It is outside the village limits. Why use a greenfield site when there are sites within the village? Planning should protect open countryside in its own right. Loss of valuable open countryside. Ribbon development created, detracting from the character of the village. There are no large estates in the village, it will detract from the character of the village. Layout clearly seeks future development beyond existing proposal and approval will set a precedent for other proposals. Small development approved in the village have been successful and have enhanced the village – this approach should be followed not that of the application.

The car park will only benefit the school not the village. Most children are from outside the village. How will the car park be maintained and not create problems for neighbours? Travellers and lorries will use the car park. Will CCTV and barriers be used? Car park will require children to cross the busy A1500 road. A pelican crossing is not as safe as a signalised crossing. Many drivers speed down the road and will increase risk to children. It would be better if a one way system was created at the school garden and children could be dropped off there in the safety of the actual school.

Good selection of wildlife on site including protected bats and Brown Hares and Badgers. There are also Lapwings, Golden Plovers on site which are protected. As are the Quail, Marsh Harrier, Merlin, Hobby, Peregrine, Barn Owl, Fieldfare and Redwing which have been seen on the site with the Quail thought to be breeding at the field. Barn Owls are also noted as regular visitors. Grass snakes have been seen occasionally along with the Common Toad. There are also a large variety of butterflies and moth species which are also protected species. The hedgerows are also important to retain biodiversity in the area. An extended Phase 1 Habitat Survey is required as a minimum, this has not been done.

Road problems include parking near the brow of the hill where the car park is located. This will exacerbate issues. Should require a cycle path to link village to other villages to reduce traffic not increase it.

Those in support are nowhere near the development they won't have to put up with building works and the changes to their living environment. Car park would only benefit the few not the village. Came here for peaceful life in the countryside. Loss of privacy and reduced property value. Will have to put up with construction traffic for a considerable period of time. If it goes ahead a point of contact should be agreed so that you can get things sorted if they go wrong, e.g. mud on road. Construction lorries would impede traffic if allowed to operate at busy times of the day

There are two MOD fuel pipelines which run across the site- hardly an ideal situation for future residents. Sewerage system cannot cope with current flows with the system becoming blocked at times. This will only make the situation worse. The field has been water logged for three months, where will this water go? There is radon gas in the area.

No demand in the village for such houses with existing housing sales being very slow.

Remove views of open countryside, the Wolds, Lincoln Cathedral and Stow Minster and the Red Arrows practising.

Representations in support, in summary:

The Parish meeting was well chaired and it is accepted that those in attendance were generally against the development, but this is not a true representation of the village as many more either support it or are not concerned about the proposal. It will support trade at pub all year round. The village needs more houses to support the limited facilities available and/or hopefully lead to an expansion of the services and facilities available.

Provision of additional dwellings of variety of sizes that are not currently available. Useful for the young looking for first homes and for the elderly looking to down sized. Bring more families into the village. Need more affordable houses (not necessarily social housing) in the village most in the village is for older people. Young people and families are having to leave the village as there is no reasonably priced homes. This will assist many to stay.

No evidence has been provided as to the wildlife on site. It is just a large arable field with only the field margins being of interest ecologically. These areas could be incorporated into the design to enhance wildlife.

The car park would be very useful for parents parking dropping children off. It will create a safe area for parents to drop children off. The crossing will be similarly used to create a safe access to the school which is not available now. Houses on both sides of the road will slow traffic down. Need a roundabout at the junction of Stow Park Road and the A156 is needed though. Traffic levels in the area are not that bad.

The designs look good and will include substantial landscaping which would soften the development's appearance in the street scene and limit the impact on neighbours.

The whole village is not against this development.

Environment Agency: No comments

Public Protection: Outline issues relating to drainage, lighting and nuisance. In particular concerns are raised with respect to the continued maintenance of existing open ditches at the northern edge of the site, along with a culverted area to the east.

In addition, the highways drainage swale shown in the D&A Statement is likely to be a ditch subject of riparian management as could be the verge and consent would be requires for crossing points for the car park and development as well as ownership and management of the watercourse needing to be clarified. There is also records of surface water flooding in this area.

Light nuisance is noted due to the position of the access to dwelling opposite the proposed junction as bedrooms are located on the ground floor.

The car park could be the subject of anti-social behaviour and a management plan and gates should be considered.

Lincolnshire Police: Provide general advice as to the layout and how to reduce crime.

Rights of Way Officer (Highway) The site is located next to Definitive Footpath (Marton) No. 69. This does not appear to be directly impacted upon by the development. Clarification is sought however as to the ownership of the hedge to the edge of the site and its conveyance. Advice notes are also requested to ensure that the site is not encroached upon or damaged.

NHS: No requirement for contributions.

Education: Part contribution required for primary and 6th form education equating to £93,237. 5 primary and 2 sixth form places are required due to inadequate capacity for places. This would be spent on expanding Marton Primary School and Sixth Form accommodation in Gainsborough.

Highways: Request conditions including provision of a 1.8m wide footpath across the site across the frontage of the site to connect to the existing footpath at Stow Park Road, provision of a pedestrian crossing across the Stow Park Road and full details of surface water system including a SUDS scheme limiting discharge rates to 16 litres/sec.

Archaeology: The proposed development site lies outside what is considered to be the medieval core of Marton but it is bounded by the Roman Road Tillbridge Lane and significantly is close to cropmarks which have been interpreted as a Romano-British settlement.

As a result further archaeological investigations are required before determination. This includes a geophysical investigation.

- ***Comments on revised scheme***

LCC Highways/ Lead Flood Authority: On the original application the drainage strategy proposed of roadside swales and attenuation features was accepted. It would seem this has been swapped for a gully and piped system connecting into the attenuation features, not something the Lead Flood Authority would accept.

Residents: Objections have been received from: 6, 10 Mount Pleasant Close, 24 & 28 Stow Park Road. In summary:

- I live on the edge of the village and don't want to be in the middle of an estate. There is some scope for infill development within the built up area of Marton.
- Smaller housing developments have been resisted on sustainability grounds (including one for 9 dwellings).
- Draft Local Plan, has not allocated the site for development. To grant permission whilst the Local Plan is going through its final stages would make a complete mockery of the Planning system. Why go to the trouble of developing a Local Plan, publicising it, allowing for public consultation and then presenting it to an Inspector for a decision if a sizeable housing development can be considered without paying any regard to the Plan?
- The natural boundary to the development on the north side of Stow Park Road is the public footpath that runs to the east of Mount Pleasant Close.
- The amended number of proposed new properties, this still exceeds the recommended expansion for a village the size of Marton.
- Loss of good food producing land
- Loss of value
- Loss of privacy
- Loss of views, we bought our house in 2015 for the views of fields not houses
- Use brownfield sites first not countryside
- There are no amenities/ jobs for new residents and public transport is poor so everyone will have to use cars, the A1500 is already congested
- Doctor's surgery in Willingham by Stow is nearly at capacity
- Drainage problems in area including sewerage, surface water and potable water systems. They will not cope with new houses.
- School should use its own grounds for car park or use village hall car park for children then walk them to the school.
- School traffic does partially block the A1500 twice a day but this new facility should be formed in the schools grounds with in and out gates. It would only mean the loss of some garden area.
- Children will not be safe as car park is on the wrong side of the road, they will run out when they see their friends rather than using the crossing increasing not reducing danger.
- Loss of character for the village

LCC Education: Due to the development being reduced in scale and the delivery of dwellings likely to start in 2019/20 there is now greater capacity at local schools to

accommodate pupils likely to be generated. As a result there is no requirement for primary education contribution. There remains a need for 6th Form accommodation and as a result a contribution of £18,427 is requested.

LCC Archaeology: Further results of the trial pits are required before formal comment is made.

Highway Authority and Lead Flood Authority: The revised scheme is not deemed acceptable and the principles of the initial scheme re engaged.

Housing Officer: Supports the proposed 25% contribution of affordable homes but also the potential for self-build units at the site as there is a register of people wanting to use such sites.

Relevant Planning Policies:

National guidance

National Planning Policy Framework (NPPF)

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

National Planning Practice Guidance (NPPG)

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

West Lindsey Local Plan First Review 2006

Planning law requires that applications for planning permission must be determined in accordance with the development plan, unless material considerations indicate otherwise. The saved policies of the **West Lindsey Local Plan First Review 2006** (WLLP) remains the statutory development plan for the district. Paragraph 215 of the National Planning Policy Framework (NPPF) states that due weight should be given to relevant policies in existing plans according to their degree of consistency with this framework (the closer the policies in the plan to the policies in the Framework, the greater the weight that may be given).

STRAT1: Development requiring planning permission

<http://www2.west-lindsey.gov.uk/localplan/written/cpt3a.htm#strat1>

STRAT3: Settlement hierarchy

<http://www2.west-lindsey.gov.uk/localplan/written/cpt3a.htm#strat3>

STRAT9: Phasing of housing development and release of land

<http://www2.west-lindsey.gov.uk/localplan/written/cpt3b.htm#strat9>

STRAT12: Development in the open countryside

<http://www2.west-lindsey.gov.uk/localplan/written/cpt3b.htm#strat12>

SUS1: Development proposals and transport choice.

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

SUS4: Cycle and pedestrian routes in development proposals

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

RES1: Housing layout and design

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

RES5: Provision of play space/ recreation facilities in new residential developments

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

RES6: Affordable housing

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

CORE10: Open space and landscaping within developments

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

CRT9: Public rights of way affected by development

<https://planning.west-lindsey.gov.uk/planning/localplan/written/cpt9.htm#crt9>

NBE10: Protection of landscape character and Areas of Great Landscape Value

<https://planning.west-lindsey.gov.uk/planning/localplan/written/cpt11.htm#nbe10>

NBE14: Waste water disposal

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

NBE20: Development on the edge of settlements

<https://planning.west-lindsey.gov.uk/planning/localplan/written/cpt11.htm#nbe20>

Central Lincolnshire Local Plan (The Emerging Plan)

The NPPF (paragraph 216) states that decision-takers may also give weight to relevant policies in emerging plans according to the stage of preparation of the emerging plan (the more advanced the preparation, the greater the weight that may be given); the extent to which there are unresolved objections to relevant policies and the degree of consistency with the NPPF.

The Submission CLLP, has now completed the examination in public and the Planning Inspectors' Report is anticipated around March 2017. Given the advanced stage of the CLLP and indeed the limited levels of objection to its policies it is considered that the weight to be given to this emerging Local Plan will be more substantial than for previous stages, although each individual policy has to be assessed as to the level of objection to it.

The plan is available to view here:

<http://www.lincolnshire.gov.uk/central-lincolnshire/local-plan>

LP1: A presumption in favour of sustainable development

LP2: The spatial strategy and settlement hierarchy

LP4: Growth in villages

LP9: Health and wellbeing

LP11: Affordable housing

LP12: Infrastructure to support growth

LP13: Transport

LP14: Managing water resources and flood risk

LP17: Landscape, townscape and views

LP21: Biodiversity and geodiversity

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

LP26: Design and amenity

LP53: Residential allocations in medium and small villages

Main issues

- *Principle of dwellings in Marton, the quantum of development and sustainability*
- *Highway Safety and car parking*
- *Character of the area and design*
- *Residential amenity*
- *Ecology*
- *Drainage & Flooding*
- *Other matters*

Assessment:

- *Principle of dwellings in Marton, the quantum of development and sustainability.*

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

i) *West Lindsey Local Plan (WLLP)*

The extant West Lindsey Local Plan (WLLP), which has a lifetime of 2006-2016, contains a suite of strategic (STRAT) and residential (RES) policies that are designed to provide a policy framework to deliver residential development in appropriate locations to respond to need and the Council's housing needs objectives.

The site lies outside of the Local Plan defined settlement limit for Marton and is therefore classified as being within the open countryside. Policy STRAT12 applies and states that development should not be permitted in such locations unless there is justification for it being in an open countryside location or it can be supported by other plan policies. The proposal does not fall within any of the exceptions noted in saved policy STRAT12 to justify its position in open countryside.

Although the site is located outside of the village boundary, it is worth noting that Marton is designated within saved policy STRAT3 as a Subsidiary Rural Settlement, a third tier settlement out of five. This hierarchy was been constructed on the basis of facilities and services within the village and public transport connections to other settlements. Marton has a limited number of services including: a church, chapel, village hall, hairdressers, sandwich shop, public house, hotel and primary school. In addition a bus service links Marton to both Lincoln and Scunthorpe. Despite the age of the WLLP the level of services, connections and facilities within and from Marton have not substantially changed since the WLLP's production. Although not strictly relevant to the application, STRAT7 indicates that only limited infill development would be acceptable (subject to specific considerations) in subsidiary rural settlements. This is explained further within supporting para A74 which states: *Residential development in subsidiary rural settlements will only be permitted where the local facilities and services can support new residents. The existing services and facilities are highly unlikely to be able to support large-scale developments; in subsidiary rural settlements residents would need to travel to access them. This would not meet with sustainability*

goals, which aim to reduce the need to travel by the private car. Larger scale proposals could also cause a significant detrimental impact on the character of the settlement.

As an undeveloped, or 'greenfield' site it also falls on the bottom rung of STRAT9 which seeks a sequential approach towards prioritizing previously developed land.

The development is therefore contrary to the development plan and falls to be refused unless there are material considerations to indicate otherwise.

ii) *National Planning Policy Framework*

A significant material planning consideration to consider against the Local Plan provisions, is the National Planning Policy Framework (NPPF). Paragraph 215 states:

'...due weight should be given to relevant policies in existing plans according to their degree of consistency with this framework (the closer the policies in the plan to the policies in the Framework, the greater the weight that may be given).'

Paragraph 49 states that: 'Housing applications should be considered in the context of the presumption in favour of sustainable development. Relevant policies for the supply of housing should not be considered up-to-date if the local planning authority cannot demonstrate a five-year supply of deliverable housing sites.'

The latest housing land supply assessment (Sept 2016) produced by the Central Lincolnshire Local Plans Team, identifies a need of dwellings across five years, which includes a 20% buffer and previous undersupply. The assessment identifies a land supply of 5.26 years (12,712 dwellings) in the five year period 2016/17 to 2020/21. The assessment includes:

- sites under construction;
- sites with full planning permission, but development has not started;
- sites where there is a resolution to grant planning permission;
- sites with outline planning permission;
- sites allocated in an adopted Local Plan; and
- sites not allocated in a Local Plan or without planning permission
- and which have no significant infrastructure constraints to overcome
- A windfall allowance (of 141 dwellings a year) from the second year.

It is acknowledged that the methodology employed has only recently been tested at the CLLP Local Plan examination and the Inspectors' report is not expected until March 2017. Substantial evidence reports, however, have been published, including sustainability appraisal of all such sites, which intend to justify the selection of such sites. In addition to this, despite some objections at the Local Plan Hearings significant descent was not displayed as to the validity of the 5 year housing supply. Full weight cannot however be given, before the Report from the Planning Inspectorate is received.

It is important to note that 67% of the 5 year land supply now constructed through schemes with planning permission, a further 14% is made up of allocations with no objection with windfall allowance making up 6% of the supply. Of the remaining 13% of allocated sites with objections a number have only limited concerns remaining. It is

considered therefore that a substantial weight of evidence supports the assertion that Central Lincolnshire has a 5 year supply of housing land.

Accordingly, the provisions of para 49 for areas without a housing supply should not be engaged and therefore and the relevant housing supply policies of the WLLP should not automatically be considered out of date.

As a result the key question is therefore whether WLLP policies conform with the NPPF and the weight to be attached to the policies of the Central Lincolnshire Local Plan. Each policy of the WLLP will need to be considered individually below.

STRAT3

Saved Policy STRAT3 accords with paras 17 & 34– Core Planning Principles as it seeks to focus the right development to those settlement which have the facilities and connections to accommodate the development in a sustainable matter. Para 17 in part states planning should:

‘Actively manage patterns of growth to make the fullest possible use of public transport, walking and cycling, and focus significant development in locations which are or can be made sustainable...’

STRAT9

This policy seeks to promote a sequential approach to development by prioritising previously used land first before considering greenfield land. The policy also seeks to prioritise the most sustainable allocated sites first before considering other settlements. This policy largely accords with the NPPF para 17 and 111 which seeks: *‘Planning policies and decisions should encourage the effective use of land by re-using land that has been previously developed (brownfield land), provided that it is not of high environmental value.’* It should be noted, however, that as the policy seeks to releasing land in accordance with the Council’s management of land strategy as advocated above this element is not deemed to be up to date and in accordance with the NPPF. This reduces the weight to be accorded to the policy. It is recommended therefore that such weight to this policy be assessed therefore as moderate.

STRAT12

Saved Policy STRAT 12 accords with para. 55 of the NPPF which seeks to promote sustainable development where it will enhance or maintain the vitality of rural communities. It also notes at para 17 that one of core planning strategies is to:

take account of the different roles and character of different areas, promoting the vitality of our main urban areas, protecting the Green Belts around them, recognising the intrinsic character and beauty of the countryside and supporting thriving rural communities within it;

iii) *The Emerging Plan – Central Lincolnshire Local Plan (CLLP)*

Para 216 of the NPPF also indicates that: From the day of publication, decision-takers may also give weight to relevant policies in emerging plans according to:

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

In the emerging CLLP, policy LP2 allocates Marton as a 'Medium Village'. Such a settlement is the fifth tier of settlement of seven. The policy indicates that such settlements will accommodate a limited amount of development in order to support their function and/or sustainability. Marton clearly has some facilities but they are limited and include: a church, chapel, school, public house, hair dressers, sandwich shop and village hall. Equally, the bus service proposed links the village to Lincoln, Sturton by Stowe and Gainsborough five times a day (First service 07:00 – 09:00 with last services 18:00 – 18:30) but with no service on Sundays. The CLLP does not allocate specific development sites in medium villages, but does envisage development of sites up to 9 dwellings (exceptionally 25 dwellings where justified by local circumstances).

The application seeks to provide the car park for the school and a pedestrian crossing. Such features are expensive and would not usually be provided. As noted below the issue of vehicles parking on the highway and children crossing the road is a concern that has reached local and regional news outlets. This in itself could be seen as exceptional circumstances as required by policy LP2, the proposal would however require 39 houses to make such a contribution viable, above the 25 dwelling criteria noted.

Policy LP4 indicates that within medium villages the number of dwellings will in principle be permitted to grow by 10%. For Marton the base number of dwellings within the village is 312 which means a growth level of 31 dwellings over the plan period. Recent approvals have reduced this number to 26. The proposed number of dwellings 39 would therefore exceed this number by 13.

Policy LP4 also notes that a sequential approach to housing locations should be undertaken whereby sites central to the village are preferred before edge of village sites are considered. In this instance, the development would be located opposite the ribbon of dwellings fronting Stow Park Road and adjoin properties on Mount Pleasant Close, nevertheless it is considered it is located on a greenfield site that would be considered to be outside of the village, albeit directly adjoining it. It is therefore considered that the proposal would fall within the lowest tier of priority of land for development.

The policies of the CLLP have been examined through a series of public hearings. The policies of the plan have received written objection but Marton, neither in terms of its position in the settlement hierarchy nor the level of growth were actually challenged in the Local Plan Hearings. Nevertheless the Planning Inspectors comments on the scheme have not yet been received. The hierarchical approach in terms of the settlements sustainability, the sequential assessment of sites with priority given to infill and brownfield sites within villages over edge of centre sites all accord within the provisions of the NPPF (para 7 and 111) and as such should be given greater weight in any determination. Full weight, however, cannot yet be given to the policies of the CLLP until it is adopted and this should be considered within the determination.

The proposal in principle as it stands therefore appears to be contrary to both the West Lindsey Local Plan and indeed the parts of the emerging CLLP. The question, therefore, is whether the proposal for the car park and crossing, which would assist to overcome on street parking, congestion and safety concerns be sufficient to be considered an exceptional circumstance and to override the set criteria recommended by policies LP2 and LP4, to support 14 additional houses at this site. These issues will be considered below.

- *Highway Safety and car parking*

The development proposes a 50 space car park at the site with area for school buses to turn, the proposal also provides a non-controlled pedestrian crossing. Evidence provided by the applicant and indeed noted by supporters and objectors alike indicate that there is a lot of on street and verge parking on Stow Park Road at the start and end of the school day. It is know that the school does provide places for children from surrounding villages and the countryside and this is considered to be the main source of traffic. This issue has been the subject to local and regional news reports outlining safety concerns for the children but also residents and drivers in the area. Such parking has reduced the carriageway width. This reduces safety in itself but with children/ parents crossing the road to enter to school reduces safety further. In addition to this, although the school is located within a 30 mph speed limit area, residents indicate that vehicles do speed in this area.

The proposal would therefore provide an off road area where parents could park their cars and then take children across the road by the crossing to enter/ leave the school. Such a proposal would represent an improvement to the flow of traffic during the morning and afternoon school drop off and pick up times and increase safety.

It is noted that objectors have indicated that such a facility should be located in school grounds but the head teacher at the school has indicated that such a facility is not a financial possibility for the school but could also support the long term existence of the school by offering possibilities for the school itself to expand on its site in the future without being limited by parking and safety.

The Highways Authority has not specifically responded to the provision of the car park and crossing. The proposal would therefore provide a benefit to the area and would improve safety but equally it indicates that the present situation would not require the intervention of the Highway Authority on safety/ capacity grounds.

The new car park and estate access for 39 dwellings has been considered by the Highways Authority. Despite concerns raised by residents the scheme has not received an objection on highway safety/ capacity grounds. Conditions, however, are required to agree the detailed design of the access. Discussions did take place with respect to the specific design of the access to Stow Park Road, along with traffic levels and speeds but nevertheless no grounds of objection were made with respect to the scheme. It should be noted that a footpath across the full frontage of the site is required. This would be conditioned as part of any approval.

The site would also be connected to the existing footpath so, as a result, future occupiers would be able to connect to the rest of the village to access what services are available with the village.

- *Character of the area & design*

The application site is presently an agricultural field with mature hedgerows to its boundary. Ground levels slope very slightly to the east, south east. To the north and east of the site are further agricultural fields. To the south and west are residential dwellings that appear form the entrance to Marton village.

The site is located within the landscape character area of Trent Valley and Rises within the West Lindsey Character Assessment. The adopted Countryside Design Summary indicates that the area is characterised by an undulating landscape on the eastern margins of the River Trent. It notes that the area has a robust network of hedgerows combined with significant woodland and small parkland landscapes to provide a sense of enclosure.

The application site falls gently to the east away from the village. Beyond the site ground levels rise slightly before falling again to the Lincoln to Gainsborough rail line. Longer distance views of the site from Stow Park Road are limited therefore from the east by the intervening increase in ground levels. Medium and shorter distance views of the site from the road are available, however, despite the open countryside in the foreground any development will be seen in the context of the existing properties to the south side of Stow Park Road and Mount Pleasant Close.

The indicative layout plan is simply that, indicative, but the proposal does show the site able to include additional trees and hedges to the southern boundary which would accord with general advice with the Countryside Design Summary although more imaginative landscape designs, to allow filter views of the development could be possible. Such a design could be agreed at reserved matters stage and would enhance the entrance to the village from the east which currently is rather stark.

The design of the layout is reserved and so a detailed assessment of the scheme is not possible. The site, however, is crossed by a pipe line with 6m way leave either side of the pipe. This provides the site with an open green space through the site north to south and an area of open space to the main site frontage. Such an area would enhance the appearance of the road frontage and allow properties to face out into the countryside rather than away from it.

To the north west is the public footpath and any development would be clearly seen but again any development would be viewed in the context of Mount Pleasant Close, hedging/ trees proposed within an enhanced landscape strip to the northern boundary and housing facing out into the countryside. This would therefore reduce the impact on the character of the area.

It is noted that the site adjoins the Area of Great Landscape Value (AGLV) to the west but the impact on this area would be greatly reduced by the existing properties at Mount Pleasant Close.

- *Residential amenity*

The proposed development is, on the whole, divorced from existing housing area by Stow Park Road, footpath Mton/69/1 and indeed the fuel pipeline wayleave.

This would reduce the impact on residential amenity in terms of light, sunlight and dominance, noise and nuisance. It is noted that some properties may be troubled by vehicle lights from the site access, but this is not an intermittent issue not unusual for an urban/village environment and the facing properties are set back from the road reducing impacts.

Equally the site layout, whilst indicative shows that 39 dwellings can be accommodated on site comfortably.

The other issue of concern for existing residents is the use or potentially the miss use of the proposed car park proposed at the site. The car park would be 20m from the garden boundaries of properties opposite on Stow Park Road whilst to the west 15 Stow Park Road and properties to Mount Pleasant would be 12 and 10m respectively from the car park.

It is accepted that such distance could lead to some noise and nuisance, however, the ambient noise levels taking account of passing traffic on Stow Park Road, the strength landscaped hedge to the western boundary would provide some mitigation. In addition to this, it is recommended that conditions are utilised to agree hours and days of operation at the site to ensure usage is limited to acceptable times. Outside of such hours it is recommended that the site access is gated to stop motor vehicles accessing the site after hours. Conditions should also be utilised to ensure that no lighting is proposed unless approved in writing by the local planning authority again including hours and days of operation.

It is anticipated that the car park would be secured through an s106 legal agreement and the ownership facility would be offered to the school. Should this occur, future maintenance would pass to the school. If this were not possible, it is recommended that a management company would take on the maintenance of the car park.

- *Ecology*

The site is an arable field which is currently in use for cropping. The site is generally clear of features and where hedges and ditches occur these are located to the edge

of the site. The site is not known for its ecology and there are no designed nature conservation sites in the immediate area.

Objectors have outlined range of wildlife species on the site some of which are protected. As a result of this, the applicant has employed an ecologist whom has undertaken a walk over survey of the site in January 2016 and a review later in June.

The report received concludes that there is little wildlife interest on site. This is perhaps due to the site being utilised for arable agriculture. Equally, it notes that some of the species noted by objectors have been seen in gardens or have been seen flying over the site over the last 15 years. Such occurrences are not unusual and do not make the site of particular interest.

Where the environment is suitable for wildlife, such as around the hedgerows and occasion tree to the boundaries of the site, the impact on such features are generally limited. This is due to their retention and strengthening with substantial infill planting proposed. This along with the areas to be landscaped, whether as a result of the pipeline wayleave, additional water features for drainage or amenity open space would, subject to proper design, enhance the potential of the site to accommodate wildlife. It is considered therefore that the proposals would enhance wildlife on the site and as a result the proposal would accord with Saved policy STRAT1 of the WLLP and NP21 of the CLLP.

- *Drainage & Flooding*

The site is located within Environment Agency Flood Zone 1, and therefore is at low risk from flooding. It is therefore suitable for housing. There are a number of minor water courses/ditches around the edges of the site which have been assessed but none represent a significant flood risk. In addition to this, one culverted former field ditch to the eastern side of the site would be returned to a shallow open water course which could ease flooding from surface water. In conclusion it is unlikely that the site itself is at risk from surface water flooding.

An assessment of the site is such that infiltration is unlikely to occur, however, any flows can be directed into existing water courses are possible. A series of swales are therefore proposed to run throughout the site before connecting to large drainage basins to the east of the site which would be a maximum of 600mm deep with flows being released into the field drains to the east at an attenuated rate of 16l/s, which accords with greenfield runoff in this case. Water would then flow east away from Marton. This further revised drainage scheme has only recently been provided and the formal response of the Lead Flood Authority is awaited which should overcome the issues raised by them. It should be noted, however, that the principles of the scheme follow the earlier design for 58 houses which was acceptable to the LFA at that stage. As such it is likely that surface water run off can be dealt with sustainably and safely but a verbal update will be provided at the committee meeting.

Seven Trent water has confirmed that the foul water system has capacity to accommodate the flows from the site, although due to the grounds levels around the site it is likely that flows will need to be pumped up hill westwards.

- Other matters

Agricultural Land Classification: The site is located on open agricultural farm land which is shown as being grade 3 agricultural land. The applicant has not undertaken invasive investigations as to whether this would be grade 3a or 3b land. Grade 3 land is deemed good to moderate land within the overall classification. The area as a whole around Marton falls within this category and so any such proposal would result in the loss of such land.

Archaeology: The site has been assessed and invasive trenching has been completed. Following initial concerns the results of these additional investigations has been provided to a report being published as to the findings of such works. The works revealed little of interest but the formal response of LCC Archaeology is awaited and a verbal update will be provided at the committee.

Radon Gas: The potential for radon gas is noted but this is a matter for Building Regulations to deal with.

Noise and nuisance from construction: Whilst it is noted that there will be disturbance from construction, conditions on hours and days of working and potentially routing of vehicles could be utilised to assist to reduce impacts to acceptable levels.

Loss of views and reduction in values are not material planning considerations.

Planning Balance

The site is located within the open countryside outside of the village and would result in the loss of Grade 3: Good to Moderate Agricultural Land. Development of any agricultural land is usually seen as being the lowest priority for development to protect the countryside in its own right, to maintain land for food production and to focus development in built areas. This development of this site on these grounds should, therefore, be attached negative weight within the planning balance. It is not however grade one or two agricultural land which is generally deemed to be the most fertile land. Levels of land available for housing within the village area are, however, limited by flood zones as a result of the River Trent and designated areas of Important Open Space where development is usually resisted. Grade 3 agricultural land is also not the highest grade of land available and in character terms it is not deemed that the land is significant, indeed it could be argued that subject to design at reserved matters stage the proposal could enhance this entrance of the village.

Marton is noted within the WLLP as a subsidiary rural settlement with limited development expected due to the limited services and public transport connections and the need therefore to travel to adjoining settlements by private car is key. The assessment of facilities and connections has been updated in the CLLP but Marton remains low in the sustainability hierarchy of settlements as a medium village. Policy LP2 of the CLLP indicates that in exceptional circumstances developments of 25 houses could be deemed acceptable where they can be justified by local circumstances. In this instance, it is recognised that the proposal would exceed this level of development by 14 dwellings, however, the proposal would provide a car park/ bus pull in area for the village school which would assist to remove on street parking

which has been an issue for pupils, parents and passing traffic, and would provide a designated crossing point for pupils improving safety and traffic flows at school times. Although the CLLP is at an advanced stage and substantial weight should be given to its policies, questions were raised over the level of development within medium villages along with the nature of the phrase “exception circumstances”. As a result of this, it is considered that full weight cannot be given to such policies until the results of the Inspectors’ report are known. Given the proposal only exceeds the criteria by 14 houses it is deemed that this proposal including its car park element would accord with the spirit of policies LP2 and LP4 and should be given significant positive weight in the planning balance.

The proposal also includes 25% affordable housing, some 9.25 units. There is a significant need within the district for affordable housing. Such an amount would not be possible if the 9 dwelling threshold were to be adhered to. The applicant is willing to provide such facilities and this should be given significant weight within the planning balance.

The proposal could be seen to impact positively on those facilities which are currently present within the village such as the public house, hairdressers, sandwich shop, churches and village hall and pop up post office. It is accepted that the proposal would have an impact on the capacity of the schools in the area. The applicant, however, has indicated a willingness to agree to an education contribution to meet such needs. It is considered therefore that this should be attributed a moderate positive weight in the planning balance.

The site includes significant areas of open space and as a result of the presence of the fuel pipeline and the reduction in housing numbers the proposal has the potential, subject to a reserved matters application, to form a positive entrance to the village, incorporating the current ribbon development of the houses to the southern side of the road with the rest of the village. This should therefore be given positive weight.

The impacts on ecology and drainage are deemed to be low and this should therefore be given limited positive weight also within the planning balance.

RECOMMENDATION:

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

- Capital contribution towards 6th form facilities (amounting up to £18,427) in lieu of on-site provision;
- On site provision of affordable housing equivalent to a 25% contribution of the overall amount of housing;
- Measures to deliver and secure the ongoing management and maintenance of Public Open Space (equating to a minimum of 10% of the overall site) and car park;
- Provision of an uncontrolled pedestrian crossing on the A1500 to serve the development.
- The provision of a 50 space car park with associated bus parking area, landscaping and barrier.

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

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

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

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

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

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

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

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

4. The car park hereby permitted shall 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:

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

The scheme shall:

- a) Provide details of how run-off will be safely conveyed and attenuated during storms up to and including the 1 in 100 year critical storm event, with an allowance for climate change, from all hard surfaced areas within the development into the existing local drainage infrastructure and watercourse system without exceeding the run-off rate for the undeveloped site;
- b) Provide attenuation details and discharge rates which shall be restricted to 16 litres per second;
- c) Provide details of the timetable for and any phasing of implementation for the drainage scheme; and
- d) Provide details of how the scheme shall be maintained and managed over the lifetime of the development, including any arrangements for adoption by any public body or Statutory Undertaker and any other arrangements required to secure the operation of the drainage system throughout its lifetime.

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

REASON: In order to minimise the risk of flooding and in accordance with the provisions of the National Planning Policy Framework.

- 6. No development shall take place before a scheme has been agreed in writing by the local planning authority for the construction of a 1.8 metre wide footway, together with arrangements for the disposal of surface water run-off from the highway, across the whole frontage of the site connecting to the existing footway on Stow Park Road. The agreed works shall be fully implemented before any of the dwellings are occupied. Or in accordance with a phasing arrangement to be agreed in writing with the local planning authority.

REASON: To ensure safe access to the site and each dwelling/building in the interests of residential amenity, convenience and safety and in accordance with STRAT1 of the West Lindsey Local Plan First Draft

- 7. No development shall be commenced before the works to improve the public highway by means of pedestrian crossing on Stow Park Road (specification and position to be agreed with the Highway Authority) have been agreed in writing by the Local Planning Authority.

REASON: In the interests of safety of the users of the public highway and the safety of the users of the site and in accordance with saved Policy STRAT1 of the West Lindsey Local Plan.

- 8. No development shall take place until a wastewater and foul water strategy for the site, including phasing for the provision of mains foul sewerage conveyance and treatment infrastructure on and off site, has been submitted to and

approved in writing by the Local Planning Authority. No dwelling shall be occupied, unless the approved details have been implemented in full.

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

9. No development shall take place, until a Construction Method Statement has been submitted to, and approved in writing by, the local planning authority. The approved Statement shall be adhered to throughout the construction period. The Statement shall provide for:
- (i) the routing and management of construction traffic;
 - (ii) the parking of vehicles of site operatives and visitors;
 - (iii) loading and unloading of plant and materials;
 - (iv) storage of plant and materials used in constructing the development;
 - (v) the erection and maintenance of security hoarding including decorative displays and facilities for public viewing, where appropriate;
 - (vi) wheel cleaning facilities;
 - (vii) measures to control the emission of dust and dirt during construction;
 - (viii) details of noise reduction measures;
 - (ix) a scheme for recycling/disposing of waste resulting from demolition and construction works;
 - (x) the hours during which machinery may be operated, vehicles may enter and leave, and works may be carried out on the site;
 - (xi) Measures for tree and hedgerow protection;
 - (xii) A Construction Environmental Management Plan (CEMP) to ensure the protection of habitats and protected species.

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

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

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

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

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

12. No development shall commence until details of secure fencing to the car park boundaries, a barrier/ gate to the pedestrian and vehicle access to the car park, landscaping and details of days and hours of opening and closing of the car park have been submitted to and agreed in writing by the Local Planning Authority. Before any dwelling on site is first occupied the car park and the details approved in this condition shall be implemented in full and the car park made available for use (in accordance with the days and hours of closure) and shall be retained as such thereafter.

Reason: To maintain the character of the area, residential amenity and safety and in accordance with saved Policies STRAT1 and NBE20 of the West Lindsey Local Plan.

13. Before development commences full details of the vehicular and pedestrian access to the car park (including construction details) and details of the drainage of the car park, in accordance with overall scheme for the full site to be agreed under condition 5 above, shall be submitted to and agreed in writing by the Local Planning Authority. The development shall thereafter be completed in full accordance with the approved plans.

Reason: To ensure: the safety of the access and the adequacy of the drainage scheme proposed to ensure surface water flooding and contamination does not occur and in accordance with saved Policy STRAT1 of the West Lindsey Local Plan.

14. No development shall take place within the way leave for pipeline shown on plan no. KBA1325/04/rev B unless agreed in writing with the Local Planning Authority. Where proposals include work within the way leave details of appropriate mitigation and protection of the pipeline shall be submitted to and approved in writing with the Local Planning Authority. The development shall only proceed in strict accordance with the approved scheme. (please so see advice note below)

Reason: To maintain the safety and operational integrity of the fuel pipeline which runs beneath the site and in accordance with the provisions of the NPPF.

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

15. The development hereby approved shall not exceed 39 dwellings.

Reason: To maintain the character of the village and maintain the growth of Marton to sustainable levels in accordance with Saved policy STRAT1, STRAT3 and NBE20 of the West Lindsey Local Plan

16. Access to the car park shall be provided in accordance with details to be agreed under condition 13.

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

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

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

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

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

19. With the exception of the detailed matters referred to by the conditions of this consent, the development hereby approved shall be carried out in accordance with drawing no. KBA/1325/04/rev B (car park only) and drainage strategy principles set out in drawing: 161 003 rev C. The works shall 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 saved Policy STRAT 1 of the West Lindsey Local Plan First Review 2006

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

20. No lighting shall be erected in the car park hereby approved unless otherwise approved in writing by the Local Planning Authority. Any lighting erected thereafter shall be installed in accordance with the approved scheme and maintained as such thereafter.

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

21. Before each dwelling is occupied the roads and/or footways providing access to that dwelling, for the whole of its frontage, from an existing public highway, shall be constructed to a specification to enable them to be adopted as Highways Maintainable at the Public Expense, less the carriageway and footway surface courses. The carriageway and footway surface courses shall be completed within three months from the date upon which the erection is commenced of the penultimate dwelling (or other development as specified).

Reason: To ensure safe access to the site and each dwelling in the interests of residential amenity, convenience and safety, in accordance with policy STRAT 1 of the West Lindsey Local Plan and the National Planning Policy Framework.

Notes for the applicant

The developer, in accordance with condition 14, is advised to undertake consultation with the operators of the CLH Pipeline System (CLH-PS) for all future designs and planning applications that may affect the pipeline and access to it, this includes any work which involves breaking the ground or altering the ground level in close proximity to the pipeline. The developer will need to agree to take necessary measures to protect the CLHPS pipeline and associated apparatus with all work connected to this development with the operators of the CLH Pipeline System (CLH-PSD. All works will also have to be carried out in accordance with the CLH-PS Standard Requirements booklet for working in close proximity or crossing the CLH-PS pipeline. It is recommended that contact be made (quoting reference no. *MCO/LI/WL/0430/162559/WB*) with the operators of the pipeline at:

FISHER GERMAN LLP (CLH Pipeline System Land Agent)
Central Services
Ashdon Road
Saffron Walden
Essex, CB10 2NF

email: anne.swallow@clhps.uk
Tel: 01799 564101

You should note that the interests of the CLH Pipeline System are conserved by means of the Energy Act 2013, in particular Part IV of the Act, and other legislation such as the Pipeline Safety Regulations 1996. It is, however, the Energy Act 2013 that prohibits any development and most intrusive activities within the Easement Strip without specific consent from CLH Pipeline System. CLH Pipeline System Easement Strips are 6 metres wide and can incorporate other associated CLH Pipeline System facilities.

Central Services will be able to provide guidance on the required procedures for entering into a Works Consent and provide confirmation on permitted development and intrusive activities. The whole process of obtaining Works Consent can take between four and six weeks depending on circumstances at the time of application.

To reiterate, you should not undertake any work or activity without first contacting the CLH Pipeline System Operator for advice and, if required, Works Consent. For your additional information please visit <http://www.linesearchbeforeudig.co.uk/index.php/useful-info>, standard requirements for working/crossing the CLH Pipeline System – Energy Act 2013.

You should also be aware that landowners and third parties have a duty of care not to carry out any works that have the potential to damage CLH Pipeline System apparatus. This duty of care applies even if the works themselves are situated more

than 3 metres from the pipeline. Examples of such works are mineral extraction, mining, explosives, piling and windfarms.

Please note that implementation of any unapproved work that affects a CLH Pipeline System Easement Strip may result in serious consequences in terms of health and safety, expense and other attendant liabilities. In such cases it is the perpetrator of the act, together with any other promoting organisation, that shall be held fully accountable for any resulting damage.

HI01 - Where a footway is constructed on private land, that land will be required to be dedicated to the Highway Authority as public highway.

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