

Officers Report

Planning Application No: 145688

PROPOSAL: Application for approval of reserved matters to erect 49no. dwellings considering appearance, landscaping, layout and scale, following outline planning permission 136577 granted 30 October 2019.

LOCATION: Land to the West of Horsley Road Gainsborough DN21 2TD

WARD: Gainsborough North

WARD MEMBERS: Cllr M D Boles, Cllr J Snee, Cllr K R Panter

APPLICANT NAME: North Country Homes Ltd

TARGET DECISION DATE: 17/01/2023

DEVELOPMENT TYPE: Major - Dwellings

CASE OFFICER: Rachel Gordon

RECOMMENDED DECISION: Approve reserved matters of appearance, landscaping, layout and scale.

The application is presented to committee at the request of Ward Member Cllr Snee, and at the request of the Planning Committee at its meeting on Wednesday 1st May 2019, when it resolved to grant outline permission 136577

Minutes from the planning committee of the outline application state that “any future applications for planning permission, outline planning permission or reserved matters for this site be heard by Committee”¹

Description:

The application site sits between the River Trent and a residential neighbourhood of Gainsborough, just south of its border with the village of Morton. The area is predominantly residential in nature with the exception of John Coupland Hospital to the south-east and Roses Sports Ground to the south. The site has been unused for some time and comprises scrubland with some self-seeded vegetation. It is irregular in shape and stretches to 2.03 hectares in size. The western boundary of the site mainly comprises a flood defence banking, beyond which is the River Trent. Beyond the north-western corner is a small new-build development of 4no. detached dwellings at the end of Floss Mill Lane, a dead-end culminating at the application site boundary. The northern boundary comprises the rear boundaries of the residential bungalows that front onto St Paul’s Road. The eastern boundary is stepped around a new build Gladedale housing site, which has now been completed. The site is located in Flood Zone 3 and benefits from the existing flood defences along the River Trent. There are no Public Rights of Way running through the site. A Public Footpath runs along the top of the flood defence bank between the site and the River Trent.

¹ <https://democracy.west-lindsey.gov.uk/mgAi.aspx?ID=9690>

The application seeks approval of reserved matters relating only to **appearance, landscaping, layout** and **scale**, following the grant of outline planning permission for 49 dwellings (ref 136577) on 30 October 2019. **Access** was determined at the time outline permission was granted, and is not a reserved matter seeking approval.

Relevant history:

134824 – Outline planning application for the development of up to 49no. dwellings, with access to land to the west of Horsley Road, Gainsborough to be considered and not reserved for subsequent applications. Withdrawn 15/11/16.

136577 – Outline planning application for the development of up to 49no. dwellings, with access to land to the west of Horsley Road, Gainsborough to be considered and not reserved for subsequent applications - resubmission of 134824. Permission granted 30/10/2019

Representations made in relation to the application, the substance of which are summarised below (full representations can be viewed online):

Cllr Snee: I would like to "call in" this application as a Ward Councillor. I have been approached by several residents who are clearly concerned about the impact that a new development will have on the existing properties and surrounding areas.

Gainsborough Town Council: Has no comments to make.

Morton Parish Council: On behalf of Morton Parish Council we wish the following objections to be noted in respect of planning application 145688. There are concerns regarding access issues with the current entrance already causing a potential risk to motorists. Considering that this is the only access in and out of the estate and taking into account the size of the proposed development and additional vehicles this is insufficient. We feel that this would also cause an issue for emergency services making access unfeasible due to congestion. The increase in road traffic and potential parking issues would have a huge impact on the already congested roads around the area. With regard to the land identified for development this is known flood land and the risk of flooding causing damage to existing resident's homes and properties high. This development will also cause damage to the natural environment and wildlife living therein which is unrepairable. We also have concerns regarding site access from Front Street through to Floss Mill Lane as this would cause safety and congestion issues. Floss Mill Lane is a single carriage and any access for large heavy machinery would be extremely difficult due to the sharp left-hand turn and residents parking.

Local residents: Objections received from 12, 14, 28 and 29 Horsley Road, 7

Trentside, Morton and Aegir, 3 Floss Mill Lane with the main concerns –

- The land is at a huge risk of flooding
- This plot of land is a flood plan
- Infrastructure is not in place to build on this land
- Access is an issue along with parking

- Sewage infrastructure would not withstand adding that many houses
- Construction traffic will be a huge risk and danger to the local residents
- Land would be better as a nature reserve
- Loss of light
- Impact to wildlife
- Noise impacts from building work

LCC Highways and Lead Local Flood Authority: 11/11/22 – Comments regarding drainage: Please request the applicant submit a detailed drainage strategy with supporting information which is to include an intrusive Ground Investigation Report. Please provide required consents to discharge to water course. Please confirm how the flood impact on the adjacent site will be mitigated

Comments regarding layout: Please ensure sufficient parking provision for the 4 bed properties which should have enough room to allow 3 cars to park without obstructing turning heads or private drives. Please ensure that driveways for plots 46, 47, 33 and 34 are long enough to allow 2 cars to park without over hanging onto the swale Please confirm if the footway will extend from Horsley Road into the new site to the north side of the access? Please note that following updated policy, there is no longer a requirement for street lighting to be provided on new sites proposed for adoption, however if the developer wishes to provide street lighting a commuted sum may be applied.

28/02/23 – No objections.

LCC Education: As a reserved matters application, all education mitigation should have been resolved at the outline stage; consequently, LCC has no comments in relation to education.

Environmental Protection: Environmental Protection did not recommend the conditions referenced above, and, as such, have no comments to make.

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

Environment Agency: No objections.

Idox checked – 02/02/2023

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 Gainsborough Town Neighbourhood Plan (made June 2021); 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: 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

LP21: Biodiversity and Geodiversity

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

LP25: The Historic Environment

LP26: Design and Amenity

LP38: Protecting Gainsborough's Setting and Character

LP40: Gainsborough Riverside

LP41: Regeneration of Gainsborough

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

- ***Gainsborough Town Neighbourhood Plan (NP)***

Relevant policies of the NP include:

NPP 1 Sustainable Development

NPP 3 Creating a Local Green Network

NPP 5 Protecting the Landscape Character

NPP 6 Ensuring High Quality Design

NPP 7 Ensuring High Quality Design in each Character Area

NPP 8 A Mix of Housing Types

<https://www.west-lindsey.gov.uk/planning-building-control/planning/neighbourhood-planning/all-neighbourhood-plans-west-lindsey/gainsborough-town-neighbourhood-plan-made>

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

The Core Strategy & Development Management policies (CSDMP) were adopted in June 2016 and forms part of the Development Plan. The application site is within a Sand and Gravel Minerals Safeguarding Area (MSA) and policy M11 applies.

<https://www.lincolnshire.gov.uk/directory-record/61697/minerals-and-waste-local-plan-core-strategy-and-development-management-policies>

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)**

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).

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

- **Draft Central Lincolnshire Local Plan**

Review of the Central Lincolnshire Local Plan commenced in 2019. The 1st Consultation Draft ("Reg 18") 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 Draft ("Reg 19") of the Local Plan was published in March 2022, and was subject to a further round of consultation.

On 8th July 2022, the Local Plan Review was submitted to the Planning Inspectorate in order for it to commence its examination. Examination commenced on 15th November 2022 and closed on 16th December 2022. Consultation on the post-examination modifications to the Plan, commenced on 13th January 2023 and closed on 24th February 2023.

The Draft Plan may be a material consideration, where its policies are relevant. Applying paragraph 48 of the NPPF, the decision maker may give some weight to relevant policies within the submitted “Reg 19” Plan, with the weight to be given subject to the extent to which there may still be unresolved objections to those policies (the less significant the unresolved objections, the greater the weight that may be given).

Consultation responses can be found in document STA022 Reg 19 Consultation Responses by policy / STA023 Reg 19 Consultation Responses by respondent.

<https://www.n-kesteven.gov.uk/central-lincolnshire/local-plan-review/#:~:text=The%20Local%20Plan%20Review%20is,it%20to%20commence%20its%20examination.>

Main issues

Outline planning permission has already been granted for up to 49 dwellings with access taken directly from Horsley Road.

This application considers **only** whether to approve the outstanding matters of **layout, appearance, scale** and **landscaping**, that were reserved for subsequent approval (‘reserved matters’).

- Layout, Appearance and Scale
- Landscaping (including Biodiversity)
- Other Matters - Drainage
- Other matters - Residential Amenity

Assessment:

Permission has been granted for up to 49 dwellings, with access taken directly off Horsley Road

This application will only seek to consider whether to approve the outstanding reserved matters – layout, appearance, scale and landscaping, following that permission.

Layout, Appearance and Scale

For planning purposes²:

² Article 2(1) of the Town & Country Planning (Development Management Procedure) (England) Order 2015 (as amended)

“layout” means the way in which buildings, routes and open spaces within the development are provided, situated and orientated in relation to each other and to buildings and spaces outside the development;

“appearance” means the aspects of a building or place within the development which determines the visual impression the building or place makes, including the external built form of the development, its architecture, materials, decoration, lighting, colour and texture;

“scale” except in the term ‘identified scale’, means the height, width and length of each building proposed within the development in relation to its surroundings;

Local Plan Policy LP26 relates to design and amenity and states that all development proposals must take into consideration the character and local distinctiveness of the area (and enhance or reinforce it, as appropriate) and create a sense of place.

Policy LP17 states that to protect and enhance the intrinsic value of our landscape and townscape, including the setting of settlements, proposals should have particular regard to maintaining and responding positively to any natural and man-made features within the landscape and townscape which positively contribute to the character of the area.... All development proposals should take account of views in to, out of and within development areas: schemes should be designed (through considerate development, layout and design) to preserve or enhance key local views and vistas, and create new public views where possible.

Policy LP13 (q) states to ensure that appropriate vehicle, powered two wheeler and cycle parking provision is made for residents, visitors, employees, customers, deliveries and for people with impaired mobility. The number and nature of spaces provided, location and access should have regard to surrounding conditions and cumulative impact and set out clear reasoning in a note submitted with the application (whether that be in a Design and Access Statement / Transport Statement / Transport Assessment and/ or Travel Plan as appropriate, depending on the nature and scale of development proposed).

Policy LP38 states that proposals for development should seek to make a positive contribution to the built and natural environment and quality of life in Gainsborough.

Policy NPP6 of the NP states that development should be of a high design quality that will contribute to the character of Gainsborough Parish.

Policy NPP8 of the NP states that as appropriate to their scale and nature, development proposals should be designed to take account of the Character Area within which they are located.

The national design guide sets out the characteristics of well-designed places and demonstrates what good design means in practice. This guide illustrates how well-designed places that are beautiful, enduring and successful can be achieved in practice.

The guide was published 1st October 2019.

Condition 4 of outline permission 136577 states -

4. The reserved matters required by condition 2 shall detail dwellings of no more than 3 storeys in height and provide details of the types and sizes of dwellings. Development shall proceed in accordance with the approved details.

Reason: In the interests of preventing harm to the character and appearance of the area and to create mixed and balanced communities in accordance with Policies LP10 and LP26 of the Central Lincolnshire Local Plan.

A mixture of 2, 3 and 4-bedroomed, 3-storey properties will be provided across the site. The 2- bedroomed properties are all semi-detached, the 3-bedroomed properties are a combination of semi-detached and detached, and the 4-bedroomed properties are all detached. The site provides a good range of housing sizes and types:

- 19 no. 2-bedroomed semi-detached
- 12 no. 3 bedroomed semi-detached
- 12 no. 3-bedroomed detached
- 6 no. 4-bedroomed detached

The proposal would accord with condition 4 of outline permission 136577.

Specific material details for certain elements have not been submitted. Bricks are proposed as Butterley Buff and Red Village Sunglow. Final details can and should be subject to a condition.

A number of key principles have been used in designing an appropriate scheme for the site –

- Varied, safe and easily legible internal road layout and hierarchy. The change between main access road and the shared surface of the private driveways creates a sense of place and transition of character.
- Use of perimeter blocks, ensuring property boundaries within the site and those existing externally to the site appropriately respond to each other. This design principle ensures the street scene is well overlooked by properties, ensuring residents feel safe within their neighbourhood. It also avoids unnecessary blank vistas and boundary treatments.
- Careful consideration of appropriate landscape provision.

- Provision of an extensive and varied amount of POS and green open space. A local equipped area for play will be provided near the vehicular access to the site. This formal space is well positioned to be enjoyed by new residents within the site and those residing within the neighbouring residential properties external to the site. A further extensive area of useable green open space will be provided in the south-west corner of the site, providing an appropriate transition between the built element of the development and the footpath along the River Trent. Areas of incidental green open space will be scattered throughout the development: to the rear of the properties along the western boundary where the land runs along the side of the flood defences; around the attenuation feature to the south; in the vicinity of the attenuation feature adjacent to the play area in the north; and adjacent to the emergency access route in the northwestern corner. In addition, a 4m strip is reserved along the south of the main access road to accommodate drainage swales.

- Provision of appropriate levels of private amenity space. Each plot is set back from the road or private driveway frontage enabling front curtilage space to be provided. In addition, each property has a substantial private garden space to the rear.

The properties are provided with in-curtilage car parking. Each property has an in-built car port to accommodate one vehicle and additional parking space on the driveway.

This is considered to be satisfactory for the 2-3 bed properties with 2 spaces each. However, the 4 bed dwellings would require 3 parking spaces each according to Lincolnshire County Council Guidance and proposed policy S49 of the submitted Central Lincolnshire Local Plan.

The current local plan does not prescribe parking standards. However, the draft local plan, a material consideration, does.

The Draft Plan may be a material consideration, where its policies are relevant. Applying paragraph 48 of the NPPF, the decision maker may give some weight to relevant policies within the submitted "Reg 19" Plan, with the weight to be given subject to the extent to which there may still be unresolved objections to those policies.

Upon looking at the objections to the parking standards. There are none that specifically relate to parking numbers for residential 4 bed homes. The draft parking standard may be given weight in the consideration. The inspector has released the main modifications to the draft CLLP and there are no modifications to policy s49 which relates to parking standards.

The applicant has amended the layout to accord with the parking requirements of the draft plan.

The parking provision is now as follows –

2-3 bed dwellings – 2 spaces

4 bed dwellings – 3 spaces

All dwellings incorporate an integral open carport, where required, the driveway is extended beyond the rear of the dwelling to maintain parking provision.

This is now considered to be acceptable and that the proposal would provide adequate parking.

The proposal, subject to conditions, is considered to be in accordance with policies LP13, LP17, LP26 and LP38 of the CLLP and policies NPP6 and NPP8 of the NP.

Paragraph 126 of the NPPF states that the creation of high quality, beautiful and sustainable buildings and places is fundamental to what the planning and development process should achieve. Good design is a key aspect of sustainable development, creates better places in which to live and work and helps make development acceptable to communities.

Paragraph 130 of the NPPF states that planning policies and decisions should ensure that developments:

- a) will function well and add to the overall quality of the area, not just for the short term but over the lifetime of the development;
- b) are visually attractive as a result of good architecture, layout and appropriate and effective landscaping;
- c) are sympathetic to local character and history, including the surrounding built environment and landscape setting, while not preventing or discouraging appropriate innovation or change (such as increased densities);
- d) establish or maintain a strong sense of place, using the arrangement of streets, spaces, building types and materials to create attractive, welcoming and distinctive places to live, work and visit;
- e) optimise the potential of the site to accommodate and sustain an appropriate amount and mix of development (including green and other public space) and support local facilities and transport networks; and
- f) create places that are safe, inclusive and accessible and which promote health and well-being, with a high standard of amenity for existing and future users; and where crime and disorder, and the fear of crime, do not undermine the quality of life or community cohesion and resilience.

Policies LP13, LP17, LP26 and LP38 of the CLLP and policy NPP6 of the NP are consistent with the NPPF and attached full weight.

Landscaping and Biodiversity

“landscaping”, in relation to a site or any part of a site for which outline planning permission has been granted or, as the case may be, in respect of which an application for such permission has been made, means the treatment of land (other than buildings) for the purpose of enhancing or protecting the amenities of the site and the area in which it is situated and includes—

- (a) screening by fences, walls or other means;
- (b) the planting of trees, hedges, shrubs or grass;
- (c) the formation of banks, terraces or other earthworks;
- (d) the laying out or provision of gardens, courts, squares, water features, sculpture or public art; and
- (e) the provision of other amenity features;

Policy LP17 states that to protect and enhance the intrinsic value of our landscape and townscape, including the setting of settlements, proposals should have particular regard to maintaining and responding positively to any natural and man-made features within the landscape and townscape which positively contribute to the character of the area.

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.

A landscaping plan has been submitted along with details of the LEAP.

Condition 5 of the outline planning application required an Arboricultural Method Statement.

This has been submitted with the application and has satisfied the requirements of the condition.

Various tree planting is offered around the site and include the following –

Rowan
Whitebeam
Bird Cherry
Wild Cherry
Malus John Downie
Silver Birch
Juneberry
Alder
Field Maple

Various shrub and hedge planting include the following -
Viburnum tinus

Vinca minor
Lonicera nitida 'May Green'
Lonicera nitida 'Baggesen's Gold'
Lavandula angustifolia 'Hidcote'
Hebe 'Sutherlandii'
Hypericum calycinum
Euonymus fortunei 'Silver Queen'
Euonymus fortunei 'Emerald 'n' Gold'
Brachyglottis 'Sunshine'

The landscaping is considered to be acceptable and appropriate for this location.

Condition 6 of the outline application stated -

6. The reserved matters required by condition 2 shall detail the provision of local useable green space in accordance with the requirements of Policy LP24 and Appendix C of the Central Lincolnshire Local Plan and Central Lincolnshire Developer Contributions Supplementary Planning Document Adopted June 2018 and an implementation timetable and in perpetuity maintenance and management arrangement for all areas outside residential curtilage within the development. Development shall proceed in accordance with the approved details.

Reason: To ensure appropriate on site open space is provided, maintained and managed in accordance with Policy LP24 and Appendix C of the Central Lincolnshire Local Plan and Central Lincolnshire Developer Contributions Supplementary Planning Document Adopted June 2018.

Policy LP24 requires a development of 49 dwellings to provide the following –

- Landscaping and associated Planting scheme
- New access/links to existing green networks including Public Rights of Way network
- Water management including SUDS
- Habitat protection and creation and biodiversity enhancements
- On site provision of Local Useable Green space

Landscaping along with its management and specification have been submitted with the application. The application should be conditioned to be in accordance with these details.

The proposal provides a footpath to connect with the existing riverside walk and water management has been dealt with (as discussed in the drainage section below)

Concerns have been raised with regards to the impact to wildlife. Ecological mitigation was conditioned in the outline and details are required prior to development as per the below –

8. No development shall take place until a detailed scheme of ecological mitigation, enhancements and a timetable for its implementation have been submitted to and approved in writing by the Local Planning Authority. Development shall proceed in accordance with the approved details.

Reason: To secure ecological mitigation and enhancements in accordance with Policy LP21 of the Central Lincolnshire Local Plan.

There is onsite provision of open space as required by policy LP24 including a children's play area/Local Equipped Area of Play (LEAP). The children's play area (LEAP) is to be managed and maintained by a management company. This will be conditioned for details to be provided prior to occupation.

The landscaping and open space is considered to be appropriate for the area with sufficient planting, and meets the requirements of condition 6 of the outline permission and policy LP24.

The proposal, subject to conditions, is considered to be in accordance with policies LP17, LP21 and LP24 of the CLLP.

Paragraph 130(b) of the NPPF states that planning policies and decisions should ensure that developments:

b) are visually attractive as a result of good architecture, layout and appropriate and effective landscaping;

Paragraph 174 (b) of the NPPF states that planning policies and decisions should contribute to and enhance the natural and local environment by:

(d) minimising impacts on and providing net gains for biodiversity, including by establishing coherent ecological networks that are more resilient to current and future pressures.

Policies LP17 and LP21 are in accordance with the NPPF and is attached full weight.

Drainage

Outline permission 136577 condition 7 stated the following –

7. 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 7.5 litres per second (Qbar rural);*
 - c) Provide further cctv investigation of the culvert at the east end of southern ditch to ascertain its full route, its purpose and condition along with any necessary remedial works required;*
 - d) Provide the incorporation of the southern and northern ditch drainage into the proposed sites specific drainage strategy;*
 - e) Provide details of the timetable for and any phasing of implementation for the drainage scheme; and*
 - f) 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: To ensure that surface water run-off from the development will not adversely affect, by reason of flooding, neighbouring land and property in accordance with Policy LP14 of the Central Lincolnshire Local Plan.

It is intended for the proposed foul water system to convey flows to the existing combined sewer located Greystones Road. This will be via the installation of a new foul sewer crossing the land located south of the development site. Permission will be sought with the land owner. This proposal is subject to relevant approvals. Surface water flows from the site are to be restricted to the agreed discharge rates with the Local Authority's drainage engineer, with surplus flows to be attenuated on site. The current proposals are to utilise the River Trent as an outfall for surface water flows, subject to relevant approvals.

Whilst not a matter for this application, as drainage is conditioned in the outline application, drainage can have an impact on the layout of a scheme. However, the drainage strategy would not be expected to affect the layout as submitted. It is considered the development as laid out can be effectively drained.

LCC Highways and Lead Local Flood Authority have been consulted on the application and raise no objections.

It is considered that the drainage, subject to conditions, is in accordance with policy LP14.

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

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

Policy LP14 is consistent with the NPPF and is attached full weight.

Residential Amenity

Policy LP26 states that the amenities which all existing and future occupants of neighbouring land and buildings may reasonably expect to enjoy must not be unduly harmed by or as a result of development.

There are no concerns raised with regards to residential amenity. There are adequate separation distances throughout and ample garden spaces.

The proposal is therefore considered to be in accordance with policy LP26.

Paragraph 130(f) of the NPPF states that planning policies and decisions should ensure that developments:

- f) create places that are safe, inclusive and accessible and which promote health and well-being, with a high standard of amenity for existing and future users and where crime and disorder, and the fear of crime, do not undermine the quality of life or community cohesion and resilience.

Policy LP26 is in accordance with the NPPF and is attached full weight.

Other matters

There will be an element of noise during the construction phase. However this is normal during development. Should the noise be of a concern and unacceptable nature, this would be a matter for Environmental Protection. However, condition 9 of the outline permission does require Construction Method Statement. This condition stipulates that they have to provide detail on the following in order to safeguard the amenity of surrounding residents. The following detail has to be approved prior to construction and adhered to throughout the construction period –

- the routing and management of construction traffic;
- loading and unloading of plant and materials;
- storage of plant and materials used in constructing the development;

- the erection and maintenance of security hoarding including decorative displays and facilities for public viewing, where appropriate;
- wheel cleaning facilities;
- measures to control the emission of dust and dirt during construction;
- the hours during which machinery may be operated, vehicles may enter and leave, and works may be carried out on the site

The applicant has submitted a viability report with regards to the contributions secured at outline. Those contributions are secured through a S106 Planning Obligation and the applicant is legally obligated to adhere to them. The S106 could only be renegotiated on a voluntary basis between the applicant and local planning authority; or, where the agreement is more than 5 years old, then via an application. However, this is not a matter for this application which is considering only whether to approve appearance, landscaping, layout and scale matters.

Conditions 5 (Arboricultural Method Statement) and 6 (Local useable green space) of the outline application 136577 have been satisfied in this application and can be discharged.

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, 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, LP21: Biodiversity and Geodiversity, LP24: Creation of New Open Space, Sports and Recreation Facilities, LP25: The Historic Environment, LP26: Design and Amenity, LP38: Protecting Gainsborough's Setting and Character, LP40: Gainsborough Riverside and LP41: Regeneration of Gainsborough in the Central Lincolnshire Local Plan, policies NPP 1 Sustainable Development, NPP 3 Creating a Local Green Network, NPP 5 Protecting the Landscape Character, NPP 6 Ensuring High Quality Design, NPP 7 Ensuring High Quality Design in each Character Area and NPP 8 A Mix of Housing Types in the Gainsborough Town Neighbourhood Plan including the advice given in the National Planning Policy Framework and the National Planning Practice Guidance. In light of this assessment, the access, scale, layout, appearance and landscaping are considered acceptable. The proposal would not have a detrimental impact on the character of the area, residential amenity, highways and does not conflict with neighbouring land uses.

The applications is recommended for approval subject to the following conditions –

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

None

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

None

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

1. With the exception of the detail matters referred by the conditions of this consent, the development hereby approved shall be carried out in accordance with the following drawings:

1138-2 F
1138-10
1138-11
1138-12
1138-13
1138-14
1138-15
1138-16
1138-17
2B-01
2B-02
3B(A)-02
3B(B)(det)-01
3B(B)(semi)-01
3B(B)-02
4B-01
4B-02
5007/1 Rev A
5007/2 Rev A

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

Reason: To ensure the development proceeds in accordance with the approved plans.

2. No development, other than to foundations level, shall take place until details of the proposed new walling, roofing, windows, doors and other external materials have been submitted to and approved in writing by the local planning authority. The development shall thereafter be constructed in accordance with the approved details.

Reason: To ensure the use of appropriate materials to safeguard the character and appearance of the street scene in accordance with the NPPF and Policies LP17 and LP26 of the Central Lincolnshire Local Plan.

3. Prior to occupation, details of boundary treatments shall be submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in accordance with the approved details.

Reason: In the interests of residential and visual amenity in accordance with policy LP17 and LP26 of the Central Lincolnshire Local Plan.

4. The landscaping shall be carried out in accordance with the following drawings –
5007/1 Rev A
5007/2 Rev A

Reason: To ensure that appropriate landscaping is introduced and will not adversely impact on the character and appearance of the site to accord with the National Planning Policy Framework and local policies LP17 and LP26 of the Central Lincolnshire Local Plan 2012-2036.

5. Landscape management and maintenance shall be carried out in accordance with the details on plan 5007-3 Rev A and contained within the Landscape Management Specification by Blue Hill Landscape Design.

Reason: To ensure that appropriate management and maintenance of the landscaping is introduced and carried out in accordance with the National Planning Policy Framework and local policies LP17 and LP26 of the Central Lincolnshire Local Plan 2012-2036.

6. Prior to occupation, details of the management and maintenance of the children's play area (LEAP) shall be submitted to and approved in writing by the Local Planning Authority. The development shall be carried out on accordance with the approved details.

Reason: To ensure that appropriate management and maintenance of the LEAP is introduced and carried out in accordance with the National Planning Policy Framework and local policies LP17 and LP26 of the Central Lincolnshire Local Plan 2012-2036.

7. Development shall be carried out in accordance with the details contained within the Arboricultural Report by Enviroscope consulting dated October 2022.

Reason: To safeguard the appearance and future well-being of the tree(s) in the interests of the visual amenity of the area in accordance with policy LP17 of the Central Lincolnshire Local Plan.

8. The Local Useable Green Space identified on plans 5007/1 Rev A and 5007/2 Rev A shall be retained as such, and in perpetuity.

Reason: In the interests of amenity in accordance with policies LP17 and L26 of the Central Lincolnshire Local Plan.

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

None

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