



Officers Report

Planning Application No: 135013

PROPOSAL: Outline planning application for residential development of up to 300no. dwellings, including areas of landscaping, public open space, sustainable urban drainage scheme and associated infrastructure-access to be considered and not reserved for subsequent applications.

LOCATION: Land at Caistor Road Middle Rasen Market Rasen LN8 3FA

WARD: Market Rasen

WARD MEMBER(S): Cllr T Smith; Cllr J McNeil, Cllr H Marfleet

APPLICANT NAME: Chestnut Homes Limited

TARGET DECISION DATE: 27/12/2016 – Extension to 30th June 2017

DEVELOPMENT TYPE: 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 primary school facilities (to be calculated on the basis of the education formula but is likely to be around £676,586) in lieu of on-site provision to expand Market Rasen Primary school in the form of a 0.5 Form Entry expansion;
- On site provision of affordable housing equivalent to a 20% contribution of the overall amount of housing;
- Measures to deliver and secure the ongoing management and maintenance of Public Open Space (including a LAP), (equating to a minimum of 10% of the overall site) and Drainage Features;
- Capital contribution towards health facilities (amounting up to £127,500) in lieu of on-site provision, which would be spent on alterations to Market Rasen Surgery or the provision of a replacement/ additional medical facility;
- To pay for a Traffic Regulation Order and physical measures to allow the conversion of the existing footpath to a combined cycleway and footpath between the site and Church Bridge, George Street;
- Submission and implementation of Travel Plan.

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:

This application was deferred at the April 2017 Planning Committee meeting to provide additional clarification on the impact of the scheme on the highway system, the reclassification of the Environment Agency flood zone category, the adequacy of the drainage system proposed, sewerage capacity, Local Plan allocation and position in hierarchy of settlements.

Since the earlier meeting, the Central Lincolnshire Local Plan has been formally adopted. This now forms the Development Plan against which this application must be determined.

The application site is allocated for residential development in the Development Plan. Site CL1364 (policy LP51) is given an indicative capacity of 300 dwellings.

The recommendation remains to approve the application subject to the signing of an s106 planning legal agreement but as a result of the adoption of the Central Lincolnshire Local Plan (CLLP) there are a number of changes to the detail of the assessment including slight reduction in the affordable housing requirement from 25% to 20% (as per policy LP11).

This application seeks outline planning permission for the erection of up to 300 dwellings with all matters reserved except for access. The access proposed would connect to Caistor Road (A46) in a T junction arrangement. The estate road would be 6m in width with 2m wide pavements either side. The junction would include a widened carriageway to the A46 to accommodate a right hand turn lane within it. Also proposed is a pedestrian refuge some 92m to the south. This would line up with the pedestrian/emergency access to the side of 48 Caistor Road. Such a feature would not be used regularly by vehicles just in when emergency vehicles required access and then only when the main access was blocked. This would be approximately 3.7m wide and be protected by bollards.

The frontage footpath proposed would extend across the whole site frontage to Caistor Road and extend to the existing footpath within the highway verge forward of 46 Caistor Road

The application site is approximately 11.6 ha of arable farm land immediately adjoining the market town of Market Rasen but which falls within the parish of Middle Rasen. The site adjoins housing on two sides south and west, whilst also partially fronting Caistor Road (A46) to the west and the Cleethorpes to Newark railway line to the east. To the north is open countryside.

The site is roughly level (with a very slight fall to the north west) and is partially divided by field drains. The site is open to the north, divided from the aforementioned countryside by a field drain which runs in a dog leg fashion east to west. This runs from the railway line towards the A46 where it enters a culvert which extends a short distance northwards before entering Brimmer Beck and then under the A46. The eastern dog leg of the drain is further demarcated by line of trees and hedging which extends roughly to the rail line. In addition to this, the ditch also extends into the site running south for a distance of 190m and this is also characterised by mature trees and hedges.

The rail line to the east rises on a gradient forming an embankment whilst to the south are detached and semi-detached two storey dwellings which form part of the Furlongs Estate and houses and gardens back onto the application site. These properties have 10 – 18m long garden lengths and have a variety of boundary treatments, some of which are quite open. A shallow drainage ditch appears to run along part of the length of this properties.

To the west are a variety of properties which front onto Caistor Road and back onto the application site. Characterised by single and two storey type dwellings these are usually set forward on their plots towards Caistor Road with larger rear gardens (approx.13 - 23m) set to the east. Two properties to the south western corner of the site have particularly large rear gardens which appear as a sort of paddock.

Where the site fronts onto Caistor Road to the west the speed limit changes from 30 to 40mph at this point and has housing opposite facing the site. A footpath exists opposite the site but none along its actual frontage. A sporadic hedge forms part of the site to the road frontage. Street lighting extends along the site frontage but to the opposite side.

Town and Country Planning (Environmental Impact Assessment) (England and Wales) Regulations 2017:

The development has been the subject of a screening opinion (133908) in the context of Schedule 2 of the Regulations and after taking account of the criteria in Schedule 3 it has been concluded that the development is not likely to have significant effects on the environment by virtue of its nature, size or location. Neither is the site within a sensitive area as defined in Regulation 2(1). Therefore the development is not 'EIA development'.

Relevant history:

133908 Request for a screening opinion for residential and commercial development. EIA not required.

Representations:

Chairman/Ward member(s): Cllr Smith has requested to be kept informed of progress of this application and has raised objections with respect to the principle of developing in this location, the scale of development, the impact on the highway and drainage systems, the reclassification to lower vulnerability of the flood zone, and level and nature of publicity and consultation undertaken. A number of appeal reference has also been provided.

Sir Edward Leigh MP: Summary: The site is not allocated for housing under the West Lindsey Local Plan and is located in open countryside and is not in Market Rasen.

The infrastructure in Market Rasen has not been improved for many years and cannot cope with significant increase in traffic let alone this development. Given other recently completed developments it is not therefore considered sustainable contrary to advice within the NPPF.

The narrow roads and limited car parking shown on the plan would lead to considerable congestion on site.

The public open space required will actually be swales and drainage basins which are unacceptable for recreational use and should not be accepted as such.

The health centre has over 10000 patients and it is unlikely that they can take on further patients. Similarly local schools are both virtually full with no adjacent room for expansion. As such they will be unable to cope with additional numbers.

There would be a loss of good agricultural land at the site and this would have a detrimental impact on the natural environment and local biodiversity. The land is often flooded and if it is hard surfaced it would lead to greater water runoff which in turn would lead to further flooding elsewhere.

These points are not exhaustive and in summary it is recommended that the planning committee refuse this permission.

County Councillor Strange: (Summary) I am not convinced by the drainage proposals. I am told the swales drain directly into the Brimmer Beck within 24 hours and this then flows into the Rase, which then flows into the Ancholme. This often backs up due to being full which led to flooding in 2007 and again in 2012. Nothing has changed to limit the speed the outflow as a result of the large number of new areas of tiles and tarmac.

The proposal is too dense, especially phase 1. Extra pressure if up to 600 cars are exiting and turning to the site daily on a busy road.

Support is given to the Council Leaders proposal for a roundabout and bypass from Gallamore Lane to Willingham Road. This would alleviate traffic issues in the town centre.

Anglian Water have a plan to accommodate additional development but we need to know how.

Assistance is also needed for health care, education and car parking in the town which are all at a premium.

Overall unless these issues can be resolved I cannot support the proposal.

An **additional** response has been received from the County Councillor raising concern with respect to why the Environment Agency has changed the flood risk category from 3 to 1 when the area is known to flood and has a high water table.

County Councillor Strange also raises concerns re the s106 contributions proposed and traffic levels.

In summary County Councillor Strange notes: it is simply the wrong development in the wrong place – I think the clue is in the name Brimmer Beck!

Parish/Town Councils:

- Middle Rasen Parish Council (Full) –

Firstly the Council request West Lindsey District Council Planning Officers to formally ask the developers to recognise that this development is within the [parish] boundaries of Middle Rasen.

References to the CLLP give rise to the notion that the development is within the Market Rasen boundary - the CLLP document has, without informing Middle Rasen Parish Council, included Middle Rasen land within the Market Rasen settlement. The Parish Council has raised a significant number of objections to this course of action in each consultation, from the time of the proposed Local Plan, to no avail. Middle Rasen as a Parish has no significant building assigned to it in the CLLP and therefore a development of this size would never be ascribed to the Parish, but for the fact that land from Middle Rasen Parish has been assigned to Market Rasen.

The Council's **objections** to the application are listed below:

Comments on the Development:

- The development of this site is wholly inappropriate.
- The Council would further comment that the Developer has stated that this estate will contain mixed housing – however there are no bungalows on the outline planning application, and the application itself is above the number of houses stated in the referred to CLLP document.
- The Developer has not been sympathetic in the design of the estate to the current residents on Caistor Road, particularly given their comments in the consultation period.
- The Phasing plan for building of the development seems entirely nonsensical.
- Building on this site will substantially alter the green space and environmental element in the locality.

Flooding –

- The neighbouring properties to the proposed site all have concerns and documented evidence of flooding on this land, which would not support a re-zoning of the area.
- Parish, District and County Councillors have all had experience of high levels of flooding both at the site and in the locality, which are documented by various external agencies.
- The Parish already experiences high volumes of flooding, and a development of this size will only exacerbate this further.
- Any further flooding into the Parish via the Beck will have a knock on effect of flooding into the next door parish of West Rasen.

Sewage –

- The Parish Council has significant concerns about the capacity of the current operational plant.
- The Council regularly makes complaints about the plant as it seems to be unable to cope with current capacity, of which the County Councillor is well aware of.

Travel/Road Development –

The Developer has stated that this development is well within walking distance of local amenities:

- The Parish School cannot be accessed by footpath; indeed both Schools in Market Rasen are of a significant distance to require children to be driven to school.
- Speeding on A46 is more controlled following a concerted effort by the Parish Council, working in conjunction with the local PCSO Team and RSP. This remains an ongoing process and the Council would have justifiable concerns about road traffic incidents when potentially 600 cars are using a one entry/exit from the proposed estate.
- Furthermore, the Parish Council agrees with the neighbouring Parish that the access into Market Rasen via George Street will become more congested than it is currently.
- The planning application refers to a bypass around Market Rasen – however to date the Parish Council are unaware of such a bypass, and indeed if such a bypass were to exist, it would more than certainly be through the land on which the developer is applying. If the development were to be granted then this would certainly block any future bypass in the locality.

Services and Facilities -

- This development will rely upon the already stretched resources of Market Rasen, as Middle Rasen has no NHS facilities of its own.
- The town of Market Rasen is already under considerable strain and given the decision by WLDC to adopt parking charges; any current “vibrancy” is likely to be short lived.
- Distance to the local supermarket would not be viable by foot, again causing congestion at the George Street Junction.

Education -

- Currently the school in the Parish is close to full capacity with very little space for expansion.
- The Primary School in Market Rasen is also at capacity. Children being driven to either school will cause significant congestion to either educational establishment.

Employment –

- There are scant employment opportunities within the locality.
- The Central Lincolnshire Plan has failed to adequately cater for additional employment with the only land allocated for employment being that of Gallamore Lane as is the case within the WLLPFR06.
- No additional land has been designated for employment purposes in Middle or Market Rasen in the CLLP. This represents at best, a total lack of foresight and strategic thinking on how to make the area economically vibrant, and have even a remote chance of fulfilling the social and economic strands of development in accordance with paragraph 7 of the NPPF which as stated above it clearly is NOT in accordance with paragraph 7 of the NPPF for the reasons outlined above in this section of the submission.
- At worst this move is intentional with the LPA seeking to turn Middle Rasen and Market Rasen into a dormitory town.
- Due to the above, the Parish Council questions the validity of the spatial strategy within the CLLP under policy LP2, and contend that it is only given minimum weight, as it has been in recent appeals, and that the application should be judged in

accordance with the current development plan and therefore should be refused for the reasons given throughout this submission.

- **Market Rasen Town Council:**

The Committee had the following concerns regarding this application:

- The pressure on the Infrastructure i.e. doctors, Primary School, Health Services, Pre School Education etc. The school is already at full capacity.
- The increase and volume of traffic flow. The flow of traffic has already increased.
- The impact of the drainage. Flood area.
- The lack of job opportunities in the area.
- Poor public transport and public services

- **West Rasen Parish: (Summary)**

Significant flooding occurred in 1982 and 2007 was attributed to the Brimmer Beck flowing into the River Rase. The Rase then over topped its banks flooding properties. Nothing has been done to alleviate this issue. The Pack Horse Monument was endangered (a Scheduled Ancient Monument) and water levels were above the arch on the A631. No further development should be allowed until improvements to defences take place.

Water Recycling Centre cannot cope so any overflow would soon reach West Rasen – no surface water should be allowed in foul system.

The existing health and education services, roads and car parking cannot cope now, never mind with a further 730 houses proposed or approved.

There is no employment in Market Rasen

Public transport is virtually inaccessible meaning all travel will be by car.

Central Lincs Plan is heavy on building, light on employment

Local residents: 30, 32, 34, 36 (x2), 38, 40, 42 (x2), 44(X2), 46, 52, 55 (x2), 57(x2), 59(x3), 63, 69(x2), 77, 79, 81, 83, 87(x2) 89, 91, 97, 99, 105 and The Oaks, Caistor Road, 2, 3, 29 and 33 Foxglove Road, 2, 3, 6, 12, 15, 22, 32 (x2), 36 (x4) and 54 The Brambles, 9, 7, 10 (x2), 14, 15, 23, 27, 33(x2) and 35 Fern Drive, 1 Snowdrop Place, 10 Birchwood Close, 25 and 78 Willingham Road, 1, 3 and 4(x2) Plough Drive, 10, 14, 19, 27(x2) and 38 Furlongs, 4 (x3), 5 and 10 Acre Close, 3 Bracken Way, 5 Lily Drive, 2 Chapman Street, Willow House Legsby Road, The Hawthorns Church Street, 123 Gordon Field (x2), 23 Jameson Bridge, 21 Heron Way, Pelham Top Farm, Plantation Farm, Fox Covert Farm, Crowland house, Gallamore Lane (Including: Rasen Action Group: Representing 360 residents), and West Rasen Flood wardens :

Objections are summarised as:

- The proposal is contrary to policies STRAT1, STRAT3, STRAT19, SUS1, SUS4, RES1, RES5, NBE10 and NBE20 of the West Lindsey Local Plan and policies LP1, LP2, LP24 and LP26 of the Central Lincolnshire Local Plan.
- The proposal is located in countryside and is contrary to policy STRAT12. The site is high quality agricultural land and should not be used for housing. It is a greenfield (Green Belt) and is the lowest ranked of all land. Brownfield should be first. Should look at old airfields for housing.
- CLLP policy LP2 has objections to it at the CLLP hearing and as a result minimal weight should be given to allocation. Even if it is considered the proposal is vastly in excess of the allocation.
- Don't need more housing in Market Rasen – there are plenty of houses for sale in Market Rasen and surrounding villages. Central Lincolnshire states that it has a 5 year housing supply and therefore the additional houses are not required.
- Houses are wrong type should look to gentrify Market Rasen to bring money in not small housing.
- With alternative executive housing and the pedestrianisation of King and Queen Street, following construction of the bypass, this would be sufficient to regenerate Market Rasen. Additional car parking spaces would also be useful.
- There is insufficient land allocated for employment purposes in Market Rasen. There is no work to co-ordinate housing growth with employment. This proposal will equate to a 20% growth in Gainsborough but with no corresponding growth in employment land. Milton Keynes has grown in lesser terms than what is proposed in Market Rasen. Most of the existing employment sites are now at or close to capacity or are inappropriate for further growth. The proposal originally had employment facilities but this has been dropped. New industries are housing friendly and could be accommodated. This removal of employment uses is a mistake and is short sighted. There are no jobs in Market Rasen – people will commute to Grimsby, Lincoln or Scunthorpe causing chaos. Few jobs in Grimsby as its depressed. It is the same in Hull.
- If growth at these levels are accepted, it should at least be phased across the whole plan period to give the town's facilities and services chance to catch up.
- In the same way infrastructure has not kept up so that even with CIL/S106 money it will not be sufficient to create a sustainable settlement.
- Most young people leave the town to work in Lincoln or Grimsby and do nothing to assist the towns shopping or social life as they socialise/ shop in these locations.
- The all facilities in town will be put under extreme pressure by this proposal. How are schools going to cope with extra pupils and patients? Children in the

town have to travel to primary and secondary schools in the surrounding area as there is no room for them in local schools. The schools have no capacity and Market Rasen Primary School has no room to grow. Middle Rasen is closer and this school is also at capacity. Nurseries are full too. The current school is of an average size and to let it grow to a large one (by Lincolnshire standards) would be detrimental to its ethos (from an ex head master of the school). There is significant traffic and congestion in areas surrounding them at school drop off and picking up times.

- How will the health service in Market Rasen cope? There is no room for any expansion. The health centre has 10000 patients on its list for 5 doctors. Always struggle to get an appointment. For a number of years some residents have had to rely on Nottinghamshire GP's after moving to Rasen as couldn't get in at a local surgery. There is a shortfall of doctors in Lincolnshire – currently at 76 vacancies. Health Visitors are also in short supply and the ambulance service has been underperforming for a number of years. There has been a noticeable decline in service, which corresponds to the level of growth that Market Rasen has experienced. The dentist is not taking new patients. Neither doctors nor dentist premises can physically expand. An additional chemist is required.
- The social club has closed and the sports centre at De Aston School is part time and will close in 2018. The swimming pool proposed has evaporated. No gyms are proposed. The same concerns are also raised with respect to public services, police, fire rubbish collections, water board and highway services. There are no, or few recreational/ cultural venues in the town. The town is a dead dormitory town not even the Portus Project has had little or no lasting impact. No further development should be allowed until more commerce and banks are returned to the town. Another three shops have already closed down.
- Any monies received through this applications will be used for Gainsborough. There will be nothing for a leisure centre or a gym which are needed.
- Residents have returned home to find thugs measuring up their car for stealing. This proposal will make things worse.
- Traffic levels have increased substantially over the period, planned improvement such as a roundabout at the Gallamore Lane junction have not been implemented. The proposal would lead to 600 – 1000 extra cars each day on the road which will increase congestion and reduce safety.
- There will be too many vehicles entering the A46 which is already too busy. Police obtained data shows an average of 4163 vehicles using the road per day. The A46 is already a red route this will make it worse. The access is close to a blind bend on the A46 reducing safety. Camera vans continuously monitor speeds and catch many exceeding the limits. Of the average number of vehicles using the Caistor Road (4163) 1883 were found to be travelling over the speed limit.

- It will make it more difficult for existing residents to access/ leave Caistor Road from their driveways and cross the road to bus stops opposite. Some people rely on taxis for health reasons and reversing into driveways is very difficult when looking to dodge traffic.
- A ghost lane (right hand turn) will lead to traffic congestion and increase the likelihood for collisions. There are already many near misses on this stretch of road. A signalised junction should be proposed as otherwise people have to chance it by speeding out. It is made worse by having only one access. There was one fatality not too far away on the road.
- Why not use The Furlongs entrance which is quieter and safer rather than the proposed Caistor Road access?
- The road within The Furlongs is not yet completed and adopted, County Council should have greater control over development.
- The streets of Market Rasen town centre are very narrow and there are no possibilities for improvements. The narrow roads cannot cope with existing traffic. There is always a bottleneck of traffic at rush hour each day with existing traffic turning into Gallamore Lane and George Street. George Street, Queen Street are very narrow and there are often large vehicles turning into them making it impossible to pass when an oncoming bus or lorry without climbing a pavement. Union Street, Caistor Road and Union Street are all bottlenecks. Queen Street can back up along King Street to the Red Lion. This is significantly worse on race days and public holidays with traffic to the coast. The situation is made worse by illegal parking, and goods drop offs on George Street and High Street, The resulting queues from additional traffic generated from this proposals will significantly worsen the situation.
- There is a need for a bypass linking the A46 to Horncastle Road to stop town grinding to a halt during peak hours and on race days and summer Saturdays. The development would contribute to the increasing congestion and should not be allowed. There are two separate 300 house estates within 1 mile of each other. Land should be left for a bypass here. If the proposal goes ahead then the land for any potential bypass is lost. Other large developments are proposed in Middle Rasen and it will gridlock the town.
- The access proposed (along with estate roads) are too narrow and houses only have two car parking spaces this will create significant congestion as many households have more than two cars and also have visitors.
- Traffic assessments provided are inaccurate and were undertaken on the wrong days and times. The situation is much worse. It should have been done to reflect HGV traffic, agricultural vehicles, horse race days and motor cycle traffic.
- There are not any car parking spaces in the centre, particularly around the doctors' surgery and on market days this will only get worse.

- Public transport (trains and buses) are not user friendly and timings are not ideal to get to a person's place of employment or education. Buses also get caught up in congestion just like cars. Services are poor without evening or Sunday services. Not even a service to Gainsborough. Network Rail have stated that they have no plans to increase rail services, and local parking charges will stop people using such facilities. A single carriage train with people left standing and 60 others not been allowed on (March 2016) is appalling. The station car park is also limited so would put commuters off.
- There is no evidence of the developer talking to transport providers to improve their services, why?
- Most schools are a considerable distance from the site (2.9km to Middle Rasen School) Market Rasen Primary School is 900m from site entrance. There is no footpath, no street lighting from the site to Middle Rasen School reducing safety and Gallamore Lane is far too busy to safely cycle or walk along. The route to the primary school and secondary school are poor with narrow pathways and busy roads to cross. How people will walk their children to school...they won't they will drive. Similarly, Tesco is 1km away and will only be accessed by car via George Street.
- Putting cycle lanes on busy roads is not a good idea and is unsafe and unattractive to users. Local cycle guides say to avoid the A46. Any off road cycle lanes will have to stop at George Street Bridge so that will increase danger. Footpaths on Caistor Road are too narrow at the 30mph sign can't even get a pram past. The proposals are therefore contrary to LP13 and LP18 of the CLLP and SUS1 and SUS4 of WLLP.
- The density of the proposal is too great and too many properties back onto existing houses and the proximity is unacceptable. You can fit two houses in the proposed scheme to the same plot width of one dwelling. It will look like a continuous wall to residents. A 1.8m high fence whilst welcomed is scant recompense for such a development to existing residents.
- The current area is one of larger houses, the nature of the proposal would destroy this character. The character of the market town will be lost to suburbia. Caistor Road is characterised by bungalows not houses so will be out of character. The need for all the drainage leads to houses being grouped together at an unacceptable density. This is out of character with the town at this point. In addition to this, the garden areas are very short and narrow which will detract from the amenities of existing and future occupiers alike.
- Parking courts are a bad idea as they aid crime which is a known fact and underlined by police advice. Also there is insufficient car parking shown. Increased crime and trespass – the designs show cul-de-sacs immediately behind existing gardens reducing security and the boundary will be open to public.
- More bungalows would be nice to assist those who cannot deal with stairs.

- What are the plans for the remaining LP allocation, more houses? It was originally proposed to have 325 houses then 350 and now 300. Scope for more no doubt. Submission draft of CLLP has the allocation at 200 houses this is significantly greater.
- The Edwardian character of the town will be ruined by traffic levels generated by a 25% increase in the town's scale.
- It will lead to significant levels of noise and nuisance both from the day to day activity when the estate is finished but also years of disruption and nuisance from constructing these houses (until 2026). This will be contrary to the NPPF which seeks to maintain health, well-being and the quality of life. Heras wire fencing on the site boundaries during this time will do little to reduce impacts.
- There will be significant vibration from heavy rail freight traffic and this should be taken into account for future home owners.
- The adjoining properties have created significant gardens areas which are landscaped creating a haven for wildlife and birds. All will be lost if adjoining field is developed. One of the adjoining gardens is working garden where power tools are utilised. If the boundary is not carefully maintained it will lead to children/ animals could coming in and potentially being injured. This needs careful consideration. It is recommended that a 10/15m landscaped 'no mans land' be created adjoining existing houses to protect neighbours from development.
- The site is home to a variety of wildlife and this should be protected. Further mitigation is required for bats, badgers and Great Crested Newts during construction phases is required. Greater Crested Newts, deer's, bats, owls and pheasants have been seen on land adjoining Plough Drive.
- There should be a tree belt constricted to the eastern, western and southern boundaries for wildlife as required by previous developments. This would link up with that on the Furlongs and allow it to work for wildlife like it was designed to do.
- The density is so great that the applicant has to use swales for open space areas to meet standards in plan. Such areas will be wet and unusable for significant periods of the year.
- Drainage appears to be poor. Ponding often occurs to rear of 42 – 44 Caistor Road for long periods and water table is found at only about 1m down below the surface. The Furlongs often have surface water drainage problems and a pumping station has been built to deal with this. Even so houses close to Hoe Drive and 20, 22, 25, 27, 29 and 31 the Furlongs have surface water flooding. French drains have had to be installed. Why are no ponds to the southern end of the site where the drainage concerns are?

- Given proximity of proposed dwellings to trees we have planted we are concerned that there will be a reduction in light and pressure for us to remove these trees which were planted to soak up water.
- Concerns as the site is in flood zone 3 and Brimmer Beck often floods. The proposal will lead to flooding of adjoining properties. Additional hard surfacing will lead to greater runoff and this will increase flooding. As zone 3 land it fails the NPPF sequential test as other less vulnerable sites are available.
- It is not clear why the Environment Agency changed its classification, can this be investigated further...it seems strange? This is a significant uncertainty in the application.
- The sewerage system is not sufficient to meet demand, the sewage treatment works was constructed in 1970's and Market Rasen has grown significantly since then. Water pressure is often low. There is poor internet connection too so new houses will impact on this as well as water pressure.
- Concern that the development will increase trespass across the rail line and this should be considered fully as an additional 300 dwellings will increase people will be living close to the crossing. A footpath should be opened up to access the crossing to aid access to Willingham Woods.
- Social housing would be as low as 25% not the 40% shown in the application
- There should be a breakdown of housing types proposed.
- Pre application consultation did not invite people from the housing estates opposite the site which is why there was little objection. Few staff available to talk to so no wonder no one went.
- Value of properties would fall.
- Loss of view across fields
- Market Rasen wants to grow but in the realms of sustainability

Lincolnshire Wildlife Trust: (Summary) The Trust are satisfied with the recommendations of the ecological report as long as they are followed.

Support is given to the indicative levels of open space and SUDs areas within the development. It is not clear whether any of these will be designed to hold water permanently or whether they will be more ephemeral in nature. The trust suggests that to provide the maximum biodiversity gains and with the hope of benefiting the existing Great Crested Newt population which is present in nearby ponds, a mixture of ephemeral and permanent water bodies should be created. It is also recommended that consideration is given to the provision of hibernacula within terrestrial habitat adjacent to waterbodies is created to attract amphibians and reptiles.

Further support is given to swales created and recommend species rich grassland is created in association with the SUDs features, particularly on grass verges.

Further recommendations are given with respect to provision of features to support bats, hedgehogs and nesting birds.

LCC Highways: Requests that any permission given by the Local Planning Authority be subject to conditions.

Comments on the scheme, however, are noted below in summary:

Overall the Transport Assessment is a reasonable assessment of the impact this development will have on the local network in the critical AM and PM peak hours. The Trip Generation has been calculated from similar developments in the TRICS database and they are average trip rates therefore they could be higher or lower in reality. (They are normally within a 15% range of the average).

The trip distribution has been calculated from Census data and the proposed development trips have been allocated according to these percentages.

In general the junctions assessed will operate below the 0.85RFC threshold with moderate delays in the AM and PM peak hours in 2026 with the development (and cumulatively with other committed developments).

The main issue in Market Rasen for traffic congestion is the 4 arm signalised junction at Queen Street/Willingham Road/Jameson Bridge Street/Oxford Street. The LINSIG included in the Transport Assessment appears to underestimate the operation of the junction in the peak hours (did not include all red pedestrian phase) and therefore Highways Authority utilised the approved LINSIG from 'The Ridings' development that was checked by our Traffic Signals Section and includes the all red pedestrian phase. To reflect on site usage it has been modelled with the all red called every other cycle. Using this model and the 2015 counts from the Transport Assessment the junction is shown to operate with PRC's around -10% and average queues on Queen Street and Willingham Road of around 20 vehicles.

The junction operates MOVA, which LINSIG has difficulty in modelling, and the junction operates slightly better which from on-site observations during the PM peak hour shows significantly more green time being provided to the main West/East and East/West flows. In general the traffic gets through the junction in one cycle on the main road, although at times it can take two cycles. Traffic turning right towards Tesco's causes blocking back waiting for the traffic coming from Willingham Road to clear before turning. However, it was observed that the green time from the Market Place direction does allow the remaining queue to get through the junction generally in one cycle. (But as stated sometimes it can be two). The all red pedestrian phase is probably called on average every 3 cycles rather than two. On race days the queues at the junction will be and are currently very extensive.

Using the model and the predicted traffic flows (including growth to 2026, committed development flows and the proposed development flows) from the Transport

Assessment the junction is shown to operate with PRC's in excess of -30% PRC and significant queuing on Queen Street and Willingham Road (in excessive of 50 vehicles). This however will be an over exaggeration of queued vehicles because the junction operates with MOVA (MOVA is designed to cater for the full range of traffic conditions, from very low flows through to a junction that is overloaded. For the major part of the range - before congestion occurs, MOVA operates in a delay minimising mode; if any approach becomes overloaded, the system switches to a capacity maximising procedure. MOVA is also able to operate at a wide range of junctions, from the very simple 'shuttle-working', to large, multi-phase multi-lane sites).

The development is predicted to add approximate 35 movements through the junction in the AM peak and PM peak periods which on their own should not have a significant impact.

Lead Local Flood Authority

Having looked at the FRA and Drainage strategies and also comments from the Environment Agency which confirms that the site is within flood zone 1 the surface water system has been designed to control the run off from this site using various Sustainable Urban Drainage techniques.

Through the use of SUD's the water is managed rather than just free flowing from the site and attenuated before its final discharge in to the nearby water course at a rate of no more than established greenfield rate, which is a betterment of the present situation whereby the surface water is free to flow uncontrolled at the greenfield run-off rate.

The SUD's feature within the site will add to the biodiversity and amenity values of the site as well as cleansing the water prior to its eventual discharge point.

Public Transport: A contribution of £1000 per dwelling has been requested to support local bus services.

A **further** response has been received from the **Highways Authority** following review of objections to the scheme.

LCC has been supporting WLDC along with North Kesteven and the City of Lincoln Council in the development of the Central Lincolnshire Local Plan. This document, which is currently the subject of a public examination, identifies suitable areas for development, and WLDC proposed some growth in Market Rasen.

As individual planning applications come forward, we will look at the transport issues in detail and provide an assessment to the district council so they can consider them when making their decision.

At present there is no protected line for a bypass or indeed any mention within the Local Plan for providing one within Market Rasen or Middle Rasen.

LCC Education: The Education Authority make the following comments: A part education contribution is sought from the proposal. The contribution relative to the proposed number of dwellings, the type of dwellings proposed and the current

projected position in both local primary and secondary schools and school based sixth forms, has been considered as the authority has a statutory duty to ensure sufficiency of provision.

This development would result in a direct impact on local Schools. In this case just the Primary Schools that serve Market Rasen are projected, notwithstanding the proposed development, to be full in the future to the permanent capacity of the school. A contribution is therefore requested to mitigate against the impact of the development at local level. This is a recognisable and legitimate means of addressing an impact on infrastructure, accords with the NPPF (2012) and fully complies with CIL regulations, we feel it is necessary, directly related, fairly and reasonably related in scale and kind to the development proposed in this application.

The level of contribution sought in this case equates to £676,586.00. This is on the basis of recent research by Lincolnshire Research Observatory utilised to calculate pupil product ratio (PPR) and then that is multiplied by the number of homes proposed to calculate the number of pupils generated. This is then multiplied by the prevailing cost multiplier per pupil place to give the mitigation cost request. The PPR calculation illustrates that some 60 primary places will be required in the locality as a direct consequence of this development and, as there is insufficient capacity available, we propose the applicant should mitigate the effect of the proposal by payment of a capital contribution to allow creation of more capacity.(It should be noted that this is an indicative figure rather than a maximum threshold as it relies on assumptions in relation to house types which are not specified on outline application)

At present projections show that, excluding the effect of the development in question, Market Rasen Primary School will have no permanent surplus places by 2019 when it is reasonable to presume this development would be complete or well on the way.

The funding could be held by the County Council and only spent by The County Council on:

- Primary - 0.5FE extension of Market Rasen Primary School to 2FE (£676,586)
- Secondary - N/A
- School-based Sixth Form - N/A

It is recommended that the S.106 contribution are paid at the halfway point in the development to allow timely investment by LCC whilst not adversely affecting the developer's viability.

Archaeology: No archaeological input required.

NHS: (Summary) The proposal is for 300 dwellings which based on 2.3 persons per dwelling (2011 census) would be likely to generate a patient population of 690.

The Market Rasen Surgery is the only one in Market Rasen so will be directly affected by the proposal. It has a patient population of just above 10,000 and the practise is currently up to capacity with the ratio of GP's to patients above the national average. The potential to gain a further 690 new patients means the level of patient care may be compromised and can become unsafe for the patient.

All practices with a General Medical Services contract are obliged to accept patients who choose to register. There are no patient waiting lists.

The contracted time for one session for a GP recommended by the BMA is 4hrs 10 minutes this allows time for administration (referrals, pathology etc.'.). The increase in patients' shows that this could lead to 22.9 hrs of extra GP consulting hours; a substantial increase. The extra nursing hours can vary depending on the age of the patient. To mitigate the impact of any increase to clinical hours and in order to make the development acceptable it would be necessary to increase the number of clinical rooms to provide for extra clinical hours.

The current practise premise itself is a combination of buildings of different build dates and it no longer lends itself to further expansion. The practice does not have any further rooms that it can convert into clinical space but there is a potential for some internal reconfiguration by reducing the main waiting room area to accommodate extra consulting and treatment rooms. To be able to carry out this alteration s106 funds could be used as capital to enable these alterations and fit out the rooms to NHS standard, however, with an increase of this size this would need further review.

The Clinical Commissioning Group have recently consulted with Healthcare Planners to look into the longer term future of healthcare in Lincolnshire. The findings of this consultancy may also provide solutions to the provision of healthcare to the expected population increase of 690 and therefore an alternative, yet equally appropriate funding avenue. We currently await the findings of this consultancy.

By applying its contribution formula which is based on the needs of a Primary Care Health Team and associated administration support and by applying average national list sizes to these groups and identifying the required area and furnishings, a total cost of £185 is determined per patient. This figure is multiplied by 2.3 (the average number of persons per dwelling for WLDC) to provide a funding per dwelling of £425.

The contribution required to support NHS services is therefore £425 x 300 which = £127,500.

Lincolnshire Police: Raise no objections in principle but provide detailed advice on design and reducing crime. Of note, however, rear garage courts are noted as having high crime rates which will be relevant for any future reserved matters applications.

Natural England: No comments to make on this application

Lincolnshire Fire and Rescue: Make no objections subject to advice notes being attached any permission relating to access to the buildings for fire fighters, access for fire appliances of a certain weight and above, and the provision of additional fire hydrants.

Network Rail: With reference to the protection of the railway, Network Rail must place a holding **objection** on these proposals due to the proximity of the site to a railway level crossing (Maypole Rasen user worked crossing). We understand that the proposed site includes a right of way which if fully established, would create a pedestrian link between the proposed housing and the level crossing.

The safety of level crossings and crossing users is of paramount importance to us and we would have serious concerns over any development that would result in an increase in crossing usage and therefore affect the risk of the crossing. If the connection is to be made from the development, it will have a significant impact on this level crossing. We therefore require clarification in relation to this right of way and its relationship with this development in order that we may fully consider the impact of these proposals upon the railway.

Given the size and proximity of the development in relation to the railway it is considered that there may be significant impacts on Market Rasen railway station as indicated in the documentation provided. It is therefore appropriate that a contribution is sought from the developer towards station facility improvements. This could include improvements to the car park and cycling facilities. We are happy to discuss possible improvements to the station with the council as part of any S106 package as the application is processed.

Further detailed information is also provided for reserved matters stage.

Environmental Protection: Summary of comments:

- Noise

The proximity of a number of proposed houses to the main A46 to the west and the railway line to the east along with proposed distancing of facades nearest to the road at 12m which I find concerning with noise monitoring indicative of 63dB at 10m and perhaps unwarranted in view of the size of the site. Noise from trains is indicated as being up to 94dB

I do however additionally note at 2.07 and 2.08 of the report: 2.07 The master plan is reproduced in Appendix 2 and illustrates that the development footprint in the north western part of the application site 'fronts-onto' the A46 Caistor Road (such that gardens are screened from the road by the proposed dwellings themselves) with the dwelling facades circa 12 metres from the (realigned) nearside kerb. The master plan illustrates that the development footprint in the eastern part of the application site 'backs-onto' the railway line.

2.08 The master plan is, of course, illustrative only. The detailed layout would be subject to subsequent approval as part of Reserved Matters. At this stage, the scheme of sound attenuation works can be further assessed against the detailed layout and would suggest a need for further assessment at an appropriate time with a view to obtaining best outcomes by appropriate distancing, orientation and other mitigation as may be warranted.

- Contamination

I note proximity to the railway line and recommend that a basic contaminated land condition, as a minimum, is attached to any permission granted

Trees & Woodlands Officer: I have no objections to the potential development of this site, providing the large oak in the southerly end of the field is given appropriate space in any new development layout. A tree survey should be required in any subsequent application to identify trees of good enough quality and stability to be retained, provide calculated RPA's and details on tree protection measures.

LCC Rights of Way Officer: An application has been made to record a public footpath across the site and this would conflict with the proposed development requiring either a diversion of the path or alteration of the estate layout to accommodate the line of the footpath as shown on the 1905 Ordnance Survey plan.

Objection must therefore be raised until such time as the applicant confirms their adoption of either course of action. The applicant's failure to follow either of these recommendations would see affected homes unmarketable as any competent Local authority Search would reveal the existence of the claimed path. The county council has reviewed the merits of the application and has determined to make an order to add the route to the definitive map and statement as a public footpath on the basis that such a right of way exists, or is reasonably alleged to subsist.

Middle Rasen Bridleway No. 514 runs to the north of the site and would be an obvious amenity in any event for casual exercise, especially the walking of dogs.

Comments;

i/ It is expected that there will be no encroachment, either permanent or temporary, onto the right of way as a result of the proposal.

ii/ The construction should not pose any dangers or inconvenience to the public using the right of way.

iii/ If any existing gate or stile is to be modified or if a new gate or stile is proposed on the line of the public right of way, prior permission to modify or erect such a feature must be sought from this Division

iv/ If the public footpath is eventually held to exist, then the provision of up to 300 homes would place considerable demand on this. I would ask that if proven, such a footpath be metalled within the development site and metalled beyond this to link to the Caistor Road. The section to Caistor Road should also be lit if deemed appropriate by the Police.

v/ The provision of these homes would significantly alter the use of the level crossing(s) to the north of the site. Planners are requested to consider securing an appropriate contribution towards any project Network rail may propose to increase crossing safety on Middle Rasen Bridleway No. 514. It is anticipated that £300,000 could represent a 50% contribution towards the provision of a basic pedestrian bridge.

Further comments received: May/ June 2017.

Environment Agency: Does not object to the proposal subject to imposition of condition in relation to concerns over the capacity of the drainage system.

- Foul drainage

The Drainage Statement, dated September 2016 states that there is capacity to connect to the existing Anglian Water foul sewer at a manhole in Caistor Road. However, the Agency note that no information has been provided that considers the capacity downstream in the sewerage system or the potential impact on existing foul sewer overflows.

The Agency notes recent flow data shows that Market Rasen Sewage Treatment works does not have sufficient permitted headroom to accommodate flows from this development, and improvements would be required in order for the proposed development to be acceptable. It is also noted that the recently updated Central Lincolnshire Water Cycle Study also highlights capacity issues at Market Rasen.

Environment Agency position:

The proposed development will be acceptable to us if the following condition is attached to any planning permission:

Condition

No development approved by this permission shall be commenced until a scheme for the improvement of the existing sewerage system has been submitted to and approved in writing by the local planning authority. The scheme shall be implemented as approved. No occupation of dwellings approved by this permission shall occur until the scheme for improvement of the existing sewage system has been completed.

Reasons: To prevent environmental deterioration of the River Rase.

- Flows at the receiving water recycling centre (sewage treatment works) exceeded the dry weather flow specified in the Environmental Permit in 2015. Additional capacity, a variation to the Environmental Permit and potentially improved effluent quality would be required for the works to accommodate the proposed development.
- Insufficient information has been provided with regard to potential impacts on downstream overflows within the sewerage network. We are aware of previous problems relating to a Combined Sewer Overflows (CSO) on Caistor Road, and the improvement scheme should consider capacity issues in the sewerage network, and any necessary improvements to the CSO.
- The Humber River Basin Management Plan requires the restoration and enhancement of water bodies to prevent deterioration and promote recovery of water bodies. Without this condition, the impact could cause deterioration of a quality element to a lower status class in the 'Rase from Market Rasen to Bishopbridge' water body, as it would further increase the volume of sewage effluent discharged to the watercourse, and potentially increase intermittent discharges from combined sewer overflows.

- **Flooding**

As discussed in the Flood Risk Assessment (BWB Consulting Ltd, September 2016), the Environment Agency has been undertaking revisions to the Flood Map for Planning around the area of the proposed development site. Ahead of

these revisions being published, we can confirm that the proposed development site will be located in Flood Zone 1 (low probability of flooding). Therefore we do not have any further comments in relation to flood risk.

With regard to the surface water element of this application, surface water flood risk is now the responsibility of the Lead Local Flood Authority (LLFA). Lincolnshire County Council will therefore advise on the proposed surface water mitigation for this planning application, in particular the submitted Drainage Strategy.

Additional comments received 12th and 18th May 2017

Flood Zone Classification

'The flood zones in the Caistor Road area of Market Rasen represent the risk of flooding from the rivers and watercourses in Market Rasen only and do not consider any other sources such as groundwater or surface water. They were changed following a thorough and careful review of the evidence. The most recent flood risk modelling used updated Lidar data, which gives a more accurate representation of the ground levels compared to what was available when the area was designated as Flood Zone 3. This influences where on the site flood water could possibly flow. The new modelling showed that floodwater would not flow onto the site from the adjacent watercourse so the Agency were able to re-classify it as Flood Zone 1.

Foul Sewerage

The agency continue to request that development does not commence until a satisfactory foul drainage solution has been detailed and occupation does not begin until this infrastructure is in place. Information provided by Anglian water to the Environment Agency indicates that there is negative headroom (capacity) at the water treatment works for up to 3700 dwellings. Although Anglian Water has indicated to the applicant that due to a new desk top assessment that the system has capacity to accommodate the flows generated by the development it is not clear whether this includes the water treatment works.

Additional flows from new developments could overwhelm the sewerage network, or cause environmental limits to be exceeded, resulting in pollution of watercourses - with unacceptable consequences for the environment and local people. It is crucial that the planning system seeks to avoid such situations.

The effects of sewerage and waste water from a proposed development on the environment or an amenity are capable of being material considerations in determining an application or appeal. National Planning Practice Guidance recognises that the timescales for works to be carried out by a sewerage company do not always fit with development needs, and that local planning authorities should consider how new development can be phased. PPG confirms that planning conditions can be used to ensure that new development and infrastructure provision is aligned, and to ensure new development is phased and not occupied until the necessary works relating to sewerage treatment have been carried out.

A revised conditions is therefore requested to ensure capacity within the system is properly considered and in place before occupation:

Condition

No building works which comprise the erection of a building requiring to be served by water services shall be undertaken (in connection with any phase of the development hereby permitted) until full details of a scheme (including phasing) for the provision of mains foul sewage infrastructure on and off site has been submitted to and approved in writing by the Local Planning Authority. No dwelling shall be occupied until the works have been carried out in accordance with the approved scheme.

Reason: To prevent flooding and detriment to public amenity through provision of suitable water infrastructure.

Anglian Water: No response

Lead Local Flood Authority & Highway Authority (LCC): In Summary:

The application is supported by a Transport Assessment (the assessment). The assessment has been validated and accepted by the highway authority. Prior to production of the assessment, the highway authority had agreed the scoping details with the developer. The outcome of the scoping discussions identified that 4no junctions would require a detailed assessment in relation to traffic capacity, one of which was the Queen Street/Oxford Street junction.

Common practice is to undertake a future year assessment of the impact of the development. This is to reflect the estimated year in which the development is likely to be complete, and to take account of both background traffic growth and any other known committed developments.

As has already been reported in our consultation response to the local planning authority, of the four junctions that were assessed, only the Queen Street/Oxford Street junction required further consideration. When undertaking detailed assessments of junctions, specifically those that are controlled by traffic lights, a number of different factors and assumptions have to be made in order to give the assessment a reasonable sensitivity check. The conclusion of the detailed assessment, after taking all relevant matters and data into consideration, was that the development should not be prevented or refused on transport grounds as the residual cumulative impacts of development are not severe.

The modelling data used predicts that in 2026 the average vehicle queue lengths at the junction in the peak hour (pm) will increase by no more than 2 vehicles.

HGV and Bus Access on George Street

A 7.5T weight restriction (except for loading) exists along George Street. Other than implement and consider new requests for Traffic Regulation Orders, the highway

authority is not responsible for enforcement. Therefore, any enforcement issues relating to the order should be directed to the Police, as they are the responsible authority.

Footway Provision across the Town

As part of our consideration of the application issues such as sustainable movement were also considered. These considerations take into account of how the development will connect with the existing local attractors such as retail, leisure, education and employment centres. Generally, opportunities exist throughout Market Rasen for foot traffic to utilise existing infrastructure. Although not ideal due to width restrictions, opportunities to improve the existing footway infrastructure are limited, due to existing constraints of the historic town centre buildings. However, no recorded evidence suggests that the existing infrastructure is either inappropriate or unsafe. The highway authority has requested a number of planning conditions which would seek to provide identified improvements. These include a full footpath across the site frontage connecting to the existing network, and the alteration of the existing pathway approximately from the site to George Street bridge to create a joint cycle/ footway.

Surface water

The proposal includes an indicative drainage strategy. Such a strategy identifies the topography of the site, the ground conditions and makes an assessment of run off rates from the site currently based on known ground conditions. These conclusions have been validated by the LLFA.

The draft drainage management scheme proposes, a series of permeable paved areas linked to, swales and then attenuation ponds. The attenuation pond/ swales would be linked to the field ditch and then onward to Brimmer Beck. The link to the Beck would be regulated, limiting the level of water entering the beck even at periods of high rainfall to current greenfield rates. The scheme has been designed to accommodate a 1 in 100 year event plus climate change. Current rainfall falling to the site is unregulated.

The detail of actual scheme can be controlled through conditions which are requested to be imposed on any permission granted.

Relevant Planning Policies:

Planning law requires, to the extent that development plan policies are material to an application for planning permission the decision must be taken in accordance with the development plan unless there are material considerations that indicate otherwise. The Development Plan in this location comprises the provisions of the Central Lincolnshire Local Plan (April 2017). The first strand of the NPPF's presumption in favour of sustainable development is to *"approve development proposals that accord with the development plan without delay"*.

Central Lincolnshire Local Plan (CLLP)

The CLLP was formally adopted on 24th April 2017, and now forms part of the Development Plan.

The plan is available to view here:

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

The application site is allocated for residential development in the CLLP. Policy LP51 indicates that site CL1364 has an indicative capacity for 300 dwellings. The following policies are considered to be particularly relevant:

- LP1: A presumption in favour of sustainable development
- LP2: The spatial strategy and settlement hierarchy
- LP3: Level and distribution of growth
- LP9: Health and wellbeing
- LP10: Meeting accommodation needs
- LP11: Affordable housing
- LP12: Infrastructure to support growth
- LP13: Accessibility and transport
- LP14: Managing water resources and flood risk
- LP17: Landscape, townscape and views
- LP21: Biodiversity and geodiversity
- LP24: Creation of new open space, sports and recreation facilities
- LP26: Design and amenity
- LP51: Residential allocations - market towns

National guidance

National Planning Policy Framework (NPPF)

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

National Planning Practise Guidance (NPPG)

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

Main issues

- *Principle of housing in this location and policy issues*
- *Sustainability*
- *Drainage & Flooding*
- *Highways safety and congestion*
- *Sustainability and impact on services and facilities*
- *Design and character*
- *Residential amenity (existing and future occupiers)*

Assessment:

- *Principle of housing in this location and policy issues*

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

The NPPF presumption in favour of sustainable development for decision taking means - approving development proposals that accord with the development plan without delay.

The applicable development plan against which this application must be determined (unless material considerations indicate otherwise) is the Central Lincolnshire Local Plan. The CLLP was adopted in April having incorporated all modifications required by the Planning inspectors to ensure it is found 'sound'.

Fundamentally, the application site is allocated for residential development in the CLLP. Site CL1364 is given an indicative capacity of 300 dwellings.

Development of the site is therefore in principle acceptable and in accordance with the development plan. Planning permission should be granted (unless there are any known material considerations to indicate otherwise).

It is important to recognise that the allocation was considered¹ in detail by the Planning Inspectors at the examination into the CLLP. Having considered all representations on the site, the Inspectors stipulated that the site indicative capacity should be increased to 300 dwellings (from 200), in order to make the Development Plan sound. The Inspectors set out a Main Modification to the Plan (MM/69) in order to achieve this and *"to ensure that Policy LP51 is effective"*.

It should also be recognised that, when considering Market Rasen as a whole, the Local Plan Inspectors concluded:

"In total around 640 new dwellings are allocated in Market Rasen. Although this is a significant number of new houses, Market Rasen is a Tier 3 settlement. Given the size of the town, which has roughly 2,085 existing houses, the level of residential development proposed is proportionate to its size, role and function."

The level of development proposed for Market Rasen has been determined to be proportionate to its size after thorough examination by the Government's Planning Inspectors, and the allocations for this Market Town are essential towards the Local Plan's housing strategy and maintaining Central Lincolnshire's five year housing land supply.

Policy LP2 allocates Market Rasen as a 'Market Town'. Such a settlement is the third tier of hierarchy. The policy indicates that to *maintain and enhance their roles* as market towns Caistor and Market Rasen will be the focus for significant, but proportionate growth in housing, employment, retail and wider service provision. Most of this growth, it indicates, will be via *allocated sites*, or appropriate infill, intensification or renewal within existing developed footprint of ...Market Rasen.

¹ Paragraph 210 onwards, Report on the Examination of the Central Lincolnshire Local Plan (<https://www.n-kesteven.gov.uk/central-lincolnshire/local-plan-examination/>)

Although located within the Parish of Middle Rasen the Central Lincolnshire Local Plan identifies the site as part of Market Rasen. Administrative Parish Boundaries and strategic planning allocations can be differentiated. This is not an unusual arrangement (as examples, consider that Gainsborough's Northern SUE will cross into Corringham Parish, and the Lincoln North East Quadrant would take place within Greetwell Parish).

In reality, whilst the site may well fall within the Parish of Middle Rasen, it is to all intents and purposes a physical extension of the settlement of Market Rasen for planning purposes.

This is not an error but a strategic planning decision on the most appropriate locations to enhance the role of Market Rasen as a growth settlement. Policy LP51, residential allocations – market towns, therefore identifies the application as allocation CL1364 as an appropriate location for around 300 dwellings.

The adoption of the CLLP is a crucial tool in directing growth with greater certainty within West Lindsey. Having been through an extended period of planning without an up to date local plan (and by association a 5 year housing land supply), the planning authority has at times struggled to defend its decisions on sites which are considered to be less than appropriate. With the adoption of the CLLP the authority's decisions, where they accord with the local plan, will attract full weight when balanced with any competing material factors.

These decisions underline importance of supporting the policies of the CLLP to deliver the required housing development. The plan currently allocates sufficient sites (along with an assumption for a limited level windfall development) to meet the 5 year housing supply required by para. 49 of the NPPF. The current application site will contribute significantly towards the 5 year housing land supply – it is included within Central Lincolnshire's supply.

The site therefore plays an important role in the provision of new housing to meet the 5 year housing supply within Central Lincolnshire.

The application has been submitted by a local housing developer increasing the likelihood of development, at least in part, within the first 5 years of the Plan period. This is a significant material consideration; if allocated housing sites are not delivered Central Lincolnshire planning authorities will find it difficult to justify the spatial policies of the plan as the 5 year housing land supply will be eroded and potentially undermined. This in turn will make it more difficult to defend a decision to resist inappropriate development elsewhere.

It is important therefore to place full weight on policies LP2 and LP51 in assessing the merits of this development on this site. Planning permission must be granted in accordance with these policies, unless there are any significant material considerations that would indicate otherwise.

In addition to this, the applicant proposes to meet the policy considerations of LP11 affordable housing with a full 20% of housing approved being allocated for affordable

housing units. In addition to this, 30% will meet part M4(2) of the Building Regulations Standards which provides homes which will be easily convertible for those whom require alterations/ adaptations for wheel chair or mobility reasons. These are important policy considerations which add weight to a positive to the recommendation.

In accordance with Planning Law, the Council, as Local Planning Authority must determine the application against the provisions of the Central Lincolnshire Local Plan.

As set out, the application site is allocated (LP51) for residential development (indicative 300 dwelling capacity). The Local plan Inspectors have made clear that “*the level of residential development proposed [within Market Rasen] is proportionate to its size, role and function*”.

Accordingly, planning permission must be granted, unless there were any significant material considerations to indicate otherwise.

- *Sustainability*

CLLP policy LP2 recognise that Market Rasen has a good range of facilities, retail outlets, employment and connections to the wider area to create a sustainable location for growth. The Local Plan Inspectors have already concluded that the levels and locations of growth for Market Rasen, including the application site, are proportionate and sustainable.

Similarly, the application site itself has been deemed sustainable through the CLLP allocation process.

Policy LP13 indicates that: ‘Development proposals which contribute towards an efficient and safe transport network that offers a range of transport choices for the movement of people and goods will be supported. All developments should demonstrate, where appropriate, that they have had regard to the following criteria:

- a. Located where travel can be minimised and the use of sustainable transport modes maximised;
- b. Minimise additional travel demand through the use of measures such as travel planning, safe and convenient public transport, walking and cycling links and integration with existing infrastructure;
- c. Should provide well designed, safe and convenient access for all, giving priority to the needs of pedestrians, cyclists, people with impaired mobility and users of public transport by providing a network of pedestrian and cycle routes and green corridors, linking to existing routes where opportunities exist, that give easy access and permeability to adjacent areas;
- d. Ensure allowance is made for low and ultra-low emission vehicle refuelling infrastructure.

The site in general has been assessed through the Local Plan allocations process as being sustainably located with access to all services within reasonable distances. The table below provides an approximate distance from the centre of the site to the facilities:

Facility	Distance in km
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Bus Stops	0.231 southbound 0.245 northbound
High Street	1,037
Rail Station	1,500
TESCO	1,625
Primary School	1,312
De-Aston School	1,837
Gallamore Industrial Estate	0.680
Mill Road Surgery	1.325

Whilst the distances quoted appear substantial it is worth noting that the ideal comfortable walk is 10 minute (800m) which is deemed to fall within a walkable neighbourhood. This is not an upper limit as walking 2km is deemed a realistic alternative to the motor car (Manual for Streets DCLG 2007). Similarly, cycling has the potential to replace motor vehicles for trips of 5km or less. When this is taken into account all the facilities fall within the required distances. It is also worth noting, that similar distances (1 – 1.5km) were deemed in recent appeals at Saxilby to be acceptable for walking to facilities.

The application, whilst in outline form also includes a children's play area within the site increasing facilities without having to resort to the use of a motor vehicle.

Market Rasen is well served by bus routes and these are considered to provide a sustainable method of connecting to the services and facilities in Lincoln, Grimsby and Caistor. The bus stop closest to the site is approximately 231m from the centre of the site on Caistor Road. The 53/53A/53B service to Lincoln – Market Rasen runs every 60 minutes (and every 120 minutes to Grimsby). The service runs Monday to Saturday but there are no services on Sunday or in an evening after 18:45. The service to Scunthorpe Lakeside also runs once a week. There are also services to Louth

In addition to this, Market Rasen has a rail station which serves Lincoln, Barnetby, Grimsby, Newark with connections to London, the north and the west. Services begin at 06:32 and are *roughly* two hourly until 19:04 although the last train calls at 10pm. Services also run on Saturdays but are slightly less frequent with services ending at 8.20pm. There are no Sunday services.

The Highway Authority have considered the sustainability of the site and as a result of any approval a conditions/s106 agreement would be required to support a scheme of works to improve accessibility. This would include the creation of a footpath to connect the site to the existing network and the town centre. Proposals are also recommended to include changing footpaths to shared cycle/pedestrian ways. The extent of the change to a shared footpath/ cycleway would run from the site, along Caistor Road to approximately the George Street bridge. The applicant has agreed to such measures and this would form part of a legal agreement.

Since the previous committee, the Highway Authority, at the request of the planning committee, has re-evaluated its response to the application. In particular the pedestrian environment around the town centre and connections to local facilities has been reassessed. In doing so, the Highway Authority notes that opportunities exist to access all facilities and attractors by foot using existing infrastructure. It is accepted

that some of these footways may not be ideal and opportunities to improve such pathways limited due to width restriction imposed by the historic environment of Market Rasen. Nevertheless, it has been stated that there is no recorded evidence that the existing infrastructure is either inappropriate or unsafe.

It is also noted that the applicant has agreed through the submission of draft travel plan that a number of measures will be implemented to promote sustainable travel, this includes the employment of a travel plan officer, the provision of up to date travel information to new households and then at set intervals afterwards until the site is complete, a £50 voucher (for use to assist to purchase a bicycle, bicycle equipment, one week bus taster ticket, waterproof clothing/ cycle clothing, an umbrella), information on Lincolnshire car sharing pool, and regular assessments/ surveys of travel pattern. Targets for modal shift away from single occupancy car use will be agreed with Lincolnshire County Council. If these are not met further measures will be invoked including personal Travel Planning.

LCC has requested that support be given to the subsidised bus services as funding may not available in future years. The Community Infrastructure Levy Regulations 2010 provides guidance as to the acceptability of contributions to support the approval of planning permission. Para. 122 of the regulations states:

(2) A planning obligation may only constitute a reason for granting planning permission for the development if the obligation is—

- (a) necessary to make the development acceptable in planning terms;*
- (b) directly related to the development; and*
- (c) fairly and reasonably related in scale and kind to the development.*

Whilst this is understandable and laudable and in many ways sustainable the rules attached to s106 legal agreements require a contribution to be essential and reasonably related to the development. Given there is rail service for occupiers of the estate to access Cleethorpes/Grimsby and Lincoln/Newark it is not considered that the contribution to support an existing bus service meets the three tests above. Indeed, it could also be argued that this is a commercial service that would benefit from additional passengers from a 300 dwelling estate being constructed along its route. The fact that subsidies may be running low is not an impact of this development and should not be levied on the developer in this instance. Such a stance has been agreed with Lincolnshire County Council's Legal Section.

In a similar way, whilst Network Rail's request for funding of improvements to the station car park and cycle parking is understandable, a car park, albeit a small one, is available at the station and it is not considered that the acceptability of this housing scheme is directly related to improvements to the car park or cycle parking.

The applicant has completed a Health Impact Assessment in accordance with policy LP9 and as a result it is note that health and education establishments would be impacted upon. NHS England advise that a financial contribution would be required to contribute to the capital cost of health care infrastructure. It is noted that the increase in population would add significantly to the workloads of the surgery to the extent that it would compromise the level of care given. To mitigate this impact a S106 Planning Obligation is sought to secure £127,500. This could be used to extend or reconfigure

the surgery to allow further consulting rooms to be created increasing the ability to see patients in a timely manner, but further consultations are also ongoing with the commissioning group to consider further options, given the pressure for services and the expansion of the town. Such negotiations are unlikely to be completed before the determination of the application and as a result any s106 should reflect this. NHS England has not, however, objected to the proposal. It is therefore recommended that any s106 contributions should cover either alterations and, expansions or the creation of a new surgery.

The Education Authority have stated that the development would result in a direct impact on local schools. In this case only the primary schools serving Market Rasen are projected to be full by 2019 when this development, if approved will be in its early stages in construction terms. A contribution is therefore requested to mitigate against the impact of the development at local level. As a result of the impact an indicative figure of £676,586 has been requested. This is a valid request compliant with legislation and would need to be secured through the S106 planning obligation. Given the outline nature of the proposal it is recommended that the formulae be utilised to accurately assess the actual need when housing numbers and types are known.

The Education Authority have considered the schools which pupils could attend and consider that the most appropriate focus for expansion and hence funding will be Market Rasen Primary School. This is due to the ability to physically expand the school and access. It should also be noted that there are limited opportunities to expand Middle Rasen Primary School and it would also lead to an increase in unsustainable journeys. Any s106 will therefore be focused on this Market Rasen Primary School.

Both of these contributions are deemed to accord with the CIL Regulations 2010 para 122 and 123.

In balancing the completing considerations it is accepted that the development is at the edge of the town and walking distances to some of the key facilities are at the higher end of the spectrum for walking. This, however, is not particularly different for people living in the Fern Drive estate whom have similar walking distances to access the main town facilities. This could lead to some additional car use within the town. This is balanced, however, by the range of facilities within the settlement, the good transport links and the play areas proposed on the development itself. This together with additional contributions for the NHS and Education.

Other matters are noted by objectors including the limited sports and social facilities within the town and the retail vacancies in the town centre. Whilst the limitations of services within Market Rasen are noted, there are currently no mechanisms or identified plans which could be utilised to achieve the understandable aspirations of the community and indeed the test of whether a contributions from this scheme would be appropriate/ lawful would also have to be completed.

Other concerns include the limited rail and bus services through the town, particularly in the evening and at weekends. Such facilities are important considerations but these are existing commercial services and will not be negatively impacted upon by this development. It could also be argued that the addition of 300 houses is likely to positively impact on bus and rail services by increasing passenger numbers, and whilst

in the short term may not automatically lead to improvements in services it could make existing services more viable. It is not therefore considered that this development would have a detrimental impact on sustainability of the settlement.

- Highway Safety and congestion

The NPPF (paragraph 32) states that *“Development should only be prevented or refused on transport grounds where the residual cumulative impacts of development are severe.”*

Policy LP13 offers similar guidance within the CLLP where it states that developments should c) provide well designed, safe and convenient access for all... Nevertheless, the policy ends on a note of caution stating that; ‘Any development that has severe transport implications will not be granted planning permission unless deliverable mitigation measures have been identified, and arrangements secured for their implementation, which will make the development acceptable in transport terms.

The Town & Parish Councils, Ward Member and local residents have raised significant concerns with respect to the amount of traffic generated by this proposal and impact on the existing highway network which is considered to be particularly congested particularly on race and market days.

Firstly, it should be recognised that, having considered all representations made, the Local Plan Inspectors nonetheless found the level of growth for Market Rasen was proportionate and that the site is appropriate for the development of 300 dwellings (which they increased from 200).

There is particular concern re the impact on the levels of traffic congestion, the substandard nature of the road network through the town centre leading to a reduction in highway safety and increasing congestion in general with specific concerns relating to junctions within the town centre and at Caistor Road where only one vehicular access is proposed. At the planning committee noted these concerns, and as above requested the Highways Authority has reappraised its response.

In reassessing the application the Highway Authority has again considered the Transport Assessment (TA) and validated its content and accepted its conclusions. The scope of the TA was previously agreed with the Highways Authority with 4 specific junctions being assessed. It was also agreed to assess the impact of the development at a future date to take account of the full level traffic generated by the proposal but also any growth in background traffic levels and those additional vehicles from other known committee developments.

The main access to the site would be from Caistor Road and this would generally be the only access to the site for vehicles. A secondary access, however, is also proposed to Caistor Road although this would only be available to emergency services if the main access was blocked.

The main new access would be include a 6m wide carriageway which includes two 2m over rideable verges and two 2m wide footpaths. Such an access is suitable for a main access road and could amply accommodate two HGV vehicles passing each other

(Manual for Streets 2007). The junction would have suitable sight lines for a 40mph roadway and incorporate a right hand turn lane. This would be achieved through widening the road at this point. In addition to this, conditions are recommended to create linkages from the site frontage to join the existing footpath at Caistor Road and a pedestrian refuge to the centre of the road. Such details are deemed acceptable by the Highways Authority.

In addition to this, a 3.7m wide emergency access would also be provided to Caistor Road. This would allow emergency vehicles (only) to access the site if the main access was blocked. Such an arrangement, would accord with the requirement for two access points to the estate.

A number of objections have been received with respect to the suitability of the internal estate roads to accommodate traffic and parking. Such matters are important but will be formally considered at reserved matters stage if the principle of housing on this site is established through an outline permission.

The development anticipates the following trip generation for a 300 dwelling estate as:

Traffic Generation (no. of vehicles)	Arrive	Depart	Two-way
0800-0900	43	113	156
1645-1745	99	55	154

In terms of traffic flows from the development, and in consultation with LCC Highways the distribution of the traffic indicates that:

- 35.5% of traffic movements are A46 Caistor Road to the north of the site;
- 33.7% of traffic movements are via Caistor Road to the south of the site and Gallamore Road;
- 30.8% of traffic movements are via Caistor Road to the south of the site to and from the town centre direction.

The applicant has provided a Transport Assessment (TA) that identifies that there is sufficient capacity on the surrounding roads to both the north, south and west of the access to accommodate such vehicle numbers. The report is based on traffic counts within the affected streets but also predicted traffic levels generated by the development (based on a similar scale developments elsewhere). The assessment also takes into account natural predicted growth levels in background vehicle traffic by 2026 (when the anticipated development would be completed) and committed developments approved at Glebe Farm (48 dwellings) and Willingham Road (150 dwellings). Such methodology is often used to assess the impacts of development on the highway network.

It is clear from the report that the further away the highway is from the site traffic flows reduce, particularly south of the Gallamore Lane junction. Perhaps more important, however, is the operation of key junctions could be deemed to be most impacted upon by this proposal. This includes the following junctions:

- A46 Caistor Road/Gallamore Lane,
- A631 Queen Street /B1202 George Street,
- A631 Willingham Rd/Queen Street with B1202 Oxford Street and B1203 Jameson Bridge Street and;
- A46 Caistor Road with A1103 Top Road/Gypsy Lane

Of these junctions when the additional traffic levels generated by the proposal were factored into the assessment the TA picks up that the A631 Willingham Road / B1202 Oxford Street, Jameson Bridge Street traffic signal controlled crossroads will operate over capacity. Nevertheless the report identifies that with or without the proposed development this junction would operate over capacity. The TA determines that the remaining junctions would operate within capacity, again, with or without the additional traffic generated by the proposed development.

The specific assessment of such figures is identified in the tables below:

Traffic movement	Without Development				With Development			
	Morning Peak Hour		Evening Peak Hour		Morning Peak Hour		Evening Peak Hour	
	Ratio of Flow to capacity	Maximum Queue Length (vehicles)	Ratio of Flow to capacity	Maximum Queue Length (vehicles)	Ratio of Flow to capacity	Maximum Queue Length (vehicles)	Ratio of Flow to capacity	Maximum Queue Length (vehicles)
Gallamore Lane left turn to Caistor Road	0.43	0.76	0.48	0.91	0.46	0.83	0.54	1.14
Gallamore Lane right turn to Caistor Road	0.24	0.31	0.34	0.51	0.25	0.33	0.36	0.55
Caistor Road right turn to Gallamore Lane	0.51	1.01	0.43	0.75	0.58	1.34	0.47	0.87

Table 5.8 Operation Assessment – Junction of Caistor Road and Gallamore Lane (2026)

Traffic movement	Without Development				With Development			
	Morning Peak Hour		Evening Peak Hour		Morning Peak Hour		Evening Peak Hour	
	Ratio of Flow to capacity	Maximum Queue Length (vehicles)	Ratio of Flow to capacity	Maximum Queue Length (vehicles)	Ratio of Flow to capacity	Maximum Queue Length (vehicles)	Ratio of Flow to capacity	Maximum Queue Length (vehicles)
George Street	0.62	1.55	0.67	1.89	0.67	1.94	0.73	2.41
Queen Street East	0.68	2.70	0.68	2.72	0.69	2.92	0.75	3.88

Table 5.9 Operation Assessment – Junction of Queen Street and George Street (2026)

Traffic movement	Without Development	With Development
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	Morning Peak Hour		Evening Peak Hour		Morning Peak Hour		Evening Peak Hour	
	Degree of saturation	Maximum Queue Length (pcu)	Degree of saturation	Maximum Queue Length (pcu)	Degree of saturation	Maximum Queue Length (pcu)	Degree of saturation	Maximum Queue Length (vehicles)
Queen Street Ahead Left Right	102.7%	27.4	96.2%	18.6	103.7%	30.5	98.3%	21.2
Willingham Road Ahead Right Left	100.1%	22.2	96.5%	15.6	101.6%	24.4	100.5%	19.4
Jameson Bridge Street Left Right Ahead	100.0%	14.4	76.8	4.4	100.0%	13.4	76.8%	4.4
Oxford Street Right Left Ahead	95.3%	13.2	82.9%	9.8	102.8%	18.6	89.2%	11.3

Table 5.10 Operational Assessment – Junction of Queen Street and Willingham Road with Jameson Bridge Street and Oxford Street (2026)

NB. Junction operation is modelled without the all red pedestrian stage as on site experience is that most people cross in between traffic rather than using the button.

In re-assessing the travel data within the TA the Highways Authority has indicated that in general the Transport Assessment is a reasonable assessment of the likely impacts of the development and that the majority of the junctions identified would operate within acceptable tolerances, even if delays would increase. They also note that the network has been assessed as part of the Central Lincolnshire Local Plan process, sites and junctions have been visited and traffic data has been utilised from previous development proposals which help to gain an understanding of the network.

Both the applicant and the Highways Authority note that A631 Willingham Road / B1202 Oxford Street, Jameson Bridge Street traffic signal controlled crossroads will operate above capacity in 2026 when the development is proposed to be completed. The applicant and Highways Authority differ however, on the likely extent to which delays would occur. The applicant stating that queue lengths could reach a maximum of 30.5 vehicle lengths whereas the Highways Authority models indicate this could be as high as 50 in peak hours although this is likely to be slightly over estimated. The difference in impact is due to the type of signal system utilised at the junction (which recognises differing flows of traffic to change priorities) and the difficulty some computer models have with assessing the system. This is not, however, as a direct result of this proposal but general growth in traffic generally in and around the town. It is estimated that on average within the evening peak queue lengths would increase, as a direct result of this development by two car lengths only. This increase cannot therefore be considered significant.

The Highway Authority also notes that the junction is modelled by the applicant without an all red pedestrian phase which is included in their own assessments. It is accepted therefore that this junction operates will operate significantly above its capacity.

Such congestion will occur, **whether or not** this development proceeds and the requirement of the NPPF is that: *Development should only be prevented or refused on transport grounds where the residual cumulative impacts of development are severe.*”

In terms of the impact of *additional* cars generated by this proposal on the road junction, both the applicant and Highway Authority agree, that this would be limited. It is accepted that the materiality threshold for traffic impacting upon a highway is 30 additional movements. The junction of A631 Willingham Rd/Queen Street with B1202 Oxford Street and B1203 Jameson Bridge Street would only see 35 additional movements at peak hours as a result of this development which is only marginally above the materiality threshold and would equate to just over 1 additional vehicle every 2 minutes.

Therefore, whilst recognising that the proposal would increase congestion at this junction it is deemed that the cumulative impact of such traffic would be very limited compared to the predicted levels of traffic (without the development) by 2026. As such the impact of such traffic levels would not meet the severe criteria required by the NPPF to resist development.

The Local Highways Authority have previously reviewed proposals to assist capacity at this junction and advise that a dedicated right turn lane would not be feasible due to restricted widths, and that the right-hand turn ban would not be practical. The traffic junction currently operates MOVA² to manage capacity and queuing. Whilst the additional traffic generated by the development will have an additional impact, the cumulative impact of development would not be severe under NPPF paragraph 32. No mitigation measures will be required at the junction.

Concerns have also been raised with respect to the operation of the Queen Street/George Street junction, with HGV, bus and tractor traffic turning into and out of the street causing hold ups, due to their width and ability to turn causing delays. It is also seen as a danger to pedestrians. The applicants TA, which has been validated by the Highway Authority, indicates that despite its narrow width, and increased usage, the junction would continue to operate within capacity. The Highway's Authority also point out that the road has a 7.5 tonne restriction (except for loading) it, which should limit, the use of the road, by the largest vehicles. Should drivers continue to use this, the police have powers to enforce these restrictions. This should reduce its use by those vehicles most likely to cause hold ups.

Whilst the Town Council and residents have raised concerns with additional traffic on race days, these events are infrequent and do not typically clash with peak travel hours.

Safety is also a key concern for residents and the developer has obtained accident statistics for the area where traffic is most likely to increase. This shows that there have been no accidents on the road frontage to the site in the last 5 years and there have only been two recorded incidents of slight severity on Caistor Road in the last 5 years. In addition to this vehicles speeds generally accord with the 40 mph speed limit in this location. This indicates that Caistor Road is not considered to be dangerous and subject to the access being of the correct design should not represent a danger. It also falls within the design criteria for the pedestrian crossing proposed.

² Microprocessor Optimised Vehicle Actuation (MOVA)

The Local Highways Authority has, as noted above, also re-appraised the impacts of the proposal on traffic levels but also the existing highway environment for all road users. In noting that in some areas the footpath network may not be ideal, there is no evidence that routes into the centre of the town are unsafe and remain acceptable for use. Similarly, given the historic and constrained nature of the historic town centre environment improving the infrastructure (i.e. widening) on George Street and other town centre would not be possible to any significant degree. Nevertheless it is again noted that no objections on highway safety grounds nor capacity grounds have been raised with respect to this application from the Highway Authority.

Residents have requested that an alternative, or second access is sought to serve the development. The applicant has liaised with the Local Highway Authority, and as a result an emergency access is proposed to ensure that in the unlikely event that the main access was blocked access could still be gained to the site by rescue services.

Significant concern has been raised with respect to traffic levels within the town centre and the historic environment which limits options to mitigate flow. One proposal which has gained prominence is the Market Rasen bypass. It has been suggested that such a road could run from Willingham Road, across the railway to the A46 Caistor Road. This would be likely to require a significant proportion the northern part of the applicant's site. Whilst there may well be valid arguments for and against such a proposal, in terms of material planning considerations, there has been no such route designated or protected as part of the West Lindsey Local Plan, nor the Central Lincolnshire Local Plan. Similarly, the County Council Highways Authority has not identified a bypass as a project to progress at this time. Finally, it should also be noted that the applicant is unwilling to leave aside land for such a road. Given the lack of any defined plans or the protection of such a route it is considered unlikely the Local Planning Authority could defend a reason for refusal on this basis.

In conclusion, whilst it is accepted that the development will increase traffic levels within Market Rasen and reduce the capacity of certain junctions, the data indicates that the local network will remain safe and with the exception of just one junction (which will operate over capacity whether the proposal goes ahead or not) will operate within design capacity or would not be severely impacted upon in line with advice within the NPPF. It is important to reiterate that the highway issues relating to town will occur whether this proposal proceeds or not due to the natural increase in traffic. The impact this proposal would have on these issues would be limited and fall somewhat short of the severe impact that the NPPF sets with respect to resisting development on highway grounds. Given such conclusions it is considered that the proposal would accord with policy LP13 of the CLLP and indeed the provisions of the NPPF.

The site is allocated for residential development within the Local Plan (policy LP51), where the Local Plan Inspectors have concluded Market Rasen's proposed growth to be proportionate. The quantifiable residual impacts upon the highway arising from the development are not considered to be severe or otherwise constitute a significant material consideration that would indicate a departure from the Local Plan.

- *Drainage & Flooding*

The application seeks permission for up to 300 dwellings which directly accords with the allocation within the adopted CLLP. It is recognised within the previous iterations of the CLLP the indicative number of houses has varied overtime. The Local Plan Inspectors considered all the submissions out to them with respect to the draft allocation including objections from local residents and ward members.

However, the Inspectors noted that capacity had been reduced to allow for mitigation and in order avoid the areas at risk of flooding. However, they found that it had been *“demonstrated that up to 300 dwellings could be achieved on the site without encroaching onto the northernmost field adjacent to Brimmer Beck. This is a reasonable position and was the only reason why the site was limited to around 200 dwellings in the Submission Local Plan.”*

In *“order to ensure that Policy LP51 is effective”* they required a main modification to increase the site capacity to 300 dwellings, noting *“In the event that further investigations by the EA indicate that dwelling numbers need to be limited, or certain parts of the site restricted from new development, then other policies in the plan would ensure that the effects of flooding would be mitigated.”*

This is now therefore the adopted policy position of the Central Lincolnshire Local Plan.

It is worth stating that the lower housing numbers a previous edition of the plan took account that flood risk could not be fully quantified at that point in time and a precautionary approach was outlined. In taking such a stance it was noted in the submission draft CLLP that flood risk could recede following the submission of additional data. This is what has occurred since.

The CLLP indicates at policy LP14 that in respect of flood risk all development proposals will subject to the application of the sequential and exceptions test as required by the NPPF.

The Environment Agency categorises flood risk from zone 1 to 3 with zone 1 being having a less than 1 in 1000 annual probability of river and sea flooding and is generally considered as being safe for development of houses.

For some time the Environment Agency's flood maps, have shown a significant proportion of the site to fall within Flood Zone 3, the category which indicates that land is at a greater than 1 in 200 year risk from tidal flooding or 1 in 100 year risk of flooding from a river. Such a site should only be considered for housing if there are no other readily available lower risk sites at lower risk from flooding available. In such circumstances, unless there are exception over riding reasons to locate housing on such a site development should be resisted.

The site is some 450m from a main river, the River Rase, but the site does directly adjoin an unnamed water course to the north which includes a small tributary running from the east. These are linked to Brimmer Beck an ordinary water course 100m to the north of the site. It is the proximity of Brimmer Beck and these other water courses which led to the zone 3 categorisation.

Given the Environment Agency's maps cover the whole of the country, they are re-assessed periodically or specifically if detailed site specific information is made available, particularly relating to ground levels for sites around water courses. The Agency then rerun their flooding models taking account of site specific data. In this instance, it is important to note that a remodelling exercise has been carried out on the site, not as a result of information provided by the developer but following a more comprehensive assessment of the River Ancholme and its tributaries. The information ascertained by the Agency was identified through Lidar survey data, which gives a more accurate representation of ground levels compared to that which was available previously. This influences where on the site flood water could possibly flow. The new modelling showed that floodwater would not flow onto the site from the adjacent watercourse so we were able to re-classify it as Flood Zone 1. It should be noted that the flood zones seek to represent risk from rivers and watercourses. These revised maps are published on the Environment Agency's web site.

It is recognised that the northern boundary of the site is close to the remaining areas of flood zones 2 and 3 but none of the site falls into this classification. In addition to this, those areas closest to such zones are given over to amenity open space which is deemed acceptable as any flooding of such areas will have limited impact.

It is considered therefore that the site is not at significant risk from flooding, and is located within flood zone 1 (< 1:1000 annual probability of river or sea flooding) in accordance with advice within the NPPF and National Planning Practice Guidance (NPPG).

On this basis, the development accords with the sequential approach, advocated by CLLP policy LP14 and the NPPF, to locate development to those areas at lowest risk of flooding. In any event, the site is allocated within the adopted Local Plan which has undertaken a sequential approach towards allocating land for residential development.

Flooding can still occur as a result of rainfall and poor drainage. Indeed it is recognised that certain parts of the site do flood as a result of heavy rainfall. This is mainly due to the clay type sub soils found in the some areas of the site. Such areas are not extensive, however, and can be addressed by being built up as long as mitigation is proposed to ensure that the issue is not re directed onto adjoining land. This is particularly important to the west of the site near Caistor Road.

Concerned neighbours of the site, the Parish and Town Councils, the MP and the County Ward Councillor have indicated that the development would introduce significant areas of hard surfacing which could lead to increased run off due to the inability of the site to soak up excess water. Such water would then run off through roofs, gutters and then roads increasing flooding elsewhere. The applicant accepts that without full consideration flooding could occur elsewhere as a result of the loss of this green field. As a result of this a drainage assessment and statement for the development has been submitted to address these concerns. This has been assessed by the Local Lead Flood Authority (LLFA).

This application is in outline form only and therefore the any drainage design shown is indicative and will need further detailed plans and details to be submitted and agreed at reserved matters stage. Should the committee seek to support this proposal it is

recommended that conditions be placed on any permission granted with advice notes on the need to design this particular issue into any drainage solution.

The current site is wholly undeveloped and includes no significant impermeable areas. There is no positive drainage infrastructure on site, other than the drainage ditches noted and as result green runoff rates are calculated at 41.6 l/s. Although there are no impermeable areas on site, tests have shown that infiltration rates are poor on site and that standing ground water was found at relatively shallow depths of 1.05 and 1.85m below ground levels. With the exception of some low spots the site topography generally falls from the south east to the north west and overland flows follow this to the drainage ditches.

Based on indicative layout provided the development, it is calculated that 58% of the site will be developed and should be considered as impermeable. It has been calculated therefore that without mitigation runoff rates would increase to 1701 l/s in a 100 year storm event plus 30% for climate change. Such levels are clearly substantially above existing green field rates and would leave areas downstream from the site liable to flooding during extreme events. The applicant has therefore sought to mitigate such flows in a manner to reduce levels to accord with current greenfield rates. The indicative drainage strategy recommends that drainage infrastructure should ensure that no building, utility plant nor neighbouring property should flood in the event of a 100 year (+ 30% for climate change) storm event.

To achieve this the applicant is proposing a scheme of localised regrading to ensure drainage infrastructure can operate where appropriate under gravity, neighbouring properties will not be flooded by overland flows and local ponding is removed. As noted above soakaways are not an option suitable for this site. Discussions with the Ancholme IDB which manages Brimmer Beck has led to an agreement that water discharge into the beck will be allowed at existing greenfield rates. This is on the basis that a management agreement is in place for any infrastructure to ensure it is maintained to keep water flows to this limit.

To maintain the 41.6 l/s runoff rate calculated for the current greenfield site, a series of attenuation basins are required to hold water at times of extreme storm events. To accommodate surface water from 58% of the site area to be covered with impermeable surface requires 3801 cubic metres of storage, this equates to a 6335m² area of basin at 600mm depth. Such an area is considerable but could be reduced at detailed stage when swales serving the site and leading to the basins are themselves equipped with flow rate mechanisms allowing storage within such areas.

The applicant currently proposed three drainage basins capable of accommodating 3802 cubic metres of water (600mm deep). These would be fed by a series of swales alongside the main estate roads. These swales will include filter drains to convey and clean water from private residential curtilages. These swales could also be designed to control water flows themselves. Given the high water table in places, the applicant proposes either localised ground raising for potential tanking. Private drives and or even adoptable carriageways would also be considered to include porous features to limit flows into swales and then the drainage basins at the site. Additionally, filter drains could also be provided to rear gardens to ensure any excess flows do not flow into adjoining properties.

Maintenance of such a system cannot be certain at this stage but the designs are such that elements would be suitable for adoption by the Highway Authority (road side swales, porous roads) and/or Anglian Water. It is also likely that a private management company would be utilised to continue management of infrastructure.

The application has been subject to a pre-application meeting with the Lead Local Flood Authority, and no formal objections to the scheme has been received from the LLFA nor the Environment Agency, although the LLFA do seek a significant betterment in the form of a reduced discharge rate. Given the outline nature of the application, however, conditions are recommended to agree a detailed scheme to limit discharge to 41.6 l/s to the existing drainage network and then hence into Brimmer Beck. Such details will also require a scheme for the long term maintenance of the infrastructure.

It is important to reiterate that it is not the responsibility of the developer to alleviate existing flood risk conditions but to ensure the proposal would not increase the risk from flooding either on site or elsewhere. In this instance, the draft scheme provided shows that current greenfield rates of water running from the site into Brimmer Beck will not be increased. At times of heavy rain such water would generally be retained on site and only released at existing greenfield rates into the beck. It should not therefore increase flood risk downstream.

Discussions with Anglian Water has identified that connection with the foul main can be achieved within Caistor Road. Works will be required within the road with the agreement of the Highways Authority and Anglian Water. Due to the ground levels a pumping station is required and is currently shown within the lower part of phase 1 of the development. Anglian Water has confirmed that the sewerage network has capacity for the flows at this connection.

The Environment Agency does not object to the proposals but has raised issues re the capacity of the drainage network to deal with the flows identified. There has also been a number of objections related to the capacity of the foul sewer network. As a result of this the Environment Agency has sought to impose a condition requiring a full assessment of the foul drainage network to be undertaken and agreed before work commences and implemented before any dwellings is first occupied. Anglian Water has also confirmed to the applicant that the Market Rasen Sewerage Treatment Works is at capacity but it has a duty to accept flows. Whilst not ideal, Anglian Water has the power to ensure that such a facility is upgraded.

Whilst accepting Anglian Water is required to accept flows and can increase rates to fund enhanced facilities it is also recognised that such upgrades do not always coincide fully with the development of an area. As a result the Environment Agency requires a condition to ensure the development of the site corresponds with any required improvements to the system. National Planning Practice Guidance (NPPG) recognises that the timescales for works to be carried out by a sewerage company do not always fit with development needs, and that local planning authorities should consider how new development can be phased. The NPPG confirms that planning conditions can be used to ensure that new development and infrastructure provision is aligned, and to ensure new development is phased and not occupied until the

necessary works relating to sewerage treatment have been carried out. The applicant has indicated an acceptance of this condition.

In conclusion, development will accord with CLLP policy LP14 in this regard.

- *Design and character*

Matters of scale, appearance, layout and landscaping are all reserved for subsequent approval.

The CLLP includes design policies: LP17 and LP26. Policy LP17 notes 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...

Similarly, the policy states that: '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 designs) to preserve or enhance key local views and vistas, and create new public views where possible. Particular consideration should be given to views of significant buildings and views within landscapes which are more sensitive to change due to their open, exposed nature and extensive indivisibility from various viewpoints.

The policy also requires any proposal's potential to impact on the Lincolnshire Wolds ANOB to be assessed.

LP26 provides more detailed principle guidance noting that all developments should be required to demonstrate...that they:

- c) respect the existing topography, landscape character and identity, and relate well to the site and surroundings, particularly in relation to siting, height, scale, massing, form and plot widths;
- e) not result in ribbon development, nor extend existing linear features of the settlement, and instead retain, where appropriate, a tight village nucleus;
- f) incorporate and retain as far as possible existing natural and historic features such as hedgerows, trees, ponds, boundary walls, field patterns, buildings and structures;
- g) incorporate appropriate landscape treatment to ensure that the development can be satisfactorily assimilated into the surrounding area;
- j) duly reflect or improve on the original architectural style of the local surroundings, or embrace opportunities for innovative design and new technologies which are sympathetically complement or contrast with the local architectural style...

The site is located within the countryside but is surrounded by housing to the south and west. To the east is the railway line which is positioned on a raised embankment. To the north, however, is open countryside.

The site is described within the West Lindsey Character Assessment as part of Heathland Belt. Within such areas the assessment indicates that development should be accompanied by mass planting which is designed to help integrate the development with the surrounding landscape pattern. It should include elements such as mixed woodland, hedgerows and hedgerow trees. Linear development it notes should be avoided, whilst in material terms dark bricks with pantile or slate roofs; would be acceptable although many buildings are rendered white within Market Rasen.

The site does not form part of any national or local landscape character designations but is part of the open countryside outside the settlement boundary, albeit adjoining it on two sides.

The site is visible from a number of public vantage points and this includes Caistor Road, the Public Bridleway no. 514 and Maypole pedestrian rail crossing and the from actual passenger trains passing the site to/from Market Rasen.

Perhaps the most important view point of the site is from the A46 Caistor Road. Here views of the site are clear and from directly outside the site, the view can be considered very pleasant and rural when looking east. The open nature of the site is broken up in the distance by the boundary hedgerows and trees before the railway embankment forms the back drop to the site. Any medium distance views are made, however, with the awareness of the residential fringe to Market Rasen either to the south or west. Whilst not detracting from such views it does add to the visual context to the area.

Generally, when travelling northwards along Caistor Road, it can be considered as a landscaped suburban character. Dwellings are a variety of inter/ post war designs and situated fronting the wide A46 with attractive grass verges either side of the road in a linear fashion. A significant proportion of the development would be positioned to the rear of existing houses/ bungalows to the eastern side of Caistor Road whereby retaining the character of the street. The remaining housing would be seen, however, and whilst the layout plan submitted is indicative it does show that properties would also front onto the road. Densities as noted by objectors would be quite high compared to surroundings. The appearance of such a development seeks to replicate more traditional areas within Market Rasen and to indicate that significant landscaped areas would also be provided to soften and allow an attractive entrance to the village to be created. Such a development could also be considered to round off the town at this point.

The proposal would adjoin open countryside to the north and the applicants have sought to follow the advice of the West Lindsey Countryside Design Summary (adopted SPG) with significant areas of land adjoining the countryside being landscaped. Given the outline nature of the scheme, significant additional planting could be added to these areas. In addition, the strong mature line of trees to the north eastern section of the site would also be retained along with the existing tree line that extends southwards into the site to maintain the existing field boundaries.

The nature of the A46 Caistor Road at this point is such that views of the site from the north are relatively short distance due to the sharp bends to the road, the topography and trees/ hedges which prevent views until the final bend before entering Market

Rasen. The longer distance impact of the proposal on the character of the area would therefore be limited.

From the public bridleway/ railway the impact would be greater but the site is already viewed in the context of the existing housing in the area, albeit at a distance. In addition, the proposed and existing landscaped areas to the northern edge of the site would assist to soften the change from open countryside to town. It should also be noted that compared to the A46/ Caistor Road the levels of use of such viewpoints are much more limited.

The Lincolnshire Wolds AONB is located to the east of the site some 3.750km away. Whilst the scale proposal is significant in localised terms the intervening distance to the AONB, Willingham Woods and the scale and proximity of the existing built up area of Market Rasen would limit any significant impact from this proposal on views to or from the Wolds.

It is concluded that, subject to reserved matters, development is achievable whilst complying with the parameters of policies LP17 and LP26.

- *Residential amenity (existing and future occupiers)*

The outline nature of the proposal makes detailed assessment on residential amenity difficult at this stage and would be more appropriate at a reserved matters stage when the layout is to be determined. Nevertheless, the indicative plan, the scale of the proposal and the nature of the surrounding areas provide guidance as to the potential impacts on residential amenity both in terms of existing neighbouring properties and future occupiers of the estate.

Policy LP26 of the CLLP seeks to protect residential amenity and proposals should demonstrate such matters have been considered in terms of both the construction of the development and throughout its life.

The access to the site is a matter under consideration and will be opposite 89/91 Caistor Road. Whilst such properties would be subject to further nuisance from additional vehicles, noise and headlights shining into their properties, such a situation is not unusual and can be found in any number of situations including on Caistor Road (The Ferns and 40/42 Caistor Road or The Furlongs and 49 Caistor Road). To gain access to sites it is therefore unlikely that such situations could be avoided. Nevertheless, Caistor Road is already a well-used road and any increase in nuisance from the estimated 160 (approx.) vehicle movements within each the peak hour period would not represent a demonstrable increase in nuisance levels already experienced (two way peak period flow 750 – 800 pcus) (PCU = passenger car units).

In addition to this, the main access is well away from adjoining houses to the south, whilst the emergency access shown would only be used in emergencies for vehicular traffic reducing any impact on the 48 Caistor Road. Such an access will be conditioned as such and additional landscaping/boundary treatments can be required at reserved matters stage to ensure residential amenity is adequately protected.

The remaining impacts of the proposal on existing properties will be detailed and assessed at reserved matters stage if outline permission is granted. Nevertheless in principle the indicative layout shows that 300 dwellings could be accommodated on site without significant impact on residential amenity either for existing neighbours or future occupants of the area. Most properties are shown to back onto existing dwellings with sufficient garden area, or if additional space is required the layout is of sufficiently low density in places to allow amendments to ease relationships. It is accepted that in a number of places, houses would side on to existing properties, but again this is a matter to be assessed at reserved matters stage.

It is concluded that development of the site should be achievable without having an unduly adverse effect upon neighbouring properties and land, and that the development should comply with policy LP26 in this regard, subject to reserved matters.

The other significant impact in terms of residential amenity is the impact from the rail line to the east. This is a significant heavy freight line with trains emanating from the Port of Immingham and petrol refineries on the Humber bank. Trains can also run overnight. The applicant has undertaken a noise impact assessment which indicates that subject to the correct insulation, noise and vibration levels within houses would not be unacceptable. The Council's Environmental Protection team have not disagreed with such an assessment but note that a full assessment will be required once a definite layout has been agreed. Similarly, Network Rail have not objected on such grounds. Given that the actual layout is to be agreed at reserved matters stage it is considered more appropriate to assess and condition any such insulation at that stage rather than at outline. An advice note to this effect should, however, be placed on any approval to give fair warning that such measures will need to be evaluated at that stage.

It is also important to ensure that future occupants have sufficient amenity outdoor space. The previous West Lindsey Local Plan (First Review), now superseded by the CLLP, required that a development of this size provided 10% of the total site as open amenity space. The indicative layout provided is simply that but shows that the 300 dwelling design could include approximately 14% open space. In addition the estate includes an LAP Local Play Area. Such a provision would form part of an s106 legal agreement.

It is noted in a number of objection letters that much of the open space forms part of the drainage system for the site. This is indeed correct and at time of extreme rainfall such areas could be utilised for the storage of water. The basins, however, are particularly shallow being only 600mm deep and would for substantial periods be dry and available for use. Given the prevalence of Sustainable Urban Drainage Systems this is not unusual and is found in many estates and represents a more appropriate use of land than smaller deep retention basins which require fencing off and still have limited water within them. It is accepted that at times such areas would be flooded but this does not reduce their amenity value as footpaths around such areas would represent an attractive walk. The value of open space is not just that which is available to the public but also that which provides visual value, this is underlined within the NPPG para. 017 Id: 37-017-20140306. Should a basin be full of water therefore it will still have amenity value and be capable of being considered as open space.

Policy LP24 of the CLLP takes a slightly different tact to the West Lindsey Local Plan. In general the policy notes that authorities will seek to:

- Reduce public open space, sports and recreational facilities deficiency;
- Ensure development provides an appropriate amount of new open space, sports and recreational facilities;
- Improve the quality of, and access to, existing open spaces, sports and recreational facilities.

The proposal puts forward significant areas of open space which can be utilised for amenity purposes. It is noted that access to certain facilities falls just above the threshold criteria required by the policy. The applicant is reviewing this element with respect to facilities and an update will be provided to the Planning Committee.

Equally, as noted below in the ecology section, the plans are still at an indicative stage whereby the detail will be agreed at reserved matters stage. To promote ecology it is also possible that a future design will be agreed to allow one of these areas to be permanently flooded which could be designed to reduce the potential number of times the remaining areas flood. This is something which the applicant has utilised on a number of its sites including at Lincoln and Boston.

- *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 or along the drainage ditch which extends into the site southwards. Within 500m of the site there have been 17 ponds identified some of which are known to have been used by Great Crested Newts although none have been found on the site and it's attractiveness to such species is limited due to the nature of the agricultural environment for wildlife and a number of minor dispersal barriers. Nevertheless there remains potential that newts could access the site and as a result there will need to be mitigation measures in place to limit this potential. In future, however, if some permanent water features could be created this would enhance biodiversity.

Similarly, the site is not known for its general ecology but an extended phase 1 habitat survey has been undertaken. The trees and hedgerows are such that they are used by birds for nesting whilst some of the larger trees have the potential for bat roosts. Similarly there is also a low possibility of reptiles within the hedgerows and field ditches and again mitigation is required. Finally, a badger sett is known within the area and will need to be protected to ensure that no animals are harmed.

Finally, on a different tact, within 70m of the site an invasive species is known to exist which could extend into the site over time. It is therefore recommended mitigation measures are implemented to prevent spread and checks to ascertain whether such species have spread to the site before and during works.

In conclusion therefore, the site as it is today, is of limited wildlife value due to its agricultural use. Nevertheless there are a number of features which could be of value and these will be retained. Mitigation measures should be utilised for number of species

and with the amount of open space, swales and verges there are significant options for enhancement. Such matters can be conditioned with further detail possible at reserved matters stage. It is considered therefore that the proposals would protect and enhance wildlife on the site and as a result the proposal would accord with policy LP21 of the CLLP.

- 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. Given the allocation of the site within the CLLP for housing it is considered that such a use is deemed acceptable. It should also be noted that all the land surrounding Market Rasen is all marked as grade 3 land.

Contamination: The potential for contamination from the railway line is noted but it is deemed that this can be dealt with adequately through appropriate conditions.

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.

Lincolnshire County Council Rights of Way team has requested that a potential footpath across the site be incorporated into the estate. The footpath has not been adopted but an application has been made to establish it formally. It would run from Caistor Road to Bridleway No. 514 at the Maypole railway crossing. The application was made in 2006 but has not been processed until now. The process is likely to take 12 – 18 months and if objections are received this will potentially include an appeal to the Planning Inspectorate. It should be noted that the footpath was identified on a 1905 OS map but would run through an existing garden at 26 Caistor Road. The applicant has indicated that they are likely to object to the establishment of this pathway as the land has been in private ownership for considerable time without access. Despite this, given the outline nature of the proposal should be footpath be formally established then the applicant would amend any layout to accommodate it.

Network Rail has, however, noted that the footpath would establish a direct link to Maypole Crossing and the development would increase usage of this user operated crossing. Such a route would provide an amenity route which could be used by dog walkers, runners etc., increasing usage and increasing danger. Network Rail and Lincolnshire County Council have requested that a contribution be requested to enhance this crossing to maintain safety in the face of the increased usage. Such contributions would be substantial to support the construction of a bridge or enhanced foot crossing with warning lights and sirens.

The applicant has indicated an unwillingness to support such a request indicating that there is no current direct link (formal or informal) from the application site to the crossing. If the route of the proposed footpath is considered it would require the

crossing of a field ditch and the crossing of further private land beyond the application site for a distance of 227m (175m from the closest point of the application site to the crossing). Given no footpath link has been established and no current direct link to the crossing is available without trespass they argue that request for such a contribution would not need the tests under CIL Regulations 122 for contributions. The contribution would not be: a) be necessary to make the development acceptable in planning terms as the site is not currently connected to the crossing and the day to day requirements of residents would not require its use, (b) directly related to the development: again due to the lack of current access from the site to the crossing it is not considered directly related and (c) fairly and reasonably related in scale and kind to the development. This final point requires an assessment of the reasonableness of the contributions. Given the lack of need for such a crossing to allow the development to proceed (i.e. access to the town and facilities is in the opposite direction, it is considered that the request to fund major improvements to the crossing cannot be justified. It is the County Council which is seeking the footpath link and as a result they should be the funder for any improvements requested.

This issue is a balanced one, as recreational use could increase the use of the crossing but nonetheless the arguments of the applicant have weight, the access to the crossing from the site would currently require trespass, the services, work and education facilities required by residents are in the town in the opposite direction from the crossing and it is only through the potential footpath application by the County Council that there would be a direct access created, which is something the applicant is objecting too. It is therefore considered unreasonable for the applicant to be required to support such a contribution.

Planning Balance

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

The statutory Development Plan, against which this application must be determined against is the Central Lincolnshire Local Plan, adopted 24th April 2017.

The site is allocated for residential development within the Central Lincolnshire Local Plan, for an indicative number of 300 dwellings.

In their examination into the Local Plan, the Government's Planning Inspectors, having considered all representations made on the site, nonetheless maintained the allocation and increased the capacity, through a main modification, from 200 to 300 dwellings.

The Inspectors are clear – they consider that the growth envisaged for Market Rasen, including the application site, *“is proportionate to its size, role and function”*.

The site contributes towards the Local Plan's housing growth strategy and will make an important contribution towards maintaining Central Lincolnshire's five year housing land supply.

The proposed development accords with the provisions of the Development Plan. As is required by planning law – planning permission must be granted, unless there are any material considerations which would indicate otherwise.

The NPPF is a significant material consideration. The first strand of the presumption in favour of sustainable development, the “golden thread” running through the NPPF, is to:

“approve development proposals that accord with the development plan without delay”

The proposed development accords with the development plan.

The loss of grade 3 agricultural land is accounted for in allocating the site for residential development in the Central Lincolnshire Local Plan. The site is part of Central Lincolnshire’s housing growth strategy.

Policy LP2 of the CLLP also outlines a hierarchy of settlements with respect to sustainability. Market Rasen falls with the ‘Market Town’ classification the third tier of the hierarchy. The policy seeks to maintain and enhance the role of Market Rasen as a market town and notes it should be the focus for significant but proportionate growth in housing, retail and wider service provision. To underline this growth, policy LP51 allocates the application site for 300 houses. The Central Lincolnshire Local Plan is now adopted and full weight should be given to policies LP2 and LP51 within this application determination.

It should also be noted that the allocation of housing in this location is also a key part of the overall Central Lincolnshire 5 year housing land supply. Approval of such a site for housing would assist the Council to resist unacceptable unallocated development within the area and indeed across Central Lincolnshire. This is an important consideration and should be given positive weight.

The proposal also includes 20% affordable housing, some 60 units, compliant with CLLP policy LP11. There is a significant need within the district for affordable housing. The applicant is willing to provide such homes and this should be given significant positive weight within the planning balance.

The applicant has stated that the proposal would have a number of benefits to the town increasing population which could utilise local shops and services assisting their vibrancy and viability. This includes bus and rail services which are commercially run operations which would benefit from additional customers. This should be given positive weight within the planning balance. Nevertheless the applicant, has also recognised that the development would increase pressure on other public services such as education and health facilities. As a result of this, the applicant has agreed to provide a contribution to these services to mitigate these impacts. Such contributions accord with the required contributions requested by health and education providers and would mitigate the impact and should be attributed a moderate positive weight in the planning balance.

The site includes significant indicative areas of open space, whilst these would also likely to be used as part of the surface water drainage system, they would nevertheless provide an attractive frontage to the development which would soften its appearance in the open countryside. Similarly, the impact of the proposal would be limited by existing residential development to the south and west of the site and the raised railway embankment to the east. It is considered therefore that the impact on the character of the area would be limited and this should therefore be given positive weight.

The actual site is considered to be of low ecological importance and is not designated as being important. Nevertheless there are areas of ecological value which need protection. This can be achieved through conditions. Similarly, the site is close to ponds and features which support species of national importance. To ensure these species are protected conditions are recommended to agree mitigation measures to ensure such species are not harmed. It is considered that this can be adequately done through conditions. In addition to this, the significant areas of open space, swales and drainage basins proposed would, subject to appropriate design be a significant benefit to wildlife. It is considered therefore that this should be given positive weight also within the planning balance.

The site will generate significant traffic which will increase the use of surrounding streets and at certain junctions reduce capacity. In addition, the proposal will generate additional traffic using the Willingham Road/Queen Street/Jameson Bridge Street and Oxford Street which by 2026 will be operating over capacity. Whilst it is clear that the proposal will generate significant traffic levels a significant proportion of the traffic is likely to travel towards Caistor and the North and Lincoln to the south west avoiding the congested town centre. Nevertheless a proportionate number of vehicles will travel through the centre increasing traffic in this area. The traffic assessment undertaken has shown that despite increasing traffic levels the majority of junctions effected would operate within capacity at peak periods. The exception to this would be the Willingham Road/ Queen Street/ Jameson Bridge Street/ Oxford Street junction which would operate above capacity leading to significant queues.

The NPPF seeks the decision maker to assess the impact of a proposal and that 'Development should only be prevented or refused on traffic grounds where the residual cumulative impacts of development are severe. In this instance, the level of congestion at the junction by 2026 (without this development) will be significant leading to extensive queuing. Importantly, however, the additional levels of traffic generated by this proposal over and above that which would use the junction without the proposal in 2026 would be limited (35 vehicles an hour) which is only just above the threshold for materiality in highway terms (30 additional vehicles an hour). Such an additional impact should not be considered as severe and as such a reason for refusal on highway grounds could not be justified. Given some increase traffic levels will occur it is considered that this issue should be given moderately negative weight within the planning balance.

The application site has in the past being placed within the Environment Agency's Flood Zone 3 category which is generally considered to be unsuitable for housing development unless there are no other readily available site at less flood risk vulnerability available. Following detailed topographical, and water level assessment

the Agency has up graded the site to zone 1 which is deemed suitable for housing. This should be given positive weight within the planning balance.

Despite significant and understandable concerns of residents about flooding and the increased risks as a result of the development of the site, the applicant has provided a draft drainage strategy which would mitigate and attenuate surface flows to ensure that existing properties would be protected and flows into the existing field drainage system and hence to Brimmer Beck would be limited to existing greenfield rates to ensure that the level risk from flood would remain as existing. The Local Lead Flood Authority has assessed this scheme and subject to detailed designs deems the proposals acceptable. It is considered therefore that this should be given positive weight within the planning balance.

Concerns have been raised with respect to the capacity of the existing foul drainage network to accommodate the additional flows from the development. Anglian Water has confirmed within a letter that it has an obligation to accept flows into its system and that whilst the sewerage treatment plant at Market Rasen is at capacity it will deal with these flows and if improvements are necessary it will deal with these issues accordingly. The Environment Agency has, however, questioned the capacity of the network as well as the sewerage treatment works due to pollution incidents effecting the Rase. It is therefore recommending a Grampian condition to ascertain the capacity of the network and any improvements required be actioned before the first dwelling is occupied. Whilst Anglian Water consider that the system is capable of accommodating flows and can mitigate the lack of capacity at their treatment works this condition is deemed reasonable in light of pollution incidents and the lack of capacity. Given the condition, it is deemed that this is a neutral impact.

In conclusion therefore, the development is in principle acceptable as it is in direct accordance with the provisions of the Development Plan, namely policy LP51 of the Central Lincolnshire Local Plan. As per the presumption in favour of sustainable development, it should be approved without delay, unless there are any material considerations which would indicate otherwise.

The development would have some impacts on the highway network, foul drainage system and public services, but it is considered that these impacts could be suitably mitigated or that the harm would not be severe harm as required by the NPPF to resist proposals. They are not considered to be significant material considerations that would justify a departure from the Development Plan.

Overall, the proposal would provide an additional 300 houses to assist to meet Central Lincolnshire's 5 year housing need in a sustainable location, with limited impacts on the character of the area, residential amenity, highway safety, ecology, flooding and would support the growth of Market Rasen as a Market Town as proposed within the adopted Central Lincolnshire Local Plan.

The proposal should be supported in accordance with the Development Plan, subject to the signing of a s106 planning legal agreement and the imposition of conditions.

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 primary school facilities (to be calculated on the basis of the education formula but is likely to be around £676, 586) in lieu of on-site provision to expand Market Rasen Primary school in the form of a 0.5 Form Entry expansion;
- On site provision of affordable housing equivalent to a 20% contribution of the overall amount of housing;
- Measures to deliver and secure the ongoing management and maintenance of Public Open Space (including a LAP), (equating to a minimum of 10% of the overall site area) and Drainage Features;
- Capital contribution towards health facilities (amounting up to £127,500) in lieu of on-site provision, which would be spent on alterations to Market Rasen Surgery or the provision of a replacement/ additional medical facility;
- To pay for a Traffic Regulation Order and physical measures to allow the conversion of the existing footpath to a combined cycleway and footpath between the site and Church Bridge, George Street.
- Submission and implementation of Travel Plan

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

1. Details of the appearance, landscaping, layout, and scale, (hereinafter called "the reserved matters") shall be submitted to and approved in writing by the local planning authority for each phase of development. Application for approval of the reserved matters for the first phase shall be made to the Local Planning Authority before the expiration of 3 years from the date of this permission. Application for approval of reserved matters for the last phase shall be made no later than 8 years from the date of this permission. No development shall commence on each phase unless approval of the reserved matters for that phase has been obtained from the local planning authority. Development shall be carried out in accordance with the approved details.

Reason: This element of the development 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 and to accord with the West Lindsey Local Plan First Review 2006 and the provisions of the National Planning Policy Framework 2012.

2. The development hereby permitted shall be begun before 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).

3. The development shall be undertaken in accordance with the phasing plan ref MI1028/003B. Any variation to this shall be submitted to, and agreed in writing with, the local planning authority. Development shall proceed in accordance with the approved details.

Reason: To ensure the development proceeds in a managed and coordinated way and maximise its contribution towards an assessed housing need.

4. No development shall take place until a detailed 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 the existing greenfield run off rate (41.6l/s maximum)
- 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: To prevent the increased risk of flooding, to improve and protect water quality, ensure future maintenance of the surface water drainage system and to accord with the provisions of the National Planning Policy Framework 2012.

5. No building works which comprise the erection of a building requiring to be served by water services shall be undertaken (in connection with any phase of the development hereby permitted) until full details of a scheme (including phasing) for the provision of mains foul sewage infrastructure on and off site has been submitted to and approved in writing by the Local Planning Authority. No dwelling shall be occupied until the works have been carried out in accordance with the approved scheme.

Reason: To prevent flooding, contamination and detriment to public amenity through provision of suitable water infrastructure.

6. The details to be submitted in accordance with condition no. 1 above shall include a) a Landscape Management Plan setting out management responsibilities and maintenance schedules for all landscaped areas, inclusive of trees, hedges, ditches/ swales and balancing ponds/ drainage basins; and b) a Biodiversity Enhancement Scheme setting out including measures for dry and wetland habitat creation and management, including (but not exclusively) the provision of bat roosts, bird boxes and amphibian hibernaculum.

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

7. No development on any phase shall take place, until a Construction Method Statement for that phase 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) no construction works (including use of machinery and vehicles entering and/or leaving the site) shall take place outside of the hours of 7.30am – 6pm Monday to Friday and 8am to 1pm on Saturdays and at no time on Sundays or Public Holidays unless agreed with the LPA
 - (xi) mammal ramps to be installed in any uncovered trenches overnight
 - (xii) precautionary approach to be adopted during construction works to minimise the spread of Himalayan Balsam
 - (xiii) a treatment plan for Horsetail shall be implemented during all construction works

Reason: In the interests of amenity, and ecological protection and in accordance policies of the Central Lincolnshire Local Plan.

8. No development shall take place before a scheme has been agreed in writing by the local planning authority for the construction of a 2 metre wide footway along the sites frontage to connect with the existing footway on the eastern side of Caistor Road, together with arrangements for the disposal of surface water run-off from the highway at the frontage of the site. 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.

9. The details to be submitted in accordance with condition no. 1 above shall include a noise impact assessment (based on the Noise Impact Assessment submitted under planning permission 135013) to assess the suitability of the siting, layout and design of the dwellings proposed with respect to the railway line to the west of the site and the A46 Caistor Road to the east of the site and if necessary identify attenuation measures required to limit impact on residential amenity. The submitted details shall be approved in writing by the Local Planning Authority and implemented in strict accordance with the approved details and retained as such thereafter.

Reason: To protect residential amenity and to protect the operation of the existing transport infrastructure and in accordance with policies of the Central Lincolnshire Local Plan.

10. No development shall take place until, details of all slab levels and any land level regrading proposed to the site shall be submitted to and approved in writing by the Local Planning Authority and the development shall only be carried out in accordance with those details so approved.

Reason: To ensure that the development does not adversely affect the amenities of adjoining properties, surface water flooding would not occur and the character or appearance of the area are protected in accordance with policies of the Central Lincolnshire Local Plan.

11. No development shall commence on a phase until a scheme of, protection and mitigation (in respect of reptiles, badgers, and great crested newts) as recommended within the Extended Phase 1 Habitat Survey by Delta – Simons Project No. 90-3241.05 has been submitted to and approved in writing by the Local Planning Authority. The submitted scheme shall include any phasing and timetable for implementation of the works. The development shall thereafter be developed in accordance with these details unless otherwise agreed in writing by the Local Planning Authority.

Reason: To protect and promote ecological diversity, protected species and prevent the spread of invasive features in accordance with policies of the Central Lincolnshire Local Plan and the provisions of the NPPF.

12. Notwithstanding any indicative plans supplied details to be submitted in accordance with condition no. 1 above shall include a minimum of 10% of the site area to be used as public open space. Any details provided shall include a timetable for the provision of such space. These details shall be submitted to and approved in writing by the Local Planning Authority and thereafter implemented in accordance with the approved plans and scheme.

Reason: To ensure sufficient open amenity space is available for recreation, surface water drainage and wildlife promotion and in accordance with policies of the Central Lincolnshire Local Plan and the provisions of the National Planning Policy Framework.

13. No dwelling shall be occupied until a Residential Travel Plan has been submitted to and approved in writing by the local planning authority and the provisions of the plan relevant to the occupation of that dwelling have been implemented.

Reason: To promote sustainable development and limit the use of motor vehicles and in accordance with policies of the Central Lincolnshire Local Plan and the provisions of the NPPF.

14. The emergency access shall not be used for general motor vehicle access and only be accessible to emergency vehicles. Details of measures to be implemented to prevent access by general motor vehicles (but allow access by emergency vehicles) shall be submitted to and agreed in writing by the Local Planning Authority and be implemented before the first dwelling is occupied on any part of the site and be retained as such thereafter. Reason: To protect residential amenity and highway safety and in accordance with policies Central Lincolnshire Local Plan.

15. No development shall commence until detailed plans are submitted to show that 30% of the houses approved can be built to Building Regulation Part M4(2) standard can be met. The development shall then proceed in accordance with the approved details.

Reason: To meet a specific housing need and in accordance with policy LP10 of the Central Lincolnshire Local Plan.

16. As part of the reserved matters applications required by condition 1 of this decision, details of the housing mix (size, bedroom numbers and nature of dwellings proposed) shall be submitted to and approved in writing by the Local Planning Authority. The development shall proceed in accordance with the plans approved thereafter.

Reason: To ensure housing need is appropriately considered and in accordance with policy LP10 of the Central Lincolnshire Local Plan and the National Planning Policy Framework.

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

17. Irrespective of the number of dwellings in any particular phase the total number of dwellings to be developed on the site shall not exceed 300.

Reason: To maintain the character of the area, highway safety and capacity, residential amenity and drainage and in accordance with policies Central Lincolnshire Local Plan.

18. No tree(s) or hedges on the site shall be felled or removed without the prior written agreement of the Local Planning Authority.

Reason: In the interest of visual amenity and the protection of wildlife in accordance with policies of the Central Lincolnshire Local Plan and the National Planning Policy Framework.

19. No works shall take place involving the loss of any hedgerow, tree or shrub other than outside the bird nesting season (1st March to 31st August), unless it has been thoroughly checked for any nests and nesting birds by a suitably qualified person who has confirmed there are no active nests present.

Reason: To protect the wildlife using the hedge in accordance with policies of the Central Lincolnshire Local Plan and the National Planning Policy Framework

20. 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/building in the interests of residential amenity, convenience and safety.

21. Before any dwelling is commenced, all of that part of the estate road and associated footways that forms the junction with the main road and which will be constructed within the limits of the existing highway, shall be laid out and constructed to finished surface levels in accordance with details to be submitted and approved 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.

22. None of the dwellings hereby approved shall be first occupied until the surface water drainage system serving that dwelling including for the highway serving that dwelling has been completed in accordance with the details required by condition 4. The approved system shall be retained thereafter.

Reason: To prevent the increased risk of flooding, to improve and protect water quality, ensure future maintenance of the surface water drainage system and to accord with the provisions of the National Planning Policy Framework 2012.

23. Prior to the first occupation of any dwelling the works to improve the public highway (by means of ghost island right hand turn facility and pedestrian refuge

as indicated on drawing number MI1028/002B) shall be certified complete 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.

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

Reason: In order to safeguard human health and the water environment as recommended by the Environmental Health Manager in accordance with the policies of the Central Lincolnshire Local Plan and provisions of the National Planning Policy Framework.

25. 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 the following drawings: CRM/05 rev A, MI1028/002B and reports: Drainage Statement Ref P16-140/LDS/DS/C, Proposed Drainage Strategy P16-140-1001 P2, Planning Statement Draft Travel Plan, Bat Roosting Survey, Extended Habitat Survey, Geoenvironmental Report, Geophysical Report, Badger Survey, Noise Impact Assessment and Transport Assessment & Technical Appendices. 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 policies of the Central Lincolnshire Local Plan.

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

None

Advice Notes to developer

In order to satisfy the condition 5 above, an adequate scheme would need to be submitted demonstrating that there is (or will be prior to occupation) sufficient infrastructure capacity for the connection, conveyance, treatment and disposal of the quantity and quality of water arising from the proposed phase of development