

## **Officers Report**

### **Planning Application No: 136309**

**PROPOSAL:** Outline planning application to erect 61 no. dwellings-access to be considered and not reserved for subsequent applications.

**LOCATION:** Land off Willingham Road Lea Gainsborough DN21 5EN

**WARD:** Lea

**WARD MEMBER(S):** Cllr J Milne

**APPLICANT NAME(S):** B Barton & R Iredale

**TARGET DECISION DATE:** 21/08/2017

**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:-

- The delivery of no less than 20% as affordable housing;
- Measures to secure the delivery, and ongoing maintenance and management of public open space, drainage features and ecological and protected species works including potential mitigation and compensatory features/land;
- A capital contribution towards enhancements of Lea Park, playground and woodland walk and strategic sports provision.
- Provision and maintenance of a pedestrian footpath linking site to Lea Park

*In addition to the s106 agreement the Community Infrastructure Levy (CIL), is in force and a contribution will be required in accordance with WLDC's regulation 123 list. The exact detail of the contribution will be determined at the reserved matters stage, when floor space can be accurately calculated.*

In the event of the s106 not being completed and signed by all parties within 9 months from the date of this Committee, then the application be reported back to the next available Committee meeting following the expiration of the 9 months.

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This application has been referred to the committee as officers deemed it appropriate to do so in view of the public interest generated and the apparent contentious nature of the proposals.

#### **Non-technical summary:**

This is an outline application for 61 dwellings with all matters (layout, scale, appearance, landscaping) reserved, except access. The access is detailed and a vehicular junction is proposed to Willingham Road. Pedestrian access would also be possible from this location.

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*Location:* The site is currently paddock with a parkland character to the south of the village of Lea. A small number of residential properties directly adjoin the site. The site is private land used sporadically for the grazing of horses but with an existing access to Willingham Road.

*Policy:* The development plan comprises the adopted Central Lincolnshire Local Plan (CLLP) and Lea Parish Neighbourhood Plan (LNP). Policy 50 of the CLLP and policy 1 of the LNP allocates the site for residential development with an indicative no of 68 dwellings.

*Objections:* Objections to the scheme in summary include: The allocation of a specific site for housing development, its need and the scale of development within Lea, impact on: the character and appearance of the area, heritage issues, residential amenity, ecology, highway capacity and safety, sustainability, facilities, infrastructure and drainage.

*Principle:* An outline application for 61 dwellings would accord with the adopted development plan (CLLP and LNP) policies LP2, LP3 and LP50 and policy 1 in principle.

*Housing Mix:* The plan provided is indicative in nature but shows that a good mix of housing units could be provided in terms of size and nature in accordance with policy LP10 of the CLLP and policy 3 of the LNP. In addition to this, the applicant is willing to accept a condition for that a minimum of 30% of dwellings be constructed to Building Regulations standard M4(2) in order to comply with LP10. Similarly, 20% of the housing would be secured as affordable through a legal obligation, to accord with policy LP11.

*Character and historic assets:* The development of this site will alter its appearance and character from a paddock to a residential area. The allocation of the site for housing within the development plan has established this change in character in principle. The Landscape Visual Impact Assessment indicates that main impact of the development would be on a local scale. The LVIA along with the indicative plan submitted indicates that subject to conditions for landscaping and open space the development could take place in a sensitive manner to maintain an attractive character to the village. Similarly, following advice it is considered that the setting of historic assets could be maintained. The proposal therefore accords with policies LP17, LP25 and LP26 of the CLLP and policies 1 and 4 of the LNP.

*Highway Capacity and Safety:* The allocation of the site with the development plan (CLLP policy LP50 and LNP policy 1) establishes the principle of an access onto Willingham Road for around 68 dwellings. The proposal details the access and subject to conditions this has not raised any objection from the Highway Authority. Similarly, both through the development plan adoption process and the assessment of this application the safety of the existing highway infrastructure and its capacity (including junctions) are deemed acceptable. The proposal is therefore in accordance with policy LP13 of the CLLP and policy 1 of the LNP.

*Drainage and flooding:* The allocation of the site in the development plan (CLLP and LNP) for housing included consultations with relevant water bodies and the

Environment Agency and was been deemed acceptable. This application has provided an indicative overall drainage strategy for the site which has been assessed by the Lead Local Flood Authority as being suitable to drain surface water generated by the site without increasing flood risk to existing areas. In addition to this, Seven Trent Water has indicated that enhanced infrastructure work required to accommodate the development will be undertaken but that the occupation of any dwellings approved will only be allowed once such works have been completed. It is considered therefore that the proposal, subject to conditions, accords with Policy LP14 of the CLLP and policy 1 of the LNP.

*Residential Amenity:* Any development of the site will have an impact on the surrounding residential properties. The indicative plan has shown that the residential amenities of adjoining occupiers could be adequately protected (subject to conditions requiring landscaping and limiting development to single storey directly to the rear of these dwellings) in accordance with policy LP26 of the CLLP and policy 1 of the LNP.

*Trees & Ecology:* The site includes only a small number of trees but is surrounded by prominent areas of mature trees. The indicative layout provided indicates that a development could proceed, subject to reserved matters applications and conditions, without harm to trees within the surrounding area in accordance with policy LP17 of the CLLP and policy 1 of the LNP. It is noted that a mature tree to the rear of 12 Willingham Road would be felled which would detract from the character of the site. This tree has been assessed and found to be unsuitable for safe retention in a residential environment.

Surveys have indicated that the pond to the south eastern corner of the site has been used by Great Crested Newts. Similarly, bats could find the tree to the rear of 12 Willingham Road attractive for roosting. Additional surveys in accordance with Natural England Standing Advice have been undertaken without either Great Crested Newts or evidence of bat roosts being found. Subject to conditions requiring further surveys before development commences and a mitigation and potential compensation strategy (secured through a planning obligation) being submitted and implemented the proposal is deemed to accord with policy LP21 of the CLLP.

*Sustainability and community services:* The allocation of this site within the development plan (policy 50 of the CLLP and policy 1 of the LNP) has established the site to be sustainable with good access to facilities, services and work places within Gainsborough and the wider area. The submission of a draft travel plan with this application supports access of such areas by sustainable means.

Any development on this site will increase the use of community services such as health and educational facilities in the wider area. The appropriate bodies have specifically not requested any contributions or enhancements. It is noted, however, that if the development is approved it would be liable for a CIL charge which could contribute towards secondary education. The proposal is therefore deemed to accord with policies LP9 and LP12 of the CLLP and policy 1 of the LNP.

*Recreation:* The development would increase the use of recreation facilities adjoining the site. The indicative plan identifies potential areas of informal recreational open space on site whilst a footpath to Lea Park and a contribution towards enhancements

to Lea Park and playground equipment would mitigate the impact amenity in accordance with policy LP24 of the CLLP and the policies 1, 5 and 6 of the LNP.

**Description:**

The site is allocated within both the adopted Central Lincolnshire Local Plan, policy LP50 ref CL3044; and the made Lea Parish Neighbourhood Plan, policy 1 for housing. In both policies it has an indicative capacity of 68 dwellings.

The application site is located on the south of the village of Lea fronting Willingham Road. The site has an attractive parkland type character of roughly 3.04ha in area.

The site appears to be used for grazing horses and includes an access running to Keeper's Cottage to the south of the site. Ground levels fall almost immediately from the site frontage at Willingham Road (19m AOD) before falling more gently to the main part of the site and then again to the western section of the site 12m AOD. A drainage pond exists to the south eastern corner of the site. Although the character of the area is dominated by adjoining trees only one large mature tree grows within the body of the site, which is to the rear of 12 Willingham Road.

The character of the site is dominated by substantial tree cover immediately beyond the southern and western boundaries of the site. Further tree substantial cover is found the north of the site along with two residential properties, 10 and 12 Willingham Road. 10 Willingham Road is a large two storey detached dwelling in grounds backing onto the application site. The boundary is currently demarcated by a three bar open fence with some limited planting. 12 Willingham Road is a modern dormer bungalow type dwellings with full glazed gables to the south western elevation. This property is located on raised ground compared to the application site and currently allows views across the site. It is also bounded by a three bar open fence. Also adjoining the site is 14 Willingham Road to the south eastern corner of the site. This detached house and garden is partially screened by trees to the site edge but also includes substantial open boundaries with post and wire fencing.

Bounding the site to the east is Willingham Road. A mixed hedgerow and a number of trees form a natural boundary to the road. Access to the site is also located at this point and is marked by a metal field gate.

This application seeks outline consent for up to 61 dwellings. All matters (layout, scale, appearance and landscaping) are reserved, except for access which is to be considered as part of this application. The access is proposed to Willingham Road some 42m from the garden boundary at 12 Willingham Road. The access would be 5.5m in width with 2m wide footpaths either side. These footpaths would extend to the full width of the site frontage with drop kerbing proposed at either end which would correspond with similar features to the footpath on the opposite side of Willingham Road.

An indicative layout is provided along with an indicative housing mix.

The site, as is the village, is within an area designated as an Area of Great Landscape Value (AGLV) in the Central Lincolnshire Local Plan.

**Relevant history:**

134871 Pre application for erection of residential development

**Representations:**

**Lea Parish Council:** accept the proposal of up to 68 Dwellings to support sustainable development in the village of Lea over the next 20 years. But, proposals for the development on this site will be accepted only where they can satisfactorily demonstrate that the development complies with the Lea Parish Neighbourhood Plan and demonstrate to the local planning authority, that this development will not have any detrimental impact on the following issues:

- A) Residential amenity to existing properties along Willingham Road and Park Close
- B) Existing flood risk, surface water runoff and foul sewage drainage, particularly within the village already impacted by such issues
- C) Existing capacity of the local school and health facilities
- D) Existing highway network, in particular access onto Willingham Road, Parishioners have serious concerns about the additional hazards which will be created by the proposed access to the site being opposite Stainton Close, one of the two entrances to the primary school. School children will need to cross, here in both directions and will be impeded by parked cars as well as traffic movements along Willingham Road (including vehicles exceeding the speed limit) and into and out of the site. Provision of safety measures particularly for children are essential.
- E) The local character, density and distinctiveness is reflected within the scheme
- F) The height and scale of existing properties surrounding the site
- G) The use of appropriate boundary treatments and screening through the creation of a "green buffer" to existing nearby properties
- H) The protection and enhancement of trees, hedgerows and the natural environment, taking into account also local topography, landscape and site orientation
- I) Take advantage of the views from Willingham Road towards the historic park land
- J) Take opportunities to provide, or enhance existing, connections to other parts of Lea through the creation of green infrastructure
- K) The provision of an appropriate mix of property types and tenures that help meet the needs of the local community, as set out in policy 3 Lea NP
- L) The provision of an appropriate level of off-street garages and driveways for residents and visitors parking that are integrated into the scheme; and
- M) Where appropriate, incorporate suitable drainage and flood mitigation measures using Sustainable Urban Drainage Systems
- N) Useable and functional on site open space should be provided or an offsite contribution should be provided.

**Local residents:** Objections have been received

10 (x3), 12, 13, 14, 20 & Keepers Cottage Willingham Road,  
2 (x2), 3 Park Close,

57 Gainsborough Road,  
The Old School House, Lea Park (x3),  
The Brye Stephenson's Hill House, Station Road, Knaith (x2),  
Clear Group (Concerned Lea Residents Groups) who have instructed Thea Osmund  
–Smith Barrister.

Objections and comments can be summarised as:

#### *Planning Policy Issues*

- The allocation of a specific site for housing development, its need and the scale of development within the Central Lincolnshire Local Plan and the Lea Parish Neighbourhood Plan has been questioned along with the processes undertaken to adopt such plans and the sites sustainability.

#### *Appearance character and historic significance*

- Proposal is contrary to LP25 and LP38 of the CLLP as it will have a detrimental impact upon the village and specifically will not:
  - i) Make a positive contribution to the natural environment
  - ii) Protect and conserve or enhance the benefits of heritage assets;
  - iii) Protect Local Views;
  - iv) Protect and enhance the landscaped character of the site; and
  - v) Will bring significant harm to this parcel of Green Field Land and its setting.
- The assessment submitted takes no real account of the position of the site next to a historic parkland or its position with the AGLV Area of Great Landscape Value. There should be better screening to the site and along the access to Keepers Cottage.
- Until the CLLP, the site was considered as part of the open countryside not part of Lea village. The proposal will destroy an area of natural beauty within the village. It is in the centre of the loop pathway to Lea Woods
- This is the thin end of the wedge and will lead to further development.
- There is planning history on the site from 1968 and 1988. All developments were refused as the land was designated green belt area and the area was open countryside and adds significantly to the rural character of the area and should remain undeveloped and would set an undesirable precedent for further development. Nothing has changed since then and it should remain historic park land as it has done for the last 100 years.
- Loss of views from 10, 12, 14 Willingham Road and Keepers Cottage. Other property to the north of Willingham Road will be lost. Any screening does not amount to much.

- The Landscape and Visual Impact Assessment (LVIA) undertaken does not follow guidance published by the Landscape Institute: 3rd edition of Guidelines for Landscape and Visual Impact Assessment (April 2013). The text is descriptive and not analytical. It cannot be relied upon and makes no real attempt to justify the layout and development in terms of the parkland, relationship to public vantage points or how the open space would complement the character of this attractive area.
- Proposal makes no effort to integrate 12 Willingham Road into the layout and design of the estate and would reduce light to this property. Indeed the proposal does not consider the impact on 10 or 12 Willingham Road.
- The report is wrong in its conclusions, the land did form part of the parkland to Lea Hall linking the gardens of the Hall to the Laundrymaid's Cottage and drying ground (now no. 10 Willingham Road). The vista is still a green link between the church and the Hall. The trees to the area do not form a complete screen between the site and church particularly in winter.
- It is contended that the protection, enhancement and intrinsic value of our landscape which positively contributes to the character of the area, including historic buildings (St. Helen's Church – Grade I), topography, trees, woodland, landscape views etc... will be subjected to significant harm if this development is allowed to proceed. Furthermore, it will drastically mar the views over open countryside and of the previous Lea Hall Estate land, enjoyed from St. Helen's Church and those properties to the Northern side of Willingham Road.
- The heritage assessment makes no reference to the grade 1 listed St Helen's Church which is a serious omission contrary to para. 128 of the NPPF.

#### *Residential amenity*

- Properties adjoining no. 14 and to the rear of Park Close should all be bungalows not a mixture of two storey houses otherwise privacy would be compromised.
- A close boarded fence should be erected to the boundary of no. 14 (and to Park Close with soft landscaping to the front to maintain security and privacy.

#### *Drainage*

- Concern over responsibility for pond
- Drainage is a key concern as the bottom of the garden regularly floods and has been turned into a bog garden as a result.
- Water runs off Willingham Road onto this site and is a sponge for village it will be made worse if drainage is not designed or considered correctly. The area and indeed that surrounding it are often flooded with large ponds of water. The area to the entrance is often flooded as is the access to Keeper's Cottage. The

design of the drainage at this stage is simply a draft with the detail only really known at reserved matters stage. Area is mainly clay and will not be suitable for soak away drainage. Water will always run down from Willingham Road so will always be wet. At that point will there be enough attenuation space for water? Will this be sufficient? Conditions should be used to ensure this detail is provided as a minimum. A proposal on higher ground should not exacerbate drainage to lower levels surrounding the site. The area around the pond flood already so a soakaway will make things worse.

- The Laundry & Laundry Maids Cottage (new no. 10 Willingham Road) drew water from the site showing it is already water logged. The pond and general soakaways will not be sufficient to deal with the level of water running off the site. The suds features may well assist the site but at 50m from properties at Park Close it will increase the risks to these dwellings and in a storm event could overwhelm these features and flood neighbours dwellings.
- Foul sewerage issues remain and a non-return valve has had to be fitted to protect the property from surcharging. This needs to be investigated as the network cannot cope. Statements about improvements and diversions are vague, what will the pumping station be required for, will there be noise issues.

#### *Highway capacity and safety*

- There are a lot of children going to the school opposite the site. Cars park on the highway at school times creating congestion along Willingham Road, Stainton Close and The Grove. It is impossible for two vehicles to pass here. With buses and heavy goods vehicles passing, the school bus parking on Stainton Close, not to mention speeding vehicles in this area, vehicles entering and leaving the site (293) there will be accidents. With children crossing to school, this will be made worse. Previous highway design guides (DB32) indicate that staggered junctions are much safer than cross road, but this is what is being proposed and at a school entrance too. Previous applications for planning permission on this site were turned down on highway grounds. Assessments of traffic do not take account of afternoon pick up of children when street is gridlocked.
- The assessment makes no assessment about how many cars that people in Lea own, the Office of National Statistics show that an additional 107 vehicles would be owned within Lea and surrounding area as a result of these proposals. Also no account is taken of delivery vehicles or friends or relative visiting.
- The sustainability of the location is poor with a heavy reliance on the private car. The majority of facilities are significantly further away than the 400m recommended. No contributions are proposed to support public transport facilities.
- The gradient for the access will make it impossible to use in snow. Visibility in this area is poor.



- 160 extra vehicles generated will create congestion at the junction of Gainsborough Road (A156) at rush hour. The road has a 40 mph speed limit.
- Highway experts should assess the proposal at peak times.
- The planting to the front of the site on Willingham Road will reduce visibility

#### *Trees and landscaping*

- Green buffers should be evergreens. A mixture of Holly and laurel would be in keeping with the historic character of the park.
- The Tree to the rear of no. 12 has not been fully assessed as to its value in the townscape. It does at least recognise it has acceptable health. The assessment to justify its removal has not been made and to simply replace it with further housing nos. is not acceptable. Other layout options should be explored to allow it to remain. The tree should be retained for its intrinsic quality and an independent mature tree in this majestic setting.

#### *Ecology*

- The ecology report submitted is not suitable for fully assessing the impacts on species within the area. The bat survey should continue up until August and the newt surveys should be undertaken in April and May. The proposal should therefore be refused.
- Surveys are also important to consider how layout should be designed, whether and ponds should be placed in certain locations and the acceptability of landscape proposals. Without realistic understanding of whether a licence would be granted from Natural England for any mitigation works and that there are no alternative works proposed.
- This is the only paddock in the village which attract deer, various birds of prey, and pheasants amongst others. Also 19 species of birds have been found on site many of which are classified as RED (Globally Threatened) and Amber Unfavourable conservation status in Europe). In order to protect such species the hedgerows to Willingham Road should be retained. Badgers are known to the north of the site.

#### *Design and layout*

- There is no design and access statement when there should be one.
- The design/ layout proposed is unremarkable, uninspiring and not of the quality required in an area of limited development. Too much emphasis is placed on the need to have a dominating spin road in the middle of the site which directs how dwellings will be located. It takes no account of the loose grain of surround areas nor the importance of landscaping. Park Close should be the model.

- There should be no 3 storey houses (including those with rooms in roof voids. Should also be fewer semi-detached houses. No bungalows should have rooms in roof as this would be contrary to Lea Neighbourhood Plan (para 5.7)
- A development of 22 houses per ha in this location is quite high given the context for the area and should be closer to 8 or 9 per ha. Where such dense development have been built they have detracted from the area and this should not be repeated here.
- There should be greater open space, it is just not usable. The development includes family housing but has no real amenity space. Also retention pond will be a danger to children and who will have responsibility for this area?
- There are not enough car parking spaces proposed.

### *Infrastructure*

- Local facilities cannot cope, the school and nursery are full, and the good secondary schools are full with only spaces at a failing one. Parents will end up taking children to Lincoln, Market Rasen or Kirton Lindsey. You have to wait three weeks for a doctor and many people travel to Willingham to see a doctor but this is also full. This will generate a need for 27 additional places for students. £150000 offered by the applicant will not build another school in the village nor attract additional teachers. Also the playing field will be the only location to expand on.
- A contribution of £425 per dwelling for the NHS (£28900) will not be sufficient to fund a new surgery or attract GP's to the area. The reason why no objections have been received from LCC Highways, Seven Trent, Environment Agency and Health Care and Education is because the application is in outline only. If additional information had been provided that Lea was a village the responses would be different.
- The amenity space of Lea Park is of real benefit but the facilities are of a poor quality and should be improved.

### *Other issues*

- Loss of housing value.
- The planning committee should visit the site to assess the situation before making a decision.

**Historic England:** Recommend advice be taken from the Council's own specialist advisers on conservation and archaeology.

**Lincolnshire Fire & Rescue:** Request the development be built to various standards and include the requirement for additional hydrants

**LCC Highways/ Lead Local Flood Authority:** Initially the proposals for drainage were objected to by the LLFA. Following the receipt of *revised proposals detailing a drainage* strategy the scheme was accepted. Conditions were therefore requested including:

- No development shall take place until a surface water drainage scheme for the site, based on sustainable urban drainage principles and an assessment of the hydrological and hydrogeological context of the development has been submitted to and approved in writing by the Local Planning Authority. The scheme shall:
  - a) Provide details of how run-off will be safely conveyed and attenuated during storms up to and including the 1 in 100 year critical storm event, with an allowance for climate change, from all hard surfaced areas within the development into the existing local drainage infrastructure and watercourse system without exceeding the run-off rate for the undeveloped site;
  - b) Provide attenuation details and discharge rates which shall be restricted to 5 l/s;
  - 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.

Also requests conditions requiring formation of:

- *1.8m wide footpath across site frontage with tactile paving,*
- *An assessment of existing drainage to Willingham Road; and*
- *Formation of access junction, visibility splays and first 60m of estate road from junction into the estate.*

**Environment Agency:** No comments to make as proposal does not meet criteria for consultation.

**Archaeology:** No input required

**Lincolnshire Police:** Provides guidance on matters of designing out crime.

**LCC Education:** Capacity is available within the local school and as a result no contribution is required.

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

Natural England has not assessed this application for impacts on protected species. Natural England has published Standing Advice which you can use to assess impacts on protected species or you may wish to consult your own ecology services for advice.

**Conservation officer:** No objection following amendment to indicative layout.

### **Relevant Planning Policies:**

Planning law<sup>1</sup> requires that applications for planning permission must be determined in accordance with the development plan, unless material considerations indicate otherwise. The Development Plan in this location comprises the Central Lincolnshire Local Plan (April 2017); the Lea Neighbourhood Plan (January 2018); and the Lincolnshire Minerals and Waste Local Plan (2017).

#### Central Lincolnshire Local Plan (Adopted 2017)

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

LP1: Presumption in favour of sustainable development  
LP2: The spatial strategy and settlement hierarchy  
LP3: Level and Distribution of Growth  
LP4: Growth in villages  
LP9: Health and wellbeing  
LP10: Meeting accommodation needs  
LP11: Affordable housing  
LP12: Infrastructure to support growth  
LP13: Accessibility and transport  
LP14: Managing water resources and flood risk  
LP17: Landscape, townscape and views  
LP18: Climate change and low carbon living  
LP21: Biodiversity and geodiversity  
LP24: Creation of new open space, sports and recreation facilities  
LP25: The historic environment  
LP26: Design and amenity  
LP38: Protecting Gainsborough's Setting and Character  
LP50: Residential allocations – main towns (site CL3044)

#### Lea Neighbourhood Plan

<https://www.west-lindsey.gov.uk/my-services/planning-and-building/neighbourhood-planning/all-neighbourhood-plans-in-west-lindsey/lea-neighbourhood-plan/>

The Lea Neighbourhood Plan has been examined with the examiner's report including modifications being approved on the 19<sup>th</sup> September 2017. Following approval from Prosperous Communities Committee (24<sup>th</sup> October 2017) a referendum was held on the 7<sup>th</sup> December 2017. Of those voting 73% voted in favour of the neighbourhood plan. The plan was presented to Full Council on 22<sup>nd</sup> January 2018 where the decision to make the plan was taken. In line with the Neighbourhood Planning Act 2017 the Lea

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

Parish Neighbourhood Plan now forms part of the Development Plan and should be given full weight in the decision making process.

### **Policies:**

Policy 1 – The comprehensive development of site 1 off Willingham Road

Policy 3 – Housing Mix

Policy 4 – Design and character

Policy 5 – Wider green infrastructure

Policy 6 - Lea Green Wheel

Policy 10 – Flooding and drainage

Policy 11 – Waste water and supply

### **Lincolnshire Minerals and Waste Local Plan**

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

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

The Site Locations were adopted in December 2017. The application site is not within an allocated minerals or waste site.

### National guidance

National Planning Policy Framework (NPPF)

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

National Planning Practice Guidance (NPPG)

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

### **Other**

Natural England: Great Crested Newts: Surveys and mitigation for development projects – Standing advice for local planning authorities who need to assess the impacts of development on great crested newts:

<https://www.gov.uk/guidance/great-crested-newts-surveys-and-mitigation-for-development-projects>

### **Main issues**

- Principle of housing in this location
- Housing Mix
- Character & design
- Residential amenity
- Trees and wildlife
- Drainage
- Access & Transportation

- Open space, recreation, health and education

### **Assessment:**

- Principle of housing in this location

The application site is located to the southern edge of the village of Lea but existing housing areas are located to the west, north and east of the site (albeit with intervening trees and landscaping to the north and west). The site is allocated within the adopted Central Lincolnshire Local Plan for primarily residential development, ref. no. CL3044 under policy LP50. The policy notes that CL3044 would have an indicative capacity of 68 dwellings.

Despite the objections received to this application and the site's residential allocation, the development plan allocation at Lea has been assessed and found to be sound by the Planning Inspectorate as part of the Central Lincolnshire Local Plan. The hearing in public included the submission of documentation in relation to Lea and indeed some of the objectors to this application took part in this public process. Having considered all representations made, the CLLP was found to be sound with the inclusion of the site allocation. Indeed one of the key concerns of objectors, that Lea is used to accommodate housing for the Gainsborough area is specifically addressed in para 3.4.9 of the CLLP which states: *'The reason for this is that whilst Lea is a settlement in its own right, it is physically connected to the urban area of Gainsborough, and the same is the case for Morton. As such, Lea and Morton were considered for allocations to help meet Gainsborough's growth needs.'*

This application for (outline) planning permission does not afford the opportunity to review or otherwise reassess the site allocation. In accordance with statutory planning law, this application for planning permission must be determined in accordance with the development plan, unless material considerations indicate otherwise.

The Lea Neighbourhood Plan (LNP) has now been made (22<sup>nd</sup> January 2018) and forms part of the development plan against which this application must be determined - its policies have full weight within the planning process. This followed a referendum held on the 7<sup>th</sup> December 2017 result clearly favouring the adoption of the plan. In line with s38 of the Planning and Compulsory Purchase Act 2004 the policies of the plan now form part of the development plan for this area.

Policy 1 of the LNP accepts the Central Lincolnshire Local Plan housing allocation (CL3044) for up to 68 dwellings on the application site. It includes a plan which demarcates the site for housing. It also provides further guidance on the type of development which would be suitable and provides a criteria by which to assess proposals to ensure: a) the layout respect the amenities of existing properties along Willingham Road and Park Close; b) the technical design of the scheme does not have an unacceptable impact on surface water runoff and foul sewerage within the village; c) the proposal takes account of existing capacity of the local school and health facilities; d) the proposal takes account of the existing capacity of the highway network and provides for a satisfactory vehicular access to Willingham Road in particular; e) the design and layout reflect the character, density and distinctiveness of the surrounding area, including height, scale and mass of existing residential properties;

f) the design and layout provides sensitive boundary treatments and screening to create an appropriate green buffer between the new development and existing residential properties g) the design and layout of the proposal protects and where appropriate enhances trees, hedgerows and the natural environment by taking account of local topography, landscape and orientation of the site; and h) the layout of the scheme provides useable and functional open space to development plan standards.

In making his assessment on the acceptability of the plan the neighbourhood plan examiner stated within his report (19<sup>th</sup> September 2017) that with respect to policy 1, para 7.15, 'I have given careful consideration to the physical and site-specific matters raised in the representations and looked at the site in detail. I am satisfied that the development of this site is appropriate and will represent sustainable development'. In doing so he considered that policy 1 incorporated appropriate environmental safeguards to ensure this happened.

As such subject to more detailed assessment of the physical nature of the site and its impact on the surrounding area the principle of 61 residential dwellings on this site is in direct accordance with the provisions and strategy of the development plan - namely Central Lincolnshire Local Plan, policies LP1, LP2, LP3, and LP50 and The Lea Neighbourhood Plan Policy 1.

This site also contributes towards meeting the housing need within Central Lincolnshire but also specifically the 12% allocated for Gainsborough under CLLP policy LP3.

- Housing Mix,

CLLP Policy LP10 seeks development to meet housing need within the area. This is mainly focused on the Strategic Housing Market Assessment but also considers other appropriate local evidence. In general this requires a mix of housing tenures, types and sizes, it notes however that there is a particular need for housing suitable for the more elderly and those with long term health or disability issues.

Policy LP10 also seeks to cater for those less mobile residents, those getting elderly or the disabled. As such 30% of dwellings are expected to meet Building Regulation Standard M4(2) to deliver housing that can be easily adapted to meet people's changing needs. This can be secured by way of a planning condition.

Policy LP11 of the Local Plan seeks to meet the strategic aim of delivering 17400 affordable housing over the plan period, to assist those residents unable to compete on the open market. The policy indicates that for developments over 11 dwellings outside of the Lincoln strategy or SUE areas 20% of the housing should be affordable.

Lea Neighbourhood Plan Policy 3 - Housing mix, also accords with policy 1 of the LNP and requests that proposals should have an appropriate mix and type of units to help address the needs of the community. Local investigations show that the village as a whole has large numbers of 3, 4 and 5 bedroom houses but less than 0.2% of properties being single and two bedroom properties, with very little socially rented properties or indeed privately rented accommodation. Consultation evidence also

found an increasingly elderly population but with fewer smaller properties to down size to or indeed for first time buyers leading to a loss of younger people. Of those who responded to the Neighbourhood Plan questionnaire 59 respondents sought bungalows, 58 people stated the village needed family housing needed, 30 wanted retirement housing apartments whilst 28 wanted lower cost/affordable/ starter homes. No one sought 3 storey housing nor apartments.

Although this application is in outline form only, with the detail of the proposal, including housing mix to be determined at reserved matter stage, the applicant has provided an indicative plan to show that 61 dwelling units could be accommodated on site. The indicative plan shows that to a mix of housing that seeks to meet the CLLP and LNP concerns with 8 x 1 bed units (13%), 20 x 2 bed dwellings (33%) and 27 x 3 bed dwellings (44%) with only 10% of dwelling units being proposed for 4 and 5 bed roomed units. A planning condition is considered necessary to ensure that an inclusive housing mix is achieved, in order to comply with CLLP policy LP10 and LNP policy 3.

The designs of the dwellings proposed are also indicative (scale & appearance are reserved matters) but seek to accord with the CLLP and LNP policies with 2 storey dwellings proposed with a small number of bungalow and dormer bungalow designs. Similarly a range of detached, semi-detached and terraced proposals are shown. The majority (56%) of the indicative units proposed are semi-detached designs with 15% being in the terraced format and 13% being flats. It is noted that the flat blocks would only be 2 storey in height and accommodate 4 flats in each block. These could therefore appear very similar to housing units. Whilst this could change at reserved matters stage it does indicate that a mixed development in line with local requirements could be achieved.

The applicant has agreed to a condition requiring 30% of the units to be built to Building Regulations Part M4(2) in accordance with policy LP10 of the CLLP. Similarly, 20% of the residential units of site would be designated as affordable to accord with policy LP11 of the CLLP and policies 1 and 3 of the LNP. These requirements would be enforced through conditions and inclusion with the s106 legal agreement respectively.

It is considered therefore that the development of this site could provide an acceptable mix of property in accordance with the development plan policies in accordance with policies LP2, LP10 and LP11 of the CLLP and policies 1 and 3 of the LNP.

- Character and design

Matters of layout, scale, appearance and landscaping are all reserved for subsequent approval ('reserved matters'). Nonetheless, indicative drawings have been supplied to illustrate how development may be accommodated on site.

Efficient use of land is tempered by the natural characteristics of any site, and in this instance the site's its parkland appearance which is clearly cherished by a good proportion of the local community (as attested to by policy 1 of the LNP) and particularly those whom overlook the site.



Policy LP17 of the Central Lincolnshire Local Plan seeks to protect and enhance the intrinsic value of the landscape and townscape, including the setting of settlements. Proposals should have particular regard to maintaining and responding positively to any natural and man-made features within the landscape and townscape which positively contribute to the character of the area, such as (but not limited to) historic buildings and monuments, other landmark buildings, topography, trees and woodland, hedgerows, walls, water features, field patterns and inter-visibility between rural historic settlements.

The policy also notes that all development proposals should take account of views into, out of and within development areas: schemes should be designed (through considerate development, layout and design) to preserve or enhance key local views and vistas, and create new public views where possible. 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 inter-visibility from various viewpoints.

Similarly, policy LP26 of the CLLP requires all development to be of a high quality sustainable design that contributes positively to local character, landscape and townscape and supports diversity, equality and access for all. It notes that development proposals must take into consideration the character and local distinctiveness of the area (and enhance or reinforce it, as appropriate) and create a sense of place. This includes seeking to:

- c) respect the 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,
- f) incorporating and retaining as far as possible existing natural and historic features such as hedgerows, trees, ponds, boundary walls, field patterns, buildings or structures;
- h) provide well designed boundary treatments, and hard and soft landscaping that reflect the function and character of the development and its surroundings and;
- i) protect any important local views into, out of or through the site.

Policy LP50 of the CLLP does, however, allocate the site for housing with an indicative number of 68 dwellings on this site.

As noted above Policy 1 of the LNP also allocates residential development of up to 68 dwellings on the site the site subject to: e) the design and layout of the proposal reflects the character, density and distinctiveness of the surrounding area including the height, scale and mass of existing residential properties and; g) the design and layout of the proposal protects and, where appropriate, enhances trees, hedgerows and the natural environment by taking account of local topography, landscape and the orientation of the site.

It further requires developers to demonstrate how they have addressed and incorporate the following features into its layout and design:

- a) the views from Willingham Road towards the historic park land;

b) the provision or the enhancement of existing connections to other parts of Lea through the creation of green infrastructure;

The site is located within an Area of Great Landscape Value (AGLV) (CLLP policy LP17). It is noted that the site does not fall within designated local green spaces (LNP policy 7) nor any key views or vistas as identified within appendix B of LNP. It is located, however, close to an area of Important Open Space and a Local Nature Reserve.

It should be noted that whilst the site was formerly allocated as part of Important Open Space within the now superseded West Lindsey Local Plan (WLLP) this allocation was not upheld in the recently adopted CLLP and does not form development plan policy. The site is not designated nationally or locally as a historic park or garden.

Finally policy 4 of the LNP seeks to establish a design criteria to deliver good quality design. The policy requires all new development, where relevant, to accord with the following local design principles:

- a) should respect the linearity of settlement and the way the streets and spaces relate to the underlying land form;
- b) recognise and reinforce the distinct local character in relation to scale, mass, form, character, density, landscape setting and materials;
- c) the scale of the development should be limited to a maximum of 2 storey throughout the development site to reflect local characteristics;
- e) provide clear and appropriate boundary treatments to provide screening;
- g) respect and protect listed buildings and their settings and the key views towards these important structures are retained;
- h) the views into and out of the settlement as identified in Appendix B should be retained; ...

This application is in outline form with only access not reserved and to be considered in detail. The applicant has provided an indicative plan to assist to show that up to 61 dwelling units could be accommodated on this site. As it is indicative, the layout could well change at reserved matters stage but does provide a useful, if limited, indication as to how a development could impact on the character and appearance of this area.

The applicant has provided a revised Landscape Visual Impact Assessment (LVIA). This document assesses the impact of the proposed development from a wider perspective but also from specific local viewpoints/receptors. The report concludes that visual landscape impacts would be very localised due in the most part to the topography of the area but also the significant blocks of deciduous woodland and parkland landscaping which screens the site from the majority of medium and long distance views (i.e. the development has small Zone of Visual Influence).

The West Lindsey Character Assessment (WLCA) which notes that development can be accommodated on the high ridges to the south and east of Gainsborough, provided it is associated with new tree and hedgerow planting which is designed to integrate with local field patterns. Whilst the site is not particularly on the high ridge the existing tree planting surrounding a substantial part of the site creates very similar circumstances limiting/ filtering views of the proposal. The WLCA also notes that new

development on the periphery of settlements should always be bounded by new or existing hedgerows and native hedgerow trees so that buildings are anchored within the wider landscape pattern. The proposals are such that such that a development would not be so dense that an arrangement is possible with areas of open space being proposed to the south and east of the site to provide attractive landscaped areas close to the main visual receptors.

In a similar manner the majority of views of the site from local viewpoints are also assessed by the LVIA. The report notes that the views of the site from public footpaths Lea/1053/1 and Lea/1055/1 would be limited by substantial vegetation or distance. These footpaths form part of the Lea Neighbourhood Plan's Green Wheel (Policy 6) project and as such this is important consideration. As such the impact on the character of these areas are determined as Minor Adverse/Negligible. Having visited the application site and the wider area, it is considered that such a conclusion is not an unreasonable.

Perhaps the greater visual and character impacts would be from the immediate surroundings of the site. In particular the adjoining residential properties and views from Willingham Road. As is noted by the LVIA properties to the west on Park Close would be screened by a tree belt filtering views of the proposed development even in winter. Further planting is shown on the site boundaries and this could be conditioned to be undertaken forming a further screening. To the north the impact of the development on 10 Willingham Road would be much greater. Here the report indicates that impact would initially be Moderate Adverse reducing to Moderate/Minor Adverse once any landscaping close to the boundary is allowed to grow. A bungalow is also assessed to this boundary. This assessment relies on matters which have not yet been detailed at outline state such as the nature of any landscaping and the type of dwelling to the rear of this property. Nonetheless it would be open to the committee to condition a landscape boundary scheme to be submitted and agreed and that any dwelling directly behind this property to be a bungalow. Whilst the change in character to this dwelling would be moderate adverse no one has a right to a view. Implications for residential amenity will be considered below.

In a similar way, but to an even greater extent, are the implications for the dwelling at 14 Willingham Road. This is due to the orientation of the dormer bungalow, the large full glazed gables and its elevated location overlooking the application site. Here the loss of a clear and open view of the current field and parklands would represent a significant impact for existing occupiers. The LIVA notes that such impacts should be classed as major/moderately adverse due to proposed screening to the site boundary and the potential construction of a bungalow at this point. The use of conditions to ensure a landscaped strip is provided along this boundary could be imposed. The loss of attractive views of the current open space is recognised but careful design at reserved matters stage could ensure acceptable outlook is created, and again a view is not a right. It is noted that this situation is not materially different from many other development locations where existing occupiers have enjoyed views of open fields previously.

The other key viewpoint to assess the impact on the character of the area is from Willingham Road around the proposed access. Here views of the site are available to residential dwellings across Willingham Road but also passing views from vehicles,

cyclist and pedestrians. Within an LVIA the sensitivity of impacts are graded depending on the receptor. The impact on a householder would be significantly greater than that felt by someone passing within a vehicle. Views, however, of an area including, for example of a historic feature (or its setting) or a green space particularly cherished by a community would have a greater significance within an assessment.

The views from the houses on the opposite side of Willingham Road would be impacted upon with a moderate/ minor adverse classification. This classification has been given as a result the 30m distance these dwellings are to the boundary of the site and the revisions undertaken by applicant including an 1176 sq. m area of landscaped open space at the entrance of the site along with proposals to enhance the boundary to the road with further trees and hedging. This together with the approximate 2m fall in ground levels would reduce the impact of views of the development to these properties assisting to retain a visual link to the parkland trees beyond.

In a similar way, whilst it is noted that the site is a pleasant view for residents walking along Willingham Road, and is part of the LNP's Green Wheel (policy 6) amenity walk the impact of the development on users is noted as being classified as moderate/minor adverse. It is considered that viewpoints of the site are limited in geographical scope by landscaping/ trees, the existing residential dwellings and trees either side of the identified viewpoint. Indeed when travelling along Willingham Road it is the banks of trees adjoin to the site particularly along Willingham Road frontage and the properties opposite which form the real character for the majority of this road. It is specifically at the site frontage that any change to the character be obvious. Whilst accepting that this would be a significant change of view, the site is allocated for housing in the Development Plan and the indicative plan proposed open space, and boundary planting to the site frontage which would further soften the impact. Similarly, if a reserved matters application followed this approach housing visible would generally be located on lower ground levels which would further soften any impact and retain views of the bank to trees to the south of the site.

The indicative plan provided indicates that the site could accommodate 61 dwellings (23 dwellings per ha excluding main access road and amenity/space/attenuation pond). It is accepted that this is higher than the surrounding area (10 and 12 dwellings per ha advocated in policy 4 (Map 6) of the LNP, but as the allocation in both the CLLP and LNP is for an indicative figure of 68 dwellings then such a level is not deemed unreasonable. Similarly, whilst accepting the indicative density levels identified within the development plan allocation are higher than the surrounding areas, the applicant has sought to reduce the density of properties to the Willingham Road frontage to further blend the development in with its surroundings. It is considered therefore that even for leisure pedestrians that the impact should only be classified as moderate/minor adverse and should not be considered as sufficient to sustain a reason for refusal on character grounds.

As noted above although it is highly likely that the application site formed part of the parkland grounds to Lea Hall (and this is disputed by the applicant). It is not listed on either the national Register of Parks and Gardens nor as a local designation as a park or garden of particular significance. It is nevertheless an attractive area with parkland feel to it. The site is, however, private land without public access and as has been

noted above it is the visual enjoyment from public vantage points on Willingham Road and the two more distant public footpaths where public value is derived. A footpath is noted by a number of objectors to be directly to the west of the site boundary allowing views of the site. This is not, however, a public right of way and as a private footpath that has been closed by the applicant for around 15 years following various trespass incidents.

St Helen's Church, a grade 1 listed building also fronts Willingham Road to the north east of the site. Constructed between the 13<sup>th</sup> and 15<sup>th</sup> Centuries, it was restored in 1849. It is constructed of coursed limestone rubble, blue lias rubble, limestone ashlar. It has a plain tiled roofs with coped gables. It is located centrally within the church yard which rises above Willingham Road. The church yard is a pleasant area with a number of trees growing within it. This together with the mature trees opposite the church yard to the southwest and the curvature of Willingham Road ensures that neither the church nor its tower will be readily seen from the highway with the proposed development in the foreground nor background when trees are in leaf. As such the development of this would not generally have a significant impact on the setting of the listed church. A similar point was made by the Local Plan Inspector whom stated:

*'It (the site - added by author) is also located on the opposite side of Willingham Road to the Church of St Helen and is separated from it by mature trees. Whilst the effect of a proposal on the significance of neighbouring heritage assets would be a matter for the detailed layout, scale and design of a scheme to consider, in principle new residential development would not harm the setting of the church. Given the size of the site there is nothing to indicate how or why any important features such as pedestrian links or mature trees and landscaping could not be retained as required in the design process.'*

It is accepted, however, that during the winter months or if any trees on this intervening private site were removed a visual relationship between the estate and the church could occur. The Council's conservation officer has reviewed the proposals and raises this issue. As a result of this, her advice is that to the first cul-de-sac there should be no houses backing on to the intervening area. This approach therefore seeks to create a positive relationship with the church with street scene views of the church as vice versa rather than closing off ugly boundary fencing and the utilitarian rear elevation of properties.'

The indicative layout also shows a line of housing backing onto trees to the south of the site. Whilst the impact on residential amenity and the health of trees will be considered below in more detail it is worth noting that whilst the scale/ density of this scheme is deemed acceptable in principle (based on the indicative layout and detail provided) the full impact of the development on the trees and vice versa cannot be identified until the detailed layout of the scheme has been submitted. Some concerns about this relationship remain and this could result in a number of plots being moved away from the wooded areas and/or the density of the scheme reducing but this would not be on a significant level and the character of the trees in this area would be maintained.

The principle of developing the site for residential development of up to 68 dwellings is established by its allocation within the development plan. All matters of layout, scale,

appearance and landscaping are reserved for subsequent approval. Nonetheless, the indicative material submitted illustrates that, with care, the site can accommodate at least the 61 dwellings proposed without deviating from wider environmental policies.

It is concluded that development can be expected to comply with policies ....., subject to careful consideration at the reserved matter stage.

- Residential amenity

The proposed development is in outline form – layout, and scale are reserved for subsequent approval. It will therefore be important to ensure that residential amenity is not unduly compromised in consideration of these matters. Nevertheless the indicative plan submitted does illustrate that the 61 dwellings could be reasonably accommodated without causing undue harm to existing residential amenity in terms of dominance, light, sunlight and privacy.

This includes 10, 12 and 14 Willingham Road. It is accepted that any development of this site would represent a significant change for residents of these properties whom have enjoyed views across the open field towards the park but nonetheless, the indicative plans have shown that a development such as that proposed could be accommodated on site in a manner which would be acceptable in planning terms. The applicants have also indicated that the site boundaries could be landscaped and that sufficient garden areas could be created. Similarly, they would be willing to accept conditions limiting development on the plot directly behind nos. 10 and 12 Willingham Road to single storey only. To a lesser extent 14 Willingham Road would also be similarly affected and here a bungalows is shown to the side of the garden with a dwelling further back.

The other main concern re the principle of the development and residential amenity is the proximity of the southern line of dwellings to the grouping of high trees to the south of the site. Occupiers generally expect to have some direct sunlight reaching their gardens and windows for a good portion of the day. The BRE Document 209 – Site Layout Planning for Daylight and Sunlight indicates that people like sunlight, and in surveys, about 90% of people said they appreciated sunlight in their homes, particularly in the afternoons (when the sun would be to the south and southwest of this site). As noted above, in the majority of situations the relationship between the trees and the indicative housing plots are deemed acceptable but in some areas a number of the properties proposed could be impacted by the trees causing a level of nuisance limiting general light levels, causing leaf litter and other general concerns where trees are in close proximity to gardens and dwellings. The application, however, reserves scale and layout and plans submitted are indicative only. The applicant also rightly notes that the areas to the south and west would benefit from some management, some trees are a poor state of health, whilst others have partially fallen and it is likely that such work would open up some areas of the canopy allowing further light to gardens and houses. It would not, however, be acceptable for significant, unjustified reduction in trees to take place and as this could have a detrimental impact on the character of this area. To ensure that the trees and housing would maintain and acceptable relationship it is recommended that at reserved matters stage a full survey of the adjoining trees is undertaken including an assessment of their potential impact on any future layout. The Council's Trees and Woodlands Officer has not objected to

the proposal but would require a detailed assessment to be provided at reserved matters stage, to be secured by planning condition.

The access road to the site will increase traffic on Willingham Road and could cause nuisance to dwellings opposite and further along this road. The access point is shown to be opposite Stainton Close. The access would be 42m from the garden boundary of 12 Willingham Road which would be the subject of additional planting and possibly with an intervening dwelling between it and the access. It is not considered therefore that occupiers would be subject to unacceptable nuisance. The houses opposite the junction are set back from the road and would as a result be better protected from noise and nuisance generated. The change in ground levels could, however, lead to light nuisance from headlights reducing amenity. The nature of the gardens and potential additional planting to the application site frontage would assist to limit such nuisance.

Willingham Road itself is also a moderately busy road, the development as proposed would generate 293 two way vehicle movements over the day (07:00 to 19:00) which in the morning peak would include 34 departures and arrives with a similar number (33) in the evening peak. Given existing traffic past existing houses and the distance from the access to adjoining dwellings it is not deemed that such increases would be so great as to represent a material reason to resist the proposal on residential amenity grounds – the principle of this scale of the development is established within the development plan. Any additional nuisance experienced during school drop off and pick up times would be time limited as is presently the case.

It is concluded that, subject to approval of reserved matters, the development can reasonably be expected to comply with policies LP2, LP13 and LP26 of the Central Lincolnshire Local Plan.

- Trees and wildlife

Policy LP21 Biodiversity and Geodiversity indicates all developments should:

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

The policy goes on to indicate that: 'Proposals for major development should adopt an ecosystem services approach, and for large scale major development schemes (such as Sustainable Urban Extensions) also a landscape scale approach, to biodiversity and geodiversity protection and enhancement identified in the Central Lincolnshire Biodiversity Opportunity Mapping Study.'

Generally it notes that 'Development proposals should create new habitats, and links between habitats, in line with Biodiversity Opportunity Mapping evidence to maintain a network of wildlife sites and corridors to minimise habitat fragmentation and provide opportunities for species to respond and adapt to climate change. Development should

seek to preserve, restore and re-create priority habitats, ecological networks and the protection and recovery of priority species set out in the Lincolnshire Biodiversity Action Plan and Geodiversity Action Plan.

Such an approach is supported by Policy 5 of the LNP.

The site is not designated for its ecological or geological importance within the Local Plan or Neighbourhood Plan. Similarly, it is not proposed as an ecological improvement area. Nevertheless it is close, but not directly linked, to a Local Nature Reserve and the wooded areas surrounding it, along with the pond to the south eastern corner an ecological habitat for wildlife.

The applicant has undertaken an ecological survey of the site (March 2017) along with additional newt survey and a bat surveys later in the year. The surveys reveal that the site as a whole is of limited ecological value, but includes features such as the pond in the south eastern corner and a small number of trees on the site which could well and do support protected species.

### *Newts*

Great crested newts are a European protected species. The animals and their eggs, breeding sites and resting places are protected by law. Things that can cause the law to be broken include:

- capturing, killing, disturbing or injuring great crested newts deliberately
- damaging or destroying a breeding or resting place
- obstructing access to their resting or sheltering places (deliberately or by not taking enough care)
- possessing, selling, controlling or transporting live or dead newts, or parts of them
- taking great crested newt eggs

If found guilty fines are unlimited and up to 6 months in prison for each offence can be upheld if anyone is found guilty.

In line with standing advice published by Natural England additional surveys were carried out on the three ponds (one on site and the other two in the adjoining woodlands) in April, May and June 2017. eDNA sampling of the water on 27<sup>th</sup> April 2017 showed that Great Crested Newts (GCN) had been present in the pond on site. Further additional investigations did not identify any GCNs in pond on any of the six visits, although one smooth (common) newt was found, along with a number of toads and frog tadpoles. No GCN were found. It is concluded therefore that whilst the pond and surroundings do provide a suitable habitat for GCNs, and indeed traces of their DNA are present, no lamping, egg searches or trapping provided any amphibians and as a result the population using the pond is deemed low and this is not a breeding pond. Given the potential attractiveness of the pond (even at a low level) for GCN, the loss of habitat close to the pond it is likely that precautionary mitigation measures are required.

The applicant has identified a need to obtain a European Protected Species licence from Natural England to move any newts found from the development site before



construction and prevent their access to the area. There is likely to be other mitigation works and/or compensatory habitat formed to ensure the newts and their habitat will not be harmed. The applicant has provided a draft management and mitigation plan to identify in principle how this area and the species would be protected if this proposal is granted permission. The report identifies the measures to trap and remove newts from the application site and prevent further access during construction, it also notes a 20m wide exclusion zone around the pond to prevent harm to this habitat area and includes measures to enhance the attractiveness of the area to newts after construction. This also includes proposals to create compensatory habitat within the applicant's land but outside of the application site through the creation of two ponds. The mitigation /management plan has been submitted to both the Lincolnshire Wildlife Trust and Natural England. Natural England will not provide advice on protected species outside of SSSI's and a formal response from Lincs Wildlife Trust is awaited.

Given such proposals will need to be formally assessed at reserved matters stage when the full layout is known, conditions are recommended to ensure an up dated and fully detailed management/ mitigation plan is submitted to and agreed (in accordance with Natural England's standing advice) with a completed s106 legal agreement for any required works to protect the species and/or create compensatory habitat. What the management/ mitigation plan submitted does provide is reasoned assurance that a development of this nature can proceed without harm to these protected species or their habitat.

### *Bats*

All bat species, their breeding sites and resting places are fully protected by law - they're European protected species. The law will be broken if you:

- deliberately capture, injure or kill bats
- damage or destroy a breeding or resting place
- obstruct access to their resting or sheltering places
- possess, sell, control or transport live or dead bats, or parts of them
- intentionally or recklessly disturb a bat while it's in a structure or place of shelter or protection

If the law is broken either or both of the following could be imposed:

- a prison term of up to 6 months
- an unlimited fine

Following more generic ecological surveys of the site a specific bat survey was undertaken on the 23<sup>rd</sup> August 2017. This survey was undertaken in the evening and focused on the limited number of potential habitats on site for bat roosts and an examination of the site for bat foraging and feeding. In particular this focused on the large mature sycamore tree to the north east of the site but nonetheless bat activity was recorded in the general area. The survey included a visual assessment of the tree and bat detectors.

The report concluded that despite the mature sycamore (noted for felling behind 12 Willingham Road) having a number of features that could support a bat roost no actual evidence of bat roosts were identified. Given that the tree has suitable habitats for roosts and bat activity (albeit limited) was recorded in the wider site it is recommended

that prior to any development occurring a final emergence and re-entry survey should be carried out along with an endoscopic search. If bats are found at that stage then an EPS licence will be required otherwise the tree can be felled subject to a specific protocol which reduces the likelihood of harm to bats. In addition to this, it is recommended that 10 bat boxes are installed in the surrounding area. This includes boxes within the woodland area to the south of the site which is in the ownership of the applicant. It is considered that these further assessments and measures should be conditioned.

Other precautionary measures re birds, badgers and other animals are also recommended to limit any potential impact on wildlife.

In addition to this, there are a number of features which could enhance the biological diversity of the site subject to good management, this includes the retention pond, drainage swale and open space with additional planting to boundaries. Whilst the details of such features are not known and details are indicative, subject to conditions enhancement features to attract wildlife could be included subject to not detracting from the efficiency of drainage features.

### *Trees and Woodland*

It is noted above in some detail that if not carefully considered some houses proposed to the south of the site could be considered to be too close trees adjoining the site. These concerns remain and will not be repeated. It is noted however, that the health of the trees in these adjoining areas could be affected by construction through damage to roots of branches. The applicant however, has indicated root protection areas (RPA) on proposed layout plans. Whilst somewhat generic and some larger trees may well have greater a RPA than shown, the Council's Trees and Woodlands officer has accepted this as a realistic assessment at outline stage for a woodland area with a range of tree sizes and species. As such is it deemed that the site could be developed whilst being able to protect the trees in and on the adjoining site. Full assessment will however, be required at reserved matters stage. This should be conditioned.

One large mature sycamore tree would be felled on the application site. It is currently growing to the rear of 12 Willingham Road and is an attractive feature tree. In accordance with policy LP17 of the CLLP and LP1 of the LNP development should respond positively to such features - not remove them. On assessment, however, the tree was found with decay present at its base clearly exposing heart wood which is drying and becoming brittle. Although no signs of fungi are present as would be expected, such a tree could still fall over. In the applicant's arboricultural advisor's experience similar trees have stood for many years like this whilst other similarly affected but otherwise appearing healthy have fallen very quickly. It therefore presents a dilemma. Whilst its retention in a field with no public access and a reasonable distance from adjoining properties is deemed to be low risk, its retention in the middle of a housing estate creates greater risk. The tree whilst large is not deemed to be a veteran tree, it is not of particular note species wise and has only limited ecological value. The tree has also been assessed by the Council trees and woodlands officer and she is of a similar opinion to the applicant's adviser in this instance. Whilst attractive, the tree is not deemed of sufficient merit to require its retention particularly given the decay identified. Whilst indicative, it should be noted that the applicant has

shown that a number of large feature trees could be introduced within the layout as a replacements. As such the Trees and Woodlands Officer has no objection to its proposed felling.

Other trees on the site are generally poor quality, have a limited future life span or are of limited quality. It is noted that the trees within the hedgerow to Willingham Road are also in poor health and should be replaced with new specimens. This includes a horse chestnut tree and elm hedging. The applicant has indicated that this hedge and landscaping be bolstered in this areas. This should be conditioned.

Finally as noted previously, additional planting is proposed to the site boundaries to the west and north of the site. This will assist to soften the appearance of the development within the surrounding area. Landscaping is however, a reserved matter.

- Drainage

Policy LP14 of the CLLP indicates that all developments will be considered against the NPPF, including the application of the sequential and exceptions test if necessary. Proposals should demonstrate:

- b) there is no unacceptable increased risk of flooding to the development site or to existing properties;
- c) that the development will be safe during its lifetime, does not affect the integrity of existing flood defences and any necessary flood mitigation measures have been agreed with the relevant bodies;
- d) the adoption, on-going maintenance and management of any mitigation measures have been considered and any necessary agreements are in place;
- e) how proposals have taken a positive approach to reducing overall flood risk and have considered the potential to contribute towards solutions for the wider area;
- f) that they have incorporated Sustainable Urban Drainage Systems (SUDS) in to the proposals unless they can be shown to be impractical.

Policy 1 of the LNP, which specifically relates to the development of this site indicates development of 68 dwellings on this site will be supported subject to: b) the technical design of the scheme does not have an unacceptable impact on surface water runoff and foul sewage drainage within the village. Similarly policy 10 of the LNP states:

- 1) Development proposals, within areas that have experienced flooding as shown on proposal map 13 should demonstrate that the proposal will not have a detrimental impact on the foul and surface water drainage infrastructure.
- 2) The development proposed should not increase the rates of surface water run-off or increase flood risk in the area;
- 3) Proposals for new residential development should be accompanied by a drainage strategy which outlines the way in which the drainage infrastructure will be designed and constructed such that it does not increase the level of flood risk and, wherever possible, reduces flood risk in the area;
- 4). Proposals that include de-culverting any culverted watercourses within the development boundary will be particularly supported;

- 5) Where viable dwellings should be designated to minimise the discharge of surface water and proposals that include the provision of permeable parking spaces and driveways would be particularly supported.
- 6) Drainage strategies for the management of surface water run-off from new development should incorporate sustainable drainage techniques and should be designed to deliver ecological benefits where possible; and
- 7) Proposals for residential and commercial development will not be supported on Flood Zone 3 as shown on the most up to date Environment Agency maps.

Finally policy 11 of the LNP requires developers to demonstrate that there is adequate waste water and water supply capacity or that it can be made available, both on and off site to serve the development and that it would not lead to problems for existing or new users.

### *Flooding from the rivers and the sea*

As an outline application the full detail of any future drainage scheme is not known at this stage. Nevertheless it is known that the site and wider area have experienced flooding in the past, some of which has been significant and has been shown on objectors' photographs and is detailed within policies of the LNP.

The applicant has provided a Flood Risk Assessment. The site is located within the Environment Agency flood zone 1 which is sequentially the lowest category of flood risk level available. The risk of fluvial flooding is less than 1 in 1000. As an allocated site within FZ1 the development site has been sequentially tested and meets with the sequential test aim of locating development to those areas at lowest risk of flooding.

The NPPF indicates residential development is generally acceptable in such areas although subject to other types of flooding such as from surface water also being found to be acceptable. Records indicate that flooding from the tidal River Trent and any other rivers has not reached the site although parts of Lea Park and the main road have been inundated.

### *Surface water*

Planning Practice Guidance ([Paragraph: 079 Reference ID: 7-079-20150415](#)) sets out that for major development, "sustainable drainage systems should be provided unless demonstrated to be [inappropriate](#)."

Environment Agency flood maps for the area show flooding from surface water run off occurs in a number small areas of the site. The risk from flooding is low and medium with the exception of the pond area to the south eastern corner of the site which is at high risk of flooding from surface water. Further areas of medium to low flood risk from surface water are identified in adjoining areas including, Stainton Close, Willingham Road, 10 Willingham Road and part of Park Close. It is important therefore that a proposal to develop the site will not make existing surface water flooding worse.

The applicant has produced a flood risk assessment and drainage strategy. The strategy includes consideration of topography, geology and existing flood events. It has been identified that site levels generally fall east to south west. It also identifies that whilst eastern and western parts of the site are predominant of sandy composition, which are suitable for soakaways, the central section of the site is of a clay composition which would be unsuitable for soakaways. In designing the scheme it is estimated that impermeable development would cover 40% of the site. Such an assumption is not usual when considering gardens, open spaces and verges.

The development proposes that to the eastern area that each house and driveway will be drained to a soakaway within the property whilst the road and paved areas will be directed into an attenuation pond within the open amenity area to the east of the site. The roads in this area will be connected to the infiltration basin to the south western corner of the site via swales to the road side.

The central area will not sustain any soakaways so all roof and paved areas will be directed into under drained swales and piped sewer system into a larger single infiltration basin located to the south western end of the site, where the sandy composition of the area will allow infiltration.

Within the western area roof and driveway water will be directed into individual soakaways at each property whilst paved areas will be directed to the infiltration basin in the south western corner of the site.

The infiltration basin is designed to be 1m deep and 613 sq. metres in area with the scheme designed to accommodate a 1 in 100 year plus climate change (40%) event. Such a system represents an acceptable sustainable urban drainage system within the constraints of the site in accordance with guidance within the NPPF.

Similarly, it is recognised that surface water on Willingham Road would run into highway gullies avoiding the site, but at times the system could be overwhelmed leading to flow entering the site along the highway access. Such water would be contained within the estate highway and be directed to the infiltration basin in the southern western corner of the site.

Such a system would require individual householders to maintain their own soakaways whilst the communal areas, including infiltration basin would be maintained by a management company.

The Lead Local Flood Authority has assessed this proposal and deemed the scheme to be viable and suitable for the area subject to detailed design at reserved matters stage. The applicant has demonstrated that a suitable SuDS scheme should be feasible. It is recommended that a condition be imposed to ensure the correct level of detail is proposed, that details of provided for the future maintenance of the drainage features, to ensure full compliance with LP14.

*Foul Drainage*

National Planning Practice Guidance (NPPG) <https://www.gov.uk/guidance/water-supply-wastewater-and-water-quality#water-supply-wastewater-and-water-quality--considerations-for-planning-applications> provides guidance for decision makers where developments are proposed in areas where inadequate waste water infrastructure is available. It notes that the preparation of Local Plans should be the focus for ensuring investment plans of water and sewerage companies align with development needs. The site is an allocation within the CLLP and Seven Trent Water were consulted through the local plan adoption process they could have objected to the allocation but they did not.

Many objectors have, however, identified the lack of capacity with the existing foul drainage network. This has led to surcharging of the system (including internal flooding) during periods of heavy rain. The foul drainage within the area is at or is close to capacity and Seven Trent Water has indicated that this development would lead to an increase in flooding of 122 cubic metres of foul water. Seven Trent Water has confirmed the development will lead to the need for remodelling and improvements which it is the responsible body for, and will fund. The water company has therefore recommended that a condition is imposed to prevent any development taking place until a scheme has been agreed to provide appropriate capacity and that no occupation of any dwelling occurs before the capacity improvements are completed. Such advice accords with guidance within the NPPG.

- Access & Transportation

The application site is a housing allocation within the CLLP and has been determined to be sustainable in principle.

Policy LP13 indicates that 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.

A core NPPF principle (paragraph 17) is to “*actively manage patterns of growth to make the fullest possible use of public transport, walking and cycling, and focus significant development in locations which are or can be made sustainable*”.

The table below indicates distances to the facilities and wider transport facilities from the application site.

Facility	Distance (from centre of site) (approx.)
Primary School	0.250km
Village Hall	0.740km
Play ground	0.230km
Doctors	3.950km
Supermarket	2.800km
Gainsborough Town Centre	3.950km
Secondary School	5.540km
Rail Station	2.800km
Bus Stop	0.580km

The application site is an allocated in the CLLP which has been assessed for its sustainability. The site is well connected to the rest of the village with a lit footpath being formed to the site frontage (with drop kerbs being formed to aid access across the road). The footpath network then connects Willingham Road to those facilities within the village such as the school, village hall and church. The village itself also has good transport links to Gainsborough. This includes a continuous lit footpath and cycle lane along Gainsborough Road and north and south bound bus stops.

Lea is served by a good bus route (no. 100) which runs as 10 services from 07:35 to 17:20 in the Lincoln direction and 11 services in the Gainsborough direction between 08:08 to 18:38. There are no evening or Sunday services. In addition to this, routes 105 and 107 run three services Monday to Saturday towards Lincoln at 06:40, 07:29 (school days only) and 07:31 and four services towards Gainsborough 15:25, 16:05 and 18:12 (school and college days) and 16:03 on non-school days.

Journey times vary slightly but are timetabled to be approximately 10 minutes to Gainsborough bus station.

The TA nonetheless envisages (derived from 2011 census data for the ward of Lea) a multi-modal split with 78% car drivers & passengers, 20% pedestrian and cyclists and only 2% of journeys using public transport. It should be noted that of the private vehicle occupants 20% would be vehicle passengers which can be considered more sustainable.

Although these figures indicate that private motor vehicle travel would predominate, the site would still allow a good proportion of travel by sustainable means. The ability to access a frequent bus service to and from Lincoln and Gainsborough, the lit cycle and pedestrian pathway and a number of local facilities point to the sustainability of this proposal.

A Travel Plan (TP) has been submitted with the application as is encouraged by the NPPF (paragraph 36). It sets out measures to reduce the need to travel and encourage Public Transport take-up. This includes publicising information about travel routes and services. The TP nonetheless sets a provisional target of reducing the percentage of car drivers 'by 5%' over five years (it suggests a final target is set following the results of an initial travel survey). This would reduce sole car use from 58% to 53%. A planning condition should be employed to ensure suitable implementation of the Travel Plan and ensure the promotion of more sustainable means of travel.

Development is otherwise deemed to accord with CLLP policy LP13 in this regard.

### *Highway safety and capacity*

Policy 1 of the LNP supports the development of 68 houses on the application site subject to various criteria including d) the proposal takes account of the existing capacity of the highway network and provides for a satisfactory vehicular access to Willingham Road in particular.

Policy LP13 of the CLLP similarly, indicates proposals which contribute towards and efficient and safe transport network that offers a range of transport choices for the movement of people and goods will be supported.

The application seeks permission for site access (it is not a reserved matter). A singular point for vehicular access is proposed – directly off Willingham Road (B1241) on the eastern boundary of the site. Pedestrian access would also be gained at this point with a 2m wide footpath being created to the Willingham Road frontage to the site with drop kerbs to respond to similar features to be installed on the existing pathways opposite. As noted earlier a new public footpath would be created from the rear south western corner of the site to Lea Park.

Residents have raised concerns with the proposed location of the site access, and capacity of local junctions to accommodate further traffic.

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.”*

As an allocated site, the principle of taking access off Willingham Road to serve up to 68 dwellings, is already established – with consideration now required into the specifics of the proposed access.

A Transport Statement (TS) has been submitted with the application. This together with drawing no. 16-005-25 rev R shows the access will be a priority junction with 5m carriage width with footpaths either side. A visibility splay of 5m x 60m would be provided. This requires the cutting back and replacement of some of the trees and hedging to the site frontage. Due to the scale of development it anticipates that 293 two way vehicle movements a day (07:00 – 19:00) will be generated. At such levels the access junction proposed is deemed acceptable.



The Highways Authority has considered the impact of developing this site during the Central Lincolnshire Local Plan process and through this specific application. Officers have visited the site and note has been taken of traffic levels on Willingham Road, the junction to Stainton Drive and indeed additional on street parking during school start and finishing times. Whilst acknowledging the concerns raised by some objectors the advice of the Local Highway Authority is that subject to the proposed alterations to the highway proposed the access point in this location is deemed acceptable on safety grounds.

As improvements are needed to take place outside the application site within the public highway, a “Grampian condition” should be considered which prohibits occupation of any dwellings, unless the highway improvements have been undertaken.

The Local Highways Authority has raised no objections on highway safety grounds, but does request such a Grampian condition be applied.

The TS has used TRICS survey data to estimate the vehicular trips to be generated by the development, as follows:

Peak Hour	Trip rates (per dwelling)		Trip Generation (67 dwellings)	
	In	Out	In	Out
AM (0800-0900)	0.128	0.372	9	25
PM (1700-1800)	0.338	1.144	23	10

The Local Highway Authority consider that such levels of traffic would not generate specific capacity issues at the junction proposed.

Residents have also raised concerns with the capacity of the A156 Gainsborough Road/ B1241 Willingham Road to accommodate the additional traffic generated by the development. The TS has modelled this junction and concludes that the junction will act comfortably within capacity by the base year of 2022. It is also useful to note that the much larger development (450 dwellings) ref. no. 133236 on Willingham Road refused by this committee would have had a much greater impact on this junction but was still deemed to be acceptable on traffic generation and junction operation grounds.

It is concluded that, subject to conditions, the cumulative transport effects of development would not be severe.

- Open space, recreation, health and education

Policy LP9 seeks that development consider positive and physical and mental health outcomes of its design and provisions. Where negative adverse outcomes are identified, the applicant is expected to demonstrate how these will be addressed and mitigated. Conditions or planning obligations are likely to be required for many proposals to ensure that development meets these principles.

Policy LP12 indicates that all development should be supported by, and have good access to, all necessary infrastructure. Planning permission it notes will only be granted if it can be demonstrated that there is or will be sufficient infrastructure to support and meet all the necessary requirements arising from the proposed development.

Policy LP24 of the Central Lincolnshire Local Plan indicates that the central Authorities will seek to:

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

It notes that residential development will be required to provide new or enhanced provision of public open space, sports and recreation facilities in accordance with the standards set out in Appendix C of the CLLP.

Policy 5 (Wider Green Infrastructure) of the Lea Neighbourhood Plan, seeks development to contribute towards the protection, enhancement and provision of new green infrastructure, public spaces and linkages for benefit of biodiversity and the community.

The policy then notes that in line with the requirements set out in the most up to date local plan new development proposals should provide:

- a) functional on site open space and/or sports facilities; or
- b) contributions towards new or improved facilities elsewhere within the village.

Similarly, policy 6 (The Green Wheel) identifies a linked route of green open spaces capable of forming a footpath walk enhancing health, wellbeing and recreation of residents and seeking to improve the ecology of the area for all flora and fauna. As a result the policy states:

- 1. Development proposals which enhance the accessibility of the 'Lea Green Wheel' and its associated amenity value will be supported. Where appropriate, development proposals, directly adjacent to the 'Lea Green Wheel', should:*
  - a) Seek to retain and enhance public access and extend access through the formation of walkways; and*
  - b) Preserve and enhance its amenity, biodiversity and recreational value.*
- 2. Development proposals which encroach upon or materially harm the function, character or appearance of the 'Lea Green Wheel' will not be supported.*

It is noted that through the neighbourhood plan consultation local views submitted underlined the importance of retaining the woodland walks, Lea Park facilities. Similarly, with respect to youth comments received more play equipment was required (like Richmond Park in Gainsborough), an adult outdoor gym and a climbing frame were requested.

The table below verifies the relationship of the site to the local facilities and their quality.

Facility	Distance from site (from centre of site)	Quality
Park and Garden	230m Local – Lea Park 5km Strategic – Richmond Park	Lea Park is a positive facility but as noted in the LNP enhancements area required.
Green Amenity area over 0.2 ha	350m	Lea Park includes such an area plus approximately 0.1ha would be formed on site.
Formal Equipped Play area	250m – Local LEAP 250m - Strategic NEAP	Two swings, slide and wooden balance trail but would not meet LEAP NEAP standard. Additional features required as required by LNP.
Playing field provision	300m – Local Provision & Strategic Provision – Lea Park cricket pitch, tennis court 5km - Gainsborough Leisure Complex & schools	Cricket Pitch & playing field. Evidence to support the Central Lincolnshire Local Plan indicated that there was issues with the quality of the provision i.e. poor quality artificial wicket, no practise nets, drainage issues and no changing facilities. Two synthetic tennis courts with flood lighting. Tennis courts appear in reasonable order. Football pitches for formal matches are available in Gainsborough. .
Natural/ Semi Natural Green Space (including access to green corridor)	300m – Local 4ha & 1.8 km Strategic 20 ha (cumulatively).	10.3 ha locally available through LNP Green Wheel & Lea Park, Contribution to assist with footpath provision, and enhancement of accessibility and ecology as required through the LNP.
Civic Space including cemetery	300m	St Helen’s Church

Allotments	Available in at Foxby Lane Gainsborough	Plots available in Gainsborough
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A proposal for 61 dwellings would generate an additional population which will require outdoor amenity facilities. Policy LP24 indicates that the first preference should always be provision on site. Where on site provision is not feasible or suitable within a local context, consideration of a financial contribution to the creation of a new facility or the upgrade and improvement of an existing facility will be considered as per as set out in the developer contribution SPD and in accordance with national legislation.

The character of the area is an important consideration in this application and the indicative plan has shown landscaped areas on site which could be used for useable open space particularly for informal play or recreation. These areas on site are not substantial in size making wider provision unfeasible, in addition to this, both are likely, in part, to be used for drainage purposes. The site also almost adjoins Lea Park and a proposed public footpath would link the site to the playground, sports pitches and woodland walk. It is deemed reasonable and indeed beneficial to defer at least part of the on-site provision to instead request improvement of existing facilities. This would also accord with LP24 (c) which seeks consideration of any existing facilities and maximise any opportunities for improvement within the wider area where these are relevant to the development of the site. Similarly, policy 5 of the Neighbourhood Plan seeks the provision improvements towards new or improved facilities elsewhere within the village, whilst policy 7 notes Lea Park should be enhanced as a multi-functional public space including associated buildings, fixtures and fittings.

The Draft Developer Contributions Supplementary Planning Document has been through a number of consultation phases and amendments are being made to the proposed guidance although these are not anticipated to change the document in any fundamental way. As such it can be given medium weight in any planning application process. The DDCSPD and guidance within appendix C of the CLLP indicates open space provision falls within two distinct areas: strategic provision and local useable green space. The SPD provides a criteria based assessment which calculates the area of open space/ financial contribution (based on the floor area of the dwellings proposed) required to meet the needs of the development proposed in each category. As this application is outline and floor space is not yet known only generalised assessment can be made in terms of the levels of funding available.

Strategic open space relates to playing pitches and more formal recreation facilities or more district wide facilities such as public footpath networks. As noted above the study supporting LP24 of the CLLP indicates that the quality of the pitch and facilities requires enhancement. It is therefore deemed appropriate that this development contributes to its enhancement. Using proposed calculations within the SPD (based on the average floor area of dwellings in Central Lincolnshire) this equates to an approximate contribution of £22000 for 61 dwellings. Lea Park contains a number of potential facilities which meet the criteria for strategic facilities. It is considered, however, that the application requires the formation of a footpath to reach the park. This should be seen therefore as a strategic link and as a result can be seen as a relevant focus for funding on this basis. It has been estimated that a 150m 2m wide footpath would cost around £16000 to provide a good quality footpath for all to use

including those with mobility issues. Such a level could therefore be set against any strategic contribution reducing any likely contribution to approximately £8600.

Moving to local useable green space, i.e. more informal local recreational facilities, the proposed open areas proposed within the site can perform a useful recreational role aesthetically and as result a condition is required that half of any area required through the SPD formula can be accepted as useable local amenity space. The other half of the requirement should, however, be sought as a financial contribution to enhance Lea Park. The playground currently falls below the standards for a LEAP (Local Equipped Play Area)/ NEAP (Neighbourhood Equipped Play Area). With only three pieces of equipment instead of 6/9. It is therefore deemed reasonable for the developer to provide and contribute towards further enhancement through new equipment. Equally, the creation of a woodland walk would also enhance recreation. Such facilities could then be maintained in future by the Parish Council as part of Lea Park. Again using the calculations recommended within the SPD this contribution would equate to approximately £52000.

As noted above the outline nature of the proposal is such that the exact figure required cannot be generated and it is recommended that a formula is added to any s106 agreement to allow an accurate figure to be generated once the floor area of the proposed dwellings are known.

It also requires that the Parish Council agree to take such contributions and use them to enhance the recreational facilities of Lea Park. Confidence is such an approach can be found within the Lea Neighbourhood Plan which identifies the limitations of the offer available. Nevertheless agreement will be needed as part of any s106 legal obligation.

#### *Health and education*

Policy LP9(a) indicates that developer contributions towards new or enhanced health facilities from developers where development results in a shortfall or worsening of provision, as informed by the outcome of consultation with health care commissioners will be sought.

Despite concerns raised by objectors no contribution towards enhanced health facilities has been requested by the NHS. It is noted that Lincolnshire along with many other rural areas is facing a shortfall in GP's and other professional staff. This issue is not a material consideration within the remit of the planning system and other policy regimes are in place to tackle such issues. As the NHS has not requested a contribution no such requests can be made of the applicant.

LCC Education has indicated that no contribution is sought for primary education for Lea Primary School and that capacity exists within the school for additional places.

The introduction of the West Lindsey Community Infrastructure Levy (CIL) requires developers to contribute to major infrastructure and community projects which have been agreed as part of the Reg123 list. This includes contributions towards secondary & sixth form education. In addition to this, 25% of the levy will be directed to the Parish Council to use as they have a Neighbourhood Plan.

The site lies within charging zone 2 (Non-Lincoln Strategy Area) where the charge will be £15 per square metre (gross internal area). The exact levy will be calculated on the basis of floor area so at outline stage it is not possible to confirm. Similarly there may be part exemptions (for instance, with affordable housing units) which again cannot be certain at this stage until exact numbers are known. The levy will therefore be calculated at reserved matters stage and will be due on commencement of building. Nevertheless the applicant has been made aware of this and accepts its need.

Other

The application site is within a Sand and Gravel Mineral Safeguarding Area (MSA). Policy M11 of the Lincolnshire Minerals and Waste Plan applies: this indicates that whether the proposal would impact on potential deposits or not, if the site is already allocated for development within the Local Plan it will be approved. It is considered therefore that the development of this allocated site would accord with this policy.

## **Conclusions**

The principle of residential development of this site is established through its allocation within the development plan. Both the Central Lincolnshire Local Plan and Lea Neighbourhood Plan, allocate the site for residential development for, indicatively, 68 dwellings.

The level of development proposed would be below the indicative number of houses noted within policies LP2, LP3 and LP50 of the CLLP and Policy 1 of the LNP being 61 units as opposed to 68. The proposal would accord with the development plan for the area, which seeks to provide a range of different types and sized sites to assist to meet housing needs within Central Lincolnshire.

Although shown indicatively on plan, it has been demonstrated that a mix of house types and sizes could be achieved to meet policies LP10 and LP11 of the CLLP and policies 1 and 3 of the LNP. A condition would secure this.

The allocation of the site within the CLLP (policy LP50) and LNP policy 1 has already established the principle of a change in character from paddock to residential area of approximately 68 dwellings. The application is supported by an indicative plan and an LVIA. Together they show that the character impacts would be localised due to the natural screening of the site to the south, west and to a lesser extent to the north and east but also other residential development in the area.

This site forms part of the AGLV (policy LP17) but is not designated otherwise, either nationally or locally to be retained as open space. This site is a private area surrounded for the most part by other private land without public access. The main visual amenity and character of it is derived by a number of individual landowners and public views from parts of Willingham Road. The indicative plan shows that a scheme of the numbers proposed, 55 buildings (61 housing units) could be accommodated on site in an acceptable manner, taking account that any development of this site will modify its character from specific viewpoints.

Whilst a matter to be considered at detailed stage the indicative plan shows a development of this site could provide an additional landscaped area to the Willingham Road frontage to soften any proposal and provide feature trees/ hedging to screen/ frame the proposed development. This together with a lower density south eastern portion of development, with denser development in more screened locations indicates that a scheme could be acceptably developed in this location. The proposal would therefore accord with policies LP17 and LP26 of the CLLP and policies 1 and 4 of the LNP.

The mature trees bounding the site are a key characteristic of this area. One of the main mature trees on site is located to the rear of 12 Willingham Road. Although attractive the tree is shown to have health issues which would preclude protection under a Tree Preservation Order (TPO). Similarly the risk of it falling when surrounding by housing is unacceptable. The loss of this tree from the site would therefore detract from the sites character but is unavoidable.

The outline nature of the application means that the impact of the development on mature trees surrounding the site cannot be fully quantified until the actual layout of a scheme is agreed. The indicative plan, however, shows that the majority of the houses proposed could have significant garden areas which would allow sufficient light to these dwellings. The report provided also indicates that the adjoining woodland areas, particularly to the south require some management. This could increase light to residential area. Similarly, the applicant has provided details of a root protection area. It is recommended that a full arboricultural assessment of adjoining trees is undertaken at reserved matters stage to ensure that future homes are not unacceptably impacted upon by trees. The indicative layout shows sufficient flexibility to accommodate further change if required but the approval of outline permission would not preclude numbers from being slightly reduced if necessary to ensure sufficient protection for trees. The proposal would therefore accord with policies LP17 and LP26 of the CLLP and policy 1 of the LNP.

In the same way the indicative layout has sought to show that a scheme could be provided that would maintain the character of the area and the setting of heritage assets. The layout with its cul-de-sacs running north to south would enable views and setting to be maintained to the grade 1 listed St Helen's church. Such designs would also open up new public views of the church for future residents and users of the estate. The proposal would therefore accord with policies LP17 and LP26 of the CLLP and policies 1 and 4 of the LNP.

Access is not a reserved matter and is positioned in the only real location possible onto Willingham Road. The allocation of the site for housing within the CLLP and LNP establishes the principle of an access in this location. It is accepted that the junction will increase conflicting movements and may lead to on street parking during school drop off hours being moved but nonetheless the Local Highways Authority have not raised an objection to the scheme, accident data for the area is low with no specific pattern to those accidents which have occurred. Subject to conditions requiring the access, visibility splays and footpath to be created it is not deemed that highway safety would be severely affected. In a similar way, the capacity of the network, including junctions would not be significantly affected by the levels of traffic generated and would

operate within design capacity. The proposal would therefore accord with policy LP13 of the CLLP and policy 1 of the LNP.

The site lies outside of flood risk zones 2 and 3 (flooding from rivers and the sea) and is suitable for housing. Some surface water has occurred on part of the site and in surrounding area. The plans submitted detail a hybrid approach of sustainable positive drainage with swales, soakaways and retention ponds to deal with water from the site taking account that part of the site is impermeable. The scheme proposed would be suitable to deal with an extreme weather event of 1 in 100 years plus climate (+40). This is the standard required and the proposal has gained the support, after modification, from the Lead Local Flood Authority subject to conditions requiring a full detailed scheme to be submitted at reserved matters stage.

Foul drainage is known to be an issue but this has been recognised by Seven Trent Water and an upgrade scheme to the network including pumping station has been proposed. Subject to a condition being imposed ensuring dwellings are not occupied until the upgrade has been completed the proposal is deemed to accord with policy LP14 of the CLLP and policy 1 of the LNP.

The site is not designated as an ecological area but the pond is known to be used by protected species including Great Crested Newts. Further investigations, as specified through English Nature Standing Advice, have taken place. The lack of any further evidence of newts indicates the importance of these features are low. The applicants have taken a precautionary approach to this important issue and indicate a wish to maintain, protect and enhance the pond environment before and after development takes place to aid newt use of this area but also ensure that complimentary features (other ponds) upon adjoining land are provided. Whilst a formal licence from Natural England will be required to approve works proposal, the information provided gives sufficient comfort that the approach taken to these species is acceptable and accords with policy LP21 of the CLLP.

In the same way the mature tree to the rear of 12 Willingham Road has been assessed as having potential qualities which would attract/ accommodate bats. On further investigation, however, no bats or evidence of a roost were observed. Subject to further investigations being carried out before felling it is not deemed that the loss of this tree would have a significant impact on a protected species.

Having taken into account all known material considerations, Approval of this site, subject to conditions and a planning obligation, would accord with the adopted development plan (Central Lincolnshire Local Plan & Lea Parish Neighbourhood Plan) and the National Planning Policy Framework along with National Planning Practice guidance.

#### **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:-

- The delivery of no less than 20% as affordable housing;



- Measures to secure the delivery, and ongoing maintenance and management of public open space, drainage features and ecological and protected species works including potential mitigation and compensatory features;
- A capital contribution towards enhancements of Lea Park, playground and woodland walk.
- Provision and maintenance of a pedestrian footpath linking site to Lea Park

In the event of the s106 not being completed and signed by all parties within 9 months from the date of this Committee, then the application be reported back to the next available Committee meeting following the expiration of the 9 months.

Conditions

**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 the development. Application for approval of the reserved matters shall be made to the Local Planning Authority before the expiration of 3 years from the date of this permission. No development shall commence unless approval of the reserved matters has been obtained from the local planning authority. Development shall be carried out in accordance with the approved details.

**Reason:** This 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 Central Lincolnshire Local Plan, Lea Parish Neighbourhood Plan and the provisions of the National Planning Policy Framework 2012.

2. The development hereby permitted shall be begun not later than the expiration of two years from the approval of the last of the reserved matters for the development.

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

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

a) Provide details of how run-off will be safely conveyed and attenuated during storms up to and including the 1 in 100 year critical storm event, with an allowance for climate change, from all hard surfaced areas within the development into the existing local drainage infrastructure and watercourse system without exceeding the run-off rate for the undeveloped site;

- b) Provide attenuation details and discharge rates which shall be restricted to 5 l/s;
- 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 in accordance policy LP14 of the Central Lincolnshire Local Plan to accord with the provisions of the National Planning Policy Framework 2012.

- 4. No building works which comprise the erection of a building requiring to be served by water services shall be undertaken until full details of a scheme (including works identified in the Seven Trent Sewer Capacity Assessment - 1st November 2017) 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 these works have been completed in accordance with the approved scheme.

**Reason:** To ensure adequate foul water drainage disposal scheme is provided to serve the development and/or to prevent pollution of the water environment in accordance with West Lindsey Local Plan First Review Policy NBE14.

- 5. The details to be submitted in accordance with condition no. 1 above shall include:
  - a) Design and Access statement identifying how the development would maintain the character of the village of Lea, Lea Park, heritage assets and provide an acceptable transition from village to open countryside;
  - b) A landscaping scheme which details boundary treatment to existing residential dwellings and areas of Willingham Road and Park Close;
  - c) A landscaping scheme and open space to provide an acceptable transition from village to open countryside; and
  - d) An overall drainage plan for the site to identify suitable sustainable urban drainage solutions within the reserved matters layout.
  - e) Measures to maintain and manage such areas going forward.

The development shall thereafter proceed in strict accordance with the approved details.

**Reason:** To maintain the character of the area and to protect residential amenity in accordance with policies LP17 and LP26 of the Central Lincolnshire Local Plan.

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;
  - b) a Biodiversity Protection, Enhancement & Mitigation Scheme setting out including measures for dry and wetland habitat maintenance, creation and management, including (but not exclusively) the provision of bat roosts, bird boxes and amphibian hibernaculum;
  - c) details of management, mitigation and protection measures before, during and after construction including potential compensatory habitat creation for Great Crested Newts and setting out management responsibilities and maintenance schedules and;
  - d) timescales for the implementation of matters approved.
  - e) further investigation in accordance with Natural England Standing advise on Great Crested Newts and Bats and the Bat Survey Results by Andrew P Chick.

The development shall proceed only in strict accordance with the approved details.

**Reason:** In the interests of landscape and visual amenity, residential amenity and in the interests of biodiversity enhancement, in accordance with the National Planning Policy Framework and policies LP17, LP26, LP21 and LP24 of the Central Lincolnshire Local Plan.

7. No development on site shall take place, until a Construction Method Statement for the development 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 routeing and management of construction traffic including the exclusion of traffic entering and leaving the site during school start and leaving time; including the hours of 08:00 – 09:00 and 15:00 and 16:00 ;
  - (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

**Reason:** In the interests of amenity, and ecological protection and in accordance with policy LP1, LP13, LP26 and LP21 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 1.8 metre wide full frontage footway and uncontrolled tactile crossing point, 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.

**Reason:** To ensure safe access to the site and each dwelling/building in the interests of residential and in accordance with policy LP1 and LP13 of the Central Lincolnshire Local Plan.

9. 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 Central Lincolnshire Local Plan policies LP14, LP17 and LP26.

10. Notwithstanding the indicative plans supplied details to be submitted in accordance with condition no. 1 above shall include an area of useable open green space on site in accordance with the requirements of policy LP24 of the Central Lincolnshire Local Plan. Any details provided shall include a timetable for the provision of such space and measures for the securing of on-going maintenance of this area.

**Reason:** To ensure sufficient open amenity space is available for recreation, surface water drainage and wildlife promotion and in accordance with policies LP14, LP21 & LP24 of the Central Lincolnshire Local Plan and the provisions of the National Planning Policy Framework.

11. 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 LP1 and LP13 of the Central Lincolnshire Local Plan and the provisions of the NPPF.

12. Detailed plans at reserved matters stage shall be submitted to show that at least 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.

13. As part of the reserved matters applications required by condition 1 of this decision, details of the housing mix (size, type and tenure 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.

14. No development shall commence until full details of the footpath linking to the site to Lea Park have been submitted to and agreed in writing by the Local Planning Authority. The details shall include construction details to ensure the protection of trees and details of a scheme for the on-going maintenance of the footpath and its continued access by the public. No development shall commence until the footpath has been completed in accordance with the approved plans and is available for use by the public.

**Reason:** To ensure public access to open amenity facilities is available and the health of trees is not compromised and in accordance with policies LP17, LP21 and LP24 of the Central Lincolnshire Local Plan and the National Planning Policy Framework.

15. Notwithstanding details shown on the indicative plan, no development shall commence until details and identification of single storey dwellings on the plots directly to the rear of dwellings at 10, 12 and 14 Willingham Road have been identified and detailed. These dwellings shall be erected in accordance with the approved details and retained as such thereafter. Notwithstanding the provisions of Classes A, B, and C of Schedule Part 1 of the Town and Country Planning (General Permitted Development) (Amendment) Order 2008 (or any order revoking and re-enacting that Order no further development shall occur.

**Reason:** To protect the amenities of residents within these existing properties and in accordance with policy LP26 of the Central Lincolnshire Local Plan.

16. The details to be submitted in accordance with condition no. 1 above shall include:

- a) A plan showing the location of , and allocating a reference number to each existing tree on the site and adjoining land which has a stem with a diameter exceeding 150 mm (measured over the bark at a point 1.5 metres above ground level), showing which trees are to be retained, height and the crown spread of each tree and root protection area;
- b) Details of the species, diameter (measured in accordance with paragraph (a) above) and the approximate height, and an assessment of the general state of health and stability of each retained tree and of each tree which is

on land adjacent to the site and to which paragraphs (c) and (d) below apply;

- c) Details of any proposed topping or lopping of any retained tree, or of any tree on the land adjacent to the site;
- d) Details of any proposed alterations in existing ground levels, and of the position of any proposed excavation, within the crown spread of any retained tree or of any tree on land adjacent to the site;
- e) Details of the specification and position of fencing and of any other measures to be taken for the protection of any retained tree or tree on adjoining land from damage before or during the course of development.
- f) A detail assessment, including visual representation, of the impact of the trees on adjoining land on the general light and sunlight levels within any proposed residential dwellings and gardens on the application site.

The development will then proceed in strict accordance with the approved details.

**Reason:** In the interest of visual and residential amenity, tree health and biodiversity in accordance with Central Lincolnshire Local Plan Policies LP17, LP26 and LP21.

17. No building on any part of the development hereby permitted shall exceed 2 storeys in height

**Reason:** To prevent over development of the site, maintain the character of the area and to safeguard the amenities of the area in accordance with policy LP17 and LP26 of the Central Lincolnshire Local Plan and the provisions of the Lea Parish Neighbourhood Plan

18. No development shall take place before a CCTV camera survey of the existing surface water drainage pipe shown on the attach plan (Willingham Road, Lea - Drainage 136309) between points A and B has been completed along with any remedial work identified to ensure it functions satisfactorily.

**Reason:** To safeguard the site from flooding arising from Willingham Road, Lea and in accordance with Policy LP14 of the Central Lincolnshire Local Plan.

19. No dwellings (or other development as specified) shall be commenced before the first 60 metres of estate road from its junction with the public highway, including visibility splays, as shown on drawing number 16-005-25 Rev S has been completed.

**Reason:** In the interests of safety of the users of the public highway and the safety of the users of the site and to enable calling vehicles to wait clear of the carriageway of Willingham Road, Lea.

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

20. Irrespective of the number of dwellings in any particular phase the total number of dwellings to be developed on the site shall not exceed 61.

**Reason:** To maintain the character of the area, highway safety and capacity, residential amenity and drainage and in accordance with policies: LP2, LP13, LP14, LP17, LP21, LP24, LP26 and LP50 of the Central Lincolnshire Local Plan.

21. 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 LP17, LP26 and LP21 of the Central Lincolnshire Local Plan 2006 and the National Planning Policy Framework.

22. 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 policy LP21 of the Central Lincolnshire Local Plan and the National Planning Policy Framework

23. 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.

**Reason:** To ensure safe access to the site and each dwelling/building in the interests of residential amenity, convenience and safety and policies LP13 and LP26 of the Central Lincolnshire Local Plan.

24. 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 and in accordance with policies LP13 and LP26 of the Central Lincolnshire Local Plan.

25. 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 policy LP14 of the Central Lincolnshire Local Plan and the provisions of the National Planning Policy Framework 2012.

26. 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: 16-005-20 rev B, 16-005-21 rev A, 16-005-25 rev S (access highway access and junction works only) and documents: Design & Access Statement, Travel Plan, Desk Based Archaeological and Heritage Impact Assessment – ArcHeritage Report 2017/23 April 2017, Heritage Assessment Addendum Jan 2018 ArcHeritage, Ecological Appraisal – Andrew P Chick March 2017, Bat Survey Results – Aug 2017 Andrew P Chick, Great Crested Newt Survey April – Jun 2017 Andrew P Chick, Update Information Regarding Great Crested Newts – 25<sup>th</sup> Jan 2018 Andrew P Chick, Site Investigations Report TLP Ground Investigation – April 2017, Tree Survey – Anderson Tree Care – March 14<sup>th</sup> – 31<sup>st</sup> 2017, Landscape Visual Appraisal Nov 17 FPCR, and Flood Risk Assessment Final Rev B, Nov 2017 EWE Associates. 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 LP1, LP2, LP3, LP9, LP10, LP11, LP12, LP13, LP14, LP17, LP21, LP24, LP25, LP26 and LP50 of the Central Lincolnshire Local Plan.

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

27. No development shall take place until, a plan showing the position and depth of all existing and proposed services has been submitted to and approved in writing by the Local Planning Authority. The installation of services shall be carried out in accordance with the approved details.

**Reason:** To ensure that trees are not affected by the installation of services in the interest of visual amenity in accordance with policy LP17 of the Central Lincolnshire Local Plan.

**Notes to the Applicant**

The provision of on-site green space for outdoor recreation (including visual amenity) as required by condition 10 shall accord with the provisions of policy LP24 but with account taken of the location of Lea Park reducing any local green space provision by 50%.

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



Prior to the submission of details for any access works within the public highway you must contact the Head of Highways - on 01522 782070 for application, specification and construction information.

You are advised to contact Lincolnshire County Council as the local highway authority for approval of the road construction specification and programme before carrying out any works on site.

Please contact Lincolnshire County Council Streetworks & Permitting team on 01522 782070 to discuss any proposed statutory utility connections and any other works which will be required in the public highway in association with this application. This will enable Lincolnshire County Council to assist you in the coordination and timings of such works.

### **Reasons for granting permission**

The proposed development would provide 61 new dwellings on an allocated site within the Central Lincolnshire Local Plan and Lea Parish Neighbourhood Plan. The proposal development would have an acceptable impact on the character of the area, setting of heritage assets and allow a mix of residential dwellings to be provided. The proposal would not have a detrimental impact on residential amenity, highway safety, surface and foul water drainage, facilities and infrastructure in the area and would protect the majority existing trees in the area and ecological interest in accordance with policies LP1, LP2, LP3, LP9, LP10, LP11, LP12, LP13, LP14, LP17, LP21, LP24, LP25, LP26 and LP50 of the Central Lincolnshire Local Plan and policies 1, 3, 4, 5, 6, 10, and 11 of the Lea Parish Neighbourhood Plan and the provisions of the National Planning Policy Framework (NPPF).