



**Guildhall Gainsborough
Lincolnshire DN21 2NA
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This meeting will be recorded and published on the website

AGENDA

**Planning Committee
Wednesday 20 August 2014 at 6.30 pm
The Council Chamber, Guildhall, Gainsborough**

Members:

Councillor Stuart Curtis (Chairman)
Councillor Ian Fleetwood (Vice-Chairman)

Councillors Owen Bierley, Alan Caine, David Cotton,
Richard Doran, Malcolm Leaning, Giles McNeill, Jessie
Milne, Roger Patterson, Judy Rainsforth.

1. Apologies for absence.
2. Public Participation Period. Up to 15 minutes are allowed for public participation. Participants are restricted to 3 minutes each.
3. Minutes.
 - i) Meeting of the Planning Committee held on 23 July 2014, previously circulated.
4. Members' Declarations of Interest.

Members may make any declarations of interest at this point but may also make them at any time during the course of the meeting.

Agendas, Reports and Minutes will be provided upon request in the following formats:

Large Clear Print: Braille: Audio Tape: Native Language

5. Update on Government/Local Changes in Planning Policy

6. Planning Applications for Determination
(Summary attached at Appendix A)
Print herewith PL.05 14/15

PAPER A

7. To note the following determination of appeals:

- i) Appeal by Mrs Amy Pickering against West Lindsey District Council's refusal to grant planning permission for the construction of a replica Lincolnshire barn at Glebe Farm, Horncastle Lane, Scampton.

Appeal Dismissed - See copy letter attached as Appendix Bi

Officer recommendation to refuse.

- ii) Appeal by Mr S Hebdon against West Lindsey District Council's refusal to grant permission for a detached dwelling with garage and widening of existing access road at The Beeches, 44 Nettleton Road, Caistor.

Appeal allowed and permission granted subject to conditions - See copy letter attached as Appendix Bii

Officer recommendation to refuse.

M Gill
Chief Executive
The Guildhall
Gainsborough
12 August 2014

Agendas, Reports and Minutes will be provided upon request in the following formats:

Large Clear Print: Braille: Audio Tape: Native Language

Item 1 – 131377 - Westrum Park Westrum Lane Brigg

Proposal: Planning application for change of use of land for siting of 6 permanent Gypsy and traveller pitches and 4 transit pitches for a total of 24 additional caravans. Also, the change of use of dayroom building to dwelling.

RECOMMENDED DECISION: That the decision to grant planning permission subject to conditions is delegated to the Chief Operating Officer upon the resolution of the issue pertaining to the discharge of foul water from the development and if such an issue is not resolved within 6 months from the date of this meeting, the matter will be reported back to the next available meeting of the Planning Committee.

Item 2A – 131219 – Sun Inn Hotel, 1 North Street Gainsborough.

Item 2B - 131220 – Sun Inn Hotel 1 North Street Gainsborough.

PROPOSAL A: Planning application for demolition of former Sun Inn Hotel, including 37 Market Street, and construction of a C1 use class hotel with associated ancillary facilities and servicing access

PROPOSAL B: Listed Building Consent for demolition of former Sun Inn Hotel, including 37 Market Street, and construction of a C1 use class hotel with associated ancillary facilities and servicing access

RECOMMENDED DECISION: Proposal A – Refuse Planning permission
 Proposal B – Refuse Listed Building Consent

Appeal Decision

Site visit made on 26 June 2014

by George Arrowsmith BA, MCD, MRTPI

an Inspector appointed by the Secretary of State for Communities and Local Government

Decision date: 22 July 2014

Appeal Ref: APP/N2535/A/14/2212091

Glebe Farm, Horncastle Lane, Scampton, Lincoln, LN1 2SZ

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission.
 - The appeal is made by Mrs Amy Pickering against the decision of the West Lindsey District Council.
 - The application Ref 130040, dated 20 May 2013, was refused by notice dated 17 July 2013.
 - The development proposed is the construction of a replica Lincolnshire barn.
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Decision

1. The appeal is dismissed.

Main Issues

2. The main issues are whether the proposal would, i) be harmful to the character of the former farmstead in which it is located or to the character of its wider countryside setting, ii) be unacceptably dominant when viewed from the dwelling immediately opposite its end gable, and/or, iii) cause a significant loss of amenity to the occupiers of another dwelling through increased overlooking of their garden area.

Reasons

3. Planning permission was granted in June 2012 under Ref 128470 for the construction of a building to form a replica of a former barn to provide new holiday accommodation. Permission was subsequently granted in January 2013 under Ref 129496 for a non-material amendment to that permission. I have been provided with the elevation drawings for 129496. The barn as partly constructed is different from what was permitted under 129496. As built and as now proposed for retention the ridge height of the 1½ storey part of the barn is about 8.5m. This compares with what the officer's report says was the 6m height as approved. I cannot confirm the accuracy of the 6m figure because my copy of the approved elevations is not at the scale of the original drawing. Nevertheless, I have no reason to question the officer's measurement and it is not questioned by the appellant.
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4. Construction on the barn ceased when the Council advised that the work was not in accordance with the approved plans. It is important to emphasise that my decision relates specifically to the plans considered by the Council under Ref 130040. These show changes in the position, number and size of windows from what is show on the approved plans. Eight rooflights are now shown in the roof of the single storey element although none were shown on 129496. In addition the first floor windows in the 1½ storey element are now shown as significantly bigger than those on the approved plans. The officer's report refers to decorative brick coursing below the eaves. This was apparent during my site visit but is not shown on the plans submitted under 130040.
5. The officer's report and decision notice emphasise the increased size of the proposed barn as compared to the original building. They express the view that the size of the upper storey and roofscape cause the barn to be disproportionate to the site's established scale. The original traditional arrangement of forms, scale and relationship with the rest of the site is said to have been lost by making the barn the most dominant element whereas, in the Council's opinion, it should be an ancillary building.
6. I am not convinced by the Council's argument about the loss of traditional scale. This is not to say that they are wrong. However, I have no details of how the composition of buildings within the farmstead relates to traditional groupings of Lincolnshire farm buildings. In the absence of such information this aspect of the Council's case amounts to little more than assertion. Certainly, when I viewed the reconstructed barn from Horncastle Lane to the south it did not appear as a significantly over-dominant feature if the landscape. In conclusion I am not convinced that the proposal would harm the character of the farmstead or its wider countryside setting or that it conflicts with the relevant objectives of saved policy STRAT 1 in the West Lindsey Local Plan First Review. In view of this finding I do not consider it necessary to discuss the details of the Settings Assessment prepared for the appellant by Pre-Construct Archaeological Services.
7. I am less comfortable with the detailed design of the building as now proposed. In particular the number and size of the windows give the building an un-barnlike appearance which appears somewhat out of place in an isolated group of buildings which still retains the character of a traditional farmstead. To this extent I do find a conflict with STRAT 1 although in the light of the fall-back position this is not sufficient on its own to justify a refusal of permission.
8. To my mind the most serious objection to the changed proposal is the effect on the residents of the converted barn only a short distance to the north of the high gable end of the appeal building. The outlook from this dwelling and the small area of outdoor space between it and the appeal building would have been dominated by the appeal building even if the latter had been constructed in accordance with the plans approved under ref 129496. I do not know what considerations led the Council to approve the construction of the appeal building but they might have included the desirability of recreating the form of the original farmstead.

9. Notwithstanding the Council's reasons for granting the original permissions, anyone deciding to live in the facing barn conversion would have done so in the knowledge that there was a trade-off between living in a rural environment and the restrictions imposed by living among the closely spaced buildings of a former farmstead. What they could not reasonably have anticipated is that the height of the building immediately in front of their dwelling would be increased by a significant amount thereby increasing both its dominance and overshadowing effect. I consider that these effects would be unacceptable, would conflict with that element of STRAT 1 which seeks to safeguard and improve residents' quality of life and is by itself sufficient to justify the refusal of permission.
10. The Council say that windows in the appeal building look directly onto a garden belonging to another converted barn. Whilst this is correct, it is also a feature of the development approved under 129496. The fact that the windows now proposed are bigger than those approved might cause some increase in actual overlooking and also the perception of overlooking but, again, I do not consider it sufficient in itself to justify a refusal of permission. It does, however, reinforce my conclusion that the proposal as a whole is unacceptable.

George Arrowsmith

INSPECTOR

Appeal Decision

Site visit made on 26 June 2014

by George Arrowsmith BA, MCD, MRTPI

an Inspector appointed by the Secretary of State for Communities and Local Government

Decision date: 18 July 2014

Appeal Ref: APP/N2535/A/14/2216187

The Beeches, 44 Nettleton Road, Caistor, LN7 6NJ

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission.
 - The appeal is made by Mr S Hebdon against the decision of West Lindsey District Council.
 - The application Ref 130658, dated 7 October 2013, was refused by notice dated 24 December 2013.
 - The development proposed is a detached dwelling with garage and widening of existing access road.
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Decision

1. The appeal is allowed and planning permission is granted for a detached dwelling with garage and widening of existing access road at The Beeches, 44 Nettleton Road, Caistor, LN7 6NJ in accordance with the terms of the application, Ref 130658, dated 7 October 2013, subject to the following conditions:
 - 1) The development hereby permitted shall begin not later than three years from the date of this decision.
 - 2) The development hereby permitted shall not begin until details of a scheme for the disposal of foul and surface water from the site have been submitted to and approved in writing by the local planning authority. The scheme shall thereafter be implemented in accordance with the approved details.
 - 3) The development hereby permitted shall not begin until details of a scheme for the protection of the trees on site covered by tree protection orders have been submitted to and approved in writing by the local planning authority. The development shall thereafter be implemented in accordance with the approved scheme.
 - 4) The development hereby permitted shall not begin until details, including colours, of all external materials have been submitted to and approved in writing by the local planning authority. The development shall thereafter be implemented in accordance with the approved details.
 - 5) The development hereby permitted shall be carried out in accordance with the following approved plans: RD:3237-01, RD:3237-02, RD:3237-03 Rev A, RD:3237-04, RD:3237-05 and RD:3237-06 Rev B.
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- 6) Construction work shall be undertaken only between 0700 and 1800 hours from Monday to Friday inclusive, 0700 and 1300 hours on Saturday and not at all on Sundays or Bank Holidays.

Procedural Matter

2. On 17 January 2014 the appellant's agent sent an email to the Council enclosing a plan which suggested a marginal change in the position of the proposed building. I must however determine the appeal on the basis of the plans considered by the Council in making their decision.

Main Issue

3. The main issue is whether the proposal would lead to the direct loss of protected trees to the detriment of the area's character or and/or increase pressures for lopping or felling that could lead to a further loss of character.

Reasons

4. The proposal is to construct a part 1½ storey/part single storey dwelling in the side garden to The Beeches. The garden contains several mature trees, some of which are protected by tree preservation orders, but there is an open space in the middle of the garden where it is proposed to construct the dwelling.
5. A previous appeal relating to a proposal to construct a similar dwelling in a similar position (appeal Ref: APP/N2535/A/11/2154387) was dismissed by one of my colleagues in 2011. Although she dismissed the appeal she found that a building of the low profile proposed would be neither visually obtrusive nor obstruct significantly the depth of view or the impact of the group of on-site trees in the townscape. Similarly, in the present appeal, the Council do not object to the visual impact of the dwelling itself nor do they consider that it would have an adverse impact on the Area of Great Landscape Value in which it is located.
6. My colleague's reason for dismissing the previous appeal was the potential impact of the proposal on a protected beech tree. The single storey element of the dwelling has now been moved from that proposed in the dismissed appeal so that it no longer overlaps with that tree's root protection area. Consequently the Council no longer consider that the proposal would damage the tree, or at least not to an extent that would constitute a reason for refusal. The Council do however object to two aspects of the proposal which my colleague had found acceptable. These are the effect on a protected ash tree to the north of the proposed dwelling's 1½ storey element and the pressure for felling or lopping that they consider would result from the shading and other effects of the trees around the dwelling. In relation to the first of these effects it is relevant to note that the 1½ storey element now before me is unchanged from that considered by my colleague. The Council also object to the impact of the proposal on a protected oak to the east of the 1½ storey element. In respect of this tree the officer's report refers to the effect of trenching for the drainage pipe and inspection chamber. The oak tree is not specifically mentioned in my colleague's decision letter. I will consider each of these matters.
7. The appellant proposes to protect the ash tree's roots by using a suspended raft foundation system. In this regard the Council's appeal case relies on their

officer's report which says that, whatever foundations are used, trenches 500-600mm deep are generally required. However, an email dated 21 February 2014 from the Area Development Officer to the appellant's agent says: "*I therefore accept that our concerns regarding the impact of the foundations may be overcome by the use of the method submitted with the planning application (130658). I acknowledge that you received an email from the case officer of the previously refused application 126244 accepting this foundation method. In my opinion we would require more details to properly investigate and confirm its effectiveness in protecting the roots of the trees*".

8. The above statement is ambiguous. It begins by suggesting a possible acceptance that the tree roots can be protected by the appellant's proposed method but then undermines this by recording the officer's personal doubts. I have no evidence that these personal doubts are supported by an arboricultural qualification. Despite the ambiguity the email weakens the Council's case in relation to root protection. In the circumstance the balance of the evidence before me suggests that the use of a suspended raft foundation would effectively protect tree roots. It is also relevant that, even before this method of protection had been suggested, my colleague had accepted that the proposal before her could be implemented without unacceptable impact on the stability and longer term health of the trees.
9. With regard to the specific issue of damage to roots caused by drainage trenches the appellant says that the drainage could be run between the ground and underside of the suspended floor slab so as not to sever any tree roots. I do not have sufficient technical knowledge to assess the viability of this proposal but I note the appellant's statement that the agent had been unable to contact the case officer while the application was being considered and the claim that drainage issues could have been resolved had discussions taken place. I have also taken account of the Council's failure to respond either to the claim that the issues could have been resolved or to the appellant's specific proposal for their resolution. In these circumstances I consider that the Council have not substantiated their assertion that the provision of drainage would cause severance of tree roots.
10. In commenting on the possibility of pressure for felling or lopping my colleague said "*with good tree management the living conditions of occupiers of the dwelling should not be so adversely affected as to justify future removal of the trees on that account*". The Council have nevertheless maintained their view that the erection of the dwelling would result in pressure for felling or lopping trees, which they consider would erode their amenity value. In an internal memorandum the Council's Environment Officer says: "*Any proposed development should preferably not impose such tree maintenance works on the future occupier, the council in relation to future TPO applications and the trees in relation to repeated pruning works*".
11. In my opinion the Environment Officer's comments should be assessed in the context of TPO legislation. TPOs are intended to protect trees in the interests of amenity. By implication the loss of a protected tree is therefore harmful to amenity which is why consent has to be sought from a planning authority to cut down or otherwise carry out work on a protected tree. This does not mean that cutting back a protected tree is necessarily harmful; merely that consent must be sought from the planning authority who will assess the merits of the

proposal. I am therefore satisfied that the possibility of future pressure to cut back protected trees is not in itself a decisive objection. Cutting back can, as my colleague implied, be compatible with good management. Furthermore, I agree with her finding that the occupiers of the proposed dwelling should not be so adversely affected as to justify the future removal of trees.

12. For the above reasons I am satisfied that the appeal proposal would not conflict with the objectives of saved policies STRAT 1, RES 1 and CORE 10 in the West Lindsey Local Plan First Review.

Conditions

13. I have considered the conditions suggested by the Council. In addition to the standard time limit and a condition specifying the approved plans, I have imposed the substance of suggestion 2, which is required in the interests of sustainable drainage, suggestions 3 and 4, which are required in the interests of the protection of trees and visual amenity and suggestion 7, which is required in the interests of residential amenity. I have not imposed a condition in response to suggestion 6 because it is cross-referenced to another, unspecified, condition and is therefore unclear.

George Arrowsmith

INSPECTOR