



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

AGENDA

**Planning Committee
Wednesday 29 July 2015 at 6.30 pm
The Council Chamber, Guildhall, Gainsborough**

Members:

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

Councillors Owen Bierley, David Bond, David Cotton, Hugo Marfleet, Giles McNeill, Jessie Milne, Roger Patterson, Judy Rainsforth, Thomas Smith, Vacancy.

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 21 May 2015, previously circulated.
 - ii) Meeting of the Planning Committee held on 3 June 2015, 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.
5. Update on Government/Local Changes in Planning Policy

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

Large Clear Print: Braille: Audio Tape: Native Language

6. Planning Applications for Determination
(Summary attached at Appendix A)
Print herewith PL.02 15/16 **PAPER A**

7. Objection to Tree Preservation Order
Print herewith PL.03 15/16 **PAPER B**

8. To note the following determination of appeals:

- i) Appeal by Mr B Lane against the decision of West Lindsey District Council to refuse planning permission for the erection of one dwelling on land at 54 Wragby Road East, North Greetwell.

Appeal Dismissed - See copy letter attached as Appendix Bi.

Officer decision – Refuse.

- ii) Appeal by Mr Carl Godley against the decision of West Lindsey District Council to refuse planning permission for the erection of four dwellings and access road at 89 Gainsborough Road, Lea.

Appeal Dismissed - See copy letter attached as Appendix Bii.

Officer Recommendation – Grant.

- iii) Appeal by Metier Property against the decision of West Lindsey District Council to refuse planning permission for the development of land without complying with conditions subject to which a previous planning permission was granted.

Appeal Allowed - See copy letter attached as Appendix Biii.

Officer Recommendation – Grant.

M Gill
Chief Executive
The Guildhall
Gainsborough

21 July 2015

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

Large Clear Print: Braille: Audio Tape: Native Language

1 – 132698 – Caistor

PROPOSAL: Planning application for alterations and extensions to existing dwelling to create 3no. dwellings at 14 Whitegate Hill, Caistor

RECOMMENDED DECISION: Grant Planning Permission

2 – 133055 – Fenton

PROPOSAL: Planning application to vary condition 4 of planning permission 131784 granted 22 January 2015-revised surface water drainage details at 40 Lincoln Road Fenton

RECOMMENDED DECISION: Approve with condition

Appeal Decision

Site visit made on 12 May 2015

by Karen L Baker DipTP MA DipMP MRTPI

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

Decision date: 12 June 2015

Appeal Ref: APP/N2535/W/15/3006155

Land at 54 Wragby Road East, North Greetwell, Lincoln LN2 4QY

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant outline planning permission.
 - The appeal is made by Mr B Lane against the decision of West Lindsey District Council.
 - The application Ref. 132123, dated 15 October 2014, was refused by notice dated 23 December 2014.
 - The development proposed is the erection of 1 No. dwelling.
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Decision

1. The appeal is dismissed.

Procedural Matters

2. The planning application form describes the development as a proposed building plot. However, I have referred to the description used by the Council in its Decision Notice above, as it more accurately reflects the development proposed.
3. The planning application was made in outline, with only landscaping reserved for subsequent approval.

Main Issues

4. The main issues in this appeal are:
 - a) the effect of the proposed development on the character and appearance of the area;
 - b) the effect of the proposed development on the living conditions of the occupiers of No. 54 Wragby Road East, with particular reference to privacy; and,
 - c) whether or not the proposed dwelling would provide sufficient levels of privacy and private amenity space for future occupiers.

Reasons

Character and Appearance

5. The appeal site is located on the south eastern side of Wragby Road East, the A158, in a predominantly residential area. A mix of styles and designs of dwellings exists along this part of Wragby Road East, with both single and 2 storey properties evident. The appeal site currently forms part of the front,

- side and rear gardens to No. 54 Wragby Road East, being used predominantly for the parking of vehicles. A substantial storage shed is located on the rear portion of the appeal site. No. 54 is the end property in a terrace of 3 bungalows sited to the south west of the appeal site. A larger detached bungalow is sited to the north east of the appeal site at No. 56 Wragby Road East, with a detached and semidetached 2 storey dwellings beyond.
6. The proposed development would include the removal of the storage shed and the construction of a detached single storey dwelling set back from the road, with a shared turning area and parking spaces for 2 cars to the front. Space would be retained adjacent to the side elevation of No. 54 for the tandem parking of 2 vehicles for the occupiers of that property. The proposed dwelling would also benefit from a private amenity space to the rear. The appeal site measures around 30m in length from the back of the footway to the rear of the site and is around 6m wide at its narrowest point.
 7. The Council considers that the proposed dwelling would appear cramped and incongruous in the streetscene, given the narrow nature of the appeal site and its location between the substantial bungalow at No. 56 Wragby Road East and the terrace of 3 bungalows at Nos. 50 – 54.
 8. The proposed dwelling would be around 11m x 5m and its elevation facing the highway would be set back from the front elevations of both the terrace of bungalows at Nos. 50 – 54 Wragby Road East and the detached bungalow at No. 56. Given the width of the appeal site, the proposed dwelling would extend across much of the plot, only retaining a 1m gap between the proposed dwelling and the side boundary between it and No. 54 Wragby Road East, which would provide the pedestrian access to the proposed dwelling. A larger gap would be retained between No. 54 and this side boundary and a further gap would remain between the appeal site and No. 56, which includes an access road to the land to the rear of the appeal site and Nos. 52 and 54, which has recently been granted planning permission (Ref. 132018) for 2 dwellings.
 9. A gable end would form the elevation of the proposed dwelling facing Wragby Road East. Given this, along with its narrow and set back nature and the provision of 2 parking spaces to the front, despite the adjacent gaps, the proposed dwelling would appear cramped and out of keeping with the character and appearance of this part of Wragby Road East, and particularly the more substantial buildings at Nos. 50 – 54 and 56 sited on either side. I note the appellant's statement that the approved dwellings to the rear would have a similar footprint to the proposed dwelling and, if built, would assimilate with the proposed dwelling and No. 54 very well. However, in my opinion, when viewed from Wragby Road East, given its design and siting, the proposed dwelling would appear incongruous in the streetscene. Although details of the landscaping/boundary screening and design of the shared access could be incorporated in the submission of reserved matters, I am not satisfied that these would ameliorate my concerns relating to the proposed development's impact on the streetscene.
 10. I conclude, therefore, that the proposed development would harm the character and appearance of the area. As such, it would be contrary to Policies STRAT 1, STRAT 7 and RES 1 of the West Lindsey Local Plan First Review,

adopted in June 2006, in this regard, and would not accord with the guidance in the National Planning Policy Framework (The Framework).

Living Conditions of the Occupiers of No. 54 Wragby Road East

11. The side elevation of No. 54 Wragby Road East includes 2 windows, one of which contains obscure glazing. From my site visit it appeared that the other window opened into a kitchen. The elevation of the proposed dwelling, facing No. 54, would include the main entrance door and 2 windows opening into a bedroom and kitchen. I acknowledge that some screening of these windows could be provided by a boundary fence. However, I am concerned that, given their siting and close proximity to the side boundary with No. 54, along with the location of the pedestrian access to the proposed dwelling, there would be some overlooking and loss of privacy to the occupiers of this neighbouring property within their home and rear garden area to the detriment of their living conditions.
12. I conclude, therefore, that the proposed development would harm the living conditions of the occupiers of No. 54 Wragby Road East, with particular reference to privacy. As such, it would be contrary to Local Plan Policies STRAT 1, STRAT 7 and RES 1, in this regard, and would not accord with the guidance in The Framework.

Living Conditions of Future Occupiers of the Proposed Dwelling

13. The bedroom and kitchen windows in the side elevation of the proposed dwelling would face the car parking spaces and driveway associated with the neighbouring dwelling at No. 54 Wragby Road East. Although a fence along this boundary could provide some screening of views into the proposed dwelling, I am concerned that, given the distance between it and this boundary, future residents would be overlooked and levels of privacy would not be sufficient within their bedroom and kitchen.
14. The proposed development would include a private amenity space to the rear of the dwelling, around 7m in depth. I note the appellant's statement that it would be south facing and that some occupiers prefer a more modest and manageable garden. Indeed, I acknowledge the interest that the appellant has received relating to the purchase of the completed property and the possible future layout of this private amenity space. Although the Council does not state the requisite garden area for a dwelling of a particular size, in my opinion, the rear garden, which would be the only private amenity space associated with the proposed dwelling, would not be of a sufficient size to provide an appropriate level of private amenity space for the occupiers of a 2 bedroom bungalow.
15. I conclude, therefore, that the proposed dwelling would not provide sufficient levels of privacy and private amenity space for future occupiers. As such, the proposal would be contrary to Local Plan Policies STRAT 1, STRAT 7 and RES 1, in this regard, and would not accord with the guidance in The Framework.
16. I have considered all the other matters raised by the appellant, including the differences between this and the previous application for outline planning permission (Ref. 131199); the size of the internal accommodation; the need for such a dwelling; the provision of a shared access which would allow vehicles to enter and leave the appeal site in a forward gear; the provision of parking

facilities to the front of other dwellings nearby; and, its sustainable location; but none changes my overall conclusion that the appeal should be dismissed.

Karen L Baker

INSPECTOR

Appeal Decision

Site visit made on 11 May 2015

by Louise Crosby MA MRTPI

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

Decision date: 18 June 2015

Appeal Ref: APP/N2535/W/15/3002303

89 Gainsborough Road, Lea, Gainsborough, Lincolnshire, DN21 5JJ

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant outline planning permission.
 - The appeal is made by Mr Carl Godley against the decision of West Lindsey District Council.
 - The application Ref: 131364, dated 12 May 2015, was refused by notice dated 14 November 2014.
 - The development proposed is 4 new dwellings and access road.
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Decision

1. The appeal is dismissed.

Procedural matters

2. The application was submitted in outline with all matters are reserved, except for the access.
3. The Council in their appeal statement cite a number of additional reasons why the proposal would be harmful, that are not in their reasons for refusal. My main issues are derived from the reasons for refusal in the formal decision notice. I shall deal with the other matters more briefly below.

Main Issues

4. The main issues are the effect of the proposal on:
 - i) the character and appearance of the surrounding area; and
 - ii) local living conditions, with particular reference to noise disturbance from vehicular traffic.

Reasons

Planning Policy and background

5. The Council concede that they do not have a 5 year supply of housing land and therefore paragraph 49 of the National Planning Policy Framework (the Framework) is engaged. This means that housing applications, such as this one, should be considered in the context of the presumption in favour of sustainable development.
6. The Council also accepts that their development plan policies that seek to guide the development of new housing are out of date and so paragraph 14 of the

Framework also applies. This means that planning permission should be granted unless any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in the Framework, taken as a whole.

7. Planning permission has been refused and subsequent appeals dismissed on this site previously. The most recent appeal appears to have been in 2007 and so prior to the introduction of the Framework. I shall deal with this case on the basis of the current planning policies and up-to-date evidence before me, including a noise report.

Character and appearance

8. The appeal site is part of a large garden at the rear of No 89. While it is mainly laid to lawn, part of it contains building materials. It extends some distance back from Gainsborough Road, along with some other gardens and paddocks. This part of the garden is a quiet haven away from the noise generated by vehicles on the busy Gainsborough Road. This is particularly so given its distance from built development (with the exception of small sheds and stables) and the proximity to open countryside.
9. The site extends beyond the rear line of many gardens nearby. Moreover, even the land in use as gardens remains undeveloped except for the occasional shed or outbuilding. South east of the appeal site, some distance away, is a small development of houses that extends back as far as the appeal site. Nevertheless, the appeal site and the area close by remains green and undeveloped.
10. By contrast, the proposal would introduce 4 dwellings along with an associated access road, with a hammerhead for turning. The appearance of the site would alter dramatically as a result of the introduction of a significant amount of built development. Also the character would change from a large tranquil open garden area to a developed area of land along with the associated noise and traffic.
11. As such, I find that the proposal would have a significant adverse effect on the character and appearance of the surrounding area and conflict with West Lindsey Local Plan First Review 2006 (LP) policy NBE 10 which seeks to protect the character and amenity of the immediate area.

Living conditions

12. The proposed extended access would be along the existing driveway to No 89, which runs adjacent to the boundary with No 87. No 87 is a bungalow located close to the shared boundary. It has a modest sized front garden and a good sized rear garden, albeit much shorter than that at No 89. The access to No 89 and the 4 proposed dwellings would run along the full length of this rear garden. The appeal site also borders the rear boundary of this garden. Moreover, the side elevation of the bungalow contains some windows as does the rear elevation, close to the boundary. The side elevation also contains a door.
13. Clearly the use of the extended access would greatly intensify as a result of the proposal. The planning application was accompanied by a report that considered the noise impact from additional cars using the access road on living conditions at Nos 87 and 89. This found that the noise generated by

traffic on Gainsborough Road would be much greater than that passing along the driveway. Moreover Gainsborough Road carries around 9000 vehicles per day and they are travelling at around 40mph. By comparison, there would be an estimated 17-34 car trips per day along the proposed access road.

14. Given the current landscaped boundary treatment, which is sparse in places, the noise and presence of cars on the driveway would be much more apparent at No 87, particularly in the rear garden. This would be even more so at No 89 where there is no boundary treatment between the access and that property.
15. Nevertheless it is proposed to install a 1.8m high acoustic fence on the access road, adjacent to the landscaping along the boundary of No 87 and also along the rear boundary where the existing low fence is broken. The submitted plans show a break in the acoustic fence which would significantly reduce its effectiveness. However the appellant has confirmed in writing that he would be willing to accept a planning condition that would ensure that the whole length of the boundary with No 87 would be fenced. A new hedge is proposed alongside the boundary with No 89.
16. On the basis of the proposed mitigation I am satisfied that living conditions would not be unduly affected as a result of the proposal. As such, the proposal would accord with LP policies RES 3 and STRAT 7 in so far as they seek to protect residential amenity.

Other matters

17. Drainage could be dealt with by other legislation. Regarding concerns about flooding the Council officer in his committee report concluded that the site is acceptable for housing since appropriate mitigation measures could be incorporated. This was based on advice from the Environment Agency. I have no reason to disagree with this advice, but it does not add weight in favour of the proposal.

Conclusion

18. The lack of harm in relation to living conditions as a result of noise and disturbance is far outweighed by the significant harm I have identified in relation to the character and appearance of the surrounding area and the resultant conflict with LP policy NBE 10. The proposal would fail to protect and enhance the natural and built environment here and as a consequence fall short of being sustainable development. Moreover, the adverse impacts would significantly and demonstrably outweigh the benefits when assessed against the policies in the Framework, as a whole. So, despite the lack of a 5 year supply of housing land in the district the proposal would be unacceptable and must fail.
19. For the reasons given above and having regard to all other matters raised, I conclude that the appeal should be dismissed.

Louise Crosby

INSPECTOR

Appeal Decision

Site visit made on 12 June 2015

by David Vickery DipT&CP MRTPI

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

Decision date: 25/06/2015

Appeal Ref: APP/N2535/W/15/3004352

Land at Burton Waters, Burton Waters, Lincolnshire LN1 2WN

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission under section 73 of the Town and Country Planning Act 1990 for the development of land without complying with conditions subject to which a previous planning permission was granted.
 - The appeal is made by Metier Property against the decision of West Lindsey District Council.
 - The application Ref 131842, dated 29 August 2014, was refused by notice dated 17 November 2014.
 - The application sought planning permission for a comprehensive mixed use development comprising of full planning permission, material change of use of land, for the construction of 56 No. park home units, Use Class C3 dwelling, bus turning area and associated works; and outline planning permission with all matters reserved for subsequent consideration for the development of a 60 bedroom hotel, extra care housing, up to 100 units and 24 holiday lodges and associated works without complying with a condition attached to planning permission Ref 130050, dated 8 August 2013.
 - The condition in dispute is No. 6 which states that: *"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: 906-101 dated 13/2/2012. These 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."*
 - The reason given for the condition is: *"To ensure the development proceeds in accordance with the approved plans and to accord with the National Planning Policy Framework and saved Policy STRAT 1 of the West Lindsey Local Plan First Review 2006."*
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Decision

1. The appeal is allowed and planning permission is granted for a comprehensive mixed use development comprising of full planning permission, material change of use of land, for the construction of 65 No. park home units, Use Class C3 dwelling, bus turning area and associated works; and outline planning permission with all matters reserved for subsequent consideration for the development of a 60 bedroom hotel, extra care housing, up to 100 units and 24 holiday lodges and associated works at Burton Waters, Burton Waters, Lincolnshire LN1 2WN in accordance with the application Ref 131842, dated 29 August 2014, without compliance with condition number 6 previously imposed on planning permission Ref 130050, dated 8 August 2013 but subject to the other conditions imposed therein, so far as the same are still subsisting and capable of taking effect and subject to the following new condition:

"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 drawing: A(10)-01 dated 06/08/14 by SNJ Architects. These 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."

The Appeal

2. The appeal seeks to increase the number of park home units on part of the site from 56 to 65 in total. Condition No. 6 limited the numbers by its reference to a specific plan which showed that amount of park home units, and the proposal would substitute a new plan [A(10)-01] for it which would show the 65 units.

Main Issue

3. The main issue is whether the proposed increase in the number of park home units would represent sustainable development, particularly in respect of the services and facilities required by future occupiers and in public transport terms.

Reasons

4. The proposal is for an increase of 9 park home units on top of the approved 56 units. Burton Waters is a development area which comprises a mix of residential, commercial and leisure units focussed around a marina with access from the Fosdyke Canal. I saw that the settlement centre around the marina (to the south-east of the appeal site) has terraces of shops, financial/professional offices and food and drink outlets including restaurants and a 'Quayside Deli' selling a limited range of food.
5. On the opposite side of the marina to those which are already occupied there were 6 empty ground floor shop or office units of varying sizes, one of which was sold. There is an outside bike hire facility at the marina. I saw a care home (Barchester Healthcare), a David Lloyd leisure facility, a pub, and other residential properties, including flats and lakeside holiday homes. There is planning permission for a large hotel and conference centre.
6. The appeal site lies to the north-west of the marina, but is within reasonable walking and cycling distance of it. It is proposed as part of the 2013 planning permission (Ref 130050) that a bus turning facility and bus shelter will be provided close to the appeal site, and the current nearby circular bus route (777) to and from Lincoln could be extended to these. That bus route presently provides a reasonable number of conveniently timed buses to and from Lincoln. There are also other bus services to Lincoln and elsewhere which run along the nearby A57.
7. The Council had no design or highways or other objections to the proposal, and neither do I. I do not consider that the number of extra units involved would have any significant impact on the wider highways network, particularly the A57. The layout design is acceptable and would not result in overdevelopment of the site or make it look too crowded within its lake setting, particularly as I saw that views of the site are limited by existing screening vegetation.
8. The Council clearly considers the Burton Waters development to be a sustainable residential location as it is allocated in its Local Plan First Review

- 2006 under policy STRAT 14 into three areas [policies BW(M)1 to 3] for a large 52.75 hectare development of housing, water sports and fishing lakes, associated commercial facilities, touring camping and caravans, chalets and a hotel. The Council has granted a number of planning permissions in recent years in order to implement that allocation. The Council said that its intention is *"to provide a sustainable, marina based settlement with a variety of services and facilities for the ever growing resident population within a quality, urban design led context."*
9. The Council also said that whilst Burton Waters is defined in its Local Plan as a Subsidiary Rural Settlement (policy STRAT 3) that it *"now has the level of services and facilities commensurate in scale to that of a Primary Rural Settlement"* and that it *"provides near level access throughout on segregated, lit footways to enable the less ambulant and elderly to access shops and other facilities within the settlement centre."*
 10. The Council and the appellant said that the existing condition (No. 13) limiting the occupation of the park home units to those aged 55 and older would remain. The Council said that the park home units were originally granted planning permission in 2013 in order *"to meet an increasing need arising for an increasing older population"* despite its Local Plan allocation for leisure uses. This was done so as to *"offer a genuine alternative to moving into full time residential care enabling people to exercise choice over their accommodation and maintain their independence by being part of a local community."*
 11. This is a laudable and worthy aim, and I have seen nothing which convinces me that this aim would not apply to the proposed extra 9 units. There is no evidence which suggests to me that that the need for this type of accommodation for the older population has been met. Nor have I had submitted to me any convincing evidence that the Council's intention of making Burton Waters a sustainable community able to cope with an elderly population has failed to the extent that another 9 units, on top of the numbers already existing or planned, should not be permitted.
 12. I acknowledge that the settlement does not yet contain a doctors' surgery, a dentist, a chemist, or a Post Office but it is still growing, there is space for new shops in already constructed units, and this has not stopped the Council granting planning permissions for residential development and implementing its Local Plan allocation at Burton Waters.
 13. In any event, if I am wrong on this, I consider that public transport is adequate for those people who do not have cars to be able to reach the larger settlements, such as Lincoln, where these facilities and services can be found. There are extensive leisure facilities available within easy walking and cycling distance, and the present services in the settlement centre provide at least some basic facilities.
 14. Similarly, I am not convinced that Burton Waters is unacceptably shifting from a residential and leisure complex to a residential complex. The proposal does not take up any more land area than that originally granted planning permission in 2013. No leisure or commercial uses are being displaced by the proposal. And I have not been given any figures or substantial evidence to justify the Council's conclusion on this point.

15. The comments made by the Council's Housing and Communities Project Officer on the suitability of the construction of the park home units is not an issue before me in this appeal, and these are details for the Council to resolve separately.
16. I conclude that the proposal would constitute a sustainable development, particularly in respect of the services and facilities required by future occupiers and in public transport terms. It would therefore comply with policies STRAT 1 and STRAT 14 in the Local Plan First Review 2006 and with the principles of sustainable development in the National Planning Policy Framework.
17. For the reasons given above I conclude that the appeal should be allowed.

David Vickery

Inspector