

Guildhall Gainsborough  
Lincolnshire DN21 2NA  
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AGENDA

This meeting will be recorded and the video archive published on our website

**Planning Committee**

**Wednesday, 1st June, 2016 at 6.00 pm**

**Council Chamber - The Guildhall, Marshall's Yard, Gainsborough, DN21 2NA**

**Members:**

Councillor Stuart Curtis (Chairman)  
Councillor Ian Fleetwood (Vice-Chairman)  
Councillor Owen Bierley  
Councillor Michael Devine  
Councillor David Cotton  
Councillor Matthew Boles  
Councillor Thomas Smith  
Councillor Roger Patterson  
Councillor Judy Rainsforth  
Councillor Hugo Marfleet  
Councillor Mrs Jessie Milne  
Councillor Giles McNeill

**1. Public Participation Period**

Up to 15 minutes are allowed for public participation. Participants are restricted to 3 minutes each.

**2. To Approve the Minutes of the Previous Meeting**

Meeting of the Planning Committee held on 25 April and 9 May 2016, previously circulated.

**3. 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.

**4. Update on Government/Local Changes in Planning Policy**

**5. Planning Applications for Determination**

(PAGES 1 - 60)

6. **Determination of Appeals**

(PAGES 61 - 96)

- i) Appeal by Chestnut Homes Ltd against the decision of West Lindsey District Council to refuse outline planning permission for a hybrid application for up to 170 dwellings (Phases 3a, 3b, 3c) of which full planning is sought for 44 dwellings (Phase 3a) and outline permission is sought with all matters reserved except for access for up to 126 dwellings (Phases 3b and 3c), together with a secondary temporary access for construction traffic off Horncastle Road, Bardney on Land off Hancock Drive, Manor Farm

**Appeal Allowed and Costs Allowed in Part** - See copy letters attached as Appendix Bi.

**Officer Recommendation** – Approve subject to legal agreement.  
Refused by Committee.

- ii) Appeal by Mr and Mrs Gary Talbot against the decision of West Lindsey District Council to refuse planning permission for alterations to existing dormers and erection of new detached double garage and store at Whitecroft, Church Road, Laughton.

**Appeal Dismissed** - See copy letter attached as Appendix Bii.

**Officer Decision** – Refuse

- iii) Appeal by Mr Glen Harris against the decision of West Lindsey District Council to refuse planning permission for “outline planning for proposed 4/5 bed house in rear garden of No 26 Craypool Lane. Proposed use of existing drive that at present belongs to No 26A Craypool Lane for access to site.” At Croft House, 26 Craypool Lane, Scothern

**Appeal Allowed** - See copy letter attached as Appendix Biii.

**Officer Decision** – Refuse

M Gill  
Chief Executive  
The Guildhall  
Gainsborough

Monday, 23 May 2016



PL.01 16/17
<b>Planning Committee</b>
<b>1 June 2016</b>

**Subject: Planning applications for determination**

Report by:

Chief Operating Officer

Contact Officer:

Mark Sturgess  
Chief Operating Officer  
[Mark.sturgess@west-lindsey.gov.uk](mailto:Mark.sturgess@west-lindsey.gov.uk)  
01427 676687

Purpose / Summary:

The report contains details of planning applications that require determination by the committee together with appropriate appendices.

**RECOMMENDATION(S): Each item has its own recommendation**

**IMPLICATIONS**

**Legal:** None arising from this report.

**Financial :** None arising from this report.

**Staffing :** None arising from this report.

**Equality and Diversity including Human Rights :** The planning applications have been considered against Human Rights implications especially with regard to Article 8 – right to respect for private and family life and Protocol 1, Article 1 – protection of property and balancing the public interest and well-being of the community within these rights.

**Risk Assessment :** None arising from this report.

**Climate Related Risks and Opportunities :** None arising from this report.

**Title and Location of any Background Papers used in the preparation of this report:**  
Are detailed in each individual item

**Call in and Urgency:**

**Is the decision one which Rule 14.7 of the Scrutiny Procedure Rules apply?**

i.e. is the report exempt from being called in due to urgency (in consultation with C&I chairman)

**Yes**

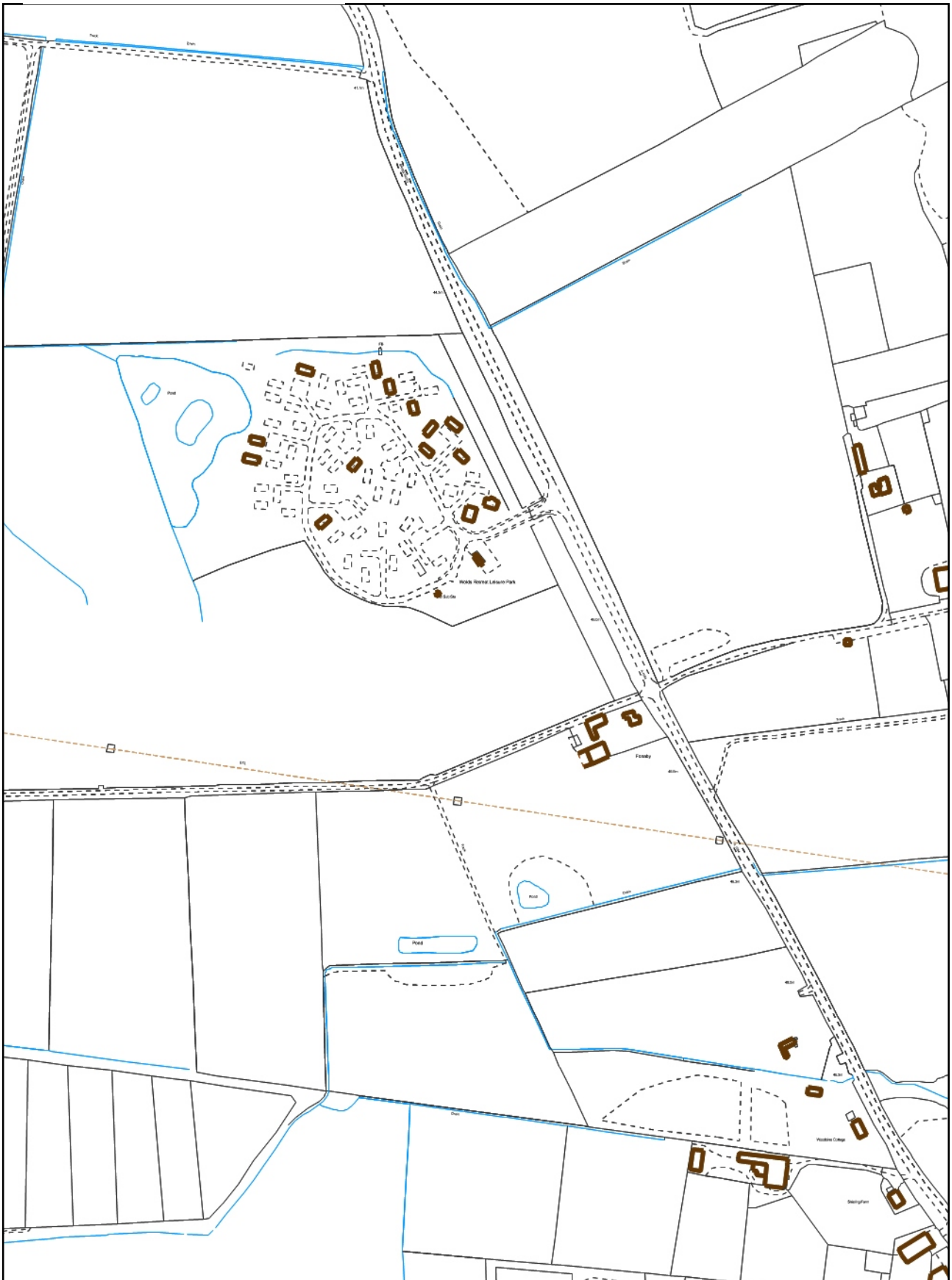
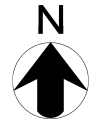
**No**

**Key Decision:**

A matter which affects two or more wards, or has significant financial implications

**Yes**

**No**



## **Officers Report**

### **Planning Application No: 133413**

**PROPOSAL:** Planning application to remove conditions 1 and 2 of planning permission 131272 granted 12 June 2014 - to allow permanent residential use of holiday lodges.

**LOCATION:** Wolds Retreat Holiday Park Brigg Road Caistor LN7 6RU

**WARD:** Caistor and Yarborough

**WARD MEMBER(S):** Cllr O. Bierley and Cllr Mrs A T Lawrence

**APPLICANT NAME:** Mr William Green, Greens Park Homes Ltd.

**TARGET DECISION DATE:** 04/11/2015

**DEVELOPMENT TYPE:** Minor - all others

**CASE OFFICER:** George Backovic

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**RECOMMENDED DECISION:** That the decision to grant planning permission, subject to conditions be delegated to the Chief Operating Officer upon the completion and signing of an agreement under section 106 of the Planning Act 1990 (as amended) pertaining to:-

1. The provision of an acceptable financial contribution towards the provision of offsite affordable housing.
2. Delivery of a regular bus service between the site and Caistor Town Centre with details of the proposed frequency to be agreed and measures to ensure the continued operation of the service.

And, in the event of the s106 not being completed and signed by all parties within 6 months from the date of this Committee, then the application be reported back to the next available Committee meeting following the expiration of the 6 months

#### **Introduction**

This application was originally presented to committee on the 13<sup>th</sup> January 2016. It was resolved that:

The decision to grant planning permission, subject to the conditions in the report and the amended conditions, be delegated to the Chief Operating Officer upon the completion and signing of an agreement under section 106 of the Planning Act 1990 (as amended) pertaining to:-

1. The provision of an offsite contribution towards affordable housing of £726,510 (Based on the West Lindsey Supplementary Planning Guidance off Site Contributions in Lieu of Affordable Housing (2010 tariff))

2. Delivery of a regular bus service between the site and Caistor Town Centre with details of the proposed frequency to be agreed and measures to ensure the continued operation of the service.

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### 3. The provision of a financial contribution towards education

**And, in the event of the s106 not being completed and signed by all parties within 6 months from the date of this Committee, then the application be reported back to the next available Committee meeting following the expiration of the 6 months.**

The applicants' agents have subsequently made submissions asserting that the proposal should not be subject to affordable housing contributions and that a contribution would make the business unviable. They refer to the lack of a requirement for affordable housing in relation to an application at Burton Waters (Ref 130050). This was an application for mixed use development comprising of full planning permission, material change of use of land, for the construction of 56 park home units, use Class C3 dwelling, bus turning area and associated works. 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. The officer's report agrees that the park homes would meet the definition of a "caravan". Reference is also made to a planning application determined by Doncaster MBC for a change of use of vacant land to form a Residential Park Home site which provided no contribution towards affordable housing (Ref 15/01365/FULM). The appeal at Burton Waters which was allowed granted approval to an increase in the number of park home units by 9 and no reference was made to a requirement for affordable housing.

Legal advice was sought by officers on this matter. All the cases quoted above were predicated on an assumption that the park homes were considered to fall with the definition of a "caravan". If this is the case with the current application then a contribution to affordable housing would not be required. The key issue is whether or not the lodges are "dwellings" or "caravans". Issues in relation to viability will be examined later on in this report.

#### **Assessment including relevant planning history:**

##### **"Caravan" or dwelling:**

The legal definition of a caravan was established in the Caravan Sites and Control of Development Act 1960. It was modified in 1968 to include twin-unit mobile homes and again in 2006 when the sizes were increased. Section 29 (1) of the Caravan Sites and Control of Development Act 1960 defined a caravan as:

*"... Any structure designed or adapted for human habitation which is capable of being moved from one place to another (whether being towed, or by being transported on a motor vehicle or trailer) and any motor vehicle so designed or adapted but does not include*

*(A) Any railway rolling stock which is for the time being on rails forming part of a system, or*

*(B) Any tent"*

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Section 13 (1) of the Caravan Sites Act 1968, which deals with twin-unit caravans. Section 13 (1) provides that:

*“A structure designed or adapted for human habitation which:*

*(A) Is composed of not more than two sections separately constructed and designed to be assembled on a site by means of bolts, clamps and other devices; and*

*(B) Is, when assembled, physically capable of being moved by road from one place to another (whether being towed, or by being transported on a motor vehicle or trailer), shall not be treated as not being (or have been) a caravan within the means of Part 1 of the Caravan Sites Control of Development Act 1960 by reason only that it cannot lawfully be moved on a highway when assembled”.*

### **Amendment of the definition of caravan in 2006**

*(Permissible Additional Purposes) (England) Order 2006[4] Paragraph 3 of article 3 of the Social Landlords (Permissible Additional Purposes) (England) Order 2006 (meaning of caravan) shall be amended*

*(a) Length (exclusive of any drawbar) 20m (65.6FT)*

*(b) Width: 6.8m (22.3ft)*

***(c) Overall height (measured internally from the floor at the lowest level to the ceiling at the highest level) 3.05m (10ft) (officers highlighting)***

There are 14 lodges currently on the site (2 two storey and 12 single storey). Permission was granted for 60 plots by the original outline approval in 2002 (Ref: M01/P/1032). In 2005 planning permission (Ref: M05/P/0219) was granted to change the access to the development and to vary the nature of accommodation. Condition 12 of the outline approval limited the site to “not more than 20 wooden cabins, 25 static caravans and 15 touring caravans”. Condition 3 of the new permission which was to be read in conjunction with the original approval stated “No more than 60 log cabins shall be erected on the site.” Reserved matters were applied for and subsequently approved in 2005 (M05/P/0652). Condition 2 of which is as follows:

*“This approval is granted in relation to any or all of the six submitted cabin designs to be built on any of the 60 separate plots on the site layout plan, within the 12m by 9m footprints shown on that plan, but does not include approval for any other cabin design or any other siting.”*

All six of the designs that were approved were two storey in height and consequently the overall height measured internally from the floor at the lowest level to the ceiling at the highest level is in excess of the permissible 3.05m. The approved plans can therefore be considered to be for “dwellings” and not “caravans”. The legal advice received is that “if the units are not caravans for the purposes of the legislation I see no reason why they should not be treated as “dwellings” and attract an affordable housing contribution”.

In 2006 (Ref: M06/P/1004) an amendment to the original reserved matters was submitted and granted permission. This related to plots 5, 6, 7, 8 and 9. Permission



was granted for single storey log cabins in lieu of the approved two storey designs. Condition 2 of the approval:

*“This permission is granted in relation to any or all of the submitted cabin layouts....to be built on any of plots 5 to 9 inclusive with a maximum footprint of 13.7m x 6m but does not include approval for any other cabin design or any other siting.”*

In 2011 (Ref: 127014) retrospective planning permission was granted for a single storey log cabin on plot 21 to be used as wardens accommodation and also in 2011 retrospective planning permission was granted for a change of cabin design (from two to single storey) on plots 25, 26, 27,28, 30, 32, 33, 34, 38 and 56 (Ref: 127015)

In summary therefore of the 60 plots originally granted approval in two storey “dwelling form” 16 plots have now been changed, with consent, to single storey log cabins and can be regarded as “caravans”. As it stands approval now exists or has been implemented for 44 two storey log cabins. This represents 73% of the proposal and as a minimum this should lead to a reduction of 27% of the originally requested sum towards affordable housing. **The request for affordable housing is therefore considered justified.**

### Viability

The applicant’s agent’s claim that the site development costs to date have amounted to £1,315,000. This has been broken down as follows:

Services (gas, water, electric)	270,000.00
Treatment plant /drainage	75,000
Access /roads	70,000
Foundations / car parking (60 plots x 15,000)	900,000.00
<b>TOTAL (to date)</b>	<b>1,315,000</b>

The total cost of completing the development has been put forward as £1,850,000. This is broken down by the agent as follows:

TOTAL (to date)	1,315,000
Land Purchase	210,000
Landscaping/finish	80,000
Financing (net)	140,000
Marketing/Legal	60,000
Professional Fees	45,000
<b>TOTAL</b>	<b>1,850,000</b>

### Development Values

The agent has assumed a value of £41,500.00 per unit giving an overall value of £2,490,000 (60 x 41,500). He goes on to state that 2 of the plots have already been sold to defray loan interest leaving an overall value of **£2,400,000**. He states this sum will be sufficient to complete the development and allowing for £230,000 to

complete the footpath and £20,000 towards the provision of a site bus this would allow for a 12% return on investment rather than the normal 20%. This would it is argued not allow a contribution to be made towards off site affordable housing provision.

The applicant has now offered a £80,000 contribution towards the provision of affordable housing to be paid on or before the first residential occupation of the 30th residential unit on the site. This he says is possible in light of savings that are now expected to be made on the footway but also retains some money to cover traffic management, professional fees and statutory undertakers' fees.

It is accepted that the original contribution of £726,510 is not likely to be realised due to the nature of the accommodation that is or will be provided. The issue of viability is therefore an important one and the National Planning Policy Framework states that

*“Pursuing sustainable development requires careful attention to viability and costs in plan making and decision taking. To ensure viability the costs of any requirements likely to be applied to the development should .....provide competitive returns to a willing land owner and developer...” (Paragraph 173).*

The onus is on the developer to provide evidence as part of the viability appraisal. The figures quoted above in the appraisal as an example simply in relation to the **costs already incurred including land purchase price** have not been evidenced as part of the submission so must be treated with caution. **The offer of £80,000 towards affordable housing which has post-dated the submission of the similarly cannot be accepted as a definitive figure.**

### **Other Matters**

Previously contributions were also sought towards education and medical services. These are no longer required as LCC Education and the NHS have not sought a contribution.

### **Conclusion**

The need for an affordable housing contribution off site is considered justified and as one of a number of requirements which will have to be provided in order to allow permission to be issued. The submitted viability report is not considered evidenced and cannot be treated as robust, therefore the level of contribution should not be accepted. If the recommendation is agreed officers will continue negotiations with the developer to agree a more acceptable financial contribution towards off site affordable housing provision based on an evidenced and robust viability appraisal.

### **PREVIOUS REPORT PRESENTED TO COMMITTEE BELOW**

#### **Description:**

**Site-** Partly completed Holiday Park set within open countryside between the town of Caistor and Grasby. There are 14 log cabins on the site

#### **Proposal and relevant history**

Planning permission was originally granted in 2002 for a total of 60 units comprising a mix of log cabins, static caravans and tourers (M01/P/1032). This was subsequently changed and permission was granted for 60 log cabins and a new access in 2005 (M05/P/0219). Application 120746 deleted the restriction on occupancy of the log cabins between 5<sup>th</sup> January and 1<sup>st</sup> March to enable use of the site for holiday accommodation all year. The deleted condition was replaced by alternative conditions which ensured the continuing nature of the occupation of the buildings as holiday accommodation and the prevention of use as permanent residences. In 2011 a Lawful Development Certificate was granted confirming it was lawful to use 60 cabins for holiday accommodation for up to 12 months. A Section 73 application was submitted in 2012 to vary condition 1 by excluding 11 named plots from the restriction on use as a person's sole or main place of residence (Ref 128389). This was presented to Planning Committee which turned down the application in line with the officers' recommendation and issued a new planning permission with the restrictions remaining in force.

There is also an undetermined planning application for a retrospective change of use of a cabin to a site office and a shop (133400).

This application seeks to remove conditions 1 and 2 of planning permission 131272. This was also a Section 73 application to vary condition 1 of planning permission 120746 to allow permanent residential use of all 60 log cabins. This was not granted and a new permission was issued with the following conditions:

**1.** None of the buildings shall be used:

- (a) otherwise than as holiday accommodation; or
- (b) at any time as a person's sole or main place of residence

**Reason:** To ensure that the holiday accommodation is not used for permanent residential occupation which would be inappropriate in this unsustainable location where residential occupation can only be supported in this instance in conjunction with a tourism use for the benefit of the rural economy in accordance with Policies STRAT1 and STRAT 12 of the West Lindsey Local Plan First Review June 2006 (Saved Policies) and the National Planning Policy Framework 2012.

**2.** The owners/operators of the land on which the buildings stand shall maintain an up-to-date register of the names of all owners/occupiers of the individual buildings on the site and of their main home addresses, and shall make this information available at all reasonable times to the local planning authority.

**Reason:** To ensure that the holiday accommodation is not used for permanent residential occupation which would be inappropriate in this unsustainable location where residential occupation can only be supported in this instance in conjunction with a tourism use for the benefit of the rural economy in accordance with Policies STRAT1 and STRAT 12 of the West Lindsey Local Plan First Review June 2006 (Saved Policies) and the National Planning Policy Framework 2012.

The applicants lodged an appeal against the imposition of the conditions (Ref APP/N2535/W/14/3001260) which was **dismissed** on 20<sup>th</sup> May 2015.

The current application also seeks to remove these two conditions with the changes from the previous proposal in the provision of an adoptable footpath including street lighting from the site to the closest footpath to the south towards Caistor (approximately 835 metres) and offers the possibility of a minibus service operating twice daily Monday to Friday between the site and Caistor town centre.

**Representations:**

**Chairman/Ward member(s):** Cllr O. Bierley: Requested referral to planning committee for determination.

**Caistor Town Council:** The council is in **favour** of the application but think:

- The current 50 mph speed limit on Brigg Road A1084 be extended to the Clixby side of Wolds Retreat.
- That some contribution to medical health services be made
- That the site is made up of a mixture of cabin designs rather than becoming an uninteresting view
- That street lighting be subdued and tasteful so as to allow people to be aware of the night sky
- That if a bus is to be provided it is preferable that people support the shops in Caistor, rather than having an on-site shop

**Local residents:** 21 representations have been received in **support** of the proposal from: 10 Balmoral Close (owner of plot 28 Wolds View); Holly Cottage; Fonaby Lodge; 2 Hopfield, Hibaldstow; 2 Cottages, Newsham Lane; 15 Malvern Avenue; Fornaby House Farm; Fonaby Lodge; Fonaby House Farm Cottage; 5 Hazel Croft, Immingham; Plots 1, 3,6 and 7 Wolds View; Turnbury House. Brigg; The Studio, Market Place; The annex, Welton House; Clark House Cottage; 22 Plough Hill and 28 South Street:

- This is a well maintained, attractive and secure site and I would prefer to live next to a retirement park rather than a holiday park
- I fully support this application as the development is on a brownfield site with all services (gas, electricity, water and drainage) in place at present. When fully finished it will significantly enhance the site. It will also deliver more houses in the area and increase the footfall to the town thereby helping the businesses in Caistor.
- With a young family the footpath is a massive plus point
- Represents the perfect opportunity to increase housing numbers and reduce the pressure on Caistor

- Refusal would be a disappointment to current residents
- This is a brownfield site with the bases already in place and the footpath would make walking to Caistor easier
- We do not have enough accommodation to meet the needs of our community which this will address
- Enabling the site to be occupied by only over 50's for permanent residential use should alleviate pressure on local authority housing in the area.
- The addition of a footpath along Brigg Road would be a good idea and make the road safer for pedestrians walking in to Caistor
- The mini bus service would be an added bonus as it would not be necessary to use a car to access the facilities in Caistor
- A great site which has not developed due to planning conditions
- I understand the owner has spent more than £1.5 m on this site and has not been able to gain a return on his investment. It is important to encourage businesses to invest in Caistor.
- I am the editor of a hyperlocal news website called the Caistor Citizen and should like to ensure the planning authority is aware of public opinion in support of this application.
- This will allow the site to be completed

A representation has been received from 9 Horsemarket:

- The application should formally offer what is currently only in the supporting information
- That the offered footpath and lighting link from Wolds Retreat to Sheilings Farm – 930 m / 1017 yards be conditioned and no further residential occupation should take place until it is complete.
- That the current 50 mph speed limit be extended on Brigg Road A1084 to Wolds Retreat
- That the applicant provide a data / registration number recording SID machine
- That the dwellings shall be for permanent occupation by persons over 50 years only

- Given that 60 dwellings will realise at least 120 residents that a contribution to medical/health services must be made.

**Local Businesses:** A petition with 28 signatures has also been received:

“We the undersigned businesses of Caistor fully support the application for Wolds Retreat. As a town keen to support small business we welcome the footfall the site will create”

Market Place: Eileen’s Sport Therapist; Mick’s Chippy; Skin Couture; Beauty Couture; The Settlement, Just For Gents, Caistor Loco, Pizza Uno, The Paper Shop, Caistor Post Office; Sanderson Green; South Street: The Dresser of Caistor; Sandhams Wine Merchants; Lincolnshire Computer Surgery; Coffee shop and the White Hart Public House; Tea Cosy Café, Cornhill; Spar, Horsemarket; Music Tuition and Therapy, Lincoln Drive; Caistor WI, Dale View; Caistor Plumber, Wolds Retreat; Mandy’s Hair Salon, High Street LN66, Vegetable Stall, Gordon Fields, Market Rasen; Pet Stall, Howsham; P D Electrical, Nettleton; Caistor Arts & Heritage, Horsemarket and HC Taxis, South Kelsey.

**LCC Highways:** No objections subject to the provision of the public footpath and a mini bus service.

**Housing and Communities Team:**

Affordable Housing: In relation to affordable housing on this application should permission be granted for 60 new permanent residences there would be a requirement for 25% of the total units to be delivered as affordable housing as per policy Res 6 of the West Lindsey Local Plan First Review 2006. The ‘demonstrated need’ being evidenced by the Central Lincolnshire SHMA 2015. However the location and type of housing proposed is considered both unsustainable and unsuitable for the delivery of affordable housing and therefore an offsite contribution would be required in lieu of affordable housing. Based on the West Lindsey SPG off Site Contributions in Lieu of Affordable Housing (2010 tariff) this would equate to £726,510.00

25% of 60 = 15

15 x £48,434.00 = £726,510.00

Permanent Dwellings: The Housing and Communities Team consider park homes to be wholly unsuitable as permanent dwellings for over 55’s particularly as residents become less mobile and more vulnerable. Adaptations may be necessary in the future for the older demographic. In such dwellings adaptations are neither cost effective nor in many instances can they be adapted to suit specific needs.

**Conclusion:** if Members are minded to grant permission there will be a requirement for an off-site affordable housing contribution however the application to remove conditions 1 and 2 of planning permission 131272 granted 12 June 2014 to allow permanent residential use of holiday lodges is **not supported** by the Housing and Communities Team

**LCC Education:** Comments TBC

**NHS England:** Comments TBC

**Relevant Planning Policies:**

**Development Plan**

West Lindsey Local Plan First Review 2006 (saved policies)

STRAT1: Development requiring planning permission

<http://www2.west-lindsey.gov.uk/localplan/written/cpt3a.htm#strat1>

STRAT 12 Development in the open countryside

<http://www2.west-lindsey.gov.uk/localplan/written/cpt3b.htm#strat12>

**National Guidance**

National Planning Policy Framework 2012

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

National Planning Practice Guidance 2014

<http://planningguidance.planningportal.gov.uk/>

**Main Issues**

- Whether the current application with the addition of a public footpath and the possible provision of a mini bus service overcomes the reasons for the dismissal of the previous appeal
- Need for affordable housing
- Education Contribution
- Medical Contribution

**Assessment:**

**Introduction** - An application under Section 73 of the amended 1990 Planning Act is in effect a fresh planning application but should be determined in full acknowledgement that an existing permission exists on the site. This [section](#) provides a different procedure for such applications from that applying to applications for planning permission, and requires consideration only of the question of the conditions subject to which planning permission should be granted. This does not prevent consideration of the wider considerations affecting the original grant of permission: the words simply make it clear that whatever decision is reached on the condition, the existing permission itself should be left intact. In other words, the principle cannot be revisited.

The options are therefore as follows:-

1. Grant permission subject to conditions differing from those subject to which the previous permission was granted. The new conditions cannot be any more onerous than the existing permission.
2. Grant permission unconditionally if it is considered that the existing conditions do not pass the six tests contained within Planning Practice Guidance (precision, necessary, relevant to planning, relevant to the development, enforceable and reasonable in all other respects)
3. Refuse permission if it is considered that the permission should be subject to the existing conditions.

**Whether the current application with the addition of a public footpath and the provision of a possible mini bus service overcomes the reasons for the dismissal of the previous appeal:**

The Inspector reasoned that the limited bus service provision and the lack of a safe walking route did not provide sufficient transport alternatives and that the scale of the development would create an unacceptable number of car-based trips. This allowed him to conclude that the site was not in a sustainable location and would not constitute sustainable development.

In deciding the appeal the Inspector noted that there were no footways or paths from the site to either Grasby or Caistor. A condition had been suggested requiring the provision of a new footway from the site to connect with the Highways Authority's proposed footway from Caistor to Sheilings Farm however the Inspector felt that there was *"insufficient information to conclude that the appellant's suggestion would be possible or acceptable to the Highways Authority. At present, the walking route to Caistor involves crossing this busy main road several times as the existing footway lies on alternative sides of the road. In the absence of further information, I am not persuaded that there is, or is likely to be, a safe walking route between the site and Caistor."* The current application includes detailed plans and specifications for the construction of a 1.2 metre wide footway including the position of proposed street lighting. These plans have been assessed and no objection has been raised to the proposal from the Highways Authority.

The inspector also addressed public transport provision: *"Bus services to and from the site are limited. The weekly no 161 service, the thrice weekly service to a local supermarket and the advance booking Call Connect service are not available every day or in later evening. Whilst there may be some mobile provision of services in the area or future provision of a small on-site shop, it is unlikely that these bus services would sufficiently meet all of the needs of the occupiers, which would also include the need to travel to health and medical facilities. This would be the case regardless of the age of the occupiers so the appellant's suggestion that the age restriction could be changed would not overcome these concerns. The appellant has not provided sufficient evidence to show that any expansion of bus services to or from the site is likely.* The current application includes a letter from J R Dent Coaches which simply states:



*“I would like to confirm that we would be happy to provide a regular service transporting fare paying passengers from Wolds Retreat into Caistor and return. The registered service which would be partly subsidised by yourself to carry passengers once or twice daily throughout the week, times and frequencies to be discussed at a later stage”.* There is no mechanism offered to deliver such a service and to ensure its continued operation beyond the grant of approval. In any event the provision of just a single return service in the morning and one in the afternoon on weekdays only is not considered sufficient to satisfactorily address the lack of public transport. A more frequent service including during weekends would be more appropriate and would increase the sustainable credentials of the sites location. This could be capable of being satisfactorily addressed through a section 106 legal agreement. The applicant’s agents have suggested that the proposed footpath works commence no later than the occupancy of the 15th cabin and be completed prior to the occupation of the 31st cabin. This is not considered acceptable as the key issue is that the site needs to be considered a sustainable location in order for planning approval to be granted. There are already 14 holiday lodges on the site which if planning approval were to be granted in the absence of the footpath and bus provision would be permanent residences in a “location that is not sustainable” as described by the Inspector.

This is a finely balanced case as the Inspector was unequivocal in dismissing the appeal and there is also an objection from the Housing and communities Team. It is considered that on balance subject to the **upfront provision** of the footpath and an improved bus service both secured by a section 106 legal agreement that the current proposals reasonably address the reasons for dismissal of the previous appeal.

### **Highway Safety**

There are no objections to the proposal on highway safety grounds and no requirement for the 50 mph speed limit to be extended as requested in some of the representations received above.

### **Affordable Housing**

Approval of the current proposals would allow up to a total of 60 permanent residences to be built on the site. Policy RES 6 - Affordable Housing sets out the affordable housing policy context for the District. The affordable housing requirement is for 25% of the dwellings to be delivered as affordable housing (15 dwellings). Paragraph 50 of the NPPF is relevant to the approach to affordable housing. As can be seen from the comments of the Housing and Communities Team they consider the *“ location and type of housing proposed is considered both unsustainable and unsuitable for the delivery of affordable housing and therefore an offsite contribution would be required in lieu of affordable housing. Based on the West Lindsey SPG off Site Contributions in Lieu of Affordable Housing (2010 tariff) this would equate to £726,510.00.”*

The application will therefore need to provide a contribution towards affordable housing provision secured through a Section 106 agreement. There is no agreement at the time of preparation of the report from the applicant to this.

### **Education and Health Contributions**

These may be required however at the time of writing this report comments are being awaited.

### **Condition limiting occupation to over 55s only**

Although the application refers to the site being used by persons aged 55 only and over there is no sound planning reason for the imposition of a condition restricting the use of the site. It is not considered reasonable, necessary or relevant to the development.

### **Design**

The designs of the log cabins have been approved by previous applications.

### **Conclusion**

Option 1 referred to above is considered the most appropriate course of action. Conditions 1 and 2 of the original approval which taken together ensure the use of the site for holiday purposes only can be removed subject to the completion of the footpath referred to above and the provision of an acceptable bus service between the site and Caistor Town centre. This would render the current conditions as unnecessary and not reasonable.

**RECOMMENDATION:** That the decision to grant planning permission, subject to conditions be delegated to the Chief Operating Officer upon the completion and signing of an agreement under section 106 of the Planning Act 1990 (as amended) pertaining to:-

1. The provision of an offsite contribution in lieu of affordable housing of £726,510.00.”
2. Delivery of a bus service between the site and Caistor Town Centre with details of the proposed frequency and measures to ensure the continued operation of the service.

(4. The provision of a financial contribution towards education.)

(5. The provision of a financial contribution towards medical services).

And, in the event of the s106 not being completed and signed by all parties within 6 months from the date of this Committee, then the application be reported back to the next available Committee meeting following the expiration of the 6 months.

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

1. The development hereby permitted shall be begun before the expiration of three years from the date of this permission.

**Reason:** To conform with Section 91 (1) of the Town and Country Planning Act 1990 (as amended).

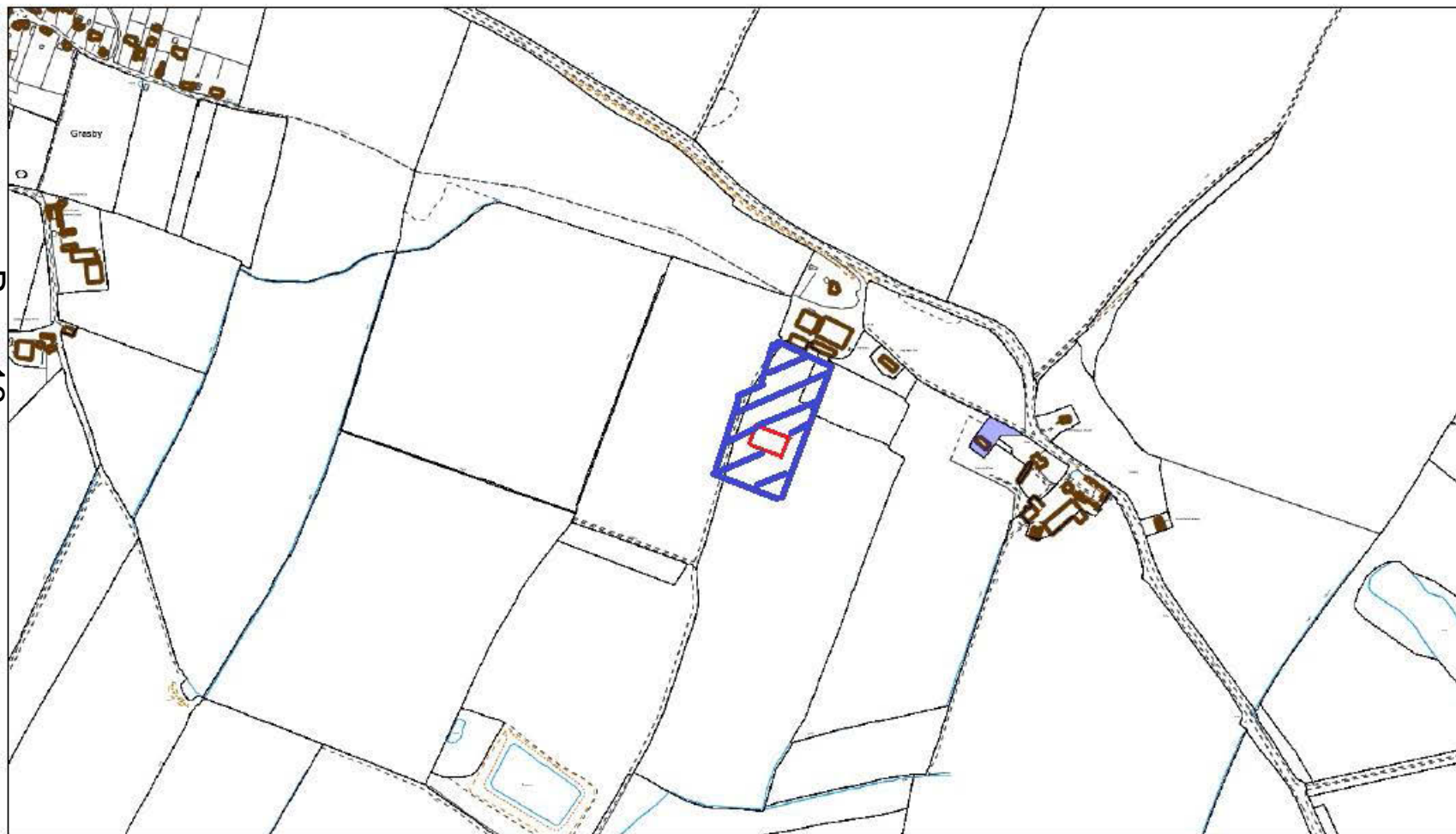
**Conditions which apply or are to be observed during the course of the development:**

2. 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 listed below:

- 999/01
- 999/02
- 999/03
- 999/04

**Reason:** To ensure the development proceeds in accordance with the approved plans and to accord with Policy STRAT 1 of the West Lindsey Local Plan First Review 2006 (Saved Policies).

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



## **Officers Report**

### **Planning Application No: 133563**

**PROPOSAL:** Planning application for installation of agricultural dryer and associated storage bay

**LOCATION:** Manor Farm Brigg Road Clixby Barnetby LN7 6RT

**WARD:** Kelsey

**WARD MEMBER(S):** Cllr L Strange

**APPLICANT NAME:** Manor Farm Community Energy PLC

**TARGET DECISION DATE:** 03/06/2016

**DEVELOPMENT TYPE:** Minor - all others

**CASE OFFICER:** Richard Green

**RECOMMENDED DECISION:** Grant with conditions attached.

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#### **Description:**

This is a working farm located south of Brigg Road (A1084) to the south east of the rural settlement of Grasby. In April 2013 an application (129445) was granted to construct an Anaerobic Digestion plant, including technical building and flare stack, storage, digester and hydrolyser tanks, earth bund, silage clamps and associated infrastructure.

Anaerobic digestion is a natural process in which microorganisms break down organic matter, in the absence of oxygen, into biogas (a mixture of carbon dioxide and methane) and digestate. The digestate can be used as a renewable fertiliser or soil conditioner. The biogas is used directly to power Combined Heat and Power (CHP) engines, which in turn will produce electricity. The electricity produced by the AD plant at Manor Farm will be fed into the national grid. This application has since been implemented and the Anaerobic Digestion plant is in operation.

The above Anaerobic Digestion (AD) plant is located to the south of the farmstead (Manor Farm) which comprises a traditional farm house near to Brigg Road with modern corrugated or brick steel portal framed agricultural buildings beyond (to the south of the farmhouse). The AD plant comprises three silage clamps (storage bays) constructed of concrete and open at the southern end (67.5 metres long and 60 metres in width). Beyond is the AD plant itself which comprises 2 hydrolysers 5.2 metres in height and 8 metres in diameter with 3 metre high flare stacks, a CHP unit engine with an associated office and control room, a domed digester tank reaching a height of 10.5 metres and a diameter of 22 metres and a storage tank which has a diameter of 32 metres and reaches a height of 13 metres. The four tanks mentioned above are constructed in concrete and clad in corrugated steel sheeting finished in green.

The AD plant is surrounded by agricultural fields to the south, west and east with the farmstead mentioned above located to the north providing screening in this direction. A bund has been built on the eastern boundary and an existing line of trees east was proposed to be strengthened and additional planting was proposed on this boundary and on the western boundary as part of the permission for the AD plant.

The nearest neighbouring property to this application site is Clixby House, Church Farm located approximately 273 metres to the north east of the application site with Church Farmhouse itself approximately 350 metres to the north east of the application site. There is a closer property to the application site (The Beeches, Manor Farm also to the north east of the site) but this is in the ownership of Manor Farm. There is a row of tall poplars along the eastern edge of the farmstead. There are a number of small woodland and copse areas surrounding the site on the outer edges of the surrounding fields. A public right of way which forms part of the Viking Way long distance footpath runs through the farmstead to the north of the existing farm buildings (Gras/29/2). There are two means of access to the site, one to the north which is used by traffic from the west and one to the east adjacent Church farm used by vehicles travelling from the east.

### **The Proposal:**

This application seeks permission for an agricultural dryer and associated storage bay to be located in front (to the north within the existing site) of the four large green tanks mentioned above in the description of the AD plant. The proposed dryer will be 4.6 metres in height, 15.6 metres in length and 3.5 metres in width and will be galvanised steel with a moss green finish to match other structures already on the site. The associated proposed dryer bay (immediately to the south of the proposed dryer) will be 3.2 metres in height, 4.8 metres in length and 4.8 metres in width. The bay will be constructed on concrete blocks with an aluminium clad roof once again finished in moss green.

Separation of the solid digestate from the liquid digestate currently takes place on the site in the separator and forms part of the existing consented development (the separator is located immediately to the west of this proposal). The process is automatic and starts at the final digestate storage tank, from where digestate is transported to the separator via an underground pipe. The separator operates 24 hours a day and uses a screw press system to 'press' the digestate, separating the solid fraction from the liquid fraction. About 20% of the digestate going through this system will form the solid fraction, which itself will comprise about 30% dry matter and 70% moisture. The liquid fraction is returned automatically to the digestate storage tank via underground pipework and the solid fraction drops onto the concrete bay beneath the separator pending removal.

**There will be no change to the operation of the separator as part of this proposals proposal with the exception that the separated solid digestate will have the option to be conveyed over a very short distance to the**

**adjacent dryer, as opposed to dropping into the concrete bay beneath the separator.**

From the conveyor the digestate will pass into the dryer where it will be dried using renewable heat from the CHP unit. Any dust generated will be collected and contained in the integrated dust suppression unit and recycled back through the process. The output from the dryer will be conveyed into a covered concrete bunker (storage bay) where it will remain until it is removed.

The dryer, similarly to the CHP and consented separator, will be in operation 24hrs a day and will not be required to be manned for all of this time. The solid digestate from the dryer is the same fibrous compost like product from the existing separator except that it will have a lower moisture content.

**No additional digestate will be produced as a result of the dryer proposals and the proposal will also not increase vehicle movements associated with the operation of the AD plant.**

This application is presented to the planning committee at the request of the Ward Councillor.

**Town and Country Planning (Environmental Impact Assessment) (England and Wales) Regulations 1999:**

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

**Relevant history:**

**129445** - Planning application for installation of anaerobic digestion plant, including technical building and flare stack, storage, digester and hydrolyser tanks, earth bund, silage clamps and associated infrastructure granted 30/04/2013.

**130345** – Request for confirmation of compliance with conditions 3 and 4 of planning permission 129445 granted 30 April 2013 granted 22/10/13.

**130415** – Application for non-material amendment to planning permission 129445 granted 30 April 2013-relocation of flare stack and increase length of silage clamps granted 31/10/2013.

**132088** - Application for non-material amendment to planning permission 129445 granted 30 April 2013-amended layout plan and landscaping scheme granted 2/2/2015.

**Representations:**

**Ward member(s):** I make the point that grain drying can be very noisy, so we need to insist on noise levels being enforced as there are other local people

close to the site and indeed in the south eastern approach to Grasby on Clixby lane. I should make clear I might have an interest as I live in Grasby but some way from the site (dated 19/10/2015).

Further representation (dated 11/11/2015). The application should be refused on the grounds of hardship caused to the quality of life of the neighbours, however if this is not the case it should be considered at a future planning committee for the following reasons:

1. The need to ensure neighbours who are currently suffering a loss of quality of life from heavy transport past their properties, to and from the plant, are not caused more stress from the applicant who wishes to place a drier near their homes, when other sites are possible.
2. The need to have an environmental assessment made on the likely noise and odour to be omitted from the drier,
3. The fact this is now the second season, and no bunds or foliage, has been planted as laid down as a condition of planning for the previous permission for the plant.

**Parish Council:** Grasby Parish Council have asked West Lindsey planning department for information and updates regarding the current status of the conditions imposed as part of Planning Permission no 129445 granted for the original installation of the Anaerobic Digester at Manor Farm, Clixby. To date information on the fulfilment of the landscaping conditions has still to be received. As a consequence of this the current application no 133563 cannot be fully considered by the Parish Council.

Furthermore on the information that we have available to us, we consider that the current application for the new drier unit should be refused for the following reasons:-

- The information on the odour assessment within the Design and Access Statement is completely inadequate.
- The information supplied on the noise assessment within the Design and Access Statement is, again, inadequate.
- The landscape planting required under the original application is non-existent.
- The bund required under the original has not been completed properly.
- The short section of bund facing west (Caistor direction) has been breached to allow a piece of equipment to be sited there.
- There was no pre-application contact by the applicant with the parish Council to discuss the proposals in detail.

We consider that in order to properly consider the application an environmental assessment, particularly relating to potential noise, smell, dust and light pollution should be carried out by the applicant.

**Local residents:** Church Farm, Brigg Road - The proposed site of the drier is only 230 metres from one of our residential properties, 300 metres from another and around 500 metres from our two other properties. All in an easterly direction from the site. The prevailing wind comes from the west



which means we are in direct line on many days of the year for any odour, noise and dust.

We do not want any further noise pollution and smell pollution from the site as we already get far too much already. We can hear the existing machinery running very clearly 24 hours a day. It needs better sound proofing or only running during normal working hours. We also have to put up with the sound of a very noisy loading machine several hours a day.

Some days there is a very foul smell from the existing site, it has been very bad this year on January 7, 22, 23; February 17, 18, 24, 25 and March 3 & 4 2016. The smell particularly on Sunday 6 March from our back door was totally disgusting coming from the site and no one should have to put up with it these days. Our tenants in the cottages have also complained about the smell.

If the drier has to be built it should be a lot further north and to the west of the existing farm buildings so the risk to us all at Church Farm of more noise and smell will be reduced (representation dated 09/03/2016 and a written letter making the same points was also submitted by Church Farm dated 31/10/2015).

**LCC Rights of Way:** No comments or observations to make.

**Ramblers Association:** No representations received to date.

**Environmental Protection:** Following the request for additional reports (Dust, Noise and Odour Management reports) and the examination of the additional reports Environmental Protection (following amendments suggested and made to the Odour Management Plan) have no outstanding concerns.

**Archaeology:** No objection or comments.

**IDOX:** Checked 16/05/2016.

### **Relevant Planning Policies:**

#### National Guidance

National Planning Policy Framework 2012

<http://www.communities.gov.uk/publications/planningandbuilding/nppf>

National Planning Practice Guidance

[https://www.gov.uk/government/uploads/system/uploads/attachment\\_data/file/69400/anaerobic-digestion-strat-action-plan.pdf](https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/69400/anaerobic-digestion-strat-action-plan.pdf)

Anaerobic Digestion Strategy and Action Plan (June 2011)

The Renewables Directive - Directive 2009/28/EC (April 2009)

<http://eur-lex.europa.eu/LexUriServ/LexUriServ.do?uri=CELEX:32009L0028:EN:NOT>

West Lindsey Local Plan First Review 2006 (saved policies)

STRAT1 – Development requiring planning permission  
<http://www2.west-lindsey.gov.uk/localplan/written/cpt3a.htm>

STRAT12 – Development in the open countryside  
<http://www2.west-lindsey.gov.uk/localplan/written/cpt3b.htm>

CORE 10 - Open Space and Landscaping Within Developments  
<http://www2.west-lindsey.gov.uk/localplan/written/cpt8.htm>

ECON 4 - Farm Diversification  
<http://www2.west-lindsey.gov.uk/localplan/written/cpt7.htm>

NBE10 – Protection of landscape character and Areas of Great Landscape Value.  
<http://www2.west-lindsey.gov.uk/localplan/written/cpt11.htm>

NBE17 – Control of potentially polluting uses  
<http://www2.west-lindsey.gov.uk/localplan/written/cpt11.htm>

#### Central Lincolnshire Local Plan 2012-2036

The Submission Draft Local Plan was approved by members of the Central Lincolnshire Joint Strategic Planning Committee on 14 March 2016 for the purposes of public consultation (April-May 2016). It is therefore classified as an 'emerging plan'. This Proposed Submission Local Plan (April 2016) is the third and final consultation version of a new Local Plan to replace the current Local Plans of Lincoln, North Kesteven and West Lindsey. At this final draft ('Proposed Submission' or sometimes referred to as 'Publication Draft') stage of plan preparation, the weight to be given to this emerging Local Plan is more substantial than for previous stages, though the 'starting point' for decision makers remains with the existing adopted Local Plans for the area.

<http://www.lincolnshire.gov.uk/Download/97033>

#### **Main issues**

- The principle of development in this open countryside location (STRAT 1 and STRAT 12 and the National Planning Policy Framework)
- Impact of the proposals on the living conditions of nearby dwellings (STRAT 1 )
- Visual Impact (STRAT 12 and NBE 10)

#### **Assessment:**

##### **Principle of development**

Policy STRAT12 is restrictive of development in the countryside that is not related to agriculture, forestry, a use that requires a countryside location or one that can be supported by another development plan policy.

The National Planning Policy Framework (NPPF) is a material consideration of substantial weight and establishes a presumption in favour of sustainable development. One of the core planning principles in the National Planning Policy Framework (NPPF) is to “support the transition to a low carbon future” and “encourage the use of renewable resources” (paragraph 17). Section 10 of the NPPF deals with meeting the challenge of climate change and planning is seen as taking a key role in “supporting the delivery of renewable and low carbon energy and associated infrastructure” which is “central to ...sustainable development” (paragraph 93). Local Planning Authorities should “have a positive strategy to promote energy from renewable and low carbon sources”. Paragraph 98 of the NPPF says that applicants for energy development should not be required to demonstrate the need for renewable or low carbon energy and also recognise that even small-scale projects provide a valuable contribution to cutting greenhouse gas emissions. Applications should be approved if the projects impacts are (or can be made) acceptable.

There are a number of reasons why the preferred location for the dryer and associated storage bay (subject of this application) should be located within the existing AD plant site. This will allow existing infrastructure to be used, maximising the operational efficiency of the AD plant (which is supported by Policy ECON 4 and NPPF paragraph 28 in terms of supporting the rural economy) and enabling the dryer to be powered by the renewable energy from the AD facility as well.

There are also benefits to be had from this location in terms of visual impact (see below). The principle of the proposal is therefore accepted and supported.

### **Impacts on the living conditions of nearby dwellings**

**Odour** – An updated Odour Management report was produced on the 11 May 2016. Redmore Environmental Ltd was commissioned to update the existing Odour Management Plan (OMP) for the Manor Farm Agricultural Anaerobic Digester (AD) reference 129445 to take into account the proposed dryer and storage bay.

The updated Odour Management Plan considers that odours from a number of sources on site, as well as the movement and application of material off-site, have the potential to cause impacts at sensitive receptors. An odour assessment was carried out and submitted. This considered and assessed potential impacts. This showed that the storage and utilisation of feedstock was likely to represent the most significant odour source at the facility. The application of digestate from the process was also considered.

The odour impact concluded that due to the prevailing wind direction Meteorological data was obtained from Humberside Airport meteorological station over the period 1st January 2009 to 31st December 2013 (inclusive). This updates the data utilised in the original OMP, which covered the period 1st January 2009 to 31st December 2011 (inclusive). The distance to the closest receptor (Church Farm, 230 metres) and the nature of potential odour

releases, that impacts would be unlikely to cause loss of amenity at any residential property in the vicinity of the site.

The updated Odour Management Report sets in place an odour monitoring procedure, identifies remedial actions and a complaints procedure. The EA as part of its permitting procedures would normally require an Odour Management Plan (OMP), however, officers requested that an Odour Management Plan (OMP) was produced. The plan has been amended following comments from the Environmental Protection officer and the officer has found the report to be acceptable.

A condition will be attached if the permission is granted stating that the site shall be operated in accordance with the updated Odour Management Plan dated 11 May 2016.

**It is important to note that this proposal for a dryer and associated storage bay will produce no additional digestate and the proposal will also not increase vehicle movements associated with the operation of the AD plant.**

Based on the above it is considered potential odour issues do not represent a reason to withhold consent in regards to this proposal.

**Air Quality (Dust)** - An updated Dust Assessment was produced on the 17 February 2016. Redmore Environmental Ltd was commissioned to update the existing Dust Assessment for the Manor Farm Agricultural Anaerobic Digester (AD) reference 129445 in response to a consultation response from the Environmental Protection Officer at West Lindsey District Council requesting a report that addresses issues of dust, pathogens and mitigation as appropriate for the proposed dryer.

The updated report found that there is the potential for air quality impacts as a result of dust emissions from the development. These were assessed based on receptor location and sensitivity, as well as the activities to be undertaken on site and prevailing meteorological conditions. A number of mitigation techniques were identified in order to control emissions:

- Partial enclosure of dryer;
- Inclusion of Cyclofan on dryer to remove dust from air stream;
- Site staff to undertake regular visual inspections of dust conditions, determined on a daily basis in accordance with prevailing conditions;
- Regular cleaning of surfaces to avoid build-up of dust;
- Management shall ensure digestate drop heights are minimised and protected from wind;
- Ensure all dried digestate is stored in designated area to minimise emissions from wind whipping; and,
- Covering of dried digestate during certain meteorological conditions if dust impacts are experienced.

Subject to implementation of these measures, the residual significance of potential fugitive dust impacts was predicted to be negligible.

Concerns were raised by WLDC in regards potential bioaerosol emissions from the development. A literature review of available information indicated that the pathogenic content of digestate is likely to be limited, and considerably lower than that of compost. The risk of bioaerosol release from AD facilities is also not considered to be significant by the EA. The dispersion of any potential pathogens would be similar to that of dust. As such, the mitigation to minimise emissions of dust would also control potential bioaerosol releases. Based on the limited pathogen content of solid digestate, distance to sensitive locations and the dryer design, the risk of bioaerosol impacts as a result of the development was predicted to be low.

The updated Dust Assessment was found to be acceptable by Environmental Protection officer. Based on the above it is considered potential dust issues from this proposal do not represent a reason to withhold consent with suitable mitigation measures in place.

A condition will be attached if the permission is granted stating that the site shall be operated in accordance with the updated Dust Assessment dated 17 February 2016 and another condition will be attached stating that before development commences the site mitigation measures stated in the updated Dust Assessment dated 17 February 2016 shall be implemented and approved in writing by the Local Planning Authority.

**Noise** – A Noise Impact Assessment was produced 16 February 2016 for the proposed Agricultural Dryer by PDA Acoustic Consultants in response to a consultation response from the Environmental Protection Officer at West Lindsey District Council.

The assessment has been based upon the noise limits derived from the representative night time and daytime noise survey previously undertaken at the site. In addition, noise measurements have been undertaken of the existing plant items on the site in order to determine the existing contribution from the Anaerobic Digestion plant.

The noise level associated with the Dryer have been predicted at the nearest noise sensitive receiver (Church Farm). This level has been added to the existing noise contributions in order to determine the cumulative noise level from all noise sources. The predicted level has then been compared the noise limits previously.

The results of this assessment have indicated that the proposed dryer will exceed the noise limits for the site. Utilising the noise sources from the existing anaerobic digester site and the proposed noise sources associated with the dryer fan the consultants have calculated the noise level at the nearest noise sensitive receiver at Church Farm at 43dB LAeq (specific noise level). Adding a feature correction penalty of 5dB to the predicted noise level would result in a rating level at the receiver of 48dB Lar (rating level).

Comparing this with the noise limit previously specified at 33dB LAr it can be seen that the dryer fans will significantly exceed the noise limit.

The proposal will require additional mitigation in order to reduce noise emissions. Typical attenuation measures would involve attenuating the air inlet fan with a minimum of a 2d (where d is the diameter of the fan and duct) podded silencer, in addition to stop noise breakout, the dryer will need to be acoustically enclosed. Typical enclosure would consist of a steel outer sheet with a 100mm dense mineral wool insulation core with a perforated steel internal liner. However, the consultants have provided noise limits for the proposed dryer that should be provided to the manufacturer to ensure that the background noise limits at the nearest residential receiver are not exceeded.

The Noise Impact Assessment was found to be acceptable by Environmental Protection officer. Based on the noise assessment report it is considered potential noise issues from this proposal do not represent a reason to withhold consent with suitable mitigation measures in place (It is recommended by the consultants that any suitable mitigation measures are provided to PDA consultants for review to ensure the noise limits are achieved).

A condition will be attached if the permission is granted stating that the site shall be operated in accordance with the Noise Assessment dated 16 February 2016 and another condition will be attached stating that before development commences the site mitigation measures stated in the Noise Assessment dated 16 February 2016 shall be implemented and approved in writing by the Local Planning Authority and PDA consultants.

### **Visual Impact**

It is of relevance in the consideration of potential impacts to note that the landscape is not a designated Area of Great Landscape Value (AGLV) nor does it fall within the Lincolnshire Wolds Area of Outstanding Natural Beauty (AONB).

The existing AD plant comprises three silage clamps (storage bays) constructed of concrete and open at the southern end (67.5 metres long and 60 metres in width). Beyond is the AD plant itself which comprises 2 hydrolysers 5.2 metres in height and 8 metres in diameter with 3 metre high flare stacks, a CHP unit engine with an associated office and control room, a domed digester tank reaching a height of 10.5 metres and a diameter of 22 metres and a storage tank which has a diameter of 32 metres and reaches a height of 13 metres. The four tanks mentioned above are constructed in concrete and clad in corrugated steel sheeting finished in green.

The proposed dryer is 4.6 metres in height, 15.6 metres in length and 3.5 metres in width and is to be constructed in galvanised steel with a moss green finish to match other structures already on the site. The dryer bay (immediately to the south of the proposed dryer) will be 3.2 metres in height, 4.8 metres in length and 4.8 metres in width. The bay will be constructed on concrete blocks with an aluminium clad roof once again finished in moss green. The two structures proposed are located directly in front (to the north)

of the four large tanks of the existing AD plant and will therefore blend in with the structures that are already on the site which are at a much larger scale.

Secondly, there is screening provided around the site. The existing AD plant is surrounded by agricultural fields to the south, west and east with the existing farmstead and modern agricultural barns located to the north providing screening in this direction. A bund has been built on the eastern boundary and an existing line of trees east was proposed to be strengthened and additional planting was proposed on this boundary and on the western boundary as part of the permission for the AD plant (see landscaping in other matters below).

There is also a row of tall poplars along the eastern edge of the farmstead. There are a number of small woodland and copse areas surrounding the site on the outer edges of the surrounding fields.

The proposal is therefore deemed to be acceptable in visual impact terms as the proposal will be viewed against the much larger structures (the existing AD plant) located immediately to the south of the proposal and secondly the wider landscape is capable of absorbing the impact of these proposals.

### **Other Matters**

**Flood Risk** – The National Planning Policy Framework and the Technical Guidance to it promotes the application of a sequential approach, so that sites for new development are directed to areas at the lowest probability of flooding (Zone 1). The application site falls within Zone 1.

**Pollution Risk** – The proposal is located within the existing AD plant which includes a contained drainage catchment recovery system as required by the Environment Agency, therefore all run-off from the AD plant will be collected in the waste water shaft in the centre of the site to ensure all effluents and contaminated run-off do not soak into the ground.

**Public Right of Way** - A public right of way (Gras/29/2) which forms part of the Viking Way long distance footpath runs through the farmstead to the north of the existing large modern agricultural buildings that are to the north of the proposal and provide a good level of screening. As such the proposal would not be significantly detrimental to existing users and potential future users of the nearby Public Right of Way. Lincolnshire County Council Rights of Way section have stated that they have no objection or comments to make on this application.

**Landscaping (AD Plant)** – The application site sits in the centre of the consented AD development and will benefit from the landscaping approved under the AD planning permission. A number of representations comment that the landscaping approved and conditioned by the AD plant permission has not been implemented.

**132088** - Application for non-material amendment to planning permission 129445 granted 30 April 2013-amended layout plan and landscaping scheme granted 2/2/2015.

Comments on the above application from the Trees and Landscape Officer (29/01/2015). A suitable native mix of trees and shrubs are proposed. The trees are proposed to be plants as 'whips', and the shrubs as 'transplants'. Although these are small and will need to grow before they start to provide any noticeable screening and softening of the development, due to their young age they should have a much better chance of surviving than larger trees and shrubs, and will become established sooner which allows them to start growing in size sooner than larger trees and shrubs. The scheme provides a mix of fast growing pioneer trees in the alder, birch and aspen, which will quickly provide height to the planting, dense broad crowns of the field maples, and longevity in the oaks. Many of the shrubs can grow up to 5 to 9m high as small trees, such as the holly, hawthorn, hazel. The holly will also provide some evergreen for winter screening and improves biodiversity value, although about 15% of the overall planting would be better winter screening and biodiversity value.

The Landscape and Aftercare Proposals document details planting, spacing, protection measures, and aftercare, including future selective thinning. All of which is suitable. I have no objection to the proposed landscape scheme. As requested by the Case Officer the applicant provided the following information by email (12/05/2016):

A landscaping scheme was agreed as part of the original application in 2012 (planning reference 129445). This was subject to a Non Material Amendment in 2014, approved 2 February 2015 (planning reference 132088). Planting in accordance with the approved scheme was undertaken in March 2015. An area of planting to the west was not planted at this time because it was beneath an overhead power line. Following a visit by your Landscape Officer in December 2015 this was the only aspect raised and it was agreed to complete this. I have spoken with the site and can confirm that this planting has now been undertaken. The approved landscaping scheme does not include any bunding. The bunding to the east of the site (Caistor direction) is not a requirement of the planning permission. The site layout shows a bund to the south and this has been constructed.

If the objectors feel that the landscaping approved in the above permission (a previous permission to the application under consideration in this report) has still not been implemented as per the approved application then they should contact the Council's Planning Enforcement Team.

**Objectors Comments** – All of the comments are addressed in the assessment above.

#### **Conclusion and reason for decision**

This is a proposal that subject, to the imposition of the conditions discussed above, is not considered to devalue or cause significant harm to the character or appearance of the open countryside, or to the living conditions of nearby dwellings and will positively contribute to meeting national targets for reducing carbon emissions and the development of renewable energy sources. It will also support the development of an existing established rural enterprise.



Therefore having considered the proposal against the provisions of the development plan and specifically Saved policies STRAT1, STRAT 12, CORE 10, NBE10 and NBE 17 of the West Lindsey Local Plan First Review 2006, as well as against all other material considerations including the National Planning Policy Framework (2012) it is considered that the proposal is acceptable and a grant of planning permission subject to conditions is considered appropriate. The proposal would also not be significantly detrimental to existing users and potential future users of the nearby Public Right of Way Gras/29/2).

**Recommendation: Grant planning permission subject to the conditions below**

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

1. The development hereby permitted shall be begun before the expiration of three years from the date of this permission.

**Reason:** To conform with Section 91 (1) of the Town and Country Planning Act 1990 (as amended).

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

2. Notwithstanding the submitted plans no development shall take place until details of all external walling and roofing materials including colour and finishes have been submitted to and approved in writing by the Local Planning Authority. The development shall proceed in strict accordance with these approved details.

**Reason:** To ensure the use of appropriate materials to assist the integration of the development within the open countryside and to accord with Policies STRAT 1 and NBE 10 the adopted West Lindsey Local Plan First Review 2006 (Saved Policies).

3. The mitigation measures stated in the Noise Impact Assessment dated 16 February 2016 shall be implemented as approved in writing by the Local Planning Authority. This includes however the submission of additional noise mitigation measures to the Local planning Authority for written agreement as identified by PDA consultants in its report hereby agreed. Such details shall be implemented before the drier is brought into use. The development shall proceed in strict accordance with the approved mitigation measures.

**Reason:** To protect the amenity of the occupants of nearby dwellings and site staff in accordance with the updated Noise Impact Assessment dated 16 February 2016.

4. The site mitigation measures stated in the updated Dust Assessment dated 17 February 2016 shall be implemented as approved in writing by the Local

Authority before the dryer is first brought into use. The development shall proceed in strict accordance with the approved mitigation measures.

**Reason:** To protect the amenity of the occupants of nearby dwellings and site staff in accordance with the updated Dust Assessment dated 17 February 2016.

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

5. 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: 9653/c/001/R2 Revision 3 dated 22 September 2015 and No. 16 Dryer Elevation Revision 3 dated 22/07/2015. 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 Policy STRAT 1 of the West Lindsey Local Plan First Review 2006 (Saved Policies)

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

6. The site shall be operated in accordance with the updated Odour Management Plan dated 11 May 2016.

**Reason:** To protect the amenity of the occupants of nearby dwellings in accordance with the updated Odour Management Plan dated 11 May 2016 and in accordance with Policy STRAT1 of West Lindsey Local Plan First Review 2006 (Saved Policies).

7. The site shall be operated in accordance with the updated Dust Assessment dated 17 February 2016.

**Reason:** To protect the amenity of the occupants of nearby dwellings and site staff in accordance with the updated Dust Assessment dated 17 February 2016.

8. The site shall be operated in accordance with the Noise Impact Assessment dated 16 February 2016

**Reason:** To protect the amenity of the occupants of nearby dwellings and site staff in accordance with the Noise Impact Assessment dated 16 February 2016

**Reason for approval**

This is a proposal that subject to the imposition of the conditions is not considered to devalue or cause significant harm to the character or

appearance of the open countryside, or to the living conditions of nearby dwellings and will positively contribute to meeting national targets for reducing carbon emissions and the development of renewable energy sources. It will also support the development of an existing established rural enterprise. On this basis it is considered that the proposal would accord with saved policies STRAT1, STRAT 12, CORE 10, NBE10 and NBE 17 of the West Lindsey Local Plan First Review 2006, as well as against all other material considerations including the National Planning Policy Framework (2012).

Gas Governor

Item 3 - Nettleham

31.0m



Existing Hedge Retained

1100

2318

Proposed 1800mm High Close boarded fence

7551

1067

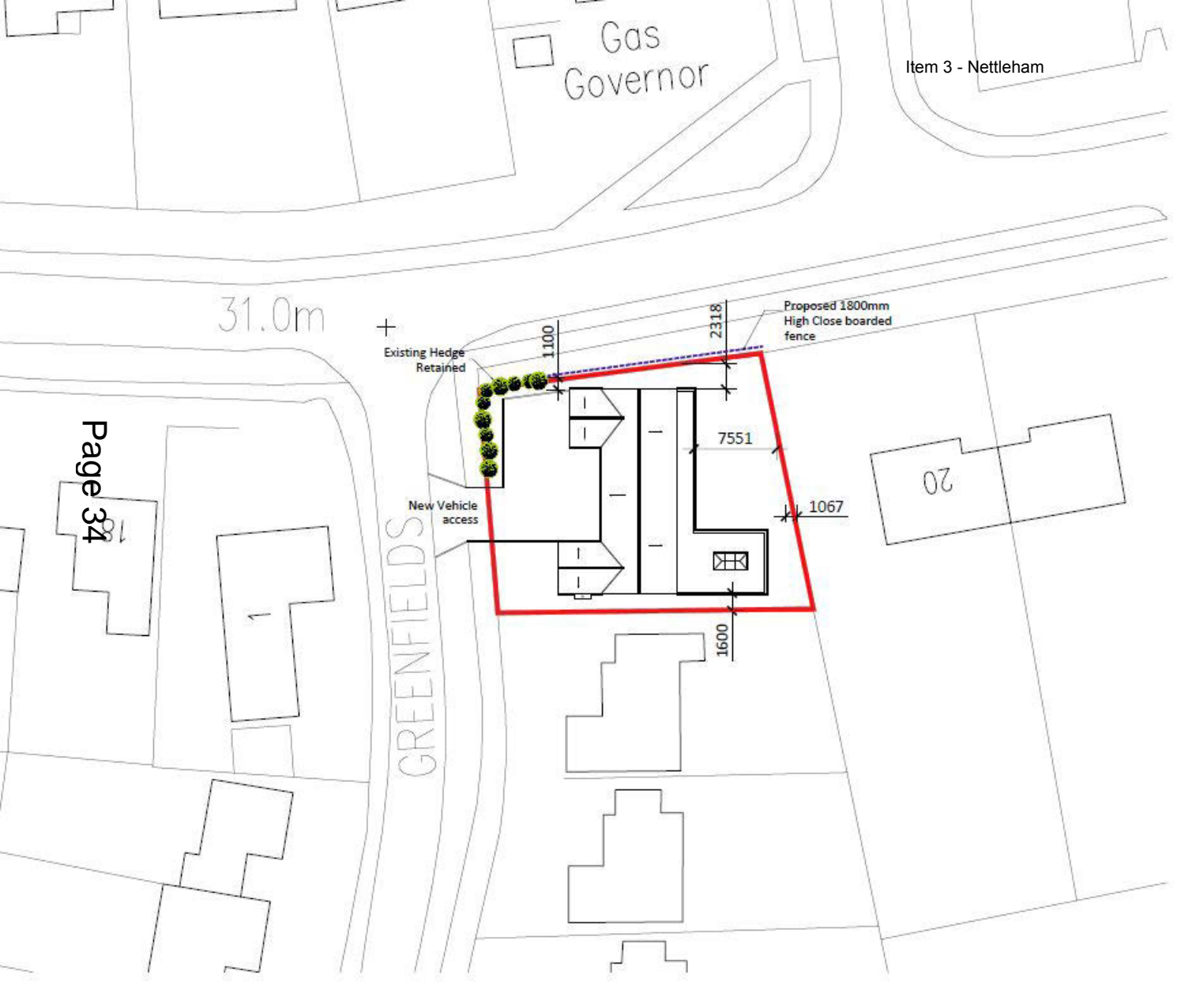
New Vehicle access

1600

20

GREENFIELDS

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## Officer's Report

### Planning Application No: 134027

**PROPOSAL:** Planning application to erect single storey extension to dwelling, demolition of new garage and new access.

**LOCATION:** 2 Greenfields, Nettleham, Lincoln LN2 2RT  
**WARD:** Nettleham

**TARGET DECISION DATE:** 08/04/2016  
**DEVELOPMENT TYPE:** Householder Development  
**CASE OFFICER:** Charles Winnett

**RECOMMENDED DECISION:** Grant permission subject to conditions

#### Description:

**This application has been placed before committee as the planning considerations are finely balanced.**

The application site is a single storey bungalow with a detached single garage, the dwelling is set back from the highway and is located in the settlement of Nettleham. The dwelling is located on a corner plot and has a small front garden to the north and west and a small driveway to the east. The sites southern boundary is a wooden fence, whilst the boundaries to the north, west and east is hedging. The sites adjoining land uses to the south and east is residential, whilst Sudbrooke Lane lies the north, and Greenfields (road) to the west.

The application seeks permission to erect single storey extension to dwelling, demolition of new garage and access.

#### Relevant history:

133437 - Planning application to erect rear ground floor and first floor Extensions – refused on 22/10/2015.

#### Representations:

Chairman/Ward member(s):	No representations received to date
Parish/Town Council/Meeting:	<p>Strong objections for the following reasons:</p> <ul style="list-style-type: none"> <li>• Size and scale of proposal</li> <li>• Over dominate</li> <li>• Internal layout</li> <li>• Inadequate off street parking</li> <li>• Will result in a loss of smaller more affordable homes in the area.</li> <li>• Contrary to policies RES1 and RES11</li> <li>• Contrary to Nettleham Neighbourhood Plan</li> </ul>

	<ul style="list-style-type: none"> <li>Impact on the street scene</li> </ul>
Local residents:	No representations received to date
Highways Authority	Request conditions : <ul style="list-style-type: none"> <li>request the applicant submit a drawing to demonstrate the proximity of the highway tree to the proposed access.</li> <li>request the applicant submit a root protection area and written permission from the area highways team with regards to the proposed access' proximity to the tree.</li> </ul>
Archaeology:	No objections
IDOX:	Checked 11/03/2016

<b>Relevant Planning Policies:</b>	
National guidance	National Planning Policy Framework (2012) <a href="https://www.gov.uk/government/publications/national-planning-policy-framework--2">https://www.gov.uk/government/publications/national-planning-policy-framework--2</a>  National Planning Practice Guidance <a href="http://planningguidance.communities.gov.uk/">http://planningguidance.communities.gov.uk/</a>
Local Guidance	West Lindsey Local Plan First Review (2006) Saved Policies STRAT 1 Development requiring Planning Permission <a href="http://www.west-lindsey.gov.uk/localplan/written/cpt3a.htm">http://www.west-lindsey.gov.uk/localplan/written/cpt3a.htm</a>
	RES 11 Extensions to Dwellings Located within Settlements <a href="http://www.west-lindsey.gov.uk/localplan/written/cpt6.htm">http://www.west-lindsey.gov.uk/localplan/written/cpt6.htm</a>

<b>POLICY RES 11 – Extensions to dwellings located within settlements</b>	
i. Does the proposal introduce a terracing effect in the street-scene?	
No	
ii. Is the proposal well designed in relation to the size, shape and materials of the building to be extended, and is subordinate to the existing property?	
<p>Planning permission was previously refused on this site (application 133437) for a large extension, since this refusal, the design and scale of the proposal has seen significant alterations which is a result of cooperation between the agent and planning officers. It's now considered that whilst the proposal will result in a significant increase to the size of the dwelling, its overall impact on the street scene and its impact on surrounding area will not be so significant as to warrant the refusal of the application.</p> <p>The dwelling will still be in keeping with the building lines along the street and whilst the dwelling will be larger, screening in the form of hedges and proposed fences to the west, east and north of the application site will also help to soften the extensions impact on the street scene.</p>	
iii. Does the proposal adversely affect the amenity of the residents of neighbouring properties by virtue of over-dominance or appearance?	
<p>The dimensions of the extension have been revised since the submission of application 133437 which was considered to have a poor relationship with no.20 Sudbrooke Lane due to its proximity to the dwelling and the arrangement of its rear windows. Revisions to the extension now position it further away from no.20 Sudbrooke Lane at a distance of 11</p>	

metres. The extension is now considered to be suitably positioned as to not significantly harm the amenity or privacy of neighbouring dwellings.
iv. Does the proposal prejudice the retention of any significant trees or other important features?
There are no protected trees or important features that the proposal will affect.
v. Does the proposal enable adequate off-street parking space to remain for at least one vehicle to park?
Yes
vi. Does the proposal enable an adequate amount of private garden space to remain?
A suitable amount of garden space will still remain on the application site.
vii. Does the proposal have a significant impact on the supply, availability and subsequent affordability of smaller properties as part of the overall mix of properties within the locality?
This part of the policy is not compliant with the NPPF and has not formed part of the assessment.

<b>Other considerations:</b>
None.

<b>Conclusion and reasons for decision:</b>
The decision has been considered against the policies STRAT1 Development Requiring Planning Permission and RES11 Extensions to Dwellings located Within Settlements of the adopted West Lindsey Local Plan Review 2006 in the first instance and guidance contained within the National Planning Policy framework 2012 and the National Planning Practice Guidance 2014. In light of this assessment it is considered that the proposal will not harm the character and appearance of the street-scene or the dwelling, nor the living conditions of neighbouring occupiers.

**Recommendation: Permission be granted, subject to the following conditions:**

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

1. The development hereby permitted shall be begun before the expiration of three years from the date of this permission.

Reason: To conform with Section 91 (1) of the Town and Country Planning Act 1990 (as amended).

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

2. Before development commences on site further details relating to the vehicular access to the public highway, including materials, specification of works and construction method shall be submitted to the Local Planning Authority for approval. The approved details shall be implemented on site before the development is first brought into use and thereafter retained at all times.

Reason: In the interests of safety of the users of the public highway and the safety of the users of the site.

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

3. 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: 1001 Rev F dated 19/08/2015 and 1002 Rev G dated 19/08/2015 .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 saved Policy STRAT 1 of the West Lindsey Local Plan First Review 2006.

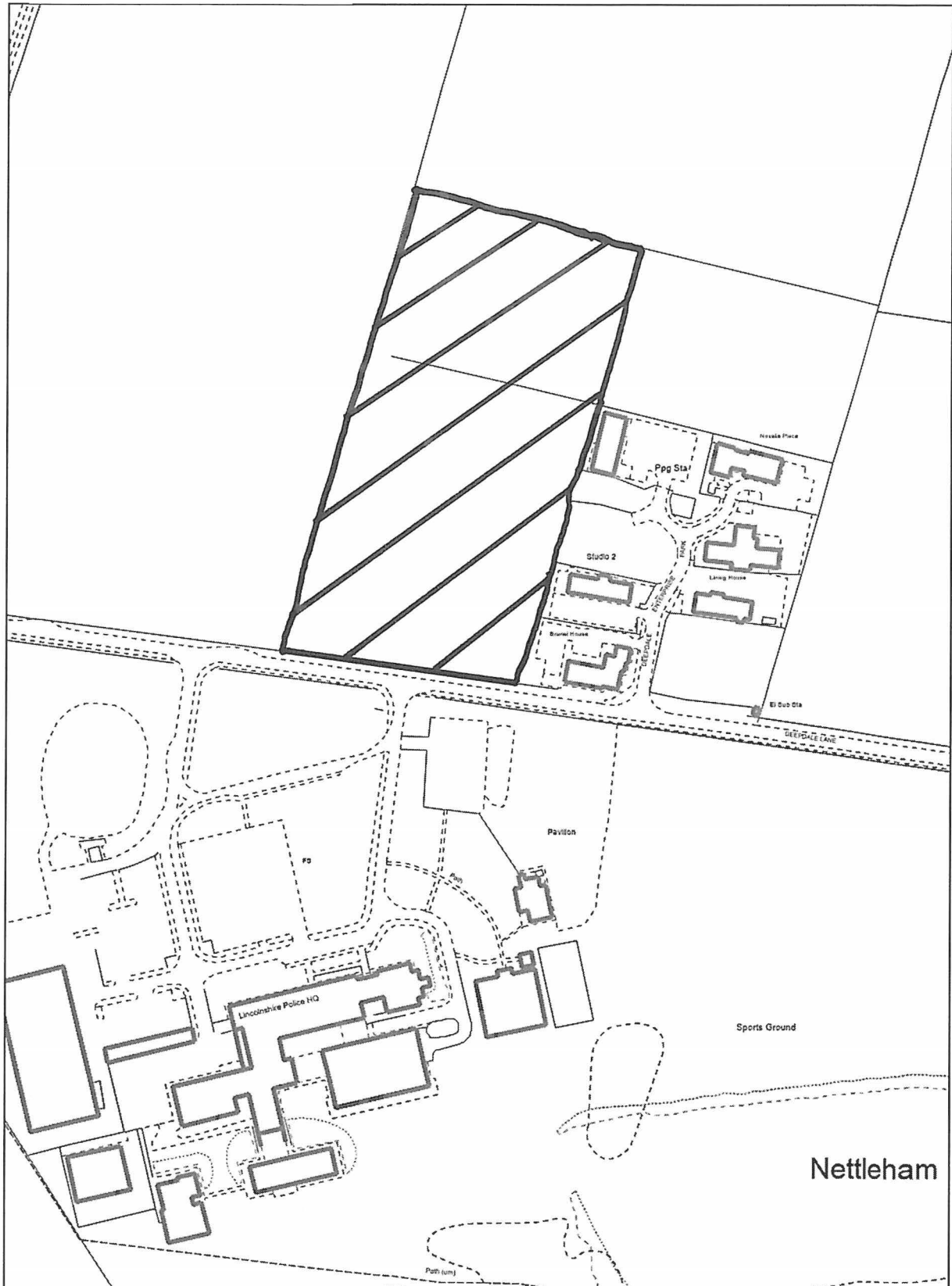
4. All external materials used in the development shall match those of the existing building in colour, size, coursing and texture.

Reason: To ensure the use of appropriate materials to accord with the National Planning Policy Framework and saved policies STRAT 1 and RES 11 of the West Lindsey Local Plan First Review 2006.

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

None.





## **Officers Report**

### **Planning Application No: 134036**

**PROPOSAL:** Planning application to erect place of worship with associated car parking and external landscaping

**LOCATION:** Land West Of Deepdale Enterprise Park Deepdale Lane  
Nettleham LN2 2LL  
**WARD:** Nettleham

**TARGET DECISION DATE:** 16/05/2016 (Extension of time agreed 6/6/16)  
**DEVELOPMENT TYPE:** Major - Other  
**CASE OFFICER:** Fran Bell

**RECOMMENDED DECISION:** Grant Planning Permission with Conditions

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#### **Description:**

The site is to the west of Nettleham, north of Deepdale Lane, next to the Deepdale Enterprise Park and opposite the Lincolnshire Police Headquarters, to the south. The A46 is nearby, beyond a field to the west of the site. It is outside the defined settlement limit on the adopted Local Plan inset map. The 2.29ha site consists of a large field with another smaller field beyond to the north. Hedges surround the site, except for the eastern boundary which is mostly fence and there is a small copse beyond the northern boundary.

It is proposed to construct a new place of worship (use class D1) for The Long Leys Trust. This would be located in the north east quarter of the larger field with car parking to the west and south. The small field beyond would remain as it is. A new access would be created at the south west corner of the site, the opposite side of the road from and between the two access points for the Police HQ. 128 permanent car parking spaces would be provided along with 44 over flow spaces located to the west and south of the site (reinforced grass). A new footpath would link up to the entrance of Deepdale Enterprise Park and the existing bus stop. The hedges around the site would be strengthened, particularly on the western edge of the site.

The building would have a material palette of wirecut red brick, composite timber cladding, Lincolnshire limestone walling and slate colour roof tiles similar to the buildings on the Deepdale Enterprise park. The doors and windows will have aluminium frames in RAL7012 (Basalt Grey). It would have an area of 1832m<sup>2</sup>, with a maximum length of 57.4m and a maximum width of 37.4m. The roof has three ridges, the highest point of which is 8.1m (stated as 41.06m AOD (Above Ordnance Datum) in the Design and Access Statement). The highest eaves will be 4.2m (36.55m AOD). A canopy runs down part of the western elevation to provide shelter for those being dropped off. The canopy has been reduced in height during the processing of the application to 3.5m.

**Relevant history:**

None

**Representations:**

Chairman/Ward member(s): None received to date

Nettleham Parish Council:

Nettleham Parish Council **strongly objects** to this development principally on the following planning grounds:

1. The size, the proposed structure being of an industrial scale in a rural village setting.
2. The location, being at a prominent point in the open countryside on a main route into Nettleham.
3. The Site is not sustainable, in that the vast majority of journeys to the site will of necessity be by car as the bus service does not run evenings and on Sundays which are the peak times of meetings.
4. The hazards posed by some 150 + cars entering and leaving Deepdale Lane within a short time window (30minutes) at the beginning and end of meetings and other associated increases in traffic through the village centre..
5. A full Flood Risk and sewage assessment has not been completed to determine if the current system can cope with the extra flows

**Specifically**1. Massing

The proposed building, with a roof ridge height of 41m [AOD] (135ft) and floor area of 1832m<sup>2</sup> would be over 5 times the size of the adjacent buildings on the Deepdale Enterprise Park. The original concept of the Enterprise Park development was to reflect the agricultural heritage of the area with barn like conversion designs seen across open fields. The proposed building goes well beyond this concept and represents an industrial/warehouse scale building.

This is contrary to NBE20 (development on the edge of settlements) of the West-Lindsey District Council Local Plan first revision 2006. And NBE 10 Protection of the landscape character in development proposals, which states *the scale design and materials used should reflect local distinctiveness*.

This is also reinforced by the Nettleham Neighbourhood Plan Policy D-6, Design of new development which states that *new development ... should preserve and enhance the village of Nettleham by Recognising and reinforcing local character as set out in the character assessment and the adopted Village Design Statement in relation to height scale, spacing, layout orientation features and materials of buildings*. The use of trees and hedges to screen this site will take many decades to have any effect and even then the potential attenuation would be very limited.

## 2. Location

The site's location is in the open countryside well away from the settlement boundary of Nettleham, and contrary to Strat 12 – Development in the open countryside.

POLICY CRT 1 Local Needs and Community Facilities states that *Proposals for the development of recreation and community facilities serving local needs will be permitted provided that*

*i) Development is of an appropriate scale with regard to its setting and would not have an adverse effect on the character and appearance of the open countryside or settlement.*

*ii) The development would not have a detrimental effect on highway safety.*

This development will have an adverse effect on the current open countryside aspect by virtue of its location and scale. It will also have a negative impact on highway safety

## 3 Sustainability

We note that less than 10% of the members of the congregation live in Nettleham and therefore many journeys are required to attend the meetings. The buses, which run down Deepdale Lane, cease in the early evenings and don't run at all on Sundays. This leads to the conclusion that over 90% of people travelling to the facility will go by car travelling distances of some 5 miles or more. Sustainability is a golden thread which runs through the NPPF and whilst some people in fair weather will be able to cycle this distance it is highly unlikely that many older or very young members of the community will. In fact the applicants make mention of the possibility of many car journeys and they make significant parking provision totalling 174 permanent parking spaces plus an overspill provision on the site.

## 4 Highway safety and Nuisance

With the prospect of some 150+ vehicles entering and leaving the site over a short period at the beginning and end of meetings most days of the week there is the potential for substantial traffic congestion at the junction with the A46 and Deepdale Lane. Many journeys will originate from the south and will lead to increased congestion and a build up of vehicles in the right turn lane on the A46 into Deepdale Lane. This will create a traffic hazard while vehicles build up waiting for a break in the traffic flow from the north along the A46. This A46 traffic flow is anticipated to get substantially worse over the next 5-10 years when the approximately 1000 new homes destined to be built in the Welton/Dunholme and Scothern area are completed. This will be in addition to the 200+ homes planned for Nettleham. At peak times morning and evening we already see almost continuous traffic streams in both directions.

It is also anticipated that traffic seeking to exit the proposal site will be unable to turn right at the A46 junction because the exit from Deepdale Lane will be blocked in that direction so they will turn left to find their way through the already congested Nettleham village centre. Additionally study of the locational distribution of their membership shows that many journeys will be from the settlements of Scothern, Sudbrooke, Cherry Willingham and Reepham. The obvious journey route to the site will be via Lodge

Lane transiting the already congested village centre to this site. This will especially be the case when the Lincoln Eastern Bypass is built and the Hawthorn Road route is effectively closed.

We suggest that the traffic flows need to be fully assessed including modelling of volumes of traffic to the destination from the different membership locations taking into account realistic routes and peak time flows not long term estimates. The current submission is inadequate with regard to traffic flows.

#### 5 Sewage, Flood risk and Potential Aquifer Pollution

There appears to have been no detailed study made of the additional load that this development would impose on the local sewage system, just a proposal to connect to the existing pipes at the Enterprise Park. We are aware that the sewage pipes in the village are under potential overload from previous housing developments in Nettleham. Anglian Water has confirmed that they do have capacity to accommodate the developments proposed in the Nettleham Neighbourhood Plan including the planned 50 new homes on Deepdale Lane. This proposal will put significant additional strain on the existing system and that requires a detailed assessment as directed by Nettleham Neighbourhood Plan policy D-4.

The site is directly over the Lincolnshire Limestone Aquifer and it is essential that no pollution of this vital water source is possible from the substantial, potentially polluted, water outflows from the building and associated car parking on this site. This has not been effectively addressed in the application documents.

In summary, the Planning Application is strongly opposed on the grounds that:

- 1 Its scale and massing is inappropriate for the setting of a rural village.
- 2 The location is in the open countryside.
- 3 The site is unsustainable
- 4 The traffic flows would create substantial hazard and congestion
- 5 A satisfactory flood risk, sewage assessment and aquifer pollution potential have not been completed with the submission of the application,
- 6 The application is not in compliance with the adopted Nettleham Neighbourhood Plan

We trust that West-Lindsey District Council will refuse this Application.

#### Local residents:

Objections received from 8 All Saints Lane, 38 Washdyke Lane, 21 Beckside, 6 Poplar Farm Court. Their collective objections, in summary are:

- Do not agree that Nettleham village is not on the naturally convenient desire lines for road travel. A significant amount of traffic from the A158 will come through the village.
- Disagree with Senior Highways Officer that the development falls below the thresholds for a Transport Assessment.

- The car parking will amount to 172 spaces, which is a significant amount of traffic entering and leaving in short time periods due to the nature of the events.
  - From the weekly timetable of events, Sundays show a peak attendance of 400 – 500. This is a significant number of trips and most will be arriving by private transport. Monday to Friday early evening peak of 300 -500 is a very high number and traffic problems may be compounded by start times coinciding with peak traffic in Nettleham. Significant traffic is already associated with Nettleham Infant School, with regular evening events, the traffic using Deepdale Lane.
  - If projected attendances are correct, there will not be adequate parking on site, which may lead to vehicles on the road (a bus route and not suitable for parking) or on local village roads which will be an unacceptable burden for residents.
  - The junction of Deepdale Lane and A46 is difficult for right turning traffic, in part due to the high speeds. A Picady analysis should be undertaken to ascertain the impact of the proposed traffic on the junction and a consideration of the likely safety impacts of right turning traffic from A46, potentially blocking northbound A46 traffic whilst waiting to turn right. It may be necessary to undertake significant junction improvements.
- If they car share, why do they need 128 car parking spaces?.
  - Traffic on the A46 will increase due to the new homes at Welton, leading to more traffic taking a shortcut through the village.
  - If they can't get out from Deepdale Lane, there will be more traffic on Washdyke which is getting impossible at rush hours.
  - The road surface of Deepdale Lane is very poor (and on a bus route), with inadequate budgets to maintain the roads other than repair potholes with a temporary repair. The addition of this amount of traffic will only make the problem worse.
  - Turning right even at off peak times is difficult because of the volume of traffic turning into Deepdale Lane from Lincoln.
  - The Highways Authority comment ignores the reality that this development is designed to replace a number of existing premises, not just those at Long Leys Road, Lincoln.
  - To suggest that Nettleham will cut the journey distances for those from Grimsby and Hull is a red herring; most attending appear to reside in Lincoln, so why centralise the premises outside the city.
  - Lincolnshire Police raise no objection but doubt that many of the staff working there share this view given the large number of staff who have to negotiate their way onto and off the A46 to get to work.
  - It will be of similar size and appearance to a large industrial warehouse and is not in keeping with village development. The existing commercial development on Deepdale Lane has been created to replicate a group of traditional farm buildings such as farmsteads seen on the outskirts of Lincolnshire villages. It will be so huge that it will completely dwarf the existing barn style buildings and will look like a large distribution centre.

- It will add to the flood risk to the village – already taking in more housing and the drains just cannot cope. More soakaway land gone. It will exacerbate the problem on Watermill Lane with inadequate sewers. [Photographs submitted showing flooding problems]. Surface water and sewage from this development would run down into the village. Nothing will attenuate the surface water as well as farmland. Add this development to other housing proposed at Riseholme and beyond the bypass and the surface water from all these developments will flow through Nettleham.
- The Nettleham Neighbourhood Plan does not identify the site as an area for development and the Village Design Statement calls for the rejection of ribbon development along the main corridors into the village. As the development is not in accordance with Nettleham Neighbourhood Plan, it should be rejected. The huge amount of work involved in developing that Plan was designed to resist and discourage ad hoc applications for development in the village.
- It is unsustainable development. The majority of those attending will come from Lincoln so why not build it there?
- It is of no economic, social or other benefit to the local community. The building is large, their cars will congest the village, they attend services and go. The people of Nettleham get nothing from it. No jobs will be created.
- Concerned about the existing field to be retained as it is inevitable that the applicant will seek further development.
- It would spoil the village character at one of the main gateways into the village.

Support received from 40 Sudbrooke Lane, Nettleham(x2) and Beechcroft, St. Georges Lane, Riseholme. In summary:

- As a resident of Nettleham with children at the local school I do not see this development as out of character with the village.
- The trustees have worked hard to keep this development in line with the local plan.
- The height and design of the building would blend with the surrounding landscape and would not be an eyesore from any aspect. The design has obviously been made to match in with the existing buildings and not stand out.
- Though transport can be an issue at the Deepdale / A46 junction; due to the times that this place of worship will be used I do not see it causing any further problems at this junction. When I travel along Deepdale Lane at the off peak times the road / junction is always clear, so I do not see this development causing a traffic problem.
- This development will be a useful addition to Nettleham and it would enhance the village.
- We travel to Nettleham for work/school/local shops/recreation on a daily basis, with a travel time/ distance of 5 minutes / 2 miles. This will make it convenient to travel to the Proposed New Place of Worship with my young family.
- The journey will be easy without going through Nettleham.

- I sometimes bring my aged parents to the current Church. The new location will have better disability provisions and parking arrangements than the current Long Leys Road facility.
- The architect's drawings look good with the proposed hall matching in with the surroundings and not over shadowing the Police Station. With over 300 cars in the Police Station in the working day, it has proved to be a sustainable location for traffic exiting along Deepdale Lane.

#### Responses from Neighbouring Businesses on Deepdale Enterprise Park.

Nexon Group, Richmond House: Support

- The outlook from our offices is directly on to this site. The development will be of no detriment to Deepdale Enterprise Park.
- The church building will be located in a corner of the site and that the land at the rear of the site is to be retained as open space. The majority of the development will be taken up by suitably landscaped car park and paved area. This is entirely in keeping with the adjacent commercial site and the Police Headquarters opposite.
- The building is an appropriate size in relation to the rest of the site. The design is complimentary to the adjacent existing commercial buildings including our own offices.
- The location of a Place of Worship with extensive landscaped open areas will blend in with the commercial approach into Nettleham village, and importantly will ensure that the site is protected from any future potential high density use.
- We are sure that the council will consider the traffic implications both from the A46 and the village of Nettleham, but clearly 'church' use would be expected mainly on Sundays and evenings which will mitigate any additional traffic flow, particularly as the times of use will not coincide with peak times of entry and exit from the Police Headquarters and the Deepdale Enterprise Park.

JCT Consultancy Limited, LinSig House: Object

- Neutral on the principle of development or the type of development on the application site but have several concerns regarding this application because of both its potential impact on business located on the Enterprise Park but also because of its potential greater impact on the village as a whole.
- Traffic issues and the effect on the Deepdale Lane/ A46 junction.
  - As a business specialising in traffic modelling, we are surprised to see no detailed assessment of the impact of the development on the Deepdale Lane/A46 junction.
  - Although traffic will be mainly at peak-shoulder and off-peak times, there is the potential for undesirable traffic impacts at this junction and in Nettleham.
  - As a minimum, a Transport Assessment containing trip generation calculations and a capacity analysis of this junction is necessary to be able to determine the potential impact on this junction (if any), the potential for rerouting of traffic due to delays and the need for any mitigation in the form of junction or other improvements.



- As many users of the site would be attending services it is possible that a significant proportion of attendees would arrive shortly before and leave shortly after the start or end of a service. This could lead to the overloading of the right turn lane from the A46 causing northbound traffic to back up. If traffic from the site leaves within a short period this would potentially severely temporarily overload the junction leading to queuing and people finding alternative routes through the wider road network in Nettleham.
- This could lead to significant traffic capacity and safety issues which could potentially be regarded as severe in the context of the NPPF. It is impossible to make the judgement robustly without the appropriate analysis, hence the need for a formal Transport Assessment. The lack of one also sets a bad precedent for other future planning applications of a similar nature.
- Is the assumption of high car occupancy justified and robust for the site in the longer term. Even if this is the case for the current congregation, future users may not sustain such a high occupancy rate.
- When traffic on the bypass is heavy, there will be a significant temptation for some users to access the site through Nettleham village.
- The consultation response from CC Highways does not appear to acknowledge any potential access or traffic issues caused by this site. At the very least a condition requiring site usage to be off peak or if not to request that the applicant demonstrate through a Transport Assessment that future peak time site usage, either by the applicant or other future occupiers can be accommodated.
- The development is not sustainable and encourages car travel over a wide area. Public transport will be minimal especially at the times the site will be used.
- The LPA needs to be clear why no Transport Assessment is required.
- Foul Drainage
  - The application proposes that foul drainage is into the existing pumped system on the Enterprise Park but no detailed consideration has been made of the capacity of the current pumped system either in terms of pumping capacity and foul storage capacity. It cannot be assumed that the existing system will cope, particularly at peak times (e.g. end of services) without a detailed assessment.
- Planning Issues
  - The development is contrary to the recently adopted Nettleham Neighbourhood Plan. This plan includes residential allocations which would access the highway network via Deepdale Lane. This application may compromise the deliverability of this allocation and discourage the take up of the remaining undeveloped plot on the Enterprise Park due to the adverse traffic impact on Deepdale Lane.
- Further Development

- The site includes the field to the north which allows for further development.

#### LK2 Architects Ltd, Studio 2: Support

- Support the principle of the proposal in this location and consider that the use is complimentary to the adjacent Enterprise Park and Police Headquarters.
- A well-designed building, of appropriate scale and massing, can be accommodated in this rural location and will add to the established 'commercial' feel of this area of this village.
- The effect of traffic and car parking on Deepdale Lane, the village and the A46, needs to be carefully considered. We understand that the building will mainly be used at weekends and evenings, when the Enterprise Park and Police Headquarters are less busy, and therefore it shouldn't create congestion in the vicinity of the site.
- At present we do not experience any issues with congestion, other than peak times when the staff from the Police HQ leave / arrive (8.30am / 4.30pm).

LCC Highways: Requests conditions regarding the setting back of the gate, the improvement of the vehicular access, the provision of parking and manoeuvring space, the provision of a 1.8m footway to the front of the site and its surface water drainage and a note regarding contact with the Divisional Highways Manager before submission of details.

Additional correspondence from the Highways Officer to the Case Officer  
In light of the comments made regarding the Transport Statement I've had another look and my final comments (which you have) still stand. The figures quoted are acceptable to the Highway Authority (HA). The application is a pure relocation and they have used the existing information from their site on Long Leys Road as a benchmark for the Transport Statement. Currently there are no highway problems, parking or otherwise on Longleys Road associated with the current place of worship.

Parking on site is deemed sufficient working on a 3.5 person per car ratio. It is inevitable that some visitors will access the site via Nettleham, however the development site is well served via the A46.

It is the opinion of the HA that the size and scope of this development does not warrant a PICADY (Priority Intersection Capacity and Delay) analysis of the junction of the A46 and Deepdale Lane.

Lincolnshire Fire and Rescue: The Fire Authority objects to the application on the grounds of inadequate water supply for firefighting purposes. In order to remove the objection, one fire hydrant will need to be installed at the roadside adjacent to the main entrance of the development on water mains that run along Deepdale Lane, Nettleham, at the developer's expense.

Vehicle access for pump appliances will need to meet the requirements in Building Regulations 2010 Approved Document B. LFR also requires a minimum carrying capacity for access routes and hard standing for pumping appliances of 18 tonnes, not 12.5 tonnes as detailed in the Building Regulations 2010 part B5.

Lincolnshire Police: No objection and standard design advice

Trees and Landscape comments:

**Proposals for Landscaping:**

The site has very little existing landscaping, other than its boundary hedges, and a couple of young trees within the frontage hedgerow. The westerly side boundary has already has some infill planting done as it was a bit sparse.

The landscape plan shows a new hedge is also to be planted along much of the easterly boundary, but this is yet to be planted. The landscape plan also shows a number of new trees are to be planted along the boundary hedgerows and within the site.

There is no information to clarify the species and sizes or hedgerow planting layout and density of the new trees and hedgerows to ensure they are appropriate to the area and the site and will be suitable for their purpose of landscaping.

**Potential effect on any trees or hedges on or near the site:**

There are no TPO trees on this site.

A short section of hedgerow and one small sycamore will need to be removed for the proposed site access. The extent of the hedgerow removal will depend on whether or not a visibility splay will be required. Hedgerows are a BAP priority habitat, but the removal of a short section of hedge and one small tree for access will be compensated for by the infill hedgerow planting already done, and the new hedgerow planting yet to be planted, and the various trees to be planted.

The other existing three trees in the frontage hedgerow are young to semi-mature and due to their small diameter stems, they will only have small Root Protection Areas of approx. 2.0m to 3m max. (tree stems were not measured). The land around the trees at the frontage is shown as to be lawn and these trees should not be affected by the proposals.

**Conclusion**

I have no objections to the proposals, but further information is required for the scheme of landscaping, either as additional information within this application or to be conditioned as a required scheme of landscaping.

We require information on the hedgerow planting to clarify species, plant sizes and planting layout/density. For the proposed trees we require info on species, position of each species, and size and form.

Archaeology: No archaeological input required

IDOX: Checked 16<sup>th</sup> May – see above

**Relevant Planning Policies:**

National guidance

National Planning Policy Framework  
Planning Practice Guidance

West Lindsey Local Plan First Review 2006 (saved policies - 2009).

This plan remains the development plan for the district although the weight afforded to it is dependent on whether the specific policies accord with the principles contained within the National Planning Policy Framework. In terms of the proposed development, the named policies are considered to still be relevant:

STRAT1 Development Requiring Planning Permission

<https://planning.west-lindsey.gov.uk/planning/localplan/written/cpt3a.htm#strat1>

STRAT3 Settlement Hierarchy

<https://planning.west-lindsey.gov.uk/planning/localplan/written/cpt3a.htm#strat3>

STRAT12 Development in the Open Countryside

<https://planning.west-lindsey.gov.uk/planning/localplan/written/cpt3b.htm#strat12>

STRAT19 Infrastructure Requirements

<https://planning.west-lindsey.gov.uk/planning/localplan/written/cpt3b.htm#strat19>

SUS1 Development Proposals and Transport Choice

<https://planning.west-lindsey.gov.uk/planning/localplan/written/cpt4.htm#sus1>

CORE10 Open Space and Landscaping within Developments

<https://planning.west-lindsey.gov.uk/planning/localplan/written/cpt8.htm#core10>

NBE10 Protection of Landscape Character and Areas of Great Landscape Value

<https://planning.west-lindsey.gov.uk/planning/localplan/written/cpt11.htm#nbe10>

NBE14 Waste Water Disposal

<https://planning.west-lindsey.gov.uk/planning/localplan/written/cpt11.htm#nbe14>

NBE20 Development on the Edge of Settlements

<https://planning.west-lindsey.gov.uk/planning/localplan/written/cpt11.htm#nbe20>

#### Central Lincolnshire Local Plan 2016-2036

<http://www.lincolnshire.gov.uk/Download/97033>

The Submission Draft Local Plan was approved by members of the Central Lincolnshire Joint Strategic Planning Committee on 14 March 2016 and is now subject to its final consultation before formal submission to the Secretary of State. This version of the Local Plan will carry more substantial weight in determining planning applications than the earlier draft versions. The following policies are considered relevant:

LP1: A Presumption in Favour of Sustainable Development

LP2: The Spatial Strategy and Settlement Hierarchy

LP3: Level and Distribution of Growth

LP12: Infrastructure to Support Growth

LP13: Transport

LP14: Managing Water Resources and Flood Risk

LP15: Community Facilities

LP17: Landscape, Townscape and Views

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

LP26: Design and Amenity

LP55: Development in Hamlets and the Countryside

### Nettleham Neighbourhood Plan 2014 – 2031

The Nettleham Neighbourhood Plan was adopted 3<sup>rd</sup> March 2016 and forms part of the statutory development plan. The following policies are considered to be relevant.

D-2 Pedestrian and Cycle Access

D-4 Water Resources and Flood Risk

D-6 Design of new development

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

### Nettleham Village Design Statement

#### **Main issues**

- Principle including policy analysis
- Design
- Highways
- Drainage and flooding
- Landscaping and Ecology

#### **Assessment:**

##### *Principle including policy analysis*

The site is in the countryside where development is restricted to appropriate development for the countryside (STRAT12), has not been allocated for development in the Nettleham Neighbourhood Plan and is therefore contrary to both the adopted Local Plan and the Neighbourhood Plan. However, this does not automatically mean the proposal should be refused planning consent. Planning Law requires that a development is determined in accordance with the statutory development plan, unless there are material considerations which would indicate otherwise.

A material consideration is The National Planning Policy Framework. It has a presumption in favour of sustainable development as its golden thread that should run throughout both policy making and decision making processes. This thread is split into three strand: social, economic and environmental. The NPPF requires all three elements to be examined but does not consider that a shortfall in one element will automatically mean that the proposal is unacceptable.

In this case, the NPPF notes the specific role that places of worship have in the health, social and cultural well-being of communities (chapter 8). It also recognises that in order to support economic growth in rural areas, to promote the development of community facilities such as places of worship is a key factor (chapter 3). Environmentally, the building will be energy efficient and highly insulated. The landscaping will be increased.

The policies in the emerging Central Lincolnshire Local Plan cannot be given full weight as the examination in public has not yet taken place and the CLLP is not adopted. It is however at an advanced stage, which has been subject to public consultation. Policy LP15: Community Facilities recognises that community facilities such as places of worship are an integral component in achieving and maintaining sustainable, well integrated and inclusive development. Proposals for new stand-alone facilities are supported in principle and should,

- “Prioritise and promote access by walking, cycling and public transport. Community facilities may have a local or wider catchment area: access should be considered proportionately relative to their purpose, scale and catchment area.
- Be accessible for all members of society
- Be designed so that they are adaptable and can be easily altered to respond to future demands if necessary
- Where applicable, be operated without detriment to local residents; this especially applies to facilities which are open in the evening, such as leisure and recreation facilities.”

The applicants are understood to have undertaken extensive pre application analysis before concluding that this site was the best fit for their needs, including engagement in the Central Lincolnshire Local Plan and Nettleham Neighbourhood Plan processes as well as meeting representatives of the Nettleham Parish Council and the local MP, who expressed supportive interest in the proposals.

Having ruled out sites in other parts of the Lincoln fringe, the Nettleham area was settled upon due to a large number of the congregation living in the locality, connections to the A46 and pedestrian and bus links into the village and to Lincoln. Nettleham Parish Council representative suggested two alternative sites that they considered to be suitable. One at Lodge Lane, which has recently been granted planning permission, on appeal, for housing and commercial development, was discounted due to the need for members of the congregation to come through the already congested village centre, which was identified as an issue during the Neighbourhood Plan process. The other was within the Police Headquarters site. The Police were approached but confirmed that the site was not available.

Points raised at a wider community drop in session included car parking, access, design, involvement in the Local Plan process, need and that the Parish Council were likely to object as the proposal conflicted with the Neighbourhood Plan.

The current Township Hall is at Long Leys Road in Lincoln and has been the focus of the community since 1979. However, since this time, the community has grown larger and many now live in the Lincoln fringe villages rather than in Lincoln itself. The Long Leys Road site is no longer fit for purpose in that the hall and car park provision are too small, some of the community struggle to get there through traffic congestion (such as Yarborough Road) and the construction of the building makes it difficult to upgrade to be more energy

efficient. The community has Neighbourhood Halls at High Leas, Nettleham and at Scothern Cliff. However, these are not suitable as Township Halls, due to capacity and location; High Leas is a residential area of Nettleham and Scothern Cliff has no transport links and is in a more remote rural location.

[can we add in comments about suitability of location – i.e. unsociable hours and traffic movements, so best to be remote from residential areas]

It is considered that the applicants have shown that there is a need to develop in this location and that there are no suitable alternatives within the locality. Whilst the site is outside of Nettleham, the location already has the Enterprise Park to the east and the Lincolnshire Police HQ to the south, therefore, the character is not that of open fields, and is already established by business (use class B1/B2/B8) . The principle of development can be supported.

### *Design*

The design incorporates materials similar to those on the Enterprise Park. Whilst the building is large in footprint, the height is similar to the buildings to the south (around the height of a two storey house) and will be set back within a landscaped site, so the immediate impact is lessened. It is not dissimilar to some larger agricultural grain dryers in scale. It is sized to meet the needs of the local church community and the building footprint is a standard format that varies depending on the size of the congregation. This model has been used across the UK and throughout Europe. There is a variation in the materials used along the walls, so that they are not all one block of colour or texture. The canopy on the western side, along with the eaves and ridge height of this part of the roof have been lowered to further lessen the impact. This part of the building is also set back from the front elevation.

The building is designed to be fully accessible and the circulation space outside allows for a plaza at the front and a drop off area at the side. The access point at the road junction will be tarmac. The hard surfacing to the car park area will be buff coloured tarmac for the access road and buff permeable paving to parking bays and plaza area.

The lighting scheme shows 5m high column lighting at either end of the main car parking blocks (twelve in total) and seven other 5m high columns around the site. There would be seven bulkhead lights on the building. The lighting scheme is thought to be acceptable as there will be trees at the site as well which soften the effect of the lighting. It also has to be acknowledged that the Police HQ across the road has car park lighting and there are street lamps along Deepdale Lane.

### *Highways*

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.”

Much has been said about the potential impact the development will have on the highway network, particularly the junction of Deepdale Lane and the A46.

The Highways Authority consider this proposal to be a relocation from the current Township Hall in Lincoln. The case officer discussed with the Highways Officer the basis for his conclusions. He had discussed the case with the Traffic Assessment Officer, who had no concerns with the proposal. There are no traffic issues as a result of the current use on Long Leys Road, from which the nearest junctions are onto the A57 leading to the Carholme Roundabout and onto Yarborough Road heading into the city centre or up to Yarborough Crescent and Burton Road. The Area Maintenance Team had no concerns either about the current site or the proposed site. If the current use in a city location does not cause traffic build up, then it is reasonable to correlate that traffic build up will not occur here. The development is considered to fall below the Planning Practice Guidance criteria<sup>1</sup> for a Transport Assessment hence a Transport Statement has been submitted. This was agreed between the applicants and the highways officer prior to submission.

On this basis, it is concluded that the impacts on transport grounds would not be severe.

The new access to the site is set the opposite side of the road and between the two access points to the Police HQ. Visibility splays of 2.4m x 190m can be achieved in both directions.

The site will be within walking and cycling distance of many of the congregation and a cycle store is incorporated within the design. There is a designated cycle path along the nearby A46 which links with Lincoln. It is acknowledged that whilst there is a bus stop outside the site, rural bus services do not run on Sundays when the majority of the use of the site would be. The majority of the traffic flow would be at off peak times. Car sharing is common with a higher than average occupancy (3.5 – 4 persons per car). The most well attended meetings (300 – 500) are mid-morning on a Sunday, early evening on a Wednesday and Saturday mornings, but all of these only occur every 3 weeks. The additional numbers attending come from Grimsby and Hull, so would access the site from the A46. 75% of the congregation would access the site via the A46. Of the remaining 25%, some of these already live in the Nettleham and Scothern area so already come through the village to access the current hall at Long Leys Road. Therefore, the impact on the centre of Nettleham will not change.

#### *Drainage and flooding*

The site is in Flood Zone 1 but as the site area is greater than 1 hectare, a Flood Risk Assessment (FRA) has been submitted with the application.

Concern has been raised about the capacity of the existing foul drainage system. However, foul drainage will go from the site via the pumping station at the neighbouring Enterprise Park. This is a controlled system, so sewage will not over flow either at the site or further along the system as the pumping station can restrict the volume allowed through at any one time.

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<sup>1</sup> [Paragraph: 013 Reference ID: 42-013-20140306](#)



There will be no discharge of surface water off the site. Instead, the majority of the car parking surface will be permeable and the surface water from the roof will collect in swales to the east of the site, which will direct the water to the underlying limestone. A planning condition should be applied to secure this.

The underlying geology does not form part of a source protection zone for water supplies. Therefore, infiltration is an acceptable method for surface water drainage. The geology can accept the proposed volumes and surface water will not affect 3<sup>rd</sup> party properties.

#### *Landscaping and Ecology*

The plans show additional tree planting and hedgerow planting but the final details of this have not been supplied. Therefore, a condition requiring the details to be submitted will be added along with another requiring its implementation during the first planting season after completion.

The ecology survey notes that the site is characterised by two poor semi-improved grassland fields. There are intact species-poor hedgerows to the north, south and west site boundaries, whilst a fence runs along the majority of the eastern site boundary. A species-poor hedgerow bisects the site.

The survey recommends that any clearance of the site takes place outside nesting bird season. This will be conditioned. It also recommends that any lighting is kept to a minimum and that light spill onto vegetated corridors and the woodland to the north is avoided wherever possible so that the potential roosting, commuting and foraging habitats of bats are not impacted upon. It further recommends the use of native plant species to enhance foraging opportunities for local birds and bats. This will be assessed as part of the landscaping condition.

#### *Other matters*

Lincolnshire Fire and Rescue object to the proposal unless a fire hydrant is installed at the roadside, adjacent to the main entrance. This is not a planning matter but has been included as an informative.

#### **Conclusions and reasons for recommendation**

The proposal has been considered against the Development Plan namely STRAT1 Development Requiring Planning Permission, STRAT3 Settlement Hierarchy, STRAT12 Development in the Open Countryside, STRAT19 Infrastructure Requirements, SUS1 Development Proposals and Transport Choice, CORE10 Open Space and Landscaping within Developments, NBE10 Protection of Landscape Character and Areas of Great Landscape Value, NBE14 Waste Water Disposal and NBE20 Development on the Edge of Settlements of the West Lindsey Local Plan First Review 2006 as well as the Nettleham Neighbourhood Plan. The emerging policies LP1: A Presumption in Favour of Sustainable Development, LP2: The Spatial Strategy and Settlement Hierarchy, LP3: Level and Distribution of Growth, LP12: Infrastructure to Support Growth, LP13: Transport, LP14: Managing

Water Resources and Flood Risk, LP15: Community Facilities, LP17: Landscape, Townscape and Views, LP24: Creation of New Open Space, Sports and Recreation Facilities, LP26: Design and Amenity and LP55: Development in Hamlets and the Countryside of the Proposed Submission Central Lincolnshire Local Plan have also been taken into account although they have not been given full weight. The advice in the National Planning Policy Framework and the Planning Practice Guidance has also been taken into account as have the representations received.

In light of this assessment, the proposal is considered acceptable as it provides a more centrally located Township Hall for an established congregation of the Plymouth Brethren, in a location that has established development nearby. The relocation of this Hall will not cause an adverse impact on the highway network particularly in relation to the junction of Deepdale Lane with the A46. It will not cause adverse harm to the setting of one of entrances to the village. The surface water drainage will remain at current run off rates. The foul drainage can be accommodated in the existing controlled system.

**Recommendation:** That planning consent be granted subject to the following conditions

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

1. The development hereby permitted shall be begun before the expiration of three years from the date of this permission.

**Reason:** To conform with Section 91 (1) of the Town and Country Planning Act 1990 (as amended).

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

2. No development shall take place until details of the appearance and construction materials of the electrical supply housing and the bench seating / planters have been submitted to and approved in writing by the Local Planning Authority.

**Reason:** To ensure the use of appropriate materials and to accord with the National Planning Policy Framework and saved policy STRAT1 of the West Lindsey Local Plan First Review 2006.

3. No development shall take place until a scheme of landscaping to include details of hedgerow planting, species, plant size and planting layout / density and details of trees to be planted including species, position, size and form. The approved landscaping scheme shall be implemented in the first planting season after the completion of the building.

**Reason:** To ensure that, an appropriate level and type of soft landscaping is provided within the site to accord with the National Planning Policy

Framework and saved policies STRAT 1, STRAT12, CORE 10 and NBE20 of the West Lindsey Local Plan First Review 2006

4. No development shall take place before a scheme has been approved in writing by the Local Planning Authority for the construction of a 1.8m metre wide footway, 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 the building is first used or in accordance with a phasing arrangement to be agreed in writing with the Local Planning Authority.

**Reason:** To ensure safe access to the site and the building in the interests of convenience and safety and to accord with the National Planning Policy Framework and saved policy STRAT 1 of the West Lindsey Local Plan First Review 2006.

5. No development shall take place until a lighting scheme, to include details of the lights including appearance, how light pollution will be minimised and times of use have been submitted to and approved in writing by the Local Planning Authority.

**Reason:** To ensure the lighting scheme is appropriate in appearance and use and to minimise the impact on bats and to accord with the National Planning Policy Framework and saved policies STRAT 1 and NBE20 of the West Lindsey Local Plan First Review 2006.

6. No development shall take place until a Construction Method Statement has been submitted to, and approved in writing by, the local planning authority. The approved Statement shall be adhered to throughout the construction period. The Statement shall provide for:

- (i) the routing and management of construction traffic;
- (ii) the parking of vehicles of site operatives and visitors;
- (iii) loading and unloading of plant and materials;
- (iv) storage of plant and materials used in constructing the development;
- (v) the erection and maintenance of security hoarding including decorative displays and facilities for public viewing, where appropriate;
- (vi) wheel cleaning facilities;
- (vii) measures to control the emission of dust and dirt during construction;
- (viii) details of noise reduction measures;
- (ix) a scheme for recycling/disposing of waste resulting from demolition and construction works;
- (x) the hours during which machinery may be operated, vehicles may enter and leave, and works may be carried out on the site;
- (xi) A Construction Environmental Management Plan (CEMP) to ensure the protection of habitats and protected species

**Reason:** To ensure the development takes place in an acceptable manner that does not detriment neighbouring amenity and to accord with the National Planning Policy Framework and saved policies STRAT 1 and NBE20 of the West Lindsey Local Plan First Review 2006.

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

7. 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:

- L3320 003 Rev C Amended Proposed Site Plan
- L3320 004 Rev B Amended Proposed Floor Plan
- L3320 005 Rev C Amended South and East Elevations
- L3320 006 Rev B Amended West and North Elevations
- L3320 007 Rev B Proposed Site Sections
- L3320 008 Rev A Amended Block Plan
- Tdi208 Proposed Foul and Surface Water Drainage Strategy
- LS2217/1 Horizontal Illuminance Levels

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 saved Policy STRAT 1 of the West Lindsey Local Plan First Review 2006.

8. The development shall be carried out in accordance with the recommendations of the Extended Phase 1 Habitat Survey by Delta Simons dated October 2015, namely that the site should be checked for nesting birds, the lighting minimised so as not to affect bats and the landscaping improved using native species.

**Reason:** To ensure the development protects and enhances the flora and fauna on the site and to accord with the National Planning Policy Framework and saved policies STRAT1, CORE10 and NBE20 of the West Lindsey Local Plan First Review 2006.

9. The surface and foul drainage from the site shall be in accordance with the Flood Risk Assessment & Drainage Strategy carried out by TDi Infrastructure Limited date February 2016. The surface and foul drainage systems shall be brought into use before the building is first used and shall be retained and maintained thereafter.

**Reason:** To ensure adequate drainage facilities are provided to serve the development, to reduce the risk of flooding and to prevent pollution of the water environment in accordance with the National Planning Policy Framework and saved policies STRAT 1 and NBE 14 of the West Lindsey Local Plan First Review 2006.

10. The arrangements shown on the approved plan L3320 008 Rev A for the parking/turning/manoeuvring/loading/unloading of vehicles shall be available at all times when the premises are in use.

**Reason:** To enable calling vehicles to wait clear of the carriageway of Deepdale Lane and to allow vehicles to enter and leave the highway in a

forward gear in the interests of highway safety and to accord with the National Planning Policy Framework and saved policy STRAT 1 of the West Lindsey Local Plan First Review 2006.

11. Prior to the commencement of construction of any building, the vehicular access to the development shall be improved in accordance with drawing number L3320 008 Rev A.

**Reason:** In the interests of safety of the users of the public highway and the safety of the users of the site and to accord with the National Planning Policy Framework and saved policy STRAT 1 of the West Lindsey Local Plan First Review 2006.

12. The gates to the vehicular access shall be set back as shown on Dwg. No. L3320 008 Rev A.

**Reason:** To enable calling vehicles to wait clear of the carriageway of Deepdale Lane in the interests of safety and saved policy STRAT 1 of the West Lindsey Local Plan First Review 2006.

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

13. All planting, seeding or turfing comprised in the approved details of landscaping shall be carried out in the first planting and seeding season following the occupation of the building or the completion of the development, whichever is the sooner; and any trees or plants which within a period of 5 years from the completion of the development die, are removed, or become seriously damaged or diseased shall be replaced in the next planting season with others of similar size and species.

**Reason:** To ensure that an approved landscaping scheme is implemented in a speedy and diligent way and that initial plant losses are overcome, in the interests of the visual amenities of the locality and in accordance with the National Planning Policy Framework and saved policies STRAT 1, STRAT 12, CORE 10 and NBE20 of the West Lindsey Local Plan First Review 2006.

**Notes to the Applicant**

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

2. Lincolnshire Fire and Rescue require a fire hydrant to be located near the new access at the frontage of the site and advise that the minimum carrying capacity for access routes and hard standing for pumping appliances needs to be 18 tonnes. This needs to be taken into account during construction.

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## Appeal Decision

Hearing held on 23 and 24 June 2015

Site visit made on 24 June 2015

**by Mrs Zoë Hill BA(Hons) DipBldgCons(RICS) MRTPI IHBC**

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

**Decision date: 26 April 2016**

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**Appeal Ref: APP/N2535/W/14/3001767**

**Land off Hancock Drive, Manor Farm, Lincolnshire LN3 5SR**

- 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 Chestnut Homes Ltd (Mrs Rebecca Archer) against the decision of West Lindsey District Council.
  - The application Ref: 131498, dated 16 June 2014, was refused by notice dated 24 September 2014.
  - The development proposed is described as a hybrid application for up to 170 dwellings (Phases 3a, 3b, 3c) of which full planning is sought for 44 dwellings (Phase 3a) and outline permission is sought with all matters reserved except for access for up to 126 dwellings (Phases 3b and 3c), together with a secondary temporary access for construction traffic off Horncastle Road, Bardney.
- 

### Decision

1. The appeal is allowed and planning permission is granted for a hybrid application for up to 170 dwellings (Phases 3a, 3b, 3c) of which full planning permission is sought for 44 dwellings (Phase 3a) and outline permission is sought with all matters reserved except for access for up to 126 dwellings (Phases 3b and 3c), together with a secondary temporary access for construction traffic off Horncastle Road, Bardney at Land off Hancock Drive, Manor Farm, Lincolnshire LN3 5SR in accordance with the terms of the application, Ref: 131498, dated 16 June 2014, subject to the conditions in the attached schedule.

### Application for Costs

2. At the Hearing an application for costs was made by Chestnut Homes Ltd against West Lindsey District Council. This application is the subject of a separate Decision.

### Preliminary Matters

3. The Council's statement sets out that progress had been made with regard to education and health contributions such that it would negate the need to defend reason for refusal number 3. At the Hearing it was explained that the s.106 legal agreement under which financial contributions would be made would be delayed because the landowner had died and therefore there were legal complications in signing such a document. It was put to me that this matter could be dealt with by condition. However, that document has now been signed. I shall address the s.106 along with the requirements for

contributions in respect of health, education, affordable housing and transport, in my reasoning below.

4. In terms of reason for refusal number 4 which related to the impact of the proposal on highway safety the Council has resolved not to pursue this matter. I shall, nonetheless, consider the concerns of residents in this regard.
5. After the Hearing took place the Council published the Further Draft of the Central Lincolnshire Local Plan (Draft Local Plan) and a 5 Year Land Supply Report. The Council sought that this be taken into consideration. The appellant was given the opportunity to comment on the documentation which was subsequently submitted by the Council. Interested parties who took part in the appeal Hearing were also given the same opportunity. Those matters are referred to below and more specifically towards the end of the reasoning.

### **Main Issues**

6. Having in mind the foregoing preliminary matters, the main issues in this case are:-
  - (a) The effect of the proposed development on the special architectural and historic interest of the Church of St Lawrence, Manor House, Manor House Gateway and Garden Wall and the Barn at Manor House which are all listed buildings, and, in particular, whether the scheme would preserve their settings;
  - (b) The effect of the proposed development on the character and appearance of the surrounding area and having regard to implications of this for views from public rights of way and, thus, tourism; and,
  - (c) The effect of the proposed development on local education and health facilities and whether adequate provision would be made in that regard.

### **Reasons**

#### ***Introductory Matters***

7. At the Hearing it was not disputed between the parties that there was not a five year housing land supply for the District such that applications for housing should be determined in accordance with the National Planning Policy Framework (the Framework). That position has subsequently changed in that the Council now claims that there is a five year housing land supply. This is based upon details set out within the Central Lincolnshire 5 Year Supply Report for the period 2014/15 to 2020/21. This indicates a need for 2,245 dwellings per year (average) to account for necessary supply, backlog and 20% buffer, and indicates that a 5.37 year supply exists.
8. The appellant firmly disputes that position setting out that the housing requirement has increased significantly and that the supply which the Council identifies as available now includes incorporation of over 7,000 houses from 'Emerging new Allocations as identified in the Draft Local Plan' to come forward in the next five years along with a 863 unit windfall allowance. I understand the appellant's rather sceptical view about the reality of such increased amounts of housing land coming forward within the next five years given that the Local Plan is still a draft document.



9. However, it is not necessary to pursue the matter of housing numbers further as both parties agree that the plan position is not up-of-date, the draft plan is simply that and so cannot be afforded significant weight. The allocation sites included in the suggested 5 year supply rely on that document.
10. The Framework sets out that relevant policies for the supply of housing should not be considered up-to-date if the local planning authority cannot demonstrate a five-year supply of deliverable housing sites (paragraph 49). It goes on to explain that where relevant policies are out-of-date planning permission should be granted unless any adverse impacts of so doing would significantly and demonstrably outweigh the benefits, when assessed against the policies in the Framework taken as a whole or specific policies in the Framework indicate that development should be restricted. It is in this context that I shall consider the adverse impacts which the Council has set out in its reasons for refusal.
11. In addition, the Statement of Common Ground, acknowledges that this site is located in an area recognised as a location to support the spatial objectives of delivering growth within the Lincoln Policy Area and, thus, that the development is sustainable in terms of West Lindsey Local Plan First Review 2006 policies (SUS1 and SUS4) and the Framework, particularly having regard to proposed footpaths and cycleways and subject to provisions within a s.106 which I shall consider in detail below.

### **Listed Buildings**

12. In this case the concern with regard to the listed buildings is the impact upon their setting. The Historic England<sup>1</sup> *Historic Good Practice Advice in Planning Note 3 The Setting of Heritage Assets* explains that the extent of setting is not fixed and may change as the asset and its surroundings evolve. Elements of setting may make a positive or negative contribution to the significance of an asset and may affect the ability to appreciate that significance or may be neutral.

#### *Church of St Lawrence*

13. The Church of St Lawrence is a grade I listed building. It dates from C15<sup>th</sup> with later alterations and is of coursed limestone rubble, with ashlar and red brick. Indeed the brick built chancel, which is an early phase of construction, is of significant interest particularly having regard to the diaper work. The west tower, which is the most prominent part of the church in distant views, is from the late C15<sup>th</sup>. The church is ornately detailed and of high quality, including in respect of internal features such as the 19<sup>th</sup> reredos and collection of architectural fragments from Bardney Abbey. As such, the quality of materials and their use, the architectural details, the history and social role of the church within the settlement are all significant.
14. In terms of the tower, there are bell openings on four sides with cusped lights, vertical tracery and hoodmolds. An angular shaft rises from between the 2 lights of the bell opening to a central pinnacle. These central pinnacles, along with the corner pinnacles, are a feature of the tower which is clearly seen at a distance. The gargoyles are also of interest.

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<sup>1</sup> The Historic Good Practice Advice in Planning Notes have been republished under the name of 'Historic England' since the copies available at the Hearing were taken but the content remains the same.

15. The immediate setting of the church is important as the churchyard directly relates to the function of the church. The access route to the south-west indicates a clear relationship existed at some point with the Manor House. The wider setting relates to the settlement as a whole. The location of the church relative to other development over time can be seen through the cartographic evidence provided. In essence the Manor was located to the south-east, with the settlement developing to the north-east and north-west. The land to the south-west beyond the churchyard still faces an open field. However, this does not appear to be positioned with any significance in terms of the south-west elevation of the church. I also note that the early brick phase of the church is situated at the eastern side of the building and so faces development on each of its three visible elevations. It seems other buildings have been developed which align more generally with the fabric of the church. That said, they are positioned in a rather ad-hoc manner so that a planned approach to protecting this elevation is not apparent.
16. The boundary along this south-west side is planted and this limits views towards the church. Thus, the key element in views towards the church from the south-west is that of the tower. In this regard, the land at this side does not particularly contribute to the setting of the church. However, the distinctive landmark role of the tower is significant when approaching the settlement along the public bridleway which is part of the Water Rail Way and National Cycle Route No 1 Summer Route and the Viking Way. Despite that landmark role the significance of the asset, in terms of its great age and architectural detailing, is not apparent until relatively close too. As such, the appeal site makes a limited contribution to the setting of this heritage asset.
17. The appeal scheme consisting of the detailed elements and the outline scheme would, in effect, result in the church being enclosed by housing albeit a section of field would be retained as public open space. The land slopes away gently from the church. As a result, the upper part of the tower of the church would remain largely visible above and between the proposed dwellings of the fully detailed scheme. I am satisfied from the sketch details that this could similarly be the case for the outline scheme.
18. In addition, the proposed public open space which would form part of the outline proposal would facilitate closer views towards this heritage asset than at present. This is because existing views are either at a distance from the bridleway or are limited views from the footpath at the rear of the houses. That footpath follows a route directly towards the south-west end of the church but it is largely obscured by planting at the field edge.
19. I conclude on the evidence before me, having had regard to what it is that makes the building special, that the contribution of the site to the setting, and thus to the significance of the architectural and historic in interest of the church, is limited. Moreover, the proposed development would not significantly harm those aspects of the setting which have been identified as important. The public open space would be a positive benefit in allowing greater proximity to the church to view the tower and the land would remain open in the event that the outline development, which would provide for the open space, were not pursued. The public open space would not significantly enhance the setting of the listed church when compared to its current context. Nonetheless, I conclude that the proposed development of the full scheme would at most cause marginal harm to the setting of the church, and the illustrative scheme

indicates the large site could be developed with only marginal harm. That harm in each instance being the foreground view of an open field towards the boundary hedge, with the tower seen beyond, when seen from the Viking Way.

20. I am in no doubt that this harm is less than substantial in terms of the Framework such that the limited harm needs to be weighed with the public benefits of the proposal. I am mindful that the Planning (Listed Buildings and Conservation Areas) Act 1990 (LB&CA Act) establishes a duty at s.66 which requires that when considering whether to grant planning permission for development which affects the setting of listed buildings special regard shall be paid to the desirability of preserving that setting. In this case, for the reasons set out above, only marginal harm would arise and the fact it is so limited is material to the planning balance which I have to make.

*The Manor House, Manor House Gateway and Garden Wall, and Barn at the Manor House*

21. The Council accepts that there was an error in the reason for refusal in that it referred to the Manor House as being on Church Road, when in fact it is on Horncastle Road. Although the appellant makes much of this, I consider it is a simple error albeit not helpful.
22. The Manor House is a Grade II listed building. It is not readily visible from the public domain and I was unable to access it at the site visit. This building was derelict at the time of listing but since then it has been rehabilitated to residential use. The Barn, which is also listed grade II, is similarly largely screened from public view by other development. This barn has been converted to residential use. The remaining key exterior feature which can be partly seen is that of its vast roof. From the evidence before me it seems that the special architectural and historic interest of these buildings relates to their vernacular architecture, age and historic use as an agricultural complex.
23. The gateway and garden wall at the Manor House are listed in their own right as grade II listed buildings. The special architectural and historic interest of these listed buildings is derived from their historic brickwork and association with the enclosure of the Manor House and associated farm. However, there is no dispute that it is unclear as to the extent of the walls covered by the listing. The walls on the Horncastle Road frontage have undergone some significant alterations including being breached, and reduced in height from their original construction. However, that part of the wall is not significant for the purposes of this appeal as this area is away from the appeal site and unaffected by the proposed development.
24. It is accepted by all parties that the Manor House complex, including each of the listed elements, has been significantly eroded by development and by subdivision of the buildings. In terms of setting it is possible to identify how the remaining elements of each of the structures relate to each other. Indeed what remains is very much an inward looking group of buildings, largely devoid of public views. The land with which it would have been associated has been separated from it such that the former edge of settlement context is not significant. The remaining relationship which is of significance is that with the church. Here the tall boundary wall can be seen separating the Manor House from the churchyard. This provides a historical association in terms of proximity but creates definition between the two neighbouring listed buildings

of the church and Manor House. However, that relationship is not one which is clearly appreciated from the appeal site.

25. In terms of setting of this group of historic assets, it seems to me, the appeal proposal in both detailed and outline phases would have no impact on their setting and thus no impact on their significance as heritage assets. Indeed at the Hearing it was conceded by the Council that it was difficult to make a case for adverse impact on these listed buildings and that the proposed open space in the outline scheme would enable some glimpses of the relationship between the church and Manor House which cannot currently be seen.

### ***Conclusion on Listed Buildings***

26. In terms of the impact on the setting of listed buildings I conclude that the only adverse impact is that relating to the setting of the Church of St. Lawrence and that this, at worst, is a marginal impact.

### **Character and Appearance**

27. The development of the settlement of Bardney reflects transport routes consisting of the main network of roads, the River Witham and the dismantled railway which runs along side the river. The settlement core is located around the medieval church, near to which there are almshouses, small shops and a war memorial. Between this area and the river where the extensive sugar factory is located, the road is characterised by frontage development although there are some backland developments. This area is mainly residential but has some commercial uses and is characterised by Victorian buildings which are predominantly in brick. The settlement has seen several phases of development including some substantial estates of housing to the north and eastern sides. Unlike the older areas these developments are in estate form of culs-de-sac. Developments including established housing built by the public sector in the mid C20<sup>th</sup>, later C20<sup>th</sup> developments of bungalows and social housing and, more recently, earlier phases of the estate to which this scheme would be linked. The school is situated at the eastern side of the settlement near to the residential housing estates. The recreation space and medical facilities are located on Horncastle Road near to the entrance to the estate through which this site would gain access.
28. The character and appearance of the settlement is therefore established by its mixed phases of development, sizeable housing areas in defined groups, reflecting date of construction and design, accessed from the main road network.
29. The appeal site would represent an extension to an existing distinct modern housing development. The detailed element of the scheme for which full permission is sought relates to 44 houses and would occupy the area of the site which is most remote from the village. This is proposed for practical reasons as it is the nearest part to the vehicular access point. In addition this area provides the water storage area required for the wider application site. The housing proposed in this location reflects the orientation of the housing on the main street and in effect follows the approach taken to the settlement edge in the adjoining recent housing development. However, developing this phase first would result in an open area between the site and village. Should subsequent phases not be brought forward it would have some limitations on pedestrian access, although access to the Viking Way would be provided.

There are benefits in that phasing as, if left open for some time before being developed, the space would retain views to the older areas of the settlement including the area identified in the local plan as to be protected as an open space. As such, the phasing proposed is not a matter that counts against the scheme.

30. The section for which detailed permission is sought, either alone or with the later phases based on the illustrative details, would be clearly identified as a recent scheme and, as pointed out by one objector, likely to reflect similar schemes by this particular developer. However, efforts have been made with the design of the proposed scheme. There would be clear local references in terms of the use of swales rather than complete use of culverts. There would be a fairly limited palette of materials, with those materials reflecting materials found within the village. House types would be varied in design, but generally simple reflecting more traditional properties of the locality. The dwellings would also reflect the traditional design proportions of windows, use simple features such as dentil courses and have chimneys. The design of some buildings would acknowledge the need to create attractive frontages to public spaces, or to create a sense of enclosure. These matters all combine to create a development which would have an interesting and varied appearance rather than being uniform and unresponsive to site context. In this sense the scheme would be legible and pleasant to use, which would also encourage residents to walk or potentially cycle to other village facilities.
31. The road layout for the housing would be based on a single access point (with restricted emergency access). In the full part of the scheme pedestrian access to Viking Way would be provided and further pedestrian access routes are indicated for the illustrative outline scheme, with scope in alternative schemes to enhance that shown. It seems to me such scope should be seriously considered in order to assist assimilation of the site into the wider area and encourage healthier lifestyles. Both the housing of the detailed scheme and that of the illustrative outline scheme would be well situated in terms of village facilities being in good proximity to the medical centre, shops, recreation facilities and a reasonable walk of about 10 minutes from the nearer parts of the site to the primary school. As such, a good relationship would exist between the proposed detailed housing scheme and the facilities of the village.
32. The outline scheme would enable greater connectivity for pedestrians/cyclists because of proximity to other potential joining points, although I note there is concern about land ownership at the corner near to the church where alternative design might be required (although access would be possible utilising the public right of way). These proposed and illustrative routes would help to forge physical and social links with the established areas of the settlement and so would enhance the function and character of the village.
33. Landscaping would reflect and reinforce traditional hedge boundaries with some planting of trees and a considered approach to making public open space and infrastructure visually attractive. However, it seems to me that the boundary treatments at the new settlement edge would be rather limited. Whilst the proposed scheme would therefore appear like that of the earlier phase it would not reflect the more generous boundary planting seen in the nearer parts of the established village. As such, when approaching the settlement along the Viking Way and Horncastle Road the scheme would appear as a large mass of similar

- dwellings. Thus, the extent of the group without significant planting would detract from the character and appearance of this approach to the settlement.
34. Whilst the appearance of the development would clearly reflect a recent housing scheme, that scheme itself has sought to take reference from the features of the historic core of the settlement. In terms of character it is clear that the proposed development uses the site context to develop a scheme that would function in a way which would encourage integration with the existing settlement.
  35. The scheme would result in an incursion into open land and that land has frontage to Viking Way. However, the scheme seeks to respect that right of way by providing dwellings with varied orientation alongside its route. This boundary would also benefit from additional landscaping and sympathetic location of the site water storage area near to the public right of way. In terms of the church the key view is towards its tower and views of the tower would be retained above the housing. The illustrative details for later phases of the development indicate dwellings set off the Viking Way boundary, with possible car parking adjacent. It seems there is scope to provide a varied boundary for the Viking Way route although care would need to be taken in later phases of the scheme to retain a village feel at this edge.
  36. Scope is also identified to create a vista through towards the church. This is not favoured by the developer as it creates a view in the other direction towards the sugar factory. However, I consider that development to be interesting and very much part of the character of the settlement such that it should not be disregarded without considerable thought. Moreover, further links to that heritage and the historic rail way and water course might usefully be explored. It could help further enhance tourism and rights of way by creating attractive links to the church and village core beyond with its associated features of interest and facilities.
  37. On this matter I conclude that the scheme would relate well to the character and appearance of its surroundings and the established village and would not detract from local tourism and rights of way. Rather, the scheme provides potential to enhance those aspects of the village. The landscaping of the site could be improved. However, on balance it is not sufficiently harmful to justify refusal on that ground alone especially given landscaping is a reserved matter for the later phases. As such, I do not find conflict with policy RES1 of the Local Plan which, amongst other things, supports housing development provided that it is satisfactory with regard to the local environment in terms of siting, layout, density, scale, massing, materials, design and detailing and that it respects features such as hedges and trees.

## **Education and Health Provisions and other matters for the s.106 Agreement**

### ***S.106 General Matters***

38. As set out above, the s.106 Legal Agreement was delayed. However, it is now before me and so can form part of the appeal considerations.
39. The s.106 legal agreement is intended to deal with matters relating to affordable housing, education, health and public transport. The Community Infrastructure Levy Regulations 2010 (the CIL Regulations) establishes tests

which should be met if a planning obligation is to constitute a reason for granting planning permission. Those tests require the obligation to be necessary to make the development acceptable in planning terms, directly related to the development, and fairly and reasonably related in scale and kind to the development. Additional limitations are imposed by CIL Regulation paragraph 123 preventing use for infrastructure projects where five or more obligations already exist which provide for the funding of that project of type of infrastructure.

### *Affordable Housing*

40. The parties have provided a CIL compliance statement for the scheme. In this statement it is recorded that in November 2014 5968 households were registered for affordable housing with Lincs Homefinder with 1685 having connections with West Lindsey. Within the Bardney area 25 households are recorded as requiring affordable housing although 3 wanted to move out of the area. I am satisfied that this indicates that there is a need for affordable housing to be secured on the appeal site. Although 25% affordable housing was sought by the Council initially, in line with Local Plan Policy R6, as part of the consideration of other contribution requirements for the site the Council agreed to reduce this to 20%. The affordable housing provision of the whole site would exceed that needed for the Bardney Area, but I accept that affordable housing need is greater in other areas across West Lindsey and Central Lincolnshire. That said, it appears appropriate on this basis to reduce the affordable housing proposed so as to provide for other elements of need generated by the development.

### *Education*

41. The situation in respect of Education was clearly explained at the Hearing on behalf of the County Council. In Bardney the Church of England and Methodist Primary School is the closest school to the appeal site, yet it has no additional capacity to accommodate children arriving with families moving into the proposed development. Moreover, the school is at capacity with children coming from its own catchment area. The proposal would therefore have direct impact on demand for school places and mitigation is required. The Lincolnshire Research Observatory (LRO) is used to calculate a 'pupil product ratio' and this is multiplied by the number of homes proposed to calculate pupil generation from housing schemes. In the case of this site 34 primary places are required and 32 secondary places. However, there is capacity at the secondary school so a contribution is only sought for primary education. The contribution requested is based on a current costs multiplier for pupil places based on the National Cost Survey and a local multiplier is then used, reducing the sum sought, because Lincolnshire has lower than average build costs. As a consequence a contribution of £383,398 is sought towards education. The payment would be made on a phased basis. I am satisfied that this is clearly related to the needs of the development proposed and is fairly and reasonably related to the scheme.

### *Healthcare*

42. Turning to health care facilities, the health care facility at Bardney is a branch of the Woodhall Spa New Surgery. The doctors of the surgery have written in relation to the proposal explaining that currently the surgery is at capacity, so that serving new residents would have an impact on existing service levels. The

NHS – Leicestershire and Lincolnshire Area Team have assessed the need and usage of the surgery. Based on LRO census data for West Lindsey it is calculated that the scheme would result in an increased patient population of 391. Based on Department of Health calculations it is indicated that this would generate 10.3 hours of GP consultation time and 2.7 hours of practice nurse time per week and support staff would be required related to those appointments as well as space for consultations and storage of records and dispensary items. The surgery is close to the appeal site with significant travel distances to other surgeries so those from the appeal site would attend the, at capacity, surgery.

43. A financial calculation has been made based on needs of the Primary Health Care Team, associated support and furnishings. This amounts to £185 per person and so for this site a contribution of £72,000 is sought. This would be paid on a phased basis. This appears reasonable and fairly related to needs generated by the development.

#### *Transport*

44. In terms of public transport the parties differ in what they consider should be provided. The parties agree that Bardney is a sustainable settlement but that higher grade services, such as hospitals, secondary/further/higher education and places of work, located within other settlements need to be accessed by private motor vehicles.
45. The County Council considers that the bus service between Lincoln and Horncastle via Bardney provides an adequate level of service. This service runs 6 days a week. It could be used by those working in Lincoln as the first bus leaves in time to get someone there for 08:30 and to return leaving Lincoln at 17:27 with other services in between<sup>2</sup>. It is the only service for Bardney. Given this service provides for more distant commuting and access to both Lincoln and Horncastle where many larger facilities are based I agree that it is a significant service in terms of wider sustainability, this it is important to the village and to the future occupiers of the proposed dwellings.
46. The Council has to subsidise this service to a maximum of £65,550 per year and it is reasonable that the proposed development contributes to it. In reviewing spending the Council is likely to reduce financial support for bus services such as this one. As the service is not commercially viable without support it might well be lost and this would be detrimental to sustainability. The Council is seeking £131,000 phased over four years to support the service. This equates to half the likely subsidy requirements for each of those four years. The Council explains that the subsidy requirement is split between the Bardney area and the Washingborough/Heighington area because these are the two areas with greatest ridership.
47. The appellant considers that £30,000 should be provided to cover the four year period. This is on the basis that the subsidy should relate to the number of people from the development that would be utilising the service as a proportion of the total catchment of households that could be using it with reduced weighting for other bus services. Using this calculation, the site would be required to pay 11.5% of the revenue support required.

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<sup>2</sup> times valid to 15 July 2015



48. It is not for me to provide a method of calculation. However, in this case it seems that the service is a significant one for Bardney residents because they have no other service option. Thus, use of the service by others who have other public service options to access larger settlements and their facilities is likely to help in keeping the Bardney service operational. As such, I consider that the calculation would be fair and reasonable if it were based on the share of the revenue support required for the appeal proposal households as a proportion of all households within Bardney (that figure is set out at 844 households in 2011 to which the 170 proposed would be added). This would be a considerably greater sum than proposed by the appellant but significantly lower than the sought by the Council.
49. The appellant whilst seeking the lower sum has provided a s.106 which would make provision for a higher sum sought by the Council. The s.106 also makes provision for 'a different amount which the competent authority sees as justified the Owner covenants with the County Council to that amount in such a manner as shall be agreed in writing'. On that basis funding of the level I consider necessary would be made available. Either a calculation could be made on the basis I suggest or the higher sum paid in which case I have to disregard anything over and above the amount I consider justified as that would not be reasonably needed for the scheme.
50. The Travel Plan Contribution, which amounts to £24,350, relates directly to encouragement of more sustainable choices of transport for those occupiers of the proposed development. The contribution would be used to promote public transport including providing timetable and general information, cycling and car share schemes. I am satisfied that this is fair and reasonable.

### ***Conclusion on the s.106***

51. I conclude that the contributions sought are, in principle, needed to make this proposed development acceptable. Without contributions being secured there would be inadequate provisions for the future occupiers of the proposed dwellings in terms of not providing education, health and public transport facilities. Affordable housing is required as part of the scheme in order to satisfy the needs of the wider community and comply with Local Plan Policy. A Travel Plan contribution is required to encourage sustainable transport choices by future residents.

### **Other Matters**

52. Concern has been expressed about using a single point of entry, particularly given this point is close to the medical practice where on-street parking can cause disruption. However, it seems to me that this existing concern is largely a matter of traffic management which could be resolved by other means. Other concerns relate to traffic speeds within the estate roads. The roads in this scheme have been designed with variety, configured so as to reduce speeds and so that they appear clearly residential. It is regrettable if people fail to adhere to sensible driving but I am satisfied that this scheme would not create unacceptable highway safety concerns. I note that the local highway authority has not objected on highway safety grounds.
53. Some local residents express concern that their views would be harmed as a result of the scheme. However, there is no right to a view and in this case, given the degree of separation between existing dwellings and the proposed

- development, the outlook would not be so seriously harmed that the dwellings would become oppressive or unacceptable places to live. Thus, this matter does not count against the scheme.
54. The appeal site is currently used as agricultural land and concern is raised that its loss would contribute to a reduction in the means to secure food supply for the country in the future. However, this is a modest site area and there is no evidence that alone or cumulatively it would have an unacceptable impact on the retention of best quality agricultural land.
55. The appeal site is in Flood Zone 1 where residential use is deemed to be acceptable and there is no need for a sequential test. However, residents explain that the site has been known to flood. Nonetheless, the Environment Agency and the Internal Drainage Board do not object to the scheme which includes measures for the movement and storage of water in the form of a Sustainable Drainage scheme, including swales and retention pond. On the evidence before me, and having had regard to the consultees advice I am satisfied that the scheme would be adequately drained and would not result in an unacceptable flood risk.
56. Public open space maintenance would be the responsibility of the developer and this is normally dealt with through a management agreement. In this case such a mechanism is established in the s.106 Agreement in the Owners Covenants at Schedule 3.
57. There was some concern raised regarding the siting of the pedestrian access at the northern corner of the site in relation to it providing access onto a short section of private land outside the appellant's control. However, given this is part of the outline scheme and that access could be achieved to the public footpath at other points I am satisfied this matter could be resolved in the detailed design.
58. Noise and disturbance are an inevitable consequence of development and therefore are seldom a reason to withhold planning permission. However, planning conditions can be imposed to reduce the impact of construction works for example limiting working hours to prevent working at times when residents would expect a good degree of peace and quiet. I note that one resident expresses particular concern that the construction access would prove difficult to him as he undertakes shift work. However, the construction access proposed is not likely to be heavily trafficked and the speed of vehicular movement is likely to be low and thus limit the level and characteristics of noise. Moreover a bund is proposed to mitigate noise impacts and this could be required by condition.
59. The recent position statement from the Council indicates that there is only one housing allocation proposed for Bardney, of some 73 dwellings, given that the outcome of this appeal is awaited (a matter the Council explains is set out in draft policy LP52 for which there is an accompanying map) and may have material implications for further allocations. However, this has had no bearing on my assessment of this appeal which I have determined on its own merits.

### **Planning and Heritage Balances**

60. The Framework at paragraph 134 sets out that harm to designated heritage assets should be weighed against the public benefits of the proposal. In this

case whilst great weight should be attached to harm to designated heritage assets, the extent of harm is one I have identified as being marginal harm to the setting of the Church of St Lawrence. Against that harm the scheme would provide for housing including much needed affordable housing, in a sustainable location. Moreover, there would be enhanced public footpath and open space provision including securing a public open space to the front of the church at the tower end. It seems to me that those benefits outweigh the marginal harm to the setting of the church.

61. In terms of the West Lindsey Local Plan First Review 2006 the proposal broadly accords with policies SUS1, SUS4, R6 relating to sustainable locations and affordable housing. It would also broadly accord with policies RES1, RES5 and STRAT 1 with which there was alleged conflict at the Council's determination stage. Thus, I find that, on the basis of the policies put before me, the scheme would not conflict with the local plan.
62. Paragraph 14 states that at the heart of the Framework there is a presumption in favour of sustainable development, which is the golden thread running through both plan making and decision taking. It makes it clear that for decision taking, where the plan is out of date, as is the case here, sustainable development should be approved unless the impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies of the Framework as a whole. There are three dimensions to sustainable development, economic, social and environmental. In terms of the social role I find the scheme would provide for accessible local services that reflect the community's needs and support its health and social well-being. In terms of the economic role there would be a coordinated approach to development requirements, including the provision of infrastructure. Turning to the environmental role, suitable local service provision would be made and so would help to minimise pollution and assist in moving to a low carbon economy. Whilst there would be a marginal harm to the setting of the Church of St Lawrence I am satisfied that this would be outweighed by the benefits of the scheme. Thus, the scheme would comply with the thrust of paragraphs 7 and 17 of the Framework.

### **Conditions**

63. It is necessary to consider the conditions which should be imposed on this scheme. I have done so having regard to the National Planning Practice Guidance.
64. As this is a hybrid application it is necessary to have conditions identifying the reserved matters required and their timing and commencement conditions related to the differing phases (conditions 1-3). The initial commencement date is a shortened timeframe to reflect the immediate need for housing. The timing for the submission of reserved matters and commencement for the two outline phases reflects a practical approach to maximise progress. Given the phasing in this scheme, the need for public open space for the development and the need to provide space close to the listed church, it is necessary and reasonable to set out in a condition the area to be reserved solely for public open space (condition 4). It is necessary to require surface water drainage details are provided for the latter two phases in order that the site is drained properly as a whole. I have amended the proposed condition to be more readily enforceable so that rather than requiring the drainage scheme to be

- implemented before the development is completed, that it should be implemented before that last dwelling in that phase is occupied (conditions 5 and 6).
65. The construction access runs alongside established housing and will be used for the duration of the construction period. As such it is necessary to create an earth bund for sound attenuation purposes. To be effective I agree with the Council that a 2.5 metre bund is necessary and should remain in situ for the duration of the construction period. It is necessary that the access should be completed in accordance with the approved details, that all traffic associated with the construction of the site should use the access, and that, because of its visual impact, it should be removed at the end of the construction period. The parties agree that a period of seven years is reasonable for the temporary construction access. Whilst that may seem achievable and is desirable, it seems unreasonable not to allow for some flexibility in this matter as it would be irrational to remove it if it is still required for a little longer. I have therefore added some flexibility into that deadline by provide scope to agree an extension to the date with the Council. Because of the close proximity to the existing dwellings it is reasonable and necessary to restrict clearance and construction working hours (conditions 7-11).
66. In the interests of visual amenity the development should be completed in accordance with the Brick and Roof Tile Schedule (condition 12).
67. It is necessary that foul and surface water drainage should be provided for each phase and that each dwelling should be properly drained in terms of foul and surface water, including from the highway, before being occupied. However, surface water drainage of public open space should be provided for through condition 6 for the later phase of development so I shall amend the condition accordingly (condition 13 and 14).
68. It is reasonable that people should be able to access their properties on a good standard road so I consider it necessary that a plan is submitted and approved to detail highway phasing and to require works to be completed to an adoptable standard to provide access to a dwelling before it is occupied. It is also necessary that parking, turning and manoeuvring facilities are provided at the same time (conditions 15 and 16).
69. While landscaping is a reserved matter for the latter two phases, in the interests of visual amenity it is necessary to require a landscaping scheme for the first phase along with details for its maintenance. It is also necessary to require implementation and maintenance of landscaping required for the later phases. In addition it is necessary to remove and replace the hedge alongside the Chestnut Drain to enable access for the Internal Drainage Board and provide for visual amenity. Furthermore, given the relatively open aspect of the site and the need to differentiate between different areas within the site, it is necessary in the interests of visual amenity to require boundary treatment details and their implementation for the detailed (full permission) part of the development (conditions 17-20).
70. In order to improve sustainability and access it is necessary to improve, by resurfacing, the pedestrian links known as 'the Viking Way' and 'Doctors' Lane' to the site. However, I do not consider it necessary to upgrade the whole of the Doctors' Lane footpath as that is a low key rural footpath running alongside the site. The key areas are those which would link the site to Station Road and

Church Lane and so improve connectivity with the settlement and its facilities. I appreciate that there may be issues relating to land ownership that may affect where resurfacing should take place so I consider that details as well as specifications need to be submitted and approved in writing by the local planning authority (conditions 21 and 22).

71. Given the sensitivity of the relationship of the dwellings to the church, it is necessary to require details of finished floor levels for the dwellings on each phase, along with surrounding levels (condition 23).
72. As this site is in close proximity to existing residential properties it is reasonable and necessary to require a construction management plan to deal with matters such as on site construction storage and dust suppression (condition 24).

### **Final Conclusion**

73. For the reasons set out above, and having had regard to all other matters raised, I conclude that the appeal should be allowed.

*Zoë H R Hill*

Inspector

### **Condition Schedule**

- 1) The development of Phase 3a (as shown on plan Phase 3a Site Layout Plan LK/648-MFB/3/004 Rev A) hereby permitted shall begin not later than two years from the date of this decision. The development of Phase 3b (as shown on Indicative Site Layout Plan Rev A00) shall begin not later than two years of the last reserved matter referred to in condition 2 and development of phase 3c (as shown on approved plan Indicative Site Layout rev A00) shall commence not later than one year of the last reserved matter referred to in condition 2.
- 2) Application for approval of the reserved matters (as identified in condition 3) for phase 3b of the development shall be made to the local planning authority not later than three years from the date of this permission. Applications for approval of reserved matters (as identified in condition 3) for phase 3c of the development shall be made to the local planning authority within four years from the date of this permission.
- 3) No development of the area marked 'outline site area 4.08ha' on the approved plan LK/648-MFB/3 001 Rev A00 shall take place until plans and particulars of the appearance, landscaping, layout, and scale of this phase of the development (hereinafter called "the reserved matters") have been submitted to and approved in writing by the local planning authority and the development shall be carried out as approved. The landscaping and layout reserved matters shall adhere to the principles of the parameters shown on the scale 1:1000 Indicative Site Layout Plan Rev A00 and shall include boundary treatment details and the retention of the boundary trees and hedges, public open spaces and wildlife corridors.

- 4) The area edged red on approved plan MFB3/20 entitled public open space shall be reserved solely for public open space and once landscaped as such shall thereafter be retained.
- 5) No development in the area marked 'detailed site area 1.73 ha' on the approved plan LK/648-MFB/3 001 Rev A00 shall take place until a surface water drainage scheme for the site, based on sustainable 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 details shall demonstrate that the surface water run-off generated up to and including a 100 year event plus climate change critical storm will not exceed the run-off from the undeveloped site following the corresponding rainfall event. The scheme shall be implemented in accordance with the approved details before the development last dwelling in this phase is occupied. The scheme shall include: Details of how the scheme will be maintained and managed after completion; detailed calculations of the proposed surface water network including the Sustainable Drainage Scheme element; confirmation of how the different phases have been incorporated into the final design; confirmation of who will adopt the various elements of the surface water scheme; confirmation that the final discharge rate is in accordance with Greenfield run-off rate.
- 6) No development for any further phase in the outline site area marked 'outline site area 4.08ha' on the approved plan LK/648-MFB/3 001 Rev A00 shall take place until a surface water drainage scheme for the site, based on sustainable 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 details shall demonstrate that the surface water run-off generated up to and including a 100 year event plus climate change critical storm will not exceed the run-off from the undeveloped site following the corresponding rainfall event. The scheme shall be implemented in accordance with the approved details before the last dwelling in this phase is occupied. The scheme shall include: Details of how the scheme will be maintained and managed after completion; detailed calculations of the proposed surface water network including the Sustainable Drainage Scheme element; confirmation of how the different phase accords with the overall drainage strategy for the site; confirmation of who will adopt the various elements of the surface water scheme; confirmation that the final discharge rate is in accordance with Greenfield run-off rate.
- 7) Notwithstanding the details shown on drawing MFB3/06 Rev C, no development shall be commenced until details of a revised earth bund of not less than 2.5m in height measured from its base, to be aligned between the approved temporary construction access and the existing dwellings has been submitted to and approved in writing by the local planning authority. The approved bund shall be provided prior to construction commencing and shall remain for the period of construction.
- 8) Unless otherwise required by the conditions and obligations of this approval, the development shall be in complete accordance with the documents in the 'Schedule of Plans and Documents' dated 24 June 2015 and the following plans:

Outline Drawings: Site Location Plan LK/648 – MFB 001 Rev A00; Indicative Site Layout Plan; Indicative Conveyance Plan MFB/35; Proposed Construction Traffic Road MFB3/06 Rev C.

Detailed Site Drawings: Phase 3A Site Layout Plan LK/648 – MFB/3 004 Rev A; Phase 3A Proposed Block Plan LK/648 – MFB/3 003 Rev A00; Phase 3A Existing Site Layout LK/648 – MFB 002 Rev A00; Proposed Site Sections 1 of 4 LK/648 – MFB/3 006 Rev A00; Proposed Site Sections 2 of 4 LK/648 – MFB/3 007 Rev A00; Proposed Site Sections 3 of 4 LK/648 – MFB/3 008 Rev A00; Proposed Site Sections 4 of 4 LK/648 – MFB/3 009 Rev A00; Wall & Fencing Details Detail 6 Rev H; HW9 Wall with Piers Detail 83 Rev A; Electricity Substation MFB3/10; Pumping Station Planning Layout MFB3/11.

Detailed House Type Drawings: Type 1 (2010) 01 Rev A; Type 3D (2010) 01; Type 15 (2010) 01 Rev A; Type 15 (2010) 02 Rev A (Handed); Type 46 (2010) 01 Rev A; Type 68C (2010)/01 Rev A; Type G2Ac (2010) 01 Rev A; Type MaC (2010) 01 Rev A; Type Pc (2010) 01; Type S1LdgC (2010) 01; Type Sc (2010) 01; Type T1c(S) (2010) 01 Rev A; Type T2B (2010) 01 Rev A; Type Y1Ac (2010) 01 Rev A; Type Y1Ac (2010) 02 Rev A; Type Y1Ac (2010) 03 Rev A (Handed); Type Y1Ac (2010) 04 Rev A (Handed). Detailed Garage Drawings: Garage 7/01; Garage 8/01.

- 9) Site clearance work associated with the development hereby approved shall not take place between 1 March and 1 September in any calendar year unless previously approved in writing by the local planning authority.
- 10) All traffic associated with the construction of the development hereby approved shall use the temporary construction access as shown on drawing MFB3/06 Rev C as amended by the requirement for a minimum 2.5m height bund as required by condition 7. The access shall be completed in accordance with the aforementioned drawings revised with the approved bund required by condition 7 before its first use and shall thereafter not be used outside of the following hours:- Monday to Friday (excluding public holidays): 07:00-18:00, Saturdays: 08:00-13:00. The developer shall notify the local planning authority in writing of the date of the access's first use and its use shall cease within seven calendar years from this date, unless the local planning authority gives written permission for that period to be extended to allow for the completion of the development. At the end of the seven year period, or the agreed written extended date, the land shall be returned to its former state and use as agricultural farmland.
- 11) No site clearance or construction work associated with the development hereby approved shall take place outside of the following times:- Monday to Friday (excluding public holidays): 07:00-18:00, Saturdays 08:00-13:00.
- 12) The dwellings shall be completed using the brick and tiles detailed in the Bricks and Roof Tiles Schedule received by the local planning authority on 17 June 2014.
- 13) No development in any phase shall commence until a foul drainage scheme for that phase has been submitted to and agreed in writing by the local planning authority. None of the dwellings hereby approved shall

- be first occupied until the foul drainage scheme for that dwelling has been completed.
- 14) None of the dwellings hereby approved shall first be occupied until the surface water drainage system serving that dwelling including for the highway serving that dwelling has been completed in accordance with the approved details which include those for the later phases required by condition 5 or 6 . The approved surface water drainage system shall be retained thereafter.
  - 15) None of the dwellings hereby approved shall be first occupied until the highway serving that dwelling has first been completed to an adoptable standard in accordance with a specification and highway phasing plan that shall have been previously submitted to and approved in writing by the local planning authority. The highway shall thereafter be retained.
  - 16) None of the dwellings hereby approved shall be first occupied until the private parking, manoeuvring and vehicular and pedestrian access to that dwelling have been completed in accordance with the layout detailed on the approved site layout drawing LK/648 MFB/3 004 Rev A dated 22.08.2014 and in accordance with the subsequent layouts approved in accordance with the reserved matters applications under condition 3. Details of the relevant surfacing shall have been previously submitted to and approved in writing by the local planning authority. The private parking, manoeuvring and vehicular and pedestrian access shall thereafter be retained.
  - 17) Prior to the first occupation of any of the dwellings hereby approved and shown on layout drawing LK/648 MFB/3 004 Rev A dated 22.08.2014 a landscaping scheme shall be submitted to and approved in writing by the local planning authority.
  - 18) The approved landscaping scheme for each phase of the development, including that referred to by condition 17, shall be completed prior to the first occupation of any of the dwellings in that phase and thereafter be maintained in accordance with a maintenance scheme to have previously been submitted to and agreed in writing by the local planning authority for that phase which shall include replanting of failed landscaping for a period of not less than five years from the completion of the final dwelling in that phase.
  - 19) Prior to occupation of the first dwelling approved within Plan reference LK/648 - MFB/3 004 Rev A the existing hedgerow along the southern boundary of the Chestnut Drain shall be removed and a replacement hedge included in the landscape scheme to be approved under condition 17 shall be planted and thereafter retained.
  - 20) No dwelling within the approved plan LK/648 – MFB/3 004 Rev A received by the local planning authority dated 22.08.2014 shall be first occupied until a plan has been submitted and approved by the local planning authority indicating the boundary treatments serving those dwellings. Prior to the occupation of any dwelling the approved details shall be implemented and thereafter retained.
  - 21) No dwelling hereby approved shall be occupied until the public right of way (the Viking Way) has been resurfaced between the footpath known as Doctors' Lane at the western corner of the site and Station Road to a



specification which has previously been submitted to and approved in writing by the local planning authority.

- 22) No dwelling within the area marked 'outline site area 4.08ha' on the approved drawing LK/648-MFB/3 001 Rev A00 shall first be occupied until plans and specifications for the resurfacing of part of the public right of way known as Doctors' Lane to create an improved access route between the site and Church Lane have been submitted to and approved in writing by the local planning authority and the works have been implemented in accordance with the approved plans.
- 23) Before development commences on any phase details of the finished floor levels of the dwellings for that phase, together with the levels/floor levels of the surrounding land and dwellings shall be submitted to and approved in writing by the local planning authority. Development shall be carried out in accordance with the approved details.
- 24) No development shall take place until a Construction Management Plan has been submitted to and approved by the local planning authority. The approved plan shall be adhered to throughout the construction period for all phases hereby approved and shall include: details for the parking of construction vehicles and site operatives' vehicles; loading/unloading of plant and machinery; storage of plant and materials; wheel washing facilities; measures to control the emission of dust and dirt during construction.

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**APPEARANCES**

## FOR THE APPELLANT:

James Hobson	Signet Planning
Neil Kempster	Chestnut Homes
Simon Johnson	Mayfield CA Ltd

## FOR THE LOCAL PLANNING AUTHORITY:

Jonathan Cadd	Principal Development Management Officer West Lindsey District Council
Joe Mitson	GHM Planning Ltd
Ian Fleetwood	Vice Chairman of West Lindsey District Council Planning Committee and Lincolnshire County Councillor and Chairman of County Planning

## INTERESTED PERSONS:

Mr Mason	Lincolnshire County Council - Education
Mrs Jane Page	Local Resident
Mr Newlove	Local Resident
Mrs Woodcock	Local Resident

**DOCUMENTS**

Doc 1	West Lindsey Local Plan Review June 2006 - extracts
Doc 2	Chestnut homes Plan Schedule
Doc 3	Letter from Lincolnshire County Council dated 7 July 2014
Doc 4 a-i in a folder	Folder Containing:- (a) Email from Neil Kempster dated 28 May 2015 regarding the s.106 and use of a condition; (b) English Heritage Historic Environment Good Practice Advice in Planning Note 2 – Managing Significance in Decision-Taking in the Historic Environment and Note 3 –The Setting of Heritage Assets; (c) List of Core Documents for the application including house types list; (d) Planning Committee 4 March (withdrawing reasons 3 & 4); (e) Minutes of the Meeting of 04.03.15; (f) West Lindsey Local Plan Inspector’s Report dated 19 December 2005; (g) R.(on the application of K.Miller) v North Yorkshire County Council [2009] EWHC 2172 (Admin); (h) Building for Life Assessment [2012] by the Building for Life Partnership (CABE at the Design Council, Design for Homes and the HBF); (i) English Heritage History in the View: A Method for Assessing Heritage Significance within Views.
Doc 5	S106 Draft Document
Doc 6	Suggested Conditions
Doc 7	Schedule of Plans
Doc 8	Chestnut Homes Statement Regarding Transport
Doc 9	Joint CIL Compliance Statement

**PLANS**

Plan A      Plan missing from appeal documentation Drawing No Type MaC (2010)  
01 Rev A

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## Costs Decision

Hearing held on 23 and 24 June 2015

Site visit made on 24 June 2015

**by Mrs Zoë Hill BA(Hons) DipBldgCons(RICS) MRTPI IHBC**

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

**Decision date: 26 April 2016**

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### **Costs application in relation to Appeal Ref: APP/N2535/W/14/3001767 Land off Hancock Drive, Manor Farm, Bardney, Lincolnshire LN3 5SR**

- The application is made under the Town and Country Planning Act 1990, sections 78, 322 and Schedule 6, and the Local Government Act 1972, section 250(5).
  - The application is made by Chestnut Homes Ltd for a full award of costs against West Lindsey District Council.
  - The Hearing was in connection with an appeal against the refusal of planning permission for a hybrid application for up to 170 dwellings (Phases 3a, 3b, 3c) of which full planning is sought for 44 dwellings (Phase 3a) and outline permission is sought with all matters reserved except for access for up to 126 dwellings (Phases 3b and 3c), together with a secondary temporary access for construction traffic off Horncastle Road, Bardney.
- 

### **Decision**

1. The application for an award of costs is allowed in part in the terms set out below.

### **Initial Cost Documentation**

2. The application seeking the award of costs and the Council's rebuttal have been made in writing and I shall therefore not repeat them here.

### **The response to the Council's rebuttal made for Chestnut Homes Ltd**

3. Five grounds for costs were advanced. The first relates to the two reasons from which the Council withdrew (reasons for refusal nos. 3 and 4). Although the Council may have acted swiftly to withdraw from those reasons, this was done after the work for the appeal had been undertaken.
4. The scheme accords with the National Planning Policy Framework (the Framework).
5. There were undeniable faults with the precision of reason for refusal no. 3 'the Manor, Church Lane'. It was also imprecise in respect of the walled garden and in that the house is screened.
6. There has been no demonstration as to how there would be a loss of significance of the heritage assets as a result of the scheme.

7. Members did not take professional advice. Whilst they may do this the reasons still need to be clear. If necessary further information should have been sought rather than relying on general assertions.

### Reasons

8. The Planning Practice Guidance advises that, irrespective of the outcome of the appeal, costs may only be awarded against a party who has behaved unreasonably and thereby caused the party applying for costs to incur unnecessary or wasted expense in the appeal process.
9. On the first matter of the work involved in reasons no. 3 and no. 4 of the decision notice the issues are distinct. In terms of the matter relating to highway safety (reason no. 4) it seems nothing changed after the reason for refusal which resulted in the Council withdrawing from that reason. I therefore agree with the appellant that it was unreasonable to pursue a reason for refusal from which the Council then stepped aside. Given work to refute that reason for refusal had to be undertaken in submitting the appeal there was unnecessary expense as a consequence of that unreasonable behaviour. However, costs associated with that reason should only amount to any costs from the date of the Council's Decision to refuse planning permission to the Council's decision to withdraw from that reason on 4 March 2015.
10. Turning to reason no. 3 in respect of the demands on health and education, the Council also withdrew from that reason for refusal on 4 March 2015. Whilst the appellant has clearly provided evidence for the appeal in that regard, I do not consider it resulted in unnecessary or wasted expense. It was essential that clear details could be provided to explain how local infrastructure could be provided for. Indeed, I had to seek further information to clarify the position in respect of Community Infrastructure Levy compliance. Moreover, funding agreed as being necessary has still not been secured. I therefore find that, whilst it amounted to unreasonable behaviour, there was no wasted expense in addressing this matter.
11. In terms of the application of the advice in the Framework, it seems to me that the Council refused the proposal on the basis of the effect on character and appearance, determining that this outweighed the benefits of additional housing. This is a matter of subjective judgement. The Council has consistently sought to defend its view in this regard. Whilst I have not agreed on this matter, I am satisfied that the behaviour of the Council was not unreasonable. Thus, I do not consider that this has led to wasted expense in undertaking the appeal.
12. The Council was unreasonable in failing to correctly identify the listed building correctly in the reason for refusal. However, the listed manor to which reason for refusal no. 2 refers was not in doubt. It was apparent that the listed building was Manor House on Horncastle Road, and it seems that this error, whilst irksome and unreasonable, and being an imprecise reason for refusal, did not result in unnecessary or wasted expense. The effect upon that building still required consideration and it is a matter to which I would have had to have regard by virtue of statute.
13. Although the appellant puts the view that the Council failed to deal correctly with the approach to the impact on the setting of listed buildings, I am satisfied that the Council sought to defend its reasoning in regard of the effect on the

setting of the listed buildings and how this would impact upon significance. There was a matter where the extent of harm became difficult to defend for the Council's specialist. However, that followed from extensive debate and related to one point only. As such, considering the extent of the whole debate and the partly subjective nature of discussing harm to the setting of listed buildings and the consequent impacts on significance, I do not consider that the appellant was put to wasted expense in expressing their case.

14. Members are not duty bound to accept the advice of their officers. Given the subjective nature of some of the matters for debate it was not unreasonable to take a different approach from the Council's officers in respect of reasons for refusal no. 1 (character and appearance) and no. 2 (listed buildings).
15. In conclusion, I have identified some unreasonable behaviour. However, in my view, this has only resulted in wasted expense in respect of reason for refusal no. 4 of the Council's Decision Ref: 131498 (relating to highways matters) and that any expense is limited to the period between the Council making its determination on 24 September 2014 and the Council withdrawing from that reason for refusal on 16 March 2015.

### **Formal Decision and Cost Order – Partial Award**

16. In exercise of my powers under section 250(5) of the Local Government Act 1972 and Schedule 6 of the Town and Country Planning Act 1990 as amended, and all other powers enabling me in that behalf, I HEREBY ORDER that West Lindsey District Council shall pay to Chestnut Homes Ltd the costs of the appeal proceedings such costs to be assessed in the Senior Court Costs Office if not agreed. The costs shall be limited to wasted expense in respect of reason for refusal no. 4 of the Council's Decision Ref: 131498 (relating to highways matters), but limited to the period between the Council making its determination on 24 September 2014 and the Council withdrawing from that reason for refusal on 16 March 2015. The proceedings concerned an appeal more particularly described in the heading of this decision.
17. The applicant is now invited to submit to West Lindsey District Council, to whom a copy of this decision has been sent, details of those costs with a view to reaching agreement as to the amount. In the event that the parties cannot agree on the amount, a copy of the guidance note on how to apply for a detailed assessment by the Senior Courts Costs Office is enclosed.

*Zoë Hill*

Inspector

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## Costs Decision

Hearing held on 23 and 24 June 2015

Site visit made on 24 June 2015

**by Mrs Zoë Hill BA(Hons) DipBldgCons(RICS) MRTPI IHBC**

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

**Decision date: 26 April 2016**

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4. The scheme accords with the National Planning Policy Framework (the Framework).
5. There were undeniable faults with the precision of reason for refusal no. 3 'the Manor, Church Lane'. It was also imprecise in respect of the walled garden and in that the house is screened.
6. There has been no demonstration as to how there would be a loss of significance of the heritage assets as a result of the scheme.

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### **Reasons**

8. The Planning Practice Guidance advises that, irrespective of the outcome of the appeal, costs may only be awarded against a party who has behaved unreasonably and thereby caused the party applying for costs to incur unnecessary or wasted expense in the appeal process.
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12. The Council was unreasonable in failing to correctly identify the listed building correctly in the reason for refusal. However, the listed manor to which reason for refusal no. 2 refers was not in doubt. It was apparent that the listed building was Manor House on Horncastle Road, and it seems that this error, whilst irksome and unreasonable, and being an imprecise reason for refusal, did not result in unnecessary or wasted expense. The effect upon that building still required consideration and it is a matter to which I would have had to have regard by virtue of statute.
13. Although the appellant puts the view that the Council failed to deal correctly with the approach to the impact on the setting of listed buildings, I am satisfied that the Council sought to defend its reasoning in regard of the effect on the



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16. In exercise of my powers under section 250(5) of the Local Government Act 1972 and Schedule 6 of the Town and Country Planning Act 1990 as amended, and all other powers enabling me in that behalf, I HEREBY ORDER that West Lindsey District Council shall pay to Chestnut Homes Ltd the costs of the appeal proceedings such costs to be assessed in the Senior Court Costs Office if not agreed. The costs shall be limited to wasted expense in respect of reason for refusal no. 4 of the Council's Decision Ref: 131498 (relating to highways matters), but limited to the period between the Council making its determination on 24 September 2014 and the Council withdrawing from that reason for refusal on 16 March 2015. The proceedings concerned an appeal more particularly described in the heading of this decision.
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*Zoë Hill*

Inspector



## Appeal Decision

Site visit made on 21 April 2016

**by Peter D. Biggers BSc(Hons) MRTPI**

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

**Decision date: 28 April 2016**

### **Appeal Ref: APP/N2535/D/16/3143231**

### **Whitecroft, Church Road, Laughton, Gainsborough, Lincs DN21 3PP.**

- 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 and Mrs Gary Talbot against the decision of West Lindsey District Council.
- The application Ref 133565, dated 15 September 2015, was refused by notice dated 4 December 2015.
- The development proposed is alterations to existing dormers and erection of new detached double garage and store.

### **Decision**

1. The appeal is dismissed

### **Main Issues**

2. The main issues are the effect of the proposed development on the character and appearance of the host dwelling and the surroundings on Church Road and whether the development would preserve or enhance the setting of the listed church.

### **Reasons**

3. Church Road wraps around the listed church of All Saints and its churchyard. The appeal property, Whitecroft, sits on the south side of Church Road directly facing the church in a prominent open location. It is a dormer bungalow with a dominant hipped roof and 'eyebrow' front dormer. Although it is built in a modern style, its materials of red brick and tile reflect the older secular properties in the road. Its side and rear dormers are flat-roofed but appear to be contemporary with the house. Whitecroft lies on the south side of the village with no dwellings beyond it to the south. Thus it directly frames the longer inward view of the church in the approach from the south along Blyton Road.
4. Although it is the intention that the dormer roof extensions would match the materials of the existing dwelling, the design of the side dormers is such that their ridge top would be at the same height as the ridge to the main house. The roof extension to the rear dormer would take the form of a 'catslide' roof from the ridge of the main house. The effect of these changes would result in significant new mass being added at a high level such that the side and rear dormers would no longer appear subordinate and proportionate to the main roof slope. Viewed from the front and rear of the property the proposed changes to the dormers would appear top-heavy and unbalanced in the roofscape creating a detrimental impact on the character and appearance of the dwelling.

5. It has been put to me that the proposed extension to the rear dormer replacing the current asymmetry in the rear roof slope would improve the appearance of the rear elevation. Whilst I accept that the lengthening of the dormer would not be inappropriate, the treatment of its roof and that of the side dormers, because of the additional scale and mass, would not improve the character and appearance of the dwelling and would appear incongruous with the original design.
6. The house sits in an open, prominent location viewed from north and south on Church Road, from the churchyard and from the school field adjacent to the house to the west. It is not a house which is screened from view in well-landscaped gardens and as such the need to ensure a high standard of design in keeping with its location is all the more important. The effect of the roof alterations would have an adverse impact on the character and appearance of Church Road.
7. I note the Council's views regarding the garage element of the proposal. However, given the positioning, scale, and height of the fully gabled design proposed for the garage, it would be intrusive in this more open section of Church Road particularly in the approach from the south where it would also be viewed directly in the setting of the church. Even if I was to agree with the Council's conclusion that the garage would be acceptable it would not outweigh the harm to character and appearance as a result of the other elements.
8. In coming to a view on this proposal, I have had regard to the *National Planning Policy Framework* (the Framework) which promotes good design and visually attractive developments. I accept that the appellants, in proposing the alterations to the property are seeking to make sustainable and effective use of their existing home, an objective which is encouraged by the Framework. However At Paragraph 64 it states that "*..permission should be refused for development of poor design that fails to take the opportunities available to improve the character and quality of an area.*" The *West Lindsey Local Plan First Review* (WLLP), although not recent, is consistent with this at policy STRAT1 which seeks to protect the plan area's character and at policy RES11 which requires development to be well-designed in relation to the size, shape, and materials of the building to be extended.
9. For the reasons above the proposed extension would harm the character and appearance of the original property and its surroundings. As such it would be in conflict with WLLP policies and the Framework.

#### *Setting of the Listed Church*

10. Whitecroft is currently highly prominent in the setting of the church in inward views from the south and frames that setting in closer views in the approach along Church Road from the south. The introduction of the dormer roof extensions and garage, for the reasons above, would fail to preserve the setting of the listed building, contrary to the clear expectations of section 16 of the *Planning (Listed Buildings and Conservation Areas) Act 1990*, to which the decision maker is required to have special regard. Moreover, it would also be contrary to paragraph 132 of the Framework which anticipates great weight being given to a heritage asset's conservation (including its setting). For the same reasons the proposals would be contrary to WLLP policy STRAT1(vii), which requires development to be satisfactory with respect to its impact on the character, appearance and setting of historic assets.
11. I accept that the harm to the significance of the heritage asset's setting would be less than substantial and, in these cases, Paragraph 134 of the Framework requires that the harm is weighed against any public benefit.

12. The appellant argues that the proposals would improve the appearance of Whitecroft in a sensitive location but, for the reasons above, I am not persuaded that this would be the case and that there would be public benefit to outweigh the importance of preserving the setting of the listed building in accordance with the statutory test.

### **Conclusion**

13. I have carefully considered the matters before me. Whilst the proposals in respect of the conversion of the existing garage and ground floor elevational changes would be in keeping with the character and appearance of the house this is not of itself enough to outweigh the harm that would be caused by the other elements of the scheme. For the reasons given above, I conclude that the appeal should be dismissed.

*P. D. Biggers*

INSPECTOR

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## Appeal Decision

Site visit made on 12 April 2016

**by Claire Searson MSc PGDip BSc (Hons) MRTPI IHBC**

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

**Decision date: 10 May 2016**

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**Appeal Ref: APP/N2535/W/16/3142839**

**Croft House, 26 Craypool Lane, Scothern, Lincoln LN2 2UU**

- 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 Glen Harris against the decision of West Lindsey District Council.
  - The application Ref 132983, dated 1 May 2015, was refused by notice dated 21 August 2015.
  - The development proposed is "*outline planning for proposed 4/5 bed house in rear garden of No 26 Craypool Lane. Proposed use of existing drive that at present belongs to No 26A Craypool Lane for access to site.*"
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### Decision

1. The appeal is allowed and outline planning permission is granted for proposed 4/5 bed house in rear garden of No 26 Craypool Lane. Proposed use of existing drive that at present belongs to No 26A Craypool Lane for access to site at Croft House, 26 Craypool Lane, Scothern, Lincoln LN2 2UU in accordance with the terms of the application, Ref 132983, dated 1 May 2015, subject to the attached schedule of conditions.

### Procedural Matter

2. The application is in outline form with approval sought for access and all other matters reserved for future consideration.

### Main Issue

3. The main issue is the effect of the proposed development upon highway and pedestrian safety of Craypool Lane.

### Reasons

4. The appeal site is a rectangular area of land which is currently garden to No 26 Craypool Lane. The site is served by an existing vehicular access between Nos 26 and 28 and currently used by No 26A, a modern dwelling located to the east of the appeal site.
5. Craypool Lane ('the Lane') is a through road linking Sudbrooke Road to the west with Main Street to the north. It is a winding road, serving a number of residential properties along its length, as well as providing access to modern housing developments along culs-de-sac of Orchard Close and Back Lane. Most dwellings are served by private driveways and there is no on street parking along the Lane.

6. The appellant's traffic statement demonstrates the varied width of the Lane. Close to the appeal site, parts of the Lane are less than 4m wide which is not sufficient for two vehicles to pass. Therefore, if two cars meet, a reversing manoeuvre is likely to be necessary. In addition, there are no pedestrian footways along its length, and therefore the Lane functions as a shared surface for pedestrians, cyclists and vehicles.
7. However, the road is not heavily trafficked. I saw on my site visit that the road is quiet, and I witnessed only minimal traffic movements and no pedestrian use. The submitted traffic survey also found the current traffic flow on the Lane to be low. In addition, the vehicular movements from the proposed development have been modelled and it is estimated that 4 two-way trips would be generated on weekdays. While further trips may be generated, for example by visitors or deliveries, I consider overall that additional vehicular movements along the Lane as a result of the proposed development would be unlikely to be significant. As a result, I consider that the occasions when two vehicles would meet would be infrequent and any increase in vehicle manoeuvres would therefore be occasional.
8. I also consider that No 26 would retain an adequate amount of off-street parking as part of the proposals and would not create a need for on-street parking.
9. I saw that the condition of the Lane is good; there was no damage to verges to suggest that vehicles use these as passing places. Moreover, the presence of banks to many of the verges would prevent this. I therefore also see no reason to believe that the development would lead to vehicles overrunning the carriageway and causing harm to the verges and carriageway edges, as the Council suggests.
10. The speed limit on the Lane is 30mph. However, due to the winding nature and restricted width of the carriageway near to the appeal site, traffic speeds would be likely to be low, and conflict between vehicles and between vehicles and pedestrians only occasional. I also note that no accidents have occurred on the Lane in a 10 year period up to December 2014.
11. I also agree with the appellant that future residents of the proposed dwelling would be most likely to use the northern end of Craypool Lane to access Main Street as this would be the most direct and convenient route. This would therefore minimise the use of the narrowest sections of the Lane, to the west of the site, and reduce the potential for vehicular and pedestrian conflict.
12. Overall, I conclude that the addition of a single dwelling on Craypool Lane would not result in any material risk to the safety of drivers and pedestrians using the highway. Accordingly, I find that the development would comply with Policies STRAT 1 and RES 1 of the West Lindsey Local Plan Review (2006) which, amongst other things, seek to secure suitable and safe access and prevent the creation or aggravation of highway problems.

### **Other Matters**

13. The site forms the rear garden of No 26. While this may comprise backland or tandem development, there are a number of similar examples within Scothern, including No 26A Craypool Lane adjacent to the appeal site. I therefore find that development in this location would not adversely change the form,

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structure or character of this part of the settlement or compromise the setting of adjoining properties.

14. As the application is in outline form, concerns relating to loss of amenity for neighbouring occupiers, the scale, siting and design of the proposed dwelling and its associated parking/turning area, and the matter of land stability can be dealt with at reserved matters stage.
15. In relation to parking and turning facilities, I am satisfied that further details of this can be conditioned in order to ensure that noise and disturbance to neighbouring dwellings would be minimised.

### **Conditions**

16. I have considered the conditions submitted by the Council and raised elsewhere in the appeal documents. In addition to the standard outline conditions, I shall require the provision of adequate on-site turning and parking facilities, and the implementation of this prior to first occupancy, in the interests of amenity and highway safety.
17. There is some likelihood of historic human occupation on the site so an archaeological scheme is necessary. However I shall simplify and combine the suggested conditions, to avoid repetition and for clarity, having regard to the tests set out at paragraph 206 of the National Planning Policy Framework.
18. Conditions limiting hours of construction and provision for the disposal of foul and surface water are also necessary in the interests of amenity. For the same reason, it is necessary to condition for possible contamination, based on the third party evidence provided regarding the proximity of the site to filled ground.

### **Conclusion**

19. For all the above reasons, and having regard to all other matters raised, I conclude that the appeal should be allowed.

*C Searson*  
INSPECTOR

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## Schedule of Conditions

- 1) No development shall take place until details of the appearance, layout and scale of the dwelling and the landscaping of the site (hereinafter called "the reserved matters") have been submitted to and approved in writing by the Local Planning Authority, and the development shall be carried out in accordance with the approved details.
- 2) Application for approval of the reserved matters shall be made to the Local Planning Authority not later than three years from the date of this permission.
- 3) The development hereby permitted shall be begun either before the expiration of three years from the date of this permission, or before the expiration of two years from the date of approval of the last of the reserved matters to be approved, whichever is the later.
- 4) No development shall commence until a detailed scheme to dispose of foul and surface water from the site (including the results of any soakaway/percolation tests) has been submitted to and approved in writing by the Local Planning Authority. The scheme shall be implemented before the dwelling is first occupied and thereafter managed and maintained in accordance with the approved details.
- 5) No development shall take place until full details of parking and turning arrangements, so that vehicles may enter and leave the site in forward gear have been submitted and approved in writing by the Local Planning Authority. The scheme shall be implemented before the dwelling is first occupied and thereafter retained in accordance with the approved details.
- 6) If during development, contamination not previously identified, is found to be present at the site then no further shall be carried out until the developer has submitted, and obtained written approval from the Local Planning Authority, a Method Statement detailing how the contamination shall be dealt with. Thereafter, the development shall not proceed other than in accordance with the approved Method Statement.
- 7) No development shall take place until a Written Scheme of Investigation (WSI) has been submitted to and approved in writing by the Local Planning Authority. The WSI shall be in accordance with the Lincolnshire Archaeological Handbook and include an assessment of significance. This scheme shall also include the following:
  - the programme and methodology of site investigation and recording;
  - the provision to be made for analysis of the site investigation and recording;
  - the provision to be made for publication and dissemination of the analysis and records of the site investigation to be submitted to and approved in writing by the Local Planning Authority within 3 months of the WSI being completed;
  - the methodology and provision to be made for archive deposition of the analysis and records of the site investigation and any



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artefactual evidence recovered from the site in an agreed location within 3 months of the WSI being completed;

- the nomination of a competent person or persons/organisation to undertake the works set out within the WSI.

Thereafter, the development shall not proceed other than in accordance with the approved WSI.

- 8) The Local Planning Authority shall be notified in writing of the intention to commence the archaeological investigation in accordance with the approved WSI referred to in condition 7 at least 14 days before the said commencement. No variation shall take place without prior written consent of the Local Planning Authority.
- 9) Construction work shall only be undertaken on the site between the hours of 0900 and 1800 Monday to Friday and 0900 and 1300 on Saturday, and not at all on Sunday or Bank Holidays.

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