

**AGENDA**

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

**Planning Committee**

**Wednesday, 24th August, 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 Matthew Boles
- Councillor David Cotton
- Councillor Michael Devine
- Councillor Hugo Marfleet
- Councillor Giles McNeill
- Councillor Mrs Jessie Milne
- Councillor Roger Patterson
- Councillor Judy Rainsforth
- Councillor Thomas Smith

1. **Apologies for Absence**
2. **Public Participation Period**  
Up to 15 minutes are allowed for public participation. Participants are restricted to 3 minutes each.
3. **To Approve the Minutes of the Previous Meeting**
  - i) Meeting of the Planning Committee held on 27 July 2016, previously circulated
4. **Declarations of Interest**
5. **Update on Government/Local Changes in Planning Policy**
6. **Planning Applications for Determination** (PAGES 1 - 2)

- a)** 131181 - Caistor  
Outline planning application for erection of 69 no. dwellings-  
access to be considered and not reserved for subsequent  
applications on land at Brigg Road, Caistor. (PAGES 3 - 32)
- b)** 134622 - Gainsborough  
Planning application for change of use of waste ground to car  
parking at Car Park, Hickman Street, Gainsborough. (PAGES 33 -  
38)
- c)** 134684 - Gainsborough  
Planning application to construct two storey side extension including  
single storey porch enclosure at front at 30 Heapham Road,  
Gainsborough. (PAGES 39 -  
44)
- 7. Tree Preservation Order** (PAGES 45 -  
48)
- 8. To determine the start time of future meetings**
- 9. To note the Determination of Appeals** (PAGES 49 -  
68)

M Gill  
Chief Executive  
The Guildhall  
Gainsborough

Tuesday, 16 August 2016



|                           |
|---------------------------|
| PL.05 16/17               |
| <b>Planning Committee</b> |
| <b>24 August 2016</b>     |

**Subject: Planning applications for determination**

Report by:

Chief Operating Officer

Contact Officer:

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Chief Operating Officer  
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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**

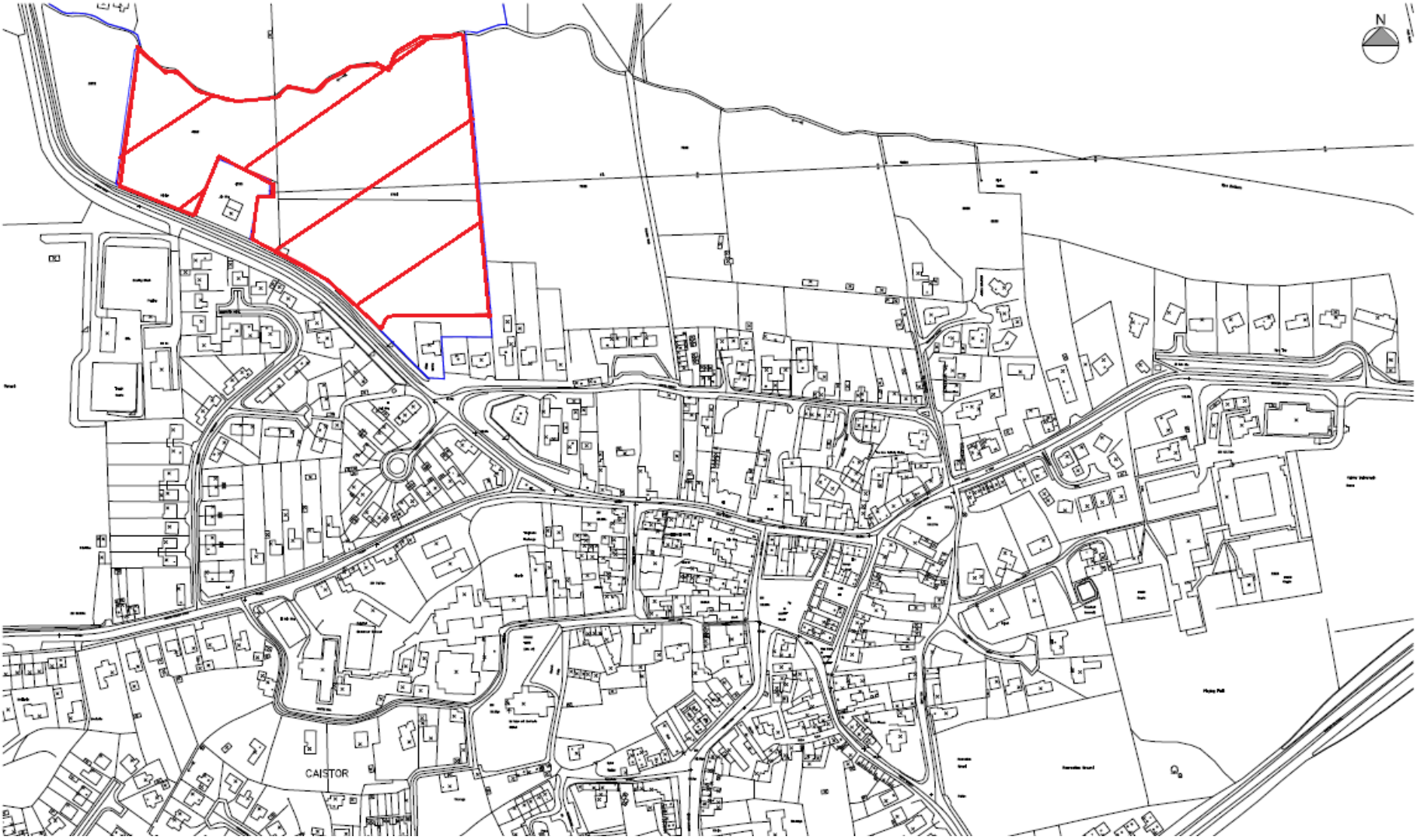
**No**

**Key Decision:**

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

**Yes**

**No**



## **Planning Application No: 131181**

**PROPOSAL:** Outline planning application for erection of 69 no. dwellings-access to be considered and not reserved for subsequent applications

**LOCATION:** Land at Brigg Road, Caistor, LN7 6QG

**WARD:** Caistor

**WARD MEMBER(S):** Councillor Lawrence, Councillor Bierley

**APPLICANT NAME:** Mr R Oxley and R Marriot

**TARGET DECISION DATE:** 22/05/2014

**DEVELOPMENT TYPE:** Large Major - Dwellings

**RECOMMENDED DECISION:** Refuse permission

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### **Description:**

This application seeks outline permission to erect 69 houses with access to be considered and all other matters reserved. The application site is located to the north of Caistor and fronts onto Brigg Road. The application site is irregular in shape with an area of 3.34ha. The site does not include an electrical substation which fronts Brigg Road and has its own access.

The layout provided is indicative but access is under consideration and would be to Brigg Road. The access would have a width of 5.5m with paving either side. Of the site, 2.41ha would be developed leaving an area of 0.93ha as open space. The proposed development would have a range of housing types from bungalows to houses (up to three storeys in height). An area of land to the front of the site would be available as open space whilst a more substantial area of open space would also be formed to the northern section of the site adjoining the stream and the open countryside.

The site is currently grazing land. Whilst relatively flat to the north western parts of the site gradients rise to the east and south east considerably. The maximum change in ground levels at its greatest would be 20m. Gradients at the site would be more severe on some parts of the site compared to others. The northern part of the site includes a stream and is the lowest part of the site.

To the north, north east and east of the site is further grazing land, part of the Waterhills area a locally designated area of nature conservation site. To the south east is residential development within the North Street area of Caistor. To the south and west is Brigg Road (A1084) which is the main road running through Caistor to the north. Beyond this road are further dwellings within the Keyworth Drive area. Also to the north west of the A1084 is Caistor Sports Ground.

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:**

None

**Representations:**

**Original Design for 72 dwellings**

**Sir Edward Lee MP:** I oppose this development as it places too much strain on existing infrastructure.

**Chairman/Ward member:** Have received requests from Town Cllr Caine to clarify information due to a number of discrepancies within the details submitted.

**Caistor Town Council:** Object

- Traffic survey states 40 houses when there are 72 leading to approximately 144 vehicles being accommodated at the site. Close to a dangerous bend leading to more accidents. Survey done in the winter when there are no motor cycles using the roads. Access is opposite the sports ground access which will increase conflicting movements and increase danger. The road is an A road with fast moving traffic, this combined with the conflicting traffic movements from these access points would lead to a significant increase in risk for traffic. It is also narrow at this point with no verges to escape to if a collision is imminent.
- The land is part of the Great Landscape Value designation in the current Local Plan and is used by walkers and is important to tourism in Caistor. It would also harm views from the AONB. The site is also important for wildlife and a full survey should be required. The site is boggy and drainage is a concern. Archaeology in this area is important.
- Infrastructure in the area is at capacity significant concerns over sewage, doctor's surgery and schools which are oversubscribed.
- Further comments received from the Town Council include signage should be provided at the pedestrian crossing and speed limits reduced to 30mph at the onset of building. With a gated entrance to be provided further down Brigg Road. A SID speed camera should also be proposed.
- A watching brief for archaeology should be supported and the drainage report is still inaccurate.

102, 106 & Shieling Farm, Brigg Road,  
8 Spa Top,  
Chapel House, Church Street,  
22 Old Sessions House Buttermarket,  
1 The Ropewalk (x2),  
15 Cherry Holt (x2),  
2 & 154 North Kelsey Road,  
1, 3(x2), 5 & 6 Keyworth Drive,  
4 Knapton Court,  
60, 84 (x2), 86, 88 & 90(x2) North Street,  
3 (x2) & 4 Riby Road,  
6 Yarborough Rise,  
(x2), 37 & 38 Kelsway,  
20 High Street,  
20 (x3) & 43(x2) Lincoln Drive  
15 Coach House Court,  
15 Windsor Drive,  
16 Ayscough Grove,  
28 Hansard Crescent,  
15 Newbolt Close and  
9 Bobs Lane, Caistor.  
5 Draycot & 5 Woodfarm Close Nettleton,  
Holly Tree House Kirmond Road Binbrook  
Fonaby Lodge Fonaby and  
17 Buttercup Way Castleford (previous resident of Canada Lane Caistor):

Objections to the scheme as originally submitted can be summarised as:

- Highway safety and capacity  
Brigg Road is very busy and the access is in a hazardous location with a 40 mph limit. Drivers travelling out of Brigg come down hill and gather speed. Coming into Brigg there is a blind bend further reducing the ability of people to stop. There have been a number of near misses at the sports club access, this proposal will be worse. Speed limits are not observed and heavy farm machinery, HGVs, cars and motorbikes use this road. There is no footpath on the western side of the road making sports ground users to cross the road increasing the chance of accidents. At school times the road is grid locked. Other houses at 5 and 7 Brigg Road and notably the development at Keyworth Drive have had access points denied so why would it be reasonable for 72 houses to access here? Children would cross here to get to the sports field, a very bad idea.
- There are no jobs in Caistor so people will drive to Grimsby, Scunthorpe or Lincoln – there is no benefit to Caistor or its facilities.
- The report was undertaken in winter when there are fewer cars and motorcycles that focus on Caistor in the summer months. Also no account has been taken of the new caravan park at Caistor Lakes.
- Between 08:30 – 09:00 and 15:30 – 16:00 Caistor becomes grid locked with school children.
- Site is very boggy and is known locally as Waterhills. A lot of small creatures use this area for hibernating including: foxes, Muncjac deer



and rodents. A hawk is also noted to use the site. There are also various food plants which wildlife use on the site.

- As the site is boggy, due to the natural springs the area will lead to flooding elsewhere.
- Houses locally have been flooded with sewage in the recent past. The system cannot cope currently. Sewage tankers have to pump the waste out of the system regularly to stop over flow. Electricity supply is poor too with a number of short cuts
- Waterhills is Caistor's equivalent of Hubbard's Hills in Louth. The site is very attractive and visible and is an ancient landscape which should be protected for tourism. It is close to the Viking Way. From Caistor this site gives uninterrupted views of the vale. If this is approved other fields will follow. It is a well-loved area locally and forms part of the valley that defines Caistor. Only in a few places can you walk from a market square into the countryside within a few minutes. This is an attraction for tourists. It would also spoil the view. Local residents love to walk through the site, children play here and families' picnic. The site is known for its archaeological significance and as a result investigations should be undertaken and is part of the Area of Outstanding Natural Beauty. It will lead to further development.
- There are other brown field sites which should be used first.
- The Neighbourhood Plan does not condone development in this area. The plan previously had the site in as we were told to recognise what was in the SHLAA. To build on the lower part of Waterhills Valley would significantly detract from the whole valley.
- The schools and doctors are full and cannot cope with such a large influx of people. There is no dentist.
- People who choose to live in Caistor do so for the rural nature of the town not a built up estate environment
- Car parking is a significant problem in Caistor and this proposal will lead to more people travelling into the centre making it worse.
- Too many houses are being built in Caistor and it will de-value existing property. A lot of new houses being built are still empty.
- Policing in Caistor is poor and the proposal will place further stress on the town. A playground would introduce greater anti-social behaviour.
- Having a high voltage substation close to where children live will be a bad idea
- The proposal is an over development of the site with little area for footpaths, due to car parking. The development covers too greater area. Too many houses! The density is too high, would be better to be lower with more space to blend it with the countryside. The garage blocks to the centre of the development will appear unattractive.

- The site does not appear in the Neighbourhood Plan which whilst not approved by referendum does shown local support for retaining this open area. To approve housing would appear undemocratic.

Supporting: 59 North Kelsey Road, 66 South Street & Support Grimsby –

- Support proposal as I would like to move back to the town. Director and Chairman of Caistor Development Trust – The town has reached a water shed after a number of important projects such as the Caistor Townscape Heritage Initiative, Caistor Montessori, Co-op store and the Arts and Heritage Centre. These social and economic enterprises have provided a boost to the area but the economic and social well-being of the town is limited by its population which is less than 3000. To succeed Caistor needs more houses and jobs. There are few sites which would provide easy pedestrian access into the market square. Perhaps, however, a s106 planning legal agreement could be provided to support the Caistor Development Trust to use for the provision of additional car parking.
- Houses for sale in Caistor too expensive and with little choice, this will help
- Having to move away as so little choice.
- Still a lot of beautiful views in the town.
- Will assist to bring more facilities to the town.

**Civic Society:** Access is dangerous with a number of fatal accidents in the area. It is close to a bend and people do not abide by the speed limit. It would also make it more difficult to access Brigg Road from North Kelsey Road. There are already two large housing developments in the town and this will increase significant pressure on schools, doctors and the sewerage system. There would be a loss of attractive open countryside, wildlife will be affected by the proposal and it would prevent the land being farmed again. There are also a number of natural springs on the site leading to surface water drainage concerns Tourism would suffer as parking is at a premium in the centre bit these spaces would be taken by new residents.

**LCC Highways:** Requires additional information and amendments – A footpath should be provided along the full length of the frontage. The pedestrian link to the sports ground on the opposite side of Brigg Road would be improved with tactile paving. The proposed access should be designed to accommodate 40mph traffic and a traffic regulation order should be agreed to reduce the speed once the development is occupied.

**Archaeology:** The settlement of Caistor is known to be of Roman origin with Romano- British pottery being removed from other sites in Canada Lane and Brigg Road. The use of the town into the Anglo-Saxon period has led to burial finds in two locations on North Street. The site is also identified as having ridge and furrow on site. Further assessment is required including intrusive evaluation to identify the nature, extent and significance of any archaeological features on the site.

**Lincolnshire Police:** Do not object but offer general advice on the layout which is indicative only.

**Environmental Protection:** No objection in principle but need to address contamination from substation and potential hot spots of contamination resulting from long term burning on the site. Should also consider noise from the substation. Need to consider the terrain which would need to mitigate the surface water generated by the proposal and the ability to store, attenuated and infiltrate the surface water on site.

**Education:** A contribution of £157 870 is requested for the primary school

**Environment Agency:** Object on the grounds of no Flood Risk Assessment. Sewerage works has capacity but confirmation from Anglian Water is required. The site is within a public water supply abstraction area and a watercourse is known within the site. No surface water runoff should occur during construction. Water running into water courses during construction should be eliminated.

Following additional consultation the objection has been withdrawn subject to conditions being imposed to agree a surface water drainage strategy and limitations on surface water flows based on green field rates during a 1:100 year storm event plus climate change.

**Lincolnshire Wildlife Trust:** Object the site is close to the Waterhills Local Wildlife Site (LWS) which has a connection to the proposed development site through the stream which runs to the north. The LWS is important due to its calcareous and neutral grassland indicators as well as those of flowing and standing water associated with the springs. Given the ecological linkages between the two sites and that aerial photos indicate that the development site may be unimproved grassland, there is a possibility that the site could be of ecological interest. There is no ecological report attached and there should be a report which assesses the site for potential for protected or notable species to be present and make recommendations for mitigation or enhancement as well as providing a botanical survey of the site. Until the extent of the impacts are known the Trust objects to the proposal.

Additional comments – the additional supporting information was completed in December when the plants of interest are dormant. Therefore the assessment required should be done at the appropriate time of year.

**Anglian Water:** Have confirmed that there is capacity for a 72 house development within the sewerage network. Surface water is not a matter relevant to Anglian Water and the Environment Agency should be contacted.

Revised plans were subsequently submitted reducing the number of dwellings from 72 to 69.

#### **Comments on the revised plans:**

**Sir Edward Lee MP:** has significant objections to the proposal due to the impact on the limited infrastructure in the village: highway safety, schools, doctors and drainage (in particular flooding & lack of sewerage capacity in the area).

**Caistor Town Council:** Objects on the following grounds

*Highways safety and capacity*

- The development will generate 150 car movements a day.
- The access is dangerous
- Since the original survey undertaken Caistor Lakes has opened and all year round occupation at the Wolds Retreat this has had an effect on traffic levels.
- The report also was undertaken in winter when traffic levels were lower. An additional access of Brigg Road has been resisted.
- The Council is also aware of a number of unrecorded accidents in the area.
- Speed reduction to 30mph should take place at the commencement of development not completion.
- Footpath extension is welcomed
- Requires a right hand turn lane
- Advice note requested re construction traffic.

*Procedural*

- If outline consent granted a detailed application should follow

*Drainage*

- Concerns remain with respect to drainage and the ability of soakaways to deal with water

*Environmental*

- Concern that surface water run off would contaminate sensitive Local Wildlife Area up stream.
- An archaeological watching brief is required.

*Infrastructure*

- Concerned that foul drainage system capacity is exceeded.
- Reduction in house numbers is therefore recommended.
- Insufficient fresh water will be available to the site
- The local doctors, dentist and school cannot cope with the influx of users

Conclusion

The Council is opposed to further development in Waterhills Area as allocated in the new Local Plan.

**Local residents:**

5 Spa Top & Chapel House, Church Street,  
9 Horsemarket,  
9, 60, 82, 84 & 90 North Street,  
Hilltop Cottage & 4 Cherry Halt,  
22 Plough Hill,  
Belleau Lodge Grimsby Road,  
28 South Street,  
102a Brigg Road,  
Whitegate Hill,  
20 Lincoln Drive,  
18 Southgate,  
9 Chapel Street,

Raynesway Canada Lane,  
12 Cromwell View  
2 Eddington House Nettleton,  
1 Stainton Drive, Immingham

- Objections

Brownfield sites in Caistor should be utilised first. Caistor Hospital site has been under construction for many years and is not built out yet. Navigation Way is the same. No need for further houses

Spring water emanates in the area and flooding occurs at times. Developing this area will increase this risk and lead to damp and land fall.

There is also concerns as to contamination of spring water impacting upon drinking water.

During periods of heavy rain significant floodwater runs down North Street towards the site entrance. Drains surcharge in the area. This will make matters worse. The incidents of heavy rain is increasing due to climate change.

Potential impact on flora and fauna is not adequately assessed. Kestrels are noted in the area. Orchids are also found here. Many of the hedgehogs nursed to health are released there.

It was mentioned by the Area of Outstanding Natural Beauty contact at a meeting that views into, out of, and including views within that boundary are of equal importance. Therefore the Viking Way which enjoys National Walkway status should have views of attractive scenery from its path. The housing development will impede on this view from the Viking Way. Within the area tourism is important and this will harm it.

The area is the beginning of the end for this well-loved area which has a unique character. It is well used by locals for recreation and aesthetic value. Although in private ownership it is much appreciated by residents. Natural water in the area runs down into streams which flow by the Grammar School. Lots of people use the footpaths in the area which overlooks the site. Ruin the pleasant nature of the site.

The road is not safe at this point due to the tight bends in the road, blind spots and the rising terrain. Extra footpaths and cycle ways will increase vulnerable traffic in this location. There needs to be a pedestrian crossing to the sports field. There should be right hand turn lanes to limit safety concerns. During winter this area of the road floods and freezes increasing danger.

Changes made to the previous scheme are very minor and make no difference to the issues

Insufficient traffic assessment has been undertaken, and that a number of safety risks have not been addressed and that should consideration be given to recommending approval, the following concerns must be seriously considered on the grounds of highway safety. An access to Keyworth Drive close by has been refused on safety grounds. At least two additional

accidents have occurred with a car leaving the road and a cyclist knocked off.

The overall growth of the traffic on the A1084 has been under estimated and the increases in traffic should be investigated further. Traffic growth from the site has also been grossly underestimated at least 130 cars will be attracted. The road is used by all classes of traffic and includes: 44 tonne HGV's, children cycling to the nearby sports facilities and motorcycles. Slow moving turning vehicles are also found in the area particularly if there is an event at the sports club like a cricket/ football match. Bike nights also increase motor cycle use in the area considerably. Survey was undertaken in winter when there are no holiday traffic.

A western relief road is needed to take heavy traffic out of the town.

Not enough doctors, residents cannot get appointments within 10 days. The GP's lost a doctor recently how will the surgery cope with extra patients? Schools are full and there is no pre-school provision. There are no shops in the town so no additional dwellings should be erected until infrastructure and services are made available.

Not sustainable most journeys will be by car.

Power lines should be underground and the substation is not sufficient for the area and fails often.

Having housing next to the substation will increase vandalism and reduce security and safety.

Lack of capacity in the foul drainage system and drinking water.

Density is too great and not in keeping with the area, bungalows would be better with larger gardens – fewer more up market dwellings are required.

The issue of this application has divided the town of Caistor and has led to a lot of bad feeling and apathy. It has also stopped people getting involved with the Neighbourhood Plan.

- Support: Whitegate Hill, 18 Wood Farm Close Nettleton, 12 North Kelsey Road,

Caistor needs additional development to take the regeneration agenda forward it has now stalled. Due to its limited population the economy of the area is fragile. The site is ideally placed close to the market square and the town needs small developments such as this.

The visual impact is not as bad as made out and is mainly behind North Street. It is not on the Waterhills area

If more houses are allowed it will increase the pressure on authorities to get a new GP.

It is as infill site

Proposal has good urban design principles.

People will walk as the local centre is very close by.

**Public Rights of Way:** The Definitive Map and Statement shows Definitive Bridleway (Caistor) No. 30, Canada Lane, and Footpath No. 29, Hundon Walk, in the wider vicinity of the site although not directly affected by the proposed development.

New households will seek opportunity for fresh air and exercise and a planning condition is sought to provide a further footpath or bridleway link to Canada Lane. This would be to affect only lands in the same ownership with detail of the alignment and surface of this to be agreed in negotiation with LCC.

**Anglian Water:** Caistor recycling centre has capacity to accommodate the development. Proposals will require foul water to be pumped to the network. The foul sewerage network does not have capacity and will result in unacceptable flooding downstream. A drainage strategy will be required to determine mitigation measures. A condition is required to agree improvement works before work commences on site.

**Environment Agency:** Request condition relating to contamination to protect the aquifer.

**Lincolnshire Wildlife Trust:** Previous plans illustrated that the majority of the botanical interest in the sloping areas running down to the stream would be retained. Further information regarding water discharge and management of retained habitats would be required at a later date however. Current plans however, are now unclear about the status of these areas. The revised Design and Access Statement refers to these areas of retained vegetation as 'green space' and the landscape strategy on page 54 shows the garden areas stopping short of this. Plans, however, show the plots extending all the way down to the stream. If the retained habitat is included within individual plots then it is effectively garden land and is likely to be ultimately lost as there will be no control over management. If such areas are lost an objection would be required. Clarification is therefore required.

The provision of two new SUDS ponds within the scheme which will hold permanent water is supported and should be designed to benefit wildlife as well as serving their principal drainage function.

The terrestrial area surrounding the ponds should be managed to provide species rich grassland with features suitable for amphibians and reptiles which may be attracted to the area. It is recommended that existing grassland in these areas be retained and protected wherever possible. Advice is also given on measures to be taken if damage to such areas occurs complement habitats at the adjacent stream and nearby Water Hills Local Wildlife Site.

Details of the final surface water drainage strategy is required given the stream is at the head of the catchment. This can be conditioned. Only clean water should be discharged to the watercourse.

**Archaeology:** No further input required.

**Public Protection:** Objections remain

- Concerns remain in relation to the contamination and noise from the substation.
- Surface water and potential for surface water flooding.

Many of the original concerns remain particularly with respect to the issue of surface water drainage. Despite a number attempt to resolve matters these issues remain.

Additional concerns include the proposed bunds which are proposed to the eastern boundary which would redirect water which currently flows onto the site. It is not detailed as to how such flows would be managed increasing the risk to others.

Despite the potential and innovation that has been apparent, it is not reflected in this application. Accordingly I cannot recommend approval.

### ***Lincolnshire County Council Highways & Lead Flood Authority:***

#### **Relevant Planning Policies:**

##### National guidance

National Planning Policy Framework (NPPF)

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

National Planning Practice Guidance (NPPG)

<http://planningguidance.communities.gov.uk/blog/guidance/>

##### West Lindsey Local Plan First Review 2006

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>

STRAT5 – WINDFALL AND INFILL DEVELOPMENT WITHIN MARKET RASEN & CAISTOR

<https://planning.west-lindsey.gov.uk/planning/localplan/written/cpt3b.htm#strat5>

STRAT9 – PHASING OF HOUSING DEVELOPMENT AND RELEASE OF LAND

<https://planning.west-lindsey.gov.uk/planning/localplan/written/cpt3b.htm#strat9>

STRAT12 – DEVELOPMENT IN THE OPEN COUNTRYSIDE

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

STRAT 19 – INFRASTRUCTURE REQUIREMENTS



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

SUS 1 – DEVELOPMENT PROPOSALS AND TRANSPORT CHOICE

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

SUS 4 – CYCLE AND PEDESTRIAN ROUTES IN DEVELOPMENT PROPOSALS

<https://planning.west-lindsey.gov.uk/planning/localplan/written/cpt4.htm#sus4>

MT 1 - MARKET TOWNS

<https://planning.west-lindsey.gov.uk/planning/localplan/written/cpt5.htm#mt1>

RES1 – HOUSING LAYOUT AND DESIGN

<https://planning.west-lindsey.gov.uk/planning/localplan/written/cpt6.htm#res1>

RES5 – PROVISION OF PLAY SPACE/RECREATIONAL FACILITIES IN NEW RESIDENTIAL DEVELOPMENTS

<https://planning.west-lindsey.gov.uk/planning/localplan/written/cpt6.htm#res5>

RES 6 – AFFORDABLE HOUSING

<https://planning.west-lindsey.gov.uk/planning/localplan/written/cpt6.htm#res6>

CORE10 – OPEN SPACE AND LANDSCAPING WITHIN DEVELOPMENTS

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

NBE9 – THE LINCOLNSHIRE WOLDS – AREA OF OUTSTANDING NATURAL BEAUTY

<https://planning.west-lindsey.gov.uk/planning/localplan/written/cpt11.htm#nbe9>

NBE 10 - PROTECTION OF LANDSCAPE CHARACTER IN DEVELOPMENT PROPOSALS

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

NBE 12 - DEVELOPMENT AFFECTING LOCALLY DESIGNATED NATURE CONSERVATION SITES AND ANCIENT WOODLANDS

<https://planning.west-lindsey.gov.uk/planning/localplan/written/cpt11.htm#nbe12>

NBE 14 - WASTE WATER DISPOSAL

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

NBE 15 - WATER QUALITY AND SUPPLY

<https://planning.west-lindsey.gov.uk/planning/localplan/written/cpt11.htm#nbe15>

NBE20 - DEVELOPMENT ON THE EDGE OF SETTLEMENTS

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

## **Submitted Central Lincolnshire Local Plan (June 2016)**

<https://www.n-kesteven.gov.uk/resources/assets/attachment/full/0/17818.pdf>

LP1: A presumption in favour of sustainable development  
LP2: The spatial strategy and settlement hierarchy  
LP9: Health and wellbeing  
LP10: Meeting housing needs  
LP11: Affordable housing  
LP12: Infrastructure to support growth  
LP13: Accessibility and transport  
LP14: Managing water resources and flood risk  
LP16: Development on land affected by contamination  
LP17: Landscape, townscape and views  
LP18: Climate change and low carbon living  
LP21: Biodiversity and geodiversity  
LP24: Creation of new open space, sports and recreation facilities  
LP25: The Historic Environment  
LP26: Design and amenity  
LP51: Residential allocations – Market Towns

The CLLP has completed its third and final round of public consultation and has now been submitted for examination by the Planning Inspectorate. The Plan will be subjected an Examination in Public (EIP) and those policies which have been objected to will be defended during this process. In accordance with paragraph 216 of the NPPF the weight afforded to policies within this draft of the Local Plan has significantly increased.

## **Caistor Neighbourhood Plan (CNP) Made Version**

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

CNP Policies:

- 1 - Growth and the resumption in favour of sustainable development
- 2 - Type scale and location of development
- 3 - Design quality
- 4 - Housing mix and affordable housing provision
- 5 - Improved pedestrian and cycling linkages
- 8 – Leisure facilities
- 10 - Tourism
- 14 – Community infrastructure requirements

Aspiration 1 – Transport, traffic and highway infrastructure delivery and management strategy

The Caistor Neighbourhood Plan has been produced following extensive public consultation. The formal making of the plan occurred on the 6<sup>th</sup> March 2016. Through the making of the plan the CNP now forms part of the Adopted Development Plan for West Lindsey and is used to determine planning applications.

- *Principle of housing in this location (STRAT1, STRAT3, STRAT5, STRAT9, STRAT12 and MT1)*
- *Character & nature conservation issues (STRAT1, NBE10, NBE12, NBE15 and NBE20)*
- *Highway safety and capacity (STRAT1, MT1, RES1, RES3)*
- *Drainage and Flooding (STRAT1, NBE14 & NBE15)*
- *Archaeology (STRAT1)*
- *Design and residential amenity (STRAT1, STRAT5, CORE10, RES3, RES5).*

#### **Assessment:**

- *Principle of housing in this location (STRAT1, STRAT3, STRAT5, STRAT9, STRAT12 and MT1)*
- i) *Provisions of the West Lindsey Local Plan First Review*

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

The Local Plan, which has a lifetime of 2006-2016, contains a suite of strategic (STRAT) and residential (RES) policies that are designed to provide a policy framework to deliver residential development in appropriate locations to respond to need and the Council's housing provision objectives.

The site lies outside of the settlement limit for Caistor and is therefore classified as being within the open countryside. Policy STRAT12 applies and states that development should not be permitted in such locations unless there is justification for it being in an open countryside location or it can be supported by other plan policies.

Permission is sought for residential development comprising both market and affordable housing – it does not meet the exceptional criteria of STRAT12. As an undeveloped, or 'greenfield' site it also falls on the bottom rung of STRAT9's sequential approach towards prioritizing previously developed land.

The development is contrary to the development plan and falls to be refused unless there are material considerations to indicate otherwise.

#### *ii) National Policy*

A significant material planning consideration is the National Planning Policy Framework (NPPF). Paragraph 49 states that:

*'Housing applications should be considered in the context of the presumption in favour of sustainable development. 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.'*

The latest assessment indicates that the 5 year housing land supply requirement (taking account of a 20% buffer) amounts to 11531 dwellings for Central Lincolnshire. The spatial housing policies of the adopted Local Plan fall some way short of West Lindsey's proportion of this figure and as a result

to meet the identified housing need greenfield sites not allocated in the adopted WLLP will need to be considered for development. It is therefore accepted that spatial housing policies of the WLLP should be considered out of date.

Planning Practice Guidance states that *“Where evidence in Local Plans has become outdated and policies in emerging plans are not yet capable of carrying sufficient weight, information provided in the latest full assessment of housing needs should be considered. But the weight given to these assessments should take account of the fact they have not been tested or moderated against relevant constraints.”*

The NPPF post-dates the development plan and requires Councils to *“identify and update annually a supply of specific deliverable sites sufficient to provide five years’ worth of housing against their housing requirements with an additional buffer of 5% (moved forward from later in the plan period) to ensure choice and competition in the market for land.”* The buffer raises to 20% where there is a consistent record of under delivery.

The latest Housing Land Availability Assessment (May 2016) identifies a need of 11,531 dwellings across five years, which includes a 20% buffer due to the previous undersupply of housing land. The latest (May 2016) five year supply figures are based upon an overall housing requirement for the plan period of 36,960 dwellings – this figure is based on a published Strategic Housing Market Assessment (SHMA).

The assessment also identifies a land supply suitable for residential development. This shows a supply of 5.33 years (12,283 dwellings) in the five year period 2016/17 to 2020/21. The assessment includes:

- sites under construction;
- sites with full planning permission, but development has not started;
- sites where there is a resolution to grant planning permission;
- sites with outline planning permission;
- sites allocated in an adopted Local Plan; and
- sites not allocated in a Local Plan or without planning permission and which have no significant infrastructure constraints to overcome
- A windfall allowance (of 187 dwellings a year from the second year)

The Submitted CLLP identifies a large number of sites, including the application site, to meet the assessed housing need. As the CLLP has been submitted to the Planning Inspectorate, with the Examination in Public (EIP) expected in the autumn, it is considered that the allocation should be given additional weight in any determination. Substantial evidence reports have been published, including sustainability appraisals for all allocated sites. Such reports justify the selection of the allocated sites and show they are readily available. This site is readily available and is underlined by the submission of this application.

Nevertheless the NPPF’s presumption in favour of sustainable development (para. 14) is still activated, which for decision-taking means: *where the development plan is absent, silent or relevant policies are out-of-date, granting permission unless:*

*– any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in the Framework taken as a whole; or*

– *specific policies in the Framework indicate development should be restricted.*

### iii) Submitted Central Lincolnshire Local Plan

The Submitted Central Lincolnshire Local Plan (Jul 2016) also contains a suite of policies relating to the planning principle for the area and land allocations. The plan categorises settlements as per their function, scale, services and connections. Policy LP2 indicates that Caistor would be determined as Market Town. Here policies indicate that Caistor will be the focus for significant but proportionate, growth in housing... Most of its growth it notes will be via sites allocated in this plans, or the intensification or renewal of the existing urban area. However, additional growth on non-allocated sites in appropriate locations on the edge of these market towns may also be considered favourably though these are unlikely to be supported if over 50 dwellings/2ha per site (whichever is the smaller).

The application site includes CLLP allocation CL1888 which has an area of 2.21ha with an indicative number of dwellings being noted as 50. This allocation covers the majority of the application site with only the northern eastern corner falling outside the allocated area. The remaining part of the site is unallocated open countryside.

It is accepted, therefore, that the majority of the application site does include the allocated site but exceeds the designated site in terms of area and proposed housing numbers. Nevertheless the increased numbers required would still accord with policy LP2.

### iv) Caistor Neighbourhood Plan

Paragraph 184 of the NPPF indicates: *Neighbourhood planning provides a powerful set of tools for local people to ensure that they get the right types of development for their community. The ambition of the neighbourhood should be aligned with the strategic needs and priorities of the wider local area. Neighbourhood plans must be in general conformity with the strategic policies of the Local Plan.*

The NPPF further notes that: *Once a neighbourhood plan has demonstrated its general conformity with the strategic policies of the Local Plan and is brought into force, the policies it contains take precedence over existing non-strategic policies in the Local Plan for that neighbourhood, where they are in conflict (para 185).*

The Caistor Neighbourhood Plan should be given full weight in this application assessment as it has now been made. The CNP does not allocate development sites but its policies seek to provide a broad criteria for future development. Of particular note is policy 1 which seeks a presumption in favour of sustainable development. Policy 2 goes further and provides guidance as to the type, scale and location of development. The policy indicates, amongst other requirements, that proposals should reflect the character and appearance of the town and be within 800m of the market square where a large number of the town facilities are.

The application site falls clearly within this distance based criteria, a well-used tool for assessing sustainable access. In addition to this, the site falls

outside of the natural and semi-natural green spaces as shown within the Composite Plan.

The impact on the character of the area is an important consideration but will be assessed below.

### **Sustainability**

Paragraph 7 of the NPPF identifies three dimensions to sustainable development: economic, social and environmental. It is important to note from paragraph 37 of the Dunholme appeal decision that *“the NPPF enjoins the planning system to seek joint and simultaneous gains across the three mutually dependent dimensions of sustainable development: social, economic and environmental”* and *“the overall balance must look across all three strands”* but that *“weakness in one dimension did not automatically render a proposal unsustainable.”*

Caistor is allocated as a Market Town (WLLP policy STRAT3, CLLP LP2). The settlement contains: primary and secondary schools, churches, community and sports facilities, shops, public houses and employment. The site is located approximately 400 - 600 metres from the centre of the village which would be a comfortable walking distance even taking account of topography. It is accepted that as a maximum distance access to some of the schools would be approximately 1km away from the site and uphill however, whilst 800m is a comfortable 10 minute walk this is not the upper limit of advice as 2km is deemed a realistic alternative to the motor car (Manual for Streets DCLG 2007). Similarly, cycling has the potential to replace motor vehicles for trips of 5km or less. The application site is also opposite the sports ground which includes play equipment increasing facilities without having to resort to the use of a motor vehicle.

Caistor is reasonably well served by bus routes and these services are considered to provide a sustainable method of connecting to Grimsby/ Lincoln, Market Rasen and indeed Brigg (although with a very limited service). The bus stop closest to the site is within the Market Place within approximately 400m (600m from the furthest part) of the site.

The application site would also connect to the existing footpath network at the site. At reserved matters stage it is likely that detailed designs would be required to ensure footpath and cycle routes would permeate the site to aid accessibility. These footpaths would be enhanced. This would accord with the requirements of CLLP policy LP13 and CNP5.

NHS England have advised that a financial contribution would not be required to contribute to the capital cost of health care infrastructure in this instance. Whilst the concern over the capacity of the local GP practise is important, the issue of doctor recruitment is not a planning matter and is a national issue which cannot be rectified by individual developments or developers.

The Education Authority have stated that the development would result in a direct impact on local schools. A £157 870 contribution is therefore requested to mitigate against the impact of the development at local level. This is a valid request compliant with legislation and would need to be secured through the S106 planning obligation.

A viability assessment has been provided to your officers and has been assessed. Due to the difficulties of developing this site and low sale values the full request is not deemed viable. It is therefore recommended that a reduced value of £105 000 be agreed. The applicant has agreed this figure. Should the Planning Committee seek to support the proposal it is recommended that a s106 legal agreement be drawn up to include such a requirement.

STRAT19 of the West Lindsey Local Plan requires that infrastructure is required to serve new development. It states that development that increases demand on infrastructure that cannot be satisfactorily provided for within the existing capacity of on- and off-site service and social/community infrastructure or other services will not be permitted unless extra capacity will be provided to serve the development. This accords with policy 7 of the CNP which require support of local facilities.

The developers are offering 15% affordable units to be provided on site based on a viability assessment of the proposal. This is below the 25% affordable housing figure required by WLLP policy RES 6 and the 20% required under CLLP LP11. As noted above the applicant has submitted a viability appraisal and this has been examined by your officers and it is considered an accurate assessment of the proposal. Whilst a reduced figure it would still provide 10 affordable housing units. The provision of affordable housing would also help to provide a balanced community with a variety of housing types and tenures as required by saved WLLP policy RES6, CLLP LP11 but also Neighbourhood Plan Policy 4. Again should the planning committee support this application the requirement for the provision of 15% affordable housing units would form part of the s106 planning agreement.

- *Character & nature conservation issues (STRAT1, NBE10, NBE12, NBE15 and NBE20)*

The application site is positioned on the edge of Caistor and is located outside the town boundary. The application site falls into an Area of Great Landscape Value (AGLV). Saved Policy NBE20 indicates that *Development will not be permitted which detracts from the rural character of the settlement edge and the countryside beyond.*

*Where development on the edge of settlements is permitted the Council will require:*

- i. Design proposals which respect and maintain the existing character and appearance of the boundary of the settlement footprint, or result in the improvement of an unattractive approach;*
- ii. An agreed scheme of landscape treatment and/or open space provision.*

Similarly, saved Policy NBE 10 indicates that high priority will be given to conserving the distinctive landscape features, landscape character and the landscape amenity value of the district. Development will not be permitted if it is likely to have an adverse impact on the features, setting or general appearance of the Landscape Character Areas as defined in the Landscape Character Assessment and amplified in the Countryside Design Summary.

In cases where development is to be permitted proposals should meet the following criteria:

- i. It should respect and enhance local distinctiveness;

- ii. The scale, design and materials used should reflect local styles and respect the local environment;
- iii. Important landscape features should be maintained or enhanced as part of the scheme;
- iv. Development should not have a detrimental effect on skylines or important views.

Areas of particularly high local landscape value because of their distinctive characteristics have been identified on the Proposals Maps as Areas of Great Landscape Value

Within the West Lindsey Landscape Character Assessment the area is noted as forming part of the North West Wolds Escarpment although the lower edge of the site adjoins the Heathland Belt character area. The Escarpment forms the backdrop to this part of the district and the slopes are steep, hummocky and indented by the action of streams and landslips. Although Caistor extends up the escarpment and punctures the skyline in places, the adopted Countryside Design Summary for the area advises that new development should be severely restricted along the prominent ridgeline and scarp face. New buildings it notes should only be accommodated on the lower slopes, following the existing settlement pattern.

It further notes that careful consideration should be given to the siting of buildings, taking account of local topography, vegetation and views. Buildings which are situated at the foot of slopes or in the folds of undulating ground are characteristic; they should be associated with substantial tree planting designed to integrate them with the surrounding contours and landscape pattern. Developments should not be linear but seek to ensure buildings contribute to the setting of the village. Substantial blocks of development would be inappropriate in this natural landscape setting.

CNP policy 2 notes that the growth of the town is welcomed but that growth needs to be at a scale and in locations that reflect the historic character of the town and avoid undue expansion.

CLLP LP17 follows similar lines indicating that proposals should seek to protect and enhance the intrinsic value of the landscape and townscape including the setting of settlements. Proposals it notes should have particular regard to maintaining and responding positively to any natural and man-made features within the landscape and town scape which positively contribute to the character of an area. It further notes that the impacts on the character of the Lincolnshire Wolds AONB and Area of Great Landscape Value (AGLV) is particularly important.

The visual impacts of this proposal on the character of the area are twofold:  
a) impact on the character of the countryside including the entrance to Caistor itself and b) the layout and design of the development.

- a) Impact on the character of the countryside including the entrance to Caistor

As noted the site is currently grazing land which extends from Brigg Road upwards along the escarpment to the east and to existing dwellings to the south, south east. To Brigg Road the site wraps around a large fenced compound that accommodates a single storey brick substation and



transformer. This compound is partially screened from the road with hedges but is nonetheless clearly seen particularly when arriving into Caistor from Brigg. It is also present in many of the views of the escarpment from Brigg Road. On a more positive note mature trees existing in the southern corner of the site currently provide a green entrance to the village.

It is considered that the proposed development would modify the character of the entrance to the village in this location but that the harm of the existing substation could be reduced through screening of some views with positive housing designs either side of the compound. This could enhance the entrance to Caistor particularly with the retention of the mature trees in southern corner of the site, the mature hedges to the site boundary and the creation of a village type green area to the Brigg Road frontage. In addition to this, the termination of the development short of the curve in the road and the stream to the north would retain some undeveloped views of the escarpment/ Waterhills beyond. The site is also partially opposite the housing to Keyworth Drive which is formed of two storey buildings. This provides a partial setting for the site along Brigg Road.

The Viking Way is positioned to the east of the site, some way up the escarpment. This well-known long distance pathway does not directly adjoin the application site which is some 120m to the west. Views from the pathway especially during the summer months is heavily screened by hedging and trees which form a canopy over the pathway. In addition to this, the topography of the land relative to this long distance footpath would considerably reduce views of large sections of the development.

Similarly, although more views of the site would be possible from Canada Lane, again hedging and mature trees would screen most views whilst from closer sections any development would be seen in the context of the housing to North Street, the substation and Keyworth Drive beyond. Therefore whilst again changing the character of this area it is not deemed significant nor sufficient to seek to resist development on landscape grounds.

Views from other public vantage points on top of the escarpment at Riby Road would be limited by the brow of the descent with the development being on the lowest levels of the hill in accordance with the West Lindsey Character Assessment.

#### b) The layout and design of the development

Although outline in form and as such any plan is indicative, the applicant has sought to consider the character of the development through assessing the layout of Caistor, its building types, position, density and spaces. It seeks to provide a unique design that follows the character of the town rather than a standard estate plan. The proposal also seeks to address the open countryside with a reduction in density towards the edges of the site. Building heights are also indicative but range from single storey to three storey in height. Similarly, detached, semi-detached and terraced formats are proposed again mimicking the town itself.

Therefore whilst the proposal would replace a greenfield site and some views from public vantage points would change, the impact on views of acknowledged importance would be limited whilst other views would benefit from the screening of the substation.

## Ecology

The site is not designated as an ecologically important site but it is close to Waterhills Local Wildlife Site (LWS). This is an area which is located above the Viking Way walk to the east of the site and is designated within the adopted Local Plan. Saved Policy NBE12 states: *Development will not be permitted which would adversely affect any of the following, unless there is a demonstrable overriding regional or local need for the development which cannot be accommodated elsewhere and the reason for the development clearly outweighs the need to safeguard the substantive nature conservation value of the site:*

- i. Site of Nature Conservation Importance;*
- ii. A Local Nature Reserve;*
- iii. A Lincolnshire Trust Nature Reserve;*
- iv. A Regionally Important Geological or Geomorphological Site;*
- v. Ancient Woodlands;*
- vi. Any species of animal or plant, or its habitat, protected under British or European Law.*

*Where development is permitted planning conditions will be imposed which will require:*

- a. That adequate opportunity is provided to enable proper recording of the site;*
- b. That before development commences measures are agreed with the Council and taken by the Developer which mitigates the effects of the development on the site, the woodland and the wildlife, and compensate for any potential loss, in order to recognise and preserve the nature conservation interest.*

## Other matters

The CCLP also includes policy LP21 which relates to biodiversity and geodiversity. It notes: *All development should:*

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

*Planning permission will be refused for development resulting in the loss, deterioration or fragmentation of irreplaceable habitats, including ancient woodland and aged or veteran trees, unless the need for, and benefits of, the development in that location clearly outweigh the loss or harm.*

*Proposals for major development should adopt a landscape scale and ecosystem services approach to biodiversity and geodiversity protection and enhancement identified in the Central Lincolnshire Biodiversity Opportunity Mapping Study.*

*Development proposals should create new habitats, and links between habitats, in line with Biodiversity Opportunity Mapping evidence to maintain a network of wildlife sites and corridors to minimise habitat fragmentation and provide opportunities for species to respond and adapt to climate change. Development should seek to preserve, restore and re-create priority*

*habitats, ecological networks and the protection and recovery of priority species set out in the Lincolnshire Biodiversity Action Plan and Geodiversity Action Plan.*

*Where development is within a Nature Improvement Area (NIA), it should contribute to the aims and aspirations of the NIA.*

*Development proposals should ensure opportunities are taken to retain, protect and enhance biodiversity and geodiversity features proportionate to their scale, through site layout, design of new buildings and proposals for existing buildings.*

### **Mitigation**

*Any development which could have an adverse effect on sites with designated features and / or protected species, either individually or cumulatively, will require an assessment as required by the relevant legislation or national planning guidance. Where any potential adverse effects to the biodiversity or geodiversity value of designated sites are identified, the proposal will not normally be permitted.*

*Development proposals will only be supported if the benefits of the development clearly outweigh the harm to the habitat and/or species.*

*In exceptional circumstances, where adverse impacts are demonstrated to be unavoidable, developers will be required to ensure that impacts are appropriately mitigated, with compensation measures towards loss of habitat used only as a last resort where there is no alternative. Where any mitigation and compensation measures are required, they should be in place before development activities start that may disturb protected or important habitats and species.*

As noted, the proposal would not fall within the designated LWS and is separated from it by a section of field. Nevertheless, the site has value of its own and is connected to the Waterhills LWS by the watercourse. A number of ecological surveys have been undertaken which have shown that the site is generally made up of poor quality grassland but that there are areas which are species rich within the northern section of the site close to the watercourse. Whilst such areas are not sufficient to meet the LWS designation criteria such species nonetheless should be protected and enhanced. The applicant has shown the areas of interest to fall into areas of open grassland to the north of the site where the gradient of the site is greater. Although some houses within the site would have gardens extending down to the stream it is recommended that these are limited and areas shown green on the latest indicative plan be conditioned to be maintained as public open space. In addition to this, further conditions would be required to agree a management scheme at the site. Such conditions would address the concerns of the Lincolnshire Wildlife Trust.

The other issue is the potential pollution of the water course. Such pollution could impact on the Waterhills LWS. The applicant was originally seeking to direct surface water drainage directly into the watercourse which would have increased the potential for pollution. The proposal, however, has now been amended to utilise swales and attenuation ponds which allow for some water cleansing. Subject to detailed designs it is considered that such features would protect the LWS but also allow for enhanced biodiversity on site.

Consideration of wildlife using the site are noted but are not considered significant. Standing advice is therefore recommended whilst enhancement works suggested would assist the support of other animals and birds. This together with the planting recommendations of the Lincolnshire Wildlife Trust accord with policy NBE12 of the WLLP and LP21 of the CLLP.

- *Highway safety and capacity (STRAT1, MT1, RES1, RES3)*

The proposed development would be accessed from Brigg Road the A1048. Access is not a matter reserved and can be considered in detail. The proposed access would be located approximately 27m to the north of the substation access. The access road would be 5.5m wide with a pavement either side of the carriageway.

Taking account of vehicle speed at this part of Brigg Road (40mph) the visibility splays required at the access would be between 90 and 116m. Calculated stopping distance for traffic in wet weather to between 96 to 120m. This also accords with Lincolnshire County Council guidance. The applicant has shown that the proposed site access could meet a 116m visibility envelope. The applicant, however, has also agreed to apply to reduce the speed limit in the area from 40mph to 30mph which would reduce vehicle stopping distances required increasing safety. The position of nearby access to the sports club has also been noted. Taking account the nature of the site and details submitted the proposal has not been objected to by the Highway Authority. It is noted that some drivers do not always obey speed limits but this is not a matter for the planning authority and can be enforced by the police.

Accident data has been assessed from 2009 to 2015 which indicates that 31 accidents have occurred in the surrounding area but only one slight accident, occurred within the vicinity of the application site at the Brigg Road/North Kelsey Road junction. This involved a car and cyclist and took place late in the evening and is attributed to driver error and distraction. This indicates that safety concerns at this location are not significant. Concerns over motor cycles are noted, however, subject to a reduction in speed limits this is not considered significant.

Traffic counts have been undertaken at the site, with approximately just under 300 vehicles per hour passing the site at worst and typically under 200 for the rest of the day. A 69 dwellings estate is considered to generate approximately 296 trips per day, some 34 in the morning peak hour and 25 in the afternoon/evening peak hour. It is noted that a 6.1m wide road, to which the A1084 conforms, can accommodate an hourly flow of 750 vehicles in a single direction. Brigg Road would, even taking account of Caistor Lakes, the Wolds Retreat and the time of year of the survey, be sufficient to accommodate the flows proposed.

As noted above the proposal would generate pedestrian traffic due to its proximity to the Town Centre. The site is currently served by a sub-standard 1m wide footpath. In recognising this the applicant has proposed an enhanced footpath across the site and this would be supported by a condition for a 1.8m footpath. Due to the topography of the site however, the embankment in the south western corner of the site would preclude significant enhancement in this location. The reduction in speed limit in the area to 30mph from 40 mph however improve safety for pedestrians.

To assist pedestrians it is also proposed that a tactile crossing point close to the sports field is also conditioned.

- *Drainage and Flooding (STRAT1, NBE14 & NBE15)*

The site is located within the western escarpment of the Lincolnshire Wolds. It is characterised in part by its steep gradients (1 in 10) within the site and ground levels which generally fall to the north east to the beck which runs along its northern boundary. The area is known to locals as Waterhills although the actual extend of this area is disputed by some.

The site falls within Environment Agency Zone 1 indicating it is not at significant risk from sea or river flooding. No sequential assessment is therefore required. The main issue therefore is surface water drainage both in terms of current flows but also those generated by the proposal. No significant areas of flooding/ponding were noted on site during site investigation during the month of November.

To seek meet the latest Sustainable Urban Drainage (SUDs) guidance a system of above and below ground drainage designs have been submitted. This would take the form of swales which would allow natural drainage from the development with driveways and roads being drained into cascading swales which are linked by pipes into large attenuation ponds to the northern boundary of the site. Due to the steepness of parts of the site flows would need to be attenuated within the site and would form a hybrid scheme with some piped elements being required. In addition to this, the proposal would include areas that could accommodate attenuation crates that would again hold surface water in times of extreme rainfall until it could be released at a regulated flow. These areas would include the two garage /parking court areas. Infiltration is deemed inappropriate at this site due to the steepness of the gradients as the re appearance of water cannot be ruled out.

Accepting that overground flows currently occur a serious of bunds are proposed to limit flows into the site from the east, whilst further bunds to the west would also seek to prevent water flows flowing outside of the site and would direct water to the beck.

Designs are proposed to be attenuated to greenfield runoff rates for a 100% Annual Exceedance, this amounts to 5.73 litre per second.

The design of the drainage scheme has been a key reason for the extended determination period of this application as the topography of the site and ground conditions have created a number of issues for designers and decision makers. Despite repeated attempts the designs provided have failed to address concerns that the scheme would be able to deal with the amount of surface water generated on site, or passing through it. The concerns raised include the uncertainty that houses on the site would not be subject to flooding, that existing surface water flows would not be redirected causing flooding and the capacity of the proposed system would not be exceeded by flows leading to flooding downstream.

In addition to this, insufficient evidence has been supplied that the facilities would be adequately maintained in future years.

Foul drainage would be to the Page 27 sewer in Brigg Road/North Street junction. A pumped system would be required and the applicant has shown

a pumping station within the north western corner of the site. Anglian Water has indicated that Caistor Water Treatment Works has capacity for the flows but that the immediate pipe network within the area is at capacity. Taking account of this Anglian Water do not object to the proposal but recommend a condition is proposed to deal with this. As with other schemes this could amount to the provision of improvements and capacity enhancements to the local network. A condition is therefore recommended to allow the development to move forward but that this issue is resolved before work commences on site. A condition is deemed appropriate and enforceable as the work is to Anglian Water network which is in their control and they are willing to work with the applicant to upgrade the system. Detailed designs would need to be agreed but again these can be conditioned to either reserved matters stage or before work commences on site.

- *Archaeology (STRAT1)*

Caistor is known to have pre-historic and Roman origins and has resulted in a number of important finds and features being identified within the town and surrounding countryside. Although there have been no finds on the application site Romano- British pottery has been identified in the garden of a bungalow at the western end of Canada Lane some 100m to the north west of the site.

Following submission of a desk top survey negotiations led to a geophysical survey being undertaken at the site. This found a number of features including buried ditches and areas of ridge and furrow. Ferrous rich materials were also found which corresponded with modern boundaries indicating they were likely to be the result of modern interventions. To be certain however, intrusive investigations in the form of dug trenches were undertaken in those areas where the geophysical survey showed potential. Eleven trenches were dug and were overseen by an officer from LCC Archaeological Service. The results of such investigations were of limited interest although some small flint finds were made which correspond with surrounding field work at Sandbraes Farm confirming the presence of low level flint working in the vicinity.

The result show that there is limited archaeological interest at the site and no further investigations or mitigation are required.

- *Design and residential amenity (STRAT1, STRAT5, CORE10, RES3, RES5).*

The outline nature of the proposal makes the assessment of the design difficult. The applicant has, however, provided an indicative layout which indicates that 69 dwellings could be accommodated on the site. The design and access statement also indicates that the proposal would take its layout and design references from the town itself with housing close to pavements and irregular street form and town green type arrangements. The density whilst higher towards the centre reduces to the edge of the development.

In a similar way, the impact on existing residents cannot be fully assessed as the layout is only indicative. What can be determined, however, that a scheme of 69 dwellings could be accommodated on site with each property having a reasonable outlook, garden space and parking areas to maintain residential amenity.

It is noted that some of the dwellings are proposed to be three storeys in height. Such heights are characteristic of Caistor and are located at the lowest part of the site. This would have the impact of making a positive character to the entrance of town but also allowing them to be seen in the context of higher ground levels and dwellings beyond. In a similar way the two and a half storey units are shown located just forward of where land rises to the rear in quite a pronounced way reducing the impact of such properties on surrounding the area. Whilst deemed acceptable such matters can be determined in more detail at reserved matters stage.

The noise of the substation is an issue but the applicant has indicated a willingness to agree to condition to mitigate noise levels through acoustic fencing/ other measures. It should be noted that in many cases housing is close to such facilities including for example Bob Reynolds Way in Gainsborough.

#### Other issues

The position of the site adjoining the substation could lead to contamination but Public Protection colleagues indicate conditions would suffice to determine the potential and remediation of such ground conditions.

The reduction in house value is not a material consideration in the planning system.

#### Planning Balance

The proposed development would provide a range of dwellings up to 69 in number. Although located within the open countryside in the adopted West Lindsey Local Plan (STRAT12) the majority of the site is designed within the Central Lincolnshire Local Plan (LP50) which is now submitted for examination. Its position close to Caistor Market Place would accord with Caistor Neighbourhood Plan policy 2 and provide good links to services without recourse to motor transport. It is considered that this should attract significant positive weight.

The design of the development whilst dense would accord with that found in the traditional areas of Caistor as would the heights and mix of housing types suggested. The proposal would, in part, screen the substation whilst views from other public vantage points, including the Viking Way would, again in part, be screened by topography or mature hedgerows and trees. Where views are possible the development would generally be seen in the context of existing housing as such it is considered the proposal would accord with WLLP policies NBE10 and NBE20 and CLLP policies LP1 and LP17.

The proposal would also provide 10 affordable housing units which should be afforded significant weight in accordance with WLLP policy RES6 and CLLP policy LP11 despite the reduced offer due to viability.

Access to the site can be achieved without harm to highway safety or capacity and improvements to footpaths and crossing points would allow easy access to the site subject to conditions and a s106 agreement.

Facilities and services within the town would be impacted upon, however, the applicant would be willing to provide an education contribution to reduce the impact on the school.

Although the site is not part of an ecologically important area it is linked to one and includes areas of grassland that are worth managing and enhancing in accordance with ecological guidelines to enhance bio-diversity. Details provided show that the designated site would be protected whilst subject to conditions the areas of grassland deemed worthy of enhancement on site are also maintained.

The proposal would, however, lead to a loss of a greenfield site and views which are cherished by some locals. Once built upon this site as an amenity, despite being in private ownership, would be lost. However, as has been noted such views are already limited and in part are eroded due to the position of the substation close to Brigg Road or protected by topography and landscaping.

The site would generate additional traffic which would reduce capacity and could increase the potential for accidents as a result. The impacts, however, relative to the design of the road, the proposed reduction in speed limit, improvements to pedestrian networks and the proposed junction geometry and sight lines would be limited.

Surface water drainage is an issue in this area and the gradients on site has led to a considerable investigation as to its impacts. Building on greenfield locations such as this increases runoff which could exacerbate flooding. Despite the considerable period that has elapsed in trying to resolve this issue, an acceptable drainage strategy based on sustainable principles has not been able to be agreed and concerns remain that flooding of the site and adjoining land would occur. In addition to this, insufficient information submitted to ascertain the ability to maintain such systems.

Foul water disposal has been known to be an issue in the area due to capacity issues. Anglian Water the network operator has not objected to the proposal in principle and has requested that conditions are attached to any permission to improve the network capacity in this location.

The occupants of 69 nine new dwellings would use local services including local schools, pre-schools and medical facilities which are under stress. The applicant has indicated a willingness to provide additional funding for schools within the limits of viability to mitigate this impact. No request has been made from the NHS despite being asked a number of times during the application process. Whilst the concern over the capacity of the local GP practise the issue of doctor recruitment is not a planning matter and is a national issue which cannot be rectified by individual developments or developers.

The proximity to the Water Hills Local Wildlife site and its connection through the beck is noted. The loss of the site to development would reduce ecological interest particularly as it is known to be used by animals and birds and is also home to various plant species some of which are afforded a level of protection. Surveys indicate however, that the proposal would not lead to a significant loss of habitat of species/types of importance or that schemes for mitigation can be agreed to protect and enhance areas of importance.



## Conclusion

The application for housing on this greenfield has courted a lot of interest and debate. The proposal for dwellings in this location would broadly accord with Local Plan policies and provide accommodation in a sustainable location, including the provision of 10% affordable housing. Subject to conditions and s106 legal agreement it is considered that the proposal would be acceptable and would not have a detrimental impact on the character of the area nor entrance to the town, highway safety/capacity, residential amenity, ecology nor the availability of services in accordance with saved policies STRAT1, RES1, RES5, RES6, NBE10 and NBE20 of the West Lindsey Local Plan.

The proposal, however, falls short of the requirements of the NPPF and NPPG which seeks development to be adequately drained utilising sustainable methods. The proposals submitted fail to adequately address the issue of drainage on the grounds that reasonable certainty that the sustainable system designed would not lead to flooding on site and to adjoining land has not been provided. In addition to this, details of future maintenance of the system has not been identified contrary to saved Policy STRAT1 of the West Lindsey Local Plan.

### **RECOMMENDATION: Refuse**

The detailed foul and surface water drainage strategy submitted is not sufficient to be able to conclude that the proposal would adequately dispose of water in a sustainable manner without increasing risk to other areas from flooding. The proposed development is therefore contrary to saved Local Plan Policies STRAT1 and RES1 of West Lindsey Local Plan First Review 2006 and the National Planning Policy Framework.

### **Human Rights Implications:**

The above objections, considerations and resulting recommendation have had regard to Article 8 and Article 1 of the First Protocol of the European Convention for Human Rights Act 1998. The recommendation will not interfere with the applicant's and/or objector's right to respect for his private and family life, his home and his correspondence.

### **Legal Implications:**

Although all planning decisions have the ability to be legally challenged it is considered there are no specific legal implications arising from this report

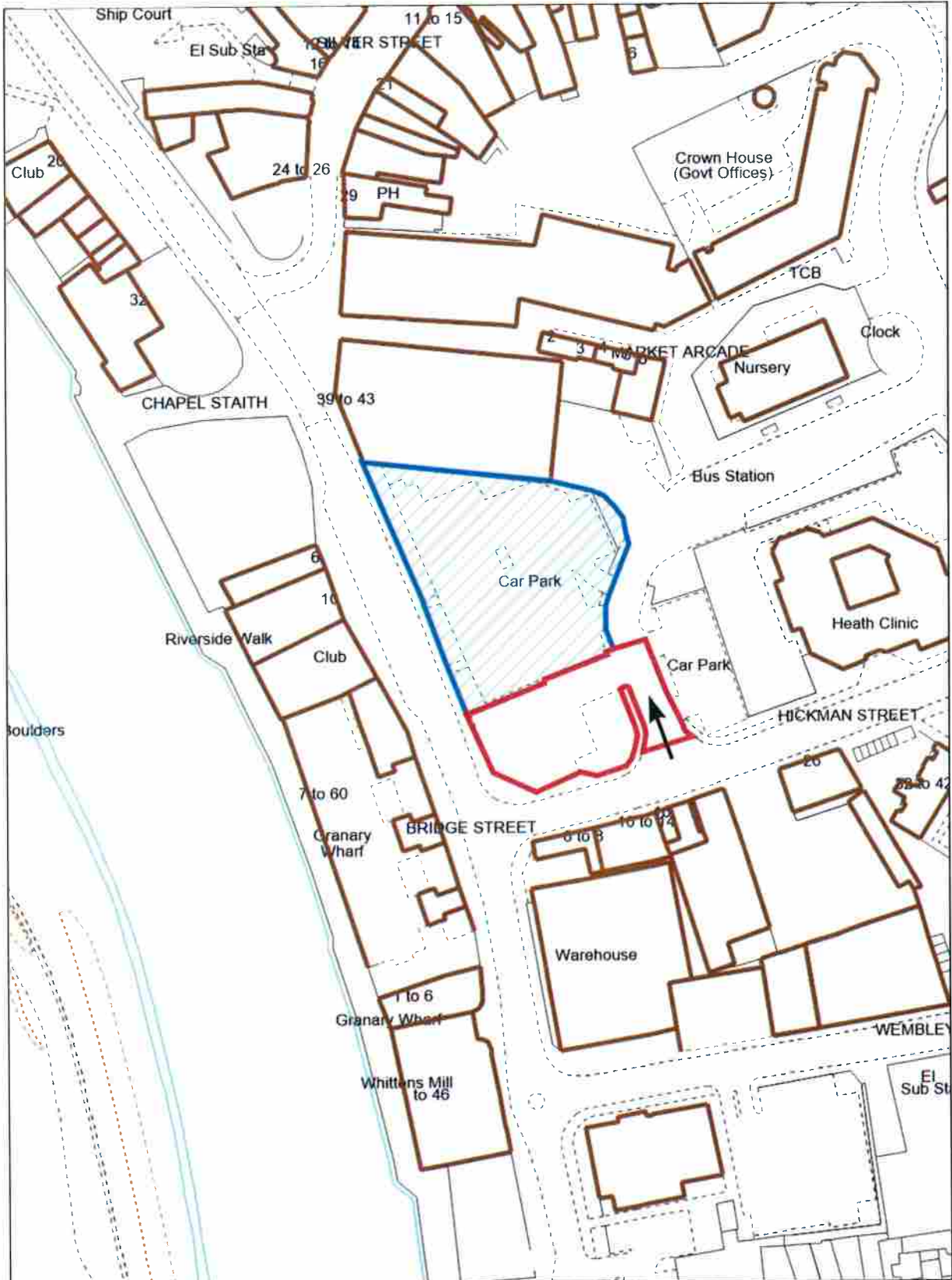
### **Notes/Informative**

**None**

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## **Committee Report**

### **Planning Application No: 134622**

**PROPOSAL:** Planning application for change of use of waste ground to car parking

**LOCATION:** Car Park Hickman Street Gainsborough Lincolnshire  
**WARD:** Gainsborough South West

**APPLICANT:** West Lindsey District Council  
**WARD MEMBERS:** Cllr. Mrs Judy Rainsforth, Cllr. Trevor Young

**TARGET DECISION DATE:** 25/08/2016  
**DEVELOPMENT TYPE:** Change of Use  
**CASE OFFICER:** Fran Bell

**RECOMMENDED DECISION:** Grant Planning Consent

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#### **Description:**

The site is a vacant corner plot on the northern corner of the junction with Bridge Street and Hickman Street. It is within Flood Zone 3. To the north is Bridge Street car park, to the north east beyond the car park, is the bus station, to the east is more of the car park and the health centre. There are retail and office units to the south and Granary Wharf, a block of flats to the west.

It is intended to extend the existing car park onto this land forming an additional 26 spaces including 2 disabled spaces. This will include digging out the existing concrete in order to replace the surface with tarmacadam. Drainage will continue to be into the existing connection to the mains sewer.

The only reason the matter is being determined by the Planning Committee is that West Lindsey District Council are the applicants.

#### **Relevant history:**

122064 Planning Application for the erection of 40 residential flats with parking and associated works. Granted consent 4.7.08

121111 Planning permission to erect a 40 unit apartment building. Refused. 31.3.08  
Appeal withdrawn

M05/P/0224 Planning Application to erect 20no. two bedroom apartments and associated integral car parking. Granted consent 1.6.05

M03/P/1108 Outline planning application for retail units with residential accommodation above. Withdrawn by applicant 6.1.03

M00/P/0315 Planning application to use land for car sales (renewal of application no. 98/P/0010 - granted 14/04/98). Refused 27.7.00

98/P/0010 Planning application to use land for car sales (resubmission of previously refused application, number 97/P/0612 on 15/10/97). Granted consent 14.4.98

97/P/0612 Planning application to use land for car sales/garage parking. Refused 15.10.97

**Representations:**

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

Gainsborough Town Council: We support fully this application.

Local residents: None received to date

LCC Highways: Having given due regard to the appropriate local and national planning policy guidance (in particular the National Planning Policy Framework), Lincolnshire County Council (as Highway Authority and Lead Local Flood Authority) has concluded that the proposed development is acceptable. Accordingly, Lincolnshire County Council (as Highway Authority and Lead Local Flood Authority) does not wish to object to this planning application.

Archaeology: No archaeological input required

IDOX: Checked 8th August 2016 – see above

**Relevant Planning Policies:**

National guidance

National Planning Policy Framework

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

Planning Practice Guidance

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

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>

MT1 Market Towns

<https://planning.west-lindsey.gov.uk/planning/localplan/written/cpt5.htm#mt1>

CORE4 Public Car Parking

<https://planning.west-lindsey.gov.uk/planning/localplan/written/cpt8.htm#core4>

RTC1 Town Centre Development

<https://planning.west-lindsey.gov.uk/planning/localplan/written/cpt10.htm#rtc1>

RTC5 Miscellaneous Town Centre Uses

<https://planning.west-lindsey.gov.uk/planning/localplan/written/cpt10.htm#rtc5>

NBE14 Waste Water Disposal

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

Central Lincolnshire Local Plan 2016-2036

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

The Central Lincolnshire Local Plan has now been submitted for examination. The Submitted Local Plan will carry more significant 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

LP6: Retail and Town Centres in Central Lincolnshire

LP14: Managing Water Resources and Flood Risk

LP17: Landscape, Townscape and Views

LP26: Design and Amenity

LP38: Protecting Gainsborough's Setting and Character

LP41: Regeneration of Gainsborough

LP42: Gainsborough Town Centre and Primary Shopping Area

### **Main issues**

- Principle
- Appearance and impact on the locality

### **Assessment:**

#### *Principle*

The site is a vacant plot in a mixed use area on the edge of the town centre. The planning history shows that various uses have been granted consent over the years but have not come forward. Being on the edge of the town centre, it is not considered that this land is essential to be brought forward for a retail (A1) or financial and professional services (A2) use, when there are already premises to let closer to the Market Place or for any other associated use such as restaurant, assembly and leisure or non-residential institution. It will provide more car parking in a key location, close to one of the town's health centres and within easy walking distance of Silver Street, Market Place and Marshall's Yard. The Highways Authority has no objection. The case officer discussed the layout with the Highways Officer and he was content with the proposal. It should also be noted that permission has been granted to demolish the multi-storey car park at Beaumont Street which will increase usage of remaining car parks in the area.

Therefore, the use as a car park is considered acceptable and complimentary to the town centre offer in that it will not adversely affect the viability and vitality of the town centre in line with saved policies MT1, CORE4, RTC1 and RTC5 of the adopted West Lindsey Local Plan and emerging policies LP6, LP41 and LP42 of the Central Lincolnshire Local Plan.

#### *Appearance and impact on the locality*

The site has varying levels of concrete and is bounded by a short brick wall with the car park visible beyond and is not contributing positively to the overall character and views within the immediate vicinity. Whilst old maps show that there were buildings around this corner in the past, this has not been the case for several years, and none of the recent proposed uses have come forward. The site will also be levelled and property finished with tarmac and lining, increasing the attractiveness of the site. The extension of the neighbouring car park use onto this land will present a more

tidy appearance on this corner. This will be in accordance with saved policies MT1, CORE4, RTC1 and RTC5 and emerging policies LP17, LP26 and LP38.

*Other matters*

The site is within Flood Zone 3. However, the use will not increase the flood risk on site or elsewhere. The existing ground surface is impermeable as will the proposed surface, so the surface water impact remains the same and will be drained to the main sewer as occurs currently. There is a nearby connection into this sewer and new drainage pipes will be laid under the car park.

The removal of the existing concrete surface and wall will be noisy. However, given the relatively small size of site, this will not be for a lengthy period and so will not have an adverse impact on the neighbouring amenity for a long time.

**Conclusion and reasons for decision:**

The proposal has been considered against the Development Plan, namely saved policies STRAT1 Development Requiring Planning Permission, STRAT3 Settlement Hierarchy, MT1 Market Towns, CORE4 Public Car Parking, RTC1 Town Centre Development, RTC5 Miscellaneous Town Centre Uses and NBE14 Waste Water Disposal of the West Lindsey Local Plan First Review. Emerging policies LP1: A Presumption in Favour of Sustainable Development, LP2: The Spatial Strategy and Settlement Hierarchy, LP6: Retail and Town Centres in Central Lincolnshire, LP14: Managing Water Resources and Flood Risk, LP17: Landscape, Townscape and Views, LP26: Design and Amenity, LP38: Protecting Gainsborough's Setting and Character, LP41: Regeneration of Gainsborough and LP42: Gainsborough Town Centre and Primary Shopping Area of the Submitted Central Lincolnshire Local Plan have also been considered but have not been given full weight as the Examination in Public is yet to take place. The advice given in the National Planning Policy Framework and the Planning Practice Guidance has also been taken into account along with representations received.

In light of this assessment, the proposal is considered acceptable for this vacant, edge of town centre site as it expands the existing car park provision and improves the appearance of the site, without compromising the viability and vitality of the town centre offer.

**Recommendation:**

To grant planning permission 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:**

None

**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 drawing: General Arrangement 2 received 15<sup>th</sup> July 2016. 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

3. Works on site shall only take place within the hours of 8am to 6pm Monday to Friday, 8am to 1pm Saturday and there shall be no works on Sundays and Bank Holidays.

**Reason:** To protect neighbouring amenity and to accord with the National Planning Policy Framework and saved policies STRAT1 and CORE4 of the West Lindsey Local Plan First Review.

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

4. The site shall be surfaced and white lined before being first brought into use and retained as such thereafter.

**Reason:** To ensure that the car park is suitably laid out and to accord with the National Planning Policy Framework and saved policy STRAT1 of the West Lindsey Local Plan First Review.

**Notes to the Applicant**

None





## Officer's Report

### Planning Application No: 134684

**PROPOSAL:** Planning application to construct two storey side extension including single storey porch enclosure at front

**LOCATION:** 30 Heapham Road Gainsborough Lincolnshire DN21 1SW

**WARD:** Gainsborough East

**WARD MEMBER(S):** Cllr D Bond, Cllr R Oaks, Cllr M Devine

**APPLICANT NAME:** Mrs Alison Aisthorpe

**TARGET DECISION DATE:** 07/09/2016

**DEVELOPMENT TYPE:** Householder Development

**CASE OFFICER:** Richard Green

**RECOMMENDED DECISION:** Grant Conditional Planning Permission.

**This item is presented to Planning Committee as the applicant is an employee of West Lindsey District Council**

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#### **Description:**

The site comprises a semi-detached dwelling on a corner plot within the settlement boundary of Gainsborough. The dwelling is part of a row of similar age and style semi-detached properties on this part of Heapham Road. The dwelling is set back from the highway with a small front garden and a driveway leading to a garage on the west elevation of the property. Being a corner plot the garden then wraps around the property and there is also a small private rear garden. The property is screened by a hedge fronting Heapham Road. There is a small break in the hedge before a much larger hedge begins giving very good screening to the western boundary. There is a close boarded fence to the rear of the property between the host site and No.1 Dorton Avenue and a large hedge on the eastern boundary between the host property and No.32 Heapham Road.

It is proposed to erect a two storey side extension to the west elevation of the property (4.5m in width x 7.9m in length) to the same ridge height as the existing property but set back 0.5m from the front of the property. It is also proposed to build a single storey porch enclosure to the front of the house (2.4m maximum width x 7.9m in length) and 1.2 m to the side to tie in with the proposed 2 storey extension. The front enclosure is proposed to have a pitched roof to tie it into the existing property and the proposed two storey side extension. It is proposed to demolish the existing front canopy and single storey side garage/utility building (both of which are asphalted flat roofed structures). The garage building measures 3m in width and 7.1m in length.

\*All measurements are approximations.

#### **Relevant history:**

133958 – Pre-application advice given 15/02/2016 for the same proposal.

| <b>Representations:</b>  |                                      |
|--------------------------|--------------------------------------|
| Chairman/Ward member(s): | No representations received to date. |
| Town Council:            | No representations received to date. |
| Local residents:         | No representations received to date. |
| IDOX:                    | Checked 05/08/2016                   |

| <b>Relevant Planning Policies:</b> |  |
|------------------------------------|--|
| National guidance                  | National Planning Policy Framework (2012)<br><a href="https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/6077/2116950.pdf">https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/6077/2116950.pdf</a><br><br>National Planning Practice Guidance<br><a href="http://planningguidance.planningportal.gov.uk/blog/guidance">http://planningguidance.planningportal.gov.uk/blog/guidance</a> |
| Local Guidance                     | West Lindsey Local Plan First Review (2006) Saved Policies   |
|                                    | STRAT 1 Development requiring Planning Permission<br><a href="http://www2.west-lindsey.gov.uk/localplan/written/cpt3a.htm#strat1">http://www2.west-lindsey.gov.uk/localplan/written/cpt3a.htm#strat1</a>   |
|                                    | RES 11 Extensions to Dwellings Located within Settlements<br><a href="http://www2.west-lindsey.gov.uk/localplan/written/cpt6.htm#res11">http://www2.west-lindsey.gov.uk/localplan/written/cpt6.htm#res11</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?  |  |
| Yes. The proposed two-storey extension is one metre less in width than the existing property and will be indented 0.5m from the front (north) elevation of the property. It will replace the existing front canopy and single storey side garage/utility building (both of which are asphalted flat roofed structures). The roof of the extension will be the same height as the ridge of the existing roof. It is considered that this is appropriate as it could look odd in terms of design if the ridge height of the proposed two storey extension were lowered. The single storey front enclosure is proposed to have a pitched roof which will tie it into the existing dwelling and proposed two storey side extension, it will also have the benefit of breaking up the massing of the two storey side extension. Materials will match the existing property. |  |
| iii. Does the proposal adversely affect the amenity of the residents of neighbouring properties by virtue of over-dominance or appearance?   |  |
| No. The rear (south) elevation of the proposed two storey extension could have given most rise for concerns in regards to residential amenity but the proposed openings (ground floor window and two small obscure glazed first floor windows) will overlook the rear garden of the host property and the side (north) elevation of No.1 Dorton Avenue. The ground floor openings in the northern elevation of this neighbouring property are obscured by a wooden close boarded fence and there are two small first floor windows in this elevation   |  |
| iv. Does the proposal prejudice the retention of any significant trees or other important features?  |  |
| No.  |  |
| 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?  |
| Yes.  |
| 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.                        |

|  |
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| <b>Conclusion and reasons for decision:</b>  |
| The decision has been considered against policies STRAT 1: Development Requiring Planning Permission and RES 11: Extensions to Dwellings Located within Settlements of the adopted West Lindsey Local Plan First Review 2006 in the first instance and guidance contained within the National Planning Policy Framework (2012) and National Planning Policy Guidance (2014). In light of this assessment it is considered that the proposal is in keeping with the style, character and appearance of the existing property and will not have a negative impact on the living conditions of neighbouring occupiers or the streetscene. |

**Recommendation: Grant Permission 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:**

None.

**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: Block Plan received 13/07/2016 and EGM 20051909/128/2 dated February 2016. 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.

**3.** 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.

**Reason for Approval:**

The decision has been considered against policies STRAT 1: Development Requiring Planning Permission and RES 11: Extensions to Dwellings Located within Settlements of the adopted West Lindsey Local Plan First Review 2006 in the first instance and guidance contained within the National Planning Policy Framework (2012) and National Planning Policy Guidance. In light of this assessment it is considered that the proposal is in keeping with the style, character and appearance of the existing property and will not have a negative impact on the living conditions of neighbouring occupiers or the streetscene.

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| <b>Report Number</b>                     |
| <b>Planning Committee</b>                |
| <b>Date: 24<sup>th</sup> August 2016</b> |

**Subject: Objection to Tree Preservation Order Ingham No1 2016**

Report by:

Chief Operating Officer

Contact Officer:

Carol Slingsby  
Area Development Officer  
Telephone: 01427 676650  
Email: [carol.slingsby@west-lindsey.gov.uk](mailto:carol.slingsby@west-lindsey.gov.uk)

Purpose / Summary:

This report relates to an objection received against the update TPO made on a sycamore tree which is already covered by a TPO, on land owned by the objector.

**RECOMMENDATION(S): That members approve the confirmation of the Tree Preservation Order Ingham No1 2016**

## IMPLICATIONS

**Legal:**

**Financial : FIN/61/17** There are currently no financial implications. However, members should be aware that as with any future tree application there is a small chance of a claim for costs if an application is refused and then goes to appeal, or if any property damage or injury occurs as a direct result of a refusal decision.

**Staffing :**

**Equality and Diversity including Human Rights :** The process for making and confirming Tree Preservation Orders is set out in primary legislation and government guidance. Therefore, if all decisions are made in accordance with those statutory requirements and guidance, and are taken after having full regard to all the facts, no identified breach to the Human Rights Act 1998 should arise as a result of this report.

**Risk Assessment :**

**Climate Related Risks and Opportunities :**

**Title and Location of any Background Papers used in the preparation of this report:**

The Planning Practice Guidance available on the [www.gov.uk](http://planningguidance.communities.gov.uk/blog/guidance/tree-preservation-orders/) website at <http://planningguidance.communities.gov.uk/blog/guidance/tree-preservation-orders/>

### 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**  **N**



## **1 Introduction**

- 1.1 A tree application was received to fell a large mature sycamore tree on land owned by the applicant at Ingham. The tree is situated close to the boundary with a residential property called Sycamore Lodge, and the reasons given for the tree removal were due to shading and virtually touching the house, and to avoid further complications.
- 1.2 On validating the application it was noted that the tree species on the application did not match the tree species in the Tree Preservation Order (TPO) document. It was realised that the original TPO document contained errors which could bring into question whether the tree was actually the one supposed to be protected by the TPO.
- 1.3 It was decided that a new TPO needed to be made to ensure the tree was adequately protected, and avoid the protection of the TPO being questioned which could result in the tree being allowed to be felling in the event of an appeal.

## **2 Discussion**

- 2.1 The original existing TPO Ingham 1992 lists the protected tree as a beech. Not only does the document list a different tree species but the TPO plan also shows the tree position approx. 4m further to the west.
- 2.2 A site visit confirmed the tree in the application was a sycamore and not a beech. There was no beech tree present nearby, and no indication that another tree has existed nearby. The very large size of the tree and the uniformity of its domed crown made it clear that there has not been another large tree about 4m from the sycamore during recent decades, as another tree in such close proximity would have affected the growth and spread of the sycamore branches. The sycamore crown has grown and developed with no physical restriction by the presence of other trees. We have no record of a previous application to remove a TPO beech tree from this location. From this, I concluded that the existing sycamore must be the tree that was intended to be protected by the 1992 TPO.
- 2.3 It is possible to vary an existing TPO document, but due to both the species and position being incorrect there would be a risk that anyone could claim that the TPO was changed to cover a different tree, which would not be legally allowed. It is due to this possibility that a new TPO was decided to be the best course of action.
- 2.4 An amenity assessment was carried out to check if the tree still met the criteria under the current assessment method. The tree met the criteria and so the new TPO Ingham No1 2016 was made and the tree application continued.
- 2.5 The TPO application resulted in refusal of consent for the removal of the tree because the reasons given for the work were considered to not

be strong enough to justify the removal of the TPO tree. I advised the applicant that the best option with any possible chance of allowing the tree to be removed would be to appeal against the decision, because even if they object to the new TPO, there is already the old TPO in existence (albeit with errors) regardless of whether or not the new TPO is confirmed. The option of appeal was not taken up by the applicant, but they did object to the creation of the new TPO.

2.6 The objection letter explains the tree is a self-set. The adjacent property was built nearly 20 years ago, and the tree owner is worried that the tree now presents a danger to the residents as it gets bigger and older. He also assumes the roots will undermine the foundations. The house and garden is overshadowed by the large tree, and the tree owner is concerned that limbs will eventually fall off, posing a danger to life. He considers either leaving the tree or pruning some branches will just be delaying the inevitable and could potentially put people at risk.

2.7 In response to the objection comments, virtually all sycamore trees start out as self-sets, but we should not condemn a tree just because of its species, as any tree species has potential to provide amenity value to an area. If someone has concerns about the safety of a large tree, then ideally they should have the tree professionally inspected rather than just cutting it down. Under common law, tree owners have a 'duty of care' to regularly inspect and maintain their trees. Many properties have trees nearby and do not suffer from subsidence. The neighbouring house was built less than 20 years ago so it should have been built to modern standards under the Building Regulations, which includes constructing appropriate type or depth of foundations in relation to soil type, species of tree, and proximity to the tree. Providing the tree was properly considered in foundation design then any risk of potential subsidence should be as low as reasonably practicable. The tree owner has concerns about tree safety in relation to the adjacent property, but the lady at the adjacent property contacted me after my site visit to ask what was happening with the tree as she was not aware that an application had been made. It was explained to her about the tree owner making an application to cut the tree down but she made no comments on the application in support of the proposed work or about how the tree affected her property. A copy of the new TPO and information on how to object against it was also sent to the adjacent property, but no objection was received from them.

### **3 Conclusion**

3.1 The new TPO is just an update to correct errors on an existing TPO. The tree is already covered by a TPO which is still in existence and will not be revoked unless this new TPO is confirmed. Confirming the new TPO will ensure the tree protection continues and does not contain errors.



|                           |
|---------------------------|
| PL.07 16/17               |
| <b>Planning Committee</b> |
| <b>24 August 2016</b>     |

**Subject: Determination of Planning Appeals**

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 had been submitted to appeal and for determination by the Planning Inspectorate.

**RECOMMENDATION(S): That the Appeal decisions be noted.**

**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**

## Summary

- i) Appeal by Mr Tom Miller against the decision of West Lindsey District Council to refuse planning permission for the erection of single dwelling on land to the rear of 1 Highfield House, West End, Ingham.

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

**Officer Decision** – Refuse permission

- ii) Appeal by Ms Samantha Farrow against the decision of West Lindsey District Council to refuse planning permission for a dropped kerb onto property with a view of creating off road parking at 14 Bridge Road, Gainsborough.

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

**Officer Decision** – Refuse permission

- iii) Appeal by Mr D Ward against the decision of West Lindsey District Council to refuse planning permission for a front extension to form a larger lounge at 24 The Granthams, Dunholme.

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

**Officer Decision** – Refuse permission

- iv) Appeal by Mr D Ward against the decision of West Lindsey District Council to refuse planning permission for the demolition of the existing porch, laundry, and outhouse at the rear of the property, and construction in their place a glazed link, with laundry and shower room, leading to a new lounge with bedroom above at 25 High Street, Newton on Trent.

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

**Officer Decision** – Refuse permission

- vi) Appeal by Mr Robert Addison against the decision of West Lindsey District Council to refuse planning permission for a new exemplar single dwelling, including outbuilding and new access drive on land adjacent to Thorpe Farm, Thorpe Lane, Tealby.

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

**Officer Recommendation** – Grant permission

**Committee Decision** - Refuse

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## Appeal Decision

Site visit made on 21 June 2016

**by David Cross BA (Hons), PGDip, MRTPI**

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

**Decision date: 29 July 2016**

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**Appeal Ref: APP/N2535/W/16/3148098**

**Land to the rear of 1 Highfield House, West End, Ingham, Lincoln LN1 2XY**

- 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 Tom Miller against the decision of West Lindsey District Council.
  - The application Ref 133790, dated 1 December 2015, was refused by notice dated 12 February 2016.
  - The development proposed is erection of single dwelling.
- 

### Decision

1. The appeal is dismissed.

### Procedural Matters

2. The application has been submitted in outline with all matters reserved for future consideration. I have dealt with the appeal on that basis, treating the proposed site layout plan as indicative in line with the Planning, Design and Access Statement
3. The Council has confirmed that the Proposed Submission Central Lincolnshire Local Plan 2016 (CLLP) has entered the examination period with the Examination in Public expected to take place during the autumn of 2016. Whilst I have noted the Council's comments on this matter, I have not been made aware of the extent to which there are unresolved objections to relevant policies of the CLLP. Because of this and the stage of the preparation of the CLLP, I consider that only limited weight can be attached to it having regard to paragraph 216 of the National Planning Policy Framework (the Framework).

### Main Issue

4. The main issue is the effect of the proposal on the character and appearance of the area.

### Reasons

5. The appeal site consists of part of a paddock located on the edge of the village of Ingham, which is defined as a Primary Rural Settlement in policy STRAT3 of the saved policies of the West Lindsey Local Plan First Review 2006 (WLLP). The site is located outside of the defined settlement boundary and is therefore considered to be located within the open countryside. Policy STRAT12 states that planning permission for development in the open countryside will be

- refused unless it meets certain criteria, for example if it is essential to meet the needs of agriculture, horticulture or forestry. The proposal would not meet the criteria listed in policy STRAT12 and would therefore conflict with the WLLP. Policy STRAT9 establishes the priority for the release of housing land, with greenfield land (such as the appeal site) being the lowest priority.
6. However, the Council accepts that the spatial strategy of the WLLP is out of date as it does not have sufficient allocations to meet the five year housing land supply in accordance with paragraph 47 of the Framework. The Council has provided further information on land supply in the Central Lincolnshire Five Year Land Supply Report April 2016, but as the Council acknowledge it has not been independently tested I have given this very little weight. Paragraph 49 of the Framework states that in these circumstances relevant policies for the supply of housing should not be considered up to date. The appeal proposal should therefore be considered on the basis of paragraph 14 of the Framework which states that where relevant policies are out of date permission should be granted unless the adverse impacts of doing so would significantly and demonstrably outweigh the benefits.
  7. At my site visit, it was apparent that the site has the characteristics of a field for the grazing of animals rather than an amenity area associated with Ingham. The site is distinctly separate from adjacent residential plots and the wider settlement of Ingham due to well-established hedges and trees along the boundary. Because of this visual separation and the rural character of the paddock the site is clearly associated with the countryside around Ingham rather than the settlement itself.
  8. There are also well established hedges along the southern and western boundaries of the paddock, although the boundary of the appeal site does not extend up to these. Whilst the planting on the boundary affords a degree of screening in views of the site from the surrounding countryside, a dwelling on the site would be visible from the surrounding area including views from a public footpath to the south. It was apparent on my site visit that when viewed from the south the site does not appear against a backdrop of the built form of Ingham but is instead viewed against a screen of green field boundaries and mature trees. The introduction of a dwelling would change the character of the site from a rural paddock to a residential plot which would therefore appear as alien and incongruous development projecting into the countryside rather than a development associated with the built form of Ingham.
  9. The appellants have referred to the Guidelines for Landscape and Visual Assessment 2013 (GLVIA) and stated that the conclusions of the Council should be given limited weight as a GLVIA compliant assessment has not been undertaken. However, whilst the GLVIA may represent best practice, it is normally used for much larger scale development and the lack of such an assessment does not nullify the conclusions of the Council. I have considered the assessment undertaken by the appellant and the identified key viewpoints and this does not overcome the harm identified above.
  10. The appellants have also stated that the site is not agricultural land as referred to in the Council Officer's report and instead consists of amenity grassland. However, I have not been provided with any evidence in relation to the agricultural classification of the site and this matter has not been influential in my decision.

- 
11. In relation to benefits arising from the proposal, an additional dwelling in terms of the supply of housing would be a benefit albeit a very modest one. Residents of the dwelling would also have convenient access to the services in Ingham.

### **Conclusion**

12. The proposal would conflict with policies STRAT9 and STRAT12 of the development plan in that it is a greenfield site located outside of the defined settlement limits of Ingham. However, I consider that in the light of the Council's acceptance that the WLLP is out of date these policies for the supply of housing should not be determinative of the outcome of this appeal.
13. Notwithstanding my comments above in relation to policies for the supply of housing, the proposal conflicts with policy STRAT1 of the WLLP which seeks to prevent visual encroachment into the countryside. The proposal also conflicts with Policy NBE20 which states that development will not be permitted on the edge of settlements and which detracts from the rural character of the settlement edge. These policies are broadly consistent with the environmental role of the sustainability objectives of the Framework.
14. When assessed against the development plan and the Framework considered as a whole, on balance, the overriding consideration is that the scheme would fail to contribute to the environmental role of sustainable development in relation to protecting and enhancing the natural and built environment. I have had regard to all other matters raised including the identified benefits, however none of these affect the conclusions I have reached. The appeal is therefore dismissed.

*David Cross*

Inspector



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## Appeal Decision

Site visit made on 13 July 2016

**by M Seaton BSc (Hons) DipTP MRTPI**

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

**Decision date: 26 July 2016**

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**Appeal Ref: APP/N2535/D/16/3148734**

**25 High Street, Newton on Trent, Lincoln, LN1 2JS**

- 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 Daniel Wade against the decision of West Lindsey District Council.
  - The application Ref 133826, dated 10 December 2015, was refused by notice dated 8 April 2016.
  - The development proposed is for the demolition of the existing porch, laundry, and outhouse at the rear of the property, and construction in their place a glazed link, with laundry and shower room, leading to a new lounge with bedroom above.
- 

### Procedural Matter

1. I have noted that the Council adopted an alternative description of development to that proposed on the application form by the appellant, with the Council's description stating the works to be a *glazed link and two storey extension to the rear including the removal of existing porch, laundry room, and outhouse*. However, whilst I accept the Council's description of development to be a more concise version of the appellant's, I do not see this as a reason to depart from the description of development included on the planning application forms, which I consider to be an accurate reflection of the proposed development.

### Decision

2. The appeal is dismissed.

### Main Issue

3. The main issues are;
  - the effect of the proposed development on the character and appearance of the property and the area, with particular reference to the effect on the setting of nearby listed buildings; and,
  - whether the proposed development would safeguard the living conditions of No. 23 High Street, having regard to outlook and light.

### Reasons

#### *Listed building and character and appearance*

4. The appeal property is a two-storey brick-built end of terrace dwelling set on to High Street, which is the main thoroughfare through the village centre. The

property is set slightly back from the main road by virtue of its front garden, with a side access drive to parking at the rear of the dwelling, as well as providing access to a further dwelling to the rear. The property possesses associated outhouses to the rear which include as indicated on the existing plans a laundry linked to the rear of the house by a porch structure, and a larger brick-built outhouse which also bounds the end of the rear garden closest to the dwelling of the neighbouring property, No. 23 High Street. A further area of 'paddock' lawn abuts the rear driveway to the east of the large outhouse.

5. In determining this appeal, I have a statutory duty, under Section 66(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990, to consider the impact of the proposal on the special architectural and historic interest of the setting of the nearby listed buildings. Paragraph 132 of the National Planning Policy Framework (the Framework) states that when considering the impact of a proposed development on the significance of a designated heritage asset, great weight should be given to the asset's conservation. In this regard, I have considered the impact of the proposed development on both the Church of St. Peter, a Grade II\* listed building, and White House Farm House, a Grade II listed building immediately to the south of the appeal property.
6. The proposed development would incorporate the demolition of the existing historic outhouses and other structures to the rear of the appeal property, and replacement with a tiled link extension to a two storey rear outbuilding, positioned in a broadly similar location to the existing outhouse. In both instances, the proposed elements of the works would comprise larger footprints of development, and increases in overall height, which in the case of the two-storey outbuilding would be relatively significant. In this respect, on the basis of the submitted plans, I consider both individually and cumulatively that the proposed extensions would represent an uncharacteristic form of development and extension to the existing dwelling. Furthermore, as a consequence of their overall height and bulk, and noting the appellant's contention to the contrary, they would not appear as subservient additions to the dwelling, but as substantial additions to the rear of the cottage, and not reflective of the traditional form of the short terrace of cottages.
7. Turning to the impact of the proposed development on the listed buildings, I consider that the setting of both the Church of St. Peter and White House Farm House is derived from their village location. With this in mind, I accept that the general principle of extending the appeal property would not necessarily detract from the significance of the listed buildings. Whilst the church is set back from the road frontage behind other buildings including the village school and mature trees, the church tower is visible from various points around the village, including from the appeal site. However, I find that the scale, appearance, and use of proposed window and cladding materials would, in the context of the relationship with the cottage, result in an adverse effect due to the proximity and inter-visibility with White House Farm House and the tower of the Church of St. Peter. As a consequence, I am satisfied that the significance of the heritage assets would therefore be diminished by the proposal as it would detract from the setting and the traditional pattern of development, and would therefore conflict with the policies of the Framework which seek to conserve and enhance the historic environment.

8. The appellant has referred to the existing condition of the outhouse and associated outbuildings to the rear, which on the basis of my observations I would agree are in a generally poor state of repair and do not make a particularly positive visual contribution. However, I am not persuaded by the evidence before me that this in itself provides any justification for the extent of the development as proposed. Furthermore, I have taken into account the use of matching materials with regards the proposed red brick and red clay pantiles, but despite uPVC windows having been installed in the cottage and the appellant drawing my attention to their durability and maintenance benefits, I do not regard these considerations as outweighing the visual harm from the proposed uPVC windows.
9. On the basis of the submitted evidence and my observations at the site visit, I would conclude that the proposed development would result in an adverse effect on the character and appearance of the existing property, and would fail to preserve or enhance the setting of the nearby listed buildings. I note that the Council has referred me to saved Policy RES 12 of the West Lindsey Local Plan First Review 2006 (the Local Plan) in the reason for refusal, but as a consequence of its focus on extensions to dwellings in the open countryside, I do not consider this policy to be pertinent in this instance. However, I am satisfied that the proposal would not accord with Policies STRAT 1 and RES 11 of the Local Plan, which state that development must have regard to the impact on character and appearance of neighbouring land, as well as the setting of listed buildings, and that extensions should be well-designed in relation to size, shape and materials, and be subordinate to the building.

*Living conditions*

10. The proposed extensions immediately abut the private rear garden of the neighbouring property at No. 23 High Street, and would also be close to the rear elevation. The Council has raised concern over the impact of the proposed development on both the outlook and light afforded to neighbouring occupiers.
11. In considering this matter, I have had careful regard to the orientation of the neighbouring property from the proposed development, as well as the existing extent of built form and its impact on existing living conditions. In this respect, there can be no dispute that there would be an increase in the overall height of the proposed extensions in comparison to the existing outhouses, and I am satisfied therefore that the proposals would result in a greater impact on light afforded to the garden and ground floor rear windows of the neighbouring property, to an unacceptable degree. Furthermore, the proposed development would result in a more oppressive outlook from the garden and ground floor windows, particularly in respect of the greater scale of the two-storey element.
12. As a consequence, on the basis of the evidence submitted and my observations on site, I am satisfied that the extent of the proposed works and their orientation from both the neighbouring garden and windows would result in an unacceptable worsening of the availability of light and outlook, as experienced by neighbouring occupiers. The proposals would therefore fail to safeguard the living conditions of the neighbouring occupier of No. 23 High Street, and would not accord with saved Policies STRAT 1 and RES 11 of the Local Plan, which require development to have regard to the impact on neighbouring land and uses, and for extensions to not adversely affect the amenities of neighbouring properties by virtue of over-dominance. Furthermore, the proposal would not

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accord with paragraph 17 of the Framework which requires development to always seek a good standard of amenity for all existing occupants of land and buildings.

**Other Matters**

13. The appellant has indicated that much of the proposals could be undertaken as permitted development, although has not provided any details specifying how this may be achieved or what form such a development should take. Nevertheless, it would be my view that such an extension would be unlikely to be as substantial as the proposal now before me, and in the absence of any further information on the matter it is not my judgement therefore to make.
14. I have also had regard to the lack of objection from neighbouring occupiers, but this is not a decisive matter with regards to the harm which has been identified.

**Conclusion**

15. For the reasons above, the appeal should be dismissed.

*M Seaton*

INSPECTOR

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## Appeal Decision

Site visit made on 1 August 2016

**by J A Murray LLB (Hons), Dip.Plan Env, DMS, Solicitor**

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

**Decision date: 2 August 2016**

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**Appeal Ref: APP/N2535/D/16/3152827**

**24 The Granthams, Dunholme, Lincoln, LN2 3SP**

- 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 D Ward against the decision of West Lindsey District Council.
  - The application Ref 133936, dated 11 January 2016, was refused by notice dated 16 March 2016.
  - The development proposed is a front extension to form a larger lounge.
- 

### Decision

1. The appeal is dismissed.

### Main Issue

2. The main issue is the effect of the proposal on the character and appearance of the hoist dwelling and the area.

### Reasons

3. The appeal site lies within an established housing estate. The Granthams itself is a cul-de-sac of detached dwellings, including bungalows, chalet bungalows and, at its far end, 2-storey houses. They all appear to be of the same era and, whilst some have been altered and the differing dwelling types provide some variety, the development on this road has a coherent and harmonious appearance.
4. The appeal property lies in a row of similar, modest, gable-fronted bungalows and it shares a consistent building line with Nos 23 and 25 on either side. Whilst the front elevation of No 22 is stepped back, this merely follows the bend in the road and appears entirely natural. The properties opposite the appeal site are of a different design, but they too share a common front building line.
5. The proposal would not alter the appearance of the host property's front elevation, but would bring it forward some 2.9m, including the roof. On entering the cul-de-sac, the appeal property and its adjoining neighbours are the first houses encountered on the left of the road. The proposal would significantly breach the established building line. Whilst variety can add interest, this proposal would give the host property undue prominence, extending the unrelieved brickwork of the flank elevation clearly into view and introducing a discordant note into an otherwise harmonious layout. It is no answer to this to say that the neighbours would have the same opportunity to extend their properties; there can be no obligation on them to do so.

6. I note that No 11 The Granthams has a front extension which brings it forward of the front elevation of No 10. However, that extension brings No 11 broadly in line with Nos 12 and 13, which are already stepped forward. Furthermore, the separation between the main front elevations of No 11 and its immediate neighbours is greater than in the case of the appeal property and its neighbours. There is also more variety in the design of properties in this part of the cul-de-sac, where 2-storey houses are introduced around the turning circle. All these factors make the extension at No 11 much less incongruous than the appeal proposal would be.
7. The appellant also drew my attention to front extensions at Nos 46 and 51 Merleswen, on the same estate. The extension at No 46 only extends half the width of the front elevation and the separation distances between it and its neighbours are greater than in the case before me. Furthermore, the neighbouring property at No 44 is of a different design to Nos 46 – 54 (even) and the front building line at Nos 48 – 50 is stepped. Similarly, the design of No 51 differs from that of its neighbour at No 53 and the separation distances on both sides are greater than in this case. In addition, none of these developments can be seen together with the appeal property. In all these circumstances, the other schemes referred to are not truly comparable to the appeal proposal and do not indicate that it should be allowed.
8. For all the reasons given, I conclude on the main issue that the proposal would unacceptably harm the character and appearance of the host dwelling and the area, contrary to saved Policies STRAT 1 and RES 11 of the West Lindsey Local Plan First Review, adopted 2006. These seek to protect local character and encourage good design, in line with the National Planning Policy Framework. The Framework attaches great importance to good design, which is a key aspect of sustainable development and indivisible from good planning. It also indicates that permission should be refused for development of poor design that fails to take the opportunities available for improving the character and quality of an area and the way that it functions.
9. Having regard to my conclusion on the main issue and all other matters raised, including the fact that the proposal would make greater use of urban land, I am satisfied that the appeal should be dismissed.

*J A Murray*

INSPECTOR

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## Appeal Decision

Site visit made on 29 June 2016

**by John Morrison BA (Hons) MSc MRTPI**

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

**Decision date: 1 Aug 2016**

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**Appeal Ref: APP/N2535/D/16/3150197**

**14 Bridge Road, Gainsborough, Lincolnshire DN21 1JU**

- 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 Ms Samantha Farrow against the decision of West Lindsey District Council.
  - The application Ref 134102, dated 29 February 2016, was refused by notice dated 11 May 2016.
  - The development proposed is a dropped kerb onto property with a view of creating off road parking.
- 

### Decision

1. The appeal is dismissed.

### Main Issue

2. The main issue is the effect of the proposed development on highway safety.

### Reasons

3. The proposed development would create two off street parking spaces on the front garden of the existing dwelling. Bridge Road is a single carriageway road; the section on which the existing dwelling is located runs between the Lea Road and Bridge Street junction to the west and the roundabout at the foot of the Thorndike Way dual carriageway to the east.
4. The front garden of the existing dwelling is of limited depth and whilst it would evidently be capable of accommodating an average sized parked vehicle clear of the pavement, I am not persuaded that there would be sufficient space to turn within the residential curtilage and exit forwards. A vehicle entering or exiting the proposed off street parking space would therefore either have to reverse onto the front garden or into the highway. In either case this would involve a manoeuvre within the highway which would cause obstruction and a potential danger to both vehicular and pedestrian users.
5. As a result the proposed development would be detrimental to highway safety and would therefore be contrary to Policy STRAT 1 of the West Lindsey Local Plan First Review 2006 which seeks to ensure that, inter alia, all development must be satisfactory with regard to the provision of adequate and safe access to the road network to prevent the creation or aggravation of highway problems.

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6. The proposed development would also be contrary to the National Planning Policy Framework which seeks to ensure that, with specific regards to paragraph 35, development should be located and designed, where practical to create safe and secure layouts which minimise conflicts between traffic and cyclists or pedestrians.

### **Other Matters**

7. The appellant states the intention for the occupiers of Number 16 Bridge Road to apply for planning permission for the same development and thus provide an off street parking area between the two gardens which would allow a vehicle to turn and exit forwards. Aside from not having such a proposal before me, I am not persuaded that in the event both gardens were opened up for off street parking, a turning manoeuvre clear of the public highway would be practical as it would have to be reliant on there being no other parked vehicles on either garden.
8. I acknowledge the other examples of parked vehicles on front gardens elsewhere in the surrounding area which have been provided. I further note that most do not allow for turning within them and in some cases result in parked vehicles overhanging the pavement. I have no evidence before me to suggest however that these examples are all lawful in planning terms and in any event, the hazards that these examples have created are not a justification to allow the appeal. I therefore afford them limited weight in my findings.
9. Whilst the provision of off street parking would prevent cars parking on the highway, the proximity of the proposed drop kerb to the existing pedestrian crossing and double yellow lines would prevent this in any event. I also acknowledge that visibility from the front garden onto Bridge Road would be sufficient. However, this is neither a contentious issue in the determination of the appeal nor sufficient to outweigh the harm that I have identified above.
10. I note the appellant's further comments that the addition of off street parking would have a favourable effect on the value of the property and that in the past vehicles have been subject to vandalism.
11. Since planning decisions are concerned with land use in the public interest, the effect of them on the value of private interests such as property value, either positively or negatively, can be afforded very limited weight. In addition, I have no compelling evidence before me that parking within the residential curtilage would be a sufficient deterrent to vandalism. Indeed, the appellant points out that they currently rent a garage, which arguably is a more secure option in any event. I can therefore afford this matter only limited weight in my findings.

### **Conclusion**

12. For the above reasons therefore, and having regard to all other matters raised, the appeal is dismissed.

*John Morrison*

INSPECTOR



## Appeal Decision

Site visit made on 26 July 2016

**by Helen Hockenhull BA(Hons) B.PI MRTPI**

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

**Decision date: 10 August 2016**

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**Appeal Ref: APP/N2535/W/16/3149772**

**Land adjacent to Thorpe Farm, Thorpe Lane, Tealby, Market Rasen LN8 3XJ**

- 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 Robert Addison against the decision of West Lindsey District Council.
  - The application Ref 133466, dated 7 September 2015, was refused by notice dated 11 March 2016.
  - The development proposed is a new exemplar single dwelling, including outbuilding and new access drive.
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### Decision

1. The appeal is allowed and planning permission is granted for a new exemplar single dwelling, including outbuilding and new access drive, on land adjacent to Thorpe Farm, Thorpe Lane, Tealby, Market Rasen LN8 3XJ in accordance with the terms of the application, Ref 133466, dated 7 September 2015, subject to the conditions in the attached schedule.

### Main Issue

2. The main issue raised in this case is whether there are special circumstances to justify making an exception to the national and local planning policies of restraint on isolated residential development in the countryside.

### Reasons

3. The appeal site is set in an existing area of woodland on the edge of a paddock forming part of Thorpe Farm, a Grade II Listed building. The site is located within an Area of Great Landscape Value, close to the Lincolnshire Wolds Area of Outstanding Natural Beauty and on the edge of the Tealby Thorpe Conservation Area.
4. The site lies in the open countryside. Saved Policy STRAT 12 of the West Lindsey Local Plan First Review 2006 states that planning permission will not be granted for development in the open countryside unless it is essential to meet the needs of agriculture, horticulture, forestry, mineral extraction or other land use which necessarily requires a countryside location. This policy pre dates the National Planning Policy Framework (the Framework) and it is this latter document that carries greater weight in this case.
5. The Framework in paragraph 55 promotes sustainable development in rural areas and states that isolated new homes in the countryside should be avoided

- unless there are special circumstances. One of these circumstances is the exceptional quality or innovative nature of the design of the dwelling. Such a design should meet four criteria.
6. The first of these is that the design should be truly outstanding or innovative, helping to raise standards of design more generally in rural areas and secondly that it should reflect the highest standards in architecture. The proposed dwelling would be contemporary in style and would take the form of three cylinders of varying heights and scale with a rectangular single storey element to the rear. The building would provide living space and two bedrooms to the ground floor and three bedrooms to the first floor. The dwelling would be clad in vertical timber lats at first floor and the ground floor would be glazed. The roof would be sedum and would incorporate photovoltaic panels.
  7. I have had regard to the Design and Access Statement submitted with the original planning application which outlines the design principles of the proposal and the views of the Opun Design Review Panel. The dwelling has been designed to take account of its woodland context and to link to the natural environment. The use of larch cladding reflects the trees surrounding the site and the silo elements acknowledge the agricultural structures of a rural area. The ground floor glazing would be chamfered like a leaf again reflecting the woodland setting. First floor terraces are concealed by the timber lats as are the first floor windows overcoming the visual impact of fenestration.
  8. The building would be constructed to a high level of energy efficiency incorporating many sustainable construction features including high standards of thermal insulation, rainwater harvesting, air source heating, photovoltaic panels and low energy lighting. I consider that the dwelling is of a very high standard of architecture, includes a number of innovative features, and would raise the standards of design more generally in rural areas.
  9. The other two criteria of paragraph 55 are that the development should significantly enhance its immediate setting and be sensitive to the defining characteristics of the area. The development is proposed to be sited on the edge of existing woodland in a position where it would have minimal visual impact. I acknowledge that a number of trees would need to be removed to allow the development to take place. An appropriate landscape scheme would assist to mitigate the impact of their removal. In addition I note that the woodland would be managed, letting in more light which would increase the biodiversity of the site. The dwelling would be accessed by a new drive from Sandy Lane which would follow the line of the field boundary. The drive would be constructed of a paving grid with a grassed surface to retain a green appearance and blend into the landscape of the area.
  10. The Council has argued that the proposal would drastically change the edge of the settlement and result in the loss of the soft entrance to the village. It is further argues that a modern dwelling would seem incongruous in this sensitive landscape setting. The developments sensitive siting, form, scale, woodland setting and use of natural materials would in my view result in a dwelling responding sensitively to the characteristics of the site and surrounding area. The development would therefore not stand out in its context. I consider that the proposed dwelling would not form a dominant or incongruous structure which would adversely affect the character, appearance or enjoyment of the Area of Great Landscape Value or the nearby AONB.

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11. In conclusion I consider that the proposed dwelling would be of a highly sustainable and innovative design, would enhance its setting and would be sensitive to the defining characteristics of the area. It would therefore meet the special circumstances criteria outlined in paragraph 55 of the Framework. The proposal would also be in compliance with saved Policies STRAT 1 and RES1 of the West Lindsey Local Plan First Review 2006 which aim to achieve a high quality environment and design and saved Policies NBE10 and NBE20 of the same document which aim to protect the character of the landscape and Areas of Great Landscape Value.

### **Other matters**

12. The Council have raised concern that the proposed dwelling would have a detrimental impact on the significance of Thorpe Farm, a Grade II Listed farmhouse located within the Tealby Thorpe Conservation Area.
13. The Framework in paragraph 132 requires great weight to be given to the conservation of designated heritage assets, which include listed buildings and conservation areas. The proposed dwelling would be approximately 57 metres from Thorpe Farm. I noted on my site visit that the farmhouse is set in its own grounds with an established garden and is separated from the appeal site by a paddock and intervening hedgerow and trees. It is my view that whilst the proposed dwelling would be able to be seen from Thorpe Farm it would be sufficiently far away not to affect its setting. I therefore consider that the appeal proposal would not cause harm to the significance of this heritage asset.
14. The boundary of the Tealby Thorpe Conservation Areas runs along the edge of Thorpe Farm. The proposed dwelling would not be able to be viewed from the village due to the topography and trees in the landscape and therefore would not cause harm to the setting or views towards the conservation area.
15. I note from the Councils evidence that Tealby Thorpe is a dark skies settlement and there is concern that light pollution from the proposed dwelling would cause harm to the character of the area. I note that the proposed building has been designed to minimise light pollution with the ground floor set back under the first floor creating shadow and reducing uplighting. In addition the first floor windows would in effect be baffled by the position of the larch lats. I therefore consider that the proposal would be acceptable in this regard.

### **Conditions**

16. I have had regard to the conditions suggested by the Council which I have considered against the requirements of the national Planning Practice Guidance and the Framework. In addition to the standard timeframe condition I consider it necessary for the avoidance of doubt that the development should be carried out in accordance with the approved plans. I also consider it necessary to impose conditions regarding materials, the provision and maintenance of landscaping and lighting in order to ensure a high quality development and protect the character and appearance of the area. I have also imposed a condition requiring the submission of the details of the access in the interests of highway safety.
17. The Council has also requested that permitted development rights be removed for the erection of extensions, alterations, satellite dishes, the insertion of windows and buildings or structures in the curtilage of the dwelling. I consider

this to be necessary to maintain the architectural quality of the building and protect the character and appearance of the area.

18. Where necessary I have amended the wording of the conditions so that they better reflect the guidance.

### **Conclusion**

19. I have found that the proposal would be of exceptional quality and innovative design which would provide the special circumstances required by paragraph 55 of the Framework to allow a new home in the countryside as an exception to national and local plan policies.
20. For the reasons given above and having regard to all other matters raised, I allow this appeal.

*Helen Hockenfull*

INSPECTOR

### SCHEDULE OF CONDITIONS

- 1) The development hereby permitted shall begin not later than 3 years from the date of this decision.
- 2) The development hereby permitted shall be carried out in accordance with the following approved plans: TT\_001 Rev 02 Sketch Scheme Site Plan, TT\_100 Sketch Scheme Plans, TT\_101 Sketch Scheme Elevations, TT\_102 Sketch Scheme Elevations, TT\_103 Sketch Scheme Outbuilding.
- 3) No development shall commence until details of the materials to be used in the construction of the external surfaces of the dwelling hereby permitted, including the width of the larch lats, the colour and profile of the aluminium frames and plinth, have been submitted to and approved in writing by the local planning authority. Development shall be carried out in accordance with the approved details.
- 4) No development shall commence until details of the vehicular access to the public highway and the access track, including materials, method of protecting tree roots, final surface, specification of works and construction method have been submitted to the local planning authority for approval in writing. Development shall be carried out in accordance with the approved details before the dwelling is first brought in to use. The access shall be retained thereafter.
- 5) No development shall commence until there shall have been submitted to and approved in writing by the local planning authority a scheme of landscaping. The scheme shall include details of the size, species and position or density of all trees and shrubs to be planted, any fencing and walling, details of the trees to be removed including self-sown trees and measures for the protection of trees to be retained. The scheme shall

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- also include a timetable for the implementation of the landscaping and a methodology for its future maintenance including the existing woodland.
- 6) All planting, seeding or turfing comprised in the approved details of landscaping shall be carried out in the first planting and seeding seasons following the occupation of the buildings 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.
  - 7) No works shall take place involving the loss of any hedgerow, tree or shrub between 1st March and 31st August in any year until a detailed survey shall be undertaken to check for the existence of nesting birds. Where nests are found, a 4 metre exclusion zone shall be created around the nests until breeding is completed. Completion of nesting shall be confirmed by a suitably qualified person and a report submitted to and approved in writing by the local planning authority before any works involving the removal of the hedgerow, tree or shrub take place.
  - 8) No development shall take place until details of any external lighting to include type, position and light intensity has been submitted to and approved in writing by the local planning authority. Development shall be carried out in accordance with the approved details and thereafter retained.
  - 9) Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 (or any order revoking and re-enacting that Order with or without modification), the dwelling hereby permitted shall not be altered or extended, no satellite dishes shall be affixed to the dwelling, no new windows shall be inserted and no buildings or other structures shall be erected within the curtilage of the dwelling [other than those expressly authorised by this permission].

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