

AGENDA

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

Planning Committee

Wednesday, 31st May, 2017 at 6.30 pm

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

Members:

- Councillor Ian Fleetwood (Chairman)
- Councillor Owen Bierley (Vice-Chairman)
- Councillor Matthew Boles
- Councillor David Cotton
- Councillor Stuart Curtis
- Councillor Michael Devine
- Councillor Hugo Marfleet
- Councillor Giles McNeill
- Councillor Mrs Jessie Milne
- Councillor Roger Patterson
- Councillor Mrs 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** (PAGES 1 - 4)
 - i) **Meetings of the Planning Committee held on 5 April and 8 May 2017 previously circulated.**
4. **Declarations of Interest**
Members may make any declarations of interest at this point but may also make them at any time during the course of the meeting.
5. **Update on Government/Local Changes in Planning Policy**

Note – the status of Neighbourhood Plans in the District may be found via this link

<https://www.west-lindsey.gov.uk/my-services/planning-and-building/neighbourhood-planning/>

- 6. Planning Applications for Determination** (PAGES 5 - 6)
- a) 134096 Cherry Willingham**
Planning application for erection of 69 dwellings on land off Hawthorn Road, Cherry Willingham. (PAGES 7 - 30)
- b) 134553 Torksey**
Planning application for use of land for the siting of holiday accommodation units with an associated building to provide restaurant, village shop and tackle shop, with associated access, parking and landscaping on land adjacent Locklands Lake, Lincoln Road, Torksey Lock. (PAGES 31 - 44)
- c) 134332 Gainsborough**
Planning application to erect a four storey block of 17 apartments with associated access and car parking-resubmission of 131913 on land on corner of North Street, Gainsborough. (PAGES 45 - 68)
- d) 135750 + 51 Gainsborough**
Planning application for demolition of former Sun Inn hotel and 37 Market Street, construction of hotel (use class C1) and restaurant (use class A3); alterations to and demolition of rear part of 27 Market Street and change of use to allow A1,A2,A3,A4 and A5 uses at ground floor; alterations to and demolition of rear part of 29 Market Street; alterations to 35 Market Street and change of use to allow A1,A2,A3,A4 and A5 uses; alterations to 3,7,11 and 5,9,13 North Street and demolition of outbuilding to rear; works to expand and reconfigure car park; landscaping, access and associated works. Sun Inn Hotel 1 North Street Gainsborough (PAGES 69 - 106)
- And
- Listed building consent for demolition of 37 Market Street, alterations to and partial demolition of 29 Market Street and works of alteration to 35 Market Street, Gainsborough.
- e) 135790 Dunholme**
Planning application to erect 64 dwellings with roads, garages and residential parking, including community parking and public open spaces on land North of Honeyholes Lane, Dunholme. (PAGES 107 - 128)
- 7. Determination of Appeals** (PAGES 129 - 134)

M Gill
Chief Executive
The Guildhall
Gainsborough

Monday, 22 May 2017

This page is intentionally left blank

WEST LINDSEY DISTRICT COUNCIL

MINUTES of the Meeting of the Planning Committee held in the Council Chamber - The Guildhall, Marshall's Yard, Gainsborough, DN21 2NA on 8 May 2017 commencing at 8.21 pm.

Present: Councillor Mrs Angela Lawrence (Chairman of Council (in the Chair))

Councillor Owen Bierley
Councillor Matthew Boles
Councillor David Cotton
Councillor Michael Devine
Councillor Ian Fleetwood
Councillor Giles McNeill
Councillor Mrs Jessie Milne
Councillor Roger Patterson
Councillor Mrs Judy Rainsforth
Councillor Thomas Smith

In Attendance:

Dinah Lilley Governance and Civic Officer
Alan Robinson SL - Democratic and Business Support

Apologies: Councillor Stuart Curtis

Membership: No substitutes were appointed

1 TO ELECT A CHAIRMAN FOR THE CIVIC YEAR

RESOLVED that Councillor Ian Fleetwood be appointed Chairman of the Committee for the 2017/18 civic year.

Councillor Fleetwood took the Chair for the remainder of the meeting, and noted that he hoped that this was merely a custodial role, until such time as Councillor Curtis returned following his ill health.

2 TO ELECT A VICE CHAIRMAN FOR THE CIVIC YEAR

RESOLVED that Councillor Owen Bierley be appointed Vice-Chairman of the Committee for the 2017/18 civic year.

3 TO DETERMINE THE NORMAL COMMENCEMENT TIME OF MEETINGS

RESOLVED that the meetings of the Committee will normally commence at 6.30 pm.

4 TRAINING

It be noted that a training session at which Members of the Committee will be required to attend, will be arranged and further details will be circulated in due course.

Note Any Member wishing to serve or substitute on this Committee must have undertaken such training as deemed appropriate by the Monitoring Officer, and as a minimum, within the previous two years of the date of the meeting.

The meeting concluded at 8.23 pm.

Chairman

WEST LINDSEY DISTRICT COUNCIL

MINUTES of the Meeting of the Planning Committee held in the Council Chamber - The Guildhall, Marshall's Yard, Gainsborough, DN21 2NA on 8 May 2017 commencing at 8.21 pm.

Present: Councillor Mrs Angela Lawrence (Chairman of Council (in the Chair))

Councillor Owen Bierley
Councillor Matthew Boles
Councillor David Cotton
Councillor Michael Devine
Councillor Ian Fleetwood
Councillor Giles McNeill
Councillor Mrs Jessie Milne
Councillor Roger Patterson
Councillor Mrs Judy Rainsforth
Councillor Thomas Smith

In Attendance:

Dinah Lilley Governance and Civic Officer
Alan Robinson SL - Democratic and Business Support

Apologies: Councillor Stuart Curtis

Membership: No substitutes were appointed

1 TO ELECT A CHAIRMAN FOR THE CIVIC YEAR

RESOLVED that Councillor Ian Fleetwood be appointed Chairman of the Committee for the 2017/18 civic year.

Councillor Fleetwood took the Chair for the remainder of the meeting, and noted that he hoped that this was merely a custodial role, until such time as Councillor Curtis returned following his ill health.

2 TO ELECT A VICE CHAIRMAN FOR THE CIVIC YEAR

RESOLVED that Councillor Owen Bierley be appointed Vice-Chairman of the Committee for the 2017/18 civic year.

3 TO DETERMINE THE NORMAL COMMENCEMENT TIME OF MEETINGS

RESOLVED that the meetings of the Committee will normally commence at 6.30 pm.

4 TRAINING

It be noted that a training session at which Members of the Committee will be required to attend, will be arranged and further details will be circulated in due course.

Note Any Member wishing to serve or substitute on this Committee must have undertaken such training as deemed appropriate by the Monitoring Officer, and as a minimum, within the previous two years of the date of the meeting.

The meeting concluded at 8.23 pm.

Chairman



Planning Committee
31 May 2017

Subject: Planning applications for determination

Report by:

Chief Operating Officer

Contact Officer:

Mark Sturgess
Chief Operating Officer
Mark.sturgess@west-lindsey.gov.uk
01427 676687

Purpose / Summary:

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

RECOMMENDATION(S): Each item has its own recommendation

IMPLICATIONS

Legal: None arising from this report.

Financial : None arising from this report.

Staffing : None arising from this report.

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

Risk Assessment : None arising from this report.

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

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

Are detailed in each individual item

Call in and Urgency:

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

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

Yes

No

x

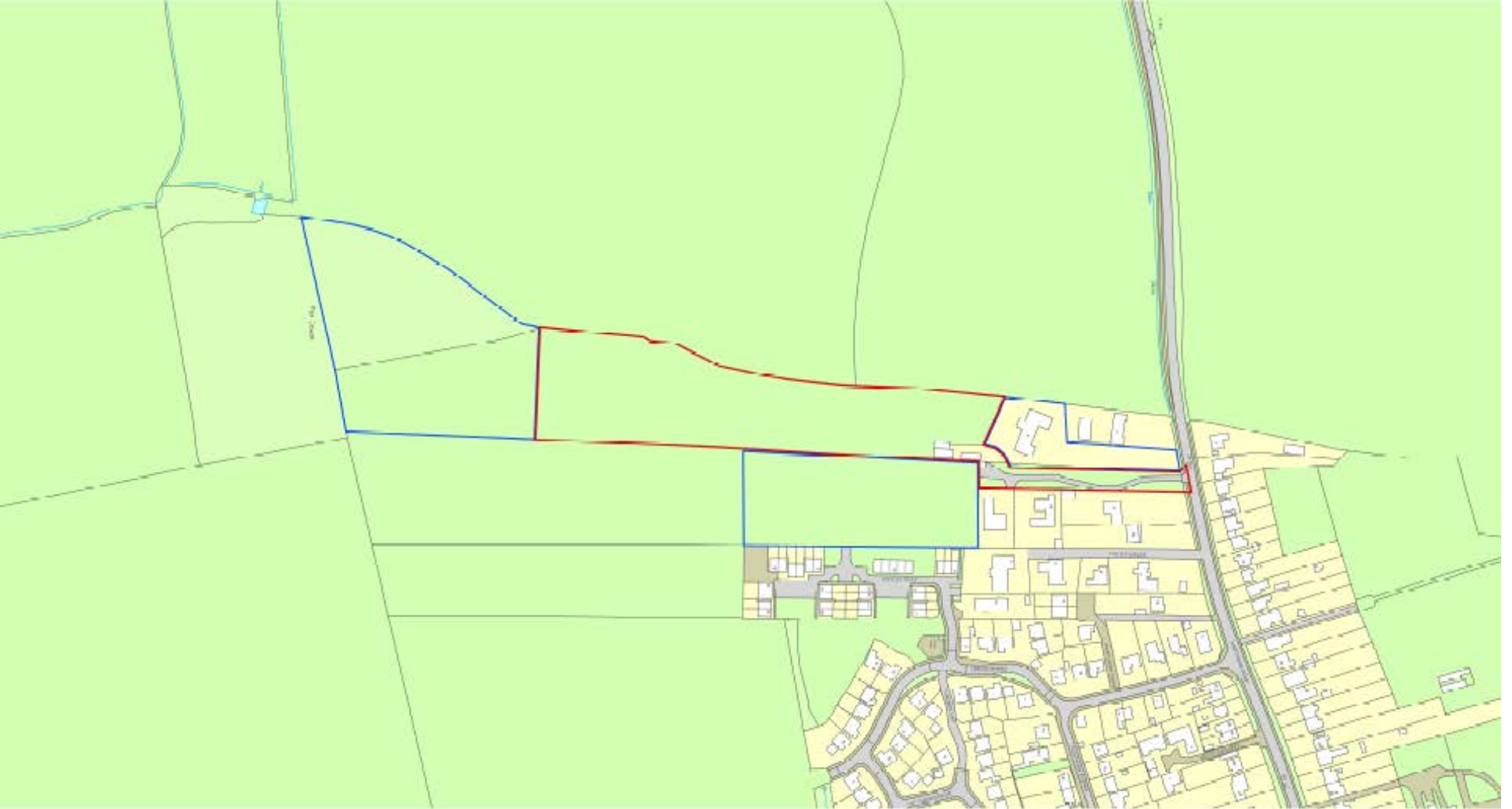
Key Decision:

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

Yes

No

x





Officers Report

Planning Application No: 134096

PROPOSAL: Planning application for erection of 69 dwellings

LOCATION: Land off Hawthorn Road Cherry Willingham Lincoln

WARD: Cherry Willingham

WARD MEMBERS: Cllr Mrs A Welburn, Cllr C Darcel, Cllr Mrs M Palmer

APPLICANT NAME: Pride Homes (Lincoln) Ltd

TARGET DECISION DATE: 06/06/2016

DEVELOPMENT TYPE: Major – Dwellings

CASE OFFICER: Ian Elliott

RECOMMENDED DECISION: Refuse permission

Description:

The application has been referred to the Planning Committee at the request of the Ward Member for reasons of highway impact and sustainability. The application was presented to the 5th April 2017 Planning Committee where it was deferred to enable a site visit to take place on 20th April 2017 at 9am. The scheme proposed has not altered since last presented to the Planning Committee.

Planning permission is sought for residential development of 69 dwellings and associated works. The development is for 2 semi-detached houses (plots 5-6) and terraced housing in blocks of between 3 and 6 dwellings. The dwellings will be two and three storey high with a total of 139 parking spaces. Access to the site is in the north east corner.

The application site is a long narrow area of land (1.12ha) to the south of Hawthorn Road. The site is set behind other dwellings well back from Hawthorn Road and can be accessed via an existing road constructed in connection with other recently constructed residential housing. The site is in the open countryside.

The northern half of the site is in a churned up condition including some excavation with mounds of earth and is used for vehicle and material storage. The northern half additionally includes an area of grass.

The southern half of the site is set lower than the northern half and is covered by overgrown grass. It slopes gently downwards from north to south.

The site is screened by fence panels to the north boundary with a mix of fencing, hedging and trees to the east boundary. The south boundary is open with a group of high trees very close by. The entire west boundary is screened by hedging and trees.

Neighbouring dwellings sit adjacent to the north and northern half of the east boundary (top half). Planning permission for housing has been granted for housing along the rest of the east boundary but these are yet to be constructed but at the site

visit it appeared that this phase of housing has commenced. A small area of open land and a group of trees sit to the south with open fields to the west

To the South is the Fox Covert Site of Nature Conservation Interest (SNCI). The northern half of the site is allocated for residential development in the West Lindsey Local Plan (First Review) June 2006.

Town and Country Planning (Environmental Impact Assessment) Regulations 2011:

The development is not development falling within either schedule 1 or 2 of the Regulations and does not qualify as EIA Development under the Regulations.

Relevant history

Site

None

Other

Adjacent the site to the east:

132089 - Planning application to erect 33no. semi-detached and terraced houses with associated highway (Phase 2) – 13/07/15 - Granted time limit and other conditions

Adjacent to the east of 132089:

132090 - Planning application for erection of 26no. semi detached and terraced houses with associated highway (Phase 2) – 29/05/15 - Granted time limit and other conditions

Adjacent the site to the north east:

120493 - Planning Application to erect 31 dwellings, construction of link road and provision of public open space - 13/08/08 - Granted time limit and other conditions

124343 - Planning application to vary condition 2 of planning permission 120493 granted 13 August 2008 - 27/07/09 – Refused – Allowed on Appeal 04/02/10

128773 - Planning application to erect 37no. semi-detached, terraced and detached dwellings - 17/01/14 - Granted time limit and other conditions

132904 - Planning application for replacement of plots 17 and 18 of previously approved planning permission 128773 with 7no. two bedroom dwellings and upgrade adjacent highway - 18/01/17 - Granted time limit and other conditions

Adjacent to the south east:

133693 - Outline planning application for residential development of 29no. dwellings - all matters reserved - 27/04/16 – Refused – Appeal submitted 28/06/16

Further to the east of 133693:

133692 - Outline planning application for residential development of 19no.

dwellings - all matters reserved - 27/04/16 – Refused – Appeal submitted 27/06/16

Representations

Ward member Cllr Mrs A Welburn: Comments/Objections

Please note I would like to request that the above applications are brought to planning committee and not officer determination.

It is 2.3km to the shops and 0.9m to the Community School field boundary, this is a significant development which is not sustainable given its distance from the main Cherry Willingham settlement and from Lincoln, distances which mean that a car is a necessity to allow residents of this development access to essential and non-essential facilities as these are not within the acceptable walking distance.

I would like to draw your attention to the recent appeal decision in respect of the site at Lodge Lane, Nettleham (132063), in which a maximum of 800m has been referenced as the appropriate distance for access to services etc. This application is far in excess of that. It is also noted that WLDC, in connection with the Carlton Centre application, has quoted 200 – 800m as being desirable walking distance (Ref: 'Providing for Journeys on Foot' -CIHT 2000.

The stopping of Hawthorn Road is a major issue for any development along this route, as both alternative routes have been proven to have traffic issues already without the addition of this and other developments proposed for this area.

Of particular concern is that transport will be required to access schools and medical services. There is a disconnect from access to the village and Carlton Centre facilities as the bus services are twice a day to the village and non-existent to the Carlton Centre. There is no public transport to the Nettleham surgery, where all the local procedures take place, except by catching two buses one into Lincoln and one out to Nettleham, making a return journey time consuming and difficult to manage, so again there is a requirement for more car journeys.

You will be aware of a submission from one of our school governors re the local primary schools already having issues with lack of places, and we have evidence that residents moving into the village are being turned down at the local surgery again through a lack of availability. The surgery at Cherry Willingham is only a satellite of Nettleham and this and other proposed developments in the area are putting us at the 4000 mark, add to this the population of Reepham and Fiskerton, our very near neighbours, and it is evident that we really need a new surgery before the population of this area is allowed to rise.

Although this proposed new development is located close to Lincoln, its residents will not have direct access to the northern half of Lincoln or the existing Lincoln northern bypass and hence the wider road network due to the aforementioned Hawthorn Road stopping, thus lessening the argument for this being a sustainable development.

The Hawthorn Road stopping will put even more traffic onto the existing local roads with traffic from this development (together with traffic from previous adjacent sites

with existing permission) being required to pass through Cherry Willingham and Reepham to access some destinations. This was acknowledged by WLDC in the recent Draft Local Plan allocations when allocation sites adjacent to Cherry Willingham accessed from Hawthorn Road were rejected in favour of sites elsewhere in Cherry Willingham.

Evidence at the recent Lincoln Eastern Bypass Public Inquiry also showed that the left slip from Hawthorn Road (E) onto the LEB Southbound will be close to practical traffic capacity at year of opening of the LEB. This could potentially lead to delays for traffic from the area of the application site joining the LEB in order to access south Lincoln causing traffic to prefer alternative routes through Cherry Willingham village. The cumulative effects of this application and previous permissions at adjacent sites will only lead to more pressure on this slip road.

No other Ward Member representations received

Cherry Willingham Parish Council: Objections

Our principal objection is that this is a significant development which is NOT sustainable given its distance from the main Cherry Willingham settlement and from Lincoln. The distance of the application site from the main Cherry Willingham settlement mean that a car is a necessity to allow residents of this development access to essential and non-essential facilities as these are not within acceptable walking distances. Of particular concern is that transport will be required to access regularly used facilities including schools and medical services.

Additionally, there is a disconnect from access to the village and Carlton Centre facilities as the bus services are infrequent to the village and almost non-existent to the Carlton Centre, and cannot be relied on for year round needs.

Should all pending planning applications in the Hawthorn Avenue Satellite settlement be granted the settlement will contain over 300 houses with not even a convenience shop within walking distance?

There is a need to also take into account the impact the planned (and now confirmed) closure of Hawthorn Road to through traffic as part of the Lincoln Eastern Bypass scheme will have. Although this proposed new development is located close to Lincoln, its residents will not have direct access to the northern half of Lincoln or the existing Lincoln northern bypass and hence the wider road network due to the aforementioned Hawthorn Road closure, thus lessening the argument for this being a sustainable development.

Too few car park spaces have been allocated per dwelling when many households today have more than one car, therefore the inevitable parking on the street which will ensue brings concerns about accessibility; particularly for emergency vehicles.

Local Residents: Representations received from 9 Hawthorn Road and 1 Heathcroft, Cherry Willingham (In summary:

- The junction and the link road on to Hawthorn Road is not suitable for the extra volume of traffic from this new housing estate development.

- The impact of the Hawthorn Rd closure and LEB are unknown but what is clear is that several junctions and roads in the area are already running close to if not already at capacity.
- Cherry Willingham is already a large village, busy with people and traffic and does not need the added service or infrastructure pressure of yet more residents.
- the housing type does not appear to be in keeping with the style of housing in the area.

LCC Highways/Lead Local Flood Authority:

Response received 9th March 2017:

The revised scheme appears to offer the minimum of 2 parking spaces per dwelling. There needs to be a minimum distance of 6m behind the proposed parking spaces in order that the vehicles can get in and out of them.

There is still no information on the surface water drainage? It is know that the adjoining development is unable to provide infiltration on the adjacent site as the water table is too high. There is no capacity left in the highway drain that fronts the site along Hawthorne road unless they are going to upgrade this system? The developer has not come back with any details as yet so our original objection will still stand.

Response received 16th March 2017:

The parking situation is now acceptable. There is still the drainage to deal with, and it looks like they will have to do further work to prove that their proposed system will work. This will include further investigation of the site and monitoring of the water table.

Response received 21st March 2017:

LCC as LLFA have real concerns with how this site will be drained. There are outstanding issues with the drainage on phase 1 which is built and no means of the disposal of surface water. Phase 2 has already been constructed without any agreements. The LLFA are in discussions with the developer regarding the surface water. There does not appear to be any easy solution. It is proposed that phase 4 will infiltrate but it is known the other sites have very little or no infiltration. This is a concern. Levels are unsuitable to allow for a conventional piped system so there is little chance of this working either. Our initial advice is for one of refusal until a suitable drainage solution can be found.

Insufficient information has been provided to demonstrate that the use of sustainable drainage systems for the management of surface water run-off is inappropriate in accordance with the National Planning Policy Framework.

However, if WLDC are mindful to approve the development then please add the following conditions to any decision notice and please ensure that they are correctly worded in order that enforcement action can be taken if any development takes place prior to the conditions being discharged.

Conditions 1:

Before each dwelling (or other development as specified) is occupied the roads and/or footways providing access to that dwelling, for the whole of its frontage, from an existing public highway, shall be constructed to a specification to enable them to be adopted as Highways Maintainable at the Public Expense, less the carriageway and footway surface courses. The carriageway and footway surface courses shall be completed within three months from the date upon which the erection is commenced of the penultimate dwelling (or other development as specified).

Reason: To ensure safe access to the site and each dwelling/building in the interests of residential amenity, convenience and safety.

Conditions 2:

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

The scheme shall:

- a) Provide details of how run-off will be safely conveyed and attenuated during storms up to and including the 1 in 100 year critical storm event, with an allowance for climate change, from all hard surfaced areas within the development into the existing local drainage infrastructure and watercourse system without exceeding the run-off rate for the undeveloped site;
- b) Provide attenuation details and discharge rates which shall be restricted to Greenfield run off rate litres per second;
- c) Provide details of the timetable for and any phasing of implementation for the drainage scheme; and
- d) Provide details of how the scheme shall be maintained and managed over the lifetime of the development, including any arrangements for adoption by any public body or Statutory Undertaker and any other arrangements required to secure the operation of the drainage system throughout its lifetime.

The development shall be carried out in accordance with the approved drainage scheme and no dwelling shall be occupied until the approved scheme has been completed or provided on the site in accordance with the approved phasing. The approved scheme shall be retained and maintained in full in accordance with the approved details.

LCC Archaeology: No archaeological input required.

Housing Zone Programme Manager: Comments

The affordable housing requirement will be for 17 units to be delivered as affordable housing on site. It is recommended that 12 are delivered as affordable rent and the remaining 5 are delivered as shared ownership.

Local Education Authority (Lincolnshire County Council): This development would result in a direct impact on local Schools. In this case just the primary schools at Cherry Willingham are projected, notwithstanding the proposed development, to be full in the future to the permanent capacity of the school. A contribution is

therefore requested to mitigate against the impact of the development at local level. Contribution required for an additional 14 primary places (£157,870).

NHS England:

The development is proposing 69 dwellings which may result in an increased patient population of 159. The practice that is most likely to be affected by an increase in population is the Nettleham Medical Practice at Lodge Lane, Nettleham, LN2 2RS; they have a branch surgery at The Parade, Cherry Willingham, LN3 4JL. The total practice list size is circa 11,400 and has grown by 3.6% in the last two years. Any further increase and the level of patient care will be compromised. The S106 contribution would provide capital towards building a notes storage facility at Cherry Willingham along with an extra multipurpose/clinical room. The storage facility will allow the movement of all the medical records from Nettleham to Cherry Willingham thus enabling the creation of 2 consulting rooms at its main site to consolidate its services there. Contribution of £425 per dwelling is sought (up to £29,326).

Tree and Landscape Officer: Comments

This application is extending new development further into the countryside and has already had a detrimental impact on hedges, trees and biodiversity value by unauthorised tree and hedge removal pre-empting planning permission.

If this application gains consent, it should be conditioned that gaps and thin areas along the existing boundary hedgerows are infilled and thickened with new native hedgerow planting.

Development should not take place within the footprint of the woodland and SNCI. Plots 59 and 60 are substantially within the footprint of the Fox Covert woodland, and plot 58 has a small part of its rear garden within the woodland footprint. There is a chance that trees will be required to be replanted over the footprint of the original woodland which would affect these three plots in the SW corner of the proposed development.

Forestry Commission: Comments

A Restocking Notice for the wood will be issued in the next few days It should be noted that the woodland and potential development overlap.

Natural England: No comments or objections

Lincolnshire Wildlife Trust: No objections.

Lincolnshire Police: Comments

Request that you consider the following points that if adhered to would help reduce the opportunity for crime and increase the safety and sustainability of the development. Properties should be orientated to face streets and public areas. Windows of routinely occupied rooms (e.g. lounge/living room/kitchen) should be positioned to provide effective overlooking of the frontage and contribute to natural surveillance.

Further advice is given on parking provision, windows, doors and a sense of ownership.

IDOX checked: 16th May 2017

Relevant Planning Policies:

Central Lincolnshire Local Plan 2012-2036 (CLLP)

Following adoption at Full Council on 24th April 2017 the CLLP is the statutory development plan. Planning law requires that applications for planning permission must be determined in accordance with the development plan unless material considerations indicate otherwise. The policies considered relevant are as follows:

LP1 A presumption in Favour of Sustainable Development
LP2 The Spatial Strategy and Settlement Hierarchy
LP3 Level and Distribution of Growth
LP10 Meeting Accommodation Needs
LP11 Affordable Housing
LP12 Infrastructure to Support Growth
LP13 Accessibility and Transport
LP14 Managing Water Resources and Flood Risk
LP17 Landscape, Townscape and Views
LP21 Biodiversity and Geodiversity
LP24 Creation of new open space, sports and recreation facilities
LP25 The Historic Environment
LP26 Design and Amenity
LP55 Development in Hamlets and the Countryside
<https://www.n-kesteven.gov.uk/central-lincolnshire/>

Cherry Willingham Neighbourhood Plan (CWNP)

West Lindsey District Council has approved the application by Cherry Willingham to be designated as a neighbourhood area, for the purposes of producing a neighbourhood plan. The neighbourhood plan group are now working towards the production of a draft neighbourhood development plan. Paragraph 216 of the National Planning Policy Framework sets out the weight that may be given to relevant policies in emerging plans in decision taking. With consideration given to paragraph 216 of the National Planning Policy Framework the CWNP has no weight.
<https://www.west-lindsey.gov.uk/my-services/planning-and-building/neighbourhood-planning/all-neighbourhood-plans-in-west-lindsey/cherry-willingham-neighbourhood-plan/>

National guidance

National Planning Policy Framework (NPPF)

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

Planning Practice Guidance (PPG)

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

Other

Central Lincolnshire Five Year Land Supply Report 1 April 2017 to 31 March 2022
(Published September 2016)

<https://www.n-kesteven.gov.uk/central-lincolnshire/planning-policy-library/>

Highways and Transportation are set out below from the Guidelines for Providing for Journeys on Foot 2000

Natural England's East Midlands Agricultural Land Classification Map
West Lindsey Landscape Character Assessment August 1999 (WLLCA)

West Lindsey Countryside Design Summary December 2003 (WLCDS)

Strategic Housing and Economic Land Availability Assessment October 2014 (SHELAA)

Main issues

- Principle of the Development
Central Lincolnshire Local Plan 2012-2036
National Planning Policy Framework
Sustainability
Cherry Willingham Neighbourhood Plan
Concluding Assessment
- Visual Impact
- Residential Amenity
- Archaeology
- Highway Safety
- Drainage
- Landscaping
- Impact on trees and the SNCI
- Open Space Provision
- Affordable Homes
- NHS and Education Contributions
- Ecology
- Flood Risk

Assessment:

Principle of the Development

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

Since the Planning Committee meeting on 5th April 2017 and the Planning Committee site visit on 20th April 2017 the Central Lincolnshire Local Plan 2012-2036 has been adopted meaning the West Lindsey Local Plan Review 2006 and its saved policies are no longer relevant to be considered in the decision making process.

This is considered to be an important point as previously part of the site (northern part) was allocated for housing (38 dwellings) in the WLLP. On examination of the SHELAA the application site was not put forward as potential land available to be tested for housing allocation in the CLLP. As the WLLP has now been superseded and as the allocation was not taken forward into the CLLP it cannot be given any weight in the current determination process. The development will now be required to be determined in accordance with the up to date development plan (not a superseded one).

Central Lincolnshire Local Plan 2012-2036:

The application site is adjacent the existing residential built form of Hawthorn Avenue or adjacent land which is currently under construction for housing. Therefore the site is in the open countryside.

Local policy LP55 of the CLLP (Parts A, B, D and G) of the CLLP protect the rural character of the open countryside from inappropriate housing development. LP55 Part D states that *'applications for new dwellings will only be acceptable where they are essential to the effective operation of rural operations listed in policy LP2'*.

Policy LP2 sets out a spatial strategy and settlement hierarchy from which to focus growth. Hawthorn Avenue is not listed in any of the top 6 categories of LP2 therefore has to be considered as in category 7 (Hamlets) as it has a dwellings base of at least 15 units which are clustered together to form a single developed footprint. The CLLP does not envisage Hawthorn Avenue as a settlement in its own right and focus for very limited future growth. Local policy LP2 category 7 states that residential development proposals in hamlets will be *'single dwelling infill developments (i.e. within the developed footprint of the village and within an otherwise continuous built up frontage of dwellings) in appropriate locations will be supported in principle'*.

Local policy LP2 states that *'throughout this policy, the term 'appropriate locations' means a location which does not conflict, when taken as a whole, with national policy or policies in this Local Plan (such as, but not exclusively, Policy LP26). In addition, to qualify as an 'appropriate location', the site, if developed, would:*

- *retain the core shape and form of the settlement;*
- *not significantly harm the settlement's character and appearance; and*
- *not significantly harm the character and appearance of the surrounding countryside or the rural setting of the settlement'.*

The application site is on the edge of hamlet therefore is not an infill site, is not within the existing developed footprint of the hamlet or will it retain the core shape and form of the settlement.

National Planning Policy Framework:

The National Planning Policy Framework (NPPF) and online Planning Practice Guidance, are material considerations to take into account alongside the development plan.

The National Planning Policy Framework (NPPF) is a material consideration to be considered against the provisions of the statutory Development Plan. It sets out (paragraph 49) that *"Relevant policies for the supply of housing should not be considered up-to-date if the local planning authority cannot demonstrate a five-year supply of deliverable housing sites"*.

The latest Housing Land Availability Assessment for Central Lincolnshire was published on 15th December 2016 in Five Year Land Supply Local Plan Examination Note. Using the Liverpool method with a 20% buffer the five year housing requirement for Central Lincolnshire for the period 2017-2022 is 10,141 dwellings or

2,028 dwellings per annum. Central Lincolnshire is able to identify a deliverable five year supply of housing land to deliver 12,712 dwellings which equates to a deliverable supply of 6.27 years in the five year period 2017 to 2022.

Sustainability:

The Ward Member and Parish Council both question whether continued growth of Hawthorn Avenue is sustainable due to the lack of facilities within reasonable walking distance and reliance on private vehicle therefrom.

There are no facilities within the Hawthorn Avenue area itself, with the exception of bus stops within Hawthorn Road/Avenue served by the no.3A bus (Lincoln to Short Ferry). These factors are recognised in Hawthorn Avenue's status as a "Hamlet" under policy LP2. Cherry Willingham is listed separately as a "large village" and Hawthorn Avenue is not included within the inset map for Cherry Willingham.

A Transport Statement (TS) has been submitted during consideration of the planning application. The TS puts forward that all local facilities are within 2km of the site and within "walking distance". Whilst facilities may be within 2km of the site geographically, this does not equate to being within 2km walking distance. There are no public rights of way connecting Hawthorn Avenue to Cherry Willingham. People will therefore need to walk along Hawthorn Road. This will mean that:

- from the site entrance to the Cherry Willingham Community School (Secondary) would equate to an approximate 1.5km walk.
- from the site to the Cherry Willingham Primary School would be over 3km.
- to the nearest food convenience store and Health Centre would be an approximate 2km walk.

Planning policy encourages measures to reduce the need to travel and reliance upon private vehicles (CLLP LP1, LP2 and LP55, NPPF chapter 4).

Planning policy and guidance does not set out as to what may constitute a reasonable walking distance. The Institute of Highways and Transportation suggests the following as acceptable walking distances.

	Town Centres (m)	Commuting/School (m)	Elsewhere (m)
Desirable	200	500	400
Acceptable	400	1000	800
Preferred Maximum	800	2000	1200

Table 2: Suggested Acceptable Walking Distances (IHT)

Most facilities, with the exception of the Cherry Willingham Community School, are beyond these parameters.

The Ward Member and Parish Council both note the appeal decision at Lodge Lane, Nettleham (appeal APP/N2535/W/15/3129061 against refusal of application 132063) where the Inspector found that services and bus stops more than 800m away "is less

than ideally located in terms of accessibility on foot”, although it may be noted that the Inspector nonetheless upheld the appeal.

The Transport Statement recognises that there are bus stops within walking distance on Hawthorn Road/Hawthorn Avenue. Nonetheless, the timetable supplied in the TS suggests that the half hourly bus service 3 (Short Ferry to Lincoln) does not stop at Hawthorn Avenue. The nearest stop is at the Secondary School, approximately 1.5km away.

Service 3A does stop at Hawthorn Avenue, but is a considerably less frequent service. The timetable suggests there are only four stops (Monday to Friday) going onward to Lincoln (0756hrs; 0942hrs; 1342hrs; 1542hrs).

It is considered that the site is in an area with extremely limited sustainability credentials and most facilities are outside the accepted walking distances. Therefore the continued growth of Hawthorn Road/Avenue is not considered to be sustainable development.

Cherry Willingham Neighbourhood Plan (CWNP)

The CWNP has an approved designated area and the neighbourhood plan group are working towards the production of a draft neighbourhood plan. The CWNP currently has no weight in the decision making process, as there are currently no policies to consider.

Concluding Assessment:

It is important when considering the principle of the development to weigh up the benefits of the development against any harm.

The application is considered to be in an inappropriate location for housing development within open countryside on the edge of a hamlet and the housing is not essential to the effective operation of rural operations. The development is not of a scale commensurate to the hamlet where only appropriate single infill dwellings developments are considered acceptable.

The sites location has extremely limited sustainability credentials which revolves around links to public transport and the walking distance to Cherry Willingham Community School. Therefore the residents will rely heavily on a vehicle to travel to services/facilities such as shops, medical, employment, education (primary school) and recreational (including village hall and church). The proposal is therefore considered contrary to local policies LP1, LP2 and LP55 of the CLLP and the provisions of the NPPF.

Therefore the principle of the development cannot be supported.

Visual Impact

The site according to the West Lindsey Landscape Character Assessment 1999 (WLLCA) is within the Lincoln Fringe. The WLLCA carries on to state that the Lincoln Fringe has a flat agricultural landscape with a number of expanded settlements and approaches to settlements are dominated by the built form. It is not considered to be a highly sensitive landscape.

The proposed development for 69 dwelling has a reasonably high density with a mix of housing designs and material finishes. This concept replicates the adjacent phases given permission or constructed to the east. The proposed dwellings will be screened from view to the north and east by the existing built form off Hawthorn Road/Avenue and dwellings constructed as part of the earlier phases. The proposal will only be in view from the immediate areas to the north and east.

The proposal will be more widely in view from the south east around to the north west. To the south east of the site is the main Cherry Willingham settlement (north west settlement edge). Viewpoints were visited at the north west settlement Edge of Cherry Willingham namely Green Lane and public bridleway Cher/133/1. From both these locations the proposal will be viewed in context with the housing development already constructed or to be constructed. There is some vegetation from these views but this will only screen the lower half of the proposed dwellings.

Public bridleway Cher/133/1 runs west from Green Lane connecting to Gtwl/133/1 and the Gtwl/133/2. This is one line of public footpath which terminates to the north of Greetwell Road. The section of the public bridleway to the south and south west of the site will not be able to view the proposed dwellings due to the separation distance and the high group of trees which sit close to the south boundary of the site.

The settlement boundary of Lincoln is approximately 1,000 metres from the west boundary of the site with no public rights of way in between. To the north west of the site is Hawthorn Road which has national speed (60mph) and apart from an occasional small gap is screened by roadside hedging.

The location of the proposal is not designated as an area with special landscape character or significance.

It is therefore considered that the proposal will not have a significant adverse visual impact on the site, the settlement edge or the surrounding area. The proposal will therefore conform to local policy LP17 of the CLLP and guidance contained within the NPPF.

Residential Amenity

The assessment on residential amenity will need to consider the impact of the proposed dwellings on each other, on existing adjacent dwellings and on adjacent dwellings that could be constructed in the near future.

The dwellings on site will to a degree overlook each other from first floor level which is normal for developments of this type and density. There are a number of examples due to the layout where the rear garden boundaries of a block of dwellings meets with the side boundary of another dwelling. In most cases the boundaries are separated by a footpath which terminates at the sites boundary edge. In all of these cases the separation distance between the rear elevation and side boundary is at least 9 metres to a maximum of 12 metres. Privacy at ground floor level will be maintained by boundary screening.

Again due to the density of the layout there will be some dwellings which receive more natural light than others.

Although there is an element of buyer beware on developments of this type it is not considered that the proposed dwellings on the site will have a significant adverse impact on the living conditions of the future occupants.

The adjacent dwellings whether existing or proposed (planning permission 132089) will again be adequately separated from the site and have boundary screening. Therefore the proposal will not have a significant adverse impact on the living conditions of the existing or potential future occupants.

Given the density of the development and if minded to approve the application all first and second floor bathroom/ensuite windows would be conditioned to be obscurely glazed.

Overall each dwelling will have an adequate or reasonable amount of garden space for the size of dwelling. However consideration has to be given to the need to remove permitted development rights for some of the plots to ensure an adequate amount of rear amenity space is retained. After assessment of the layout it is considered necessary and reasonable if minded to approve the application to remove permitted development rights for rear extensions and outbuildings to plots 23, 44, 45, 46 and 47.

To respect the living conditions of the existing adjoining dwellings and if minded to approve the application the permission would include a pre-commencement condition for a comprehensive Construction method statement to be submitted.

Archaeology

The Historic Environment Officer at Lincolnshire County Council has no objections to the proposal. The proposal will therefore not have a significant adverse impact on archaeology and will conform to local policy LP25 of the CLLP and guidance contained within the NPPF.

Highway Safety

The layout of the site has been amended due to initial verbal concerns raised by the Highways Authority at Lincolnshire County Council. The original layout did not provide sufficient car parking spaces to the amount of two per dwelling. The amended layout (RDS 11268/01 dated December 2016) has now provided two car parking spaces per dwelling which includes adjacent parking and grouped areas of parking near to the served dwellings. Where there are groups of parking there is a gap of at least 6 metres between each bank of parking which is a requirement of the Highways Authority. This is sufficient to allow a vehicle to safely reverse into and out of the parking spaces whilst turning.

The proposal will therefore not have a significant adverse impact on highway or pedestrian safety and will conform to local policies LP13 and LP26 of the CLLP and guidance contained within the NPPF.

Drainage

The proposal includes a Drainage Strategy (DS) dated March 2017.

Section 4.2 of the DS states that foul drainage *'will be served by a 150mm foul connection which will be installed into Anglian Water sewer on Hawthorn Road at the*

phase 1 junction into the project site'. A foul drainage connection plan has not been submitted.

Section 4.3 of the DS states that *'surface water run-off will be disposed of through infiltration systems, following the successful undertaking of percolation tests'*. The exact position, number and size of soakaways will be determined at the detailed design stage.

The Lead Local Flood Authority (LLFA) are currently in discussions with the developer in relation to an appropriate surface water disposal method for planning permission 132089 which is adjacent the southern half of this site. The LLFA Officer has stated that *'We know that they are unable to provide infiltration on the adjacent site as the water table is too high. There is no capacity left in the highway drain that fronts the site along Hawthorne road unless they are going to upgrade this system? However, as yet they have not come back with any details as yet so our original objection will still stand'*. Therefore *'Insufficient information has been provided to demonstrate that the use of sustainable drainage systems for the management of surface water run-off is inappropriate in accordance with the National Planning Policy Framework'*.

The LLFA Officer additionally states that *'levels are unsuitable to allow for a conventional piped system so there is little chance of this working either'*.

Following further verbal discussion with the LLFA Officer (18th May 2017) the applicants have still not provided a suitable and achievable solution to the drainage of the adjacent sites (phases 1 and 2) whether through a sustainable or traditional method. A piping system has been suggested for phases 1 or 2 but the only existing system on Hawthorn Road is at capacity and would require upgrade to take the additional capacity of phases 1 and 2. Given the grounds conditions of the adjacent site it is unlikely that the grounds conditions on this site will differ. Given the lack of progress on this key issue since the application was last presented to the planning committee this is now considered a significant concern which cannot be adequately dealt with by condition.

Therefore the LLFA are still recommending refusal for the site on drainage grounds due to the high water table, poor infiltration capabilities of the ground and the lack of a suitably justified method of dealing with surface water. The application has so far not submitted a suitable and sustainable method of dealing with surface water from the site.

The objection from the LLFA has been noted and the sites shortcomings in being able to provide an acceptable method of surface water drainage. It is considered that following comments from the LLFA that the site is likely to have ground conditions which are not acceptable for infiltration methods.

Guidance contained within paragraph 51 (Reference ID: 7-051-20150323) states:

'when considering major development..., sustainable drainage systems should be provided unless demonstrated to be inappropriate'.

After consideration of the LLFA comments and the guidance of the NPPG it is considered that there has so far been no clear evidence submitted to suggest that a suitable surface water drainage system of any specification can be achieved. Therefore there are insufficient details or evidence to prove that the site can be drained to a sufficient standard to meet the needs of the development.

It is acknowledge that the applicant could come forward with a suitable and achievable drainage system at a later date, however there is nothing to suggest this at this current moment in time.

The proposal is therefore contrary to local policy LP14 of the CLLP and guidance within the NPPF.

Impact on trees and the SNCI

The application site currently has no trees which will be affected by the development however a number of trees attributed to the Site of Nature Conservation Interest (Fox Covert) (SNCI) have been removed without permission. Following discussions with the Authorities Tree Officer these trees were in the south west corner of the site and a replacement order has been placed on the developer to re-install the removed trees. This has an impact on plots 58, 59 and 60.

In an email 21st October 2016 the agent has stated that *'the applicants have had a meeting on site with the forestry commission officer and he has indicated that as long as they replant the trees in the next 5 years the forestry commission will not take any action'*.

The Forestry Commission have confirmed in an email dated 21st March 2017 that a restocking order will be issued to the site owner in the next few days.

As stated by the Authorities Tree Officer it is more accurate that the restocking of the site will have a substantial impact on 59/60 and to a lesser degree plot 58.

In an email 21st October 2016 the agent has stated further that *'it is the developers plans to create a woodland area with a new lake which will possibly be used as an attenuation lake for the drainage from this and other phases of housing together with creating woodland walks, replanting suitable trees as well as leaving areas for recreation space, public open space and further housing'*.

The removal of the trees without prior notification or consent from the required authority is regretful and will need to be replaced in line with the issued restocking order from the Forestry Commission. The Forestry Commission has stated in conversation that a planning permission will override the restocking order making some of the trees unable to be replaced as they once stood. A very high percentage of the trees will be able to be replaced as they initially stood and this will be the responsibility of the Forestry Commission to monitor.

Therefore the scale of the SNCI will be extensively replenished in accordance with the restocking order. The impact on the SNCI will therefore not be significant.

Landscaping

A landscaping plan has not been submitted to correspond with the amended site plan RDS 11268/01 dated December 2016. The Authorities Tree Officer has recommended that if approved the development '*should be conditioned that gaps and thin areas along the existing boundary hedgerows are infilled and thickened with new native hedgerow planting*'.

Therefore if minded to approve the application a pre-commencement condition would be attached to the permission to ensure a comprehensive landscaping plan is submitted prior to commencement. This will include:

- Scheme of planting including size, species (native) and planting formation.
- Thickening and filling in of gaps to hedging along existing external boundaries
- All Boundary treatments within the site
- Surface materials for the off street parking spaces and where applicable turning areas.

Open Space Provision

Local policy LP24 of the CLLP states that '*Residential development will be required to provide new or enhanced provision of public open space, sports and recreation facilities in accordance with the standards set out in Appendix C and in compliance with the latest Central Lincolnshire Developer Contributions Supplementary Planning Document (or similar subsequent document)*'. It additionally states that the first option is for it to '*be provided on-site in a suitable location*'.

Appendix C of the CLLP provides the standards required for '*new residential major development providing or having access to open space to the following quantity standards*':

Open Space Type	Quantity Standard
Strategic Formal Playing Fields	1.1 ha/1000 population
Local Usable Greenspace - Urban (Level 1-2 of the settlement hierarchy) settlements	1.8 ha/1000 population
Local Usable Greenspace - Rural towns and villages (level 3-6 of the settlement hierarchy) settlements	1.5 ha/1000 population

The above table does not provide an open space standard for major developments within or adjacent locations in policy LP2 category 7 (Hamlets) of the CLLP. However developments of this scale are expected to preferably provide open space on site or enhance provision of existing open space within a reasonable distance of the site.

Appendix C additionally sets out accessibility and quality standards to open space play provision within the area. These standards are:

Open Space Type	Accessibility Standards	Quality Standard
Amenity Green space over 0.2 hectare	Local: 400m or 5 minute walk	Good and above as defined by Green Flag standards or any locally agreed quality criteria.
Formal Equipped Play areas	Local Equipped Area of Play - 400m or 5 minute walk Neighbourhood Equipped Area of Play - 1200m or 15 minute walk	Good and above as defined by Fields in Trust standards and/or any locally agreed quality criteria.
Playing Field provision	Local provision - 1200m or 15 minute walk Strategic provision - 15km distance or 15 minute drive	Good and above as defined by sport England Governing body standards or locally agreed quality criteria.

There is a modest area of open space with a small playground which was implemented as part of one of the earlier applications off Hawthorn Avenue. There are additionally modest areas of open space provided on all other phases previously given planning permission. The open space with playground is approximately 400 metres from the most southern proposed dwellings on the site therefore a short walk away. However none of these local open spaces are over 0.2 hectares in size.

The next nearest public playing field is off Laburnum Drive and adjacent Cherry Willingham Primary School. Given the earlier distances disclosed (see sustainability assessment) to the Primary School the main playing field is approximately 3,000 metres from the site.

Given the size and distances to existing playing fields (with or without playgrounds) it is considered that the site is not within the local acceptable distance for amenity green space and playing field provision or within the neighbourhood acceptable distance for formal equipped playing fields.

The indicative site layout plan RDS 11268/01 dated December 2016 demonstrates an intent to provide two areas of open space within the site. The application site is 11,234.99m² in size which equates to 1.12 hectares. The site provides two areas of open space totalling 845m². As a percentage this equates to 7.52% (845/11,234.99x100) of the site covered by open space.

The two areas of open space will need to be managed and maintained. The applicant has submitted a heads of terms document which demonstrate a commitment to providing these details through a legally binding Section 106 Agreement, if the decision is to approve the application.

The development is therefore in accordance with local policy LP9 and LP24 of the CLLP subject to the signing of a section 106 agreement.

Affordable Homes

Local policy LP11 of the CLLP sets out the criteria for the provision of affordable homes within West Lindsey. This site for 69 dwellings is required to provide 25% affordable homes as it is within the Lincoln Strategy Area (excluding Sustainable Urban Extensions). The Lincoln Strategy Area is identified on a map of the Lincoln Strategy Area on page 15 of the CLLP.

Although based on policies of the former West Lindsey Local Plan Review 2006 The Housing Officer has stated that *'the affordable housing requirement will be for 17 units to be delivered as affordable housing on site of which I would suggest 12 are delivered as affordable rent and the remaining 5 are delivered as shared ownership'*. These figures are still relevant as the 25% affordable homes requirement has not altered in the CLLP.

The applicant has submitted a Heads of Terms which demonstrates a commitment to providing 17 affordable homes on the site through a legally binding Section 106 Agreement. This includes trigger points for confirming a registered social landlord and transferring the affordable housing to them. Therefore the required affordable housing contribution of 25% has been met and the proposal conforms to local policy LP11 of the CLLP.

NHS and Education Contributions

The applicant has submitted a Heads of Terms document which demonstrate a commitment to providing the following contributions, if the application was to approved:

- £157,870 towards the development of local schools within Cherry Willingham
- £29,326 towards building a notes storage facility at The Parade Surgery, Cherry Willingham. This will allow movement of all the medical records from Nettleham to Cherry Willingham thus enabling the creation of 2 consulting rooms at its main site to consolidate its services there.

This includes trigger points for paying the Education contribution on sale of the 35th dwelling and paying the NHS contribution on sale of the 15th dwelling. Therefore the proposal will conform to local policy LP12 of the CLLP.

Ecology

Paragraph 118 of the NPPF clearly states that *'Opportunities to incorporate biodiversity in and around developments should be encouraged'*

The application has included a Preliminary Ecological Appraisal completed by Brindle and Green Ecological Consultants dated February 2016. In summary this reports suggested the following recommendations:

Wild Birds:

- Any trimming to retained hedgerows should ideally avoid the breeding bird season (March – August) or a watching brief and detailed search should be carried

out by a suitably experienced ecologist 24 hours prior to removal/disturbance of the habitats on site.

- The barn owl nest box within Building 1 is to be checked by a suitably experienced ecologist prior to any disturbance to Building 1 (Building 1 has already been removed).
- Several nest boxes including at least 1 barn owl nest box are placed in a suitable place within the site.
- Gaps within the boundary hedgerows could also be planted with native hedgerow species.

Bats:

- Sympathetic lighting plan should be implemented to avoid light spill onto the bordering hedgerows and trees to avoid disturbance to foraging and commuting bats.
- Bat boxes could be erected within the new development to provide additional habitat.
- Gaps within the hedgerow boundary could be planted with native species.

Badgers:

- A precautionary check for badgers using the site should be undertaken by a suitably experienced ecologist within 1 month prior to construction works commencing.
- Any excavations left overnight are to be covered at the end of each working day, or include a means of escape for any animals.
- Any temporarily exposed open pipe systems are to be capped in such a way as to prevent badgers gaining access.
- Gaps within hedgerows could be planted with native fruit bearing shrubs to provide additional foraging opportunities.

Great Crested Newts:

- In the unlikely event that great crested newt/s are found on site during works, an ecological consultant is to be contacted immediately.

Reptiles:

- In the unlikely event that reptile/s are found on site during works, an ecological consultant is to be contacted immediately.
- Deadwood within the hedgerows should be left in situ/retained where possible.

The above recommendation in the ecology appraisal will be secured with planning conditions. This will also include the installation of 6 wild birds boxes, 1 owl box and 4 bat boxes.

Flood Risk

The site sits within flood zone 1 therefore has the lowest risk of flooding therefore meets the NPPF sequential test.

Other Considerations:

Accessibility and Adaptability of Dwellings

Local policy LP10 of the CLLP states that *'more specifically, to cater for the needs of less mobile occupants, including older people and disabled people, and to deliver dwellings which are capable of meeting peoples' changing circumstances over their lifetime, proposals for 6 or more dwellings (or 4 or more dwellings in small villages) must deliver housing which meets the higher access standards of Part M Building Regulations (Access to and use of buildings) by delivering 30% of dwellings to M4(2) of the Building Regulations, unless the characteristics of the site provide exceptional reasons for delivery of such dwellings to be inappropriate or impractical'*. This means that (30%) of the dwellings will need to meet the part M4(2) standard.

If it was minded to approve the application then It would be considered necessary to add a condition ensuring compliance with part M(4)2 of the Building Regulations 2010.

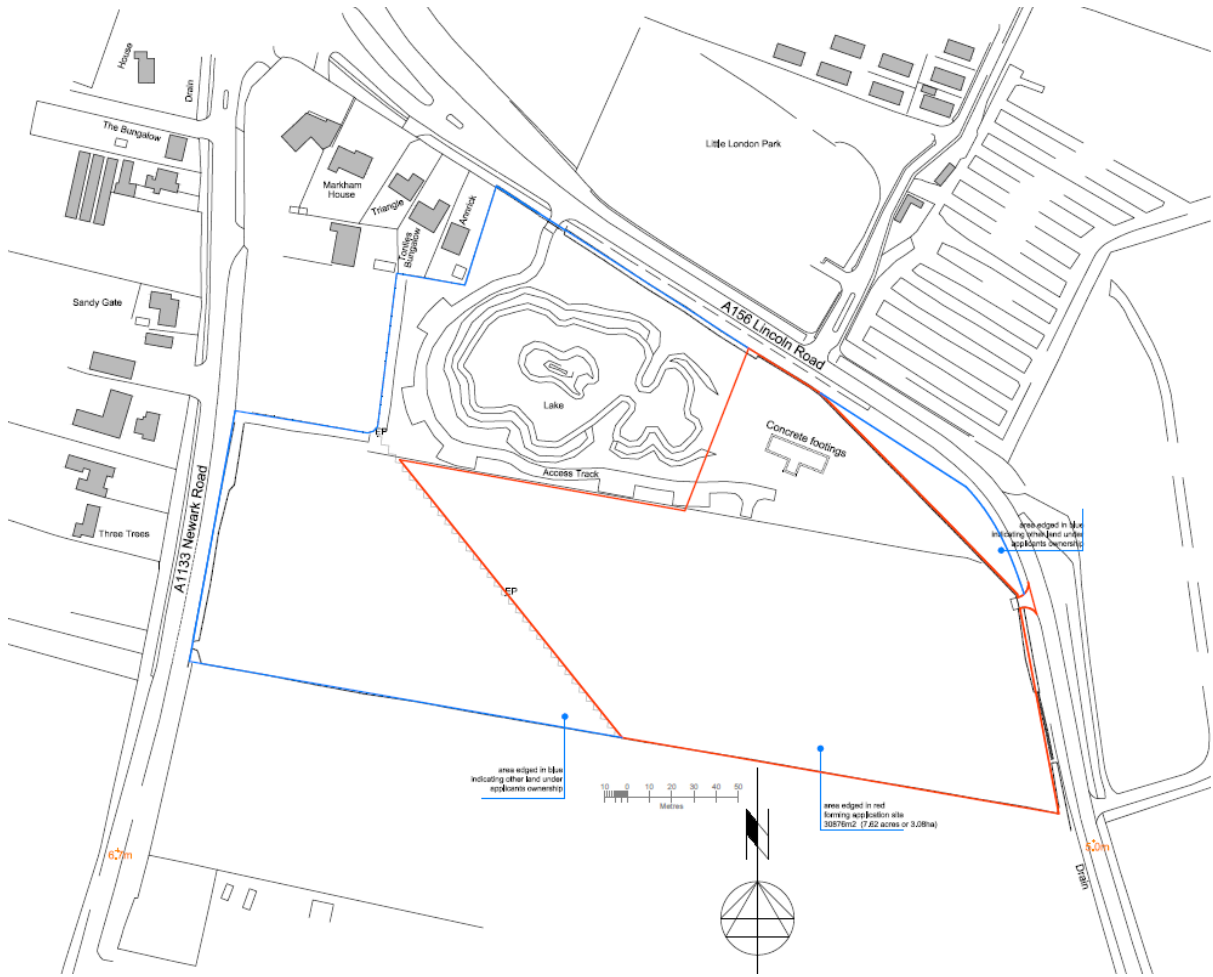
Conclusion and reasons for decision:

On balance it is considered that the harm of the development will outweigh the benefits of positively contributing 69 additional dwellings including affordable homes towards the housing supply in Central Lincolnshire.

In light of the above assessment it is considered that the principle of the proposal is not acceptable and is refused for the following reasons:

1. The application is in an open countryside location which is considered inappropriate for housing development and the development is not of a scale commensurate to a hamlet where only appropriate single infill dwelling developments within the developed footprint are considered acceptable. The site is in an unsustainable location where residents will rely heavily on a vehicle to travel to day to day services/facilities such as shops, medical, employment, education (primary school) and recreational (including village hall and church). The proposal is therefore considered contrary to local policies LP1, LP2 and LP55 of the CLLP and the provisions of the NPPF.
2. Insufficient information has been submitted to evidence that surface water from the site can be drained to an acceptable standard whether through a sustainable urban drainage system in the first instance or secondly through a more traditional method. The proposal is therefore considered contrary to local policies LP14 and the provisions of the NPPF.

This page is intentionally left blank



Officers Report

Planning Application No: 134553

PROPOSAL: Planning application for use of land for the siting of holiday accommodation units with an associated building to provide restaurant, village shop and tackle shop, with associated access, parking and landscaping.

LOCATION: Land adj to Locklands Lake Lincoln Road Torksey Lock
Lincoln LN1 2EJ

WARD: Torksey

WARD MEMBER(S): Cllr Kinch

APPLICANT NAME: BM Arden

TARGET DECISION DATE: 17/08/2016

DEVELOPMENT TYPE: Minor - all others

CASE OFFICER: Rachel Woollass

RECOMMENDED DECISION: Grant permission

Description:

The land is currently a flat close mown field which contains a fishing pond within the North West corner. The site lies to the south and east of this pond and has an area of 3.08 hectares. There is a highway frontage of approximately 250m to the north and east, which has a mature hedgerow. There is also a mature hedgerow along the southern field boundary, but the 'diagonal' edge of the site to the west is open field except for the overhead electric wires. The residential boundaries to the North West are hedged and the western boundary with the caravan yard is formed by a ditch and metal security fencing.

There are currently two vehicular accesses to the land. The northern entrance is approximately 30m from the residential properties on Lincoln Road, which provides the access to the fishing pond. The eastern entrance from Lincoln Road is approximately 95m from the south eastern corner. It is solely the eastern gateway that is proposed to provide vehicular access to this development.

The self-contained holiday units proposed are mobile shepherd's huts. A total of 37 units are proposed in 5 landscaped groups, to allow the development to be phased. They can cater for a couple, or families, as there are various sizes, and internal design arrangements available. They are single storey units accessed via steps and raised above the ground on wheels that allow them to be moved about the site. Each unit has a battery to provide power and tanks to provide storage of fresh and foul water. The foul water is proposed to be discharged to the package treatment plant to be provided for the commercial building.

Relevant History

123037 – Creation of an agricultural drainage pond. Prior Approval not required 13/10/08

123989 – Agricultural prior approval for the siting of a storage barn. Prior Approval required 21/04/09

125606 – Change of use from drainage pond to commercial fishing pond. Permission granted 28/05/10

Representations:

Chairman/Ward Member(s): No representations received to date

Parish/Town Council/Meeting: Object with the following concerns –

- No specific description of the shepherd huts
- No evidence or confirmation that any employment will be offered
- Design and Access Statement is incorrect stating being in the Parish of Fenton and that Torksey Lock and Torksey are twinned together, this is not correct. The name of the parish is Fenton & Torksey Lock. Torksey is a separate parish.
- It is desirable here for the scheme to include a pedestrian footpath from Fenton
- Concerns over vehicle access and safety
- Two storey not in character with existing properties in the area. A structure of this height would compromise the rural village nature of the area
- The hazard from the storage room via the staircase should be designed out
- Shepherd huts not in keeping with the character of existing development in this area
- It is vital that design is sympathetic in character as the proposed development presents a change in outlook for the residents
- High increase in the volume of traffic and associated noise and pollution
- There would be a level of noise 24hrs a day which would be an unacceptable nuisance to local resident
- Function room would mean an additional increase in people, cars, traffic and consumption of alcohol. This would create additional noise and nuisance. Potential for unreasonably loud music, violence, crime and disorder
- No clear indication of the purposes for which the function room would be used
- Competition with local business
- Shop would present a litter issue
- Crime – a development of this nature could represent a target for out of area criminals
- Flood risk and drainage issues

Local Residents: Four letters of objections have been received from Annrick, Lincoln Road, Torksey Lock (x2) 21 Lincoln Road, Fenton and Foxes Halt with the main concerns –

- The two storey building would be out of keeping
- Function room would allow for noise and disturbance
- No such place is required or needed
- Highway safety concerns

- Will not create any jobs for the local area
- No local need for a shop
- Shepherd huts are moveable to allow grouping of different numbers
- There are enough eating/drinking establishments in the local vicinity
- Area does not have enough residents to make this viable
- Don't need any more fishing and holiday guests
- Style of the shepherd huts look hideous
- Security risks for the area

Three letters of support have been received from The Three Trees, Newark Road, Torksey Lock and 25 Maltkin Road, Fenton (x2)–

- Believe the application for leisure facilities would be beneficial to the village bringing a much needed shop to the area and employment for local people
- The proposed site would help other local business not only in its construction but in the use of their facilities from the people visiting the area i.e. public houses, tea rooms, restaurants etc.
- Think the proposed plan is a lovely idea that if done respectfully to local residence will only encourage people to come to the area and inject some life and business back into a place where to obtain a 'pint' a 'stamp' and groceries means you have to drive at least 3 miles.
- Do agree with some points especially with regards to the footpath

LCC Highways: Request a frontage footway from the access point to the existing footway near to the access point to Little London Caravan Park.

Environment Agency: This proposal is a major more vulnerable development in Flood Zone 3 and must pass the flood risk sequential test, to be judged by your authority. There is only limited reference to this in the submitted Flood Risk Assessment (FRA).

If you determine that the test is passed, the proposed development will only meet the requirements of the National Planning Policy Framework if the measures as detailed in the submitted FRA are implemented and secured by way of a planning condition on any planning permission.

Conservation Officer: No representations received to date

Health and Safety Executive: The proposed development site does not currently lie within the consultation distance (CD) of a major hazard site or major accident hazard pipelines; therefore at present HSE does not need to be consulted on any developments on its site.

Archaeology: Prior to development, the developer should be required to undertake a scheme of archaeological monitoring and recording on all groundworks.

Relevant Planning Policies:

National guidance

National Planning Policy Framework

https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/6077/2116950.pdf

National Planning Practice Guidance

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

Central Lincolnshire Local Plan 2012-2036

Following adoption at the Central Lincolnshire Joint Strategic Committee on 24th April 2017 the CLLP is the statutory development plan. Planning law requires that applications for planning permission must be determined in accordance with the development plan unless material considerations indicate otherwise.

The policies considered relevant are as follows –

LP1: A Presumption in Favour of Sustainable Development

LP7: A Sustainable Visitor Economy

LP13: Accessibility and Transport

LP14: Managing Water Resources and Flood Risk

LP17: Landscape, Townscape and Views

LP26: Design and Amenity

LP55: Development in the Countryside

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

Main issues

- Principle
 - Central Lincolnshire Local Plan
 - National Planning Policy Framework
- Highways
- Shepherd Huts
- Impact on the Open Countryside
- Residential Amenity
- Economic Benefit
- Flood risk

Assessment:

Principle

- (i) Central Lincolnshire Local Plan

The site lies in the open countryside to the east of the settlement of Torksey Lock. Torksey Lock is noted as a settlement of relatively few dwellings, but has a large proportion of caravan and holiday lodge sites and serves an important role as a tourism hub for West Lindsey and Lincolnshire.

Part E of policy LP55 (Non-residential development in the countryside) states that proposals for non-residential developments will be supported provided that:

- a. The rural location of the enterprise is justifiable to maintain or enhance the rural economy or the location is justified by means of proximity to existing established businesses or natural features;
- b. The location of the enterprise is suitable in terms of accessibility;
- c. The location of the enterprise would not result in conflict with neighbouring uses; and
- d. The development is of a size and scale commensurate with the proposed use and with the rural character of the location

It is acknowledged that the proposal by its very nature requires a countryside location. The proposal is to expand on an existing business and provide more facilities for the users and new holiday accommodation. The application is suitable in terms of accessibility and includes a new footpath for pedestrian accessibility. The application would not result in conflict with neighbouring uses and the size and scale is commensurate with the proposed use.

The application needs to be assessed on its impact to the countryside. The proposal also lies within Flood Zone 3 and consideration is required to this constraint. These will be discussed in the below sections.

Policy LP7 states that development and activities that will deliver high quality sustainable visitor facilities such as culture and leisure facilities, sporting attractions and accommodation, including proposals for temporary permission in support of the promotion of events and festivals, will be supported. Such development and activities should be designed so that they:

- a. contribute to the local economy; and
- b. benefit both local communities and visitors; and
- c. respect the intrinsic natural and built environmental qualities of the area; and
- d. are appropriate for the character of the local environment in scale and nature.

Development should be located within existing settlements, or as part of planned urban extensions, unless it can be demonstrated that such locations are unsuitable for the nature of the proposal and there is an overriding benefit to the local economy and/or community and/or environment for locating away from such built up areas.

The principle of the proposal is supported by policy LP7 and LP55. The development would contribute to the local economy and would also benefit both local communities and visitors. The scale and appearance in relation to the open countryside will be discussed further into the report.

(ii) National Planning Policy Framework

Planning policies should support economic growth in rural areas in order to create jobs and prosperity by taking a positive approach to sustainable new development. To promote a strong rural economy, local and neighbourhood plans should:

- support the sustainable growth and expansion of all types of business and enterprise in rural areas, both through conversion of existing buildings and well-designed new buildings;
- promote the development and diversification of agricultural and other land-based rural businesses;

- support sustainable rural tourism and leisure developments that benefit businesses in rural areas, communities and visitors, and which respect the character of the countryside. This should include supporting the provision and expansion of tourist and visitor facilities in appropriate locations where identified needs are not met by existing facilities in rural service centres; and
- promote the retention and development of local services and community facilities in villages, such as local shops, meeting places, sports venues, cultural buildings, public houses and places of worship.

The proposal has accordance with the NPPF. As part of the proposal the building includes a shop in which local produce is to be sold. There is also a tackle shop to enhance the fishing business already on site and a restaurant for both the users of the fishing pond and the proposed shepherd huts and the wider community.

Shepherd Huts

The proposed shepherd huts are self-contained units on wheels that provide the occupants with a heated space containing beds, kitchenette, toilet/shower, table and chairs. The fresh and foul water tanks within the units are to be filled/emptied by a member of staff.

Highways

No objections have been received from the highways team however they did request a frontage footway from the access point to the existing footway near to the access point to Little London Caravan Park. An amended plan has been received which shows a footpath from the development site towards Torksey Lock near to the bus stops.

Impact on the Open Countryside

Concerns were raised from the initial plans submitted that the building was too large. These concerns were relayed to the agent and amendments were received for a reduced building. The building is still large however the amendments are a significant improvement.

It is noted that the site has permission for a large agricultural building. This was 6.5m in height. The proposal at its highest is 8.6m which is the height of an average two storey dwelling. It is therefore felt that the height of the proposal would not be detrimental. Objections have been received that the proposal would be out of character with the area however this is not the case. There are other two storey property in the vicinity. The proposed building also has single storey elements to reduce the impact.

Concerns have also been raised that the shepherd huts are not attractive and would be out of character for the area. It must be noted however that the area

is dominated by caravans and the shepherd huts will be of a different form however they are modest in scale and their materials are more suited to an open countryside location. It is considered that they would not have an adverse visual impact in this and the addition of landscaping which will be required by condition will help assimilation in this rural landscape location.

Residential Amenity

Due to the isolated nature of the proposal it is not considered that the proposal would give rise to any concerns in relation to noise, light and air pollution, nor harm the amenity of local residents.

There is no evidence that the proposal would give rise to crime and this is not a material planning consideration

No objections or concerns have been received from the Public Protection team.

Economic Benefit

With regards to the employment expectations, it has been stated by the objectors that no employment will be created. It was requested that the employment figures be clarified. The agent confirmed that direct employment in the shop/café and relating to the leisure huts will vary seasonally, but would be at a lower level in the initial start-up period i.e. whilst the huts are being brought in and added to as the demand grows.

The business is likely to start will 2 full-time posts – 1 for maintenance and administration of the huts and the fishing side of the business, and 1 to run and administer the shop and related activities in the new building. It is expected that this would at least double to 4 or 5 posts once everything was complete and up and running.

In addition, there would be jobs in cleaning, catering and serving. Again it's likely that there would be relatively few to start around 2-3. It is also expected that the part-time posts will be affected by seasonal variations in on site activity. Part-time working could also significantly rise in peak times.

The part-time workers would be expected to be primarily drawn from the local population.

The proposal would also have short term benefits for the economy during the construction phase.

Flood Risk

The site lies within Flood Zone 3a of the EA Flood Zone maps and the West Lindsey SFRA. Due to the nature of the proposal being classed as a “more vulnerable” use, a sequential test is required to be passed. The EA in their consultation response have stated that subject to confirmation that the sequential and exceptions test are passed then, they would be happy with the imposition of a condition requiring the submission of an adequate flood risk management/evacuation plan.

The submitted FRA however did not address the issue of the sequential test, therefore further information was requested. Information was submitted to justify the location of the development. As the proposed development was intrinsically linked with the diversification and expansion of the existing business leisure/tourism use and development on the site, a pragmatic approach to the sequential test is required.

As the proposed use of land and the service building is being proposed because of the existing business on the site and would be linked to it, it is considered , there is no option to locate elsewhere.

The applicants have stated that sequentially this proposal can only be located on the site proposed, otherwise it would fail to improve the existing fishing facilities at Locklands Lake. In addition, the shepherd's huts are proposed in this location to diversify the visitor accommodation available to those wishing to stay close to the fishing and other attractions provided in Torksey and Torksey Lock.

It is considered that whilst there may be other locations for this type of development at lower risk of flooding, this is not possible as it is fundamental to the expansion of the existing business. It is therefore considered that the sequential test has been passed.

Other matters

It is not the place of the planning system to protect existing businesses from competition – a noted concern of the objectors.

The proposed opening hours are as follows –

Cafe:

Mon - Sat: 07:00 - 09:30 and; 17:30 - 19:00 (residents / fisherman only). 09:30 - 17:00 (general public)

Sunday: 08:00 - 10:00 (residents / fishermen only). 10:00 - 17:00 (general public) ..

Evening meals: Mon - Sat: 19:30 - 21:00 (last orders). No Sunday evening service.

Shopping:

Mon - Sat: 09:00 - 17:00

Sunday: 10:00 - 17:00

The hours are deemed acceptable

Conclusion

The proposal has been considered against the Development Plan namely policies LP1: A Presumption in Favour of Sustainable Development, LP7: A Sustainable Visitor Economy, LP13: Accessibility and Transport, LP14:

Managing Water Resources and Flood Risk, LP17: Landscape, Townscape and Views, LP26: Design and Amenity and LP55: Development in the Countryside in the Central Lincolnshire Proposed Submission Local Plan including the advice given in the National Planning Policy Framework and the National Planning Practice Guidance. The proposal would expand an existing business, offer facilities to the visitors and the local community and would not be detrimental to highway safety.

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:

2. No development shall take place until, a scheme of landscaping including the retention of the existing hedge—as shown on plan TMA/1042/05 Revision B dated 20OCT14 and infill with native species, details of the size, native species and position or density of all trees to be planted, fencing and walling, and measures for the protection of trees to be retained during the course of development have been submitted to and approved in writing by the Local Planning Authority.

Reason: To ensure that a landscaping scheme to enhance the development within this open countryside location is provided in accordance with Central Lincolnshire Local Plan policy LP17.

3. No development shall take place until details of the external facing materials to be used have been submitted to and approved in writing by the local planning authority. The development shall be carried out only using the materials approved

Reason: To ensure a satisfactory external appearance of the development in accordance with the National Planning Policy Framework and policy LP26 of the Central Lincolnshire Local Plan.

4. No development shall take place until a written scheme of archaeological investigation has been submitted to and approved in writing by the local planning authority. This scheme shall include the following

1. An assessment of significance and proposed mitigation strategy (i.e. preservation by record, preservation in situ or a mix of these elements).

2. A methodology and timetable of site investigation and recording.
3. Provision for site analysis.
4. Provision for publication and dissemination of analysis and records.
5. Provision for archive deposition.
6. Nomination of a competent person/organisation to undertake the work.
7. The scheme to be in accordance with the Lincolnshire Archaeological Handbook.

The archaeological site work shall be undertaken only in full accordance with the approved scheme and the local planning authority shall be notified in writing of the intention to commence the archaeological investigations at least 14 days before the said commencement.

Reason: To ensure the preparation and implementation of an appropriate scheme of archaeological mitigation and in accordance with the National Planning Policy Framework (2012).

5. The local planning authority shall be notified in writing of the intention to commence the archaeological investigations in accordance with the approved written scheme referred to in condition 4 at least 14 days before the said commencement. No variation shall take place without prior written consent of the local planning authority.

Reason: In order to facilitate the appropriate monitoring arrangements and to ensure the satisfactory archaeological investigation and retrieval of archaeological finds in accordance with the National Planning Policy Framework (2012).

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

6. The archaeological site work shall be undertaken only in full accordance with the written scheme required by condition 4.

Reason: To ensure the satisfactory archaeological investigation and retrieval of archaeological finds in accordance with the National Planning Policy Framework (2012).

7. Following the archaeological site work referred to in condition 6 a written report of the findings of the work shall be submitted to and approved in writing by the local planning authority within 3 months of the said site work being completed.

Reason: To ensure the satisfactory archaeological investigation and retrieval of archaeological finds in accordance with the National Planning Policy Framework (2012).

8. The report referred to in condition 7 and any artefactual evidence recovered from the site shall be deposited within 6 months of the archaeological site work being completed in accordance with a methodology and in a location to be agreed in writing by the local planning authority.

Reason: To ensure the satisfactory archaeological investigation and retrieval of archaeological finds in accordance with the National Planning Policy Framework (2012).

9. 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: TMA/1042/03 Revision A dated 20OCT14, TMA/1042/04 Revision A dated 20OCT14 and TMA/1042/05 Revision B dated 20OCT14. 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.

10. Prior to the use of the development the footpath shall be completed in accordance with TMA/1042/05 Revision B dated 20OCT14 and retained thereafter.

Reason: In the interests of pedestrian and highway safety in accordance with policy LP13 of the Central Lincolnshire Local Plan.

11. There shall be no more than 37 shepherd huts on the site. The shepherd huts shall be positioned in accordance with TMA/1042/05 Revision B dated 20OCT14.

Reason: In the interests of visual amenity in accordance with LP26 of the Central Lincolnshire Local Plan.

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

12. None of the units of holiday occupation hereby permitted shall be used:

a) at any time for the purpose of a main residence or for the provision of permanent residential accommodation;

b) other than to provide short term holiday accommodation such that no person or persons shall occupy any unit(s) either singly or collectively for any

period in excess of six weeks per calendar year, unless prior agreement of the Local Planning Authority is first received in writing; and

c) other than as part of self-contained holiday units

Reason: The site is located in open countryside where strict controls exist in relation to the location of new housing development in the interests of sustainable development in accordance with policies LP1 and LP55 of the Central Lincolnshire Local Plan.

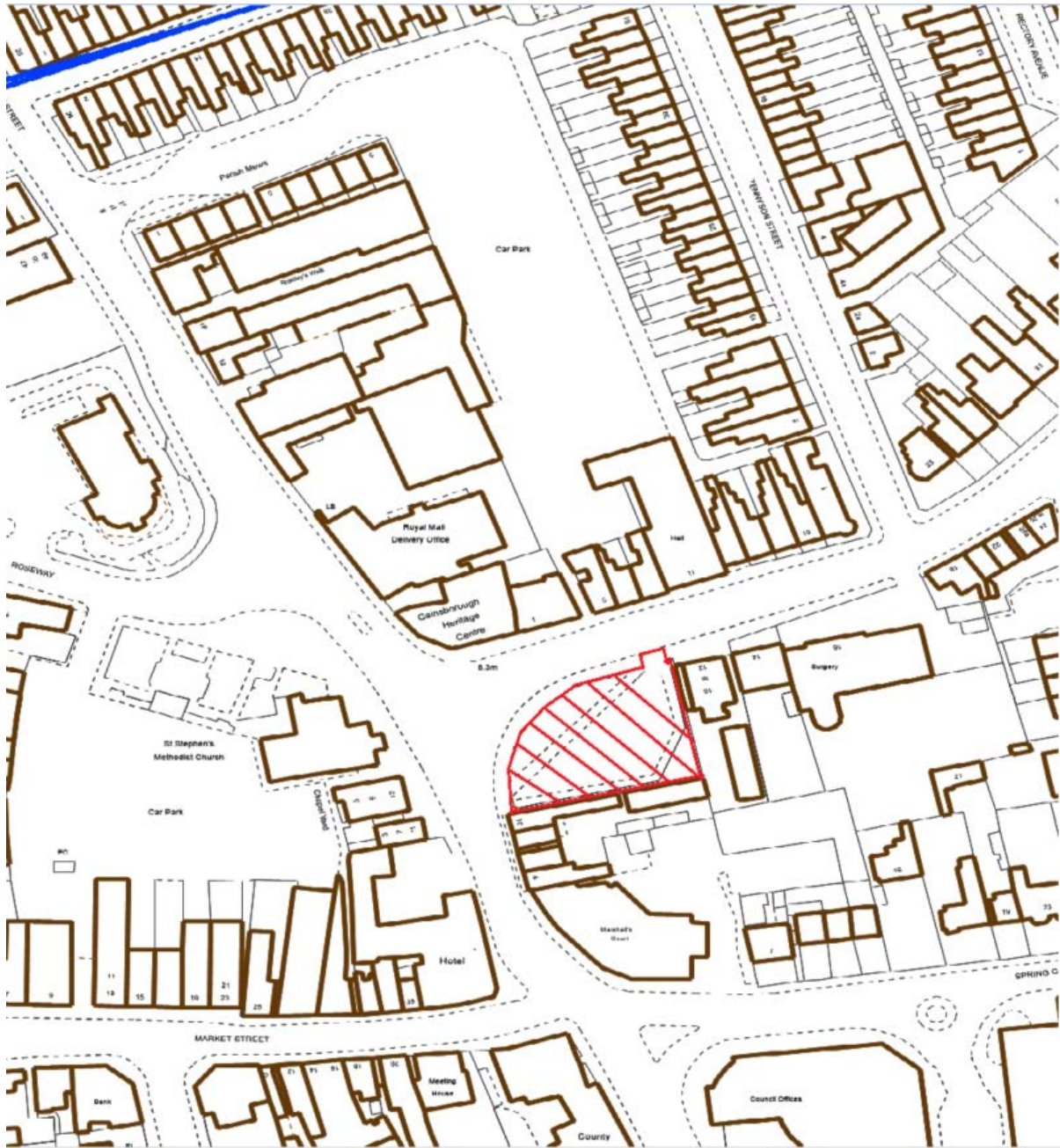
Human Rights Implications:

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

This page is intentionally left blank



Officers Report

Planning Application No: 134332

PROPOSAL: Planning application to erect a four storey block of 17no. apartments with associated access and car parking-resubmission of 131913

LOCATION: Land on corner of North Street Gainsborough Lincolnshire DN21 2HU

WARD: Gainsborough South West

WARD MEMBER(S): Cllr J Rainsforth & Cllr T Young

APPLICANT NAME: Mr J Clayton

TARGET DECISION DATE: 26/07/2016 (Extended to 8th May 2017)

DEVELOPMENT TYPE: Major - Dwellings

CASE OFFICER: Jonathan Cadd

RECOMMENDED DECISION: GRANT PERMISSION SUBJECT TO CONDITIONS

Description:

This application seeks permission to erect 17 apartments, with associated access, parking and landscaping. The development would be four storeys in height and would front the junction with parking and servicing to the rear. The building would vary from 11.6m to 12.6m in height with the lower sections being located at either end of the larger central block. To the centre of the block would be a curved section of building following the road layout. The predominant materials proposed would be brick but the upper floor of the outer blocks would be set back and be finished in grey standing seam metal cladding. Pedestrian access would be to the rear of the block, with a vehicular driveway and pedestrian pathway being formed to the eastern section of the site.

The proposal would include 16 x two bed flats and 1 x three bedroom units. 30% of units would meet Part M(4) of the building regulations, i.e. be of a size and layout to aid adaptations for future residents with disabilities.

Existing area of open land on the corner of North Street and Spital Terrace. The site is grassed with a footpath cutting across the site diagonally with a bench upon it. To the rear, the site has been cleared of landscaping but large advertising hoardings remaining forming the rear boundary of the site to 10 North Street and 10 – 12 Spital Terrace. The site was open to the highway but has now been enclosed by herras fencing.

To the south of the site is 10 North Street a butchers shop with residential accommodation above, potentially a flat. To the rear this area is an over grown garden area with a number of dilapidated out buildings. The ground levels of this site appear to accord with the application site. To the east is 10-

12 Spital Terrace. This dwelling is a three storey building with a two storey side extension. A main landing window faces onto the site at first floor whilst a secondary bedroom window also faces west at the second floor.

Immediately to the west and north is a public highway which forms a busy junction within the town centre. Spital Terrace has a signalised pedestrian crossing upon it and double yellow lines. These extend around into North Street. A bus stop and waiting area is also located outside of 10 – 16 Spital Terrace. Opposite the site to the north is the old post office which is now a heritage centre. This large three storey brick building with stone detailing is constructed to the rear of the footpath. Adjacent to this, to the north east, are two storey shops with residential accommodation beyond.

To the west is a group of modern three storey flat roof flats which adjoins the Methodist church, which is constructed in a modernist style.

Relevant history:

W33/305/75 Outline Erection of a block of 12 flats. Approved 18 July 1975

W33/482/89 Outline Erect 15 aged persons housing units. Approved 23 July 1990

M06/P/0082 (117619) Erection of 24 apartments and 5 shop units. Approved 13 Jun 2006

123991 Request for confirmation of compliance with Conditions 2, 3, 4, 5, 6, 7 and 8 of planning permission M06/P/0082 (117619) granted 13 June 2006. Conditions partially discharged.

131913 Planning application to erect a four storey block of 19no. apartments to provide a supported living environment fhor adults with learning difficulties. Refused 28th April 2015 Reasons for refusal:

1. The proposal fails to take the opportunities to enhance the area but also detracts from the character of the conservation area by reason of its scale and massing, inappropriate layout, juxtaposition with adjoining structures and its design and appearance which is at odds with the Victorian character of the area contrary to Saved Policies STRAT1, STRAT4 and MKT1 of the West Lindsey Local Plan and the provisions of chapter 12 of the National Planning Policy Framework on design which seeks to protect and enhance heritage assets.
2. The proposal by reason of its scale massing and relationship to existing properties and a busy road junction would detract from occupiers and neighbours amenities alike contrary to Saved Policy STRAT1, STRAT4, and RES1 of the West Lindsey Local Plan and the provisions of the NPPF.

Representations:

Chairman/Ward member(s): no comments received

Town Council: (Full) We support highway concerns that larger vehicles will be unable to enter and exit the site in forward gear. The road is a busy one near a town centre roundabout and safety of the highway must be carefully considered.

We are concerned that elements of the building are not in keeping with the Conservation area.

Whilst not a material consideration the Town Council is more supportive of the building being used for supported accommodation as per previous applications for this site.

Local residents: Object (Summary) 1, 12, 14 and 19 Spital Terrace

- Support development but proposals are too large and will shadow properties opposite.
- The corner is too busy with a crossing and roundabout. It's already the scene of a number of bumps due to cars coming round the corner too fast to stop for vehicles queuing at the crossing. Vehicles from the site will end up backing out onto the road. Delivery vehicles will not be able to get in and will therefore have to service the site from the road causing further disruption. There is not enough room for vehicles to enter and leave the site in a forward gear. Large 18 or 26 tonne refuse vehicles will not be able to access the site and turn. Other private refuse vehicles have been seen backing into such areas, causing congestion and danger to other road users. Even the flats at Marshall's Court have sufficient parking and turning facilities to accommodate a refuse vehicle so why not this one? Other large construction or delivery vehicles will have the same issue.
- The visibility splays proposed take no account of railings, parking bays with cars in them obscuring views so are not accurate or safe.
- The Police are requesting a gates access. This will increase the time taken for vehicles to access the site, increasing congestion on street.
- The access is too close to the front door of adjoining property where a family live, this would create a danger for children as the pavement would be reduced by kerbing. It is believed that everyone has a right to safe access to their dwelling. The proposal is therefore considered contrary to saved Policy STRAT1 (ii) of the WLLP.
- The two car parking bay spaces outside the adjoining shop are particularly important for customers of the studio as a significant number of them are profoundly disabled. The new access will put such spaces in jeopardy. How will the bin lorry pull in to the side if these spaces are occupied? It will stick out creating a hazard and create additional congestion.

- The loss of the parking bay will harm local businesses and local residents who need to park close to their properties.
- There are not enough car parking spaces and there is not enough parking permits available in North Street car park. The car park is also not safe. Waiting is limited to 30 minutes 8am to 6 pm Monday to Saturday. This will increase competition for spaces and be significantly detrimental to the amenities of adjoining residents contrary to saved policy STRAT4. It will also harm local businesses including the vets, dental surgery, podiatry clinic and three food retail (including butchers and hot food takeaways) outlets. There is also a restaurant which will equally be impacted upon. The proposal is therefore contrary to saved policy STRAT1 v, viii and ix of the WLLP.
- Will there be rooms for nearly 50 wheelie bins? Currently the area is shown touching the boundary wall of an adjoining dwelling. This is unacceptable, unhealthy and will lead to pests and foul smells. Will all the wheelie bins be placed on the pavement? This will be untidy, unhealthy and cause congestion. This would be contrary to policy STRAT1 (xi)
- Design is completely out of character with the conservation area. Most buildings are smaller. Just because Marshall's Yard corner has huge flats doesn't mean this has to be the same. The proposal will dominate the entrance to this secondary shopping area. There has been too broad a focus on the character of the conservation area, rather than just the Spital Terrace area. The materials are also at odds with the character of this area. Windows should be white wood not grey metal which is more akin to the industrial areas of which Spital Terrace is not one.
- The three grey cabins to the top floor are in no way in keeping with the surroundings and will not replicate slate roofs in area. They will also be seen. This material is also industrial in nature and is not suited to a residential area. Dark mortar and render are not in keeping with the area and monocouche render is out of keeping with the surroundings, as are balconies. Powder coated railings will rub off leaving such materials to rust. The proposal, therefore, is contrary to NPPF part 7, and requires development of a poor design, which fails to take opportunities available for improving the character and quality of an area and the way it functions to be refused. Equally it fails to accord with part 12 of the NPPF which notes that heritage assets are irreplaceable, and any harm or loss should be supported by a clear and convincing justification. Great weight should be given to an asset's conservation. The more important the asset, the greater the weight should be ascribed to it. Significance can be harmed or lost through alteration or destruction of the heritage asset or development within its setting. The development would represent harm through its scale and design and should be refused.

- Are more flats needed in Gainsborough?
- The loss of trees to the rear of the site are important despite the applicant's description of them as overgrown shrubs. They are 3 Ash and 3 Sycamore trees which are 20m high. They provide important privacy screen from the flats above Wilson's Carpets. One Ash tree forms part of adjoining boundary with the adjoining property and should not be removed. Their loss is contrary to saved policy CORE10 and STRAT1 (vi and x).

LCC Highways: No objection subject to conditions

LCC Rights of Way: No comments

LCC Education: Request a contribution of £22,552 for primary education to be spent at Castlewood Academy to create 1.5 Form Entry (FE) including four new classrooms.

Housing Officer: (Summary) The proposal would generate a need for 4.25 units of affordable accommodation. It is suggested that 4x 1 bed apartments be accepted with a contribution of £12,108.50 for the remaining quarter of a unit. In this instance, an alternative may be explored due to the potential difficulties registered providers have with flats and service charges. This would amount to a full off site contribution of £205,844.50

Archaeology: (Summary) This site lies within the former medieval settlement area of Gainsborough in the vicinity of the medieval parish church and close to a number of historic Listed Buildings. Due to the position of the site, the archaeologist notes there is the potential to uncover some significant archaeological remains associated with very early medieval Gainsborough, however, they acknowledged that the site has been disturbed and that the most appropriate level of archaeological intervention would be to record any remains which still remain prior to further destruction of the site.

It is recommended that a condition requiring a written scheme of investigation to record any finds prior to their destruction be imposed. This should also include the monitoring of all groundworks, with the ability to stop and fully record archaeological features.

Lincolnshire Police: (Summary) Generally supportive but seek gates and fencing to external boundaries to frustrate potential intruders. Landscaping should also be supported by a maintenance agreement. Guidance also on doors and windows, letter boxes, access control, landscaping and lighting.

Conservation Officer: (Summary) Designs have the ability to be a viable design. The lack of staircases and proper front entrances opening out onto the street is, however, a serious flaw. Doors should not be dummy doors either – this is not just a visual emblem, people coming and going to their residence through front doors preserves the traditional social structure of the street: it democratises the development and animates the public realm. Since

staircases are not “habitable rooms” either, it makes more sense to accommodate them on the front, public elevation. Also provides guidance on materials and doors.

WLDC Refuse: The main issue is that a vehicle wouldn’t be able to access the site as recommended by the Highway Authority and therefore wouldn’t be able to wait clear of the carriageway on Spital Terrace.

Therefore, creating a traffic hazard, this would be on weekly basis. Not only would this be for refuse vehicles but other larger vehicles used for deliveries as well. At some point in the future residents may request a bulky waste collection (removal of large household items) and this may also be problematic.

It is possible to walk into the site to fetch the bins, although we prefer that developments are designed with waste collections in mind so that there are limited obstructions. We often find a problem with parked cars and this hinders waste collections.

The larger commercial sized bins would be needed, these would be charged to the developer at £250 per bin.

Relevant Planning Policies:

National guidance

National Planning Policy Framework (NPPF)
National Planning Policy Guidance (NPPG)

Central Lincolnshire Local Plan (Adopted 24th April 2017)

LP1 – A presumption in favour of sustainable development
LP2 – The spatial strategy and settlement hierarchy
LP3 – Level and distribution of growth
LP9 – Health and wellbeing
LP10 – Meeting accommodation needs
LP11 – Affordable housing
LP12 – Infrastructure to support growth
LP13 – Accessibility and growth
LP17 – Landscape, townscape and views
LP25 – The historic environment
LP26 – Design and amenity
LP38 – Protecting Gainsborough’s setting and character
LP41 – Regeneration of Gainsborough
LP42 - Gainsborough Town Centre and Primary Shopping Area

The Central Lincolnshire Local Plan has now been adopted as being sound and in full accordance with the NPPF. Planning Law requires that application for planning permission must be determined in accordance with the

development plan unless material considerations indicate otherwise (NPPF para. 11). Similarly, in accordance with paragraph 14 of the NPPF, decision makers should: approve development proposals that accord with the development plan without delay.

The policies of CLLP can now therefore be given full weight following adoption.

Main issues

- *Principle of development in this location (LP2, LP3, LP6, LP41 and LP42)*
- *Design and impact on heritage assets (LP1, LP17, LP25 and LP26)*
- *Residential amenity (STRAT1 & RES1)*
- *Highway safety & parking (STRAT1 and RES1)*
- *Drainage*
- *Viability and contributions*

Assessment:

- *Principle of development in this location (LP2, LP3, LP6, LP41 & LP42)*

The application site is located within Gainsborough Town Centre. Policies CLLP LP6 and LP42 apply although it falls outside of the allocated primary shopping area. General policies within the Central Lincolnshire Local Plan indicate a general presumption in favour of development within the urban areas, policies relevant are LP2, LP3, LP13, LP41 and LP42, subject to detailed consideration. Such policies accord with the sustainable thread which runs through the NPPF with the development being within easy reach of all the facilities and good public transport links which are all available in Gainsborough.

Policy LP2 notes that Gainsborough will be the location for substantial housing development. Policy LP6 allocates the site within but at the very edge of the town centre. The policy notes that town centre uses (which includes residential) will be directed to such locations subject to the consideration of the scheme in terms of the relationship to the appropriate scale and function of the centre and the maintenance of the retail hierarchy. The site is not, however, within the designated primary shopping area (policy LP42) where residential uses are usually restricted at ground floor level unless they accord with specific criteria. The policy, however, is more permissive within the wider town centre designation noting in supporting paragraph 8.7.3: that such uses (*residential*) are only likely to be appropriate...on the periphery of the town centre as part of a mixed use scheme. Such uses, the policy notes do not provide active frontages and are likely to cause harm to the vitality and viability of the primary retail core by diluting the identity of the area as a focus for retail activity.

In this instance, the application site is located at the entrance to the town centre. It is also a mixed use area adjoining the predominately residential area

of Spital Terrace. The nature of the area with the transition from more commercial and community uses to housing would justify the use of the site for purely residential development. The site historically was a builder's yard whilst more recently it has been an un-adopted open space. As such it currently does not add to the viability of the area in any significant manner. Given this, the plot's small size and the difficulty in servicing the site by motor vehicles, it is considered that the proposed residential use would not therefore harm the vitality and viability of the town centre. As such it would accord with policies LP2, LP3, LP6 and LP42 of the Local Plan.

- *Design and impact on heritage assets (LP1, LP17, LP25 and LP26)*

The site is located within the Britannia Conservation area which includes a number of listed buildings including 14 and 16 Spital Terrace (grade 2). These form part of a group of locally important buildings including 10, 12 and 18 – 20. These buildings are highly detailed and form an attractive group.

Policy LP17 seeks to protect and enhance the intrinsic value of the landscape and townscape with particular regard to maintaining and responding positively to natural and man-made features which positively contribute to the character of an area. The policy further notes that all development proposals should take account of views in to, out of and within development areas: schemes should be designed (through considerate development, layout and design) to preserve or enhance local views and vistas, and create new public views where possible. Particular consideration should be given to views of significant buildings and views within landscapes which are more sensitive to change due to their open, exposed nature and extensive intervisibility from various viewpoints.

In addition to this, Policy LP25 states that development proposals should protect, conserve and seek opportunities to enhance the historic environment of Central Lincolnshire. The policy goes on to note that development proposals will be supported where they:

- d. Protect the significance of designated heritage assets (including their setting) by protecting and enhancing architectural and historic character, historical associations, landscape and townscape features and through consideration of scale, design, materials, siting, layout, mass, use, and views and vistas both from and towards the asset;
- e. Promote opportunities to better reveal significance of heritage assets, where possible;
- f. Take into account the desirability of sustaining and enhancing non-designated heritage assets and their setting.

With respect to listed buildings, the policy notes that 'development proposals that affect the setting of a listed building will be supported where they preserve or better reveal the significance of the listed building. By inference if the development involves activities or alterations which prejudice the special architectural or historic interest of the listed building or its setting the proposal will be resisted.

Similarly, within a conservation area proposals, policy LP25 notes, should preserve, and enhance or reinforce it, (as appropriate) features that contribute positively to the areas character, appearance and setting. The policy sets out criteria by which to assess proposals.

The area was designated as a conservation area in 1999 and includes 20 listed building including the Britannia Works (grade 2). The area is noted as an important collection of buildings showing the boundary of the next stage of the development of the town centre and the industrial development of Gainsborough. This includes housing for more wealthy families who moved out of courtyards to the centre of Gainsborough to new housing to the edge of town. The basic structure of this development remains and Spital Terrace is a good example of this development.

The traditional buildings of the conservation area have a dominant Victorian character and provide particularly strong visual features at corners and junctions. Buildings generally have detailed prominent multiple frontages, a back edge of pavement position which assists to turn corners to provide a strong attractive visual presence to the area particularly from key public vantage points.

The area has a predominately Victorian character with different coloured brickwork, decorative arches, sills and bands. Other Victorian features include pediments, Dutch gables and bay windows. Throughout the roofs are generally pitched and of the same height. Welsh slate, pantiles and plain clay tiles are common original roofing materials.

Open space within the conservation area is limited and the actual application site is noted within the conservation area designation report as: *weak with the space offering no substantial benefit to the conservation area. The planting and flowerbeds are low in height and the most significant feature is the series of advertisement hoardings at the back of the site.*

In terms of aspects which detract from the conservation area the weak corner and poor landscaping at Spital Terrace /North Street is noted. Finally in terms of aspirations for the area the report states areas of particular concern are the principal elevations and the roof scape of the area and future development.

Following the refusal of an earlier application the developer has undertaken a heritage assessment of the area and its importance and utilised its findings to direct the redevelopment of this site. The resulting development is very different to the previous proposal and seeks to take reference from its surroundings, whilst presenting a modern interpretation of the built environment.

Unlike the previous application, the development seeks to address the street by being positioned close to the back edge of the footpath. To maintain the amenities of future occupiers there would be a slight set back from the pavement but the building would still address the street in a positive and

strong manner. Such positioning is not unlike the Old Post Office building opposite along with 1-11 Spital Terrace, and properties on North Street adjoining the site.

The scale of the buildings have also been considered. This is particularly important to assess given the objections received. The site is presently not developed but historic plans and a photograph has been provided as part of the assessment to show that a three storey building did stand on the eastern part of the site. This traditional brick building was located to the back edge of the footpath and appeared to directly adjoin 12 Spital Terrace. The present building seeks to respect the scale of the adjoining properties at both North Street and Spital terrace by designing the part of the proposed fourth storey of the building set back behind a brick plinth and using a grey lead type materials to replicate the roof scape of adjoining properties. This contrast with the main brick structure would assist to break up the massing and scale of the structure. It is indeed also useful to note that the design would be of a similar overall height to the adjoining property at 12 Spital Terrace and the three storey shops/ flats at North Street. The central section of the building would be designed with a brick finish to full four storey height. This would emphasise the corner and the entrance to the town centre. Despite comments to the contrary, the area is not wholly residential in character or scale, it is the entrance to the town centre as well. This transitional area includes more commercial scale buildings as well such as the Old Post Office building, the Methodist Church and even the Fanny Craven Memorial Hall. It is also worth noting that planning permission was granted on this application site in 2006 for 24 flats, 5 retail shop units (with additional land to the rear of 10 North Street) which created a predominantly 5 storey building, ref. no. M06/P/0082.

As noted the character of all the buildings in this part of the conservation area is one of detail with contrasting brickwork detailing, arched windows, bays and Dutch gables. Similarly there is a strong vertical emphasis to the buildings. The proposed building seeks to replicate these design features but in a modern fashion. The basic blocks of the building are split into 3. Two smaller square blocks are set forward of the main curved section of the building. This seeks to mirror the closer plots widths of the surrounding area whilst the larger mass of the curved section would replicate the Old Post Office Building on the opposite corner. Vertical emphasis would be provided by the window sizing, the raised stone detailing around the windows and inset balconies.

It is accepted that the design may be slightly cluttered with too many design features proposed particularly the bays to the corner. Equally the base of the building could be considered slightly weak in design terms with the large patio windows rather than a solid material form, whilst one side elevation fronting the site remains overly blank. Such issues have been raised with the applicant but given the late stage of the application changes to the scheme have been resisted.

The materials to the public facing section of the building would be mainly red brick with an art stone plinth which would extend to full height around the projecting bays and be a feature material surrounding windows and balconies

elsewhere. Such materials and features seek to replicate particularly that of the Old Post Office building without being pastiche. To the rear the building would be a lot plainer which is not unusual and not a significant issue as it would be screened from the vast majority of public views.

It is considered therefore that the proposal has some weakness it does take the opportunity to enhance the area and would maintain the character and appearance of the conservation area and indeed the importance of the listed buildings within the vicinity. The proposal would therefore accord with policies LP1, LP17, LP25 and LP26 of the CLLP.

- *Residential amenity (LP26)*

The proposed development is significant in scale and would be positioned directly to the north of properties on North Street. Whilst substantial in scale the positioning of the development would be such that the impact on the levels of light and sunlight enjoyed by the properties at North Street would be minimal. The three storey wing however, would be within 1.3m of the boundary to 8 North Street and 6m from the rear elevation of the flats at first floor which would appear quite a dominant structure to the rear. Nevertheless given the slight gap between the two buildings and the northerly position of the proposal the impact on light, sunlight and outlook from the existing property would not be detrimentally impacted upon. Similarly, privacy would not be significantly impacted upon as there are no facing windows within the flank elevation of the proposed flats nearest the boundary to no.8. It is accepted that there would be a number of flat windows facing no.8 within the main southern elevation of the scheme but this would be further set back, 14m from the garden boundary. Such a distance is deemed acceptable and whilst some overlooking would occur this is not an unacceptable situation within a residential area given the distances quoted.

To the east the structure would be within 4.39m of the boundary of 12 Spital Terrace. Again no windows are proposed to the flank walls of the scheme maintaining the privacy to no.12. The south facing windows include: kitchen, bedroom and stairwell windows. A Juliet balcony is also proposed at first floor. Given the south facing nature of these windows it is not considered that a significant loss of privacy would occur at no.12. The balcony is a concern, however, and conditions are recommended to remove this from the scheme.

Further windows to the entrance stairwell and flats within the south western section of the scheme would face no. 12. Such windows would, however, be 21m and 25m respectively from the garden boundary of the effected dwelling, more than sufficient to maintain privacy levels.

Opposite the site (north), are a row of shops with flats above. Whilst it is accepted that there would be some loss of light and sunlight to these properties the impact would not be of sufficient magnitude to recommend refusal on amenity grounds. Equally, the urban nature of the area, particularly at the entrance to the town centre, is such that larger buildings are to be

expected particularly on street frontages. The proposal therefore is not deemed to dominate the structures opposite.

The applicant has been requested to undertake noise assessment to ensure that the significant vehicle noise would not significantly impact on future occupiers of the flats. This has shown that subject to appropriate soundproofing, sufficient amenity can be maintained. A condition is therefore recommended to ensure this occurs.

Comment has been noted with respect to odours and health with respect to the bin storage proposals. In this instance, the applicant has indicated that the refuse arrangements would be based around the use of commercial bins rather than individual wheelie bins. These would be positioned to the southern boundary away from 12 Spital Terrace. Conditions are recommended to ensure that the position and design of the bins would be suitable for such bins and be located in a manner to protect health and amenity. Collection would occur road side, not unlike current practise for current properties on Spital Terrace. It is noted that any relocation of the bins store could reduce the number of available spaces by one.

- *Highway safety & parking (STRAT1 and RES1)*

The application seeks permission for 17 flats at the site with 8 on site car parking spaces proposed. The access to the site would directly adjoin 12 Spital Terrace. It would include a 3m wide carriageway with a 1m wide pavement to one side and a 0.8m pavement to the other.

Policy LP13 states that development which contributes towards an efficient and safe transport network that offers a range of transport choices for the movement of people and goods will be supported. All developments, it notes 'should demonstrate that they have had regard to the following criteria:

- a) Located where travel can be minimised and the use of sustainable transport modes maximised;
- b) Minimise additional travel demand through the use of measures such as travel planning, safe and convenient public transport, walking and cycling links and integration with existing infrastructure;
- c) Should be well designed, safe and convenient access for all, giving priority to the needs of pedestrians, cyclists, people with impaired mobility and users of public transport...and permeability to adjacent areas.
- d) Ensure allowance is made for low and ultra-low emissions vehicle refuelling infrastructure.

The policy also notes for car parking provision:

- q) Ensure that appropriate vehicle, powered two wheeler and cycle parking provision is made for residents, visitors, employees, customers, deliveries and for people with impaired mobility. The number and nature of spaces, provided, location and access should have regard to

surrounding conditions and cumulative impact with clear set out reasoning...

It is noted that the access is close to the busy Spital Terrace/ North Street roundabout which can be congested at peak times. Note has also been made to the proximity to the signalised crossing and car parking bay adjoining the site. The Highway Authority has considered this access and the impacts of it on the safety of the area. Note was also taken of the previous approval of substantially more flats and retail units on this site in 2007. The access was in a very similar position. Consideration should also be taken of other accesses onto the road, for example, the vets has an access with parking bays very close to the access on either side. The access proposed would be hampered by the parking bay outside of no. 12 limiting visibility but its short length is such that views would be possible beyond it to the east allowing safe exit. To the west, views of traffic are clear.

The Highway Authority has not objected to the scheme on either the grounds of safety nor congestion and have visited the site previously on the request of your officers on these grounds.

The scheme would only provide 8 (possibly 7) spaces on site for parking. Such a situation leaves approximately 10 flats without car parking. Given the lack of on street parking available, occupiers would need to park their vehicles within public car parks within the surrounding area. This is not unusual for this area. It is also noted that the limited parking on site would also reduce the use of the access, which has been raised above as an issue for residents increasing safety and reducing conflicting vehicle movements. Any on street parking could be controlled due to the existence of parking restrictions on this corner. When considering vehicle usage, the development's town centre location is ideal for the majority of day to day life services and public transport links to the wider area, reducing the need for a car.

No details have been provided for cycle nor indeed motorcycle parking and as a result conditions are recommended to ensure such facilities are provided.

The police have also requested that the accesses to the site whether pedestrian or vehicular are gated for security. This is possible and whilst ideally such gates should be flush with the front of the building, a setback in this instance would be sufficient to allow one vehicle to wait off the highway whilst an inward swinging gate is opened. Conditions are again recommended on such grounds.

It is noted that delivery vehicles and pick-up of refuse would not be able to access the site and would pick up/ deliver kerb side. Whilst not ideal this is not an unusual situation and having discussed the matter with the Highway Authority they do not consider such a practise would reduce safety. This is in part due to the slow speed of vehicles in this location and the ability to pull into the kerb at this point.

- *Drainage*

The site is located within Environment Agency Flood Zone 1 and there are not known to have been any surface water flooding incidents within the immediate area. Conditions are nevertheless required to agree details of any surface water drainage and foul sewage connection to the main drainage network.

It is likely that some form of attenuation will be required to limit flows into the drainage system will be required.

- *Viability and contributions*

Policy LP11 requires all developments over 10 dwellings to provide either affordable housing as part of the scheme or where justified, a financial contribution for off-site provision. Such policy seeks to assist in meeting the need for 17400 dwellings across Central Lincolnshire within the plan period. The policy also notes that 20% of the 17 units should be affordable, or 3 units and a contribution of £12,108.50 for a part unit. The housing officer also indicates that a full off site contribution could be acceptable in this case due to the difficulty of attracting a registered provider for a part market/ part affordable flat scheme. This is due to the affordable housing being only part of a block where a service charge will be due.

Policy LP12 notes that infrastructure is also required to support growth. The policy notes that all development should be supported by, and have good access to all necessary infrastructure. In this instance, the NHS has not requested a contribution but the Education Authority has requested a £22,552 to expand the Castlewood Academy Primary School.

In requesting the applicant agree to a s106 planning legal agreement to bind such matters to any potential approval, the authority was made aware that such contributions would make the development unviable. Advice within the NPPG states: *Decision-taking on individual applications does not normally require consideration of viability. However, where the deliverability of the development may be compromised by the scale of planning obligations and other costs, a viability assessment may be necessary.* In submitting a viability assessment, officers have assessed the detail submitted and tested its assumption and costs against known recent developments and sales within Gainsborough. As a result of this, it has been concluded that the assessment is a reasonable reflection of the development costs and values and the scheme cannot accommodate any contributions. This is mainly due to the limited value of land and property within Central Gainsborough. This is, perhaps, not an unexpected conclusion, given experience elsewhere in Gainsborough town centre but this has to be considered within the planning balance as to the (negative) weight which should be attributed to it. Although not a material consideration, it is noted, however, that even without the contributions the viability of the scheme appears to be questionable.

- Trees

A number of objectors have noted that to the south eastern corner of the site are a number of trees. Policy LP26 seeks: f) to incorporate and retain as far as possible existing natural and historic features such as hedgerows, trees, ponds, boundary walls, field patterns, buildings or structures.

Due to these concerns and the position of the trees within a conservation area, the Council's Trees & Woodland officer has visited the site for the previous application and assessed the quality of these trees for their health and contribution to the conservation area. The officer concluded that the trees were generally self-set multi stemmed trees of poor quality. Whilst noting some amenity to the adjoining neighbours the trees were not deemed of sufficient quality to protect and therefore retain. It is noted that one of trees is stated to be on the site boundary and in the ownership of the adjoining property (12 Spital Terrace). This is a civil matter for the owner of the site, but would not preclude development. On this basis it is recommended that the development be supported despite concerns over the loss of such trees.

Other matters

Objectors have outlined their appreciation of this open site and the one time maintained landscaped nature of this area. The site was not allocated within the previous West Lindsey Local Plan under CORE 9 as an Important Open Space or Frontage. Similarly, the current Central Lincolnshire Local Plan policy LP23 does not identify the site as a Local Green Space or other Important Open Space. The planning history of the site also shows a number of development proposals have been approved on the site, despite some local opposition. The current site whilst of some merit to local residents does not add significantly to the street scene and it is considered that its redevelopment with an appropriate building scheme would enhance the area. Indeed as noted previously within the assessment designating the conservation area the corner was described as a detracting factor within the area.

Policy LP10 seeks developers to provide housing solutions to meet the needs of the housing market area. Within Central Lincolnshire there is a specific need to support the needs of less mobile occupants, including elderly people and to deliver dwellings which are capable of meeting people changing circumstances over their lifetime. Proposals of 6 or more dwellings must deliver housing which meet the higher standards of Part M Building Regulations (Access to and use of buildings) by delivering 30% of dwellings to M4(2) standard, unless exceptional reasons for delivery of such dwellings are inappropriate or impractical.

In this instance 30% would equate to 5 units being converted to this standard. This would be limited to ground floor only, as upper floors are only accessed by stairs. The applicant has indicated a wish to provide such accommodation and whilst not shown on plans can be incorporated without significant modification. As a result of this a condition requiring the ground floor flats to meet these standards is required.

The comments from Refuse, show that this remains an outstanding issue with respect to the nature of the bin collection. This is being reviewed with the refuse collection team and a verbal update will be provided at the committee on this issue.

Planning Balance and Conclusion

The Central Lincolnshire Local Plan has now been adopted and the NPPF para 11 and 14 makes it clear that decisions should be taken in line with local plan policies unless material considerations indicate otherwise.

In this instance, the site is located at a prominent entrance to the designated town centre and the Gainsborough Britannia Conservation area. The site is within a mixed use area with commercial, community and residential uses sitting within close proximity to each other. The positioning of a development in this location for residential flats would provide an important regeneration benefit for this part of the town centre which has been vacant for a substantial period despite approval of an ambitious residential and retail scheme in 2007. The proposal in principle should therefore be given *positive* weight.

The site is presently unkempt condition but was maintained for a period and was appreciated by some local residents as an area of green space. Its loss, therefore, has to be considered as weighted *against* the proposal. The loss, however, has to be significantly reduced in importance as, even when the site was maintained through grass cutting and bush/ trees maintenance it was still described in official conservation area documents as a weakness within the conservation area.

Although historically, it is accepted that not all of the site had been developed to any great density, historic photographs identify a substantial three storey building on part of the site close up to the boundary with 12 Spital Terrace. This together with other taller and more substantial buildings in the immediate area, provide justification and context for the scheme proposed. The proposal would provide a modern take on the traditional design and character of the buildings in the area and the use of sensitive materials would provide a building that both turns the corner but also provides a transition from a mainly residential area to a mainly commercial area. Whilst it may be argued that this scheme is not as grandiose or as ornate as the 2007 scheme, with some design elements questioned the proposal would nevertheless provide a more modest and considered approach to this corner of the conservation area which can be supported. Equally it would not be detrimental to the listed buildings within the wider vicinity of the site. This would accord with policies LP17, LP25, LP26, LP41 and LP42 of the CLLP and should be given positive weight.

The development would have some impact on levels of light, outlook and privacy to adjoining properties. Such impacts would weigh against the scheme, however, the design and layout ensures that subject to the imposition of suitable planning conditions that the impact would be minimised and would fall within acceptable levels. As such the overall weight to the

issues should be considered as neutral. The proposal would therefore accord with policy LP26 of the CLLP.

The development would introduce an access to the site which is close to the North Street, Spital Terrace junction and a signalised pedestrian crossing. The addition of such an access would increase conflicting transport movements in a busy location. In addition to this, a maximum of 8 parking spaces would be available on site, and it is likely servicing would occur at the site frontage. Such an arrangement has *not* been objected to by the Highway's Authority and it should be noted that a much more intensive scheme was permitted on site previously in 2007 which would have had similar if not substantially greater impact on the operation of the highway. The central location of the development means that it is within easy walking distance of the majority of Gainsborough's retail services, facilities and public transport connections. Public car parks are also within easy reach. Therefore whilst the scheme is not without its limitations the lack on-site parking would be neutralised by the benefits of a central location in accordance with policy LP13.

Finally, the development would not be able to meet various contributions to address social needs within the area, in particular: affordable housing and an education contribution contrary to policies LP11 and LP12. These would weigh against the scheme, but as has been noted above the viability of the scheme is marginal at best and the proposal would not be able to go forward with such contributions. Given the difficulty of getting development within the town centre (for example the Spring Gardens proposal has stalled) it is considered that schemes will probably need assistance or at the least come forward without full or even part contributions. Therefore whilst such a loss must still weigh against the proposal it would do so in a much more limited sense that would be outweighed by the need to regenerate and provide investment within Gainsborough supported by the Local Plan.

The loss of trees and green space is noted and would weigh against the proposal. The space and trees, however, have been identified as being of limited quality and amenity value in terms of the conservation area and arboriculture assessment and as a result their loss should only be attributed limited weight.

Conclusion

It is considered that the scheme would provide a positive development within the Britannia Conservation Area at the entrance to the heart of the town centre. Such a site has been vacant for a substantial period. It would regenerate a key site with an attractive, and appropriate visual design which seeks to marry the nature of the residential area of Spital Terrace with the more commercial areas of the town centre. Whilst substantial and larger in size than immediately adjoining properties it would not appear out of scale in the context of other surrounding buildings. This together with the sympathetic use of materials and styles would create a development which would regenerate a site what has previously been noted a specific weakness within the conservation area. Similarly, its central location at the edge of the town

centre gives the proposal excellent sustainable credentials limiting the need for everyday use of motor vehicles. This would also reduce, therefore, conflicting vehicle movements from the site. The access though controversial with neighbours has not been the subject of an objection from the Highway Authority. The site would also provide 17 additional dwellings to support housing need within Central Lincolnshire.

It is accepted that the scheme is not without its limitations including: some design reservations, the lack of affordable housing, education contribution, on-site parking for 8 units only, and servicing would need to occur on street. Such limitations, however, are to be expected due to the nature of the area and also reflects concerns expressed on previous proposals that it should be noted were granted permission. Similarly, it is not considered that the scheme would have a significant impact on residential amenity and the loss of this small green space and trees are not deemed in this instance an overriding reason to resist the proposal. They are therefore deemed to be outweighed by the benefits of the scheme.

The proposal is, therefore, deemed to accord within Central Lincolnshire Local Plan policies and subject to conditions is recommended it be supported.

RECOMMENDATION: Grant permission subject to conditions:

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

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

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

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

2. No development shall take place until details of all external walls, cladding, rain water goods and roofing materials and external ground surfacing materials to be used have been submitted to and approved in writing by the Local Planning Authority and the development shall only be carried out using the agreed materials.

REASON: To safeguard the character and appearance of the building and its surroundings and ensure the proposal uses materials and components that have a low environmental impact in accordance with Central Lincolnshire Local Plan policies: LP17, LP25 and LP26.

3. No development shall take place until, a sample panel of brickwork and details of the proposed brick bond to be used for the external surfaces shall have been submitted to and approved in writing by the Local Planning

Authority. The development shall be constructed in accordance with the approved details.

REASON: To ensure a satisfactory external appearance of the development in accordance with Central Lincolnshire Local Plan policies: LP17, LP25 and LP26.

4. No development shall take place until, details of materials treatment and /or colour of windows and door frames have been submitted to and approved in writing by the Local Planning Authority. The windows and door frames shall then be installed in accordance with the approved details and so retained.

REASON: To protect the external appearance of the building and preserve the character of the area in accordance with Central Lincolnshire Local Plan policies: LP17, LP25 and LP26.

5. No development shall take place until, a scheme of landscaping including details of the size, species and position or density of all trees to be planted, fencing and walling, have been submitted to and approved in writing by the Local Planning Authority.

REASON: To ensure that a landscaping scheme to enhance the development is provided in accordance with Central Lincolnshire Local Plan policies: LP25 and LP26.

6. No development shall commence until, full details of the treatment of all boundaries of the site, including where appropriate, fencing, walling, new gates to be introduced or existing retained, or other means of enclosure have been submitted to and approved in writing by the Local Planning Authority. The approved details shall be implemented prior any flat being first occupied.

REASON: To ensure the provision of appropriate boundary treatment in the interest of the visual and residential amenity of the area and security in accordance with Central Lincolnshire Local Plan policies: LP25 and LP26 and the provisions of the NPPF.

7. No development shall take place until, a scheme for the disposal of foul and surface waters (including attenuation) have been submitted to and approved in writing by the Local Planning Authority. The development shall only be carried out in accordance with the approved details.

REASON: To ensure adequate drainage facilities are provided to serve the development and/or to prevent pollution of the water environment

8. Prior to development commencing details of cycle parking facilities for a the flats shall be submitted to and approved in writing by the Local Planning Authority and be provided on the site prior to the occupation of the approved development and retained at all times thereafter.

REASON: To encourage the use of alternative forms of transport to the site, other than the private car, having regard to policy LP13 of the Central Lincolnshire Local Plan.

9. No development shall take place until, details of the method, timing and duration of any pile driving operations connected with the construction of the development hereby approved have been submitted to and approved in writing by the Local Planning Authority. The development shall be implemented in accordance with the approved scheme.

REASON: In the interest of residential amenity, in terms of nuisance, noise and vibration having regard to the location of the site in accordance with policy LP26 of the Central Lincolnshire Local Plan.

10. No development shall take place until a written scheme of archaeological investigation has been submitted to and approved in writing by the local planning authority. This scheme shall include the following

1. An assessment of significance and proposed mitigation strategy (i.e. preservation by record, preservation in situ or a mix of these elements).
2. A methodology and timetable of site investigation and recording.
3. Provision for site analysis.
4. Provision for publication and dissemination of analysis and records.
5. Provision for archive deposition.
6. Nomination of a competent person/organisation to undertake the work.
7. The scheme to be in accordance with the Lincolnshire Archaeological Handbook.

REASON: To ensure the preparation and implementation of an appropriate scheme of archaeological mitigation and in accordance with the National Planning Policy Framework (2012).

11. No development shall take place until a scheme for bin storage facilities (including recycling) and location (notwithstanding details shown on approved plans) have been submitted to and approved in writing by the Local Planning Authority. These facilities shall be completed and made available for use before any flat is first occupied and shall be retained as such thereafter.

REASON: To protect residential amenities, encourage recycling and in the interests of health and safety and in accordance with policy LP26 of the Central Lincolnshire Local Plan.

12. No development shall commence until detailed plans are submitted to show that 30% of the flats approved can be built to Building Regulation Part

M4(2) standard can be met. The development shall then proceed in **strict** accordance with the approved details.

Reason: To meet a specific housing need and in accordance with policy LP10 of the Central Lincolnshire Local Plan.

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

13. The building shall be constructed in accordance with the sound insulation report approved as part of this permission and shall be retained as such thereafter.

REASON: To protect the amenities of future occupiers in accordance with Central Lincolnshire Local Plan Policy LP26.

14. Construction works shall only be carried out between the hours of 08:00 and 18:00 on Mondays to Fridays; 08:00 to 13:00 on Saturdays and at no time on Sundays and Public Holidays unless specifically agreed in writing by the Local Planning Authority beforehand.

REASON: To protect the amenity of the occupants of nearby dwellings in accordance with Central Lincolnshire Local Plan Policy LP26.

15. If during the course of development, contamination not previously identified is found to be present on the site, then no further development (unless otherwise agreed in writing with the Local Planning Authority) shall be carried out until a method statement detailing how and when the contamination is to be dealt with has been submitted to and approved in writing by the Local Planning Authority. The contamination shall then be dealt with in accordance with the approved details.

REASON: In order to safeguard human health and the water environment as recommended by the Environmental Health Manager in accordance with policies LP14 and LP16 of the Central Lincolnshire Local Plan

16. 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: 428.01, 428.02, 428.03, 428.04, 428.05 rev C, 428.06 rev C, 428.07 rev B, 428.08 rev B and 428.09. 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 policy LP1, LP13, LP16, LP25, LP26, LP38, LP41 and LP42 of the Central Lincolnshire Local Plan.

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

17. All planting, seeding or turfing comprised in the approved details of landscaping shall be carried out in the first planting and seeding season following the occupation of the building(s) 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, unless the Local Planning Authority gives written consent to any variation.

REASON: To ensure that an approved landscaping scheme is implemented in a speedy and diligent way and that initial plant losses are overcome, in the interests of the visual amenities of the locality (and occupiers of adjacent buildings – where appropriate) and in accordance with Central Lincolnshire Local Plan policies: LP25 and LP26.

18. Prior to the first occupation of the dwelling/use of the development (delete as appropriate) hereby granted permission: the access, parking and turning area shown on the approved plan(s) shall be provided in a bound material (with the parking bays marked out on the ground) and thereafter shall be made available at all times for their designated purposes.

REASON: To ensure the timely provision of the facilities and their retention and in the interests of highway safety and in accordance with policies LP13 and LP26 of the Central Lincolnshire Local Plan.

Notes to the Applicant

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

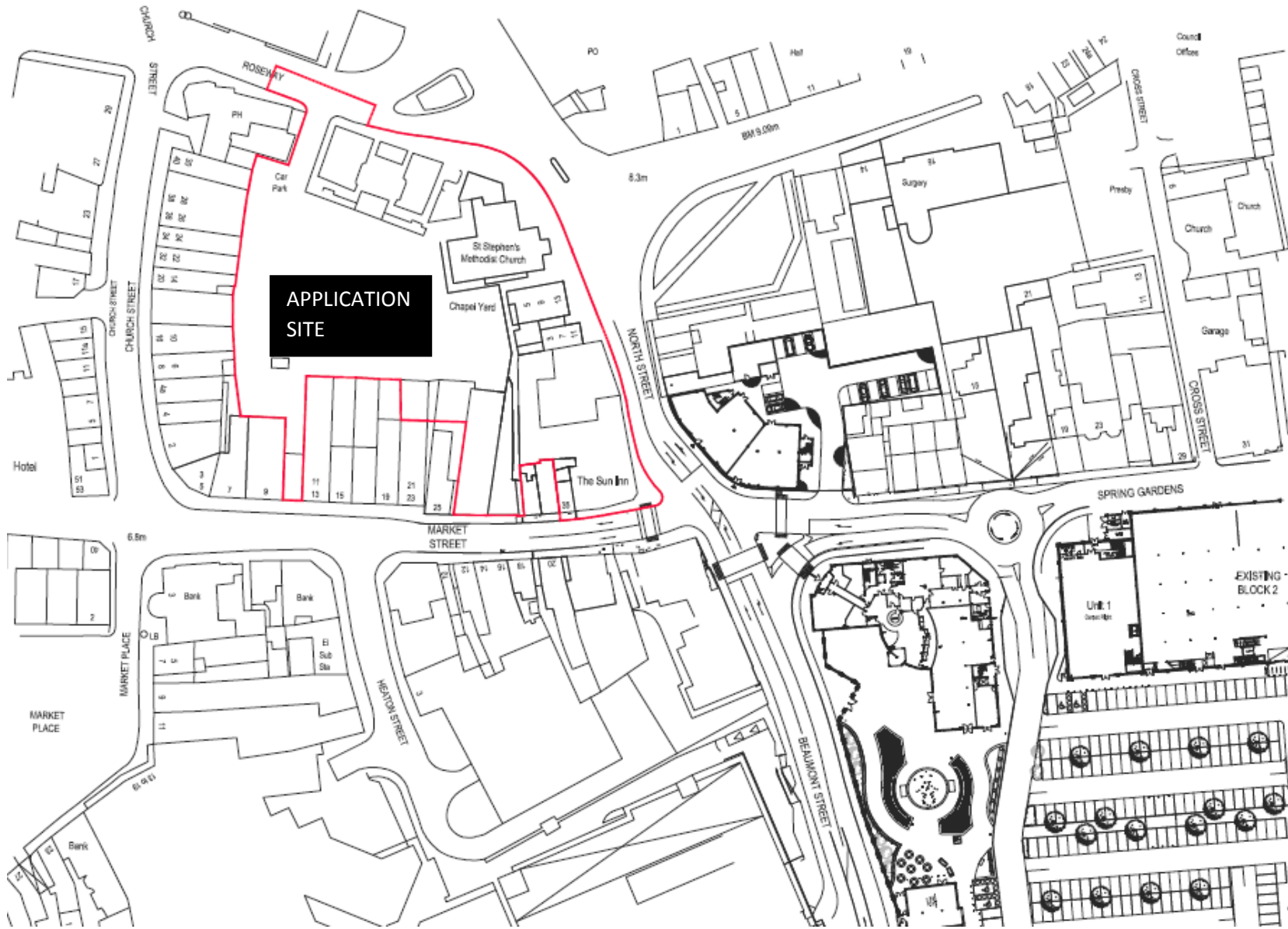
Human Rights Implications:

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

This page is intentionally left blank



Officers Report

Planning Application No: 135750

Listed Building Consent No: 135751

PLANNING APPLICATION (PA) PROPOSAL: Planning application for demolition of former Sun Inn hotel and 37 Market Street, construction of hotel (use class C1) and restaurant (use class A3); alterations to and demolition of rear part of 27 Market Street and change of use to allow A1,A2,A3,A4 and A5 uses at ground floor; alterations to and demolition of rear part of 29 Market Street; alterations to 35 Market Street and change of use to allow A1,A2,A3,A4 and A5 uses; alterations to 3,7,11 and 5,9,13 North Street and demolition of outbuilding to rear; works to expand and reconfigure car park; landscaping, access and associated works.

LISTED BUILDING CONSENT (LBC) PROPOSAL: Listed building consent for demolition of 37 Market Street, alterations to and partial demolition of 29 Market Street and works of alteration to 35 Market Street.

LOCATION: Sun Inn Hotel 1 North Street Gainsborough DN21 2HP

WARD: Gainsborough South West

WARD MEMBERS: Cllr Mrs J A Rainsworth; Cllr T V Young.

APPLICANT NAME: North Street (Gainsborough) Ltd

TARGET DECISION DATE: 29/05/2017

DEVELOPMENT TYPE: Major - Other

CASE OFFICER: Russell Clarkson

RECOMMENDED DECISION:

Planning application: Approve, with conditions

Listed Building Consent: To notify the Secretary of State of the intention to grant listed building consent, subject to conditions.

Description:

These applications have been referred to the planning committee, following objections from statutory consultees, Historic England and the Victorian Society, and the matters to be considered are deemed to be finely balanced.

The application site (measuring 0.65 hectares) includes the Roseway public car park and its surroundings, accessed off Roseway to the north. The site includes the landscaped area between the car park and Roseway.

The site also includes those buildings along the eastern edge of the car park which front North Street – including St Stephen's Methodist Church, 3-13 North Street and The Sun Inn Hotel.

Also within the site to the south of the car park, are no.'s 27, 29 (Grade II Listed Building – occupied by Emmaloos coffee house), 35 (Grade II Listed Building – formerly Milano's Pizza) and 37 Market Street (Grade II Listed building – formerly Rosario's Italian Ristorante, incorporated into The Sun Inn Hotel). The site surrounds, but excludes no.'s 31 & 33 Market Street (Grade II Listed buildings).

The south-eastern corner of the site falls within the Gainsborough Britannia Works Conservation Area (which incorporates 25 to 37 Market Street and The Sun Inn Hotel).

Immediately adjoining the site are no.'s 25, 31 and 33 Market Street - all are grade II listed buildings. On the south side of Market Street, opposite the site, is the Grade II* Listed County Court Building, and Grade II Listed Friend's Meeting House.

The site lies within flood zone 3 (high probability).

This report considers two applications, for planning permission (PA) and listed building consent (LBC) respectively.

The first application seeks planning permission for various development and works around the Roseway carpark in Gainsborough, in summary:

- Demolition of The Sun Inn Hotel (non-listed building in Conservation Area) and 37 Market Street (Grade II Listed Building in Conservation Area) and replacement with a new five storey 56-bedroom hotel (use class C1) and ground floor 380sqm restaurant (use class A3). The new hotel building would measure 14 metres wide (Market Street elevation), by 38 metres long (North Street elevation) by 17.5 metres high approximately;
- Various alterations to 35 Market Street (Grade II Listed Building in Conservation Area), which include the installation of a new shopfront, replacement of first & second floor windows. Change of use is sought from A5 (hot food takeaway) to A1 (shops) / A2 (Financial & Professional services) / A3 (Restaurants and Cafes) / A4 (Drinking Establishments) / A5 (hot food takeaway);
- Various alterations to 29 Market Street (Grade II Listed Building in Conservation Area), including partial demolition relating to single storey extensions at the rear of the building, and installation of a new frontage into the north elevation (facing Roseway);
- Various alterations to 27 Market Street (non-listed building in Conservation Area) including a new shopfront, first floor windows, partial demolition of a first floor rear single storey extension, and creation of a new frontage in the north elevation (facing Roseway carpark). Change of use is sought from A1 (shops) to A1 (shops) / A2 (Financial & Professional services) / A3 (Restaurants and Cafes) / A4 (Drinking Establishments) / A5 (hot food takeaway);
- External alterations to 3-13 North Street ('ACIS buildings');

- Revised layout to the Roseway car park and landscaped area to the north.

The Listed Building Consent application seeks consent for works including:

- The complete demolition of 37 Market Street (Grade II Listed Building);
- Various works to 35 Market Street (Grade II Listed Building), which include the installation of a new shopfront, replacement of first & second floor windows;
- Various works to 29 Market Street (Grade II Listed Building), including partial demolition relating to single storey extensions at the rear of the building, and installation of a new 'frontage' into the north elevation (facing on to Roseway car park).

Town and Country Planning (Environmental Impact Assessment) Regulations 2017:

The development does not exceed the applicable criteria and thresholds at paragraph 10 of Schedule 2 of the regulations. Neither is the site within a sensitive area as defined in Regulation 2(1). Therefore the development is not 'EIA development' for the purposes of the regulations.

Relevant history:

131219 - Planning application for demolition of former Sun Inn Hotel, including 37 Market Street, and construction of a C1 use class hotel with associated ancillary facilities and servicing access. **Planning Permission granted 31/10/2014.**

131220 - Listed Building Consent for demolition of former Sun Inn Hotel, including 37 Market Street, and construction of a C1 use class hotel with associated ancillary facilities and servicing access. **Listed Building Consent given 31/10/2014.**

133663 - Planning application for demolition of former Sun Inn Hotel, including 37 Market Street, and construction of a C1 use class hotel with associated ancillary facilities and servicing access-amendment to 131219. **Application withdrawn 13/06/2016.**

133664 - Listed building consent for demolition of former Sun Inn Hotel, including 37 Market Street, and construction of a C1 use class hotel with associated ancillary facilities and servicing access-amendment to 131220. **Application withdrawn 13/06/2016.**

Representations:

LCC Highways: Recommend condition to secure suitable access arrangements for service delivery vehicles.

LCC Public Rights of Way: The Definitive Map and Statement shows Definitive Footpath (Gainsborough) No.12 affecting the site although this would not appear to be permanently affected by the proposed development.

LCC Archaeology: The proposed development is within the post-medieval area of Gainsborough. Historic Mapping shows this land containing a complex of buildings which have been demolished and relate to previous land use. I recommend that provision for archaeological monitoring is made during development.

Recommendation: Prior to any groundworks the developer should be required to commission a Scheme of Archaeological Works (on the lines of 4.8.1 in the Lincolnshire Archaeological Handbook (2016)) in accordance with a written scheme of investigation submitted to and approved in writing by the local planning authority. This should be secured by an appropriate condition to enable heritage assets within the site to be recorded prior to their destruction. Initially I envisage that this would involve monitoring of all groundworks, with the ability to stop and fully record archaeological features.

Historic England: Object to the development. Comments, in summary:

Numbers 35 and 37 Market Street, Gainsborough were built in the early to mid-19th century and are listed grade II. The Sun Inn Hotel, which incorporates 37 Market Street and the unlisted 39 Market Street (dating from the later 19th century), lies within the Britannia Works conservation area and within the setting of the former County Court building (listed grade II*). Number 29 Market Street is also listed grade II and dates from the early 19th century.

Historic England remains of the view that the proposed scheme would cause **substantial harm to the grade II listed building through the total demolition of 37 Market Street** which constitutes half of the listed building and one of the two addresses included in the listing. We advise that the proposed scheme would also **harm the significance, character and appearance of the Britannia Works conservation area through the demolition of 37 Market Street and 39 Market Street** which, despite its poor condition, makes a positive contribution to the significance of the conservation area through its strong architectural presence as a corner building and through its heritage interest.

We also consider that the **demolition of the Sun Inn would harm the significance of the grade II* former County Court Building** through the loss of the Sun Inn's important contribution as a corner building opposite the former County Court Building and its demonstration of the historical development and growing commercial importance of the area around the court building. **The proposed 5 storey hotel would also be harmful to the significance of the former County Court Building by diminishing its prominence in street scene.**

We do not consider that the demolition of the Sun Inn is justified. We advise that the demolition of 37 Market Street has **not been shown to be necessary**, particularly as it occupies a very small part of the total

development site. Nor do we consider that public benefits from the demolition of the Sun Inn, including 37 Market Street, would outweigh the substantial harm to the significance of the listed building, and the harm caused to the significance of Britannia Works conservation area and the setting and significance of the County Court building.

Historic England does not consider that the requirements of the NPPF have been met by the proposed scheme and **we object to the application for listed building consent and planning permission on heritage grounds**. We remain of the view that there is an opportunity to redevelop the existing buildings whilst retaining the significance of the Sun Inn and its positive contribution to the conservation area.

We are aware that there are existing consents for a new hotel on this site. During the previous approval process we raised serious concerns about whether the requirements of the NPPF had been met, particularly the criteria in paragraph 133. In determining this application your authority would need to consider very carefully whether all the requirements of the NPPF have been met, particularly those in paragraph 133.

Victorian Society: The scheme is similar to one on which we commented early last year. As we did then, we strongly object to the application due to the substantial harm it would cause to the listed building at 37 Market Street and to the designated Britannia Works Conservation Area, and because it would harm the setting of the Grade II*-listed former County Court. We have read and fully support the views expressed by Historic England in its letter of 21 March. The application fails to comply with sections 66 and 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990, which emphasise the desirability of development that preserves or enhances the character of conservation areas, as well as the need to preserve listed buildings and their setting. Similar emphasis on the protection and careful management of the historic environment is evident in the National Planning Policy Framework. In addition to paragraphs 126 to 138, paragraphs 58 and 64 are applicable to this case. Central to national policy is the delivery of sustainable development, at the heart of which is a requirement to protect and enhance heritage assets and their setting. Where a development, as here, would cause substantial harm, paragraph 133 of the NPPF states that it should be refused consent unless “it can be demonstrated that the substantial harm is necessary to achieve substantial public benefits that outweigh that harm or loss”, or all of four tests can be satisfied. Suffice to say this application falls well short of satisfying the obligatory weight of legislation and policy. The Council should refuse it consent, thereby paving the way for a far more sympathetic and contextual redevelopment of the site.

WLDC Conservation Officer: Comments, in summary:

The impact of the demolition of the Sun Inn must be considered for its impact in loss of a building that makes a contribution to the conservation area. The Sun Inn does make a positive architectural contribution to the conservation

area (and the condition of the building does not come into this consideration when considering Historic England guidance on conservation areas.

The combination of the demolition of the Sun Inn, which in part contains 37 Market Street will be a loss to the existing historic townscape.

New development. The proposed hotel is one storey larger than that approved in 2014. This does have a very substantial impact on the setting of the grade II* listed former court house opposite, and what remains of 35 Market street, and the remainder of historic Market Street due to the sheer scale and mass of this building. There is no doubt that the proposed hotel will dominate all around it. Another consideration is that this will be the third of four historic corner buildings to be lost in this conservation area. Should permission be granted, this building will need to be of the best quality. Questions have been asked about reducing the scale of this proposed building, by considering the following:

- Utilising a traditional hierarchy (double square, square and a half, and square windows) based on classical proportions, to reduce the overall height of the building, and if this is not possible (we are advised due to constraints for standard room heights), then;
- At the very least, the pattern of fenestration is improved to show vertical Georgian panes in the windows.

Works that result in an enhancement to the listed buildings, their settings and the conservation area. It is pleasing to say that the developer has worked with us to secure improvements to other buildings in Market Street. After negotiations about detail, this element of the proposal will assist in enhancing various buildings in the conservation area. This includes:

- The authentic reinstatement of an Edwardian shop front (based on photographic evidence) and sash windows above to 27 Market Street. This building is currently an eyesore, having suffered from highly inappropriate alterations in the past. The quality of these depends on the detailing and conditions for a 1:20 shop front and windows with section through is required.
- A new period shopfront for 35 Market Street and the replacement of modern inappropriate windows is proposed. This building was listed with a very unattractive modern shop front, and modern window. A well detailed replacement period shop front by and traditional vertical sliding sash windows will be an enhancement to both the listed building and the wider conservation area, provided that this does follow a recognised architectural style and detail that is appropriate for the age and scale of this building. Again, a condition as for 27 Market Street is advised.
- Acis Building – proposals include new fenestration, and rendering of the building using stucco rustication. There are new

shop fronts proposed for the rear of the building. Although this is not a primary shopping frontage, the shop fronts are suitable for this building and will avoid a 'back of house and bins' scenario.

There are other works, which include the loss of the rear of 29 Market Street, which is a listed building. However, this rear element is later addition, and has been unsympathetically modernised. Its loss is not harmful. What happens in its place is a consideration, and a rear shop front is proposed. Rear elevations are not usually places to install shop fronts. I would advise that glazing can be used but that careful consideration is required to avoid a heavy shop front appearance. Display windows were sometimes used, with flag door arrangements, or separate doors, and this may be more appropriate. The current proposals must be pared down in terms of detail.

West Lindsey Growth Team and Leisure & Culture Team: Supportive in principle, subject to normal planning considerations, of the above application from both an economic and tourism viewpoint.

Tourism/Visitor Economy - The visitor economy is a major sector in West Lindsey bringing into the area around £116.03m in revenue and supporting c1738 full time jobs (STEAM data 2015). The provision of quality accommodation is an important element for future sustainable development within Gainsborough and the district and any initiative which promotes this will add value to the current product as well as supporting the local authority aspiration of being a prosperous and enterprising district where an increased number of businesses and enterprises can grow and prosper. In this application it is important to acknowledge that provision of quality accommodation is a support facility, bringing visitors who will undoubtedly aid the economy of the district for both local businesses and residents.

Economic Development & Regeneration - The proposal will complement the existing town centre 'offer' and help to address the known shortfall in 'leisure/evening economy' provision within Gainsborough (leisure uses represent only 13.8% floorspace in Gainsborough compared to 22.7% national average).

The development will also make a significant contribution to the regeneration of the town centre by bringing back a vacant site (in a strategic location) into economic use and through the creation of new job opportunities.

An independent economic impact assessment has been undertaken by 31TEN. The methodology used to analyse the impacts of the project is standard and as prescribed from the Treasury Green Book and Office of National Statistics. The table below summarises the economic and associated financial impacts based on the full project cost/total investment as verified by Cushman Wakefield.

Hotel and Restaurant – Gross Value Added

Impact	Turnover / expenditure	Employment	Gross Value Added
Construction – Gross Direct Impact	£6,650k	25	£2,420k
Construction - Gross Indirect and Induced Impact	£11,300k	43	£4,120k
Construction – Total Gross Impact	£17,950k	68	£6,540k
Construction – Total Net Impact (Direct and Indirect/Induced)	£8,730k regional (of which £4,850k is local)	33 regional (of which 18 is local)	£3,180k (of which £1,770k is local)
Operational - Gross Direct Impact	£1,340k	33	£742k
Operational - Gross Indirect and Induced Impact	£1,610k	39	£890k
Operational – Total Gross Impact	£2,950k	72	£1,632k
Operational – Total Net Impact (Direct and Indirect/Induced)	£1,430k	35	£793k
Operational – Gross Visitor Spend	£924k	N/A	N/A
Operational – Net Visitor Spend	£449k	7	£171k

- *Note that construction impacts are temporary and operational impacts are annual.*
- *Note net impacts are derived by a formula that accounts for “leakage, deadweight and displacement”.*
- *Note that net impacts are not additional to gross impacts.*

The above demonstrates that the total economic impact (in terms of GVA) of the operation of the hotel and restaurant can be quantified at £1,632k per annum. The employment creation calculated with the standard multiplier is 72 new jobs. In addition it is recognised that this development is of key importance to the continued regeneration of Gainsborough’s Town Centre for the following reasons:

- Bruton Knowles report dated July 2014 acknowledges the requirement for a national chain hotel operator in the town centre and that “business stays” will form a key component of the hotel’s business.
- Feedback from the international companies with operations in Gainsborough e.g. Ping, Eminox, Regal, Coveris etc. have identified a need for a hotel as all their business visitors currently stay in hotels in Lincoln and Scunthorpe.
- Robin Hood/Doncaster airport is within 30 mins drive of Gainsborough, and there are no larger hotels between there and Lincoln so the airport

consultative committee were very interested in the possibility of a hotel when informed of the potential development.

- The development of a key site in the town centre has the potential to:
 - o Link with Gainsborough Town Centre regeneration and the second phase of the public realm scheme in Market Street. This development will further improve the street scene in that area, which in turn will attract new businesses to occupy the currently vacant shops.
 - o Improve links between Marshall's Yard and Market Place.
- Hotel development is proceeded by other development as a direct result of increased economic confidence in the area, this will benefit the Council's Development partnership proposals.
- This development is seen as a catalyst for attracting new retail and leisure businesses to Gainsborough Town Centre (as acknowledged in the Bruton Knowles report).

Environment Agency: Recommend inclusion of planning condition, requiring development to stop in the event of any unidentified contamination, until a remediation strategy has been submitted and agreed with the local planning authority.

Environmental Protection: Potential for nuisance odour and noise exists in relation to plant and equipment intended for use in cooking, heating and refrigeration and a condition ought to be attached to any permission requiring details to be agreed in writing prior to installation and commissioning. A method statement for both demolition and construction ought to be required and approved in writing prior to commencement should permission be granted. Land is acknowledged as potentially contaminated and in any event warrants a comprehensive contaminated land condition being attached to any permission, one extending to and properly informing contractors involved in demolition, site preparation and construction. There is history of flooding in the area.

Scunthorpe & Gainsborough Water Management Board: The application may increase the impermeable area to the site and the applicant should ensure that any increase in surface water run-off to the site has adequate existing or proposed surface water discharge system capacity.

Lincolnshire Police: Has no formal objections to the development. Offers advice on reception/entrances, perimeter, external areas, signage, vehicle parking, and use of bicycles, lighting, landscaping, CCTV and windows.

Lincolnshire Chamber of Commerce: Lincolnshire Chamber has reviewed the above planning application and understands that the development will provide welcome employment for local residents, both in the building stage and upon completion across a range of positions. Lincolnshire Chamber also recognises the development's physical improvements to the local area,

providing much needed bed spaces in the town, thus supporting the local visitor economy and encouraging visitors to stay and spend in Gainsborough rather than neighbouring towns and cities. This in turn will support the local economy and existing businesses as well as encouraging further investment in the area. As such, please accept this letter as confirmation of Lincolnshire Chamber's support for the proposed development.

Gainsborough Place Board: Would likely to strongly support the application. The Place Board is a group of local private and public sector leaders and has the aim to establish a strategic approach for the development and promotion of Gainsborough, in order to improve its economic competitiveness and attractiveness for business, investment, visitors and residents. We are committed to supporting tourism and the visitor economy in the Gainsborough area and the development of a hotel in this strategic location is fundamental to the growth plans for the town and is vital to ensure that Gainsborough achieves a viable town centre. We are aware that many businesses in the town have overnight accommodation requirements which are currently being serviced by Lincoln and Scunthorpe, this hotel will allow Gainsborough to reap the economic benefits from staying visitors.

Independents Gainsborough: As independent retailers and business owners trading in the town we are keen to see the area invested in and developed further. Business and tourism for the town is extremely important and good quality accommodation can only help attract visitors and customers. In keeping with area and complements existing recent improvements such as Marshalls Yard. We welcome this development at an important gateway into town.

ACIS Group Ltd: Freehold Owner of 3-13 (Odd) North Street. Believe the economic prosperity of the town is best served by ensuring inward economic development to invest in the local area. The application demonstrates Gainsborough's ability to attract a mainstream hotel provider to offer such investment and should be welcomed; both in its capacity to generate local tourism as well as offering local businesses improved overnight accommodation options. The proposed restaurant venue will also help to stimulate a more viable place for early evening entertainment in the town.

Letters of support from:

Sir Edward Leigh;
AMP Rose (Somerby Way);
Barron Bou Ltd (Lord Street);
Bomead Ltd (trading as McDonalds, Trinity Street);
Browns Departments Stores (Marshalls Yard);
Colep UK Ltd (Marshalls Yard);
Costa (Marshalls Yard);
Cupcakes (Marshalls Yard);
DrumBEAT Marketing UK Ltd (Church Street);
Gainsborough Trinity FC;
Jasmine Tree (North Street);
KAL Group (Marshalls Yard);

**Kerry (Carr Lane);
Laura Ashley (Marshalls Yard);
Martin & Co (Marshalls Yard);
MMC Agency (Foxby lane Business Park);
Next (Marshalls Yard);
Pygott & Crone (Lincoln);
Riverside Training Services Ltd (Marshalls Yard);
SEO Traffic Lab (Foxby lane Business Park);
Sills & Betteridge Solicitors (Marshalls Yard);
Stallard Kane Associates Ltd (Market Street);
Stringers (Marshalls Yard);
Sweet Traditions (Marshalls Yard);
The Florist (Marshalls Yard);
Varyspace Ltd (The Avenue);
Wright Vigar Accountants (Marshalls Yard);
The Old Rectory (Chapel Lane, Springthorpe);
3.3 Marshalls Court;
12 Nelson Street; and
12 Willow Close.**

Comments, in summary:

- Excellent opportunity for Gainsborough to finally have a branded hotel;
- Business clients will be able to stay in Gainsborough, not 20 miles away in Lincoln;
- Development will compliment Marshalls Yard, Market Place and the whole town centre;
- Increased footfall at Marshall's Yard from hotel guests is welcomed;
- Will encourage further investment and development in the future along North Street and Market Street;
- High quality design at a key gateway into the town centre;
- The current building [Sun Inn Hotel] doesn't give correct impression of small but thriving town;
- Will provide a high quality restaurant outlet which currently is under represented within the town which leads to people traveling out of town.

Concerns raised by **2.3 Marshalls Court**. In summary:

- Concerned about noise during demolition.

Relevant Planning Legislation & Policies:

Statutory Duties:

Any decisions relating to listed buildings and their settings and conservation areas must address the statutory considerations of the Planning (Listed Buildings and Conservation Areas) Act 1990¹ (in particular sections 16, 66 and 72).

¹ Available here: <http://www.legislation.gov.uk/ukpga/1990/9/contents>

S16(2) - In considering whether to grant listed building consent for any works the local planning authority or the Secretary of State shall have special regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses.

S66(1) - In considering whether to grant planning permission for development which affects a listed building or its setting, the local planning authority or, as the case may be, the Secretary of State shall have special regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses.

S72(1) - In the exercise, with respect to any buildings or other land in a conservation area, of any [functions under or by virtue of] any of the provisions [in the planning Acts], special attention shall be paid to the desirability of preserving or enhancing the character or appearance of that area.

Development Plan:

Planning law requires², to the extent that development plan policies are material to an application for planning permission the decision must be taken in accordance with the development plan unless there are material considerations that indicate otherwise. The Development Plan in this location comprises the provisions of the Central Lincolnshire Local Plan (April 2017).

The first strand of the NPPF's presumption in favour of sustainable development³ is to "*approv[e] development proposals that accord with the development plan without delay*".

Central Lincolnshire Local Plan (CLLP)

The CLLP was formally adopted on 24th April 2017, and now forms part of the Development Plan.

Inset Map 29 (Gainsborough, Lea & Morton) indicates that the site falls within the Town Centre Boundary (policies LP6 and LP42 apply). The buildings within Market Street (including the Sun Inn Hotel) are within the Primary Shopping Area. As previously indicated, the south-eastern corner of the site (including 25 to 37 Market Street and The Sun Inn Hotel) falls within the Gainsborough Britannia Works Conservation Area (policy LP25 applies).

The following policies are considered to be most relevant to the applications:

- LP1: A Presumption in Favour of Sustainable Development
- LP6: Retail and Town Centres in Central Lincolnshire;
- LP7: A Sustainable Visitor Economy;

² S70(2) of the Town & Country Planning Act 1990 and s38(6) of the Planning & Compulsory Purchase Act 2004

³ Paragraph 14.

- LP13: Accessibility and Transport
- LP14: Managing Water Resources and Flood Risk;
- LP25: The Historic Environment
- LP26: Design and amenity
- LP27: Main Town Centre Uses – Frontages and Advertisements
- LP38: Protecting Gainsborough’s Setting and Character
- LP41: Regeneration of Gainsborough
- LP42: Gainsborough Town Centre and Primary Shopping Area

The CLLP is available to view here: <https://www.n-kesteven.gov.uk/central-lincolnshire/local-plan/>

National Policy:

National Planning Policy Framework (NPPF)

<https://www.gov.uk/guidance/national-planning-policy-framework>

Planning Practice Guidance

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

Main issues

- (a)** Gainsborough Town Centre
- (b)** Impact on significance of heritage assets
 - *Loss of 37 Market Street and the Sun Inn Hotel*
 - *Alterations to 27, 29 & 35 Market Street*
 - *Proposed Hotel - Setting of Listed Buildings & Britannia Works Conservation Area*
- (c)** Listed Building Consent Works
- (d)** Flood Risk & Land contamination
- (e)** Highways Safety & Access
- (f)** Other Matters

Assessment:

(a) Gainsborough Town Centre

CLLP Inset Map 29 identifies the site as falling within Gainsborough’s Town Centre boundary.

CLLP policy LP6 identifies Gainsborough Town Centre in the second tier of its retail centre hierarchy (only below Lincoln City Centre). The policy states that *“Development proposals for retail and/ or other town centre uses will be directed to the Tier 1 to 4 centres defined in this policy, and will be appropriate in scale and nature to the size and function of the relevant centre and to the maintenance of the retail hierarchy as a whole.”*

CLLP policy LP42 states that *“Proposals for main town centre uses will be supported within Gainsborough Town Centre, as identified on the Policies Map, provided that the proposed development is compatible with the use of adjacent buildings and land.”*

The CLLP does not define a “main town centre use”, falling to the definition in the NPPF as follows:

*“Retail development (including warehouse clubs and factory outlet centres); leisure, entertainment facilities the more intensive sport and recreation uses (including cinemas, **restaurants**, drive-through restaurants, bars and pubs, night-clubs, casinos, health and fitness centres, indoor bowling centres, and bingo halls); offices; and arts, culture and tourism development (including theatres, museums, galleries and concert halls, **hotels** and conference facilities).”*

The application proposes to demolish The Sun Inn Hotel and 37 Market Street and build a new 56-bedroom (2,070sqm) Hotel (use class C1) with a ground floor 380sqm restaurant (use class A3). The development would result in a net gain of 40 additional hotel rooms and 645sqm of C1 hotel provision from the existing Sun Inn Hotel (16 rooms, 1,425sqm).

The development includes proposals to create new shopfronts within the Primary Shopping Area at no.'s 27 and 35 Market Street. It would create new retail openings onto the Roseway car park from the rear of Market Street properties (no.'s 27 & 29).

The Roseway carpark and public realm would be redesigned. The Roseway car park's capacity would increase from 61 spaces (including 4 disabled user spaces) to 78 spaces (including 6 disabled user spaces) and soft landscaping would be introduced. Soft landscaping would be introduced into the area adjacent to the junction between Roseway and North Street.

CLLP policy LP7 states that *“Development and activities that will deliver high quality sustainable visitor facilities such as... accommodation... will be supported.”*

It requires such development to be designed so that they:

- a. contribute to the local economy; and*
- b. benefit both local communities and visitors; and*
- c. respect the intrinsic natural and built environmental qualities of the area; and*
- d. are appropriate for the character of the local environment in scale and nature.*

Policy LP41 states that *“Development proposals should assist, where possible, in meeting wider regeneration and investment objectives for Gainsborough, including the most up to date Gainsborough Masterplan.”* It states that development proposals will be supported for criteria which include:

- Enhance linkages to / from Marshall's Yard, Market Place, Market Street, the Riverside and any other key heritage assets;*
- Strengthen the existing retail area of the town centre, through increased and/or improved retail offer, together with some complementary uses as appropriate;*

The CLLP is informed by the Central Lincolnshire City and Town Centres Study (2012)⁴ and Update (2015)⁵. The Reports consider⁶ *“the overall diversity of uses in Gainsborough town centre is broadly similar to national average levels, although there is a comparative shortfall in leisure services (restaurants, cafes, bookmakers, public houses and so on) in respect of both the proportion of units and floorspace dedicated to this use when compared to the national average.”*

The Town Centres Study recognises a shortfall in leisure provision within Gainsborough. Hotel accommodation within Gainsborough itself is somewhat limited – provision is more or less limited to 9 rooms at the Hickman Hill Hotel (Cox’s Hill), 14 rooms at the White Hart Hotel (Lord Street), and formerly, 16 rooms at the now vacant Sun Inn Hotel (within the site).

The independent 2009 Report “Opportunities for Hotel Development in Lincolnshire”⁷ considers that *“There is a significant amount of corporate business in the Gainsborough area and evidence from the business survey suggests that the current provision is not satisfying the needs of local businesses.”* This appears to be borne out in many of the representations made upon the application, with a number of local businesses and shops stating their support for the proposed development, citing the lack of sufficient accommodation for their clients / customers.

The 2009 Report considers *“the most immediate opportunity seems to be for a budget hotel in the town centre”*. It is understood that the proposed hotel is anticipated to be operated by a budget brand hotel company, Travelodge.

Despite the age of the report, no hotel development has taken place in the intervening period and there is no evidence that would indicate it to be no longer valid – to the contrary, the representations of local businesses would appear to emphasise such a need.

The Growth Team advise that, following an independent economic assessment, the total economic impact of the development in terms of Gross Value Added (GVA) can be quantified at £1,632,000 per annum, with the creation of 72 new jobs.

Details of the GVA for bringing the existing buildings back into use has not been provided by way of comparison.

Overall, it is considered that the provision of a new 56-bedroom hotel and 380sqm restaurant would positively contribute towards and strengthen the retail and leisure (for which there is a recognised shortfall) provision within the

⁴ Document E019 is available to view here: <https://www.n-kesteven.gov.uk/central-lincolnshire/planning-policy-library/>

⁵ Document E019A available here: <https://www.n-kesteven.gov.uk/central-lincolnshire/planning-policy-library/>

⁶ Paragraph 5.07 of the 2012 study and Paragraph 4.15 of the 2015 update

⁷ Locum consulting (August 2009)

Gainsborough Town Centre Boundary. Located on Market Street, it would strengthen and enhance linkages between Marshalls Yard and Market Place.

Improved car parking provision, enhancements to the public realm, the return of traditional shop frontages in Market Street, collectively will enhance Gainsborough's primary shopping centre offer.

External improvements to 3-13 North Street can also be welcomed.

It is concluded that, with the enhanced provision of main town centre uses and improvements to the public realm, the proposed development would accord with Central Lincolnshire Local Plan policies LP6, LP7 (criteria a & b), LP41 and LP42.

(b) Impact on significance of heritage assets

The site contains, falls within, and is adjacent to, a number of designated Heritage Assets.

The south-eastern corner of the site lies within the Gainsborough Britannia Works Conservation Area (which includes 25 to 37 Market Street and The Sun Inn Hotel).

The Britannia Works Conservation Area Appraisal (1999)⁸ states "*in townscape terms the area is important as a primary entrance to the town centre with many buildings in the conservation area terminating vistas along streets.*" The accompanying "townscape analysis" identifies the Sun Inn Hotel Frontage on the corner of North Street / Market Street as "*important corners and frontage*".

The application site includes listed buildings at 29 Market Street (Grade II), 35 & 37 Market Street (both Grade II).

Not included with, but immediately adjoining the site are listed buildings at 25, 31 and 33 Market Street (all Grade II). On the south side of Market Street, directly opposite the site, is the Grade II* Listed County Court Building⁹, and Grade II listed Friend's Meeting House.

Any decisions relating to listed buildings and their settings and conservation areas must address the statutory considerations of the Planning (Listed Buildings and Conservation Areas) Act 1990¹⁰ (in particular sections 16, 66 and 72) as well as satisfying the relevant policies within the National Planning Policy Framework and the Local Plan.

⁸ See <https://www.west-lindsey.gov.uk/my-services/planning-and-building/conservation-and-environment/conservation-areas/>

⁹ Grade II* buildings are particularly important buildings of more than special interest; only 5.8% of listed buildings are Grade II* (source: Historic England website). There are only 79 Grade II* Listed buildings in West Lindsey (source: West Lindsey website).

¹⁰ Available here: <http://www.legislation.gov.uk/ukpga/1990/9/contents>

S16 relates to applications for Listed Building Consent and will be considered later in the report.

S66 places a general duty as respects listed buildings in exercise of planning functions:

s.66(1) - In considering whether to grant planning permission for development which affects a listed building or its setting, the local planning authority or, as the case may be, the Secretary of State shall have special regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses.

S72(1) places a similar duty in regard to conservation areas in exercise of planning functions:

S72(1) - In the exercise, with respect to any buildings or other land in a conservation area, of any [functions under or by virtue of] any of the provisions [in the planning Acts], special attention shall be paid to the desirability of preserving or enhancing the character or appearance of that area.

Relevant case law into the interpretation and application of s66(1) can be found in the *Barnwell Manor* Case. In the original High Court Judgement¹¹, Mrs Justice Lang stated:

*39. In my judgment, in order to give effect to the statutory duty under section 66(1), a decision-maker should accord considerable importance and weight to the "desirability of preserving the setting" of listed buildings when weighing this factor in the balance with other 'material considerations' which have not been given this special statutory status. Thus, where the section 66(1) duty is in play, it is necessary to qualify Lord Hoffmann's statement in *Tesco Stores v. Secretary of State for the Environment & Ors* t19951 1 WLR 759, at 780F-H, that the weight to be given to a material consideration was a question of planning judgment for the planning authority."*

*45. Although "harm" is not the test in s.66(1), one of the meanings of "preservation" is to keep safe from harm and so the concepts are closely linked (see *South Lakeland District Council v Secretary of State for the Environment & Anor* [1992] 2 AC 141, per Lord Bridge at 150). In my view the addition of the word "desirability" in section 66(1) signals that "preservation" of setting is to be treated as a desired or sought-after objective, to which the Inspector ought to accord "special regard". This goes beyond mere assessment of harm".*
[emphasis added]

¹¹ *East Northamptonshire District Council & English Heritage and National Trust v Secretary of State & Barnwell Manor Wind Energy Limited* [2013] EWHC 473 (Admin)

In the subsequent Court of Appeal decision¹² Lord Justice Sullivan upheld the High Court Judgement, stating:

*"28. It does not follow that if the harm to such heritage assets is found to be less than substantial, the balancing exercise referred to in policies HE9.4 and HE10.1 should ignore the overarching statutory duty imposed by section 66(1), which properly understood (see Bath, South Somerset and Heatherington) **requires considerable weight to be given by decision-makers to the desirability of preserving the setting of all listed buildings, including Grade II listed buildings.** That general duty applies with particular force if harm would be caused to the setting of a Grade I listed building, a designated heritage asset of the highest significance. If the harm to the setting of a Grade I listed building would be less than substantial that will plainly lessen the strength of the presumption against the grant of planning permission (so that a grant of permission would no longer have to be "wholly exceptional"), but it does not follow that the "strong presumption" against the grant of planning permission has been entirely removed.*

*"29. For these reasons, **I agree with Lang J's conclusion that Parliament's intention in enacting section 66(1) was that decision-makers should give "considerable importance and weight" to the desirability of preserving the setting of listed buildings when carrying out the balancing exercise.** I also agree with her conclusion that the Inspector did not give considerable importance and weight to this factor when carrying out the balancing exercise in this decision. He appears to have treated the less than substantial harm to the setting of listed buildings, including Lyveden New Bield, as a less than substantial objection to the grant of planning permission." [emphasis added]*

Overall therefore, the case law establishes that s66(1) gives a "special statutory status", in which to give "considerable importance and weight" to the desirability of preserving the setting of listed buildings when carrying out any balancing exercise.

Central Lincolnshire Local Plan (CLLP) policy LP25 requires, where a development proposal would affect the significance of a heritage asset (whether designated or non-designated), an assessment of its significance, assessment of impact, and a clear justification for the works.

It goes on to state that:

"Unless it is explicitly demonstrated that the proposal meets the tests set out in the NPPF, permission will only be granted for development affecting designated or non-designated heritage assets where the impact of the proposal(s) does not harm the significance of the asset and/or its setting."

¹² Barnwell Manor Wind Energy Limited v East Northamptonshire DC, English Heritage, National Trust and Secretary of State [2014] EWCA Civ 137

The policy sets out its criteria where development proposals, and the change of use of heritage assets will be supported.

For listed buildings, the policy states:

Permission that results in substantial harm to or loss of a Listed Building will only be granted in exceptional or, for grade I and II Listed Buildings, wholly exceptional circumstances.*

For conservation areas, Policy LP25 states:

Development within, affecting the setting of, or affecting views into or out of, a Conservation Area should preserve (and enhance or reinforce it, as appropriate) features that contribute positively to the area's character, appearance and setting.

The NPPF sets out policies for Conserving and Enhancing the Historic Environment at paragraphs 126 to 141.

It states that (paragraph 131), *"In determining planning applications, local planning authorities should take account of:*

- *the desirability of sustaining and enhancing the significance of heritage assets and putting them to viable uses consistent with their conservation*
- *the positive contribution that conservation of heritage assets can make to sustainable communities including their economic vitality*
- *the desirability of new development making a positive contribution to local character and distinctiveness"*

NPPF paragraph 132 states:

*132. 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.** The more important the asset, the greater the weight should be. Significance can be harmed or lost through alteration or destruction of the heritage asset or development within its setting. **As heritage assets are irreplaceable, any harm or loss should require clear and convincing justification. Substantial harm to or loss of a grade II listed building, park or garden should be exceptional.** Substantial harm to or loss of designated heritage assets of the highest significance, notably scheduled monuments, protected wreck sites, battlefields, grade I and II* listed buildings, grade I and II* registered parks and gardens, and World Heritage Sites, should be wholly exceptional. [emphasis added]*

Paragraphs 133 & 134 are also applicable:

133. Where a proposed development will lead to **substantial harm to or total loss of significance of a designated heritage asset, local planning authorities should refuse consent, unless** it can be demonstrated that the substantial harm or loss is necessary to achieve substantial public benefits that outweigh that harm or loss, or all of the following apply:

- the nature of the heritage asset prevents all reasonable uses of the site
- no viable use of the heritage asset itself can be found in the medium term through appropriate marketing that will enable its conservation
- conservation by grant-funding or some form of charitable or public ownership is demonstrably not possible
- the harm or loss is outweighed by the benefit of bringing the site back into use

134. Where a development proposal will lead to **less than substantial harm to the significance of a designated heritage asset**, this harm should be weighed against the public benefits of the proposal, including securing its optimum viable use.

Loss of 37 Market Street and the Sun Inn Hotel

The application proposes the demolition of the Sun Inn Hotel (unlisted building) and 37 Market Street (Grade II Listed Building) within the Britannia Works Conservation Area, and replacement with a new 56 bedroom hotel & restaurant building.

No.'s 35 & 37 Market Street are listed together as an entry on the National List¹³ under Grade II. The listing entry details are as follows:

MARKET STREET 1. 5315 (North Side) Nos 35 and 37 SK 8189
1/104 II GV

2. Early-mid C19. 3 storeys and 2 storeys in brick, but same height. Pantile roof. No 35 has 1 window with rusticated lintel on 2 storeys, hung sashes with glazing bars to top floor, modern to 1st above modern shop front. Round-headed rusticated passage entry. No 37 has 2 windows, rusticated lintels, lengthened, above C19 shop front.

Nos 25 to 39 (odd) form a group, Nos 27 and 39 being of local interest.

Listing NGR: SK8161089929

¹³ <https://www.historicengland.org.uk/listing/the-list/list-entry/1359739>

A Statement of Significance, as required by CLLP policy LP25 and NPPF paragraph 128, is provided with the application.

It advises that there are records of "The Sun Inn" from at least 1811. Photographic records from around 1870-80 show the original two storey Inn, rendered and white-washed, on the corner of North Street and Market Street. The three storey brick section fronting North Street still survives. Today's corner building is considered to have taken place in the late 1880's under new ownership.

By the Ordnance Survey map of 1921, new extensions to the courtyard had been built.

The North Street elevation is of facing brick finished in masonry paint. Window openings have painted stone cills and rendered lintols with raised margins and false keystones. The windows themselves are modern replacements.

The corner building incorporates a small pediment on the corner, topped by a finial. The ground floor windows *"have flat lintols but with radiused inner corners and they have raised render surrounds with a moulded outer margin, rising off the moulded capitals of brick pilasters between windows; the doorway is similar. There is moulded stone plinth, rising to form a base for each pilaster, and there are simple panels of raised brick within the brickwork under each window."*

An addendum to the statement advises that 37 Market Street was first constructed in the early 19th Century, almost certainly with no.35, but deeper in plan than no.35, and with only one upper floor. The date of 37 Market Street's incorporation into the Sun inn Hotel is unknown but estimated around the late 19th Century. The ground floor was used as an extension of the public bar on the street corner.

Regarding 37 Market Street, the statement notes that it *"shares the same front roof profile as its neighbour No 35 but has been raised and modified at the rear."* It goes on to state that *"The painted front brickwork prevents proper analysis of changes which have occurred but the original arched head of the passageway between the buildings has been partly closed up, and the passageway has become an internal side entrance to the hotel bars. The windows on both floors are inexplicably large and have been fitted with alien modern windows, those on the upper floor being bisected by an internal inserted ceiling."*

The statement concludes on the Sun Inn Hotel (& 37 Market Street):

"Any cultural significance which the building possesses would appear to be confined to its architecture and its contribution to the townscape of Gainsborough. Research does not suggest that it had any significant social standing in the town or was associated with any important people or events."

In terms of any architectural significance the Statement considers that:

“The main building is a fairly unremarkable building of its type and age, being a late 19th century inn and hotel located on a street corner and, in typical fashion, being modelled and ornamented on the corner to attract the eye. The rest of the North Street elevation is relatively plain by customary standards apart from a short resumption of ornamentation at the north end” and that “The interior of the main building is again unexceptional for the period and much has been lost through conversion work.”

Regarding any contribution towards townscape, the Statement concludes:

“In summary the building, whilst at first glance appearing to be a building of one date, is in reality a combination of several different stages of building, resulting in some features which are poorly resolved. The later phases have the bold detailing to be expected of a late Victorian building in this location but much is relatively plain, and later alterations have detracted from its appearance. It is prominent in the streetscape from certain viewpoints, mainly from the north and east, and provides an historic dimension, an appropriate entrance to Market Street, and a building of appropriate mass and presence to match the scale of the other buildings and the street at this point.”

These views do not appear to be shared by Historic England, who in summary, state:

“Historic England remains of the view that the proposed scheme would cause substantial harm to the grade II listed building through the total demolition of 37 Market Street which constitutes half of the listed building and one of the two addresses included in the listing. We advise that the proposed scheme would also harm the significance, character and appearance of the Britannia Works conservation area through the demolition of 37 Market Street and [Sun Inn Hotel] which, despite its poor condition, makes a positive contribution to the significance of the conservation area through its strong architectural presence as a corner building and through its heritage interest.”

The Victorian Society express similar concerns.

The Conservation Officer considers that the interior of 37 Market Street does not contain any features of architectural or historic significance, as these have been removed. The significance of this building lies in its value to the townscape (the group value noted in the listing). External alterations have reduced the architectural merit, but authentic reinstatement should first be considered before demolition, unless there is a substantial public benefit that outweighs this harm.

The impact of the demolition of the Sun Inn must be considered for its impact in loss of a building that makes a positive architectural contribution to the

conservation area (and the condition of the building does not come into this consideration when considering Historic England guidance on conservation areas). The combination of the demolition of the Sun Inn, which in part contains 37 Market Street will be a loss to the existing historic townscape.

The Council has a statutory duty to have special regard to the desirability of preserving the listed building or its setting or any features of special architectural or historic interest which it possesses, and pay special attention to the desirability of preserving or enhancing the character or appearance of the conservation area.

CLLP policy LP25 states that *“Permission that results in substantial harm to or loss of a Listed Building will only be granted in exceptional... circumstances.”* This is consistent with the NPPF which states that *“As heritage assets are irreplaceable, any harm or loss should require clear and convincing justification. Substantial harm to or loss of a grade II listed building... should be exceptional.”*

The applicant acknowledges that total demolition of the Grade II Listed 37 Market Street would equate to “substantial harm”. They acknowledge that NPPF paragraph 133 is engaged, which is that *“local planning authorities should refuse consent, unless it can be demonstrated that the substantial harm or loss is necessary to achieve substantial public benefits that outweigh that harm or loss”*.

What is meant by the term ‘public benefits’, is defined in Planning Practice Guidance on Conserving and enhancing the Historic Environment ([Paragraph: 020 Reference ID: 18a-020-20140306](#)) as follows:

Public benefits may follow from many developments and could be anything that delivers economic, social or environmental progress as described in the National Planning Policy Framework (paragraph 7). Public benefits should flow from the proposed development. They should be of a nature or scale to be of benefit to the public at large and should not just be a private benefit. However, benefits do not always have to be visible or accessible to the public in order to be genuine public benefits.

Public benefits may include heritage benefits, such as:

- *sustaining or enhancing the significance of a heritage asset and the contribution of its setting*
- *reducing or removing risks to a heritage asset*
- *securing the optimum viable use of a heritage asset in support of its long term conservation*

The applicant puts forward that there is a clear and demonstrable need for a budget brand hotel within Gainsborough town centre, and that the only mechanism through which a hotel will be delivered in the town centre is through the development of the application site. They argue that the existing

buildings do not lend themselves to the exacting specifications of the viable business model to which a budget brand hotel will operate.

Sight of the hotel operators specifications have been requested, but at the time of writing, have not been provided.

Nonetheless, it is considered such exacting specifications are likely. Furthermore, the proposed hotel will be much greater in capacity and scale than the existing buildings (replacing a 16 bedroom hotel with a 56 bedroom hotel and restaurant). It is considered that the existing buildings would have been subjected to significant expansion and change to accommodate such increased capacity.

It has been enquired as to, if the listed building cannot be retained, can a partial retention be achieved, such as retaining the building's façade. The verbal response given is that the required ceiling to floor heights would not be compatible with any retained façade.

Planning policy requires that planning permission be refused, unless there are 'exceptional' reasons for allowing the demolition of the listed building. National policy requires that permission is refused unless it is demonstrated that the substantial harm or loss is necessary to achieve substantial public benefits that outweigh that harm or loss. When applying that balancing exercise, considerable weight should be given to preserving the building and its setting.

It is a material consideration that the Council has previously granted planning permission in 2014 to demolish 37 Market Street and the Sun Inn Hotel to allow for a new hotel development. The statutory duties and the NPPF were applicable at the time of that decision, and it can be concluded therefore that the new hotel was found to achieve substantial public benefits that outweighed the loss of the listed building and was deemed to be 'exceptional'.

It may be noted that the 2014 permission was for a 51 bedroom hotel. This application now proposes a larger 56 bedroom hotel with 380sqm restaurant. The applicant anticipates this will generate at least 45 new and permanent jobs (30 previously); 75 jobs during construction (60 jobs previously); an investment of about £5.7 million into the local economy (£4 million previously); and indirect benefits to local businesses will be increased.

Alterations to 27, 29 & 35 Market Street

The application also seeks to make alterations to 27, 29 & 35 Market Street. No.29 (Emmalooos cafe) and no.35 (former Milanos pizza) are grade II listed buildings.

The application seeks to reinstate a more traditional shopfront and upper floor windows into the Market Street façade of 35 Market Street. The Conservation Officer has worked with the applicant in order to direct them towards replicating an earlier shopfront evidenced in photographs.

The reinstatement of more traditional features into the frontage in place of the modern shopfront and windows, is considered to preserve the features of the listed building and enhance the setting and character of the Conservation Area. Development would accord with CLLP policy LP25 in this regard, and policy LP27 which requires that proposals for frontages *“protects, and where possible enhances, traditional or original frontage or features that are of architectural or historic interest, particularly if the building is listed or within a conservation area”*

The application does not seek to alter the Market Street frontage to no.29. It does however propose to partially demolish single storey extensions to the property and create a new opening in the north elevation, to front the Roseway carpark. This rear element is a later addition, and has been unsympathetically modernised. Its loss is not considered harmful. Originally, the application had sought to insert timber shopfronts into the rear elevation. However, this “dual” frontage would form an alien and discordant feature, out of keeping with the character and setting of the Conservation Area. Consequently, the Conservation officer has guided the applicant into applying a more simple approach to the rear façade.

The application would also seek an authentic reinstatement of a more traditional Edwardian timber shopfront and first floor windows into 27 Market Street. The alterations are deemed to comprise an enhancement to the character and setting of the conservation area, and would accord with CLLP policies LP25 and LP27.

This would also include some rear demolition to create a new ‘frontage’ facing the Roseway carpark. Again, the Conservation officer has advised the applicant to move away from the principle of forming a new shop front and create a more straightforward rear ‘entrance.

Proposed Hotel - Setting of Listed Buildings & Britannia Works Conservation Area

The application seeks to replace the Sun Inn Hotel, with a new 56 bedroom hotel, including 300sqm ground floor restaurant.

The new building would measure approximately 14 metres wide (Market Street elevation), and 38 metres long (North Street elevation). It would be five storeys in height, measuring 17.5 metres high approximately.

Filling out the plot occupied by the Sun Inn Hotel (and 37 Market Street), it would be considerably larger in scale and massing than the present buildings. The present Sun Inn building is a three storey property which measures up to 10.5 metres in height. The new building would be some 7 metres taller.

The hotel will be over 8 metres taller than 35 Market Street, the grade II listed building that it would immediately adjoin.

It would be more than five metres greater in height than the County Court Building (Grade II* Listed) opposite, which measures approximately 12 metres high on its principal façade.

The plans indicate that it would be 3.1 metres taller than the four storey hotel building granted permission in 2014.

Historic England advise that they consider *“The proposed 5 storey hotel would also be harmful to the contribution that the setting of the former County Court Building makes to its significance by diminishing its prominence in the street scene.”*

The proposed hotel, as a result of its height and massing, will become the largest and most prominent building on this key junction between four roads. The Grade II* Listed County Court Building offers a key frontage at the junction. It is considered that its prominence within the street scene will be diminished – and that this would equate to harm to its significance.

Similarly, the new Hotel will dominate the Grade II Listed Buildings within Market Street, particularly the immediately adjoining 29-35 Market Street. Whilst there significance at street level would be undiminished (and improved where new shopfronts and windows are proposed), the sheer oppressive scale of the proposed building will diminish their collective significance within the townscape, and would equate to some harm to significance.

NPPF paragraph 134 states that where a development proposal will lead to less than substantial harm to the significance of a designated heritage asset, this harm should be weighed against the public benefits of the proposal, including securing its optimum viable use.

The building would be finished in red brickwork, with stone rusticated ground floor and quoins. A planning condition to secure agreement on the full material palette should be applied.

Fenestration at first floor and above will be softwood timber windows, with apparent stone cills and lintels with keystone. However the drawings show uniformed window patterning, failing to demonstrate the typical classical window hierarchy.

It is considered that the hotel design would be greatly improved utilising a traditional hierarchy (double square, square and a half, and square windows) based on classical proportions.

The applicant has indicated that the requirements of the hotel operator would prevent this – but as yet have not provided evidence to this effect.

At the very least, the pattern of fenestration would be improved to show vertical Georgian panes in the windows.

(c) Listed Building Consent Works

It is a statutory requirement¹⁴ that *“In considering whether to grant listed building consent for any works the local planning authority or the Secretary of State shall have special regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses.”*

The reinstatement of a more traditional windows and shopfront into no.35 is to be welcomed, reinstating features of historic interest and preserving the building through enhancement.

Works to no.29 include the demolition of single storey extensions at the rear. These were later additions to the building and not features of any special or architectural merit.

The demolition of the Grade II Listed 37 Market Street will require Listed Building Consent. Consent has already been given to do so in 2014, which is still extant.

Having visited and assessed the building, the Conservation Officer advises “The interior of 37 Market Street does not contain any features of architectural or historic significance, these were removed. The significance of this building lies in its value to the townscape (the group value noted in the listing). External alterations have reduced the architectural merit.”

In the event that LBC is again granted for demolition, it is imperative that conditions are placed to ensure that a contract for the carrying out of works of redevelopment of the site has been made, and provided to the local planning authority, as per s17(3) of the Listed Buildings Act 1990.

In the event that the Planning Committee is minded to grant consent to the demolition of the grade II Listed Building, in view of outstanding objections from Historic England and a National Amenity Society (Victorian Society), the Local Planning Authority is required¹⁵ to notify the Secretary of State of its intentions.

The Secretary of State will then have a period of 28 days to direct the reference of the application to him, or give notice that he requires further time to consider whether to require such a reference.

(d) Flood Risk & Land contamination

The site lies within flood zone 3A (high probability).

¹⁴ S16(2) of the Planning (Listed Buildings and Conservation Areas) Act 1990

¹⁵ Under S13 of the Planning (Listed Buildings and Conservation Areas) Act 1990 (it would not be exempted by the Arrangements for Handling Heritage Applications – Notification to Historic England and National Amenity Societies and the Secretary of State (England) Direction 2015).

The Central Lincolnshire Local Plan (policy LP14) and NPPF (paragraph 100 onwards) seek application of a sequential test, with the aim of steering new development to areas at lower risk of flooding.

As development is for “main town centre uses” it is appropriate in this instance to only apply the sequential test across Gainsborough Town Centre – which is also within flood zone 3A. There are no known available, appropriate sites at a lower risk of flooding to accommodate the proposed development.

The new building would contain the restaurant (less vulnerable use) and only ancillary aspects of the more vulnerable hotel (reception lobby, toilet and office) at ground floor. All guest bedrooms would be at first floor and above.

The accompanying Flood Risk Assessment (FRA) advises the predicted level of a 1 in 200 year (fluvial) flood event to be at 6.41m AOD. The existing basement will be infilled back up to ground level, which will be set 1.3m above the anticipated flood levels.

The FRA addendum does not anticipate any significant risk from surface water (pluvial) flooding, but as a precaution proposes to utilise resilient building techniques with the use of an insitu concrete slab incorporating a monolithic up-stand and waterproof barrier along the North Street and Market Street elevations.

The Environment Agency have raised no concerns in regard to flood risk.

A Phase I (desk study) & II (site investigation) Geo-Environmental Site Assessment has been submitted with the application. It concludes that the made ground encountered at the surface of the site is unsuitable to remain. Sufficient material should be removed to allow installation of 600mm capping layer below the proposed ground levels made up of clean certified topsoil and subsoil. A significant portion of the site remains covered with the existing buildings and as such no investigation works have been carried out in these areas. It is therefore possible that other contaminants may exist in these areas and within the fabric of the building.

The Environment Agency have reviewed the assessment and recommend a planning condition to secure a remediation strategy in the event previously unidentified contamination is found during development.

(e) Highways Safety & Access

The hotel reception will be accessible from both North Street and the Roseway car park. The restaurant will be accessed from Market Street.

Servicing will take place from the Roseway car park. The application includes a swept path analysis drawing (drawing NS4844-03) for a 12m rigid vehicle – the Local Highways Authority recommend that this is secured via planning condition.

(f) Other Matters

A neighbour has raised whether resident parking permits can be provided within the Roseway car park. This is a matter relevant to the Council's Car Parking strategy and not to the applications under consideration.

Residential amenities – In view of the site's location within the Town Centre and the proximity of residential properties, the proposed development is not expected to have an unduly adverse impact upon the residential amenities enjoyed at other properties.

A planning condition is however recommended, to secure a construction method statement to cover both the demolition and construction phases of development.

Overall planning balance and Conclusions

Planning law requires, to the extent that development plan policies are material to an application for planning permission the decision must be taken in accordance with the development plan unless there are material considerations that indicate otherwise.

The proposed development is within the area allocated as Gainsborough Town Centre in the Central Lincolnshire Local Plan (CLLP).

There is a recognised and evidenced shortfall in leisure provision within Gainsborough. Hotel accommodation in particular is fairly limited and it is clear from third party representations made on the application that local businesses and shops consider there is a need and would value this commodity.

The Growth Team have provided details of an independent assessment which concludes that the total economic impact (in terms of GVA) of the operation of the hotel and restaurant can be quantified at £1,632k per annum. The employment creation calculated with the standard multiplier is 72 new jobs.

The application also seeks to make improvements to the overall public realm, with a reconfiguration of the Roseway carpark and landscaping areas. Investment would be made into reintroducing traditional features and shopfronts into Market Street.

Overall, it is considered that the provision of a new 56-bedroom hotel and 380sqm restaurant would positively contribute towards and strengthen the retail and leisure provision within the Gainsborough Town Centre Boundary. Located on Market Street, it would strengthen and enhance linkages between Marshalls Yard and Market Place.

Improved car parking provision, enhancements to the public realm, the return of traditional shop frontages in Market Street, collectively will enhance Gainsborough's primary shopping centre offer.

External improvements to 3-13 North Street can also be welcomed.

It is concluded that, with the enhanced provision of main town centre uses and improvements to the public realm, the proposed development would accord with Central Lincolnshire Local Plan policies LP6, LP7 (criteria a & b), LP27, LP41 and LP42.

Nonetheless, the south-western corner of the site falls within the Britannia Works Conservation Area. The application proposes the demolition of buildings within the Conservation Area - the Sun Inn Hotel (unlisted building) and 37 Market Street (Grade II Listed building).

Planning policy (CLLP policy LP25 and NPPF paragraph 132) requires the substantial harm or loss of a Grade II Listed building should be *exceptional*. It states that the local planning authority should refuse consent, unless it can be demonstrated that the substantial harm or loss is necessary to achieve substantial public benefits that outweigh that harm or loss.

Both Historic England and a National Amenity Society (Victorian Society) object to the development.

As a result of its scale and massing, the proposed new hotel would be anticipated to harm the significance of the setting of the Grade II* Listed County Court Building opposite. It would also be expected to result in some harm to the significance of the setting of those listed buildings within Market Street.

Policy states that where a development proposal will lead to less than substantial harm to the significance of a designated heritage asset, this harm should be weighed against the public benefits of the proposal, including securing its optimum viable use.

The Local Planning Authority is under a statutory duty to have special regard to the desirability of preserving listed buildings their setting or any features of special architectural or historic interest which they possess. They must pay special attention to the desirability of preserving or enhancing the character or appearance of the Conservation Area. The Courts interpret this as a "*special statutory status*", in which to give "*considerable importance and weight*" in any balancing exercise.

The Council has previously granted permission, in 2014, to demolish the buildings and erect a 51-bedroom hotel, a significant material consideration. The larger 56 bedroom hotel and restaurant offers greater public and economic benefits. It does however increase the buildings height by 3.1 metres – increasing its intrusion into the setting of surrounding listed buildings.

It stands to reason that, the local planning authority having found the 51 bedroom hotel as 'exceptional' and having substantial public benefits that

outweigh the total loss of the Grade II listed building and non-listed building, (which make a positive contribution to the conservation area), and having properly applied its statutory duties, then this new building should also qualify under these criteria.

The new building will be 3.1 metres higher than the 51 bedroom scheme – its dominance within the streetscene and intrusion into the setting of surrounding listed buildings will increase commensurately. However, the public benefits have increased commensurately too.

It is considered, on balance, therefore to recommend the grant of planning permission and Listed Building Consent.

In the event that the Planning Committee is minded to grant listed building consent to the demolition of the grade II Listed Building, in view of outstanding objections from Historic England and a National Amenity Society (Victorian Society), the Local Planning Authority is required to notify the Secretary of State of its intentions, before any formal decision is made.

Recommendations

a) 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 to Section 91 (1) of the Town and Country Planning Act 1990 (as amended).

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

2. No buildings within the site shall be demolished (in whole or in part) before—
 - (a) a contract for the carrying out of works of redevelopment of the site, as hereby granted, has been made; and
 - (b) a true copy of the contract, signed, exchanged and completed has been produced to the Local Planning Authority who have confirmed in writing that it is satisfactory and meets with the requirement of part (a).

Reason: As per paragraph 136 of the National Planning Policy Framework, to prevent the loss of heritage assets within the site without the development hereby permitted thereafter proceeding.

3. No development shall take place, until a Construction & Demolition Method Statement has been submitted to, and approved in writing by, the local planning authority. The approved Statement shall be adhered to throughout the construction & demolition period. The Statement shall provide for:
- (i) Details of the method of demolition;
 - (ii) a scheme for recycling/disposing of waste resulting from demolition and construction works;
 - (iii) the routing and management of construction traffic;
 - (iv) the parking of vehicles of site operatives and visitors;
 - (v) loading and unloading of plant and materials;
 - (vi) storage of plant and materials used in constructing the development;
 - (vii) the erection and maintenance of security hoarding including decorative displays and facilities for public viewing, where appropriate;
 - (viii) wheel cleaning facilities;
 - (ix) measures to control the emission of dust and dirt during construction;
 - (x) details of noise reduction measures;
 - (xi) the hours during which machinery may be operated, vehicles may enter and leave, and works may be carried out on the site.

Reason: In the interests of amenity and in accordance with policy LP26 of the Central Lincolnshire Local Plan.

4. No demolition hereby permitted shall commence until a Written Scheme of Investigation, to enable the recording of any above ground heritage assets to be lost to development (whether whole or in part), has been submitted to and agreed in writing with the Local Planning Authority.

Reason: To enable the recording of any features of historical, architectural or archaeological interest, prior to destruction, in accordance with paragraph 141 of the National Planning Policy Framework.

5. The recording of heritage assets within the site shall be undertaken in accordance with the agreed Written Scheme of Investigation, and a final Record has been submitted to, and approved in writing by, the Local Planning Authority. Copies of the approved Record should be deposited with the relevant Historic Environment Record, and any archives with a local museum or other public depository.

Reason: To enable the recording of any features of historical, architectural or archaeological interest, prior to destruction, and to make this evidence (and any archive generated) publicly accessible, in accordance with paragraph 141 of the National Planning Policy Framework.

6. No development (other than demolition) shall commence until full details of all external materials, including samples, for the following, have been submitted to and approved in writing by the Local Planning Authority:
 - (a) Roofs;
 - (b) External walls;
 - (c) Rainwater goods;
 - (d) External landscaping materials.

This shall include sample panels of brick, render and stone work, of no less than one square metre, to be made available to inspect on the site.

The development shall thereafter only proceed in full accordance with the agreed details, including the materials agreed, the method of bonding, mortar colour and pointing style.

Reason: In the interests of the architectural and visual integrity of the overall development and Listed Buildings, and the character, visual amenity and setting of this part of the Conservation Area in which it is set, in accordance with policy LP25 of the Central Lincolnshire Local Plan.

7. Notwithstanding the details submitted, no development (other than demolition) shall commence until the details of all doors, windows and frames to be utilised in the development hereby permitted, including samples if so required, shall be submitted to, and approved in writing by, the Local Planning Authority. Such details shall indicate, at a scale of no less than 1:20, the longitudinal and cross-sectional detailing, cill and lintol detailing, and means of opening and finishes. The development shall proceed in accordance with the approved details.

Reason: In the interests of the architectural and visual integrity of the overall development and Listed Buildings, and the character, visual amenity and setting of this part of the Conservation Area in which it is set, in accordance with policy LP25 of the Central Lincolnshire Local Plan.

8. Notwithstanding the details submitted, no new and/or replacement shop fronts shall be installed until scale drawings of the shop fronts, at a scale of no less than 1:20, including the vertical, horizontal and cross-sectional detailing, has been submitted to, and approved in writing by, the Local Planning Authority. Such details shall indicate, at a scale of no less than 1:5, and/or full scale samples of the timber mouldings for such features as stall riser panels, door panels, pilasters, consoles, corbels, fascia surround and cornice and finishes. The development shall proceed in accordance with the approved details.

Reason: In the interests of the architectural and visual integrity of the overall development and Listed Buildings, and the character,

visual amenity and setting of this part of the Conservation Area in which it is set, in accordance with policy LP25 of the Central Lincolnshire Local Plan.

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

9. With the exception of the detailed matters referred to by the conditions of this permission, the development hereby approved shall be carried out in accordance with the following drawings:

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 in order to accord with the provisions of the Central Lincolnshire Local Plan.

10. The development hereby approved shall proceed in accordance with the provisions of the Flood Risk Assessment (10 March 2014, reference NS4844/GAI/FRA) and Addendum to Flood Risk Assessment (19 June 2014, reference NS4844/GAI/FRA.Add), both by JNP Group, including that the proposed ground floor shall be set no lower than 7.75 metres OAD.

Reason: In order to reduce the causes and impact of flooding, in accordance with policy LP14 of the Central Lincolnshire Local Plan and provisions of the National Planning Policy Framework.

11. If, during development, contamination not previously identified is found to be present at the site then no further development (unless otherwise agreed in writing with the Local Planning Authority) shall be carried out until a remediation strategy detailing how this contamination will be dealt with has been submitted to and approved in writing by the Local Planning Authority. The remediation strategy shall be implemented as approved.

Reason: To ensure that the development is not put at unacceptable risk from, or adversely affected by, unacceptable levels water pollution from previously unidentified contamination sources at the development site in line with paragraph 109 of the National Planning Policy Framework.

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

12. Vehicles which service the development hereby permitted must access the site by the arrangements shown on Dwg. No. NS4844-03.

Reason: In the interests of highway safety, in accordance with policy LP13 of the Central Lincolnshire Local Plan.

b) To notify the Secretary of State of the intention to grant listed building consent, subject to the following conditions:

Conditions stating the time by which the works must be commenced:

1. The works to which this consent relates must be begun before the expiration of three years from the date of this consent.

Reason: To conform to Section 18(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 (as amended).

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

2. No Listed Buildings within the site shall be demolished (in whole or in part) before—
 - (a) a contract for the carrying out of works of redevelopment of the site, as hereby granted, has been made; and
 - (b) a true copy of the contract, signed, exchanged and completed has been produced to the Local Planning Authority who have confirmed in writing that it is satisfactory and meets with the requirement of part (a).
 - (c) a detailed method statement for the demolition of 37 Market Street has been submitted to and approved in writing by the Local Planning Authority. The method statement compiled by a suitable qualified and experienced person shall include full details of any structural requirements to ensure that the structural integrity of 35 Market Street will not be compromised during demolition, or as a result of demolition of 37 Market Street. Demolition shall only proceed in accordance with the agreed method statement.

Reason: As per Section 17(3) of the Planning (Listed Buildings and Conservation Areas) Act 1990 (as amended), and paragraph 136 of the National Planning Policy Framework, to prevent the loss of 37 Market Street, without the new development hereby permitted thereafter proceeding, and to ensure that 35 Market Street is adequately preserved.

3. No demolition hereby permitted shall commence until a Written Scheme of Investigation, to enable the recording of any above ground heritage assets to be lost to development (whether whole or in part), has been submitted to and agreed in writing with the Local Planning Authority.

Reason: To enable the recording of any features of historical, architectural or archaeological interest, prior to destruction, in accordance with paragraph 141 of the National Planning Policy Framework.

4. The recording of heritage assets within the site shall be undertaken in accordance with the agreed Written Scheme of Investigation, and a final Record has been submitted to, and approved in writing by, the Local Planning Authority. Copies of the approved Record should be deposited with the relevant Historic Environment Record, and any archives with a local museum or other public depository.

Reason: To enable the recording of any features of historical, architectural or archaeological interest, prior to destruction, and to make this evidence (and any archive generated) publicly accessible, in accordance with paragraph 141 of the National Planning Policy Framework.

5. No development (other than demolition) shall commence until full details of all external materials, including samples, for the following, have been submitted to and approved in writing by the Local Planning Authority:

- (a) External walls;
- (b) Rainwater goods.

This shall include sample panels of brick, render and stone work, of no less than one square metre, to be made available to inspect on the site.

The development shall thereafter only proceed in full accordance with the agreed details, including the materials agreed, the method of bonding, mortar colour and pointing style.

Reason: In the interests of the architectural and visual integrity of the overall development and Listed Buildings at 29 & 35 Market Street, and the character, visual amenity and setting of this part of the Conservation Area in which it is set, in accordance with policy LP25 of the Central Lincolnshire Local Plan.

6. Notwithstanding the details submitted, no development (other than demolition) shall commence until the details of all doors, windows and frames to be utilised in the development hereby permitted, including samples if so required, shall be submitted to, and approved in writing by, the Local Planning Authority. Such details shall indicate, at a scale of no less than 1:20, the longitudinal and cross-sectional detailing, cill and lintol detailing, and means of opening and finishes. The development shall proceed in accordance with the approved details.

Reason: In the interests of the architectural and visual integrity of the overall development and Listed Buildings, and the character, visual amenity and setting of this part of the Conservation Area in which it is

set, in accordance with policy LP25 of the Central Lincolnshire Local Plan.

7. Notwithstanding the details submitted, no new and/or replacement shop fronts shall be installed until scale drawings of the shop fronts, at a scale of no less than 1:20, including the vertical, horizontal and cross-sectional detailing, has been submitted to, and approved in writing by, the Local Planning Authority. Such details shall indicate, at a scale of no less than 1:5, and/or full scale samples of the timber mouldings for such features as stall riser panels, door panels, pilasters, consoles, corbels, fascia surround and cornice and finishes. The development shall proceed in accordance with the approved details.

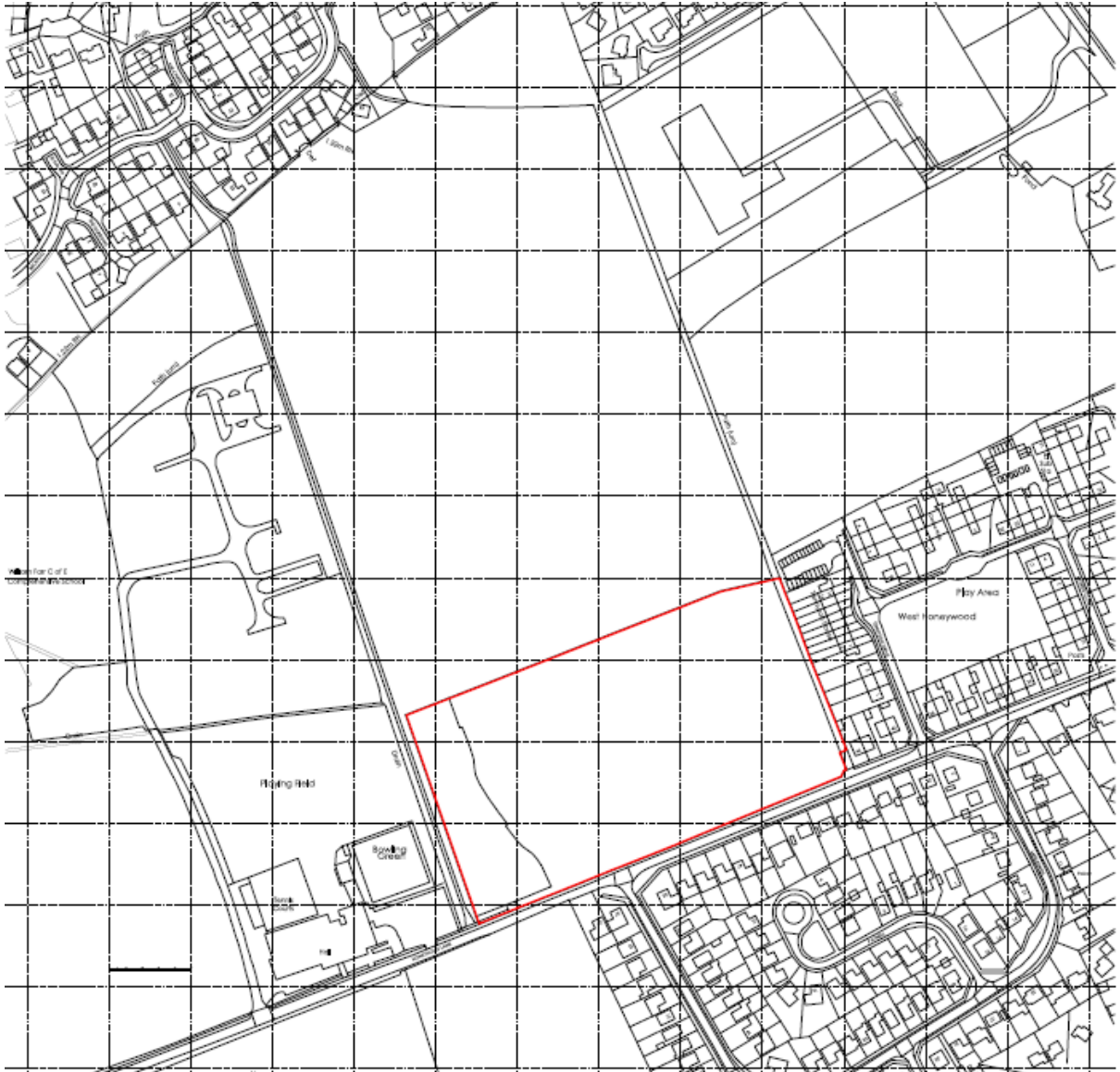
Reason: In the interests of the architectural and visual integrity of the overall development and Listed Buildings, and the character, visual amenity and setting of this part of the Conservation Area in which it is set, in accordance with policy LP25 of the Central Lincolnshire Local Plan.

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



Officers Report

Planning Application No: 135790

PROPOSAL: Planning application to erect 64no. dwellings with roads, garages and residential parking, including community parking and public open spaces.

LOCATION: Land North of Honeyholes Lane Dunholme Lincoln LN2 3SQ

WARD: Dunholme and Welton

WARD MEMBERS: Cllr S England; Cllr M Parish; and Cllr Mrs D Rodgers

APPLICANT NAME: Cyden Homes Ltd

TARGET DECISION DATE: 07/06/2017

DEVELOPMENT TYPE: Major - Dwellings

CASE OFFICER: Russell Clarkson

RECOMMENDED DECISION:

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

- 16 dwellings (25%) on site delivered as affordable housing;
- Capital contribution to be used towards local education provision to accommodate the development;
- Capital contribution to be used towards local healthcare provision to accommodate the development;
- Capital contribution to be used towards local highways network to accommodate the development;
- Provisions to deliver and ensure the ongoing maintenance of landscaping and public open space (including the proposed car park).

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

Description:

The application seeks planning permission, in full, to erect 64 dwellings with associated roads, and public open space. The application also includes an area of communal car parking for 54 spaces. Access would be taken directly from Honeyholes Lane.

The application site is undeveloped open land, on the north side of Honeyholes Lane, Dunholme.

To the north and north-east are undeveloped fields allocated as a green wedge in the Central Lincolnshire Local Plan (policy LP22) and settlement break in the Dunholme Neighbourhood Plan (policy 11).

To the east is residential development – referred to as the Allwood Character Area in the Dunholme Character Assessment. Tennyson House, a three storey residential building, runs parallel to the site's eastern edge, and is notably of a differing scale to surrounding buildings.

To the south is the Merleswen character area, comprising predominantly bungalows from the later 20th Century.

To the west is the Village Hall and assorted recreational facilities. A Public Footpath (Dunh/785/1) runs along the western site boundary, in a broadly north-south direction.

The site is allocated for residential development in both the Central Lincolnshire Local Plan (policy LP52) and Dunholme Neighbourhood Plan (policy 1).

This application is referred to the Committee as it seeks permission for 30% more houses on the site than the 49 dwellings indicated or approximated in the Development Plan, and could be perceived as a potential departure.

Town and Country Planning (Environmental Impact Assessment) Regulations 2017:

The development does not exceed the thresholds at schedule 2 (paragraph 10(b)) and is not within a sensitive area. It does not qualify as "EIA Development".

Relevant history:

131087 - Outline planning application for erection of 49no. dwellings, sports facility and additional car parking area-all matters reserved. **Granted 14/05/2015.**

A subsequent appeal (APP/N2535/W/15/3138491) was allowed, with the effect of extending the deadline to submit the subsequent reserved matters from one year, until no later than 14 May 2017.

Representations:

Dunholme Parish Council:

- With the addition of 15 extra houses compared to the original application, it contravenes the Character assessment by making the site too densely proportioned.

- There is not enough space to allow adequate parking provisions for the number of houses now being proposed
- Gardens & space between house is inadequate in comparison to original plan
- privacy between the houses should more be developed on the site.
- Honeyholes Lane is one of the main roads in the village, as well as being sited next to the village hall and indoor bowls club and William Farr School and nearby St Chad Junior School. The addition of extra houses to the site would mean an increased the amount of traffic especially the number of road users on an already busy main road.
- The Dunholme Neighbourhood Plan states that “new developments should be located and designed to operate effectively within the local highway network and should not detrimentally affect the free and safe flow of traffic on the network”. It is felt that the new application would not support this comment as HoneyHoles Lane is a primary through road.
- Dunholme village has seen a large number in housing developments granted since 2012 resulting in an additional 329 houses being already planned to be built this year.
- The figure of 329 houses equates to the number of proposed houses stated in both the Dunholme Neighbourhood Plan and WLDC Local Plan. It is therefore felt that any further houses are not needed within the village.
- A survey undertaken by Community Lincs showed that there was a need for 9 affordable houses within the village of Dunholme, However the provision has already been met by the developments from Chestnut homes, therefore a further 15 houses are not needed within the village to meet any further provision.
- If the developer wishes to increase the number of affordable homes in their development plan, then this should be included in their revised application without any increase in the number of additional houses, so we would be happy for the number of houses to remain the same with an inclusion of a further 9 more affordable homes instead of the 9 larger houses in their original submission.

LCC Highways: No formal comments received at time of writing.

Environment Agency: Does not wish to make any comments on this application.

Archaeology: No objections / comments.

Anglian Water:

Wastewater Treatment - The foul drainage from this development is in the catchment of Dunholme Water Recycling Centre that will have available capacity for these flows.

Foul Sewerage Network - The sewerage system at present has available capacity for these flows. If the developer wishes to connect to our sewerage network they should serve notice under Section 106 of the Water Industry Act 1991.

Surface Water Disposal - The surface water strategy/flood risk assessment submitted with the planning application relevant to Anglian Water is

unacceptable. No evidence has been provided to show that the surface water hierarchy has been followed as stipulated in Building Regulations Part H. Recommend planning condition to secure surface water management strategy.

Internal Drainage Board:

No development should be commenced until the Local Planning Authority, in consultation with the Lead Local Flood Authority has approved a scheme for the future maintenance of the surface water drainage system.

Lincolnshire Police: Do not have any objections to this development. In general a good site layout which makes effective use of a cul-de-sac design which has been proven to help reduce the opportunity for crime and generate a good sense of community. Offers guidance on parking provision, perimeter, landscaping, sheds/cycle storage, lighting and other security guidance.

Objections from 46, 47, 51, 55 Honeyholes Lane; 13 Merleswen; 6 Tennyson House. In summary:

- An extra 64 homes added to the 266 homes outlined in the application for Lincoln Road/Honeyholes Lane (application number 136050) equates to 340 new homes. I do not believe these extra homes are necessary;
- Our village, as well as Welton has sufficient planning approvals granted without any additional increases. The services are stretched past breaking point now;
- This land is subject to laying water with flooding in the road;
- The deep layer of heavy yellow clay that dominates the site makes the area subject to flooding from even just a few days of persistent rain;
- Seek reassurance that proposed surface water drainage strategy and basin will not result in flooding neighbouring property (46 Honeyholes Lane);
- Part of the original permission was a condition that the public footway running between the application and Honeyholes Lane was that this would be widened to accommodate pedestrians going to and from the William Farr School, village hall etc. I cannot see this requirement in the new application;
- Large mock Georgian style homes are completely out of keeping with the estate of bungalows they would look down on;
- First floor windows would overlook existing properties;
- Please ensure new trees / hedges are suitable and do not result in subsidence;
- The land is agricultural land;
- Do not want houses spoiling our view.

General comments from 76 Beckhall; 5 Tennyson Drive.

- pleased to see the proposed development includes a 3m combined footpath and cycle way along its Honeyholes Lane frontage. This section of footpath is very busy with students going to and from William Farr school and early proper dual use of the proposed new footpath would go some way towards improving their safety and perhaps even

encouraging them to use their bicycles to go to school to reduce car journeys.

- Queries whether footpath to rear of Tennyson Drive will be affected? Will hedgerows be removed?

Relevant Planning Policies:

Planning law requires¹, to the extent that development plan policies are material to an application for planning permission the decision must be taken in accordance with the development plan unless there are material considerations that indicate otherwise. The Development Plan in this location comprises the provisions of the Central Lincolnshire Local Plan (April 2017) and Dunholme Neighbourhood Plan (January 2017).

The first strand of the NPPF's presumption in favour of sustainable development² is to *"approv[e] development proposals that accord with the development plan without delay"*.

Central Lincolnshire Local Plan (CLLP)

The CLLP was formally adopted on 24th April 2017, and now forms part of the Development Plan.

The following policies are considered to be most relevant to the applications:

- LP1: A Presumption in Favour of Sustainable Development
- LP3: Level and distribution of growth
- LP9: Health and wellbeing
- LP10: Meeting accommodation needs
- LP11: Affordable Housing
- LP12: Infrastructure to support growth
- LP13: Accessibility and Transport
- LP14: Managing Water Resources and Flood Risk;
- LP17: Landscape, Townscape and Views
- LP18: Climate Change and Low Carbon Living
- LP20: Green Infrastructure Network
- LP21: Biodiversity and Geodiversity
- LP22: Green Wedges
- LP24: Creation of New Open Space, Sports & Recreation Facilities
- LP26: Design and amenity
- LP52: Residential Allocations – Large Villages

The CLLP is available to view here: <https://www.n-kesteven.gov.uk/central-lincolnshire/local-plan/>

Dunholme Neighbourhood Plan (DNP)

¹ S70(2) of the Town & Country Planning Act 1990 and s38(6) of the Planning & Compulsory Purchase Act 2004

² Paragraph 14.

The DNP was formally made on 23rd January 2017, and now forms part of the Development Plan.

The following policies are considered most relevant:

- Policy 1: General Housing Growth;
- Policy 2: Housing Type and Mix;
- Policy 4: Design Principles;
- Policy 6: Public Recreational Open Space;
- Policy 7: Green Infrastructure;
- Policy 10: Landscape Character;
- Policy 11: Settlement Breaks;
- Policy 13: Reducing Flood Risk;
- Policy 14: Water and Waste

The DNP, and Dunholme Character Assessment, are available to view here:

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

National Policy:

National Planning Policy Framework (NPPF)

<https://www.gov.uk/guidance/national-planning-policy-framework>

Planning Practice Guidance

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

Main issues

- Principle of Development
- Character and design
- Housing Mix and Provision
- Affordable Housing
- Flood Risk and Drainage
- Highway safety and access
- Infrastructure

Assessment:

a) Principle of Development

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

The site is allocated for residential development in both the Central Lincolnshire Local Plan (CLLP) and Dunholme Neighbourhood Plan (DNP).

CLLP policy LP52 gives an 'indicative' number of 49 dwellings on site CL4084 (the application site). DNP policy 1 states the allocation of land at CL4084 for approximately 49 dwellings.

The principle of residential development of the site will therefore be in accordance with the Development Plan. Both plans however give an 'indicative' or 'approximate' number of 49 dwellings.

It is to be noted that both plans were adopted following the grant of outline permission for 49 dwellings in 2014.

The application seeks permission for 64 dwellings – a 31% increase in capacity above that anticipated by the Development Plan.

It is to be noted that neither policy sets 49 dwellings as a cap or maximum. Thus a larger number is not necessarily a departure from the Plan, and may illustrate a more efficient use of the land in order to contribute towards housing need. This would need to be considered carefully against design and character principles.

CLLP paragraph 10.2.1 explains that the 'indicative dwellings' column is for the total number of dwellings with planning permission on a site – the application site benefitted from the 2014 outline planning permission for 49 dwellings. It states that the capacity of sites without permission *“is in most cases an estimate based on the size of the site, an assumption about the net developable area, and an assumption about the net residential density which would be appropriate for the area in which the site is located”*. The CLLP Evidence Report into residential allocations³ sets out the formula employed. Here it would assume 75% of the site to be developable (2.46ha) and a net density of at least 30 dwellings per hectare (dph) – giving the site an indicative capacity of 74 dwellings.

The application site measures 3.29 hectares in total – providing a gross density of 19.5dph. However, the layout would provide:

- 0.33ha (approximately 10% of the site) towards Public Open Space (POS) along its western edge.
- 0.13ha (approximately 4% of the site) dedicated to a 54-space public car park;
- 0.166ha (approximately 5% of site) in the south-eastern corner would also be dedicated to POS and include the attenuation basin;
- 0.12ha (4% of site) dedicated towards the frontage footpath.

This equates to a net developable area of 2.544ha (approximately 77% of the site) and a net density of 25.2dph.

It is concluded therefore that the 'indicative' 49 dwellings under policy LP52 was most likely directly derived from the extant outline permission on site. The standard formula employed for sites without permission would have derived an indicative capacity of 74 dwellings.

³ Document PSEVR48-54 LP48-LP54 Residential Allocations Evidence Report (April 2016) available at: <https://www.n-kesteven.gov.uk/central-lincolnshire/planning-policy-library/>

The development, at 64 dwellings, and with a net density of 25.2dph, should not therefore be concluded to be an over-development.

The CLLP does not set out any housing density requirements. Policy LP26(a) does however require, to a degree proportionate to the proposal, to “*make effective and efficient use of land*” [emphasis added]. An increased number of dwellings on site would accord with this.

The DNP does not set out or specify any density requirements.

b) Layout, character and design

CLLP policy LP26 sets out that “*All development.. must achieve high quality sustainable design that contributes positively to local character, landscape and townscape, and supports diversity, equality and access for all.*”

DNP policy 4 requires that “*development proposals should preserve or enhance the village of Dunholme by recognising and reinforcing the distinct local character in relation to height, scale, spacing, layout, orientation, design, and materials of buildings.*”

Policy 5 sets out that proposals will be supported where:

- 1 their design and appearance respects and complements the Dunholme Character Assessment;*
- 2 they demonstrate that the proposed development fits into the identified character area of that part of the village;*
- 3 soft and porous edges and finishes are incorporated into development proposals on the edge of the built up area;*
- 4 where previous developments have failed to respect the landscape setting, quality and have created hard and unsatisfactory edges to the village, should explore opportunities to retrospectively include planting schemes - particularly along the gateways into the village.*

The proposed layout appears to follow the design parameters established with the earlier outline planning permission.

It provides a substantial setback from the Public Right of Way along the western edge – with an area of public open space no less than 29 metres wide (10% of the overall site). This area also provides a gated 54 space car park to serve the adjoining community facilities to the west – a public benefit.

A 3 metre wide ‘landscape buffer’ is proposed along the site’s northern boundary with the green wedge (CLLP LP22) / Settlement Break (DNP policy 11). It has been enquired of the developer whether a 5 metre wide buffer could be achieved. The applicant has responded saying:

“we must look at it from the future purchasers point, in particular its longevity and future maintenance. Whilst we have strived to control similar situations where a landscaped strip is provided by covenant in the property transfers, unless it is controlled by a management company

and outside the curtilages of the property , then it very quickly becomes neglected”

The Dunholme Character Assessment breaks Dunholme down into 10 distinct Character Areas. Adjoining the site to the east is ‘Allwood’ and to the south ‘Merleswen’.

Allwood *“has a grid-like layout which is unique to the village, with housing being arranged under the periphery block principle, whereby building frontages face onto the public realm and street, the backs of buildings face onto each other, and private space, in this case individual back gardens, are accommodated in between.”* Positive characteristics include *“Well-defined streets with a coherent, permeable layout”* and *“Consistent approach to materials and architectural styles between buildings.”* Tennyson House is identified as a negative feature, *“out of keeping with the rest of the area due to its excessively imposing scale and bulk.”*

Merleswen is of a very different character – described as being *“occupied exclusively by residential properties, most of which were constructed through the 1960’s and early 1970’s,”* *“both Merleswen and the various cul-de-sacs which latch onto it are lined on either side by single-storey, detached bungalows, with The Granthams, which also hosts a number of two-storey properties, being the only exception.”* Positive characteristics are described as *“Simple open plan character throughout makes for a spacious townscape”* and *“consistent scale of development and housing typology makes for a very coherent and unified piece of townscape.”*

To the east, a unique grid layout, to the south a very uniform bungalow development. It is considered that the proposed development would be located between two very different housing layouts and styles and that this gives freedom to derive its own character area.

Although predominantly two storey detached dwellings, a variety of house types are proposed. Buildings will be finished in buff brickwork, render and a combination of brick and render.

The layout indicates care has been taken to ensure the dwellings are so arranged as to enclose and overlook public open space and key junctions in the development.

The development is deemed to comply with CLLP policy LP26 and DNP policy 5.

Lincolnshire Police consider the development offers *“in general a good site layout which makes effective use of a cul-de-sac design which has been proven to help reduce the opportunity for crime and generate a good sense of community.”*

It is however noted that, by orientating plots 11 & 12 to overlook the open space, they are accessed both by car and foot, primarily from the rear of the

property. The applicant has stated that they are willing to reconfigure the plots to enable improved access to the front of the properties. However, revised plans have not been provided.

c) *Housing Mix and Provision*

CLLP policy LP10 requires that:

“Developers are expected to provide housing solutions that contribute to meeting the housing needs of the housing market area, as identified in the latest Strategic Housing Market Assessment (SHMA) and in any other appropriate local evidence. This means new residential development should maintain, provide or contribute to a mix of housing tenures, types and sizes to help support the creation of mixed, balanced and inclusive communities.”

Along similar lines, DNP policy 2 states that

“Proposals for residential dwellings should provide an appropriate type and mix of units, including styles and sizes that help address the needs of the community as required within the most up-to-date Housing Needs Assessment.”

Appendix 1 of the DNP refers to a lack of appropriate sized houses as a social problem, citing evidence that:

“21.3% of those residing in the village are retired, many still living in large 3 or 4 bedroom houses. The main requirement is for smaller accommodation for elderly villagers wishing to downsize and also for young families. The Dunholme Parish survey (2014) identified that the size and design of future housing remains a major concern.”

The most recent Strategic Housing Market Assessment (July 2015)⁴ concludes that:

“The analysis of housing need by size suggests that there is a need for property of all sizes in Central Lincolnshire... The greatest requirement under all of the scenarios, however, is for property of between 50 and 89 sqm, which generally relates to 2 or 3 bedroom flats, mews or semi-detached homes. In the context of the HMA as a whole having a comparatively high representation of detached properties this suggests the need for new stock to contribute positively to the overall balance through the provision of smaller family sized housing. This, however, will need to be balanced against the provision of all types and sizes of housing.

The housing mix presented can be summarised as follows:

⁴ Document E003 is available here: <https://www.n-kesteven.gov.uk/central-lincolnshire/planning-policy-library/>

	Detached	Semi-detached	Terraced	Bungalow	Flat	Total
4-bed	44	0	0	0	0	44 (69%)
3-bed	0	2	6	0	0	8 (13%)
2-bed	0	0	6	0	0	6 (9%)
1-bed	0	0	0	2	4	6 (9%)
Total	44 (69%)	2 (3%)	12 (19%)	2 (3%)	4 (6%)	64 (100%)

It has been put to the applicant that the housing mix appears to be somewhat heavily stacked in favour of detached four-bedroom properties, and enquired as to would they consider incorporating a greater number of smaller family homes.

In response the applicant refers to the indicative housing mix presented in the outline permission as having set a precedent, and reference to the developer's site at Faldingworth "which has robustly demonstrated the demand for this type of housing".

This is not altogether convincing – the outline permission predates CLLP policy LP10 and DNP policy 2, and in any event, was only in outline. Detailed matters of scale – which would establish the housing mix – were reserved for subsequent approval. Whilst the developer may be able to (although hasn't) demonstrate demand for 4 bedroom detached houses, this doesn't address whether a greater number of smaller family homes on the site would still be viable.

The applicant does put forward that there is variety in the size of the four bedroom homes which range in size from 109.72sqm to 175.42sqm in floor area.

Overall, it is considered that the development would employ some variation in housetypes and tenures. Whilst this is considered to be unbalanced in favour of four-bedroom detached properties, and misses the opportunity to provide for some smaller family homes, the SHMA does recognise a need for properties of all sizes in Central Lincolnshire.

It is considered that the housing mix is not so unbalanced that it would undermine the ability to create "*mixed, balanced and inclusive communities*", as is required by CLLP LP10 and the NPPF (paragraph 50).

d) Affordable Housing

The CLLP (paragraph 4.5.2) recognises a need for 17,400 affordable homes between 2012-2036. CLLP policy LP11 sets out a requirement within the Lincoln Strategy Area (which includes Dunholme), for 25% of the dwellings to be affordable.

DNP policy 2 states that *“Proposals should also, where possible, contribute to the provision of affordable housing as detailed within the most up-to-date Local Development Plan.”*

The development achieves the policy requirement with 16 dwellings (25%) on site offered as affordable dwellings.

	Open Market	Affordable	Total
4-bed	44	0	44 (69%)
3-bed	2	6	8 (13%)
2-bed	2	4	6 (9%)
1-bed	0	6	6 (9%)
Total	48 (75%)	16 (25%)	64

Policy LP11 does require that *“Affordable housing should integrate seamlessly into the site layout amongst the private housing.”* The application fails to achieve this with all of the affordable housing concentrated into the north-eastern corner (plot’s 13 to 28).”

The applicant again claims that such a layout was established by the indicative layout given with the earlier outline permission. This claim is however dismissed – layout was a reserved matter at that time, and in any event that permission predates policy LP11.

Pressed further the applicant has responded that:

“Registered Housing Providers prefer for logistical reasons of management and maintenance to have their dwellings in close proximity. The layout and position therefore meets with their preferred arrangements. For a small development such as this, I am unable to understand how seamless integration can be achieved or would aid layout.”

However, the applicant has not provided details of any Registered Housing provider or evidence that would substantiate the claim being made.

It is concluded that the development would run contrary to this aspect of policy LP11.

e) Flood Risk and Drainage

The site lies within flood zone 1 (low probability) and is allocated in the Development Plan. It therefore accords with the sequential test towards directing development to those areas at lower risk of flooding as is required by CLLP policy LP14 and the NPPF (paragraph 100 onwards).

CLLP policy LP14 states that developers should demonstrate *“that they have incorporated Sustainable Drainage Systems (SuDS) in to the proposals unless they can be shown to be impractical.”*

National Planning Practice Guidance ([Paragraph: 079 Reference ID: 7-079-20150415](#)) advises “*when considering major development.. sustainable drainage systems should be provided unless demonstrated to be inappropriate.*”

National Guidance advises:

Generally, the aim should be to discharge surface run off as high up the following hierarchy of drainage options as reasonably practicable:

- 1. into the ground (infiltration);*
- 2. to a surface water body;*
- 3. to a surface water sewer, highway drain, or another drainage system;*
- 4. to a combined sewer.*

A Drainage Statement has been submitted with the application. It advises that formal soil infiltration testing has not yet been undertaken, however trial pits undertaken in 2014 “*confirm that the test holes excavated to a depth of 1.0m did not give results suitable for soakaway structures at that depth due to there being no infiltration and a water ingress at depth 1.0m below ground level.*”

This would appear to be corroborated by comments made by residents, some of whom have stated that the site is prone to standing water following periods of rainfall.

The Statement advises that based on these findings, there are no proposals for any of the impermeable areas of the development to discharge by infiltration.

It advises that “*There is a small, approximately 1.0m deep, ditch to the very west of the site however its level is such that a gravity surface water solution to this point is not achievable. Also, this ditch connects into the Anglian Water Services Ltd 450mm diameter surface water sewer in the northern verge of Honeyholes Lane flowing from west to east. There are no proposals for any of the impermeable areas of the development to discharge to watercourse due to these reasons.*”

Instead, a schematic concept proposal is to use under-drained swales to convey surface water from impermeable areas to an online balancing pond on the south-eastern corner. The pond will be wet (maximum 600mm depth) under normal conditions.

A Hydrobrake Optimum flow control device would then attenuate flows down to the permitted discharge rates (for 1 year (4.2l/s), 30 year (4.2l/s) and up to the 1 in 100 year plus 30% climate change standard (5.0l/s)), into the 450mm diameter surface water sewer in Honeyholes Lane. It advises that all proposed discharges are significantly less than the green field values.

The Statement anticipates that the surface water system including the under-drain to the swales to its point of attenuated discharge to the outfall to the existing surface water sewer will be included in a section 104 adoption

agreement with Anglian Water Services Ltd. It anticipates that the grassed surface part of the swales will be included in a section 38 adoption agreement with Lincolnshire County Council. It anticipates that the balancing pond will either be included in the Public Open Space area or adopted by a Management Company Ltd.

Anglian Water consider the Drainage Statement is unacceptable – because it does not provide the evidence to show the surface water hierarchy has been followed – such as the trial pit logs from the infiltration tests and investigations into discharging into the watercourse.

This is noted, along with the Drainage Statement acknowledging the drainage scheme is a schematic concept. Accordingly, as per Anglian Waters advice, it is recommended that a planning condition is applied to secure details of the final surface water drainage scheme.

For foul water, It is anticipated that a gravity foul water solution will be achievable and the network of foul sewers will be included in a section 104 agreement with Anglian Water Services Ltd to ensure the foul water infrastructure can be monitored and maintained to ensure it will continue to function correctly for the lifetime of the development.

Anglian Water confirm the sewerage system at present has available capacity for these flows and the foul drainage from this development is in the catchment of Dunholme Water Recycling Centre that will have available capacity for these flows.

f) Highway safety and access

CLLP policy LP13 states that *“Development proposals which contribute towards an efficient and safe transport network that offers a range of transport choices for the movement of people and goods will be supported.”* It goes on to state *“Any development that has severe transport implications will not be granted planning permission unless deliverable mitigation measures have been identified, and arrangements secured for their implementation, which will make the development acceptable in transport terms.”*

The DNP does not have a specific relevant policy in this regard, but a key principle (paragraph 8.3) is *“Seeking to ensure that all new developments are located and designed to operate effectively within the local highway network and do not detrimentally affect the free and safe flow of traffic on the network.”*

The NPPF makes clear – *“Development should only be prevented or refused on transport grounds where the residual cumulative impacts of development are severe.”*

Site access would be taken directly from Honeyholes Lane and follows that indicated with the earlier outline planning permission. Access was a reserved matter at that time, but the principle of safe access has already been established.

The applicant has not supplied a Transport Statement. Nonetheless, it is an allocated site for *'indicatively/approximately'* 49 dwellings, with outline planning permission for such numbers (and sports facilities) having only just expired. Logically, access would always be taken from Honeyholes Lane.

It is noted that the Parish Council are concerned whether the development would accord with the DNP's principle.

At the time of writing, the Local Highways Authority have not made any formal comments on the application. In dialogue with the case officer, at no times have they raised any concern with the increase in housing numbers.

It is considered highly unlikely that the addition of a further 15 dwellings would be crossing the tipping point towards having a severe highways impact. Also, the granted outline permission did include provision for a 'sports facility' which no longer form part of this application.

The Parish Council have questioned whether adequate parking provision is being made. The Local Highways Authority has questioned, informally, whether 1 space per dwelling at plots 13-26 (the affordable housing units) is adequate.

The CLLP does not set out any parking standards and states "each proposal will be considered on a case by case basis" (paragraph 4.7.10). The DNP does not set out any parking standards – policy 4 does require developments to ensure *"that car parking is positioned and designed to have minimal impact on the street scene."*

For the large part, the development makes ample car parking provision – the properties have garages and parking surfaces provided. It is noted that only 1 space per plots 13-26 are provided. However, the layout would allow for additional visitor spaces if required (at the expense of soft landscaping). It should also be considered that the development does propose a dedicated 54 space car parking area.

CLLP policy LP10 places a new requirement that *"to cater for the needs of less mobile occupants, including older people and disabled people, and to deliver dwellings which are capable of meeting peoples' changing circumstances over their lifetime"* proposals must deliver housing which meets the higher access standards of Part M Building Regulations (Access to and use of buildings) by delivering 30% of dwellings to M4(2) of the Building Regulations, unless the characteristics of the site provide exceptional reasons for delivery of such dwellings to be inappropriate or impractical.

The applicant confirms that 15% of the proposed dwellings presently meet M4(2) and they are amenable to providing the 30% policy requirement. This can be secured by planning condition.

g) Infrastructure

CLLP policy LP12 states that *“Planning Permission will only be granted if it can be demonstrated that there is, or will be, sufficient infrastructure capacity to support and meet all the necessary requirements arising from the proposed development.”*

Heads of Terms for a S106 planning agreement have been submitted with the application.

This includes making capital contributions towards health and education infrastructure in order to accommodate the development.

It also includes measures to make a contribution towards highways, and to deliver and manage those areas of public open space.

Despite being consulted, neither LCC Education nor NHS England have commented on the application. Nonetheless, local contributions were required (and secured by S106 agreement) with the earlier outline permission. Such contributions are therefore considered still to be necessary (in the absence of any guidance to the contrary).

The previous permission included a contribution towards improving the highway junction onto the A46. The Local Highways Authority has advised this is still relevant, and it would comply with DNP policy 16.

Other matters

The previous outline permission included provision for a new sports facility. This is absent from this latest application – but is not a requirement in either the CLLP or DNP.

A neighbour has queried how the footpath to the rear of Tennyson Drive (eastern edge of the site) will be affected. Whilst it was noted on site that there is evidence of this being well-trodden, this is not a designated Public Right of Way.

Some neighbours have raised concerns that they will lose their view across the site – loss of view is not a material planning consideration.

A resident on the south side of Honeyholes Lane has raised concerns that their properties will be overlooked from introducing first floor windows on the north side. There will be no less than 30 metres separation between the new and existing properties to the south, with a public road and footway intervening. The existing residents' properties front onto a public highway – it is not considered that the introduction of houses on the opposite side of this public road would have an unduly adverse effect on the amenities presently enjoyed at these properties.

Overall Planning Balance and Conclusions

Planning law requires that applications for planning permission must be determined in accordance with the development plan.

The first part of the NPPF's presumption in favour of sustainable development is to "approv[e] development proposals that accord with the development plan without delay".

The site is allocated for residential development in the development plan.

The plans give an indicative or approximate capacity of 49 dwellings – it is not a maximum cap. However, this number is derived from an earlier outline permission (which had included a sports facility). Applying the Local Plan's standard formula for an indicative capacity would give a greater number than the 64 dwellings now sought.

It is not considered that the proposal would amount to over-development. Nor is it considered to be out of character or keeping, in view of the very contrasting character areas to the east and south.

It is disappointing that the development does not include a greater number of smaller family homes. Nonetheless, there is some variety in house types and scale and it is not considered to be so unbalanced as to undermine the national and local policy objective of creating "sustainable, inclusive and mixed communities".

The development would deliver a policy compliant 25% of the dwellings as affordable housing – of which there is an identified need across Central Lincolnshire. It is disappointing however that it makes no attempt to "integrate seamlessly into the site layout amongst the private housing" as required by CLLP policy LP11.

The additional number of houses would not be expected to now result in a severe highways impact.

Sustainable surface water drainage should be feasible, subject to securing full details via condition.

Large areas of public open space are provided, along with a car park to assist community facilities adjacent to the site.

It is considered that the proposed development is (largely) compliant with the provisions of the development plan and it is recommended to grant planning permission, subject to a S106 agreement and planning conditions.

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

RECOMMENDED DECISION:

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

- 16 dwellings (25%) on site delivered as affordable housing;
- Capital contribution to be used towards local education provision to accommodate the development;
- Capital contribution to be used towards local healthcare provision to accommodate the development;
- Capital contribution to be used towards local highways network to accommodate the development;
- Provisions to deliver and ensure the ongoing maintenance of landscaping and public open space (including the proposed car park).

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

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

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

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

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

2. No development shall take place, until a Construction Method Statement has been submitted to, and approved in writing by, the local planning authority. The approved Statement shall be adhered to throughout the construction period. The Statement shall provide for:
 - (i) the routeing and management of construction traffic;
 - (ii) the parking of vehicles of site operatives and visitors;
 - (iii) loading and unloading of plant and materials;

- (iv) storage of plant and materials used in constructing the development;
- (v) the erection and maintenance of security hoarding including decorative displays and facilities for public viewing, where appropriate;
- (vi) wheel cleaning facilities;
- (vii) measures to control the emission of dust and dirt during construction;
- (viii) details of noise reduction measures;
- (ix) a scheme for recycling/disposing of waste resulting from demolition and construction works;
- (x) the hours during which machinery may be operated, vehicles may enter and leave, and works may be carried out on the site;
- (xi) Measures for tree and hedgerow protection.

Reason: In the interests of amenity and in accordance with policy LP26 of the Central Lincolnshire Local Plan.

3. Notwithstanding **condition 5**, no development shall take place until details have been submitted to demonstrate that at least 30% of the total number of dwellings meet the required standards set out in Part M4(2) of the Building Regulations 2010 and have been agreed in writing with the local planning authority. Development shall thereafter proceed in accordance with the agreed details.

Reason: To ensure the development meets the requirements for accessibility set out in Part M4(2) of the of the Building Regulations 2010 in accordance with policy LP10 of the Central Lincolnshire Local Plan.

4. No development shall take place until details of all external and roofing materials to be used have been submitted to and approved in writing by the Local Planning Authority and the development shall only be carried out using the agreed materials.

Reason: To safeguard the character and appearance of the buildings and its surroundings and ensure the proposal uses materials and components that have a low environmental impact in accordance with in accordance with policy LP26 of the Central Lincolnshire Local Plan and policy 4 of the Dunholme Neighbourhood Plan.

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

5. With the exception of the detailed matters referred to by the conditions of this consent, the development hereby approved shall be carried out in accordance with the following drawings:
 - 178/002B – Proposed Site Layout;
 - 178/004 – Proposed Site Layout Landscaping Plan
 - 178/005 – Proposed Site Layout Material Plan

178/027 – Location Plan
 178/101A – Proposed Plans and Elevations – dH418
 178/102 – Proposed Plans and Elevations – dH418
 178/103A – Proposed Plans and Elevations – dH418
 178/104 – Proposed Plans and Elevations – dH417
 178/105 – Proposed Plans and Elevations – dH407
 178/106A – Proposed Plans and Elevations – dH414
 178/107 – Proposed Plans and Elevations – dH413
 178/108A – Proposed Plans and Elevations – dH409
 178/109 – Proposed Plans and Elevations – dH408
 178/110A – Proposed Plans and Elevations – dH404
 178/111A – Proposed Plans and Elevations – dH403
 178/112A – Proposed Plans and Elevations – dH403
 178/113 – Proposed Plans and Elevations – dH403
 178/114A – Proposed Plans and Elevations – dH402
 178/115 – Proposed Plans and Elevations – dH402
 178/116 – Proposed Plans and Elevations – dH401
 178/117 – Proposed Plans and Elevations – sH330
 178/118A – Proposed Plans and Elevations – sB102
 178/119 – Proposed Plans and Elevations – sF110
 178/120 – Proposed Plans and Elevations – tH330 202 201 and 323W
 178/121 – Proposed Plans and Elevations – tH319 202 201 320
 178/150 – Proposed Plans and Elevations – Garages
 J1355 SK18B - Public Open Space and Parking Layout

The works shall be carried out in accordance with the details shown on the approved plans and in any other approved documents forming part of the application.

Reason: To ensure the development proceeds in accordance with the approved plans and to accord with policy LP26 of the Central Lincolnshire Local Plan.

6. No drainage works shall commence until a surface water management strategy has been submitted to and approved in writing by the Local Planning Authority. No hard-standing areas to be constructed until the works have been carried out in accordance with the surface water strategy so approved by the Local Planning Authority.

Reason: As per the advice of the water company and to prevent environmental and amenity problems arising from flooding, to accord with policy LP14 of the Central Lincolnshire Local Plan.

7. No works shall take place involving the demolition of any existing buildings or the loss of any hedgerow, tree or shrub other than outside the bird nesting season (1st March to 31st August), unless a nesting bird survey has been undertaken by a suitably qualified person who has confirmed in writing to the Local Planning Authority that there are no active nests present.

Reason: To protect biodiversity in accordance with the recommendations of the Preliminary Ecological Survey and in

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

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

8. No dwelling hereby permitted shall be occupied until a Travel Plan has been submitted and approved in writing by the Local Planning Authority. The development shall thereafter be implemented in accordance with the approved details.

Reason: In order to maximise the sustainability of the development in accordance with policy LP13 of the Central Lincolnshire Local Plan and paragraph 36 of the National Planning Policy Framework.

9. Before each dwelling is occupied the roads and/or footways providing access to that dwelling, for the whole of its frontage, from an existing public highway, shall be constructed to a specification to enable them to be adopted as Highways Maintainable at the Public Expense, less the carriageway and footway surface courses. The carriageway and footway surface courses shall be completed within three months from the date upon which the erection is commenced of the penultimate dwelling (or other development as specified).

Reason: To ensure safe access to the site and each dwelling in the interests of residential amenity, convenience and safety, in accordance with policy LP13 of the Central Lincolnshire Local Plan and the National Planning Policy Framework.

10. All planting, seeding or turfing comprised in the approved details of landscaping (drawing 178/004) shall be carried out in the first planting and seeding season 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, unless the Local Planning Authority gives written consent to any variation.

Reason: To ensure that an approved landscaping scheme is implemented in a speedy and diligent way and that initial plant losses are overcome, in the interests of the visual amenities of the locality (and occupiers of adjacent buildings – where appropriate) and in accordance with policies LP17, LP20, LP24 and LP26 of the Central Lincolnshire Local Plan.



Planning Committee

31 May 2017

Subject: Determination of Planning Appeals

Report by:

Chief Operating Officer

Contact Officer:

Mark Sturgess
Chief Operating Officer
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

Appendix A - Summary

- i) Appeal by Mr Paul Smith against the decision of West Lindsey District Council to refuse planning permission for outline application to erect a single 4 bedroom dwelling with additional upper floor home office space on land south of Cheriton, Mill Lane, Osgodby.

Appeal Allowed - See copy letter attached as Appendix Bi.

Officer Decision – Refuse permission

Appeal Decision

Site visit made on 11 April 2017

by Claire Searson MSc PGDip BSc (Hons) MRTPI IHBC

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

Decision date: 11th May 2017

Appeal Ref: APP/N2535/W/17/3168283

Land south of Cheriton, Mill Lane, Osgodby, Market Rasen, LN8 3TB

- 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 Paul Smith against the decision of West Lindsey District Council.
 - The application Ref 135432, dated 6 November 2016, was refused by notice dated 29 December 2016.
 - The development proposed is outline application to erect a single 4 bedroom dwelling with additional upper floor home office space.
-

Decision

1. The appeal is allowed and outline planning permission is granted for a single 4 bedroom dwelling with additional upper floor home office space at Land south of Cheriton, Mill Lane, Osgodby, Market Rasen, LN8 3TB in accordance with the terms of the application, Ref 135432, dated 6 November 2016, subject to the following conditions:
 - 1) Details of the access, appearance, landscaping, layout, and scale, (hereinafter called "the reserved matters") shall be submitted to and approved in writing by the local planning authority before any development takes place and the development shall be carried out as approved.
 - 2) Application for approval of the reserved matters shall be made to the local planning authority not later than three years from the date of this permission.
 - 3) The development hereby permitted shall take place not later than two years from the date of approval of the last of the reserved matters to be approved.
 - 4) No development shall take place until a scheme for the disposal of foul and surface waters have been submitted to and approved in writing by the Local Planning Authority. The development shall only be carried out in accordance with the approved details.

Procedural Matters

2. The application is in outline with all matters reserved. I have taken the site address as specified in the appeal form and on the Council's decision notice, as this is more precise than the address given in the original application form.
3. Following the refusal of the original application, the Council formally adopted the Central Lincolnshire Local Plan (LP) on 24 April 2017. In their decision notice the Council quoted Saved Policies STRAT1 and STRAT2 of the West

Lindsey Local Plan (First Review). The Council have since confirmed that these policies have now been superseded by policies LP2 and LP55 of the newly adopted LP. The appellant is aware of the change and therefore no party is prejudiced by my determining of the appeal against LP policies LP2 and LP55 as the adopted development plan, as well as the National Planning Policy Framework (the Framework).

4. It is understood that a Neighbourhood Plan for Osgodby is in development. However, this is in a very early stage with no specific draft document including policies or sites being published as yet. Accordingly, this limits the weight to which I can attach to this.

Main Issue

5. The main issue is whether the proposal would provide an appropriate location for housing development having regard to national and local policy.

Reasons

6. The appeal site forms part of an open field. To the north are stables and a livery yard. The site is bounded by a mature hedgerow along Mill Lane. There is a substantial oak tree to the south eastern corner of the site, adjacent to an existing field gate which provides access into the site.
7. The surrounding area comprises of open fields and small pockets of residential development. To the north are a number of residential dwellings, including Cheriton and playing fields and a village hall.
8. Policy LP2 of the LP identifies Osgodby as a small village whereby small scale development of a limited nature in appropriate locations. 'Appropriate locations' are defined by the policy as a location which does not conflict with national policy or LP policy and where it would retain the core shape and form of the settlement, would not significantly harm the settlement's character and appearance; and would not significantly harm the character and appearance of the surrounding countryside or the rural setting of the settlement. This policy also identifies the countryside where development is restricted to specific types.
9. The Council considers that the site is separate from the main built footprint of Osgodby and as such is considered to be in a countryside location under LP2. Policy LP55 states that new dwellings within the countryside will only be acceptable where they are essential to the effective operation of rural operations listed in Policy LP2. As a site which would not meet these policy requirements the Council submits that the site is in an unsustainable location where occupants would have a heavy reliance on a car to access employment, shops and other services and facilities.
10. As stated in paragraph 3.2.5 of the supporting text, there are no defined settlement boundaries around any settlements in the LP. Accordingly, the matter hinges on, whether or not the site could reasonably be considered to form part of the settlement, in accordance with LP Policy LP2.
11. The appeal site is located in an area of the village where there is a transition between the settlement core and the more sporadic developments, including Nos 5 & 6 Mill Lane and Field House Farm to the south. It is clear that the appeal site is not within the main built up part of Osgodby, however I find that

- it is located on the edge of the settlement, adjacent to higher density dwellings and structures, which begins at Cheriton, to the north of the appeal site.
12. I also find that the site is in reasonable proximity to services and facilities available within Osgodby, including the village hall and playing fields to the north west of the site and in this regard I do not consider that the site would be isolated.
 13. Furthermore, while the site access would be from a stretch of road which is at the national speed limit, this is restricted to 30mph to the north of the appeal site, approximately in line with the boundary with Cheriton and the playing fields. Mill Lane is also a single track rural road which is lightly trafficked. The conditions are as such that I do not therefore consider that it would restrict future occupants of the dwelling in walking or cycling to these village services.
 14. While services and facilities in Osgodby are limited and there will be some reliance on private car to access facilities within the higher order settlements, small scale development is permitted under Policy LP2, reflecting the rural nature of the District and the need to serve such communities through appropriate levels of growth.
 15. Moreover, I am mindful that the Council does not consider that, subject to appropriate design (including consideration of the height of the dwelling) and tree protection measures, the erection of a dwelling in this location would not have a significant impact on the character and appearance of the open countryside. Thus, I am content that, in principle, the policy tests with regard to the site being located in an 'appropriate location' as defined under Policy LP2, would be satisfied, subject to further deliberation as part of any reserved matters application. Accordingly, Policy LP55 would also not be applicable.
 16. Overall, I consider that the location of the proposed development would constitute sustainable rural development in accordance with LP Policy LP2. I also find no conflict with paragraphs 34 and 55 of the Framework. These seek to maintain the vitality of rural communities while minimising the need to travel, where possible, in rural areas.

Conditions

17. I have attached conditions setting out the requirements for reserved matters approval, in accordance with the requirements of the Act. A condition for the disposal of foul and surface water is necessary to ensure that there are no significant adverse impacts upon the living conditions of local residents. Due to the nature of the work involved, it is essential that this is a pre-commencement condition.
18. I do not, however, consider that conditions or informative in respect of tree protection and noise mitigation are necessary. The imposition of such conditions would be contrary to the flexibility provided by the outline nature of the application with access, appearance and layout as reserved matters and therefore should not be considered at this stage.

Conclusion

19. For the reasons I have given, and taking into account all other matters raised, the appeal should succeed.

C Searson INSPECTOR