

AGENDA

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

Planning Committee

Wednesday, 27th June, 2018 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 Michael Devine
- Councillor Hugo Marfleet
- Councillor Giles McNeill
- Councillor Mrs Jessie Milne
- Councillor Roger Patterson
- Councillor Mrs Judy Rainsforth
- Councillor Thomas Smith
- Councillor Robert Waller

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 3 - 14)

- i) Meeting of the Planning Committee held on 30 May 2018, 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

a) 137443 Moat Farm (PAGES 15 - 32)

b) 136962 Lea Crematorium (PAGES 33 - 59)

7. Determination of Appeals (PAGES 60 - 80)

- 136184 – Land off Brook Street, Hemswell
- 136245 – Land adjacent to 25b Church Road, Stow
- 136083 – Land adjacent to St Helens View, High Street, Willingham by Stow
- 136466 – Mantex, Thonock Road, Wharton

Mark Sturgess
Head of Paid Service
The Guildhall
Gainsborough

Tuesday, 19 June 2018

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 30 May 2018 commencing at 6.30 pm.

Present: Councillor Ian Fleetwood (Chairman)
Councillor Owen Bierley (Vice-Chairman)

Councillor David Cotton
Councillor Michael Devine
Councillor Hugo Marfleet
Councillor Giles McNeill
Councillor Mrs Jessie Milne
Councillor Roger Patterson
Councillor Mrs Judy Rainsforth
Councillor Robert Waller

In Attendance:

Martha Rees	Legal Advisor
Oliver Fytche-Taylor	Planning & Development Manager
Russell Clarkson	Development Management Team Leader
Jonathan Cadd	Principal Development Management Officer
Martin Evans	Senior Development Management Officer
Diane Krochmal	Housing Strategy & Supply Manager
Ele Durrant	Democratic and Civic Officer

Apologies: Councillor Tom Smith

Also Present: 14 members of the public

5 CHAIRMAN'S WELCOME

The Chairman opened the meeting by welcoming all those present and any who may be watching the live webcast. He explained the procedure for the meeting and informed all present of the relevant housekeeping details.

6 PUBLIC PARTICIPATION PERIOD

There was no public participation at this point of the meeting.

7 MEETING OF THE PLANNING COMMITTEE HELD ON 2 MAY 2018

Meeting of the Planning Committee held on 2 May 2018.

RESOLVED that the Minutes of the meeting of the Planning Committee held on 2 May 2018 be confirmed and signed as a correct record.

8 MEETING OF THE PLANNING COMMITTEE HELD ON 14 MAY 2018 (AT THE CONCLUSION OF ANNUAL COUNCIL)

Meeting of the Planning Committee held on 14 May 2018 at the conclusion of Annual Council.

RESOLVED that the Minutes of the meeting of the Planning Committee held on 14 May 2018 be confirmed and signed as a correct record.

9 DECLARATIONS OF INTEREST

Councillor David Cotton commented that the applicant for planning application 137697 (agenda item 6(b)) was an elected Member of council and therefore, for transparency, this should be declared for all Members of the Planning Committee.

10 UPDATE ON GOVERNMENT/LOCAL CHANGES IN PLANNING POLICY

The Development Management Team Leader advised Committee that both the Great Limber and Osgodby Neighbourhood Plans had a majority vote in favour of their Plan at recent referendums held on Thursday 24th May. These neighbourhood plans would come into force as part of the statutory development plan once approved at Full Council.

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/>

Great Limber NP: <https://www.west-lindsey.gov.uk/my-services/planning-and-building/neighbourhood-planning/all-neighbourhood-plans-in-west-lindsey/great-limber-neighbourhood-plan/>

Osgodby NP: <https://www.west-lindsey.gov.uk/my-services/planning-and-building/neighbourhood-planning/all-neighbourhood-plans-in-west-lindsey/osgodby-neighbourhood-plan/>

11 PLANNING APPLICATIONS FOR DETERMINATION

RESOLVED that the applications detailed in agenda item 6 be dealt with as follows:-

12 137531 - 40 LODGE LANE, NETTLEHAM

The Chairman introduced the first of the applications to be considered by Committee and stated there were two speakers registered. He explained the process for hearing the application and invited the Development Management Team Leader to present the item to Committee.

The Development Management Team Leader advised Committee that in relation to application 137381 (referenced in the report), this had been determined on 25 May 2018. He explained that the condition that had required a footway across the entire frontage of the allocated site had been removed and that condition 15 now only required that they provided a footpath north to the village. Consequently, they were no longer required to provide a footpath within Lodge Lane that would have connected to the application site at 40 Lodge Lane (application 137531).

He added that the applicant had written to advise that, 'whilst they were intending to market these properties to retirees / older persons from Nettleham Village, they realised that some of the properties would be suitable for wheelchair users. Therefore they would prefer not to have a planning obligation to market the properties solely to those over 55 however, if WLDC and/or the Planning Committee saw that an Over 55's development would be the difference between being exceptional and not, then they would be agreeable to secure by a planning obligation'.

It was also explained to Committee that 40% of the parish were over 60 years of age where the average across West Lindsey was 29.1% and that the Nettleham Local Plan had allowed for provision of older adult accommodation. He detailed other allocated sites in the neighbourhood area which would provide some, albeit not all, of the identified needed homes. This included a dedicated site (site CL4663/D) for older persons. He concluded with the addition to the Officer recommendation that "dedicated provision of higher accessible homes for older persons, for which there is an identified need, would be a benefit of development. However, releasing an unallocated site outside the development footprint (now without a footpath link) would undermine those accessibility credentials and would not result in "exceptional circumstances".

The Chairman invited the first speaker to address Committee. He introduced himself as Mr Steve Gelder, speaking in favour of the application, as the applicant. He explained to Committee that he had been perplexed by the objections from the Parish Council as they had been consulted, their discussions had been minuted and he had understood they were remaining neutral. He had also thought they had the support of the Planning Officer and had been surprised to see the recommendation on the report. Mr Gelder stated that this was a planning application with integrity, that there was a distance of only 100m to the doctors' surgery and 200m to the local store. He stated this was an easily accessible site and they had received letters of support from neighbouring properties and the local rugby club. He further added that the under construction residential site was now almost completed and therefore the proposed development would now arguably constitute infill. Mr Gelder stated that they would be providing 100% higher accessible bungalows (above policy) as well as 100m of public footpath to connect the development with local amenities and social areas. He asked Committee to consider what be accepted as 'exceptional' and questioned what more they could do in order for the application to be granted.

The Committee were then addressed by the second speaker, Councillor John Evans of

Nettleham Parish Council. He explained he had been involved in the development of the Nettleham Neighbourhood Plan and that the Parish Council could not support the planned development as it was not an allocated plot in either the Nettleham Neighbourhood Plan or the Lincolnshire Local Plan. He stated the site constituted build into the countryside and that it was questionable whether the development could be considered sustainable. Councillor Evans stated that there were three sites already agreed for development and as such, it was not possible to say that the additional seven home within this application were necessary. Councillor Evans concluded by highlighting that the proposed development contradicted the Neighbourhood Plan and so should not be agreed.

There were no further comments from the Development Management Team Leader and so the Chairman invited discussion from Committee Members. There was significant discussion regarding the lack of single storey accommodation in the district, the importance of providing easily accessible homes but also the relevance of Neighbourhood Plans.

Members gave consideration to the location of the site and whether it would be considered 'land adjacent to' or 'infill'. It was commented that by agreeing the application the footprint of the village could be fundamentally changed and Members questioned whether this could, or should, be done against the wishes of the village. Members also enquired of the Development Management Team Leader as to the nature of the letter of support Mr Gelder had mentioned in his address to Committee. It was confirmed that a letter from the rugby club had been included in the planning application, not representations received by the council directly.

It was highlighted that the development would be within walking distance of public transport therefore increased car use would not be an issue and a Member of Committee also noted that there was no provision in existing plans for housing as proposed in application 137531 and as such it should be considered exceptional. There was concern that to consider a development of bungalows exceptional enough as to override the Neighbourhood Plan would be to minimise the relevance of the Plan and set a precedence for any Neighbourhood Plan to be disregarded in the future.

It was highlighted by a Member of Committee that discussion appeared to be focussed on the provision of bungalows for the over 55's however the application as it stood was for the dwellings to be sold on the open market, that is to say, not specifically for the over 55's. This was in relation to the accessibility of the bungalows and so as not to discriminate against younger residents who may also need easy-access properties. It was felt that this would not be considered as exceptional and it was necessary to adhere to the Neighbourhood Plan.

The recommendation in the report to refuse the application was proposed, seconded and voted upon and it was therefore agreed that the application be **REFUSED** for the following reasons:

1. The application seeks residential development on a non-allocated site outside of, but immediately adjacent to the developed footprint of Nettleham, a large village. Policy LP2 of the Central Lincolnshire Local Plan seeks that most large village growth to be via sites allocated in the development plan, or appropriate infill, intensification or renewal within the existing developed footprint. It is only in exceptional circumstances that additional growth may be considered in such locations. It is considered that exceptional circumstances have not been demonstrated that may justify additional

growth outside of the developed footprint. Development is therefore contrary to the provisions of the development plan, in particular policy LP2 of the Central Lincolnshire Local Plan.

13 137697 - IVY LODGE, MESSINGHAM ROAD, SCOTTER

The Chairman reiterated, for transparency, that all Committee Members knew the applicant. The Senior Development Management Officer advised Committee that there had been one further objection received. The objector felt the plans for the bungalow were unclear, the proposed dwelling would be overlooking the home and garden of the objector and stated that, with building work underway at another property, there would be a significant loss of open space. The Senior Development Management Officer also advised Committee that Lincolnshire County Councils Historic Environment Officer had noted that medieval and post medieval archaeology was revealed when land to the rear of the White Swan Inn, less than 50m to the east of the application site, was developed. It was therefore likely that similar remains may survive on the application site and it recommended a condition requiring the submission of a scheme of archaeological works. He added that if Committee were to grant planning permission, appropriate conditions would need to be added to the permission to secure this.

The Chairman informed Committee that there was one speaker registered to speak and he reiterated the time limit of five minutes and invited the speaker to take the microphone.

The speaker introduced himself as Mr James Mumby, agent for the applicant. He explained the application was for outline planning only for a three bedroomed bungalow in the grounds of the existing property. He stated that the applicant had been running a bed and breakfast although had now retired from this and wished to downsize into a more accessible home. With respect to the proposal to build in the grounds of the existing property, Mr Mumby highlighted that other sites in the area had done this and it was deemed acceptable in principle. He stated that this would be a single storey dwelling meaning there would be no overlooking windows. It would be accessed by the existing driveway and would not generate any more noise or access issues than the bed and breakfast business had done, he stated there was already sufficient parking on the site. Mr Mumby concluded by asking Committee to support the application.

The Chairman thanked Mr Mumby and enquired of the Senior Development Management Officer whether the application would have come before Committee if the applicant had not been an elected Member of council. The Senior Development Officer confirmed that it would have come to Committee as there were objections received. The Chairman then invited comments from Committee members.

A member of Committee enquired as to the future of the bed and breakfast business and the impact there would be on the area if it were to continue as a bed and breakfast. The Senior Development Management Officer stated that there was no condition as to the cessation of the bed and breakfast however it had been confirmed the business had ceased running.

A member of Committee noted there had been comments from a member of public to the effect that the application was likely to have been agreed already because of the connection with the applicant. It was stated that Committee does not pre-approve any application and

the nature of the application coming before Committee was to be as transparent in decision making as possible.

It was felt by Committee members that building a new dwelling in the grounds of an existing property was not necessarily the best option, for the risk of losing green space, open areas and disruption to surrounding residents. It was acknowledged, however, that there was no reason within planning policy on which to object. The Senior Development Management Officer stated that in relation to the protection of green space, residential gardens were not considered high value areas.

Committee discussed the options for adding conditions to restrict working hours and change the use of gravel for the driveway however it was highlighted that the application was for outline plans only and the details would be provided at a later date. The Senior Development Management Officer confirmed that these conditions could be looked at in subsequent plans.

After further discussion regarding the nature of outline planning applications and the practice of building second dwellings in large gardens, it was moved, seconded and voted upon that permission be **GRANTED** in accordance with the conditions as set out in the report.

14 136604 - BRIGG ROAD, CAISTOR

The Chairman explained this was a resubmission application following refusal of a previous proposal for erection of 69 no. dwellings, access to be considered and not reserved for subsequent applications. The current application sought to address the previous reason for refusal, which was based on insufficient proposals for dealing with drainage of surface water and foul water from the development. The Chairman invited the Principal Development Management Officer to provide any additional information or amendments.

The Principal Development Management Officer explained there had been some revised details to the report and additional information. There had been a letter of support received, which stated the site was complex and the applicants had gone in to great detail to resolve the water issues. There had also been one letter of objection which re-iterated concerns about water drainage, increased traffic levels and increased pressure on the infrastructure. The Principal Development Management Officer added that the Lincolnshire Wildlife Trust had made comments on the application and stated that the plans and reports indicated that their recommendations had been taken into account but that they strongly supported the need for an ecological management plan to be conditioned. They offered to act as a consultee throughout any future works. The Principal Development Management Officer also noted an amendment on page 63 of the report: 1.16 ha of open space should read 0.93ha.

The Chairman advised Committee there was one speaker registered and he invited Mr Mark Hodson to take the microphone.

Mr Hodson addressed Committee, explaining he was the agent for the application and therefore speaking in support of the plans. He thanked all involved with the application for their assistance and willingness to engage in a positive manner. He re-iterated why the application had been refused previously and explained they had been working closely with Anglian Water to put something in place. He added that Anglian Water were happy with, and

supportive of, the proposed plans. Mr Hodson stated that a viability test had demonstrated whilst the full affordable housing contribution could not be afforded there would be a 15% affordable housing contribution, a full primary school education contribution, as well a CIL contribution to reduce the pressures to the infrastructure that had been a concern of the objectors and that the ecological importance of the site had also been taken into consideration for all aspects of the proposal. Mr Hodson acknowledged that Lincolnshire Police had raised concerns regarding the use of car ports on the development however he assured Committee that similar structures had been used for several years on other developments without any adverse effect on crime rates. Mr Hodson brought the attention of Committee Members to photographs of such car ports which he had provided to Officers in order to demonstrate the appearance and construction. He highlighted that the development would help to provide a mix of houses to the area, that the density of houses was below the recommended density and there was also access to a children's play area, the nature area, the market place and such like. He explained there was also a suggestion to extend the speed reduction area.

Note: The Chairman adjourned the meeting at 7.33pm owing to a technical issue with the microphones and projector system.

The meeting recommenced at 7.35pm on the resolution of the technical problems. The Chairman offered his apologies for the pause in proceedings and invited Mr Hodson to continue.

Mr Hodson concluded by extending his thanks once again and to reiterate that the plans in place for dealing with surface and foul water drainage had been developed with Anglian Water, who had also given their support to the proposals.

The Chairman thanked Mr Hodson and noted it had been useful to see examples of the proposed car ports in use on other sites. With no further comments from the Principal Development Management Officer, the Chairman invited discussion from Committee.

A Member of Committee indicated support for the application and the way in which it had been designed. He noted that there was sub-station situated next to the proposed development and enquired whether there was anything that could be done to make it more aesthetically pleasing in line with the new buildings. It was explained that, as neither the council nor the applicant had ownership of the sub-station or the land it sat on, there was nothing that could be enforced in terms of improving the appearance although it may be possible to use an advice note to suggest the developer work with the owner of the sub-station to have it re-clad. Any advice note could not be imposed but would reflect the thoughts of the Committee.

The Vice-Chairman noted that there had been a site visit undertaken in relation to the previously submitted application and that Members had found that very useful. He explained he had several concerns about developing on the site that reflected the concerns voiced in the community. He noted that the site was adjacent to a built up area but that the site had not been developed on over decades. He explained that the site was next to an area known locally as the Waterhills, the boundaries of which had not been defined, and that the long term goal had been to gain enhanced planning protection for the area, including the site of the proposed development. He welcomed the comments from Lincolnshire Wildlife Trust and the Lincolnshire Chalk Streams Project. There were ongoing concerns regarding the

allocation of housing to Caistor within the Central Lincolnshire Plan to be balanced against the importance of protecting ecological sites such as this. It was acknowledged that the applicant had gone into great detail in order to resolve the issues that had been identified previously although the concerns raised locally remained valid.

The Planning and Development Manager addressed some of these concerns by clarifying that the site was adopted in the local plan and was not protected from development. It had been identified as needed to reach housing levels and the development of the site had been positively encouraged in order to meet the evidenced housing need. The previous technical issues with regards to the water drainage had been resolved within the current application. The Principal Development Management Officer noted that the proposal was an outline application supported by an indicative waste water strategy and that Anglian Water were happy with the strategy. He noted that the actual detailed plans would need to be agreed with Anglian Water at a later date and that such works would need to be completed before occupation which would be controlled through a condition requested by Anglian Water. He also explained that there could be conditions regarding the management of flora and fauna on the site although that would be looked at through a reserved matters application.

Members discussed the allocation of the site within the Central Lincolnshire Local Plan and that some of the proposed development would be outside of the allocated site. This was confirmed by Officers however the proportion of houses outside the allocation was not contrary to policy LP2 within the Local Plan and that the topography of the site meant that only a small percentage of any housing would be developed on this part of the site. There were further concerns raised regarding the use of car ports however Officers again advised that as an outline planning application, the details relating to the car parking and therefore car ports could be considered at the reserved matters stage. There was further discussion in relation to traffic concerns and the impact on congestion in the area. The Principal Development Management Officer explained to Committee that the site had been looked at by the Highways Authority on three occasions and by a number of Officers. The required sight lines for a 40mph road could be achieved, it was judged that the road had capacity for increased use and that a junction in this location was safe. It was noted that the Highways Authority did not object to the application.

On the conclusion of discussions the recommendation by Officers was moved, seconded and voted upon. It was **AGREED** 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:-

- The delivery of no less than 15% as affordable housing (70% rented – 30% shared ownership) or equivalent housing contribution if no registered provider can be identified;
- Measures to secure the delivery, and ongoing maintenance and management of public open space, drainage features and ecological areas;
- A capital contribution towards primary education (based on a set formula relating to housing size and numbers).

In addition to the s106 agreement the Community Infrastructure Levy (CIL), is in force and a contribution will be required in accordance with WLDC's regulation 123 list. The exact detail of the contribution will be determined at the reserved matters stage, when floor space can be accurately calculated.

In the event of the s106 not being completed and signed by all parties within 9 months from the date of this Committee, then the application be reported back to the next available Committee meeting following the expiration of the 9 months.

15 137532 - CHURCH LANE, SAXILBY

Note: The Chairman explained Councillor Cotton had offered his apologies for leaving Committee earlier and indicated he was feeling unwell.

The Chairman introduced planning application 137532 for the proposed replacement of the communal building approved under 134583 with the erection of two single storey bungalows and associated works. The Principal Development Management Officer notified Committee that there was an amendment to the report in that the recommendation stated it was subject to Section 106 arrangements however this should have read Section 1 which is also a legal agreement under the Localism Act 2011. The section 1 agreement would ensure affordable housing on the site. S106 agreements will remain the principle type of agreement for planning applications to secure affordable housing but in certain circumstances an s1 allows an applicant to gain funding for such accommodation as in this case.

The Chairman notified Committee there were two registered speakers and reiterated the order of appearance. He then invited the first speaker to the microphone.

Committee was addressed by Councillor Liz Hillman of Saxilby Parish Council who was speaking in opposition to the application. Councillor Hillman explained the impact the removal of the community hub would have on the proposed development and that it would drastically alter the original plans for the site. Councillor Hillman highlighted the risk of social isolation amongst older residents and informed Committee of the higher than average population of older people within the Saxilby area. She explained the percentage of older residents would only increase with time and it was necessary to provide suitable residential areas for this section of the community. She noted that the original plan would have provided not only suitable housing but also the necessary community support to ensure an integrated and prosperous retirement village which would have helped tackle the social issues faced by older generations. She considered that not all the alternative management methods for the facility had been considered which may have allowed the original hub to be retained. Councillor Hillman strongly recommended that the application be refused.

The second speaker, Andrea Brough, introduced herself to the Committee and explained she was representing Acis Group Ltd in support of the application. She explained that Acis had been brought into the scheme following the withdrawal of the original housing provider allowing the scheme to continue to provide the over 55's accommodation. With the involvement of Acis Group Ltd, the specification for the site had been amended due to their business model and that the homes would be provided not only for older people but with a greater affordable housing emphasis as well as open market properties. Ms Brough explained that the costs involved with running the community building, such as staff, utilities, entertainment licences and maintenance, would need to be absorbed by the residents by way of a service charge. On breaking down the average costs involved, and in consideration that the service charge would not be included in any financial assistance provided to those in identified affordable housing options, it was explained that Acis did not consider it was

sustainable to build and run the community hub building as residents would not be in a position to afford a significantly increased service charge. In addition to that, Ms Brough explained that the original plan for the building included two flats above the community hall however there was no lift in the building meaning occupants of the flats had to have certain levels of mobility. By contrast, the proposal was to replace the community building with two bungalows which meant there was no change to the number of homes provided but an increase in the number of accessible properties. Ms Brough concluded by highlighting that it was important for the development to be accessible to all and that people should not be excluded from living there because of associated costs.

The Chairman thanked both speakers and invited the Principal Development Management Officer to offer any further comments. He acknowledged that it was a difficult application for Members to consider. He explained that the original scheme was indicative of a development with facilities however that provider had parted company with the landowner. He highlighted that Acis Group Ltd had stepped in to provide the accommodation but was not in a position to provide the facilities and that without the involvement of Acis, the scheme could have stalled altogether and the over 55's accommodation lost.

Members of Committee engaged in significant discussion regarding the importance of a community hub in such a development. Some Members felt it was imperative to keep the community building within the plans however others felt there were sufficient community facilities within the village to provide the social element to the development. The Principal Development Management Officer highlighted that any determination had to be based on the planning merits of the case. It was significant that the Planning Inspector's Decision Notice made no specific reference to the community hub and neither did the conditions imposed by him. This was a significant consideration particularly as in contrast his conditions did require the provision of 60 over 55's units. There was no option to enforce the provision of the community building and that the recommendation was based on the planning facts of the case. He acknowledged again that it was not an easy situation.

Councillor G. McNeill stated for the record his thanks to Acis for taking on the development project. He further highlighted the importance of a community hub and felt it was important to try all options to manage the building rather than agree to replace it. There was further discussion regarding the importance of a community building to prevent social isolation amongst older residents and the impact the loss of this building would have.

The Legal Advisor reminded Committee that the reasons for objecting to a planning application were required to be based on planning policy and that, based on their discussions, they had not found a contradiction to any policy that would support the refusal of the application.

The Principal Development Management Officer requested that Di Krochmal, Housing Strategy and Supply Manager, be allowed to address Committee to provide context to the housing provision within the proposed development. She explained that under the previous company, the development would have been for 60 retirement dwellings with the community hub. Under the new tenure of Acis, the development would consist of a greater mix of properties either for sale on the open market, allocated as affordable housing or for shared ownership options. It would no longer be a market led scheme but one with greater tenure mix for the over 55 community which would meet a specific need within Central Lincolnshire. She reiterated the options for running a community building would include a service charge

for all residents which would not be realistic for those in affordable housing. It was acknowledged within the Committee that this was a difficult decision.

Councillor G. McNeill proposed and moved an alternative proposal that the application be refused on the basis that the development was contrary to policies: LP10, meeting accommodation needs, highlighting the final paragraph was particularly relevant; LP12, the infrastructure to support growth, which he felt had not been touched on in the officer's report but he felt was material; finally the Saxilby with Ingleby NP policies 1 and 3, with 3 being the specific policy related to the development site and specifying the need for ancillary and additional construction.

There was further discussion between Members as to alternative options for the community building to be constructed. The Principal Development Management Officer confirmed that the overall number of dwellings (individual residential units) on this phase nor overall development would not change, simply that two flats would instead be two bungalows. The overall level of development would still be up to 230 dwellings.

The Vice Chairman declared an interest as the WLDC representative for Age UK West Lindsey and stated that they did all they could to provide support for older citizens. He noted that several Members had focussed on the need for a social building in order to enable older residents to socialise together and commented that the greater benefit to a community is for inter-generational activity. He highlighted that there had to be sufficient scale for such a facility to be viable, regardless of who was to run it, and noted that several authorities had been caused by financial restraints to withdraw registered wardens from sheltered accommodation complexes. He acknowledged that although difficult, that was the current economic environment. He commented that the proposition by Acis appeared to bring many benefits to the local people and community, although it was not an easy option to go for.

At the conclusion of Committee discussions, the Chairman reiterated the moved proposal from Councillor G. McNeill to refuse the application. On being seconded, Committee voted against this proposal but was not agreed.

Having had the original recommendation moved and seconded, the Committee voted for a second time and it was subsequently **AGREED** 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 1 of the Localism Act 2011) pertaining to:

- The delivery of two affordable rented bungalows.

In addition to the s1 agreement the Community Infrastructure Levy (CIL), is in force and a contribution will be required in accordance with WLDC's regulation 123 list. The exact detail of the contribution will be determined at the reserved matters stage, when floor space can be accurately calculated.

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.

16 DETERMINATION OF APPEALS

The Chairman highlighted there were two appeal decisions on this occasion. There were no comments or questions from the Committee.

RESOLVED that the determination of appeals be noted.

The meeting concluded at 9.05 pm.

Chairman

Officers Report

Planning Application No: 137443

PROPOSAL: Planning application for change of use from agricultural steel portal shed to ACU accredited flat track training school with associated parking, landscaping and portakabin/office-resubmission of 136025

LOCATION: Moat Farm High Street Caenby Market Rasen LN8 2EE

WARD: Waddingham and Spital

WARD MEMBER(S): Cllr Summers

APPLICANT NAME: Mr Coles

TARGET DECISION DATE: extension of time agreed to 28/6/2018

DEVELOPMENT TYPE: Change of Use

CASE OFFICER: Martin Evans

RECOMMENDED DECISION: Approve subject to conditions

Description:

This application has been referred to the Committee, as Officers consider it appropriate to do so in view of the interest generated, and third party comments received about the impacts of the existing operation of the use.

Retrospective planning permission is sought for the change of use of an agricultural building for use as an ACU (Auto-Cycle Union) accredited flat track training school with associated parking, landscaping and portakabin/office at Moat Farm, Caenby. The site contains an agricultural building that forms part of a wider farm complex. The site is accessed via a track used by other elements of the farm complex such as the stables. The access meanders between buildings to the subject agricultural building at the far east of the complex.

There is a dwelling known as Moat Farm House to the south, Cliff View (the applicants address) to the north, and Glenthams village is to the north. The wider area is characterised by open countryside/farmland.

Motorbike training currently takes place within the agricultural building and the arising noise is unmitigated.

The application forms state that the proposed opening hours are 10am-5pm Mon-Sat, with no opening on Sunday or Bank Holidays; and that the business employs 2 part time staff.

Environmental Impact Assessment Regulations 2017

The proposal does not need to be screened under the EIA regulations because despite falling within column 1- 11 Other projects- (a) Permanent

racing and test tracks for motorised vehicles, as the area of the development does not exceed the 1 hectare threshold for screening and the site is not within a sensitive area as defined. Development is not therefore 'Schedule 2' development and is not 'EIA Development' for the purpose of the regulations.

Relevant history:

136025 Planning application for change of use from agricultural steel portal shed to ACU accredited flat track training school with associated parking, landscaping and portakabin/office. Refused 2/6/17 for the following reasons;

"1) The submitted noise assessment is not considered to accurately assess the noise and nuisance potentially generated by this development. Notwithstanding these concerns the submitted noise assessment demonstrates that the 'with mitigation' sound levels at Moat House Farm and dwellings in Glentham would be above the acceptance criteria set out by the Council. Combined with the potential frequency of motorbike use and the hours and days applied for, this is likely to be excessive and give rise to justified complaint. It is considered that the proposal would give rise to adverse noise pollution harmful to the amenities which existing residents may reasonably expect to enjoy contrary to Policy LP26 of the Central Lincolnshire Local Plan adopted 24th April 2017.

2) The application fails to demonstrate that there are no suitable or appropriate sites or buildings within allocated sites, planned urban extensions or within the built up area of existing settlements and it has not been demonstrated that such locations are unsuitable for the nature of the proposal and there is no overriding benefit to the local economy. The rural location of the enterprise is not justifiable to maintain or enhance the rural economy and the location is not justified by means of proximity to existing established businesses or natural features; the location of the enterprise results in conflict with neighbouring uses and is not considered to be an appropriate location by virtue of noise pollution; the proposal is not linked to the wider farm enterprise and would therefore not support it contrary to Policy LP5, LP7, and Parts E and F of Policy LP55 of the Central Lincolnshire Local Plan adopted 24th April 2017."

Representations:

Chairman/Ward member(s): Cllr Summers;

"Should you be minded to refuse the application then i respectfully request it is heard by the planning committee."

"I visited the training school whilst it was operating it was a sunny, quiet Saturday. The reason for my visit was to accurately assess as is physically possible with a DBa Sound-monitor the volume of noise created by the training school. I sat 100 metre away from the shed-to the west in the direction of local housing to take some readings. I recorded 43 DBA as the

lowest recording on the monitor within a 15 minute period. At this point one could hear over a period of time, pigs, rooks, workshop noises, lawnmower, generator and a range of different birds which all did influence the level of noise. (le)

The quiet baseline. 43 dba

A pig squealing. 59 dba.

Rooks in trees 30 m away. 53 dba

A bang in the farm workshop. 51 dba

Lawnmower at moat house 50 m away. 49dba.

Generator in farm workshop 30 m away. 54 dba.

Generator plus a chaffinch singing. 56dba

Generator plus a pig squealing. 60dba

I coughed. 75dba.

Throughout this period of recording I did not hear the motorcycles once!

I next moved within 30 m of the motorcycles approximately 30 m from the lawnmower at moat house my recording was 52 DBA. At this distance I could only hear the slightest of noise from the motorcycles yet the lawnmower was very very clear. My next point for sound monitoring was next to Caenby Chapel in front of houses on the opposite side.

At Chapel house I could still very clearly hear the lawnmower at moat house some 150 to 200 metres away. At this point I could hear motor-vehicles travelling along the A631 towards Caenby Corner I could hear wood pigeons sparrows Robbins rooks Wren and cars passing but I could not hear any motorcycles from the specified site. DBa at this point ranged between 42.4 to 71. I then walked back to the shed where the motorcycles were running and stood 5 mtrs outside the curtain door and recorded 51 to 58 DBA which varied between the events and length of the shed. 58 DBA at the door 5 mtrs away and 51 DBA at the far end of the shed. I do accept I am not a trained officer but can competently read figures on a digital screen and recognise what has changed the reading.

Conclusions.

One has to be within 50 m of the facility inside the farmyard to hear the very slightest of noise. The very faint noise can only be recognised as being motor cycles because you are listening for them. Audibly they cannot be recognised. At a distance within the farmyard of 50 mtrs, rooks, pigs, a workshop, a generator, a lawnmower and even a chaffinch generate far more noise. The nearest property is moat house where the rookery is in the garden therefore if loud noise is a problem perhaps the rooks need rehousing. The Lawn mower noise is many many times more intrusive. Noise cannot realistically be given as a reason for refusal because it does not exist within the property let alone outside the perimeter where it affects residences. The application can be restricted to two days per week. Saturday, recognised as a sporting day and Wednesday on a rare occasion."

Caenby Parish Meeting: site notice taken down; portakabins have been delivered and outside track ready for use; building has been extended in the past; it operated on Good Friday.

22/3/18 objects based on noise (noise assessment not based on actual number of motorbikes used); noisy industrial fans will be needed if doors have to be closed; noise harms adjacent horses; noise and traffic will be harmful and disruptive; filling gaps and cladding is unclear- no specification provided; no details of extraction equipment;

Glenthams Parish Council:

13/4/18 "Council supports this application."

Residents:

23 letters of support have been received from;

Residents of Caenby and Glenthams Parishes;

- Wolds View, Caenby Road, Caenby
- Ivy House, Caenby Road, Glenthams
- Rose Cottage, Caenby Road, Glenthams
- Chapel House, High Street, Caenby

Residents of other parishes within the District;

- Wragby Road, Bardney
- 26 Waterloo Street, Market Rasen
- Mill House, Mill Lane, Osgodby
- Magpies, Magna Mile, Ludford, Market Rasen

Residents outside the District;

- 30 Sycamore Road, Ecclesfield
- 2 Boleyn Close, Loughton, Essex
- 12 Skylark Road, Trumpington
- 4-5 Wesley Place, Halifax
- 1 Moss View, Sheffield
- Glebe Farm, Tilton Lane, Billesdon, Leicestershire
- 1111 Station Road, Puckeridge, Hertfordshire
- 21 Castleton Road, Hope, Hope Valley, Peak District
- 4 South Bridge Close, Peterborough
- 20b Powell Road, London
- 23 Southland Way, Hounslow
- 12 East Bright, Lincoln

Address incomplete;

- 15 Highgreen Road, no further address
- 33 Canberra Crescent, no further address

They are summarised as follows;

- Have attended school and have learnt motorcycle safety with road safety benefits.
- Professional operation.
- Local retailers benefit.

- Low speed course on standard bikes which are not noisy.
- Not a race track.
- Good education facility which improved individuals' safety and wider road safety.
- Local newspaper misreported nature of application.
- Noise outside barn is low.
- Almost unique facility.
- Good to diversity rural economy and farm.
- Better than pig farm expansion.
- Objections are not backed up by noise assessment

17 letters of objection have been received from;

Residents of Caenby and Glenthams parishes;

- The Bungalow, High Street, Caenby
- 4 Chapel Court, Glenthams
- Gatehouse Cottages, Caenby
- The Annex, The Old Rectory, High Street, Caenby
- Church View, High Street, Glenthams
- Dolphin House, High Street, Caenby
- Moat Farm, High Street, Caenby
- The Cottage, High Street, Glenthams
- The Old Rectory, High Street, Caenby
- The Cottage, High Street, Caenby
- 2 High Street, Caenby
- Chapel Court, Glenthams

Residents of other parishes within the District;

None.

Residents outside the District;

None.

They are summarised as follows;

- Refused previously
- Negative impact on quality of life
- Noise and air pollution
- Increased traffic
- Poor road infrastructure
- Danger to pedestrians, children, dog walkers.
- Effect on local wildlife
- Impact on house prices
- No community benefit.
- Ignores the planning system hence no trust for future conduct. Racing happens inside and outside.
- More motorbikes operate than measured in noise assessment.

- Animal welfare for horses nearby.

The Council's Environmental Protection Officer (EPO);

The EPO confirmed their team have received three recorded complaints regarding noise from motorcycles at this site in May 2016, June 2017 and February 2018, all from different parties and all resulted in no formal action being taken by the Environmental Protection Team.

17/5/18: The applicant should demonstrate the noise reduction is possible and this could be done via controlled condition tests before and after cladding.

25/4/18: The EPO confirmed the history of complaint regarding noise from motorbikes at this site has been taken into consideration when considering recommended conditions. The noise assessment and subsequent summary show the applicant can take measures to reduce noise break out from the site to a level which at near receptors will be under the required criteria ie less than 5dBA above background level. The indicated result is stated to be substantially below the ambient levels.

24/4/18: following the receipt of further noise assessment information dated 28/3/18, the EPO considers there would not be nuisance noise levels and recommends the following conditions;

- Limit of 6 motorbikes in use at any one time
- The bikes are restricted to a static noise level of 98dBA (standard Auto Cycle Union noise test) and suitably maintained thereafter to ensure compliance
- No other bikes are to be used on the site unless they can be shown to comply with these limits.
- The structure of the building shall be improved and thereafter maintained to ensure a sound reduction of at least 25dB Rw, (weighted noise reduction) Ctr (weighted for traffic noise) as per 14.1 of the noise assessment dated 14 December 2017
- A management plan is in place to routinely monitor and record noise levels during activity at the site and that these records are made available upon reasonable request to Officers of the Council. The management plan should include a method of recording complaints received by the site along with a requirement to notify the Council of any significant noise events.
- External doors and windows to be kept closed at all times when motorcycles are in use at the site.
- Any requirement for subsequent ventilation will need to be assessed and agreed by the Council prior to implementation.
- Opening hours of the site limited to 10:00 -18:00 Monday – Saturday with no activity on Sundays or Bank Holidays.

15/3/18: The applicant will need to explain the difference in findings of the noise assessment submitted with 136025 and that submitted with the current application. Objectors will need to demonstrate more than simply being able to hear motorcycles.

LCC Highways: does not wish to restrict the grant of permission.

LCC Archaeology: no objections.

Relevant Planning Policies:

Planning law¹ requires that applications for planning permission must be determined in accordance with the development plan, unless material considerations indicate otherwise. The relevant Development Plan in this location comprises the Central Lincolnshire Local Plan (April 2017).

Central Lincolnshire Local Plan²

Policy LP1: A Presumption in Favour of Sustainable Development

Policy LP2: The Spatial Strategy and Settlement Hierarchy

Policy LP7: A Sustainable Visitor Economy

Policy LP13: Accessibility and Transport

Policy LP14: Managing Water Resources and Flood Risk

Policy LP17: Landscape, Townscape and Views

Policy LP26: Design and Amenity

Policy LP55: Development in the Countryside

There is currently no neighbourhood plan for the area.

National Planning Policy Framework (NPPF) and Planning Practice Guidance (PPG)

Main issues

- Principle of development
- Noise Impacts & residential amenity
- Any other Matters

Assessment:

Principle of development

The significant weight of objection and support is noted. It is considered that local residents have been exposed to the unmitigated noise impacts of the proposal, the wider use of the site and local area for motorbike activities. It is critical to the consideration of the proposal that the 'with mitigation' noise implications now being proposed are considered.

¹ [Section 38\(6\)](#) of the Planning and Compulsory Purchase Act 2004 and [section 70\(2\)](#) of the Town and Country Planning Act 1990

² Available here: <https://www.n-kesteven.gov.uk/central-lincolnshire/local-plan/>

The site is located in the countryside therefore tier 8 of Policy LP2 applies. This restricts development in the countryside unless permitted by, inter alia, certain policies in the CLLP including LP5 (Delivering Prosperity and Jobs), LP7 (A Sustainable Visitor Economy) or LP55 (Development in the Countryside).

The proposed use is considered to be sui generis (i.e. does not fall within any of the use classes).

LP55 Part F permits agricultural diversification provided the proposal will support farm enterprises and is an appropriate location for the proposal; is of a scale appropriate to the location; and is of a scale appropriate to the business need. Part E supports non-residential development in the countryside provided the rural location maintains the rural economy or the location is justified by means of proximity to established businesses; the location has suitable accessibility; there would be no conflict with neighbouring uses; and the proposal is of a size and scale commensurate with the proposed use and rural character.

The previously refused application was deemed not to comply with this policy primarily due to noise implications.

It is acknowledged that the proposal does constitute a form of farm diversification and it will support the wider farm business. Further consideration of noise is detailed below but provided this is acceptable the development can be considered an appropriate location for the proposed use as can the overall scale in relation to the location and business need because this is the reuse of an existing building. The rural location is justified by the fact this is the re-use of a building on an existing farm complex and because it is preferable to locate such uses away from urban areas. The site has suitable accessibility for the intended use via the local road network. The main potential conflict with neighbouring uses comes from noise as discussed below. The size and scale are considered to be commensurate with the proposed use and rural character of the area.

Policy LP7 relates to the visitor economy. The proposal is considered to be a leisure and sporting attraction. It would contribute to the local economy through visitors spending in the local area; benefit local communities and visitors by offering a facility that benefits road safety to the benefit of all; would respect the intrinsic natural and built environmental qualities of the area by reusing an existing building; and is appropriate for the character of the local environment in scale and nature as detailed in the noise section below. The policy requires such proposals are located within existing settlements or within planned urban extensions unless, inter alia, such locations are unsuitable for the nature of the proposal and there is an overriding benefit to the local economy, community or environment for locating away from such built up areas. It is considered that a locating such a proposal within an existing settlement would likely result in an industrial building being used. This is impractical because industrial buildings usually have a solid floor surface whereas the proposal requires a dirt floor to allow motorbike practice.

Furthermore, use of such a building would likely reduce the availability of suitable business premises within more sustainable locations. It is considered locations within existing settlements would be unsuitable and that there are overriding economic reasons for supporting the proposed location.

Therefore, provided noise implications are acceptable the principle of development can be considered acceptable under policies LP55 and LP7 and therefore LP2.

Noise

It is noted that a number of residents in proximity of the site have cited concerns with noise disruption arising from the current use of the development. Differing from the earlier application, this application now proposes measures for noise mitigation.

Policy LP26 states “The amenities which all existing and future occupants of neighbouring land and buildings may reasonably expect to enjoy must not be unduly harmed by or as a result of development. Proposals should demonstrate, where applicable and to a degree proportionate to the proposal, the following matters have been considered, in relation to both the construction and life of the development: m. Compatibility with neighbouring land uses;.... r. Adverse noise and vibration;..... s. Adverse impact upon air quality from odour, fumes, smoke, dust and other sources;”

The NPPF states;

“109. The planning system should contribute to and enhance the natural and local environment by:.....

- preventing both new and existing development from contributing to or being put at unacceptable risk from, or being adversely affected by unacceptable levels of soil, air, water or noise pollution or land instability”.

“123. Planning policies and decisions should aim to:

- avoid noise from giving rise to **significant adverse impacts** on health and quality of life as a result of new development
- mitigate and reduce to a minimum other adverse impacts on health and quality of life arising from noise from new development, including through the use of conditions”

Footnote 4 refers the reader to Explanatory Note to the Noise Policy Statement for England (DEFRA). Further information on this is given below.

The PPG states;

“How to determine the noise impact?”

Local planning authorities’ plan-making and decision taking should take account of the acoustic environment and in doing so consider:

- whether or not a significant adverse effect is occurring or likely to occur;
- whether or not an adverse effect is occurring or likely to occur; and

- whether or not a good standard of amenity can be achieved.

In line with the explanatory note of the noise policy statement for England, this would include identifying whether the overall effect of the noise exposure (including the impact during the construction phase wherever applicable) is, or would be, above or below the significant observed adverse effect level and the lowest observed adverse effect level for the given situation. As noise is a complex technical issue, it may be appropriate to seek experienced specialist assistance when applying this policy.

Observed Effect Levels

- Significant observed adverse effect level: This is the level of noise exposure above which significant adverse effects on health and quality of life occur.
- Lowest observed adverse effect level: this is the level of noise exposure above which adverse effects on health and quality of life can be detected.
- No observed effect level: this is the level of noise exposure below which no effect at all on health or quality of life can be detected.”

This table summarises the noise exposure hierarchy, based on the likely average response.

Perception	Examples of outcomes	Increasing effect level	Action
Not noticeable	No Effect	No Observed Effect	No specific measures required
Noticeable and not intrusive	Noise can be heard, but does not cause any change in behaviour or attitude. Can slightly affect the acoustic character of the area but not such that there is a perceived change in the quality of life.	No Observed Adverse Effect	No specific measures required
		Lowest Observed Adverse Effect Level	
Noticeable and intrusive	Noise can be heard and causes small changes in behaviour and/or attitude, eg turning up volume of television; speaking more loudly; where there is no alternative ventilation, having to close windows for some of the time because of the noise. Potential for some reported sleep disturbance. Affects the acoustic character of the area such that there is a perceived change in the quality of life.	Observed Adverse Effect	Mitigate and reduce to a minimum

		Significant Observed Adverse Effect Level	
Noticeable and disruptive	The noise causes a material change in behaviour and/or attitude, eg avoiding certain activities during periods of intrusion; where there is no alternative ventilation, having to keep windows closed most of the time because of the noise. Potential for sleep disturbance resulting in difficulty in getting to sleep, premature awakening and difficulty in getting back to sleep. Quality of life diminished due to change in acoustic character of the area.	Significant Observed Adverse Effect	Avoid
Noticeable and very disruptive	Extensive and regular changes in behaviour and/or an inability to mitigate effect of noise leading to psychological stress or physiological effects, eg regular sleep deprivation/awakening; loss of appetite, significant, medically definable harm, eg auditory and non-auditory	Unacceptable Adverse Effect	Prevent

The Noise Policy Statement for England (NPSE) (March 2010) states;

“2.9..... Unlike air quality, there are currently no European or national noise limits which have to be met”

“2.22 It is not possible to have a single objective noise-based measure that defines SOAEL (Significant Observed Adverse Effect Level) that is applicable to all sources of noise in all situations. Consequently, the SOAEL is likely to be different for different noise sources, for different receptors and at different times. It is acknowledged that further research is required to increase our understanding of what may constitute a significant adverse impact on health and quality of life from noise. However, not having specific SOAEL values in the NPSE provides the necessary policy flexibility until further evidence and suitable guidance is available.”

“2.24 The second aim of the NPSE refers to the situation where the impact lies somewhere between LOAEL (Lowest Observed Adverse Effect Level) and SOAEL. It requires that all reasonable steps should be taken to mitigate and minimise adverse effects on health and quality of life while also taking into account the guiding principles of sustainable development (paragraph 1.8). This does not mean that such adverse effects cannot occur.”

The following submitted documents relate to noise matters;

Moat Farm Noise Assessment Thursday, 14 December 2017
 Executive Summary to Noise Assessment published 14th December 2017
 Noise Assessment - Response to Comments Wednesday, 28 March 2018

The closest noise sensitive receptors to the applicant building are (all measurements are approximate and are taken from the closest point building to building);

- Moat Farm (dwelling), High Street, Caenby- 133m to the south west
- Moat Barn (dwelling- prior approval granted for conversion 132079), High Street, Caenby- 150m to the west
- Cliff View (dwelling), High Street, Caenby (The applicants property)- 150m to the north west
- Glenthams Methodist Chapel (place of worship), High Street, Caenby- 170m to the north west
- 1 Caenby Road (dwelling), Caenby- 200m to the north west
- The Bungalow (dwelling), High Street, Caenby- 300m to the south west

The noise assessment found that local noise levels without activity at the motorcycle training centre were:

- Baseline background level (L90(15)) = 41dBA
- Ambient (baseline plus ambient noise sources) = 46dBLAeq(15)

The motorcycles used for training are Honda 125cc vehicles. The noise assessment recorded sound levels within the building during demonstration laps at training speeds by two such vehicles. The result was used to estimate the maximum sound level within the building whilst six simultaneously used the track to be 92dBLAeq(1). This data is analysed below.

The noise assessment notes the building has a large number of openings including;

- Many of the walls were of 30% perforated steel and effectively transparent to noise.
- The main entrance way was fitted with a slashed curtain door, however it provided little sound insulation.
- The ridge of the building was vented along its length.
- The side entrance way was open.
- There were gaps between the walls of the structure and the ground.
- The openings listed above were sufficient to render the structure ineffective for the purpose of noise containment.

The noise assessment uses measurements taken during motorbike tests to estimate the current sound reduction capacity of the existing building is 10-12dB. This could be increased to approximately 25dB if the building is improved. This would reduce sound impact at noise sensitive receptors by approximately 12-13dB. The noise assessment considers the application of solid cladding, the closing of gaps in the structure, doors being kept closed when motorcycle training is in progress, restricted training hours of 9am-9pm, the type of motorbike being restricted to a static noise level of 98dBAS and configuring any necessary ventilation outlet to the south aspect would be required to achieve this. It is noted the training hours are more extensive than those stated on the application form.

In relation to motorbike training activities the noise assessment concludes;

“Providing that the mitigation measures recommended in the Mitigation and Management section above are implemented effectively, residual noise levels from motorcycle training activities will be imperceptible and therefore constitute a negligible environmental impact.”

Following measurements taken in the community during motorcycle tests, the calculated levels based upon six motorcycles in use and the calculated impact after mitigation works are summarised in the following table:

Location	dBLAeq(1) (2 m/ cycles)	dBLAeq(1) (6 m/ cycles)	L90	Am b	dB above L90	Level relative to L90 after mitigation (-13dB Rw, Ctr)
Methodist Chapel	45.7	50.4	41.0	46.0	9.4	-3.6
Caenby Road	51.2	55.9	41.0	46.0	14.9	1.9
Glenthams	46.7	51.4	41.0	46.0	10.4	-2.6
Bungalow	44.6	49.3	41.0	46.0	8.3	-4.7
Moat House	48.2	52.9	41.0	46.0	11.9	-1.1

* Note that the levels recorded at Caenby Road included significant local traffic noise. It was not possible to record a full minute without passing cars.

The noise assessment executive summary states;

“7.2. Noise levels in the community from the planned motorcycle training activities **after mitigation works** would be similar to or below **baseline levels**.

7.3. Noise levels in the community from the planned motorcycle training activities after mitigation works would be substantially below **ambient noise levels**.

7.4. Including an uncertainty factor of +/- 3dB, there would be a **margin of safety of approximately 3dB** between the actual noise impact and the EPO’s specification of ‘**not more than 5dB above background level**’.”

The EPO considers that without mitigation the use of the building for up to 6 motorcycles would fall into the noticeable and intrusive category of the PPG on noise. Therefore, the action required is to mitigate and reduce to a minimum. The EPO considers that with mitigation, the proposal would fall within the noticeable and not intrusive category which, crucially, is below the lowest observed adverse effect level. This means the noise generated by the proposal and the impact this would have on nearby sensitive noise receptors is acceptable in light of the requirements of the NPSE, PPG regarding noise and LP26.

There are not considered to be any harmful impacts arising from vibration or air quality.

The EPO has also suggested controlled conditions tests are carried out pre and post mitigation to demonstrate the suggested noise mitigation reduction can be achieved.

The applicant has demonstrated that, with suitable mitigation, acceptable noise levels can be achieved. It is considered reasonable for a condition to secure the predicted noise levels (or to secure further mitigation if these are not being achieved).

Other Matters

The parking area would provide ten car parking spaces and a large circulation space to the front. The existing access would be used. LCC Highways raises no objection to the highway impacts. Despite objections to the highway impacts, the parking and access arrangements are considered acceptable in accordance with Policy LP13.

The portakabins are well positioned in relation to the larger former agricultural building. The portakabins would be views with the backdrop of these buildings and would merge into the built form of the cluster of buildings. They are considered acceptable in light of Policies LP17 and LP26.

There is not considered to be a need to landscape the site and there are not expected to be any drainage issues.

There is not considered to be any requirement for ecological surveys as the proposal is already established with no protected species or potential habitat apparent.

Impact on house prices is not a material planning consideration. There is no requirement for wider community benefits. Past conduct of the applicant/business cannot be taken into account.

Conclusion

The proposal entails farm diversification of an appropriate scale in relation to the location and business need as it entails reuse of an existing building in accordance with Policy LP55 Part F. The rural location is justified by the fact this is the re-use of a building on an existing farm complex and because it is preferable to locate such uses away from urban areas. Accessibility via the local road network is appropriate for the nature of the proposal. There is no identifiable conflict with neighbouring uses. The proposals size and scale is commensurate with the proposed use and rural character of the location in accordance with Policy LP55 Part E. The proposal is a leisure and sporting attraction that contributes to the local economy through visitor spending. Motorbike road safety improvements benefit locals and visitors alike. The proposal respects the intrinsic natural and built environmental qualities of the area by reusing an existing building and is appropriate for the character of the local environment in scale and nature. Locating the proposal in a settlement is likely to result in use of an industrial building which is impractical as the

motorbikes require a dirt floor and undesirable as use of such a building would likely reduce the availability of suitable business premises within more sustainable locations to the detriment of the economy. The proposal complies with Policy LP7. Compliance with Policies LP55 and LP7 leads to compliance with Policy LP2. The proposal is acceptable in principle.

The proposal demonstrates that noise levels post-mitigation, would fall within the noticeable and not intrusive category which, crucially, is below the lowest observed adverse effect level. This means the noise generated by the proposal and the impact this would have on nearby sensitive noise receptors (residential dwellings) is acceptable in light of the requirements of the NPSE, PPG regarding noise and Policy LP26.

On site vehicle parking, turning space and access arrangements comply with Policy LP13. There are no technical problems with the application. The application is acceptable therefore planning permission should be granted subject to conditions.

Recommendation

It is recommended that planning permission is granted subject to the following conditions;

- 1) Within two months of the date of this planning permission, the following information shall be submitted to the Local Planning Authority;
 - a) A scheme for the acoustic insulation of the building; closure of openings of the building; and provision of self-closing and sealed doorways
 - b) If required, a scheme of ventilation for the building with outlet(s)
 - c) The details submitted pursuant to a) and b) shall ensure a sound reduction of at least 25dB Rw, (weighted noise reduction) Ctr (weighted for traffic noise) as per 14.1 of the noise assessment dated 14 December 2017
 - d) A maintenance schedule for a) and b) above
 - e) A method of the site operator keeping a record of noise complaints and their investigations and action taken. Record of complaints shall be retained for a period of two years and made available to the Local Planning Authority upon request.

The approved measures shall be implemented in full within three months of the date they are approved. Should the information not be submitted to the Local Planning Authority or implemented within the aforementioned timescales, this planning permission will cease to have effect.

Reason: To ensure noise mitigation measures take place that make the proposal acceptable in accordance with Policy LP26 of the Central Lincolnshire Local Plan.

- 2) Within 21 days from receipt of a written request of the Local Planning Authority, following a complaint to it alleging noise disturbance at a dwelling relevant to the development hereby permitted, the operator shall, at its expense, employ a qualified acoustician to assess the level of noise

immission from the development hereby permitted at the complainant's property. The written request from the Local Planning Authority shall set out at least the date, time and location that the complaint relates to. Within 21 days of receipt of the written request of the Local Planning Authority made under this paragraph, the operator shall provide a noise assessment relevant to the complaint received to the Local Planning Authority. Should the noise assessment identify an exceedance of noise levels of more than 5dB above background level at the relevant property, it shall include further mitigation measures to reduce noise levels to or below this level. Following approval of any further mitigation measures in writing by the Local Planning Authority, they shall be implemented in full within 1 month of the date of their approval.

Reason: To ensure noise mitigation measures take place that make the proposal acceptable in accordance with Policy LP26 of the Central Lincolnshire Local Plan.

3) Motorbike training shall take place within the building and no more than six motorbikes shall be in use at any one time. The type of motorbikes used shall be restricted to a static noise level of 98dBAS (when subjected to the standard ACU noise test) and maintained to ensure compliance as per 14.2.3 of the noise assessment dated 14 December 2017 and no other motorbikes shall be used unless they comply with these limits.

Reason: To ensure noise mitigation measures take place that make the proposal acceptable in accordance with Policy LP26 of the Central Lincolnshire Local Plan.

4) All openings in the building shall be kept closed at all times when motorbike engine(s) are running within the building.

Reason: To ensure noise mitigation measures take place that make the proposal acceptable in accordance with Policy LP26 of the Central Lincolnshire Local Plan.

5) The use hereby permitted shall only operate between the hours of 10am-5pm Monday to Saturday with no opening on Sunday or Bank Holidays.

Reason: To prevent undue noise and disturbance to local residents in accordance with Policy LP26 of the Central Lincolnshire Local Plan.

6) No additional openings or ventilation shall be added to the building without planning permission having first been granted by the Local Planning Authority.

Reason: To bring under the control of the Local Planning Authority additions to the building that may generate harmful noise pollution contrary to Policy LP26 of the Central Lincolnshire Local Plan.

7) This planning permission relates to the following drawings; (cd)-110, (cd)-110 Rev p1, (cd)-111 and (cd)-112.

Reason: For the sake of clarity and in the interests of proper planning.

Human Rights Implications:

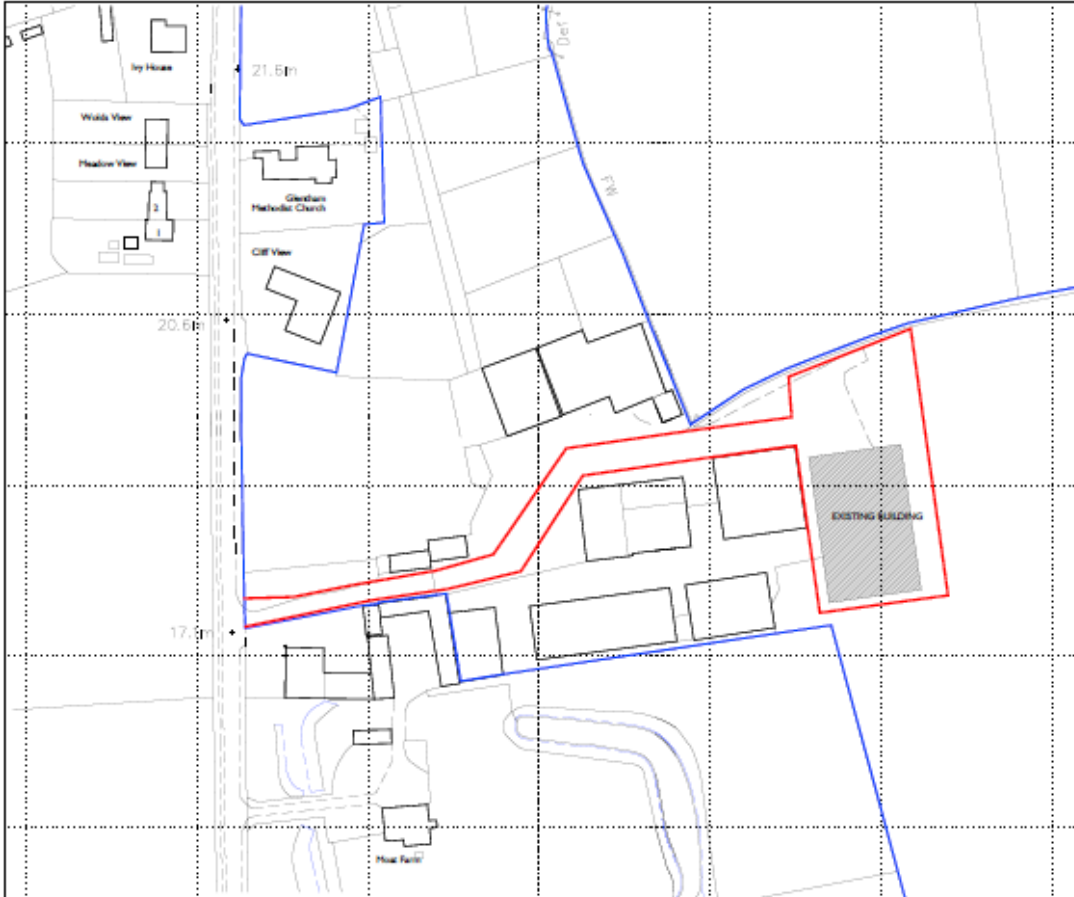
The above objections, considerations and resulting recommendation have had regard to Article 8 and Article 1 of the First Protocol of the European Convention for Human Rights Act 1998. The recommendation will not interfere with the applicant's and/or objector's right to respect for his private and family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

Site Location Plan - 1:1250 scale

DO NOT SCALE THIS DRAWING
 USE FIGURED DIMENSIONS ONLY
 VERIFY BEFORE MANUFACTURE



ARCHIVED	NO	Site Location Plan
	NO	Flat Track Training School Plant Firm Capacity
	NO	1st-12 Grades
	NO	AR-232
	NO	(cd)-110
	NO	p1
	NO	Jun '17
	NO	APR
	NO	1:1250 @ A1
	NO	ARCHITECT: ARCHITECTURE MCAJ SOUTH GARDNER WILSON WILSON

Officers Report

Planning Application No: 136962

PROPOSAL: Planning application for single cremator and chapel crematorium building with memorial facility, to include car parking facilities and related hard-landscaped areas as well as formal and informal landscaped gardens.

LOCATION: Land off Gainsborough Road Lea

WARD: Lea

WARD MEMBER(S): Cllr Jessie Milne

APPLICANT NAME: Lea Lincs Properties and WLDC

TARGET DECISION DATE: 03/08/2018

DEVELOPMENT TYPE: Major - Other

CASE OFFICER: Rachel Woollass

RECOMMENDED DECISION: It is recommended to grant permission subject to conditions.

Executive Summary:

This is a full application for a single cremator and chapel crematorium building with memorial facility, to include car parking facilities and related hard-landscaped areas as well as formal and informal landscaped gardens.

The site is located east of the A156 north of village of Knaith and south of the village of Lea. The site is approximately 6.5ha. The site is within an Area of Great Landscape Value in the open countryside.

Access would be from a single point on Gainsborough Road.

The main objections relate to:

- highway safety
- need for a crematorium
- conflicts with policy LP55
- loss of agricultural land
- impact to the AGLV
- loss of a view

The principle of development would be acceptable. When looking at the criteria of Part E of policy LP55 (Development in the Countryside), the proposal would be justified in its location, would be suitable in terms of accessibility, would not result in conflict with neighbouring use and the size and scale is commensurate with the proposed use and rural character of the location.

The proposal provides a new community facility and would be in accordance with policy LP15 (Community Facilities) of the Central Lincolnshire Local Plan.

Objections have been received regarding the quantitative need of the crematorium and the impact on other comparable provision. Impact to the comparable provision is deemed competition of which is not a material planning consideration. Quantitative need is not material to the determination of the application. What is required is whether the proposal meets current policy and whether the location for the proposed use is acceptable. It is determined that the proposal would meet local and national policy.

Highway safety has been a main cause of concern for objectors. A Transport Statement has been included as part of the application. The statement concludes that the proposed crematorium development can be accommodated at the proposed site and there is not anticipated to be a significant adverse impact on the local highway network. Lincolnshire County Council highways team have been consulted and raise no objections to the proposal and require only minor improvements for pedestrian access in the form of a tactile crossing point.

Foul water drainage is to be treated and connected to Lea Marshes drain. Surface water flows will be restricted and will ultimately drain to Lea Marshes drain. The Lead Local Flood Authority have been consulted and raise no objections to the drainage. The drainage strategy ensures that the site is adequately drained in accordance with policy LP14 of the Central Lincolnshire Local Plan.

There will be some loss of Agricultural Land but the percentage is small given the level of built development.

The site is to be significantly landscaped in order to integrate the proposal with its surroundings and reduce any impact to the Area of Great Landscape Value.

The site has shown evidence of the presence of Great Crested Newts. The applicant has undertaken the necessary surveys and has provided an appropriate mitigation strategy in order to protect these species. The landscaping would improve the biodiversity of the site. Mitigation is also proposed for other species.

The site lies within a minerals safeguarding area. A minerals assessment has been provided as part of the application. Lincolnshire County Council Minerals and Waste Team have been consulted and raise no safeguarding objections.

Subject to conditions it is considered the proposal would be acceptable and would not have a detrimental impact on the character of the area, the Area of Great Landscape Value, highway safety/capacity, residential amenity, ecology and drainage in accordance with policies LP1, LP5, LP13, LP14, LP15, LP17, LP21, LP26, LP55 of the Central Lincolnshire Local Plan, Policy 4: Design and Character and Policy 11: Wastewater and Water Supply of the Lea Neighbourhood Plan, Policy M11 of the Minerals and Waste Local Plan: Core Strategy and Development Management Policies (2016), including the advice

given in the National Planning Policy Framework and the National Planning Practice Guidance.

Description:

The site is located east of the A156, north of the village of Knaith and south of the village of Lea, close to Gainsborough. It lies adjacent to an area of deciduous woodland on the Norbury Hills comprising the majority of one irregular shaped agricultural field.

The site extends approximately 6.5ha. The site lies on a gently rising west facing slope beyond an area of floodplain meadow in the Trent Valley.

To the north of the site is an area of mixed woodland located on the Norbury Hills. To the south are further agricultural fields and block of woodland on Stephenson Hill.

The site is not currently publicly accessible and currently has no vehicular access save for farm access to maintain the field.

The wider landscape surrounding the site is characterised by significant blocks of deciduous woodland, hedgerows and hedgerow trees with main roads as significant features within the landscape.

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

A formal screening opinion has been given, under reference 136955.

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

Relevant history:

None

Representations:

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

Lea Parish Council: Are concerned with the management of traffic entering and exiting the planned development.

- No traffic solutions have been indicated on the website.
- Would like to know what arrangements to manage traffic during the building phase of the project and arrangements when the site becomes operational.

Knaith Parish Council: Believes that there will be a severe and adverse impact on the traffic flow on the A156, leading to potential highways safety and traffic issues in and around the village of Knaith.

- Contends that reference A of the traffic plan considerably underestimates the traffic volume that will be generated by the site. Specifically the reference states that as there is no cemetery attached to the site there will be no requirement to factor in repeat visits to the site. However, it does include a Memorial Garden with its own dedicated Chapel of Remembrance. There are also plots in which trees with associated plaques may be taken and a facility for the internment of urns or the appropriate disposal of ashes. There is no doubt that repeat visits to the site are being actively sought.

- The potential to add a second cremator at a later stage will only increase the number of visits.

- In reference A the plan assumes that the traffic density of those visiting for a service will be evenly split over the 30 minutes prior to a service and the 30 minutes after. Even given an overlap of services this creates a gentle (and negligible) increase in traffic density of a maximum 1-2 cars per minute.

Knaith PC consider this to be a most unlikely model.

- The traffic plan makes no mention of the impact of traffic, including corteges approaching from the south and turning right across the road to proceed north.

- The plans laid out in the application show that the western and south western edges of these woods are to be taken into the crematorium. This will severely impact upon the paths and trails used by the walkers with the concomitant impact on their ability to access the woodland spaces as they have been able to do so for the preceding 20 or more years.

Sir Edward Leigh: A letter was received from Sir Edward Leigh asking WLDC to address concerns received to him from Knaith Parish Council regarding figures for the need and a properly argued response from Highways Lincolnshire about traffic and traffic calming measures.

This letter was addressed directly by the Chief Operating Officer. Some of the matters raised were away from planning's remit.

Westerleigh Group: The need report accompanying the application mentions in passing that there is planning permission for a crematorium at Babworth, but then the analysis and mapping takes no account of this new crematorium. As a result the analysis is flawed and misleading.

- Westerleigh has commenced construction of the new crematorium at Babworth and it will be open in Summer 2018. Gainsborough Town Centre is only 13 miles or 40 minutes from our new crematorium.

- Our own analysis is that your site at Lea, if developed, would be the nearest crematorium for a population of just 43,507 people.

- If the Gainsborough catchment matched the England average, this would mean it would be economically unviable.

- The Inspector in successful planning appeal APP/G2245/A/13/2210128 concluded that a catchment population of 150,000 is needed to justify a new crematorium. The catchment for Lea is less than a third of that.

- The new crematorium under construction at Babworth would be much closer and more convenient for the residents of West Lindsey than either Scunthorpe

or Lincoln and would satisfy the need without it being necessary for council taxpayers to fund the construction of a new crematorium at Lea.

- Would urge you to carry out more analysis of the need for a crematorium.
- Such further analysis should take a much more robust approach to analysing the quantitative and qualitative need for a new crematorium and a much more detailed forecast of the potential usage.
- Map 1 within your Need Report serves to show the existing crematoria within the surrounding area but neglects to include Westerleigh's new crematorium at Babworth, which was approved in September (2017) and is under construction currently. We have amended this plan in order to show the location of the Babworth crematorium and its own catchment area.
- Then plan clearly shows that the new Westerleigh crematorium already addresses the defined need for a new crematorium within this area and when applying the applicants own method of analysis shows that there is not a need for the new crematorium as now proposed. The catchment area for the Babworth crematorium includes the town of Gainsborough and the application site at Lea.
- These comments confirm that there are fundamental commercial issues with the proposed development, where the economic viability for the proposal is almost completely extinguished by a new facility within the locality. There is therefore no defined need for the proposed development.

Shakespeare Martineau: Proposal comprises a very substantial building given the proposal to accommodate a single cremator. The scale of development is further exacerbated by the 209 proposed car parking spaces. These discrepancies and the justification for a building and parking of this scale requires a thorough and robust justification. The Council's justification is that it has to be located in such an area by virtue of the 1902 Cremation Act. However, this fails to take account of the fact that the separation distance specified in that Act does not itself justify the remote location of the site.

- The proposal is not required in a rural location as a means of maintaining or enhancing the rural economy. The proposal lies in an area of open countryside away from established development.
- Conflicts with policy LP55
- Creates an urban feature in the landscape which is far in excess of any operational requirement.
- There has to be justified quantitative and qualitative need for the proposal.
- No agricultural land assessment to determine the grade of agricultural land affected by the proposal.
- Needs assessment does not take into account our facility. Assessment is out of date.
- Proposed crematorium falls short of the required levels needed to justify the scheme.
- Site is located within an AGLV. Development of the scale proposed would be prominent in the views from the road and an incongruous element in the landscape.
- The road access proposals are like to substantially reduce the depth of elm scrub and further open the site to view.
- Application has not considered the landscape and visual impacts of the scheme.

Conclusion

- The proposal is contrary to policy
- Fails to address key tests regarding the need for the development
- Has a serious adverse impact on an Area of Great Landscape Value.
- Does not take account of the agricultural land quality of the site.
- Application is lacking key material supporting information.

Local residents: Objections received from 2 Knaith Hill, 6 Knaith Hill, 45a Willingham Road, 59a Willingham Road and Lake House with the main concerns –

- Having looked through the minutes from Knaith Parish Council meeting's minutes, the word "initially" kept cropping up. "Initially there will be one chapel of rest/crematorium". "Initially there will be 4/5 people working/running the crematorium." Therefore, do we understand that this could grow?
- Why is it necessary to remove a section of woodland to allow for the development?
- Feel the crematorium will increase the volume of traffic and the likelihood of accidents on this road
- Slow moving cortege and attendant vehicles will present a hazard on an already busy road
- Traffic will grow as people come to visit the gardens of remembrance at a later date
- Understand the need for a crematorium in this area but this is not the site for it
- To suggest that traffic will be evenly spread throughout the day and only out of the rush hour is unreasonable
- Application neglects traffic travelling to and from facility outside those arriving for cremations
- With the potential of two stacks the numbers need to be doubled
- View will be blighted by a direct view over the crematorium and stacks
- Led to believe that we can also expect a film of "dust" that will need to be regularly cleaned from our property
- Application is predicated on an unviable business model
- Would be unhappy for the Local Authority to become saddled with a highly expensive and uneconomic facility without robust and prior scrutiny of the financial case being made
- How do the applicants intend to comply with Lincolnshire Highways demands to site a tactile crossing point across that main trunk road which currently has the national speed limit?
- Knaith Parish Council does not believe the Thonock Estate or others would not be willing to sell land for this purpose on a freehold basis

LCC Highways/Lead Local Flood Authority: The Highway Authority would request the applicant revises the access drawing to show a tactile crossing point from the access footway on the opposite side of Gainsborough Road.

- the drainage strategy is acceptable. Discharge rate will be greenfield run off and consent for discharge will be required. These calculations do not appear to have been submitted as part of the application.

Following the inclusion of a tactile crossing point plan and further details on drainage, there were no objections from LCC Highways/Lead Local Flood Authority.

LCC Minerals and Waste Team: The proposed development has been identified as being located within a Minerals Safeguarding Area and is subject to policy M11 (Safeguarding of Mineral Resources) of the Lincolnshire Minerals and Waste Local Plan (Core Strategy and Development Management Policies) adopted June 2016.

Within a minerals resource safeguarding area, except for the exemption set out in policy M11, all applications for non-minerals development should be accompanied by a Minerals Assessment prepared in accordance with the latest guidance from the British Geological Survey.

The proposals should therefore be accompanied by a Minerals Assessment.

A Minerals Assessment was provided and the Minerals and Waste team considered that having regard to the scale, nature and location of the proposed development, the applicant has demonstrated that in accordance with the criteria set out in policy M11 that prior extraction of the mineral resource would be impracticable, the development would have a limited impact with respect to sterilising the mineral resource and risk of proximal sterilisation is likely to be limited also.

Environment Agency: We have no objection to the proposed development, as submitted.

Public Protection: No representations received to date

Tree Officer: I have no objections to the proposals in terms of its impact to nearby trees and hedges. There are many existing trees around the edges of the site, but the proposed soft landscaping scheme would significantly improve the biodiversity value of the site from its current use.

- Any new landscaping that fails, becomes diseased or damaged should be replaced. Protective fencing will be required around the existing trees and alongside hedges in the form and at the positions as shown in the submitted arboricultural report. Tree protection measures should be installed prior to works commencing, and be retained in position until completion.

Lincolnshire Wildlife Trust: No representations received to date

Natural England: Has no comments to make on this application.

Archaeology: No archaeological input required

Relevant Planning Policies:

Development Plan

Planning Law¹ requires that applications for planning permission must be determined in accordance with the development plan, unless material considerations indicate otherwise. The Development Plan in this location comprises the Central Lincolnshire Local Plan (April 2017); The Lea Neighbourhood Plan; and the Lincolnshire Minerals and Waste Local Plan.

Central Lincolnshire Local Plan 2012-2036

LP1: A Presumption in Favour of Sustainable Development

LP5: Delivering Prosperity and Jobs

LP13: Accessibility and Transport

LP14: Managing Water Resources and Flood Risk

LP15: Community Facilities

LP17: Landscape, Townscape and Views

LP21: Biodiversity and Geodiversity

LP26: Design and Amenity

LP55: Development in the Countryside

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

Lea Neighbourhood Plan

A neighbourhood planning referendum was held on the 7 December, more than 50% of those voting did so in favour of the plan (Actual 73%). Therefore, the Lea Neighbourhood Plan is now part of the statutory development plan for West Lindsey District Council. It was made at full council on 22nd January 2018. Policies applicable include

Policy 4: Design and Character

Policy 11: Wastewater and Water Supply

<https://www.west-lindsey.gov.uk/my-services/planning-and-building/neighbourhood-planning/all-neighbourhood-plans-in-west-lindsey/lea-neighbourhood-plan-made/>

Lincolnshire Minerals and Waste Local Plan

The Core Strategy & Development Management policies (CSDMP) were adopted in June 2016 and forms part of the Development Plan. The application site is not within a Mineral Safeguarding Area (MSA).

The Site Locations were adopted in December 2017. The site is within an allocated Minerals Site.

¹ Section 38(6) of the Planning and Compulsory Purchase Act 2004 and section 70(02) of the Town and Country Planning Act 1990

<https://www.lincolnshire.gov.uk/residents/environment-and-planning/planning-and-development/minerals-and-waste/>

National guidance

National Planning Policy Framework

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

National Planning Practice Guidance

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

Main issues

- Principle
- Design
- Impact on the Area of Great Landscape Value
- Highways and Drainage
- Loss of Agricultural Land
- Ecology
- Minerals

Assessment:

Principle

The proposed facility comprises of a chapel and crematorium building; ancillary offices; memorial gardens; remembrance court and gardens; and two parking areas – one for congregation visitors attending services, and the other for staff, visitors to the memorial garden and service users. A new access road in to the site would be proposed from Gainsborough Road. This is proposed from one location point taken from Gainsborough Road on the western side of the site.

Policy LP15 states that proposals for new community facilities will be supported in principle, and should:

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

The proposal would be in accordance with policy LP15. The access to the proposal has been considered acceptable for its use and is accessible for all members of society. It has been designed as such that it could respond to

future demands and will be operated without being detrimental to local residents.

Part E of policy LP55 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.

Under the Crematorium Act 1902 it specifies that a crematorium should not be built within 200 yards (183m) of a dwelling house or within 50 yards (46m) of a public highway.

Given these restrictions the proposal would meet these requirements and to part a and d of the above policy.

The location of the crematorium such requires a countryside location to achieve the correct setting in order to achieve the appropriate amenity for the memorial gardens and the crematorium as a whole. A sequential test has been provided to show how the site was deemed the most appropriate for the proposal.

17 sites were considered as shown in the sequential test. The first 10 were in the urban area of Gainsborough. In the urban area the 10 sites were each constrained differently but included constraints such as the below:

- proximity to residential properties
- proximity to commercial properties
- land allocation
- unavailable sites
- flood risk
- contamination

Given these constraints, sites outside the urban area were considered. The constraints identified here include:

- highway safety/capacity issues
- residential amenity concerns from planned development
- proximity to residential dwellings
- proximity to scheduled ancient monuments
- noise impacts from the railway
- overhead electrical lines

The proposed site was chosen given its pleasant setting. There are no residential or commercial properties within close proximity and no highway

concerns. There was also no overhead electrical lines, railway lines or other infrastructure to constrain the site.

The proposed site for the crematorium is adjacent to A156 Gainsborough Road between Lea and Knaith. Gainsborough Road forms a link from Gainsborough to Lincoln via the A57. Gainsborough Road is fronted by mainly agricultural land with a footway on the west side of the road.

An advisory cycle lane and a shared footway/cycleway are provided on the east side of Gainsborough Road. Two railway stations are located within 5km north of the proposed site, Gainsborough Lea Road Station and Gainsborough Central Station. Gainsborough Lea Road has services from Lincoln that run once an hour. A bus route runs along Willingham Road approximately 1km north of the site. The 105 and 107 services provide hourly connections to Lincoln and Gainsborough.

Given the nature of the development it is likely that most staff and visitors will arrive by car however the train and bus services provide additional travel options.

The development is of a size and scale commensurate with the proposed development and with the rural character of the area.

There are no national or local guidelines or policies which stipulate the quantitative need for a crematorium or against the impact on other comparable provision. Indeed the impact to provision would be deemed competition of which is not a material planning consideration. Quantitative need is not material to the determination of the application.

The proposal would not result in conflict with neighbouring uses.

The principle that runs through the NPPF is that there are three dimensions to sustainable development: economic, social and environmental. These dimensions give rise to the need for the planning system to perform a number of roles:

- an economic role – contributing to building a strong, responsive and competitive economy, by ensuring that sufficient land of the right type is available in the right places and at the right time to support growth and innovation; and by identifying and coordinating development requirements, including the provision of infrastructure;
- a social role – supporting strong, vibrant and healthy communities, by providing the supply of housing required to meet the needs of present and future generations; and by creating a high quality built environment, with accessible local services that reflect the community's needs and support its health, social and cultural well-being; and
- an environmental role – contributing to protecting and enhancing our natural, built and historic environment; and, as part of this, helping to improve biodiversity, use natural resources prudently, minimise waste and pollution, and mitigate and adapt to climate change including moving to a low carbon economy.

It is considered that the economic, social and environmental potential benefits of the proposed development are such that the principle of development is considered to be acceptable and would not conflict with the aims and objectives of the NPPF in this instance.

Design

Policy 4: Design and Character of the Lea Neighbourhood Plan states that all new developments must deliver good quality design. In order to achieve this all new development, where relevant, should consider the following local design principles:

- a) should not disrupt the linearity of settlement or the way the streets and spaces related to the underlying land form;
- b) recognise and reinforce the distinct local character in relation to scale, mass, form, character, density, landscape, setting and materials;
- c) the scale of the development should be limited to a maximum of 2 storey throughout the development site to reflect local characteristics;
- d) provide a mix of housing types and tenures that suit local housing needs;
- e) provide clear and appropriate boundary treatments to provide screening;
- f) sustainable urban drainage should be incorporated into design of the schemes and it must not cause and surface or foul water problems to existing properties;
- g) respect and protect Listed Buildings and their settings and the key views towards these important structures are retained;
- h) the views into and out of the settlement as identified in Appendix B should be retained; and
- i) sufficient parking must be provided for residents and visitors within the development plots.

Part d is not applicable in this policy as the proposal is not for housing.

Policy LP26 of the Central Lincolnshire Local Plan states that all development, including extensions and alterations to existing buildings, must achieve high quality sustainable design that contributes positively to local character, landscape and townscape and supports, diversity, equality and access for all.

The proposal is for a single storey building with one double height space to the chapel. It has been designed as such to take into consideration the land levels and surrounding character.

The form over the crematory, used to disguise the required chimney flue, follows the roof parapet angles and lines of the chapel popup.

The porte-cochere provides visual presence for the mourners on approach from the carpark as well as providing shelter for cortege and congregation. The porte-cochere provides covered spaces to hold groups together.

To the north west of the main building is a floral tribute area and a protected view is available through the large window of the chapel.

The chapel is designed to seat up to 120 people with additional standing room in both chapel and lobby.

The main building is to be built in light buff brick with precast brick faced coping. Large timber/aluminium composite bronze framed window panels to break up the monolithic brick building, which opens up to key views.

The remembrance court building is to be built in light buff with precast brick faced coping. The windows and doors are to be PCC aluminium.

The main building has been designed and sited towards the front end of the site towards Norbury Hills which helps incorporate it into the landscape with the back drop of trees.

The memorial gardens and small remembrance building have then been situated in the more open part of the site with significant landscaping. The buildings work with the topography constraints in order to create a coherent environment.

Some amendments were received to the proposal. These include the removal of a window to the waiting room. Repositioning of a window and increasing in size a window to the waiting room.

There has been internal alterations to the layout which includes access from the service yard to cremator plant server room added, redesign of WC, introduction of internal door and an internal redesign of the reception area.

A window has been added to the family room and a door has been omitted on the west elevation.

The floral tribute wall is now varying heights.

A gantry and steps have been added to the roof for safe access and safe zones have been added for roof maintenance by means of a flat walkway.

On the site plan, amendments include the overflow carpark being included. The road to the service yard has been extended to allow for HGV turning. Pathways to the remembrance court have been revised. Paving has been extended to allow for limousine turning. Gates have been removed at the entrance.

These amendments are minor in nature and are considered acceptable. The overflow carpark does not fall within the root protection area for the trees and therefore the trees would not be affected.

The materials, design and siting along with the landscaping would be acceptable in this location. The proposal provides appropriate boundary treatments and SUDs are incorporated into the design (discussed in another section). There are no Listed Buildings in close proximity and as such would not impact upon key views towards any important structures. The proposal

does not impact upon the views and there is sufficient parking provided on site (discussed in another section). The proposal is therefore in accordance with policy 4 of the Lea Neighbourhood Plan.

The proposal is also in accordance with policy LP26 of the Central Lincolnshire Local Plan. The proposal would contribute positively to the local character, landscape and townscape given the design, materials, siting and landscaping.

Impact on the Area of Great Landscape Value

Policy LP17 states that to protect and enhance the intrinsic value of our landscape and townscape, including the setting of settlements, proposals should have particular regard to maintaining and responding positively to any natural and man-made features within the landscape and townscape which positively contribute to the character of the area, such as (but not limited to) historic buildings and monuments, other landmark buildings, topography, trees and woodland, hedgerows, walls, water features, field patterns and intervisibility between rural historic settlements. Where a proposal may result in significant harm, it may, exceptionally, be permitted if the overriding benefits of the development demonstrably outweigh the harm: in such circumstances the harm should be minimised and mitigated.

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 key local views and vistas, and create new public views where possible.

The considerations set out in this policy are particularly important when determining proposals which have the potential to impact upon the Lincolnshire Wolds AONB and the Areas of Great Landscape Value.

The whole of the site is within the designated Area of Great Landscape Value.

To the north and east of the site is Norbury Hills. The Lea Neighbourhood Plan states that “Norbury Hills is a highly valued community green infrastructure asset to Lea.... These beautiful woods are enjoyed by all generations, predominantly by dog walkers and families from the local area. The woodlands are easily accessed across the field from Sheriffs Walk and the New Plantation.”

The site is currently an arable field bound by good hedgerows with hedgerow trees and larger blocks of deciduous woodland to the north, east and south east. It lies on an area of slightly higher land south of Gainsborough. There are few detracting features within the site. However, the A156 lies adjacent to the site and the views across the River Trent to the large power station at Burton are slight detractors within the surrounding landscape.

The West Lindsey District LCA (1999) identifies the Site as lying within LCA 3 Trent Valley. The key characteristics of the LCA relevant to the Site are:

- “Low-lying, gently undulating landform with higher terrain to east and south of Gainsborough.
- Significant blocks of deciduous woodland, good hedgerows and hedgerow trees create a relatively enclosed landscape.
- River Trent and its adjacent washlands are enclosed by steep flood embankments.
- Historic parkland landscape including a medieval deer park, and landmarks such as the ruins of Torksey Castle.
- Main roads are significant features in the landscape; recent development concentrated along the main roads, bypassing original village centres.
- Views towards the west are dominated by the power stations along the River Trent.”

The below includes an extract of the landscape description for LCA 3 – Trent Valley as relevant to the Site:

“.... The landform is gently undulating and quite low lying, although the higher terrain to the east and south east of Gainsborough extends as far south as Marton. This relatively elevated land is formed by local outcrops of resistant gypsum within the rock strata. There are significant blocks of predominantly deciduous woodland to the south and east of Gainsborough, some of which are remnant semi-natural ancient woodland, and good hedgerow boundaries throughout the area. These are generally hawthorn, but there are also taller mixed species hedgerow and hedgerow trees, particularly adjacent to roads.

The combination of tree cover and an undulating landform provides a sense of enclosure; long views are generally contained, particularly to the east of the A156 and A1133 spine roads. However, there are some views down onto this area from the high ground around Gainsborough and along the higher ground along the eastern boundary near Marton. Further south, views to the west are dominated by the power stations along the River Trent and the major transmission lines leading to them....

This landscape accommodates a variety of land uses and features including, settlements, golf courses, transmission lines, roads, a railway and the Fossdyke.”

The site is assessed as making a positive contribution to the Local Landscape Character of the District.

As part of the application a full scheme of landscaping is proposed.

To the west of the site, which is where the entrance is located, the existing hedgerow will be supplemented with additional planting.

To the south west will be a storm water attenuation area and new woodland planting. Further new woodland planting also takes place to the south of the site, north, north east, east and south west.

Within the site will be memorial gardens and terraced gardens.

The design of the proposed development is well-integrated into the surrounding more open landscape and will maintain the quality of the transition between the developed and rural landscape. This would be in accordance with policy LP17 of the Central Lincolnshire Local Plan.

Highways and Drainage

As part of the application a Transport Statement has been submitted in support of the application.

A maximum of 60 arrivals and departures in an hour is estimated if the chapel is operating at capacity. These trips would occur outside of the AM and PM peaks.

It is proposed that the members of staff will be required during the operating hours (09:00-17:00) and are therefore likely to travel during peak hours.

The parking arrangements and drop off facilities are sufficient to accommodate all visitors, including any potential overlap between services.

The speed limit on Gainsborough Road at the location of the proposed site access is 60mph. It reduces to 40mph as you approach Lea. Knaith Hill to the east has a speed limit of 30mph.

Personal injury data has been obtained from the DfT (Department for Transport) database for the Transport Statement for the latest 3 year period (2013-2016) available in the area surrounding the proposed site location.

In total, 5 slight collisions occurred in the latest three year period. All the accidents were classified as 'slight' severity. A 'slight' injury is defined by the DfT as one in which at least one person is slightly injured. This includes minor injuries such as sprains, bruises, slight cuts, or shock, requiring only roadside attention.

The number of accidents is not abnormal for a road with this level of traffic flows.

The Transport Statement does not consider there to be existing safety concerns on the highway network in the vicinity of the site.

The Transport statement also shows that the required visibility splays for the maximum design speed (60mph) can be accommodated with some removal and trimming of the hedge line that borders the proposed site.

The statement concludes that the proposed crematorium development can be accommodated at the proposed site and there is not anticipated to be a significant adverse impact on the local highway network.

The Highways Authority have been consulted on the application and have assessed all the information and Transport Statement submitted. They have no objection to the proposal however they requested that the applicant revise the access drawing to show a tactile crossing point from the access.

An amended plan was received to that effect and the application will be conditioned to be in accordance with this plan.

Proposed Surface Water Strategy

It is proposed that surface water from the development will ultimately drain to the Lea Marshes Main drain located on the southern boundary of the site, via a new headwall connection. Surface water run-off will be restricted to 5l/s via a vortex flow control device and upstream attenuation.

In order to achieve attenuation requirements various SUDs devices have been proposed which includes porous car parking bays, gravel trenches and a surface water attenuation basin in the south-west corner of the site.

Proposed Foul Water Strategy

As no existing public sewers are present within the vicinity of the site it is proposed to connect treated foul water to the Lea Marshes Drain.

Foul water from the main crematorium building and the book of remembrance building will be treated via a private treatment plant before discharging into the main drain.

The Highway and Lead Local Flood Authority (HLLFA) have assessed the drainage strategy and have confirmed this is acceptable.

The proposal is therefore in accordance with policies LP13 and LP14 of the Central Lincolnshire Local Plan.

Loss of Agricultural Land

Part G of policy LP55 states that proposals should protect the best and most versatile agricultural land so as to protect opportunities for food production and the continuance of the agricultural economy.

With the exception of allocated sites, development affecting the best and most versatile agricultural land will only be permitted if:

- a. There is insufficient lower grade land available at that settlement (unless development of such lower grade land would be inconsistent with other sustainability considerations); and
- b. The impacts of the proposal upon ongoing agricultural operations have been minimised through the use of appropriate design solutions; and
- c. Where feasible, once any development which is permitted has ceased its useful life the land will be restored to its former use, and will be of at least

equal quality to that which existed prior to the development taken place (this requirement will be secured by planning condition where appropriate).

The land is classified as 3 which is good to moderate. All of the sites tested in the sequential test were of the same quality.

The lower grade land is situated in flood zone 3 and therefore were discounted as a suitable site.

Whilst some agricultural land will be lost in this development, the built development of the site only forms a small percentage in comparison with the rest of the site. The majority of the site could be restored to its former use should the development permitted cease.

Ecology

The majority of the site comprised arable habitat and was considered to be of low ecological value. The woodland within the northern, eastern and southern extents of the site has greater ecological value and is recognised as a BAP Priority Habitat.

This woodland is to be retained following the development and with appropriate protection measures will continue to provide opportunities for a range of faunal species. The majority of the woodland along the western site boundary is also to be retained, except for a short length (some hedging) to be removed to facilitate access to the site. This minor loss of habitat is to be compensated within the proposed landscaping across the site, which is anticipated to result in a net gain in biodiversity following the development.

The site provides opportunities for nesting birds within the woodland and scrub vegetation. Appropriate mitigation is required, where vegetation removal and/or management is necessary, in order to avoid disturbing nesting birds.

Since Great Crested Newts were confirmed to be present at the site the proposed development had the potential to kill/injure individuals as well as to result in potential loss of terrestrial habitat. Further surveys were required to determine a population estimate and to inform an appropriate mitigation strategy to ensure the favourable conservation status of the population is maintained.

The population has been determined as medium and a mitigation plan has been produced. The mitigation includes –

- Temporary Amphibian Fencing (TAF) will be installed around the boundary of the development footprint, and pitfall traps and carpet tiles will be set out before a translocation programme commences;
- Whilst the population estimate is considered to be medium, given the limited optimal terrestrial habitat which is to be impacted by the proposed development, a trapping programme of 30 days is proposed (subject to agreement with Natural England);
- All GCNs and other amphibians found will be moved into the temporary receptor area, where they will be excluded from the site until the development

is complete. It is proposed to use the woodland habitat within the northern area of the site as a temporary receptor area. Since the translocation works are anticipated to be undertaken in Autumn 2018, this area provides existing hibernation opportunities, and will be further enhanced through the creation of log piles;

- In order to provide compensatory habitat and further enhancements for GCN, the creation of a wildlife pond is proposed within the north-eastern area of the site. This would be excavated following the initial trapping programme. Once established, the TAF which separates the pond from the temporary area would be removed and access for GCNs permitted, the aim to be available for the 2019 breeding season; and

- Following the development, as much habitat on-site as possible will be opened back up again to GCNs, however, measures will need to be included to ensure that there is no habitat fragmentation through the avoidance of steep kerbs and gully pots, which cause amphibians to become stuck on roads/ in drains and die, and linkages created through the inclusion of hedgerows/ green corridors through the site.

The mitigation plans and strategy will be conditioned.

As large parts of the site are proposed for memorial remembrance gardens with associated landscaping, this has the potential to enhance the site for amphibians following the development.

A grass snake was recorded at the site during the survey. The arable land was considered sub-optimal for reptile species, with habitat of greatest value associated with the woodland and field margins in proximity to the drain. It is anticipated that any reptiles present during construction activities will disperse into suitable off-site habitats. However, a precautionary approach should be applied to vegetation clearance to further minimise the risk of harm to any reptiles that may be present. Proposed landscaping within the development has the potential to enhance the site for reptile species and to provide greater connectivity across the site to suitable off-site habitat.

The site and land immediately surrounding the site, did not support any opportunities for roosting bats. Lighting within the proposed development should be sensitively designed in order to avoid impacts upon nocturnal wildlife.

No evidence of recent badger activity was recorded at the site, or within the immediate surrounding land, during the survey, however, a disused sett was identified within the northern boundary extent of the site and the data search indicates their presence in the local area. A precautionary approach is, therefore, required to ensure no new setts are dug which may be impacted by the proposed works, and to protect badgers which may venture onto site during the proposed works.

Brown hare have been recorded in the local area, however, it is anticipated that any present on the site at the commencement of the works will disperse into suitable off-site habitat, with no significant impact upon them.

The woodland and scrub provides suitable habitat for hedgehog, which should be considered during any vegetation clearance to avoid harm.

The findings of the initial site assessment have identified habitat or potential for nesting birds, GCNs, reptiles, badger and hedgehog.

Recommendations include –

- The retained woodland habitat should be protected to BS5837 (2012) during the development works, including the use of protective barriers, where necessary;
- All works should be undertaken to current Pollution Prevention Guidance.
- Where works will impact protected and notable species of flora and fauna a suitable method statement should be incorporated into the site Construction Environment Management Plan (CEMP)
- If, however, site clearance works are deemed necessary during the nesting period an experienced ecologist will be required to check the site habitats immediately prior to works commencing to confirm that no nesting birds will be affected by the proposed works.
- It is recommended that arable land continues in active management up to the commencement of development activities.
- As a precautionary approach, it is recommended that a suitable qualified ecologist is present during any vegetation clearance to areas of woodland and field margin habitat in order to advise on, and facilitate the dispersal of any reptiles present into suitable off-site habitat.
- Prior to works commencing on site, a badger survey should be undertaken to establish the current use of the site and land within 30m of the site by badger. This would inform the requirement for any further mitigation.
- It is recommended that no excavations or trenches are left uncovered overnight during the development works in order to prevent badgers from becoming trapped. Alternatively, ramps can be provided to enable mammals to climb out of trenches or excavations.
- Planting should aim to enhance retained and adjacent vegetation and be of native species, or those of known value to wildlife, sourced from local nurseries to enhance foraging opportunities for local birds and bats. It is recommended that where trees are planted they have a functional understorey.
- Installation of bird nest and bat boxes on trees to be retained around the site.
- Detailed lighting design should be functional and directional and in line with current guidance. It should avoid excessive up-lighting and light spill.
- SUDS should be prioritised.
- Any fencing within the development should allow for access and egress for hedgehogs.

Given the mitigation proposed on site the proposal is therefore in accordance with policy LP21 of the Central Lincolnshire Local Plan. All mitigation will be conditioned.

Minerals

The proposal lies within a minerals safeguarding area.

Within a minerals resource safeguarding area, except for the exemptions set out in Policy M11, all applications for non-minerals development should be accompanied by a Minerals Assessment prepared in accordance with the latest guidance from the British Geological Survey (currently set out in Mineral Safeguarding in England: Good Practice Advice, reference OR/11/046).

Following the initial consultation from the Minerals and Waste Team, a Minerals Assessment was provided as per the consultation response and requirement of policy M11.

The Minerals and Waste Team were re-consulted and given the particulars of this proposed development, were satisfied that the assessment was proportionate and sufficient to qualify as a "Minerals Assessment" for the purposes of Policy M11 of the Minerals and Waste Local Plan: Core Strategy and Development Management Policies (2016) document.

It is considered that having regard to the scale, nature and location of the proposed development, the applicant has demonstrated that in accordance with the criteria set out in policy M11 that prior extraction of the mineral resource would be impracticable, the development would have a limited impact with respect to sterilising the mineral resource and the risk of proximal sterilisation is likely to be limited also.

Accordingly, the County Council had no safeguarding objections.

Other matters

A representation has been received regarding whether the chapel of rest/crematorium will grow. Any future development would require permission in its own right and future development can only be assessed should an application come forward and not at this present stage.

It has been stated that there is a section of woodland being removed to allow for development. There is no woodland being removed only hedges for the access and mitigation has been included for protected species and further landscaping.

A resident has been led to believe that they can expect a film of dust that will need to be regularly cleaned from their property. There is however no evidence to suggest this.

The financial business case of the crematorium is a separate matter outside the material planning considerations of the application.

There is no legal right of way through the wood.

Conclusion

The proposed development would provide a chapel and crematorium facility. The land is not allocated and would fall within open countryside in an Area of Great Landscape Value.

The proposal provides a new community facility and would be in accordance with policy LP15 of the Central Lincolnshire Local Plan.

The proposal would accord with policy LP55 of the Central Lincolnshire Local Plan given the location, accessibility, its size and scale and would not conflict with neighbouring uses.

The design of the development would be acceptable. The proposal has been designed as such that it would not be intrusive in this countryside location and the materials are sympathetic to the character of the area in accordance with policy LP26 of Central Lincolnshire Local Plan and policy 4 of the Lea Neighbourhood Plan.

The proposal is to be significantly landscaped in order to integrate with its surroundings. The buildings work with the topography to create a coherent environment in accordance with policy LP17 of the Central Lincolnshire Local Plan.

Detailed drainage has been included within the application and ensures that the site is adequately drained in accordance with policy LP14 of the Central Lincolnshire Local Plan.

Access to the site can be achieved without harm to highway safety or capacity. A tactile crossing is to be provided to improve the pedestrian link to the site should this be used in accordance with policy LP13 of the Central Lincolnshire Local Plan.

The site has shown evidence of Great Crested Newts and therefore extensive surveys have been carried out. A mitigation plan has been produced in order to protect these protected species. The landscaping and mitigation would improve the biodiversity of the site.

Other ecological surveys have taken place and subject to according with the recommendations within the ecological report, wildlife will be safeguarded in accordance with LP21 of the Central Lincolnshire Local Plan.

There will be some loss of agricultural land in this development. However the built development of the site only forms a small percentage in comparison with the rest of the site. The majority of the site could be restored to its former use should the development permitted cease.

The proposal is within a minerals resource safeguarding area. The applicant has demonstrated that in accordance with the criteria set out in policy M11 that prior extraction of the mineral resource would be impracticable, the development would have a limited impact with respect to sterilising the

minerals resource and the risk of proximal sterilisation is likely to be limited also. There are no safeguarding objections.

Subject to conditions it is considered the proposal would be acceptable and would not have a detrimental impact on the character of the area, the Area of Great Landscape Value, highway safety/capacity, residential amenity, ecology and drainage in accordance with policies LP1, LP5, LP13, LP14, LP15, LP17, LP21, LP26, LP55 of the Central Lincolnshire Local Plan, Policy 4: Design and Character and Policy 11: Wastewater and Water Supply of the Lea Neighbourhood Plan, Policy M11 of the Minerals and Waste Local Plan: Core Strategy and Development Management Policies (2016), including the advice given in the National Planning Policy Framework and the National Planning Practice Guidance.

The application is recommended for approval 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. Prior to works commencing on site, a badger survey should be undertaken to establish the current use of the Site, and land within 30 m of the Site by badger. This would be used to inform the requirement for any further mitigation with regards to this species. No excavations or trenches are to be left uncovered overnight during the development works in order to prevent badgers from becoming trapped. Alternatively, ramps can be provided to enable mammals to climb out of trenches or excavations.

Reason: To safeguard wildlife in the interests of nature conservation in accordance with LP21 of the Central Lincolnshire Local Plan.

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

3. With the exception of the detail matters referred by the conditions of this consent, the development hereby approved shall be carried out in accordance with the following amended drawings:

- OS Location Plan 1121-1000 A dated 01/12/18
- Proposed Site Plan 1121-P1001 A dated 12/10/17

- Proposed GA Elevations – Main Building (Coloured) 1121-P2702 A dated 10/20/17
- Proposed Ground Floor Plan – Main Building 1121-P1003 A dated 09/06/17
- Proposed Roof Plan – Main Building 1121-P1004 A dated 07/06/17
- Proposed GA Sections 1 of 2 – Main Building 1121-2002 B dated 11/15/17
- Proposed GA Sections 2 of 2 – Main Building 1121-A-GA-2003 B dated 11/07/17
- Proposed GA Elevations – Remembrance Court (Coloured) 1121-P2703 A dated 20/10/17
- Proposed Ground Floor Plan – Remembrance Court 1121-P1005 A dated 08/08/17
- Proposed Roof Plan – Remembrance Court 1121-P1006 A dated 08/09/17
- Proposed GA Sections – Remembrance Court 1121-2004 A dated 15/11/17
- Site Sections: Protected View Arrival Space to Front Chapel 0472-PLI-00-ZZ-L-502 dated 22.05.2018
- Site Sections: Floral Tribute and Main Carpark 0472-PLI-00-ZZ-L-503 dated 22.05.2018

The works shall be in accordance with the details shown on the approved plans and in any other documents forming part of the application.

Reason: To ensure the development proceeds in accordance with the approved plans.

4. Prior to the commencement of construction of any buildings, the vehicular access to the development shall be improved in accordance with amended drawing number 5148532-ATK-SK001 Rev C dated 27/11/17

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

5. Prior to any of the buildings being occupied, the detailed arrangements for the foul and surface water drainage shall be completed in accordance with the details and plans submitted within the drainage strategy (Drainage Strategy and SuDs Statement Revision P3 dated Oct 2017). The scheme shall be retained and maintained in full in accordance with this strategy.

Reason: To ensure the site is adequately drained in accordance with policy LP14 of the Central Lincolnshire Local Plan.

6. Before the access is brought into use all obstructions exceeding 1 metre high shall be cleared from the land between the highway boundary and the vision splays indicated on amended drawing number 5148532-ATK-SK001 Rev C dated 27/11/17 and thereafter the visibility splay shall be kept free of obstacles exceeding 1 metre in height.

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

7. The arrangements shown on the approved amended plan 1121-P1001 A dated 12/10/17 for the parking/turning/manoeuvring/loading/unloading of vehicles shall be available at all times when the premises are in use.

Reason: To enable calling vehicles to wait clear of the carriageway of A156 Gainsborough Road and to allow vehicles to enter and leave the highway in a forward gear in the interests of highway safety.

8. The tree protection measures shall be in accordance with plan 0472-S4-PLI-00-L-005 dated 22.03.2018 and details contained within BS 5837:2012 Arboricultural Survey, Gainsborough Crematorium, Gainsborough by Delta-Simons dated October 2017.

Reason: To safeguard the existing trees on the site during construction works, in the interest of visual amenity to accord with the National Planning Policy Framework and local policy LP21 of the Central Lincolnshire Local Plan 2012-2036.

9. The landscaping shall be in accordance with plan 0472-PLI-00-ZZ-L-004 Rev B dated 26.10.17 and 0472-S4-PLI-00-L-003 Rev B dated 26.10.2017.

Reason: In the interests of visual amenity in accordance with policy LP17 of the Central Lincolnshire Local Plan.

10. The development shall be carried out in strict accordance with the ecological report (Extended Phase 1 Habitat Survey Gainsborough Crematorium, Gainsborough by Delta-Simons dated June 2017) submitted with the application, including provision of any proposed details of habitat protection/ creation.

Reason: To safeguard wildlife in the interests of nature conservation in accordance with LP21 of the Central Lincolnshire Local Plan.

11. The development shall be carried out in strict accordance with the Great Crested Newt Survey Report by Delta-Simons dated May 2018 submitted with the application.

Reason: To safeguard wildlife in the interests of nature conservation in accordance with LP21 of the Central Lincolnshire Local Plan.

12. The construction of the development shall be in accordance with the details submitted in the Construction Method Statement (Gainsborough Crematorium Construction Method Statement by SNC.LAVALIN FAITHFUL GOULD dated 21 May 2018.) unless otherwise agreed in writing by the Local Planning Authority.

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

13. Unless otherwise agreed in writing by the Local Planning Authority, the bricks shall be TBS Mystique and all other external materials in accordance with the details submitted within the application.

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

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

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

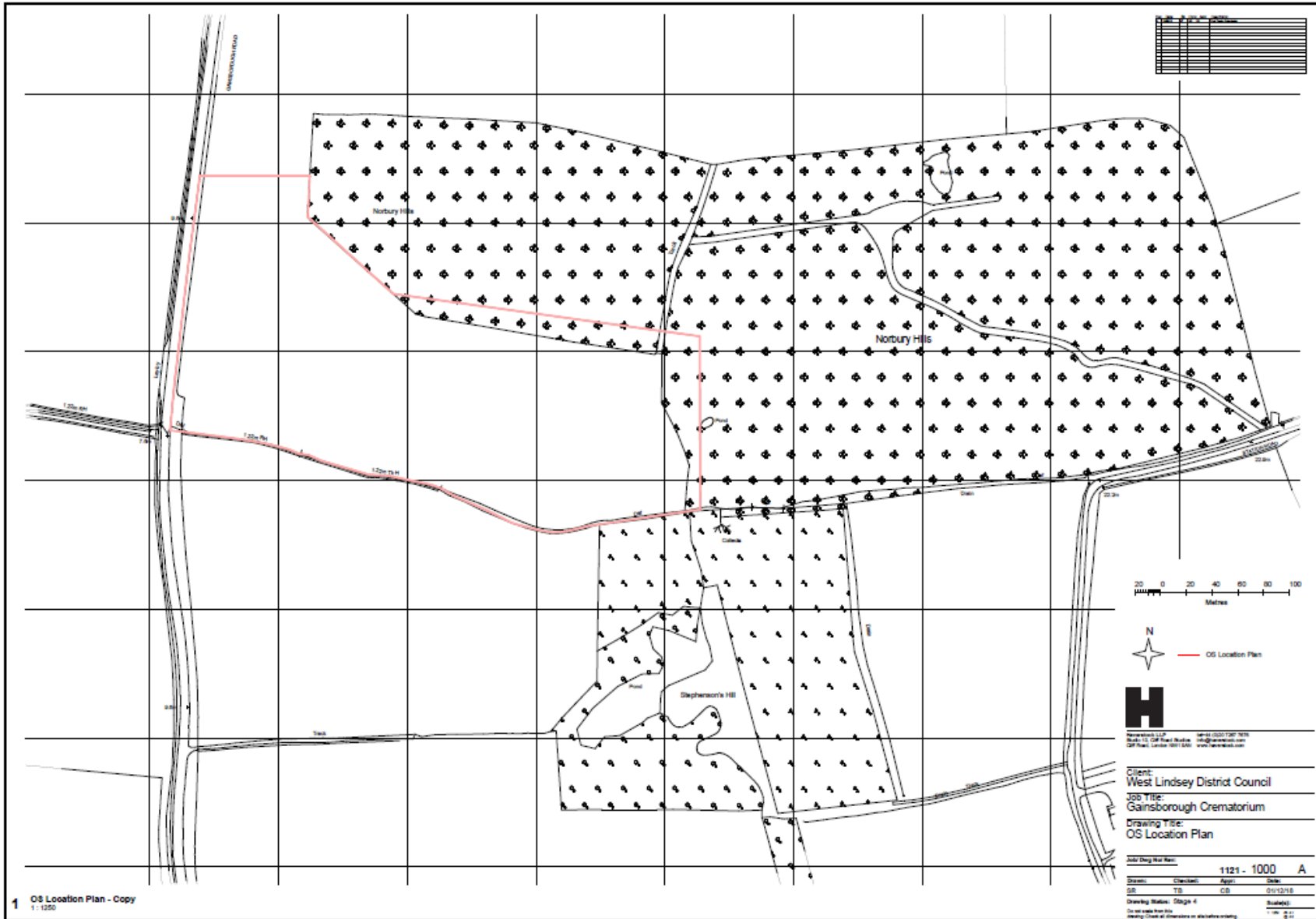
Reason: To ensure that an approved landscaping scheme is implemented in a speedy and diligent way and that initial plant losses are overcome, in the interests of the visual amenities of the locality and in accordance with policy LP17 of the Central Lincolnshire Local Plan.

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.

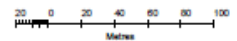
Legal Implications:

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



Revisions		
No.	Description	Date

1 OS Location Plan - Copy
1:1000



Client: West Lindsey District Council
 Job Title: Gainsborough Crematorium
 Drawing Title: OS Location Plan

OS Location Plan			
Date	Checked	Appr.	Scale
02/12/18	TS	CB	01/12/18
Drawing Status: Stage 4			Subsidiary
Drawing Number: 1121 - 1000			Sheet: A

Agenda Item 7



Planning Committee

27 June 2018

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

x

Key Decision:

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

Yes

No

x

Appendix A - Summary

- i) Appeal by M & M Fieldson against the decision of West Lindsey District Council to refuse planning permission to erect up to 25 dwellings on land off Brook Street, Hemswell, Gainsborough, Lincolnshire, DN21 5UJ

Appeal Dismissed – See copy letter attached as Appendix Bi.

Costs Refused – See copy letter attached as Appendix Bia.

Officer Decision – Refuse permission

- ii) Appeal by Mr and Mrs Cottle against the decision of West Lindsey District Council to refuse planning permission for a new single-storey dwelling on land adjacent to 25B Church Road, Stow, Lincoln, LN1 2DE

Appeal Dismissed – See copy letter attached as Appendix Bii.

Officer Decision – Refuse permission

- iii) Appeal by Mr John Bingham against the decision of West Lindsey District Council to refuse planning permission for three detached dwellings on land adjacent to St. Helens View, High Street, Willingham by Stow, Gainsborough, DN21 5FE

Appeal Dismissed - See copy letter attached as Appendix Biii.

Officer Decision – Refuse permission

- iv) Appeal by Mr T Marshall against the decision of West Lindsey District Council to refuse planning permission for the change of use from grazing/grassland to a Touring Caravan site at Mantex, Thonock Road, Wharton, Gainsborough, DN21 3NP

Appeal Dismissed - See copy letter attached as Appendix Biv.

Officer Decision – Refuse permission



Appeal Decision

Site visit made on 23 April 2018

by Susan Ashworth BA (Hons) BPL MRTPI

an Inspector appointed by the Secretary of State

Decision date: 4th June 2018

Appeal Ref: APP/N2535/W/17/3187822

Land off Brook Street, Hemswell, Gainsborough, Lincolnshire DN21 5UJ

- 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 M & M Fieldson against the decision of West Lindsey District Council.
 - The application Ref 136184, dated 29 April 2017, was refused by notice dated 2 August 2017.
 - The development proposed is erect up to 25 dwellings.
-

Decision

1. The appeal is dismissed.

Application for costs

2. An application for costs was made by West Lindsey District Council against M & M Fieldson. This application is the subject of a separate decision.

Preliminary matter

3. The application was submitted in outline with all matters reserved for subsequent approval. I have dealt with the appeal on that basis.

Main Issues

4. The main issues in this case are:
 1. Whether the site is a suitable location for housing having regard to local and national planning policy and the effect of the proposal on the character and appearance of the area.
 2. Whether the proposal would preserve or enhance the character or appearance of the Hemswell Conservation Area or its setting.
 3. Whether satisfactory provision is made for affordable housing.
 4. Whether the proposal would have a harmful effect on the mineral resource.

Reasons

Whether the site is a suitable location for housing

5. The appeal site is an irregularly shaped area of around 1.4 ha of grassed land, predominantly in agricultural use, situated to the north of Brook Street. The site includes a strip of land between 17a Brook Street and outbuildings

adjacent to No 19 which would be used as access to the site. The site is bounded by open land on three sides and by a watercourse to the north beyond which is a public footpath. An indicative layout submitted with the proposal shows 25 houses on the site largely arranged in terraces set around a central area of open space.

6. Policy LP2 of the Central Lincolnshire Local Plan 2017 (the Local Plan) identifies the Council's approach to sustainable growth, including housing development, setting out a hierarchical approach that focusses growth on Lincoln and the main towns of Sleaford and Gainsborough with some significant but proportionate growth in market towns, and less growth in large and medium villages. Hemswell is categorised in Policy LP2 as a 'small village' where, unless promoted by a neighbourhood plan or through the demonstration of clear local community support, development would be small scale, of a limited nature in an appropriate location, and limited to around 4 dwellings.
7. Policy LP4 sets out the percentage growth that may be permitted within a village during the plan period, to 2036. Within Hemswell that growth figure is 15%, which at the time of the application equated to 27 dwellings but has subsequently been reassessed by the Council to be 18 dwellings. The Council can currently demonstrate a five year supply of housing land within the district. These matters are not disputed by the appellant.
8. The appeal site is not promoted by a neighbourhood plan and there is no demonstration of clear local community support for the development. Moreover, the proposal is clearly for considerably more dwellings than the limited amount of 4, acceptable under Policy LP2.
9. To be considered an appropriate location, in addition to a development being consistent with local and national policy, it must 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.
10. The settlement has a compact layout and in this particular area the edge of the settlement is clearly defined by residential properties set out in a well-established linear pattern along Brook Street. The land is currently open and free from development and is visually continuous with the countryside beyond it. Consequently the site makes a positive contribution to the rural character and setting of the village. The development would be clearly visible from the surrounding network of footpaths and from the countryside beyond, which rises to the north-east. It would project incongruously into the countryside, in an elongated wedge shape, and as such would not reflect the compact rectilinear character of the village. Moreover, it would erode part of the rural setting of the village which is an essential characteristic of the village.
11. My attention has been drawn to the housing requirements of the nearby settlement of Hemswell Cliff, classed as a medium village, where permission has been granted for some 180 houses¹. I do not have the full details of the case before me, but I note that the development related to an allocated site, to which different policies apply. Consequently the two cases are not directly comparable. Whilst I acknowledge that proposals to develop Hemswell Cliff as a Food Enterprise Zone may attract more demand for housing, there is no

¹ Application Ref 134720 approved 6 September 2017

reason to conclude that this has not been assessed through the recent Local Plan process and could not be accommodated.

12. For the reasons set out, even though I acknowledge that Hemswell can sustain a limited amount of new growth, the appeal site is not an appropriate location as defined in Policy LP2. Moreover, the proposal is for considerably more than the small scale, or 4, dwellings the policy envisages. Consequently the proposal is in conflict with Policy LP2.

Whether the proposal would preserve or enhance the character or appearance of the Hemswell Conservation Area or its setting

13. Part of the site, including the proposed access, lies within the Hemsworth Conservation Area. The Council's Conservation Area Character Appraisal (CACA) sets out the significance of the conservation area. In relation to that part of the conservation area closest to the site, the CACA notes that nos 17-23 Brook Street comprise attractive stone cottages and that the local environment is very pleasant being dominated by more natural features including stud paddocks, wide grass verges, tree and hedges. From what I saw on site these features have a positive impact on the character and appearance of the conservation area.
14. The land between Nos 17a and the outbuildings presently provides a visual link between the built up part of the village and the countryside beyond, as well as contributing to the natural character of the local environment as set out in the CACA. The introduction of a road on this land would have an urbanising effect and would erode the contribution the land currently makes to the conservation area. As such it would neither protect nor enhance the character or appearance of this part of the conservation area contrary to the statutory duty set out in the Planning (Listed Buildings and Conservation Areas) Act 1990.
15. Moreover, the site provides a rural setting to the conservation area, which given the historic relationship between the countryside and the village, makes a positive contribution to its significance. Policy LP25 of the Local Plan seeks, amongst other things, to protect the significance of designated heritage assets including their setting by protecting and enhancing historical associations, landscape and townscape features and through consideration of views and vistas both from and towards the asset as well as promoting opportunities to better reveal significance of heritage assets.
16. The construction of 25 dwellings on the site would erode the rural character of the setting of the conservation area and thereby have a negative effect on its significance. Whilst I acknowledge that the illustrative layout has been carefully designed, and the height of the proposed dwellings may not be excessive, it seems to me that views into and out of the site would be diminished. Whilst further landscaping around the site would help soften the development it would not adequately mitigate against its harmful effects.
17. Consequently for these reasons the proposal would be contrary to Policy LP25 and to Policy LP17 which requires the protection and enhancement of landscape and townscape, including the settings of settlements.
18. Paragraph 132 of the Framework makes clear that great weight should be given to the conservation of designated heritage assets, and to their setting. The conservation area falls within the definition of a designated heritage asset

as set out in the glossary in Annex 2 of the Framework. In the light of my reasoning set out above, I conclude the proposals would harm the conservation area and its setting, contrary to the expectations of paragraph 132 of the Framework.

19. However, the extent of this harm would be less than substantial when considered in the context of paragraphs 133 and 134 of the Framework and I note this is accepted by the appellant. In accordance with the approach of the Framework such harm needs to be balanced against any public benefits the development might bring, which I will consider below.

Whether satisfactory provision is made for affordable housing

20. The Council has identified a need for affordable housing provision in the area and Policy LP11 of the Local Plan requires that in residential developments of 11 or more dwellings, as well as in other circumstances, 20% of the dwellings should be affordable. Such a contribution is necessary to make the development acceptable, directly related to the development and fairly and reasonably related in scale and kind to the development. As such it would meet the statutory tests of the CIL Regulations.
21. The appellant does not dispute the requirement for the provision of affordable housing. However, there is no mechanism before me to ensure the delivery of the affordable units in the form of a completed obligation. This weighs against the proposal.

Whether the proposal would have a harmful effect on the mineral resource

22. The site lies within a designated Minerals Safeguarding Area as set out in the Lincolnshire Minerals and Waste Local Plan Core Strategy and Development Management Policies 2016 (CSDMP). Within such areas, sand, gravel blown sand and limestone are resources considered to be of current or future economic importance. Accordingly Policy M11 of the CSDMP requires applications for non-minerals development within a minerals safeguarding area to be accompanied by a Minerals Assessment. In this case no such assessment has been provided and there is therefore some conflict with the policy.
23. Evidence before me about the mineral resource in the area, as set out in the appellant's statement is anecdotal. Accordingly it can carry limited weight and cannot therefore outweigh the policy requirement.

Other Matters

24. The application was also refused on the basis of insufficient information relating to a number of other issues, namely the impact of the proposal on health and wellbeing; the provision of a sustainable urban drainage scheme on the site; and the impact of the proposal on ecology and archaeology. There is a clear policy basis for the provision of adequate information for each of these matters as set out in the relevant policies of the Local Plan. I have also had regard to the detailed comments of consultees relating to them.
25. I note that the application was accompanied by a Flood Risk Assessment which identifies that the site is in a Flood Zone 1. Moreover, a SUDS scheme is proposed, albeit that it is accompanied by limited detail. The site does not form part of a designated wildlife site and the application was accompanied by a geophysical survey indicating potential archaeological remains. There is no

technical information before me to demonstrate that the proposal would cause harm to these interests and I am unconvinced that the issues could not have been dealt with by condition in the event of the appeal being allowed.

Planning Balance and Conclusion

26. The proposal would provide additional units of housing in the Borough, although given the conflict I have identified with the spatial strategy, this limits the weight I can give the matter as a benefit of the scheme. In addition, there would be some economic and social benefits in terms of supporting the local community and local services.
27. In terms of the approach of paragraph 134 of the Framework, the harm I have identified to the heritage asset, which carries great weight, would not be outweighed by these public benefits.
28. Furthermore, on the negative side of the balance, in addition to the harm to the character and appearance of the conservation area and its setting, the proposal would not protect the character of the settlement. There is no mechanism by which affordable housing would be secured and insufficient information has been provided to assess the impact of the development on the mineral resource as set out above. Moreover, as the development would not comply with the policies of the Framework as a whole, the proposal would not constitute the sustainable development the government is seeking to promote.
29. Consequently any benefits of the scheme are significantly outweighed by the harm it would cause. As such, and taking into account all other matters raised, the appeal is dismissed.

S Ashworth

INSPECTOR



Costs Decision

Site visit made on 23 April 2018

by Susan Ashworth BA (Hons) BPL MRTPI

an Inspector appointed by the Secretary of State

Decision date: 4th June 2018

Costs application in relation to Appeal Ref: APP/N2535/W/17/3187822 Land off Brook Street, Hemswell, Gainsborough, Lincolnshire DN21 5UJ

- The application is made under the Town and Country Planning Act 1990, sections 78, 322 and Schedule 6, and the Local Government Act 1972, section 250(5).
 - The application is made by West Lindsey District Council for a full award of costs against M & M Fieldson.
 - The appeal was against the refusal of planning permission for the erection of up to 25 dwellings.
-

Decision

1. The application is refused.

Reasons

2. The Planning Practice Guidance (PPG) states that costs may only be awarded against a party who has behaved unreasonably and thereby caused another party to incur unnecessary or wasted expense in the appeal process. An appellant is at risk of costs, the PPG states, amongst other things when the development is clearly not in accordance with the development plan, and no other material considerations such as national planning policy are advanced that indicate the decision should have been made otherwise, or where other material considerations are advanced there is inadequate supporting evidence.
3. The Council's case centres on their view that the proposal is contrary to Policy LP2 of the Central Lincolnshire Local Plan 2017 in so far as, amongst other things, the development is for a greater number than 4 dwellings. In addition, the appellant failed to provide full and detailed evidence to support their case in terms of all of the reasons for refusal, specifically, a lack of minerals assessment; health impact assessment; failure to secure 20% affordable housing; lack of SUDs scheme, lack of ecological and archaeological assessments and associated conflict with development plan policies.
4. In response, the appellant includes a copy of a note to the Council following a meeting, setting out their disagreement with the Council's position. Moreover, the appellant sets out, as a material consideration, the designation of Hemswell as a strategic employment area in the Central Lincolnshire Local Plan. The appellant's primary consideration is that the constraints of Policy LP2 are affected by the housing needs in LP4.
5. I have addressed these matters in my decision and, whilst I have not accepted the appellant's position, the appellant's views amount to a material consideration. As such, there is a clear disagreement between the parties which could only have been resolved by way of an appeal.

6. The appellant has, it seems to me, addressed all the reasons for refusal, albeit briefly and with limited supporting evidence. Consequently there has been no unreasonable behaviour. Moreover, given that the appeal was necessary to resolve the fundamental disagreement between the parties, the limited response on these matters has not engaged the Council in any unnecessary expense.
7. As such, unreasonable behaviour resulting in unnecessary or wasted expense in submitting the appeal, as set out in the PPG, has not been demonstrated. The application for costs is therefore refused.

S Ashworth

INSPECTOR



Appeal Decision

Site visit made on 15 March 2018

by D Guiver LLB (Hons) Solicitor

an Inspector appointed by the Secretary of State

Decision date: 4 June 2018

Appeal Ref: APP/N2535/W/17/3192633

Land adjacent to 25B Church Road, Stow, Lincoln LN1 2DE

- 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 and Mrs Cottle against the decision of West Lindsey District Council.
 - The application Ref 136245, dated 17 May 2017, was refused by notice dated 12 July 2017.
 - The development proposed is new single-storey dwelling.
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Decision

1. The appeal is dismissed.

Procedural Matters

2. The application is made in outline with all matters reserved. However, the appellants have submitted drawings showing an indicative site layout and access and I have had regard to these in determining this appeal.

Main Issue

3. The main issue is the effect of the proposal on the character and appearance of the area, with particular regard to development beyond the settlement boundary.

Reasons

4. Policy LP2 of the Central Lincolnshire Local Plan 2017 (the Local Plan) identifies eight levels of settlement hierarchy for development across the three local planning authority areas of Lincoln, North Kesteven and West Lindsey. Policy LP4 seeks to regulate development in tier six, which is to say small villages, and provides for a sequential test for development sites with priority given to brownfield sites and infill within the developed footprint of a settlement, followed by brownfield sites on the settlement edge and finally greenfield sites on the settlement edge. There is an additional requirement for each of these categories, namely that the development site is in an appropriate location. Policy LP2 defines an appropriate location as one that does not conflict with the Local Plan policies or national policy taken as a whole and which, 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.
5. Policy LP17 of the Local Plan seeks to ensure that developments protect and enhance the intrinsic value of the area's landscape and townscape, including the setting of settlements. Proposals should have particular regard to maintaining and responding positively to natural features within the landscape which positively contribute to the character of the area, such as trees and hedgerows, and should take account of views into and out of development areas. The Policy also provides that cumulative as well as individual impacts of a proposal will be considered. Policy LP26 of the Local Plan also seeks to ensure that developments preserve or enhance the character and appearance of the area and specifically should not result in ribbon development or extend any existing linear features of the settlement.
 6. Ribbon development and linear features are not defined in the Policy but taken together in their ordinary meanings refer to the building of houses in a continuous row along a road into or out of the settlement as opposed to roads contained within the settlement. I consider that ribbon development need not be on a main road and such an interpretation would not take into account the reference to linear features in Policy LP26.
 7. The appeal site comprises a modest plot of open land on Church Road, which is a narrow country lane on the edge of the village of Stow. Church Road is closed off at one end by a locked barrier but the carriageway continues onto a junction with the B1241 Normanby Road. The site is largely screened by mature hedging and trees which contribute to the framing of the views into and out of the village along Church Road but there are views, albeit restricted through the vegetation, across the site to the open land beyond.
 8. The appeal site forms part of a larger field in the ownership of the appellants which sits outside the main built form of the village and is therefore in the open countryside. There are some additional houses further away from the main built form along Church Road which continue the sequential numbering of houses, but these are some distance away and are clearly separate from the village. There are no houses in the fields surrounding the site, although there is outline planning permission for the construction of two dwellings on the neighbouring plot.
 9. The proposed development would narrow the gap between the village and the outlying properties along Church Road. The proposal would therefore alter the core shape and form of the village by extending ribbon development into the open countryside. The development would also require a gap to be made in the hedge to provide for access which would have a negative impact on the views along Church Road. The construction of a building would introduce a physical barrier to the existing views across the open land beyond. I find that the proposal would have a detrimental impact on the appearance of the countryside arising from the loss of open space and the reduction of views into and out of the village in the vicinity. Therefore, the appeal site would not be an appropriate location for development and would not accord with Policies LP2 and LP4 of the Local Plan. The proposal would also not be in accordance with Policies LP17 and LP26 of the Local Plan with regards to character and appearance and ribbon development.

10. In addition, there is no substantiated evidence before me that the required sequential test has been undertaken with consideration of potential brownfield or infill sites within the main built form of the village. Therefore, for this reason also the proposed development would not be in accordance with Policy LP4 of the Local Plan.

Other Matters

11. The appellants have indicated that the proposed development would provide accommodation for relative who lives in the village and wishes to continue to do so in retirement. The appellants also state that there is a lack of small, low-cost housing available in the village. However, the proposed development is earmarked for a specific occupant rather than as market housing and therefore I give very limited weight to any lack of small, low-cost housing in the village. I attach moderate weight to the personal circumstances described but these are not sufficient to overcome the significant harm to the character and appearance of the village and the surrounding area.
12. I have also been referred to three other developments in the village in addition to the outline permission for the plot adjacent to the appeal site. The permissions for developments on the plot adjacent to the appeal site and at Ingham Road and Stow Park Road were granted before the adoption of the current Local Plan and the development permitted on land behind the Old Rectory appears from the evidence before me to be within the curtilage of an existing property and could therefore amount to infill. The evidence presented to the Council in support of the applications for planning permission is not before me and I can therefore attach only limited weight to the extant permissions. In any event I must determine this appeal on its own merits and such weight as can be given is not sufficient to overcome the harm to the character and appearance of the village and the wider countryside. Given my conclusions with regard to the proposal subject to this appeal, it has not be necessary to reach a determination on the cumulative effect of the scheme with regard to the planning permission for the plot neighbouring the appeal site.

Conclusion

13. Therefore, for the reasons given above, and taking into account all other matters, I conclude that the appeal should be dismissed.

D Guiver

INSPECTOR



Appeal Decision

Site visit made on 4 June 2018

by **Susan Ashworth BA (Hons) BPL MRTPI**

an Inspector appointed by the Secretary of State

Decision date: 8th June 2018

Appeal Ref: APP/N2535/W/17/3191418

Land adjacent to St. Helens View, High Street, Willingham by Stow, Gainsborough DN21 5FE

- 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 John Bingham against the decision of West Lindsey District Council.
 - The application Ref 136083, dated 6 April 2017, was refused by notice dated 14 June 2017.
 - The development proposed is outline planning application for three detached dwellings.
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Decision

1. The appeal is dismissed.

Preliminary Matter

2. The application was submitted in outline with all matters reserved for subsequent approval. I have dealt with the appeal on that basis.

Main Issue

3. The main issues in this case are:
 1. The impact of the development on the character and appearance of the area.
 2. The impact of the development on the settings of the nearby grade II listed buildings: Willingham House, the Church of St Helen, Grange Farmhouse and 1 & 3 Stow Road.

Reasons

Character and Appearance

4. The appeal site is an area of grassed land located on the edge of the settlement of Willingham by Stow adjacent to a small group of dwellings at St Helens View. The site is located in a prominent location on one of the main routes into the settlement and occupies a corner position on a sharp bend. Visually, the site, which is bounded by a mix of hedgerows, mature trees and simple fencing, forms a continuous part of the open countryside to the north.
5. The layout submitted with the application for indicative purposes, shows three dwellings fronting Gainsborough Road, with a shared access off High Street leading to garages.

6. Policy LP2 of the Central Lincolnshire Local Plan 2017 (the Local Plan) identifies the Council's approach to sustainable growth, including housing development, setting out a hierarchical approach that focusses growth on Lincoln and the main towns of Sleaford and Gainsborough with some significant but proportionate growth in market towns, and less growth in large and medium villages. Willingham by Stow is categorised in Policy LP2 as a 'small village' where, generally, any new development would be small scale, of a limited nature, in an appropriate location.
7. To be considered an appropriate location, in addition to a development being consistent with local and national policy, Policy LP2 requires that it must 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.
8. Policy LP4 sets out the percentage growth that may be permitted within a village during the plan period, to 2036. There is no dispute between the parties that under this policy there is still some limited capacity for development in the village. However, the Council can currently demonstrate a five year supply of housing land within the district.
9. The settlement has a relatively compact shape and form, bounded on the north side by properties fronting, or accessed off High Street. Given that there is development on the opposite side of High Street, the proposal could retain the core shape and form of the settlement. However, there is no precedent for houses facing Gainsborough Road and it seems to me that whilst it might obscure the back of No 1 St Helens View, the indicative layout would turn its back on the settlement and as such be an unsatisfactory form. Nevertheless I acknowledge that the layout is indicative only.
10. The site, which is currently free from development, makes a positive contribution to the rural character and setting of the village partly because of its open appearance and its agricultural character, and also because of the views it affords of the settlement's historic core, including the listed building Willingham House, when approaching from the north. This building, which is obscured in longer range views by existing buildings and vegetation, is revealed closer to the bend. Views of it and the church beyond, enhance the experience of arriving at the village.
11. The development would have an urbanising effect on a greenfield site that would significantly alter its rural character and appearance and would affect views of the historic core of the settlement. Consequently, the development would harm the setting of the settlement. As such the site is not an appropriate location for development as defined in Policy LP2 above.
12. My attention has been drawn to other appeal decisions for development in this settlement and others. No details of these cases have been provided but I note from the Council's comments that they are not all comparable with the appeal proposal either in terms of the policy background or the site circumstances. Similarly the appeal proposal in Osgodby¹ was for a single dwelling and is not therefore a directly comparable scheme.

¹ Appeal Ref: APP/N2535/W/17/3168283

13. For these reasons the proposal would be contrary to Policies LP2 and LP4 of the Local Plan as well as Policy LP17 which seeks to protect landscape, townscape and views, including the setting of settlements.

Setting of the Listed Buildings

14. Under section 66 (1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 I am obliged to have special regard to the desirability of preserving a listed building or its setting or any features of special architectural or historic interest. The National Planning Policy Framework (the Framework) advises that 'significance derives not only from the asset's physical presence but also from its setting'.
15. Policy LP25 of the Local Plan requires an applicant to describe and assess the significance of the heritage asset, including its setting, to determine its architectural, historical or archaeological interest, to identify the impact of the proposed works on the significance and special character of the asset and to provide clear justification for the works, especially if these would harm the significance of the asset or its setting. This is consistent with the requirements of Section 128 of the Framework.
16. The appellant accepts that the site lies within the setting of the heritage assets but the Heritage Impact Assessment accompanying the application makes no assessment of the significance of the setting of the listed buildings or the impact of the development on that setting.
17. The way in which a heritage asset is experienced does not relate only to views of it but includes, amongst other things, an understanding of the historic relationship between places. It seems to me that all of the listed buildings identified, had a historic relationship with the agricultural land around the settlement whether in terms of their position, design or function. In addition it seems likely that the site resembled the setting of the buildings at the time they were originally constructed. It therefore contributes particularly strongly to their significance as heritage assets.
18. I acknowledge that the development at St Helens View already intrudes into the setting of the assets. However, the Planning Practice Guidance advises the implications of cumulative change need to be considered in the assessment of a proposal. It seems to me that cumulatively, an extension of development further along High Street, and the further erosion of the landscape around this part of the settlement, would have a significant cumulative effect on the significance of the setting of the farmhouse and the houses and church individually and as a group.
19. My attention has been drawn to examples of approved applications for development close to the listed buildings. I do not have the details of these proposals before me and cannot be sure of the level of detail submitted with them, or the context, in which they were approved. As such they have no bearing on this case, which in any event it is my duty to determine on its merits.
20. Consequently, on the basis of the evidence before me, the proposal would be contrary to the requirements of Policy LP25 of the Local Plan which seeks to protect, conserve and look for opportunities to enhance the historic

environment. Moreover on the basis of the evidence before me the proposal would not meet the statutory duty set out above.

Other Matters

21. I have taken into consideration the concerns of the occupiers of the neighbouring properties regarding the impact of the proposal on living conditions with particular regard to outlook and disturbance from noise.
22. The indicative layout shows the dwellings sited at least 25m back from the rear or side elevations of these properties and I am therefore satisfied that there would be no loss of privacy. However, the garage to Plot 1 is shown in close proximity to the rear of 1a St Helens View which contains the principal windows of the dwelling, including a conservatory which is not shown on the plan. It seems to me that a garage in this position would cause some harm to outlook from that property and therefore adversely affect the living conditions of the residents.
23. I recognise that the proposed access drive would be located close to the boundary to 1 St Helens View but am satisfied that given the limited number of dwellings it would serve, and the opportunity for landscaping to soften its impact, any increase in disturbance would be minimal.
24. Notwithstanding that, I acknowledge that all matters are reserved for subsequent approval.

Conclusion

25. For the reasons set out above, and taking into account all other matters raised, the appeal is dismissed.

S Ashworth

INSPECTOR



Appeal Decision

Site visit made on 15 May 2018

by **Stephen Normington BSc DipTP MRICS MRTPI FIQ FIHE**

an Inspector appointed by the Secretary of State

Decision date: 18 June 2018

Appeal Ref: APP/N2535/W/17/3190700

Mantex, Thonock Road, Wharton, Gainsborough DN21 3NP

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant [planning permission.
 - The appeal is made by Mr T Marshall against the decision of West Lindsey District Council.
 - The application Ref 136466, dated 6 July 2017, was refused by notice dated 13 October 2017.
 - The development proposed is the change of use from grazing/grassland to a Touring Caravan site.
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Decision

1. The appeal is dismissed.

Main Issues

2. The main issues are:
 - Whether the proposal would be appropriately located, having regard to the Council's spatial strategy for sustainable rural tourism with particular regard to the location of the site in the open countryside.
 - The effect of the proposal on the character and appearance of the surrounding area.
 - The effect of the proposal on the living conditions of the prospective occupants of the manager's accommodation with particular regard to noise and disturbance associate with the proximity of the railway line.

Reasons

Whether or not appropriately located

3. The appeal site comprises a triangular parcel of land currently used for grazing and bounded by a railway line embankment to the north and Wharton Road to the south. The Council indicates that the site lies approximately 0.7 miles outside of the settlement of Blyton and is connected to the village by an unlit footpath. The surrounding area comprises predominantly agricultural land. For planning purposes the site lies within the open countryside.
4. The proposal would involve the change of use of the site to a touring caravan park with 20 pitches, one of which would be used as manager's accommodation, and would involve the construction of a toilet block and office.

A mobile home and blockwork garage are currently located on the site. The appellant indicates that the proposal would contribute to the array of tourist facilities and accommodation in the area.

5. The Council's approach to the consideration of a 'Sustainable Visitor Economy' is set out in Policy LP7 of the Central Lincolnshire Local Plan 2017 (CLLP). This policy, amongst other things, indicates that visitor facilities and accommodation 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; or it relates to an existing visitor facility which is seeking redevelopment or expansion.
6. In this case the proposed change of use does not relate to an existing visitor facility. Furthermore, I have no evidence to demonstrate that the proposal could not be reasonably located within the existing settlement or that there is an overriding benefit to the local economy and/or community and/or environment for locating away from such built up areas. Given the isolated and countryside location of the appeal site, the proposed development would be contrary to the locational provisions of Policy LP7.
7. Paragraph 28 of the National Planning Policy Framework (the Framework) supports sustainable rural tourism. However, the Council have argued that the site is not suitable for such use due to its unsustainable location. However, paragraphs 7 and 8 of the Framework advise that there are three dimensions to sustainable development: economic, social and environmental that should be sought jointly and simultaneously through the planning system. I will now consider each of these in turn.
8. The proposal would generate short term employment opportunities during the construction phase and would provide for a permanent manager with other associated indirect jobs. The occupation of the pitches would also provide a contribution to help support local tourism facilities. These economic and social benefits would gain some support from the Framework. However, these benefits must be balanced against any adverse impacts.
9. Although the Framework takes some account of the transport shortcomings of rural areas, its focus is on maximising the use of sustainable transport solutions. Even though the appeal site is connected to the village by a footpath link, this is unlit and is located adjacent to A159 where the national speed limit of 60mph applies. In my view, this would likely mean that walking and cycling to access the limited facilities in Blyton would be an unattractive option. In addition, the Council suggest that the nearest bus stop is just under a mile away within the village and therefore access to the site by public transport is limited.
10. It is evident that the proposal would place a high reliance on the use of the car. Even though the proposal is for visitor accommodation which to some extent would support the local economy and other tourist facilities, I consider that the location of the appeal site and the corresponding need to travel by car would not accord with the environmental dimension of sustainability. Whilst the occupants of the proposed pitches would make use of the services and facilities in nearby settlements which would support their vitality, they would be doing so using unsustainable transport means.

11. The proposal would provide for one of the pitches to be used for the purposes of a manager's accommodation. I have no evidence to suggest that this would be occupied other than on a permanent basis. Policy LP2 of the CLLP limits development within the countryside to that which is demonstrably essential to the effective operation of agriculture, horticulture, forestry, outdoor recreation, transport or utility services. As the caravan park is currently not established, such accommodation would not meet the requirements of any of the stated exceptions within Policy LP2.
12. Taking the above factors into account, the proposed development would therefore not enable the three dimensions of sustainability to be jointly and simultaneously achieved. Consequently, I find that the proposal would not lead to a sustainable form of tourism development in this rural area. It would also conflict with the overall locational objectives of Policies LP2 and LP7 of the CLLP.

Character and appearance

13. The Council indicates that the West Lindsey Character Assessment identifies the appeal site as being located within the Tile Valley character area which notes that the balance between clustered villages and their adjacent, outlying farmsteads is an important characteristic. It further indicates that new development should be sited and designed to conserve this pattern by encouraging relatively dense development within villages and conserving key tracts of open farmland between villages and outlying farms. Whilst this assessment affords no statutory protection, it nevertheless does recognise the contribution that the open rural nature of the area between villages and farmsteads makes to the landscape character.
14. Although the site may not be fully occupied all year, the formation of the pitches, buildings, gates and infrastructure within the open countryside would result in the loss of the current rural appearance of a large portion of the site and a more developed character would prevail. The caravans, which would predominantly likely be of a white external colour in this isolated countryside location would appear as being relatively prominent and intrusive within the context of the rural landscape. The proposal would result in the site having the appearance of being partially urbanised in the countryside. As such, it would fail to conserve the open rural character of the landscape.
15. Although the railway line embankment and mature vegetation alongside the A159 provides a degree of screening, the site would be visible from Wharton Road from where it would appear as an unsympathetic partially developed site within the open countryside. The eastern part of the site already has a partial urbanised appearance due to the static caravan, garage, driveway and gates. The appearance and rural character of the area in both views from the road and the wider countryside would be further unacceptably changed and a more developed character would prevail.
16. I noted at my site visit that planting has been provided along the boundary of the site with Wharton Road which would to some extent screen the caravan pitches. However, such planted features are impermanent and cannot be relied upon to mitigate the visual impact of the proposal as they can be removed. Moreover, any formal landscaping within the context of the site's countryside location would be an alien feature within this part of the rural landscape and would further add to the incongruity of the development.

17. Overall, I consider that the proposed development would cause significant harm to the character and appearance of the surrounding area contrary to Policy LP17 of the CLLP. This policy, amongst other things, seeks to protect and enhance the intrinsic value of the landscape. Furthermore, the proposal would also be contrary to one of the core principles of the Framework, as set out in paragraph 17, in terms of the protection of the intrinsic character and beauty of the countryside.

Living conditions

18. Although the site is located close to the railway line I noted at my site visit that this does not form part of a frequently used mainline route. As such, any noise from passing trains would likely be short and infrequent. The noise from a passing train would undoubtedly be heard by occupants of the touring caravans and the manager's accommodation. However, given the infrequency of such occurrence I do not consider that any noise generated would be of an extent that would cause any significant harm to living conditions of the occupants of the caravans or the manager's accommodation. Consequently, there would be no conflict with Policy LP26 of the CLLP which requires, amongst other things, that the amenities which the future occupants of neighbouring land and buildings may reasonably expect to enjoy must not be unduly harmed by or as a result of development.

Other matters

19. My attention has been drawn to an existing caravan site located on the 'other side' of Blyton which the appellant suggest is located approximately the same distance as the appeal site from the village boundary. Whilst I have no further evidence of where such site may be located, I noted at my visit the Blyton Park Holiday Site which was located close to the edge of the village. I have no evidence to indicate whether this, or any other site, benefits from a planning permission granted by the Council. Nor do I have any evidence of the planning considerations and circumstances that were relevant to the granting of any such permission. Consequently, I am unable to determine that the existence of a nearby site has any material bearing on the circumstance in this appeal. In any case, I have determined this appeal on its own merits.

Conclusion

20. For the above reasons, taking into account the development plan as a whole based on the evidence before me and all other matters raised, I conclude that the appeal should be dismissed.

Stephen Normington

INSPECTOR