

Guildhall Gainsborough
Lincolnshire DN21 2NA
Tel: 01427 676676 Fax: 01427 675170

AGENDA

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

Planning Committee

Wednesday, 25th July, 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 - 8)

- i) Meeting of the Planning Committee held on 27 June 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** (VERBAL REPORT)

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) 137810 Churchill Way Lea (PAGES 9 - 13)

b) 137511 Land at Pingley Vale, Bigby High Road, Brigg (PAGES 14 - 29)

7. **Determination of Appeals** (PAGES 30 - 40)

- 136773 – Helm's Deep, Snelland, Lincoln
- 136850 – 15 Brook Street, Hemswell, Gainsborough
- 136753 – 24 Scothern Road, Nettleham

Mark Sturgess
Head of Paid Service
The Guildhall
Gainsborough

Tuesday, 17 July 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 27 June 2018 commencing at 6.30 pm.

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

Councillor Matthew Boles
Councillor David Cotton
Councillor Michael Devine
Councillor Giles McNeill
Councillor Mrs Jessie Milne
Councillor Mrs Judy Rainsforth
Councillor Thomas Smith
Councillor Robert Waller

In Attendance:
Martha Rees Legal Advisor
Oliver Fytche-Taylor Planning & Development Manager
Russell Clarkson Development Management Team Leader
Martin Evans Senior Development Management Officer
Ele Durrant Democratic and Civic Officer

Apologies: Councillor Hugo Marfleet
Councillor Roger Patterson

Also Present: Councillor Jeff Summers, Ward Member, Waddingham and Spital
Karen Whitfield, Communities & Commercial Programme Manager
8 Members of the Public

17 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.

18 PUBLIC PARTICIPATION PERIOD

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

19 TO APPROVE THE MINUTES OF THE PREVIOUS MEETING

Meeting of the Planning Committee held on 30 May 2018.

RESOLVED that the Minutes of the meeting of the Planning Committee held on 30 May 2018 be confirmed and signed as a correct record.

20 DECLARATIONS OF INTEREST

Councillors D. Cotton, J. Milne, M. Devine and J. Rainsforth declared they were members of the Crematorium Working Group, in relation to application 136962 (agenda item 6b).

Councillor J. Milne also declared that she was Ward Member for Lea (application number 136962, agenda item 6b) however she would be acting in her role as a member of the Planning Committee, not as Ward Member.

Councillor D. Cotton declared a pecuniary interest in relation to application number 136962, agenda item 6b, as both a member of the clergy and because the proposed crematorium would fall within his ecclesiastical parish. He explained he had been recommended to leave the room for the duration of the item.

Note: Prior to Committee the Monitoring Officer granted the dispensation allowing Members to hear and vote on agenda item 6b (application number 136962).

21 UPDATE ON GOVERNMENT/LOCAL CHANGES IN PLANNING POLICY

The Planning and Development Manager advised Committee there were no local or national updates to be shared.

22 PLANNING APPLICATIONS FOR DETERMINATION

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

23 137443 MOAT FARM

The Chairman introduced the first of the applications to be considered by Committee, application number 137443 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). The Chairman stated there was one speaker registered. He explained the process for hearing the application and invited the Senior Development Management Officer to present the item to Committee.

The Senior Development Management Officer advised Committee there were no further updates or additional information to the report and so the Chairman invited the registered speaker, Councillor Jeff Summers, to address Committee.

Councillor Summers explained that he was there to speak in favour of the application in his role as Ward Member for Waddingham and Spital. He noted that the application had previously been refused because of concerns about noise levels and he highlighted that the applicant had made the necessary changes to reduce noise levels. He also explained that the applicant had undertaken to make further changes should the application be agreed, such as moving the entrance door to open into open field space. Councillor Summers stated that this was the only facility for flat track training and that people came from all over the country to use it. He explained to Committee that he had visited the site with a device to measure noise levels and gave a run through of different sounds that had registered on the device. As examples he gave the noise of a nearby lawnmower, farm animals on the site, agricultural work that was going on and detailed the distances from the training track at which he had taken his readings. Full details of his findings were included in his representation for the Officer's report. To conclude, Councillor Summers highlighted that any noise generated by the training track was negligible in relation to other sounds in the area and he strongly recommended that the application be approved.

The Senior Development Management Officer clarified for Committee that although Councillor Summers had included his sound readings in his representation of support, Officers were duty bound to base their recommendations on the figures provided by the official noise assessment and the related comments of the Council's Environmental Protection Team as the appropriate consultee regarding noise matters.

With no further comment from Officers, the Chairman invited comments from Committee. One Member of Committee enquired as to the impact of having to keep windows and doors closed whilst the track was in use and whether this would pose problems in terms of a concentration of exhaust fumes within the building. The Senior Development Management Officer confirmed this had not been considered to pose a risk and there had been no concerns raised about it. Another Committee Member noted that those raising objections were not only concerned about noise levels and that there were several incidents of track users driving up private driveways. She also enquired as to the specifics of the sound proofing to be used and whether there was any direct guidance on what should be used. The Senior Development Management Officer confirmed that condition one provided control over the precise sound mitigation and detailed a section in the report where the sound assessment had made specific recommendations for "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".

There were no further questions or comments and it was therefore moved, seconded and voted upon that permission be **GRANTED** in accordance with the conditions as set out in the report.

24 136962 LEA CREMATORIUM

Note: Councillor D. Cotton retired from the room at 18:48.

The Chairman introduced application 136962 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 Development Management

Team Leader advised Committee there were no other updates to the report and so the Chairman invited the first speaker, Karen Whitfield – Communities and Commercial Programme Manager, to address Committee.

The Communities and Commercial Programme Manager explained she was speaking in support of the application and highlighted that there was not currently a crematorium facility in West Lindsey. She explained to Committee that residents of West Lindsey had to travel significant distances, at what was already a very difficult time, and often had to wait several weeks for a cremation slot. She highlighted that space for burial grounds was decreasing both within the District and nationally; the amount of housing growth planned for the District and the ageing population with the District; and that currently 75% of funerals resulted in cremation. She explained that the Council had been mindful to ensure the development of the project and the planning aspects had been kept separate and independent, to this end, independent planning consultants had been employed to ensure a robust process was followed. She stated that the site for the proposed development had undergone a comprehensive site selection process to incorporate the requirements presented in the Crematoria Act 1902. Out of all sites considered, this location was deemed to be the optimum site identified. The Communities and Commercial Programme Manager gave further details as to the details of the development, such as the design to be in keeping with the area and for landscaping and additional planting to provide tranquillity and areas for quiet reflection.

The Communities and Commercial Programme Manager explained that there had been significant feedback to support the proposed development, not least from local funeral directors, celebrants and clergy who had welcomed the proposals and highlighted the need for such a site locally. It was explained that there was the additional provision to accommodate bariatric coffins which would negate the current requirement to travel to Peterborough. It was acknowledged that there were concerns amongst local residents, mainly in relation to traffic issues and risk of pollution. It was explained that a full traffic impact assessment had been carried out and considered by the local Highways Authority and the result of the assessment was that the development was not anticipated to cause a significant impact on the local highway or its operation. Additionally, it was highlighted that the entrance to the crematorium from the highway had been designed in such a way to allow vehicles to facilitate quick and safe turning. In view of local concerns about pollution, it was explained to Committee that as a new facility the proposed crematorium development would be fitted with mercury abatement and would comply with all current regulations, furthermore, the Environment Agency had raised no concerns regarding the plans.

The Communities and Commercial Programme Manager concluded by highlighting the additional benefits to the local economy, aside from providing a much needed service, such as new employment opportunities and value added, and thanked Committee for their time.

The Chairman thanked the first speaker and invited the following two speakers to step up to the microphone. He explained they had a total of 5 minutes to address Committee and that how the time was divided between them was at their discretion.

The first person to speak, Councillor David Belton, explained he and the next speaker, Councillor Anthony Morphet, were representing Knaith Parish Council, in opposition to the proposed development. He stated that the finances and estimated numbers of cremations at the proposed new site were unclear and he would like to know how the estimated cost of

£6million would be paid back. He questioned the payback period of six years and felt the proposals had been presented with unclear financial details. Councillor Belton noted to Committee that the Parish Council disagreed that the site was the best option. He stated that more suitable siting could have been found for the development and this might have been identified had the rest of the proposed sites been more suitable. He felt that some of the alternative sites were 'not funny' in their unsuitability for the proposed crematorium. He concluded his comments with a quote from the website and handed over to his colleague, Councillor Anthony Morphet.

Councillor Morphet suggested to Committee that the facts and figures included in the application had not been accurate and that, as an example, by working out the number of cremations needed to meet the predicted profit margin, there was likely to be twice the amount of traffic than what had been presented to the Highways Agency. He felt this meant the Highways Agency had not been provided with sufficient details to accurately assess the impact on local traffic. He further highlighted that the funeral corteges would be travelling significantly slower than the 60mph speed limit and that this in itself would create problems. Councillor Morphet noted that there was no proposal put forward for traffic management as part of the application. With regard to the facts and figures presented for projected services at the crematorium, he queried how this could be accurate when there were two new crematoria being built in the area which would have an impact on the number of services likely to take place at the proposed Lea site. He again highlighted that he felt the report had been based on incorrect projections and as such was not a realistic business model.

At the conclusion of his speech, the Chairman thanked both Councillors and asked Committee to note that the objectors had been afforded six and a half minutes to speak, in contrast to the five minutes usually permitted. He felt this had allowed them fair chance to express their views however, several of the issues raised had not been of a planning nature and therefore would not be taken into consideration by Committee. He invited the Development Management Team Leader to respond to any points raised and it was reiterated that it was not in the remit of the Committee to look at the finances of the proposal. The Development Management Team Leader explained that the estimated traffic had been based on seven services per day, with the maximum attendance of 120 guests and only two guests per car (ie, 60 cars per service). This was considered to be the 'worst case scenario' and the Highways Agency found it to be acceptable. It was clarified that there had been no concerns raised regarding traffic movements and the likely reduced speed of corteges, it was accepted that it would be open to the Local Highways Authority to reduce the speed limit if they found it necessary to do so.

The Chairman invited comments from Committee Members and it was noted by a member of the Crematorium Working Group that, based on a visit they had made to another crematorium, their personal concerns about how it would work had been alleviated. It was explained to Committee that other crematoria in the area were at the point of reaching capacity and therefore any concerns about level of use and numbers of services were unfounded. It was highlighted that it was important to consider what was important for the district.

Another Member of Committee enquired whether there were any plans to link in with public transport providers as the nearest bus stop was a short walk away from the entrance. It was agreed that as the crematorium would not be opening until a point in the future, the County Council could liaise with bus companies if they felt it necessary. It was also noted that the

expectation was that most attendance would be via private vehicles.

There was further discussion regarding predicted numbers of mourners attending services and it was acknowledged that some services would have high numbers of attendees where others may be less well attended. It was also noted that there was no reason to doubt the facts and figures put forward by the official report.

There were no further questions or comments and it was therefore moved, seconded and voted upon with unanimous agreement that permission be **GRANTED** in accordance with the conditions as set out in the report.

25 DETERMINATION OF APPEALS

Note: Councillor D. Cotton returned at 19:18.

The Chairman highlighted there were four 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 7.19 pm.

Chairman



Application No: 137810

Officer's Report
Planning Application No: 137810

PROPOSAL: Planning application for first floor extension over existing double garage

LOCATION: 4 Churchill Way Lea Gainsborough DN21 5HT
WARD: Lea
WARD MEMBER(S): Cllr Mrs J Milne
APPLICANT NAME: Mr Trevor Young

TARGET DECISION DATE: 13/07/2018 [Extension of time agreed until 26th July 2018]
DEVELOPMENT TYPE: Householder Development
CASE OFFICER: Danielle Peck

RECOMMENDED DECISION: Grant permission with conditions

Description:
<p>This application has been referred to the Committee as the applicant is an elected Councillor, for Gainsborough South-West Ward.</p> <p>The application site is occupied by a detached 'dormer' type dwelling which is set back from the highway, located within the settlement of Lea. The dwelling has modest size gardens to the front and rear. Churchill Way is made up of large detached properties all of a similar style. Neighbouring land uses are residential on all sides.</p> <p>The application seeks permission to erect a first floor extension which will infill a space above the existing double garage. The extension will add a new bedroom and an en-suite to the application dwelling, there will also be a new dormer window to the front and a roof light to the rear. There will be a small window in the side elevation.</p> <p>The site lies within an Area of Great Landscape Value.</p>

Relevant history:
W57/607/81-Extension to dwelling-Granted 30 July 1981

Representations:	
Lea Parish Council:	No comments to make.
Local residents:	5 Churchill Way- 02.06.2018: Although we were not aware of this proposed development and have no objections in principle, we do have the following observations to make:- 1) The proposed new window overlooks our drive and front access, we require an assurance that this will be in obscured glass. 2) We are surprised to note in Q7 on the application form that no

	<p>neighbouring trees will be affected. We are not sure this is the case and feel a discussion will need to take place around the Scots Pine in our garden close to the boundary fence. All of our trees are looked after by a Qualified Tree Surgeon and we are not prepared to allow Branches to be taken off by non-qualified personnel.</p> <p>3) We also need to be reassured that any foundation works that are necessary will not affect the roots or wellbeing of our trees and hedges.</p> <p>21.06.18: Further to our previous comments, we are pleased to report that a discussion has taken place with our neighbours and all our concerns have been addressed to our mutual satisfaction. On this basis we are therefore happy to confirm our support for this application.</p>
LCC Highways/Local Lead Flood Authority:	Does not wish to restrict the grant of permission.

Relevant Planning Policies:	
National guidance	National Planning Policy Framework National Planning Practice Guidance
Local Plan	Central Lincolnshire Local Plan (2012 -2036): LP1: A Presumption in Favour of Sustainable Development LP17: Landscape, Townscape and Views LP26: Design and Amenity
Neighbourhood Plan:	Lea Neighbourhood Development Plan 2017 Policy 4 Design and Character

POLICY LP26 – Design and Amenity	
Is the proposal well designed in relation to its siting, height, scale, massing and form?	Yes. The first floor extension will infill a space above the double garage.
Does the proposal respect the existing topography, landscape character, street scene and local distinctiveness of the surrounding area?	Yes. The street accommodates a variety of differing house types and scales. The property, if extended as proposed, would not result in a development that would be out of keeping. Examples of similar extensions were evident. The site is within an Area of Great Landscape Value. However, this is an established residential environment, and the proposed extension would maintain that character.
Does the proposal harm any important local views into, out of or through the site?	No.
Does the proposal use appropriate materials which reinforce or enhance local distinctiveness?	Yes. All materials will match the existing dwelling.
Does the proposal adversely affect the residential amenity of neighbouring properties by virtue of overlooking, overshadowing, loss of light or over dominance?	No. There is a window on the proposed north elevation that will look directly onto 5 Churchill Way's driveway, however the window serves an en-suite bathroom and it has

now been confirmed by email from the agent that this will be obscurely glazed. This would not be expected to result in any harm to the residential amenity of 5 Churchill Way.
Does the proposal adversely impact any existing natural or historic features?
No.

Other considerations:
Does the proposal enable an adequate amount of private garden space to remain?
Yes. The garden area remains unchanged.
Does the proposal enable an adequate level of off street parking to remain?
Yes.
Comments from 5 Churchill Way
Initially issues were raised regarding the overhanging of trees onto the application site, this would be a civil matter to be agreed privately between the two parties. However additional comments have now been submitted by 5 Churchill Way after talking with the applicants and they now support the application.

Conclusion and reasons for decision:
The decision has been considered against the policies LP1 A presumption in favour of Sustainable Development, LP17 Landscape, Townscape and Views and LP26 Design and Amenity of the Central Lincolnshire Local Plan and Policy 4: Design and Character of the Lea Neighbourhood Development Plan in the first instance and guidance contained within the National Planning Practice Guidance 2014. In light of this assessment it is considered that the proposal would not harm the character and appearance of the street scene or the area of great landscape value and would not have a significant harmful impact on the living conditions of neighbouring occupiers.

Recommendation

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

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

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

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

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

None.

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

2. With the exception of the detailed matters referred to by the conditions of this consent, the development hereby approved shall be carried out in accordance with the following drawing: TY/18/02 First Floor Extension Dated May 2018. The works shall be carried out

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

Reason: To ensure the development proceeds in accordance with the approved plans and to accord with the National Planning Policy Framework and local policy LP26 of the Central Lincolnshire Local Plan 2012-2036.

3. The materials shall match the existing building in colour and appearance.

Reason: In the interests of the character and appearance of this Area of Great Landscape Value. In accordance with policies LP17 and LP26 of the Central Lincolnshire Local Plan 2012-2036.

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

None.

Human Rights Implications:

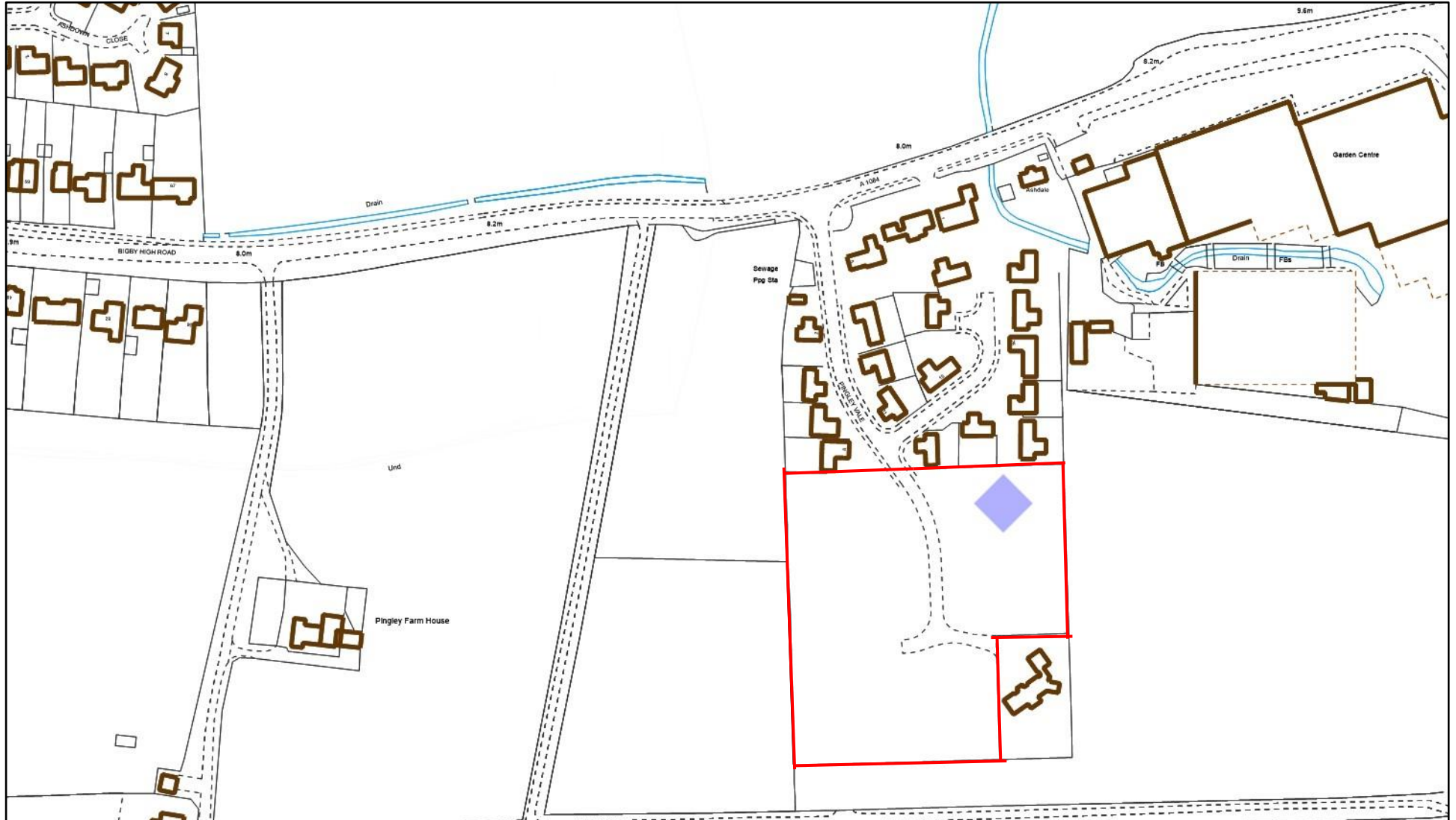
The above objections, considerations and resulting recommendation have had regard to Article 8 and Article 1 of the First Protocol of the European Convention for Human Rights Act 1998. The recommendation will not interfere with the applicant's and/or objector's right to respect for his private and family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



1:2500



Officers Report

Planning Application No: 137511

PROPOSAL: Planning application to erect 13 no. dwellings.

LOCATION: Land at Pingley Vale Bigby High Road Brigg DN20 9GZ

WARD: Kelsey Wold

WARD MEMBER(S): Cllr Lewis Strange

APPLICANT NAME: Cyden Homes

TARGET DECISION DATE: 13/06/2018

DEVELOPMENT TYPE: Major - Dwellings

CASE OFFICER: George Backovic

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

- An affordable housing contribution of £125,928.00

In addition to the S106 as the Community Infrastructure Levy (CIL) is in force a contribution to this will also be required.

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 will be reported back to the next available Committee meeting following the expiration of the 9 months.

Executive Summary:

This is a full planning application for 13 detached dwellings at the southern end of the former Pingley Prisoner of War Camp accessed off Bigby High Road through the recently completed housing development. The site is located in close proximity to the Brigg Garden Centre and approximately 270 metres to the east of housing facing onto Bigby High Road

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

No specific support for the proposal is to be found within the Central Lincolnshire Local Plan specifically under Policy **LP 2:** The Spatial Strategy and Settlement Hierarchy and **LP55:** Development in the Open Countryside. Matters that are capable of being material to the consideration of the application are set out below. These include:

Planning history: As part of a larger area this dates back to 2008 when outline planning permission was granted for a mixed use development of B1 units and 10 dwellings (Ref 119946) in line with the allocation of the previous development plan. Reserved matters approval for plot 4 of 10 was granted in

2010 (ref: 125189) which was subsequently built and occupied. It is the only dwelling on this section of the site and stands in isolation although reserved matters for plots 1, 6 and 10 was also granted in 2008 (Ref: 122295). An outline application for the erection of 20 live work units was submitted following the lack of take up of the business plots despite evidence of active marketing by the site owners. The application was supported as it was considered to be a possible solution that still delivered employment floor space (Ref 126376). Subsequent to this the development was not able to be implemented apparently due to the reluctance of institutions to finance the form of development proposed. Permission was subsequently granted for 20 dwellings on the site in 2013 (Ref: 129637). In 2014 an application to remove the requirement for a ghost island required by condition 4 of the original outline was approved and an additional 3 year period within which to commence development was also granted. This is all demonstration of the intent and effort to allow the site to be developed and acceptance of development on the application site.

The previously developed nature of the land and the desire to “complete” the development in the interests of proper planning: This is not a “greenfield” site or one in active arable use rather it can be properly described as “brownfield” site which was in use previously and in terms of hierarchy for development subject to other detailed considerations ranks at the top. The infrastructure required to serve the site was put in place in large part by the housing development to the north which was specifically designed to accommodate the requirements of the current proposal. The access arrangements have not changed since they were originally proposed and the access put in place to serve the single dwelling is constructed to adoptable standards. The application site has an odd and unfinished appearance with what appears as a meandering access serving an isolated large dwelling at the furthest ends of the site. The current proposals and the landscaping proposals would allow the development site in the wider sense to be completed. It must be acknowledged however that the number of dwellings on the site would be 33 in total rather than the 10 originally envisaged. This is due to the 20 already approved and built as a consequence of no demand for the B1 units previously approved and the 13 put forward by this application. The number of dwellings has been specifically considered as put forward and no highway safety concerns are expressed by the Highway Authority and additional scrutiny was also applied to the application following requests to reduce the speed limit on Bigby High Road. No objections are raised by Lead Local Flood Authority as the surface water drainage details are acceptable and the site is not located within an area at risk of flooding. The density of development is low reflecting its rural setting and the landscaping proposed will help assimilate it within its wider context.

Housing supply and affordable housing contribution: In isolation this could not be a significant material consideration in its own right as this is capable of being replicated across the district regardless of size and location. It has been put forward in this instance giving the preceding material considerations set out above. Approval would add 13 dwellings to the 5 year housing supply and

result in a financial contribution of £125,928.00 towards off site affordable housing provision.

Conclusion: These material considerations are in the view of the officer sufficient to justify departing from the development plan in this instance. This is a finely balanced case and one therefore properly brought before planning committee for consideration.

Proposal: 13 detached dwellings served off the continuation of the road from the development to the north which has been built to binder course level.

Plot 1: This is a triangular shaped plot of 42 m by 40m by 34 m. A 3 bed two storey detached house in an “L” shape 10.4 metres wide with a length of 6.8 m on the southern (side) elevation rising to 12.2 m on the northern (side) elevation. The house will have a hipped roof with an eaves height of 5.2 metres rising to a ridge of 7.8 metres. An attached double garage linked to the main house by a single storey off shot will have a pyramid roof. The facing material is old Hambleton brick which is a blend of brown, buff, grey and red shades. A red clay pantile is the roofing material.

Plot 2: A rectangular plot with a depth of 55 metres and width of 21 metres. A 4 bed detached house in an inverted “r” shape with an integral double garage and home office above is proposed set back 18 metres within its plot. A two storey gable projects to the rear with a balcony at first floor level. The house width is 18.5 metres and it has a length of 7.7 metres falling to 7.1 metres on the side containing the double garage which is set back slightly from the front and rear. Facing materials are red brick with clay roof tiles. Artstone heads and cills are proposed.

Plot 3: This 4 bed dwelling is very similar in size form scale and appearance to plot 2. The main differences are two small projecting two storey gables to the front at both ends of the front elevation rather than one on plot 2 and the integral garage is set back further from the front wall of the main house and extends just beyond the main body of the house. It is also set back further within its plot. Facing materials are red brick with brown and grey hues and clay roof tiles.

Plot 4: Existing dwelling on site

Plot 5: A roughly rectangular plot at the rear of the site with a curved frontage following the alignment of the access road. The width is 22.5 metres with a minimum length of 43 metres rising to a maximum of 50 metres. The dwelling is the same as that on plot 3 with a different brick and roof slate.

Plot 6: A roughly rectangular plot of approximately 47 metres by 22 metres at the rear of the site with a curved frontage following the alignment of the access road. The 4 bed dwelling is the same as that on plot 2 with a different brick and roof slate.

Plot 7: A roughly rectangular plot of approximately 19 metres by 26 metres. This is a 3 bed detached house with a hipped roof and is a handed version of the house on plot 1 with the use of different materials and a slight change to the design of the integral double garage.

Plot 8: A roughly square shaped plot of approximately 32 metres by 27 metres. The house is angled towards the access at the south western corner of the site. It is a 5 bed detached pitched roof dwelling measuring 13 metres by 8.5 metres with a centrally located two storey gable to the rear with a balcony at first floor. A double garage with a home office/studio above is attached at right angles to the main house. Eaves height of the house is 5.8 metres rising to a ridge of 8.9 metres whilst the garage has an eaves height of 5.2 metres rising to a ridge of 7.5 metres.

Plot 9: This is a 5 bed hipped roof detached house. It is 13 metres wide and 8.5 metres wide. A double garage with a home office/studio above is attached at the side and is set back slightly from the front with a lower eaves and ridge height. A centrally located two storey gable is at the rear with a balcony at first floor.

Plot 10: A 4 bed house as on plot 2 with different materials.

Plot 11: A 5 bed house as on plot 8 with different materials.

Plot 12: A 3 bed pitched roof detached house in an “L” shape, the main body of the house is 10.8 metres wide and 6.8 metres in length which extends to a maximum length of 11.5 metres and reduces in width to 6.4 metres. The eaves is 5.5 metres above ground rising to a ridge of 7.8 metres. Facing materials are red brick with clay roof tiles. Artstone heads and cills are proposed. A single hipped roof building which straddles plots 12 and 13 houses two double garages

Plot 13: This is a 3 bed house which is a handed version of Plot 12 with a hipped roof rather than a pitched one and different materials.

Plot 14: A 5 bed detached house as on plot 8 with a hipped roof on the house and a pyramid on the garage as opposed to a pitched roof and different facing bricks and tiles.

Relevant Planning History:

The site has a long planning history and comprises the southern part of a larger parcel of land, formerly used as a prisoner of war camp. The site, now developed with housing on the northern half was formerly allocated by the previous Local Plan for business uses as part of wider allocation which included 10 dwelling houses on the application site. Reserved matters approval for plot 4 was granted in 2010 (ref: 125189) which was subsequently built and occupied. It is the only dwelling on this section of the site although reserved matters for plots 1, 6 and 10 was also granted in 2008 (Ref: 122295)

The wider site shares the same vehicular and pedestrian access onto Bigby High Road. The access serving the application site is in place.

Outline planning permission was granted for the whole site in April 2008 (ref: 119946) for mixed use development in accordance with the allocation. An outline application for the erection of 20 live work units was submitted following the lack of take up of the business plots despite evidence of active marketing by the site owners. The application was supported as it was considered to be a possible solution that still delivered employment floor space (Ref 126376). Subsequent to this the development was not able to be implemented apparently due to the reluctance of institutions to finance the form of development proposed. Permission was subsequently granted for 20 dwellings on the site in 2013 (Ref: 129637). In 2014 an application to remove the requirement for a ghost island required by condition 4 of the original outline was approved and an additional 3 year period within which to commence development was also granted.

Representations:

Cllr L Strange: Also my personal view on this as ward member, is that the 30mph zone should be extended from Brigg to East of the garden centre. Please convey my thoughts to the County planners, who deal with Highway matters.-There are serious highways questions here as vehicles speed along a winding stretch of the A1084 past the garden centre with over a thousand cars present on some days and past the new existing development of 26 houses. Finally I would ask that the developer be prepared to fund some Bigby infrastructure of the parishes choosing.

Bigby Parish Council: Bigby Parish Council strongly objects to this application on the grounds of highway issues. The additional 13 homes will mean more cars exiting Pingley Vale onto a busy highway with cars travelling at speeds of up to 50 mph. The council supports the comments of District Councillor Lewis Strange and suggests that the original plan to have a 'ghost' roundabout be reinstated. Also that the speed limit be reduced to 30 mph and that street lighting associated with this speed be installed. Currently there is no street lighting at this junction and it is difficult to see cars exiting Pingley Vale during hours of darkness.

Brigg Town Council: Brigg Town Council has no objection to the proposals.

Local residents: 8 Pingley Park: Plot 13 on the proposal neighbouring my property will be built too close to the boundary fence, blocking light entering a full aspect lounge window. Cyden Home built my house 2 years ago, and the original plan was to build an additional ten dwellings, increasing the build to 13 dwellings has a direct impact on the quality of light entering my property. The existing dwellings are all built on a staggered building line to allow for natural light flow in the design of the properties, this design and layout element has not been considered in this layout proposed.

Landscape Officer (WLDC): I have no objections to the scheme. It contains a wide selection of tree species to provide feature and character to the development. The legend on the landscaping plan clarifies heavy standards are to be planted. These will provide some instant feature but will require good aftercare to keep losses to a minimum. Tree stakes and ties should be checked and adjusted every year, and finally removed once the trees are establish between 3 to 5 years following planting.

The boundary hedgerow infill species are suitable, but the plan does not clarify that they should be planted along double staggered rows, with the rows 300mm apart.

LCC Highways (interim response): To enable us to assess this application as Highways Authority and Lead Local Flood Authority could the applicant please provide the following information:

- Detailed development layout
- Detailed flood and drainage design drawings
- Full structural, hydraulic and ground calculations
- Geotechnical factual and interpretative reports
- Discharge agreements, both temporary and/ or permanent

(These were subsequently submitted)

LCC Highways response dated 19th April made in request to comments from the Ward Councillor requesting an extension of the speed limit:

“I have discussed this with Warren Peppard, who also dealt with the original Pingley Park application, and we will not be requesting a speed limit reduction in response to this application. Unfortunately, the site does not meet the threshold for a ghost island as laid out in the DMRB standards TD 42/95, and a 'simple' junction is sufficient. The applicant has demonstrated the achieved visibility splays at the junction which exceed the minimum requirements in Manual for Streets for this speed of road. When the Pingley Park application (129637) was considered, there was already an outline application for 10 dwellings on this Pingley Vale site (119946), and this was taken into account when assessing the application and making the final response. This site is currently under consideration for the Safer Roads Fund bid in association with North Lincolnshire Council, so if this is granted then improvements will be made to the area. For further information regarding this bid please contact Graham Butler on 01522 782070. I will explore the option of street lighting at this junction to improve visibility at night”.

LCC Highways final comments; Requests that any permission given by the Local Planning Authority shall include the conditions below.

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

Please contact Lincolnshire County Council Streetworks & Permitting team on 01522 782070 to discuss any proposed statutory utility connections and any other works which will be required in the public highway in association with this application. This will enable Lincolnshire County Council to assist you in the coordination and timings of such works.

No development shall be commenced until full engineering, drainage, street lighting and constructional details of the streets proposed for adoption have been submitted to and approved in writing by the Local Planning Authority. The development shall, thereafter, be constructed in accordance with the approved details, unless otherwise agreed in writing with the Local Planning Authority.

Reason: In the interest of highway safety; to ensure a satisfactory appearance to the highways infrastructure serving the development; and to safeguard the visual amenities of the locality and users of the highway in accordance with Policies of the Development Plan.

LCC Archaeology: No objections/comments to the proposal

Anglian Water: There are assets owned by Anglian Water or those subject to an adoption agreement within or close to the development boundary that may affect the layout of the site. Anglian Water would ask that the following text be included within your Notice should permission be granted: *“Anglian Water has assets close to or crossing this site or there are assets subject to an adoption agreement. Therefore the site layout should take this into account and accommodate those assets within either prospectively adoptable highways or public open space. If this is not practicable then the sewers will need to be diverted at the developers cost under Section 185 of the Water Industry Act 1991 or, in the case of apparatus under an adoption agreement, liaise with the owners of the apparatus. It should be noted that the diversion works should normally be completed before development can commence.”*

Foul Sewerage Network: The applicant has indicated on their application that their method of foul water drainage is not to a public sewer. The sewer that is on site is currently privately owned subject to a completed Section 104 agreement to adopt. Therefore, this is outside our jurisdiction for comment and the Planning Authority will need to seek the views of the owner of this sewer to gauge whether the solutions identified are acceptable from their perspective.

Surface Water Disposal (original comments): The surface water strategy/flood risk assessment submitted with the planning application relevant to Anglian Water is unacceptable. No evidence has been provided to show that the surface water hierarchy has been followed as stipulated in Building Regulations Part H. This encompasses the trial pit logs from the infiltration tests and the investigations in to discharging to a watercourse. If these methods are deemed to be unfeasible for the site, we require confirmation of the intended manhole connection point and discharge rate proposed before a connection to the public surface water sewer is permitted. We would therefore

recommend that the applicant needs to consult with Anglian Water and the Environment Agency.

Final Comments: From the details submitted to support the planning application the proposed method of surface water management does not relate to Anglian Water operated assets. As such, we are unable to provide comments on the suitability of the surface water management. The Local Planning Authority should seek the advice of the Lead Local Flood Authority or the Internal Drainage Board. The Environment Agency should be consulted if the drainage system directly or indirectly involves the discharge of water into a watercourse.

Shire Group of IDBs: The above application lies within the IDB (Extended) district and indicates that: -

The application will increase the impermeable area to the site. Therefore, the applicant should ensure that any existing or proposed surface water discharge system has adequate capacity for any increase in surface water run-off to the area.

Our current guidelines for any increase in surface water discharge are as follows: - If the surface water were to be disposed of via a soakaway system, the IDB would have no objection in principle but would advise that the ground conditions in this area may not be suitable for soakaway drainage. It is therefore essential that percolation tests are undertaken to establish if the ground conditions are suitable for soakaway drainage throughout the year. If surface water is to be directed to a mains sewer system the IDB would again have no objection in principle, providing that the Water Authority are satisfied that the existing system will accept this additional flow. If the surface water is to be discharged to any watercourse within the Drainage District, Consent from the IDB would be required in addition to Planning Permission, and would be restricted to 1.4 litres per second per hectare or greenfield runoff. No obstructions within 9 metres of the edge of a watercourse are permitted without Consent from the IDB. Should Consent be required from the IDB as described above then we would advise that this should be made a condition of any Planning decision.

Rights of Way (LCC): No comments or observations to make on the above application.

Neighbourhood Plans: There is currently no neighbourhood plan for Bigby CP in which the application site is located.

Relevant Planning Policies:

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

Central Lincolnshire Local Plan (CLLP)

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

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

LP1: A Presumption in Favour of Sustainable Development
LP2: The Spatial Strategy and Settlement Hierarchy
LP4: Growth in Villages
LP 10: Meeting Accommodation Needs
LP11: Affordable Housing
LP13: Accessibility and Transport
LP14: Managing Water Resources and Flood Risk
LP17: Landscape, Townscape and Views
LP26: Design and Amenity
LP55: Development in the Countryside

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

National Policy:

National Planning Policy Framework (NPPF)

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

Planning Practice Guidance

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

Main issues

- Principle of Development (CLLP policy LP2 and LP55)
- Highway Safety (CLLP policy LP 13)
- Flood Risk & Drainage (CLLP policy LP14)
- Affordable Housing (CLLP policy LP 11)
- Amenity Considerations (CLLP policy LP26)

Assessment:

Principle: CLLP policy LP2 sets out the Spatial Strategy and Settlement Hierarchy for Central Lincolnshire. As the site is within the countryside development is restricted to

- *that which is demonstrably essential to the effective operation of agriculture, horticulture, forestry, outdoor recreation, transport or utility services;*
- *renewable energy generation;*
- *proposals falling under policy LP55; and*
- *to minerals or waste development in accordance with separate Minerals and Waste Local Development Documents.*

New dwellings in the countryside are addressed by Part D of LP55:

Applications for new dwellings will only be acceptable where they are essential to the effective operation of rural operations listed in policy LP2. Applications should be accompanied by evidence of:

- a. Details of the rural operation that will be supported by the dwelling;*
 - b. The need for the dwelling;*
 - c. The number of workers (full and part time) that will occupy the dwelling;*
 - d. The length of time the enterprise the dwelling will support has been established;*
 - e. The ongoing concern of the associated rural enterprise through the submission of business accounts or a detailed business plan;*
 - f. The availability of other suitable accommodation on site or in the area; and*
 - g. Details of how the proposed size of the dwelling relates to the enterprise.*
- Any such development will be subject to a restrictive occupancy condition.*

There is no support for the proposals to be found under these policies and it would not therefore be in accordance with the development plan. Whether material considerations exist in this instance will be discussed after examination of the detailed impacts of the proposal below.

Highway Safety: Objections to the proposal on highway safety grounds have been received from Bigby Parish who also urge the reinstatement of the formerly approved ghost Island. The ward councillor also expresses his concern and a desire to see a reduction in the speed limit along this stretch of Bigby High Road. LCC Highways has previously considered the issue of the need for a ghost island in the application submitted in 2014 which sought to remove this requirement imposed by condition 4 of the original approval. No highway safety objections were raised and the application was subsequently approved. Highways officers were also asked to consider the request for a reduction in the speed limit. This was done and their detailed response is set out above. In summary the applicant has demonstrated the achieved visibility splays at the junction which **exceed the minimum requirements** in Manual for Streets **for this speed of road**. There can therefore be no objection to the development on the grounds of harm to the interests of highway safety.

Drainage: The site is not located within an area at risk of flooding. All domestic curtilage surface water is to discharge to soakaways and permeable paving and the proposed shared surface road will discharge to an infiltration basin located in the centre of the site. The common areas on the development (comprising the “dry” pond and surrounding land will be maintained through a maintenance charge payable to the Estate management company, Pingley Management Company Limited. The surface water details have been agreed by the Lead Local Flood Authority. No condition is therefore required for details to be submitted although one is required ensuring completion of the approved scheme prior to occupation of any dwellings. Foul sewers have already been constructed and are included in a section 104 agreement in force with Anglian Water Services Ltd that seeks their formal adoption.

Affordable Housing: LP11 requires an affordable housing contribution of 20% in this location which equates to (13 x 0.2) 2.6 dwellings. It was previously agreed for the existing housing to the north that this was not a suitable location for onsite provision and that a contribution towards off site provision was more appropriate. This equates to £ 125,928.00. This has been agreed by the applicants.

Housing Mix: Under Policy LP10 Developers are expected to provide housing solutions that contribute to meeting the housing needs of the housing market area, as identified in the latest Strategic Housing Market Assessment (SHMA) and in any other appropriate local evidence. This means new residential development should maintain, provide or contribute to a mix of housing tenures, types and sizes to help support the creation of mixed, balanced and inclusive communities. The analysis of housing need by size suggests that there is a need for property of all sizes in Central Lincolnshire under both the demographic and employment-led scenarios. The greatest requirement under all of the scenarios, however, is for property of between 50 and 89 sq.m, which generally relates to 2 or 3 bedroom flats, mews or semi-detached homes. The dwellings proposed here are all detached and greater than this size which is dictated by the desire to have a lower density of development in this rural location. The applicants have however responded to officers concerns expressed at the pre application stage when only 4 and 5 bed houses were proposed. Four 3 bed houses are now proposed (30.76%); Five 4 bed houses (38.48%) and four 5 bed houses (30.76%). All dwellings on the site will meet the higher access standards of Part M Building Regulations (Access to and use of buildings) whilst policy only requires 30%. This is considered acceptable.

Layout, design and landscaping: This is largely dictated by the existing road. The houses take design cues from those existing to the immediate north together with the density which is low at 9.14 dph. There are three principal house types with design interest created by the use of different architectural features, contrasting materials and detailing including chimneys. Materials are specified and do not need to be conditioned. The dwellings are predominantly set back within their plots creating a more open aspect with a soft frontage in the form of native species hedgerows and ground cover planting. The central section of the site has an attenuation pond framed by open space. A full landscape scheme has been submitted which in addition to new tree planting will also fill in the gaps of existing hedgerows around the site and create a new hedgerow running along the rear. As the landscape officer notes it contains a wide selection of tree species that will provide feature and character to the development. The boundary hedgerow infill species are suitable, but as the plan does not clarify that they should be planted along double staggered rows, with the rows 300mm apart this will need to be conditioned. The layout, design and proposed landscaping is considered appropriate to its surroundings.

Residential Amenity: Layout, orientation and distance separation will ensure no unacceptable impacts arise on the existing houses to the north. The objections from the existing dwelling on the site in terms of loss of light are

noted although not considered significant as there is no dwelling to the east of this house and at its closest point from the side of the dwelling on plot 3 to the nearest “edge” of this house is a distance of 4 metres which rises to 7.5 metres as the existing dwelling is angled away. This is not considered significant enough to warrant a refusal of planning permission.

Material Considerations

Planning history: As part of a larger area this dates back to 2008 when outline planning permission was granted for a mixed use development of B1 units and 10 dwellings (Ref 119946) in line with the allocation of the previous development plan. Reserved matters approval for plot 4 of 10 was granted in 2010 (ref: 125189) which was subsequently built and occupied. It is the only dwelling on this section of the site and stands in isolation although reserved matters for plots 1, 6 and 10 was also granted in 2008 (Ref: 122295). An outline application for the erection of 20 live work units was submitted following the lack of take up of the business plots despite evidence of active marketing by the site owners. The application was supported as it was considered to be a possible solution that still delivered employment floor space (Ref 126376). Subsequent to this the development was not able to be implemented apparently due to the reluctance of institutions to finance the form of development proposed. Permission was subsequently granted for 20 dwellings on the site in 2013 (Ref: 129637). In 2014 an application to remove the requirement for a ghost island required by condition 4 of the original outline was approved and an additional 3 year period within which to commence development was also granted. This is all demonstration of the intent and effort to allow the site to be developed and acceptance of development on the application site.

The previously developed nature of the land and the desire to “complete” the development in the interests of proper planning: This is not a “greenfield” site or one in active arable use rather it can be properly described as “brownfield” site which was in use previously and in terms of hierarchy for development subject to other detailed considerations ranks at the top. The infrastructure required to serve the site was put in place in large part by the housing development to the north which was specifically designed to accommodate the requirements of the current proposal. The access arrangements have not changed since they were originally proposed and the access put in place to serve the single dwelling is constructed to adoptable standards. The application site has an odd and unfinished appearance with what appears as a meandering access serving an isolated large dwelling at the furthest ends of the site. The current proposals and the landscaping proposals would allow the development site in the wider sense to be completed. It must be acknowledged however that the number of dwellings on the site would be 33 in total rather than the 10 originally envisaged. This is due to the 20 already approved and built as a consequence of no demand for the B1 units previously approved and the 13 put forward by this application. The number of dwellings has been specifically considered as put forward and no highway safety concerns are expressed by the Highway Authority and additional scrutiny was also applied to the application following requests to reduce the speed limit on Bigby High Road. No objections are raised by Lead Local Flood

Authority as the surface water drainage details are acceptable and the site is not located within an area at risk of flooding. The density of development is low reflecting its rural setting and the landscaping proposed will help assimilate it within its wider context.

Housing supply and affordable housing contribution: In isolation this could not be a significant material consideration in its own right as this is capable of being replicated across the district regardless of size and location. It has been put forward in this instance giving the preceding material considerations set out above. Approval would add 13 dwellings to the 5 year housing supply and result in a financial contribution of £125,928.00 towards off site affordable housing provision.

Planning Balance: Therefore having assessed the development against the policies of the Central Lincolnshire Local Plan 2017 in particular LP 2 and LP55 which do not support the grant of permission, and all other relevant material considerations it is considered that, on balance, the material considerations set out above are sufficient to justify departing from the development plan in this particular instance.

Recommendation: 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:-

- An affordable housing contribution of £125,928.00

In addition to the S106 as the Community Infrastructure Levy (CIL) is in force a contribution to this will also be required.

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.

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

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

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

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

2. No development shall be commenced until full engineering, drainage, street lighting and constructional details of the streets proposed for adoption have

been submitted to and approved in writing by the Local Planning Authority. The development shall, thereafter, be constructed in accordance with the approved details, unless otherwise agreed in writing with the Local Planning Authority.

Reason: In the interest of highway safety; to ensure a satisfactory appearance to the highways infrastructure serving the development; and to safeguard the visual amenities of the locality and users of the highway in accordance with Policies LP13 and LP 26 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 detailed matters referred to by the conditions of this consent, the development hereby approved shall be carried out in accordance with the following drawings:

161/202 site layout; 161/301 Plot 1; 161/302 Plot 2; 161/303 Plot 3; 161/305 Plot 5; 161/306 Plot 6; 161/307 Plot 7; 161/308 Plot 8; 161/308 Plot 9; 161/310 Plot 10; 161/311 Plot 11; 161/312 Plots 12 and 13; 161/227 garage to plots 12 and 13; 161/304 Plot 14; 161/205 Materials Schedule;

1805/01 Road and Sewers Layout; 1805/02 domestic drainage construction details; E10 5106 06 rev E – Original Road and Sewer Long Sections for the entire site, phases 1 and 2;

Landscape Plan 161/204 subject to the boundary hedgerow infill species being planted along double staggered rows, with the rows 300mm apart.

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

Reason: In the interests of proper planning.

4. Not less than 4 of the 13 dwellings shall meet Part M4 (2) of the Building Regulations.

Reason: To meet accommodation needs in accordance with Policy LP 10 of the Central Lincolnshire Local Plan

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

5. The hereby approved dwellings shall not be occupied until the approved foul and surface water drainage works have been implemented in full and retained and maintained thereafter.

Reason: To provide satisfactory drainage and to protect water quality and to accord with Policy LP14 of the Central Lincolnshire Local Plan and the provisions of the National Planning Policy Framework 2012.

6. All planting, seeding or turfing comprised in the approved details of soft landscaping, shown on drawing number 161/204 subject to the boundary hedgerow infill species being planted along double staggered rows, with the rows 300mm apart shall be carried out in the first planting and seeding season following the occupation of the dwellings 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 and shall thereafter be retained in perpetuity.

Notes to the applicant

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

Please contact Lincolnshire County Council Streetworks & Permitting team on 01522 782070 to discuss any proposed statutory utility connections and any other works which will be required in the public highway in association with this application. This will enable Lincolnshire County Council to assist you in the coordination and timings of such works.

Agenda Item 7



Planning Committee

25 July 2018

Subject: Determination of Planning Appeals

Report by:

Executive Director of Operations

Contact Officer:

Mark Sturgess
Executive Director of Operations
Mark.sturgess@west-lindsey.gov.uk
01427 676687

Purpose / Summary:

The report contains details of planning applications that had been submitted to appeal and for determination by the Planning Inspectorate.

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

IMPLICATIONS

Legal: None arising from this report.

Financial: None arising from this report.

Staffing: None arising from this report.

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

Risk Assessment: None arising from this report.

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

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

Call in and Urgency:

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

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

Yes

No

Key Decision:

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

Yes

No

Appendix A - Summary

- i) Appeal by Mrs Susan McLean against the decision of West Lindsey District Council to refuse planning permission to erect a single timber garage to the front elevation at Helm's Deep, Snelland, Lincoln LN3 5AA.

Appeal Allowed – See copy decision attached as Appendix Bi.

- ii) **Officer Decision** – Refuse permission
Appeal by Mr Mark Lane against the decision of West Lindsey District Council to refuse planning permission for alterations and extensions to existing semi-detached house to provide two new bedrooms, dining room extension, utility room and WC facilities at 15 Brook Street, Hemswell, Gainsborough DN21 5UJ.

Appeal Dismissed – See copy decision attached as Appendix Bii.

Officer Decision – Refuse permission

- iii) Appeal by Mrs Maureen Mawer against the decision of West Lindsey District Council to refuse outline planning permission to section off part of the rear garden of 24 Scothern Road, Nettleham LN2 2TX to produce a plot for a detached bungalow that will have its principle elevation and entrance onto Highfields.

Appeal Allowed - See copy decision attached as Appendix Biii.

Officer Decision – Refuse permission

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: 4th July 2018

Appeal Ref: APP/N2535/D/17/3190965
Helm's Deep, Snelland, Lincoln LN3 5AA

- 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 Mrs Susan McLean against the decision of West Lindsey District Council.
 - The application Ref 136773, dated 24 August 2017, was refused by notice dated 31 October 2017.
 - The development proposed is single timber garage to front elevation.
-

Decision

1. The appeal is allowed and planning permission is granted for a single timber garage to the front garden of Helm's Deep, Snelland, Lincoln LN3 5AA in accordance with the terms of application ref 136773, dated 24 August 2017 and subject to the following conditions:
 1. The development hereby permitted shall begin within three years of the date of this permission.
 2. The development hereby permitted shall be carried out in accordance with the following approved plans: Site layout plan 1:500, Planning Details drawing no 96/17/01.

Preliminary Matter

2. Although the description of development refers to the front elevation it is clear that the proposal is for a garage in the front garden of the property. I have amended the description in my formal decision above.

Main Issue

3. The main issue in this case is the effect of the proposal on the character and appearance of the area.

Reasons

4. Helm's Deep is a detached bungalow situated within a small cluster of residential properties in the open countryside. It is positioned, as are those either side of it, back from the road behind a substantial front garden. The variety of dwelling types in the cluster, the amount of mature planting including boundary hedges, the varied layout of the dwellings and outbuildings, and their position in relation to the road, all contribute to the informal rural character and appearance of the settlement.

5. The proposed garage would be constructed in timber and would be of a simple design and appearance with a shallow pitched roof. The building would be of a modest size with a ridge height of 2.7m. It would be sited a few metres behind the mature hedging that bounds the front of the property. It seems to me that the garage would be proportionate in terms of its scale to that of the garden and as such would not dominate the property. Moreover, largely screened from view by the hedge, it would not be a prominent feature in the street scene.
6. There is no suggestion that the appellant intends to cut the hedge back. Nevertheless, I have taken into account the Council's concerns that the hedge is not a permanent feature. Should it die or become diseased I acknowledge that the garage would become more obvious. However, at my site visit I noted that outbuildings and domestic structures of various types occupy the front gardens of a number of neighbouring properties. These structures can be seen to varying degrees from the public highway and form part of the informal character of the area. Accordingly even if it were seen, the garage, which would be of modest scale and appearance, would not cause any significant harm to the character or appearance of the area.
7. On that basis the proposal would be consistent with policies LP17 and LP26 of the Central Lincolnshire Local Plan 2017 which seek, in various ways, to protect the character of a townscape including by ensuring a development relates well to its site and surroundings and by incorporating appropriate landscape treatment.

Conditions and Conclusion

8. The Council has suggested conditions in the event of the appeal being allowed, which I have considered. In the interests of proper planning and to provide certainty I have imposed the standard time limit condition and have specified the approved plans.
9. I have considered whether it would be reasonable or necessary to require the hedge to be retained and replanted should it die or become diseased. I note that the appellant would not object to such a condition being imposed. However, given the pattern of development in the area and the limited impact of the garage on it, and the length of time it would take for a newly planted hedge to become established, such a condition would be unnecessary and unreasonable and would not therefore meet the tests of the Planning Practice Guidance.
10. For the reasons set out above, and taking all other matters raised into account, the appeal is allowed and planning permission is granted.

S Ashworth

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: 2nd July 2018

Appeal Ref: APP/N2535/D/17/3192054

15 Brook Street, Hemswell, Gainsborough DN21 5UJ

- 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 Mark Lane against the decision of West Lindsey District Council.
 - The application Ref 136850, dated 3 October 2017, was refused by notice dated 1 December 2017.
 - The development proposed is alterations and extensions to existing semi-detached house to provide two new bedrooms, dining room extension, utility room and wc facilities.
-

Decision

1. The appeal is dismissed.

Main Issue

2. The main issue in this case is the effect of the development on the character and appearance of the host dwelling and the street scene and, linked to that, whether the proposal would preserve or enhance the character or appearance of the Hemswell Conservation Area.

Reasons

3. 15 Brook Street is a modest semi-detached house constructed in the late 1940's as part of four similar pairs of properties. The properties, which are symmetrically designed, feature a distinct steeply pitched roof, prominent chimneys and a single storey side addition with a hipped roof. The dwellings have a wide but narrow plan form. Although I noted that there have been some alterations to the buildings, including photovoltaic panels on the front roofslope of the appeal property which are removable, the character and appearance of the pairs of dwellings has been retained.
4. The application sought permission for the demolition of the existing single-storey element of the dwelling and its replacement with a part single, part two storey extension to the side and rear.
5. The proposed extension would be substantial in terms of its size and scale such that the footprint of the first floor would be almost doubled. The two storey element would extend across much of the rear of the dwelling and project out at the side and, as a result of its design, form and massing, would fail to integrate well with or respect the modest character of the existing property. The impact of the scale of the extension would be compounded by the design

of the roof which would have a shallower pitch and a hipped form, at odds with the form of the main roof. I acknowledge that some design features, including brick detailing around the windows and doors would reflect those on the existing building and that the height of the two storey element would be lower than the ridgeline and set back from the frontage. Nevertheless, the extension would appear incongruous in terms of its massing and form, and its scale would dominate the property. Consequently the extension would detract from, and thereby harm, the character and appearance of the host building and the symmetry of the pair.

6. There is a gap between the appeal property and the neighbouring property no. 17 and as such the side elevation and the general form and scale of the building is apparent in the street scene. The extension would therefore also be visible. Given the harm it would cause to the host property as set out above, the development would also have a detrimental impact on the street scene.
7. Section 72 (1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 requires that special attention is paid to the desirability of preserving or enhancing the character or appearance of the conservation area and paragraph 131 of the National Planning Policy Framework sets out the desirability for new development to make a positive contribution to local character and distinctiveness.
8. Nos 1-15 Brook Street are not specifically referred to in the Conservation Area Character Appraisal, but nevertheless, because of their rhythm, style and appearance, the four pairs of houses currently make a positive contribution to the character and appearance of the Conservation Area. Whilst I recognise that there have been some modest changes to the buildings over time they have retained their character and distinctiveness. For the above reasons the proposal would fail to reflect the distinctiveness of the row and would neither preserve nor enhance the character and appearance of the Conservation Area.
9. The approach in the National Planning Policy Framework at paragraph 134, is that where the harm to the significance of the building would be less than substantial, as in this case, it should be weighed against the public benefit of the proposal including securing its optimum viable use.
10. I acknowledge that the proposal would be of private benefit to the appellant in terms of enlarged, and more thermally efficient, accommodation. However the public benefits of this would be limited. Accordingly the benefits of the scheme do not outweigh the harm
11. Moreover, for the above reasons, the proposal would be contrary to Policies LP17, LP25 and LP26 of the Central Lincolnshire Local Plan which seek in various ways to ensure that development protects features which positively contribute to the character of an area and retain and reinforce local distinctiveness.
12. For these reasons, and taking into account all other matters raised including the pre-application advice given by the Council, the appeal is dismissed.

S Ashworth

INSPECTOR



Appeal Decision

Site visit made on 29 May 2018

by R Norman BA (Hons) MA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 22nd June 2018

Appeal Ref: APP/N2535/W/18/3197571

24, Scothern Road, Nettleham, Lincoln LN2 2TX

- 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 Mrs Maureen Mawer against the decision of West Lindsey District Council.
 - The application Ref 136753, dated 5 September 2017, was refused by notice dated 24 November 2017.
 - The development proposed is described as to section off part of the rear garden of 24 Scothern Road, Nettleham to produce a plot for a detached bungalow that will have its principle elevation and entrance onto Highfields.
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Decision

1. The appeal is allowed and outline planning permission is granted to section off part of the rear garden and produce a plot for a detached bungalow that will have its principle elevation and entrance onto Highfields at 24 Scothern Road, Nettleham, Lincoln LN2 2TX in accordance with the terms of the application, Ref 136753, dated 5 September 2017, subject to the conditions in the attached Schedule.

Procedural Matters

2. The application has been submitted in outline with all matters reserved. I have therefore considered the appeal on this basis.
3. The plans submitted by the Appellant included a number of indicative plans that had not been referred to by the Council. However the Council confirmed that the additional plans did not formally form part of the Council's decision. As the proposed development is in outline only I have had regard to the indicative plans however I have not listed these in the approved plans condition.

Main Issues

4. The main issues are the effect of the development on:
 - the character and appearance of the area; and
 - the living conditions of future occupiers.

Reasons

Character and Appearance

5. The appeal site comprises part of the rear garden of No 24 Scothern Road, which faces onto Highfields. The garden is long and is currently visible from Highfields. No 24 fronts onto Scothern Road. The site is currently laid to lawn and is bounded by fencing and hedging. The proposed development would introduce a single storey dwelling into the site however the exact layout of the site, the access, landscaping and the scale and appearance of the dwelling would be determined at Reserved Matters stage.
6. The appeal site fronts onto Highfields which is a residential estate comprising of modest bungalows close to the appeal site. Scothern Road itself hosts 2 storey and single storey, semi-detached and detached dwellings. The development would sit in proximity to the existing dwellings along this side of Highfields, and although set at a slight angle with a small gap remaining between the appeal site and No 44 Highfields, as a result of the garden of No 26 Scothern Road, it would complement the existing street scene. Given the existing residential nature of the area, a dwelling in this location would not appear significantly detached or separate from the existing bungalows and as such would not appear incongruous.
7. The appeal site would utilise the rear half of the existing garden which would reduce the overall size of the plot for No 24. Whilst the appeal site would be smaller than the existing developments along Scothern Road, Highfields itself has more modest plots. The appeal site would be smaller than many of the existing plots on Highfields, but this would not be to a level that would make the development appear incongruous with its surroundings or overdeveloped in the context of the street scene along Highfields.
8. The proposed development is in outline only at this stage, with all other matters reserved for later consideration. However, the appellant has demonstrated how a dwelling could be reasonably accommodated on site, including parking and garden areas within the design and access statement and appeal appendices. Although these details are not yet committed, I am satisfied that these indicate that a modest dwelling could be introduced into the site which would not be at odds with the existing character of the area.
9. Accordingly, I find that the principle of a dwelling in this location would be appropriate and the size of the site would allow for a modest bungalow with parking and garden areas. The proposal would therefore not result in harm to the character and appearance of the area and as such complies with Policies LP2, LP17 and LP26 of the Central Lincolnshire Local Plan Adopted 24 April 2017 (CLLP) and Policy D-6 of the Nettleham Neighbourhood Plan 2014 – 2031 (2015). These policies collectively seek to focus an appropriate level of growth in the settlements and ensure that development achieves high quality design and responds and contributes to the character of the area.

Living Conditions

10. The layout and design of the proposed development has not been detailed at this stage. Accordingly, the exact location, nature and size of the garden and parking area and the internal layout and window positioning of the proposed dwelling has not been provided. Indicative drawings which form part of the

Appellant's Appeal Statement and Design and Access Statement show options for the development of the site.

11. The Council have raised concerns over the proximity of the appeal site, and the existing dwellings at Nos 22 and 24 Scothern Road. These have first floor windows in the rear elevations which would face the appeal site. Whilst these would potentially have a view of the rear garden of the proposed development I have had regard to the forms of development found in the immediate area. The properties on Highfields which back on to Wold View have similar relationships, as do the dwellings on Cotton Smith Way and Shaw Way to the west of the appeal site. The wider area comprises a number of residential estates where similar relationships are commonplace. I consider that a design and layout could be achieved which would provide satisfactory living conditions for future occupiers through the potential for landscaping to the rear garden, and careful siting and design of the dwelling and location of windows.
12. Accordingly, the proposed development would provide suitable living conditions for future occupiers. It therefore complies with policy LP26 of the CLLP and policy D-6 of the Nettleham Neighbourhood Plan. These require new development to provide sufficient amenity space and seek to ensure that amenities of existing and future occupants are not unduly harmed.

Conditions

13. In addition to the standard time limit conditions for outline applications I have attached a condition requiring development to be carried out in accordance with the approved plans as this provides certainty. The Council have requested a number of conditions which I have considered against the guidance in the Planning Practice Guidance and amended or omitted where necessary.
14. A condition for foul and surface water drainage is necessary in the interest of future occupiers and the surrounding area. This condition is required to be pre-commencement as it is fundamental to have these details agreed prior to any works commencing on site. A condition for the turning of a vehicle on site is necessary in the interests of highway safety.
15. I have not imposed a condition restricting the scale of the development to single storey only as it has not been demonstrated to me that this is necessary in the interests of the visual character and adjoining occupiers.

Conclusion

16. For the reasons given above I conclude that the appeal should be allowed.

R Norman

INSPECTOR

Schedule of Conditions

- 1) Details of the access, appearance, landscaping, layout, and scale, (hereinafter called "the reserved matters") shall be submitted to and approved in writing by the local planning authority before any development takes place and the development shall be carried out as approved.
- 2) Application for approval of the reserved matters shall be made to the local planning authority not later than 3 years from the date of this permission.
- 3) The development hereby permitted shall take place not later than 2 years from the date of approval of the last of the reserved matters to be approved.
- 4) The development hereby permitted shall be carried out in accordance with the following approved plans: Site Location Plan scale 1:1250; Existing Block Plan and Site/Block Plan scale 1:500.
- 5) No development shall take place until full details of the proposed foul and surface water drainage for the site have been submitted to and approved in writing by the local planning authority. The approved details shall thereafter be implemented in full before the dwelling is first occupied and retained and maintained thereafter.
- 6) The reserved matters to be submitted shall include details of arrangements to enable a motor vehicle to turn within the site so that it can enter and leave the highway in a forward gear.