

**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, 17th October, 2018 at 6.30 pm

The Council Chamber - The Guildhall

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 - 6)

- i) Meeting of the Planning Committee held on 19 September 2018, previously circulated.

4. Declarations of Interests

Members may make any declarations of interests 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**

- i) 138157 - Bleak Farm, Cherry Willingham (PAGES 7 - 28)
- ii) 138180 - Reepham Road, Fiskerton (PAGES 29 - 43)
- iii) 138097 - Church Road, Stow (PAGES 44 - 52)
- iv) 137950 - Land off Lea Grove, Bardney (PAGES 53 - 74)

7. **Determination of Appeals** (PAGES 75 - 93)

Mark Sturgess
Head of Paid Service
The Guildhall
Gainsborough

Tuesday, 9 October 2018

WEST LINDSEY DISTRICT COUNCIL

MINUTES of the Meeting of the Planning Committee held in the The Council Chamber - The Guildhall on 19 September 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 Roger Patterson
Councillor Thomas Smith

In Attendance:
George Backovic Principal Development Management Officer
Ian Elliott Senior Development Management Officer
Martha Rees Legal Advisor
Ele Durrant Democratic and Civic Officer

Also In Attendance: 2 members of the public

Apologies: Councillor Hugo Marfleet
Councillor Mrs Judy Rainsforth
Councillor Robert Waller

33 PUBLIC PARTICIPATION PERIOD

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

34 TO APPROVE THE MINUTES OF THE PREVIOUS MEETING

Meeting of the Planning Committee held on 25 July 2018.

RESOLVED that the Minutes of the meeting of the Planning Committee held on 25 July 2018 be confirmed and signed as a correct record.

35 DECLARATIONS OF INTEREST

Councillor Fleetwood declared a non-pecuniary interest with relation to the planning application to be heard as agenda item 6a, in that he was Vice Chairman for the Parish Council which was objecting to the application. He clarified that he had not been involved

with any of the parish planning decisions and would be considering the application solely in his role as Chairman of the Committee.

36 UPDATE ON GOVERNMENT/LOCAL CHANGES IN PLANNING POLICY

The Principal Development Management Officer advised Committee that there were no updates as such, but did explain that the Office of National Statistics were releasing their new household projections the day after the meeting and these would be used to assess housing needs.

37 PLANNING APPLICATIONS FOR DETERMINATION

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

37a 138157 - BLEAK FARM, CHERRY WILLINGHAM

The Chairman introduced the only application to be considered by Committee, application number 138157 seeking permission to erect 5no. detached dwellings on land adjacent to Bleak Farm High Street Cherry Willingham. 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 that, according to the National Planning Policy Framework (NPPF) paragraph 213, the local plan could be afforded full weight in the consideration of the application. With no further comment, the Chairman invited the registered speaker, Mr Howard Roe, to address Committee.

Mr Roe explained he was there to speak in favour of the application, as the applicant. He explained that the previous application for the site had been refused with the comment that the application was too generic. To this end he had resubmitted new drawings with more details of the proposed development. He explained that they had sufficient amounts of the original bricks from the site to build the facades of the two street facing, front houses which would maintain the look of the area. He also explained that he had brought brochures of other works with him in order to demonstrate to Members the look of the proposed dwellings. Mr Roe stated that most of what was built was constructed out of reclaimed materials and that they tried to build homes that did not look like they had all been built together. He explained to the Committee that they were a medium sized building firm that concentrated on building mainly out of reclaimed materials. He explained the site had been bought as it sat in an old part of the village and he wanted to build something that would be in-keeping with the village surroundings and that the community would be proud of. He advised Members that information had been sent to the parish clerk and he had offered to take parish councillors around the site however no one had been in contact or taken him up on his offer. He concluded by requesting permission to share the brochures he had brought as he felt these would help demonstrate the quality of what he was trying to achieve. The brochures were handed to the Principal Development Management Officer who confirmed they could be shared with Members. The brochures were then shared around the Committee.

The Senior Development Management Officer confirmed he had no further comment. The Chairman therefore invited comments from Committee. A Member of Committee commented that there had been representations from Ward Members and noted that there was no Ward Member present at Committee nor any parish council members. He stated that he could see no problem with the proposed development and felt the applicant was making sufficient effort to ensure the development would be beneficial to the village and fit in with the surroundings. He added that he had no issue with the application but would have liked to have heard from local members.

The Principal Development Management Officer clarified for Committee that the application had been referred for their decision as it had previously been agreed that any subsequent application would be heard by Committee. He highlighted that conditions could be added to give a steer to the applicant, for example in the use of preferred materials.

The Chairman also highlighted that there was an ongoing appeal regarding a previous application and that the main difference was in relation to the use of materials on the road side houses and also the modified heritage statement.

A Member of Committee commented that previously it had been intended to convert a barn on the site which had led to objections however the barn was no longer there and so those objections were no longer valid. He added that the use of reclaimed materials was a positive and, as the village homes were built from a variety of different bricks, the new builds would fit in to the surroundings. On the back of this, the Member stated he was happy to support the application and moved the proposal as detailed in the report.

The Chairman highlighted to Committee that a site being in a state of disrepair was not a suitable reason on which to base approval of planning permission. He acknowledged that the barns had been demolished but noted that the house could be restored. He commented that previous objections to other applications were still valid and that, as the farmyard was a good example of how a Lincolnshire farmyard used to be, it was important for the heritage of the site to be recognised. He noted that previous applications had proposed for some weight to be given to archaeological investigations although the current application stated that no additional weight should be given to it. The Chairman stated that he believed the site needed to be developed in a different way to that proposed in the application.

The divergent views regarding the archaeological consideration were also noted by another Member of Committee and it was questioned whether this was something that could be further explored. It was again commented that it was disappointing to not have representation from the parish council to provide their views. It was highlighted that there had been representation when the previous application was heard and the objections were considered to be the same.

There was significant discussion between Committee Members regarding the importance of the archaeological considerations and the proximity to listed buildings. It was highlighted by Officers that reasons for refusal of permission would need to be evidenced in particular the alleged impact on Listed Buildings. It was considered by the Vice-Chairman that further archaeological investigations were essential and he commented on the difference of recommendation for such investigations across the two applications. It was agreed that, should the Committee approve the application, there would need to be a condition added to

carry out the archaeological investigations. On further discussion, it was offered that on the basis that the current proposal did not resolve the original reasons for refusal of the previous application, the same arguments stood for refusal of the current application.

The Chairman clarified that the recommendation within the report, to grant permission subject to conditions, had been moved but not seconded and that there was now an alternative proposal to refuse planning permission given the numerous concerns raised for both the previous application and the current one.

Seeing no further speakers, the Chairman seconded the proposal to refuse and invited Committee to vote. With a minority vote for refusal, the proposal to refuse planning permission was not carried.

A Member of Committee then moved the recommendation to grant permission, with the added condition that an archaeological investigation must take place, which was seconded and opened to the vote. With four Members voting to approve the recommendation and four voting to not approve the recommendation, the Chairman's casting vote was used and the proposal to grant permission with the added condition was not carried.

The Legal Advisor highlighted to Committee that with the determination date approaching, there was a risk of non-determination and that any extension of that date would have to be agreed by the applicant.

There were significant discussions regarding the options available in the absence of a clear decision. It was explained that one option would be to refer the application to full Council, the other would be to defer the application for a later meeting. It was suggested that the application could be deferred to allow the submission of additional information to be sought from the applicant in relation to the exact materials to be used in the house builds and also whether some visual representation could be provided. It was also requested that further comment be sought regarding the need for an archaeological investigation. With this in mind, the proposal to defer the application to the next meeting was moved and seconded and put to the vote. It was therefore

RESOLVED that the application be deferred to the next meeting and additional information requested.

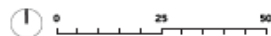
38 DETERMINATION OF APPEALS

The Chairman highlighted there were three appeal decisions on this occasion. A Member of Committee highlighted what appeared to be inconsistencies with the decisions of the Inspector. There were no other comments or questions from the Committee.

RESOLVED that the determination of appeals be noted.

The meeting concluded at 7.38 pm.

Chairman



Application number 138157



PROPOSED SITE PLAN
1:500

Accommodation Schedule				
Ref.	Style	Floor Area	Beds	Parking
Plot 1	House	182m ²	4	Three Car Parking Spaces
Plot 2	House	182m ²	4	Three Car Parking Spaces
Plot 3	Row Housing/Ends	253m ²	4	Three Car Parking Spaces
Plot 4	Overstorey	274m ²	4	Integrated Double Garage & Two Car Parking Spaces
Plot 5	Row Housing	282m ²	4	Integrated Double Garage & Two Car Parking Spaces
Total Market Housing Gls. (including parking) = 1064m ²				

COPYRIGHT
Origin Design Studio has prepared and issued this document to the named client and associated professionals referred to in the project. Origin Design Studio retains ownership. We do not give permission for reproduction and selling without consultation and our approval.

GENERAL NOTES
This drawing is to be used in conjunction with all other drawings, documents and specialist drawings. Do not make any changes or alterations to this drawing without the written approval of Origin Design Studio. All drawings are to be checked and approved prior to construction or completion. Changes to specifications are to be made in writing. All changes should be made to the attention of the client/Building Control for approval. Please report any errors immediately.

Rev.	Description	Date	Drawn	By
001	Issue for Planning	15/03/2018	AS	AS
002	Revised	15/03/2018	AS	AS
003	Revised	15/03/2018	AS	AS
004	Revised	15/03/2018	AS	AS

Client
Tennysen Homes Ltd

Project Title
Residential Development in
Cherry Wellingham

Location
Land South of High Street,
Cherry Wellingham, Lincoln
LN9 6BN

Title
Proposed Site Plan

Drawing Number
J1548-PL-02

Revision
PD4

Drawn
ASD

Scale
1:500



Origin Design Studio Ltd
Holly House, Meadow Lane
South Hykeham, Lincoln LN9 9PP

T: 01522 405100
E: info@origindesignstudio.co.uk
www.origindesignstudio.co.uk

Officers Report

Planning Application No: 138157

PROPOSAL: Planning application to erect 5no. detached dwellings

LOCATION: Land adj Bleak Farm High Street Cherry Willingham LN4 3AH

WARD: Cherry Willingham

WARD MEMBER(S): Cllr Mrs A Welburn, Cllr Mrs M Palmer and Cllr Mr C Darcel

APPLICANT NAME: Mr H Roe

TARGET DECISION DATE: 24/09/2018

DEVELOPMENT TYPE: Minor - Dwellings

CASE OFFICER: Ian Elliott

RECOMMENDED DECISION: Grant permission subject to conditions

The application has been referred to the Planning Committee at the request of the Ward Member. The application was presented at Planning Committee on 19th September 2018.

The application was deferred to the next planning committee meeting on 17th October 2018 to allow the submission of more specific material details from the applicant and to enable clarification of the archaeology stance taken by the Historic Environment Officer at Lincolnshire County Council.

Following communication with the agent the request for additional material details has been declined in writing by the applicant. Please see representations section for an updated comment from the Historic Environment Officer.

Proposal:

This full application has been submitted to construct five two storey four bedroom dwellings with two street frontage dwellings and three behind.

Site:

The application site is an area of land (0.32 hectares) positioned in the centre of Cherry Willingham. The wider site has a previous agriculture history of being farmstead (farmhouse and barns) but this use has now ceased. This site is now in an untidy condition with a derelict lean to barn to the front and a modern portal framed agricultural building (open to ends and sides) and orchard to the rear. Its appearance includes piles of rubble, bricks, roof tiles, timber and other items. The site is set just back from and above the highway and slopes upwards from north to south. The site is open to the north boundary with the occasional tree with a mix of fence panels, walls and hedging to the east. The south boundary is screened by high trees and hedging. The west boundary is screened to the rear half by high hedging and

is open to the front half. Neighbouring dwellings are adjacent or opposite to the north, east and south. The remainder of the unused agricultural site sits to the west including the run down unoccupied farmhouse. A protected tree sits in the south west corner of the site. There are Listed Buildings in the vicinity of the site. These are:

- The Manor House - Grade II Listed (approximately 26 metres to the south east)
- 21, 23, 25 and 27 High Street - Grade II Listed (approximately 95 metres to the west)

Relevant history:

132418 - Outline planning application for erection of up to 13no. dwellings with all matters reserved and the conversion of a barn to a dwelling – 23/08/16 - Granted with Legal Agreement

137057 - Planning application for the residential development of 5no. detached dwellings - 04/05/18 –Refused (Planning Committee) – Notification of an appeal has been received (no start date as yet)

Reasons for refusal:

The proposed development will not protect the historic village centre of Cherry Willingham, its setting and its heritage assets including non-designated heritage assets through its detrimental layout and design. The proposal is therefore contrary to local policies LP25 and LP26 of the Central Lincolnshire Local Plan, guidance within the National Planning Policy Framework, particularly paragraph 58, 128, 132 and 133 and the statutory duty set out in section 66 of Planning (Listed Buildings and Conservation Areas) Act 1990

Representations

Cllr Welburn:

- The Planning Committee stated for the outline that they wished the details to go back to them for consideration: This is the 2nd new application on the same theme and as such should go back to the Planning committee for their comments.
- This application sits below the threshold for affordable housing but, clearly with the adjacent land, the site is overall larger; and the adopted policy allows for requirement of affordable provision when it is clear that a larger comprehensive scheme (that would be in excess of the relevant threshold) should deliver such units. Therefore, the site as a whole should be considered as Cherry Willingham is in need of affordable houses and the rules should not be circumvented by intermediate applications.
- It is also important from a conservation point of view, this is the centre of the village and is of historical importance, in the original application it was deemed that the house and barns should be saved and the development be in keeping with the surrounding street scene, through neglect and

deliberate ignoring of the rules the barns have now been destroyed although the bricks have been stored, therefore amends should be made and care taken to restore the visual effect even if the original cannot be rebuilt.

- Paragraph 58 of the NPPF, as well as the adopted Local Plan policy and the Neighbourhood Plan seeks to ensure good design that will establish a strong sense of place, add to the overall quality of the area, respond to local character and optimise the potential of the (larger) site to accommodate development. Unfortunately, this design is very generic and has no design theme to complement the site and its setting next to the farmhouse and at the historic centre of the village. No consideration is apparent of heritage or streetscape issues and the site's relationship with the street scene.

Cherry Willingham Parish Council: Objections and comments

No objection 'in principle' for residential purposes, however we do not believe this application is appropriate for this site and object to the application for the reasons detailed below. It is important that this new application is determined by committee (as was the previous refused full application in May 2018) to ensure the important heritage aspects of this site are fully considered and should permission be granted conditioned appropriately.

Heritage

The site until comparatively recent times was a working farmstead which by virtue of its age, associated activities and rural agricultural character undoubtedly defined this particular part of the village. Collectively, those qualities inform its status as a non-designated heritage asset. As confirmed by the emerging Neighbourhood Plan.

Visual Impact and Design

- Current condition of the site does not in itself provide any justification for the granting of this particular proposal.
- It is uncertain that this proposal would respond to local character and feels that the design is very generic and has no design theme to complement the site and its setting next to the farmhouse and at the historic centre of the village.
- No consideration is apparent of heritage or streetscape issues and the site's relationship with the street scene.
- Traditional materials are being proposed (e.g. clay pantiles) which is good, given the style of dwelling proposed, but the detailing is somewhat bland and suburban.
- Proportions/detailing for some window openings need reviewing and chimney stacks should be larger as a design feature to be proportionate to the scale of the dwellings and to enliven the roofscape (see immediately across the road. A more bold but honest contemporary approach would be a better fit for the site and strengthen 'sense of place'.

- Close boarded fencing is indicated, but where prominent (i.e. along the access road), this should be brick to tie the development together (and that could perhaps reflect the site history with the brick barns).
- Surface treatment to the road is also key - pavers would be suburban and not appropriate, although gravel or resin surface may work.
- A design statement/commitment of some sort should be requested and justified showing how a high quality development is being proposed.

Highways

- Additional private drives would be needed for the remainder of the site leading to a plethora of openings and harm to the street scene.

Other

- Wishes to flag up that affordable housing is needed as part of this development in due course.
- CIL should apply to the development
- The site as a whole should be considered at the same time.
- Has concerns that the whole site will end up a 'bitty' design if the whole site is not considered at the same time.

Local residents: No representations received to date

LCC Highways/Lead Local Flood Authority: No objections subject to conditions and advisory notes

Archaeology: No objections subject to a condition:

Representations received 26th September 2018:

This office made previous comment on an earlier proposal for this site which stated that we recommended no archaeological input would be required. This was with the qualification that it was believed that the disturbance within the former farmyard and demolished building had destroyed any archaeology within the proposed development area.

However, a new officer has reviewed the current proposals and with fresh eyes it is clear that an area of orchard land is to be developed, this is depicted on the 1905 OS map and is therefore likely to have remained undisturbed throughout the modern period. Its location within the historic core of Cherry Willingham and adjacent to the site of its manor house, means there is a high potential for medieval and earlier Anglo-Saxon remains to be destroyed during development on any works affecting this area of orchard (Plot 5 on the plans submitted.) Excavations in advance of residential development nearby to the East have revealed regionally significant remains of the Anglo-Saxon period including footings for timber building, iron furnace and metalwork production. The orchard land being developed is one of the last potentially undisturbed open spaces within the historic core of the village, meaning it is particularly important that any remains here are recorded before destruction. No archaeological work would be required for other parts of the development in the areas that have recently been disturbed.

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

Representations received 10th August 2018:

The developer's Heritage Statement is wholly inadequate, having been produced using data obtained from the Heritage Gateway website, which includes only basic information aimed at the general interest user. It is not equivalent to the official Historic Environment Record that comprises a comprehensive and dynamic information service maintained by Lincolnshire County Council, which includes a range of data and locational information not available on this public website. It is also apparent that appropriate expertise has not been used in compiling the statement, which is evident not only in its failure to use the minimum sources of data required by the NPPF, but also in the failure to describe rather than list nearby designated and non-designated assets, and the lack of consideration of how the proposed development will actually affect them or their setting. There is also no consideration of the proposed development's impact on below ground archaeology, despite its position at the centre of the medieval village of Cherry Willingham, adjacent to its Grade II Listed Manor House, and less than 200m from Saxon settlement revealed during previous housing development nearby.

Recommendation: it is recommended that more information be required from the developer in the form of a heritage impact assessment. This should detail the significance of heritage assets to be affected by these proposals, both above and below ground, and the impacts the development will have on them, and justification for any harm. The assessment should provide the local planning authority with sufficiently detailed information in order to make a reasoned decision regarding the development's impacts on the historic environment.

Conservation Officer: No representations received to date

Tree and Landscape Officer: No objections

If sizes and positions haven't changed then I would expect my comments to remain the same. If the change is only in relation to material then they will have no relevance to trees and hedges.

IDOX checked: 5th September 2018

Planning Policy

Central Lincolnshire Local Plan 2012-2036 (CLLP)

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

LP1 A Presumption in Favour of Sustainable Development

LP2 The Spatial Strategy and Settlement Hierarchy

LP3 Level and Distribution of Growth

LP10 Meeting Accommodation Needs

LP13 Accessibility and Transport

LP14 Managing Water Resources and Flood Risk

LP16 Development on Land Affected by Contamination

LP17 Landscape, Townscape and Views

LP25 The Historic Environment

LP26 Design and Amenity

<https://www.west-lindsey.gov.uk/my-services/planning-and-building/planning-policy/central-lincolnshire-local-plan/>

Cherry Willingham Neighbourhood Plan

Cherry Willingham Parish Council has formally submitted their Neighbourhood Development Plan and associated documents for consideration as part of the Neighbourhood Plan Regulations 2012 (as amended). West Lindsey District Council will now consult with the public and consultation bodies. The consultation period began on Monday 25 June 2018 and closed at 5pm on Monday 20 August 2018. The results of the consultation and inspectors assessment is unknown to date. Paragraph 48 of the National Planning Policy Framework sets out the weight that may be given to relevant policies in emerging plans in decision taking. With consideration given to paragraph 48 of the National Planning Policy Framework the draft version of the Cherry Willingham Neighbourhood Plan can be afforded increasing weight. The policies relevant to this application are noted to be:

Policy H3: Infill Development in Cherry Willingham

Policy HE1: Protecting the Historic Environment

Policy D1: Design Principles for Cherry Willingham

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

National Planning Policy Framework

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

National Planning Practice Guidance

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

Other

Section 66 of the Planning (Listed Buildings and Conservation Areas) Act 1990

<http://www.legislation.gov.uk/ukpga/1990/9/section/66>

Greater Lincolnshire Biodiversity Action Plan 2011-20 (3rd Edition)

<http://www.glnp.org.uk/admin/resources/lincs-bap-2011-2020-review-2015final.pdf>

Main issues:

- Principle of the Development
Central Lincolnshire Local Plan 2012-2036
National Planning Policy Framework
Cherry Willingham Draft Neighbourhood Plan
Extant Planning Permission 132418
Concluding Assessment
- Listed Buildings
- Visual Impact
- Residential Amenity
- Archaeology
- Impact on Trees
- Highway Safety
- Foul and Surface Water Drainage

Assessment:

Principle of the Development

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

This application has been submitted 3-4 months after the refusal of planning application 137057 by the Planning Committee. The difference between this application and 137057 is the materials used particularly to plots 1 and 2.

Central Lincolnshire Local Plan 2012-2036:

Local policy LP2 sets out a spatial strategy and settlement hierarchy from which to focus housing growth. This policy identifies Cherry Willingham as a large village and *'to maintain and enhance their role as large villages which provide housing, employment, retail and key services and facilities for the local area, the following settlements will be a focus for accommodating an appropriate level of growth'*. LP2 states that most of the housing growth in Cherry Willingham will be *'via sites allocated in this plan, or appropriate infill, intensification or renewal within the existing developed footprint'*. The application site is not an allocated site but is an appropriate infill site within the developed footprint of Cherry Willingham.

National Planning Policy Framework:

The Central Lincolnshire Local Plan was formally adopted on 24th April 2017 following an examination in public. This established a deliverable five year

supply of housing land. The latest review published January 2018 identified a housing supply of 6.19 years.

Paragraph 213 of the NPPF states that *‘However, existing [development plan] policies should not be considered out-of-date simply because they were adopted or made prior to the publication of this Framework. Due weight should be given to them, according to their degree of consistency with this Framework (the closer the policies in the plan to the policies in the Framework, the greater the weight that may be given)’.*

Submitted Cherry Willingham Neighbourhood Plan:

As listed above the Cherry Willingham Neighbourhood Plan currently has increasing weight in the decision making process and the relevant policies are listed in the policies section above.

Policy H3 sets out criteria for infill development placing importance on the character of the area and the impact on the setting of heritage assets.

Policy HE1 provides a map identifying the position of Listed Buildings (Map 3) and Non-Designated Heritage Assets (Map 4) within the settlement and importance on protecting their setting.

Policy D1 provides design principles for all new development in the settlement and sets out criteria in different categories such as character, landscape and parking.

Extant Planning Permission 132418:

The application site is the eastern section of a larger site given outline planning permission for residential development (see history section) on 23rd August 2016. This permission gave three years for the submission of the reserved matters application, namely access, scale, appearance, layout and landscaping.

Concluding Assessment:

It is therefore considered that the principle of residential development on the site has already been established and the development can be supported subject to satisfying other material considerations.

Impact on Listed Buildings and Non-Designated Heritage Assets

The site is located within the setting of Listed Buildings. The Manor House is to the south east and is divided from the site by other residential dwellings. The Listed Buildings off High Street are almost 100 metres away. The setting of these Listed Buildings is currently harmed by the current untidy condition of the site and the adjacent land to the west.

Local policy LP25 of the CLLP states that *‘Development proposals should protect, conserve and seek opportunities to enhance the historic environment of Central Lincolnshire’* and provides a breakdown of the required information to be submitted as part of an application in a heritage statement.

In the Listed Building section of LP25 it states that ‘Development proposals that affect the setting of a Listed Building will be supported where they preserve or better reveal the significance of the Listed Building’.

Policy HE1 of the Submitted Cherry Willingham Neighbourhood Plan (SCWNP) sets out criteria for protecting Heritage Assets within Cherry Willingham. Map 3 (pg30) and Map 4 (pg31) of the SCWNP identifies the location of Listed Building and Non-designated Heritage Assets. In particular criteria 1 of HE1 lists what needs to be considered when assessing the impact of development on a heritage asset.

Guidance contained within Paragraph 189 of the NPPF states that ‘In determining applications, local planning authorities should require an applicant to describe the significance of any heritage assets affected, including any contribution made by their setting. The level of detail should be proportionate to the assets’ importance and no more than is sufficient to understand the potential impact of the proposal on their significance’.

Paragraph 193 states that ‘great weight should be given to the asset’s conservation (and the more important the asset, the greater the weight should be). This is irrespective of whether any potential harm amounts to substantial harm, total loss or less than substantial harm to its significance’

Paragraph 195 provides guidance that ‘Where a proposed development will lead to substantial harm to (or total loss of significance of) a designated heritage asset, local planning authorities should refuse consent’

Paragraph 197 states that ‘The effect of an application on the significance of a non-designated heritage asset should be taken into account in determining the application. In weighing applications that directly or indirectly affect non-designated heritage assets, a balanced judgement will be required having regard to the scale of any harm or loss and the significance of the heritage asset’.

The impact of a development of the setting of a listed building is more than just its visual presence and annex 2 of the NPPF defines the setting of a heritage asset as:

‘The surroundings in which a heritage asset is experienced. Its extent is not fixed and may change as the asset and its surroundings evolve. Elements of a setting may make a positive or negative contribution to the significance of an asset, may affect the ability to appreciate that significance or may be neutral’.

Paragraph 13 (Conserving and Enhancing the Historic Environment) of the NPPG (Reference ID: 18a-013-20140306) further supports this definition declaring that ‘Setting is the surroundings in which an asset is experienced, and may therefore be more extensive than its curtilage’ and ‘although views of or from an asset will play an important part, the way in which we experience an asset in its setting is also influenced by other environmental factors’.

The Local Authority's Conservation Area Officer (CAO) has not submitted any comments but in refused planning application 137057 the CAO stated that *'the proposed development appears standard and formulaic, particularly when you take into account the heritage assets that existed and how these contributed, most unusually, to a streetscape'* and that *'currently, the application contains insufficient information, which does not then allow the LPA to have 'special regard' as is required under section 66 of the LB&CA Act 1990.'*

The application has included the submission of a Heritage Statement dated 30th July 2018 which states that the development *'will be able to contribute to the setting of the site, the nearby existing historic assets and enjoyment for the future homeowners'*. In the design section it states that plots 1 and 2 will *'reference the historic use of the site'* in detail and materials.

The previous comments of the Conservation Officer are noted, however the site already has outline permission (132418) for residential dwellings. Included in the outline application which gained permission was an indicative layout which suggested that the dwellings to the rear of the site were to be more standard dwellings with possibly a small run of agricultural barn style terraced dwellings (plots 2-4) to the front. However planning permission 132418 does not include a condition stipulating that the dwellings to the front are designed with an agricultural barn appearance.

Taking into consideration the condition of the site and the planning history of the site it is considered that the proposal due to the siting, scale, massing and design of the dwelling will at least preserve the setting of nearby Listed Buildings and non-designated heritage assets. Therefore the proposal will accord with local policy LP25 of the CLLP, policy HE1 of the SCWNP, the statutory duty set out in section 66 of the Planning (Listed Buildings and Conservation Areas) Act 1990 and guidance within the NPPF.

It is considered that policy LP25 is consistent with the historic environment guidance of the NPPF and can be attached full weight.

Visual Impact

Objections have been received from the local ward member and the Parish Council in regards to the visual impact of the development.

Local policy LP26(c) of the CLLP states that *All development proposals must take into consideration the character and local distinctiveness of the area (and enhance or reinforce it, as appropriate) and create a sense of place. As such, and where applicable, proposals will be required to demonstrate, to a degree proportionate to the proposal, that they:*

c. Respect the existing topography, landscape character and identity, and relate well to the site and surroundings, particularly in relation to siting, height, scale, massing, form and plot widths;

The SCWNP sets out criteria for infill developments (Policy H3) and design principles (Policy D1). Policy D1 states that *'proposals shall only be supported where they are of a high standard of design that have fully considered the relevant design principles'*.

The site as observed at the site visit is currently in poor condition in terms of its ground condition, existing derelict buildings, piles of different materials and other items left on site such as a bath, oil drum and tyres. The condition of the site currently detracts from the street scene along the High Street and the setting of the nearby listed buildings to the west and the buildings opposite which are considered as non-designated heritage assets in the SCWNP.

The development proposes to construct five detached two storey dwellings with 4 bedrooms to be constructed from (identified on application form):

- Reclaimed Red Bricks from the site (Plot 1 and 2)
- Red Brick (Plot 3, 4 and 5)
- Lincoln Clay Pantiles
- UPVC brown timber effect windows
- Brown timber composite door (Plot 1 and 2)
- Composite door (Plot 3, 4 and 5)

The proposed three dwellings behind plots 1 and 2 are standard dwellings but each dwelling has a different design therefore provides more interest than a development which proposes an identical dwelling and plot layout for plot 3-5. The submitted heritage statement states that *'in terms of detailing on the proposed elevations, the units (in particular units 1 & 2) reference the historic use of the site and the exact details can be dealt with via condition(s)'*.

The site is in a prime location in the centre of the settlement and in desperate need of redeveloping to improve the visual appearance and street scene along this stretch of High Street.

The site is 0.32 hectares in size and can accommodate the five dwellings proposed whilst providing sufficient garden space and off street parking. In comparison to the indicative site layout (L-BOW-025-SLPP Revision E dated 11th September 2015) proposed in outline planning permission 132418 this development provides less density of dwellings from 7 to 5 dwellings.

The area around the development site includes a mix of frontage dwellings and dwellings will sit further back from the main highways through Cherry Willingham along cul-de-sacs or no through roads. This includes Becke Close to the south east/south and Blacksmith's Green to the north.

Therefore given the present condition of the site the proposal will not have a significant adverse visual impact on the site, the street scene or the surrounding village of Cherry Willingham therefore accords to local policy LP17 and LP26 of the CLLP, policies H3 and D1 of the SCWNP and guidance within the NPPF.

It is considered that policy LP17 and LP26 are consistent with the design, character and visual amenity guidance (Chapter 12) of the NPPF and can be attached full weight.

Residential Amenity

The site has neighbouring dwellings adjacent or opposite in all directions. No objections have been received from neighbouring residents.

On the opposite side of High Street to the north is 4, 6, 8 and 10 High Street. To the east of the site is 1 High Street, 4, 6, 8 Church Lane and 5 Becke Close. To the south is 8 and 10 Becke Close. The proposed dwellings given the separation distance will not impact on the living conditions of these neighbouring dwellings through a loss of privacy, an overbearing impact or a loss of light.

To the west of the site is Bleak Farm Farmhouse which is unoccupied and currently in an uninhabitable deteriorating condition. Although it seems unlikely it is possible that this dwelling could be refurbished and occupied again in the future. Proposed plot 4 and plot 5 will have bedroom windows which will look towards the east and south elevations of the farmhouse and the rear garden space. The farmhouse would still have some areas of privacy in its rear garden space. Consideration is given to the separation distances and the proposed uses of the rooms. Therefore it is considered that some overlooking of the farmhouse would occur if occupied but not to a significant degree. The proposed dwellings will not cause an overbearing impact or loss of light on the farmhouse.

It is important to consider the impact of the proposed dwellings on each other although there is a degree of buyer beware. The proposed dwellings have been positioned and designed including first floor openings to ensure the dwellings will not have a significant harm on the living conditions of the future residents.

Due to the close proximity of neighbouring dwellings it is considered that a construction method statement is required to ensure the construction phase considers the neighbouring residents. This will be a condition on the permission.

The proposal includes parking to the side of plot 1 (1 space for plot 1, 2 and 3) and an area of 6 parking spaces (2 spaces for plot 1, 2 and 3) between the rear boundaries of plot 1/2 and the north side boundary of plot 3. The parking spaces to the side of plot 1 is not ideal but the amount of vehicle movements will not significantly disturb the residents of plot 1. The parking to the rear has close access to each serving dwelling and will be covered by natural surveillance from the rear of plots 1, 2 and 3.

Overall it is therefore considered that the proposed dwellings will not have a significant impact on the living conditions of neighbouring dwellings or future residents of the site therefore is in accordance with LP26 of the CLLP, policy D1 of the SCWNP and guidance contained within the NPPF.

It is considered that policy LP26 is consistent with the residential amenity guidance of the NPPF and can be attached full weight.

Archaeology

The Historic Environment Officer at Lincolnshire County Council no objections to the development subject to a scheme of archaeological works prior to any groundworks being required by condition. This representation is in complete conflict with representations made during refused planning application 137057 where the Historic Environment Officer at Lincolnshire County Council had no objections to the proposal. The change in position has been justified as an oversight during the previously refused planning application (137057) which appears to relate to the area of Orchard to the rear of the site.

The site as previously explained above is part of a wider site with extant outline planning permission (132418) for 13 dwellings. This wider site has until the end of 23rd August 2019 to submit a reserved matters application which includes layout. This reserved matter could potentially be influenced by the archaeology pre-commencement condition (condition 8) for a scheme of archaeological investigation.

Overall the site has had a mixed history of comments from the Historic Environment Officers at Lincolnshire County Council therefore it has to be considered whether the recommendation for a scheme of archaeological works is reasonable. In this case following further comment from the Historic Environment Officer and investigating the previous history of the site it is considered that conditioning scheme of archaeological works is not unreasonable prior to works commencing.

It is considered that policy LP25 is consistent with the historic environment guidance of the NPPF and can be attached full weight.

Impact on Trees

The application site includes a protected tree in the south west corner of the site and an old traditional looking orchard to the rear.

Protected Tree:

The relocation of plot 5 has moved it outside the root protection area of the protected tree and provided better clearance from its crown. The Authority's Tree and Landscape Officer has stated that the comments submitted during refused planning application 137057 are still relevant to this new application. Therefore the Tree and Landscape Officer has no objections regarding the protected tree subject to conditions requiring appropriate protective measures to be installed prior to commencement until completion and that no excavation occurs within the root protection area.

Orchard:

The southern part of the site includes an old orchard which can already be removed through the building out (providing the remaining reserved matters are approved) of extant outline planning permission 132418

Paragraph 118 of the NPPF states that:

'When determining planning applications, local planning authorities should aim to conserve and enhance biodiversity by applying the following principles:

- if significant harm resulting from a development cannot be avoided (through locating on an alternative site with less harmful impacts), adequately mitigated, or, as a last resort, compensated for, then planning permission should be refused'*

Local Policy LP21 states that:

'All development should:

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

Pages 139-142 of the Greater Lincolnshire Biodiversity Action Plan 2011-2020 (3rd Edition) describes the importance in retention of Traditional Orchards. It states that *'traditional orchards are defined as groups of fruit or nut trees planted on vigorous rootstocks at low densities in permanent grassland, and managed in a low intensity way'* and that they have declined 60% since the 1950's.

The position of plot 5 has allowed some of the Orchard Trees to remain in place as stated on proposed site plan J1548-PL-02 dated March 2018. Again the Authority's Tree and Landscape Officer has not objected to the part removal of the Orchard.

Given the orchard trees can be removed through extant planning permission 132418 the proposed retention of some of the orchard trees through this development is welcomed.

Subject to conditions the development will accord with LP21 of the CLLP and guidance contained within the NPPF.

It is considered that policy LP21 is consistent with the natural environment guidance of the NPPF and can be attached full weight.

Highway Safety

The proposed vehicular access off High Street will utilise an existing access in the north west corner of the site. High Street has a 30mph speed limit and the observation views were considered acceptable at the site visit.

The Highways Authority at Lincolnshire County Council have not objected to the proposed access subject to conditions. The proposal would therefore not have an adverse impact on highway safety and accords to local policy LP13 of the CLLP, policy D1 of the SCWNP and guidance contained within the NPPF.

It is considered that policy LP13 is consistent with the highway safety guidance (paragraph 109) of the NPPF and can be attached full weight.

Foul and Surface Water Drainage

The application form states that foul drainage will be disposed of to the mains sewer. Surface water is proposed to be dealt with through soakaway which is a method of sustainable urban drainage system and is encouraged, however the suitability of the site for soakaways has not been justified through appropriate testing. Therefore it is considered that foul and surface water is addressed by the use of a condition.

It is considered that policy LP14 is consistent with the drainage guidance of the NPPF and can be attached full weight.

Other Considerations:

Flood Risk

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

Contamination

Due to the historical use of the site and storage of chemicals it is considered necessary to include a precautionary contamination condition in the interest of public health and safety.

It is considered that policy LP16 is consistent with the contamination guidance of the NPPF and can be attached full weight.

Community Infrastructure Levy

West Lindsey District Council adopted a Community Infrastructure Levy (CIL) which will be charged from 22nd January 2018. An additional information form has been submitted but not an assumption of liability form. On measuring the floor space of the dwellings it is estimated that the total floor space created will be approximately 998m². Therefore using this approximate figure the development, which is located in the Lincoln Strategy Area will be liable to a CIL payment required prior to commencement of the development of approximately £24,950. An advisory note will be attached to the permission.

Affordable Housing

The proposal is below the dwelling and floor space limit for an affordable housing contribution to be required in accordance with local policy LP11 of the CLLP and provisions of the NPPF.

Conclusion and reasons for decision:

The decision has been considered against policies LP1 A presumption in Favour of Sustainable Development, LP2 The Spatial Strategy and Growth in Villages, LP10 Meeting Accommodation Needs, LP13 Accessibility and Transport, LP14 Managing Water Resources and Flood Risk, LP16 Development on Land Affected by Contamination, LP17 Landscape, Townscape and Views, LP21 Biodiversity and Geodiversity, LP25 The Historic

Environment and LP26 Design and Amenity of the Central Lincolnshire Local Plan 2012-2036 in the first instance, relevant policies of the Cherry Willingham Draft Neighbourhood Plan and guidance contained within the National Planning Policy Framework and National Planning Practice Guidance.

In light of this it is considered that the principle of the development is acceptable including the contributing five dwellings on an appropriate site with the developed footprint of a large settlement and towards the housing supply in Central Lincolnshire. The proposal will not have a significant adverse visual impact on the site, the surrounding area or the street scene and will preserve the setting of nearby Listed Building and Non-Designated Heritage Assets. It not have a significant harmful impact on the living conditions of neighbouring dwellings, trees, highway safety, archaeology or drainage. This is subject to pre-commencement conditions.

Human Rights Implications:

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

Legal Implications:

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

Representors to be notified -

(highlight requirements):

Standard Letter ☐ **Special Letter** ☐ **Draft enclosed** ☐

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

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

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

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

2. No development shall take place until details of the external materials listed below have been submitted or inspected on site and agreed in writing by the Local Planning Authority.
 - A one metre square sample panel of brickwork, mortar and bond.
 - Roof materials

- rainwater goods and downpipes including the colour
- All windows including section drawings and colour finish.
- Doors

The brickwork panel constructed shall be retained on the site until the development hereby approved has been completed.

Reason: To ensure the use of appropriate materials in the interests of visual amenity and the character and appearance of the site and the surrounding area including the Listed Buildings and Non-Designated Heritage Assets to accord with the National Planning Policy Framework, local policies LP17, LP25 and LP26 of the Central Lincolnshire Local Plan 2012-2036 and policies H3, HE1 and D1 of the Submitted Cherry Willingham Neighbourhood Plan.

3. No development shall take place until details of a scheme for the disposal of foul sewage and surface water from the site (including the results of any necessary soakaway/percolation tests and connectivity plan) have been submitted to and approved in writing by the Local Planning Authority. No occupation shall occur until the approved scheme has been installed.

Reason: To ensure adequate drainage facilities are provided to serve each dwelling, to reduce the risk of flooding and to prevent the pollution of the water environment to accord with the National Planning Policy Framework, local policy LP14 of the Central Lincolnshire Local Plan 2012-2036 and policy D1 of the Submitted Cherry Willingham Neighbourhood Plan.

4. No development shall take place until, details of the form and position of the protection measures to protect the tree adjacent the south west boundary of the have been submitted to and approved in writing by the Local Planning Authority. The details to include a plan showing the root protection area of the tree and no excavation or land level changes within the root protection area. The approved protection measures shall be installed prior to commencement and retained in place until the development is completed.

Reason: To safeguard the existing boundary trees during construction works, in the interest of visual amenity to accord with the National Planning Policy Framework and local policies LP17, LP21, LP25 and LP26 of the Central Lincolnshire Local Plan 2012-2036.

5. No development shall take place until a landscaping scheme has been submitted including details of:
 - the height and materials used for the boundary treatments
 - the surface material of the road and parking spaces
 - the species, height, position and planting formation of any hedging and/or trees.

have been submitted to and approved in writing by the Local Planning Authority.

Reason: To ensure that appropriate landscaping is introduced and will not adversely impact on the character and appearance of the site to accord with the National Planning Policy Framework, local policies LP17, LP25 and LP26 of the Central Lincolnshire Local Plan 2012-2036 and policy D1 of the Submitted Cherry Willingham Neighbourhood Plan.

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

Reason: To restrict disruption to the living conditions of the neighbouring dwelling and surrounding area from noise, dust and vibration and to accord with the National Planning Policy Framework and local policies LP26 of the Central Lincolnshire Local Plan 2012-2036.

7. No development shall take place until a written scheme of archaeological investigation has been submitted to and approved in writing by the local planning authority. This scheme shall include the following
- 1. An assessment of significance and proposed mitigation strategy (i.e. preservation by record, preservation in situ or a mix of these elements).
 - 2. A methodology and timetable of site investigation and recording.
 - 3. Provision for site analysis.
 - 4. Provision for publication and dissemination of analysis and records.
 - 5. Provision for archive deposition.
 - 6. Nomination of a competent person/organisation to undertake the work.
 - 7. The scheme to be in accordance with the Lincolnshire Archaeological Handbook.

Reason: To ensure the preparation and implementation of an appropriate scheme of archaeological mitigation and in accordance with the National

Planning Policy Framework, local policies LP25 of the Central Lincolnshire Local Plan 2012-2036 and Policy HE1 Protecting the Historic Environment of the Submitted Cherry Willingham Neighbourhood Plan.

8. The local planning authority shall be notified in writing of the intention to commence the archaeological investigations in accordance with the approved written scheme referred to in condition 7 at least 14 days before the said commencement. No variation shall take place without prior written consent of the local planning authority.

Reason: In order to facilitate the appropriate monitoring arrangements and to ensure the satisfactory archaeological investigation and retrieval of archaeological finds in accordance with the National Planning Policy Framework, local policies LP25 of the Central Lincolnshire Local Plan 2012-2036 and Policy HE1 Protecting the Historic Environment of the Submitted Cherry Willingham Neighbourhood Plan.

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

9. With the exception of the detailed matters referred to by the conditions of this consent, the development hereby approved shall be carried out in accordance with the following drawings:
 - J1598-PL-02 Rev 04 dated March 2018 - Proposed Site Plan
 - J1598-PL-03 Rev 02 dated March 2018 – Plot 1 and 2 Proposed Floor Plans
 - J1598-PL-04 Rev 02 dated March 2018 – Plot 1 and 2 Proposed Elevations and Sections Plan
 - J1598-PL-05 Rev 01 dated November 2017 – Plot 3 Proposed Floor Plans
 - J1598-PL-06 Rev 01 dated November 2017 – Plot 3 Proposed Elevations and Sections Plan
 - J1598-PL-07 Rev 01 dated November 2017 – Plot 4 Proposed Floor Plans
 - J1598-PL-08 Rev 02 dated December 2017 – Plot 4 Proposed Elevations and Sections Plan
 - J1598-PL-09 Rev 02 dated December 2017 – Plot 5 Proposed Floor Plans
 - J1598-PL-010 Rev 01 dated November 2017 – Plot 5 Proposed Elevations and Sections Plan

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, local policy LP26 of the Central Lincolnshire Local Plan 2012-2036 and policy D1 of the Submitted Cherry Willingham Neighbourhood Plan.

10. Before the dwellings are occupied, the access and the individual drives/parking and turning spaces shall be completed in accordance with the approved proposed site plan J1598-PL-02 Rev 04 dated March 2018 and retained for that use thereafter.

Reason: To ensure safe access to the site and each dwelling/building in the interests of residential amenity, convenience and safety and to allow vehicles to enter and leave the highway in a forward gear in the interests of highway safety to accord with the National Planning Policy Framework, local policies LP13 and LP26 of the Central Lincolnshire Local Plan 2012-2036 and policy D1 of the Submitted Cherry Willingham Neighbourhood Plan.

11. The proposed driveways and turning spaces shown on plan proposed site plan J1598-PL-02 Rev 04 dated March 2018 shall be constructed from a permeable material and retained thereafter.

Reason: To reduce the risk of flooding to the proposed development and future occupants to accord with the National Planning Policy Framework and local policy LP14 of the Central Lincolnshire Local Plan 2012-2036

12. If during the course of development, contamination is found to be present on site, then no further development (unless otherwise agreed in writing by the local planning authority) shall be carried out until a method statement detailing how and when the contamination is to be dealt with has been submitted to and approved in writing by the local planning authority. The contamination shall then be dealt with in accordance with the approved details.

Reason: In order to safeguard human health and the water environment and to accord with the National Planning Policy Framework and local policy LP26 of the Central Lincolnshire Local Plan 2012-2036.

13. The archaeological site work shall be undertaken only in full accordance with the written scheme required by condition 7.

Reason: To ensure the satisfactory archaeological investigation and retrieval of archaeological finds in accordance with the National Planning Policy Framework, local policies LP25 of the Central Lincolnshire Local Plan 2012-2036 and Policy HE1 Protecting the Historic Environment of the Submitted Cherry Willingham Neighbourhood Plan.

14. Following the archaeological site work referred to in condition 13 a written report of the findings of the work shall be submitted to and approved in writing by the local planning authority within 3 months of the said site work being completed. .

Reason: To ensure the satisfactory archaeological investigation and retrieval of archaeological finds in accordance with the National Planning Policy Framework, local policies LP25 of the Central Lincolnshire Local

Plan 2012-2036 and Policy HE1 Protecting the Historic Environment of the
Submitted Cherry Willingham Neighbourhood Plan

15. The report referred to in condition 14 and any artefactual evidence recovered from the site shall be deposited within 6 months of the archaeological site work being completed in accordance with a methodology and in a location to be agreed in writing by the local planning authority.

Reason: To ensure the satisfactory archaeological investigation and retrieval of archaeological finds in accordance with the National Planning Policy Framework (2012), local policies LP25 of the Central Lincolnshire Local Plan 2012-2036 and Policy HE1 Protecting the Historic Environment of the Submitted Cherry Willingham Neighbourhood Plan

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

NONE

138180 Reepham Road, Fiskerton

Site Location Plan



Officers Report

Planning Application No: 138180

PROPOSAL: Planning application for the erection of new agricultural barn.

LOCATION: Land to the east of Reepham Road Fiskerton Lincoln LN3 4EZ

WARD: Cherry Willingham

WARD MEMBER(S): Councillor Mrs M Palmer, Councillor Mrs A Welburn, Councillor C Darcel

APPLICANT NAME: M Good & Son Limited

TARGET DECISION DATE: 01/11/2018

DEVELOPMENT TYPE: Major - Other

CASE OFFICER: Abbie Marwood

RECOMMENDED DECISION: Refuse planning permission.

Description:

The site is an area of mainly arable land with an existing concrete pad, situated to the north of the village of Fiskerton. There is an existing access track which runs to the south boundary of the site and established hedgerow to the west boundary. To the south there are neighbouring buildings, including Primetake which is an explosives manufacturer producing ammunition, bird scaring and pyrotechnic products. Further to the south are residential properties and approximately 75m to the south-west on the opposite side of the road is a residential bungalow. The public right of way Fisk/120/1 is opposite the site entrance.

The proposal is for the erection of a new 1,080sqm agricultural barn for the storage of grain, fertiliser, and farm machinery. Internally, there will also be a small section for a workshop, office and welfare area. The building would measure 54m in length, 20m in width and 8.2m in height (to ridge). It is proposed to use coated box profile cladding, concrete panels and fibre cement, giving the proposal a somewhat typical 'agricultural' appearance.

Relevant history:

No relevant history recorded within the application site.

138041 – Application for redevelopment of current site

A separate application has been submitted to the Local Planning Authority, (reference 138041) by the applicant, which seeks permission to redevelop the current Reepham site for 25 dwellings. This application is currently under consideration at the time of writing. The target date for determination is 23rd October 2018.

Representations, in summary:

Chairman/Ward member(s):

Ward Member Councillor Mrs A Welburn:

Requested the application be called in to committee for the following reasons:

1) CLLP LP5 (Expansion of existing business, (Conflict with existing sites)) does apply when one enterprise would cause the closure of another. At least not by fair competition. HSE have said will cause the Licence to be reduced or revoked either of which we are advised by Primetake would cause the company to close putting 70+ employees out of work.

2) CLLP LP9 (Health and wellbeing) - there is a definite danger to public safety and employee safety being built within the exclusion zone of an HSE Explosive licence area.

3) CLLP LP12 infrastructure

4) CLLP LP13 Highway Safety (Excessive Traffic and need for safe footpaths etc.) LP13 c,e,f,g,n,o,p.

Ward Member - Councillor Mr C Darcel:

Makes comments referring to a recent Parish Council meeting, commenting on the discussions held.

The applicant has given assurances that the claims that the barn would be used for crop drying was not part of the business plan. That a full risk analysis would be reviewed with both Primetake and the HSE. That the barn would be largely screened from Reepham Road. That access to the footpath to the Woods to the north east would be maintained, and that there would be relatively little extra traffic using Reepham Road going north and no extra farm traffic would travel through the village.

The County Council's Highways Department's response of "no objection" seemed in accordance with that given to recent application for Orchard Rd. Planning Application Number 137801.

At the meeting on the 3rd September at least one of my fellow councillors seemed to have no objection to the location of the new barn and several members of the public thought the location was appropriate for the village.

I would not wish approval be given for a development that would jeopardise the viability of the Primetake operation, or the health, security and amenity of the village.

At the parish council meeting on Monday 3rd September I did point out that modern grain drying techniques are very different to those employed 50 years ago. It was also quite obvious to me, as a qualified agricultural engineer, that if the applicant wished to store grain on the site, other than as a holding facility as planned, a far bigger barn would be required. That really would have given the village something to think about.

With regards the hydrant and footpaths to Reepham, I feel the village will benefit from both.

There was a small fire at Primetake several years ago and I believe lack of a hydrant in the area was a concern at the time. If this is the case, I welcome the request for a hydrant but I do not regard the request as a reason, in itself, for refusing the planning application.

With regards the footpaths to Reepham this is a serious concern to many in the village. I and many others have expressed the opinion that there is a dire need for footpaths to link Fiskerton with both Reepham and Cherry Willingham. It is a County Council matter and rejecting this application on the grounds of a lack of footpaths would not seem to be reasonable grounds for refusal.

The applicant is a successful local farmer, and as far as I can tell runs a well-managed enterprise and pays full attention to the current HSE regulations regarding crop, fertilizer and fuel storage.

Under the guidelines of the current Local Plan I can see no reason for refusal and if long term access to the nearby foot path to the woods is secured, so much the better.

I believe the application should be granted, in accordance with the guidelines of the Local Plan, and subject to HSE approval.

Fiskerton Parish Council:

Summarised as follows:

We wish to make the case for this application to be re considered by the applicant for this site on the following grounds and The Parish Council's serious concerns for the safety of our residents, as we feel that it creates a large detrimental impact both now and possibly more in the future should it be approved in its current form on this proposed site.

1) The site is proposed for the storage of what could be classed as volatile materials namely Fertiliser, Fuel, and grain. All of which we are advised are, in certain conditions, either explosive or at the least a major fire hazard. Our concern here is borne out by the fact that Lincolnshire Fire and Rescue have insisted on an additional site specific fire hydrant.

We are aware that the HSE have advised Primetake that the existence of this building and the proposed stored items would likely impact their licence and therefore impair their existing business. Thereby threatening the employment of 70 plus people in this area, should Primetake become unviable to trade from their current site.

We therefore object to the current application on this proposed site on the grounds of it being sited within an HSE restricted zone and would therefore a) endanger any staff working on the site or pedestrians currently in the area should an incident occur. b) Present a commercial restriction on the existing adjacent established business to the detriment of 70+ local jobs. (The suitability of the proposed site for the proposed operation should be re assessed).

2) We also have serious concerns on road safety grounds. The application states 2000 vehicle movements to the site. The applicants advised the PC that all the traffic would be moving in a Northerly direction, however we would point out that in order to move North, the traffic has initially to travel South. This site entrance is situated on a minor country road, the approach from the North is along an unrestricted section of carriageway without footpaths to either side. The existing grass verges and carriageway edges are in such a poor condition that pedestrians are unable to walk along them and have to walk in the carriageway.

The road connects Fiskerton village to the adjacent village of Reepham and is a popular walking area, which includes Fiskerton Airfield War Memorial, and is used most times of most days, by walkers/ramblers, cyclists, joggers and horse riders. We therefore feel that the addition of 2000 large scale commercial and farm vehicles entering and leaving the site represents an enormous increase in the road safety threat to the current residents and visitors to Fiskerton. The Speed limit on this road should be reduced with the addition of footpaths/cycle tracks installed

3) The applicants state that there will not be dryers installed as the grain is taken off-site appx a 30 mile round trip), for drying and ultimate storage. One would question, if grain storage is elsewhere, the need for such a large grain storage facility here at Fiskerton in the first place.

This Council have been advised by people with agricultural backgrounds with regard to grain storage and they state that "due to the prevalent weather here in the UK, corn needs drying intermittently throughout the storage period to keep it viable. This applies 8 out of 10 years on average".

We feel concerned therefore, should the cost of this proposed transport when assessed in the future or if the current dryer/storage facility to the North of the county ceases to function for any reason, the next step, probably without the need for further planning approval, would be installing dryers with the noise and pollution issues that would create. Also with the prevailing wind in this area, any pollution would be blown across the residential areas of the Fiskerton village. (Any approval in such close proximity to the village should be conditioned to prevent future installation of grain dryers).

Whilst we fully appreciate that planning guidelines and in fact the current CLLP support rural business enterprise, which we as a rural Parish would and do readily support. We cannot support an application that is detrimental to our local village community and our residents' right to continue to enjoy the existing recreational amenity of our adjacent countryside. Further to this we cannot support an application that is likely to be detrimental to an ongoing and established local business and employer on the adjacent site. Whilst CLLP supports rural business, it does not do so to the detriment of existing enterprise or existing rural communities.

We feel that this type of enterprise whilst essential to agriculture is not appropriate on this particular site, close to the edge of our community and therefore the applicant should re-consider the current proposal and look for this operation to be sited on other land owned by the applicant, where it could be more remote to our community and adequately screened so as to not cause disruption, dust, noise and potential danger to local residents and also not have probable detrimental effects on an existing and established adjacent business

Should the application be re-sited and amended taking into consideration this Council's concerns where possible, our objections would be re-considered accordingly.

Should this application ultimately be approved we would request the following items to be made enforceable by condition if possible:-

- i) That a planning condition be attached that no dryers can be installed in the future on this site.
- ii) Also that an undertaking from the applicant is given that the current permissive footpath along the Southern boundary of the site which is well used by walkers will be retained for residents' enjoyment.
- iii) To reduce danger from increased traffic that the existing metalled footpath currently only extending to the proposed site entrance, be extended as part of this application, northwards to the point where the existing public footpath to Reephams village continues across the airfield diagonally to the N/W.

LCC Highways & Lead Local Flood Authority:

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

Environment Agency:

Have no comments to make on the application.

Archaeology: I didn't have any comments to make as it's a relatively low ground impact type of structure and will be within the area disturbed by the old RAF Fiskerton so any archaeology there would probably have been destroyed.

Health and Safety Executive:

The development falls within the consultation distances of the nearby explosives facility licensed by the HSE. The Explosives Inspectorate has considered the effect that the explosives operations allowed under the license might have on the new development. If this new development is allowed to proceed the external population density permitted in this reference zone for this explosives facility will be exceeded. Our conclusion is that whilst the probability of a major accident involving the explosives is low, the consequences to people at the development could be serious.

Therefore I advise you that should planning permission be granted for the development, the Explosives Inspectorate would review the explosives facility license. The planning authority may wish to note that this review may result in the facilities explosive capacity being significantly reduced, possibly putting its commercial viability in jeopardy.

Lincolnshire Fire and Rescue:

30/8 Lincolnshire Fire and Rescue are now satisfied with the proposal and remove the objection.

16/8 – Object on the grounds of inadequate water supply for firefighting purposes.

Lincolnshire Police:

Has no objections to the application.

Local residents:

Primetake:

13/9 – After a response from HSE providing clarity on their position. Their position is quite clear, the erecting of any building within the yellow safety zone is unacceptable.

We suggested if the building was to be protected by barriers or other means, would this offer a concession allowing the development with suitable caveats, e.g. the building could only be constructed from certain materials with a protective barrier surrounding the development. Their reply was still no and they repeated the statement any building within this yellow safety zone would reduce our explosive license to store and manufacture from Kg to g. This would in affect shut down our operations with very serious consequences for all our employees and business.

We hope to continue to work with Mr Good to help find an alternative solution but based on this latest information it's with regret we need to formally object to the development of this site next to our facility at Fiskerton.

12/9 – Further to recent communication with HSE we suggest the proposed development be located outside out HT1 safety zone as any reduction to our capacity to store and manufacture would have serious consequences for our business.

20/8 – in support of the planning proposal as long as it is agreed by HSE Explosives.

2 The Holt:

Object – 1) the proposal falls within HT1 zone of the neighbouring Primetake premises where explosives are stored;

2) The proposed barn is intended to store grain. The drying and movement of grain generate significant quantities of dust which can explode Ref: NFU Risk management programme for the bulk storage of grain;

3) The two premises side by side become a high risk area;

4) When considering this application the County Council do not seem to be aware that 2000 heavy vehicles are expected to use the access. The junction, visibility splays and footpaths are inadequate.

Further comments received 15/9 – inappropriate siting next to a munitions factory, increase of 2000 HGV movements, the proposed farm building is not near a farm and is sited upon arable land that is used for food production. Once arable land is used for development it is never replaced and since the applicant has existing and adequate storage facilities that development is unnecessary and permission should be refused.

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 Development Plan in this location comprises the Central Lincolnshire Local Plan (April 2017); and the Lincolnshire Minerals and Waste Local Plan (2017).

If to any extent a policy contained in a development plan for an area conflicts with another policy in the development plan the conflict must be resolved in favour of the policy which is contained in the last document to become part of the development plan.²

Local Development Plan

Central Lincolnshire Local Plan (2012-2036). The most relevant policies are listed below:

LP1: Presumption in Favour of Sustainable Development

LP2: Spatial Strategy and Settlement Hierarchy

LP5: Delivering Prosperity and Jobs

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

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 [Section 38\(5\)](#) of the Planning and Compulsory Purchase Act 2004

Minerals and Waste Local Plan

Policy M12: Safeguarding of Existing Mineral Sites and Associated Minerals Infrastructure

Neighbourhood Plan

Fiskerton Neighbourhood Planning Group notified the Council on 14th February 2018 that it was withdrawing the Fiskerton Neighbourhood Plan (Nov/Dec 2016 Pre-submission version Reg 14). As a consequence of the plan's withdrawal it cannot be afforded weight in the consideration of any decision making on planning applications.

Reepham is a designated plan area, however, there is currently no draft or made plan in circulation, that could be taken into consideration.

National guidance

National Planning Policy Framework 2018

National Planning Practice Guidance

Under paragraph 213 of the NPPF, it states “existing [development plan] policies should not be considered out-of-date simply because they were adopted or made prior to the publication of this Framework. Due weight should be given to them, according to their degree of consistency with this Framework (the closer the policies in the plan to the policies in the Framework, the greater the weight that may be given).”

Main issues

- Principle of Development
- Hazardous Installations
- Transport
- Landscape and Amenity
- Other Matters

Assessment:

Principle of Development

The site is located on the edge of the settlement of Fiskerton and is considered to be outside the developed footprint of the village, therefore falling within open countryside.

Policy LP2 sets out that unless allowed by levels 1-7 of LP2 or any other policy in the Local Plan, development will be regarded as being in the countryside and as such restricted to:

- That which is demonstrably essential to the effective operation of agriculture, horticulture, forestry , outdoor recreation, transport or utility services;
- Renewable energy;
- Proposals falling under LP55; and
- Minerals or waste development.

The proposal is for an agricultural building in connection with existing farm operations at Good Farm. The current farm operations are located within the village of Reephram, approximately 1 mile to the north of the proposed site. The expansion of the farm business and increased size of the machinery utilising the site has resulted in the need to relocate the farm operations to an alternative site. The proposed site has been chosen by the applicants as it is within their ownership on the edge of Fiskerton and well located to service the farm land that is worked as part of the farm operations.

The development is demonstrably for the purposes of agriculture and would therefore accord with the principles of development set out within policy LP2.

With consideration to paragraph 213 of the National Planning Policy Framework (July 2018) Policy LP2 is consistent with the NPPF (July 2018) which seeks to support a prosperous rural economy (paragraph 83) and full weight can be attached.

Hazardous Installations

The site is immediately adjacent to Primetake, a licensed explosive site. The application site falls within an Explosives Safeguarding zone, as issued by the Health and Safety Executive (HSE).

The National Planning Policy Framework 2018 provides a definition of major hazard site, installations and pipelines as follows:

Sites and infrastructure, including licensed explosive sites and nuclear installations, around which Health and Safety Executive (and Office for Nuclear Regulation) consultation distances to mitigate the consequences to public safety of major accidents may apply.

Further to this National Planning Practice Guidance provides advice on development around hazardous installations³ as follows:

The Health and Safety Executive issue consultation zones around licensed explosive sites and licensed ports. Licenses issued by the Health and Safety Executive specify that each place keeping or handling explosives shall be separated from other occupied buildings. This 'safety distance' varies according to the types and quantities of explosives present.

³ <https://www.gov.uk/guidance/hazardous-substances#Handling-development-proposals-around-hazardous-installations>

The license does not of itself prevent construction or activities within these distances, but this may lead to further restrictions being imposed on the licensee. This could result in the operations with explosives becoming unviable.

Local planning authorities should take account of the total number of people that are present in the consultation zones around these sites, and the implications of any increase as a result of a planning decision. In the case of encroachment (development getting closer to the major hazard) the risks can increase as well as the number of people.

The COMAH competent authority's role (here, the Health & Safety Executive) is an advisory one. It has no power to direct refusal of planning permission or of hazardous substances consent.

The decision on whether to grant permission rests with the local planning authority. In view of its acknowledged expertise in assessing the off-site risks presented by the use of hazardous substances, any advice from the Health and Safety Executive (HSE) that planning permission should be refused for development for, at or near to a hazardous installation or pipeline should not be overridden without the most careful consideration.

The application site is located approximately 20m to the north of licensed explosives site Primetake and falls within the Health and Safety Explosives consultation zone. Paragraph 45 of the NPPF requires that Local Planning Authorities should consult the appropriate bodies when considering applications for the siting of, or changes to, major hazard sites, installations or pipelines, or for development around them. The Health and Safety Executive have provided comments on the proposal setting out that should the development be allowed the external population density permitted in this reference zone for the explosives facility would be exceeded. This would result in the license for Primetake being reviewed and reduced, potentially resulting in the explosives capacity being greatly reduced and placing the company's commercial viability at risk.

Paragraph 182 of the NPPF states that planning decisions should ensure that new development can be integrated effectively with existing businesses. Existing businesses and facilities should not have unreasonable restrictions placed on them as a result of development permitted after they were established.

Primetake is an existing facility that operates commercially, providing employment and the proposed development would create an increase in risk within the consultation zone. In accordance with guidance contained within the National Planning Practice Guidance advice from the HSE should not be overridden without the most careful consideration.

Policy LP26 Design and Amenity requires the amenities which all existing and future occupants of neighbouring land and buildings may reasonably expect to enjoy must not be harmed by or as a result of development. Proposals should

demonstrate compatibility with neighbouring land uses and how they contribute to the creation of safe environments. Similarly proposals for development adjacent to, or in the vicinity of, existing 'bad neighbour' uses will need to demonstrate that both the ongoing use of the neighbouring site is not compromised.

It is therefore considered that the proposal is not acceptable in this location, given the risks of locating in proximity to a licensed explosives manufacturer and the effect this would have on the viability of an existing business and employer, contrary to Policy LP26.

With consideration to paragraph 213 of the National Planning Policy Framework (July 2018) Policy LP26 is consistent with the NPPF (July 2018), particularly paragraph 182 in this regard, and full weight can be attached.

Transport

The proposed site has an existing access just within the 30mph zone and is connected to the village via a footpath. The proposals demonstrate new hardstanding to be provided around the building with a turning area for larger vehicles at the western side of the building. It is proposed that there will be no increase or decrease in traffic movements from the farm operations as they currently are located within Reephram. The applicants have stated that this is approx. 2000 vehicle movements per annum with movements occurring between 7am and 9pm and peak times being between April – October. In addition to this there are occasional deliveries of diesel, fertiliser and other farm chemicals which can range from transit vans to HGVs.

Policy LP13: Accessibility and Transport state that development proposals should contribute towards an efficient and safe transport network that is located where travel can be minimised and providing well designed, safe and convenient access for all. This is consistent with paragraph 108 of the NPPF (2018). This proposal would not result in an increase or decrease in traffic movements to the farm, but it would result in these movements occurring elsewhere as a consequence of the farm operations moving location. This impact would be primarily on the access road to the site, however, it would be expected that some farm vehicles would be accessing the surrounding farmland directly from the site without the use of the public highway. The Local Highways Authority have raised no objections to the application on highway safety grounds.

Landscape and Amenity

The site is located on the edge of Fiskerton and is currently agricultural fields. There is an existing access track and small area of existing hardstanding to the west of the site. The site is screened from the main road by an established hedge to the west boundary and would be screened from the village by the neighbouring buildings that comprise Primetake.

The proposal is for a building that would measure 54m in length, 20m in width and 8.2m in height (to ridge). It is proposed to use coated box profile cladding, concrete panels and fibre cement, giving the proposal a typical agricultural appearance. It would be visible above the existing hedge, however, it would be viewed in context of the village to the south and the surrounding agricultural land to the north and east.

Policy LP17: Landscape, Townscape and Views requires proposals to protect and enhance the value of the landscape, including the setting of settlements. It is considered that the proposal would not have an unduly harmful impact upon the setting of Fiskerton or the surrounding countryside.

In addition, LP26: Design and Amenity requires all development proposals to take into consideration the character and local distinctiveness of the area. Proposals will be required to demonstrate that they maximise effective and efficient use of land, respect the existing topography, landscape character and identity and relate well to site and surroundings, and incorporate appropriate landscape treatments. It is therefore considered that the proposal would be in accordance with Policy LP17 and LP26. The policies are consistent with the NPPF objective (chapter 12) of “Achieving well-designed places”.

Other matters

Grain drying

Concern has been raised in relation to the use of the building, particularly the potential for grain drying equipment to be installed and the impacts that this could have on neighbouring amenity in terms of increased noise and dust. The proposal does not specifically include grain drying equipment, however, the installation of such equipment could be controlled via the imposition of a condition should it be minded to grant the proposal.

Minerals Safeguarding Area

A small section of the site, approximately 10m to the northern boundary, is located within a Site Specific Minerals Safeguarding Area which relates to the existing oilfield located approx. 240m to the north of the site. As such, policy M12: Safeguarding of Existing Mineral Sites and Associated Minerals Infrastructure of the Minerals and Waste Local Plan has been considered.

Policy M12 states that mineral sites and associated infrastructure will be safeguarded against development that would unnecessarily sterilise the site or prejudice or jeopardise their use by creating incompatible land uses nearby.

As the site is located on the edge of the minerals safeguarding zone and it relates to an oilfield, the proposal would not result in the sterilisation of any mineral reserves. The building proposed is located outside of the safeguarding zone and it is considered that the agricultural use of the site would not jeopardise the ongoing operation of the existing oilfield.

Policy M12 is considered to be consistent with paragraph 206 of the NPPF (2018).

Protecting best and most versatile agricultural land

The site is located within existing agricultural land and would use land that is currently owned and farmed by the applicants. Policy LP55: Open Countryside, Part G: Protecting the best and most versatile agricultural land 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. This site is classified as G3 Good to Moderate. It is considered that the loss of a small area of agricultural land would not be detrimental to the food production or continuance of agricultural economy as the proposal is to allow the continued operations of an existing farm business.

Conclusion

The decision has been considered against LP1: Presumption in Favour of Sustainable Development, LP2: Spatial Strategy and Settlement Hierarchy, LP5: Delivering Prosperity and Jobs, LP13: Accessibility and Transport, LP14: Managing Water Resources and Flood Risk, LP17: Landscape, Townscape and Views, LP26: Design and Amenity and LP55: Development in the Countryside of the adopted Central Lincolnshire Local Plan and guidance contained within the National Planning Policy Framework (2018) and Planning Practice Guidance.

In light of this assessment it is considered that the proposal would not be compatible with neighbouring land uses and would have an adverse impact upon the commercial viability of an existing business, contrary to Policy LP26 and guidance contained within paragraph 182 of the National Planning Policy Framework. It would increase the risk arising from a major incident within the consultation zone of a hazardous explosives site, in accordance with advice provided by the Health and Safety Executive.

Recommendation: That planning permission is refused for the following reason(s):

1. The proposal would not be compatible with neighbouring land uses and would be likely to result in unreasonable restrictions being placed on an existing business that would be likely to have an adverse impact upon its commercial viability, contrary to part m) and u) of Policy LP26 of the Central Lincolnshire Local Plan and paragraph 182 of the National Planning Policy Framework 2018.
2. The proposal would increase the risk arising from a major incident within the consultation zone of a hazardous explosives site, in accordance with advice provided by the Health and Safety Executive.

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

Representors to be notified -

(highlight requirements):

Standard Letter ☐

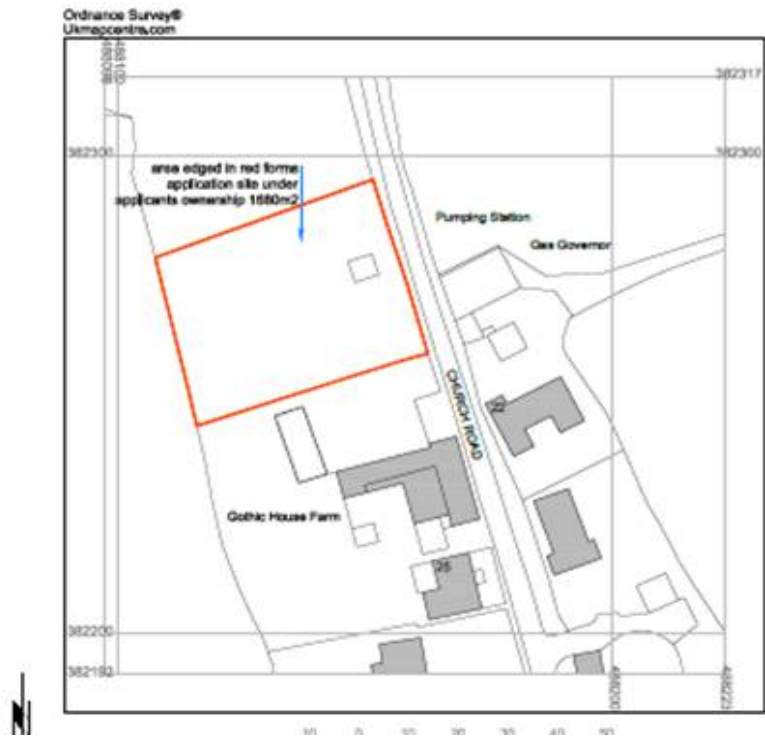
Special Letter ☐

Draft enclosed ☐

Prepared by: Abbie Marwood

Date: 28 September 2018

Agenda Item 6c



Officers Report

Planning Application No: 138097

PROPOSAL: Application for approval of reserved matters for the erection of 2no. dwellings considering access, appearance, landscaping, layout and scale, following outline planning permission 134537 granted 29 July 2016.

LOCATION: Land adj 25b Church Road Stow Lincoln LN1 2DE

WARD: Stow

WARD MEMBER(S): Cllr R Shore

APPLICANT NAME: Mr Charlie Lister

TARGET DECISION DATE: 12/09/2018

DEVELOPMENT TYPE: Minor - Dwellings

CASE OFFICER: Vicky Maplethorpe

RECOMMENDED DECISION: Grant permission

Description: The application site comprises a parcel of land on the edge of the village of Stow located off Church Road. The site is well kept but does not form part of the garden to 25b Church Road.

The site is surrounded by residential dwellings to the south and east and open countryside beyond.

Planning permission (in outline) was granted in 2016, to erect 2no. dwellings. The application is seeks only the approval of the following reserved matters following the grant of planning permission - access, appearance, landscaping, layout and scale.

The application is presented to committee as a landowner is from the immediate family of a Councillor.

Relevant history: 134537 - Outline planning application to erect 2no. dwellings - all matters reserved, Granted permission, 29/7/16.

Representations:

Stow Parish Council: Object:

1) It appears to SPC that conditions 4 and 5 (and therefore condition 6) of the outline planning permission of July 2016 have not been met. The 5 bathrooms per house may exacerbate the known drainage problems associated with Church Road. This drainage issue has to be addressed.

2) An application (No 136245) for a single storey dwelling next door was refused. On appeal, one of the reasons the Inspector turned down the appeal was that the bungalow would damage the view of the open countryside from

Church Road. These two proposed large properties would do far more damage to the view of open countryside from Church Road than a small bungalow would have done. Given application 136245 was refused on appeal, on the basis of the damage to this view, then these two large properties should also be refused on that basis too.

3) Policy LP18 of the Lincolnshire Local Plan - climate change and low carbon living - says water use should be minimised and sustainable modes of travel should be used. 5 bathrooms and a double garage per house does not appear to meet this policy.

4) There is no brief in the application for an archaeological survey which the Council feel is necessary to do as in previous applications in the village due the archaeological importance of the area.

5) The current plans seem to be for houses which are far too big for the plot sizes nor will they enhance the viability of the village of Stow which needs more low cost housing that young families are able to afford.

Local residents: Objections have been received from 2 Broadway, Sturton by Stow, 22, 23A, 25 and 25A, 27 and The Old School House, Church Road, Stow. Objections/concerns mainly relate to (summarised):

- No ecological survey
- Houses too tall
- Development does not protect and enhance intrinsic value of our landscape
- Views will be destroyed
- Flooding and drainage issues
- Planning refused for neighbouring site, but allowed for this
- Development should be built from reclaimed bricks
- Views of Stow Minister compromised
- Development is excessive
- Overdevelopment of site
- Suggestions for design of dwellings
- Design not in keeping with area
- Large dwellings are not needed in the village
- Increase in traffic
- Highway safety
- Proposal contrary to LP17, LP18 and LP26.

LCC Highways: No objections

Archaeology: No comments received.

Relevant Planning Policies:

Development Plan;

Central Lincolnshire Local Plan 2012-2036 (CLLP):

Policy LP13: Accessibility and Transport
Policy LP14: Managing Water Resources and Flood Risk
Policy LP17: Landscape, Townscape and Views
Policy LP25: The Historic Environment
Policy LP26: Design and Amenity
<https://www.n-kesteven.gov.uk/central-lincolnshire/local-plan/>

Neighbourhood Plan

There is no neighbourhood plan for Stow

Other;

National Planning Policy Framework

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

Planning Practice Guidance

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

Main issues

- Principle
- Appearance, layout and scale
- Impact on residential amenities
- Landscaping
- Access
- Other matters

Assessment:

Principle

The principle of housing has already been established in the granting of outline permission 134537. Planning permission is granted for two dwellings.

This application seeks only the approval of reserved matters which is for the appearance, layout, scale, access and landscaping.

Any other matters raised that do not directly relate to the reserved matters are not relevant to the application under consideration.

Appearance, layout and scale

Policy LP26 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 2 dwellings are to be 5 bedrooomed, two storey detached dwellings (with accommodation in the roof space) with detached double garage to the front along with off road parking. The proposed materials have not been specified. However these can be secured via a condition. Although the dwellings are large the plots are equally large and leave adequate amenity space to the front and rear.

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.

Concerns have been raised with regards to the impact the proposal will have on Stow Minister. A grade I listed church. The church is located over 250m to the south of the site with various other properties between the application site and church. Therefore given the separation distance and existing built form the application can be supported. It is considered that the proposal will preserve the setting of the Stow Minister.

The application site is not within a Conservation Area. The area immediately surrounding the site is characterised by a mix of modern detached dwellings and bungalows with a gothic style period property to the south of the site, just beyond no's 25a and 25b and The Granary, a converted barn. The proposal responds positively to the immediate and wider area with its complimentary design.

The proposal is therefore in accordance with policies LP17, LP25 and LP26.

Residential amenity

Policy LP26 states that 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.

There are no concerns with overlooking of the neighbouring properties, no's 25a and 25b Church Road.

There is more than adequate separation to the surrounding dwellings.

Landscaping

The existing hedge along the front boundary is to be removed along with a number of self-set trees. The proposed landscaping includes a new hawthorn hedge set further back from Church Road to allow for adequate visibility displays, along with the retention of a small group of trees in the south east corner. The new hedge (when established) and existing trees will help to soften the impact of the development on the street scene. The rear gardens

are to be laid to lawn with the existing trees at the rear of plot 1 being retained.

The placement of the hedge and retention of some trees is appropriate in accordance with LP17 and LP26.

Access

The site is to be accessed via Church Road. Concerns have been raised by neighbouring properties with regards to the increase in traffic and highway safety. However, planning permission is already granted for 2no. dwellings. This application considers only the details of the proposed access itself.

The highways officer has viewed the plans and has no objections to the proposal.

Other matters

For the development to go ahead it will involve the removal of several of the trees within the site. Concerns have been raised by a resident of Sturton by Stow stating bats, owls and newts have all been seen in the area.

Nonetheless, permission is already granted for 2no. dwellings – this does not relate to the reserved matters under consideration.

Drainage – Concerns have been raised with regards to flooding and surface and foul water drainage. As part of the outline planning permission, 134537, conditions 4 and 5 require details of surface and foul water drainage to ensure compliance with LP14. These details will be required to be submitted in order to accord with the conditions – but do not relate to the reserved matters being considered under this application.

Views - Objections have been raised that the proposed dwellings will destroy views. A right to a view is not a material planning consideration.

Archaeology – The Parish Council has raised concerns regarding the lack of an archaeological survey. During the outline application Lincolnshire County Councils Historic Environment Officer had no objections to the proposed development. Planning permission is already granted to erect 2no. dwellings on the site.

Neighbouring land – Concerns have been raised regarding the refusal of planning permission on a site directly to the north. As stated earlier in the report, this application is only for the approval of Reserved Matters – the site already has planning permission to erect 2no. dwellings.

A neighbour claims the development is contrary to policy LP18. Whilst policy LP18 states that “Development proposals will be considered more favourably if the scheme would make a positive and significant contribution towards [climate change and low carbon living measures]” they are not compulsory – the application is not considered to be contrary to policy LP18. In any event, these matters are not relevant to the scale & appearance of the buildings, now under consideration.

Conclusion

The proposal has been considered in light of relevant development plan policies namely policies LP13: Accessibility and Transport, LP14: Managing Water Resources and Flood Risk, LP17: Landscape, Townscape and Views, LP25: The Historic Environment and LP26: Design and Amenity of the Central Lincolnshire Local Plan as well as the National Planning Policy Framework and Planning Practice Guidance. The appearance, landscaping, layout, scale and access of the proposal are considered to be acceptable. Therefore it is recommended that the application should be approved.

Recommended conditions:

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

1. No development shall take place until details of the external finishing materials of the buildings has been submitted to and approved in writing by the Local Planning Authority. The development shall proceed in accordance with the approved details.

Reason: To secure good design in accordance with policy LP26 of the Central Lincolnshire Local Plan.

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 drawings ARQ/1140/03, ARQ/1140/04, ARQ/1140/05, ARQ/1140/06, ARQ/1140/07 dated 5 June 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 policies LP1, LP17 and LP26 of the Central Lincolnshire Local Plan 2012-2036.

3. The root protection measures shown on drawing number ARQ/1140/03 dated 5 June 2018 shall be implemented in accordance with these details and permanently secured before development commences and retained at all times until construction work has been completed.

Reason: To ensure that adequate measures are taken to preserve trees and hedges and their root systems whilst construction work is progressing on site in accordance with policies LP17 and LP26 of the Central Lincolnshire Local Plan 2012-2036.

4. The boundary treatments shall be in accordance with drawing: ARQ/1140/03 dated 5 June 2018 and retained as such thereafter.

Reason: In the interest of preserving amenity and the character of the area in accordance with policies LP17 and LP26 of the Central Lincolnshire Local Plan.

5. All planting and turfing approved in the scheme of landscaping shown on drawing ARQ/1140/03 dated 5 June 2018 shall be carried out in the first planting and seeding season following the completion of the development, whichever is the sooner; and any trees or hedging 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. The landscaping should be retained thereafter.

Reason: To ensure that soft landscaping is provided within the site to soften the appearance of the dwellings to accord with the National Planning Policy Framework and policies LP17 & LP26 of the Central Lincolnshire Local Plan.

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.

Representors to be notified -

(highlight requirements):

Standard Letter ☐

Special Letter ☐

Draft enclosed ☐

Prepared by: Vicky Maplethorpe

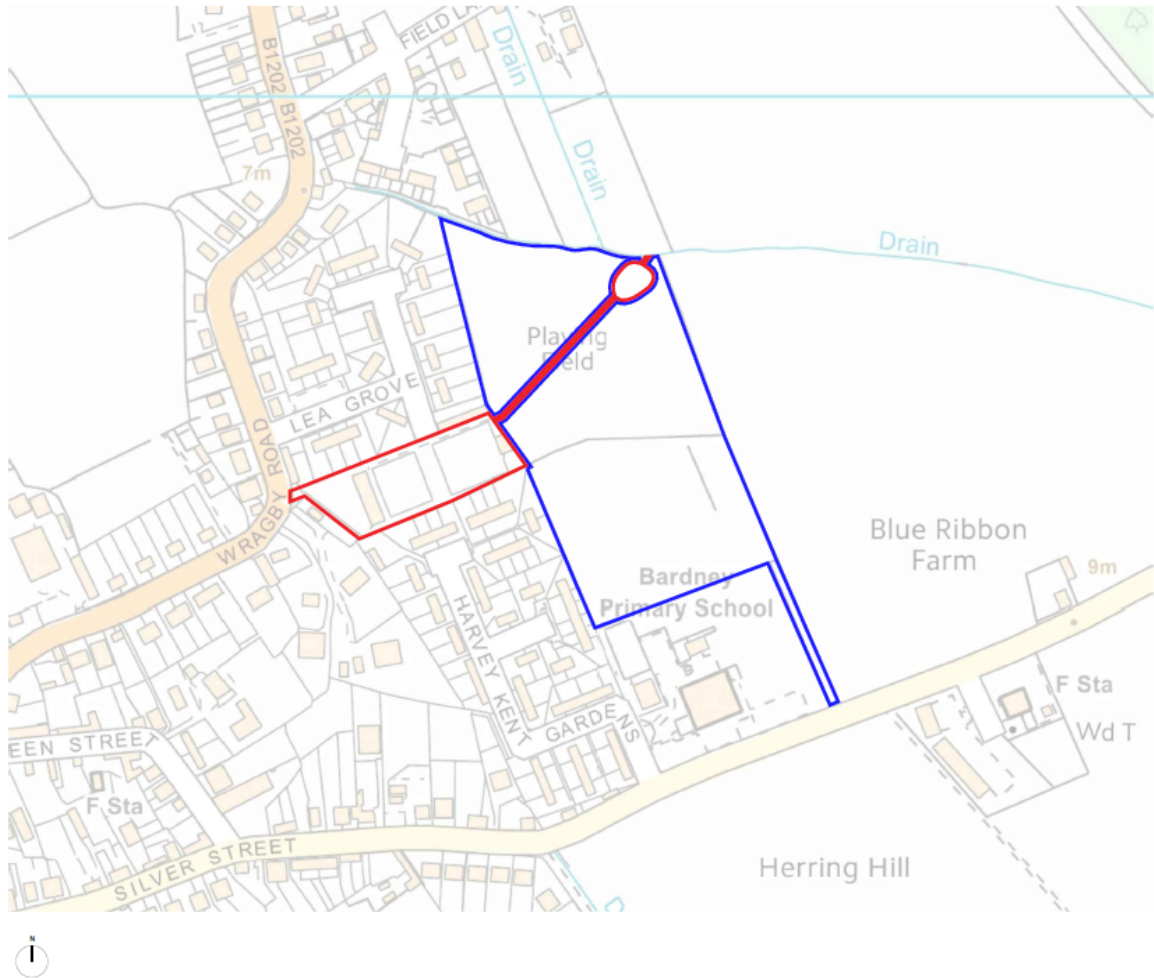
Date: 3 October 2018

Signed:

Authorising Officer Date: 04/10/2018

Decision Level (tick as appropriate)

Committee



Application number 137950

Officers Report

Planning Application No: 137950

PROPOSAL: Outline planning application for residential development for up to 20no. dwellings - all matters reserved.

LOCATION: Land off Lea Grove Bardney Lincoln LN3 5XN

WARD: Bardney

WARD MEMBER(S): Cllr I. Fleetwood

APPLICANT NAME: Mr J Dean

TARGET DECISION DATE: 14/09/2018 EOT to 17/12/2018

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 5 dwellings on site
- A contribution of £45,105 towards an additional classroom at Bardney Primary School or land adjacent Bardney Primary School as an in-kind payment of this contribution

In addition to the S106 as the Community Infrastructure Levy (CIL) is in force – the development is expected to be liable.

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

The application has been referred to Planning Committee for the interests of transparency at the request of the chair of planning committee

Description: The site is located on the eastern fringe of Bardney and comprises a roughly rectangular shaped site 0.7 hectares in area. It comprises land formerly used for sports and welfare purposes owned by British Sugar. The front section of the site contains a semi derelict prefabricated concrete block single storey building exhibiting signs of vandalism, with an area of hardstanding to the front. East of this is the former tennis court with trees growing through the tarmac, and beyond this a heavily overgrown area with a brick faced building with the openings boarded up which was the former bowls pavilion. Beyond this is an open area of land which appears to partly in use as a horse paddock.

Existing dwellings are located on three sides of the site. The garden of 52 Wragby Road, and numbers 27 to 32 Lea Grove are located next to the northern boundary of the application site. The remainder of this boundary runs along a terraced block of garages accessed off Lea Grove. Numbers 72 to 86 Harvey Kent Gardens back onto the site to the south. A foot path runs along the eastern end of the site from Wragby Road to an off road parking area served off Harvey Kent Gardens. Parallel to this path is the residential curtilage of 48 Wragby Road.

Proposal: This is an outline application seeking approval to the principle of residential development for up to 22 dwellings. All matters of layout, scale, appearance, landscaping and access are reserved for subsequent approval ('reserved matters') and are not under consideration with this application. This was subsequently amended by a slight reduction in the size of the site and to 20 dwellings. Although an outline application, indicative drawings have been submitted to illustrate how the site could be developed. The Drainage Strategy proposes the use of swales on the site, which will discharge via an offsite attenuation pond to the watercourse north east of the site.

Representations:

Bardney Group Parish Council (Comments in Full): BGPC would like to object to the above planning application for the following reasons;

- The planned development does not comply with the Central Lincolnshire Local Plan, as it purely provides housing stock and makes no provision for employment, retail, key services or facilities for the village.
- The road measurement stated in the Design and Access Statement is incorrect, as the true measurement is 4.8m with the widest point being 4.9m.
- Parking on this road is difficult due to a number of properties not having access to a drive or driveway. Further traffic along this route would not be advisable.
- The planning application states 22 dwellings however documentation included within the application reference a planned total of 77 properties.
- The planning application states that the development will be on Brownfield site. This is not correct as Google earth shows that only 10% of the planned development area is Brownfield, whilst the rest was used as tennis courts, bowling green and playing field. The other part of the site has historically been used for grazing and is therefore Greenfield.
- The proposed development goes outside the curtilage of the village.
- Part of the land was historically a playing field and therefore has protected status. The Design and Access Statement claims that the playing field was only available for employees of British Sugar who resided outside the village. Social media has proved this to be incorrect, with many people publically reporting using the facilities free of charge or for a nominal fee.

- The Design and Access Statement claims that the impact from traffic will be negated by use of the popular public bus which uses Wragby Road and has a stop up from the junction with Lea Grove. The only buses that use this route are school buses (which run term time only) and a bus that is funded by Asda supermarket, which only travels once a week during term time. Public bus provision in Bardney is very poor and there are only five buses per day (Monday to Saturday) operating between Bardney, Lincoln and Horncastle. Making it very difficult for those who work in Lincoln, to use the public bus as their main form of transport.
- Drainage is a known problem in this area and has affected other planning applications in the adjacent area (see 136548) where special conditions were applied due to the flood risk in the area. The Water Study of 2010, stated that drainage infrastructure for the Bardney area only had capacity for a further 333 dwellings. Since 2010, Chestnut Homes has implemented part II (93 homes) & III (170) of their development along, with Keir Homes building an approx. 98 homes with permission for an additional 100. Records show that Keir Homes implemented a Water Course Improvement Study due to the drainage/flooding problems in this area.
- As the building on the site has been disused for several years there have been reports of bats and other wildlife living in the building, therefore an ecological study should be carried out as a matter of urgency.
- If the development does get approved then BGPC would like Community Infrastructure Levy (CIL) provision to be made for play provision for those aged 14 years and under.
- Formal objection to statement in the Design and Access Statement. Page 2 makes reference to comments by the Parish Council, these are incorrect and details are as follows; * The developer did not meet with the Clerk but the Planning Officer for BGPC. The Planning Officer made it clear that the official response would be via the council and that staff members did not have the authority to respond. * BGPC policy is, that in principle they are in favour of the development scheme laid out in the Central Lincolnshire Local Plan. This proposed development does not comply with this. The Planning Officer also stated that they would relay this information to the Council and would advise of the Parish Council's comments on the proposal. The reference in the document is misleading and should be retracted.

Local residents: Representations have been received from:

Numbers 2, 3, 23, 27 and 31 Lea Grove; 46A, 52 and 58 Wragby Road; 30 and 72 Harvey Kent Gardens; 30 Abbey Road; 71 Silver Street and 78 Station Road; 11 out of the 13 are objections. Of the remaining 2 one suggests that the number of houses be reduced and that an off street carpark be provided whilst the final comment seeks clarification on final boundary treatments

Summary of Objections:

Access from Lea Grove is unsafe and unacceptable;

- width of Lea Grove 4.7 not 5 metres;
- insufficient parking for existing houses;
- grass verges are parked on;
- existing parking reduces the road to a single width;
- only on street parking is available;
- unsafe for children
- damage to cars;
- at present vehicles park outside the old gates on Wragby Road. If the layout is approved at this end it would mean these cars having to park on the road;
- totally unsuitable for construction traffic;
- big increase in volume of traffic;
- insufficient amenities within Bardney; school is at capacity; difficulties in obtaining appointments at existing surgery;
- increase in noise and disturbance; loss of privacy; loss of light; loss of views
- existing gardens flood easily and the fields to the east of the site also flood; more pressure on drainage systems;
- too much low cost housing in the village at present;
- impact on health;
- concerns with demolition due to the potential for asbestos;
- difficulties for emergency vehicles to reach site;
- there is no fencing between my garden and the site;
- loss of opportunity to observe wildlife ;
- bus service referred to is the Asda bus;
- insufficient car parking for the new dwellings with 2 spaces required per house and provision for visitors;
- car parking should be close and not remote from houses;
- sets a precedent for further development of green fields owned by applicant;

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

Informatives

HI03: There is a requirement for a new/amended vehicular access. Applicants should note the provisions of Section 184 of the Highways Act 1980. The works should be to the specification and constructed to the satisfaction of the Highway Authority, please contact 01522 782070.

HI05: All or part of the highway to be constructed in accordance with planning approval hereby granted is to be constructed to an adoptable standard and subsequently maintained at public expense. It is necessary for the developer to comply with the Lincolnshire County Council Development Road Specification in accordance with a Section 38 (Adoption of highway by

agreement) or Section 219 (the Advance Payments code) of the Highways Act 1980.

Conditions

HP23: Before each dwelling (or other development as specified) is occupied, the roads and footways providing access to that dwelling, for the whole of its frontage from an existing public highway, shall be constructed to a specification to enable them to be adopted as Public Highway, less the carriageway and footway surface courses. The carriageway and footway surface courses shall be completed within three months from the date upon which the erection is commenced of the penultimate dwelling (or other development as specified).

To ensure that a safe and suitable standard of vehicular and pedestrian access is provided for residents throughout the construction period of the development and that the roads and footways are completed within a reasonable period following completion of the dwellings.

HP25: No dwelling shall be commenced before the first 60 metres of estate road from its junction with the public highway have been completed.

To ensure construction and delivery vehicles, and the vehicles of site personnel may be parked and/or unloaded off the existing highway, in the interests of highway safety and the amenity of neighbouring residents.

HP26: Before any dwelling is occupied, all of that part of the estate road and associated footways that forms the junction with the main road and which will be constructed within the limits of the existing highway, shall be laid out and constructed to finished surface levels in accordance with details to be submitted to, and approved in writing by, the Local Planning Authority.

In the interests of safety, to avoid the creation of pedestrian trip hazards within the public highway from surfacing materials, manholes and gullies that may otherwise remain for an extended period at dissimilar, interim construction levels.

HP29: The permitted development shall be undertaken in accordance with an Estate Road Phasing and Completion Plan, which shall first be approved in writing by the Local Planning Authority. The Plan shall set out how the construction of the development will be phased and standards to which the estate roads on each phase will be completed during the construction period of the development.

To ensure that a safe and suitable standard of vehicular and pedestrian access is provided for residents throughout the construction period of the development.

HP33: No development shall take place until a surface water drainage scheme for the site, based on sustainable urban drainage principles and an assessment of the hydrological and hydrogeological context of the development, has been submitted to and approved in writing by the Local Planning Authority.

The scheme shall:

- a) Provide details of how run-off will be safely conveyed and attenuated during storms up to and including the 1 in 100 year critical storm event, with an allowance for climate change, from all hard surfaced areas within the development into the existing local drainage infrastructure and watercourse system without exceeding the run-off rate for the undeveloped site;
- b) Provide attenuation details and discharge rates which shall be restricted to 5 litres per second;
- c) Provide details of the timetable for and any phasing of implementation for the drainage scheme; and
- d) Provide details of how the scheme shall be maintained and managed over the lifetime of the development, including any arrangements for adoption by any public body or Statutory Undertaker and any other arrangements required to secure the operation of the drainage system throughout its lifetime.

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

To ensure that surface water run-off from the development will not adversely affect, by reason of flooding, to neighbouring land and property.

Access and layout have not been considered as they are a reserved matter.

Additional Highways Comments dated 24th September 2018 (in response to a request asking LCC Highways comments on the large number of objections raised in terms of access off Lea Grove):

“It is an outline with all matters reserved. That said, the access and layout shown (indicative) is acceptable as it meets our design guide for adoptable highways.”

LCC (Corporate Property Service): Please see below table in relation to the number of places required and available in local schools for the proposed development:

Type	Children produced by scheme	Sufficient places available 2019/20 (Y/N/Partial)	Places to be mitigated	Contribution sought
Primary	4	N	4	£45,105
Secondary	4	N	4	£0
Sixth-form	0	N/A	0	£0
			Total	£45,105

Please note, where an application is outline a formulaic approach will be taken in a section 106 agreement, this may result in a higher contribution if a high proportion of large houses are built. This would be finalised at the reserved matters stage. All section 106 agreements should include indexation using the Tender Price Index of the Royal Town Planning Institute Building Cost Information Services (RICS BCIS TPI). The above contributions would be spent on the following:

Type	Amount	Scheme
Primary	£45,105	Towards a 9 th classroom at Bardney Primary School
Secondary	£67,965	N/A - CIL
Sixth-form	£0	N/A - CIL

I can confirm that the County Council will ensure that no more than five s.106 agreements are signed towards a specific piece of infrastructure, as detailed above (where known), which will be specific within the s.106 agreement. Secondary and sixth-form figures are included as indication of contribution level if this infrastructure was not on Regulation 123 list. As the applicant is also the land owner of the land adjacent to Bardney Primary School, the County Council would also be satisfied with the s.106 agreement offering the option of either capital contribution to the amount detailed above, or land as an in-kind payment of this contribution.

We would suggest the s.106 monies are paid at the halfway point in the development to allow timely investment by the County Council whilst not adversely affecting the developer's viability. Please note the County Council retains the statutory duty to ensure sufficiency of school places and this includes capital funding provision of sufficient places at maintained schools, academies and free schools. We would invest the funding at the most appropriate local school(s) regardless of their status, but ensure the s.106 funding is used only to add capacity as this is the only purpose for which it is requested.

Neighbourhood Planning: This application lies within the joint Bardney, Southery, Stainfield and neighbourhood plan area which was designated in January 2017. We contacted Bardney Parish Council earlier this year to see how they were getting on with the plan and if they wanted any support. They came back and said they were not progressing it at the time

Environment Agency: This proposal falls outside the scope of matters on which the Environment Agency is a statutory consultee. Therefore we have no comment to make on this application.

Anglian Water:

Section 1 - Assets Affected: 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

Section 2 - Wastewater Treatment: The foul drainage from this development is in the catchment of Bardney Water Recycling Centre that will have available capacity for these flows.

Section 3 - Used Water Network:

Development will lead to an unacceptable risk of flooding downstream. A drainage strategy will need to be prepared in consultation with Anglian Water to determine mitigation measures. We request a condition requiring the drainage strategy covering the issue(s) to be agreed.

Section 4 - Surface Water Disposal: The preferred method of surface water disposal would be to a sustainable drainage system (SuDS) with connection to sewer seen as the last option. Building Regulations (part H) on Drainage and Waste Disposal for England includes a surface water drainage hierarchy, with infiltration on site as the preferred disposal option, followed by discharge to watercourse and then connection to a sewer. 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. Should the proposed method of surface water management change to include interaction with Anglian Water operated assets, we would wish to be re-consulted to ensure that an effective surface water drainage strategy is prepared and implemented.

Section 5 - Suggested Planning Conditions: Anglian Water would therefore recommend the following planning condition if the Local Planning Authority is mindful to grant planning approval.

No development shall commence until a foul water strategy has been submitted to and approved in writing by the Local Planning Authority. No dwellings shall be occupied until the works have been carried out in accordance with the foul water strategy so approved unless otherwise approved in writing by the Local Planning Authority.

Reason: To prevent environmental and amenity problems arising from flooding.

Lincolnshire Police: Have no objections to the proposal and have provided detailed advice that “if adhered to would help reduce the opportunity for crime and increase the safety and sustainability of the development. “

NHS England – Midlands and East (Central Midlands): On this occasion NHS England will not be putting in a section 106 tender for the development of 22 Dwellings at Bardney.

Minerals and Waste LCC: I am not satisfied that the assessment is 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.

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 (2017)

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:

- LP1: A Presumption in Favour of Sustainable Development
- LP2: The Spatial Strategy & Settlement Hierarchy
- LP3: Level and Distribution of Growth
- LP9: Health & Wellbeing
- LP10: Meeting Accommodation Needs
- LP11: Affordable Housing
- LP12: Infrastructure to Support Growth
- LP13: Accessibility and Transport
- LP14: Managing Water Resources and Flood Risk
- LP17: Landscape, Townscape and views
- LP21: Biodiversity and Geodiversity
- LP24: Creation of New Open Space, Sports and Recreation Facilities
- LP26: Design and Amenity

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

Lincolnshire Minerals and Waste Local Plan (2017)

<https://www.lincolnshire.gov.uk/residents/environment-and-planning/planning-and-development/minerals-and-waste-local-plan/88170.article>

The site is within a Sand and Gravel Minerals Safeguarding Area. Policy M11 applies.

National Policy:

National Planning Policy Framework 2018 (NPPF)

https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/740441/National_Planning_Policy_Framework_web_accessible_version.pdf

Paragraph 213 states that “*existing [development plan] policies should not be considered out-of-date simply because they were adopted or made prior to the publication of this Framework. Due weight should be given to them, according to their degree of consistency with this Framework (the closer the policies in the plan to the policies in the Framework, the greater the weight that may be given).*”

Planning Practice Guidance

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

Neighbourhood Plan

The site lies within an area now designated as a Neighbourhood Area (January 2017) although there is no plan in place or in preparation at the current time, that can be taken into consideration.

Main issues

- Principle
- Objections raised on the grounds of access
- Character and design
- Affordable Housing
- Drainage
- Open Space
- Impacts on existing residential amenities
- Infrastructure
- Protected species and biodiversity
- Meeting accommodation needs

Matters of layout, scale, appearance and landscaping are all reserved for subsequent approval ('reserved matters'). Nonetheless, indicative drawings have been supplied to illustrate how development may be accommodated on site.

Assessment:

Principle of Residential Development

Bardney is designated as a Large Village (policy LP2). To maintain and enhance their role as large villages which provide housing, employment, retail, and key services and facilities for the local area, they will be a focus for accommodating an appropriate level of growth. Most of this growth will be via sites allocated in the CLLP (not applicable here), or appropriate infill, intensification or renewal within the existing developed footprint. In “exceptional circumstances” additional growth on non-allocated sites in “appropriate locations” outside of, but immediately adjacent to, the developed footprint of these large villages might be considered favourably though these are unlikely to be of a scale over 25 dwellings / 1 ha per site (whichever is the smaller).

The extent of built form in this location can be set by the rear boundary line of the residential properties along Lea Grove and Harvey Kent Gardens. As originally submitted the site extended beyond this line contrary to the advice given at pre application stage that such an extension would not respect the core shape and form of the village meaning that it could not be considered an appropriate location thereby requiring Exceptional circumstances to be brought into play. During the course of the application the site area was reduced to respect the rear boundary line and the number of indicative dwellings was reduced to 20. The area of the site occupied by hard standing, the social and welfare building and the gravelled tennis courts can be considered previously developed land as can the brick built former golf pavilion which marks the limit of the site. In between is the former formal bowling green which is now heavily overgrown. The site can be considered in the round to fall within the existing developed footprint of Bardney. On this basis the principle of development can be supported.

Policy LP2 is consistent with the NPPF’s approach (paragraph 78) to locate housing in areas where it will enhance or maintain the vitality of rural communities, and should be attached full weight.

The revised NPPF is unchanged in terms of the emphasis placed on the importance of making effective use of land. Paragraph 118 states that decisions should: “give substantial weight to the value of using suitable brownfield land within settlements for homes ...” and “promote and support the development of underutilised land and buildings”

Objections raised on the grounds of access

Whilst access is a reserved matter and permission is not being sought for this under this application a large number of objections nevertheless have been raised on this issue particularly in relation the alleged inadequacy of Lea Grove as a means of accessing the site partly due to existing on street parking which reduces the width to a single lane. A number of the objections received were forwarded to LCC Highways (LCC H) and their comments requested as highways authority which are set out above. This states that the indicative layout submitted would meet the guidelines for adoptable highways.

The revised NPPF at paragraph 109 also sets out that “*Development should only be prevented or refused on highway grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network would be severe*”. The conditions suggested by LCC H will be reflected on the decision notice and these in part reference highway safety matters as reasons for their imposition. It should also be noted no automatic rights exist for vehicles to park on a public highway.

Character and design

Matters of layout, scale, appearance and landscaping are all reserved for subsequent approval (‘reserved matters’). Nonetheless, indicative drawings have been supplied to illustrate how development may be accommodated on site. The development is compact in nature and at this stage 20 dwellings are shown as being delivered in the form of a single terrace of 4 dwellings, four terraces of 3 dwellings and a pair of semi-detached dwellings. The rear gardens range from 9 metres to 11 metres in length. The dwellings reflect the northern section of Harvey Kent Gardens which is characterised by terraced blocks of bungalows with a number of semi-detached bungalows. It is noted that rear garden areas of existing dwellings are greater in length than that shown on the indicative layout. Further south along Harvey Kent Gardens are terraced and semi-detached houses. It is considered that the site is capable of accommodating a satisfactory scheme at reserved matters. Development would also lead to an improvement on the current semi derelict appearance of the site. The development would accord with LP 26.

Affordable Housing:

The strategic aim expressed in policy LP 11 of the CLLP is to deliver 17,400 affordable dwellings to meet the needs of residents unable to compete on the open market. The site which is located within the Lincoln Strategy Area LP would be required to make a 25% contribution towards meeting the need for affordable housing. This would equate to 5 dwellings (25% of 20 dwellings). The applicants’ representatives have agreed to meet the requirement in full through a contribution on the site itself or through the payment of a commuted sum. This would be £427,560.00 (5 x £85,512).

Under policy LP11, Affordable housing shall be provided on-site, unless it can be demonstrated that exceptional circumstances exist which necessitate provision on another site. This is consistent with paragraph 62 of the NPPF, which seeks “robust justification”.

A legal agreement will be required to deliver the affordable housing. On this basis it would meet the requirements of LP 11.

Surface Water Drainage

The site is located within Flood Zone 1 which is land classed at being at low risk of flooding. It therefore accords with the “sequential test” approach (policy

LP14 and NPPF paragraph 158) of locating development to those areas least at risk of flooding.

Swales are to be used on the site, which will discharge via an offsite attenuation pond to the watercourse north east of the site. Full details of this will be secured by the condition suggested by LCC as Lead Flood Authority. Reference is made by the Parish Council to a special condition imposed on 136548 in relation to recognition of drainage problems. This was an application for a single dwelling and it refers to a condition requiring details of “soakaways including percolation tests” to be submitted for approval and subsequent implementation in accordance with approved details prior to occupation of the dwelling. The condition to be imposed requires a greater level of detail than this. With the imposition of the condition the development would accord with LP 14 of the CLLP.

Foul Drainage

Anglian water have confirmed there is capacity at Bardney Water Recycling Centre for foul drainage flows and have suggested imposition of a condition. This will be imposed and the development would therefore accord with LP 14.

Provision of Open Space, Sports and Recreation facilities:

LP 24 requires that residential development will be required to provide new or enhanced provision of public open space, sports and recreation facilities. It is noted that the parish have requested that CIL monies be directed to play provision for those aged 14 years and under. It would open for the parish to utilise monies they receive from CIL to spend it in this manner at it would be regarded as “infrastructure”. Following verbal discussions with the Contributions Officer taking this into account together with, the size and current condition and use of the site, the applicant meeting in full the affordable housing requirement and the amenity contribution of swales in terms of “openness” of the site on this occasion it is considered appropriate and proportionate not to seek an additional financial contribution via a s106 agreement towards the enhancement of existing play facilities. It would accord with LP 24.

Residential Amenities:

Noise and Disturbance - Whilst the social and welfare club is no longer in use some consideration must be afforded to the previous activities on the site. Whilst concerns have been raised about noise and disturbance arising from dwellings being approved it must be noted that the surrounding area is primarily residential in use and character and this will not change if the development is approved. There will be an increase in noise and activity but this is a characteristic of any residential development. To limit noise and disturbance whilst the houses are being built a condition will be imposed requiring submission of a construction method statement for approval and subsequent implementation in accordance with the approved plans.

Overlooking and loss of privacy: There are existing dwellings to the north and south of the site with a single dwelling to the west. To the north the rear boundaries of numbers 27 to 32 Lea Grove are formed by concrete posts and wire mesh fencing, some of which are supplemented by existing planting with rear gardens in excess of 15 metres. Indicative plans show two gable ends and off street parking along this section of the site. South are similar existing boundaries to the rear of 72 to 86 Harvey Kent Gardens, with more dense shrubbery which have garden depths ranging from 12.5 to 14 metres and which are at a lower level than the site. Indicative plans show a single gable and the rear gardens of proposed dwellings along this part of the site. There would be a minimum distance separation of 22 metres between the rear elevation of existing and proposed dwellings rising to 23.8 metres. This is considered sufficient to avoid significant impacts. An approximately two metre high dense hedge interspersed with two small sections of solid fencing runs along the boundary to the side of 52 Wragby Road. There is a single window visible at first floor level. Indicative plans show the end of a garage and rear gardens along this boundary with a minimum distance from the rear of the dwellings to the side boundary of 10.8 metres. Although indicative the plans submitted show that at reserved matters stage a scheme can be designed that would avoid adverse impacts on existing neighbours although it will be necessary to require details of existing and proposed ground levels which will be secured by condition. This would be in accordance with LP 26.

Infrastructure:

Policy LP 12 requires development to be supported by have good access to, all necessary infrastructure. It goes onto state that Developers will be expected to contribute towards the delivery of relevant infrastructure. They will either make direct provision or will contribute towards the provision of local and strategic infrastructure required by the development. In this particular case the required infrastructure is a contribution towards the provision of an additional classroom at Bardney Primary School and the provision of 5 affordable dwellings on site or a commuted sum of £427,560 offsite affordable housing provision. This will be secured by a section 106 legal agreement.

Protected Species and biodiversity:

Policy LP 21 seeks that development should minimise impacts on biodiversity and geodiversity; and seek to deliver a net gain in biodiversity and geodiversity. Concerns have been raised by objectors about potential impacts on bats. Whilst a protected species survey was not submitted the applicants' representatives have made the following comments in response:

We write further to a number of comments submitted to the planning application that raise the potential of wildlife, specifically bats, occupying the site and your request for an appropriate survey to support the application.

You will be aware that the Government has published guidance outlining the consideration to be given to bats, as a protected species, through the planning process. This guidance can be inspected at online at <https://www.gov.uk/guidance/bats-surveys-and-mitigation-for-development-projects>.

This guidance indicates bats can be affected by the demolition of buildings or the removal of trees or hedgerows, if those buildings and trees provide a suitable and attractive habitat for bats, and records show there are bat roosts in the development site or the area. Buildings that are attractive to bats tend to be older (early 20th century or before), have cracks or crevices, uneven roof covering and a large roof area with clear flying spaces and large roof timbers with cracks. Bats are less likely to use a building in an urbanised area, with a building constructed after the 1970's with few gaps and prefabricated with sheet material or has a small or cluttered roofspace and is affected by artificial light.

The buildings on the application site were constructed in the 1980's, are still relatively sound with few if any gaps for bats to enter and limited roof space. Although the site is open to the countryside on the short eastern boundary, there is development on the other three sides, with street lights along the footpath from Wragby Road and on Lea Grove and Harvey Kent Gardens, which will ensure that parts of the site are affected by artificial light. Bats are also attracted to older trees with complex growth with natural cavities and a tree trunk diameter greater than 20cm at chest height. The trees on this site have seeded and grown since the club closed in 2001 and consequently will not have the complex growth, age, crack and crevices and girth that make an attractive habitat for bats.

It is very possible that bats will feed over the site, although an assessment of the site would suggest there is not an attractive habitat for bat roosts and there is little likelihood that either the buildings or trees on the site will provide a suitable roost for bats: as such, a survey should not be necessary as part of the planning application process.

If the Council considers there is sufficient evidence of bats roost on the site in either the building or the immature trees, it may be appropriate to impose a condition to require a survey to be undertaken before the site is cleared, such as:

"No works shall take place involving the demolition of any existing buildings a bat survey has been carried out by a suitably qualified person and has been submitted to, and agreed by, the local planning authority. If the survey confirms that bat roosts have been found on the site a scheme of mitigation and compensation measures will be provided.

This is noted although in isolation it will not deliver bio diversity enhancements. Landscaping utilising native species is one way of adding biodiversity value to a site. Given the current state of the site a condition requiring a scheme to be submitted for approval which demonstrates how the interests of biodiversity would be accommodated within the proposed development is considered appropriate.

Minerals: TBC

Meeting Accommodation Needs:

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 provision of affordable housing on the site would help the creation of a balanced community. As this is an outline application the exact details are not yet known although it would be reasonable to

assume given the location and size of the site that the provision would be towards smaller dwellings for which there is greatest demand. In addition to cater for the needs of less mobile occupants, including older people and disabled people, and to deliver dwellings which are capable of meeting peoples' changing circumstances over their lifetime there is a requirement for 6 of the dwellings (30%) to meets the higher access standards of Part M Building Regulations (Access to and use of buildings). This will be delivered by condition and would accord with LP 10.

Planning balance and conclusion

Having considered the proposal against the provisions of the Development plan in in the first instance, specifically policies LP1: A Presumption in Favour of Sustainable Development, Policy LP2: The Spatial Strategy and Settlement Hierarchy; Policy LP 4 Growth in Villages ; Policy LP10: Meeting Accommodation Needs; Policy LP11: Affordable Housing; Policy LP12: Infrastructure to Support Growth; Policy LP13: Accessibility and Transport; Policy LP14: Managing Water Resources and Flood Risk; Policy LP17: Landscape, Townscape and views; LP21: Biodiversity and Geodiversity; Policy LP24: Creation of New Open Space, Sports and Recreation Facilities and Policy LP 26: Design and Amenity of the Central Lincolnshire Local Plan (2012-2036) as well as Policy M11 of the Lincolnshire Minerals and Waste Local Plan (2017) and against all other material considerations including the Revised National Planning Policy Framework 2018 and Planning Practice Guidance it is considered that the proposal which would contribute towards the provision of open market and affordable housing would ,subject ,to the imposition of safeguarding conditions not have any significant adverse impacts.

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 5 dwellings on the site

and

a capital contribution of £45,105 towards the provision of an additional classroom at Bardney Primary School **or** land adjacent Bardney Primary School as an in-kind payment of this contribution.

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 requiring reserved matters and stating the time by which the development must be commenced:

1. No development shall take place until, plans and particulars of the **access, layout, scale and appearance** of the buildings to be erected, and the **landscaping** of the site (hereinafter called “the reserved matters”) have been submitted to and approved in writing by the Local Planning Authority, and the development shall be carried out in accordance with those details.

Reason: The application is in outline only and the Local Planning Authority wishes to ensure that these details which have not yet been submitted are appropriate for the locality.

2. Application for approval of the reserved matters shall be made to the Local Planning Authority before the expiration of three years from the date of this permission.

Reason: To conform with Section 92 (2) of the Town and Country Planning Act 1990 (as amended).

3. The development to which the permission relates must be begun not later than the expiration of two years from the final approval of the reserved matters or, in the case of approval on different dates, the final approval of the last such matter to be approved.

Reason: To conform with Section 92 (2) of the Town and Country Planning Act 1990 (as amended).

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

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

The scheme shall:

- a) Provide details of how run-off will be safely conveyed and attenuated during storms up to and including the 1 in 100 year critical storm event, with an allowance for climate change, from all hard surfaced areas within the development into the existing local drainage infrastructure and watercourse system without exceeding the run-off rate for the undeveloped site;
- b) Provide attenuation details and discharge rates which shall be restricted to 5 litres per second;
- c) Provide details of the timetable for and any phasing of implementation for the drainage scheme; and
- d) Provide details of how the scheme shall be maintained and managed over the lifetime of the development, including any arrangements for adoption by

any public body or Statutory Undertaker and any other arrangements required to secure the operation of the drainage system throughout its lifetime.

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

Reason: To ensure that surface water run-off from the development will not adversely affect, by reason of flooding, neighbouring land and property in accordance with policies LP 14 and LP 26 of the Central Lincolnshire Local Plan.

5. No development shall take place until a foul water strategy for the site, has been submitted to and approved in writing by the Local Planning Authority. No dwelling shall be occupied, unless the approved details have been implemented in full.

Reason: To ensure satisfactory drainage of the site in accordance with policy LP14 of the Central Lincolnshire Local Plan.

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

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

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

7. The details to be submitted in accordance with condition no. 1 above shall include a Landscape Management Plan setting out management responsibilities and maintenance schedules for all landscaped areas

(excluding private gardens), inclusive of trees, hedges, ditches and balancing ponds; and a Biodiversity Enhancement Scheme setting out measures for habitat creation and management. The development shall thereafter proceed in accordance with the approved details.

Reason: In the interests of amenity and biodiversity, in accordance with the policies LP21 and LP26 of the Central Lincolnshire Local Plan and provisions of the National Planning Policy Framework.

8. The details to be submitted in accordance with condition no. 1 above shall include existing and proposed finished ground levels.

Reason: In order to be able to assess the impact of the development on existing dwellings in the interests of amenity in accordance with policy LP 26 of the Central Lincolnshire Local Plan.

9. A schedule of house types and the proposed mix within the development shall be submitted to and approved in writing by the Local Planning Authority. The development shall be subsequently implemented in accordance with the approved details

Reason: To help support the creation of mixed, balanced and inclusive communities in accordance with policy LP 10 of the Central Lincolnshire Local Plan and the revised NPPF 2018.

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

9. The development hereby approved shall not exceed 20 dwellings.

Reason: The application was found to be acceptable on this basis and to maintain the character of the village in accordance with policy LP26 of the Central Lincolnshire Local Plan.

10. Not less than 30% of the total number of 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

11. No works shall take place involving the demolition or clearance of any existing buildings unless a bat survey has been undertaken by a suitably qualified person and this has been submitted to and agreed in writing by the Local Planning Authority. If the survey confirms the presence of bat roosts no works shall take place until a scheme of mitigation has been approved in writing and subsequently implemented in accordance with the approved details..

Reason: To protect biodiversity in accordance with policy LP21 of the Central Lincolnshire Local Plan.

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

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

Reason: To ensure safe access to the site and each dwelling in the interests of residential amenity, convenience and safety, in accordance with policies LP13 & LP26 of the Central Lincolnshire Local Plan and the National Planning Policy Framework.

12. No dwelling shall be commenced before the first 60 metres of estate road from its junction with the public highway have been completed.

Reason: To ensure construction and delivery vehicles, and the vehicles of site personnel may be parked and/or unloaded off the existing highway, in the interests of highway safety and the amenity of neighbouring residents in accordance with policies LP13 & LP26 of the Central Lincolnshire Local Plan and the National Planning Policy Framework.

13. Before any dwelling is occupied, all of that part of the estate road and associated footways that forms the junction with the main road and which will be constructed within the limits of the existing highway, shall be laid out and constructed to finished surface levels in accordance with details to be submitted to, and approved in writing by, the Local Planning Authority.

Reason: To avoid the creation of pedestrian trip hazards within the public highway from surfacing materials, manholes and gullies that may otherwise remain for an extended period at dissimilar, interim construction levels, in the interests of safety and amenity in accordance with policies LP13 & LP26 of the Central Lincolnshire Local Plan and the National Planning Policy Framework.

Notes for the applicant

Informatives from LCC highways

There is a requirement for a new/amended vehicular access. Applicants should note the provisions of Section 184 of the Highways Act 1980. The works should be to the specification and constructed to the satisfaction of the Highway Authority, please contact 01522 782070.

All or part of the highway to be constructed in accordance with planning approval hereby granted is to be constructed to an adoptable standard and subsequently maintained at public expense. It is necessary for the developer to comply with the Lincolnshire County Council Development Road Specification in accordance with a Section 38 (Adoption of highway by agreement) or Section 219 (the Advance Payments code) of the Highways Act 1980. You are reminded of the need for early discussions with statutory undertakers to co-ordinate the laying of services under highways to be adopted by the Highway Authority. Please contact 01522 782070 or developmentmanagement@lincolnshire.gov.uk

Please contact the Lincolnshire County Council Streetworks and 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



Planning Committee

17 October 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

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 Mr J Collins against the decision of West Lindsey District Council to refuse planning permission for a development of 4 new dwellings and 2 industrial units at North Kelsey Road, Caistor, Market Rasen LN7 6QH.

Appeal Allowed – See copy letter attached as Appendix Bi.

Officer Decision – Refuse permission

- ii) Appeal by Mr and Mrs Brown against the decision of West Lindsey District Council to refuse planning permission for a change of use of existing garage to use in connection with an existing motor vehicle repair business.

Appeal Dismissed – See copy letter attached as Appendix Bii.

Officer Decision – Refuse permission

- iii) Appeal by Mr John Stephenson against the decision of West Lindsey District Council to refuse planning permission for the erection of 6ft fence and gate around the front garden at 24 Rawlinson Avenue, Caistor, Market Rasen LN7 6NQ.

Appeal Dismissed – See copy letter attached as Appendix Biii.

Officer Decision – Refuse permission.

- iv) Appeal by Mr Darren Lince against the decision of West Lindsey District Council to refuse the proposed erection of eight dwellings with associated access, garaging and landscaping at Padside, Cooks Lane, Nettleton, Market Rasen LN7 6NL.

Appeal Dismissed – See copy letter attached as Appendix Biv.

Officer Decision – Refuse permission.

Appeal Decision

Site visit made on 4 September 2018

by R Norman BA (Hons) MA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 26th September 2018

Appeal Ref: APP/N2535/W/17/3191949

North Kelsey Road, Caistor, Market Rasen LN7 6QH

- 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 J Collins, Cherry Tree Homes, against the decision of West Lindsey District Council.
- The application Ref 136511, dated 17 July 2017, was refused by notice dated 11 September 2017.
- The development proposed is 4 new dwellings and 2 industrial units.

Decision

1. The appeal is allowed and planning permission is granted for 4 new dwellings and 2 industrial units at North Kelsey Road, Caistor, Market Rasen LN7 6QH in accordance with the terms of the application, Ref 136511, dated 17 July 2017, subject to the conditions in the attached Schedule.

Procedural Matter

2. The revised National Planning Policy Framework (the Framework) was published in July 2018 and both parties were given the opportunity to comment on the revised document. I have taken into consideration the comments received.

Main Issues

3. The main issues are:
 - the effect of the development on the provision of employment land and the existing businesses; and
 - whether the location is suitable for housing.

Reasons

Employment land and businesses

4. The appeal site is located on North Kelsey Road towards the western edge of Caistor. The site currently comprises a single storey, brick built office building with associated gravel parking. The immediate surroundings are characterised by a mix of residential properties and industrial and commercial premises. Directly to the rear of the site are industrial units. On the opposite side of North Kelsey Road are a row of dwellings fronting the road.

5. The proposed development would demolish the existing, modest office building and redevelop the site to provide two industrial units to the rear and four dwellings along the site frontage. The dwellings would be arranged in two pairs of semi-detached properties with associated parking and rear gardens.
6. The appeal site is located within a designated area of employment land, noted as area E20 which is classed as an important Established Employment Area (EEA). Policy LP5 of the Central Lincolnshire Local Plan (2017) (CLLP) states that the EEAs perform an important role in the local economy and are therefore in need of protection for employment purposes. Furthermore, Priority Three of the Central Lincolnshire Economic Growth Delivery Plan 2015 – 2020 (2016) (EGDP) seeks to protect existing employment land where appropriate in order to maintain a supply of rural employment opportunities.
7. The current use of the site is for employment, however the site only accommodates one small office building, the positioning of which precludes any additional employment facilities being brought forward on the site. The proposal would provide two modest units for B1 use which would be located to the rear of the site and would increase the potential for two businesses to use the site. As such, although there would be a loss of employment land in terms of the size of the site, the proposal would provide additional employment floor space through the provision of the two units which would continue to have the potential to attract businesses to the area. I find that these considerations outweigh the loss of the front most part of the site for employment purposes and accordingly the EEA would remain protected.
8. The opposite side of North Kelsey Road hosts a row of dwellings which are in proximity to, but outside of the EEA. Either side of the appeal site there are individual dwellings already present which sit close to the intervening industrial uses. Whilst I recognise that these are historic dwellings and in some cases the dwellings are or have been connected to the adjacent businesses, and therefore they precede the allocation of the employment area, they nevertheless provide a mixed character along this side of the road which would be reflected in the proposed site layout.
9. I have had regard to the level of activity at the adjoining haulage yard, and at the time of my visit there were several lorries present within the site. This is an established site and there would be potential for expansion in the future. However, there are existing dwellings located close to this site and, coupled with the proposed mitigation measures for noise management, I do not find that the addition of four additional dwellings, although close, would prohibit the operation or limit the growth of the existing sites over and above the existing dwellings in the immediate area.
10. The Council have stated that the Appellant has failed to demonstrate that there is not a viable market for the site to provide employment use. Policy LP5 of the CLLP states that the loss of an employment site will be considered on its merits taking into account whether there is clear evidence that the property has been appropriately marketed for a period of no less than 6 months. However I find that the provision of two B1 units on part of the site would secure and improve the employment opportunities for the site and as such, I consider that no marketing is required. The provision of two B1 units demonstrates that the Appellant considers that the site is viable for a certain level of business activity.

11. For the above reasons I find that whilst the proposal would not comply wholly with Policies LP2 and LP5 of the CLLP insofar as it would introduce residential uses into an allocated employment site, I find that the increase in industrial units provided within the site and the predominant character of residential dwellings set along the road frontage outweigh the harm caused resulting from the partial loss of a small area of employment land and therefore outweigh the policy conflict in this instance. Furthermore the proposed development complies with Policy LP26 of the CLLP which seeks to ensure that development makes effective and efficient use of land, relates well to its surroundings and demonstrates compatibility with neighbouring uses, amongst other things. The proposal also complies with Policy 6 of the Caistor Neighbourhood Plan 2013 – 2031 in that it provides new business units which will encourage business growth.

Suitable location for Housing

12. The proposed dwellings would be located in proximity to the proposed two new industrial units, as well as the larger units to the rear of the site which are in use for haulage purposes. I understand that this use is fairly frequent and that an allocated industrial site would give rise to different levels and types of noise than a residential estate.
13. However, the dwellings would be located in line with the adjacent dwellings, which sit forward of the industrial uses. I acknowledge that some of these dwellings precede the allocation of the EEA and have been connected with the adjoining businesses, nevertheless they still provide residential accommodation in proximity to the industrial and commercial uses. A noise impact assessment and residential noise survey was undertaken by the Appellant and as a result of the findings the proposed development would include acoustic fencing to the rear gardens and suitable window glazing and ventilation measures to mitigate the noise and disturbance from the existing employment activities. I note the Council's view that these systems would be likely to be costly to maintain however, I consider that it has been adequately demonstrated by the Appellant that these would mitigate the impacts from the nearby sites. Furthermore, I have little evidence before me to suggest that there have been issues for the existing residents in the vicinity who live as close to the employment sites as the proposed dwellings.
14. The Council have identified a number of specific residential allocations within the Market Towns, detailed in Policy LP51 of the CLLP and also comment that the provision of four dwellings would make a limited contribution to meeting the local housing need. Whilst I accept this view, I have given weight to the existing dwellings in a similar position and the proposed mitigation for the development, which I find supports the provision of housing in this location.
15. For the above reasons, I find that the provision of housing on the appeal site would be suitable. As such the proposal complies with Policy LP26 of the CLLP which seeks to ensure that development makes effective and efficient use of land, relates well to its surroundings and demonstrates compatibility with neighbouring uses, amongst other things.

Other Matters

16. The Council have raised concerns that this development could set a precedent for the loss of other areas of employment land. However, I have considered

this proposal on its specific merits which in this case outweigh the loss, and which may differ from other sites.

Conditions

17. In addition to the standard time limit condition, I have imposed a condition requiring the 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 advice in the Planning Practice Guidance and amended where necessary.
18. A condition for the details of the external materials to be used is necessary in the visual interests of the area, as although some details are shown on the drawings these do not provide specific details. Conditions for slab levels and landscaping are necessary in the visual interests of the area. Conditions for details and construction of the driveways, footpaths, access and turning areas are necessary in the interests of highway safety. Conditions for details of foul and surface water drainage, refuse and recycling details, contaminated land assessments, external illumination, heating extraction and ventilation equipment, noise mitigation measures and restriction on uses are necessary in the interests of the living conditions of future and nearby residents.
19. Conditions 6, 8 and 10 are required to be pre-commencement conditions as it is fundamental to have these details agreed prior to the commencement of any works on site.

Conclusion

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

R Norman

INSPECTOR

Schedule of Conditions

- 1) The development hereby permitted shall begin not later than 3 years from the date of this decision.
- 2) The development hereby permitted shall be carried out in accordance with the following approved plans: Drawing Numbers (08) 001 Rev A01; (08) 002 Rev A03; (08) 003 Rev A02; (08) 004 Rev A04; (08) 005 Rev A01 and (08) 006 Rev A00.
- 3) No development involving the construction of the buildings hereby permitted shall commence until details of the materials to be used in the construction of the external surfaces of the buildings have been submitted to and approved in writing by the local planning authority. Development shall be carried out in accordance with the approved details.
- 4) No development above ground level shall take place until details of all slab levels and any regrading proposed to the site shall be submitted to and approved in writing by the local planning authority. Thereafter the development shall be carried out in accordance with the approved details.
- 5) Notwithstanding the submitted details, no development other than site clearance shall be carried out until details of all surfacing materials, including to the access driveways, forecourts and parking and turning areas, have been submitted to and agreed in writing by the local planning authority. The development shall be constructed in accordance with the approved details prior to the first occupation of the dwellings or the business use is first brought into use, whichever is the sooner. The arrangements for parking, turning, manoeuvring, loading and unloading of vehicles shall be provided in accordance with the approved plans and shall be available at all times whilst the premises are in use.
- 6) No development shall commence until there shall have been submitted to and approved in writing by the local planning authority a scheme of landscaping. The scheme shall include details of the size, species, position or density of all trees, bushes and shrubs to be planted.
- 7) All planting, seeding or turfing comprised in the approved details of landscaping shall be carried out in the first planting and seeding seasons following the occupation of the buildings or the completion of the development, whichever is the sooner; and any trees or plants which within a period of 5 years from the completion of the development die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of similar size and species.
- 8) No development shall take place until a scheme for the disposal of foul and surface waters have been submitted to and approved in writing by the local planning authority. The development shall be carried out in accordance with the approved details and shall be available for use before each respective unit and dwelling is first occupied.
- 9) Prior to the first occupation of the dwelling or use of the units hereby permitted, provision for the storage of refuse and recyclable materials, including the bin storage for the commercial units, shall be provided in accordance with details which have been previously submitted to and agreed in writing by the local planning authority.

- 10) No development shall take place until a contaminated land assessment and associated remedial strategy, together with a timetable of works, have been submitted to and approved in writing by the local planning authority and the measures approved in that scheme shall be fully implemented. The scheme shall include all of the following measures unless the local planning authority dispenses with any such requirements specifically in writing:
- a) The contaminated land assessment shall include a desk study to be submitted to the local planning authority for approval. The desk study shall detail the history of the site uses and propose a site investigation strategy based on the relevant information discovered by the desk study. The strategy shall be approved by the local planning authority prior to investigations commencing on site.
 - b) The site investigation, including soil, soil gas, surface and groundwater sampling, shall be carried out by a suitably qualified and accredited consultant/contractor in accordance with a Quality Assured sampling and analysis methodology.
 - c) A site investigation report detailing all investigative works and sampling on site, together with the results of analysis, risk assessment to any receptors and a proposed remediation strategy shall be submitted to the local planning authority. The local planning authority shall approve such remedial works as required prior to any remediation commencing on site. The works shall be of such a nature as to render harmless the identified contamination given the proposed end use of the site and surrounding environment including any controlled waters.
 - d) Approved remediation works shall be carried out in full on site under a quality assurance scheme to demonstrate compliance with the proposed methodology and best practice guidance. If during the works contamination is encountered which has not previously been identified then the additional contamination shall be fully assessed and an appropriate remediation scheme agreed with the local planning authority.
 - e) Upon completion of the works, this condition shall not be discharged until a closure report has been submitted to and approved by the local planning authority. The closure report shall include details of the proposed remediation works and quality assurance certificates to show that the works have been carried out in full accordance with the approved methodology. Details of any post-remedial sampling and analysis to show the site has reached the required clean up criteria shall be included in the closure report together with the necessary documentation dealing what waste materials have been removed from the site.
- 11) There shall be no storage of materials, goods, waste or any other articles on the site in connection with the commercial units other than inside the buildings without the prior written approval of the local planning authority.
- 12) Prior to any illumination being erected a scheme for the external illumination of the buildings and yard, including the intensity of the lighting, shall be submitted to and approved in writing by the local

- planning authority. The approved scheme shall be implemented and maintained thereafter in the approved form.
- 13) No development of the commercial units shall take place until details of the heating, extraction and ventilation equipment for the commercial buildings have been submitted to and approved in writing by the local planning authority. The approved scheme shall be implemented prior to the commercial development being first brought into use and thereafter retained.
 - 14) No dwelling or industrial unit shall be occupied before the buildings and fencing have been completed in accordance with Section 6: Mitigation and Recommendations 2 and appendix D of Nova Acoustics Ltd – Noise Impact Assessment and Residential Noise Survey Ref 1388JC – v2. The buildings shall be maintained as such thereafter.
 - 15) Before each dwelling hereby permitted is occupied the roads and footways providing access to that dwelling for the whole of its frontage from an existing public highway shall be constructed to a specification to be agreed with the local planning authority.
 - 16) The commercial units shall be used for B1 (light industrial use) and for no other purpose (including any other purpose in Class I of Part 3 of Schedule 2 to the Town and Country Planning (General Permitted Development) Order 2015 (as amended) (or in any provision equivalent to that Class in any statutory instrument revoking and re-enacting that Order with or without modification).
 - 17) No industrial/manufacturing process shall take place anywhere on the site except within the buildings and the doors and windows shall remain closed at all times unless in use for access.

Appeal Decision

Site visit made on 26 July 2018

by D Guiver LLB (Hons) Solicitor

an Inspector appointed by the Secretary of State

Decision date: 26th September 2018

Appeal Ref: APP/N2535/W/18/3200690

14 North Moor Road, Scotter, Gainsborough DN21 3HT

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission.
- The appeal is made by Mr and Mrs Brown against the decision of West Lindsey District Council.
- The application Ref 137258, dated 15 January 2018, was refused by notice dated 1 March 2018.
- The development proposed is change of use of existing garage to use in connection with existing motor vehicle repair business.

Decision

1. The appeal is dismissed.

Procedural Matters

2. Since the date of the Council's decision, the National Planning Policy Framework 2018 (the Framework) has been published and has effect. Local development plan policies that pre-date the publication should be given due weight according to the degree of consistency with the Framework. Where Policies are consistent, I am satisfied that neither party would be prejudiced by my determining this decision in accordance with those Policies without seeking further comments.

Main Issue

3. The main issues are:
 - a) the effect of the proposed development on the living conditions of the occupiers of neighbouring residential properties; and
 - b) whether the proposed employment use represents an appropriate use of land.

Reasons

4. Policy LP5 of the Central Lincolnshire Local Plan 2017 (the Local Plan) seeks to ensure that development for employment purposes occurs within designated employment sites unless it can be shown that no suitable site are available that would satisfy the requirements of a proposal. Policy LP5 also seeks to ensure that developments related to employment do not have a significant adverse impact on the amenity of neighbouring occupiers. Policy LP26 of the Local Plan seeks to ensure that developments generally are compatible with neighbouring

land uses and do not unduly harm the living conditions of existing and future occupants of neighbouring land as the result of adverse noise and vibration.

Living Conditions

5. The appeal site comprises a single-storey detached double garage within the irregular shaped curtilage of No. 14 North Moor Road. The garage is currently in domestic use but is of a sufficient size and height that it could accommodate a business use including the use of a vehicle lift. The garage is located to the rear of the house and there are additional buildings on the site in commercial use, principally for a motor repair business. Access to the commercial and domestic elements is from North Moor Road and the site is bordered on three sides by residential properties. The commercial use of the site appears to be the only such use in the immediate vicinity.
6. The proposal is for a change of use to permit a trade operation of the domestic garage with a stated intention to decrease the days and hours of operation as part of a scaling down of the business use on the site. The stated intention would potentially moderate any existing noise and disturbance from commercial operations but it would not be impossible to ensure this without imposing a condition on working hours. While such a condition is feasible, the reduction in hours of operation is currently only aspirational and there is no certainty on the likely reduction in hours and if and when that reduction would occur. The change in location from the existing commercial garages at the rear of the site to the smaller unit close to the house at No. 14 would also result in operations taking place in closer proximity to the rear elevations and domestic gardens at Nos. 12, 16 and 18 North Moor Road. It was unclear from my site visit and the application drawings what, if any, artificial ventilation was installed at the domestic garage and therefore there is a distinct possibility that operations would be undertaken on the hard surface area in front of the garage or with the doors open, as occurred during my site visit at the garage to the rear of the site.
7. While there are residential premises close to the existing commercial buildings the elevations nearest to the dwellings are the solid rear or side walls, and the garage doors are in the front elevation facing into the site. In contrast, the large doors of the domestic garage face towards the rear elevations and gardens of the closest dwellings and therefore sound would be likely to travel more easily, especially if the garage doors are open. The proposed use would lead to noise and disturbance that would not be compatible with the residential use of the neighbouring land.
8. Therefore, I conclude that the proposal would not be in accordance with Policies LP5 and LP26 of the Local Plan in relation to the impact on the living conditions of the occupiers of neighbouring land and compatibility with neighbouring land uses. These Policies are consistent with the Framework, which at paragraph 127 advises that local development plan policies should seek to ensure that developments create places that promote health and well-being with a high standard of amenity and do not undermine quality of life.

Use of Land for Employment Purposes

9. There is no assessment before me of other potential locations for the business within any designated employment site. However, the appeal site already has an established employment use and the intention to scale down operations

could simply continue in the existing buildings. However, while such an assessment would be likely to add little by way of a compelling argument for or against the scheme, the proposal does not comply with Policy LP5 in this regard.

Other Matters

10. The appellants point out that they could undertake non-commercial servicing and repairs to vehicles at the domestic garage. However, this would be unlikely to be on the same scale as a commercial enterprise and such an ancillary domestic use would be no different from a similar operation by any occupiers of other residential properties. I therefore attach little weight to this argument. The appellants also state that it is unclear what part of any current use is considered 'non-conforming'. The term appears to have arisen in a report submitted for an earlier planning application but I do not have that report before me or an explanation of the meaning of the term. However, I have considered this appeal on its own merits and attach little weight to previous applications for the appeal site that are for development of a different kind.

Conclusion

11. For the reasons given, and taking account of all other matters raised, I conclude that the appeal should be dismissed.

D Guiver

INSPECTOR

Appeal Decision

Site visit made on 24 September 2018

by Graeme Robbie BA(Hons) BPI MRTPI

an Inspector appointed by the Secretary of State

Decision date: 2 October 2018

Appeal Ref: APP/N2535/D/18/3203812

24 Rawlinson Avenue, Caistor, Market Rasen LN7 6NQ

- 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 John Stephenson against the decision of West Lindsey District Council.
- The application Ref 137272, dated 14 January 2018, was refused by notice dated 9 March 2018.
- The development is described as *'Erection of 6ft fence and gate around the front garden. Work was completed in July 2015. The fencing and gate were installed to tidy the boundary around the property and to provide a secure play area for child and dogs, it is also a visible security measure for the property. It is not unique for the area, as there are numerous other high fences and walls in the immediate vicinity, they are also within 1 mtr of the highway. The installation was carried out by a professional contractor and is fully constructed of wood to maintain a rustic feel. It has been finished with a golden preserve. All work was carried out in consultation with the neighbours. If additional photo's are required, they can be supplied on request. The installation has no impact whatsoever on pedestrian or vehicle access. The installation has no impact on natural light for any neighbouring properties. The install has ensured the area round the property is easy to clear of leaf falls, hence making the area cleaner'*.

Decision

1. The appeal is dismissed.

Procedural Matters

2. At the time of my visit to the site I saw that the fence was in place in the location shown on the submitted plans and in the form described on the plans and shown on the accompanying photographs. I am satisfied that this is the basis upon which the Council considered the proposal and I have determined the appeal accordingly.

Main Issue

3. The main issue is the effect of the development on the character and appearance of the surrounding area.

Reasons

4. The appeal site lies within a residential development characterised by straight roads interspersed by a number of short culs-de-sac off it. This particular part of Rawlinson Avenue is one such short cul-de-sac, comprised of two short terraced blocks of housing on either side of the road which opens out to a wider turning / parking area at its head. The houses that front onto this area have shorter front gardens than those, such as the appeal property, that front onto

the road leading to it and as such the appeal fence stands noticeably forward of the front garden boundary of the neighbouring property at 23 Rawlinson Avenue.

5. The entrance to Rawlinson Avenue from Nettleton Road is dominated by a number of large trees within the grassed verges on either side of the junction. Garden hedges and trees mark the fronts of properties around the junction and are a consistent theme throughout Rawlinson Avenue, where front garden boundaries are typically hedges of varying height, interspersed with an occasional low brick wall or low fence. The overwhelming character of the surrounding area however is one where greenery, hedges and trees pervade giving the entrance into Rawlinson Avenue, and beyond, a verdant feel and a pleasantly soft appearance.
6. The appeal site is located immediately prior to the turning head in this particular cul-de-sac. As a consequence, its front garden area (along with that of No. 25) projects further forward than that of Nos. 21 to 23 and the fence steps forward significantly from the alignment of that at No. 23.
7. Although the fence is broadly the same height as the hedge at the front of No. 25, its hard appearance jars incongruously and disruptively with the softer appearance of hedges within the cul-de-sac and thus fails to respond positively to the prevailing character and appearance of the surrounding area. Whilst the adjoining hedge at No. 25 lessens the immediate visual impact of the fence in longer views from the main stretch of Rawlinson Avenue, the stark contrast with the lower post and rail fence at No. 23 is made all the more incongruous by the stepped alignment of the garden boundaries and pavement at the head of the cul-de-sac. Here, the fence has an angular and abrupt presence at odds with the softer boundaries that are typical of the surrounding area, and with the lower fence and recessive boundary at No. 23.
8. Policy LP26 of the Central Lincolnshire Local Plan (CLLP) seeks to ensure that all development makes a positive contribution to, amongst other things, the townscape of its surroundings. It goes on to state that proposals must also take into account local character and distinctiveness and be satisfactorily assimilated into the area. Boundary treatments should be well designed and reflect the character of the area. Caistor Neighbourhood Plan (CNP) policy 3 sets out general principles relating to design quality and, whilst not ruling out fences as a means of garden enclosure, refers only to post-and-rail fences, not the type erected at the appeal property.
9. For the reasons I have highlighted above, I do not consider that the fence takes into account the distinctive verdant setting or character of the immediate cul-de-sac within which it is located, or indeed of Rawlinson Avenue more widely. Rather than making a positive contribution to the surrounding townscape, the fence is an incongruous and jarring feature amongst the prevailing greenery of the boundary hedges that are a significant contributory factor in the surrounding area's character and appearance. Thus, the proposal is contrary to CLLP policy LP26 and CNP policy 3. Whilst CLLP policy LP1 advocates a positive approach to proposals in line with the principles of sustainable development, the fence is clearly contrary to CLLP policy LP26 and CNP policy 3 for the reasons I have set out.
10. I do not doubt the appellant's view of that the fence has been well built, and I have noted that the appellant considers that it provides added reassurance

regarding safety and security. Nor do the Council object to the proposal in terms of pedestrian or highway safety. However, whilst the desire to provide safety and security weigh in support of the proposal, they are not sufficient to outweigh the harm to the character and appearance of the area that I have identified above. Additionally, whilst the absence of objections on pedestrian or highway safety grounds are noted, they are neutral factors and do not alter my conclusions in respect of character and appearance.

11. My attention has also been drawn to examples of other fences and walls elsewhere in the surrounding area. Although I do not have the details of those proposals before me I viewed a number of the surrounding streets whilst visiting the appeal site. Whilst I saw examples of boundary fences and brick boundary walls in the surrounding streets, I noted that these were generally lower in height than the appeal scheme and were not directly comparable in terms of context, height or position within the street. In any event, I have considered the scheme before me on its merits, and I give these other factors limited weight.

Conclusion

12. For the reasons set out, and having considered all other matters raised, I conclude that the appeal should be dismissed.

Graeme Robbie

INSPECTOR

Appeal Decision

Site visit made on 16 August 2018

by D Guiver LLB (Hons) Solicitor

an Inspector appointed by the Secretary of State

Decision date: 9 October 2018

Appeal Ref: APP/N2535/W/18/3202545

Padside, Cooks Lane, Nettleton, Market Rasen LN7 6NL

- 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 Darren Lince against the decision of West Lindsey District Council.
- The application Ref 137275, dated 17 January 2018, was refused by notice dated 27 April 2018.
- The development proposed is erect eight dwellings with associated access, garaging and landscaping.

Decision

1. The appeal is dismissed.

Preliminary Issues

2. Since the date of the Council's decision, the National Planning Policy Framework 2018 (the Framework) has been published and has effect. The parties have had the opportunity to comment on the Framework and I have taken comments into account in this decision. Local development plan policies that pre-date the publication should be given due weight according to their degree of consistency with the Framework.

Main Issues

3. The main issues are the effect of the proposed development on:
 - a) the character and appearance of the area; and
 - b) the living conditions of future occupiers of the proposed dwellings with particular regard to outdoor amenity space.

Reasons

4. The appeal site comprises a largely rectangular plot of land currently forming the relatively spacious rear garden of the host dwelling. The surrounding area is predominantly residential and there are dwellings west of the host building and east of the site as a whole with area to the north and northeast of the site being open fields. The proposal is for the construction of eight or so dwellings comprising four detached buildings and two semi-detached pairs of smaller houses. The properties would be arranged either side of a central access road to be constructed between the host and The Poplars. Although the site is relatively large its rectangular shape and the proposed access road would require the properties to be located close to the flank boundaries at the site.

Character and Appearance

5. Nettleton is a medium-sized village approximately one mile from the market town of Caistor and nestling in an Area of Great Landscape Value (AGLV). The village is a mix of older and newer buildings and in the vicinity of the appeal site dwellings are characteristically spacious properties sitting in good-sized gardens. The existing green space relates well to the AGLV beyond. The introduction of vehicle parking spaces to the front of the proposed dwellings, coupled with the central access road would result in a significant area of hard surfacing that would appear incongruous with the rural landscape and AGLV beyond the boundary of the site.
6. The appearance of the proposed buildings is fairly traditional and would not conflict with the prevailing architecture of the village. Mention has been made of the former advice in the Planning Policy Guidance of 30 dwellings per hectare and, while the density proposed would be lower than that suggestion, the size of houses and site constraints are important factors. The constraints of the site require the rear elevations of the proposed buildings (other than plots 5 and 6) to sit close to the boundary which limits the space for each dwelling, especially given the need to provide car parking. The site layout would result in a cramped and contrived appearance, especially in contrast the prevailing spacious character of the area. While larger gardens to the rear of plots 5 and 6 would provide a buffer between the development and the countryside beyond this would not overcome the crowded appearance of the development as a whole or the intrusion of hard surfaces.
7. Therefore, the proposal would result in an overdevelopment of the site that would be unduly harmful to the character and appearance of the area and would not accord with Policies LP17 and LP26 of the Central Lincolnshire Local Plan 2017 (the Local Plan) which seek to ensure that developments protect and enhance the intrinsic value of the landscape and respond positively to natural features within the landscape, with particular regard to the potential to impact upon Areas of Great Landscape Value.

Living Conditions

8. Plots 5 and 6 have relatively large rear gardens but the remaining plots would be located along the development's flanks. The overall footprint of plots 1 and 2 is largely taken up by the dwellings and hardstandings for vehicles leaving little room for garden space and the rear elevations would be within a few metres of a tall brick wall delineating the boundary between the site and Secret Gardens. Additional boundary treatments would result in a sense of overbearing and enclosure, especially to the rear of plot 1 which would sit in a corner of the site created by the existing wall and the proposed rear boundary of the host building. Plots 3 and 4 would appear to have slightly larger gardens and while they would face the same high rear wall there would be a lesser sense of enclosure due to a more open aspect to either side. However, these gardens would still appear to be cramped.
9. Plots 7 and 8 would have significantly wider gardens and there is not currently any wall to the rear of these plots. However, the proposed dwellings are relatively large and the location of the central access road and vehicle hardstandings to the front push the footprint of the houses to within a few metres of the boundary. The need to fit the footprint of the houses into a relatively constrained space would lead to the gardens appearing small and

contrived, notwithstanding the overall area of the spaces which stretch onto two or three sides of each house. The contrast between the scale of the buildings and the amenity space would lead to an unacceptable feeling of enclosure.

10. Therefore, the proposal would not accord with Policy LP26 of the Local Plan which seeks to ensure that developments make an effective and efficient use of land and create safe environments.

Other Matters

11. The Council mentions an undersupply of housing in the Central Lincolnshire Area but does not clarify whether this refers to a shortfall in a demonstrable five-year supply of deliverable housing land. No figure is given to clarify the undersupply and the appellant does not seek to rely on the point. However, I am mindful of the requirement in footnote 7 to paragraph 11 of the Framework to consider policies restricting housing development as out of date where a five-year housing land supply cannot be demonstrated. If the policies are out of date then approval should be given for development unless the adverse effects of doing so would significantly and demonstrably outweigh the benefits when assessed against the policies in the Framework taken as a whole.
12. Eight dwellings would make a moderate contribution to the district's housing supply. However, while there is a lack of clarity in the Council's evidence I am satisfied that the benefit arising from the addition of these properties would be significantly and demonstrably outweighed by the detrimental impact of the scheme on the character and appearance of the area and the living conditions of future occupiers. I note that there is an issue between the parties as to the provision of affordable housing but this has been superseded by the advice in paragraph 63 of the Framework, which provides that provision for affordable housing should not be sought from developments that are not major developments, defined in the Glossary to the Framework as developments of ten or more dwellings.
13. The appellant has referred to a fall-back position arising out of previous planning permissions numbered 123143 and 123144. The appellant states that a material start was made in respect of these permissions but this is not accepted by the Council. However, while it is beyond the scope of this appeal to determine whether the permissions remain extant or have expired, the proposals were for a combined total of four dwellings and do not compare with the current application in respect of scale or number of dwellings proposed. Therefore, the fall-back proposals would be unlikely to have a comparable effect on the character and appearance of the area and the living conditions of future occupiers, and I therefore attach limited weight to their potential validity.

Conclusion

14. For the reasons given above, and taking into account all other material considerations, I conclude that the appeal should be dismissed.

D Guiver

INSPECTOR