

Guildhall Gainsborough

Lincolnshire DN21 2NA

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AGENDA

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

Planning Committee

Wednesday, 6th March, 2019 at 6.30 pm

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)
Meeting of the Planning Committee held on 6 February 2019, 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

Agendas, Reports and Minutes will be provided upon request in the following formats:

Large Clear Print: Braille: Audio: Native Language

found via this link

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

6. Planning Applications for Determination

- i) 138096 - Sewage Treatment Works, Rasen Road (PAGES 7 - 32)
Tealby LN8 3XP
- ii) 138660 - Land to the rear of Marquis Of Granby, High (PAGES 33 - 72)
Street Waddingham DN21 4SW
- iii) 138836 - Hillcrest Caistor Top, Caistor LN7 6JG (PAGES 73 - 89)
- iv) 138728 - 9 Laughton Road Blyton DN21 3LG (PAGES 90 - 95)
- v) 138841 - 9 Laughton Road Blyton DN21 3LG (PAGES 96 - 99)

**7. Appeal against application 138491 Land to West of A1133, (PAGES 100 - 105)
Newton on Trent, Lincs**

8. Determination of Appeals (PAGES 106 - 115)

Mark Sturgess
Head of Paid Service
The Guildhall
Gainsborough

Tuesday, 26 February 2019

WEST LINDSEY DISTRICT COUNCIL

MINUTES of the Meeting of the Planning Committee held in the Council Chamber - The Guildhall on 6 February 2019 commencing at 6.30 pm.

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

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

In Attendance:
Russell Clarkson Development Management Team Leader
Rachel Woollass Principal Planning Officer (Major Projects)
Martha Rees Legal Advisor
Ele Durrant Democratic and Civic Officer

Apologies: Councillor David Cotton

Also In Attendance: 1 member of the Press
4 members of the public

75 CHAIRMAN'S WELCOME

The Chairman welcomed all present and explained the housekeeping arrangements for the public in attendance. He also explained there were two points he wished to speak about prior to commencing with Committee business.

The Chairman explained he was aware of a lady within the public gallery who had attended with the intention of making a representation to Committee. He noted that the representation was not quite within the planning agenda although the topic may be something that arose in the future. It was clarified that anyone wishing to address the Committee should register by 5pm on the Monday before the meeting and that, unfortunately, the lady had not done this. The Chairman stated that he had been shown what the lady had intended to say and although it was not entirely in context with the application for consideration, she would be able to attend a meeting of Full Council or other committee to make the same comments and anything she said could be heard and addressed at that point.

The second comment the Chairman wished to make was to announce, with great sadness, that Oliver Fytche-Taylor, Planning and Development Manager, was leaving the Council. The Chairman commended him as a very valued Planning Officer of the Council who had, over many years, served the district well. The Chairman stated it was great to have had his

abilities within the district, thanked him for all his efforts over the years and wished him well for his future.

76 PUBLIC PARTICIPATION PERIOD

There was no public participation.

77 TO APPROVE THE MINUTES OF THE PREVIOUS MEETING

Meeting of the Planning Committee held on 9 January 2019.

RESOLVED that the Minutes of the meeting of the Planning Committee held on 9 January 2019 be confirmed and signed as a correct record.

78 DECLARATIONS OF INTEREST

The Chairman spoke on behalf of all Committee Members regarding the application to be considered (138607), and declared a non-pecuniary interest as the applicant was West Lindsey District Council.

He stated that the application was before the Committee in accordance with West Lindsey District Council's constitution. The role of the Planning Committee was within the Council's role as local planning authority and for no other issue, and was distinct from the Council's role as a provider of community services and facilities and services to the district. The Planning Committee's role was to determine the planning application before it, in accordance with the National Planning Policy and against the provisions of the development plan (Central Lincolnshire Local Plan) and any other relevant material planning considerations.

Councillor T. Smith declared a non-pecuniary interest in that he was a member of Middle Rasen Parish Council and Market Rasen Town Council but confirmed he had not discussed the application with anyone.

79 UPDATE ON GOVERNMENT/LOCAL CHANGES IN PLANNING POLICY

The Development Management Team Leader advised Members that the Cherry Willingham Neighbourhood Plan had been passed through the referendum, now carried full weight in decision-making and would be presented at the meeting of Full Council on 4 March 2019 with a recommendation to be formally "made".

He also informed Members that it had been agreed at the Joint Strategic Planning Committee on 14 January 2019 for a review of the Central Lincolnshire Local Plan to commence this year. He advised the report regarding this had been passed at the Prosperous Communities Committee on 29 January 2019, however, the full scope of the review had not yet been set and it would be 'business as normal' under the existing plan.

A Member of Committee enquired as to whether local villages would have a say in the review and whether previous agreements regarding new housing and developments would be taken into consideration. It was confirmed that there would be community consultations, policies and allocations would be looked at but the full scope of the review had not yet been agreed. The Chairman added that it was early days and it would be expected for there to be more detail available over the coming months.

80 PLANNING APPLICATIONS FOR DETERMINATION

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

81 138607 - LAND ADJ THE LIMES HOTEL GAINSBOROUGH ROAD MARKET RASEN

The Chairman introduced application number 138607 highlighting that it was an application for the development of a dry leisure centre, together with an external sports pitch. He invited the Principal Planning Officer to provide any updates for Members, she advised that there had been a further two letters of support received and the comments were available online.

With no further comment from the Principal Planning Officer, the Chairman invited the only registered speaker, Councillor Stephen Bunney, to address the Committee.

Councillor Bunney introduced himself as a Councillor for Market Rasen Town Council and thanked the Committee for the opportunity to speak. He explained that it had been the intention of the Town Council to improve the recreational facilities in Market Rasen for some time. They had invested in new facilities, such as a skate park and a children's play area, situated in an area (Mill Road playing fields) which had been earmarked by the Town Council as ideal for development of leisure facilities. He detailed the positive attributes of the site and explained why the Town Council had preferred this option. It had become apparent that the Mill Road playing fields site was not big enough for the Leisure Centre, but the adjacent playing field [the application site] had plenty of space to build for the sports centre and was a good place with opportunity to keep the green area adjacent to the road. Moving the green wedge to the other side of the Limes Hotel would still keep Market Rasen and Middle Rasen separate. Councillor Bunney concluded by thanking the Committee again and highlighting that Market Rasen Town Council were in total support of the proposed application.

With no additional comments from the Principal Planning Officer, the Chairman invited comments from Members.

A Member of Committee enquired as to why there was no assessment of LP7 regarding sustainable visitor economy as he believed it would further support the application. The Principal Planning Officer confirmed that although it was not directly related, the application would meet the criteria under LP7.

There was significant discussion between Members regarding the acceptability of building on green wedge land. Members made reference to LP22, specifically points D and E, which explained acceptable use of green wedge land for leisure purposes. The recommendation to

approve the application was moved and seconded.

A Member of Committee enquired whether the land considered by Market Rasen Town Council had been given due attention as a possible site and the Principal Planning Officer confirmed that sequential testing was carried out on a number of sites, the details of which, and reasons for unsuitability, were all contained within the report.

With no further comments from the Committee it was voted upon and agreed that permission be **GRANTED**.

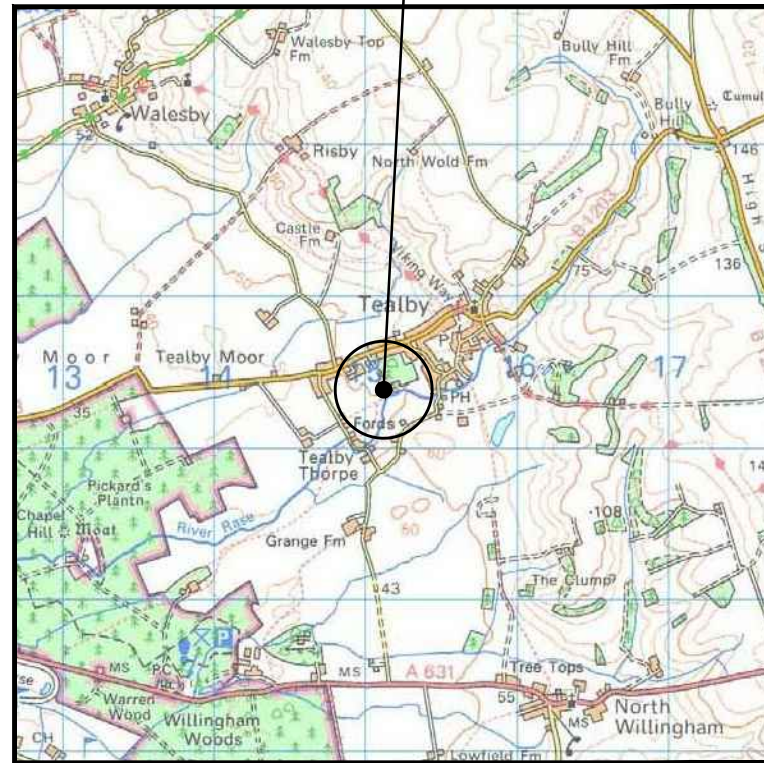
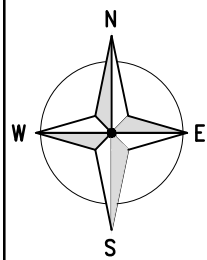
82 DETERMINATION OF APPEALS

A Member of Committee noted his disappointment with the outcome of the Honeyholes Lane appeal. There were no other comments or questions from the Committee.

RESOLVED that the determination of appeals be noted.

The meeting concluded at 6.56 pm.

Chairman



SITE LOCATION (Scale 1:50000)

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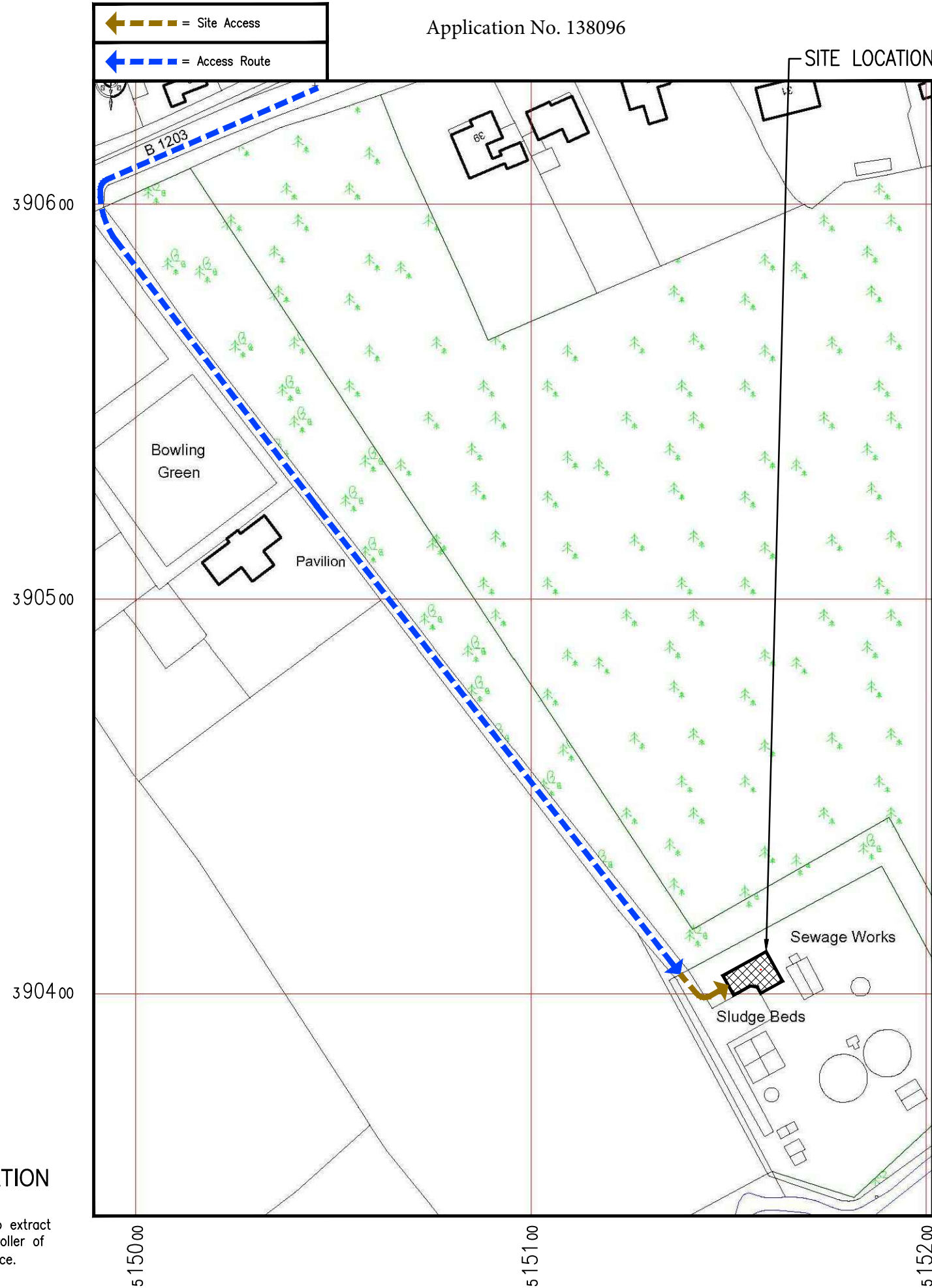


SITE PHOTOGRAPH

DETAILED SITE LOCATION (Scale 1:1250)

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ORIGINAL SCALE AT A3 - 1:1250



ALL DIMENSIONS ARE IN mm UNLESS NOTED OTHERWISE

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| N.G.R. | E: 515158 | N: 390406 |
| CONCESSION REQUIRED | NO | |

DIRECTIONS TO SITE:
TRAVELLING FROM DONCASTER TAKE THE A631 EAST AND REMAIN ON THIS ROAD AS IT CHANGES TO A1103. AT THE JUNCTION TAKE THE RIGHT TO CAISTOR ROAD/A46 INTO MARKET RASEN. CONTINUE ON TO B1202 THEN TAKE LEFT AT THE MAIN ROAD (QUEEN STREET), THEN TAKE THE 3RD LEFT TO JAMSON BRIDGE STREET/B1203 AFTER 3 MILES TAKE THE RIGHT ENTRANCE TO THE TENNIS CLUB. THE SITE LOCATED IN TEALBY SEWAGE TREATMENT WORKS COMPOUND STRAIGHT AHEAD.

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|---|-------------------------------|-----|----|----------|
| F | REVISED TO INCLUDE B2 DETAILS | BB | RN | 10.04.18 |
| E | REDRAWN | RN | WP | 21.12.17 |
| D | REDRAWN | RN | WP | 20.09.17 |
| C | REDRAWN | RN | WP | 26.06.17 |
| B | ANTENNA TYPE AMENDED | DMC | RN | 25.10.16 |
| A | FIRST ISSUE | DMC | RN | 05.10.16 |

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| REV | MODIFICATION | BY | CH | DATE |
|-----|--------------|----|----|------|

Wireless Infrastructure Group

O₂
CTIL

| | | |
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| Cell Name | | Opt. |
| TEALBY STW | | - |
| Cell ID No | | |
| CTIL | TEF | VF |
| 234661 | 079163 | - |

Site Address / Contact Details

TEALBY
MARKET RASEN
LINCONSHIRE
LN8 3XP

Drawing Title:
SITE LOCATION MAPS

Purpose of issue:
PLANNING

Drawing Number:
100

| | | |
|--------------------|----------------------------|----------------|
| Surveyed By: CM | Original Sheet Size: A3 | Issue |
| Drawn: DMC | Date: 05.10.16 | Checked: RN |
| | Date: 05.10.16 | F |

These drawings comply with Telefonica/Vodafone ICNIRP design guidelines.
Designed in accordance with documents: SDN0006 / SDN0008

Officers Report

Planning Application No: 138096

PROPOSAL: Planning application for the installation of 25m communications tower, antennas, ground-based apparatus and ancillary development.

LOCATION: Sewage Treatment Works Rasen Road Tealby Market Rasen LN8 3XP

WARD: Market Rasen

APPLICANT NAME: Wireless Infrastructure Group

TARGET DECISION DATE: 8/3/19

DEVELOPMENT TYPE: Minor - all others

WARD MEMBERS: Cllr Smith, Cllr J McNeill and Cllr Marfleet

CASE OFFICER: Martin Evans

RECOMMENDED DECISION: Approve subject to conditions

This planning application is reported to planning committee because it is considered the matters are finely balanced.

Description:

The application site is within an existing sewage treatment facility which features a large concrete pad, associated sewage treatment equipment and boundary security fencing. There is a large woodland to the north and east of the site.

The site is accessed via a single lane track from Rasen Road to the north.

There is an extensive Public Right of Way (PROW) network in the area:

- Teal/131/1 abuts the western boundary of the sewage treatment facility and leads to Rasen Road to the north
- PROW Teal/130/1, Teal/130/2 and Teal/131/2 are located to the west of the site
- PROW Teal/130/3 is located to the south and east of the site

The site is:

- Within the Lincolnshire Wolds Area of Outstanding Natural Beauty (AONB).
- Approximately 230m (closest point) to the west of the Tealby Conservation Area.
- Approximately 340m to the north east of the Tealby Thorpe Conservation Area.
- Approximately 330m to the west of 6 Sandy Lane (grade II listed building); 370m from 7 Sandy Lane (grade II); 400m north east of the Watermill and attached outhouse (grade II*) and Thorpe Mill (grade II);

500m north east of Thorpe Farm (grade II); 460m south east of Dovecote (grade II); 320m south west of 1 Cow Lane; 700m south west of the Church of All Saints (grade I) and 1km south of Castle Farm (grade II).

The River Rase meanders to the south of the sewage treatment facility. Beside its banks is a row of mature trees protected by Tree Preservation Order Tealby 1954 and Tealby No.1 2010.

The nearest residential dwelling is 3 Springfields which is approximately 180m to the North West of the site.

Planning permission is sought for a 25m high lattice tower, coloured goose grey, on a concrete base. At its base would be a cabinet, electric meter, ladder access and surrounding 1.8m high chain link fence. The application states the tower design has been chosen because it has a visual permeability.

The application declares the proposal accords with all relevant legislation and as such will not cause significant and irremediable interference with other electric equipment, air traffic services or instrumentation operated in the national interest. It continues, the development is necessary to provide both voice and data transmission including deploying 4G coverage to the area. 4G is the next major enhancement to mobile radio communications networks. 4G technology will allow customers to use ultra-fast speeds when browsing the internet, streaming videos, or sending emails wherever they are and allows faster downloads on the go.

A declaration of conformity with ICNIRP public exposure guidelines is provided stating the proposal:

“Is in full compliance with the requirements of the radio frequency (RF) public exposure guidelines of the International Commission on Non-Ionising Radiation (ICNIRP), as expressed in EU Council recommendation of 12 July 1999 * “on the limitation of exposure of the general public to electromagnetic fields (0 Hz to 300 GHz)”.

The applicant does not operate any retail network of their own, instead they create infrastructure for all network operators to access on a shared basis. The applicant intends the development to secure the future communications needs for the existing and future communities in and around Tealby. The height of the tower allows it to be shareable enabling future deployment and the upgrading to the latest telecoms equipment. The application includes maps (see below) demonstrating dramatic improvements in 2G, 3G and 4G network coverage in and around Tealby associated with the proposal.

The application states:

“The lightweight lattice structure proposed will ensure this infrastructure can be upgraded, if required, in the future whilst balancing the impact on the local environment until this is needed.”

“This is the second application for such a tower at this location. A previous application (Ref: 136506) was submitted in July 2017 however was withdrawn in October as the landowner and the applicant had to overcome a technical constraint for the specific location within the Sewage Treatment Works. In addition, an initial assessment was carried out by the case officer before the application was withdrawn. After this assessment, additional information relating to 4 main aspects were sought, these being:

- Design and height of tower
- Relationship between the proposed tower and immediate surrounding area
- Impacts on heritage assets nearby
- Impacts on the wider AONB

To address the first of these matters, we can confirm that due to the radio coverage requirements, the use of a lattice mast of 25m is required and represents the best solution available. To address the final three matters, we have submitted a Landscape and Visual Impact Assessment alongside this application. This demonstrates the relationship with the surrounding trees, impacts on the nearby heritage assets and the impacts on the wider AONB and landscape. This information should give the LPA enough information on which to make a full assessment.

It should be noted that it has taken some time to finalise the exact location with the land owner and the location now being proposed is virtually identical to the location of the previous planning application.”

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

The development is of a type listed in schedule 2, 10. Infrastructure projects, (b) Urban development projects, including the construction of shopping centres and car parks, sports stadiums, leisure centres and multiplex cinemas. The site is located in a sensitive area (the Lincolnshire Wolds Area of Outstanding Natural Beauty) therefore the applicable thresholds and criteria in column 2 do not apply and the proposal requires screening. After taking account of the criteria in Schedule 3 it has been concluded that the development is not likely to have significant effects on the environment by virtue of its character, location and the types and characteristics of the potential impact. Therefore, the development is not ‘EIA development’. A separate detailed screening opinion has been issued.

Relevant history:

Application site:

136506 Planning application for the installation of 25m communications tower, antennas, ground-based apparatus and ancillary development. Withdrawn by the applicant, 10/10/17.

Site approximately 20m north east within the sewage treatment works:

M01/P/1103 planning application to erect 22.5m lattice tower with 3 antennas, 3 dishes, equipment cabin and ancillary equipment. Withdrawn 4/2/02.

Representations:

Parish/Town Council/Meeting: no response.

Local residents:

45 objection letters have been received from residents of **Waterside House, 2, 3, 4, 5, 6, 8, 9, 11, 12 and 19 Springfields**, unspecified addresses in **Springfields, 8 Cow Lane, Tara, The Cottage, Sandy Lane, 18, 24, 25 and 32 Front Street, 2 and 5 Beck Hill**, unspecified addresses in **Rasen Road, 12, 22, 50b Rasen Road, Causeway Grange, Causeway Cottage, Heathvale, The Old Pottery, Rase Thatch, Westlyn, 1 Church Lane, Ford Cottage, The Willows and Victoria Villa** which are summarised as follows:

- The antennae and dishes will deliver conical beams of microwave energy @ 0.8-2.6 GHz with maximum ground level radiation levels occurring 150-300 metres from the mast. This means that most of the western end of Tealby will be blighted, including a large number of properties on Rasen Road, Cow Lane, Sandy Lane and Tealby Thorpe.
- Loss of property value.
- Impact on human health including radiation to residents and those using adjacent sports facilities and mental health.
- Supporters can use alternative provider.
- Lack of information, disclosure or discussion presented to residents.
- Risk to wildlife including bats, birds and others.
- Better alternatives exist. Have alternatives been considered? Could go on the Church.
- Visual impact from surrounding properties and landscape, including area of outstanding natural beauty due to design, height and dominance. Prominence from public footpaths.
- Doesn't sustain and enhance the significance of heritage assets. Can be seen from listed buildings and conservation area.
- Existing mobile and internet service is sufficient. No need for mast.
- The infrastructure proposed is needed but there must be a better site away from dwellings.
- Equipment should be sympathetically designed and camouflaged.
- Application and LVIA is deficient. More impact when trees are not in leaf.
- Height could be increased in the future.
- Urbanising effect on area and street scene and setting of village.
- This part of village shouldn't be over developed.
- Too close to tennis club.
- Smaller slim line design could be used.
- Application for mast on this site was refused previously.
- Tealby is a conservation area and arguably the most beautiful of the Wolds villages.
- Potential impact on dark skies if warning lights are required.

- Potential noise pollution from cooling equipment.
- Courts in France have required removal of telecoms masts.
- There are numerous international studies considering health risks.

12 support letters have been received from residents of **3, 10, 27, 36 and 37 Rasen Road, 7 and 10 Kingsway, Melbreak, 5 Sandy Lane and Cherry Cottage** which are summarised as follows:

- Improvements to signal.
- Asset to the village.
- Easily the best site in the village from aesthetic and technical point of view. Largely out of view of most of the dwellings in the village.
- Poor signal has affected business in Tealby.
- Rural counties need better communications infrastructure.
- Object to impact on AONB.
- Mast has to go somewhere. It should not be an eye sore.
- Businesses may not consider Tealby due to poor mobile network.
- The church is an inappropriate alternative location as it is a place of worship.
- It will assist home workers in the area.
- Would provide technological upgrade for the village.
- Village must move with the times and attract younger couples.
- Benefit to locals, visitors, emergency services.
- Recently a defibrillator was fitted at the tennis and bowls club, to gain access to it a call has to be made to the emergency services but there is no signal or landline at the club.
- The objections may not be credible and may be selective and not supported by scientific opinion.

5 general observation letters have been received from residents of **1a and 48 Rasen Road, Tealby Tennis Club and 17 Springfields** which are summarised as follows:

- Many tourists visit Tealby.
- There must be an alternative isolated location that gives Tealby good coverage.
- Tealby needs mobile phone coverage. People need to contact emergency services during power cuts. Two new defibrillators may result in need for mobile coverage in case of emergency.
- Lack of information and analysis including on Tennis Club. There should be an impact assessment on the tennis club.
- No contact from the applicant.
- Banner not connected to Tennis Club.
- Poor mobile reception is acknowledged and proposal may improve this.
- Construction phase problems may arise including access, parking, turning, deliveries, and cumulative impacts of construction and sewage works vehicles. This could impact the business and operation of tennis Club and the Council should consider restrictions on construction and maintenance phases.

- Application doesn't consider tennis club security, health and safety, child protection and safeguarding. Full and thorough assessment should be undertaken in consultation with the club before approval by the Council.
- Guidance on emissions from the proposal should be given.
- Welcome better mobile signal.
- May not be able to see mast in the winter from our house.
- The mast could look like a tree.

The Council's conservation officer considers there is insufficient evidence regarding the impact of the proposal on the Tealby Conservation Area and the parish church; key views and vistas are missing from the landscape study or have been considered and disregarded, for example, from the church. The conservation officer took their own photographs and considers views and vistas of significance will be impacted upon but how harmfully cannot be ascertained from the submission in their view. "I can only make one recommendation based on the current information, and that is one of refusal, for the impact upon various designated heritage assets, whereby this proposal fails to demonstrate the conservation area and its setting will be preserved or enhanced, and that the setting of the church and how this is experienced, will be preserved."

LCC Highways and Lead Local Flood Authority: no objections.

LCC Senior Countryside Officer: no comments regarding the impact on public rights of way.

LCC Archaeology: "There are no known archaeological implications of the proposed development. Therefore no archaeological input will be required."

Natural England:

No objection. Based on the plans submitted, Natural England considers that the proposed development will not have significant adverse impacts on statutorily protected sites. Generic guidance is set out.

Lincolnshire Wolds Countryside Service:

"I understand that this is a re-submission of a previous planning application (Planning Application Reference 136506). I note that the site is located within the nationally protected Lincolnshire Wolds Area of Outstanding Natural Beauty (AONB) and subject to additional planning scrutiny as highlighted within the recently updated National Planning Policy Framework (July 2018) and in particular Paragraph 172 – where great weight should be given to not only conserving but enhancing the landscape and scenic beauty of AONBs (and National Parks).

Further to relevant Local Plan Policies, the statutory Lincolnshire Wolds AONB Management Plan 2018- 23 (recently adopted) recognises that the primary purpose of the AONB designation is to protect the natural beauty of the area, whilst recognising the need to take account of the needs of the rural economy and rural communities. Policy PP1 of the Management Plan highlights the need to protect and enhance local character and distinctiveness

through ensuring the highest quality of design for new development. The Plan does recognise the need to encourage and support the roll-out of appropriate and sensitively planned broadband provision and telecommunications services. In terms of this re-submission we welcome the applicants more detailed Supporting Statement for Planning Permission and the accompanying Landscape and Visual Impact Assessment. As detailed within the application we note that the applicant has undertaken a concise review of alternative site options and that on balance the site selected seeks to minimise the visual detrimental impacts upon the wider character of the AONB. I understand that there is no significant or substantial change to the original proposal, other than a minor adjustment to the site location within Anglian Water Services Compound.

As highlighted previously, the proposal will have a localised impact upon the AONB on account of both the mast's lattice design and its height. The landscape character to the south of the site is very pastoral in nature and the water treatment works are currently very well screened by both the adjacent woodland and surrounding mature hedgerows. A mast height of some 25 metres, will be visually prominent from a number of public footpaths and also a number of residential properties, most notably those bordering Sandy Lane and Thorpe Lane. If this application is supported by the local community we would recommend a modified mast design which could provide both a reduction in mast height, and a more tapered profile for the upper portions of the mast, which will be visible and prominent above the tree canopy. We also welcome any additional proposals to help not only minimise the developments visual impact, but also measures that could help to further ameliorate the scheme to its local surroundings and enhance the natural beauty of the AONB at this location."

Humberside Airport:

"This application does not conflict with the Safeguarding Requirements at Humberside Airport."

NATS safeguarding- formerly National Air Traffic Services (NATS provides air traffic navigation services to aircraft flying through UK controlled airspace and at numerous UK and international airports.):

"The proposed development has been examined from a technical safeguarding aspect and does not conflict with our safeguarding criteria. Accordingly, NATS (En Route) Public Limited Company ("NERL") has no safeguarding objection to the proposal."

Relevant Planning Policies:

Statutory tests

[Section 85\(1\) of the Countryside and Rights of Way Act 2000](#) places a general duty that:

"In exercising or performing any functions in relation to, or so as to affect, land in an area of outstanding natural beauty, a relevant authority shall have

regard to the purpose of conserving and enhancing the natural beauty of the area of outstanding natural beauty.”

<http://www.legislation.gov.uk/ukpga/2000/37/contents>

Planning (Listed Buildings and Conservation Areas) Act 1990

“66 General duty as respects listed buildings in exercise of planning functions.

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

“72 General duty as respects conservation areas in exercise of planning functions.

(1) In the exercise, with respect to any buildings or other land in a conservation area, of any of the provisions mentioned in subsection (2), special attention shall be paid to the desirability of preserving or enhancing the character or appearance of that area.”

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

Development plan

Central Lincolnshire Local Plan

Policy LP2: The Spatial Strategy and Settlement Hierarchy

Policy LP9: Health and Wellbeing

Policy LP12: Infrastructure to Support Growth

Policy LP13: Accessibility and Transport

Policy LP17: Landscape, Townscape and Views

Policy LP21: Biodiversity and Geodiversity

Policy LP25: The Historic Environment

Policy LP26: Design and Amenity

Policy LP55: Development in the Countryside

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

These policies are considered consistent with the NPPF.

The site is not in any form of minerals or waste safeguarding area.

Other

There is no neighbourhood plan for Tealby.

NPPF 2018 and PPG

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

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

NPPF Section 10, Supporting high quality communications sets out, at paragraph 112, advanced, high quality and reliable communications

infrastructure is essential for economic growth and social well-being. Planning decisions should support the expansion of communications networks including next generation mobile technology. Paragraph 113 seeks to minimise the number of masts, consistent with the needs of consumers, efficient operation of the network and provide reasonable capacity for future expansion. Use of existing masts, buildings and other structures for new electronic communications capability (including wireless) should be encouraged. Where new sites are required (such as for new 5G networks), equipment should be sympathetically designed and camouflaged where appropriate. Paragraph 114 requires Council's not impose bans on communications development in certain areas or insist on minimum distances between new electronic communications development and existing development. Council's should ensure they have evidence to show the proposal is not expected to cause significant and irremediable interference with other electrical equipment, air traffic services or instrumentation operated in the national interest.

Paragraph 115 requires communications development be supported by evidence to justify the proposal including; the outcome of consultation with organisations with an interest in the proposal in particular with the relevant body where a mast is to be installed near a school or college, or within a statutory safeguarding zone surrounding an aerodrome, technical site or military explosives storage area; for a new mast or base station, evidence that the applicant has explored the possibility of erecting antennas on an existing building, mast or other structure and a statement that self-certifies that, when operational, International Commission guidelines will be met.

Paragraph 116 requires applications are determined on planning grounds only; Council's should not seek to prevent competition between different operators, question the need for an electronic communications system, or set health safeguards different from the International Commission guidelines for public exposure.

Paragraph 170 requires decisions contribute to and enhance the natural and local environment by protecting and enhancing valued landscapes (in a manner commensurate with their statutory status or identified quality in the development plan); recognising the intrinsic character and beauty of the countryside, and of trees and woodland; preventing new and existing development from contributing to, being put at unacceptable risk from, or being adversely affected by, unacceptable levels of noise pollution.

Paragraph 172 requires great weight should be given to conserving and enhancing landscape and scenic beauty in Areas of Outstanding Natural Beauty, which have the highest status of protection in relation to these issues. The scale and extent of development within these designated areas should be limited.

Paragraph 189 requires applicants describe the significance of any heritage assets affected, including any contribution made by their setting. Paragraph 190 requires Councils identify and assess the particular significance of any

heritage asset that may be affected by a proposal, including setting. Paragraph 193 requires great weight be given to the asset's conservation, irrespective of whether any potential harm amounts to substantial harm, total loss or less than substantial harm to its significance. Paragraph 194 requires any harm to the significance of a designated heritage asset from development within its setting, should require clear and convincing justification. Paragraph 196 requires where proposals will lead to less than substantial harm to the significance of a designated heritage asset, this harm should be weighed against the public benefits of the proposal.

National Planning Practice Guidance ([Paragraph: 004 Reference ID: 8-004-20140306](#)) advises that:

“Planning policies and decisions should be based on up-to-date information about the natural environment and other characteristics of the area. As part of this, local planning authorities and neighbourhood planning bodies should have regard to management plans for National Parks and Areas of Outstanding Natural Beauty, as these documents underpin partnership working and delivery of designation objectives.”

Lincolnshire Wolds Area of Outstanding Natural Beauty Management Plan 2018 – 2023¹

<https://www.lincswolds.org.uk/looking-after/lincolnshire-wolds-aonb-management-plan>

Page 38 identifies telecommunications infrastructure as a threat/pressure to landscape character.

Page 66 “5.2 Thriving Communities” states:

“There is recognition of the increasing importance of communication technologies and the ongoing need to upgrade and enhance the provision of IT and broadband services to many of our rural communities and businesses. The AONB Partnership respects this position and has sought to support and encourage the roll-out of both broadband and mobile phone coverage that is sympathetic and can ideally complement the landscape of the Wolds, through for example the careful siting, design, and landscaping of any critical infrastructure. Where ever possible, there should be an additional emphasis on encouraging mast sharing and the subsequent removal of any redundant infrastructure.”

Page 72 “7. Developing the Wolds - Theme 4”

“Key issues highlighted included:

- Proliferation of often unsightly telecommunication masts and their associated infrastructure (similarly with overhead powerlines).”

“Policies:

PP1 To protect and enhance local character and distinctiveness through the highest quality of design in new development and re-development, including

¹ Available at: <https://www.lincswolds.org.uk/looking-after/lincolnshire-wolds-aonb-management-plan>

making space for biodiversity, being sensitive to the considerations of heritage assets and tackling climate change.”

Main issues

- **Principle**
- **Design and impact on AONB, public rights of way and heritage**
- **Residential amenity, human health and aircraft**
- **Highways**
- **Ecology**

Assessment:

Principle

The site is located in an existing Anglian Water facility within the countryside on the outskirts of Tealby therefore tier 8 of LP2 applies which states:

“8. Countryside

Unless allowed by:

- a. policy in any of the levels 1-7 above; or
- b. any other policy in the Local Plan (such as LP4, LP5, LP7 and LP57), 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 generation;
 - proposals falling under policy LP55; and
 - to minerals or waste development in accordance with separate Minerals and Waste Local Development Documents.”

Telecommunications infrastructure is a utility service.

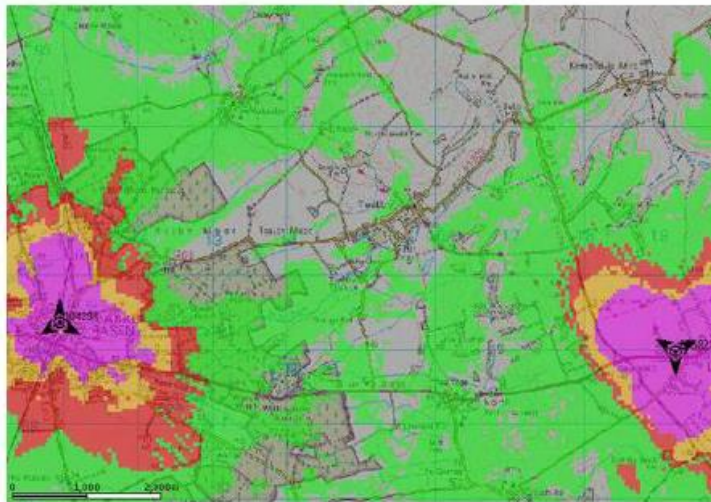
NPPF Paragraph 116 states that “*Local Planning Authorities... should not seek to... question the need for an electronics communication system...*”

With regards to whether the proposal is ‘demonstrably essential to the effective operation of’ this utility service, the following applies.

The applicant considers:

Existing mobile network data coverage for Telefónica O₂ is very poor within the area and especially in and around the village of Tealby. Mobile broadband connectivity (4G, or LTE) is insufficient to support the local community and the surrounding areas. This development is necessary to provide a high quality and reliable 4G (mobile broadband) networks to the area. 4G (LTE) is a major enhancement to mobile communications networks and allows communities to access ultra-fast, high quality and reliable connectivity when browsing the internet, streaming on-line services and for sending of electronic communications.

CTiL –LTE Coverage Without Proposed New Site



4G Coverage by Signal Level

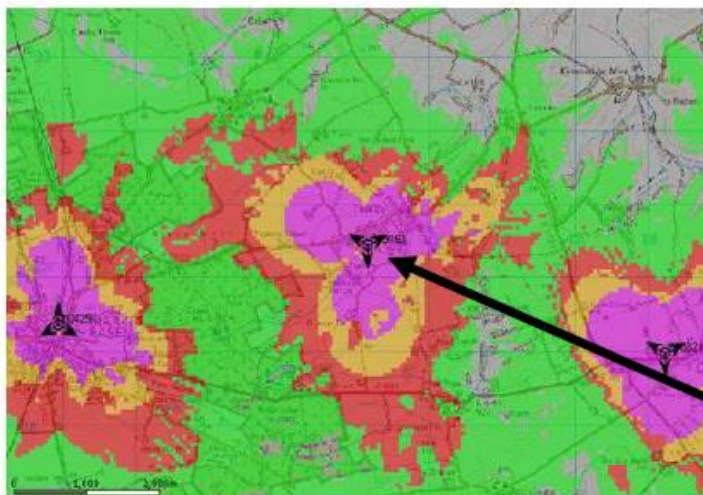
- Indoor Dense Urban
- Indoor Urban
- Indoor Suburban
- In Car
- Outdoor

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This coverage plan must be read in conjunction with the key and site specific supplementary information. Each colour block represents 50 metres square.

CTiL

CTiL –LTE Coverage With Proposed New Site



4G Coverage by Signal Level

- Indoor Dense Urban
- Indoor Urban
- Indoor Suburban
- In Car
- Outdoor

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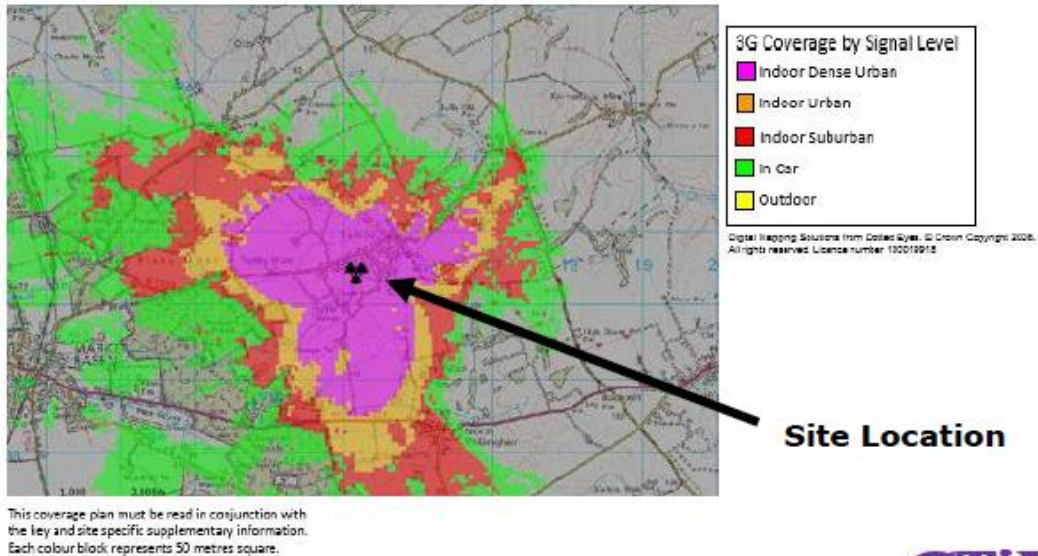
Site Location

This coverage plan must be read in conjunction with the key and site specific supplementary information. Each colour block represents 50 metres square.

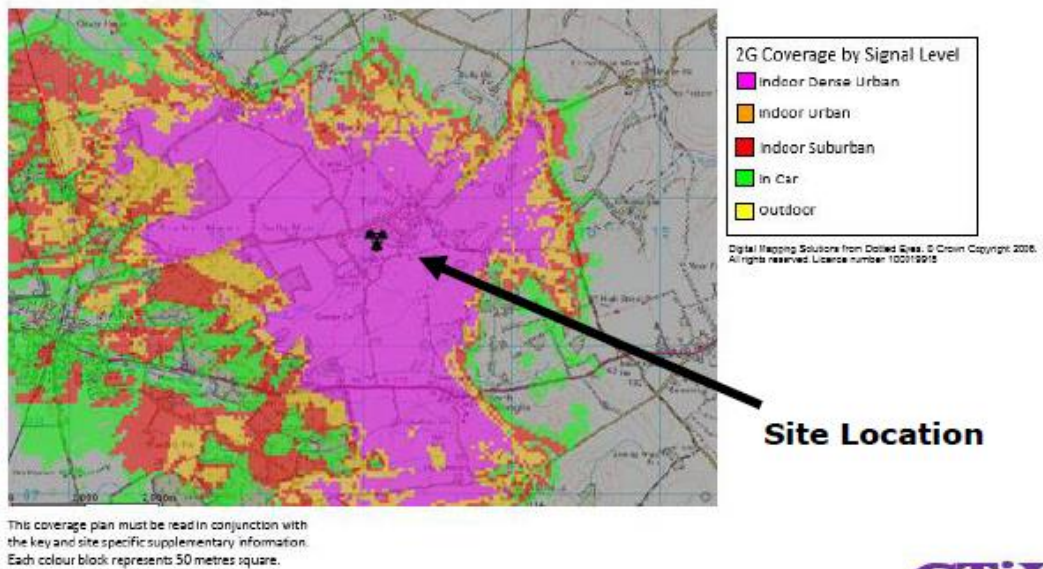
CTiL

The coverage plots below highlight the improved coverage given by the inclusion of the proposal site into the network and will result in the whole of the area benefitting greatly from the improved coverage and introduction of 2G (voice) and 3G (data) services:

CTiL – 3G Coverage With Proposed New Site



CTiL – 2G Coverage With Proposed New Site



The proposed new tower will provide high speed and reliable in-building coverage to Tealby and as well as the surrounding areas as per the coverage plots above (and enclosed with application). This will provide the benefit of 4G mobile broadband connectivity as well as more basic data and mobile voice coverage on the Telefónica O₂ network.

Residential and commercial premises and the local road network will, in many instances for the first time, be provided with high quality mobile connectivity on the Telefónica O₂ network.

Telefónica O₂ shares its network with Vodafone through their joint venture CTIL. It is expected that Vodafone will follow shortly providing enhanced voice and mobile broadband connectivity, again utilizing 4G services.

The lattice structure of the tower provides the basis for future upgrade to enable other operators to share the tower. Access to the tower will be offered to all other wireless operators including the EE and Three mobile networks.

The NPPF requires:

“116. Local planning authorities must determine applications on planning grounds only. They should not seek to prevent competition between different operators, question the need for an electronic communications system, or set health safeguards different from the International Commission guidelines for public exposure.”

Policy LP12 deals with infrastructure to support growth including communications infrastructure. The foreword states:

“4.6.3 Communications infrastructure such as broadband has evolved and expanded rapidly in recent years and now forms an important part of successful business and individual lifestyles for both urban and rural communities. It is acknowledged however that there are pockets of poor provision which, if not addressed, could have an adverse impact on economic growth and development within the area. The Central Lincolnshire authorities are therefore keen to facilitate this improvement in service and expansion.”

The policy itself states “All development should be supported by, and have good access to, all necessary infrastructure.”

It is considered the proposal is demonstrably essential to the effective operation of the telecommunications network given the above improvements that would arise in a known not-spot (poor coverage area). The proposal complies with Policy LP2.

Policy LP55 does not set out, and is otherwise silent, on infrastructure provision which is otherwise covered by LP2.

LP55 Part E relates to “non-residential development” – providing telecommunications coverage would enhance the rural economy and the need for coverage justifies the rural location.

There is also broad support for the provision of telecommunications infrastructure in the NPPF noting planning decisions should support the expansion of electronic communications networks. Policy LP12 acknowledges

areas of poor coverage such as this and the need to address these to prevent adverse impacts on economic growth and development in the area.

Paragraph 4.6.2 of Policy LP12 refers to the Infrastructure Delivery Plan: “4.6.2 To set out what, where and how infrastructure will be needed and delivered an Infrastructure Delivery Plan (IDP) has been prepared alongside this Local Plan and will be regularly updated. It sets out the main items of infrastructure, when they are likely to be provided and who will pay for them. The broad categories of infrastructure covered include:

- Communications Infrastructure – improved broadband coverage and provision;”

The Central Lincolnshire Infrastructure Delivery Plan dated 7/4/2016 provides an overview of broadband and telecommunications requirements. Table 1 provides a summary table with the column entitled “Future infrastructure needs” stating “Additional services such as fixed wireless will provide additional service.”

Section 4.5 Telecommunications mainly focusses on fixed line broadband connections (copper and fibre) but, importantly for the current proposal, section 4.5.9 states:

“4.5.9 Satellite Broadband is already available in most parts of the county and like fixed wireless is improving significantly. A further opportunity may emerge over the next year or so with the development of 4G mobile broadband. There are currently four providers offering the service; EE, O2, Vodafone and Three. Indications to date are that the services provided are significantly better than 3G. As the market develops it is expected that 98% of the country will have mobile broadband access, with average speeds of about 9mbps.”

Whilst not the primary focus for broadband provision, there is explicit reference to mobile broadband, as proposed, being a further opportunity. The local plan does not differentiate between different types of broadband but simply supports broadband provision.

There is therefore specific policy support for the proposal in the Local Plan.

National Planning Practice Guidance ([Paragraph: 004 Reference ID: 8-004-20140306](#)) advises that “*local planning authorities and neighbourhood planning bodies should have regard to management plans for National Parks and Areas of Outstanding Natural Beauty...*”

The AONB management plan at 5.2 Thriving Communities recognises the need for improved telecommunications infrastructure. It states:

“There is recognition of the increasing importance of communication technologies and the ongoing need to upgrade and enhance the provision of IT and broadband services to many of our rural communities and businesses. The AONB Partnership respects this position and has sought to support and encourage the roll-out of both broadband and mobile phone coverage that is sympathetic and can

ideally complement the landscape of the Wolds, through for example the careful siting, design, and landscaping of any critical infrastructure. Wherever possible, there should be an additional emphasis on encouraging mast sharing and the subsequent removal of any redundant infrastructure.”

Some neighbour representations highlight signal problems in the area whilst others point to a rival provider as having sufficient network coverage. The NPPF is clear that competition between operators should not be considered. However, the NPPF requires exploration of shared infrastructure to prevent harmful over proliferation, also encouraged by the AONB management plan. Some local residents claim EE provides good network coverage. The applicant was asked to locate the related mast and clarify whether the proposed infrastructure could share it. The agent responded stating they made enquiries with EE radio planners who confirm there are no new sites nearby so it must be a distant unknown 800MHz upgrade that has improved coverage. The applicant has not been able to identify any existing EE site sites close enough to provide coverage to Tealby. 800MHz travels some distances and so the signal could be coming from a number of different locations after these sites were upgraded to 800MHz. The nearest sites to Tealby appear to be other CTIL sites however as the CTIL/TEF radio signal does not travel as far, these are not options as they are the neighbouring cells i.e. the networks are different and display different characteristics due to radio frequency/wavelength and base station location.

It is clear there is no option to share masts in the area and avoid the need for the proposal. This satisfies the requirements of the NPPF in this regard.

NPPF paragraph 113 states that “Use of existing masts, buildings and other structures for new electronic communications capability (including wireless) should be encouraged.”

The application includes alternative site assessment.

Site 1) Tealby Tennis Club is discounted due to lack of space, more prominent location and proximity to houses.

Site 2) BT exchange on Rasen Road is discounted due to the small size of the site and building combined with its location in the village.

Site 3) Arqiva controlled land is discounted due to remoteness from search area and greater impact on the AONB.

Site 4) Thorpe House Farm is discounted because of unwilling owner.

Site 5) Sandy Lanes Barn is discounted due to greater impact on the AONB.

Site 6) Memorial Hall is discounted due to lack of space. The site is also in the conservation area.

Site 7) The Kings Head is discounted due to lack of space and land. This is also a listed building.

Site 8) All Saints Church is discounted due to signal and heritage concerns. This is discussed in more detail below.

Site 9) Land off B1203 is discounted because of the sites open nature and greater impact on the AONB than the application site. The site is not in the AONB but would be more conspicuous.

Site 10) Land near Castle Farm is discounted due to local opposition and greater impact on the AONB.

This is considered to be a reasonable assessment of alternatives.

The principle of a stand-alone mast, in order to provide effective communications is considered to accord with LP2, LP12, the NPPF and AONB management plan.

Design and impact on AONB, public rights of way and heritage

The applicant considers the design meets both the technical requirement to provide the necessary service in terms of height and type of antenna and practical designs to host the amount of equipment at the height required. The lattice structure is considered the most appropriate design providing a visual permeability to the structure minimising the visual impact of the installation against the adjacent trees and skyline.

The case officer queried an initial lack of exploration of the use of camouflage including a mast disguised as a tree, noting the LVIA acknowledges there would be some impact and the requirement to attach great weight to conserving and enhancing landscape and scenic beauty in the AONB.

The applicant responded, outlining the applicant provides for a neutral host whereby different operators have the opportunity to site apparatus on their masts; their infrastructure provides “reasonable capacity for future expansion” also being consistent with keeping the need for individual base station to a minimum; fake trees tend to divide opinion and do not really work in the same way insofar as they rarely become undistinguishable from their surroundings (occasions where they do tend to be where public views are so far away that a normal lattice mast would result in the same impacts); Councils have tended to move away from the tree design; tree mast design is not shareable and does not offer the flexibility required for an operator; tree masts were of a place and time and did not necessarily prove to be as sympathetic as first thought and do not provide the basis of an efficient infrastructure network due to the inherent inflexibility of the design; the girth of a monopole (the basis of the tree design) would be substantial due to the height and hence structural integrity required; one of the benefits of the lattice mast is that the bulk and form are broken up against the skyline and any backdrop to lessen impacts; examples of lattice masts approved in Scottish National Parks are provided; CTIL radio planners have confirmed this mast needs to be 25m tall to make it shareable and because 20m would give compromised coverage in Tealby and coverage for little else.

The site is within the Lincolnshire Wolds AONB. The statutory purpose of an AONB is to “conserve and enhance the natural beauty of the area” and the Local Planning Authority has a statutory duty² placed on it to “*have regard to the purpose of conserving and enhancing the natural beauty of the area of outstanding natural beauty.*”

² [S85\(1\) of the Countryside and Rights of Way Act 2000](#)

A key consideration is NPPF paragraph 172 requiring great weight should be given to conserving and enhancing landscape and scenic beauty in Areas of Outstanding Natural Beauty, which have the highest status of protection in relation to these issues.

Local Plan Policy LP17 sets out the requirements of the policy are particularly important when determining proposals which have the potential to impact upon the Lincolnshire Wolds AONB. These are:

“Character and setting

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.

Creating and protecting views

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. Particular consideration should be given to views of significant buildings and views within landscapes which are more sensitive to change due to their open, exposed nature and extensive intervisibility from various viewpoints.”

A Landscape and Visual Impact Assessment (LVIA) has been submitted with the application. This is a methodical way of assessing landscape and visual impacts. It concludes:

*“There is considered to be a potential **major adverse effect** on landscape character within some 50-100m from the mast, a **moderate adverse effect** within some 100-200m and a potential **minor adverse to negligible effect** from over 200m distance*

It is considered that as the adjacent woodland plantation matured, with standard trees likely achieving a comparable height to the mast in the long term that the identified effects would be reduced, resulting in a moderate adverse effect on landscape character within some 50-100m from the mast, a minor adverse effect within some 100-200m and a likely residual negligible effect from over 200m distance.”

People using PROW No130 and 131 immediately south west of the site is considered to be potential minor adverse effect. Beyond the more localised area on these footpaths a moderate adverse effect is anticipated in the short to mid-term, reducing to minor adverse/negligible effect in the mid-long term as the adjacent woodland plantation matures.

People using PROW No123 along the edge of the paddock within the Tealby conservation area a moderate adverse effect is anticipated in the short to mid-term, reducing to minor adverse/negligible effect in the mid-long term as the woodland matures.

Other more distant PROW such as No121 (Viking Way long distance route) would experience negligible effects; users of No120 along the lower scarp face would experience a minor adverse effect reducing to negligible effect in the mid-long term.

The LVIA suggests strengthening a gappy hedge to the western boundary of the Anglian Water compound. This is not possible due to land ownership.

The aforementioned sections of the AONB management plan are also relevant. The proposal is identified as a threat/pressure to landscape character whilst there is recognition of the need to support and encourage the roll-out of both broadband and mobile phone coverage that is sympathetic and can ideally complement the landscape of the Wolds, through for example the careful siting, design, and landscaping. Management Plan Policy PP1 requires the highest quality design.

It is considered the proposal provides sufficiently detailed exploration and explanation as to why other masts cannot be shared. The mast needs to be 25m high in the interests of resolving the network coverage problems identified. Insistence on a meaningfully reduced height would create some visual impact and not solve network coverage issues. The comments of the Lincolnshire Wolds Countryside Service (LWCS) are noted which note the concise review of alternative site options and that on balance the site selected seeks to minimise the visual detrimental impacts upon the wider character of the AONB. It does not object to the proposal. LWCS recommend a modified mast design which could provide both a reduction in mast height, and a more tapered profile for the upper portions of the mast. Unfortunately, the height and design cannot be altered for the reasons given above. A tapered design would reduce the ability to share the mast and update infrastructure which is considered undesirable as it may prevent the ability to provide reasonable capacity for future expansion as noted in paragraph 113 of the NPPF and may result in the need for additional masts which could and should be avoided in this location.

The siting within the existing Anglian Water site with surrounding tree cover would provide effective siting and mitigated visual impact for the ground based infrastructure and lower section of the tower. This is considered the best available location for the proposal as discussed in the alternative site appraisal submitted by the applicant. The upper section of the tower would be

visible, particularly from the surrounding public right of way network described above and as noted in the LVIA. However, the design would allow an element of transparency.

The case officer has walked the PROW in the vicinity of the proposal to consider the visual impact. Based on this officer assessment, the LVIA is considered to represent a fair assessment of the impact of the proposal on landscape character and visual amenity. There would be visual impact in the immediate vicinity and from some medium and longer range views. Some of the short range views from public rights of way may be classed as resulting in significant harm but LP17 permits this if the overriding benefits of the proposal demonstrably outweigh the harm and in such circumstances the harm should be minimised and mitigated. The public benefits of the proposal are substantial and the harm has been minimised by design and placement.

The agent was asked to provide information setting out precisely what equipment would need to be added to the church so that a view as to whether this would be appropriate can be taken.

The agent states the church has not been investigated internally but external inspection has been undertaken. Bearing in mind the height required and the tree height surrounding the church then any antennas would need to be located on its tower, visually the most sensitive feature of the church. This could not be undertaken sensitively on the top of the tower and would also be intrusive on the tower faces. If located on the faces, there would be relatively extensive and intrusive stone work required to ensure that the antennas could be held on the stone work. In order to allow tilting and orientation, the antennas could also not be set flush with the stone and so would need to be set out on pole supports to allow for such 'optimisation'. Both from building inspection and from previous experience of working with listed buildings/churches, it would not be possible to locate apparatus on the church in a sensitive manner in line with its listing. Often it is possible to locate antennas behind louvres. This is usually the case where there are either no working bells or the louvres are set apart. Our understanding is that there are a number of working bells at All Saints which would mean that there would be no space for any telecommunications apparatus at that level. In any event, there are a number of other issues which would preclude the use of the church tower to locate antennas internally. The external face of the stonework is set quite far from the front of the louvres. This creates a problem for radio coverage as it creates a narrow funnel for the signal to travel through (rather than a full 120 degrees). This is compounded in this church tower by there being two louvres and to the middle stone upright would also block the radio signal. These shadowing effects, so close to the antenna, would make any of the louvres impractical for locating antennas. A further complication is that the orientations (obviously) are fixed. Whilst the church tower and the proposed WIG radio tower are set at very similar angles, the antennas on the WIG tower do not follow these orientations and so the coverage pattern would not work for the operator. Standalone antennas within the church grounds would be inappropriate.

It is not considered feasible to attach alternative infrastructure to the church as this would cause harm to its architectural and historic interest as a listed building.

The proposal is a significant distance from the two adjacent conservation areas. The surrounding trees would assist in mitigating views of the lower section of the mast and ground based infrastructure from them. The upper section would be visible from some areas of the conservation areas and from some listed buildings, but, at a distance and with a design that minimises the impact as far as practicable.

The conservation officer has concerns about the impact of the proposal on views from public rights of way, conservation areas, the grade I listed Tealby Church and Front Street. The conservation officer recommends refusal based on a lack of information and concerns about the impact of the proposal. It is considered the views of the proposal from the surrounding designated heritage assets would be distant (distances detailed above) and mitigated by the aforementioned design. The harm is considered to amount to less than substantial.

The Council is duty bound to have special regard to preserving the setting of nearby heritage assets. The NPPF requires great weight is given to an assets conservation, irrespective of the level of harm, in this case less than substantial harm. Any harm requires clear and convincing justification. Where a development proposal will lead to less than substantial harm to the significance of a designated heritage asset, this harm should be weighed against the public benefits of the proposal.

The less than substantial harm arising from the distant views of the proposal from these conservation areas and listed buildings is considered to be outweighed by the public benefits arising from better telecommunications/broadband infrastructure. Other users would benefit such as emergency services and businesses. These benefits are considered to outweigh the harm as required by the NPPF. In having special regard to the desirability of preserving the setting of the listed buildings and paying special attention to the desirability of preserving or enhancing the character or appearance of the conservation areas, it is considered the proposal would have an acceptable impact.

Residential amenity, human health and aircraft

Policy LP26 states:

“Amenity Considerations

The amenities which all existing and future occupants of neighbouring land and buildings may reasonably expect to enjoy must not be unduly harmed by or as a result of development.

Proposals should demonstrate, where applicable and to a degree proportionate to the proposal, how the following matters have been considered, in relation to both the construction and life of the development:

- m. Compatibility with neighbouring land uses;
- n. Overlooking;
- o. Overshadowing;
- p. Loss of light;
- q. Increase in artificial light or glare;
- r. Adverse noise and vibration;
- s. Adverse impact upon air quality from odour, fumes, smoke, dust and other sources;
- t. Adequate storage, sorting and collection of household and commercial waste, including provision for increasing recyclable waste;
- u. Creation of safe environments.”

The proposal is 186m from 3 Springfields, the nearest residential dwelling. This distance prevents any harm to residential amenity. The tennis club is a significant distance from the proposal and there is no identifiable harm arising to its users. Reference is made via objection to potential loss of dark skies via artificial light atop the mast. No lighting is shown on the drawings. However, even if warning lighting is added it would be small scale in nature and would not be likely to result in demonstrable harm to dark skies. Whilst no noise assessment is provided the proposal is not considered to give rise to noise or vibration concerns.

There are numerous objections regarding the safety of the proposal in relation to the impact on human health, particularly cancer, unknown potential health impacts and mental health. LP26 seeks to create safe environments. LP9 notes “The potential for achieving positive mental and physical health outcomes will be taken into account when considering all development proposals. Where any potential adverse health impacts are identified, the applicant will be expected to demonstrate how these will be addressed and mitigated.” This is a broad policy whereas the NPPF contains specific direction as to how such proposals should be dealt with which is a significant material consideration:

“115. Applications for electronic communications development (including applications for prior approval under the General Permitted Development Order) should be supported by the necessary evidence to justify the proposed development. This should include:

- a) the outcome of consultations with organisations with an interest in the proposed development, in particular with the relevant body where a mast is to be installed near a school or college, or within a statutory safeguarding zone surrounding an aerodrome, technical site or military explosives storage area; and

b) for an addition to an existing mast or base station, a statement that self-certifies that the cumulative exposure, when operational, will not exceed International Commission guidelines on non-ionising radiation protection; or

c) for a new mast or base station, evidence that the applicant has explored the possibility of erecting antennas on an existing building, mast or other structure and a statement that self-certifies that, when operational, International Commission guidelines will be met.

116. Local planning authorities must determine applications on planning grounds only. **They should not seek to prevent competition between different operators, question the need for an electronic communications system, or set health safeguards different from the International Commission guidelines for public exposure.” (my emphasis)**

As noted above, the application includes a declaration of conformity with ICNIRP public exposure guidelines therefore the Council is not in a position, based on the requirements of the NPPF, to refuse the application based on potential negative health impacts, despite objections received.

The impact on residential amenity and human health accords with LP9, LP26 and the provisions of the NPPF and are acceptable. It is noted Humberside airport raises no concerns with the potential impact on its operations.

Highways

The proposal would generate a small amount of temporary construction traffic and a smaller amount of maintenance traffic. The access is single track and would necessitate on-site turning on the Anglian Water site to allow vehicles to access Rasen Road in a forward gear. LCC Highways raises no objection to the highway implications of the proposal. Despite the letter from the adjacent tennis club, it is not considered there would be unacceptable highway safety and convenience implications arising from the proposal. The proposal complies with LP13 and the highway implications are acceptable.

Ecology

LP21 relates to biodiversity. There are various objection relating to ecological impacts, particularly to bats and birds. The application site features a large concrete pad that is not of ecological value, nor is the wider sewage works. The adjacent woodland may be of ecological value but the proposal does not effect this. The mast is not considered to pose a risk to bats nor would any form of signal emanating from it. The ecological impacts are acceptable in accordance with LP21.

Conclusion

The proposal has been considered in light of the statutory tests in section 85(1) of the Countryside and Rights of Way Act 2000, sections 66 and 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990, development plan policies Policy LP2: The Spatial Strategy and Settlement Hierarchy, Policy LP9: Health and Wellbeing, Policy LP12: Infrastructure to

Support Growth, Policy LP13: Accessibility and Transport, Policy LP17: Landscape, Townscape and Views, Policy LP21: Biodiversity and Geodiversity, Policy LP25: The Historic Environment, Policy LP26: Design and Amenity and Policy LP55: Development in the Countryside of the Central Lincolnshire Local Plan and other material considerations including NPPF 2018 and PPG, and Lincolnshire Wolds Area of Outstanding Natural Beauty Management Plan 2018 – 2023.

The application sufficiently justifies site selection, design and addresses technical matters appropriately. There would be some impact on landscape character and visual amenity in the AONB, and there would be views of the proposal from public rights of way, neighbouring conservation areas and some listed buildings. The most significant affects would be in the immediate vicinity of the proposal with impact decreasing with distance.

There would be substantial public benefit arising from the proposal in the form of much improved telecommunications infrastructure which is considered to demonstrably outweigh the harm arising from the proposal. The proposal has an acceptable impact on human health as prescribed in the NPPF and no harm to residential amenity would arise due to satisfactory separation distances. The proposal would not interfere with the operation of aircraft/airports in the area. The impact on highway safety and convenience would be minimal and acceptable. No harm to ecology would arise. The aforementioned statutory tests have been consciously applied in reaching the conclusion that planning permission should be granted.

Recommendation

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

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

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

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

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

None.

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

2. The development shall proceed in accordance with the following approved drawings: 100 Rev F; 200 Rev F and 300 Rev F.

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

3. The tower shall be coloured goose grey unless otherwise agreed in writing by the Local Planning Authority.

Reason: To mitigate the visual impact of the proposal in accordance with Policies LP17, LP25 and LP26 of the Central Lincolnshire Local Plan.

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

4. No lighting shall be added to the tower unless details have first been submitted to and approved in writing by the Local Planning Authority.

Reason: To mitigate the visual impact of the proposal in accordance with Policies LP17, LP25 and LP26 of the Central Lincolnshire Local Plan.

5. Within 6 months of the ceasing of all telecommunications operations at the site, the tower, equipment and fencing shall be removed from the site and the ground returned to its current use.

Reason: To ensure that landscape quality of the area is retained in accordance with Policy LP17 of the Central Lincolnshire Local Plan.

Human Rights Implications:

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

Legal Implications:

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



Officers Report

Planning Application No: 138660

PROPOSAL: Outline planning application for the erection of 7no. dwellings with all matters reserved

LOCATION: Land to the rear of Marquis Of Granby High Street
Waddingham Gainsborough DN21 4SW

WARD: Waddingham and Spital

WARD MEMBERS: Councillor Summers

APPLICANT NAME: Total Property Solutions Ltd

TARGET DECISION DATE: 7/3/19

DEVELOPMENT TYPE: Minor - Dwellings

CASE OFFICER: Martin Evans

RECOMMENDED DECISION: It is recommended that planning committee delegate powers to officers to approve the application subject to:

- conditions, and;
- the receipt of a unilateral undertaking securing no amplified music being played in the beer garden or any external areas, and;
- the beer garden will not be used after 2300 hours.

In the event it is not received within 6 months of the date of this committee the application will be reported back to the next available committee.

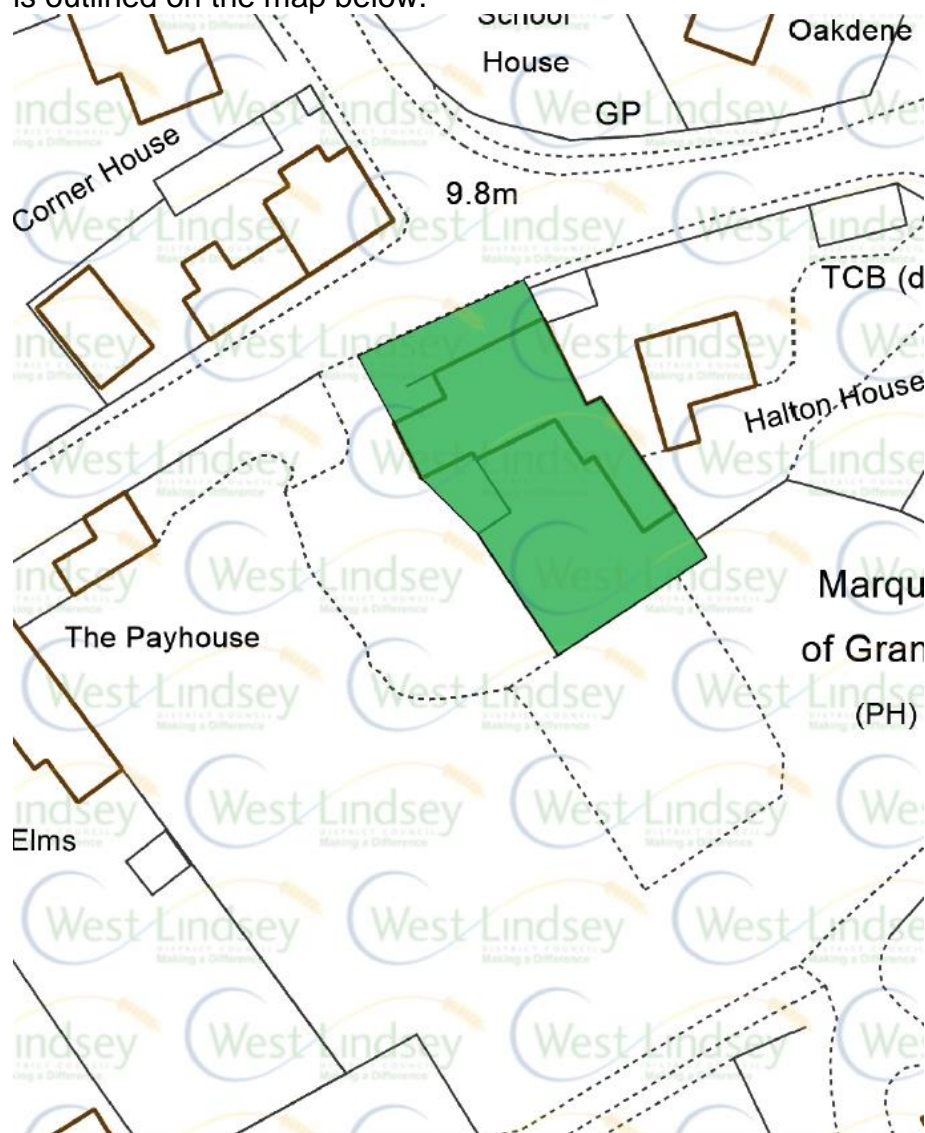
This application is reported to planning committee in view of the objections received and planning history of the site.

Description:

This is an application for outline planning permission for the erection of seven dwellings. All matters are reserved for subsequent consideration (access, appearance, scale, layout and landscaping).

The application site is 0.44 hectares in area and relatively flat. It wraps around The Marquis of Granby public house to its north, west and south and includes its car parking area and open overgrown land and small orchard along the western fringes. The pub was vacant at the time of the officer site visit. The site is surrounded by residential dwellings. Public Right of Way (ProW) Wdgm/72/1 runs along the southern boundary of the application site. A small section of the ProW is within the application site. The application site includes part of an Important Open Space designated by Policy LP23 of the Central Lincolnshire Local Plan and as shown on the Waddingham policy map. This open space leads into open countryside to the south. The application site is within a limestone minerals safeguarding area.

The public house, its outbuildings and the beer garden are an Asset of Community Value. The adjacent car park and land are not included. The area is outlined on the map below.



The planning statement clarifies the proposed layout plan is illustrative and describes the aspirations of the proposal are:

- “5no. four bedroom houses and 2no. one bedroom bungalows;
- retention of the public house (including its outbuildings and beer garden), which is to be modified so as to seek to ensure its continued trade;
- retention of the site entrance, in the same position as the existing one, redesigned to ensure safety and efficiency;
- creation of a dedicated, formal car park for the public house on either side of the proposed access road;
- retention of the existing trees in the orchard in the north-west corner of the site, which will become a maintained landscaped area;
- generous, well landscaped private amenity space for each proposed dwelling;

- separation of the proposed dwellings and the public house, by way of an internal estate road;
- creation a landscaped buffer between the northern and southern parts of the site, both to limit the impact on views from High Street and to further separate the proposed dwellings from the public house's beer garden; and
- dwellings of subtle variety in terms of form and materials, following the local historic vernacular."

Relevant history:

129108 Outline planning application to erect 11no. 2 storey dwellings with all matters reserved-public house to remain. Withdrawn by the applicant 14/3/2013.

130898 Planning application for 10no. dwellings including 2no. affordable dwellings with associated parking and 12no.parking bays for the public house. Refused 22/5/14 for the following reasons:

"1. It is considered that although there are some local facilities within easy reach of the application site, a majority of everyday services and needs are reliant on the utility of the private car. The development is also considered to be deficient in responding to local circumstance and need; therefore not supporting sustainability principles embedded within the National Planning Policy Framework.

2. The density of the development is not capable of successfully integrating with the surroundings and would, along with the loss of the green space and orchard trees adversely change the local character and identity of this small rural settlement; while also diminishing the historic integrity and biodiversity contributions made. The development would therefore be contrary to the principles of sustainable development within saved Policies STRAT 1, RES 1, CORE 9 and CORE 10 of the West Lindsey Local Plan First Review and the National Planning Policy Framework.

3. The development would remove a community asset and the opportunity for community gatherings, recreation activities and events. It therefore has the potential to impact on the value and usability of the public house; which along with the introduction of conflicts between residential and commercial uses, has significant potential to affect its long term sustainability. Consequently these factors weight against the proposals and contrary to the principles of sustainable development and saved policies STRAT 1 and CRT 4 of the West Lindsey Local Plan First Review and the National Planning Policy Framework.

4. The application lacks precise detail in relation to drainage, archaeology and highways and thereby the insufficient confirmation of the adequacy of these elements of the development. No robust mechanism(s) have also been indicated or provided in relation to the

delivery of affordable housing in accordance with policy RES6 of the Local Plan Review or the provision and maintenance of the proposed green space been offered. All factors which are essential in supporting sustainability principles and the development is therefore contrary to saved policies STRAT 1, RES1 and NBE 14 of the West Lindsey Local Plan First Review 2006 and the National Planning Policy Framework."

This refusal was appealed (reference APP/N2535/A/14/2222549) and dismissed on 29/1/15. Key harm identified includes:

"20. However, due to the proposed layout the rear elevations of Plots 6, 7 and 8 would only be roughly 10m away from the pub's beer garden which contains a BBQ and outdoor seating area. Whilst the noise associated with delivery vehicles would be temporary and infrequent, local residents confirm that the pub often operates under the terms of its licence until the early hours, with live bands on weekends. As a result, the Environmental Health Officer advises that the proximity of the properties to the pub would cause potential for noise nuisance. When considering that the scheme aims to provide family housing, I consider that this relationship would be unacceptable and lead to a poor standard of living accommodation for potential future occupants. Based on the evidence provided the harmful disturbance from customer noise would not be mitigated by the provision of a 1.8m high timber fence."

27. Despite this the proposed plans illustrate that half the orchard would be removed, leaving only 5 apple trees. By removing such a large proportion of the remaining orchard the scheme would therefore have a significant adverse impact on its biodiversity value. Whilst the appellant refers to the possibility of retaining the trees in the rear gardens of properties, due to the layout and orientation of plots they would come under substantial pressure to be removed by future occupants seeking to gain more daylight and sunlight. Thus, in either scenario the layout and siting of the scheme would facilitate the removal of a substantial element of the remaining orchard which would cause demonstrable harm. In this regard the proposal is contrary to one of the Framework's Core Planning Principles which states that planning should contribute to conserving and enhancing the natural environment."

136796 Outline planning application for the erection of 7no. dwellings with all matters reserved. Refused 10/1/18 for the following reasons:

"1. The proposed development would fail to provide a satisfactory living standard for the proposed dwellings and associated gardens, in terms of noise and disturbance from the associated activities at the public house which is a community asset. The resulting development may also adversely affect the viability and function of the community asset and the compatibility of the land uses are not supportive of each other."

Contrary to Policy LP1, LP15, and LP26 of the Central Lincolnshire Local Plan.

2. The proposal also fails to demonstrate the satisfactory preservation of the existing natural environment from the loss of part of the ancient orchard in order to facilitate the development, which will adversely affect the existing biodiversity of the site and fails to provide sufficient information in relation to the impact on below ground archaeological heritage assets. Contrary to policy LP1, LP21, LP25 and LP26 of the Central Lincolnshire Local Plan.”

Representations:

Cllr Summers:

31/12/18:

“I have now studied the history of this site, 3 applications. Many of the official reasons for refusal previously have not been overcome with the recent application.

- 1. Reliance on the private car. (in fact this is not fully taken into account as the destruction of the Marquis of Granby, will result from the approval.)*
- 2. Does not respond to a local need.*
- 3. Does not support sustainability.*
- 4. Loss of green community space.*

The drainage assessment is flawed as it was completed at a time following a very long dry summer. Water table only 1.5 metres below surface is now most likely less than 1 metre below surface.

It was stated in the refusal notice for application 136796, 7 homes. It failed to provide a satisfactory living standard in terms of noise and disturbance!

Therefore I propose the application is refused on these grounds, supported by LP1, LP15 and LP26 of the Central Lincolnshire Local Plan.

Should you be choosing to grant permission then I respectfully request the application would be considered by committee.”

18/2/19:

“As you will have noticed this application has attracted numerous reps from residents with an especially good response from the parish council quoting several planning reasons for refusal. Considering there is nothing new about this app from previous ones and the fact this site has been refused previously including at appeal. I am fully expecting your decision to be refuse. Should that not be the case then I request this application be considered by the planning committee.

The main reasons being the need for a community facility project to be worked up once the developing Neighbourhood Plan is complete. The area being left as the grounds of the Marquis of Granby are not sufficiently large enough to create the type of facility aspired to by residents. This site is central to the village, next to the school and commands a position on the main route through the village for access and picking up passing trade. The level of response and the detail contained clearly demonstrates the communities desire to retain this site as a community asset.”

Waddingham Parish Council objects to the proposal for the following summarised reasons:

- The current owners of the site are not maintaining it, despite requests.
- The site has historically been used for events, supporting the community and to support the economic sustainability of the pub.
- The suggested mitigation is unsatisfactory therefore the original grounds for refusal remain.
- Section 8, 8.a and 8.b of the NPPF are referred to. This site is key to the future development and sustainability of strong community services as it will allow synergy and consolidation of services into a central village hub that can grow now and into the future. Changing the use to residential will have a severe impact on the immediate economic future of the pub and remove the opportunity to strengthen and support other services in the future. Development of this site will not meet these needs.
- CLLP Policy LP5 refers to consideration of adverse effects on economic growth and employment opportunities through conversion/change of use.
- LP9(c) refers- this relates to health and wellbeing and expects developments to promote, support and enhance physical and mental health and wellbeing, and thus contribute to reducing health inequalities by “c) Development schemes safeguarding and, where appropriate, creating or enhancing the role of allotments, orchards, gardens and food markets in providing access to healthy, fresh and locally produced food.”
- There is no evidence that sufficient number and range of homes has been objectively and specifically assessed for Waddingham other than a generic target set by the CLLP for different settlement classifications. LP10 refers.
- The neighbourhood plan project conducted a survey of residents’ views on the types of houses needed in the village. They are aware of sites listed in the SHELAA(2015). These sites have more than the capacity needed to meet the CLLP growth figures. We are actively looking at the optimum solutions in developing our Neighbourhood Plan for the sustainability of the village rather than just simply regarding generic target numbers. The applicants did not respond to our call for sites.
- NPPF section 8.c and the tree/ecological section of the officer’s report for 136796 are referred to. Concern is raised that two trees have been removed.

- Concern is raised at the loss of important open space. The orchard is important to the character of the High Street streetscene and links to the open space. When the site was maintained in the past it provided an important visual linkage through the site to Snitterby. LP21 refers.
- The proposed dwellings will be more affected by noise than more distant dwellings.
- We believe that the rising ground will raise the dwelling's upper floor above the level of the sound screen. Also people standing near the back wall of the pub are unlikely to have their noise attenuated as their voices will reflect off the rear pub wall anyway and easily refract over the screens. Furthermore the concept of not opening windows is a nonsensical presumption for rural residents. The 2m screens will also detract from the open character of the beer garden, create extensive areas of shade and will be more successful at reducing noise entering the garden than preventing noise leaving. This will significantly detract from the pub garden's main attraction for example the open character of the site and the ability to hold open air events and so have a significant impact on the sustainability of the public house. LP5 refers.
- The illustrative nature of the application creates uncertainty.
- It is not clear how the orchard area would be maintained and managed if the site is sold with permission.
- The road is unlikely to be adopted meaning residents will have to move wheelie bins to the site entrance which is unsuitable for those with impaired mobility.
- There is no WHSmiths store in the village.
- We were not party to the Written Review Statement and cannot verify the veracity or accuracy of the statements made by TPS. The reasons given to us in the review were lacking in detail or specificity.
- This is not an appropriate location for development.
- Growth figures at the point of determination should be used.
- Housing needs not identified via a housing needs survey.
- Application 130898 retained the important open space.
- Noise mitigation offered will affect the sustainability of the pub.
- The footway on High Street is unsafe for pedestrians due to oncoming traffic.
- Concerns about surface water drainage, increased surface water run-off from the proposal and effectiveness of infiltration.
- Despite Anglian Water comments that the sewers are adequate, there are ongoing problems as the village is entirely dependent on the pumping station to transfer it to the treatment plant. The site could increase the load on the transfer station.

Local residents:

Objections have been received from residents of:

The Elms, High Street, Waddingham
 Skylark Cottage, The Green, Waddingham
 Jaspers, Silver Street, Waddingham

Archway, Joshua Way, Silver Street, Waddingham
 17 Cliff Crescent, Waddingham
 4 Broadbeck, Waddingham
 Heron Cottage, Stainton Avenue, Waddingham
 Lindrew, The Green, Waddingham
 The Old School, The Green, Waddingham
 Rose Cottage, The Green, Waddingham
 Barrett's Barn, Bridge Farm, Snitterby Carr
 1 Redbourne Road, Waddingham
 4 Millstone Way, Waddingham
 The Laurels, The Green, Waddingham
 Glebe End Cottage, Church Road, Waddingham
 Halton House, High Street, Waddingham
 Highrise Cottage, High Street, Snitterby
 Stonecroft, Stainton Avenue, Waddingham
 The Bield, Pinnings Lane, Waddingham
 The Old Cottage, High Street, Waddingham
 Kia Mena, Kirton Road, Waddingham

These are summarised as follows;

- Impact on residential amenity including overlooking, loss of light, noise of future residents coming and going, loss of views and pollution. Construction disturbance including vibration.
- The number and type of properties is a concern. Affordable starter homes or retirement homes are needed.
- Proposed buildings are out of scale with and will dominate The Old School House and Halton House. Too many houses for the site and it would be cramped resulting in harm to future residents' amenity.
- There would be restrictions on the pub when it reopens.
- Under provision of vehicle parking for future residents and the pub.
- Previous reasons for refusal/dismissal at appeal not addressed by the proposal.
- Loss of land will affect viability of the pub by removing a way of generating additional revenues and affect the community by removing land used for community events. It does not benefit the community. The land could be used as a caravan site.
- Current pub owners have failed to support it via inappropriate rents and lack of investment.
- Loss of site to residential use will prevent future community facility/employment use and thus sustainability of the village. Site has been used for bonfire night, sports, jubilee celebrations, post-tractor rally celebrations, village fetes, horse and trap gatherings and family fun days.
- The applicant is seeking to avoid Policies LP5 and LP15 by claiming the land in unrelated to the pub.
- Speculative proposal is not related to any identified housing needs for Waddingham potentially contrary to LP10 and LP15.
- The site is commercial land and has never been developed. It is not brownfield nor infill land. Other infill plots have been a problem.

- Noise pollution. The acoustic screen to the pub beer garden will be ineffective. The screen would make the beer garden less pleasant and impact viability of the pub. Proposed acoustic glass to the dwellings shows a lack of concern for future residents that may want to open their windows. Future residents may be effected by neighbouring commercial or semi-commercial properties which operate successfully because they do not have any close neighbours.
- Similar sites with permission have not been built out or dwellings remain unsold.
- The land has not been maintained. Veteran trees have been cut down. The others may be removed at any time. The site is of ecological value for birds, mammals, great crested newts and amphibians. Negative ecological impacts.
- An outline application misses the opportunity to preserve trees. Rubble has been brought onto the site therefore spoiling it. Reserved matters could be for larger houses.
- The application ignores the important open space. The old orchard and IOS are linked as it provides an important view from High Street towards Snitterby Church.
- Proposed drainage may be ineffective and may exacerbate existing problems including for adjacent listed building. The site is 50m from Waddingham Beck, not 500m. The pub cellar floods if the sump pump fails or if drains are inundated. Soakaways are likely to be ineffective due to the water table. Proposed block paving will contribute towards highways flooding during storm events. Foul drainage problems will be exacerbated.
- A neighbourhood plan is being developed that is identifying and assessing more suitable residential sites without harming the central open character of Waddingham.
- Building the dwellings will reduce the chances of the pub reopening.
- There is no requirement for more houses of this nature in the village as there are already some standing empty for sale and other building works. The proposal will not create any new jobs as it will be built by a national house builder. New residents will commute to work, do their shopping in town and not benefit the village.
- Would exacerbate problems at a dangerous road junction for vehicles and pedestrians crossing.
- Residents want to keep the village centre open.
- Loss of views.
- Why can applicants submit documents not related to the proposal when previous letters of objection are discounted?
- Artists' impressions are misleading.
- Impact on the setting of a listed building.
- Conflict with the Neighbourhood Plan, which is in preparation, because; these are not the type of houses wanted by parishioners. There is a consensus for starter homes, affordable homes and retirement homes; NP consultation reveals desire to keep valuable green spaces, keep village centre open and not allow infill building.

- The developers have sought to gain support via an open letter stating money will be invested in the pub once houses are sold. There is no legal agreement to enable this.
- The site notice was put up opposite the site.
- The drawings do not reflect land level changes on the site and surroundings.
- The density is out of character with the area.
- Money making scheme.
- There is no affordable housing in the proposal.
- No public transport and lack of employment results in commuting.
- There is no doctors' surgery.
- There may be boundary disputes.
- The proposed houses would border a working lorry yard and two busy woodworking/engineering workshops.

One letter making general observation has been received from residents of 11 Millstone Way Waddingham summarised as follows;

- Gross under provision of car parking space for guests, visitors and the pub. There is likely to be conflicting demand for use of the pub car park. On street parking would create difficulties for bin lorry access.
- One less property, more spacious development, more off street parking and better turning space should be proposed.

The Council's Environmental Protection Officer comments as summarised below:

- Noise- the proposal is an improvement on previous proposals with paragraphs 4.4 (design principles) and 5.3 (mitigation) noted. "Were the development to proceed as is proposed and the licenced premises remain open and viable under the proposals then I would have no objections, provided that layout, separation distances, enhanced build and acoustic barrier were formalised as part of any permission; I would ask that this is addressed in any event:
- All gardens protected by the respective dwellings
- Enhanced glazing and ventilation of windows facing the licenced premises
- A 2m high acoustic boundary
Details to be agreed"

Any agreements or conditions to mitigate noise pollution would need to be binding and enforceable. Concern is raised in this regard because of the potential for changes in ownership or control, and if an application is made to vary the restrictions, after permission is granted, on the basis onerous restrictions were jeopardising the business. Future residents may experience odour from smoking and cooking. Imported material on the site means a contaminated land condition is required.

The Council's Tree Officer raises no objections to the proposals in terms of its impact on existing trees and hedges, stating:

“There were two veteran fruit trees which were originally part of a larger old orchard, and had been at risk from previous development proposals, but these two trees no longer exist. The remaining veteran trees in the northerly part of the site are not at risk from the currently proposed development. The Arboricultural Report and Arboricultural Method Statement provide suitable details on the trees Root Protection Areas (RPA's) and tree protection measures. If the scheme gains permission then tree protection and construction activities around the trees should be required to follow the recommendations in the Arboricultural Method Statement.

The group of existing trees T1 to T5 adjacent the site entrance are shown in the indicative layout of the Tree Protection Plan in the Arb Method Statement as to be removed, and the existing stone wall re-sited further back from the road. This group of trees are mainly category C trees with one wild cherry (T4), amongst them which is a category B tree. Category C trees are low quality trees that should not pose a constraint to development. Category B trees are ones of moderate quality that should be retained where possible. The Category B tree near the site frontage is a wild cherry. Cherry trees are generally fast growing and short lived, and although it is identified to be removed, it could and should be replaced in a suitable clear space near the site frontage as part of a scheme of landscaping for the whole site, as the trees at the site frontage provide some important structural greenery in the street scene/character at this well-used junction. The trees are not of good enough quality for a TPO to be made, but they do provide some amenity and natural softening of the surrounding built structures and hard surfacing.

The veteran fruit trees are very important for biodiversity and cultural values. Old orchards are a priority habitat listed in both the UK and Lincolnshire Biodiversity Action Plans (BAP's), and the latest NPPF also states the planning system should protect and enhance biodiversity, and promote the conservation, restoration and enhancement of priority habitats. The latest NPPF revision has improved veteran tree protection, and says any development resulting in the loss or deterioration of irreplaceable habitats, such as veteran trees, should be refused, unless there are wholly exceptional reasons and a suitable compensation strategy exists. If the application gains consent then planning should stipulate the veteran trees should be retained.”

LCC Highways and Lead Local Flood Authority:

21/1/19 It considers the proposal acceptable in principle. Access and layout have not been considered due to the nature of the application. Conditions are recommended requiring a 1.8m wide footway from the development to the east; improving the headland section of Waddingham Public Footpath 72 to a stone specification; development to be undertaken in accordance with Estate Road Phasing and Completion Plan to be agreed. Informatives are recommended to make the applicant aware all roads must be constructed to adoptable standards; contact with LCC regarding works within the public highway; highway works require a legal agreement with the developer and LCC.

3/1/19 identical comments to those above but without the recommended condition regarding a surface water drainage scheme.

LCC Minerals and Waste Team: "It is considered that having regard to the scale, nature and location of the proposed development, the applicant has demonstrated that in accordance with the criteria set out in policy M11 prior extraction of the mineral would be impracticable and that the development and is of a relatively minor nature which would have a negligible impact with respect to sterilising the mineral resource. Accordingly, the County Council has no safeguarding objections."

Ancholme Internal Drainage Board:

The application will increase the impermeable area to the site and the applicant will therefore need to ensure that any existing or proposed surface water system has the capacity to accommodate any increase in surface water discharge from the site. General guidance on surface water is provided with soakaway comments as follows:

"If the surface water were to be disposed of via a soakaway system, the IDB would have no objection in principle but would advise that the ground conditions in this area may not be suitable for soakaway drainage. It is therefore essential that percolation tests are undertaken to establish if the ground conditions are suitable for soakaway drainage throughout the year."

LCC Archaeology: Sufficient information has been provided by the applicant to make an informed recommendation. The northwest corner including the frontage to the street, is the only part that would require further archaeological recording were it to be impacted by development. It recommends an archaeological scheme of works in order to ensure the archaeology in this part of the site can be recorded prior to its destruction.

LCC Public Rights of Way Officer: "The Definitive Map and Statement shows Definitive Footpath (Waddingham) No. 72 adjoining the site although this would not appear to affect the proposed development. Pedestrian permeability into the footpath is to be encouraged as a means of facilitating local journeys within the community and to local facilities on foot. The development should be coupled with surface improvement of the affected length of footpath 72, around 105 metres or thereabouts between the shared driveways which this links.....

Comments;

i/ It is expected that there will be no encroachment, either permanent or temporary, onto the right of way as a result of the proposal.

ii/ The construction should not pose any dangers or inconvenience to the public using the right of way.

iii/ If any existing gate or stile is to be modified or if a new gate or stile is proposed on the line of the public right of way, prior permission to modify or erect such a feature must be sought from this Division".

Natural England: no comments.

Idox checked 19/2/19.

Relevant Planning Policies:

Statutory test

Planning (Listed Buildings and Conservation Areas) Act 1990

“66 General duty as respects listed buildings in exercise of planning functions.

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

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

Development plan

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 (section 70(2) of the Town and Country Planning Act 1990 and section 38(6) of the Planning and Compulsory Purchase Act 2004).

Here, the Development Plan comprises the provisions of the Central Lincolnshire Local Plan (April 2017); and the Lincolnshire Minerals and Waste Local Plan (December 2017 and June 2016).

Central Lincolnshire Local Plan

Policy LP2: The Spatial Strategy and Settlement Hierarchy

Policy LP4: Growth in Villages

Policy LP5: Delivering Prosperity and Jobs

Policy LP9: Health and Wellbeing

Policy LP10: Meeting Accommodation Needs

Policy LP11: Affordable Housing

Policy LP13: Accessibility and Transport

Policy LP14: Managing Water Resources and Flood Risk

Policy LP15: Community Facilities

Policy LP16: Development on Land Affected by Contamination

Policy LP17: Landscape, Townscape and Views

Policy LP21: Biodiversity and Geodiversity

Policy LP23: Local Green Space and other Important Open Space

Policy LP25: The Historic Environment

Policy LP26: Design and Amenity

These policies, as far as relevant to the proposal, are considered consistent with the NPPF.

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

Lincolnshire Minerals and Waste Local Plan

- **Core Strategy and Development Management Policies**

- **Site locations**

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

The application site is within a limestone minerals safeguarding area.
Policy M11: Safeguarding of Mineral Resources

Other

NPPF 2018 and PPG

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

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

Waddingham and Brandy Wharf Neighbourhood Plan

West Lindsey District Council approved, on 8th June 2016, the application by Waddingham Parish Council to have the parish of Waddingham designated as a neighbourhood area, for the purposes of producing a neighbourhood plan.

The neighbourhood plan group are now consulting with the public and working towards the production of the neighbourhood development plan. There is currently no draft plan to consider therefore it carries no weight in the decision making process.

Main issues

- **The principle of development**
- **Impact on residential amenity and noise impacts**
- **Impact on community facility**
- **Heritage impacts**
- **Arboricultural and ecological impacts**
- **Highway safety and convenience and footpaths**
- **Flood risk and drainage**
- **Other**

Assessment:

The principle of development

The site is in a limestone minerals safeguarding area allocated by Policy M11 which requires a minerals assessment. This has been submitted. LCC Minerals and Waste Team raises no minerals safeguarding objections. Minerals implications are acceptable.

Policy LP2 designates Waddingham a tier 5 medium village where unless otherwise promoted via a neighbourhood plan or through the demonstration of clear local community support****, the following applies in these settlements:

- they will accommodate a limited amount of development in order to support their function and/or sustainability.

- no sites are allocated in this plan for development, except for Hemswell Cliff and Lea.
- typically, and only in appropriate locations**, development proposals will be on sites of up to 9 dwellings or 0.25 hectares for employment uses. However, in exceptional circumstances***** proposals may come forward at a larger scale on sites of up to 25 dwellings or 0.5 hectares per site for employment uses where proposals can be justified by local circumstances.

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

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

Policy LP4 establishes the total level of % growth for each Medium Village, and further policy requirements in respect of identifying whether a site would be suitable for development.

Policy LP4 permits 15% growth in Waddingham. This is above the normal 10% because of the presence of key facilities in the village. The latest Growth Table dated 11/02/19 available on the Council's website states remaining growth in Waddingham is 33 dwellings.

In each settlement in categories 5-6 of the settlement hierarchy, a sequential test will be applied with priority given as follows:

1. Brownfield land or infill sites, in appropriate locations**, within the developed footprint** of the settlement
2. Brownfield sites at the edge of a settlement, in appropriate locations**
3. Greenfield sites at the edge of a settlement, in appropriate locations**

Proposals for development of a site lower in the list should include clear explanation of why sites are not available or suitable for categories higher up the list.

*** throughout this policy and Policy LP4 the term 'developed footprint' of a settlement is defined as the continuous built form of the settlement and excludes:

- a. individual buildings or groups of dispersed buildings which are clearly detached from the continuous built up area of the settlement;
 - b. gardens, paddocks and other undeveloped land within the curtilage of buildings on the edge of the settlement where land relates more to the surrounding countryside than to the built up area of the settlement;
 - c. agricultural buildings and associated land on the edge of the settlement;
- and
- d. outdoor sports and recreation facilities and other formal open spaces on the edge of the settlement.

Infill is defined in the CLLP as “Development of a site between existing buildings.”

The proposal complies with the scale of development of up to 9 dwellings. With regards to the appropriate location test, the site is near the centre of the village and would therefore retain its core shape and form. Development of the site would result in the loss of the majority of an area of open land near the centre of the village but the contribution this space makes to the character and appearance of the village is not considered to be significant therefore development of this land is not considered to result in significant harm to the settlements character and appearance. The site is removed from the more open countryside to the south. The proposal is not considered to significantly harm the character and appearance of the surrounding countryside or the rural setting of the settlement. The proposal would not exceed the remaining growth of 33 dwellings in Waddingham.

The application site is located between existing buildings therefore meeting the definition of an infill site. This is considered an appropriate location as described above. The site is considered to be within the developed footprint of the village as it forms part of the continuous built form of the village, is located near its centre, and relates more to the built up area of the settlement than the countryside to the south. This is not considered to be an outdoor recreation facility on the edge of the settlement. The site is within the developed footprint. For these reasons, the site falls within tier 1 of the site development sequential test in Policy LP4 and is therefore sequentially preferable in accordance with Policy LP4.

Part of the application site, along the southern boundary, is allocated as an important open space (yellow area on the map below) by Policy LP23 of the CLLP which states:

“An area identified as an Important Open Space on the Policies Map is safeguarded from development unless it can be demonstrated that:

- a. In the case of publicly accessible open space, there is an identified over provision of that particular type of open space in the community area and the site is not required for alternative recreational uses or suitable alternative open space can be provided on a replacement site or by enhancing existing open space serving the community area; and
- b. In the case of all Important Open Spaces, there are no significant detrimental impacts on the character and appearance of the surrounding area, ecology and any heritage assets.”



The application provides the following justification for development of this important open space:

“The southwestern corner of The Site is, however, listed as an ‘important open space’ by the Council. Its presence in The Site seems to be due to it previously being the north-eastern section of a much larger field with a public footpath diagonally crossing its northern half. However, over the years the back gardens of the houses to the west appear to have been extended, and the remaining small portion in our site is considerably overgrown and has little visual linkage to the larger field. The line of the footpath now effectively forms the boundary of the open space, and the area previously mentioned is perceptually separate from the larger field and simply part of The Site.”

The section of important open space on the application site is not publicly accessible, because it is in private ownership, therefore part a of the policy does not apply. With regards to part b of the policy, it is considered development of this small area would not result in significant detrimental impacts on the character and appearance of the area because the public right of way would be maintained and this small parcel of land does not make a significant contribution to the character of the area. Ecological and heritage matters are discussed in detail below but are concluded to be acceptable. Development of this parcel of important open space is considered acceptable in accordance with Policy LP23.

The principle of development is considered acceptable for above reasons.

Impact on residential amenity and noise impacts

Policy LP26 requires the amenities which all existing and future occupants of neighbouring land and buildings may reasonably expect to enjoy must not be unduly harmed by or as a result of development. Proposals should demonstrate how the following matters have been considered:

- m. Compatibility with neighbouring land uses;
- n. Overlooking;
- o. Overshadowing;
- p. Loss of light;

- q. Increase in artificial light or glare;
- r. Adverse noise and vibration;
- s. Adverse impact upon air quality from odour, fumes, smoke, dust and other sources;
- t. Adequate storage, sorting and collection of household and commercial waste, including provision for increasing recyclable waste;
- u. 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, and that the amenity of occupiers of the new development will be satisfactory with the ongoing normal use of the neighbouring site, taking account of criteria m to u above.

The indicative site layout shows a 13.5m gap from the proposed bungalows to the main body of The Old School, The Green with an intervening existing outbuilding; 15.5m gap between the bungalows and front elevation of Rose Cottage, The Green; 40m gap between The Laurels, The Green and the nearest 4 bedroom dwelling; 26m gap between the accommodation above the Marquis of Granby and the nearest proposed dwelling; 21m gap between Halton House, High Street and the proposed bungalows; 31m gap between The Payhouse, High Street and nearest 4 bedroom dwelling; 21m gap between The Elms, High Street and the nearest 4 bedroom dwelling. The proposed site plan is purely indicative with this type of application. However, it serves to demonstrate the proposed number of dwellings can be accommodated on the site in a manner that is compatible with neighbouring land uses, would not result in overshadowing or loss of light that would be harmful to the amenities of adjoining residential dwellings.

Some objectors have mentioned adjacent uses of land and buildings including HGV parking and maintenance, and workshops as potential sources of noise pollution and future complaint. However, such uses are relatively small scale in nature and would not represent a constraint to development. Such uses would not harm the amenities of future residents of the proposal nor would the proposal prevent the ongoing use of the adjacent sites.

The application includes an environmental noise report. Policy relevant to noise includes the following.

The NPPF 2018 states:

“170. Planning policies and decisions should contribute to and enhance the natural and local environment by:

e) preventing new and existing development from contributing to, being put at unacceptable risk from, or being adversely affected by, unacceptable levels of soil, air, water or noise pollution or land instability. Development should, wherever possible, help to improve local environmental conditions such as air and water quality, taking into account relevant information such as river basin management plans;”

“180. Planning policies and decisions should also ensure that new development is appropriate for its location taking into account the likely effects

(including cumulative effects) of pollution on health, living conditions and the natural environment, as well as the potential sensitivity of the site or the wider area to impacts that could arise from the development. In doing so they should:

a) mitigate and reduce to a minimum potential adverse impacts resulting from noise from new development – and avoid noise giving rise to significant adverse impacts on health and the quality of life⁶⁰;

Footnote 60 refers the reader to Explanatory Note to the Noise Policy Statement for England (DEFRA). Further information on this is given below.

182. Planning policies and decisions should ensure that new development can be integrated effectively with existing businesses and community facilities (such as places of worship, pubs, music venues and sports clubs). Existing businesses and facilities should not have unreasonable restrictions placed on them as a result of development permitted after they were established. Where the operation of an existing business or community facility could have a significant adverse effect on new development (including changes of use) in its vicinity, the applicant (or ‘agent of change’) should be required to provide suitable mitigation before the development has been completed.

The PPG states;

“How to determine the noise impact?

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

- whether or not a significant adverse effect is occurring or likely to occur;
- whether or not an adverse effect is occurring or likely to occur; and
- whether or not a good standard of amenity can be achieved.

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

Observed Effect Levels

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

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

| Perception | Examples of outcomes | Increasing effect level | Action |
|--------------------------------|--|---|----------------------------------|
| Not noticeable | No Effect | No Observed Effect | No specific measures required |
| Noticeable and not intrusive | Noise can be heard, but does not cause any change in behaviour or attitude. Can slightly affect the acoustic character of the area but not such that there is a perceived change in the quality of life. | No Observed Adverse Effect | No specific measures required |
| | | Lowest Observed Adverse Effect Level | |
| Noticeable and intrusive | Noise can be heard and causes small changes in behaviour and/or attitude, eg turning up volume of television; speaking more loudly; where there is no alternative ventilation, having to close windows for some of the time because of the noise. Potential for some reported sleep disturbance. Affects the acoustic character of the area such that there is a perceived change in the quality of life. | Observed Adverse Effect | Mitigate and reduce to a minimum |
| | | Significant Observed Adverse Effect Level | |
| Noticeable and disruptive | The noise causes a material change in behaviour and/or attitude, eg avoiding certain activities during periods of intrusion; where there is no alternative ventilation, having to keep windows closed most of the time because of the noise. Potential for sleep disturbance resulting in difficulty in getting to sleep, premature awakening and difficulty in getting back to sleep. Quality of life diminished due to change in acoustic character of the area. | Significant Observed Adverse Effect | Avoid |
| Noticeable and very disruptive | Extensive and regular changes in behaviour and/or an inability to mitigate effect of noise leading to psychological stress or physiological effects, eg regular sleep deprivation/awakening; loss of appetite, significant, medically definable harm, eg auditory and non-auditory | Unacceptable Adverse Effect | Prevent |

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

“2.22 It is not possible to have a single objective noise-based measure that defines SOAEL (Significant Observed Adverse Effect Level) that is applicable

to all sources of noise in all situations. Consequently, the SOAEL is likely to be different for different noise sources, for different receptors and at different times. It is acknowledged that further research is required to increase our understanding of what may constitute a significant adverse impact on health and quality of life from noise. However, not having specific SOAEL values in the NPSE provides the necessary policy flexibility until further evidence and suitable guidance is available.”

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

The local plan policy test in LP26 is to prevent undue harm to amenity via adverse noise.

Noise surveys from the previous planning application have been used because the pub is currently closed preventing further noise reading assessment.

Measurements were taken by Leema Technologies at one location in line with the façade of the nearest proposed property to the Pub. Measurements were carried out during three periods and included measurements of use of the beer garden (17.30 – 19.45 Saturday 26th August 2017); noise from playing of music in the beer garden (20.15 – 22.00 hrs Sunday 27th August 2017); and noise levels when a delivery was taking place and music being played in the pub (10.30 – 12.15 hrs Thursday 7th September 2017). The survey results from 27th August 2017 are not included in the table below because the pub does not have a licence for such events.

TABLE 3: Summary of noise survey results

| Date | Time | Noise Level dB | | | Observations |
|---------|---------------|-----------------------|-------------------|------------------------|---|
| | | L _{Aeq15min} | L _{Amax} | L _{A90,15min} | |
| 26.8.17 | 17.30 – 19.45 | 63- 69 | 69 - 90 | 51 - 60 | Main noise was from patrons using beer garden. Approx. 10 people in garden. Other noise sources included neighbouring properties, mowing lawns, hedge cutting |
| 7.9.17 | 10.30 – 12.15 | 45 - 50 | 46 - 67 | 43 - 45 | Delivery took place for about 15mins and occurs about once a week. Noise climate dominated by neighbourhood noise, mowing lawns, dog barking. Noise from delivery activity was considered very low. Measurements also included periods when landlord turned on juke box within pub and left doors open. This impact of music noise was negligible |

The noise assessment states “Typical maximum noise levels from people shouting are 82 - 85 dB when measured at 1m. The measurement location was approx. 18m from the boundary of the car park at these distance maximum noise levels would be in the region of 57 – 60 dB LAmax. It is therefore evident from the results that noise levels measured on 26 August 2018 was affected by other noise events and whilst measurements of 90 dB LAmax were recorded these were unlikely to be caused by activity within the beer garden.”

The noise assessment considers the impact of noise from entertainment playing of music with 4.4 stating:

“4.4 The proposed properties have been designed with good acoustic design principles taken into account with all gardens screened from activity at the pub by the properties themselves. Unlike the previous scheme for 10 properties on the site there are no gardens directly facing the public house. The proposed properties will also be designed with enhanced acoustic glazing and alternative means of ventilation so that windows can be kept closed.”

The assessment considers noise from the internal juke box, when the music was turned up at a high volume and doors left open, negligible; it can therefore be concluded that noise from playing of music within the pub will not cause significant adverse impact to future residents; notwithstanding the above there is potential for noise from external entertainment to give rise to significant noise disturbance. SR understands that there is no licence which currently permits the use of the garden for outdoor entertainment nor is it the intention of the owner of the public house to do so. This can be confirmed through a written agreement with the Council; noise from unloading occurs on average occurs once a week and typically during the daytime therefore no assessment is required.

The assessment considers noise from use of the beer garden, noting noise levels from people using the beer garden were recorded on Saturday 27th August 2017 and found to be typically 63 – 69 dB LAeq15min when measured at a location representative of the front façade of the nearest proposed property; assuming a 10 dB reduction predicted noise levels in the garden of the properties will be between 53 – 59 dB LAeq. At the upper limit noise from the beer garden would exceed the external noise criteria of 55 dB referred to in section 2.0 of this report. Therefore to reduce noise levels it is recommended that an acoustic screen is erected around the beer garden. This could be an extension of the existing boundary wall. A 2 metre high fence as shown in the proposed layout, Appendix A, will reduce noise levels from the beer garden by approx. 8 dB. The fence should fully enclose the beer garden including a solid gate. The noise assessment considers noise from general disturbance, noting the movement of people and cars will be away from the proposed properties given the potential site layout therefore the general disturbance is not considered to be significant; it considers the proposed development would not, following the mitigation measures recommended, result in the closure of the pub or loss of the community asset.

The noise assessment recommends the mitigation measures detailed in paragraph 4.4 quoted above; the beer garden will be screened by a new 2m high acoustic wall/fence which will screen the area from both the existing and proposed residential properties; there will be no amplified music played in the beer garden or any external areas; the beer garden will not be used after 2300 hours; and concludes that subject to this mitigation noise from the Marquis of Granby will not cause significant adverse impacts to future residents in line with the policy aims of the NPPF (para.180); furthermore the mitigation measures proposed will not place unreasonable restrictions on the operation of the public house in line with national and local policy aims.

The lack of objection and comments of the Environmental Protection Officer are noted. It is considered the proposal would not result in significant adverse impact from noise for future residents in accordance with LP26 and NPPF paragraph 180 and that this application establishes the proposed number of dwellings can be accommodated on the site in an acceptable manner.

A unilateral undertaking is required to secure no amplified music played in the beer garden or any external areas and the beer garden will not be used after 2300 hours.

A condition will be required to secure a scheme of noise mitigation (for those matters not secured by the unilateral undertaking) based on the principles established in the noise assessment, to include private rear gardens to be screened from the pub by the dwellings permitted; enhanced acoustic glazing and alternative ventilation so that windows facing the pub can be kept closed; a 2m high acoustic screen to the boundary of the beer garden.

Impact on community facility

Policy LP15 relates to community facilities. It states all development proposals should recognise that community facilities such as public houses or any registered asset of community value, are an integral component in achieving and maintaining sustainable, well integrated and inclusive development. LP15 states:

“Existing facilities

The redevelopment or expansion of an existing facility to extend or diversify the level of service provided will be supported.

In most instances, the loss of an existing community facility will not be supported.

The loss, via redevelopment, of an existing community facility to provide an alternative land use which is not that of a community facility will only be permitted if it is demonstrated that:

a. The facility is demonstrably no longer fit for purpose and the site is not viable to be redeveloped for a new community facility; or

- b. The service provided by the facility is met by alternative provision that exists within reasonable proximity: what is deemed as reasonable proximity will depend on the nature of the facility and its associated catchment area; or
- c. The proposal includes the provision of a new community facility of similar nature and of a similar or greater size in a suitable on or offsite location.”

The appeal Inspector considered:

“18. The Council has also raised concerns that the scheme would affect the viability of the pub and result in the loss of a community asset which provides space for gatherings, recreational activities and events. However, at the Hearing local residents confirmed that the site is used relatively infrequently by a local club and for annual bonfires. During my inspection I also saw that it was largely overgrown, uninviting and appeared to be used primarily as a short-cut to the adjacent public footpath and primary school to the south-east.

19. In contrast, the appeal proposal would create an attractive and useable area of open space. Ensuring the future maintenance of this area could be secured through the use of an appropriately worded planning condition, and it would not restrict use of the public right of way to the south. I am also mindful that situated within close proximity to the appeal site is the village green. Despite being close to a main road it occupies a central position, is close to the primary school and is overlooked by houses. When also taking into account that the pub benefits from a large beer garden at the rear, neither its long-term future nor the community’s ability to hold events would therefore be prejudiced by the appeal proposal.”

It appears the application site has been used relatively infrequently for community uses since the time of the appeal Inspectors decision and many of the current neighbour representations note past use of the site rather than recent or future use.

The pub would retain a beer garden as part of the proposal and I see no reason to disagree with the Inspectors view that the proposal would not prejudice the long term future of the pub. It could be argued the application site, as land used infrequently for community events, is a community facility. The loss of such a facility is acceptable under policy LP15 if:

“b. The service provided by the facility is met by alternative provision that exists within reasonable proximity: what is deemed as reasonable proximity will depend on the nature of the facility and its associated catchment area;”

The Inspectors reasoning in paragraph 19 is clear that the presence of The Green a short distance to the east of the site mean development of the application would not prejudice the community’s ability to hold events. It is clear The Green provides alternative provision of land within a very short distance. The proposal therefore complies with LP15.

It should be noted the landowner can prevent any future community use if they wish.

The proposal would prevent amplified music played in the beer garden or any external areas and the beer garden will not be used after 2300 hours. This is not considered to unreasonably impact on the viability of the pub. The impact on the community facility is considered acceptable in accordance with LP15.

Heritage impacts

The statutory test in section 66 of the Planning (Listed Buildings and Conservation Areas) Act 1990 is a critical consideration with regards to the impact of the proposal on the setting of the grade II listed buildings at Old School House (approximately 30m north of the potential entrance to the application site) and a row of dwellings Wagtail, Skylark, Chiffchaff, Kestrel, Lapwing and Nightingale Cottages (approximately 60m north east of the application site).

NPPF paragraph 193 requires great weight is given to the listed buildings conservation. LP25 states “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.”

In having special regard to the desirability of preserving their setting it is noted the likely access arrangements may result in the widening of the existing vehicle access and opening up of the frontage with associated loss of tree cover along the roadside which will increase the visibility of the site and dwellings within. The indicative site layout demonstrates it will be possible to create an approximate 70m gap between Old School House and the nearest proposed dwelling with glimpses of the application site between the pub and Corner House. The open nature of Halton House means the application site is unusually conspicuous for a back land plot. This would afford views of the development from the listed cottages.

It is considered the distance of the listed buildings from the application site combined with the intervening buildings and the detached nature of the heritage assets from the application site, on the opposite side of the main road through the village, means there would be no harm to the setting of these listed buildings. The proposal therefore accords with the statutory test, the NPPF and LP25.

NPPF paragraph 189 and LP25 require archaeological desk based assessment and where necessary, field evaluation. This has been provided. Five trenches, four measuring 10m long by 1.6m wide and one measuring 20m long by 1.6m wide, were excavated across the site. Trenches 2–4 contained no deposits of archaeological interest. Trench 1 contained a single ditch, backfilled with modern rubble, and Trench 5 exposed a probable medieval quarry pit. Based on the results of the trenching, the site has a limited potential for archaeological remains, with a late medieval quarry pit at the west end of the trench the only archaeological remains of interest.

LCC Archaeology considers this information acceptable and requires a scheme of archaeological works for the North West corner of the site. Subject to this condition, the proposal complies with the requirements of the NPPF and LP25.

The heritage impacts of the proposal are considered acceptable.

Arboricultural and ecological impacts

NPPF states:

“170. Planning policies and decisions should contribute to and enhance the natural and local environment by:... d) minimising impacts on and providing net gains for biodiversity, including by establishing coherent ecological networks that are more resilient to current and future pressures;

“174. To protect and enhance biodiversity and geodiversity, plans should:... b) promote the conservation, restoration and enhancement of priority habitats”

“175. When determining planning applications, local planning authorities should apply the following principles:...

a) if significant harm to biodiversity 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;

c) development resulting in the loss or deterioration of irreplaceable habitats (such as ancient woodland and ancient or veteran trees) should be refused, unless there are wholly exceptional reasons⁵⁸ and a suitable compensation strategy exists”.

CLLP Policy LP17 considers landscape, townscape and view. It requires proposals have regard to maintaining and responding positively to any natural and manmade features within the landscape and townscape which positively contribute to the character of the area such as trees, walls 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. Proposals should take account of views into, out of and within development and be designed to preserve or enhance key local views and vistas.

LP21 requires proposals minimise impacts on biodiversity and seek to deliver net gains; permission will be refused for development resulting in loss, deterioration or fragmentation of irreplaceable habitats, including ancient woodland and aged or veteran trees, unless the need for, and benefits of, the development in that location clearly outweigh the loss or harm. Any development which could have an adverse effect on sites with designated features and / or protected species, either individually or cumulatively, will require an assessment as required by the relevant legislation or national planning guidance.

LP26 requires proposals incorporate and retain as far as possible existing natural and historic features such as trees and boundary walls.

The trees on the site are not protected by conservation area status nor are they deemed appropriate for protection via tree preservation order, as confirmed by the Council's tree officer, due to their modest quality and limited amenity value.

The submitted arboricultural method statement shows the probable access arrangements would result in the need to remove:

T1 (semi-mature wild cherry- category C)
T3 (semi-mature field maple- category C)
T4 (early-mature wild cherry- category B)
T5 (early-mature wild cherry- category C)
T13 (semi-mature wild cherry- category C)
G2 (semi-mature group including common oak and common ash- category C)
G14 (semi-mature group including areas of self-set scrub vegetation of little arboricultural value. Species include Elder, Hawthorn, Sycamore, Bramble and Ivy- category C).

The same statement also demonstrates the following trees can be retained and protected by fencing:

T6 (early mature orchard apple category B)
T7 (early mature orchard apple veteran category B)
T8 (early mature orchard apple veteran category B)
T9 (mature orchard apple veteran category A)
T10 (early mature orchard apple veteran category B)
T11 (semi mature orchard apple category C)
T12 (early mature orchard apple veteran candidate category C)

It is noted two veteran trees south of those proposed for retention and not included in the statement have been removed.

The lack of objection from the Council's Tree Officer is noted. The proposal demonstrates the remaining veteran trees can be retained in accordance with the NPPF and CLLP. The productive orchard apple trees would be retained in accordance with LP9 which seeks to promote orchards. The proposal would likely result in the loss of a series of category C and one category B tree along the site frontage. The former are not considered a constraint to development. The latter would ideally be retained but the need to provide suitable access to the site is considered to outweigh the need to retain this tree. The trees do have some value in creating a small area of landscaping that positively contributes to the character of the site and street scene. Compensatory planting will be sought at landscaping reserved matters stage beyond the required visibility splay. The small frontage wall may need to be removed to secure appropriate visibility splays to the west of the potential access. Collectively, these potential changes are not considered to result in harm to the character and appearance of the area given the ability to secure new planting. The presence of the existing frontage landscaping means this part of the site has a limited role in creating important views in the area and

intervisibility between settlements. The proposal offers the potential of retaining the veteran trees and grassed area around them resulting in a green wedge to soften the appearance of the site in the street scene. This addresses the previous arboricultural reasons for refusal and reason for dismissal of the appeal.

The landscaping reserved matter will present an opportunity to secure appropriate soft landscaping along the public right of way to prevent a means of enclosure being erected on the back edge of the footway.

The indicative layout demonstrates it is possible to secure a development that does not result in a harmful backdrop to the street scene when viewed across Halton House.

The submitted phase 1 habitat survey report states:

“To the west of the site is a traditional orchard, which is listed as a priority habitat in the UK BAP. The orchard contains a total of seven Apple (*Malus domestica*) and four Wild Cherry (*Prunus avium*) trees. Two apple trees on site contain significant hollowing in their stems, which would provide excellent roosting opportunities for bats. For full details of the trees on site, please see the accompanying arboricultural report (JCA Ref: 13363/SR). The orchard is to be retained within the proposed development.”

The habitat survey considers;

- The proposal is unlikely to affect designated nature conservation sites.
- The hard standing and bare ground on site has negligible ecological value as they do not contain any floral species. The ephemeral vegetation is also of negligible value due to its small area and lack of floral diversity. The amenity grassland on site has low ecological value, as it is heavily managed and has reduced biodiversity.
- The orchard on site also has high ecological value, as it has appropriate cavities to support roosting bats, as well as providing habitat for nesting birds and foraging invertebrates and mammals. It is also listed as a priority habitat in the UK BAP. This area will also be retained within the development, meaning that no ecologically valuable habitat will be lost here.

And recommends the following:

- The removal of any vegetation should take place outside of the bird nesting season. If works within the nesting season are unavoidable, a nesting survey must be carried out immediately prior to any works to ensure that no birds are currently nesting and that any young have fledged. The nesting season typically extends from March – September inclusive.
- The loss of improved grassland and scrub on site should be mitigated through an appropriate planting scheme post development. This should incorporate the planting of locally native trees and shrubs.
- The orchard on site should be maintained and managed to ensure it retains its ecological value. More details on the trees within the orchard

can be found in the accompanying arboricultural report (JCA Ref: 13363/SR).

- The residential development creates opportunities for biodiversity enhancement. The inclusion of bat boxes and bricks and bird boxes should be considered at the design stage.

By cross referencing the tree and habitat surveys it is clear the apple trees with bat roost potential are proposed to be retained as part of the proposal.

Contrary to the statement made in the habitat statement, it is clear the likely access point will require removal of the four wild cherry trees forming part of the traditional orchard at the site frontage in order to achieve necessary road width and visibility splays. This is demonstrated in the arboricultural method statement appendix 4. The loss of part of this UK Biodiversity Action Plan priority habitat is a clear harm arising from the proposal. It is noted the landowner could remove the entire orchard at any point without the need for permission.

LP21 states “Development should seek to preserve, restore and re-create priority habitats, ecological networks and the protection and recovery of priority species set out in the Lincolnshire Biodiversity Action Plan and Geodiversity Action Plan.”

The Inspector previously noted a group of 15 trees in the North West corner of the site, of which 10 were orchard apples. The dismissed appeal retained only half the orchard (5 apple trees). The Inspector considered “By removing such a large proportion of the remaining orchard the scheme would therefore have a significant adverse impact on its biodiversity value.”

The current proposal identifies a group of 12 trees in the same North West corner (noting 2 orchard apple trees have been removed since the original survey) with 7 to be retained all of which are orchard apple.

It can be seen the current proposal retains a far greater proportion of existing orchard than did the dismissed scheme. All existing veteran trees, which have the most lichen, mosses and cavities which attract insects and beetles, are indicated to be retained. It is considered the impact on biodiversity value from the loss of orchard in this proposal does not amount to significant harm (NPPF paragraph 175), rather than significant in the dismissed appeal. The proposal would fail to preserve *part* of this priority habitat contrary to LP21. Other ecological and arboricultural matters are considered acceptable.

Highway safety and convenience and footpaths

NPPF paragraph 108 requires safe and suitable access to the site for all users. Paragraph 109 states:

“109. Development should only be prevented or refused on highways grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network would be severe.”

LP13 requires development contributes towards an efficient and safe transport network stating:

“All developments should demonstrate, where appropriate, that they have had regard to the following criteria:

- a. Located where travel can be minimised and the use of sustainable transport modes maximised;
- b. Minimise additional travel demand through the use of measures such as travel planning, safe and convenient public transport, walking and cycling links and integration with existing infrastructure;
- c. Should provide well designed, safe and convenient access for all, giving priority to the needs of pedestrians, cyclists, people with impaired mobility and users of public transport by providing a network of pedestrian and cycle routes and green corridors, linking to existing routes where opportunities exist, that give easy access and permeability to adjacent areas;
- d. Ensure allowance is made for low and ultra-low emission vehicle refuelling infrastructure....

For Parking Provision:

- q. Ensure that appropriate vehicle, powered two wheeler and cycle parking provision is made for residents, visitors, employees, customers, deliveries and for people with impaired mobility. The number and nature of spaces provided, location and access should have regard to surrounding conditions and cumulative impact and set out clear reasoning in a note submitted with the application (whether that be in a Design and Access Statement / Transport Statement / Transport Assessment and/ or Travel Plan as appropriate, depending on the nature and scale of development proposed).”

To the east of the indicative access, the carriageway is currently flush with the hardstanding to the front of the pub and there is no formal footway. A formal footway is in place to the front of Halton House. To the west of the indicative access there is currently an extremely narrow footway leading to The Paddock. This footway is unusable for pushers and wheelchairs. It is highly likely any pedestrian traffic uses the footway on the north side of High Street. The public right of way to the south of the site appears well used and has an attractive rural character.

The application includes a two way speed survey at the current site access and technical note for transport considerations. The note considers “As the traffic effect of seven houses on the road network is likely to be negligible, neither a detailed traffic assessment, nor detailed accident analysis are necessary for this TN.” The note considers accessibility for pedestrians, cyclists, bus users, highway access and access/internal layout. It suggests the existing access will be widened and visibility splays increased to 2.4 x 43m to the left (west) and 2.4 x 33m to the right (east). Footway improvements to the east and west are indicated and potential internal road layouts have been designed to accommodate refuse collection vehicles. It states “Servicing of the public house will likely remain as existing, i.e. if from the car park currently then from the access road in the future, if from High Street / hardstanding in front of the public house then as present. The internal access road and turning head has been designed to be suitable to accommodate servicing by a 10m rigid vehicle.”

The technical note justifies the potential visibility splays based on the speed survey and nature of the junction. The indicative proposal allows two vehicle parking spaces per dwelling and eleven pub car parking spaces.

LCC Highways raises no objection to the proposal. A series of conditions is considered necessary to secure a footway from the development to the existing footway to the front of the pub, estate road phasing and completion plan and surface water drainage (discussed in more detail below). The highway safety and convenience and footpath implications of the proposal are considered acceptable in accordance with Policy LP13.

It is not considered necessary to condition the upgrade of the PRow to a stone specification. The condition was sought by LCC on the basis the proposal would result in increased foot traffic on the PRow because of potential direct links between the two. Such a link is considered undesirable because it would likely generate pub customers walking past the proposed dwellings, resulting in disturbance. A condition is recommended requiring no public pedestrian link between the application site and PRow in order to prevent undue disturbance harmful to residential amenity in accordance with LP26.

It is considered necessary to condition the provision of 11 pub car parking spaces as this is the basis of the proposal and would secure future parking for the pub.

Flood risk and drainage

The NPPF requires a sequential test is carried out in relation to permitting development on sites at risk of flooding.

Policy LP14 requires, amongst other things, proposals demonstrate:

- that there is no unacceptable increased risk of flooding to the development site or to existing properties
- that they have incorporated Sustainable Drainage Systems (SuDS) in to the proposals unless they can be shown to be impractical
- that adequate foul water treatment and disposal already exists or can be provided in time to serve the development

The site is in flood zone 1 low risk as defined by the Environment Agency's flood maps and the site is at very low risk of surface water flooding based on the gov.uk website. Part of the public right of way to the south of the site and High Street are at risk of surface water flooding.

The application includes a drainage strategy noting:

- The site is currently permeable
- The soakaway testing did note that groundwater levels we encountered approximately 1.5m down within TP3 and TP4. In accordance with current guidance, soakaways should be sited a minimum of 1.0m above the recorded groundwater level. On this basis any soakaway

systems would need to be shallow to ensure no interaction with the ground water table below.

- Surface water from the dwellings and garage roofs shall discharge via a piped system into soakaways which are not to be located within 5 meters of any building.
- Surface water from the proposed access way and parking spaces will be disposed of through infiltration.
- This will be achieved by permeable block paving with voided stone below, which attenuates any surplus flow.
- The development area is 0.440ha of which 0.069ha (15%) will be impermeable and require collecting and attenuating. The permeable area of 0.391ha will be made up of landscaping and permeable Driveways.
- Due to the existing topographical nature of the site it is proposed to utilise linear or dished channel at the back of the highway boundary and a connection into the voided stone sub base below to prevent discharge of surface water onto the existing High Street. No surface water from the site would be allowed to discharge onto the highway.
- There is a 150mm diameter foul sewer in High Street belonging to Anglian Water. It is proposed that foul drainage will be conveyed from the properties by adoptable gravity sewers below the proposed highway prior to connection into the existing Anglian Water sewer within High Street.

The Lead Local Flood Authority raises no objection to the proposed surface water drainage scheme. It is acknowledged the proposal may be significantly revised at reserved matters stage and that the drainage strategy would need to reflect these changes. It has been established that the site is capable of being drained in a sustainable manner via infiltration, despite objections. A full surface water drainage condition is required to allow for future change.

Foul and surface water drainage is acceptable in accordance with LP13 and the NPPF.

Other

The proposal does not exceed the threshold for affordable housing in the CLLP or NPPF therefore no affordable housing is required.

Odour from smokers and food preparation is not considered to amount to a reason for refusal because of the potential separation distances between source and receptor.

There are reports of imported material on the site therefore it is considered necessary to impose a contaminated land condition.

The application site is not used for B1, B2 or B8 use class purposes therefore does not fall to be considered under policy LP5, despite objections.

LP10 requires 30% of the dwellings be constructed to higher access standards of Part M(2) of the Building Regulations (Access to and use of

buildings). It also requires *“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.”* A condition is recommended securing details of the mix of housing types and sizes, and 30% to higher access standards in accordance with LP10.

Conclusion

The proposal has been considered in light of the statutory test in section 66 of the Planning (Listed Buildings and Conservation Areas) Act 1990 and relevant development plan Policy M11: Safeguarding of Mineral Resources of the Lincolnshire Minerals and Waste Local Plan- Core Strategy and Development Management Policies and Policy LP2: The Spatial Strategy and Settlement Hierarchy, Policy LP4: Growth in Villages, Policy LP5: Delivering Prosperity and Jobs, Policy LP9: Health and Wellbeing, Policy LP10: Meeting Accommodation Needs, Policy LP11: Affordable Housing, Policy LP13: Accessibility and Transport, Policy LP14: Managing Water Resources and Flood Risk, Policy LP15: Community Facilities, Policy LP16: Development on Land Affected by Contamination, Policy LP17: Landscape, Townscape and Views, Policy LP21: Biodiversity and Geodiversity, Policy LP23: Local Green Space and other Important Open Space, Policy LP25: The Historic Environment and Policy LP26: Design and Amenity of the Central Lincolnshire Local Plan as well as the National Planning Policy Framework and Guidance.

There are no minerals safeguarding issues with the proposal. The proposal complies with the scale of development of up to 9 dwellings, is an appropriate location and would not exceed growth permitted in Waddingham.

Development of this infill site in an appropriate location within the developed footprint is sequentially preferable. Development of part of an important open space is accords with the related policy as it would result in no significant detrimental impacts. The indicative layout demonstrates this number of dwellings can be accommodated on the site with no harm to residential amenity. The noise assessment demonstrates, subject to conditions and unilateral undertaking, the noise impacts as acceptable. The impact on community facilities is policy compliant. The impact on the setting of listed buildings is acceptable in light of the statutory test and policies.

Archaeological impacts are suitably assessed and subject to further condition.

The current proposal retains a far greater proportion of existing orchard than did the dismissed scheme. All existing veteran trees are indicated to be retained. It is considered the impact on biodiversity value from the loss of orchard in this proposal does not amount to significant harm (NPPF paragraph 175), rather than significant in the dismissed appeal. The proposal would fail to preserve *part* of this priority habitat contrary to LP21. Other ecological and arboricultural matters are considered acceptable subject to conditions. The impact of the proposal on highway safety and convenience and the adjacent public right of way is considered acceptable and no objection is raised to the access principles submitted whilst improved footway links are secured. It has been demonstrated an infiltration based surface water drainage scheme can be achieved in principle. There are no other technical problems with the application. The one harm arising from the proposal is the

loss of part of a priority habitat. This is considered to be demonstrably outweighed by the benefits of the proposal.

Recommendation

It is recommended that planning committee delegate powers to officers to approve the application subject to conditions and the receipt of a unilateral undertaking securing no amplified music played in the beer garden or any external areas and the beer garden will not be used after 2300 hours.

In the event it is not received within 6 months of the date of this committee the application will be reported back to the next available committee.

Conditions:

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

1. 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).

2. No development shall take place until, plans and particulars of the layout, scale and appearance of the building(s) to be erected, the means of access to the site 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.

3. The development hereby permitted shall take place not later than 2 years from the date of approval of the last of the reserved matters to be approved.

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 commenced:

4. The reserved matters referred to by condition 2 shall include no public pedestrian link between the application site and public right of way Wdgm/72/1.

Reason: In order to prevent undue disturbance harmful to residential amenity by virtue of passing pub customers, in accordance with Policy LP26 of the Central Lincolnshire Local Plan.

5. The reserved matters referred to by condition 2 shall include biodiversity enhancements including bat boxes and bricks and bird boxes.

Reason: To secure ecological enhancements in accordance with Policy LP21 of the Central Lincolnshire Local Plan.

6. The reserved matters referred to by condition 2 shall include at least 11 car parking spaces for the use of the Marquis of Granby Public House.

Reason: This is the basis on which the application has been made and is considered to be an appropriate amount of vehicle parking for the pub in order to prevent parking harmful to amenity in accordance with Policies LP13 and LP26 of the Central Lincolnshire Local Plan.

7. The reserved matters referred to by condition 2 shall include details demonstrating at least 30% of the dwellings shall be constructed to the higher access standards of Part M(2) of the Building Regulations (Access to and use of buildings) and details of the types and sizes of all dwellings.

Reason: To help support the creation of mixed, balanced and inclusive communities and to cater for the needs of less mobile occupants, including older people and disabled people in accordance with Policy LP10 of the Central Lincolnshire Local Plan.

8. The reserved matters application referred to by condition 2 shall include a scheme of noise mitigation based on the principles established in the submitted noise assessment, namely:

- private rear gardens to be screened from the pub by the dwellings permitted;
- enhanced acoustic glazing and alternative ventilation so that windows facing the pub can be kept closed;
- a 2m high acoustic screen to the boundary of the beer garden.

Reason: To prevent undue harm to residential amenity in accordance with Policy LP26 of the Central Lincolnshire Local Plan.

9. No development shall take place until a surface water drainage scheme has been submitted to and approved in writing by the Local Planning Authority. The scheme shall:

- be based on sustainable drainage principles and an assessment of the hydrological and hydrogeological context of the development;
- 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;

- provide attenuation details and discharge rates which shall be restricted to greenfield run off rate;
- provide details of the timetable for and any phasing of implementation for the drainage scheme; and;
- 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.

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 the permitted development is adequately drained without creating or increasing flood risk to land or property adjacent to, or downstream of, the permitted development in accordance with Policy LP14 of the Central Lincolnshire Local Plan.

10. No development shall take place on the site until a Written Scheme of Investigation (on the lines of 4.8.1 in the Lincolnshire Archaeological Handbook) shall have been submitted to and approved in writing by the local planning authority. This shall involve monitoring of all groundworks in the northwest corner of the site (west of the Marquis of Granby) only, with the ability to stop and fully record archaeological features. The scheme shall include an assessment of significance and research questions and:

- i) the programme and methodology of site investigation and recording;
- ii) the programme for post investigation assessment;
- iii) the provision to be made for analysis of the site investigation and recording;
- iv) the provision to be made for publication and dissemination of the analysis and records of the site investigation;
- v) the provision to be made for archive deposition of the analysis and records of the site investigation;
- vi) the nomination of a competent person or persons/organization to undertake the works set out within the Written Scheme of Investigation.

Reason: To secure appropriate assessment and recording of potential archaeology at the site in accordance with Policy LP13 of the Central Lincolnshire Local Plan.

11. No development shall take place until an estate road phasing and completion plan has been submitted to and 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.

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

of the development in accordance with Policy LP13 of the Central Lincolnshire Local Plan.

12. 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 (LPA) and the measures approved in that scheme shall be fully implemented. The scheme shall include all of the following measures unless the LPA dispenses with any such requirement specifically in writing:

- a) The contaminated land assessment shall include a desk study to be submitted to the LPA 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 LPA prior to investigations commencing on site.
- b) The site investigation, including relevant 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 LPA. The LPA 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 LPA.
- e) Upon completion of the works, this condition shall not be discharged until a closure report has been submitted to and approved by the LPA. 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 in 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 detailing what waste materials have been removed from the site.

Reason: In order to safeguard human health and the water environment and identify potential contamination on-site and the potential for off-site migration as recommended by the Environmental Protection Officer in accordance with Policy LP16 of the Central Lincolnshire Local Plan.

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

13. The removal of any vegetation should take place outside of the bird nesting season March – September inclusive. If works within the nesting season are unavoidable, a nesting survey must be carried out immediately prior to any works to ensure that no birds are currently nesting and that any young have fledged.

Reason: To protect nesting birds in accordance with Policy LP21 of the Central Lincolnshire Local Plan.

14. The development hereby permitted shall not be occupied before a 1.8 metre (minimum) wide footway, to connect the development to the existing footway network to the east of the indicated access point, has been provided in accordance with details that shall first have been submitted to, and approved in writing by, the Local Planning Authority. The works shall also include appropriate arrangements for the management of surface water run-off from the highway.

Reason: To ensure the provision of safe and adequate pedestrian access to the permitted development, without increasing flood risk to the highway and adjacent land and property in accordance with Policy LP13 of the Central Lincolnshire Local Plan.

15. Tree protection and construction activities shall proceed in accordance with sections 3, 4 and 5 of the submitted Arboricultural Method Statement.

Reason: To ensure the protection of the veteran and orchard trees on the site in accordance with Policies LP17 and LP26 of the Central Lincolnshire Local Plan.

16. Prior to the first occupation of the development hereby permitted, a maintenance and management plan for the areas of existing (including remaining orchard trees) and proposed soft landscaping outside residential curtilage shall be submitted to and approved in writing by the Local Planning Authority. Such areas shall be maintained in accordance with the approved details.

Reason: To ensure appropriate long term treatment of soft landscaping areas in accordance with Policies LP17 and 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.

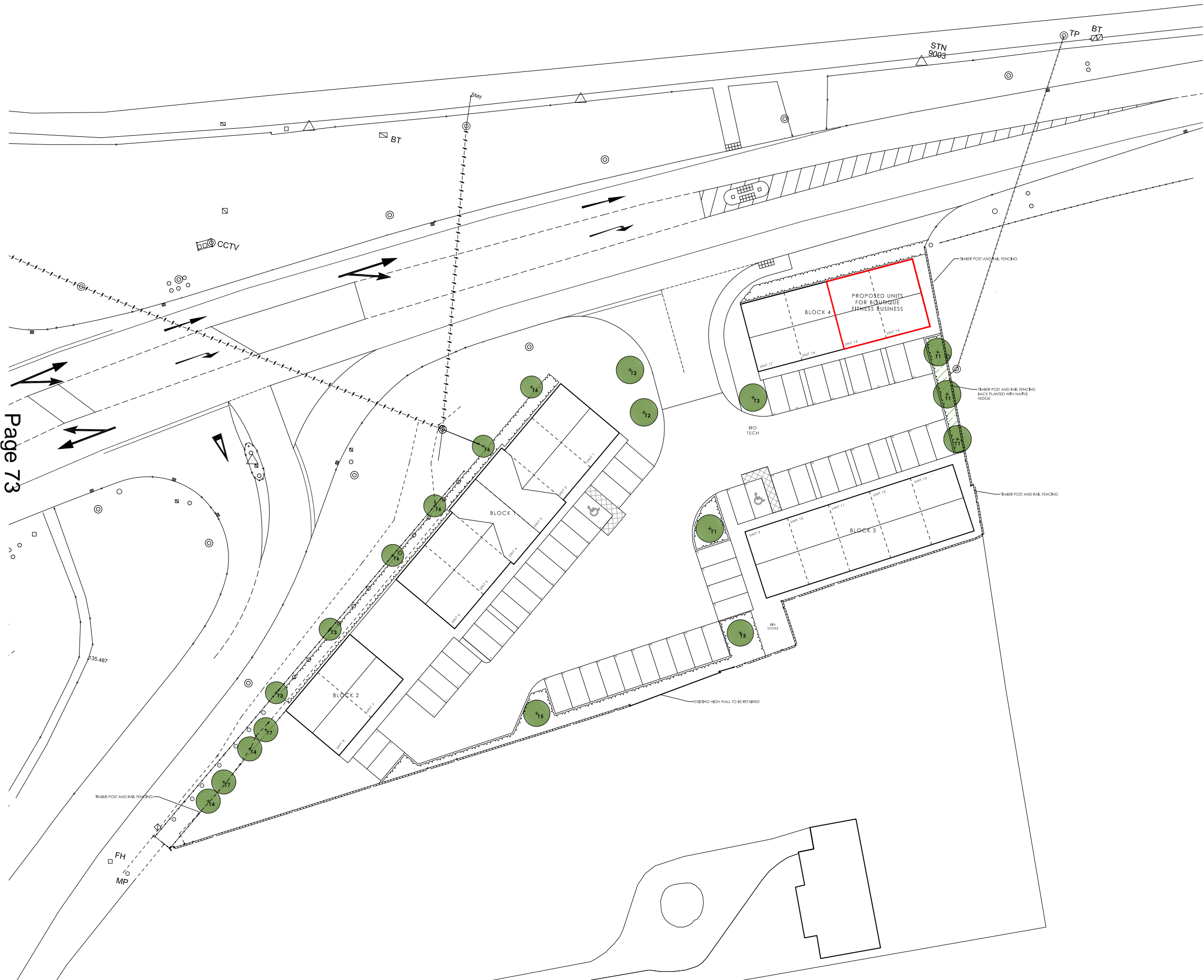
Human Rights Implications:

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



DRAWING ISSUES AND REVISIONS

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| | |
|----------------|---|
| PROJECT | Hillcrest Park Rural Enterprise Development Caistor Top |
| DATE | December 2018 |
| TITLE | PROPOSED |
| SCALE | 1:500 |
| ORIGINAL SIZE | A3 |
| DRAWING NUMBER | LDC2449-01 |

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Officers Report

Planning Application No: 138836

PROPOSAL: Planning application to vary condition 24 of planning permission 135031 granted 14 December 2016-allow local business to use the site (D2 Use).

LOCATION: Hillcrest Caistor Top Caistor Market Rasen LN7 6JG

WARD: Caistor and Yarborough

WARD MEMBER(S): Cllr O Bierley and Cllr A T Lawrence

APPLICANT NAME: Mr O Lawrence

TARGET DECISION DATE: 08/03/2019

DEVELOPMENT TYPE: Minor - Manufacture/Storage/Warehouse

CASE OFFICER: Richard Green

RECOMMENDED DECISION: Refuse

This application has been referred to the Planning Committee, as the applicant is from the immediate family of a Councillor (Councillor Mrs A T Lawrence).

Description:

The site is located outside of the built footprint of Caistor (in the parish of Cabourne) to the south of the A46 and to the east of the B1225 (to the east of the cross roads of the A46 and the A1173/B1225). The site is approximately 870 metres in walking distance from the centre of Caistor (The Market Place). The site has planning permission (135031) to be redeveloped for 17 rural enterprise units, a retail unit, café and office following the demolition of the existing buildings. At the time of the officer site visit on the 18/01/2019 the new access to the site had been constructed along with one building towards the south western corner of the site. Another building was under construction (steel portal frame had been erected) towards the north eastern corner of the site. An old café building and a large former garage building from the previous use on the site had still to be demolished. A third frontage building is now under construction at the site.

The nearest residential dwelling (Hillcrest House) is located approximately 66 metres to the south of the proposal site (Units No.14 and No.15) and there is a Grade II Listed Dwelling (Top House, Farm) located approximately 161 metres to the north west of the site. The site is within the Lincolnshire Wolds Area of Outstanding Beauty.

The application seeks permission to vary condition 24 of planning permission 135031 to allow a D2 (Assembly and Leisure Use). Currently the rural enterprise premises given permission under 135031 are limited to A1 (shops), A3 (restaurants and cafes), B1a (office other than those under A2 financial and professional services), B1c (industrial process), B2 (general industry) and

B8 (storage or distribution) uses. The application was submitted with a covering letter and a site plan showing a red line drawn around units 14 and 15 of Block 4 (approximately 106 sq. metres in size) which is located in the north east corner of the site and fronts the A46.

The application indicates that the unit is intended for an identified end user. The covering letter submitted as part of the application states that 'The boutique fitness enterprise is an existing business based in Nettleton and run from the owner's garage which is less than 1 mile from the site. The business has proven to be very popular locally and there is a need for such a service in the locality. The business currently employs 1no person, but this will be increased as the business grows.

The owner wishes to grow and expand the popular business and keep it within the Caistor/Nettleton area. The business is obviously restricted in their current premises but a search for commercial properties for rent within 5 miles of Nettleton shows there are not currently any premises available for rent. It therefore seems expedient to allow this local business to relocate to the Enterprise Park where it can further expand and grow to benefit the local economy. The Enterprise Park provides the ideal location for the business in a new build unit extremely close to the market town of Caistor.'

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

The development is within a 'sensitive area' as defined in Regulation 2(1) of the Regulations (the Lincolnshire Wolds Area of Outstanding Natural Beauty) and has therefore been assessed in the context of Schedule 2 of the Regulations. After taking account of the criteria in Schedule 3 it has been concluded that the development is not likely to have significant effects on the environment by virtue of its nature, size or location. Therefore the development is not 'EIA development'.

Relevant history:

138795 – Full planning application for proposed extension to building (B1 Office). Application under consideration.

136232 - Request for confirmation of compliance with conditions 2,3,4,5,6,7,9 and 10 of planning permission 135031 granted 14 December 2016. Conditions partially discharged 30/10/2018.

135031 – Full planning application for proposed 17no. rural enterprise units, consisting mainly of business use along with a retail unit, cafe and office. Demolition of existing buildings granted 14/12/2016.

128839 - Retrospective planning application for the change of use from Workshop to A1 Retail – approved 10/9/2012.

135007 – Planning permission for change of use from A1 Retail to D2 Gymnasium. Refused 16/12/2016.

Representations:

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

Caistor Town Council and Cabourne Parish Meeting: Caistor Town Council has no objection to the proposed use and welcome the reuse of a brownfield site.

Local residents: Hillcrest, Caistor Top, Caistor - The current application seeks to change the use to include D2. However, we would submit that none of the grounds of refusal in the Decision dated 16th December 2016 have been addressed and therefore the current application must be refused.

We would submit that all of the grounds for refusal contained in the Decision dated 16th December 2016 are relevant to this new application. The proposed development will result in a loss of residential amenity to the occupiers of the adjacent residential property by reason of noise and nuisance generated by the general operation of a gym, activity and vehicular movements around to and from the site. No mitigation measures have been inserted. There are no noise attenuation measures proposed at the premise.

Further, there is no footway provision to the site from the Caistor town centre resulting in dangerous pedestrian movements across the A46. We would request that the Planning Committee undertake a site inspection prior to deciding upon the matter in order to fully understand the concerns and the impact this application.

Bfit Lincs Gym Ltd, Brigg Road, Caistor: I spent several thousand pounds trying to get planning permission to operate a fitness facility on the Hillcrest Site. I wanted to operate there as I identified it was a prime location for advertising and passing trade due to the A46 being so close.

After nearly 18 months of trying to convince WLDC that it was a viable location for this facility, I was warned that I was in danger of being served an enforcement notice and I engaged with WLDC to identify a location that they deemed suitable. This battle to gain planning permission for a fitness facility at the Hillcrest Site, followed by the added expense of moving location and refurbishing a new building, has had a significant and almost terminal impact on the fiscal situation of both my limited company and my personal finances.

I feel that it would be a huge injustice to allow a direct competitor to operate from the Hillcrest Site after the personal hardship and stress I have been put through in trying to get the same planning permission for a fitness facility in the same location.

Whilst I accept competition is healthy, WLDC were quite clear and direct in their communications with me that Hillcrest was not suitable and that I should

scope other locations. I fail to see what has changed with the site, other than the buildings will be new. However, it wasn't the fabric of the old building that was the issue. It was the location of the site and the layout of the junction and footpaths. This has not changed.

As stated, competition isn't the issue, but competition has to be on an even playing field. If this planning is granted, my competitor will gain an unfair advantage by getting access to the site I was driven out of at great personal cost.

7 Saunders Close Caistor: Bfit Lincs Gym operated from the Hillcrest site for 18 months but was continually blocked when trying to get planning permission for D2 at this location. WLDC threatened enforcement and cited that the access to the site was unsafe and the staggered crossroads junction of A46, A1173 and B1225 was an accident blackspot causing a risk to personnel on foot walking up from the town. This stance from WLDC forced my wife's business (Bfit Lincs Gym) to relocate at great personal financial and emotional cost to us as a family.

I understand this fitness facility wants to grow in size but it would be hugely unfair and deliver them an unfair competitive advantage if it were allowed to operate from the site WLDC forced another fitness facility to vacate. Unless the site owner or WLDC are planning on funding a redesign of the junction layout and footpaths (as cited in the planning refusal for Bfit Lincs Gym) then the reasons for that refusal are still clearly extant and the business should seek a suitable alternative in engagement with WLDC just as we did.

14 Pasture Lane Market Rasen (x2): My sports therapy business is based within the current fitness facility within Caistor and has been since May 2018. Already there is at least three existing companies in Caistor that offer similar treatments to myself, so I believe having another fitness facility within this catchment area that offers once again similar treatments will directly affect my business.

When the current fitness facility opened at this location I did not want to join as a member. I felt the entrance was unsafe for pedestrians as I don't drive, so crossing the main A46 is an issue. I am now a member at the current location as I feel the pedestrian walkway is sufficient and it is far easier to get to.

1 Risedale Caistor: There was a fully working, fully functioning gym at Hillcrest, that was forced to close and move after months of correspondence between WLDC and Bfit Lincs Gym, with WLDC stating that hillcrest was an unsuitable site to house a gym/fitness facility, resulting as mentioned above a full move. Bfit would have no doubt continued to have a thriving business for many years at the hillcrest site. Through sheer hard work and determination Bfit made the successful move two miles down the road, with established fitness facilities available to members of the public of all ages. This to me feels very unfair! Why force one out to then bring a similar facility right back to the same location?

81 St. Barnabas Road Barnetby: As a user of Bfit Lincs I would like to object to the above application especially as Bfit Lincs were not allowed to continue in business on the same site. I personally would continue to use Bfit Lincs as a matter of principle, rather than any rival company. If Bfit Lincs couldn't use this site due to safety issues, then surely these issues are still relevant now.

37 Broadway Grimsby: As a member of staff at BFit Lincs Gym I have first-hand seen the stress caused by the rejection of previous planning permission for the self and same type of business at the same site. Caistor already has a gym facility which employs apprentices to help the young people of Caistor and surrounding areas start a career in fitness as well as employing already established fitness instructors and personal trainers and a self-employed beautician and a self-employed sports therapist. I feel if this facility is accepted then this will affect multiple business' that do so much for the health and fitness of the local community.

The points that were raised against BFit previously are still points that would stand for future permission such as the previously deemed unsafe road, junction and footpath leading to the site. BFit Lincs was forced out of that site so why should it be accepted for another gym to open on the exact same site. If this proposal is accepted then to me and many others the previous rejection comes across almost as a personal vendetta against BFit Lincs Gym.

4 Main Street Searby: As a resident of the area surrounding Caistor, and someone who frequently uses Caistor for various purposes, I feel that any additional building put on this site is dangerous and unnecessary. The junction at the top of Crest Hill is already extremely dangerous as it is (with poor road markings that cause a lot of confusion) and I have personally witnessed accidents here. Extending any of the facilities here would cause a large increase in traffic that I deem risky and inappropriate.

Additionally, Caistor already has a more than suitable sports facility (BFit) as well as a cricket club and plenty of parks and sports fields. I fail to see a reason for introducing more needless competition to take away from existing companies and communities.

Lucas House Carr Road North Kelsey: There was previously a fitness facility/personal training/sports therapy business (BFit Lincs) at this site which was not allowed to expand for various reasons, including safety issues identified by the highways department relating to increased traffic on what is an already a dangerous junction at the crest of the hill. BFit Lincs recently moved to new premises on Brigg Road, Caistor, approximately 2 miles from the proposed site of the proposed application, and continues to provide all the above services to the people of Caistor and the surrounding area. I question the need for another fitness/sports therapy/personal training business within such a close proximity and if the area can sustain two very similar businesses in the long term.

6 High Street Caistor Market Rasen: Bfit Lincs Gym was forced by yourselves into a move approx. two miles away due to your decision based upon the health and safety implications of what can be at times a 'dangerous' road junction for vehicles and pedestrians.

It would be hypocritical of you to allow a business of the same nature to open its doors to the public considering the health and safety issues of the A46 junction have not changed and are unlikely to. Regardless of whether the buildings are new or old the issues are still the same, a new gym/fitness centre should not be allowed on those premises as you have already removed a business that provided the same service.

Casa Rumoroso North Kelsey Road Caistor: As a member of the Bfit Lincs gym and with a member of my family undergoing an apprenticeship at the new Bfit Lincs gym, I object to this proposal. The gym was required to relocate because the council deemed the proposed location unsuitable for purpose and expansion of the site due to traffic, how therefore, could the council approve the planning for a new facility when nothing regarding the existing roadway has changed?

Also, from a business perspective, Bfit Lincs employs a number of people in various facilities and the potential threat an additional facility would have to the existing one is not only ludicrous, but irresponsible for the council to conceivably consider.

Dovecote House Vicarage Lane Grasby: When attending the old gym at Hillcrest, and travelling there near enough everyday me and my family were rather concerned about the junction and how busy the roads were, on 2 separate occasions I found myself having to pull over when leaving the junction due to near miss accidents, my second reason is that Caistor has a great gym facility already which caters for everyone.

20 Cromwell View Caistor - Due to the location of the site being at the extremely dangerous crossroad at the top of Caistor, in which many accidents have occurred (with fatalities), a business encouraging people to access the area seems irresponsible and dangerous. Also with the amount of cars expected to be coming in and out the location there will be an increased risk of roads accidents, which we have seen the air ambulance attend to multiple in this specific area of the A46. There is not a need for this type of business in the area and so therefore no need to put the general public in any such danger.

6 Plover Square, Caistor: Caistor has a fully functional gym that provides a service suiting all the residents by highly qualified and skilled staff. That gym was forcibly removed from the exact location this gym is applying to use due to the planning not being granted as the road was deemed dangerous - the A46 junction at Caistor top is a hazard and it doesn't need any further unnecessary complications by adding excessive businesses to the area where there is already provision in a safe part of the town.

In support mainly via a Facebook 'petition' from the future proposed occupier of the proposal asking for support:

12 Cynthia Crescent, **Grimsby**, 16 Station Road Grasby, 17 Miller Avenue **Grimsby**, 19 Clubby lane Grasby, 2 Spurn Avenue **Grimsby**, 35 Ogilvy Drive Scunthorpe, 36 Well Street Messingham **Scunthorpe**, 4 Clixby Lane Grasby, 46 Runswick Road **Grimsby**, 5 Samuel Avenue **Grimsby**, 5 Yarborough Rise Caistor, 62 Warwick Road **Scunthorpe**, 66 Trinity Road **Cleethorpes** (x2), Bracken Cottage Limber Bridle Road Riby, Cemetery crescent **Laceby**, The Cottage Pump Hill **Cadney**, 18 North Street Caistor, 69 Forest Way **Humberston**, 69 Woodhall Drive **Waltham**, Cornerways Owmbly Lane North Kelsey Moor, 27 Ropery Street **Grimsby**, 13A Market Place Caistor, 2 Spurn Avenue **Grimsby**, Cabourne Vale Whitegate Hill Caistor, 26 Greengate Lane **South Killingholme**, 38 Vicarage Lane Grasby, Little Wold 21 Station Road Grasby, 102 Brigg Road Caistor, 2 Brigg Road Grasby, 34 Beeley Road **Grimsby** (x2), Greenfields 24 Station Road Grasby, 4 Ropewalk Caistor, 67 Elliston Street **Cleethorpes**, Water Tower Cottage Brocklesby Park Brocklesby, Nuitari 93 Yarborough Road Keelby, Owmbly Mount Owmbly Road Searby, 18 North Street Caistor, The Old Rectory School Lane Rothwell, Oakley House Caistor Road South Kelsey and Prospect House, **Barnetby**, 16 Beacon Court **Grimsby** (X2), 31 High Street Waltham **Grimsby**, Beelsby House Main Road **Beelsby Grimsby**.

The following comments (in summary) were made:

- The lady [named] at Soul Healthy is an amazing personal trainer.
- Her spin classes are my favourite.
- I book onto Soul Healthy spin classes every week.
- The USP of Soul healthy is that it is not a gym, but a private studio, something which is very important to all her clients.
- I will continue to travel over weekly as Grimsby and Cleethorpes do not even currently provide the services and experience that Soul Healthy does.
- Soul Healthy has grown at such a pace during its first years of business which surely highlights the need for these services within the community.
- She is a good business woman and a credit to herself.
- Local need for boutique style gym specialising in excellent group classes, personal trainer, nutrition and sports massage.
- This application for a new premises will bring lots of business to the local community. I personally enjoy looking in the local shops before or after my classes.
- It is worth me travelling from Grimsby as it's brilliant.
- Promotes a healthy lifestyle.
- A great local business that's expanding each month.
- I for one am glad it's not more shops or flats, let's have something that means something built there instead.
- The local community needs local businesses to grow and the opportunity's to succeed not be hindered by red tape.

- The classes are diverse and she offers a person centred approach so can customise her classes, nutritional advice and corporate events to suit everyone.
- I feel it would be a huge asset to the surrounding communities.
- Great idea to have more fitness places in the area, how could this be a bad thing.
- Small towns like Caistor need local businesses to thrive and develop in order to enhance the town and continue to move forward.
- Very good business that will enhance Caistor's appeal, with little to no impact on traffic.
- Anything that councils can do to support healthy lifestyle is to be encouraged; it would be a positive contribution to the physical and mental wellbeing of residents and families.
- Not only does it keep the applicant's business in the Caistor area, it also provides a base for it to expand if required and for other similar and complementary businesses to come into the area. Small businesses are the lifeblood of the economy, I hope to see continued support for them where possible.
- Competition is healthy because it avoids monopoly and limited choice.
- There are many new units at Hillcrest – so any concern over traffic would not be unique to the studio application. The boutique will only attract a small volume of traffic that the other already approved units will attract.
- There is already an existing gym in Caistor, however the proposal at Hillcrest is for a boutique fitness facility, involving smaller numbers at any one time and one on one training rather than a large gym facility. So I feel it unfair to compare the two businesses. There is clearly room for the two businesses to operate as this is already happening.
- In my opinion it is [the site] currently visually unappealing and creates a negative first impression for the town. The development would totally change this not only visually but by creating an exciting and dynamic business.
- This would also pull in visitors from further afield who otherwise would have no reason to visit Caistor, who in turn will go on to support other Caistor businesses.
- This shouldn't be about the historical planning permission but instead focus on the whole new development that Hillcrest is offering. A mix of businesses benefiting the community and making use of this currently unused site - A diverse site like this is an excellent signpost to the growth and development of Caistor.
- Being slightly out of the town centre would mean local residents wouldn't be affected by potential noise or on street parking.
- Rural communities need all the positive support they can get.
- A boutique health and well-being establishment could be really good (and different from other establishments) for the local economy potentially bringing footfall and income to the local area. For example to the local shops, heritage centre, post office, co-op, estate agents and eateries (in Caistor and the surrounding villages).

Towngate Church Street Nettleton: I would like to support this purely for selfish reasons. Soul Healthy currently runs classes out of her garage with no sound proofing. I hear loud music and instructions being shouted over the loud music during each and every spin class. On a summer's evening it is unbearable and ruins the pleasure I used to get in my garden. Even worse, I can hear deep base sounds and her voice INSIDE my house. The stress this is causing me is immense. Lots of surrounding neighbours, further down the street, also complain of hearing the classes. So please, let this be approved so we can have our quiet neighbourhood back. On a separate note she has the client base to support the move and not encroach on other similar businesses in Caistor.

LCC Highways and Lead Local Flood Authority: The current proposal for change of use from an industrial unit to a gym is unacceptable to the Highway Authority. On the face of it, the use as a gym is likely to require a certain level of parking which appears unachievable. The level of provision on the existing permission (provided it's shared) can accommodate its existing use class. I would therefore have concerns regarding this change of use.

Without the requested transport information there is no way to justify the level of parking provision required. Some indication of member numbers, attendance, staff, hours of operation etc. would be required. There is also no way to say that the spaces available would be so in their entirety at all times. It is unlikely the proposal has enough parking for its needs.

In terms of the pedestrian crossing provision, this is a requirement of the existing permission and is still not in place. This application only serves to cement the need for a safe pedestrian route across the A46.

Archaeology: No archaeological impact.

Lincolnshire Wolds Countryside Service: No representations received to date.

National Grid Plant Protection: No representations received to date.

Health and Safety Executive: No objection to the proposed development. As the proposed development is within the Consultation Distance of a major hazard pipeline you should consider contacting the pipeline operator [National Grid] before deciding the case.

Conservation Officer: No representations received to date.

Economic Development: Having completed a commercial property search via Rightmove, there are no properties currently being marketed to let. I have attached brochures for two premises currently for sale i.e. The Paper Shop (investment Opportunity) and the former Settlement premises both in the Market Place.

Relevant Planning Policies:

Local Policy:

Central Lincolnshire Local Plan 2012-2036

LP1: A Presumption in Favour of Sustainable Development

LP2: The Spatial Strategy and Settlement Hierarchy

LP5: Delivering Prosperity and Jobs

LP6: Retail and Town Centres in Central Lincolnshire

LP13: Accessibility and Transport

LP16: Development on Land Affected by Contamination

LP17: Landscape, Townscape and Views

LP26: Design and Amenity

LP55: Development in the Countryside

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

Caistor Neighbourhood Plan:

Policy 1 – Growth and the presumption in favour of sustainable development

Policy 2 – Type, scale and location of development

Policy 3 – Design Quality

Policy 7 – Community Facilities

Policy 8 – Leisure Facilities

National guidance

National Planning Policy Framework (NPPF)

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

National Planning Practice Guidance (NPPG)

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

Listed Building Legal Duty

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

Main issues

- Principle of Development
- Residential Amenity
- Visual Impact
- Area of Outstanding Natural Beauty (AONB)
- Economic Benefit
- Listed Building
- Foul and Surface Water Drainage
- Highway Safety
- Other matters

Assessment:

Principle of development

The NPPF supports the sustainable growth and expansion of all types of business and enterprise in rural areas both through the conversion of existing buildings and well-designed new buildings.

Paragraph 86 of the NPPF indicates that local planning authorities should apply a sequential test to planning applications for main town centre uses which are neither in an existing centre nor in accordance with an up-to-date plan. Main town centre uses (such as D2 uses) should be located in town centres, then in edge of centre locations; and only if suitable sites are not available (or expected to become available within a reasonable period) should out of centre sites be considered. When considering edge of centre and out of centre proposals, preference should be given to accessible sites which are well connected to the town centre. Applicants and local planning authorities should demonstrate flexibility on issues such as format and scale, so that opportunities to utilise suitable town centre or edge of centre sites are fully explored.

The proposed use would be more appropriate in a location in the nearby Caistor Town Centre as it would support the function of the viability and vitality of Caistor and would be more readily accessible to members of the public by means other than the car. A sequential assessment is required for potential accommodation in Town Centres, then edge of centre and on then out of centre; no such assessment has taken place (apart from the covering letter submitted as part of the application stating there are no premises within five miles of Nettleton). Economic Development have stated that the only premises available on the 21/01/2019 in the Caistor Area were The Paper Shop and the former Settlement premises both in the Market Place. There is also 2-4 Market Place (The Old Co-op Premises) which is still vacant. There has been no detailed analysis of whether these buildings would be suitable for the use, or indeed any further premises since the original submission. In the proposed location the use is considered to be contrary to the advice in the NPPF in relation to sustainable development making development inaccessible by other means than that of the private car and policies contained within the Central Lincolnshire Local Plan namely LP1, LP2, LP5, and LP13 as well as Policy 8 of the Caistor Neighbourhood Plan.

Policy LP1 of the Central Lincolnshire Local Plan seeks to support sustainable development in accordance with the NPPF. Furthermore, the proposal does not fit comfortably with the categories contained within Policy LP5 but it is considered to be an expansion (in use) to the existing Rural Enterprise Units (and their uses) granted under planning permission 135031. The policy states that expansion of existing businesses will be supported provided that:

- Existing buildings are reused where possible;
- They do not conflict with neighbouring land uses;
- They will not impact unacceptably on the local and/or strategic highway network; and
- The proposal would not have an adverse impact on the character and appearance of the area.

It is considered that the proposal to allow a D2 (Leisure/Gym Use) on this site within two of the units (No.14 and No.15) granted under planning permission 135031 has the potential to conflict with neighbouring land uses and impact unacceptably on the highway network (these issues are explored below). Furthermore, no sequential test has been undertaken as part of this application and in its proposed location the use is considered to be unsustainable making the development inaccessible by other means than that of the private car.

Residential Amenity

Local Plan Policy LP26 states that planning permission will be granted for new development provided the proposal will not adversely affect the residential amenity of neighbouring properties by virtue of overlooking, overshadowing, loss of light or over dominance. The policy also applies to future occupants of development proposals under consideration.

The nearest residential dwelling (Hillcrest House) is located approximately 66 metres to the south of the proposal site (Units No.14 and No.15). As the application contains no information on the proposed opening times, the amount of customers/staff using the facility and therefore increased noise from visiting cars, customers coming to and from the building and noise from within the building from equipment and music playing together cannot be ascertained. No mitigation measures have been put forward as part of this application. Although the separation distance is approximately 66 metres it has not been possible to ascertain whether the proposal will have a harmful impact on the living conditions of neighbouring dwellings. Therefore, it is considered to be contrary to the NPPF and Policy LP26 of the Central Lincolnshire Local Plan.

Visual Impact

Local Plan Policy LP26 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 are well designed in relation to siting, height, scale, massing and form. The policy also states that the proposal should respect the existing topography, landscape character, street scene and local distinctiveness of the surrounding area and should use appropriate, high quality materials which reinforce or enhance local distinctiveness. Any important local view into, out of or through the site should not be harmed.

The proposal is contained within Units No.14 and No.15 of the approved planning permission 135031 (although no additional car parking provision is provided). It is therefore considered that the proposal would not have an adverse visual impact on the approved development under planning permission 135031, the street scene nor the countryside.

Area of Outstanding Natural Beauty

The proposal is contained within Units No.14 and No.15 of the approved planning permission 135031 (although no additional car parking provision is provided). The proposal will therefore have no adverse effect on the character and appearance of the Lincolnshire Wolds Area of Outstanding Natural Beauty.

Economic Development

Both the NPPF and the Central Lincolnshire Local Plan support economic growth but the application form and other documentation does not state that any specific additional jobs will be created through this proposal.

Competition is not a material planning consideration.

Listed Building

There is a Grade II Listed Dwelling (Top House, Farm) located approximately 161 metres to the North West of the site across the A46. The proposal is contained within Units No.14 and No.15 of the approved planning permission 135031 (although no additional car parking provision is provided). It is therefore considered that the proposal will preserve the setting of this listed building.

Foul and Surface Water Drainage

Foul sewerage and surface water was dealt with under planning application 135031 and the subsequent discharge of condition application 136232.

No additional car parking to that granted under application 135031 is being provided. Therefore, a condition requiring that any hardstanding should be constructed from a porous material and be retained as such thereafter or should be drained within the site is not needed.

Highway Safety

Both the NPPF and Policies LP5 and LP13 of the Central Lincolnshire Local Plan state that proposed development should take into account either highway safety or the effect on the existing network.

The application seeks permission to vary condition 24 of planning permission 135031 to allow a D2 (Leisure/Gym Use). Currently the rural enterprise premises given permission under 135031 are limited to A1, A3, B1a, B1c, B2 and B8 uses. The application was submitted with a covering letter and a site plan showing a red line drawn around units 14 and 15 of Block 4 (approximately 106 sq. metres in size) which is located in the North West corner of the site and fronts the A46.

The agent stated the following information on 24/01/2019 in terms of car parking *'it is expected (as with the approved application) that the spaces directly outside of the units will serve that individual unit, with an allowance of 1 space per unit, which was acceptable for the approved scheme given the light industrial use which WLDC requested. This allowed for 17no allocated spaces with 35no visitor spaces. The red line drawing submitted is purely illustrative to indicate the units that will be subject to the variation of condition*

and do not affect the approved parking arrangements (we do not require a site location plan for a variation of condition as this has been dealt with at the full planning app stage). The parking arrangements will remain the same as the approved scheme with 1no space per unit (for the manager of the gym) and the remaining 35 used for visitors (can be used by visitor to the gym).'

On the 06/02/2019 Lincolnshire County Council Highways stated 'The current proposal for change of use from an industrial unit to a gym is unacceptable to the Highway Authority. On the face of it, the use as a gym is likely to require a certain level of parking which appears unachievable. The level of provision on the existing permission (provided it's shared) can accommodate its existing use class. I would therefore have concerns regarding this change of use.

Without the requested transport information there is no way to justify the level of parking provision required. Some indication of member numbers, attendance, staff, hours of operation etc. would be required. There is also no say that the spaces available would be so in their entirety at all times. It is unlikely the proposal has enough parking for its needs.'

The information provided by the agent is not considered satisfactory as no definitive information has been provided that details the proposed opening hours of the D2 use (gym), the specific activities that will take place and the number of people (staff and customers) that might use the proposed gym and no additional car parking provision to that granted under application 135031 (which was conditioned in terms of the floor space levels as it was felt important to control the use and levels of use on the site, so that traffic is not unacceptably generated at this site which is close to the very busy junction of the B1225 and the A46 Grimsby Road) is planned.

However, it is reasonable to expect (without evidence to the contrary) that a D2 use will generate a greater number of visiting members of public to the site than could be expected from the already permitted business uses.

Should car parking arrangements be found to be unsuitable this would lead to ad hoc parking across the site, hampering the operation of other businesses, whether with respect to parking or manoeuvring or indeed access and/or exit of the site itself increasing safety and operational concerns. It may also on a lesser point affect amenity due to noise and nuisance.

The application is therefore considered to be contrary to the NPPF and Policy LP5, LP13 and LP26 of the Central Lincolnshire Local Plan.

Condition 6 of planning permission 135031 states that '*No development shall be commenced before the works to improve the public highway by means of a pedestrian crossing point and refuge along with any alterations to the existing right turn lane and hatched markings (improvement works to be agreed with The Lincolnshire Road Safety Partnership) have been submitted to, approved and certified complete by the local planning authority.*' Subsequently the discharge of condition application (136232) stated on the 30/10/2018 that '*I note that negotiations with Lincolnshire County Council with respect to the*

highway works are now advanced and you are awaiting a date from LCC for the works to be done and look forward to an update shortly. I also note that it has been agreed that the new buildings (other than your existing sales operation) should not be brought into use without the highway improvements being completed. This decision to delay implementation has been agreed as no significant addition traffic would be generated until the operation of the new businesses commenced.'

As of the 06/02/2019 Lincolnshire County Council Highways states that '*In terms of the pedestrian crossing provision, this is a requirement of the existing permission and is still not in place. This application only serves to cement the need for a safe pedestrian route across the A46.'*

If the decision taken was to grant permission, a Grampian condition could be attached to the decision notice which states that the building (units 14 and 15) shall not be occupied until the pedestrian crossing is in place.

Other matters:

Contamination

It is accepted that the site has been the subject of a number of uses which could cause the site to be contaminated. Planning permission 135031 was conditioned to ensure that the site is suitably investigated and, if necessary remediated.

Pipeline

It is recommended that the application is refused therefore there is no need to contact the pipeline operator [National Grid].

Conclusions:

The decision has been considered against Policy LP1: A Presumption in Favour of Sustainable Development, LP2: The Spatial Strategy and Settlement Hierarchy, LP5: Delivering Prosperity and Jobs, LP13: Accessibility and Transport, LP16: Development on Land Affected by Contamination, LP17: Landscape, Townscape and Views, LP26: Design and Amenity and LP55: Development in the Countryside of the adopted Central Lincolnshire Local Plan in the first instance and policies contained in the Caistor Neighbourhood Plan (Policy 1 – Growth and the presumption in favour of sustainable development , Policy 2 – Type, scale and location of development , Policy 3 – Design quality and Policy 6 – Business Units and Start up Units, Policy 7 – Community Facilities and Policy 8 – Leisure Facilities) and guidance contained in National Planning Policy Framework and National Planning Practice Guidance and Section 66 of the Planning (Listed Buildings and Conservation Areas) Act 1990. In light of this assessment, the proposal is refused for the following reasons on the grounds that the site is an unsuitable and unsustainable location for a town centre use without adequate assessment of alternatives, insufficient evidence has been provided to show the gym would not create unacceptable levels of noise and nuisance and the limited car parking and poor pedestrian access to the site would detract from highway safety.

RECOMMENDATION: Refuse permission for the following reasons:

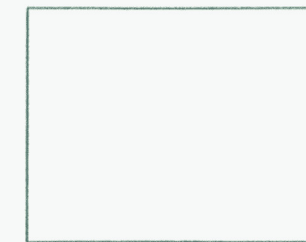
1. The proposed use is for a Main Town Centre Use (D2 – Assembly and Leisure). Paragraph 86 of the NPPF indicates that local planning authorities should apply a sequential test to planning applications for main town centre uses which are neither in an existing centre nor in accordance with an up-to-date plan. No sequential test has been undertaken as part of this application which is considered contrary to the NPPF and policies contained within the Central Lincolnshire Local Plan namely LP1, LP2, LP5, and LP13 as well as Policy 8 of the Caistor Neighbourhood Plan.
2. The nearest residential dwelling (Hillcrest House) is located approximately 66 metres to the south of the proposal site (Units No.14 and No.15). As the application contains no information on the proposed opening times, the amount of customers/staff using the facility and therefore increased noise from visiting cars, customers coming to and from the building and noise from within the building from equipment and music playing together cannot be ascertained. No mitigation measures have been put forward as part of this application. Although, the separation distance is approximately 66 metres it has not been possible to ascertain whether the proposal will have a harmful impact on the living conditions of neighbouring dwellings. Therefore, it is considered to be contrary to the NPPF and Policy LP26 of the Central Lincolnshire Local Plan.
3. No information has been provided that details the proposed opening hours, the number of people (or visitors) and specific activities that will take place within units 14 and 15 (the application site). No additional car parking provision is provided to that granted under application 135031 which has the potential to impact highway safety and the viability of the other rural enterprise units on the site.

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.



DON CLIXBY LTD
9 LAUGHTON ROAD
BLYTON
GAINSBOROUGH
Lincs
DN21 3LG

DRS. NO. DCL/18/01

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'LOCATION PLAN'

Officers Report

Planning Application No: 138728

PROPOSAL: Planning application for change of use of part general haulage yard to caravan storage including boundary treatments.

LOCATION: 9 Laughton Road Blyton Gainsborough DN21 3LG

WARD: Scotter and Blyton

APPLICANT NAME: Ms Clixby

TARGET DECISION DATE: 8/3/2019

DEVELOPMENT TYPE: Change of Use

WARD MEMBERS: Cllr Mewis, Cllr Allison and Cllr Rollings

CASE OFFICER: Martin Evans

RECOMMENDED DECISION: Approve subject to conditions.

This application is reported to planning committee because the applicant is related to an officer of the Council

Description:

Planning permission is sought for change of use of land to caravan storage (use class B8) with associated fencing. This is a retrospective application.

The application site is on the western fringes of a group of buildings and land owned by the applicant and used for a variety of purposes including haulage yard, dog kennels, retail units, workshop and paddocks.

The proposal has been amended to include a native species hedgerow the screen the proposal from the countryside.

Relevant history:

W8/207/77 Application to use premises for the repair and maintenance of motor vehicles other than those incidental to the main use of the haulage/farm business carried on from the site. Approved 13/05/77.

138841- planning application to erect 2.1m fence to eastern boundary. On this planning committee agenda.

Representations:

Chairman/Ward member(s): no response.

Blyton Parish Council: no response.

Local residents: one letter of objection has been received from the resident of 63a High Street Blyton which is summarised as follows:

- Contrary to LP2- not an appropriate location as it significantly harms the settlements character and appearance; and that of surrounding

countryside and its rural setting. Images are provided. Proposal is not within developed footprint. The site relates more to surrounding countryside than the built up area.

- Contrary to LP17 as this is a retrospective application and it can be seen no regard has been paid to the character and setting or protection of views in and around the site. Significant harm has been caused to landscape with no overriding benefit to outweigh it.
- Contrary to LP26- doesn't respect existing topography, landscape, character and identity of the area and doesn't relate well to the site and surroundings. Insufficient landscaping and boundary treatment to assimilate the proposal into the landscape. Hedges have been removed and fencing erected. Non-native planting has taken place and looks out of place.
- There is sufficient caravan storage already in place on the wider site.

LCC Highways and LLFA: no objections.

Scunthorpe & Gainsborough Water Management Board:

"The application may increase the impermeable area to the site and the applicant will therefore need to ensure that any existing or proposed surface water system has the capacity to accommodate any increase in surface water discharge from the site." Generic guidance is provided.

Idox checked 20/2/19.

Relevant Planning Policies:

Development plan

Central Lincolnshire Local Plan

Policy LP2: The Spatial Strategy and Settlement Hierarchy

Policy LP4: Growth in Villages

Policy LP5: Delivering Prosperity and Jobs

Policy LP13: Accessibility and Transport

Policy LP14: Managing Water Resources and Flood Risk

Policy LP17: Landscape, Townscape and Views

Policy LP26: Design and Amenity

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

These policies are considered consistent with the NPPF.

Other

There is no neighbourhood plan for Blyton.

NPPF 2018 and PPG

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

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

Main issues

- **Principle of development**
- **Visual impact**
- **Highways**
- **Drainage**

Assessment:

Principle of development

Policy LP2 supports proposals of up to 0.25 hectares for employment uses in Blyton in appropriate locations.

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

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

Policy LP5 states:

“Expansion of Existing Businesses

The expansion of existing businesses which are currently located in areas outside allocated employment sites will be supported, provided:

- existing buildings are reused where possible;
- they do not conflict with neighbouring land uses;
- they will not impact unacceptably on the local and/or strategic highway network; and
- the proposal would not have an adverse impact on the character and appearance of the area.”

The proposal is directly attached to the existing business site and entails part redevelopment of part of the former haulage yard site and a small extension onto greenfield land. The extension of the hardstanding to make the storage area for the caravans is 0.12ha, retains the core shape and form of the settlement and, subject to good landscaping discussed below, would not harm settlement character and appearance nor that of adjacent countryside or Blyton’s rural setting.

The proposal is considered an expansion of the related business site. This is a use of land rather than building; does not conflict with neighbouring uses; has acceptable highway impacts (see below); and does not harm character and appearance subject to good landscaping (see below).

The principle of development is acceptable in accordance with LP2 and LP5.

Visual impact

Policy LP17 seeks to protect the character and setting of settlements including landscape. LP26 requires appropriate landscaping to assimilate development into the surrounding landscape. It is acknowledged that the caravan storage, associated fencing and poor quality leylandii hedge could be more appropriately landscaped to assist assimilation.

The proposal has been amended to show an amended boundary landscape area and the following planting:

“Proposed

The existing security fencing is to be retained to maintain security of the site. The existing conifers are to be removed. The south, west & north boundaries are then to be planted with a mix of:

80% Hawthorn Height 9m

6% Blackthorn Height 2.5–4m

3% Guelder Rose Height 4-5m

5% Holly Height 5-10m

3% Hazel Height 3-7m

3% Field Maple Height 10-15m

Planting to be carried out between October to March, preferably before Christmas and not in frozen ground. Hedgerows are normally planted at 4 or 5 plants per linear metre along 2 staggered rows.”

This is good quality native landscaping and will soften the visual impact of the proposal in accordance with LP17 and LP26.

Highways

The proposal would use the existing vehicular access from Laughton Road adjacent the Old Grain Store and is considered appropriate by LCC Highways. Highways implications accord with Policy LP13.

Drainage

The caravans are stored on crushed hardcore which allows rainwater to permeate through into the ground which is an acceptable drainage solution in accordance with Policy LP14.

Conclusion

The proposal is acceptable in principle and subject to replacement landscaping would have an acceptable visual impact. There are no highway or drainage problems with the proposal. The proposal is acceptable therefore planning permission should be granted.

Recommendation

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

- 1) The soft landscaping shall take place in accordance with the details in the amended design and access statement received 11/2/19 and amended block plan DCL/18/02 Rev A received 11/2/19 in the next available planting season.

Reason: To secure appropriate landscaping in accordance with Policies LP17 and LP26 of the Central Lincolnshire Local Plan.

- 2) This permission relates to the following drawings: DCL/18/02 Rev A received 11/2/19 and site location plan DCL/18/01.

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

Human Rights Implications:

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

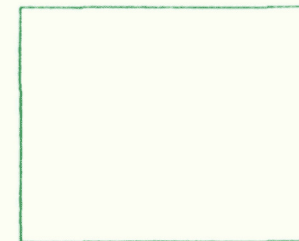
Legal Implications:

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

Don Clixby Ltd

Application Number 138841

Page 96



Don Clixby Ltd
9 LAUGHTON ROAD
BLYTON
GAINSBOROUGH
DA21 3LS

DRG.Nº DCF/18/01

Thursday, November 29, 2018, ID:
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maps.blackwell.co.uk

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LOCATION PLAN

Officers Report

Planning Application No: 138841

PROPOSAL: Planning application to erect 2.1m fence to eastern boundary

LOCATION: 9 Laughton Road Blyton Gainsborough DN21 3LG

WARD: Scotter and Blyton

WARD MEMBERS: Cllr Mewis, Cllr Allison and Cllr Rollings

APPLICANT NAME: Sue Clixby

TARGET DECISION DATE: 8/3/2019

DEVELOPMENT TYPE: Minor - all others

CASE OFFICER: Martin Evans

RECOMMENDED DECISION: Approve subject to conditions.

This application is reported to planning committee because the applicant is related to an officer of the Council

Description:

Planning permission is sought for the erection of a 2.1m high black timber fence on the back edge of the footpath on Laughton Road. The site is to the north of 9 Laughton Road.

The submitted drawing shows the fence erected flush with the front of 9 Laughton Road and continuing along this line. However, the fence erected on site protrudes to the front of the dwelling. This application is written up on the basis of the submitted plans and not the fence erected thus far on the site.

Relevant history:

W8/207/77 Application to use premises for the repair and maintenance of motor vehicles other than those incidental to the main use of the haulage/farm business carried on from the site. Approved 13/05/77.

138728 Planning application for change of use of part general haulage yard to caravan storage including boundary treatments. Current application on this agenda.

Representations:

LCC Highways and LLFA: no objections.

Idox checked 20/2/19.

Relevant Planning Policies:

Development plan
Central Lincolnshire Local Plan

Policy LP13: Accessibility and Transport
Policy LP17: Landscape, Townscape and Views
Policy LP26: Design and Amenity
<https://www.n-kesteven.gov.uk/central-lincolnshire/>
These policies are considered consistent with the NPPF.

Other

There is no neighbourhood plan for Blyton.

NPPF 2018 and PPG
<https://www.gov.uk/government/publications/national-planning-policy-framework--2>
<https://www.gov.uk/government/collections/planning-practice-guidance>

Assessment:

Visual impact

Policy LP17 seeks to protect the character and setting of settlements including townscape. LP26 requires appropriate landscaping to assimilate development into the surrounding landscape.

9 Laughton Road is built on the back edge of the footway as is the tall brick wall attached to it adjacent to the Old Grain Store. 24 Jubilee Crescent is also on the back edge of the footway. There are similar tall fences at 26 and 28 Laughton Road. 24a and 24b Laughton Road have small dwarf walls. The character of the street scene is relatively enclosed by built form in this area.

It is considered necessary to condition the details of the colour of the fence because the existing black fence creates quite a stark appearance.

The proposal would replace a large hedge and would not appear harmful to Blyton's townscape and is an appropriate design, subject to it being painted brown, in accordance with Policies LP17 and LP26.

Highways

LCC Highways raises no objection to the proposal on highway safety grounds. The fence replaces a hedge that had a greater impact on visibility on the road. Highways implications accord with Policy LP13.

Conclusion

The proposal would have an acceptable impact on visual amenity and highway safety.

Recommendation

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

1. The development hereby permitted shall be begun before the expiration of 6 months from the date of this permission.

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

2. With the exception of the detailed matters referred to by the conditions of this consent, the development hereby approved shall be carried out in accordance with the following drawings: DCF/18/02A received 27/12/18 and site location plan DCF/18/01 received 27/12/18. The works shall be carried out in accordance with the details shown on the approved plans and in any other approved documents forming part of the application.

Reason: To ensure the development proceeds in accordance with the approved plans and to accord with the National Planning Policy Framework and policy LP17 and LP26 of the Central Lincolnshire Local Plan.

3. Within 3 months of the fence being erected, details of the colour it is to be painted shall be submitted to and approved in writing by the Local Planning Authority. The fence shall be painted the agreed colour within 3 months of the date of approval of the details and be retained as such.

Reason: In the interests of securing appropriate design in accordance with Policies LP17 and LP26 of the Central Lincolnshire Local Plan.

Human Rights Implications:

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

Legal Implications:

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

Agenda Item 7



Planning Committee

Date: 6 March 2019

Subject: Appeal against application 138491 Land to West of A1133, Newton on Trent, Lincs

Report by:

Chief Operating Officer

Contact Officer:

Jonathan Cadd
Principal Development Management Officer
01427 676664
Jonathan.cadd@west-lindsey.gov.uk

Purpose / Summary:

To determine whether to continue to defend reason 2 of the planning refusal 139491 relating to the sterilisation of mineral resources with a minerals safeguarding area.

RECOMMENDATION: Subject to no further information being submitted it is recommended that the Planning Committee formally accept the additional information offered in relation to refusal reason no.2 of application 138491 relating to the potential sterilisation of minerals within a minerals safeguarding area and would not seek to defend this reason for refusal, in the event of an appeal to the Secretary of State.

IMPLICATIONS

Legal: N/A

Financial: If the reasons for refusal are not adequately defended then the Council is at risk of an award of costs against it, if found to have acted unreasonably.

Staffing : N/A

Equality and Diversity including Human Rights: N/A

Risk Assessment: If the reasons for refusal are not adequately defended then the Council is at risk of an award of costs against it, if found to have acted unreasonably.

Climate Related Risks and Opportunities: N/A

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

138491 Outline planning application for mixed use sustainable village extension comprising of up to 325no. private and affordable dwelling units-Use Class C3, community meeting rooms-Use Class D1, with ancillary pub-cafe-Use Class A4 and sales area-Use Class A1, new landscaping, public and private open space with all matters reserved- resubmission of 134411. Refused 10th January 2019.

Planning Inspectorate guide to awarding costs

<http://www.planningportal.gov.uk/planning/appeals/guidance/costs>

National Planning Policy Framework (NPPF)

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

National Planning Practice Guidance (NPPG) - Appeals

<https://www.gov.uk/guidance/appeals>

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

n/a

Key Decision:

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

Yes

☐

No

x

1 Introduction

- 1.1 Member will recall their resolution to determine planning application 138491 at the planning committee meeting held on the 9th January 2019 regarding the outline planning application for mixed use sustainable village extension comprising of up to 325no. private and affordable dwelling units-Use Class C3, community meeting rooms-Use Class D1, with ancillary pub-cafe-Use Class A4 and sales area-Use Class A1, new landscaping, public and private open space with all matters reserved-resubmission of 134411. The location is: Land to West of A1133, Newton on Trent, Lincolnshire. The application was refused for the following reasons:

1. The development proposed would be located within open countryside and would not accord with the limited development types usually acceptable outside settlements contrary to the sustainable spatial strategy advocated within the Central Lincolnshire Local Plan. As an extension to Newton on Trent the development would vastly exceed the small scale development of a limited nature typically supported within a small village. There has not been a clear demonstration, through evidence, of local community support. At the scale proposed, it would result in the growth of this small village at unsustainable levels in view of its limited facilities and being heavily dependent on private vehicles to access employment, retail and other basic facilities. The application site would expand the village in housing numbers and area substantially and it would not retain a tight village nucleus, and would instead extend away from the village into the open countryside almost doubling in size. The adverse impacts of development would significantly and demonstrably outweigh the benefits of development and the development does not meet the NPPF presumption in favour of sustainable development. Development does not comply with the policies of the Central Lincolnshire Local Plan, namely policies LP2, LP4 & LP13.

2. The application proposes a non-mineral development within a Mineral Safeguarding Area for Sand and Gravel. Insufficient evidence has been provided to determine whether the development would sterilise mineral resources within the Minerals Safeguarding Area, and it has not been demonstrated that the development could not be reasonably sited elsewhere. Development does not therefore comply with policy M11 of the Lincolnshire Minerals and Waste Plan: Core Strategy and Development management Policies.

3. The proposed development would be located within flood zones 2 & 3 contrary to policies: LP4, LP14 and the provisions of the NPPF as the proposal fails to provide sufficient evidence that sites less vulnerable to flooding were not available to accommodate this level of development and sufficient exceptional reasons have been provided to support the scheme.

- 1.2 The applicant has indicated that he will submit an appeal against the refusal and will request a public inquiry to determine the outcome of the proposal. However, the duty to determine the procedure for dealing with an appeal rests with the Secretary of State and will be exercised by the Government's Planning Inspectorate.

- 1.3 The applicant also has the right to apply for an award of costs, if they consider the local planning authority has acted unreasonably.
- 1.4 The guidance from the Planning Inspectorate explains that an award of costs can be awarded where:
- a party has behaved unreasonably;
 - and the unreasonable behaviour has directly caused another party to incur unnecessary or wasted expense in the appeal process.
- 1.5 The word “unreasonable” is used in its ordinary meaning, as established by the courts in *Manchester City Council v SSE & Mercury Communications Limited* [1988] JPL 774.
- 1.6 Unreasonable behaviour in the context of an application for an award of costs may be either:
- procedural – relating to the process; or
 - substantive – relating to the issues arising from the merits of the appeal.
- 1.7 The Inspector has discretion when deciding an award, enabling extenuating circumstances to be taken into account.
- 1.8 In the knowledge that an appeal will be submitted shortly the applicant has submitted additional information with reference to second reason for refusal to show that the proposal would not sterilise mineral resources potentially found at the site.
- 1.9 This additional information takes the form of a detailed professional report providing further geological information about the likely level of minerals present at/under the site, the limitations of extraction and the use of any minerals extracted from the site. This includes details of intrusive trenching dug at the site along with evidence from adjoining the site and potential levels of materials likely to be extracted.
- 1.10 This report has been submitted to the Waste & Minerals Planning Authority (Lincolnshire County Council) for consideration. They have confirmed that the information provided is sufficient to meet the requirements set out within policy M11 of the Lincolnshire Minerals and Waste Local Plan Core Strategy and Development Management Policies (adopted June 2016) and no longer object to the proposal as outlined within reason 2 of the decision notice attached to 138491.
- 1.11 When defending an appeal there are two options available to the Council:
- To defend the reason for refusal with evidence
 - To offer to not pursue stated reasons for refusal.

- 1.12 In light of the additional detail report provided by the applicant it is considered that the most reasonable course of action available to the Council, in light of this additional information that was not available at the time of the decision, is to accept the offer to not pursue reason 2 of refusal at this early stage should an appeal be formally submitted.
- 1.13 It is acknowledged that withdrawal of a reason for refusal could in itself still lead to an application for the award of costs. The appellant, however, would need to show that the Council had acted unreasonably in doing so, and put them to avoidable expense. It would also be noted that the applicant would have incurred the cost of the report if it had been requested as part of the application process. Any claim would also only relate to the costs incurred by the appellant in rebutting this element of the reason for refusal and would be much less than if the reason was pursued by the Council.
- 1.14 Should further information come to light between the time of writing this report and the Committee date it will be reported verbally to Committee.

Agenda Item 8



Planning Committee

6 March 2019

Subject: Determination of Planning Appeals

Report by:

Executive Director of Operations / Head of
Paid Service

Contact Officer:

Mark Sturgess
Executive Director of Operations / Head of
Paid Service
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

Appeal by J.C.M. Glassford Limited; the Gelder Family; and, Gelder Group against the decision of West Lindsey District Council to refuse:

- full application for the erection of a building to provide a new doctors surgery and dental practice (Use Class D1)
- Outline planning application with means of access to be considered for erection of up to 50 dwellings;
- erection of a two storey building (up to 800 sq m) to provide retirement living or use falling with Use Class C2.
- Change of use of land to provide a new area of open space including provision of new footpaths and sustainable drainage infrastructure

at land North of Marton Road, Sturton by Stow, Lincolnshire.

Appeal Dismissed – See copy letter attached as Appendix Bi.

Officer Decision – Refuse permission

Appeal Decision

Site visit made on 16 January 2019

by Rachael A Bust BSc (Hons) MA MSc LLM MEnvSci MInstLM MCMI MRTPI

an Inspector appointed by the Secretary of State

Decision date: 08 February 2019

Appeal Ref: APP/N2535/W/18/3207564

Land north of Marton Road, Sturton by Stow, Lincolnshire

- 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 J.C.M. Glassford Limited; The Gelder Family; and, Gelder Group against the decision of West Lindsey District Council.
- The application Ref 134978, dated 12 September 2016, was refused by notice dated 26 January 2018.
- The development proposed was originally described as "Hybrid planning application comprising the following elements: Full application for the erection of a building to provide a new doctors surgery and dental practice (Use Class D1). Outline planning application with means of access to be considered for erection of up to 50 dwellings; erection of a two storey building (up to 800 sq m) to provide retirement living or use falling with Use Class C2. Change of use of land to provide a new area of open space including provision of new footpaths and sustainable drainage infrastructure."

Decision

1. The appeal is dismissed.

Preliminary and Procedural Matters

2. During the course of the planning application the proposal, including the description of development, was revised from the original description as shown in the heading above. The appellants' revised description of development became *"hybrid planning application comprising of outline planning application with means of access to be considered for erection of 25 dwellings and two storey building to provide retirement living C2. Change of use of land to provide open space including provision of footpaths and sustainable drainage infrastructure. Full planning application for the erection of a dental practice, childcare setting D1 and gym D2."*
3. I note that the Council's decision notice altered the appellants' revised description to make specific reference to the Use Classes Order¹, they did omit reference to the gym (D2 use - assembly and leisure). However, the gym is illustrated on the submitted plans² which formed part of the revised proposal. The Council has confirmed that it undertook re-consultation on the revised proposal before it made its decision. As such I am satisfied that notwithstanding the omission in the Council's description the revised plans

¹ Town and Country Planning (Use Classes) Order 1987 (as amended)

² Drawing references A1/001 Rev C; A1/002 Rev C and A1/003 Rev C

clearly indicate the various elements of the proposal including the gym. I have therefore determined this appeal on the basis of the revised plans.

4. In respect of those elements for which permission is sought in outline, the proposal includes details of access. All other details relating to appearance, layout, scale and landscaping are reserved. In so far as the submitted plans and documents contain details of these reserved matters, I have treated them as illustrative only.
5. Since the appeal was submitted a revised version of the National Planning Policy Framework (the Framework) has been published. The parties have had the opportunity to provide comments and I have taken any views into account as part of my determination.

Main Issue

6. The main issue is whether the proposed location would be appropriate, having regard to the Council's spatial strategy for growth and the character and appearance of the site and surrounding area.

Reasons

7. The appeal site is formed by four grazed grassland fields bordered by hedgerows, scattered trees and fencing. The appeal site lies to the north of Marton Road to the west of Sturton by Stow. A single vehicular access is proposed from Marton Road. A public footpath (STUR71/1) runs northwards from Marton Road along the western boundary of the site. A second public footpath (STUR74/1) runs west to east, principally through the area proposed for the change of use for open space and sustainable drainage infrastructure. The proposed building incorporating the dental practice, creche/day-nursery and gym would be sited in the south-western corner adjacent to Marton Road. The remainder of the part of the site subject to the full application consists of the access road, 2 areas of car parking and an open community space.
8. Policy LP2 of the Central Lincolnshire Local Plan (CLLP), adopted April 2017 establishes a settlement hierarchy as the mechanism to distribute sustainable growth throughout the plan period. Sturton by Stow is a Medium Village (tier 5), whereby the plan envisages a limited amount of development in order to support their function or sustainability. In relation to housing development, the policy may support schemes of up to 25 dwellings in exceptional circumstances. Policy LP4 of the CLLP identifies that Sturton by Stow would have an anticipated growth in dwelling numbers of 15% across the plan period up to 2036.
9. From the evidence before me a 15% growth level would equate to 97 new dwellings. According to the Appellant's Final Comments, when taking into account the existing commitments within Sturton by Stow, there is a residual of 12 new dwellings before the 15% growth level would be met. I am mindful that there are still 17 years of the plan period to run.
10. I note that the appellants identify that 55 of the approved dwellings are yet to be built and that a site incorporating 6 dwellings also now has an extant consent for the erection of a new single storey retail unit. Be that as it may, Sturton by Stow has a significant level of existing housing commitments and given the length of the plan period remaining, I see no reason as to why the overall 15% growth level would not be achieved.

11. At this point in time, allowing the appeal proposal would result in a level of growth which would exceed the overall anticipated level of growth within Policy LP4 of the CLLP at an early stage in the plan period. Consequently, there is no present need for the appeal proposal to be delivered in order to meet the planned growth levels formulated through the recently adopted development plan.
12. The scale of housing has been reduced from 50 to 25 dwellings. However, this revised quantum of housing would still exceed the anticipated typical development size of up to 9 dwellings set out in Policy LP2 of the CLLP. In order to meet the provisions of Policy LP2 of the CLLP, a larger scale proposal of up to 25 dwellings can only be supported if exceptional circumstances can be demonstrated; it has clear community support; and it is an appropriate location as defined in the policy which broadly relates to issues of character and appearance.
13. The appellants contend that their own local consultation has demonstrated clear community support. Whilst I note that the appellants undertook pre-application consultation events in June 2016, I am mindful that this related to a scheme which is materially different to the current appeal proposal. A total of 65 comments³ are recorded as having been made. Following the revisions to the overall proposal a further community consultation event was held in September 2017, where 57 comments⁴ were recorded. Neither of the main parties has confirmed the current population of Sturton by Stow. However, an interested party has indicated that the population is in excess of 1300. This figure has not been disputed and given that the number of existing dwellings before recent completions is 649, I have no reason to doubt the accuracy of this population figure.
14. The appellants refer to guidance produced by North Kesteven District Council relating to community consultation and as such its relevance to a proposal in West Lindsey is unclear. Although the CLLP is a joint development plan, I note that this guidance is 'draft' and has been produced by North Kesteven District Council. Consequently, this significantly limits the weight that can be given to this guidance in the determination of this appeal. In any event, I am not persuaded that a measurement of a simple majority of individuals responding to consultation meets the development plan requirement.
15. The CLLP does not indicate any threshold or measure of how clear community support can be demonstrated. Therefore, it is a matter for the decision maker to judge. In order to make an informed decision, in my judgement it would be necessary to provide detailed evidence of the consultation material provided to local residents; the questions posed; the display material provided; and the full comments made. In addition, it would be appropriate to understand how the proposal has taken into account the community feedback received. Policy LP2 of CLLP requires a thorough, but proportionate, pre-application consultation exercise.
16. I recognise the difficulties the appellants have faced in then meeting this requirement when they amended the application. However, the revisions to the proposal were in my view significant, such that comments made at the pre-application stage must be viewed in the context of them being on a materially

³ Paragraph 3.5 of the Appellants Statement of Case

⁴ Table 2 of the Appellants Final Comments.

different scheme. Although I recognise that the appellants undertook a further element of consultation, in strict terms, this does not meet the pre-application requirements of Policy LP2 of CLLP. I note that the Council advised the appellants to withdraw the proposal to undertake new pre-application consultation and then resubmit the revised proposal. However, the appellants chose to proceed as they did.

17. Given the level of comments received at the appellants' consultation events supporting the proposal as a proportion of the overall population of Sturton by Stow, I am not satisfied that this constitutes clear demonstrable evidence of local community support for the proposal as required by Policy LP2 of the CLLP. In my judgement the wording of the policy in referring to demonstrable community support being identified either through a neighbourhood plan or through community consultation is seeking a higher bar of community consensus. In a case such as this where the appeal proposal would also result in the overall level of growth being exceeded so early in the plan period a stronger demonstration of substantive community support is in my view necessary. I note that the Parish Council do not support the proposal.
18. At the planning application stage, I also note that the number of representations in support and objection to the scheme are the same according to the Council's Officer Report. My interpretation of the need to demonstrate community support in Policy LP2 is consistent with the Inspector who dealt with a proposal in Newton on Trent⁵. In that appeal the Inspector was of the view that it is necessary to pose a very specific question to the community on the precise development being proposed during the pre-application stage. In this case from the evidence presented to me at no time was the community clearly asked to respond to the question "do you support a proposal for a development of XXX on the identified site?", where the 'XXX' was the specific description of all the elements of the scheme proposed at that time.
19. The portion of the appeal site indicated for the residential elements of the proposal would be substantial in size. Notwithstanding that the illustrative layout indicates the proposed dwellings and the C2 residential institution use building being sited on the southern half of the residential portion; in principle the application is seeking residential use to be acceptable across the entire portion identified. I recognise that this is an issue that has partially arisen because of the revision made to the dwelling numbers. However, irrespective of the illustrative plan submitted I must consider in principle the acceptability or otherwise of residential development being located across the whole portion identified.
20. Sturton by Stow is a predominantly linear settlement on the north-south axis around the B1241 and set within the rural landscape of various field sizes. The appeal site lies within the Till Vale Landscape Character Area⁶. It demonstrates many of the features of the character area, with smaller fields near the settlements with a variety of existing trees and hedgerows set within the wider agricultural landscape of larger flat and open fields. As such it makes a positive contribution to the landscape character and setting of Sturton by Stow.
21. The appeal proposal would introduce a change to the existing rural character. It would extend development westwards along Marton Road and also extend

⁵ Appeal decision APP/N2535/W/17/3175670, dated 20 March 2018

⁶ West Lindsey Landscape Character Assessment

northwards giving a potential significant depth of development away from Marton Road itself. Given the undeveloped nature of the land to the east, some of which appears to be associated with properties fronting onto High Street, the appeal site feels somewhat detached. As such the appeal proposal would be physically and visually separated from the existing built development along High Street. Consequently, rather than appearing to be an integral part of the settlement I find that it would have the resultant character of a detached area of built development extending into the open countryside. The appeal site would not therefore retain the core shape and form of the settlement. Consequently, it would harm the overall character and appearance of Sturton by Stow and the surrounding countryside.

22. Policy LP2 of the CLLP also refers to 'exceptional circumstances' giving an example that this may include the provision of community facilities. The revised plans for the full application includes the provision of a dental practice, creche-day nursery and gym. In addition to these the appellants also refer to the new area of public open space, provision of footpaths, sustainable drainage infrastructure and flood alleviation as being offered as exceptional circumstances.
23. I recognise that the proposed area of open space would be larger than would be expected in a development of this size and could be secured through the use of an appropriate planning condition. Although the appellant refers to the provision of new footpaths, from the submitted plan, the alignment of the footpath illustrated within the proposed open space is broadly that of the defined Public Right of Way (STUR74/1). As such this would not be an additional benefit arising from the appeal proposal. I note the concerns raised regarding the potential impact on Public Right of Way (STUR71/1). Insufficient evidence is before me to demonstrate how the appeal proposal has taken the definitive route of this footpath into account. I am not satisfied therefore that the appeal proposal makes adequate provision to protect and enhance public rights of way as required by Paragraph 98 of the Framework.
24. The provision of sustainable drainage measures would be expected in a development of this quantum. The submitted flood risk assessment identifies that it is proposed to limit surface water discharge to half of the existing greenfield run-off rate in order to alleviate surface water flooding at the Fleets Road/High Street junction. I do not have substantive evidence before me to understand whether the existing site run-off contributes to existing surface water flooding. Whilst I recognise this could be a potential benefit, and drainage and flooding concerns have been raised in several representations that are before me, I note that none of the statutory bodies responsible for drainage matters have offered any detailed comments on the necessity and/or benefit of this element. Consequently, this limits the weight that can be attached to this suggested benefit.
25. The appellants have submitted a completed Planning Obligation, in the form of a Unilateral Undertaking (UU) as part of this appeal. Accordingly, I have had regard to the UU in reaching my decision. The UU would secure the provision and retention of affordable housing. As the proposal is in excess of 11 dwellings affordable housing is required under the CLLP. The provision of 5 affordable dwellings would equate to 20%⁷ of the number of dwellings

⁷ Policy LP11 b. iv.

proposed and as such would comply with requirement set out in Policy LP11 of the CLLP. In addition, a financial contribution of £15,743.50 specifically for the dispensary at Willingham Surgery, referred to as the 'NHS Contribution' has been offered. Policy LP12 of the CLLP requires developer contributions towards relevant infrastructure. Although I have not been provided with the further guidance that supports this policy, I note that the Council is satisfied with both the affordable housing and the level of NHS contribution that is being offered. I see no reason to reach a different conclusion on these two elements of the UU.

26. The UU also provides the mechanism to ensure the delivery and occupation of the dental surgery. I note the 'letter of intent' from an individual with an interest in setting up the dental practice. It would appear that the proposed dental surgery would be a private practice. As such it would not be accessible to as many people as would be the case with the provision of an NHS dental surgery. Although the letter of intent makes reference to the potential in the future to gain an NHS contract, this cannot be guaranteed.
27. The provision of the C2-residential institution, dental practice, creche-day nursery and gym, in principle, could make a positive contribution to the community. Although it is noted that no cogent evidence to demonstrate any form of need for these facilities within Sturton by Stow has been offered. I recognise that the proposed building which would accommodate the dental practice also indicates internal space for both the creche-day nursery and gym. However, there are no measures suggested which would secure the delivery of the creche-day nursery, gym, and C2-residential institution building. As such, the absence of a mechanism to secure these elements therefore limits the weight that I can attach to them.
28. The proposed vehicular access would utilise an existing field access which lies within the current 30 mph speed limit. The depth of the existing verge and the alignment of Marton Road would enable satisfactory visibility of on-coming traffic. At the time of my early morning site visit, which I appreciate is only a snapshot in time, there was a modest level of traffic flow, with the majority slowing to observe the speed limit when entering the village from the west. I note concerns raised by interested parties on this issue, however I am mindful that the Highway Authority has raised no concerns in principle regarding the proposed access and indicated the use of planning conditions to achieve the technical standard required. As such, in respect of the proposed access, I find that this element of the proposal would be satisfactory.
29. Taking all matters into account, I find that the appeal proposal does not have the required demonstrable clear community support. The harm to the character and appearance of the settlement and surrounding area significantly and demonstrably outweighs the modest benefits that would arise such that the exceptional circumstances as set out in Policy LP2 of the CLLP are not met. Consequently, the proposed location would not be appropriate, having regard to the Council's spatial strategy for growth and the character and appearance of the site and surrounding area. It would conflict with Policies LP2, LP3 and LP4 of the CLLP. These policies seek, amongst other things, to manage growth within rural settlements across the plan period. The appeal proposal would also fail to comply with Policies LP17 and LP55 of the CLLP, which seek to protect the rural character of the countryside and the setting of Sturton by Stow.

Other matters

30. I note the concerns by interested parties made at both the planning application and appeal stages. In addition to those matters covered under the main issues above, other concerns relate to the ridge and furrow within the appeal site; living conditions of the occupiers of nearby dwellings and the reference to a neighbourhood/parish plan.
31. The County Historic Environment Officer confirmed the presence of ridge and furrow within the appeal site. The application was not accompanied by a Heritage Impact Assessment. Given that I have found the appeal proposal to be unacceptable for other reasons it is not necessary to explore this issue in further detail. The protection of the living conditions of neighbouring occupiers could have been a matter which, had I allowed this appeal, been satisfactorily resolved through the reserved matters stage for those parts of the appeal scheme closest to existing occupiers. I note that Sturton by Stow has been designated as a Neighbourhood Area, but to date no formal Neighbourhood Plan has been produced.

Conclusion

32. For the reasons given above, taking all matters into consideration, the appeal is dismissed.

Rachael A Bust

INSPECTOR