

**AGENDA**

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

**Planning Committee**

**Wednesday, 3rd April, 2019 at 6.30 pm**

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

**Members:**

- Councillor Ian Fleetwood (Chairman)
- Councillor Owen Bierley (Vice-Chairman)
- Councillor Matthew Boles
- Councillor David Cotton
- Councillor Michael Devine
- Councillor Hugo Marfleet
- Councillor Giles McNeill
- Councillor Mrs Jessie Milne
- Councillor Roger Patterson
- Councillor Mrs Judy Rainsforth
- Councillor Thomas Smith
- Councillor Robert Waller

1. **Apologies for Absence**
2. **Public Participation Period**  
Up to 15 minutes are allowed for public participation. Participants are restricted to 3 minutes each.
3. **To Approve the Minutes of the Previous Meeting** (PAGES 3 - 20)
  - i) Meeting of the Planning Committee held on 6 March 2019, previously circulated.
4. **Declarations of Interest**  
Members may make any declarations of interest at this point but may also make them at any time during the course of the meeting.

## 5. **Update on Government/Local Changes in Planning Policy**

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

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

## 6. **Planning Applications for Determination**

- a) 138971 - Irwin Road, Blyton (PAGES 21 - 43)
- b) 136577 - Horsley Road, Gainsborough (PAGES 44 - 73)
- c) 138477 - Land off Brigg Road, Grasby (PAGES 74 - 102)
- d) 138794 - Land East of St Mary's Lane, Claxby (PAGES 103 - 127)
- e) 138795 - Hillcrest, Caistor Top (PAGES 128 - 141)

## 7. **Determination of Appeals**

- 138126 – 24 Church Road, Saxilby

(PAGES 142 - 146)

Mark Sturgess  
Head of Paid Service  
The Guildhall  
Gainsborough

Tuesday, 26 March 2019

## WEST LINDSEY DISTRICT COUNCIL

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

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

Councillor Matthew Boles  
Councillor David Cotton  
Councillor Michael Devine (from item 87)  
Councillor Giles McNeill  
Councillor Mrs Jessie Milne  
Councillor Roger Patterson  
Councillor Mrs Judy Rainsforth  
Councillor Thomas Smith  
Councillor Robert Waller (to item 88)

**Cllrs also in attendance:** Councillor Tom Regis  
Councillor Jeff Summers

**In Attendance:**  
Mark Sturgess Executive Director of Operations and Head of Paid Service  
Russell Clarkson Planning Manager (Development Management)  
Martin Evans Senior Development Management Officer  
Richard Green Planning Officer  
Martha Rees Legal Advisor  
James Welbourn Democratic and Civic Officer

**Apologies:** None.

**Also attending:** 14 members of the public

### 83 PUBLIC PARTICIPATION PERIOD

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

### 84 TO APPROVE THE MINUTES OF THE PREVIOUS MEETING

The minutes of the meeting held on 6 February 2019 were approved as a correct record and signed by the Chairman.

### 85 DECLARATIONS OF INTERESTS

Councillor Thomas Smith declared an interest in application number 138096 – Sewage Treatment Works, Rasen Road Tealby as it was within his Ward. He had not spoken to anybody regarding this application.

Councillor Owen Bierley declared that he had received an email from the applicant in relation to application number 138836 – Hillcrest Caistor Top, Caistor. It was a routine email on the subject of the application; Councillor Bierley had not responded to it, and had in no way been lobbied.

## **86 UPDATE ON GOVERNMENT/LOCAL CHANGES IN PLANNING POLICY**

The National Planning Policy Framework (NPPF) was updated on 19<sup>th</sup> February, following a consultation. This related to clarification on:

- *housing land supply*

The revised NPPF made clear that Authorities assessing their local housing need for the purpose of plan-making were allowed to use an alternative approach to the government standard method in "exceptional circumstances".

The definition of "deliverable" sites in the NPPF had been amended to make clearer that non-major sites with outline consent should be considered deliverable unless there was evidence to the contrary.

- *appropriate assessment for habitats' sites*

The NPPF now takes into account a landmark European Court of Justice (ECJ) ruling last year on rules around habitat regulation assessments. It now made clear that the NPPF's presumption in favour of sustainable development was dis-applied only where an appropriate assessment had concluded that there was no suitable mitigation strategy in place.

National planning Practice Guidance (NPPG) had also been revised to make clear that planners use 2014-based household projections rather than the more 2016-based figures on a short-term basis.

The Government had published the Housing Delivery Test results for 2018. Central Lincolnshire delivered at 112% of the housing required over the last 3 years (2015-18).

### **Neighbourhood Plans**

Willoughton NP	Examination successful. Referendum to be held Thursday 6 June 2019.
Glentworth NP	Consultation on the submission version(final) closed today - 6 March 2019. Examination arrangements underway.
Spridlington NP	Consultation on the submission version(final) underway and closed on 15 March 2019.
Sudbrooke NP	Consultation on the submission version(final) underway and closed 12 April 2019.
Scotton NP	Consultation on the pre submission version(draft) underway and closed 3 April 2019.

The Cherry Willingham Neighbourhood Plan had been adopted at Full Council on 4 March.

**87 138096 - SEWAGE TREATMENT WORKS, RASEN ROAD TEALBY LN8 3XP**

The Senior Development Management Officer introduced planning application number 138096 – application for the installation of 25m communications tower, antennas, ground-based apparatus and ancillary development.

The officer confirmed that the latest revisions to the NPPF did not change the recommendation of approval within the report.

The first speaker on this application was Norman Gillan, agent for the applicant, as well as being a planning consultant and member of the Town Planning Institute. He raised the following points in support of the application:

- The Wireless Infrastructure Group (WIG) was a neutral infrastructure provider, and had over 2000 communications sites across the UK. When communications providers identify sites of interest, this was managed by WIG;
- A search had been undertaken for a suitable site in the area to provide 4G by Cornerstone, the infrastructure arm of Vodafone and O2. Sewage treatment works were often ideal locations for such structures as they were often close, but not too close to settlements, and usually had extensive tree planting around them;
- The main concerns around this application were the impact on the Lincolnshire Wolds Area of Outstanding Natural Beauty (AONB), residential amenity, and the impact on heritage assets and listed buildings;
- The infrastructure included a 25m lattice shareable tower with additional apparatus, which would be for O2 in the first instance, with the option of Vodafone being allowed to share. The height required for the mast provided a minimum level of coverage;
- The Tealby Sewage Treatment Works were located within the Lincolnshire Wolds AONB. A Landscape and Visual Impact Assessment (LVIA) noted that there would be a 'minor adverse' to 'negligible' effect at distances of over 200 metres. As trees around the site grew, this could reduce to a 'residual' to 'negligible' effect;
- The overall impacts on the AONB were considered acceptable. A future ground based mast should not be required;
- The response from the Conservation Officer within the report was that there was not enough information to make a judgment;
- The LVIA as previously stated noted the lack of impact at distances of over 200 metres; the boundary of the conservation area was 230 metres from the site;
- The visual impact on certain nearby properties could be mitigated by tree coverage, and the screening effect they provide;
- All apparatus used was designed to international standards;

- As the site was within the AONB any future height extension would require future planning permissions;
- Microwave transmission links were used, but were 'point to point' only; communicating between this mast and others within the same network;
- It was considered that the application was in compliance with the development plan. There would be some impacts, but they were considered acceptable. Installations such as this would bring 4G and 5G to settlements such as Tealby.

**Note:** Councillor David Cotton declared two personal interests as the church at Tealby was mentioned in objections to the proposal, and he worked for the Diocese.

Councillor Cotton also confirmed he was a customer of O2, and could stand to benefit from a mast in that area.

The final speaker was David Naseby, an objector from Tealby Tennis and Bowls' Club. He raised the following points:

- The previous speaker had failed to recognise that the closest point of the proposed tower would be the Tennis and Bowls' Club, which was used for several different types of activity. The closest point was the children's' tennis area, within 200 metres of the proposed mast. A straw poll of parents at the club resulted in 20% of parents saying they would stop bringing their children to the site. This could jeopardise the future of the club;
- A narrow lane was shared between the sewage works site and the tennis club; it was unclear what the impact of a new site would be on the tennis club. It was requested that a full assessment be undertaken;
- Councillors were reminded of statutory obligations in regards to community facilities, and any impact that might be suffered as a result of the proposal;
- Mr Naseby could only object at this point because there was no full assessment on what could happen to the tennis club; and all of the communities that use the site;

Officers responded to the public speakers with the following information;

- There was no specific planning policy requirement to assess the impact on the tennis club; however the officer report detailed what had to be taken into account on the grounds of health. Non-ionising radiation was explicitly referred to in the NPPF;

Following this update, Members provided their comments and questions on the application. These comments, and answers to the questions are provided below:

- The AONB Management Plan was not part of the development plan, but was a material planning consideration;
- Any later increase in the height of the mast would require permission. The adjacent

plantation to the sewage works did provide some screening; in the fullness of time these trees would mature;

- Access to the tennis club could not be conditioned as part of the permission. The access to the tennis club would be a legal right rather than a planning requirement;
- Due process had been followed and the tennis club were aware, and were consulted on the application. There was some overlap between legislation on the health impacts of the application; it was reiterated to Members that the correct assessments had been undertaken and standards had been met;

**Note:** Councillor Mick Devine arrived at 1858; he did not take part in the debate on this application, and did not vote.

- There was no physical impact on the tennis club. The most meaningful impact would be on the club's shared access with the sewage works, but this was not seen as a reason for refusal. Lincolnshire Highways had not objected to this application;
- The entire development required planning permission as it was within the AONB;

One Member raised the question of whether more harm would be done to the environment within the AONB, and whether this harm would outweigh the benefits that the mast would bring. There were conservation areas within Tealby and Tealby Thorpe, and the mast would have proximity to some listed buildings within the area. This was moved as refusal of the application as printed.

Following this last comment, a vote was taken on refusal of the application, using sub-section d of policy LP25 of the Central Lincolnshire Local Plan (CLLP), policy LP 17 of the CLLP, Paragraph 170(a) of the NPPF, as well as paragraphs 172, 193 and 196. Also listed were section 85(1) of the Countryside Act 2000 and section 72 of the Listed Buildings and Conservation Areas Act 1990.

The vote for the above motion was lost; the officer recommendation within the report to approve subject to conditions was then moved and seconded, and it was therefore:

**AGREED** that the application be **GRANTED** subject to conditions:

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

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

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

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

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.

**Note:** Councillor Thomas Smith requested that his vote against the officer recommendation of granting subject to conditions be recorded.

**88 138660 - LAND TO THE REAR OF MARQUIS OF GRANBY, HIGH STREET WADDINGHAM DN21 4SW**

The Senior Development Management Officer introduced planning application number 138660 – land to the rear of Marquis of Granby, High Street Waddingham. It was an outline planning application for the erection of 7no. dwellings with all matters reserved.

The revision to the NPPF did not change the officer recommendation. A unilateral undertaking to the application had been received, and was currently being reviewed.

The first public speaker to this item was Councillor Colin Metcalfe, from Waddingham Parish Council. He raised the following points:

- This item had been discussed at a Waddingham Parish Council meeting in December 2018;
- Application 138660 was essentially a resubmission of previous applications; they had been refused;
- This application puts forward some mitigation to previous applications, but the Parish Council was not convinced they would be successful;

- The mitigation for noise appeared to be a wooden acoustic screen around the beer garden of the public house. This would affect the economic sustainability of the public house;
- The physics of sound seem to have been ignored as the screen was close to the noise source; the sound would travel over the top of the screen. In addition, most of the dwellings on the site would have a view over the beer garden;
- The public house hosts events, thus maintaining a community link. By developing the land, the pub would no longer have the land available to host events such as boot sales, and also would not be able to provide caravan facilities;
- There was a suggestion in the report that the village green could be used for community events; the village green was properly registered with legislative restrictions and did not have the same facilities as the pub. It was also adjacent to the main highway through the village; a recent traffic survey showed that 1400 vehicles pass through on that route every day;
- The current owners of the shop and post office in the village were looking to retire; the site of the pub could potentially be a new location for these facilities;
- The current owners had only had the site for two years, and had not maintained it sufficiently despite requests from the parish council. The public house building had deteriorated quite significantly.
- Waddingham Parish Council urged the Planning Committee to refuse the application.

The second speaker was Paul Brailsford, agent for the applicant, and a partner at Freeths Solicitors. He raised the following points:

- Lengthy discussions had taken place with officers at West Lindsey District Council to try and address the issues in the applications that had previously been refused;
- Mitigations included:
  - The majority of the orchard be maintained;
  - An acoustic solution for the pub around the beer garden;
  - Window glazing to a high specification for the new homes;
  - A legally binding undertaking not to use the beer garden at the pub beyond 11pm, with no amplified music;
- It was not unusual to have homes being adjacent to a pub. There had been similar developments in the district at Normanby by Spital, Langworth and Ingham. Pubs can thrive alongside new and existing homes;
- A number of pubs had now closed in the district;
- The Marquis of Granby had been acquired by a small pension fund, with the objective of securing a capital receipt from the sale of part of the site for residential development, with the proceeds going towards developing the pub. It was in the best

interests of the client for the pub to thrive;

- The pub was designated as an Asset of Community Value;
- The fact that the pub was currently vacant was not a situation engineered by the applicant; the premises had been marketed extensively. A lease was close to being agreed, and the mitigations did not concern the incoming tenant;
- If planning permission were agreed, the applicant would look to agree additional investment works with the incoming tenant;
- There were mixed local views; when the applicant held a consultation following the previous refused application, 62% of those who responded supported development. A number of residents had written to oppose the application, as had the parish council and the Ward Member. It was often the case that the quiet majority supported the proposal;
- There was nothing unusual about the application, and no defensible reason to refuse planning permission.

The final speaker was Councillor Jeff Summers, Ward Member for Waddingham and Spital; his Ward including the site in question. He raised the following points:

- A comment on the points raised by the previous speaker; the incoming tenant was not a certainty. Also, the application approved at Normanby by Spital was opposed by the local community, so should not be used as a precedent to support approval in this application;
- There were refusals on the site dating back to 2014. Application 136769 was refused in 2018 because it did not meet the requirements of the present local plan – the site today was the same as this site refused in 2017. That site was refused due to not providing a satisfactory living standard, and because it could affect the viability of the community asset;
- The previous refusal also highlighted the loss of the ancient orchard. In that refusal, the scheme of delegation report stated that planning permission should be refused for loss of irreplaceable habitats unless the benefits clearly outweighed the loss, under paragraph 118 of the NPPF and LP21 of the CLLP;
- Whilst there may be existing dwellings in the proximity of the pub, it did not necessarily mean that development was acceptable;
- Some trees have been felled since the first application, and were no longer there;
- Cllr Summers was looking for a level decision making process; the layout of the site compared to previous refusals was identical, therefore LP1 of the CLLP had not been mitigated against. The benefits of the development do not outweigh the loss of future opportunities for the site. LP15 of the CLLP includes the pub itself;

- The pub was definitely a community asset, and was undoubtedly run down. The developer was not willing to invest in the community.

The Senior Development Management Officer then responded to the public speakers, and gave the following information to committee:

- The applicant had undertaken a significant amount of extra work in terms of physical mitigation;
- Two of the veteran trees in the orchard had been removed. These trees were not protected by Tree Preservation Orders (TPOs), were not in the conservation area and could be removed immediately if required. Conditions on the application offered an opportunity to preserve what was left for future generations;

Following this update, Members provided their comments and questions on the application. These comments, and answers to the questions are provided below:

- There were no reasons found to object to the application on noise grounds. A unilateral obligation restricted amplified music in external areas after 11pm. Licensing legislation prevents live music after 11pm unless the pub is specifically licensed;
- Could be unrealistic to expect people to buy a house surrounded by an acoustic screen; however it was pointed out that this screening would be around the pub, and not the proposed developments;
- There was a village hall on the village green; Waddingham had been lucky in being able to use the public house for events as it was someone else's property. Pubs were often at the centre of villages and should be encouraged;
- Aside from the two bungalows, the houses were four bedroomed dwellings. There was not enough provision for car parking, in a rural village where a car would be required. In addition, if the pub starts to thrive, more space would be needed for car parking;
- The south west corner of the site was allocated as important open space. Over time the back gardens of houses appear to have been extended;
- The site meets most of the tests required for residential development; it meets the CLLP tests and most others;
- The site met the requirements for the CLLP, as it was 7 homes on a site that could take up to 9.

With no further comments from the Committee the recommendation in the report was moved and seconded, and then voted upon and agreed that permission be delegated to officers to **GRANT** 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 runoff 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.

**89 138836 - HILLCREST CAISTOR TOP, CAISTOR LN7 6JG**

The Planning Officer introduced application number 138836, Hillcrest Caistor Top, Caistor, an application to vary condition 24 of planning permission 135031, granted on 14 December 2016 to allow local business to use the site (D2 Use).

The recently revised NPPF did not change the officer recommendation.

There were two speakers present speaking in favour of the application. The first was Councillor Tom Regis, Ward Member for Wold View. He raised the following points:

- The site had previously been backed by West Lindsey District Council (WLDC), and contained 17 small starter units;
- It had the benefit of a WLDC commercial loan; in addition, because the employment rating had scored highly, the units had received money from the Leader Grant Fund;
- Planning policy needed to be challenged and exceptions made;

Lauren Harpham, a business owner at the site also spoke in favour of the application, raising further points:

- Services provided at 'Soul Healthy' included one to one personal training, nutritional advice and planning, sports massage, Swedish massage and corporate wellness. The services had many benefits to clients;
- Customers were attracted because Soul Healthy was not a large gym establishment; it was currently being run from a garage;
- There were no other venues to run the business in the local area;
- It had been made clear by WLDC that they didn't want this business operating in a residential area;
- The developer had had an assessment done on the noise and parking, and the business would be right out of the way.

**Note:** Councillor Robert Waller left the Chamber and did not return.

The Planning Officer responded to the supporters by outlining that the previous planning permission was being built out for a number of uses, but this did not include gym use (D2).

As part of the application, a noise assessment had been submitted. The agent was asked for opening times, and the number of customers for the business, but this had not been forthcoming.

The business at the site did not just do one to one classes, there were also other classes such as spin.

Following this update, Members provided their comments and questions on the application. These comments, and answers to the questions are provided below:

- Lincolnshire County Council Highways have objected to the application on the grounds that there was not sufficient parking;
- Officers confirmed that the application would have been refused by them if it had not been required to come to committee;
- Two buildings in the town centre would not in any way be suitable to house the gym; one in particular needed further investment;
- As a council enterprise should be supported. The application had been supported by Caistor Town Council, and they noted that the application brought regeneration;
- Policy 6 of Caistor's Neighbourhood Plan referred to business and start up units; new business units would be supported if they were within existing employment areas, and should include the opportunity for flexible floorspace arrangements;
- This site had been conditioned under a previous application, which granted 17 rural enterprise units, limiting use to 323 square metres. The current application was seen as an intensification on site, and there had been a lack of clarity on timings and level of custom;
- No additional car parking was being provided. This could conflict with other uses on site which needed a number of spaces. This specifically referred to the A1 and A3 uses;
- Under the NPPF, the edge of the centre would be 300 metres from the very centre. This site was 800 metres from the market place in the town centre;
- There had been a refusal for another gym to use the site around 18 months ago;
- It was mentioned in the application that the business would wish to grow and expand; therefore the comments from Highways had to be given weight.

Following these comments, an alternative recommendation of granting permission was moved and seconded, on the grounds of enterprise, and extending permission to business use class D2, relying on Caistor Neighbourhood Plan Policy 6.

A vote to take this new recommendation forward was lost; therefore the recommendation to refuse permission as per the report, which had also been previously moved and seconded was put to the vote, and was supported. It was therefore **AGREED** to **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 with 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.

## **90 138728 - 9 LAUGHTON ROAD BLYTON DN21 3LG**

The Senior Development Management Officer introduced application number 138728 – a planning application for a change of use of part of a general haulage yard to caravan storage including boundary treatments.

One further letter of objection had been received from residents of 63a High Street, Blyton summarised as follows:

- The application was only submitted following a complaint.
- The applicant initially did not declare their relationship to an officer of the Council.
- Concerned the proposed landscaping will not effectively screen the site due to topography of the area, height of planting, the time it will take to mature and its deciduous nature. There would be harm to the countryside.

- The hardstanding design was not detailed.
- A hedgerow has been removed; drainage was not detailed; the proposal could add to flooding; a flood risk assessment hadn't been submitted; contamination prevention was not detailed; lack of topographical and ecological survey.
- The objector queries why a recommendation was made if consultation is still underway. Consultation had closed.
- They consider the proposal contrary to LP2, LP5, LP17 and LP26.

The changes to the NPPF and additional objection did not change the officer recommendation.

Members checked whether this would have come to committee if the applicant had not been related to an officer of the Council – it was confirmed that it would not and that it would have been approved subject to conditions as per the report.

It was then moved, seconded, and following a unanimous vote the application was **GRANTED** subject to 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.

## **91 138841 - 9 LAUGHTON ROAD BLYTON DN21 3LG**

The Senior Development Management Officer introduced application number 138841 - planning application to erect a 2.1m fence to the eastern boundary at 9 Laughton Road Blyton Gainsborough.

It was confirmed that the revised NPPF did not change the officer recommendation of approval, subject to conditions, as detailed within the report.

The recommendation in the report was moved and seconded, and following a unanimous vote, planning permission was **GRANTED** subject to 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.

## **92 APPEAL AGAINST APPLICATION 138491 LAND TO WEST OF A1133, NEWTON ON TRENT, LINCS**

Members considered a report looking at whether to continue to defend reason 2 of the planning refusal 138491 relating to the sterilisation of mineral resources with a minerals safeguarding area.

The paper was moved and seconded, and therefore 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 was **ACCEPTED**. The Planning Committee would not seek to defend this reason for refusal, in the event an appeal was lodged to the Secretary of State against the refusal of planning permission (ref 138491).

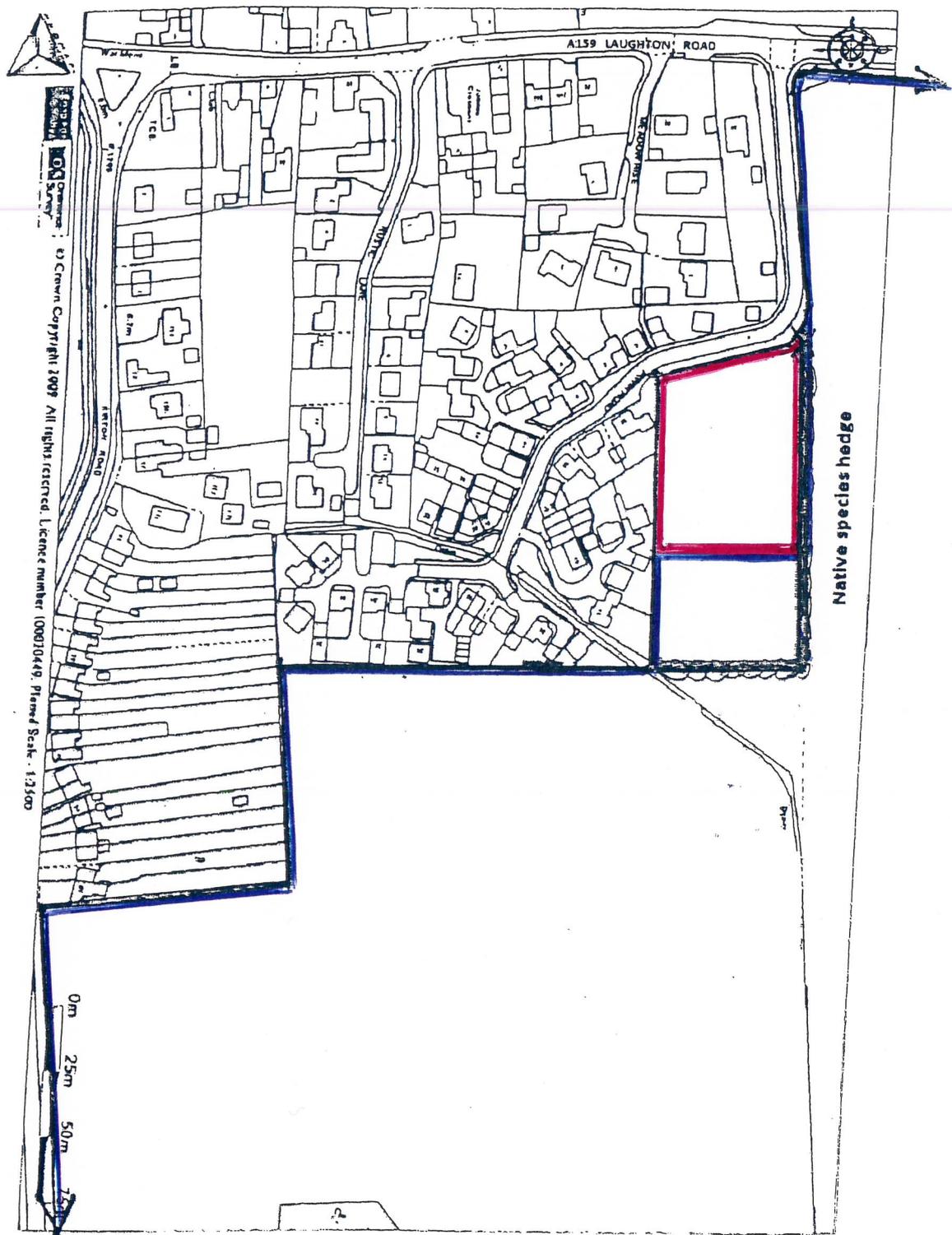
This was all subject to no further information being submitted.

## **93 DETERMINATION OF APPEALS**

One Member noted that the inspector comments on appeals were useful if a Ward was close to reaching its quantum of development in its Neighbourhood Plan. These targets were fairly firm; Members could consider this when putting forward reasons why other schemes might not be in accordance with their Neighbourhood Plans.

The meeting concluded at 8.26 pm.

Chairman



## **Officers Report**

### **Planning Application No: 138971**

**PROPOSAL:** Outline planning application for up to 9no. dwellings with all matters reserved

**LOCATION:** Land east of Laughton Road Adj Irwin Road Blyton  
**WARD:** Scotter and Blyton  
**WARD MEMBER(S):** Cllr Mewis & Cllr Rowlings & Cllr Allison  
**APPLICANT NAME:** Mr Marris

**TARGET DECISION DATE:** 23/4/2019  
**DEVELOPMENT TYPE:** Minor - Dwellings  
**CASE OFFICER:** Martin Evans

**RECOMMENDED DECISION:** It is recommended planning committee delegates powers to officers to approve the application, subject to conditions, following the expiry of the certificate B notice period (expires 16/4/19) and consideration of any resulting representation.

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This application has been referred to the Committee on the basis that Officers have considered it appropriate to do so, in view of the levels of opposition who challenge whether the development accords with the strategic policies of the Local Plan and a call in request from the Ward Member, Councillor Mrs P Mewis.

#### **Description:**

Outline application for residential development of up to 9 dwellings with all matters of layout, scale, appearance, landscaping and access reserved for subsequent approval ('reserved matters').

Whilst the final layout is a reserved matter, the applicant has provided an indicative layout plan and a draft drainage strategy in the form of a plan.

Where access is a reserved matter, the application for outline planning permission must<sup>1</sup> state the area or areas where access points to the development proposed will be situated. The site is shown to take access from Irwin Road, a relatively new estate road connecting to the A159 to the west.

The site is located on an agricultural field adjoining the north eastern corner of the village of Blyton. The site falls considerably to the south and east towards the north eastern corner of the site from approximately 15m AOD to 11m AOD at its lowest point. A field hedge wraps around the site to the north. To the south the boundary changes to 1.8m high domestic fencing where it adjoins existing houses to the Irwin Road estate. A shallow drainage ditch also runs to

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<sup>1</sup> Article 5(3) of The Town & Country Planning (Development Management Procedure) (England) Order 2015

the southern boundary that links to a similar one to the east. The site is open to the east and the remaining field.

Adjoining the site to the south and west is an existing housing estate at Irwin Road with its access drive to the A159 Laughton Road. Properties facing the site to the west are generally two storeys in height with many having facing windows and doors. Some two storey properties also have dormer windows to the roof. To the south houses generally side onto the application site. To the north and east of the site is further open countryside. Although access is a 'reserved matter', it is likely to enter Irwin Road to the west of the development. This road is 5m wide with a pavement down one side. Street lighting is available on this access.

### **Relevant history:**

137789 Outline planning application for up to 9no. dwellings with all matters Reserved. Withdrawn by applicant 19/12/18.

There have been a number of refusals on the actual application site although all relate to larger site areas and greater level of development than the present proposal.

- **137047 Outline planning application to erect up to 15no. dwellings with all matters reserved-resubmission of 134722 Refused 26<sup>th</sup> Jan 2018**

The two reasons for refusal were as follows:

1. The proposed development of 15 dwellings would be constructed on a greenfield site on the edge of the village of Blyton, extending the village into open countryside. The quantum of development would be above that accepted on single sites within medium villages under policy LP2 of the Central Lincolnshire Local Plan. Exceptional reasons, justified by local circumstances have not been demonstrated to justify a development coming forward at a larger scale, and it does not have clear local community support. The proposal is therefore contrary to the Central Lincolnshire Local Plan, particularly policies LP1, LP2, LP3 and LP4 and the provisions of the National Planning Policy Framework (NPPF).
  2. The detail provided relating to the disposal of foul and surface water is insufficient to conclude that the site can be developed without unacceptable impacts on the existing drainage network leading to potential flooding, health and contamination concerns contrary to policy LP14 of the Central Lincolnshire Local Plan and the provisions of the NPPF.
- **134722 Outline planning application to erect up to 25 dwellings with all matters reserved. Refused 18 July 2017**

The three reasons for refusal are as follows:

1. The proposed development of 25 dwellings would be constructed on a greenfield site on the edge of the village of Blyton, extending the village into open countryside. The quantum of development would be above that typically accepted on single sites within medium villages under policy LP2 of the Central Lincolnshire Local Plan. Exceptional circumstances, justified by local circumstances have not been demonstrated to justify coming forward at a larger scale, and it has not been otherwise demonstrated that the proposals have clear community support. In addition to this, there has been no sequential analysis of more appropriate alternative sites more central to the village which would better maintain the core shape and character of the village, potentially avoid the loss of greenfield land and would allow easier access to local facilities and services including recreational and health facilities. The proposal is therefore contrary to the Central Lincolnshire Local Plan, particularly policies LP1, LP2, LP4, LP9 and LP24, and the provisions of the National Planning Policy Framework (NPPF).
2. Insufficient detail has been provided to conclude that the site can be constructed without unacceptable impacts on the natural environment and ecology contrary to policy LP21 of the Central Lincolnshire Local Plan and the provisions of the NPPF.
3. The details provided relating to the disposal of foul water/ waste is insufficient to conclude that the site can be constructed without unacceptable impacts on the existing foul drainage network leading to health and contamination concerns contrary to policy LP14 of the Central Lincolnshire Local Plan and the provisions of the NPPF.

The only other entries to the relevant planning history on the actual site also relate to a wider site area to include the current housing estate to the south and land to the east as well.

- W8/1381/89 **Outline application to erect 75 dwellings - Refused** 9 Feb 1990
- M00/P/1044 **Outline planning for residential development – Refused** 23 Aug 2001 **Appeal Allowed** 26/7/2002

There are however other application sites to be considered relevant to the application and these are as follows:

Land off High Street Blyton

- 137616 **Outline planning application for up to 4no. dwellings with all matters reserved.** Approved 12<sup>th</sup> June 2018.

- 136431 **Outline planning application for the erection of 7no. dwellings with access to be considered and not reserved for subsequent applications – Granted 27<sup>th</sup> September 2017**
- 132782 **Outline planning application for the erection of up to 19no. dwellings-access to be considered and not reserved for subsequent applications – Granted 10 February 2016**

**Representations:**

Chairman/Ward member(s):

**Cllr Mewis** requests the application be determined by Planning Committee for the following summarised reasons:

- Overwhelming and widespread local opposition.
- Blyton Parish Council objects.
- Three petitions with more than 200 signatures against proposal.
- Contrary to LP2- would not be appropriate location or retain core shape and form. Would change shape of the village creating further linear ribbon development away from core services.
- Contrary to LP2 and LP4- outside developed footprint which specifically excludes agricultural land on the edge of the settlement, hedge forms boundary to countryside.
- Contrary to LP14b- Irwin Road flooding and drainage problems will be exacerbated.
- Contrary to LP14e- it will not reduce flood risk overall and will not provide solutions for the wider area. Residents fear exacerbation of flooding and drainage problems on this uphill site. Residents were concerned about previous application. It is not acceptable to reserve all matters because drainage will not be addressed in a location with drainage and flooding problems.
- Contrary to LP14- SUDS not provided. The application should not be determined until SUDS is demonstrated.

**Blyton Parish Council:**

“Blyton Parish Council strongly objects to the above numbered application which proposes 9no dwellings at land east of Laughton Road, adjacent to Irwin Road for the following reasons. The proposal is contrary to policy LP14b} of the Central Lincolnshire Local Plan. Irwin Road which has a history of flooding and long standing drainage issues is adjacent and immediately downhill from the site. The application has not satisfactorily demonstrated how this application will not exacerbate drainage and flooding issues by creating further surface water runoff and other drainage problems caused by additional development. The very real need for this is highlighted in the response by the Scunthorpe and Gainsborough Water Management Board.

The proposal is contrary to LP14e) of the CLLP. The application has failed to demonstrate proposals to reduce the overall flood risk and potential to contribute towards solutions for the wider area. Blyton Parish Council has grave concerns as stated in previous responses that development of this site will exacerbate flooding problems and increase the risk of flooding.”

### **Local residents:**

Objections have been received from **1, 2, 3, 8, 10, 11, 20, 22, 23, 26, 28, 29, 33, 34, 39, 40, 41, 42, 43, 44, 48, 52 and 53 Irwin Road; 10 Laughton Road and 93 High Street in Blyton** which are summarised as follows:

- Application almost identical to previous refusal. Previous reasons for refusal not overcome. Applicant could appeal previous refusals. Council shouldn't support new applications pending outcome of appeals. Supporting this application would undermine defence of subsequent appeals. Previous application should not have been withdrawn. Previous objections apply.
- Most housing growth permitted by LP4 has already been permitted. Housing need has therefore been met for at least the next 5 years and no further growth is required.
- Piecemeal developments avoid s106 agreements for facilities and affordable housing.
- Unsustainable development. Significant distance to services in Blyton.
- Opposition and no community support for proposal from residents, visitors, businesses and Blyton Parish Council.
- Impact on residential amenity including loss of natural light, overlooking from the proposal, exacerbated by gradient of land, loss of view.
- Development of this size not required in Blyton, especially due to other approvals. Blyton has a 5 year supply of housing land. A neighbourhood plan could be produced if more housing is needed.
- Site is not sequentially preferable under LP4 and conflicts with LP2 due to core shape and form- not an appropriate location. Brownfield sites should be prioritised. Conflicts with LP14 due to drainage problems.
- This development will undermine attempts to regenerate Gainsborough.
- Future residents will not contribute to management company that manages neighbouring estate but they will benefit from it.
- Highway safety impacts, including high speed of vehicles on A159. Will exacerbate parking problems. Irwin Road unfit to accommodate additional housing. Footway cannot be constructed due to ownership.
- Blyton cannot support extra housing/people. School is full, amenities are inadequate and there is a lack of employment opportunities.
- Existing drainage and flooding problems will be exacerbated and have not been addressed. Contrary to LP14. Water table depth measurement is inappropriate.
- Proposal will set a precedent. Site could be extended in the future.
- This greenfield site should remain. Loss of hedgerow. Loss of farmland.

- Loss of property value. Would not have bought house if aware of this proposal.
- If approved, the local government ombudsman will be notified/judicial review take place.
- Increased ribbon development.
- Impact of construction traffic including mud and lack of gritting results in danger.
- No proof of access rights being retained/ may be legal problems with access.
- Problems with existing house construction quality and drainage.
- Protected species may be impacted.
- Growth may have been taken up by other permission for holiday and caravan uses.
- Potential damage to fabric of adjacent dwellings.

**A petition** with 227 signatures calls for the application to be refused with the following objections raised (summary):

- Proposal is unsustainable, resulting in loss of greenfield agricultural land.
- Unnecessary intrusion into the open countryside and would exacerbate unsightly ribbon development along the A159.
- Poor planning as proposal is located significant distances from the few local services in the village.
- Does not support place making or assist delivery of additional services and facilities.
- Unacceptable adverse impact on residential amenity of Irwin Road residents by virtue of overshadowing and loss of light.
- Increased flood risk to existing properties.
- Exacerbate access problems from an adopted private estate road.
- Loss of mature hedgerow.
- Development not required. Blyton has an adequate supply of new housing sites in a village with low demand.

The applicant responded to the representations and petition as summarised below:

- Some petitioners are not from the local community.
- Decision based on development plan and NPPF which support sustainable development.
- Right of access is established.
- LLFA accepts site can be sustainably drainage.
- Severn Trent has adopted existing foul drainage and agree to proposed foul drainage.
- Proposed estate road will be to adoptable standards.
- Blyton can accommodate 18 additional dwellings, proposal would not exceed the threshold and community support is not required.
- Proposal would not extend built footprint but round off development to this part of the village.
- No comparable alternative sites have been submitted for development.

- Some more central sites in the village are in flood zone 3.
- Most villages in Lincolnshire are 2km or more away from strategic employment sites.
- The applicant owns land to the north of the site meaning landscaping screen can be provided.
- Summary of consultee responses provided.
- Further drainage details have been provided. This was not available in time for previous committee meeting hence previous application was withdrawn. Proposal accords with LP1.

**The Council's Senior Housing Strategy and Enabling Officer:** no affordable housing is required from this development.

**LCC Highways and Lead Local Flood Authority:**

“The proposed development is acceptable in principle.

This application is an outline application with all matters reserved. Access and layout are not a consideration as part of this application. Please make the applicant aware of the requirements for access, parking, visibility, turning and layout; as detailed within the LCC Design Approach and Development Road Specification.

Could you please make the applicant aware that should any of their works affect any items of street furniture (such as street lighting columns) within the public highway, or require that they be moved, that they will need to arrange this with the necessary party at their own expense.”

It recommends conditions regarding provision of a footway, completion of road and footways and surface water drainage scheme; and informatives regarding the need for a legal agreement with LCC, new vehicular access, construction to adoptable standards and arrangements for works within the public highway.

**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.”

**LCC Archaeology:** no archaeological input required.

**Shire Group of IDB's for Scunthorpe & Gainsborough Water Management Board:** The site is within the IDB's area. 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. Generic guidance is provided on disposal of surface water to soakaways, mains sewer and watercourse. The requirements for IDB consent are set out.

### **Relevant Planning Policies:**

Planning law<sup>2</sup> requires that applications for planning permission must be determined in accordance with the development plan, unless material considerations indicate otherwise. The Development Plan in this location comprises the Central Lincolnshire Local Plan (April 2017); and the Lincolnshire Minerals and Waste Local Plan (2017).

If to any extent a policy contained in a development plan for an area conflicts with another policy in the development plan the conflict must be resolved in favour of the policy which is contained in the last document to become part of the development plan<sup>3</sup>.

#### Development Plan

*Central Lincolnshire Local Plan*

#### **Relevant Policies:**

LP1: A presumption in favour of sustainable development

LP2: The spatial strategy and settlement hierarchy

LP3: Level and distribution of growth

LP4: Growth in villages

LP10: Meeting accommodation needs

LP12: Infrastructure to support growth

LP13: Accessibility and transport

LP14: Managing water resources and flood risk

LP17: Landscape, townscape and views

LP21: Biodiversity and geodiversity

LP26: Design and amenity

LP55: Development in the countryside

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

*Lincolnshire Minerals and Waste Local Plan- Core Strategy and Development Management Policies*

Policy M11: Safeguarding of Mineral Resources

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

#### National policy/guidance

National Planning Policy Framework (NPPF)

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

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<sup>2</sup> Section 38(6) of the Planning and Compulsory Purchase Act 2004 and section 70(2) of the Town and Country Planning Act 1990

<sup>3</sup>

National Planning Practice Guidance (NPPG)

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

The NPPG was revised in February 2019. Paragraph 213 states:

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

#### Other

Central Lincolnshire Developer Contributions Supplementary Planning Document- Adopted June 2018

<https://www.n-kesteven.gov.uk/central-lincolnshire/local-plan/supplementary-planning-documents-and-guidance-notes/>

### **Neighbourhood Plan**

There is no Neighbourhood Plan currently under way in Blyton.

#### **Main issues**

- *Principle of houses in this location (M11, LP2, LP4 & LP55)*
- *Accessibility, highway safety and parking (LP13)*
- *Open space and access to recreation facilities (LP9 & LP24)*
- *Design and Impact on the character of the area (LP17 & LP26)*
- *Residential amenity (LP26)*
- *Drainage and Flood Risk (LP14)*
- *Ecology (LP21 )*
- *Other*

#### **Assessment:**

##### i) Principle of houses in this location

The application site is located within a sand and gravel minerals safeguarding area as defined by Policy M11. The required minerals assessment has been submitted. LCC Minerals and Waste Team considers it acceptable. Minerals safeguarding is not considered to be a constraint to development. The proposal is therefore considered to comply with the requirements of M11 of the Lincolnshire Minerals and Waste Local Plan.

Blyton is placed within the hierarchy of settlements within the Central Lincolnshire Local Plan (CLLP) policy LP2 as a medium village (level 5 of 8). The policy notes that unless promoted via a neighbourhood plan, or through the demonstration of clear local community support the following will apply for medium villages:

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

- No sites are allocated within the plan, except for Hemswell Cliff and Lea
- Typically, and only in appropriate locations, development proposals will be on sites of up to 9 dwellings. However, in exceptional circumstances proposals may come forward at a larger scale on sites of up to 25 houses.... 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.

Further guidance is found within policy LP4 which states: In principle, settlements within categories 5 – 6 of the settlement hierarchy will be permitted to grow by 10% in the number of dwellings over the plan period.

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.

Policy LP4 permits 10% growth of the village (56 dwellings in total) In this instance, as of 28<sup>th</sup> February 2019, Blyton has a remaining growth level of 19 dwellings<sup>4</sup>. This takes account of previously approved development within the village. In addition to this, the applicant has reduced the quantum of development to 9 dwellings to accord with policy LP2, therefore no community support is required to be demonstrated.

Consideration must be given to whether this is an appropriate location for development as defined in policy LP2. The development would be located on a greenfield site on the edge of Blyton. It is not a requisite for an “appropriate location” to be within the developed footprint and edge of settlement sites can be considered – it does however need to “retain the core shape and form of the settlement”.

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<sup>4</sup> <https://www.west-lindsey.gov.uk/my-services/planning-and-building/planning-policy/housing-growth-in-medium-and-small-villages-policy-lp4/>

The site, adjoins an existing modern estate to the west and south. In addition to this, Meadow View provides a straight frontage to the village of Blyton. The proposal would effectively round off the village in this location. Its location would not be expected to have a significant impact on the character of the area, with the main public vantage points being screened by the existing houses within the area or softened by the fall in ground levels mitigating most impacts. It is considered therefore that that the site should be considered an appropriate location and would round off the village in this location.

Policy LP4, however, also indicates that within level 5 & 6 settlements a sequential assessment of appropriate sites beginning with brownfield land or infill sites in appropriate locations within the developed footprint of the settlement, then brownfield sites at the edge of the settlement in appropriate locations and only then, greenfield sites at the edge of a settlement, in appropriate locations should be undertaken. The applicant has provided such an assessment.

The application site does not fall within the centre of the village and on viewing the maps of the area, it is clear there are a number of sites which could be considered as infill sites within the footprint of Blyton. The assessment of sites undertaken mirrors those utilised within the sequential analysis accepted in 136431. There are no brownfield sites identified with the majority being greenfield sites used for agriculture or grazing paddocks. A number of the sites are on the extreme edge of the village so are either no better or less suitable than the application site. Two sites are, however, centrally located close to the village centre. One of sites, no.4, within the sequential analysis has no direct or easy access to the highway network and could therefore be discarded whilst the other on Church Lane (no.5) is opposite St Martin's Church a grade 1 listed building whilst to the south is the grade 2 listed Old Windmill. It is considered that these would form a constraint to development as the setting of both of these historic assets could be impacted upon. Both of these sites are also more clearly associate with the countryside rather than the village reducing their qualities as an appropriate development site. There is one potential infill site to the north east of the Victoria Club on Laughton Road that could be suitable for the proposed development. However, vehicular access is via a narrow track to the north of the Victoria Club and would not appear to be capable of sufficient improvement to allow suitable access for a housing development. Development of this site is not sequentially preferable.

The site is located to the edge of the village of Blyton but is also agricultural land. It is therefore considered to be outside of the village developed footprint and policy LP55 should be considered. This policy indicates that applications for new dwellings will only be acceptable where they are essential to the effective operation of rural operations. In this instance, however, as the proposal would accord with policy LP2 and LP4. The site is potentially grade 3 best and most versatile agricultural land which Policy LP55 Part G seeks to protect. However, Blyton is located in a large area of grade 3 land therefore it is not possible to locate development on less valuable grade land. Accordance with LP2 and LP4 combined with the small size of the site and

inability to locate development on lower grade land lead to the conclusion its loss is acceptable.

In principle, therefore, the site is considered an appropriate location and the sequential test is passed. Potential sequentially preferable sites are constrained by a mixture of the setting of two listed buildings, poor access and being more closely associated with the open countryside than the application site. The overall 10% threshold for additional houses in Blyton would not be exceeded, and there is no need for exceptional circumstances to be proven as only 9 dwelling are proposed in accordance with policy LP2. Policies LP2 and LP4 are considered consistent with the NPPF because they allow a rural village to “grow and thrive” (NPPF paragraph 78) and therefore can be given full weight.

- *Accessibility, highway safety and parking (LP13)*

Policy LP13 indicates that: ‘Development proposals which contribute towards an efficient and safe transport network that offers a range of transport choices for the movement of people and goods will be supported. 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.

Objectors have raised concerns as to the acceptability of the access to the site, both in terms of actual carriageway and the junction with the A159 at its westerly extreme. It is also noted that this road has not yet been adopted by the Highway Authority. The road is nevertheless metaled, 5m wide, paved to one side and has street lighting.

Despite concerns that Irwin Road itself would be too narrow consultations with the Highways Authority, have confirmed the dimensions sufficient both in width and design with street lighting and paving to one side. Similarly, the junction of Irwin Road to the A159 has been assessed and is deemed to have sufficient sight lines to enable traffic to enter and leave in a safe matter. In assessing this, note was taken of the junction’s proximity to the national speed limit of 60mph to the north of the junction and the proposed access to

the approved 19 dwellings immediately to the west. The speeding of cars is noted but this can be enforced by the police and is not therefore a planning matter.

The actual design and location of the access to the site is reserved for subsequent approval and the indicative designs could be changed. Resident's concerns re the amount of car parking are noted and have also been raised with the Highway Authority. The indicative design with fewer housing numbers ensures there is sufficient space for appropriate vehicle parking which can be secured at reserved matters stage.

LP13 is considered broadly consistent with the NPPF and is given full weight.

- Open space and access to recreational facilities

LP24 seeks, amongst other things, to improve quality of existing open spaces, sport and recreation facilities and ensure development provides appropriate new open space. Residential development is expected to contribute towards this in accordance with LP24, appendix C and Central Lincolnshire Developer Contributions Supplementary Planning Document. Appendix C states:

“On site provision is preferable but where such is not feasible through development size or context, then off site contributions for improving the quality of existing sites within the accessibility standard ranges and quality standards outlined below will be considered.”

The table on page 35 of the SPD clarifies that for 9 dwellings contributions are not sought for “On site provision of local or strategic playing fields to standards in Local Plan if there is no existing provision within Local Plan access standards” and “On site provision of Local Useable Green space if there is no existing provision within Local Plan access standards”.

The site is approximately 1km from the play area on Church Lane which has 4 items of play equipment and appears to be in a poor state of repair. In its current state the play area is considered to be a Local Area of Play (LAP) as defined on page 33 of the Central Lincolnshire Open Space Audit and Provision Standard Assessment April 2016. Under the terms of Appendix C, the LAP cannot be considered a Formal Equipped Play Area. It could be considered an amenity green space. The 1km distance between the application site and play area is far beyond the accessibility standard of 400m set out in Appendix C. It would not be appropriate to seek contributions towards off site play area improvements for this reason. The SPD is clear no on site Local Usable Greenspace is required for 9 dwellings.

The site is approximately 1.5km from the football pitches on Sandbeck Lane. The table on page 21 of the Central Lincolnshire Open Space Audit and Provision Standard Assessment April 2016 does not identify Sandbeck Lane football pitches as a strategic playing field. It is considered Sandbeck Lane is “local provision” as set out in Appendix C. The 1.5km distance between the application site and Sandbeck Lane football pitches exceeds the accessibility

standard of 1.2km set out in Appendix C. It is not possible to seek contributions towards this off site football pitch complex for this reason.

The site would be within approximately 12 minutes drive of Richmond Park, Gainsborough and other strategic sporting facilities within the town in accordance with the accessibility standards in Appendix C. However, due to pooling restrictions placed on developer contributions it is not appropriate to have such a small development form one of the pooled contributions to strategic playing fields in Gainsborough given the much larger developments coming forward in the town that would provide greater contributions towards improvements. The SPD is clear no on site strategic provision is required for 9 dwellings.

The proposal complies with the requirements of LP24, Appendix C and the SPD.

LP24 is consistent with paragraph 91 of the NPPF which requires policies to achieve healthy, inclusive and safe places enable and support healthy lifestyles, especially where this would address identified local health and well-being needs – for example through the provision of safe and accessible green infrastructure, sports facilities. It is also consistent with paragraph 92 which requires policies plan positively for provision and use of shared spaces, sports venues, and open space; and paragraph 96 requiring access to a network of high quality open spaces and opportunities for sport and physical activity is important for the health and well-being of communities. LP24 is given full weight.

- Design and Impact on the character of the area

The design and impact on the character of the area cannot be considered in detail as all matters in this application, including scale and appearance, are reserved. The impact of changing an agricultural field into built development will, however, have an impact on the character of the settlement.

LP17 indicates that 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, hedgerow, walls, water features, field patters and indivisibility between rural historic settlements.

The policy further notes: 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.

Further guidance can be found in policy LP26 which supports LP17 by seeking developments to consider the character and local distinctiveness of an area and create a sense of place. Within the policy a list of specific design

criteria are outlined which, is perhaps more appropriate to a detailed application.

Blyton is located within the Laughton Woods Character area within the adopted West Lindsey Countryside Landscape Character Assessment. The area's settlement pattern includes long and open views with church towers as local landmarks, a clustered form with settlements appearing as islands of development within open arable fields, relatively small fields on the fringes of settlements, a close relationship between buildings, mature trees and hedgerows.

The design summary indicates that new development on the fringes of settlements should be accompanied by significant tree and hedgerow planting to integrate buildings within the surrounding landscape settlement. It further notes that irregular, small scale field pattern on settlement fringes can be conserved by developing on part of large peripheral fields and retaining the remainder as grassland. Small groups of new buildings should have a relatively high density, with trees forming key focal elements within the layout. Finally it notes that Blyton has a clustered form with a complex of back lanes and loop roads which has developed around central greens and common land; the layout of new development should take a similar form, avoiding linear or cul-de-sac layouts.

In this instance, the development of this site is such that it would not have a significant impact on the main vantage point of the site from Laughton Road. The hedging to the road side is such that it would soften the appearance of the frontage development onto Irwin Road, whilst dwellings further into the site would be softened by the falling ground levels. Nevertheless the development would front the ridge of the hill which would appear to extend the village. Such an extension would urbanise this entrance to the village. What is missing from this development is space for landscaping, the increased density of the proposals and potential need for drainage is such that the location for meaningful landscaped screening has been lost. Nevertheless, this scheme would be subject to landscaping and detailed consideration at reserved matters stage and is not therefore considered to have a detrimental impact on the character of the entrance to the village contrary to policies LP17 and LP26. An advice note is nevertheless recommended to ensure that any future applicant is aware of the need for significant additional planting on the northern boundary.

Similarly, the estate has a very strong character with attractive housing fronting roads. Whilst the application is in outline, it is not clear that the applicant has consent to create multiple access points onto Irwin Road. However, it should be possible to design the dwellings so they address Irwin Road appropriately.

LP17 is consistent with NPPF paragraph 170 as they seek to protect valued landscapes and recognise the intrinsic character and beauty of the countryside. LP26 is consistent with section 12 of the NPPF in requiring well designed places.

- Residential amenity

Policy LP26 provides guidance on a number of aspects of design and amenity. Focusing on amenity the policy states that: amenities which all existing and future occupants land and buildings may reasonably expect to enjoy must not be unduly harmed by or a result of development. The policy then lists a number of criteria through which to assess future development. These criteria have been used to assess this proposal but given the outline nature of the application any detailed assessment will need to be undertaken at reserved matters stage.

The indicative plan provides some guidance as to the ability to accommodate 9 dwellings on this site. Objections to the scheme propose that dwellings would unacceptably overlook, dominate and overshadow adjoining properties to the south and east. Such concerns are heightened by the increase in ground levels at the site compared to the majority of the adjoining estate. The comments made have some justification on dominance and overlooking grounds. Despite the fall in numbers the density of the site has risen due to the reduced site area.

The indicative layout indicates it should be possible to design the dwellings in a manner that results in no harm to residential amenity. This can be achieved by having the proposed dwellings side on to the existing dwellings to the southern boundary thereby reducing overlooking. The indicative layout shows the dwellings located to the north of the existing dwellings which will reduce the loss of direct sunlight to existing dwellings.

The indicative layout plan is also helpful in that all dwellings are shown to have a road frontage within the site, and all have reasonable rear garden spacing to ensure reasonable levels of amenity space, light, sunlight and levels of privacy are achieved within the site. Whilst concerns are raised it is possible to conclude the site is capable of accommodating the proposed number of dwellings in a manner that would not harm residential amenity in accordance with LP26. LP26 is consistent with section 12 of the NPPF in requiring well designed places.

- Drainage and Flood Risk

The site is within Flood Zone 1 (low probability) on the Environment Agency Flood Maps for planning<sup>5</sup>. It does indicate a flood risk from surface water to the south-east of the site.

Drainage is the issue subject to change since the previous withdrawn application because the applicant has undertaken significant additional

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<sup>5</sup> <https://flood-map-for-planning.service.gov.uk/>

consultation with Severn Trent regarding foul sewer connection details, acceptable flow rates and adoption arrangements.

Policy LP14 sets out a number of criteria for development proposals to demonstrate, which include:

- a. that they are informed by and take account of the best available information from all sources of flood risk and by site specific flood risk assessments where appropriate;*
  - b. that there is no unacceptable increased risk of flooding to the development site or to existing properties;*
  - c. that the development will be safe during its lifetime, does not affect the integrity of existing flood defences and any necessary flood mitigation measures have been agreed with the relevant bodies;*
  - d. that the adoption, ongoing maintenance and management of any mitigation measures have been considered and any necessary agreements are in place;*
  - e. how proposals have taken a positive approach to reducing overall flood risk and have considered the potential to contribute towards solutions for the wider area; and*
  - f. that they have incorporated Sustainable Drainage Systems (SuDS) in to the proposals unless they can be shown to be impractical.*
- ...
- m. that adequate foul water treatment and disposal already exists or can be provided in time to serve the development;*

Severn Trent has confirmed to the applicant that the foul sewers and pumping station on Irwin Road transferred to it under the 2011 PDAS Legislation and that these sewers are now under Severn Trent waters control and are no longer the responsibility of Bovis Homes, however the surface water sewers remain private assets.

The applicant proposes to connect foul drainage to existing manhole 7304 on Irwin Road. According to Severn Trents drainage maps, the foul sewer is gravity based and flows to the west from 7304 onwards.

Severn Trent confirms a pumped rate of 3.8 litres per second from the pumping station can be adopted and that the connection point of MH7304 is acceptable.

The application demonstrates a foul sewage connection can be achieved in accordance with Policy LP14 part m.

Surface water is proposed to be dealt with via infiltration to individual on plot soakaways, infiltration below the road and driveways and a berm or filter strip to the northern boundary to prevent overland flows flooding the site.

Some residents have cited concerns with surface water run-off and are concerned that the development will result in an increased of flooding elsewhere.

The LLFA considers surface water drainage details acceptable in principle. The outline nature of the application means the layout and design of the proposal could change therefore it is necessary to require full drainage details via condition. These details are sufficient to establish that it is possible to drain surface water from the site via SUDS in a manner compliant with Policy LP14, and without increasing the risk of flooding elsewhere. There is no evidence from consultees that the proposed foul and surface water drainage arrangements would exacerbate any existing problems on the existing housing estate. A small area around the south eastern boundary of the application site is at medium and high risk of surface water flooding but the extent is so small it will be possible at reserved matters stage to locate dwellings in the very low risk area in accordance with the sequential test requirements.

- Ecology

The extended phase 1 habitat survey finds no evidence of protected species on this reduced application site. The recommendations must be considered in light of the reduced site area. Works would not be within 5m of the drain meaning no water vole requirements arise. Vegetation clearance advice at 5.4, bat brick advice at 5.6 and bird box advice at 5.7 can all form part of an ecological mitigation strategy secured via condition. The impact on protected species and sites accords with LP21 and are acceptable.

- Other

LP10 requires 30% of dwellings to meet part M4(2) of the Building Regulations. This can be conditioned.

The site is not considered to be of archaeological interest - there are no archaeological requirements, expected.

A construction management plan is required to provide off road construction parking, mud prevention, site barriers, hours of construction etc in the interests of amenity.

### **Conclusion**

The proposal has been considered in light of relevant development plan policies LP1: A presumption in favour of sustainable development, LP2: The spatial strategy and settlement hierarchy, LP3: Level and distribution of growth, LP4: Growth in villages, LP10: Meeting accommodation needs, LP12: Infrastructure to support growth, LP13: Accessibility and transport, LP14: Managing water resources and flood risk, LP17: Landscape, townscape and views, LP21: Biodiversity and geodiversity, LP26: Design and amenity and LP55: Development in the countryside of the Central Lincolnshire Local Plan and Policy M11: Safeguarding of Mineral Resources of the Lincolnshire Minerals and Waste Local Plan- Core Strategy and Development Management Policies as well as the National Planning Policy Framework,

National Planning Practice Guidance and Central Lincolnshire Developer Contributions Supplementary Planning Document.

The number and location of the dwellings is acceptable in principle and there are no identified sequentially preferable sites. The impact on potential mineral resources is acceptable. The impact on highway safety and convenience is acceptable. No open space requirements arise from the proposal. No harm would be caused to residential amenity or ecology. The application demonstrates a foul and surface water drainage solution is available. There are no other technical problems with the application therefore outline planning permission should be granted.

**Recommendation**

It is recommended planning committee delegates powers to officers to approve the application, subject to conditions, following the expiry of the certificate B notice period (expires 16/4/19) and consideration of any resulting representation.

**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 buildings 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. The scale reserved matter application(s) shall include a schedule of the type and mix of dwellings to be agreed as part of the application.

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 and in accordance with Policy LP10 of the Central Lincolnshire Local Plan.

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

The scheme shall:

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

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

Reason: To ensure that surface water run-off from the development will not adversely affect, by reason of flooding, to neighbouring land and property in accordance with Policy LP14 of the Central Lincolnshire Local Plan.

5. No development shall take place until an ecological mitigation and enhancement strategy in accordance with the advice set out in paragraphs 5.4, 5.6 and 5.7 of the submitted extended phase 1 habitat survey has been submitted to and approved in writing by the Local Planning Authority. The development shall proceed in accordance with the approved details.

Reason: To ensure there is no harm to protected species and enhancements are secured in accordance with Policy LP21 of the Central Lincolnshire Local Plan.

6. No development shall take place, until a Construction Method Statement has been submitted to and approved in writing by the Local Planning Authority. The approved Statement shall be adhered to throughout the

construction period. The Statement shall provide for:

- (i) storage of plant and materials used in constructing the development;
- (ii) the erection and maintenance of security hoarding
- (iii) wheel cleaning facilities;
- (iv) measures to control the emission of dust and dirt during construction;
- (v) the hours during which machinery may be operated, vehicles may enter and leave, and works may be carried out on the site;
- (vi) Measures for tree and hedgerow protection.

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

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

7. No dwelling shall be commenced before the first 40 metres of estate road from its junction with the public highway have been completed.

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

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

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

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

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 and that the roads and footways are completed within a reasonable period following completion of the dwellings in accordance with Policy LP13 of the Central Lincolnshire Local Plan.

10. No less than 30% of the total number of dwellings shall meet part M4(2) of the Building Regulations.

Reason: In accordance with Policy LP10 of the Central Lincolnshire Local Plan.

11. Development shall proceed in accordance with the following drawing numbers: site location plan 1:2500.

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

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

None.

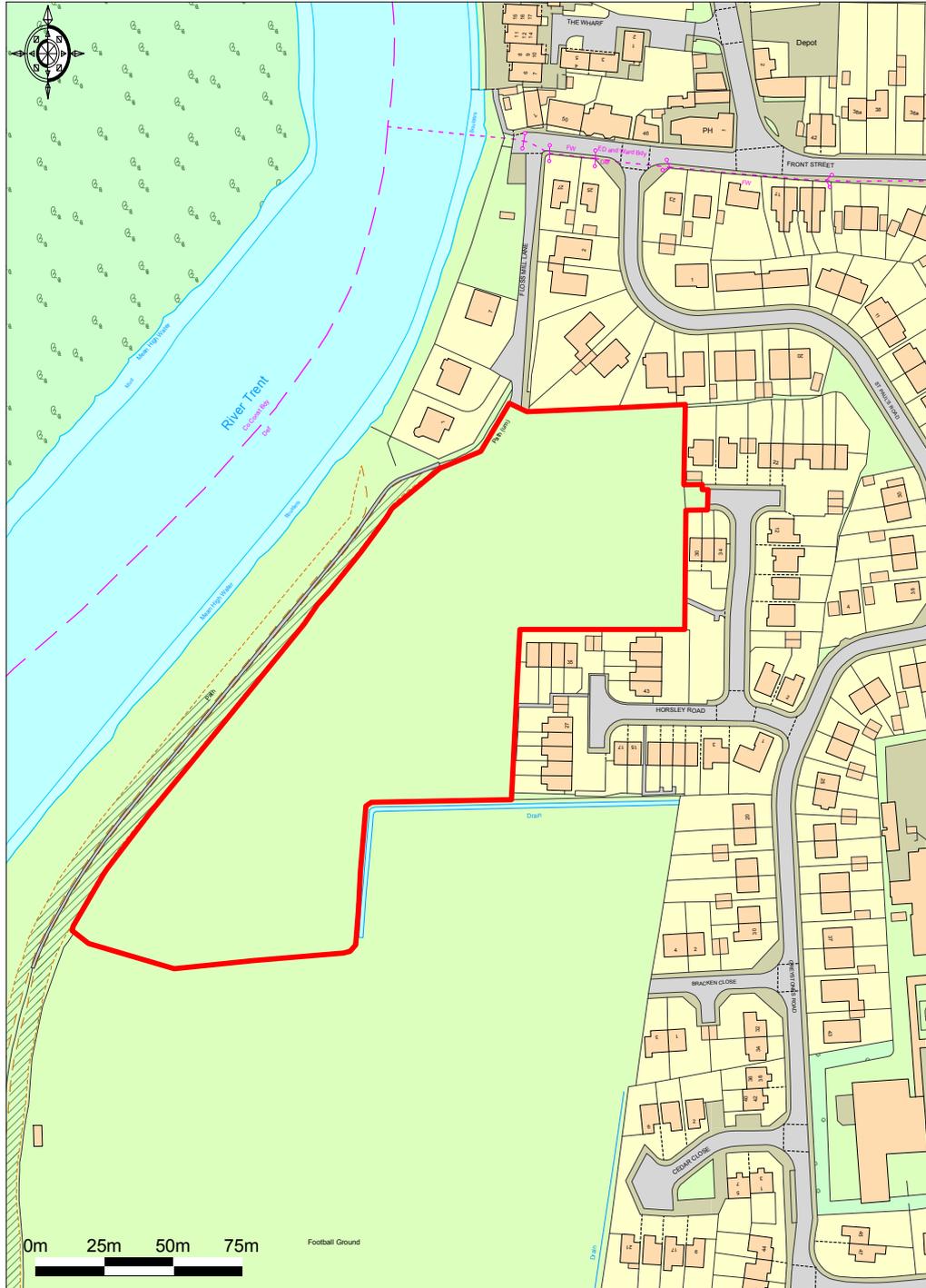
**Human Rights Implications:**

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

# Agenda Item 6b



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## **Officers Report**

### **Planning Application No: 136577**

**PROPOSAL:** Outline planning application for the development of up to 49no. dwellings, with access to land to the west of Horsley Road, Gainsborough to be considered and not reserved for subsequent applications - resubmission of 134824.

**LOCATION:** Land to the West of Horsley Road Gainsborough DN21 2TD

**WARD:** Gainsborough North

**WARD MEMBERS:** Cllr Bardsley, Cllr Bibb and Cllr Boles

**APPLICANT NAME:** Thonock and Somerby Estates

**TARGET DECISION DATE:** 5/4/19

**DEVELOPMENT TYPE:** Major - Dwellings

**CASE OFFICER:** Martin Evans

**RECOMMENDED DECISION:** It is recommended that planning committee delegates powers to officers to approve the application subject to conditions and the negotiation and completion of a s106 agreement securing:

#### *Affordable housing*

- Priority for 20% on-site affordable housing with flexibility to provide an off-site commuted sum in the event the final house types are not appropriate for affordable housing. An off-site commuted sum would be up to £804,000.00.

#### *Education*

- As this application is outline a formulaic approach will be taken in accordance with LCC and WLDC policies. This would be finalised at the reserved matters stage. The final contribution would be used towards 0.5 form entry extension of Castle Wood Academy to 1.5 form entry including 4 additional classrooms and ancillary facilities.

#### *NHS*

- £20,849.50 towards the development of the Trent Side facility at John Coupland Hospital, for the relocation of Caskgate Street Surgery to increase consultation capacity and accessibility to primary care in the area.

#### *Strategic Formal Playing Fields*

- A contribution towards off-site improvements of the football and cricket pitches at The Roses Sports Ground, Gainsborough to be calculated at reserved matters stage in accordance with Policy LP24 and Appendix C of the Central Lincolnshire Local Plan and Developer Contributions SPD.

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

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This application is reported to planning committee following a request made by Ward Councillors and public interest.

**Description:**

The application site currently consists of flat undeveloped grass and scrub land used as a horse paddock which is accessed from Floss Mill Lane. The site is not publicly accessible.

There is residential development to the north and east of the site. The Roses Sports Ground is to the south. The river Trent and associated flood defence is to the west.

Access is to be determined. Vehicular access to the site is proposed from Horsley Road. Emergency breakthrough access is proposed from Floss Mill Lane. Pedestrian access includes three footpaths connecting to the riverside walk and a further pedestrian link to the Horsely Road estate.

The indicative site plan shows 49 dwellings with 2, 3 and 4 bedroom dwellings set over 2, 3 and 3.5 storeys with 2, 3 or 4 car parking spaces including on plot and remote, frontage parking and integral garages; an 8m easement strip aside the river Trent flood defence; a locally equipped area of play and two surface water attenuation ponds with pumping station. It is noted the flood risk assessment indicates the dwellings will be three storeys high to overcome flood risk issues.

The flood risk assessment outline development proposal is that housing units will be of three storey with uninhabited ground floors (e.g. access hallway, utility room and car garage only) with habitable accommodation on the first and second floors.

The planning statement proposes an off-site contribution to affordable housing in lieu of on-site provision.

The entire application site is in flood zone 3; an area benefitting from flood defences; and a minerals safeguarding area.

**Relevant history:**

134824 Outline planning application for the development of up to 49no. dwellings, with access to land to the west of Horsley Road, Gainsborough to be considered and not reserved for subsequent applications. Withdrawn 15/11/16.

**Representations:**

**Cllr Bardsley and Cllr Bibb:**

Request the application is called in to planning committee via the pro-forma within the 28 day call in period and state:

“In addition to the policy comments set out below there is also considerable concern among the residents of nearby properties, namely Horsley Road, St. Paul’s Road, Greystones Road and Floss Mill Lane, regarding flooding and their own recent experiences, as well as access to the new site through already congested roads. The Gainsborough Neighbourhood Plan is still being drafted but is highly likely to call for this area to be designated as a green space.

This application for 49 houses is for a site off Horsley Road, lying between Horsley Road and the Riverside Walk which fronts the River Trent. This piece of land is not designated as part of the Housing zone in the Local Plan and is in excess of the required 5 year housing supply, currently 6.25 years.

Additionally we consider the following apply:

LP14 – The Flood risk since this is in the Zone 3 area. There is historic flood experience in this area and despite the flood defences which are in place there are regularly areas under water.

LP40 – A Riverside location and this site should be intrinsic to the vision behind the policy especially given Gainsborough’s current regeneration plans which include an enhanced Riverside walk.

LP2 – This is not an appropriate site as it contradicts LP40

LP21 – Refers to greenspaces and again raises the question of the vision behind West Lindsey’s Corporate Plan, as well as the need for greenspaces to not only enhance the environment but also to contribute to the wellbeing of the people. At a time when it is hoped to develop the riverside walk further it makes no sense to allow development here.

LP22 – Relates to biodiversity. The site adjoins Mercer Wood which we know has a thriving bat population and we believe a bat survey should be undertaken so that they can be protected. Species which are known to be in the area include:

Common Pipistrelle

Soprano Pipistrelle

Noctule

Brown long-eared

Species of Myotis

It may also be relevant to undertake a reptile survey.”

#### **Gainsborough Town Council:**

15/9/17: Supports this application provided it is built in the same style as the adjoining new development.

11/12/18: “RESOLVED to raise concerns over the access for emergency vehicles as it is not an appropriate route.”

#### **Local residents:**

Objections have been received from residents of 1 Floss Mill Lane; 19, 21 Greystones Road; 4 St Pauls Road; 8, 12, 22, 24, 29, 35, 37 Horsley Road; and 29 Ruby Lane, Upton, Pontefract which are summarised as follows:

- Flood risk from existing and proposed residents including from the river Trent and surface water flooding. Increased impermeable area will result in flooding. Land raising will cause off site flooding. The site acts as a flood plain. Geology and soil may cause problems. Existing drainage not maintained.
- Sequential flood risk test is a concern. The exceptions test may not be passed.
- Exacerbation of highway safety problems including amount of traffic, on street parking, lack of car parking, car and pedestrian safety, and larger vehicle access. There will be vehicle access from Floss Mill Lane in the long term. Noise, air pollution and vehicle lights nuisance to neighbours.
- Construction disturbance.
- Exacerbation of smell from drains.
- Impact on residential amenity (overshadowing, loss of light and privacy) due to height and proximity of proposed dwellings to neighbours. Enjoyment of rear gardens. Impact on night shift workers.
- There are alternative better development sites in Gainsborough so this development should be stopped. Lots of empty houses and houses up for sale already.
- High density low value properties are unacceptable.
- Loss of important greenfield site, resulting visual, health and wellbeing, and ecological impacts including bats. Many of the trees in the report have been removed.
- Is the site still a designated open space?
- There should have been wider consultation.
- The riverbank walk is well used.
- A neighbourhood plan should protect the site as a local green space.
- Loss of property value. May need to move house. More difficult to sell. Council Tax should be reduced.
- Upsets calm and peace of the area.

**A petition** signed by 152 people has been received which opposes the granting of planning permission. It proposes that the site should be protected and designated a local green space in the local neighbourhood development plan.

**Council Housing Strategy Lead Officer** comments summarised as follows:

- Allocated site CL4688 in the CLLP was one of the housing sites within the Greater Gainsborough Housing Zone. This has been identified by WLDC and its development partner for commercial and leisure site.
- With the allocated housing site no longer bringing forward housing the application site, whilst not brownfield, will contribute to the shortfall of housing against the CLLP target to deliver 4435 new homes in the town within the plan period and is therefore supported by the strategic housing team.

- Planning policy prioritises on-site affordable housing. However, there are locations that may not lend itself to house types appropriate for affordable housing. This site may be such a location. On site provision should be the priority but with flexibility to allow an off-site commuted sum in the event the final house types are inappropriate for affordable housing.
- The affordable housing requirement will be for 20% of the total units to be delivered as affordable housing which equates to 9.8 dwellings (rounded up to 10). Based on the Central Lincolnshire Developer Contributions SPD adopted June 2018 this equates to £804,000.00.

**Council Environmental Protection Officer (EPO)** raises no objections in relation to drainage option 1.

**Council Tree Officer:**

- Northern and southern boundary hedges are species rich to be retained
- A landscaping scheme is required
- On site trees are not a constraint to development
- Some category A and B trees adjacent to the site with Root Protection Areas within the site. The ditch will have impeded root spread
- Drainage works may affect trees and hedges
- Land levels should not be raised within tree and hedge RPA's
- An Arboricultural Method Statement should include details on;
  - Identify which trees remain,
  - RPA's,
  - Tree protection measures (position and design/type),
  - Details on any changes in ground levels/soil grading within tree RPA's (any changes in ground level within tree & hedge RPA's should be kept to a minimum),
  - Details of any excavations within tree protection areas,
  - Details of any methods of construction/excavation/installation works within RPA's, with the aim of minimising impact to trees and hedges,
  - Underground utilities within RPA's,
  - Schedule of any tree/hedge pruning works

**LCC Highways and Lead Local Flood Authority:** access acceptable; indicative parking is too low, 2/3 bedroom dwelling requires 2 spaces, 4 bedroom dwelling requires 3 spaces. Garages are not included in the above provision unless of a double nature or sufficient size to accommodate parking and storage. Conditions are recommended regarding improvements to Floss Mill Lane to bring it up to adoptable standards; access to dwellings; construction of first 60m of estate road before commencement of dwellings; and surface water drainage scheme. Informatives are recommended regarding new accesses, road adoption, legal agreement and works within the highway.

**LCC Local Education Authority:** Notes where an application is outline a formulaic approach will be taken in a section 106 agreement, this may result

in a higher contribution if a high proportion of large houses are built. This would be finalised at the reserved matters stage. It indicatively requests £90,211 towards 0.5 form entry extension of Castle Wood Academy to 1.5 form entry including 4 additional classrooms and ancillary facilities. The County Council will ensure that no more than five s.106 agreements are signed towards a specific piece of infrastructure. We would suggest the s.106 monies are paid at the halfway point in the development to allow timely investment by the County Council whilst not adversely affecting the developer's viability.

**LCC Minerals and Waste Team:** no safeguarding objections.

**LCC Archaeology:** no comments.

**LCC Public Rights of Way:** The Definitive Map and Statement shows Definitive Footpath (Gainsborough) No.1 alongside the site although this would not appear to affect the proposed development. Standard comments are provided relating to encroachment of the right of way; no dangers or inconvenience to users of the right of way; gate or style work will require consent; planning gain is sought to improve Floss Mill Lane with the provision of a footway and street lighting.

**Lincolnshire Bat Group:** The Extended Phase 1 Habitat Survey Report is very comprehensive and we endorse its recommendations. Small pipe ends should be covered to protect hedgehogs.

**Environment Agency:** withdraws its initial objection on the basis of the amended flood risk assessment. No objection is raised subject to the following conditions:

“Condition 1

The development shall be carried out in accordance with the submitted FRA (ref: 067611-CUR-00-XX-RP-C-001, revision 3) dated February 2019 and the following mitigation measures it details:

- Finished floor levels for the habitable accommodation to be set no lower than 7.30 metres above Ordnance Datum (AOD).
- Flood resilience and resistance measures as described.

Reason

To reduce the risk of flooding to the proposed development and future occupants.

These mitigation measures shall be fully implemented prior to occupation and subsequently in accordance with the scheme's timing/phasing arrangements. The measures detailed above shall be retained and maintained thereafter throughout the lifetime of the development.

Condition 2

The development shall be carried out in accordance with the submitted FRA (ref: 067611-CUR-00-XX-RP-C-001, revision 3) dated February 2019 and the following mitigation measures it details:

- Non-habitable ground floor uses only as stipulated in section 2.11.
- Any garage should act as a 'car port' and remain open either side.

## Reason

To allow the free flow of water across the floodplain during an extreme event, and to reduce the risk of impact on third parties.

These mitigation measures shall be fully implemented prior to occupation and subsequently in accordance with the scheme's timing/phasing arrangements.

The measures detailed above shall be retained and maintained thereafter throughout the lifetime of the development."

Information is provided for the Council regarding emergency planning and to the applicant regarding Environmental Permit regulations.

**Natural England:** no comment.

**NHS England:** The contribution requested for the development is £20,849.50. This would go towards the development of the Trent Side facility at John Coupland Hospital, for the relocation of Caskgate Street Surgery to increase consultation capacity and accessibility to primary care in the area.

**Lincolnshire Fire and Rescue:** no objections subject to access to buildings and fire fighters in accordance with building regulations; minimum carrying capacity for hard standing for pumping appliances of 18 tonnes, not 12.5 tonnes as detailed in the Building Regulations 2010 part B5; fire hydrants be installed on the site at the developers expense.

**Lincolnshire Police:** note this is an outline application and offers advice regarding car parking; landscaping; and building regulations.

## Relevant Planning Policies:

### 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).

### Lincolnshire Minerals and Waste Local Plan

- Core Strategy and Development Management Policies
- Site locations

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

Policy M11: Safeguarding of Mineral Resources

### Central Lincolnshire Local Plan

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

Policy LP2: The Spatial Strategy and Settlement Hierarchy

Policy LP3: Level and Distribution of Growth  
Policy LP9: Health and Wellbeing  
Policy LP10: Meeting Accommodation Needs  
Policy LP11: Affordable Housing  
Policy LP12: Infrastructure to Support Growth  
Policy LP13: Accessibility and Transport  
Policy LP14: Managing Water Resources and Flood Risk  
Policy LP17: Landscape, Townscape and Views  
Policy LP21: Biodiversity and Geodiversity  
Policy LP24: Creation of New Open Space, Sports and Recreation Facilities  
Policy LP25: The Historic Environment  
Policy LP26: Design and Amenity  
Policy LP38: Protecting Gainsborough's Setting and Character  
Policy LP40: Gainsborough Riverside  
Policy LP41: Regeneration of Gainsborough  
Policy LP50: Residential Allocations - Main Towns  
Policy LP55: Development in the Countryside

## **Other**

Central Lincolnshire Developer Contributions Supplementary Planning Document

<https://www.n-kesteven.gov.uk/central-lincolnshire/local-plan/supplementary-planning-documents-and-guidance-notes/>

National Planning Policy Framework 2019 and Planning Practice Guidance

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

The new NPPF was published in February 2019. Paragraph 213 states:

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

## **Gainsborough Town Neighbourhood Plan**

West Lindsey District Council has approved the application by Gainsborough Town Council (9<sup>th</sup> January 2017) to have the town of Gainsborough 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. In the absence of a draft plan, it has no impact on the determination of this application.

## **Main issues**

- The principle of development
- Flood risk and drainage
- Residential amenity
- Highway safety and convenience
- Ecology and trees
- Open space requirements
- Affordable housing and developer contributions
- Other

## **Assessment:**

### **The principle of development**

The site is in a sand and gravel minerals safeguarding area designated by policy M11. A mineral sterilisation appraisal has been submitted. LCC Minerals and Waste raise no minerals safeguarding issues. The proposal complies with the requirements of policy M11.

Policy LP2 designates Gainsborough a main town. To maintain and enhance its role as a main town, and to meet the objectives for regeneration, Gainsborough will be the focus for substantial housing development primarily via allocated sites. Additional growth on non-allocated sites in appropriate locations\*\* within the developed footprint\*\*\* of Gainsborough’s urban area\* will also be considered favourably.

“\* Whilst the Sleaford and Gainsborough urban area is not defined by a boundary on the Policies Map, the Key Diagrams on pages 101 and 94 respectively provide an indicative representation of the built up urban areas of these towns to assist in differentiating between what is within the town and what is within neighbouring villages.”

“\*\* 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.”

“\*\*\* 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.”

The site is within the indicative urban area of Gainsborough on page 94 of the CLLP. The site is considered to be within the urban area of Gainsborough given its close relationship with existing development and lack of wider connection to the countryside. The site is considered to be within the developed footprint of Gainsborough for the same reasons. With regards to the appropriate location test, compliance or otherwise with other national and local policies is discussed below but the proposal is considered to retain the core shape and form of the settlement as it is an undeveloped parcel of land in a area characterised by suburban development between existing dwellings, the river Trent and sports field. The application site was deselected as an open space as part of the CLLP examination process as it did not meet the necessary tests. It is not allocated for a particular purpose in the CLLP. The site is not publicly accessible and does not feature any trees of significant quality. Based on the representations received from local residents it seems the site provides a pleasant outlook for local residents and is appreciated as an undeveloped area. Given the overgrown scrubland nature of the site with no public access, lack of significant trees within it and active de-selection as an important open space by the CLLP Inspector, it is considered that development of the site would not lead to *significant* harm to Gainsborough’s character and appearance. Development of the site is not considered to harm the character and appearance of countryside on the opposite side of the river Trent. There is no other adjacent countryside to impact. This is considered to be an appropriate location as defined. The proposal complies with Policy LP2.

The East Midlands Agricultural Land Classification, whilst used for strategic high level planning and indicative in nature, classifies the site as non-agricultural land “land predominantly in urban use”. Therefore, the requirements of Policy LP55 Part G “Protecting the best and most versatile agricultural land” do not apply to the proposal.

The proposal complies with policies M11, LP2 and LP55 and is therefore acceptable as a matter of principle. These policies are consistent with the NPPF.

### **Flood risk and drainage**

Policy LP14 requires, amongst other things, no unacceptable increased risk of flooding to the development site or existing properties; the development be safe during its lifetime, doesn’t affect existing flood risk defence integrity; maintenance and management of mitigation measures are considered; and they incorporate SUDS unless shown to be impractical. Policy LP14 requires the sequential and exception tests in the NPPF be carried out.

The NPPF requires:

“155. Inappropriate development in areas at risk of flooding should be avoided by directing development away from areas at highest risk (whether existing or

future). Where development is necessary in such areas, the development should be made safe for its lifetime without increasing flood risk elsewhere.”

“158. The aim of the sequential test is to steer new development to areas with the lowest risk of flooding. Development should not be allocated or permitted if there are reasonably available sites appropriate for the proposed development in areas with a lower risk of flooding. The strategic flood risk assessment will provide the basis for applying this test. The sequential approach should be used in areas known to be at risk now or in the future from any form of flooding.”

“159. If it is not possible for development to be located in zones with a lower risk of flooding (taking into account wider sustainable development objectives), the exception test may have to be applied. The need for the exception test will depend on the potential vulnerability of the site and of the development proposed, in line with the Flood Risk Vulnerability Classification set out in national planning guidance.”

“160. The application of the exception test should be informed by a strategic or site-specific flood risk assessment, depending on whether it is being applied during plan production or at the application stage. For the exception test to be passed it should be demonstrated that:

- a) the development would provide wider sustainability benefits to the community that outweigh the flood risk; and
- b) the development will be safe for its lifetime taking account of the vulnerability of its users, without increasing flood risk elsewhere, and, where possible, will reduce flood risk overall.

161. Both elements of the exception test should be satisfied for development to be allocated or permitted.”

“163. When determining any planning applications, local planning authorities should ensure that flood risk is not increased elsewhere. Where appropriate, applications should be supported by a site-specific flood-risk assessment. Development should only be allowed in areas at risk of flooding where, in the light of this assessment (and the sequential and exception tests, as applicable) it can be demonstrated that:

- a) within the site, the most vulnerable development is located in areas of lowest flood risk, unless there are overriding reasons to prefer a different location;
- b) the development is appropriately flood resistant and resilient;
- c) it incorporates sustainable drainage systems, unless there is clear evidence that this would be inappropriate;
- d) any residual risk can be safely managed; and
- e) safe access and escape routes are included where appropriate, as part of an agreed emergency plan.”

“165. Major developments should incorporate sustainable drainage systems unless there is clear evidence that this would be inappropriate. The systems used should:

- a) take account of advice from the lead local flood authority;
- b) have appropriate proposed minimum operational standards;
- c) have maintenance arrangements in place to ensure an acceptable standard of operation for the lifetime of the development; and
- d) where possible, provide multifunctional benefits.”

### *Sequential test*

An amended flood risk assessment and outline drainage strategy dated 25/2/19 has been submitted. It identifies the site is in flood zone 3a (high probability) but is also within areas benefitting from flood defences. Dwelling houses are defined as ‘more vulnerable’ in the PPG. Table 3 attached to the flood risk section of the PPG advises more vulnerable development in flood zone 3a requires the exception test be passed to permit development.

The applicants’ sequential test information includes, amongst other things, the following:

- “Given the extent of a 1 in 200 year flood as identified within the strategic FRA (Flood Zone 3), the application of the sequential test could render large areas of Gainsborough unsuitable for development given the other growth ambitions and land allocations situated in Flood Zone 1. Ordinarily, this would prohibit any significant development on the West side of Gainsborough and lead to considerable regeneration and social difficulties by starving one of the most deprived areas of town from any inward investment.”
- It is important to recognise flood defences along the river Trent have been recently upgraded therefore it is appropriate to apply a significant flood risk reduction when assessing proposals in this part of Gainsborough.
- There are a number of housing zones sites located adjacent the river Trent.
- The application site was always considered a ‘follow on’ development from that adjacent.
- The application site was removed from the CLLP as public open space as it failed the necessary tests. It is not fulfilling any other purpose.
- At least one housing zone site (Riverside Gateway reference 134014 now has in principle permission by way of Local Development Order). This was approved in flood zones 2 and 3 in consultation with the EA and LLFA. Regeneration benefits were considered to outweigh flood risk concerns. “The Statement of Reason associated with this LDO outlines that although the majority of the site is within Flood Zone 3, the site is also identified as benefitting from flood defence, including the recent £16 million upgrade completed in 2010. There is no reason why this approach cannot be repeated, and this reasoning be applied, elsewhere in Gainsborough. It is within this context that a Sequential Test is not considered to be applicable for the proposed site which seeks to contribute to the delivery of Gainsborough’s wider regeneration and growth strategy. If the Sequential Test had been applied strictly, on a WLDC wide basis and without the regeneration context, the LDOs would not have been granted.”

- LP2 designates Gainsborough a main town and is the main town in West Lindsey. Additional growth on non-allocated sites in appropriate locations\*\* within the developed footprint\*\*\* of Gainsborough urban area\* will also be considered favourably.
- LP3 aims to deliver 12% of CLLP growth (4,435) of the total homes and employment land needed in Gainsborough to be delivered through a combined strategy of urban regeneration and sustainable urban extensions.

The PPG advises the area to apply the sequential test across will be defined by local circumstances relating to the catchment area for the type of development proposed. In some cases it may be defined by other Local Plan policies. When applying the Sequential Test, a pragmatic approach on the availability of alternatives should be taken.

Policy LP2 designates Gainsborough a main town. To maintain and enhance its role as a main town, and to meet the objectives for regeneration, Gainsborough will be the focus for substantial housing development. Additional growth on non-allocated sites in appropriate locations\*\* within the developed footprint\*\*\* of Gainsborough's urban area\* will also be considered favourably.

Policy LP3 sets out the aim to facilitate 36,960 new dwellings over the plan period with Gainsborough contributing around 12% (4,435) of the new dwellings delivered through a combination of urban regeneration and sustainable urban extensions. The 36,960 dwelling figure should not be seen as a ceiling, but rather the level of growth which is both needed and anticipated to take place in the plan period.

Policy LP38 seeks to protect Gainsborough's setting and character by requiring development make a positive contribution to built and natural environments and quality of life in the town. Whilst there are no heritage assets or positively identified local views to consider as required by the policy the proposal would enhance the public realm by creating a play area in an otherwise publicly inaccessible site and providing connections through the site. This complies with requirement c of the policy.

Policy LP40 sets out expectations for development sites adjacent to the river Trent. This includes:

- "Proposals should also seek to improve connectivity between the riverside and other parts of the town, including the new urban extensions."
- "Where relevant, proposals for sites adjacent to the River Trent must seek to extend and enhance the existing public realm improvements and deliver an enhanced pedestrian and cycle network."
- "Proposals should take account of the need to provide an easement strip behind the flood defences to facilitate ongoing access for future maintenance and repair."

Policy LP41 requires development to assist in meeting wider regeneration and investment objectives in Gainsborough. In particular, development proposals will be supported which enhance linkages to and from the riverside.

LP2 is clear a proposal of this scale (49 dwellings) is only envisaged at tier 1 (Lincoln urban area), tier 2 (Sleaford and Gainsborough) and tier 3 (Caistor and Market Rasen) of the settlement hierarchy.

It is understood allocated housing site CL4688 described in Policy LP50 as Town Centre Riverside Housing Zone b, Gainsborough will no longer be brought forward for residential development. This will result in the loss of an allocated housing site with an indicative capacity of 55 dwellings. There is considered to be a need to carefully consider the merits of additional development opportunities in Gainsborough, as presented by this proposal.

Given the above planning policy and development context, it is considered reasonable to define Gainsborough only as the catchment area for the flood risk sequential test. This specifically excludes smaller settlements such as Morton and Lea from the sequential test as this scale of development is not envisaged in these areas under LP2 and would be contrary to the wider sustainability objectives of the CLLP.

Within this catchment area, there is considered to be a requirement to find sites *in addition* to those allocated in the CLLP for housing. Excluding approximately the western third of Gainsborough which is also in flood zone 3 and so at equivalent risk of flooding and therefore not sequentially preferable, there are no apparent sites of sufficient size to accommodate the proposal that are not already allocated for housing, designated as important open space or an area of great landscape value, or otherwise in less sustainable locations than the application site. The application site is contiguous with the built form of Gainsborough and is within walking distance of services and facilities such as the John Coupland Hospital to the east, the Roses Sports Ground facilities to the south and co-op store on Front Street, Morton. In this case, it is not possible to locate this development in an area at lower risk of flooding as this would be contrary to wider sustainable development objectives noted above and as set out in the CLLP. Development of alternative sites at lower risk of flooding would not provide the opportunities to enhance pedestrian and cycle networks and enhance linkages to and from the riverside as presented by the proposal. This is a wider sustainable development objective mentioned in policies LP40 and LP41. This development in flood zone 3 is therefore considered necessary and it passes the flood risk sequential test in LP14 and the NPPF and PPG.

#### *Exceptions test*

LP14 and the NPPF and PPG require the exceptions test is carried out. In this instance it is informed by a site specific flood risk assessment. The NPPF requires:

“160. For the exception test to be passed it should be demonstrated that:

- a) the development would provide wider sustainability benefits to the community that outweigh the flood risk; and
- b) the development will be safe for its lifetime taking account of the vulnerability of its users, without increasing flood risk elsewhere, and, where possible, will reduce flood risk overall.

161. Both elements of the exception test should be satisfied for development to be allocated or permitted.”

The PPG provides advice on the exceptions test. It states:

“How can it be demonstrated that wider sustainability benefits to the community outweigh flood risk?...

If a planning application fails to score positively against the aims and objectives of the Local Plan Sustainability Appraisal or Local Plan policies, or other measures of sustainability, the local planning authority should consider whether the use of planning conditions and/or planning obligations could make it do so. Where this is not possible, the Exception Test has not been satisfied and planning permission should be refused.”

In this instance there is considered to be broad support for the proposal in Policies LP2 and LP3 as well as site specific benefits arising from the proposal such as the chance to create pedestrian and cycle links and permeability from Horsley Road to the riverside walk as supported in LP40 and LP41. Existing residents may use the on-site play provision which is a benefit. Critically the outline drainage strategy includes the following:

“an updated outline drainage scheme has been prepared which not only provides drainage to the new houses and roads within the site but also incorporates additional features which will deal with the boggy conditions to the north of the site and provide a positive outfall to the southern ditch and thus allow the adoption of the adjacent housing sites drainage to proceed.”

Providing positive outfall for an existing northern on site ditch and Horsley Road drainage ditch is a significant sustainability benefit to the local community and reducing flood risk overall.

The proposal conforms with key CLLP policies. The proposal is considered to score well against other measures of sustainability such as proximity to services, facilities and public transport options provided by its contiguous relationship with the built form of Gainsborough and Morton.

The submitted flood risk assessment identifies the proposal is ‘more vulnerable’ residential development with a 100 year lifetime. It demonstrates that with land raising, three storey design, non-habitable ground floor rooms and provision of a flood warning and evacuation plan the proposal would be safe for its lifetime. This means in the event of the most severe flooding event, residents would receive a flood warning in advance, allowing them to escape and if this is not possible before the event they will have safe refuge at first and second floors which are design to be above the predicted flood water

depth and in a building that is designed to withstand such events. It should be noted the EA recommended conditions require an open car port and non-habitable rooms at ground floor to reduce risks to future residents and to allow the free flow of water across the floodplain during an extreme event, and to reduce the risk of impact on third parties.

The proposal is considered to pass both parts of the exceptions test.

#### *Site specific flood risk assessment and drainage matters*

The FRA considers the risk of flooding from overtopping or breach of flood defences to be very high risk which cannot be mitigated against just by raising ground levels. The FRA proposes non-habitable ground floor rooms and that the habitable floors are above the breach flood level (e.g. three storey town houses with garage, entrance hall and utility only on the ground floor). With typical driveway drainage falls and Building Regulation 2 brick course upstands, the ground floor is likely to be a minimum 300mm above the access road level which will be set similar to the existing ground level of approximately 4.5mAOD. A standard ceiling height of 2.3m and 200mm floor construction will ensure the inhabitable first floor is some 2.8m above the main access road levels and of similar if not greater height than that of the existing flood defence crest (e.g. 7.3mAOD compared to the in river level of 6.72mAOD). On this basis the first floor would provide a 'place of safety' to be rescued from should the 'Danger for All' risk conditions occur before occupants have had chance to evacuate on receiving flood warnings. A site wide development platform of 4.50mAOD would be created on which to build the houses.

The FRA considers flood risk mitigated by:

- The lowest habitable finished flood level being set at 7.3mAOD
- The occupants of the site registering for flood warning with the Environment Agency
- Submission of a flood warning and evacuation plan.

No soakaway testing has been carried out and no investigation of ground water levels has been carried out. Infiltration methods are discounted by the applicant on this basis.

Following extensive negotiations between applicant and the EA, the proposed drainage solution is to pump surface water to the river Trent. Surface water runoff will need to be restricted to greenfield runoff rate before it leaves the site. This will require storage or attenuation of such waters on the site with restricted peak runoff rate of 7.5 litres per second. Two on-site attenuation ponds have been designed to allow this.

Ground levels will be raised to 4.5mAOD. This is below the adjacent development and above the level of the ditch on the southern boundary enabling exceedance flood water to flow to the south. Foul water would connect to the existing system at Bracken Close.

The Lead Local Flood Authority, Council Environmental Protection Officer and Environment Agency raise no objection to the proposed drainage arrangements subject to conditions. The proposal is considered to comply with LP14 and the NPPF and PPG. This policy is consistent with the NPPF.

### **Residential amenity**

The latest indicative layout (PL10 Rev H) shows the following separation distances can be achieved:

21m rear to rear between plots 7-13 and 8 St Pauls Road.  
20m rear to rear between plot 7 and 10 St Pauls Road.  
17m side to side between plot 7 and 28 Horsley Road.  
31m side to rear between plot 13 and 1 Floss Mill Lane.  
12.5m rear to side between plots 2-6 and 30 Horsley Road.  
5m side to side between plot 1 and 37 Horsley Road  
12.5m rear to side between plot 49 and 29 Horsley Road.  
15m side to rear between plot 44 and 25 Horsley Road.

It is important to note all matters are reserved aside from access therefore the above distances only provide an indication of potential separation distances. It is considered the site is capable of accommodating 49 units with a likely three storey design to overcome flood risk issues in a manner that would not cause harm to residential amenity by virtue of issues such as overlooking, loss of light or a sense of overbearing. The density of development accords with that of Horsley Road and the three storey height would not appear out of place. It is noteworthy some dwellings on Floss Mill Lane have three or more storeys.

A development of this scale has the potential to cause some construction disturbance therefore to minimise this a construction method statement condition is recommended in order to minimise and prevent such issues as far as possible.

The impact on existing resident's views across the application site is not considered to amount to a reason for refusal.

The proposal is considered to comply with Policy LP26. This policy is consistent with the NPPF.

### **Highway safety and convenience**

Access is to be determined and is described in the PPG as:

“‘Access’ – the accessibility to and within the site, for vehicles, cycles and pedestrians in terms of the positioning and treatment of access and circulation routes and how these fit into the surrounding access network.”

Therefore, the vehicular access from Horsley Road, emergency breakthrough from Floss Mill Lane, pedestrian link from Horsley Road between plot 1 and 2, and three pedestrian links to the riverside walk are to be considered.

The submitted Transport Statement states:

“7.5 Traffic generation for the site has been based on observed flows from Horsley Road and it has been established that the site would generate a total of 36 two-way trips during the period 0800- 0900hrs and 37 two-way trips during the period 1700-1800hrs.

7.6 The operation of the Horsley Road/Greystones Road junction has been assessed using PICADY and this details the junction would be able to adequately accommodate the proposed trips in the 2021 Assessment year.”

LCC Highways consider the proposed access arrangements acceptable. The site would benefit from good access to public transport and is within walking and cycling distance of Gainsborough and Morton centres. LCC Highways consider there is a need to upgrade Floss Mill Way to adoptable standards for pedestrian benefit.

The nature of the application means the internal road layout and vehicle parking provision will be considered under reserved matters.

The impact of the proposal on highway safety and convenience is considered acceptable in accordance with Policy LP13. This policy is consistent with the NPPF.

### **Ecology and trees**

*Ecology-* The submitted extended phase 1 habitat survey identifies no statutory designated sites within 1km of the site and no impact on any non-statutory and statutory designated sites. There is low bat roost potential in three trees to the south of the site but these would remain. The site has moderate suitability for commuting and foraging bats and will result in the loss of some suitable foraging and commuting habitat. The site has ideal nesting bird habitat. No reptiles were identified during the survey. The survey recommends retention of hedgerows and off site trees. If scrub or hedgerows are to be removed they should be inspected for large animal holes and if found shall remain undisturbed until further surveys are undertaken. Excavations should be covered or graded to allow mammals an escape route if they fall in and large pipes capped off overnight. An assessment of bat activity is recommended. Vegetation clearance should take place outside of bird nesting season, or if during the season a nesting survey should be undertaken. Reptile surveys are recommended. Enhancements are recommended including native planting, verge and scrub planting, 6 bat bricks in the walls of dwellings, lighting directed downwards and away from mature trees, street lighting should be on a timer, bird boxes on retained trees and within new buildings and fencing designed to allow hedgehog movement.

A reptile and bat survey has been provided. As no evidence of reptiles was recorded; no further surveys or specific mitigation measures are considered necessary. From the transect data, there is very little bat activity in and around the site.

The ecological impacts are considered acceptable in accordance with LP21 subject to a condition requiring a scheme of mitigation and enhancements as part of the reserved matters. This policy is consistent with the NPPF.

*Trees-* The submitted tree report considers there are no trees worthy of retention on the site. All of the trees of high and moderate value (Categories A and B) within the group of trees nos. 1-12 are located offsite to the south and it is assumed that these trees will therefore be retained. The need for protective fencing and an arboricultural method statement in the case of development within RPA's is set out.

The Council's Tree Officer considers on site trees can be removed if required; the boundary hedges should be retained. Off-site trees should be considered via an arboricultural method statement submitted as part of the reserved matters which should, amongst other things, take account ground raising.

This will ensure the retention of natural features on and around the site (trees and hedges) in order to maintain these features which contribute positively to the character of the area. Tree impacts accord with Policy LP17 and LP26. These policies are consistent with the NPPF.

### **Open space requirements (LP24, Appendix C and SPD)**

Policy LP24 requires developments provide new open space, sports and recreation facilities and reduce deficiencies and improve the quality of such resources. On site provision is the priority.

#### *Strategic playing fields*

Based on predicted occupancy levels and the formula in the local plan and SPD the proposal generates a need for 1239.7m<sup>2</sup> of strategic playing fields.

The SPD requires applications of this size to provide off-site contributions to existing strategic playing fields if within Local Plan access standard thresholds via S106. The Roses Sports Ground is within the access standard.

Central Lincolnshire Open Space Audit and Provision Standard Assessment April 2016 names the Roses Sports Grounds as a strategic playing pitch with quality improvements needed to football provision.

Central Lincolnshire Playing Pitch Needs and Evidence - October 2015  
Update states:

Football- "5.143 Some quality concerns are raised and it is clear that drainage is one of the key concerns in West Lindsey. The following site specific issues were raised by clubs;...

- Roses Sports Ground - uneven (due to moles)”

User comments are “Poor drainage, some issues with moles mean that pitches are uneven”

“Roses Sports Ground – Playing Surface”

Cricket- Roses CC – “wicket requires greater protection”.

The financial contribution required of the developer will be calculated based on the Indicative open space provision costs in Appendix 7 of the SPD. This will be secured via s106 agreement with precise calculations made at reserved matters stage.

Local Useable Green Space

Based on predicted occupancy levels and the formula in the local plan there is a need for 2028.6m<sup>2</sup> of locally useable green space.

The application indicatively shows a locally equipped area of play (LEAP) with three public open spaces totalling approximately 2000m<sup>2</sup>.

The SPD requires applications of this size provide on-site provision of local useable green space (a LEAP is within the definition) if there is no existing provision within Local Plan access standards. There are none therefore on site provision is required.

Provision of policy compliant local useable green space will be secured by condition as will in perpetuity maintenance and management of all areas outside residential curtilage.

The application demonstrates it is capable of accommodating appropriate on site open space and a contribution to off-site strategic playing fields in accordance with LP24, Appendix C and the SPD subject to conditions and completion of s106. These policies are consistent with the NPPF.

### **Affordable housing and developer contributions (LP11 and LP12)**

Policy LP11 requires 20% affordable housing. There is an element of inconsistency between thresholds in LP11 and the NPPF but for a development of this scale affordable housing is required under both. Of the affordable dwellings provided, the exact tenure mix should be informed by and be compatible with the latest government guidance and an up-to-date local Strategic Housing Market Assessment (SHMA), and be informed by discussion with the local authority. This will form the basis of a S106 Agreement to accompany the planning application.

Affordable housing shall be provided on-site, unless it can be demonstrated that exceptional circumstances exist which necessitate provision on another site, or the payment of a financial contribution to the relevant local planning authority (equivalent in value to it being provided on-site), to enable the housing need to be met elsewhere.

The applicant proposes an affordable housing off-site commuted sum instead of on-site provision. The EA requirement for three storey development with non-habitable rooms at ground floor *may* not lend itself to on-site affordable housing provision. It is considered appropriate to secure on-site as first preference but with the flexibility to allow an off-site commuted sum in the event final house types are not suitable for affordable housing. An off-site commuted sum equates to 9.8 dwellings (rounded up to 10). Based on the Central Lincolnshire Developer Contributions SPD adopted June 2018 this equates to £804,000.00. This is acceptable and complies with LP11.

Policy LP12 requires developer contributions towards, amongst other things, health and education.

NHS England requests a contribution of £20,849.50. This would go towards the development of the Trent Side facility at John Coupland Hospital, for the relocation of Caskgate Street Surgery to increase consultation capacity and accessibility to primary care in the area.

LCC Corporate Property Team notes where an application is outline a formulaic approach will be taken in a section 106 agreement, this may result in a higher contribution if a high proportion of large houses are built. This would be finalised at the reserved matters stage. It requests £90,211 towards 0.5 form entry extension of Castle Wood Academy to 1.5 form entry including 4 additional classrooms and ancillary facilities. The County Council will ensure that no more than five s.106 agreements are signed towards a specific piece of infrastructure. LCC suggest the s.106 monies are paid at the halfway point in the development to allow timely investment by the County Council whilst not adversely affecting the developer's viability.

The above requests are considered compliant with the CIL regulations as they mitigate the impact of the development and comply with Policy LP12 and the SPD. This policy is consistent with the NPPF.

## **Other**

No archaeological requirements arise from the proposal in accordance with LP25.

Policy LP9 requires a health impact assessment, as submitted. The proposal entails on and off site open space provision and improvements as well as increased connectivity with existing Riverside walk facilities with associated health benefits. Contributions will mitigate health service demand generated by the proposal. The health impact assessment complies with Policy LP9.

Policy LP10 requires 30% of dwellings to M4(2) of the Building Regulations, unless the characteristics of the site provide exceptional reasons for delivery of such dwellings to be inappropriate or impractical. The three storey design with non-habitable ground floor rooms required to overcome flood risk are considered exceptional reasons such that this policy requirement can be dis-applied.

The same policy 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. Whilst affordable housing is to be dealt with as an off-site contribution, the types and sizes of houses still needs to be conditioned to create balanced communities. The proposal is considered compliant with LP10.

The proposal would not impact a public right of way.

### **Conclusion**

The proposal has been considered in light of relevant development plan policies 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 LP3: Level and Distribution of Growth, Policy LP9: Health and Wellbeing, Policy LP10: Meeting Accommodation Needs, Policy LP11: Affordable Housing, Policy LP12: Infrastructure to Support Growth, Policy LP13: Accessibility and Transport, Policy LP14: Managing Water Resources and Flood Risk, Policy LP17: Landscape, Townscape and Views, Policy LP21: Biodiversity and Geodiversity, Policy LP24: Creation of New Open Space, Sports and Recreation Facilities, Policy LP25: The Historic Environment, Policy LP26: Design and Amenity, Policy LP38: Protecting Gainsborough's Setting and Character, Policy LP40: Gainsborough Riverside, Policy LP41: Regeneration of Gainsborough, Policy LP50: Residential Allocations - Main Towns and Policy LP55: Development in the Countryside of the Central Lincolnshire Local Plan as well as the Central Lincolnshire Developer Contributions Supplementary Planning Document and National Planning Policy Framework 2019 and Planning Practice Guidance.

The proposal would not harm minerals safeguarding and is considered acceptable. The provision of significant additional housing in a sustainable location is considered to attract significant weight in the planning balance given the loss of an allocated riverside housing site of similar capacity. The proposal has the opportunity to contribute to the development of the riverside which is also given weight in the planning balance. The proposal is considered to pass the flood risk sequential and exceptions tests and the site specific flood risk and drainage implications are acceptable. The impact on residential amenity and the character and appearance of the area would be minimal and acceptable. Proposed access arrangements result in no harm to highway safety and convenience and provide appropriate links to the Riverside. Ecological and arboricultural impacts are minimal and acceptable. The proposal demonstrates it can accommodate appropriate on site open space with contributions sought for off-site strategic playing field improvements. Either on-site or an off-site affordable housing commuted sum and other required developer contributions would comply with the development plan and can be secured by legal agreement. There are no other technical problems with the application.

### **Recommendation**

It is recommended that planning committee delegates powers to officers to approve the application subject to conditions and the negotiation and completion of a s106 agreement securing:

#### Affordable housing

- Priority for 20% on-site affordable housing with flexibility to provide an off-site commuted sum in the event the final house types are not appropriate for affordable housing. An off-site commuted sum would be up to £804,000.00.

#### Education

- As this application is outline a formulaic approach will be taken in accordance with LCC and WLDC policies. This would be finalised at the reserved matters stage. The final contribution would be used towards 0.5 form entry extension of Castle Wood Academy to 1.5 form entry including 4 additional classrooms and ancillary facilities.

#### NHS

- £20,849.50 towards the development of the Trent Side facility at John Coupland Hospital, for the relocation of Caskgate Street Surgery to increase consultation capacity and accessibility to primary care in the area.

#### Strategic Formal Playing Fields

- A contribution towards off-site improvements of the football and cricket pitches at The Roses Sports Ground, Gainsborough to be calculated at reserved matters stage in accordance with Policy LP24 and Appendix C of the Central Lincolnshire Local Plan and Developer Contributions SPD.

In the event the legal agreement is not concluded 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, 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).

4. The reserved matters required by condition 2 shall detail dwellings of no more than 3 storeys in height and provide details of the types and sizes of dwellings. Development shall proceed in accordance with the approved details.

Reason: In the interests of preventing harm to the character and appearance of the area and to create mixed and balanced communities in accordance with Policies LP10 and LP26 of the Central Lincolnshire Local Plan.

5. An Arboricultural Method Statement shall be submitted as part of the reserved matters application required by condition 2 and shall include the following details;

- Identify which trees and hedges remain,
- Root protection areas (RPA)
- Tree and hedge protection measures (position and design/type)
- Details on any changes in ground levels/soil grading within tree and hedge RPA's
- Details of any excavations within RPA's
- Details of any methods of construction/excavation/installation works within RPA's
- Underground utilities within RPA's
- Schedule of any tree/hedge pruning works

Reason: To ensure trees and hedges are retained where possible in accordance with Policies LP17 and LP26 of the Central Lincolnshire Local Plan.

6. The reserved matters required by condition 2 shall detail the provision of local useable green space in accordance with the requirements of Policy LP24 and Appendix C of the Central Lincolnshire Local Plan and Central Lincolnshire Developer Contributions Supplementary Planning Document Adopted June 2018 and an implementation timetable and in perpetuity maintenance and management arrangement for all areas outside residential curtilage within the development. Development shall proceed in accordance with the approved details.

Reason: To ensure appropriate on site open space is provided, maintained and managed in accordance with Policy LP24 and Appendix C of the Central

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

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

The scheme shall:

- a) Provide details of how run-off will be safely conveyed and attenuated during storms up to and including the 1 in 100 year critical storm event, with an allowance for climate change, from all hard surfaced areas within the development into the existing local drainage infrastructure and watercourse system without exceeding the run-off rate for the undeveloped site;
- b) Provide attenuation details and discharge rates which shall be restricted to 7.5 litres per second (Qbar rural);
- c) Provide further cctv investigation of the culvert at the east end of southern ditch to ascertain its full route, its purpose and condition along with any necessary remedial works required;
- d) Provide the incorporation of the southern and northern ditch drainage into the proposed sites specific drainage strategy;
- e) Provide details of the timetable for and any phasing of implementation for the drainage scheme; and
- f) Provide details of how the scheme shall be maintained and managed over the lifetime of the development, including any arrangements for adoption by any public body or Statutory Undertaker and any other arrangements required to secure the operation of the drainage system throughout its lifetime.

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

Reason: To ensure that surface water run-off from the development will not adversely affect, by reason of flooding, neighbouring land and property in accordance with Policy LP14 of the Central Lincolnshire Local Plan.

8. No development shall take place until a detailed scheme of ecological mitigation, enhancements and a timetable for its implementation have been submitted to and approved in writing by the Local Planning Authority. Development shall proceed in accordance with the approved details.

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

9. No development shall take place, until a Construction Method Statement

has been submitted to and approved in writing by the Local Planning Authority. The approved Statement shall be adhered to throughout the construction period. The Statement shall provide for:

- 1 the routeing and management of construction traffic;
- 2 loading and unloading of plant and materials;
- 3 storage of plant and materials used in constructing the development;
- 4 the erection and maintenance of security hoarding including decorative displays and facilities for public viewing, where appropriate;
- 5 wheel cleaning facilities;
- 6 measures to control the emission of dust and dirt during construction;
- 7 the hours during which machinery may be operated, vehicles may enter and leave, and works may be carried out on the site;

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

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

10. Access to the site shall be in accordance with the details shown on drawing number PL10 Rev H.

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

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

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

12. The development hereby permitted shall not be occupied before improvements to bring Floss Mill Lane, Morton up to an adoptable standard 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. The agreed improvements shall be completed before first occupation of the development.

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 and LP14 of the Central Lincolnshire Local Plan.

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

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 and that the roads and footways are completed within a reasonable period following completion of the dwellings in accordance with Policy LP13 of the Central Lincolnshire Local Plan.

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

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

15. Prior to the first occupation of the development, a flood warning and evacuation plan (also providing details of and encouraging future occupants of the development to sign up to the Environment Agency flood warning service) shall be submitted to and approved in writing by the Local Planning Authority. The development shall proceed in accordance with the submitted details.

Reason: To minimise future risk to future residents in accordance with Policy LP14 of the Central Lincolnshire Local Plan.

16. The development shall be carried out in accordance with the submitted Flood Risk Assessment (ref: 067611-CUR-00-XX-RP-C-001, revision 3) dated February 2019 and the following mitigation measures it details:

- Finished floor levels for the habitable accommodation to be set no lower than 7.30 metres above Ordnance Datum (AOD).
- Flood resilience and resistance measures as described.

Reason: To reduce the risk of flooding to the proposed development and future occupants. These mitigation measures shall be fully implemented prior to occupation and subsequently in accordance with the scheme's timing/phasing arrangements. The measures detailed above shall be retained and maintained thereafter throughout the lifetime of the development. In accordance with Policy LP14 of the Central Lincolnshire Local Plan.

17. The development shall be carried out in accordance with the submitted Flood Risk Assessment (ref: 067611-CUR-00-XX-RP-C-001, revision 3) dated February 2019 and the following mitigation measures it details:

- Non-habitable ground floor uses only as stipulated in section 2.11.
- Any garage should act as a 'car port' and remain open either side.

Reason: To allow the free flow of water across the floodplain during an extreme event, and to reduce the risk of impact on third parties. These mitigation measures shall be fully implemented prior to occupation and subsequently in accordance with the scheme's timing/phasing arrangements. The measures detailed above shall be retained and maintained thereafter throughout the lifetime of the development. In accordance with Policy LP14 of the Central Lincolnshire Local Plan.

### **Informatives**

LCC Highways and LLFA wishes to make the applicant aware of the following:

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

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

The highway improvement works referred to in the above condition are required to be carried out by means of a legal agreement between the landowner and the County Council, as the Local Highway Authority.

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

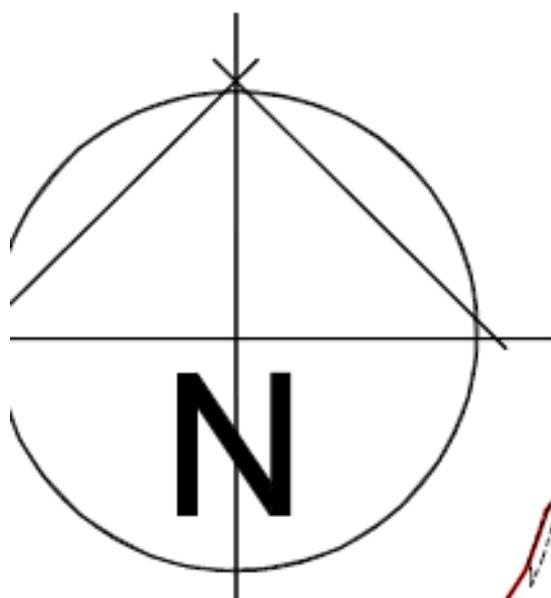
### **Human Rights Implications:**

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 6c



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## Location Plan.

Scale 1:2500 @ A3

Dwg: 201807 - 01 Rev A.

## **Officers Report**

### **Planning Application No: 138477**

**PROPOSAL:** Planning application for change of use of land for the siting of 32no. holiday lodges, 1no. warden's lodge with adjacent site supply shed-shop, pond and associated site landscaping.

**LOCATION:** Land off Brigg Road & Grasby Wold Lane Grasby Barnetby DN38 6AQ

**WARD:** Kelsey

**WARD MEMBER:** Cllr C L Strange

**APPLICANT NAME:** Stoneledge Holdings Ltd

**TARGET DECISION DATE:** 14/01/2019 (Extension of time agreed until 3<sup>rd</sup> May 2019)

**DEVELOPMENT TYPE:** Major - Other

**CASE OFFICER:** Ian Elliott

**RECOMMENDED DECISION:** Grant permission subject to conditions

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This application has been referred to the planning committee because it is recommended to grant permission in conflict with representations received by third parties, and it is considered that the planning matters are balanced.

#### **Description:**

The application site is a redundant chalk quarry in the open countryside opposite the settlement of Grasby. Given its previous operational use the site has been significantly excavated leaving large variations in ground levels. The lowest part of the site is in the north west section of the site with the highest part in the southern part of the site. Areas of the site particularly in the southern section are covered by overgrown grass and ground vegetation. The site has an unused vehicular access off Bigby Road and a tarmac access off Grasby Wold Lane which is securely gated. The Grasby Wold Access leads to a sloping vehicular track to the lower level of the site. The higher level of the site includes a number of natural footpaths. The site is close to a prominent crossroads which connects Grasby to Caistor, Brigg and Great Limber. The north boundary of the site is screened by the quarry cliff and low wire fencing. The east boundary is screened by the quarry cliff or high banking with trees and vegetation. The south boundary is screened by high trees and hedges. The west boundary is screened by the quarry cliff or high trees and vegetation. Neighbouring dwellings are adjacent or opposite to the south and part of the west boundary. Open fields are to the north, east and part of the west boundary.

The application seeks permission for the change of use of land for the siting of 32no. holiday lodges, 1no. warden's lodge with adjacent site supply shed-shop, pond and associated site landscaping.

## **Relevant history:**

Pre-application:

137524 - Pre-application enquiry for holiday lodge development – 02/05/18  
*'It is considered that the principle of the holiday lodge proposal is likely to be supported on the site, however there are severe highway concerns in relation to holiday makers and Grasby residents crossing a national speed limit highway at any time of the day'.*

Other related decisions

138145 – Planning application for change of use of land for the siting of 84no. chalet lodge units, with 3no. additional lodges for use as site manager's accommodation, multi-functional space and a reception- manager's office - 12/12/2018 - Refused

Reason for refusal:

*'It is considered that the development is within an isolated location that would not amount to a sustainable rural tourism and leisure development. The benefits of the development to the tourism economy are outweighed by the harm caused. The location and need for the site within this countryside location is not evidenced, in the context of the NPPF and the very limited improvements to accessibility offered means that that the predominant means of transport to and from the site will be by means of a car. There would be harm to the setting of heritage assets and to the character of the area and accordingly it would be contrary to the Central Lincolnshire Local Plan in particular policies LP 2 The Spatial Strategy and Settlement Hierarchy; Policy LP7: A Sustainable Visitor Economy; Policy LP17: Landscape, Townscape and Views; Policy 25: The Historic Environment Policy LP26: Design and Amenity and Policy LP55: Development in the Countryside.'*

## **Representations**

### **Cllr L Strange:**

Response received 22nd November 2018

Please accept that as the local Kelsey wold member my views, over the development are the same as the parish councils.

Response received 17th November 2018

This is a very rare example of a disused Lincolnshire Wolds chalk pit, which should be protected. The warm eco system of the chalk pit will have developed its own micro system of flora and fauna and is likely to contain rare plants suited to this warm chalk basin, also residents claim seeing grass snakes and many nesting birds, including kestrels, buzzards and sparrow hawks. (all three species have been seen). As ward member I hope these points will be checked out. It is essential that the environment is not damaged on what could well be a very sensitive site.

However the village is united in its worries, (in addition to both County and District councillors) regarding the dangerous cross roads which lies directly adjoining the quarry site.

### **Grasby Parish Council: Objections**

#### The A1084

The village cross roads with the A1084 is extremely dangerous. Vehicles travelling between Brigg and Caistor and vice versa invariably speed as the national speed limit currently applies. This makes it extremely difficult for vehicles exiting the village from Main Street, or approaching the village from Grasby Wold Lane to cross or turn left or right, particularly as the sightlines are so poor. The proposed development uses an entrance off Grasby Wold Lane as the main access and egress and therefore the majority of cars and service vehicles will use the cross roads to access the site increasing the number of daily movements and therefore the risk of further serious accidents.

The application also proposes a pedestrian footpath exiting the south eastern corner of the application site, crossing Grasby Wold Lane and then continuing alongside the A1084 to opposite the public house and crossing the A1084 at that point. The road crossings will be unmarked and merely comprise of dropped kerbs at the crossing points, concerns were raised that pedestrians would be crossing two roads where the speed limit is 60mph and this would add further risk to an already dangerous situation.

#### Grasby Wold Lane

As mentioned above the main access and egress from the development site is onto Grasby Wold Lane approximately 150 metres north of the cross roads. Grasby Wold Lane is a narrow country lane with just enough width to allow 2 cars to pass each other, this is more problematic when two 40 tonne HGV's or tractors have to pass each other which often happens in this area of intense farming activity, this is only exaggerated by the fact that the National Speed Limit applies and therefore vehicles travel at speed along the lane.

Coupled with this there is a steep descent from the site entrance down to the cross roads with the A1084, large vehicles struggle up this incline and in wet or icy weather (Grasby Wold Lane is not on the winter gritting run) conditions are often treacherous with vehicles struggling to stop when descending before reaching the A1084 and hitting on-coming traffic. It was also surprising to note that the County Council Highways department had no observations to make about the location of the site access/exit onto Grass Wold Lane where the site lines approaching from the north and south are less than 50 metres due to the terrain of the road.

#### Foul Water Drainage

The application proposes that the site will connect into the existing village sewage system despite the existing sewage works being already over capacity.

### Water Supply

Similar concerns were raised that the existing supply doesn't have enough capacity and pressure is low, particularly for the properties adjacent to the A1084

### Environmental Issues

No environmental report exists that has accompanied the application. As such there is no baseline information on the natural fauna and flora of the site. It has been disused as a quarry for at least 30 years and has evolved as natural site over that time with a number of species of vertebrate and invertebrate being present, these should be recorded.

### Quarry Faces

A number of the quarry faces are almost vertical, particularly along the northern and western boundaries of the site. Given the friable nature of the chalk there is no provision to secure these faces.

### Density

Concerns were raised at the density of the proposed development. The 42 lodges are 'crammed in' together.

### Summary

In summary, whilst the Parish Council would endorse tourist development locally it cannot support this application until the Highways issues, particularly concerning the speed limit on the A1084 (which needs to be reduced to 40mph) are resolved.

**Local residents:** Representations received from (Grasby unless stated):

Dovecote House, Vicarage Lane  
16 Station Road  
1, 2 Brigg Road  
6 The Old Quarry  
4 Church Hill  
The Old Quarry  
Holland Drive  
Setcops Farm, Cross Lane, North Kelsey  
38 Vicarage Lane  
Brandy Well, Holland Drive  
Treetops Cottages, 39 Station Road

Objections:

### Highway Safety

- The junction will need serious improvement including reduction of summit and speed limit (60mph).
- The junction has poor visibility due to the dip in the road and speed of the traffic.
- Number of accidents and fatalities will increase with 92 more cars.
- Grasby Wold Lane is very dangerous due to step junction.

### Sustainability

- There is very little in terms of amenities or tourist attractions with walking distance of the proposed site. Car travel would be essential making the development unsustainable and in contravention of planning policy.

### Use

- Will these be true holiday homes and not residential use?
- The provision of a shop on the site, there is historic precedent evidence that it would not serve the village of Grasby nor would it pull in passing trade. Previous attempts to run a similar venture less than 50 yards from the proposed site lasted less than six months despite the previous shop being roadside with villagers and passing traffic preferring to shop in Caistor or large towns where there is significantly more choice.
- The surrounding area is littered with quality lodges, cottages, glamping pods and various holiday sites, many with excellent facilities and which run under the same kind of licence as that being proposed by the applicant. There is a saturation already in the area.
- Concerns over the long-term viability of the site and its ability to attract sufficient long-term owners and holiday rentals

### Visual Impact

- Not well suited or appropriate for this location.
- There is currently very little of the existing quarry visible due to its sunken situation on the landscape and natural screening (as a site visit will prove). The quarrying of limestone is part of the area's history and as such is more natural to the area than 41 prefabricated lodges/caravans and a shop. These would be more visible due to the revised site levels.
- View of the Wolds will be obscured.

### Residential Amenity

- Anti-social behaviour and noise disturbance on boundary properties.

### Drainage

- Adequacy of villages' foul drainage system.

### Other

- Value of property
- Competition with other local holiday accommodation providers

## 6 The Old Quarry

### Supports:

- I would welcome the proposal in principal, should concerns over highway safety and drainage being addressed

**LCC Highways/Lead Local Flood Authority:** No objections subject to conditions relating to the timing of the completion of the highway improvement works.

**WLDC Tourism: Supports**

In principle, and subject to normal planning considerations, the Growth and Projects Team (including Visitor Economy) are supportive of the above application from a visitor economy perspective.

**WLDC Archaeology: No objections subject to conditions**

Prior to any groundworks the developer should be required to commission a Scheme of Archaeological Works (on the lines of 4.8.1 in the Lincolnshire Archaeological Handbook) in accordance with a written scheme of investigation submitted to and approved in writing by the local planning authority. This should be secured by an appropriate condition to enable heritage assets within the site to be recorded prior to their destruction. Initially I envisage that this would involve archaeological recording of quarry workings, hardstandings, building platforms, trackways, embankments, ditches, and any surviving traces of industrial activity in advance of groundworks.

**WLDC Environmental Protection: Comments**

Response received 21<sup>st</sup> November 2018:

The proposed development has a potential for nuisance noise and confirm that an appropriate condition attached to any permission ought to suffice.

Said condition shall require a noise report that assesses current and likely background levels in respect of impact of activities associated with this type of development. In addition a management plan ought to be required and take due account of the Noise assessment (and vice versa). Both to be submitted and approved in writing prior to commencement of the development.

Response received 31<sup>st</sup> October 2018:

Contamination

Former use of the site would indicate potential for contamination from the following activities:

- General quarrying
- Unknown filled ground
- Manufacture of cement, lime and plaster products

Additionally there is report of a 2000 incident referred to the H&S Executive regarding inappropriate practices in the dismantling of an asbestos building. A comprehensive contamination assessment ought to be required.

Noise

The proposed development has a potential for nuisance noise. A Noise assessment ought to be required to assess current and likely background levels in respect of impact of activities associated with this type of development. In addition a management plan ought to be required and take due account of the Noise assessment (and vice versa). A comparative study with a similarly remote site may be of value but need is also apparent to give appropriate consideration to any variation to environmental effects as may

arise at this particular setting e.g. echo and reverberation from the quarry itself.

**LCC Minerals and Waste:** Comments

I can confirm that Policy M12 of the Lincolnshire Minerals and Waste Local Plan is not required to be taken into consideration if a site is not listed/illustrated as within a site specific safeguarding area. In respect of the proposed development at Grasby Quarry, this site is historic quarry that does not benefit from an extant planning permission for mineral extraction and is consequently not caught by the provisions of the policy.

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

**Lincolnshire Wildlife Trust:** No objections subject to conditions

Response received 12th March 2019:

LWT's thoughts regarding the material imported to raise land levels for the lodges and roads:

1. Please ensure that the chalk quarry floor is conserved (not filled) in the north-west green space area as the thin, lime-rich and low fertility soil / lack of soil here is an advantage for target biodiversity.
2. The footpath proposed through the green space in the north-west corner is proposed to be made of just compacted chalk – we support this - as this introduces no foreign material into the area and would be in keeping with a naturalistic appearance.
3. For the area where lodges, lodge access and roads are proposed we would suggest that quarry waste from nearby active chalk quarries would be preferable to any kind of inert fill capped with a thin, unimproved lime-rich loam top soil (what is also found locally). We would advise against the addition of green mulches / manures / soil improvers. Pits filled with more fertile soil can of course be dug for tree planting to aid in tree establishment.

The reasons for this recommendation are as follows:

- If native material in keeping with the local soils and geology is used, a future change of land use can also be sympathetic to local wildlife and the biodiversity opportunity of revegetating chalk. If inert waste is used with properties other than chalk, this would diminish opportunities in the future.
- By avoiding fertile topsoil, any grass sown will be easier to maintain as it will grow less vigorously and require less frequent cutting.
- By avoiding fertile topsoil, invasive weeds such as nettle, dock, cow parsley, bramble and hogweed will be less abundant and more easily controlled.
- If a locally sourced unimproved chalky loam is used, this would support wild woodland flowers below the tree planting (as opposed to just stinging nettle and bramble) and create an opportunity to enhance the environment in early season for visitors. i.e. woodland flowers are at their best in April-May and this may attract visitors earlier in the year thereby extending the

visiting season. LWT can provide a list of wildflowers and grasses which would suit the shaded, lower footfall areas on chalky soil and offer examples of suppliers.

We appreciate that grass between and around lodges needs to be short and hard wearing but can also be maintained as a flowering lawn where wildflowers can re-flower after cutting. It would be best to avoid perennial ryegrass as this is highly competitive and would exclude other plants. Flowering lawn mix examples below.

- Emorsgate: <https://wildseed.co.uk/mixtures/view/56>
- Naturescape: <https://www.naturescape.co.uk/product/n14-flowering-lawn-mixture/>

A recommended species list for shade, chalky soils (under the proposed tree planting) is provided at the end of the comment.

Response received 5<sup>th</sup> March 2019:

Lincolnshire Wildlife Trust acknowledges that this revision to the proposed design constitutes a significant effort towards achieving biodiversity net gain from the development in keeping with the biodiversity opportunity context. We support this amendment provisionally; but we insist on a summer vegetation survey to ensure full information is available so that lost/damage to existing species rich chalk flora can be minimised. In addition (to ensure biodiversity net gain) we would call for ongoing favourable habitat management to be a condition of planning permission i.e. including cutting and clearing of cuttings once annually in late summer (Aug/Sep) of the retained open space in order to promote the establishment of and maintain the diversity of species-rich chalk grassland.

Response received 21st February 2019:

Although the survey was undertaken in November 2018 when many grassland species would not be identifiable, the species list included in the report lists six species that are considered indicators of lowland calcareous (chalk) grassland.

A total of eight indicator species are required from a list defined by the Greater Lincolnshire Nature Partnership in order to make a site of this size worthy of consideration for designation as a Local Wildlife Site. Eight indicator species or more may well be present, because several may have been undetectable due to the timing of the survey.

At least part of the site may therefore be notable for its calcareous grassland habitat which is still in the process of regeneration from the quarry floor. For this reason we strongly support the recommendation in the report that a summer survey be undertaken to evaluate the full flora of the site.

From the Phase 1 Habitat Map (Map 2, page 15), there is a suggestion that the north-west corner and northern margin hold the highest potential for calcareous grassland. This abuts the exposed quarry face which holds

geological interest (being a principal reason for the site's LGS designation and also contains the fissures which may provide roosting potential for bats.

On the basis of evidence so far provided, LWT is minded to recommend that the proposed site layout be amended to allocate a margin of at least 40m along the north and north-west boundaries in order to accommodate as much bare ground as possible together with adjacent scrub and grassland and to identify this area within a landscape and ecology management plan (or equivalent) as a wildlife area managed for chalk grassland biodiversity.

We would wish this to be a condition of planning permission if granted. We would not object to the smaller pond creation further south in the site (indeed this could be larger) but consider the plan to create the larger of the two lakes proposed towards the north of the site to be a lost, rare opportunity to achieve biodiversity net gain for a priority habitat associated with a thin chalk soil/bare chalk re-vegetation. We accept that if left undeveloped, the quarry may eventually succumb to vegetation succession and develop a cover of scrub. If however, an ecological management plan were put in place for the most ecologically valuable part of the site (as ascertained by the summer survey) this would ensure the establishment and long-term maintenance of species-rich calcareous grassland habitat would be achievable. We would insist on the retention scrub where possible.

We suggest that the above could be achievable with no more than a 20-25% reduction in the number of lodges.

We support all recommendations in the Preliminary Ecological Survey report. We would however insist that LWT were consulted on the selection of seed for the creation of the wildflower area

We would call for measures to be taken to minimise light spill towards the chalk face and northern part of the site. We request that a bat activity survey should be undertaken in summer and that should bat activity be found to be significant, that appropriate mitigation measures should be undertaken by condition.

**WLDC Tree and Landscape Officer:** No objections

The revised plan is much more appropriate to the site and its LGS designation, and demonstrates that the planning system is appropriately considering the requirement for conserving & enhancing the biodiversity value of the site as required in chapter 15 of the latest NPPF, specifically paras 170 and 174b), and policy LP21 for Biodiversity and Geology in the CLLP, which specifically refers to Local Geological Sites in para 5.6.1 as being important.

**Anglian Water:** No objections

- The foul drainage from this development is in the catchment of Grasby Water Recycling Centre that will have available capacity for these flows.
- From the details submitted to support the planning application the proposed method of surface water management does not relate to Anglian Water operated assets.

**Ancholme Internal Drainage Board:** No objections with comments

**Lincolnshire Police:** No objections

### **Relevant Planning Policies**

#### Central Lincolnshire Local Plan 2012-2036 (CLLP)

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

LP1 A Presumption in Favour of Sustainable Development

LP2 The Spatial Strategy and Settlement Hierarchy

LP7 A Sustainable Visitor Economy

LP13 Accessibility and Transport

LP14 Managing Water Resources and Flood Risk

LP16 Development on Land Affected by Contamination

LP17 Landscape, Townscape and Views

LP21 Biodiversity and Geodiversity

LP25 The Historic Environment

LP26 Design and Amenity

LP55 Development in the Countryside

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

#### Neighbourhood Plan

Grasby was designated as a Neighbourhood Area in February 2019. There is currently no Neighbourhood Plan for Grasby published that can be taken into account with this application.

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

#### National Guidance

National Planning Policy Framework (2019)

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

National Planning Practice Guidance

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

#### Other

West Lindsey Landscape Character Assessment (WLLCA) (August 1999)

<https://www.west-lindsey.gov.uk/my-services/planning-and-building/planning-policy/evidence-base-and-monitoring/landscape-character-assessment/>

## **Main issues:**

- Principle of the Development  
*Central Lincolnshire Local Plan 2012-2036*  
*National Planning Policy Framework*  
*Assessment of Local Policy LP7*  
*Refused Planning Application 138145*  
*Concluding Assessment*
- Visual Impact
- Residential Amenity
- Highway Safety
- Biodiversity and Local Geological Site
- Archaeology
- Drainage  
*Foul Water*  
*Surface Water*
- Contamination

## **Assessment:**

### Principle of the Development

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

### *Central Lincolnshire Local Plan 2012-2036:*

Local policy LP7 of the CLLP states '*The visitor economy is one of the most important sectors of Central Lincolnshire's economy*' and '*Policy LP7 aims to encourage sustainable growth in the visitor economy*'.

Furthermore Local policy LP7 sets out the criteria for assessing the acceptability of holiday accommodation developments. LP7 states that '*development and activities that will deliver high quality sustainable visitor facilities such as culture and leisure facilities, sporting attractions and accommodation, including proposals for temporary permission in support of the promotion of events and festivals, will be supported. Such development and activities should be designed so that they:*

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

*Development should be located within existing settlements, or as part of planned urban extensions, unless it can be demonstrated that:*

- *such locations are unsuitable for the nature of the proposal and there is an overriding benefit to the local economy and/or community and/or environment for locating away from such built up areas;*  
*or*
- *it relates to an existing visitor facility which is seeking redevelopment or expansion.*

*National Planning Policy Framework:*

Guidance contained within paragraph 83 of the NPPF states that '*Planning policies and decisions should enable:*

*a) the sustainable growth and expansion of all types of business in rural areas, both through conversion of existing buildings and well-designed new buildings;*

*c) **sustainable rural tourism and leisure developments which respect the character of the countryside;** and*

*d) the retention and development of accessible local services and community facilities, such as local shops, meeting places, sports venues, open space, cultural buildings, public houses and places of worship'.*

In addition paragraph 84 states that '*Planning policies and decisions should recognise that sites to meet local business and community needs in rural areas **may have to be found adjacent to or beyond existing settlements**, and in locations that are not well served by public transport. In these circumstances it will be important to ensure that development is sensitive to its surroundings, does not have an unacceptable impact on local roads and exploits any opportunities to make a location more sustainable (for example by improving the scope for access on foot, by cycling or by public transport). The use of previously developed land, and sites that are physically well-related to existing settlements, should be encouraged where suitable opportunities exist.*

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

*Assessment of Local Policy LP7:*

The application site via the highway network is located immediately adjacent to Grasby, a small village (policy LP2). The sites south west boundary is adjacent to and opposite the north east edge of the Grasby built form. In addition the site is approximately 3 miles to the north west of Caistor and approximately 5.2 miles to the south east of Brigg. There are no pedestrian footpaths adjacent the boundaries of the site and there is no street lighting. Pedestrian footpaths are opposite the site along Brigg Road and to the south east of Grasby Wold Lane.

Grasby is classified as a small village (tier 6 settlement) in local policy LP2 of the Central Lincolnshire Local Plan and has moderate facilities in the form of a public house (Cross Keys), a church, a primary school and a village hall. Grasby does not have a post office or village shop. It is served by a limited bus service which picks up from a bus stop outside the Village Hall which is a short 5 minute walk from the site. The bus services available are:

- 1501 South Kelsey-Market Rasen – School days only
- 161 Market Rasen-Brigg-Scunthorpe (Morrisons) – One day a week (Thursday)
- 53C On request Callconnect bus service.

The nearest railway station is at Barnetby, approximately 4.5 miles away.

The application site is close to two entry points to the Viking Way. Approximately 150 metres to the south of the site is Public Rights of Way Gras/29/3 and approximately 740 metres to the south west of the site is Public Rights of Way Sear/49/1. The Viking Way is a long distance footpath which starts on the banks of the Humber in the north and winds its way through Lincolnshire to finish on the shores of Rutland Water, a total of 235km (147 miles). The Viking Way weaves through the Lincolnshire Wolds Area of Outstanding Natural Beauty. It would be possible to assess a number of settlements including Caistor from the Viking way although it may be expected most visitors would drive to Caistor/Barnetby for supplies other than could be provided on site. The proposed development includes an onsite shop which will provide basic supplies to visitors and a gain for the residents of Grasby.

Although the proposal is not within an area designated for it's of special scenic or landscape quality the proposal may have some attraction to visitors which will provide a contribution to the local economy through using local services in the immediate area and other local areas such as Caistor.

The site has very good access to the public footpath network and would support existing community facilities within the village of Grasby – particularly the Cross Keys public house, in close walking proximity of the site.

The visitors will further contribute by visiting tourist attractions around the local area including the historic town of Caistor. The application form states that the proposal will employ six full time and two part-time employees.

The Authority's Economic Development are supportive of the above application from a visitor economy perspective.

The sites position, characteristics and boundary treatments means that the site has the potential to have biodiversity impact as well as a visual impact. Visual and ecology impacts will be assessed later in the report.

Local policy LP7 states that development of this nature should be located within existing settlements unless such locations are unsuitable and there:

*'is an overriding benefit to the local economy and/or community and/or environment for locating away from such built up areas' or 'it relates to an existing visitor facility which is seeking redevelopment or expansion'.*

It is acknowledged that a 32 holiday lodge accommodation site does not immediately lend itself to being located within an existing settlement. In this case the site is not isolated from a tier 1-7 settlement listed in local policy LP2 of the CLLP because it is immediately adjacent the north east built edge of Grasby (tier 6) – consistent with NPPF paragraph 84. Village facilities such as the Cross Keys PH are on the immediate footstep of the site. The development is a new business venture and does not expand an existing visitor facility. The development is therefore not an expansion of an existing visitor facility or is within the built form of a tier 1-7 settlement. However, alongside the sites close adjacent relationship with a recognised settlement with some services which includes easy access to the Viking Way does the proposal justify or provide any overriding benefits?

The submitted design and access statement states that the *'The site is a dormant commercial quarry and a commercial mining scar on the Lincolnshire Wolds. It is a parcel of land that can now be put to better and more sensitive or compatible and economically sustainable use for the Wolds and Grasby Village alike'*. The design and access statement goes on to state that *'the proposal will greatly benefit the adjacent settlement by way of the shop and through the jobs it will create in relation to the Wardenship of the Site, the Store/Shop, the cleaning of lodges and the maintaining of the site and the lodges. It is envisaged the development will create 6 full time jobs and 2 part-time. In addition the quarry will see its biodiversity increase both through extensive additional tree planting and the creation of a lake and a pond, both of which will be stocked with native Flora & Fauna'*.

It is relevant to acknowledge that planning permission has recently been refused for 84 holiday lodges in the open countryside to the east of Snitterby (application ref 138145). In way of comparison, it is considered that there are a number of factors that weigh in favour of the current application site – not least its location within a quarry on the settlement edge with immediate access to village facilities.

In terms of scale this application is a lot smaller in the number of lodges proposed in Snitterby. The Snitterby site was completely isolated from any settlement with a distance of approximately 800 metres from Snitterby with no existing pedestrian infrastructure to get to the village without introducing a very long footpath onto a countryside lane. By comparison, this application is immediately adjacent the settlement of Grasby, with immediate access to its facilities and with the installation of an extremely modest pedestrian footpath can link up to the existing footpath infrastructure. It also links up with the public right of way network, including immediate access to the Viking Way long distance walk.

Unlike the Snitterby application this application will also provide a basic provision shop on site which can be used by the visitors and the residents of the village – it would introduce a rural community facility to the village that it is currently missing.

The Snitterby application site is open fields adjacent and surrounding a Listed Building on three sides. This application is a redundant quarry which although not defined as previously developed land in annex 2 of the NPPF ('land that has been developed for minerals extractions' is expressly excluded) has been left untouched for a number of years, and would not impact upon any designated heritage assets.

In comparison this application is of a much more modest scale and is located in a more appropriate sustainable rural location immediately adjacent to a settlement and existing infrastructure including a short walk to the Viking Way. Although the site is not previously developed land it will enable an acceptable use of a redundant quarry.

*Concluding Statement:*

The proposed development is a new venture which would be redevelop an abandoned chalk quarry which is technically located in the open countryside but adjacent the built form of Grasby. The site would have a shop on site for basic supplies and would be in very close proximity to the Viking Way. Grasby has a limited bus service so visitors would rely on a vehicle to travel to most local services and tourist attractions, beyond the immediate vicinity. The development will also provide employment opportunities. Given the sites close relationship to Grasby and the proximity of the Viking Way it is considered that it is likely to have a tourism, economic and community benefit along with enhancing the current condition and appearance of the site. Therefore it is considered that the site is an appropriate location for a holiday accommodation business and the development will provide overriding benefits to the local economy, community and environment. Therefore it is concluded that the principle of the development can be supported and accords to local policy LP7 of the Central Lincolnshire Local Plan and the provisions of the NPPF.

It is considered that policy LP7 is consistent with the sustainability guidance of the NPPF and can be attached full weight.

Landscape and Visual Impact

Objections have been received from residents in relation to the development having a harmful visual impact.

Local policy LP17 states that *'To protect and enhance the intrinsic value of our landscape and townscape, including the setting of settlements, proposals should have particular regard to maintaining and responding positively to any natural and man-made features within the landscape and townscape which positively contribute to the character of the area, such as (but not limited to) historic buildings and monuments, other landmark buildings, topography,*

*trees and woodland, hedgerows, walls, water features, field patterns and intervisibility between rural historic settlements’.*

Developments should also *‘be designed (through considerate development, layout and design) to preserve or enhance key local views and vistas’*

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

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

The WLLCA defines the site as being within the North West Wolds Escarpment character area. The WLLCA defines some of its key characteristics as a mix of arable and pasture with large scale field pattern with well-maintained hedgerow boundaries and very few hedgerow trees. It has dispersed, sparse settlements including small villages and individual farms. The site is not considered to be in a sensitive landscape.

On page 5 of the submitted Planning, Design and Access Statement it states that *‘the development is of a scale and size commensurate with the proposed use and with the rural character of the location and site’* and page 6 states that *‘The appearance of the proposed lodges and landscaping will be high quality’*.

The holiday lodges and wardens accommodation/shop are proposed to be constructed from (see plan 201807-06 Rev B dated 18th October 2018):

- External walls - cedar exposed timber cladding
- Roof - black/dark grey sheet aluminium tiles
- Windows and doors - dark grey UPVC
- Rainwater goods -black UPVC

The holiday lodges and wardens accommodation/shop are proposed to be approximately (see plan 201807-06 Rev B dated 18th October 2018):

Structure	Dimensions (in metres)		
	Length	Width	Height
Holiday Lodges	12.8	6.7	3.95
Wardens Accommodation/Shop	19.2	6.7	3.95

The proposed material finish and the scale of the structures particularly the timber cladding are considered acceptable in this location.

The former use of the site as a quarry means the ground levels of the site differ considerably from a level which is normal for the area to significantly

lower levels where excavation has taken place. The proposal will locate holiday lodges (lodge 1-15) on two thirds of the site but the only lodges that would be visible from outside the site are the ones located on the south west section of the site bordering 1 Brigg Road, the A1084 and Grasby Wold Lane.

The site apart from the north east boundary located on top of the quarry cliff is well screened by existing vegetation. The vegetation to each of these boundary is proposed to be enhanced and intensified by the planting of new trees.

The site is not within an area designated for its special scenic and landscape quality.

Consideration has been given to the character of the area and the characteristics of the site and its surrounding area plus the visibility of the site from all directions. Due regard has also been given to comments made from representations and supporting statements with the application. Given this it is considered that the development with appropriate landscaping will not have an adverse visual impact on the character and appearance of the site, the edge of the settlement or the surrounding open countryside. The proposal will accord with local policies LP17 and LP26 of the CLLP and guidance contained within the NPPF.

It is considered that policy LP17 and LP26 are consistent with the visual and amenity guidance of the NPPF and can be attached full weight.

#### Residential Amenity

Objections have been received from residents in relation to the development having a harmful impact through noise and anti-social behaviour.

The site is adjacent and opposite the built form of Grasby. The dwellings opposite the site are on the other side of Brigg Road (A1084) and are set back at least 17 metres from their rear north east boundaries.

A section of the sites south west and north west boundary is adjacent 1-6 Brigg Road. The proposed development will include the retention of a lot of existing trees alongside the planting of new trees to thicken the screening to particularly the south east, south west and north west boundaries. This includes both the shared boundaries with 1-6 Brigg Road. The proposed holiday lodges will be single storey structures of a height of approximately 3.95 metres. The proposed nearest lodges will be approximately 27 metres (lodge 15), 28 metres (lodge 32) and 33 metres (lodge 17) from the shared boundary with 1 Brigg Road.

Therefore the development will not have a significant adverse overlooking, overbearing or loss of light impact on the neighbouring residents.

Noise:

Paragraph 003 (Reference ID: 30-003-20140306) of the Noise section of the NPPG states that:

*'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.'*

The change of use of the site has the potential to have a noise impact on the neighbouring dwellings along Brigg Road. The completion of an appropriate noise assessment with necessary mitigation methods has been recommended by the Authorities Public Protection Officer (PPO). The PPO has confirmed in writing that a noise assessment can be secured by a condition.

Therefore, subject to conditions, the proposal would accord to local policy LP26 of the CLLP and guidance contained within the NPPF.

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

#### Highway Safety

Objections have been received from residents on the harmful impact of the development on highway safety.

The proposal will make use of the existing wide vehicular access off Grasby Wold Lane and create a new pedestrian only access in the south west corner to connect to the highway improvements identified on site plan 201807-05 Revision B dated 2<sup>nd</sup> March 2019.

The A1084 junction (60mph) with Grasby Wold Lane (60mph) and Main Street (30mph) is a busy cross roads which is made more awkward to pull onto by the gradient of Main Street.

The proposal provides two parking spaces per structure with some additional limited parking around the area of the proposed shop.

The Local Highways Authority at Lincolnshire County Council, as the statutory consultee for highway safety, have not raised concerns or objected to the development on highway safety grounds subject to conditions ensuring the highway improvement is installed prior to operation of the business.

Therefore the development will not have an adverse impact on highway safety and accords to local policy LP13 of the CLLP and guidance contained within the NPPF.

It is considered that policy LP13 is consistent with the sustainable transport and highway safety guidance of the NPPF and can be attached full weight.

### Biodiversity and Local Geological Site

Guidance contained within paragraph 170 of the NPPF states that '*planning policies and decisions should contribute to and enhance the natural and local environment by*

*a) protecting and enhancing valued landscapes, sites of biodiversity or geological value and soils (in a manner commensurate with their statutory status or identified quality in the development plan)'*

Guidance contained within paragraph 175 of the NPPF states that '*When determining planning applications, local planning authorities should apply the following principles*'. The applicable ones to the development are:

*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 reasons<sup>58</sup> and a suitable compensation strategy exists; and*

*d) development whose primary objective is to conserve or enhance biodiversity should be supported; while opportunities to incorporate biodiversity improvements in and around developments should be encouraged, especially where this can secure measurable net gains for biodiversity'.*

Local Policy LP21 of the CLLP states that '*All development should:*

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

Paragraph 5.6.1 of LP21 states that '*Central Lincolnshire has many areas which are noted for their natural beauty and biodiversity value. These areas also support a wide variety of species and habitats, and form an important part of the network of biodiversity sites within the wider environment. Wildlife sites and habitats that are, as at 2016, recognised as being of national, regional and local importance within or partly within Central Lincolnshire include: Bardney Limewoods National Nature Reserve, over 20 Sites of Special Scientific Interest, 361 Local Wildlife Sites, around 250 Sites of Nature Conservation Interest, **18 Local Geological Sites** (emphasis added), 2 Regionally Important Geological Sites and 9 Local Nature Reserves. These sites support important natural assets, such as ancient woodland, heathland, acid grassland and wetland.'*

The application has included the submission of a Preliminary Ecological Appraisal (PEA) prepared by KJ Ecology dated 20<sup>th</sup> February 2019. Section 4 evaluates the site and makes recommendations for fauna and flora: It states:

1. Before any works can commence, an early Summer survey needs to be carried out, to ensure that there are no protected Spring and Summer plants in the quarry which would not show up when the survey was carried out in November;
2. No site clearance works, including work next to boundary hedges, can take place during the nesting season (March to September) until a nesting bird survey is undertaken, as all nesting birds are protected under the Wildlife and Countryside Act 1981 (as amended);
3. If for any reason the crack in the quarry face needs to be disturbed, as highlighted in Target Note 1, then a bat survey will need to be carried out first as all bats are protected under the Wildlife and Countryside Act 1981 (as amended);
4. The completed Lodge area needs a wildflower area which will be planted up with native Calcareous grassland plants and the ponds need planting up with native aquatic plants. This will enhance the natural biodiversity of the site. The native trees need to include species such as Rowan (*Sorbus aucuparia*) and Guelder Rose (*Viburnum opulus*) which will provide nectar for insects in the Spring and fruits for birds in the Autumn/ Winter;
5. A management plan needs to be in place for the management of the grassland areas, the ponds and the trees, and shrubs.

Following the submission of the PEA the Lincolnshire Wildlife Trust made recommendations (summarised):

- To leave an area in the north/north west section of the site undeveloped to allow chalk quarry flora to remain undisturbed.
- To reduce the amount of cabins by 20-25% to accommodate the above.
- Not object to the smaller pond creation further south in the site (indeed this could be larger).
- Consider the large lake proposed towards the north of the site can be a lost to introduce the rare opportunity to achieve biodiversity net gain for a priority habitat associated with a thin chalk soil/bare chalk re-vegetation.

With these recommendations in mind an amended proposal was submitted reducing the development to 32 lodges (22% reduction), removing the large lake and retaining an undeveloped area to the north/north west section of the site.

The amendments to the scheme have been welcomed and supported by the Lincolnshire Wildlife Trust subject to conditions including the completion of a summer vegetation survey and a habitat management plan.

The Authorities Tree and Landscape Officer states that *'the revised plan is much more appropriate to the site and its Local Green Space designation, and demonstrates that the planning system is appropriately considering the requirement for conserving & enhancing the biodiversity value of the site as required in chapter 15 of the latest NPPF, specifically paras 170 and 174b), and policy LP21 for Biodiversity and Geology in the CLLP, which specifically refers to Local Geological Sites in para 5.6.1 as being important.'*

All of the recommendations suggested are necessary and can be incorporated into appropriate pre-commencement or in accordance with conditions.

The proposal will therefore not have an adverse impact on any protected fauna, flora species or a local Geological Site and will have biodiversity enhancements by retaining a bare undeveloped area for flora purposes, a pond and new planting including boundary infill planting. The proposal will therefore accord with local policy LP21 of the CLLP and guidance contained within the NPPF.

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

#### Archaeology:

The Historic Environment Officer at Lincolnshire County Council has no objections to the proposal but has recommended that, *'prior to any groundworks, the developer should be required to commission a Scheme of Archaeological Works for historic building recording (on the lines of 4.8.1 in the Lincolnshire Archaeological Handbook) in accordance with a written scheme of investigation submitted to and approved in writing by the local planning authority.'*

Therefore subject to conditions the development will not have a significant adverse archaeological impact and accords to local policy LP25 of the CLLP and guidance contained within the NPPF.

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

#### Drainage

##### *Foul Water:*

The application form states that foul water will be disposed of to the mains sewer. Site plan 201807-05 Revision B dated 2<sup>nd</sup> March 2019 identifies the proposed gravity sewer to be installed onto the site and existing sewer it is proposed to be connected to. Anglian Water have confirmed the foul drainage from this development is in the catchment of Grasby Water Recycling Centre that will have available capacity for these flows.

After discussion with a Building Control Officer this proposed scheme is acceptable but more detail is necessary to demonstrate that it is achievable.

*Surface Water:*

The application form states that surface water will be disposed of to soakaways. The Lead Local Flood Authority at Lincolnshire County Council have not objected to the proposal on surface water drainage. The use of a sustainable urban drainage system (SuDs) is welcomed, however no evidence has been submitted to demonstrate that the ground conditions are suitable.

It is considered that foul and surface water is capable of being addressed by condition. Therefore subject to a condition the development would accord with local policy LP14 of the CLLP and the provision of the NPPF.

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

Contamination

Local policy LP16 of the CLLP states that *'development proposals must take into account the potential environmental impacts on people, biodiversity, buildings, land, air and water arising from the development itself and any former use of the site, including, in particular, adverse effects arising from pollution.'*

As demonstrated on site plan 201807-05 Revision B and 201807-07 Revision B dated 2<sup>nd</sup> March 2019 the proposal will include some infilling of the site to raise ground levels and create level surfaces to position the lodges and install associated infrastructure. This will include bringing a material onto the site to facilitate the raised ground levels. This material will need to be appropriate to the geology of the site so that it does not have a contaminative impact on the site and its Local Geological status. The Lincolnshire Wildlife Trust have provided detailed advice on the type of material which is acceptable and will not have a short and long term harmful impact on the geological value of the site.

Therefore a condition requiring the need to provide details of the material to be brought onto site is considered necessary and an advisory note will be added from the Lincolnshire Wildlife Trust.

The Authorities Public Protection Officer (PPO) has stated that a contamination condition is required due to previous activities on the site. In discussion the PPO confirmed that a condition was acceptable.

Therefore subject to a condition the development would accord with local policy LP16 of the CLLP and the provision of the NPPF.

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

**Other Considerations:**

Use

The proposed development should be conditioned for holiday use to ensure that the lodges are retained for tourism purposes and not lost to permanent residential accommodation.

Pre-commencement Conditions

The agent as confirmed in writing that the pre-commencement conditions are acceptable.

**Conclusion and reasons for decision:**

The decision has been considered against LP1 A Presumption in Favour of Sustainable Development, LP2 The Spatial Strategy and Settlement Hierarchy, LP7 A Sustainable Visitor Economy, LP13 Accessibility and Transport, LP14 Managing Water Resources and Flood Risk, LP16 Development on Land Affected by Contamination, LP17 Landscape, Townscape and Views, LP21 Biodiversity and Geodiversity, LP25 The Historic Environment, LP26 Design and Amenity and LP55 Development in the Countryside of the Central Lincolnshire Local plan 2012-2036 and guidance contained within the National Planning Policy Framework and National Planning Practice Guidance.

The proposal will provide visitor accommodation in an appropriate location immediately opposite the settlement boundary of Grasby. The development would enhance the biodiversity of the site and respect its Local Geological status including setting aside an areas for typical quarry flora to grow. The proposal will not have a significant adverse visual impact on the site, the open countryside or the settlement edge of Grasby. It will not have a significant adverse impact on the living conditions of neighbouring residential uses, highway safety, archaeology, drainage or have a harmful contaminative impact on the Quarry. Therefore the proposal conforms to local policy LP7, LP13, LP14, LP16, LP17, LP21, LP25, LP26 and LP55 of the Central Lincolnshire Local Plan and the provisions of the National Planning Policy Framework.

**Human Rights Implications:**

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

**Legal Implications:**

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

**Representors to be notified -**

*(highlight requirements):*

**Standard Letter**

**Special Letter**

**Draft enclosed**

**Prepared by:** Ian Elliott

**Date:** 21<sup>st</sup> March 2019

**Decision Level** (tick as appropriate)

Committee

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

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

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

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

2. No development must take place until a landscaping scheme has been submitted including:

- a section drawing of the pond
- details of the species, position, height, planting formation and schedule of all trees, hedging and aquatic plants
- Material construction of all hardstanding areas including any lodge bases.
- All external lighting including any proposed to be attached to the lodges and shed/shop

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

Reason: To ensure the development site is appropriately landscaped in its setting to accord with the National Planning Policy Framework and local policies LP17, LP21 and LP26 of the Central Lincolnshire Local Plan 2012-2036.

3. No development must take place until a noise assessment has been submitted to and approved by the Local Planning Authority. The noise assessment must include any necessary noise mitigation measures and a noise management policy. No operation of the site must occur until all recommended noise mitigation measures have been installed and the site must be operated in accordance with the approved noise management policy.

Reason: To protect the amenity of the adjacent neighbour's from undue noise to accord with the National Planning Policy Framework and local policy LP26 of the Central Lincolnshire Local Plan 2012-2036.

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

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

5. No development must take place until an early summer survey has been completed in accordance with section 4.2 recommendation 1 of the Preliminary Ecological Appraisal (PEA) prepared by KJ Ecology dated 20<sup>th</sup> February 2019. The survey must be submitted to and approved in writing by the Local Planning Authority. No operation of the site must occur until all recommendations in the survey have been implemented.

Reason: In the interest of nature conservation to accord with the National Planning Policy Framework and local policy LP21 of the Central Lincolnshire Local Plan 2012-2036.

6. No development must take place until details of the material(s) used to raise land levels and level the site has been submitted to and approved in writing by the Local Planning Authority. The material(s) must be appropriate to the geology of the site (see Lincolnshire Wildlife Trust Advisory Note below) and certificated as contaminant free. The infilling of the site must be completed using the approved material(s).

Reason: To ensure that material brought onto the site is appropriate and will not contaminate the site to accord with the National Planning Policy Framework and local policy LP16 of the Central Lincolnshire Local Plan 2012-2036.

7. No development (including any site clearance or regrading) 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 top 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 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 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 the National Planning Policy Framework and policy LP16 of the Central Lincolnshire Local Plan.

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

8. With the exception of the detailed matters referred to by the conditions of this consent, the development hereby approved must be carried out in accordance with the following drawings:
  - 201807-05 Revision B dated 2<sup>nd</sup> March 2019 – Proposed Site Plan
  - 201807-06 Revision B dated 18<sup>th</sup> October 2018 – Proposed Holiday Lodge, Wardens Lodge and Supply Shed/Shop Elevations and Floor Plans
  - 201807-07 Revision B dated 2<sup>nd</sup> March 2019 – Proposed Site Levels Plan

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

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

9. No operation of the site must occur until the works to improve the public highway have been completed in accordance with plan 201807-05 Revision B dated 2<sup>nd</sup> March 2019 and subject to a road safety audit, have been certified complete by the Local Planning Authority.

Reason: To ensure the provision of safe and adequate means of access to the permitted development to accord with the National Planning Policy Framework and local policies LP13 of the Central Lincolnshire Local Plan 2012-2036.

10. No operation of the site must occur until a Habitat Management Plan for the site has been submitted to and approved in writing by the Local Planning Authority. The approved Habitat Management Plan shall be accorded to thereafter.

Reason: In the interest of nature conservation to accord with the National Planning Policy Framework and local policy LP21 of the Central Lincolnshire Local Plan 2012-2036

11. The development hereby approved must only be carried out in accordance with the recommendations set out in section 4.2 recommendation 2, 3 and 4 of the Preliminary Ecological Appraisal (PEA) prepared by KJ Ecology dated 20<sup>th</sup> February 2019.

Reason: In the interest of nature conservation to accord with the National Planning Policy Framework and local policy LP21 of the Central Lincolnshire Local Plan 2012-2036.

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

12. The warden's lodge shall only be occupied by the onsite warden and their resident dependants, in association with the holiday accommodation use of the site.

Reason: The creation of permanent residential accommodation in this unsustainable location would not normally be permitted and could also undermine achievement of the Local Planning Authority's policy objectives on the management of housing supply to accord with the National Planning Policy Framework and LP1, LP2 and LP55 of the Central Lincolnshire Local Plan 2012-2036. Residential occupation can only be supported in this instance in conjunction with a tourism use for the benefit of the rural economy in to accord with the National Planning Policy

Framework and LP1, LP2 and LP55 of the Central Lincolnshire Local Plan 2012-2036.

13. The lodges, (apart from the warden's accommodation) shall be used as holiday accommodation only and shall not be occupied as a person's sole or main place of residence. The owners/operators shall maintain an up-to-date register of the names of all occupiers in individual caravans on the site, and of their main home addresses, and shall make this information available at all reasonable times to the Local Planning Authority.

Reason: The site is located within the open countryside where permanent residential accommodation would not normally be permitted to accord with the National Planning Policy Framework and local policy LP1, LP2 and LP55 of the Central Lincolnshire Local Plan 2012-2036.

14. All planting agreed in the approved landscaping scheme in condition 2 of this permission shall be carried out in the first planting and seeding seasons following the occupation of the caravans or the completion of the development whichever is sooner and any trees or plants which within a period of five years from the completion of the development die, are removed, or become seriously damaged or diseased shall be replaced in the next planting season with others of a similar size and species.

Reason: To ensure that a landscaping scheme to enhance and screen the development is provided to accord with the National Planning Policy Framework and local policy LP17, LP26 and LP55 of the Central Lincolnshire Local Plan 2012-2036.



EXISTING BLOCK PLAN | 1:500



 SITE LOCATION PLAN | 1:2500



EXISTING AERIAL VIEW

12 Vickers Lane | Louth | Lincolnshire | LN11 9PJ



PROJECT Proposed Dwelling  
St Mary's Lane  
Claxby

DATE December 2018

TITLE EXISTING

SCALE Various (as Stated)

ORIGINAL SIZE A1

DRAWING NUMBER LDC2308-PL-01

This drawing is the copyright of Lincs Design Consultancy and must not be reproduced without written consent. The contractor is responsible for fixing and checking all dimensions on site prior to commencement and reporting back to the architect. Consider any discrepancies. All materials specified on this drawing are to be used in strict accordance with manufacturers' written instructions and current codes of practice.

All details and specifications on this drawing and in relation to this specific project should be adhered to. If any deviations occur the contractor should inform Lincs Design Consultancy immediately as we cannot be held responsible for errors resulting from unapproved detail and specification changes.

## **Officers Report**

### **Planning Application No: 138794**

**PROPOSAL:** Planning Application for the erection of 1 no. two storey detached dwelling and detached, single storey double garage.

**LOCATION:** Land east of St Marys Lane Claxby Market Rasen LN8 3YX

**WARD:** Wold View

**WARD MEMBER:** Cllr T Regis

**APPLICANT NAME:** Mr S Kinch (John Kinch Builds)

**TARGET DECISION DATE:** 05/04/2019

**DEVELOPMENT TYPE:** Minor - Dwellings

**CASE OFFICER:** Richard Green

**RECOMMENDED DECISION:** Refuse

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This application is referred to the planning committee as the applicant is an elected member of the Council, Councillor S Kinch.

#### **Description:**

The application site is located to the west and south of the main built footprint of Claxby which is a small village within the Lincolnshire Wolds Area of Outstanding Natural Beauty (AONB). It is to the east of St. Mary's Lane which is a single track road. At the time of the Case officer's previous site visit (22<sup>nd</sup> December 2017) on the earlier refused permission (137092) the site was largely overgrown. More recently, at the time of the site visit (18/01/2019) for this application (138794) the site had now been cleared with a low laurel hedge remaining on the western boundary, an open wire fence within wooden posts on the eastern boundary. There are a number of trees screening the northern boundary of the site and the southern boundary is open (no boundary treatment). Close to the southern boundary of the site are various building materials, which appear to be left over from the building of the dwelling granted permission (128334) in April 2013. Close to the northern boundary of the site are tree stumps and other parts of the protected trees felled/removed from the site a number of years ago.

Roughly one half of the site towards the eastern boundary of the site is earth/grass with the other half of the site on the western boundary by St Mary's Lane being compacted hardcore and mud from the past use as a car park connected to The Public House (see planning history) which used to operate from 'The Coach House' to the south of the site. The car park for the public house ceased to operate in the early 1990's. It is therefore considered that the site has naturally regenerated over the years, has blended into the landscape and would no longer be considered to qualify as "previously

developed land” under the definition<sup>1</sup> given within the National Planning Policy Framework (NPPF).

The site is located to the north of a small group of buildings which are detached from the rest of the village. This group of dwellings include Claxby House (Grade II Listed) and The Coach House to the south. The Grade I Listed Church of St. Mary’s and the Old Rectory to the south west and a new dwelling immediately to the south of the site which was granted planning permission (128334) in April 2013.

The site is considered to be countryside and is located within the Lincolnshire Wolds Area of Outstanding Natural Beauty (AONB) and there are Public Rights of Way to the south (ClxW/105/1) and to the west (ClxW/94/1) of the site. The remains of the ‘Medieval Claxby Stew Ponds’ are located to the south east of the site. There is also a Tree Preservation Order on the eastern half of the site and a laurel hedge fronting St. Mary’s Lane, trees on the northern boundary and an overgrown hedgerow on the eastern boundary.

After amended plans were received the proposed development relates to the erection of one no. two-storey five-bedroom house with its principal elevation facing south towards St. Mary’s Lane. A detached double garage is proposed in the north eastern corner of the site with an access drive off St. Mary’s Lane with off road car parking and a turning area.

The agent submitted the application with the following representations:

- Supporting representation from Mr I Forster of The Coach House, St Mary’s Lane, Claxby stating that the proposed dwelling is for Melissa Forster.
- Supporting representation from Corner House Farm, St Mary’s Lane, Claxby.
- Supporting representation from The Laurels, Mulberry Road, Claxby.

The agent sent the following representations by email on the 17<sup>th</sup> and 21<sup>st</sup> January 2019:

- The Shire, St Mary’s Lane, Claxby from Mr and Mrs I&J Forster
- Supporting representation from Croft Ambrey, Mulberry Road, Claxby.
- Supporting representation from 13 Windermere Road, Long Eaton.

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

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<sup>1</sup> Annex 2 (NPPF): Previously Developed Land is “Land which is or was occupied by a permanent structure, including the curtilage of the developed land (although it should not be assumed that the whole of the curtilage should be developed) and any associated fixed surface infrastructure. This excludes: land that is or was last occupied by agricultural or forestry buildings; land that has been developed for minerals extraction or waste disposal by landfill, where provision for restoration has been made through development management procedures; land in built-up areas such as residential gardens, parks, recreation grounds and allotments; and land that was previously developed but where the remains of the permanent structure or fixed surface structure have blended into the landscape.”

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:**

The planning history of the site shows a number of applications for residential development, which have been refused planning permission, both within the site and immediate vicinity:

#### Within the application site:

**137092** – Full planning application for the erection of 1 no. local needs/live work dwelling and garage refused 24/01/2018 (Applicant Ms Melissa Forster). Permission was refused for the following reasons:

- 1. The site is clearly detached from the rest of the settlement with open fields to the north, west and east of the site and is considered to be located in the countryside. Policy LP55 of the Central Lincolnshire Local Plan (CLLP) states that planning permission for new dwellings in the countryside will only be acceptable where they are essential to the effective operation of rural operations listed in category 8 of Policy LP2 such as development that is demonstrably essential to the effective operation of agriculture, horticulture, forestry, outdoor recreation, transport or utility services; renewable energy generation or minerals or waste development. No evidence has been provided to demonstrate that the proposed dwelling would fall within any of the specified categories of development that would be appropriate in this location. The principle of development therefore cannot be supported as the proposal is located within the countryside and conflicts with the NPPF and Policy LP2 and LP55 of the Central Lincolnshire Local Plan.*
- 2. The proposal is a large two storey four bed dwelling of an L-shaped plan. A detached double garage is also part of the proposal, with a driveway and an area of hard-standing. This substantial dwelling is inappropriate for its setting and would infill this greenfield site and add to the built development in this countryside setting. This increase in density would begin to create/or strengthen a ribbon type character (to the dwellings found in the main built foot print of Claxby to the north of the site) which would be contrary to the rural character of this location. Therefore, a new dwelling here would be contrary to the NPPF and Policy LP17 and LP26 of the Central Lincolnshire Local Plan.*

3. *The proposal would be located in the Lincolnshire Wolds AONB and would block the far reaching views you gain from St. Mary's Lane of the wider Wolds beyond the site (to the east). The dwelling would also harm views taken from Mulberry Road which will affect the views of the historic group of buildings, namely the Grade I Listed Church, Claxby House (Grade II), the former coach house of Claxby House, and the Old Rectory. It is therefore considered that this proposal would harm the natural beauty of this landscape and would be contrary to the NPPF and Policy LP17 of the Central Lincolnshire Local Plan.*
4. *The site is located to the north of a small group of buildings which are detached from the rest of the village. This group of dwellings includes Claxby House (Grade II Listed) and the Grade I Listed Church of St. Mary's. The proposed dwelling would be a further consolidation of modern development, which would dilute the important sense of detachment of this group of historic buildings from the main part of the village of Claxby, which is key to experiencing and understanding the significance of the medieval settlement. This application has therefore been deemed to have a negative impact on the setting of nearby Listed Buildings and is deemed to be contrary to Section 66 of the Planning (Listed Building and Conservation Area) Act 1990, the NPPF and Policy LP25 of the Central Lincolnshire Local Plan.*
5. *The application does not contain a heritage statement contrary to paragraph 128 of the NPPF, and of Policy LP25 of the Central Lincolnshire Local Plan, and therefore has given no consideration to the context and setting of affected heritage assets. The proposal fails the requirement of Section 66 of the Planning (Listed Building and Conservation Area) Act 1990.*
6. *The site is overgrown and has naturally regenerated over the years and has blended into the landscape and is considered to be a greenfield site which could provide a habitat for protected species. No ecological assessment has been submitted with the application contrary to Policy LP21 of the Central Lincolnshire Local Plan and the NPPF.*
7. *The proposed landscaping scheme will fail to soften the impact of this substantial dwelling especially when viewed from Mulberry Road which will affect the setting and views of the historic group of buildings, namely the Grade I Listed Church, Claxby House (Grade II), the former coach house of Claxby House, and the Old Rectory. It is therefore considered that this proposal would harm the natural beauty of this landscape and would be contrary to the NPPF and Policy LP17 of the Central Lincolnshire Local Plan.*

**134913** – Full planning application to erect 1no. dwelling and associated garage refused 21/10/2016 (Applicant Ms Melissa Forster).

**133674** – Full planning application to erect 1no. dwelling and detached garage on site of former public house car park withdrawn 15/12/2015 (Applicant Ms Melissa Forster).

**W21/211/90** – Application to construct a carpark granted 18/09/90.

**W21/210/90** – Outline application to construct to bungalows refused 13/06/90.

**W21/422/84** – Outline application to erect two dwellings refused 12/07/84.

**W21/717/90** – Outline application to erect two dwellings refused 08/09/90 and refused on appeal 13/06/91.

**W21/902/80** – Outline application to erect a single dwelling refused 15/10/80.

#### Sites to the South:

**128334** – Full planning application for erection of local needs dwelling including physiotherapy treatment rooms on a plot of land to the south of this application site granted consent at Planning Committee 25/04/2013 against Officers recommendation for refusal (Applicant Mr James Forster).

**W21/176/93** – Full planning application to extend and change the use of 'The Coach House' to form a dwelling and erect a detached double garage granted 11/05/1993.

**W21/668/88** – Full application to convert barn 'The Coach House' to public house and restaurant and extend to form staircase granted 09/08/88.

#### **Representations:**

**Parish Council:** Claxby Parish Council has no comments/objections to planning application 138794.

**Local residents:** The Laurels and Croft Ambrey Mulberry Road, The Shire, The Coach House, Corner Farm House, Swallows Barn, The Old Rectory (all on St Mary's Lane) and Windy Ridge Normanby Rise all in Claxby and 13 Windermere Road, Long Eaton, The Shepherd's Cottage Harrington Road Brinkhill Louth, Cheriton Mill Lane Osgodby, Wold View 6 Church Street Nettleton all support the application for the following reasons:

- When we first moved to the village the proposed site was a grassy area, in 1988 we witnessed it being converted into the pub car park for the former Coach House.
- The application site is unsightly. The application site is an ex 'stoned' Pub Car Park relating to a Public House which closed in 1994.
- The site is brownfield.

- Recently we have helped to clear the site of rubbish, a digger was used to remove tree stumps and level the soil from the footings that were dumped onto the site from the recently built Shire next door. We can confirm that nothing was removed from the site and the only things that were burnt on the site were rubbish, brambles, weeds, and items left by fly tippers.
- The size of the proposed building would be the smallest in the lane, and it is clear to see that new design has been reduced in size from the previous application in order to maximise the views over the Wolds.
- Ageing population in the village need new dwellings to encourage family living/young people.
- The landscaping plan would further enhance the lane.
- Traffic will not be an issue.
- The Physiotherapy Practice run from 'The Shire' has benefited the village. This property was not initially supported by residents but has now blended in.
- The application site is unsightly. The application site is an ex 'stoned' Pub Car Park relating to a Public House which closed in 1994.
- When walking the footpaths around the site it would look better redeveloped than in its current state.
- The application should be granted to allow the applicant to foster children in a rural setting.
- The parents of the applicant also foster children.
- The applicant has a long association with Claxby.
- The site is an appropriate location for a dwelling.
- The proposal would enhance the open character of the lane and would not affect the setting of the Grade I Listed Church.
- The building would bring a more managed environment for wildlife and vegetation.
- The proposal is a sympathetic design.

Claxby House, St Mary's Lane, Claxby objects to the application for the following reasons:

- The applicant name on the scanned document states Stuart Kinch and on the website, it states John Kinch from John Kinch Builds. We are aware that Stuart Kinch is a councillor for WLDC and is also a Director of Kinvena Homes. The construction company for this planning application is John Kinch Builds and we are raising this as a concern, due to a conflict of interest.
- This will be the fourth time this planning application has been submitted and we cannot see any evidence to justify a dwelling of this size. Having reviewed the previous planning applications, the property associated to 138794 has increased in accommodation and living space than previous planning applications.
- The site was recently excavated and flattened prior to the Protected Species Report being conducted by the Agent for this Planning Application, therefore it is not providing a true reflection of the landscape. The habitat for any protected species has been destroyed

and the natural regeneration of the site over the years has been demolished.

- The Orchard and now Corner Farm House has recently been placed on the market in St Marys Lane, Claxby and would be a suitable property for purchase.
- The introduction of a building of this scale proposed would result in an intrusive, alien feature within an important area of open character and greenery which provides a historic setting to the building to the south, specifically it would be particularly prominent in this context and adversely affect the setting of the Grade II Listed Claxby House and the Grade I Listed St. Mary's Church.
- The impact of this setting would be particularly noticeable from the public bridleway and also from St. Mary's Lane. The site is in the Lincolnshire Wolds AONB.
- Planning approval has already been provided for a dwelling (The Shires) to be erected on St. Mary's Lane back in March 2013 (128334) by the same family, which has had detrimental aesthetic impact to Claxby House, Grade II Listed from both the north side of the building and the surrounding gardens.
- The addition of another large dwelling should not be considered. St. Mary's Lane is a single-track no through road. There is only sufficient road for a single vehicle at any time.
- The site for this proposed new dwelling has an outstanding approved Tree Planning Application for Protected Tree Removal and Replacement, which has still not been completed. The approved replacement trees shall be planted within twelve months of the date of the removal of the original trees with suitable support during their establishment. The replacement trees should have been completed by March 2016. We are now in January 2019, 35 months past the planting date and still no commitment.
- The application site is within the setting of a Grade I Listed Building and Grade II Listed Building. This is part of a historic group of buildings, St. Mary's Church and Claxby House. The applicant has failed to demonstrate a clear understanding of the significance of the affected heritage assets and their settings. It is clear that the proposed scheme would cause harm to the setting of Claxby House and the Church of St. Mary.
- This historic group of buildings is clearly detached from the rest of Claxby Village and is surrounded by open spaces and fields and forms part of a shrunken Medieval Village.
- The proposed siting of this dwelling is particularly ill-considered, as the setting along St Mary's Lane is used by many villagers, tourists and guests of the Viking Centre for recreation and walking dogs and building here would diminish the striking view across Claxby village and impact the view towards Claxby House.
- Significant impact has already been caused by the approved planning application (128334 – The Shires) to Bridleway (Claxby) No. 105 and approving this application will only cause further impact.

- This planning application must be convinced that any harm to significance is outweighed by clear justification and there is absolutely no justification for this type of dwelling to be built within Claxby village.

**LCC Rights of Way:** No comments or observations to make and none to make on the proposed amendment.

**The Ramblers Association:** No representations received to date.

**Lincolnshire Wolds AONB Officer:** No representations received to date.

**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.

**LCC Highways and Lead Local Flood Authority:** Requests that any permission given by the Local Planning Authority shall include 2 specified conditions and two informatives. The conditions relate to a specification for the proposed vehicular access and the submission of a Flood Risk Assessment as the site is located within an area at risk of surface water flooding.

**Conservation Officer:** I support wholly the advice from Historic England [who object to the proposed development]. I would therefore refer you to my original comments with regard to a similar application under 137902 as a starting point. I would also add the following comments:

1. The proposed design is very large, and has a 'backside' which would be experienced as part of the setting of the grade I listed church and the Manor House. The twin gable view of the 'backside' of the house would be a dominating factor and is inappropriate to the setting of a grade I listed building, the setting of a grade II listed building and a non-designated heritage asset (earthworks monument) considered by Historic England to be of national importance.

2. The list descriptions of both listed buildings note the letters GV – which means group value, which is defined by the Department for Culture, Media and Sport (DCMS) in their document Principles of Selection for Listed Buildings, paragraph 17 as:

*The extent to which the exterior of the building contributes to the architectural or historic interest of any group of buildings of which it forms part, generally known as group value. The Secretary of State will take this into account particularly where buildings comprise an important architectural or historic unity or a fine example of planning (e.g. squares, terraces or model villages) or where there is a historical functional relationship between the buildings. Sometimes group value will be achieved through a co-location of diverse buildings of different types and dates.*

It is clear that the setting should be preserved as is, and that Historic England make reference to a development that has already been allowed and reminds the local planning authority to have 'special regard' for the preservation of this setting. It is the case that any further building in this location would be harmful to that setting, and would consist of cumulative impact. There is no public benefit that I can see that could balance this harm.

In the event that a decision is made to grant permission, I would advise that design revisions are required to minimise and mitigate harm as set out in paragraph 190 of the NPPF which states that:

*Local planning authorities should identify and assess the particular significance of any heritage asset that may be affected by a proposal (including by development affecting the setting of a heritage asset) taking account of the available evidence and any necessary expertise. They should take this into account when considering the impact of a proposal on a heritage asset, to avoid or minimise any conflict between the heritage asset's conservation and any aspect of the proposal.*

The local authority has received advice from the Government's advisor on heritage matters, but if the planning authority is minded to disregard this advice, minimising harm is essential. This would consist of:

- a. the proposed building having its principle front (northern) elevation should become the west elevation (facing St Mary's Lane).
- b. All natural and locally distinctive materials, e.g, natural slate, etc)
- c. Sample panels of masonry for approval in writing
- d. Full boundary treatments and landscaping

In this way at the least, final build quality can be carefully considered, and the poorest elevation of the design will have less impact on the setting of the listed buildings.

Further representation received on the 20/02/2019 (re-consultation of the amended plans): The objection in principle to a dwelling in this location is still my recommendation in respect of the proposed development, and I would reiterate all of my concerns sent by email to you on 20 January 2019 about the inappropriateness of developing this site in such a sensitive setting.

The advice to try and mitigate and minimise the harm arising from this proposal is not to appease concerns about quality of design for a building in a sensitive location, it is to ensure that if, contrary to the recommendations of Historic England and planning officers, a building is to be approved in this location, that at the very least, its 'backside' is not the first thing seen from the shared setting of Claxby House and the Church. In no way should my advice be taken as acceptance of building in this sensitive setting.

**Historic England:** The medieval church of St Mary is listed grade I which means it is included within the top approximately 2% of listed buildings in the country, because of its exceptional architectural and historic interest. The

church has 13th, 15th and 16th century phases of construction and was restored in 1871. The church stands in a group of buildings on St Mary's Lane (a principal focus of the medieval village along which it was orientated), including the nearby Claxby House (listed grade II, and built in the late C18 with C19 alterations), the former coach house of Claxby House, and the Old Rectory. This historic ensemble is clearly detached from the rest of the village of Claxby and is surrounded by open spaces, including fields and former gardens. Together these buildings and associated open spaces are on the site of, and form part of, a shrunken medieval village.

Overlying the medieval village many of the substantial archaeological earthworks visible in the grounds, and former grounds, of Claxby House and nearby fields today comprise the remains of the C16 or early C17 formal gardens of a former house on the site of Claxby House, and C19 landscaping. This includes the feature known as Claxby Stew Ponds which may have originated as a medieval moat. It is Historic England's view that the buried and standing archaeological remains on this site are a non-designated heritage asset of archaeological interest, which is demonstrably of equivalent significance to a scheduled monument. The archaeological remains at Claxby are assessed in detail in 'Change and Continuity: Rural Settlement in North West Lincolnshire', Everson et al, 1991.

The reduction of a former medieval village to the basic structure of a church, large house and outbuildings, and former rectory, all surrounded by fields, landscaped parkland or gardens with associated archaeological remains, is a classic form of reduced settlement and this historic ensemble of heritage assets forms a key part of the significance and setting of the Church of St Mary, Claxby House, and the surrounding historic and archaeological landscape.

In our view the proposed scheme will cause harm to the setting and significance of the Church of St Mary and Claxby House. The proposed scheme will introduce a substantial new building into the open areas and fields around the detached, shrunken, former medieval settlement at the end of St Mary's Lane. This will, in principle and in practice, destroy the intrinsic, historic character of a settlement that has been reduced to its core elements of church, large house and outbuildings, former rectory, and surrounding fields with important archaeological remains. We note that consent was granted by your authority for a dwelling of similar scale on the adjoining site to the south, and on which we provided advice, having judged that proposal to constitute unjustified harm.

In our view the proposed dwelling would be a further consolidation of modern development, which would dilute the important sense of detachment of this group of historic buildings from the main part of the village of Claxby, which is key to experiencing and understanding the significance of the medieval settlement.

We consider that the proposal would result in harm to the significance of those assets described above. We do not believe that the harm is justified,

nor do we consider that the proposal provides public benefit that would outweigh the harm that would result.

Historic England has concerns regarding the application on heritage grounds. We consider that the issues and safeguards outlined in our advice need to be addressed in order for the application to meet the requirements of paragraphs 184, 192, 194,196 of the NPPF.

In determining this application you should bear in mind the statutory duty of section 66(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 to have special regard to the desirability of preserving listed buildings or their setting or any features of special architectural or historic interest which they possess.

Further representation received on the 13/02/2019 (re-consultation of the amended plans): We note the additional information that has been submitted and have no further comments to add to our earlier consultation response of 28 January 2019.

**Trees and Landscaping:** There is a PRow bridleway running past the site across its southerly end, from Claxby Lane to Mulberry Road to the east. This is outside the site and crosses the access drive to the adjacent property, so it should not be directly affected by the proposals, but the development would be an intrusion into the views and local character of this area for the users of the PRow. Therefore, if the proposals are granted permission then a scheme of soft landscaping should be required to reduce the impact of the development on the surrounding area.

The band of TPO trees along the easterly side of the site no longer exist. Area A1 of TPO Claxby 1981 originally contained a row of hardwoods and softwoods. The species and numbers were not specified in the TPO, but there was a large sycamore at the SE end near the PRow bridleway, a long row of pines running parallel with the rear/easterly site boundary, and a large ash tree near the NE corner of the site. These all had consent in May 2013 to be removed for various tree health and structure related reasons, with a condition that 11 specific replacement trees were planted following removal of the original trees. These were sourced but not planted due to planning applications on the site. For the current planning application on the land, if consent is granted for development of the site there should be a scheme of landscaping to include at least 11 new trees, which is the number that was conditioned in the TPO decision.

Various trees are shown on the site layout plan with information down the side of the plan, however, the plan does not indicate which species of tree is to be planted in which position – this should be clarified. The trees are specified as bare-rooted, extra-heavy standards. Extra-heavy trees would be susceptible to transplanting stress and at greater risk of failure than smaller trees. Bare-rooted trees of this size in particular will require careful transporting, storage, planting, and good aftercare due to their risk of dying. Bare rooted trees

greater than 14cm girth should be supplied root-wrapped or root-balled to minimise risk of tree death.

I have no objections to development of the site in relation to its impact on existing trees and hedges, but any new development should allow sufficient space for adequate soft landscaping for important screening and softening of any built structures in this location. A scheme of soft landscaping should be required. Any tree failures within 5 years of planting should be replaced with trees of the same species, form and size.

Further representation received on the 27/02/2019 (re-consultation of the amended plans):

Proposals for soft landscaping: Please also refer to my earlier comments dated 30th January 2019. The revised site layout plan has rotated the dwelling and repositioned the proposed new planting. The new planting also now shows what tree species would be planted in which position and the composition of intended hedges. The information on the 'proposed plan', drawing number LDC2308-PL-03A is suitable.

Potential effect on any trees or hedges on or near the site: Please also refer to my earlier comments dated 30th January 2019.

Conclusion: I have no objections to the proposals in terms of its impact on trees and hedges. If planning permission is granted, the decision should include a condition requiring the landscape scheme to be implemented within a specified time frame.

**Archaeology:** No archaeological impact and no objections or comments to make on the proposed amendment.

### **Relevant Planning Policies:**

Planning law<sup>2</sup> requires that applications for planning permission be determined in accordance with the development plan, unless material considerations indicate otherwise. Here, the relevant development plan is the Central Lincolnshire Local Plan, adopted in April 2017.

Central Lincolnshire Submitted Local Plan 2012-2036. The following policies are considered to be particularly relevant:

LP1: A Presumption in Favour of Sustainable Development  
LP2: The Spatial Strategy and Settlement Hierarchy  
LP13: Accessibility and Transport  
LP14: Managing Water Resources and Flood Risk  
LP17: Landscape, Townscape and Views  
LP25: The Historic Environment

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<sup>2</sup> [Section 38\(6\)](#) of the Planning and Compulsory Purchase Act 2004 and [section 70\(2\)](#) of the Town and Country Planning Act 1990.

LP21: Biodiversity and Geodiversity  
LP26: Design and Amenity  
LP55: Development in the Countryside

#### Neighbourhood Plan

No neighbourhood plan currently in preparation, or that could be taken into consideration.

#### National Guidance

National Planning Policy Framework (NPPF) (February 2019)  
National Planning Practice Guidance (NPPG)

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

#### Listed Buildings Statutory Duty

[Section 66](#) of the Planning (Listed Buildings and Conservation Areas) Act 1990, places a statutory duty upon the local planning authority:

*“66(1) In considering whether to grant planning permission... for development which affects a listed building or its setting, the local planning authority... 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.”*

Statutory Duty regarding the Area of Outstanding Natural Beauty (AONB)

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>

Other Material Guidance:

Lincolnshire Wolds AONB Management Plan 2018-2023

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

National Planning Practice Guidance on the Natural Environment<sup>3</sup> states that:

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<sup>3</sup> <https://www.gov.uk/guidance/natural-environment>

*“ 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... National Parks and Areas of Outstanding Natural Beauty management plans may also be material considerations in making decisions on individual planning applications, where they raise relevant issues. (Paragraph: 004 Reference ID: 8-004-20140306)*

### **Main issues**

- Principle of Development
- Residential amenity
- Listed Buildings
- Visual Impact and effect on AONB
- Archaeology
- Foul and Surface Water Drainage
- Ecology
- Garden Space
- Trees and Landscaping
- Public Right of Way
- Highway Safety and Car parking

### **Assessment:**

#### Principle of Development

The application site is located to the west and south of the main built footprint of Claxby which is a small village, and to the east of St. Mary's Lane which is a single track road. There is evidence of hardstanding at the front of the site (adjacent to St. Mary's Lane) that was a car park connected to The Public House (see planning history) which used to operate from 'The Coach House' to the south of the site. Roughly one half of the site towards the eastern boundary of the site is earth/grass with the other half of the site on the western boundary by St Mary's Lane being compacted hardcore and mud from the past use as a car park. It is considered that the site has blended back into the landscape, and would no longer meet the NPPF definition of "previously developed land". The site is considered to be greenfield and could easily revert back to a grass field as it was prior to the car park.

Policy LP2's definition of 'developed footprint' specifically excludes "*individual buildings or groups of dispersed buildings which are clearly detached from the continuous built up area of the settlement*". The site is clearly detached from the rest of the settlement with open fields to the north, west and east of the site and is considered to be located outside the developed footprint, and in the countryside.

Planning policy at local and national level seeks to prevent the establishment

of isolated dwellings (this site is considered to be physically separated from the main built footprint of Claxby) in the countryside except where the nature and demands of the work connected make it essential for one or more persons engaged in the enterprise to live at, or very close to, the site of their work.

The term “isolated dwellings” has, for planning purposes, been the recent subject of a Court of Appeal<sup>4</sup> judgment. The Court upheld an earlier High Court Judgment<sup>5</sup> in which Mrs Justice Lang observed that *“isolated”* should be given its ordinary objective meaning of *“far away from other places, buildings or people; remote”*

The NPPF states that rural housing should be located where it will enhance or maintain the vitality of rural communities. For example, where there are groups of smaller settlements, development in one village may support services in a village nearby. Paragraph 79 of the NPPF states that Local planning authorities should avoid new isolated homes in the countryside unless there are special circumstances such as:

- the essential need for a rural worker to live permanently at or near their place of work in the countryside.

Policy LP55 of the Central Lincolnshire Local Plan (CLLP) states that planning permission for new dwellings in the countryside will only be acceptable where they are essential to the effective operation of rural operations listed in category 8 of Policy LP2 such as development that is demonstrably essential to the effective operation of agriculture, horticulture, forestry, outdoor recreation, transport or utility services; renewable energy generation or minerals or waste development. No evidence has been provided to demonstrate that the proposed dwelling would fall within any of the specified categories of development that would be appropriate in this location.

The accompanying Design & Access Statement states that *“the proposed dwelling will be constructed by John Kinch Builds on behalf of Mr Darren Drury and Ms Melissa Forster.”*

It states that *“[Ms Forster] has very fond memories of growing up in this pleasant Lincolnshire village alongside her siblings and numerous foster children and it is for this reason that she wishes to build a new home close to her parents for her own family.”*

It states that Ms Forster’s parents have fostered children for many years, and that [Ms Forster] *“wishes and to carry on the work of her parents when they retire and this proposal will enable her to work from home with vulnerable and*

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<sup>4</sup> Braintree District Council v Secretary of State for Communities and Local Government & Ors [2018] EWCA Civ 610 Case Number: C1/2017/3292

<sup>5</sup> Braintree District Council v Secretary of State for Communities and Local Government & Ors. [2017] EWHC 2743 (Admin)

*disadvantaged parents and their babies. The dwelling has been specifically designed to meet the needs and aspirations of [Mr Drury and Ms Forster] and will provide a pleasant environment for their current family and future foster children.”*

However, this use and need conflicts with policy as it does not fall within any of the specified categories of development outlined above that would be appropriate in this location. There are also numerous properties for sale on Rightmove (as of the 14/03/2019) in a three mile radius of the site either within small villages in the countryside or within Market Rasen the nearest market town (the centre of which is only 3.5 miles from the site) which would be suitable for fostering children.

Whilst it is understood that it may be desirable for the landowner to want a purpose-built new dwelling within proximity of Claxby, planning law is concerned only with the regulation of land in the public interest. Planning permission runs with the land and not with an individual (unless the permission otherwise provides).

As national Planning Practice Guidance<sup>6</sup> clearly sets out:

***Unless the permission otherwise provides, planning permission runs with the land and it is rarely appropriate to provide otherwise.*** *There may be exceptional occasions where granting planning permission for development that would not normally be permitted on the site could be justified on planning grounds because of who would benefit from the permission. For example, conditions limiting benefits to a particular class of people, such as new residential accommodation in the open countryside for agricultural or forestry workers, may be justified on the grounds that an applicant has successfully demonstrated an exceptional need.*

***A condition used to grant planning permission solely on grounds of an individual’s personal circumstances will scarcely ever be justified in the case of permission for the erection of a permanent building, but might, for example, result from enforcement action which would otherwise cause individual hardship*** (emphasis added).

The application seeks planning permission for a dwelling within the countryside, outside of the developed footprint of Claxby. It is not demonstrably essential for the effective operation of a countryside use, and does not meet any of the criteria set out within policy LP2. It does not meet the criteria for new dwellings permitted within the countryside in the criteria, set under policy LP55 part D.

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<sup>6</sup> [Paragraph: 015 Reference ID: 21a-015-20140306](#), National Planning Practice Guidance on the Use of Planning Conditions

These policies are consistent with national policy on rural housing within the NPPF (paragraphs 77-79) and can be attached full weight.

The principle of development therefore cannot be supported as the proposal is located within the countryside and conflicts with the NPPF and Policy LP2 and LP55 of the Central Lincolnshire Local Plan.

#### 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 application site has no neighbouring residential dwellings apart from to the south of the site. This dwelling was given permission under application 128344. However, the two dwellings are approximately 45 metres apart with the position of openings on the south elevation of the proposed property and the north elevation of the property built under application 128344 giving no rise to residential amenity concerns.

Therefore it is considered that the proposed dwelling will not have a significant harmful impact on the living conditions of neighbouring dwellings, and would be compliant with policy LP26 in this respect. This is consistent with paragraph 127 of the NPPF.

#### Listed Buildings

In respect of Listed Buildings, The Local Planning Authority has a statutory duty to '*...have special regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses.*'

The site is located to the north of a small group of buildings which are detached from the rest of the village. This group of dwellings includes Claxby House (Grade II Listed) and the Grade I Listed Church of St. Mary's. The proposal would infill this greenfield site and add to the built development in this countryside setting. An objection has been received from Historic England (which is further endorsed by the Conservation Officer) which states that 'In our view the proposed scheme will cause harm to the setting and significance of the Church of St Mary and Claxby House. The proposed scheme will introduce a substantial new building into the open areas and fields around the detached, shrunken, former medieval settlement at the end of St Mary's Lane. This will, in principle and in practice, destroy the intrinsic, historic character of a settlement that has been reduced to its core elements of church, large house and outbuildings, former rectory, and surrounding fields with important archaeological remains. We note that consent was granted by your authority for a dwelling of similar scale on the adjoining site to the south, and on which we provided advice, having judged that proposal to constitute unjustified harm. In our view the proposed dwelling would be a further consolidation of modern development, which would dilute the important sense of detachment

of this group of historic buildings from the main part of the village of Claxby, which is key to experiencing and understanding the significance of the medieval settlement.’

The proposal has been amended in line with the advice offered by the Conservation Officer on the plans as originally submitted. However, this advice was only offered to try and minimise the harm if the planning authority is otherwise minded to disregard the advice from the Government’s advisor on heritage matters (Historic England). Following the submission of amended plans Historic England re-iterate their objection to this proposal. The Conservation Officer also states ‘the objection in principle to a dwelling in this location is still my recommendation in respect of the proposed development, and I would reiterate all of my concerns sent by email to you on 20 January 2019 about the inappropriateness of developing this site in such a sensitive setting.’

Chapter 16 of the NPPF – Conserving and Enhancing the Historic Environment paragraph 194 states that a designated heritage asset can be harmed through development within its setting. The proposed dwelling would be a further consolidation of modern development, which would dilute the important sense of detachment of a group of historic buildings from the main part of the village of Claxby, which is key to experiencing and understanding the significance of the medieval settlement.

Harm to the setting of nearby heritage assets has been identified, both by Historic England and the Conservation Officer.

The Council has a statutory duty to “*have special regard to the desirability of preserving the [listed] building[s] or its setting*”.

The proposed development would fail to preserve the setting of surrounding heritage assets.

The proposal is deemed to have a harmful impact on the setting of nearby Listed Buildings and is deemed to be contrary to the NPPF and Policy LP17, LP25 and LP26 of the Central Lincolnshire Local Plan.

#### Visual Impact and effect on AONB

The Council has a statutory duty<sup>7</sup> 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.”*

The Lincolnshire Wolds AONB Management Plan (2018-23) was adopted in April 2018. The production of five yearly management plans is a statutory duty

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<sup>7</sup> Section 85(1) of the Countryside and Rights of Way Act 2000

for all local authorities that have AONBs, or part of an AONB, within their administrative boundaries and one plan must be produced in partnership with other local authorities and relevant statutory bodies.

The proposed development relates to the erection of one large two storey five bed house with its principal elevation facing north and its rear elevation facing south. A detached double garage is proposed in the north eastern corner of the site with an access drive off St. Mary's Lane with off road car parking and a turning area.

This substantial dwelling is considered to be inappropriate for its setting and would infill this greenfield site and add to the built development in this countryside setting. This increase in density would begin to create/or strengthen a ribbon type character (to the dwellings found in the main built foot print of Claxby to the north of the site) which would be contrary to the rural character of this location. Therefore, a new dwelling here would be contrary to the NPPF and Policy LP17 and LP26 of the Central Lincolnshire Local Plan.

Paragraph 172 of the NPPF states that *'Great weight should be given to conserving landscape and scenic beauty in National Parks, the Broads and Areas of Outstanding Natural Beauty, which have the highest status of protection in relation to landscape and scenic beauty.'*

The proposal would be located in the Lincolnshire Wolds AONB and would block the far reaching views you gain from St.Mary's Lane of the wider Wolds beyond the site (to the east). The dwelling would also harm views taken from Mulberry Road which will affect the views of the historic group of buildings, namely the Grade I Listed Church, Claxby House (Grade II), the former coach house of Claxby House, and the Old Rectory.

It is therefore considered that this proposal would harm the natural beauty of this landscape and would be contrary to the NPPF and Policy LP17, LP25 and LP26 of the Central Lincolnshire Local Plan.

#### Archaeology

It is Historic England's view that the buried and standing archaeological remains on this site are a non-designated heritage asset of archaeological interest, which is demonstrably of equivalent significance to a scheduled monument. The archaeological remains at Claxby are assessed in detail in 'Change and Continuity: Rural Settlement in North West Lincolnshire', Everson et al, 1991. The Historic Environment Officer at Lincolnshire County Council has stated that no archaeological input is required. However, if it was minded to grant permission more discussion would take place with Lincolnshire County Council and if necessary a condition could be attached to the permission requiring the developer to undertake a scheme of archaeological monitoring and recording.

#### Foul and Surface Water Drainage

The application states that the main sewer will dispose of foul sewerage with surface water being dealt with through a soakaway. If permission were to be granted a condition could be attached to the decision notice requiring that no development shall take place until details of a scheme for the disposal of foul and surface water from the site (including the results of soakaway/percolation tests) have been submitted to and approved in writing by the local planning authority. A condition could also be attached to the decision notice requiring that any hardstanding shall be constructed from a porous material and be retained as such thereafter or shall be drained within the site.

LCC Highways and Lead Local Flood Authority also state that the site is within an area at risk from surface water flooding and recommends that a Flood Risk Assessment (FRA) is submitted. In the event of this application being determined for approval an FRA would be required.

### Ecology

The NPPF (paragraph 170) requires the planning system to conserve and enhance the natural environment by minimising impacts on biodiversity and providing net gains in biodiversity where possible. Policy LP21 of the Central Lincolnshire Local Plan requires that an ecological assessment is undertaken if any development could have an adverse effect on sites with designated features and / or protected species.

The overgrown site has been cleared prior to an ecological survey being undertaken by Scarborough Nixon (Dated December 2018). The report found that precautionary measures are required to ensure there is no adverse impacts on great crested newts or foraging/commuting bats. Some further measures and ecological enhancements are recommended to ensure legal compliance and no net loss to biodiversity. The precautionary measures and the ecological enhancements recommended can be conditioned if it is minded to grant planning permission.

### Garden Space

The development sits on a relatively large plot for a five bedroomed detached property and it is considered that there is an acceptable amount of private amenity space.

### Trees and Landscaping

There is a Tree Preservation Order on the eastern half of the site and a laurel hedge fronting St. Mary's Lane, and trees on the northern boundary of the site.

The TPO trees were removed from the site a few years ago but there was a subsequent condition requiring a number of replacement trees. The Tree and Landscape Officer states that if consent is granted for development of the site through this application then there should be a scheme of landscaping to include at least 11 new trees, which is the number that was conditioned in the TPO decision and goes on to state the following:

*‘Various trees are shown on the site layout plan with information down the side of the plan, however, the plan does not indicate which species of tree is to be planted in which position – this should be clarified. The trees are specified as bare-rooted, extra-heavy standards. Extra-heavy trees would be susceptible to transplanting stress and at greater risk of failure than smaller trees. Bare-rooted trees of this size in particular will require careful transporting, storage, planting, and good aftercare due to their risk of dying. Bare rooted trees greater than 14cm girth should be supplied root-wrapped or root-balled to minimise risk of tree death.*

*I have no objections to development of the site in relation to its impact on existing trees and hedges, but any new development should allow sufficient space for adequate soft landscaping for important screening and softening of any built structures in this location. A scheme of soft landscaping should be required. Any tree failures within 5 years of planting should be replaced with trees of the same species, form and size.’*

Further comments were provided by the Tree and Landscape Officer following the submission of amended plans ‘please also refer to my earlier comments dated 30th January 2019. The revised site layout plan has rotated the dwelling and repositioned the proposed new planting. The new planting also now shows what tree species would be planted in which position and the composition of intended hedges. The information on the ‘proposed plan’, drawing number LDC2308-PL-03A is suitable.’

If it was minded to grant permission a condition would be attached to the decision notice requiring a landscaping scheme to be implemented within a specified time frame.

However, it is considered that the proposed position of the trees (two are proposed close to the northern boundary and the rest are shown on the western, eastern and southern boundaries of the main garden which is to the south of the proposed dwelling.

The proposed position of the trees will provide little screening and softening of the proposed dwelling, but due to the size of the house and the space between the dwelling and the western and eastern boundaries there is limited space for tree planting to screen and soften these elevations. A beech hedge (with black metal railings) is proposed to the front (west) elevation of the dwelling, with a native hedge proposed to the rear (east) elevation of the property. This would only provide low level screening of this substantial house.

It is considered that the proposed landscaping scheme will fail to soften the impact of this substantial dwelling especially when viewed from Mulberry Road which will affect the setting and views of the historic group of buildings, namely the Grade I Listed Church, Claxby House (Grade II), the former coach house of Claxby House, and the Old Rectory and when viewed from the

Public Rights of Way to the south (ClxW/105/1) and to the west (ClxW/94/1) of the site.

It is therefore considered that this proposal would harm the natural beauty of this landscape and would be contrary to the NPPF and Policy LP17 of the Central Lincolnshire Local Plan.

#### Public Right of Way

There are Public Rights of Way to the south (ClxW/105/1) and to the west (ClxW/94/1) of the site. The proposed dwelling is located approximately 33 metres to the north of the right of way to the south with the other right of way running down St. Mary's Lane. The proposed access to the dwelling is located close to the northern boundary of the site and the plot is also relatively large and it is considered that construction could be undertaken which does not obstruct the public right of way or cause inconvenience to the users of the public right of way. It is therefore considered that the proposed dwelling and detached garage would not be significantly detrimental to existing users and potential future users of the nearby Public Rights of Way.

However, as explained above views from these public rights of way of the Lincolnshire Wolds and the Historic Group of buildings including the Grade I Listed Church would be affected.

#### Highway Safety & Car Parking

Access will be taken off St. Mary's Lane with a double garage, off street parking and a turning area to be provided. Lincolnshire County Council Highways do not object to this proposal but recommend two conditions (relating to a specification for the proposed vehicular access and the submission of a Flood Risk Assessment). If it is minded to grant permission these conditions and informatives will be attached to the decision notice.

#### **Conclusions and reasons for decision:**

In summary the proposal is recommended for refusal as the site is located in the countryside and therefore the principle of development cannot be supported. This substantial dwelling is inappropriate for its setting and would infill this greenfield site and add to the built development in this countryside setting. This increase in density would begin to create/or strengthen a ribbon type character (to the dwellings found in the main built foot print of Claxby to the north of the site) which would be contrary to the rural character of this location.

The site is located to the north of a small group of buildings which are detached from the rest of the village. This group of dwellings includes Claxby House (Grade II Listed) and the Grade I Listed Church of St. Mary's and a non-designated heritage asset (earthworks monument) considered by Historic England to be of national importance. The proposed dwelling would be a further consolidation of modern development, which would dilute the important sense of detachment of this group of historic buildings from the main part of the village of Claxby, which is key to experiencing and understanding the

significance of the medieval settlement. This application has therefore been deemed to have a negative impact on the setting of nearby Listed Buildings. The proposed landscaping scheme will fail to soften the impact of this substantial dwelling on these heritage assets and the AONB.

### **Recommendation:**

The decision has been considered against policy LP1: A Presumption in Favour of Sustainable Development, LP2: The Spatial Strategy and Settlement Hierarchy, LP13: Accessibility and Transport, LP14: Managing Water Resources and Flood Risk, LP17: Landscape, Townscape and Views, LP25: The Historic Environment, LP21: Biodiversity and Geodiversity, LP26: Design and Amenity and LP55: Development in Hamlets and the Countryside of the Central Lincolnshire Local Plan in the first instance and the guidance contained in National Planning Policy Framework and National Planning Practice Guidance and against Section 66 of the Planning (Listed Building and Conservation Area) Act 1990. The application has been refused for the following reasons:

1. This greenfield site is clearly detached from the rest of the settlement with open fields to the north, west and east of the site and is considered to be located in the countryside. Policy LP55 of the Central Lincolnshire Local Plan (CLLP) states that planning permission for new dwellings in the countryside will only be acceptable where they are essential to the effective operation of rural operations listed in category 8 of Policy LP2 such as development that is demonstrably essential to the effective operation of agriculture, horticulture, forestry, outdoor recreation, transport or utility services; renewable energy generation or minerals or waste development. No evidence has been provided to demonstrate that the proposed dwelling would fall within any of the specified categories of development that would be appropriate in this location. The principle of development therefore cannot be supported as the proposal is located within the countryside and conflicts with the NPPF and Policy LP2 and LP55 of the Central Lincolnshire Local Plan.
2. The proposal is a large two storey five bed dwelling with its principal elevation facing west and its rear elevation facing east. A detached double garage is proposed in the north eastern corner of the site with an access drive off St. Mary's Lane with off road car parking and a turning area. This substantial dwelling is inappropriate for its setting and would infill this greenfield site and add to the built development in this countryside setting. This increase in density would begin to create/or strengthen a ribbon type character (to the dwellings found in the main built foot print of Claxby to the north of the site) which would be contrary to the rural character of this location. Therefore, a new dwelling here would be contrary to the NPPF and Policy LP17 and LP26 of the Central Lincolnshire Local Plan.
3. The proposal would be located in the Lincolnshire Wolds AONB and would block the far reaching views you gain from St.Mary's Lane of the

wider Wolds beyond the site (to the east). The dwelling would also harm views taken from Mulberry Road which will affect the views of the historic group of buildings, namely the Grade I Listed Church, Claxby House (Grade II), the former coach house of Claxby House, and the Old Rectory and a non-designated heritage asset (earthworks monument) considered by Historic England to be of national importance. It is therefore considered that this proposal would harm the natural beauty of this landscape and would be contrary to the NPPF and Policy LP17 of the Central Lincolnshire Local Plan.

4. The site is located to the north of a small group of buildings which are detached from the rest of the village. This group of dwellings includes Claxby House (Grade II Listed) and the Grade I Listed Church of St. Mary's and a non-designated heritage asset (earthworks monument) considered by Historic England to be of national importance. The proposed dwelling would be a further consolidation of modern development, which would dilute the important sense of detachment of this group of historic buildings from the main part of the village of Claxby, which is key to experiencing and understanding the significance of the medieval settlement. This application has therefore been deemed to have a negative impact on the setting of nearby Listed Buildings and is deemed to be contrary to Section 66 of the Planning (Listed Building and Conservation Area) Act 1990, the NPPF and Policy LP25 of the Central Lincolnshire Local Plan.
5. The proposed landscaping scheme will fail to soften the impact of this substantial dwelling especially when viewed from Mulberry Road which will affect the setting and views of the historic group of buildings, namely the Grade I Listed Church, Claxby House (Grade II), the former coach house of Claxby House, and the Old Rectory and a non-designated heritage asset (earthworks monument) considered by Historic England to be of national importance and when viewed from the Public Rights of Way to the south (ClxW/105/1) and to the west (ClxW/94/1) of the site. It is therefore considered that this proposal would harm the natural beauty of this landscape and would be contrary to the NPPF and Policy LP17 of the Central Lincolnshire Local Plan.



**HEDGE**  
Plant of 4 plants per linear metre in double staggered row 300mm apart

%	Species	Type	Root	Size (mm)
100	Fagus sylvatica	n/a	B	450-600

**INDIVIDUAL TREES**

	Species	Type	Root	Girth (cm)
T1	Acer campestre	Standard	B	8-10
T2	Carpinus betulus	Standard	B	8-10
T3	Betula pendula	Standard	B	8-10
T4	Pinus sylvestris	Standard	B	8-10
T5	Prunus avium	Standard	B	8-10
T6	Prunus coccinea	Standard	B	8-10
T7	Quercus robur	Standard	B	8-10

**MIX A**

Type	Site: all to be 3 Litre
<ul style="list-style-type: none"> <li>Cornus alba</li> <li>Elaeagnus argentea</li> <li>Hebe x exoniensis</li> <li>Hebe 'Autumn glory'</li> <li>Ilex aquifolium</li> <li>Lonicera pileata</li> <li>Ligustrum vulgare</li> <li>Pinus mugo</li> <li>Myrtus</li> </ul>	Plant in groups of 3/4 of same species in irregular layout at 4 plants per sqm.  Planted areas to receive 50mm bark chippings after planting.  Following establishment, plants should be trimmed to provide an overall formal shape.

**MIX B**

Type	Site: all to be 3 Litre
<ul style="list-style-type: none"> <li>Cotoneaster sal. 'Autumn fire'</li> <li>Escallonia Donard Seedling</li> <li>Hebe obtusifolia</li> <li>Hebe 'Mrs Winder'</li> <li>Lonicera pileata</li> <li>Pyracantha coccinea</li> <li>Rosa glauca</li> <li>Sarcococca confusa</li> <li>Viburnum tinus</li> </ul>	Plant in groups of 3/4 of same species in irregular layout at 4 plants per sqm.  Planted areas to receive 50mm bark chippings after planting.  Following establishment, plants should be trimmed to provide an overall formal shape.

**MAINTENANCE SCHEDULE**

Task	Time of Year	Frequency
Inspection of mature trees	March-September	Annually
Selective felling of over mature/declining species	October to February	As required
New planting to broaden/ supplement diversity of free stock	October to March	Annually
Other works- removal of debris trapped in branches etc.	As necessary	Annually
Removal of self set seedlings	January	Annually
Selective thinning and pruning to be undertaken to ensure there is sufficient light through the tree canopy	As necessary	As required

**HEDGES**

Task	Time of Year	Frequency
Trimming	April to October	5 times
Reshaping	Hard prune Oct-Feb	Annually
Chemical weed control along base	In winter and summer only when other methods have failed	Annually
Fertilising	Spring	Annually
New Planting	October-March	Annually
Litter/Debris	Throughout	Daily
Watering	As necessary, depending on weather	

**AMENITY GRASS**

Task	Time of Year	Frequency
Eroded areas: repair, rotovate to 150mm, 100mm topsoil if required, seed with BS1 mix 1?	May-September	As required
Litter/debris removal	Throughout	Daily
Gross cut, leave strippings, trim edges and collect trimmings	April-October	Every 2 weeks
Fertiliser-Spring	April	Annually
Fertiliser-Autumn	October	Annually
Scarification	March	Annually
Spiking	Autumn	Twice Annually
Reforming of edges to paths and planting	Autumn	Annually

**PLANTING SPECIFICATION**

All planting stock to shall comply with the requirements of BS 3938, and shall be healthy with a strong root system. The native plants are to be of local provenance and well established. Trees and shrubs should be handled and transported in accordance with relevant codes of practice.

- Prevent drying of roots. Heel the trees in or, for short periods of storage put them in a plastic bag. Keep shaded and away from the wind.
- Keep as much fibrous root on the trees as possible.
- Avoid damaging the roots. Basing the stem tops or stepping back the ballroom stems or roots.
- Prevent excessive heeling.

**TREE PLANTING:**

Plant from late October to early March  
 If planted in late spring or early summer, plants should be watered during dry spells for the first growing season.  
 Avoid planting in frosty, cold or windy, hot, sunny or drying conditions.  
 Choose cloudy or overcast weather when possible.  
 Tree pits should be 150mm greater than the diameter of the root ball. The soil should be broken below the pit by at least 200mm. The pit should be backfilled and heeled in.  
 The trees should be protected by plastic tree protection tubes and supported by soft wood (75-100mm in diameter) timber stakes not more than 1/4 of the tree height. The stakes should be located on the windward side of the tree and attached to expandable rubber ties.

**HEDGE PLANTING:**

Plant from late October to late March.  
 Topsoil to be supplied to all areas of hedging to a depth of 300mm and to comply to BS 3882.  
 All planting operations shall be carried out with British Standard 4482. Planting pits are to be dug in excess of the roots to allow the roots to spread out in the pit. All plants to be planted at their natural depth as they are in the nursery.  
 Excavate 300mm deep, and break up the base of the planting bed. Provide one top 300mm of topsoil in accordance with BS 3882. Cultivate to this depth and incorporate 100mm of well-rotted farmyard manure or approved compost. Planting beds to be mulched with 50mm of bark chippings after planting.

**SHrub PLANTING:**

Plant from late October to early March. All perennial weeds are to be eradicated. Excavate 300mm deep and break up base of planting bed. Provide 300mm deep topsoil and approved compost to BS 3882. Planting pits are to be dug in excess of the roots to allow the roots to spread out in the pit. All plants to be planted at their natural depth as they are in the nursery. Planting beds to be mulched with 50mm of bark chippings after planting.

**EXISTING TREES**

**REMOVAL:**

- Any trees to be removed shall be removed in a safe and appropriate manner, adhering to relevant British Standards. The contractor shall:
- Locate the selected trees to be removed and verify by marking each tree
- No tree shall be removed in a manner that compromises safety. When work is being performed, all safety precautions shall be in place to protect the operation and the general public.
- The Contractor shall plan and prepare for the use and positioning of equipment so as to accommodate the safe effective and efficient removal of trees. Whenever any tree or branch sections of a tree, being removed may endanger people or property, the Contractor shall ensure that an appropriate area is cordoned off with tape or rope and clearly marked to prohibit the public or other unauthorised persons from entering.
- The trees will be removed via the most safe and appropriate method
  - Clear and unobstructed fall. Careful felling and control of removal of the complete tree to ground level in one operation leaving the tree structure intact. The Contractor shall be fully responsible for any debris which may be a result of the wrong tree being felled or as a result of clear felling work.
  - Sectional felling method. Where necessary, the Contractor shall fell the tree in sectional felling sections, ensuring that the tree and any branches are removed in a controlled manner, either by the use of ropes, winching sections which are no larger than can be controlled without causing damage, or by the use of other appropriate methods.
- The trees will be removed via the most safe and appropriate method
  - Stump removal via root grubbing. Grubbing shall consist of the complete removal of the tree stump and roots to level machine excavation or other means. All stumps shall be removed from site or disposed of.
  - Stump removal via stump grinding. After felling, the stump shall be cut down flush with ground level. The Contractor shall grind the whole stump and root pile out to a depth of no less than 50mm below ground level. All stumps shall be removed from site or disposed of as directed by the Sponsoring Officer.
- The contractor shall backfill the residual holes to the level of the surrounding ground surface, with imported top soil which complies with the appropriate British Standards. The contractor shall remove any soil which is not suitable for use as a topsoil and all debris shall be cleaned up and removed.

**PROTECTION**

Trees greatly complement the built environment, but can be easily injured during the development process. BS 5837:2012 Trees in Relation to Design, Demolition and Construction offers detailed guidance on the protection of trees during development and construction and includes minimum dimensions of zones of protection, and the avoidance of damage through storage of harmful substances or the lighting of fire near trees.

Trees are vulnerable in many ways during construction, and including:

- Impact damage from vehicles, with an excavation
- Physical damage by the lowering of levels of trenching for services.
- Compaction of soil systems by the passage of vehicles or equipment or storage of materials.
- Tree effects from spillage of fuels, lubricants or other chemicals.
- Risk damage.

**ESTABLISHMENT AND MAINTENANCE OF PROTECTION ZONES**

**LIMITS:**

- Select barriers to establish zones before materials or machinery are brought on site or building work begins, including erection of all hoards.
- Barriers are not to be removed or altered without prior consultation with an arborist.
- Barriers should remain in place until construction work are completed and full.

**TREE PROTECTION BARBER SPECIFICATION**

- Barriers shall be for the purpose of excluding construction activity.
- In most cases, barriers shall comprise welded post-and-rail using wire or scaffold cladding to well treated framework of vertical and horizontal scaffold poles.
- On some sites it may be appropriate to use temporary other building or construction materials to form the protection barriers.
- Barriers shall be erected on the barriers with words such as "Construction exclusion zone - keep out"

**SCAFFOLDING WITHIN PROTECTED AREAS**

- If it is essential for scaffolding to be erected in protected areas, barriers on perimeter above will be erected to provide sufficient space for the scaffolding. The ground in between the barriers and the building should be protected by boarding up to create boards for protection, or, more substantial boarding for heavier traffic.
- Ground beneath the boards will be left undisturbed and protected by geotextile fabric.
- If necessary, sharp points will be laid on the fabric, to level the ground.
- Boarding will be left in place until building work is completed.

**STORAGE OF OIL, FUELS, MATERIALS & MACHINERY**

- No storage of fuel, oil, petrol, diesel, or kerosene, including mixing of cement will be permitted within 10 metres of the stem of any tree or within the protected zone (including the fuel tank), also having account of any steps to avoid the harmful effects of runoff.

**TREES**

- No trees to be in a position where flames could extend to within 5m of foliage or trunk taking into account wind direction and strength.

**SERVICES**

- Services must be routed within the protection zone, consider the use of trunk boxing techniques, or digging and trenching to route.
- In routing either of the above, there will be a minimum of 1 metre from the tree and of 1 metre depth.
- The installation of any utility services in protected areas shall be agreed in advance of commencing any works.
- Severing of services will help to protect them and cause minimal damage.
- The installation of any utility services in protected areas shall be agreed in advance of commencing any works.

**TREE STUMP REMOVAL**

- To prevent damage to remaining root systems stumps of trees to be removed shall not be winched or dug out but chipped to an appropriate depth during grubbing.

**MACHINERY AND EQUIPMENT**

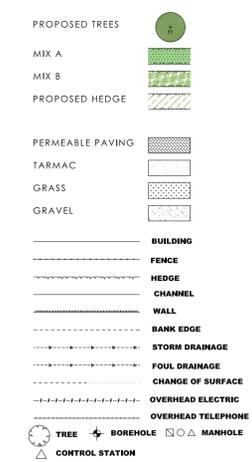
- Care shall be taken of all trees to avoid any equipment striking the tree trunk, branches or foliage.
- Protective cover is required with delivery vehicles, overhead cranes and excavators.
- Protected trees should not be used as anchorages for vehicles or other equipment.
- Recommendations in BS 3938.

**BRIEFING**

- All staff and contractors shall be briefed prior to commencing work on the importance of observing the above requirements, and the suitability of trees to be damaged during construction.

**REFERENCES:**

- BS 4418: 1989 Code of practice for general landscape operations
- BS 3938: 2010 Tree Work Recommendations
- BS 5837: 2012 Trees in Relation to Design, Demolition and Construction



REV B REQUIRE AMENDED 26.02.2019

REV A REQUIRE AMENDED 21.01.2019

10 Victoria Lane | South | Gloucestershire | GL1 1PT

**ldc** LINCOLN DESIGN CONSULTANCY

PROJECT | Hillcrest Park Rural Enterprise Development Caistor Top

DATE | March 2016

TITLE | PROPOSED SITE PLAN

SCALE | 1:200

ORIGINAL SIZE | A1

DRAWING NUMBER | LDC2450-01B

## **Officers Report**

### **Planning Application No: 138795**

**PROPOSAL:** Planning application for proposed extension to building

**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 (Extension of time agreed until 05/04/2019)

**DEVELOPMENT TYPE:** Minor - all others

**CASE OFFICER:** Richard Green

**RECOMMENDED DECISION:** Grant with conditions attached

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The application is referred to the Committee, as the applicant is from the immediate family of a Councillor, Cllr 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.

The nearest residential dwelling (Hillcrest House) to the site is located to approximately 24 metres to the south of the southern boundary of the site and there is a Grade II Listed Dwelling (Top House, Farm) located approximately 130 metres to the north west of the site. The site is within the Lincolnshire Wolds Area of Outstanding Beauty.

The application seeks permission to erect an extension to Block 2 (Units 6 & 7 of planning application 135031) which is the only completed building on the site. The extension will house a B1(a) office (confirmed by email from the agent on the 24/01/2019) and is approximately 57.5 square metres in size (in terms of the proposed footprint). Amended plans were received that have amended the red line to include a relocation of the bin store (granted under 135031 and the subsequent discharge of condition application 136232) to accommodate the proposed extension.

## **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:**

**138836** - Planning application to vary condition 24 of planning permission 135031 granted 14 December 2016-allow local business to use the site (D2 Use). Refused 07/03/2019.

**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.

**Local residents:** Hillcrest House, Caistor Top, Caistor – This extension would have a further significant impact upon our client's enjoyment of their property. The development of these units 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 the units, activity and vehicular movements around to and from the site.

Extending the facilities would only make this matter worse. No mitigation measures have been inserted as a result of this application and there are no noise attenuation measures at the premises.

The refusal grounds for applications 135007 and 13655 are still relevant to the proposed extension of the building as they have still not been rectified.

Further, there is no footway provision to the site from the Caistor town centre resulting in dangerous pedestrian movements across the A46. This junction is notorious for accidents which not only puts the pedestrians at risk but also the road users of the site and those passing through the area. The A46 junction is already extremely dangerous as it has very poor road markings and increasing the size of the unit therefore increasing the footfall and traffic flow would increase the risk of accidents in this area.

Approving the extension to the unit would therefore be contrary to the Local Plan adopted in the area.

Our client will be subjected to noise nuisance arising out of the use of the units. It is not a case that there may be noise but that there will be noise which will impact upon our client's use and enjoyment of their property. These noise levels will increase as a result of this extension. The units already approved will create a significant amount of light pollution in this area which will be increased if this extension is approved. This will have a severe effect on the neighbouring properties particularly in winter months and evenings.

For many the A46 junction at Hillcrest Caistor top is the first thing they see before entering Caistor or the only thing they see when passing through. The units already built on this land do not fit in with the characteristic cottages and shops that creates the old market town of Caistor. Extending the unit would further add to the depreciation of the architectural and historical character of this market town therefore reducing the local distinctiveness and sense of place. Furthermore, under planning application no.135031 there were provisions for plant screening.

Further representation dated 08/03/2019: Footways and lack of access accessibility – Condition 6 of application 135031 has still not been complied with. This junction on the A46 is notorious for accidents which not only places pedestrians at risk but also road users of the site and those using the A46.

The junction is extremely dangerous and increasing the size of the unit and therefore increasing the footfall and traffic flow to the site will increase the risk of accidents in the area.

Bin Storage Unit Specification – The purpose of the outside bin storage unit is to hold food waste and waste not suitable to be stored indoors, however, the materials used in the specification will not prevent odour pollution with odours escaping which will impact on the neighbouring dwelling. Further the proposed palisade fence will not prevent vermin migrating in an area by the neighbouring dwelling. We request that Planning Committee undertake a site inspection prior to any decision to fully understand these matters.

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.

**LCC Highways and Lead Local Flood Authority:** In order to justify the level of parking provision some indication of member numbers, attendance, staff, hours of operation etc. would be required. There is also no way that the spaces available would be so in their entirety at all times.

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:** It is highly likely that there are Low or Medium pressure (below 2 bar) gas pipes and associated equipment in the vicinity. Can you please inform Plant Protection, as soon as possible, the decision your authority is likely to make regarding this application. If the application is refused for any other reason than the presence of apparatus, we will not take any further action. Please let us know whether Plant Protection can provide you with technical or other information that may be of assistance to you in the determination of the application.

**Economic Development:** Other than the two properties (The Settlement & The Paper Shop both in the Market Place Caistor) there are no other properties showing through the Rightmove commercial search facility available for either lease or sale.

#### **Relevant Planning Policies:**

Planning law<sup>1</sup> requires that applications for planning permission be determined in accordance with the development plan, unless material considerations indicate otherwise. Here, the relevant development plan is the Central Lincolnshire Local Plan, adopted in April 2017.

Central Lincolnshire Submitted Local Plan 2012-2036. The following policies are considered to be particularly relevant:

#### 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

LP13: Accessibility and Transport

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

LP16: Development on Land Affected by Contamination  
LP17: Landscape, Townscape and Views  
LP26: Design and Amenity  
LP55: Development in the Countryside

#### 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 6 – Business Units and Start up Units

#### National Guidance

National Planning Policy Framework (NPPF) (February 2019)  
National Planning Practice Guidance (NPPG)

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

#### Listed Building Legal Duty

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

#### Statutory Duty regarding the Area of Outstanding Natural Beauty (AONB)

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>

The Lincolnshire Wolds AONB Management Plan (2018-23) was adopted in April 2018. The production of five yearly management plans is a statutory duty for all local authorities that have AONBs, or part of an AONB, within their administrative boundaries and one plan must be produced in partnership with other local authorities and relevant statutory bodies.

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

#### **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 Amenity Considerations (Commercial Waste)
- 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 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.

However, paragraph 88 expressly states that the sequential approach should not be applied to applications for small scale rural offices or other small scale rural development. This proposal is considered to be a small scale rural office.

Policy LP1 seeks to support sustainable development in accordance with the NPPF. Similarly, Policy LP5 indicates that appropriate proposals for new B1, B2 and B8 proposals and /or redevelopment of sites for B1, B2 and B8 uses on non-allocated but existing local employment sites will be supported where:

- They do not conflict with neighbouring land uses;
- Their scale does not harm the character and/or amenities of the locality; and
- They will not impact unacceptably on the local and/or strategic network.

Policy 6 of the Neighbourhood Plan supports the development of new business units within existing employment areas on previously development land.

It is considered that the proposal to erect an extension (approximately 57.5 square metres in size in terms of its footprint) to Block 2 (Units 6 & 7 of planning application 135031) which is the only completed building on the site

to house a B1(a) office is acceptable in principle subject to other considerations explored below.

#### 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) to the site is located to approximately 24 metres to the south of the southern boundary of the site. The proposal comprises an extension (approximately 57.5 metres in size in terms of its footprint) to Block 2 (Units 6 & 7 of planning application 135031) which is the only completed building on the site to house a B1(a) office. The proposed extension will be single storey in scale and is located towards the south western corner of the site by the B1225 between Block 2 and Block 1 of approved planning permission 135031. It is therefore considered that the nature, scale and location of the proposal will not have a harmful impact on the living conditions of neighbouring dwellings.

#### 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 comprises an extension (approximately 57.5 metres in size in terms of its footprint) to Block 2 (Units 6 & 7 of planning application 135031) which is the only completed building on the site to house a B1(a) office. The proposed extension will be single storey in scale and is located towards the south western corner of the site by the B1225 between Block 2 and Block 1 of approved planning permission 135031. The proposed elevations show that the building will match the approved buildings in terms of style and inductively show that the same materials will be used (which can be conditioned if it was minded to grant planning permission).

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 small in scale and will be located between two buildings on the site given permission under planning application 135031. The proposal

will therefore have no adverse effect on the character and appearance of the Lincolnshire Wolds Area of Outstanding Natural Beauty.

#### Economic Development

The proposal comprises an extension (approximately 57.5 metres in size in terms of its footprint) to Block 2 (Units 6 & 7 of planning application 135031) which is the only completed building on the site to house a B1(a) office.

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

#### Listed Building

There is a Grade II Listed Dwelling (Top House, Farm) located approximately 130 metres to the north west of the site across the A46. Due to the small scale nature of the proposal and its location on a site with an approved permission (135031) for business purposes it is considered that the proposal will preserve the setting of this listed building.

#### Foul and Surface Water Drainage

Foul sewerage disposal will be dealt with by a package treatment plant and surface water will be dealt with by way of a soakaway. A condition would be attached to the decision notice in the event of planning permission being given that no development shall take place until details of a scheme for the disposal of foul and surface water from the site (including the results of soakaway/percolation tests) has been submitted to and approved in writing by the local planning authority.

A condition will also be attached requiring that any hardstanding should be constructed from a porous material and be retained as such thereafter or should be drained within the site.

#### Highway Safety

Both the NPPF and Policy 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 proposal comprises an extension (approximately 57.5 square metres in size in terms of its footprint) to Block 2 (Units 6 & 7 of planning application 135031) which is the only completed building on the site to house a B1(a) office. The agent stated on the 24/01/2019 the following in terms of car parking 'The unit will be allocated a space located directly outside of the unit. Each unit has 1no space and this will mean 18no allocated spaces for the units with the remaining 30+ being used as visitor parking.' It is not ideal that no additional car parking spaces are being approved for this further intensification of the site but the proposal is small in scale and is for a B1(a) office use and therefore in itself, unlikely to generate any significant amount of traffic or car parking requirements and it is not thought to be reasonable to restrict planning permission for this reason alone. The application is therefore

considered to broadly be in accordance with 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 it was minded to grant this application a Grampian condition should be attached to the decision notice stating that the building (the proposed extension) shall not be occupied until the pedestrian crossing is in place.

#### Other Amenity Considerations (Commercial Waste)

Policy LP26 of the Central Lincolnshire Local Plan states that proposals should demonstrate 'adequate storage, sorting and collection of household and commercial waste, including provision for increasing recyclable waste.'

Under planning permission 135031 and the subsequent discharge of condition application (136232), condition 10 (Bin Storage) has been discharged with an amended site plan (LDC1973-PC01A Rev A dated 16/11/2017) showing that a gravelled landscape area and a bin store is located where the proposed office extension would be located (originally the bin store was proposed to be located by the southern boundary of the site but this was changed through the discharge of condition application - 136232). The proposed bin store would block the entrance to the office.

The applicant was given the chance to provide an amended location for the bin store. Amended plans were received which show the bin store by the southern boundary of the site (to the south west of block 3) in the location it was prior to it being moved to the location of this proposed extension under the discharge of condition application 136232.

General waste and waste bins will be stored inside each individual unit. Food waste or waste not suitable to be stored indoors will be allocated an

appropriate space in the external bin storage area. The external bin storage area will be gated and fenced off and constructed with timber palisade fencing to match external timber cladding on buildings, and landscaped around as stated on an email received from the applicant on the 22/02/2019 and on plan LDC2450-01B Rev B dated 26/02/2019. The bins will have a covered lid and the business should employ an appropriate waste contractor to take the waste away. If this arrangement is not put in place to a satisfactory standard the Council will, through its Environmental Protection team, be able to investigate any complaints, under other areas of legislation.

This element of the application is acceptable and would not be expected to affect the residential amenity of the dwelling to the south which is also separated by approximately 25 metres from the proposed bin store. The application is therefore considered to be in accordance with the NPPF and Policy LP26 of the Central Lincolnshire Local Plan.

**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. This includes a petrol filling station, vehicle repair and sales area. As a result of this conditions are required if it was minded to grant planning permission to ensure that the site is suitably investigated and, if necessary remediated.

Pipeline

National Grid Plant Protection have indicated that it is highly likely that there are Low or Medium pressure (below 2 bar) gas pipes and associated equipment in the vicinity. If the application is refused for any other reason than the presence of apparatus, we will not take any further action. It should be noted that buildings have and will be erected on either side of the proposed extension. A note to the applicant will be attached to the decision notice in the event that planning permission is granted.

**Conclusions:**

Recommendation: Grant Permission:

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) 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 it is considered that the proposal to erect an extension (approximately 57.5 square metres in size in terms of its built footprint) to Block 2 (Units 6 & 7 of planning application 135031) to house a B1(a) office is acceptable in principle. The proposal will not harm the character and appearance of the street-scene/countryside or the development, nor the living conditions of neighbouring occupiers. Furthermore, the proposal will not pose a risk to highway safety.

If it is minded to grant permission it should be noted that no additional car parking spaces are being approved for this further intensification of the site. However, the proposal is small in scale and is for a B1(a) office use, therefore unlikely, in itself, to generate any significant amount of traffic or car parking requirements and it is not thought to be reasonable to restrict planning permission for this reason alone.

**Conditions:**

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

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

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

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

None.

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

2. With the exception of the detailed matters referred to by the conditions of this consent, the development hereby approved shall be carried out in accordance with the following drawings: LDC2450-03B Rev B dated 26/02/2019 and LDC2450-01B Rev B dated 26/02/2019 and information received by email on the 22/02/2019. 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.

3. No development, other than to foundations level, shall take place until a scheme for the disposal of surface waters (including the results of

soakaway/percolation tests) have been submitted to and approved in writing by the Local Planning Authority. The development shall only be carried out in accordance with the approved details.

**Reason:** To ensure adequate drainage facilities are provided to serve the development in accordance with Policy LP14 of the Central Lincolnshire Local Plan.

4. No development, other than to foundations level, shall take place 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.

**Reason:** In the interests of safety of the users of the public highway and the safety of the users of the site to accord with the National Planning Policy Framework and Policy LP13 of the Central Lincolnshire Local Plan.

5. Construction work shall only be undertaken between the hours of 8am and 6pm Monday to Friday and 9am to 1pm on a Saturday and not on a Sunday or Bank Holiday.

**Reason:** To preserve residential amenity to accord with the National Planning Policy Framework and Policy LP26 of the Central Lincolnshire Local Plan.

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

**Reason:** In order to safeguard human health and the water environment as recommended by the Environmental Health Manager to accord with the National Planning Policy Framework and Policy LP16 of the Central Lincolnshire Local Plan.

7. New hardstanding shall be constructed from a porous material or shall be appropriately drained within the site and shall be retained as such thereafter.

**Reason:** To ensure the use of appropriate materials or drainage to accord with the National Planning Policy Framework and Policy LP14 of the Central Lincolnshire Local Plan.

8. All external materials used in the development shall match those of the existing buildings granted under application 135031 (and 136232) in colour, size, coursing and texture.

**Reason:** To ensure the use of appropriate materials to accord with the National Planning Policy Framework and Policy LP26 of the Central Lincolnshire Local Plan.

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

9. The premises shall not be used other purpose other than within Use Class B1(a) of the Schedule to the Town and Country Planning (Use Classes) Order (Amendment) (England) 2006, or in any provision equivalent to that Class in any statutory instrument revoking or re-enacting that Order with or without modification).

**Reason:** To enable the Local Planning Authority to retain control over other uses that might harm the amenities of the area to accord with the National Planning Policy Framework and Policy LP26 of the Central Lincolnshire Local Plan.

**Notes to the Applicant**

Contamination

The developer is recommended to take appropriate precautions to limit potential risk from contaminates. In the first instance you are advised to contact the Environmental Protection Team for advice on (01427) 676676.

Pipeline

National Grid Plant Protection have indicated that it is highly likely that there are Low or Medium pressure (below 2 bar) gas pipes and associated equipment in the vicinity.

Community Infrastructure Levy

Please be aware that as of the 22<sup>nd</sup> January 2018 West Lindsey District Council implemented a Community Infrastructure Levy and that eligible development granted on or after this date will be subject to this charge. The development subject to this Decision Notice could fall within the definitions held within the adopted charging schedule and as such may be liable to pay the levy. For further information on CIL, processes, calculating the levy and associated forms please visit the Planning Portal [www.west-lindsey.gov.uk/cilforms](http://www.west-lindsey.gov.uk/cilforms) and West Lindsey District Council's own website [www.west-lindsey.gov.uk/CIL](http://www.west-lindsey.gov.uk/CIL)

Please note that CIL liable development cannot commence until all forms and necessary fees have been submitted and paid. Failure to do so will result in surcharges and penalties

# Agenda Item 7



Planning Committee

3 April 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  
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01427 676687

Purpose / Summary:

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

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

**IMPLICATIONS**

**Legal:** None arising from this report.

**Financial:** None arising from this report.

**Staffing:** None arising from this report.

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

**Risk Assessment:** None arising from this report.

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

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

**Call in and Urgency:**

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

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

**Yes**

**No**

**Key Decision:**

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

**Yes**

**No**

## **Appendix A - Summary**

- i) Appeal by Mr and Mrs Tasker against the decision of West Lindsey District Council to refuse planning permission for a new one and a half storey dwelling on land behind the existing house at 24 Church Road, Saxilby, Lincoln LN1 2HJ

**Appeal Dismissed** - See copy letter attached as Appendix Bi.

**Officer Decision** – Refuse permission



## Appeal Decision

Site visit made on 28 February 2019

by **D Guiver LLB (Hons) Solicitor**

an Inspector appointed by the Secretary of State

Decision date: 25 March 2019

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**Appeal Ref: APP/N2535/W/18/3216652**

**24 Church Road, Saxilby, Lincoln LN1 2HJ**

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant outline planning permission.
  - The appeal is made by Mr and Mrs Tasker against the decision of West Lindsey District Council.
  - The application Ref 138126, dated 23 July 2018, was refused by notice dated 26 September 2018.
  - The development proposed is new one and a half storey dwelling on land behind existing house.
- 

### Decision

1. The appeal is dismissed.

### Preliminary Matters

2. The application is made in outline with access, layout and scale to be determined and appearance and landscape reserved. I have considered the appeal accordingly.

### Main Issues

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

### Reasons

4. The appeal site comprises garden land to the rear of a detached property at 24 Church Road. Church Road is a predominantly residential area of relatively large detached and semi-detached properties in substantial grounds. Houses are set back ten metres or so from the highway and follow the curve of the road in a fairly consistent built-line which is an important element in the character and appearance of the area. To the rear of the site there are a number of other detached properties fronting Westcroft Drive, which have significantly smaller gardens. The proposal is for a new dwelling to be erected to the rear of No. 24 accessed by sharing the drive of the existing property.
5. The proposed dwelling would have a similar sized footprint to existing buildings on Church Road but would be set back from the highway by 50 metres or so and would not have a direct street frontage. The proposed dwelling would introduce an incongruous built form into the otherwise undeveloped gardens to

the rear of the properties on Church Road that would be harmful to the existing character and appearance of the area.

6. Therefore, the proposal would not accord with Policy LP26 of the Central Lincolnshire Local Plan 2017 (the Local Plan) and Policy 2 of the Saxilby with Ingleby Neighbourhood Development Plan 2017, which together seek to ensure that developments respect the existing townscape character, pattern of development and definition of streets.

### **Other Matters**

7. Interested persons objected to the proposal due to potential overlooking. The proposed dwelling would be adjacent to the rear gardens of the neighbouring properties. Overlooking the neighbouring gardens on Church Road is unlikely to be any greater than the existing use of the garden. The proximity of the proposed dwelling to the rear boundary raises the potential for overlooking the gardens of properties on Westcroft Drive. However, final design of the proposed dwelling and boundary treatments are reserved matters and there may be no upper-storey windows facing the neighbouring properties to result in overlooking. This matter would therefore be addressed at the detailed consideration stage.
8. Interested persons also objected over potential noise, drainage and the impact of the scheme on wildlife and trees. Although the proposed dwelling would be closer to properties on Westcroft Drive than other Church Road properties the separation distances would be greater than the distances to the immediate neighbouring properties. The domestic noise likely to result from the proposed development would not have any greater detrimental impact than is likely from existing reasonable use and I therefore attach little weight to this argument.
9. The proposed dwelling would not be attached to the sewer and foul drainage would be achieved by a package treatment plant. Surface water would drain to a soakaway. There is no compelling evidence before me that the proposed dwelling or the removal of trees would increase the risk of flooding and I therefore attach little weight to the objection.
10. While the proposal would result in the loss of trees on the site these are not especially old or valuable examples and do not meet the criteria for protection. The Council's investigations have not identified the presence of any bats or other protected wildlife although I note that there is no ecological assessment in the evidence before me. While I would take a precautionary approach to protected species, given my conclusions on the main issues it is unnecessary to reach a determination on this issue.

### **Conclusion**

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

*D Guiver*

INSPECTOR