

Guildhall Gainsborough
Lincolnshire DN21 2NA
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AGENDA

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

Planning Committee
Wednesday, 29th May, 2019 at 6.30 pm
The Guildhall

Members: TBA at Annual Council on 20 May

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 - 7)
 - i) **Meeting of the Planning Committee held on 1 May 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** (VERBAL REPORT)
Note – the status of Neighbourhood Plans in the District may be found via this link
<https://www.west-lindsey.gov.uk/my-services/planning-and-building/neighbourhood-planning/>
6. **Planning Applications for Determination**
 - i) 138812 - Back Lane, Brattleby (PAGES 8 - 30)

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

Large Clear Print: Braille: Audio: Native Language

ii) 139256 - Kexby (PAGES 31 - 42)

iii) 139273 - Hillcrest, Caistor (PAGES 43 - 56)

iv) 137950 - Lea Grove, Bardney (PAGES 57 - 62)

7. Determination of Appeals (PAGES 63 - 76)

Ian Knowles
Interim Head of Paid Service
The Guildhall
Gainsborough

Monday, 20 May 2019

WEST LINDSEY DISTRICT COUNCIL

MINUTES of the Meeting of the Planning Committee held in the Council Chamber - The Guildhall on 1 May 2019 commencing at 6.30 pm.

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

Councillor Matthew Boles
Councillor Michael Devine
Councillor Giles McNeill
Councillor Mrs Jessie Milne
Councillor Roger Patterson
Councillor Thomas Smith
Councillor Robert Waller

Also In Attendance: Councillor Paul Howitt-Cowan
Councillor Mrs Sheila Bibb

In Attendance:
Rachel Woollass Development Management Team Leader
Martin Evans Senior Development Management Officer
Jamie Parsons Legal Advisor
Ele Snow Democratic and Civic Officer

Apologies: Councillor David Cotton
Councillor Mrs Judy Rainsforth

Also Attending: 3 Members of the Public

106 PUBLIC PARTICIPATION PERIOD

There was no public participation.

107 TO APPROVE THE MINUTES OF THE PREVIOUS MEETING

Meeting of the Planning Committee held on 3 April 2019.

RESOLVED that the Minutes of the meeting of the Planning Committee held on 3 April 2019 be confirmed and signed as a correct record.

108 DECLARATIONS OF INTEREST

There were no declarations of interest at this point of the meeting.

109 UPDATE ON GOVERNMENT/LOCAL CHANGES IN PLANNING POLICY

The Development Management Team Leader advised the Committee of several updates regarding Neighbourhood Plans. She explained that, since the previous meeting, an examiner had been appointed for the Glentworth NP and examination was underway. Examination for the Spridlington NP was expected towards June or July. Consultation on the submission version for Sudbrooke had been completed as had consultation on the pre-submission version for Scotton. The application from Greetwell Parish Council to do a Neighbourhood Plan was out for consultation with the closing date for comments being 10 June 2019. Further details for all Neighbourhood Plans were available on the West Lindsey website.

110 PLANNING APPLICATIONS FOR DETERMINATION

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

111 136577 HORSLEY ROAD, GAINSBOROUGH

The Chairman introduced planning application number 136577, an 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. The Committee were advised that since the last meeting, the site visit requested by Committee Members had taken place on 8 May 2019. He invited the Senior Development Management Officer to provide any updates. He advised that since the report was drafted additional letters of objection had been received from residents of 22 Marshall Rise and 43 Horsley Road Gainsborough and 62 Willingham Road, Knaith Park which were summarised as follows:

- The site had an unsuitable access.
- The water table may be a problem that caused damp.
- A smaller development with landscaping and an extension to Roses playing fields with parking should be proposed.
- Detrimental to existing infrastructure.
- Drainage problems.

He advised, however, that the updates did not change the recommendation.

The Chairman invited the first registered speaker, Mr Adam Key, to address the Committee. Mr Key explained he was speaking on behalf of the applicant and wished to address the salient points that had been raised when the application was deferred at the previous meeting. He noted that the application was policy compliant in all regards. The proposed development was on former scrub land with the site having been deselected as open space by the Local Plan Inspector. He explained there had been extensive discussions with the

Lead Local Flood Authority and the Environment Agency, both being key statutory consultees, and neither entity had issues with the proposal. Mr Key added that they were now confident that the proposed arrangements would bring improvements to the current situation. He stated that this accorded with LP14. Mr Key explained to the Committee that during the site visit, driveways of residents had been unused with residents preferring to use street parking instead. He felt this gave a skewed representation of the access way to the site. He added that Lincolnshire County Council Highways had supported and accepted the application, no alternative expert evidence had been put forward as to why it was not acceptable. Mr Key stated that the application accorded with LP13. Mr Key added to this that the public realm would be enhanced by the proposed development, with previously inaccessible space being opened up, pathways and cycleways being linked as well as the contributions to health and education in the area. He stated that this was a robust application, they had worked with the planning department throughout and requested Committee Members to support the Officer recommendation to grant approval. He thanked Members for their time.

The Chairman then invited Councillor Sheila Bibb to address the Committee.

Councillor Bibb explained she was speaking as Ward Member in opposition to the application. She noted the comments from Mr Key but referred to three main areas of concern. The first of these was regarding the risk of flooding in an area that already had problems. She acknowledged that the application addressed these issues but she was not convinced that there wouldn't be ongoing problems or other consequences of the build. Councillor Bibb highlighted her next area of concern which was the access to the site. She explained that the existing roads were already subject to congestion and that cars did have to park on the roads. She felt that if additional vehicles were added into the area through the proposed development, the situation would become increasingly dangerous for road users and pedestrians alike. She also noted that the suggestion for the emergency vehicle access was not realistic as the corresponding road was narrow with limited access. The final point made by Councillor Bibb was regarding the loss of a natural area, she stated that the links for pathways and cycleways could be made without creating another housing development. She thanked the Committee for their time and urged them to think carefully about their decision.

The Chairman reiterated that there had been a site visit giving Members the opportunity to look around the site and see what happened in the vicinity.

Note: Councillor M. Boles declared a non-pecuniary interest in that he was Ward Member but confirmed he was speaking as a Member of the Planning Committee not in his capacity as Ward Member.

There was support amongst Committee Members for the concerns voiced by Councillor Bibb, in particular the access to the area, risk of increased traffic in areas where children frequently played and the potential risk of flooding. The Chairman highlighted that within the report there were references to the highways and flooding risks and all relevant parties maintained the proposals were acceptable. The Senior Development Management Officer stated that Lincolnshire County Council Highways Officer had visited the site prior to making comments and the recommendation for living accommodation to be on the first floor was to allow, for example, garage space to be incorporated into the ground floor of the buildings.

Members of the Committee acknowledged that there were limited options open to the Committee. Those from which they would usually seek advice were in support of the application and it was difficult to come up with justification for refusal. The Officer recommendation was therefore moved.

A Member of Committee suggested an amendment in that conditions were imposed regarding vehicular movement during the construct phase and that all future applications for planning permission, outline planning permission or reserved matters regarding this site should return to be heard by Committee. The Senior Development Management Officer directed Members to condition nine, in relation to vehicular movement and the construction method statement to which it was requested that it be specified that Planning Officers consult with the Ward Members with regards to the movement arrangements. With this in place, the amendment was moved, seconded and put to the vote.

With six Members in favour of the amended recommendation and three Members against, it was **AGREED** that the Planning Committee delegate powers to Officers to approve the application subject to conditions and the negotiation and completion of a s106 agreement as detailed in the report. In addition to this, the application to discharge condition 9 shall be subject to consultation with the Ward Members, and, any future applications for planning permission, outline planning permission or reserved matters for this site be heard by Committee.

112 139207 BLYTON

The Chairman introduced application number 139207, for outline planning to erect 1no. dwelling - access and layout to be considered and not reserved for subsequent applications. The Planning Officer confirmed there was no update to the application.

The Vice Chairman enquired whether the application would have been dealt with under delegated powers, had the applicant not been a relative of an Officer of the Council and it was confirmed this was the case. The Vice Chairman then moved the Officer recommendation, this was seconded and voted upon and unanimously agreed that the Committee delegate powers to Officers to approve the application subject to conditions and the receipt of a unilateral undertaking to ensure the fence granted planning permission (reference 138841) is not built if the proposed development is implemented.

113 DETERMINATION OF APPEALS

RESOLVED that the determination of appeals be noted.

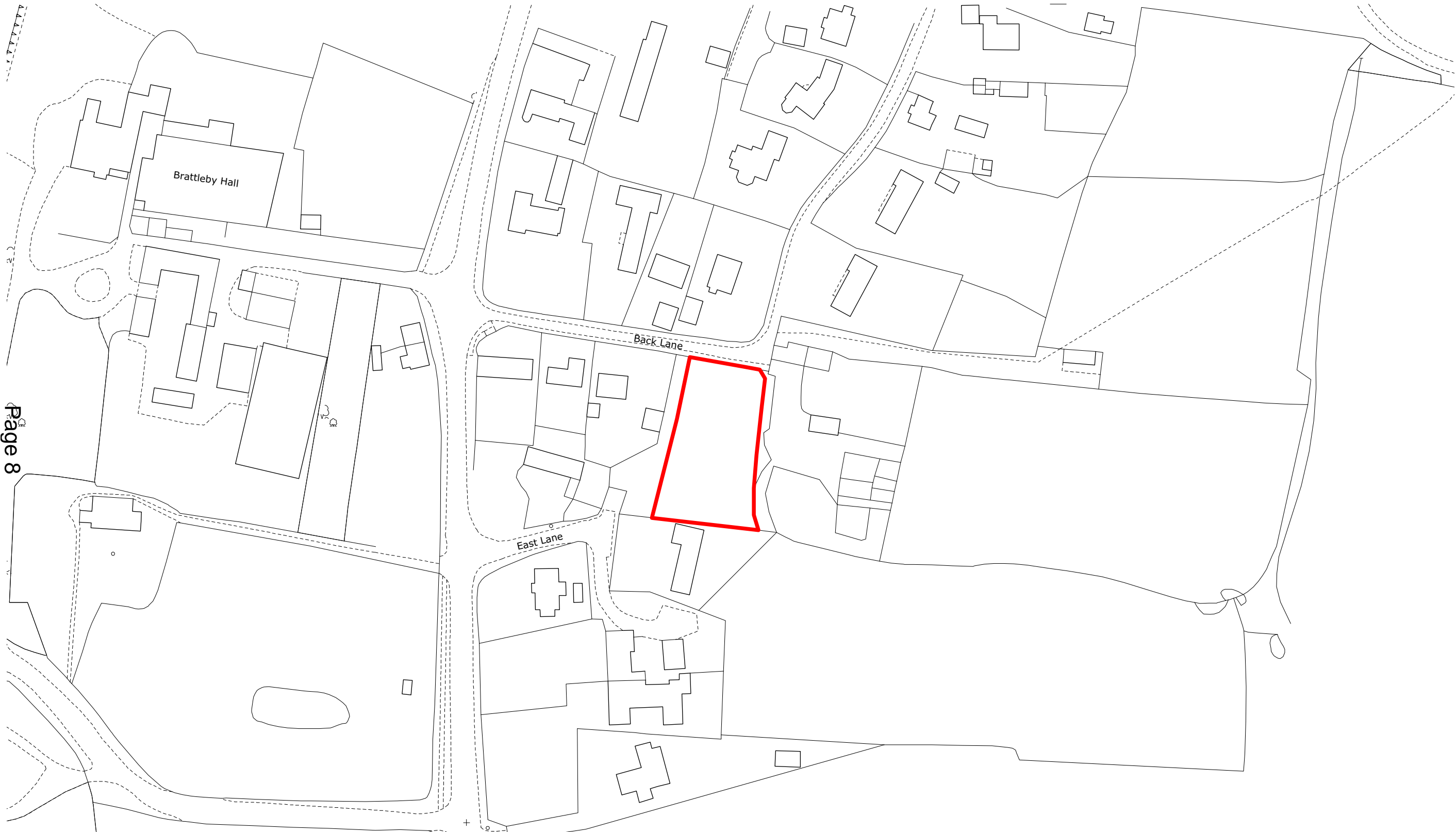
The Vice Chairman noted that, in relation to the application that was refused on appeal at Cherry Willingham, the Inspector's decision highlighted the value of the Neighbourhood Plan.

A Member of Committee also suggested a point of training in relation to the appeal at Stow and thanked the Chairman, and all Members of Committee, for their work over the previous year. Another Member concurred with this and commented on the positive nature of the Committee as a whole.

The Chairman reiterated thanks to the Committee Members and, in light of the coming election, wished all present all the best. He also noted his thanks to Officers for the level of support provided to the Committee and again mentioned the previous Planning and Development Manager for his work over the previous years.

The meeting concluded at 7.00 pm.

Chairman



Officers Report

Planning Application No: 138812

PROPOSAL: Planning application for erection of 1 no. dwelling with detached garage and home office.

LOCATION: Land off Back Lane Brattleby Lincoln LN1 2SQ

WARD: Scampton

WARD MEMBER(S): Cllr R Patterson

APPLICANT NAME: Mr & Mrs Sleight

TARGET DECISION DATE: 31/05/2019

DEVELOPMENT TYPE: Minor - Dwellings

CASE OFFICER: Richard Green

RECOMMENDED DECISION: Grant with conditions attached.

This application is reported to planning committee due to the level of objections received and the perception the application is contrary to the Brattleby Neighbourhood Plan.

Description:

The application site is a plot of grass land with several trees within the built foot print of Brattleby to the south of Back Lane. To the north of the site across Back Lane is a two storey detached property (The Garden House), to the west of the site is a two storey detached dwelling (Red Brick House) and to the north east of the site is a traditional two storey detached cottage (Corner Cottage) which is a Conservation Area Important Building. Corner Cottage has extensive grounds and outbuildings; one of the outbuildings has been given permission (136601) to be converted and extended into a single dwelling. To the south of the site is a two storey detached dwelling (Carpenters Cottage). Further to the west of the site is a Grade II Listed Building (Public Telephone Box Cottage otherwise known as Gramarye Cottage).

The site is within a 30 mph zone and there is a sharp bend in the road by the north eastern corner of this single carriageway lane. There is no existing vehicular access, however immediately to the west of the site is a strip of land that could provide access to east lane or to the rear of the site. The site is set slightly above Back Lane and there are trees on its northern boundary and other trees within the site and on or adjacent its boundaries. The site is screened to the northern boundary by low wire fencing and high trees. The eastern boundary is screened by a low stone wall, agricultural style gate, trees and hedges. Part of the east boundary is open. To the south is a high brick wall and high fence. The west boundary has an open wire fence on it.

The site is situated within the Brattleby Conservation Area and in the setting of a Grade 2 listed building (Public Telephone Box Cottage and attached

outbuilding). It is additionally close to a conservation area important building (Corner Cottage) and in an area of great landscape value. The site is approximately 0.4 to 0.5 metres above Back Lane and there is an informal foot path located to the west of the site.

It is proposed to build a two storey four bed detached house on this large plot and is approximately 8.4 metres to the ridge. The proposed dwelling is located fairly centrally in this large plot approximately 25 metres from the southern boundary and approximately 21 metres from the northern boundary (Back Lane).

Access is taken towards the north eastern corner of the site which leads to an area of hardstanding to the front of the dwelling and a detached single storey garage and home office located on the western boundary of the site in front (to the north west) of the proposed dwelling.

Landscaping is provided at the front (north of the site) and the main private amenity space is located to the rear (south) of the dwelling. Several trees will be retained mainly towards the northern boundary of the site and new trees are also proposed to be planted mainly close to the northern boundary. New native hedgerows are proposed for the western and eastern boundaries with the existing boundary treatments retained on the southern boundary.

The proposals have gone through several amendments following advice from the Planning Officer and Conservation Officer.

Relevant history:

134542 – Full planning application for erection of 1no. dwelling with detached garage and home office granted 05/08/2016.

138408 - Pre-application enquiry for one [contemporary] dwelling. Positive advice given 05/11/2018.

139102 - Request for confirmation of compliance with conditions 2-7 of planning permission 134542 granted 05 August 2016. Conditions discharged 12/4/2019.

Representations:

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

Brattleby Parish Council: Brattleby Parish Council would ask West Lindsey Planning Authority to take note of the following observations and concerns regarding application 138812 Building Plot Back Lane Brattleby, not being in accordance with the 'Brattleby Neighbourhood Plan, approved and accepted by West Lindsey District Council December 2017. Furthermore, it is my Parish Council's opinion, the application fails to fulfil many requirements of the Central Lincolnshire Structure Plan 2016 regarding Conservation Areas.

The representation then goes on to quote various policies and paragraphs from the NPPF, Central Lincolnshire Local Plan and Neighbourhood plan with no explanation of why the proposal is contrary to these policies.

It is stated that various sections of the submitted Heritage Report are wrong.

Further Representation states 'At a Brattleby Parish Council meeting held on 04/02/19, it was requested by all members and five residents, application 138812 be decided by 'Committee' and not through delegated Powers.

Representation received on the latest amended plans objects for the following reasons:

- Despite modifications to the previously submitted plan (January 2019) it is the opinion of my Parish Council and many residents, the proposed dwelling still remains too 'Modernist' and would be totally out of character with the Brattleby Conservation Area, particularly that of Back Lane.
- The height of the proposed dwelling (8.5 metres to ridge) has become a particular issue with many residents. The site (the highest point in the 'built up' area of the village) is approximately 1m above the road level of Back Lane, resulting in the proposed building having, in reality, 'a ridge height of 9.5m in relationship to its surroundings. It would, without doubt, 'overwhelm' and dominate the majority of the surrounding dwellings.
- Despite modifications to the previously submitted plan (January 2019) it is the opinion of my Parish Council and many residents, the proposed dwelling still remains too 'Modernist' and would be totally out of character with the Brattleby Conservation Area, particularly that of Back Lane.
- Under no circumstances should any surface water from the site be permitted to drain to the inspection chamber adjacent to 'Corner Cottage' gate. During the village flooding of 2007/8, the section of 100mm salt glazed drain connecting this chamber to the chamber in the rear garden of 'The Garden House' was inspected by a Highways camera team and found to be 'Partially collapsed and full of tree roots.' It remains in a similar condition today.

Local residents: Carpenter's cottage, East Lane, Andromeda, East Lane, Manor Farm, School Lane, The Yews, Back Lane, Brattleby, Sunnyside, East Lane, Manor Ley, School Lane, The Old Rectory, Thorpe Lane (x2), Wellspring House, Lincoln Road, Robindale, Back Lane (x2), Red Brick House, Back Lane, Stone Well House, Lincoln Road, Mulberry House, Back Lane, Carpenters Cottage, Back Lane, Danebury, Back Lane, Glebe Farm, The Bungalow, Lincoln Road, Lion House, Lincoln Road, Gramarye Cottage Lincoln Road and Kersey Coates, Lincoln Road, Brattleby. Object to the proposal for the following reasons:

- Totally contravenes the neighbourhood plan as it does not follow the set guidelines in the plan.

- It is not in keeping with Brattleby a conservation village and looks like a factory or office block.
- Heritage statement is for previous application (134542).
- This dwelling by the very design, its height and the amount of glass (way above average for the size) will never ever blend in with existing properties of stone and pantiles, old stone walls and green lanes of this old conservation village. It would always be out of character and have a negative impact on the whole village.
- It has an adverse effect on Carpenters Cottage, which lies beyond the south boundary. It will overlook across the entire width and length of the rear garden taking away virtually all privacy, because of the very large expanse of glass windows to the upper floor (none of which are opaque) spanning the width of the proposed dwelling.
- Due to its excessive height and the size of the upper windows it also effects the privacy of Sunnyside, Kersey Coates and The Bungalow all lying in line to the south.
- If this application is granted I will be able to see this building from my home and consider it to be inappropriate and incongruous with the rest of the properties locally. It has no place in a conservation area
- The proposed dwelling appears to be of a contemporary and sustainable design, which is laudable in itself, provided such a building is appropriately sited. Whilst materials included in the design bear some relation to materials used in the village, the overall design including the way materials have been used, the massing and form of the building neither retain nor reinforce local distinctiveness. The design and materials used do not in form, colour and texture work in harmony with the traditional buildings in the Conservation Area. The proposed building would in fact stand out in a discordant and incongruous fashion and its architectural merits would not be sufficient to counter this impression.
- The application is contrary to Brattleby Neighbourhood Plan (Policy 1 g, h & i) and the Central Lincolnshire Local Plan (Policy LP25 m, n & o) and paragraph 192 of the NPPF.
- There has been several new dwellings built over the last twenty or so years, all have been absorbed into the surroundings. The proposed application would stick out like a sore thumb.
- It resembles an industrial/factory type building and is in my opinion an eye sore.
- Whilst I applaud the eco-friendly concept I do NOT feel this property enhances the conservation village of Brattleby. It certainly does not "reflect yet reinterpret the local vernacular".
- The original plans passed in 2016 were much more in keeping.
- For the owners to take advantage of the " long views to the south" would surely involve the properties at the rear of them (carpenters cottage, Sunnyside, Kelsey Coates, and The Bungalow) being overlooked particularly with so much glass.
- There is nothing like this design of property locally as far as I'm aware, this design would surely look more at home in an urban setting.

- The Brattleby neighbourhood plan states that any new development within the village should be in keeping with the surrounding neighbourhood and this property certainly is not.
- I think this design of property is far too modern for a conservation village. It will not in any way enhance the appearance of the surrounding area. It will dwarf Corner Cottage which is a building of historical interest.
- The design is too tall and too industrial in appearance for the said location on Back Lane and would be far too domineering in this central location of the village and set a concerning precedent for any possible future development.
- The southern aspect resembles a small office block. Brattleby is a village of 45 dwellings of which 11 are listed buildings and 9 are of historic interest. The proposed design, in the central location of the village on Back Lane is totally OUT of keeping with the village and would overpower and detract from the historic beauty of Brattleby.
- Although some local stone is proposed there is a large area of glass and modern materials used.
- Although we do not object to the erection of a dwelling on this plot and we applaud the applicants and their agent for applying for a contemporary dwelling, rather than submitting a pastiche property that would have undoubtedly failed to deliver the quality that is achieved by the 2 directly adjacent properties. We feel that the palette of materials and style of the property takes a step too far from those preferred by the locals and referred to in the neighbourhood plan.
- The plot topography is higher by circa 450mm higher than Red Brick House, which could make the detached building/ dwelling appear elevated and could also dwarf Corner Cottage. We are also concerned about the boundary treatments, the plot currently has an open feel that is very pleasant on the corner of back lane. Without due consideration and in order to achieve the desired/ required levels of private amenity, it would be very easy to make the new village footpath a dark enclosed rat run, if bounded on both sides by car ports outbuildings and fences.
- The proposal is a step too far from the vernacular style preferred by the locals and referred to in the neighbourhood plan.
- The palette of materials should be more respectful and honour the local style and perhaps the contemporary style of the property be pulled back, a little.
- Numerous new build properties have been built throughout the village over recent years which have been able to achieve a design and appearance sympathetic to the village.
- On such a sensitive spot being one of the last remaining green areas in the village it would be a real shame to miss this rare opportunity to design and build a home which is both sympathetic and enhancing to the beauty of the village.
- I can see this is a high quality design and could make a wonderful family home, but sadly it doesn't sit naturally on the proposed plot, or complement or enhance the conservation area within Brattleby.

- There is also a danger the proposed garage (which backs onto the existing garage at Red Brick House) encloses the footpath to its rear and cause a 'tunnel' like feel to the amenity.
- I fail to see how a dwelling of this design can possibly be acceptable in the beautiful conservation village of Brattleby. It goes completely against the Village Plan as outlined in detail by the Parish Council of Brattleby's response.
- Not only would it be an eyesore in the heart of this beautiful village, it would also have a great adverse impact on my property with regards to a complete loss of privacy by overlooking across the full width and length of my rear garden at Carpenters Cottage and to a lesser extent Sunnyside, Kersey Coates and The Bungalow. This is due to the large expanse of glass to the rear of the upper floor (none of which are opaque) all looking directly into my garden.
- We have two trees identified as T19 and T20 on the tree report which will have to be removed within 12 months due to damage to the foundations of the boundary wall. I ask that these trees are not taken into consideration regarding the privacy/overlooking issues.
- I feel it will look out of place in the village if it was going to be built of brick and cement wouldn't have a problem with that but as this is a conservation village I think it would look stupid and wouldn't fit into the look of the village.
- Will not conform with the neighbourhood plan. I would consider it appropriate that the answer to my question ('why not follow the Neighbourhood Plan and be fair?') is considered when a decision is taken concerning this application.
- As a contemporary residential design I quite like it however, I am not convinced that it would sit well in this particular plot between the 2 other existing properties & surely appears to be in conflict with the Brattleby Neighbourhood Plan.
- It appears it would have a significant impact on several surrounding properties which it would almost certainly overlook and compromise the privacy of other residents.
- The Architects have simply re-submitted the previous Heritage Statement which was part of the original application which was lodged in June 2016.
- The application conflicts with the Brattleby Neighbourhood Plan that was adopted in November 2017 and it 'drives a coach and horses' through the Plan.
- The proposed dwelling is too high in my view, particularly as skylights in the roof are proposed on the southern elevation, which will affect the privacy of a number of nearby properties.
- The design, whilst attractive in its own right, is not appropriate in the context of the nearby dwellings and the conservation status of the area, being too modern/ industrial and clashing with the more traditional properties nearby.
- It is clearly in contravention of policy LP25 in that it does not "preserve or positively contribute to the area's character, appearance and setting".

- In view of the large number of comments that have been made already about this application, together with the concerns expressed by the Parish Council, I think it would be totally inappropriate for the application to be determined by Delegated Powers and the decision should be referred to a full Planning Committee meeting.
- I don't think the design of the proposed building is at all in keeping with the architectural style of the village. It's far too modern and imposing.
- We're going to see it every day from our kitchen window and I fear it will be something of an eyesore.
- The proposed building may well have good 'green' and environmental benefits not mentioned in the plans and some of the appearance of the house may well be because of that however if that is the case then we feel these can still be achieved whilst still keeping the design in line with those houses around it.

Letter from Savills on behalf of a Resident (Corner Cottage, Back Lane, Brattleby):

- My client has a number of concerns in relation to the design, appearance and materials used for this proposal which we consider will not be in accordance with the pattern of development adjacent the development or respect the Conservation Area.
- Corner Cottage has been identified as an important building in the Conservation Area Appraisal and needs to be cherished and preserved.
- Our client retains the land to the east of the proposal and has concerns on how the proposed design will affect his property and privacy.
- Our client was granted permission (134542) which had a condition on it that seeks to control materials and we consider to be in line with planning policies at the time
- The proposed design for this development is not in line with the Brattleby Neighbourhood Plan (Policy 1 and 6) and Policy LP17, LP25 and LP26 of the Central Lincolnshire Local Plan.
- The proposed design should be sympathetic in both scale, size, materials and architecturally to contribute to the character and appearance of the area.

Objections to latest amended plans:

The Old Rectory, Thorpe Lane (x2), Graymare Cottage, Lincoln Road (x2), Sunnyside, East Lane, Andromeda, East Lane, The Garden House, Back Lane, Manor Ley, School Lane, Dacres Lodge, East Lane, Robindale, Back Lane, Carpenters Cottage, Back Lane (x2), Danebury, Back Lane, Shepards Farm, Back Lane, Sunbury House, Back Lane, The Yews, Back Lane, The Pantiles, Back Lane, The Garden House, Back Lane, Corner Cottage, Back Lane, Wellspring House, Lincoln Road (x2), Kersey Coates, Lincoln Road, Manor Farm, School Lane and Red Brick House, Back Lane, Brattleby.

- This design has little regard for the historic village of Brattleby, its residents or the Brattleby Neighbourhood Plan.
- As a standalone design, I have no problem with it and applaud some of the features, however, it is simply not suited to the proposed plot on Back Lane.
- The sheer scale of the proposed dwelling in the very heart of the village, means that the modern features would dominate rather than complement the existing properties nearby.
- The proposed dwelling, vast in size, would stand 8.5 metres high. The land on which it would sit is roughly 1 metre higher than the surrounding land, making the proposed development 9.5 metres high in total in real terms. This would totally overshadow and dramatically change the charm of this well preserved village, completely dwarfing the surrounding cottages in the heart of the village. Furthermore, this would contradict and be totally at odds with policy LP25 as it would not "preserve or positively contribute to the area's character, appearance and setting"; it would instead do the opposite.
- I very much hope that this application is referred to a full planning committee, given the amount of time, dedication and funds [Neighbourhood Plan] that have already been contributed to the preservation of Brattleby from the local community.
- I am pleased to see that the materials now proposed are more traditional and in keeping with the surrounding properties, but I am still concerned about the scale of the building which I think is too big for the site, and particularly in relation to the adjacent dwellings.
- It is not just the footprint of the property but the height which I think is an issue, as I feel it is too tall in relation to the neighbouring properties and will end up dominating this part of the village.
- We find it difficult to fathom why we are here again! as so little of the design has changed. It is still too tall at 8.5 metres pitch height, dwarfing our own cottage by nearly double the size. The exterior (the stone is welcome) with 'Pigmento Red Zinc' windows is hardly in keeping with existing dwellings in the village.
- The exterior and indeed the height has to be sympathetic to it's surroundings and respect Brattleby as a conversation area. Also to suggest a build on this vast scale (with of course sky lights) would compromise not only privacy but natural light for dwellings on all sides, which in turn would impact on so many families everyday lives.
- The new design is an improvement aesthetically speaking but I think the building is still far too tall and imposing to really be in keeping with the style of the village.
- Firstly I would like to acknowledge that the owners of this plot have made some attempts to compromise after the numerous and valid issues were raised flowing the first application. However in my opinion the changes do not go far enough.
- It has too many windows and the rear will afford Carpenters cottage very little privacy, also Corner cottage and the Garden house will be overlooked.
- Surely an eco-property could be achieved within a traditional design?

- To achieve solar heating; a building of 8.5 metres is proposed. It is laudable to want an eco-building but not at the expense of the dwellings that surround it which are mainly of a small scale, indeed some of them are of historic value.
- The height and mass of the proposed building, standing on a rise directly to the south of this house, will obscure the sun as it lowers during the winter.
- The Neighbourhood Plan drawn up following this consultation, and passed by West Lindsey in 2017, states that "buildings should be of appropriate scale and density in relation to their setting" Policy 1 Design and Housing Development.
- A modern building of this nature is alien to the agricultural heritage of Brattleby.
- This property would be far too high and the Zinc addition seems a strange choice, there are too many windows and the design is generally overpowering, as is the garage/home office.
- This is a prime piece of land and as such great care should be given to getting the right building that will still look good for many years to come. There was some disastrous architecture allowed in the 1970's, let's not add this one to the list.
- I would estimate that the site is approximately 450mm/ 600mm above road level and as such should be shown such. This will demonstrate even further that the proposed ridge height of the new dwelling will be significantly higher than corner cottage.
- The height of the RIDGE is 8.5 metres high and the EAVES 5.3 metres from the ground level. The Red House immediately to the right of this plot is a high Victorian house but sits on land 1 metre LOWER than the proposed plan. Corner Cottage immediately to the left is a very low dwelling. Therefore this proposal will stand far higher than even The Red House, dominating and dwarfing all property around it. This house is basically far too high in design for the area.
- There is far too much glazing to the rear upper floor. This when viewed from the rear gardens of Carpenters Cottage, Sunnyside and Kelsey Coates would give the impression of a suspended commercial greenhouse.
- The proposal will affect the privacy of surrounding dwellings.
- It completely detracts from the historic and rural character of the village, is certainly not in keeping in size or scale and definitely does not respect surrounding buildings.
- The developer has changed little from the original plans. The south elevation now has even more glass windows - all over 1.5m in height - on a building of over 8.5m high and all overlooking the entire width and length of the gardens of Carpenters Cottage and to a slightly lesser extent Sunnyside and Kersey Coates, giving a complete lack of privacy.
- This new proposal still goes against The Neighbourhood Village Plan which clearly states that any new developments should be built sympathetically and blend in with surrounding properties. I fail to see how a building of this scale and design does that.

- The village the land where the house is to be build is farm land has been grazed by animals for years so i would like to see it used as grazing land for many years to come.
- The applicants Mr and Mrs Sleight have engaged the services of Paul Testa Architecture. A practice which specialises in contemporary design using modern materials. This immediately appears to be at odds with the requirements of a site in a conservation village where traditional materials and a local vernacular style need to be respected.
- The red zinc is not appropriate.
- Because of the proposed building's size and the extent of the front elevation it will have a major impact on the environment of Back Lane.
- We are pleased that the Planning and Heritage Statement includes the proposal to plant native hedgerow on the property boundaries. Hedges or stone walls are desirable, as tall fences are quite suburban and would detract from the rural atmosphere of the village.
- This dwelling, as such, is more appropriate in a modern urban development. We would welcome new villagers in a sympathetically designed property respecting the ethos of the village. The surface water sump overflow appears to be feeding into a drain that has given difficulty in past roadway and garden flooding.
- This over large, imposing property will not only block natural light but also overlook our garden [Corner Cottage] and outdoor space from the window and door on the side elevation which will ultimately compromise the privacy of the cottage.
- We are also very concerned with the impact of flooding (a regular occurrence after a heavy rainfall) on the road immediately in front of the proposed build and on the driveway of Corner cottage. I note that the boundary line of the house will not include the drainage pipes that often become blocked with debris and cause disruption at various times of the year.
- The grey finish to the window frames will look great against the proposed new stone cladding but as the stone matures and weathers over the next 30 years it will look very dull against the more traditional finishes of the existing properties.
The original consented application was for a 1 1/2 storey property and the present application is of substantial height that has impact on both townscape and landscape.
- Contrary to policies within the Central Lincolnshire Local Plan (in particular LP25 M an N) and Neighbourhood Plan.
- Unfortunately i can't see how this revised proposal addresses the previous issues the design and massing of the dwelling would create to the street scene, loss of privacy and light to neighbouring properties.

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

within an area at risk of Surface Water Flooding so therefore a Flood Risk Assessment should be submitted in accordance with the NPPF is required which also considers the provision of appropriate mitigation works.

Archaeology: The impacts on below ground archaeology will be the same as the previous application 134542, so we would recommend the same conditions for a scheme of works for the archaeological monitoring and recording of groundworks. But this Written Scheme of Investigation [submitted as part of this application] would be suitable for meeting these requirements, and if permission is granted could be used to discharge the first condition.

Conservation Officer: The revised proposals are very much an improvement on the previously approved plans [134542]. There is no reason why a more contemporary approach would not work in this location. The proposed design takes the form, size and scale of a traditional barn as a design ethos and uses contemporary fenestration. Care and consideration has been given as to how local distinctiveness can be expressed through modern materials as well as local stone and pantiles. Although the site is one that I would not originally have recommended for approval, there is an extant consent. I am content that the development will not harm the character of the conservation area and I am happy to support this application.

Trees and Landscape Officer: The Amended Tree Report and Arboricultural Method Statement received on the 10 April 2019 are acceptable and a condition will be required to secure full boundary treatments i.e. the native hedgerow shown on the amended proposed site layout/block plan (the boundary treatment details will need to clarify hedge species, plant sizes and planting layout and density).

Building Control: The scheme/details submitted for foul and surface water drainage are acceptable.

Relevant Planning Policies:

National guidance:

National Planning Policy Framework (NPPF)

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

National Planning Practice Guidance (NPPG)

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

Listed Building Legal Duty

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

CA Legal Duty

Section 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990

Local Policy:

Central Lincolnshire Local Plan 2012-2036

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
LP13: Accessibility and Transport
LP14: Managing Water Resources and Flood Risk
LP17: Landscape, Townscape and Views
LP25: The Historic Environment
LP26: Design and Amenity

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

Brattleby Neighbourhood Plan:

Policy 1: Design of New Developments
Policy 3: Housing Mix & Type
Policy 4: The Historic Environment

Main issues

- Principle of the Development
- Residential Amenity
- Visual Impact
- Conservation Area and Listed Buildings
- Design
- Area of Great Landscape Value
- Highway Safety
- Foul and Surface Water Drainage
- Surface Water
- Landscaping and Boundary Treatments
- Archaeology
- Amenity Space
- Other Matters

Assessment:

Principle of Development

The principle of development on this site has been established by the extant planning permission (134542).

The Brattleby Neighbourhood plan also shows that this site was one of three sites within the village which were preferred by local residents through a questionnaire and are considered as suitable by local residents for development in the future.

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.

It is proposed to build a two storey four bed detached house on this large plot and is approximately 8.4 metres to the ridge (the pictures supplied by the Parish Council with a large stick the height of which is unknown are misleading). The proposed dwelling is located fairly centrally in this large plot approximately 25 metres from the southern boundary and approximately 21 metres from the northern boundary (Back Lane).

Access is taken towards the north eastern corner of the site which leads to an area of hardstanding to the front of the dwelling and a detached single storey garage and home office located on the western boundary of the site in front (to the north west) of the proposed dwelling.

Landscaping is provided at the front (north of the site) and the main private amenity space is located to the rear (south) of the dwelling. Several trees will be retained mainly towards the northern boundary of the site and new trees are also proposed to be planted mainly close to the northern boundary. New native hedgerows are proposed for the western and eastern boundaries with the existing boundary treatments retained on the southern boundary.

There are no residential amenity concerns with the proposed single storey home office/garage. The only openings proposed are in the western elevation facing into the site and the southern elevation facing into the proposed site.

The proposed western (side) elevation will have one window at ground floor level and no windows at first floor level. The proposed eastern (side) elevation will have one solid door at ground floor level and one small window (which will be conditioned to be obscure glazed) at first floor level. There are no residential amenity concerns with these elevations.

The proposed front (north) elevation will have a series of windows and doors at ground and first floor level as well as a glazed floor to eaves element with one large roof light in the roof. This elevation is set back approximately 21 metres from Back Lane. Landscaping in the form of existing and new trees is also planned to the front (north) of the site. This elevation is located approximately 22 metres from Corner Cottage and the proposed dwelling is set to the west of this neighbouring dwelling. As such there are no residential amenity concerns regarding this elevation.

The proposed (rear) south elevation will have three large sliding doors at ground floor level and a glazed floor to eaves element. There are no residential amenity concerns with these proposed openings and the ground floor element of the proposed floor to eaves element. At first floor there will be three large windows and three smaller ones and the first floor glazed element of the floor to eaves opening. There will also be one large roof light in the roof.

The floor to eaves element and roof light will light a proposed dining room on the ground floor level. The other openings (windows) will be to bedrooms with there being a large separation distance of approximately 25 metres to the blank elevation of Carpenters Cottage to the south and its outside amenity space. This neighbouring property has a northern boundary made up of a brick wall and fence (approximately 1.8 to 2 metres in height) and there are trees on this boundary either side of the neighbouring property. As such there are no residential amenity concerns regarding this elevation.

There are also no concerns over loss of light. It is considered that the site is large enough to accommodate the proposed dwelling without affecting the residential amenity of neighbouring properties or the residential amenity of proposed future occupants of the proposed dwelling.

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 proposed dwelling is located fairly centrally in this large plot approximately 25 metres from the southern boundary and approximately 21 metres from the northern boundary (Back Lane). Access is taken towards the north eastern corner of the site which leads to an area of hardstanding to the front of the dwelling and a detached single storey garage and home office located on the western boundary of the site in front (to the north west) of the proposed dwelling. Landscaping in the form of existing and new trees is provided to the front (north) of the dwelling and new native hedgerows are proposed for the western and eastern boundaries with the existing boundary treatments retained on the southern boundary.

The proposed dwelling at 8.4 metres is approximately 0.4 metres higher than the extant permission (134542).

The proposed dwelling will have a natural red clay pantile roof (with a much smaller section of red zinc) and will be built from coursed limestone. The garage will also have a natural red clay pantile roof and will be built from coursed limestone.

As such it is considered that this large plot can accommodate the proposal and with the use of appropriate materials (which will be conditioned) it is considered that the proposal to build one dwelling in this location will not harm the character and appearance of the street-scene.

Conservation Area and Listed Building

The site is located within a Conservation Area and the proposed dwelling is located approximately 34 metres to the north east of a Grade II Listed Building (Public Telephone Box Cottage/Gramarye Cottage) and approximately 22 metres to the south west of Corner Cottage (a Conservation Area Important Building).

S.66 of the Planning (Listed Buildings and Conservation Areas) Act 1990 places a legislative requirement that when 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. Section 72 of the Act contains similar requirements with respect to buildings or land in a conservation area. In this context, "preserving", means doing no harm.

Policy LP25 of the Central Lincolnshire Local Plan states that *'Development proposals should protect, conserve and seek opportunities to enhance the historic environment of Central Lincolnshire'* and provides a breakdown of the required information to be submitted as part of an application in a heritage statement. In the Listed Building section of LP25 it states that *'Development proposals that affect the setting of a Listed Building will be supported where they preserve or better reveal the significance of the Listed Building. Permission that results in substantial harm to or loss of a Listed Building will only be granted in exceptional or, for grade I and II* Listed Buildings, wholly exceptional circumstances. Development proposals that affect the setting of a Listed Building will be supported where they preserve or better reveal the significance of the Listed Building.'*

In the Conservation Area section of LP25 it states that *'Development within, affecting the setting of, or affecting views into or out of, a Conservation Area should preserve (and enhance or reinforce it, as appropriate) features that contribute positively to the area's character, appearance and setting'*. Criteria (j) through to (o) provides a base to assess the impact on the Conservation Area.

Paragraph 193 of the NPPF states that *'great weight should be given to the [designated] asset's conservation'*. Paragraph 194 goes on to state that *'Significance can be harmed or lost through alteration or destruction of the heritage asset or development within its setting'*.

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

The proposals have gone through several amendments following advice from the Planning Officer and Conservation Officer (who is now supportive of the application subject to conditions). The large rear garden to Red Brick House and various boundary treatments and outbuildings are located between the proposed dwelling and the listed building which is also separated from the site

by approximately 34 metres. The proposed dwelling is located approximately 22 metres from the Conservation Area Important Building and to the west of the this neighbouring dwelling.

The proposed dwelling will have a natural red clay pantile roof (with a much smaller section of red zinc) and will be built from coursed limestone. The garage will also have a natural red clay pantile roof and will be built from coursed limestone. The proposal is located fairly centrally on a large plot and will have landscaping in the form of existing and new trees towards its northern boundary fronting Back Lane. Native hedgerows are planned on the western and eastern boundaries. The proposed dwelling is approximately 8.4 metres to the ridge approximately 0.4 metres higher than the extant permission (134542).

It is therefore considered that the proposal will protect the setting of the Listed Building and will also preserve the character and appearance of the Conservation Area including the Conservation Area Important Building. The proposal is therefore considered to conform with the NPPF, LP25 of the Central Lincolnshire Local Plan and Policy 4 of the Neighbourhood Plan and Section 66 and 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990.

Design

The proposals have gone through several amendments following advice from the Planning Officer and Conservation Officer (who is now supportive of the application subject to conditions).

Paragraph 131 of the NPPF states that 'in determining applications, great weight should be given to outstanding or innovative designs which promote high levels of sustainability, or help raise the standard of design more generally in an area, so long as they fit in with the overall form and layout of their surroundings.

Policy LP26 of the Central Lincolnshire Local Plan states that development proposals shall 'duly reflect or improve on the original architectural style of the local surroundings, or embrace opportunities for innovative design and new technologies which sympathetically complement or contrast with the local architectural style.'

The proposal is also considered to conform with Policy 1 of the neighbourhood plan in that it will deliver good quality design whilst respecting existing patterns of development, will use materials appropriate to its context and will preserve or enhance the conservation area, listed buildings and other heritage assets.

It is considered that the proposal is an improvement on the extant permission (134542) and that the proposed design takes the form, size and scale of a traditional barn as a design ethos and uses contemporary fenestration combined with modern materials as well as local stone and pantiles. It is

considered that this more contemporary approach works in this location on this large plot and will not detract from its surroundings.

Area of Great Landscape Value

The proposal will have no effect on the Area of Great Landscape Value as it is located within the built footprint of Brattleby surrounded by existing residential dwellings.

Highway Safety

Access is taken towards the north eastern corner of the site which leads to an area of hardstanding to the front of the dwelling and a detached single storey garage and home office located on the western boundary of the site in front (to the north west) of the proposed dwelling. Lincolnshire County Council Highways have no objection to this proposal subject to two informatives which will be attached to the decision notice if it is minded to grant permission.

Foul and Surface Water Drainage

Foul sewerage will be dealt with by way of the mains sewer and surface water will be dealt with by way of a soakaway. Building Control have approved the scheme/details submitted for foul and surface water drainage.

Surface Water

The site is within an area at risk of Surface Water Flooding so therefore a Flood Risk Assessment should be submitted in accordance with the NPPF is required which also considers the provision of appropriate mitigation works.

A flood risk assessment has been submitted as part of this application and comes to the conclusion that the flood risk to the site is low, reasonable and acceptable.

Landscaping and boundary treatments

Landscaping is provided at the front (north of the site) and the main private amenity space is located to the rear (south) of the dwelling. Several trees will be retained mainly towards the northern boundary of the site and new trees are also proposed to be planted mainly close to the northern boundary. New native hedgerows are proposed for the western and eastern boundaries with the existing boundary treatments retained on the southern boundary.

The Tree and Landscape Officer states that the amended Tree Report and Arboricultural Method Statement received on the 10 April 2019 are acceptable. The application will be conditioned appropriately to secure full boundary treatments and the proposed landscaping scheme.

Archaeology

Any remaining conditions from the extant permission 134542 will be attached to the decision notice.

Amenity Space

The proposed four bedroom dwelling will have more than sufficient garden space to serve the future occupants.

Other Matters

A right to a view is not a material planning consideration.

The proposal will not cause a tunnelling effect to the informal foot path to the west of the development.

Balancing evaluation and conclusion:

The decision has been considered against policy 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, LP13: Accessibility and Transport, LP14: Managing Water Resources and Flood Risk, LP17: Landscape, Townscape and Views, LP25: The Historic Environment and LP26: Design and Amenity of the adopted Central Lincolnshire Local Plan and policies contained within the Brattleby Neighbourhood Plan (Policy 1: Design of New Developments, Policy 3: Housing Mix & Type and Policy 4: The Historic Environment) and the guidance contained in National Planning Policy Framework and National Planning Practice Guidance and against Section 66 & 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990.

In light of this assessment it is considered that the principle to build one dwelling in this location is acceptable as the site is subject of an extant planning permission (134542). Furthermore, the proposal will not have a negative impact on the living conditions of future occupiers and neighbouring dwellings and will not have an adverse effect on the street scene. It is also considered that the proposal will protect the setting of a Listed Building and will also preserve the character and appearance of the Conservation Area.

Recommendation

It is recommended that Planning Committee delegate powers to officers to approve the application subject to the conditions below:

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: PT215-PTA-00-ZZ-DR-A-00102, PT215-PTA-00-ZZ-DR-A-00103, PT215-PTA-00-ZZ-DR-A-00104, PT215-PTA-00-ZZ-DR-A-001110, PT215-PTA-00-ZZ-DR-A-00120 and PT215-PTA-00-ZZ-DR-A-00124. All revised plans dated 02/05/2019. 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 in the interests of proper planning.

3. The building hereby permitted shall not be occupied until the first floor window on the eastern elevation (PTA-00-ZZ-DR-A-00120 Revised plan dated 02/05/2019) has been fitted with obscure glazing and retained as such thereafter.

Reason: To prevent unacceptable levels of overlooking on neighbouring properties, in accordance with the National Planning Policy Framework and Policy LP26 of the Central Lincolnshire Local Plan.

4. No development, other than to foundations level shall take place until the proposed new walling, roofing, windows, doors (including garage doors) and other external materials have been submitted to and approved in writing by the local planning authority. The development shall thereafter be constructed in accordance with the approved details. The details submitted shall include; the proposed colour finish, rainwater goods and type of pointing to be used.

Reason: To ensure the use of appropriate materials to safeguard the character and appearance of the Conservation Area and the setting of a Listed Building in accordance with the NPPF and Policies LP25 and LP26 of the Central Lincolnshire Local Plan.

5. No development, other than to foundations level shall take place until full details of all external doors and windows at a scale of no less than 1:20 with sections through

vertically and horizontally and glazing bars at scale of 1:1 to include method of opening, cills, headers and lintels, thresholds, colour and finish are submitted and approved in writing by the local planning authority. The development shall thereafter be constructed in accordance with the approved details.

Reason: To ensure the use of appropriate materials to safeguard the character and appearance of the Conservation Area and the setting of a Listed Building in accordance with the NPPF and Policies LP25 and LP26 of the Central Lincolnshire Local Plan.

6. No development, other than to foundations level shall take place until a 1m square sample panel of the proposed new stonework, showing the coursing of the stonework, colour, style and texture of the mortar and bond of the stonework have been provided on site for the inspection and approval in writing by the Local Planning Authority (the sample is to be retained on site until the new development is completed). The development shall thereafter be constructed in accordance with the approved details.

Reason: To ensure the use of appropriate materials to safeguard the character and appearance of the Conservation Area and the setting of a Listed Building in accordance with the NPPF and Policies LP25 and LP26 of the Central Lincolnshire Local Plan.

7. No development, other than to foundations level shall take place until a scheme of landscaping including details of the size, species and position or density of any trees and hedging to be planted and boundary treatments (including boundaries within the site) and hardstanding (driveway) 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 the site is visually softened by appropriate methods and to enable any such proposals to be assessed in terms of their impact on the character and appearance of the Conservation Area and the setting of a Listed Building in accordance with the National Planning Policy Framework and Policies LP17, LP26 and LP25 of the Central Lincolnshire Local Plan.

8. The archaeological site work shall be undertaken only in full accordance with the approved written scheme of investigation.

Reason: To ensure the satisfactory archaeological investigation and retrieval of archaeological finds in accordance with the National Planning Policy Framework.

9. Following the archaeological site work referred to in condition 8 a written report of the findings of the work shall be submitted to and approved in writing by the local planning authority within 3 months of the said site work being completed.

Reason: To ensure the satisfactory archaeological investigation and retrieval of archaeological finds in accordance with the National Planning Policy Framework.

10. Development on the site shall proceed wholly in accordance with the recommendations of the Flood Risk Assessment (29/05/2018), Drainage Report (Received April 2019) and Drainage Strategy (05/04/2019) and be in accordance with the plans stated under condition No.2 in terms of flood risk mitigation and a strategy for surface water drainage and foul sewerage. The development shall only be carried out in accordance with the approved details and prior to occupation of the dwellings and retained thereafter.

Reason: To ensure adequate drainage facilities are provided to serve the development in accordance with Policy LP14 of the Central Lincolnshire Local Plan and to reduce the risk and impact of flooding on the approved development and its occupants in accordance with National Planning Policy Framework and National Planning Policy Guidance and Policy LP14 of the Central Lincolnshire Local Plan.

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

11. The report referred to in condition 9 and any artefactual evidence recovered from the site shall be deposited within 6 months of the archaeological site work being completed in accordance with a methodology and in a location to be agreed in writing by the local planning authority.

Reason: To ensure the satisfactory archaeological investigation and retrieval of archaeological finds in accordance with the National Planning Policy Framework

12. All planting and turfing approved in the scheme of landscaping under condition 7 shall be carried out in the first planting and seeding season following the completion of the development, whichever is the sooner; and any trees or hedging which within a period of 5 years from the completion of the development die, are removed, or become seriously damaged or diseased shall be replaced in the next planting season with others of similar size and species, unless the Local Planning Authority gives written consent to any variation. The landscaping should be retained thereafter.

Reason: To ensure the site is visually softened by appropriate methods and to enable any such proposals to be assessed in terms of their impact on the character and appearance of the Conservation Area and the setting of a Listed Building in accordance with the National Planning Policy Framework and Policies LP17, LP26 and LP25 of the Central Lincolnshire Local Plan.

13. Notwithstanding the provisions of Classes A, B, C, D, E, F, G and H of Schedule 2 Part 1 and Class A of Schedule 2 Part 2 of the Town and Country Planning (General Permitted Development) (Amendment) Order 2015, or any Order revoking and re-enacting that Order, the buildings hereby permitted shall not be altered or extended (including the installation of solar panels), no new windows shall be inserted, and no buildings or structures shall be erected within the curtilage of the host dwelling, no new hardstanding, chimney's or flues, microwave antenna and gates, walls or fences unless planning permission has first been granted by the Local Planning Authority.

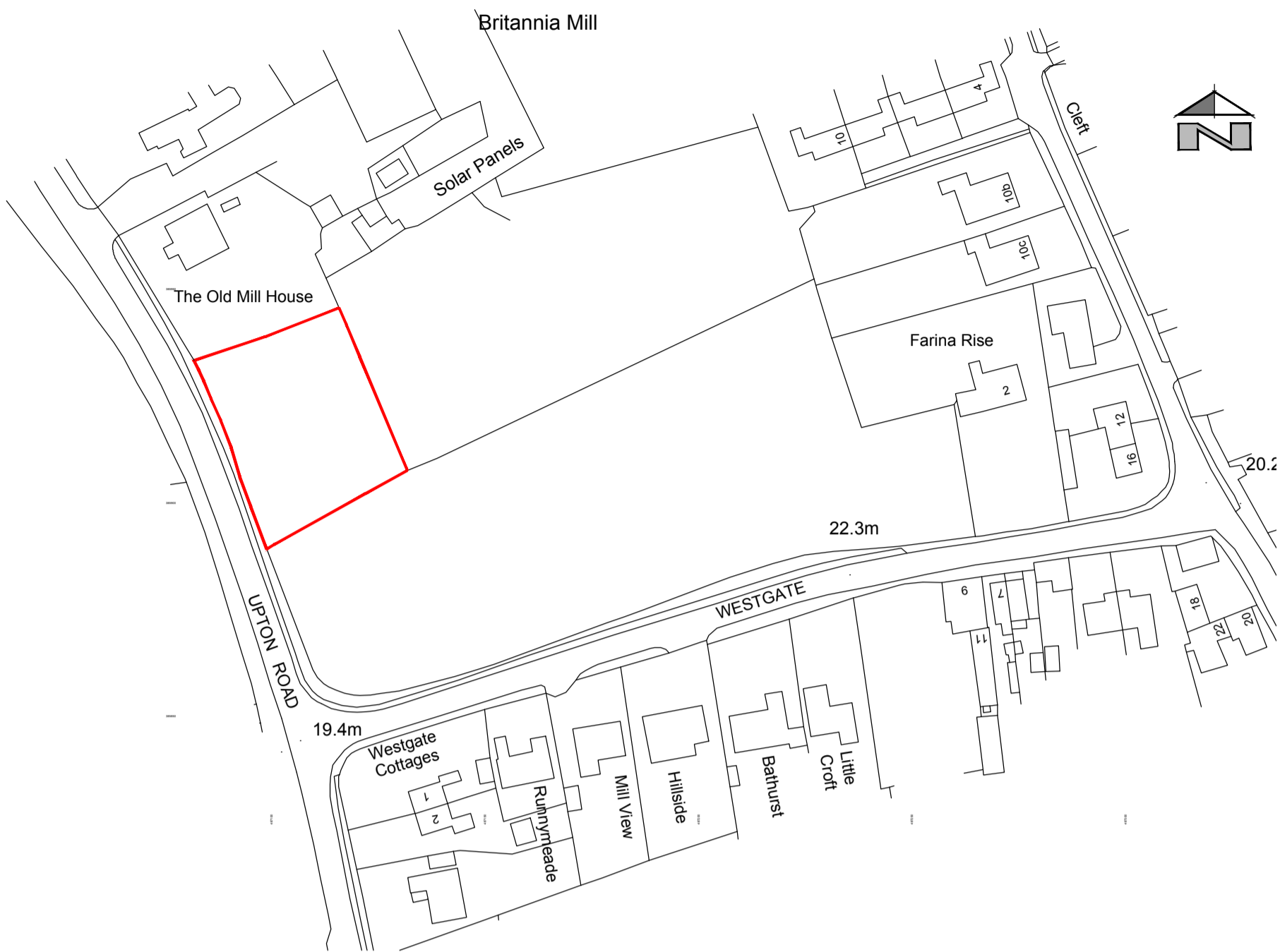
Reason: To enable any such proposals to be assessed in terms of their impact on the character and appearance of the Conservation Area and the setting of a Listed Building and on the living conditions of the host dwelling/the resulting amount of space around the host dwelling and to safeguard the character and appearance of the building and its surroundings in accordance with Policies LP25 and LP26 of the Central Lincolnshire Local Plan.



Existing Site Layout (1:200)

Application No.139256

General Notes:
This drawing is to be read in-conjunction with all other relevant drawings and specifications.
Should any discrepancies between the details/dimensions indicated on this and/or any other relevant drawings Designsace Architecture Ltd must be notified immediately.



Site Location (1:1250)

REV:	First Issue	DATE:	??/??/??	DWN:	??
DRAWING STATUS:			STATUS CODE:		
Planning					
<div>DESIGN SPACE ARCHITECTURE</div>			<div>Tower House, Lucy Tower Street Lincoln, Lincolnshire, LN1 1XW</div> <div>E. info@designspace.uk.com W. designspace.uk.com T. 01427 762 666</div>		
CLIENT:					
GELDER GROUP					
PROJECT:					
Proposed Residential Development					
Upton Road Kexby Gainsborough					
DRAWING TITLE:					
Existing Site Layout Plan					
DATE:	October 2018	DRAWN:	DC	CHECKED:	JC
SCALE:	1:1250 / 1:200	PAPER SIZE:	A1	REVISION:	
PROJECT NUMBER:			DRAWING NUMBER:		
DSA 18 - 057			101		
Do not scale this drawing. All dimensions must be checked on site. All rights reserved. No reproduction in any material form is permitted without prior written consent.					

Officers Report

Planning Application No: 139256

PROPOSAL: Planning application for 2no. single storey dwellings-resubmission of 138643

LOCATION: Land east of Upton Road Kexby Gainsborough DN21 5NF

WARD: Lea

Ward Member(s): Cllr Milne

APPLICANT NAME: Gelder Ltd & Mr C Keyworth

TARGET DECISION DATE: 11/06/2019

DEVELOPMENT TYPE: Minor - Dwellings

CASE OFFICER: Richard Green

RECOMMENDED DECISION: Refuse

This application for planning permission has been referred to the Committee at the request of the Ward Member, and following the submission of a Landscape Visual Impact Assessment with the application.

Description:

The site is located in the countryside and is an orchard situated to the south of 'The Old Mill House' Upton Road, Kexby which is a detached two storey dwelling. To the west, east and south of the site are agricultural fields/paddocks. The site rises from Upton Road to the west up to the eastern boundary of the site. In terms of boundary treatments there is a hedgerow on the western boundary of the site and sporadic trees on the southern boundary. The eastern boundary has a low level open fencing and there are several varieties of trees and sections of post and rail fencing on the northern boundary of the site. The site is within a designated Green Wedge.

It is proposed to erect two detached 2 bedroom bungalows on the site with integral single garages (the proposed floor plans show 2 bedroom bungalows but the design and access statement states 3 bedroom dwellings). A single access point (split into two) is proposed off Upton Road which leads to an area of hard standing in front of the principal (west) elevations of the bungalows. The hard standing provides for a turning area and off road car parking. To the east (rear) of the dwellings is the main outside amenity space. Several trees within the site will need to be removed to facilitate the development and a section of hedgerow on the western boundary.

The application is the same as the previously refused application (138643) apart from a Landscape Visual Impact Assessment.

Relevant history:

138643 – Full planning application for 2no. single storey dwellings. Refused 28/01/2019 **(same applicant as this application)**.

W53/677/88 – Outline planning application to erect 41 dwellings refused 07/09/88.

Site to the south within the green wedge:

W53/677/88 – Outline planning application to erect 41 dwellings refused 07/09/88.

W53/148/91 – Outline planning application to erect 16 dwellings refused 04/04/91.

136762 – Full planning application to erect 6no. bungalows refused 16/11/2017 **(same applicant as this application)**.

137547 – Full planning application to erect 4no. bungalows refused 04/05/2018 **(same applicant as this application)**.

138127 - Full planning application to erect 4no. bungalows. 'The Local Planning Authority is of the view that the current application (ref. 138127) relates to development and land that is the same, or substantially the same, as that considered on more than one application that has previously been refused. Whilst the number of residential units have reduced, this is not the important material consideration, it is the principle of development in the open countryside which is the key factor to consider. The LPA do not believe there to be any significant change in the relevant considerations since those decisions.' Deemed withdrawn 01/08/2018 **(same applicant as this application)**.

Representations:

Chairman/Ward member(s): Cllr Milne (Ward Cllr) – I request that this application goes before Planning Committee for the following reasons:

- Part 1 of Policy LP22 states that 'as long as proposals do not cause any physical or perceived merging of settlements or compromise the local character of the landscape surrounding the villages' therefore this proposal is not contrary to the function and policy aim of Part 1 of Policy LP22.
- The site is presently an Orchard and not Green Wedge. It has no impact on the actual village its self and its character.
- LP22 states that 'whilst the purpose of the green wedges is to protect the open and undeveloped character of areas within them' (it is not intended they should operate as an absolute restriction on all development proposals).
- Part 2 of LP22 – Provided criterion a. is satisfied as is the case here there is no requirement to consider whether it is 'essential' for the proposed development to be located within the green wedge as

required in criterion b. The development would not lead to the coalescence of Kexby or Upton or the weakening of the strategic break as it is located in an existing orchard which has no impact on the green wedge. Surely anyone can apply to build in an orchard!!!

- Planning Practice states that 'many older people may not want or need specialist accommodation.' Bungalows are sought after and at a premium in West Lindsey for an increasingly elderly population.
- The properties will be close to a local bus service, village hall (where a post office is held). There is a village shop, fish and chip shop and local pub in Upton.
- Policies: LP1, LP2, LP4, LP10, LP13, LP15, LP26 apply.

Parish Council: No representations received to date.

Local residents: 1A, Westgate, Kexby objects for the following reasons:

- We would wish to reiterate our response to the previous application 138643 which underpins this. This is yet again a repeat application affecting the Green Wedge designated site at Westgate/Upton Road.
- We believe as with previous applications it should be refused for non-compliance with the WLDC supported Central Lincolnshire Plan and the material considerations with the previous refusals are intrinsic to this application.

The applicant is yet again attempting to wear down opposition to development on the Green Wedge at Upton Road/Westgate Kexby with what is now the fifth application. Three applications siting the entrance from Westgate and this being the second identifying Upton Road as a change of location, which is one and the same, still within the Green Wedge designation.

- These bungalows and design footprint are contrary to the Central Lincolnshire Plan Policies LP17 and LP26.
- Loss of the important views into the space and subsequent loss of the orchard and on through the site and out from the village. These are essential to protecting the functions and aims of the Policy LP22 of the Central Lincolnshire Plan (Green Wedge). The loss of the orchard element will have significant impact to the site and vista.
- If 2 Bungalows are granted permission within the Green Wedge they will be followed in short order with applications for more units and continual development of the site using the same or similar justification for expansion. LP22: Green Wedges, 'Prevention of the physical merging of settlements, preserving their separate identity, local and historic character', will have been circumvented.

Runnymede, Westgate, Kexby objects for the following reasons:

Previous applications on this site and the surrounding field by the same person/company have been refused, the planning committee even stating a clause that they felt they were being "bombarded" with applications. How has this application differed from the last one substantially enough to warrant being granted?

LCC Highways and Local Lead Flood Authority: No representations received to date. But as the application is exactly the same as the previously refused application (138643) then the following comments made previously still stand:

Having given due regard to the appropriate local and national planning policy guidance (in particular the National Planning Policy Framework), Lincolnshire County Council (as Highway Authority and Lead Local Flood Authority) has concluded that the proposed development is acceptable and accordingly, does not wish to object to this planning application. If it is minded to grant planning permission one condition and an informative is suggested.

LCC Minerals and Waste: No representation received to date.

Trees and Landscape Officer: My previous comments are still applicable (see below). As much hedge as possible should be retained for amenity and character of the area, and as native hedgerows are a priority habitat in the Lincolnshire BAP (Biodiversity Action Plan), and any gaps/thin areas infill planted.

Previous comments 138643 - Several trees within the site will need to be removed to facilitate the development and a section of hedgerow on the western boundary. However, the site is not considered to be ancient orchard and the trees are not worthy of retention in their own right. However, they do add to the landscape character of the area. Is there scope for new planting in compensation for lost trees and for screening/softening of any new dwellings.

Archaeology: No representation received to date. No archaeological impact stated on the previous application (138643).

Relevant Planning Policies:

Local Policy:

Central Lincolnshire Local Plan 2012-2036 (Adopted April 2017)

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

LP22: Green Wedges

LP26: Design and Amenity

LP55: Development in the Countryside.

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

Lincolnshire Minerals and Waste Plan

The Core Strategy & Development Management policies (CSDMP) were adopted in June 2016 and form part of the Development Plan. The application site is within a Mineral Safeguarding Area (MSA). Policy M11 applies.

The Site Locations were adopted in December 2017. The site is not within an allocated Minerals Site or Waste Site/Area.

Neighbourhood Plan:

No neighbourhood plan currently being prepared.

National Guidance:

National Planning Policy Framework (NPPF)

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

National Planning Practice Guidance (NPPG)

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

Main issues:

- Principle of the Development
- Green Wedge/Settlement Break
- Visual Amenity
- Residential Amenity
- Foul and Surface Water Drainage
- Highway Safety
- Trees and Landscaping
- Garden Space
- Other Matters

Assessment:

Principle of Development

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

The site is an orchard separated by trees and sections of post and rail fence on its northern boundary from the garden of the 'The Old Mill House' Upton Road, Kexby which is a detached two storey dwelling. To the west, east and south of the site are agricultural fields/paddocks. The site is therefore deemed to be in the countryside outside of any settlement.

Planning policy at local and national level seeks to prevent the establishment of isolated dwellings 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 application site is not in Kexby because it is separated from the continuous built footprint (dwellings to the south of Upton Road) of the settlement by a field/paddock. The site is to the south of a group of dispersed dwellings and buildings which are clearly detached from the continuous built form of the settlement. This is perhaps much more obvious on site than on a plan due to the rural nature of the area and its topography. The physical separation of the site from Kexby also means it does not meet the definition of any tier of the sequential test set out in Policy LP4 and is therefore contrary to it.

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 dwellings 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. Furthermore, the site is also located within a Green Wedge (see section below of this report) which has been designated under Policy LP22 of the Central Lincolnshire Local Plan in order to prevent the physical merging of Kexby and Upton as well as other functions and policy aims. The site is therefore considered to be an inappropriate location contrary to Policy LP2, LP4, LP22 and LP55 of the Central Lincolnshire Local Plan.

Green Wedge

The site is located in the Green Wedge which has been designated under Policy LP22 of the Central Lincolnshire Local Plan.

An Landscape Visual Impact Assessment (April 2019) has been submitted with this application. It concludes that *'the proposals represent two single storey dwellings which is considered to be a small scale new development. The built form in both villages is predominantly single and two storey dwellings of varying sizes and ages. The proposals do not cause any physical or perceived merging of the settlements or compromise the local character of the landscape surrounding the villages. There is no direct, and very limited indirect, impact on the potential users of the highway footpath in proximity to the application Site. Therefore, the functions of the Green Wedge in this location are preserved.'*

The Green Wedge has been designated in order to prevent the physical merging of Kexby and Upton as well as other functions and policy aims listed below:

- Prevention of the physical merging of settlements, preserving their separate identity, local character and historic character;
- Creation of a multi-functional 'green lung' to offer communities a direct and continuous link to the open countryside beyond the urban area;
- Provision of an accessible recreational resource, with both formal and informal opportunities, close to where people live, where public access is maximised without compromising the integrity of the Green Wedge;
- Conservation and enhancement of local wildlife and protection of links between wildlife sites to support wildlife corridors.

Within Green Wedges planning permission will not be granted for any form of development, including changes of use, unless:

- a. it can be demonstrated that the development is not contrary or detrimental to the above functions and aims; or
- b. it is essential for the proposed development to be located within the Green Wedge, and the benefits of which override the potential impact on the Green Wedge.

It is considered that this proposal is not essential to be located in this location. There are other sites in Kexby outside of the Green Wedge which can accommodate this growth in more appropriate locations. This site is part of the verdant transition between Kexby and Upton which in turn helps to support the characteristics of the Green Wedge. The policy test is how the proposal would impact on the role of the green wedge. The proposal, in this location would effectively remove this distinct open rural gap/ green wedge between the Old Mill House and Kexby itself. The gap from the garden boundary of the Old Mill House to Westgate is approximately only 91m and the proposed would reduce this gap to approximately 40m. Such a development would therefore realistically change this open gap for another block of built development with the remaining field (41m) unable to maintain the character and function of the green wedge unacceptably eroding the open character between the village and the Old Mill House. It is therefore considered critical to function of the green wedge to maintain this open site. The development would also cumulatively expand and strengthen the dispersed grouping of properties built between Kexby and Upton further eroding the function of the green wedge. It would not contribute towards, and would otherwise conflict with, the functions and aims of the green wedge, as set out in policy LP22. Development in this location is therefore contrary to Policy LP22 and the functions and aims of the Green Wedge.

Visual Amenity

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.

It is proposed to erect two detached 2 bedroom bungalows on the site with integral single garages (the proposed floor plans show 2 bedroom dwellings but the design and access statement states 3 bedroom dwellings). A single access point (split into two) is proposed off Upton Road which leads to an area of hard standing in front of the principal (west) elevations of the bungalows. The hard standing provides for a turning area and off road car parking. To the east (rear) of the dwellings is the main outside amenity space.

This site (an orchard) is part of the verdant transition between Kexby and Upton which in turn helps to support the characteristics of the Green Wedge. It is considered that the proposal to build two bungalows with a large area of hard standing proposed to the west (front) of the dwellings in this location is contrary to Policy LP17, LP22 and LP26 as it will block important views into, out of or through the site which are essential to protecting the functions and aims of the Green Wedge.

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.

It is proposed to build 2 bungalows with the proposed access taken off Upton Road. There are no surrounding dwellings to the west, east and south of the site. To the north is the garden of 'The Old Mill House' Upton Road, Kexby which is a two storey detached property. Plot A the nearest bungalow to this property will have two windows' in its northern elevation to a bathroom and a study at ground floor level. It is therefore considered that the proposal will not have a harmful impact on the living conditions of neighbouring dwellings.

Foul and Surface Water Drainage

The treatment of foul sewerage is marked as unknown on the application form and surface water will be dealt with by a sustainable drainage system. The appropriateness of the intended method(s) cannot be assessed at this stage.

The NPPG states in Paragraph: 020 Reference ID: 34-020-20140306 that *'when drawing up wastewater treatment proposals for any development, the first presumption is to provide a system of foul drainage discharging into a public sewer to be treated at a public sewage treatment works (those provided and operated by the water and sewerage companies). This should be done in consultation with the sewerage company of the area.'*

Where a connection to a public sewage treatment plant is not feasible (in terms of cost and/or practicality) plant can be considered. This could either be

adopted in due course by the sewerage company or owned and operated under a new appointment or variation. The package sewage treatment plant should offer treatment so that the final discharge from it meets the standards set by the Environment Agency’.

In terms of surface water drainage Policy LP14 of the Central Lincolnshire Local Plan states that development proposals should demonstrate that they have incorporated Sustainable Drainage Systems (SuDS) in to the proposal unless they can be shown to be impractical.

If permission was to be granted a planning condition to secure full foul and surface water drainage details would be recommended

A condition would also be attached to the decision notice if permission was to be granted 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

A single access point (split into two) is proposed off Upton Road which leads to an area of hard standing in front of the principal (west) elevations of the bungalows. The hard standing provides for a turning area and off road car parking. Each bungalow will also have an integral garage fronting the hard standing.

Lincolnshire County Council have made no comments on this application but previously did not object to 138643 (exactly the same proposal).

Trees and Landscaping

The site is located in the countryside and is an orchard with several trees within the site. In terms of boundary treatments there is a hedgerow on the western boundary of the site and sporadic trees on the southern boundary. The eastern boundary has a low level open fencing and there are several varieties of trees and sections of post and rail fencing on the northern boundary of the site. The site is within a designated Green Wedge.

The Tree and Landscape Officer states that ‘several trees within the site will need to be removed to facilitate the development and a section of hedgerow on the western boundary. However, the site is not considered to be ancient orchard and the trees are not worthy of retention in their own right. However, they do add to the landscape character of the area. Is there scope for new planting in compensation for lost trees and for screening/softening of any new dwellings’ and also states ‘as much hedge as possible should be retained for amenity and character of the area, and as native hedgerows are a priority habitat in the Lincolnshire BAP (Biodiversity Action Plan), and any gaps/thin areas infill planted’.

If permission were to be granted a condition would be attached to the decision notice to retain, protect and enhance the remaining hedgerow on the western boundary of the site. A condition would also be attached which would require

a scheme of landscaping and compensatory tree planting to be submitted and approved by the Local Planning Authority prior to commencement of the development.

Garden Space

The proposed bungalows are located approximately centrally on each of the plots with approximately 13-15 metres of private rear amenity space (to the east) being provided for each plot. There is some landscaping also provided to the front and side of each of the dwellings.

The development provides for an acceptable amount of private amenity space for each of the proposed bungalows.

Other Matters:

Minerals and Waste

The application site is within a Mineral Safeguarding Area (MSA). Policy M11 of the Core Strategy & Development Management policies (CSDMP 2016) therefore applies. It is considered that the development is of a minor nature which will have a negligible impact with respect to sterilising the mineral resource and therefore planning permission should be granted. No objection has been received from Lincolnshire County Council Minerals and Waste team.

Balancing evaluation and conclusion:

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, LP22: Green Wedges, LP26: Design and Amenity and LP55: Development in the Countryside of the adopted Central Lincolnshire Local Plan and the guidance contained in National Planning Policy Framework and National Planning Practice Guidance. In light of this assessment it is considered that the proposal is not acceptable and is refused for the following reason(s):

1. The site is in the countryside as it is clearly detached from the main built foot print of Kexby with agricultural fields/paddocks to the west, east and south of the site. The site is to the south of a group of dispersed dwellings and buildings which are clearly detached from the continuous built form of the settlement. The physical separation of the site from Kexby also means it does not meet the definition of any tier of the sequential test set out in Policy LP4 and is therefore contrary to it.

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.

Insufficient 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. Furthermore, the site is also located within a Green Wedge (see section below of this report) which has been designated under Policy LP22 of the Central Lincolnshire Local Plan in order to prevent the physical merging of Kexby and Upton as well as other functions and policy aims. The site is therefore considered to be an inappropriate location contrary to Policy LP2, LP4, LP22 and LP55 of the Central Lincolnshire Local Plan.

2. It is not considered essential that this proposed residential development is located within the Green Wedge. There are other sites in Kexby outside of the Green Wedge which can accommodate growth in more appropriate locations. This site is part of the verdant transition between Kexby and Upton which in turn helps to support the characteristics of the Green Wedge. Development in this location is therefore contrary to Policy LP22 and the functions and aims of the Green Wedge. Furthermore, the proposal to build two bungalows and associated hard standing in this location is contrary to Policy LP17 and LP26 as it will block important views into, out of or through the site which are essential to protecting the functions and aims of the Green Wedge (Policy LP22).

Recommendation

It is recommended that Planning Committee delegate powers to officers to refuse the application.

Officers Report

Planning Application No: 139273

PROPOSAL: Planning application to vary condition 24 of planning permission 135031 granted 14 December 2016-allow local business to use the site (D2 Use)-resubmission of 138836.

LOCATION: Hillcrest Caistor Top Caistor Market Rasen LN7 6TG

WARD: Caistor and Yarborough

Ward Member(s): Cllr A Lawrence and Cllr Bierley

APPLICANT NAME: Mr O Lawrence

TARGET DECISION DATE: 31/05/2019

DEVELOPMENT TYPE: Minor - Manufacture/Storage/Warehouse

CASE OFFICER: Richard Green

RECOMMENDED DECISION: Refuse

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

Description:

The site is located outside of the built footprint of Caistor (in the parish of Cabourne) to the south of the A46 and to the east of the B1225 (to the east of the cross roads of the A46 and the A1173/B1225). The site is approximately 870 metres in walking distance from the centre of Caistor (The Market Place). The site has planning permission (135031) to be redeveloped for 17 rural enterprise units, a retail unit, café and office following the demolition of the existing buildings. At the time of the officer site visit on the 16/04/2019 the new access to the site had been constructed and the external structure of the unit's subject of this application was nearly complete. Following the officers site visit the pedestrian crossing on the A46 has been completed.

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

The application seeks permission to vary condition 24 of planning permission 135031 to allow a D2 (Assembly and Leisure Use). Currently the rural enterprise premises given permission under 135031 are limited to A1 (shops), A3 (restaurants and cafes), B1a (office other than those under A2 financial and professional services), B1c (industrial process), B2 (general industry) and B8 (storage or distribution) uses. The application was submitted with a design and access statement and a site plan showing a red line drawn around units 14 and 15 of Block 4 (approximately 106 sq. metres in size) which is located

in the north east corner of the site and fronts the A46. No additional car parking to that granted under application 135031 is being provided.

The application states that the variation of condition is to allow a local business to use the site. The design and access statement states that the two units will be leased to a local 'Boutique Fitness, Personal Training and Sports Therapy Business' **[Soul Healthy]**. The boutique fitness enterprise is an existing business based in Nettleton and run from the owner's garage which is less than 1 mile from the site. The business has proven to be very popular locally and there is a need for such a service in the locality. The business currently employs 1 no person.

However, it has recently been brought to the Case Officer's attention that **Soul Healthy has closed down as the owner of the business is moving abroad imminently**. This was stated in a social media post (dated 25 April 2019). The post was put online several weeks after this application was validated on the 03/04/2019.

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 by Planning Committee 07/03/2019.

138795 – Full planning application for proposed extension to building (B1 Office). Granted 05/04/2019.

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 application.

Local residents: Hillcrest, Caistor Top, Caistor – Since the previous refusals for a gym (135007 & 138836) the applicant has provided no additional evidence only an enhanced design and access statement. This statement does not contain any new evidence under the section noise and nuisance but instead relies upon sweeping statements. The noise report submitted [from a previous application 135031 for 17 rural enterprise units] does not consider a D2 use.

The applicant states that the proposed gym use from 8am to 8pm (12 hour period) will produce no more noise nuisance than agreed internal uses that could be undertaken anytime. However, this is incorrect as the noise management scheme states that opening hours for all uses would be 7am to 6pm therefore additional noise will be created between the hours of 6pm-8pm by the gym which is not created by the agreed uses.

The applicant has given an estimate of how many users will attend the gymnasium at one time however these are qualified by 'mays'. The gym owner has stated that this unit is part of her expansion to a bigger unit which means her current attendees are not an accurate representation of how many people will use the gym or how many car parking spaces will be required. If the gym is successful and the gym users numbers increase this could lead to dangerous parking on the A46 and other roads around the site. The applicant provides details of classes and numbers but this is not set in stone and what is there to stop larger numbers attending.

The site is located close to a dangerous junction. Mention of the pedestrian crossing is also made.

Bfit Lincs Gym Ltd, Brigg Road, Caistor: Soul Healthy is no longer operating as a Health & Wellbeing business. The attached screen shots from the business owner's social media page states that she has closed her business and will shortly be moving to Australia indefinitely. All the information submitted in the applicants design and planning statement is therefore erroneous and entirely inaccurate as it all based on the business model and hours of operation of Soul Healthy.

I request that this D2 application is refused. A blanket approval for a D2 facility at the Hillcrest Site without very specific conditions being applied to hours of operation and class / membership numbers would still cause major problems. This is due to inadequate parking infrastructure being available to

support a business with a large number of customers attending site simultaneously.

I would like to re-submit my previous letter against application 138836 which was refused at planning committee on Wednesday 6th March 2019:

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

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

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

Lincolnshire Wolds AONB Officer: No representations received to date.

LCC Highways and Lead Local Flood Authority: The parking level of three spaces for the gym is not secured for sole use of the two units and therefore may not be available for use at all times. As purely a one to one therapy based operation, parking may not be an issue. The fact it is two units and operates spin classes would follow that a parking provision in excess of what is generally available for the sole use of the premises would be required. It is stated that a maximum of six spaces would be needed but this doesn't take into account the arrival for one class as the other ends and the overlap and subsequent extra parking needed.

It is noted that the two spin classes are in the evening, however there is one proposed during the working day and that is when the available parking provision is required most. My concern is that although the limited information indicates a one to one therapy based service with three spin classes per week, a change of use would allow any increase over and above this without the need for permission and without adequate parking provision assigned to be available for the sole use of the two units.

Economic Development: No representations received to date.

Environmental Protection: The submitted noise assessment survey (and associated noise management plan) is the same survey submitted for application 135031 (application for 17 Rural enterprise units) and does not

take into account the noise from a D2 gym use i.e. traffic noise, people and amplified music etc.

Secondly the application including the design and access statement is predicated on a local business use moving into the unit's subject of this application (139273). This local business [Soul Healthy] has closed as the owner will be imminently moving abroad.

Archaeology: No archaeological impact.

Health and Safety Executive: Not consulted. Previous application 138836 'No objection to the proposed development. As the proposed development is within the Consultation Distance of a major hazard pipeline you should consider contacting the pipeline operator [National Grid] before deciding the case'.

National Grid Plant Protection: Not consulted. Previous application 138836 'No representations received to date'.

Conservation Officer: No representations received to date.

Relevant Planning Policies:

Local Policy:

Central Lincolnshire Local Plan 2012-2036

LP1: A Presumption in Favour of Sustainable Development

LP2: The Spatial Strategy and Settlement Hierarchy

LP5: Delivering Prosperity and Jobs

LP6: Retail and Town Centres in Central Lincolnshire

LP13: Accessibility and Transport

LP16: Development on Land Affected by Contamination

LP17: Landscape, Townscape and Views

LP26: Design and Amenity

LP55: Development in the Countryside

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

Caistor Neighbourhood Plan:

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

Policy 2 – Type, scale and location of development

Policy 3 – Design Quality

Policy 7 – Community Facilities

Policy 8 – Leisure Facilities

National guidance

National Planning Policy Framework (NPPF)

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

National Planning Practice Guidance (NPPG)
<https://www.gov.uk/government/collections/planning-practice-guidance>

Listed Building Legal Duty

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

Main issues

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

Assessment:

Principle of development

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

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

The proposed use would be more appropriate in a location in the nearby Caistor Town Centre as it would support the function of the viability and vitality of Caistor and would be more readily accessible to members of the public by means other than the car. A sequential assessment is required for potential accommodation in Town Centres, then edge of centre and on then out of centre. A right move search conducted on the 09/05/2019 shows that the only premises available in the Caistor Area were The Paper Shop and the former Settlement premises both in the Market Place.

The submitted design and access statement has detailed why these properties are unsuitable for the local business use [Soul Healthy] which is the

proposed end user for the unit's subject of this application. However, it has recently been brought to the case officer's attention that Soul Healthy has closed down as the owner of the business is moving abroad imminently. This was stated in a social media post (dated 25 April 2019). The post was put online several weeks after this application was validated on the 03/04/2019.

As such there has been no detailed analysis of whether these buildings would be suitable a general D2 Gym Use not just specifically for this local business that has now closed. It is therefore considered that a satisfactory sequential assessment has not taken place. In the proposed location the use is considered to be contrary to the advice in the NPPF in relation to sustainable development making development inaccessible by other means than that of the private car and policies contained within the Central Lincolnshire Local Plan namely LP1, LP2, LP5, and LP13 as well as Policy 8 of the Caistor Neighbourhood Plan.

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

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

It is considered that the proposal to allow a D2 (Leisure/Gym Use) on this site within two of the units (No.14 and No.15) granted under planning permission 135031 has the potential to conflict with neighbouring land uses (the residential property to the south and other business units on the site) and impact unacceptably on the highway network (these issues are explored below). Furthermore, no sequential test for a non specific D2 Gym Use (not for the local business that has now closed down) has been undertaken as part of this application and in its proposed location the use is considered to be unsustainable making the development inaccessible by other means than that of the private car.

Residential Amenity

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

The nearest residential dwelling (Hillcrest House) is located approximately 66 metres to the south of the proposal site (Units No.14 and No.15). Firstly the

submitted noise assessment survey (and associated noise management plan) is the same survey submitted for application 135031 (application for 17 Rural enterprise units) and does not take into account the noise from a D2 gym use i.e. 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. Secondly the application including the design and access statement is predicated on a local business use moving into the unit's subject of this application (139273). This local business [Soul Healthy] has closed as the owner will be imminently moving abroad. The impact therefore of a speculative D2 Gym use must therefore be much more general and may not meet the more specific trading ethos of Soul Healthy.

Although, the separation distance is approximately 66 metres to the nearest neighbouring dwelling it has not been possible to ascertain whether the proposal will have a harmful impact on the living conditions of neighbouring dwellings or the other business uses on the site. Therefore, it is considered to be contrary to the NPPF and Policy LP26 of the Central Lincolnshire Local Plan.

Visual Impact

Local Plan Policy LP26 states that all development proposals must take into consideration the character and local distinctiveness of the area (and enhance or reinforce it, as appropriate) and create a sense of place. As such, and where applicable, proposals will be required to demonstrate, to a degree proportionate to the proposal, that they are well designed in relation to siting, height, scale, massing and form. The policy also states that the proposal should respect the existing topography, landscape character, street scene and local distinctiveness of the surrounding area and should use appropriate, high quality materials which reinforce or enhance local distinctiveness. Any important local view into, out of or through the site should not be harmed.

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

Area of Outstanding Natural Beauty

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

Economic Development

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

Competition is not a material planning consideration.

Listed Building

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

Foul and Surface Water Drainage

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

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

Highway Safety

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

The submitted design and access statement is predicated on a local business [Soul Healthy] moving into the proposed units. It has recently been brought to the Case Officer's attention that Soul Healthy has closed down as the owner of the business is moving abroad imminently. This was stated in a social media post (dated 25 April 2019). The post was put online several weeks after this application was validated on the 03/04/2019. No additional car parking is provided above the provision made under application 135031 for the 17 rural enterprise units.

The design and access statement states that 'The approved planning application 135031 allows for 17no allocated spaces for the units (one per unit) and 35no visitor spaces. The proposed gym will utilise 2no units and therefore will be allocated 2no spaces, one for the owner and one for visitors. Additional visitors during the peak times of spinning classes can utilise the 35no visitor spaces; if 5no spaces are taken by the gym this would still allow 2 visitor spaces per unit for the other units'.

Lincolnshire County Council Highways stated that 'the parking level of three spaces for the gym [as shown on the submitted site plan with an additional space for staff] is not secured for sole use of the two units and therefore may

not be available for use at all times. As purely a one to one therapy based operation, parking may not be an issue. The fact it is two units and operates spin classes would follow that a parking provision in excess of what is generally available for the sole use of the premises would be required. It is stated that a maximum of six spaces would be needed but this doesn't take into account the arrival for one class as the other ends and the overlap and subsequent extra parking needed.

It is noted that the two spin classes are in the evening, however there is one proposed during the working day and that is when the available parking provision is required most. Concerns are therefore raised that although the limited information indicates a one to one therapy based service with three spin classes per week, a change of use would allow any increase over and above this without the need for permission and without adequate parking provision assigned to be available for the sole use of the two units.' This would increase concerns as to the impact of this proposal on the operation of adjoining units, parking levels and hence highway safety and residential amenity.

As the application is predicated on a local business [Soul Healthy] moving into the proposed which has closed down there is no information submitted with this application that justifies the level of parking provision required for a non-specific D2 Gym Use. Some indication of member numbers, attendance, staff, hours of operation etc. would be required. There is also nothing to say that the spaces available would be so for the entirety of the day raising further concerns over how the proposed use would operate with other businesses all times. It is unlikely the proposal has enough parking for it's needs raising concerns that it would detrimentally impact on existing/ future businesses at Caistor Top or worse highway safety.

Furthermore, the limited parking provided on the proposed site plan is located outside of the red line of this application. It is therefore, concluded that no workable condition could be added to a planning permission to control the proposed parking to be used solely for the D2 use.

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

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

Should car parking arrangements be found to be unsuitable this would lead to adhoc parking across the site, hampering the operation of other businesses

on the site, whether with respect to parking or manoeuvring or indeed access and/or exit of the site itself increasing safety and operational concerns. It may also on a lesser point affect amenity due to noise and nuisance.

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

Other matters:

Contamination

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

Pipeline

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

Conclusions:

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

RECOMMENDATION: Refuse permission for the following reasons:

1. The proposed use is for a Main Town Centre Use (D2 – Assembly and Leisure). Paragraph 86 of the NPPF indicates that local planning authorities should apply a sequential test to planning applications for main town centre uses which are neither in an existing centre nor in accordance with an up-to-date plan. The application is predicated on a local business [Soul Healthy] moving into the proposed units. It has

recently been brought to the Case Officer's attention that Soul Healthy has closed down as the owner of the business is moving abroad imminently. Therefore, no sequential test has been undertaken as part of this application for a non-specific D2 use which is considered contrary to the NPPF and policies contained within the Central Lincolnshire Local Plan namely LP1, LP2, LP5, and LP13 as well as Policy 8 of the Caistor Neighbourhood Plan.

2. The nearest residential dwelling (Hillcrest House) is located approximately 66 metres to the south of the proposal site (Units No.14 and No.15). Firstly the submitted noise assessment survey (and associated noise management plan) is the same survey submitted for application 135031 (application for 17 Rural enterprise units) and does not take into account the noise from a D2 gym use i.e. 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. Secondly the application including the design and access statement is predicated on a local business use moving into the unit's subject of this application (139273). This local business [Soul Healthy] has closed as the owner will be imminently moving abroad and therefore further consideration should be given to potential wider impacts that a speculative gym use would have. No such evidence has been provided.

Although, the separation distance is approximately 66 metres to the nearest neighbouring dwelling it has not been possible to ascertain whether the proposal will have a harmful impact on the living conditions of neighbouring dwellings or the other business uses on the site. Therefore, it is considered to be contrary to the NPPF and Policy LP26 of the Central Lincolnshire Local Plan.

3. As the application is predicated on a local business [Soul Healthy] moving into the proposed which has closed down there is no information submitted with this application that justifies the level of parking provision required for a non-specific D2 Gym Use. Furthermore, the limited parking provided on the proposed site plan is located outside of the red line of this application. It is therefore, concluded that no workable condition could be added to a planning permission to control the proposed parking to be used solely for the D2 use, whether for a tenant specific use or not.

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

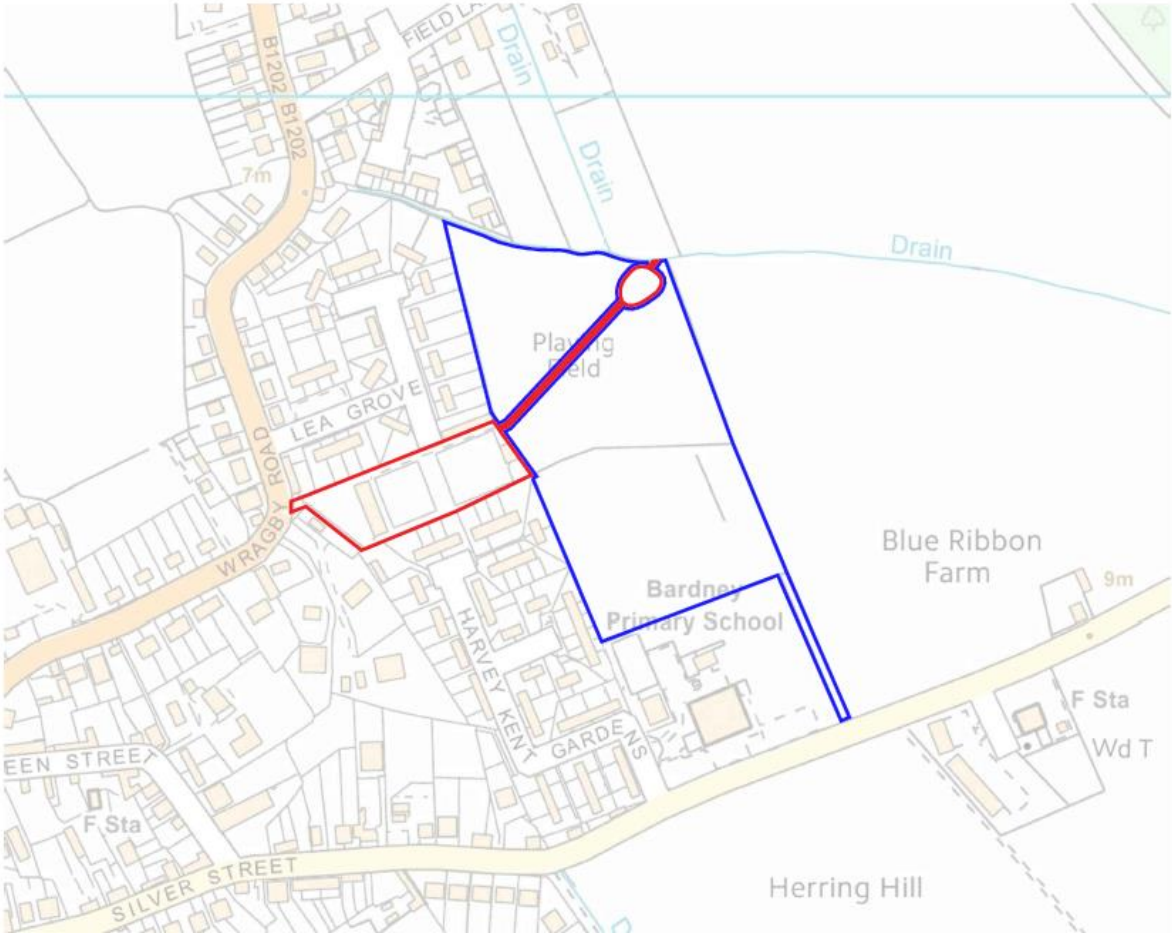
However, it is reasonable to expect (without evidence to the contrary) that a D2 use will generate a greater number of visiting members of public to the site, than could be expected from the already permitted business uses.

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

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

Recommendation

It is recommended that Planning Committee delegate powers to officers to refuse the application.



Officers Report

Planning Application No: 137950

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

LOCATION: Land off Lea Grove Bardney Lincoln LN3 5XN

WARD: Bardney

WARD MEMBER(S): Cllr I Fleetwood

APPLICANT NAME: Mr J Dean

TARGET DECISION DATE: 17/01/2019 EOT 30/04/2019

DEVELOPMENT TYPE: Major - Dwellings

CASE OFFICER: George Backovic

RECOMMENDED DECISION: Refuse planning permission

Introduction: The application was originally presented to Planning Committee on 17th October 2018 (original report at appendix 1) where the minutes record that the resolution was to grant planning permission:

“Subject to conditions would be delegated to the Chief Operating Officer, to enable the completion and signing of an agreement under section 106 of the Planning Act 1990(as amended) pertaining to: -

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

In the event of the section 106 not being completed and signed by all parties within 6 months of the date of this Committee, then the application will be reported back to the next available committee meeting following the expiration of the 9 months.”

As of 17th April 2019 (6 months following the resolution) the section 106 had not been completed or signed. This would require reporting back to committee after 17th July 2019 (9 months). This is on the basis that the section 106 would still be secured to deliver the required affordable housing and education contribution as per the committee’s resolution.

The application is now being reported to committee at an earlier stage as it is now being brought into question as to whether the previously agreed provisions for the affordable housing or required education contribution will be provided to meet with the policy requirements.

Work on the preparation of the legal agreement commenced following the committee resolution as normal. Various drafts of the legal agreement were exchanged and comments made by both parties which is standard practice in such matters. WLDC legal advisers sent what was considered a final draft to the applicants’ legal advisers

on 4th March 2019 with a further email sent to them on 28th March 2019 seeking confirmation that it was approved to enable this to progress to engrossment. This second email was acknowledged on the same day by the applicants' solicitors. A further email was sent by WLDC legal advisers on 4th April 2019 conscious of the deadline for confirmation "to avoid this going back to committee". This was acknowledged with a request for confirmation of the deadline which was duly given. On 15th April 2019 another email was sent on behalf of WLDC seeking an update.

In response to this the following email was received on 15th April 2019:

"Thank you for your email, we have been instructed that our client has employed a viability expert to assess the site and the mitigation package required as a result of the proposals. It appears that this is going to take some time to review and prepare the appropriate report. Our client is keen to move this forward but must do so once it is confirmed that the scheme will be viable to build out. With that in mind I should be grateful if you could take instructions from your officers, with regards to agreeing an extension of time to progress this application. Clearly if the viability report requires changes then the Council may need to report these matters back to the committee, but in the meantime we should be grateful if your officers could agree to put the negotiation of the 106 Agreement on hold pending the receipt of the viability report. We understand that our client's agents will be discussing this with your officers in due course and we hope that they will be agreeable to our request whilst matters are ongoing on the viability front. Once the report is received we can then move this matter forward accordingly. "

On Wednesday 15th May 2019 a "viability" report was submitted which purports to demonstrate that no affordable housing contribution can be made with the only contribution delivered being that towards education infrastructure.

In view of this request, it is proposed that there are two options available to the Council, as follows:

1. To Agree an extension of time to reassess and determine the application – to allow for detailed assessment and appraisal of the submitted viability report, renegotiation of Heads of Terms for the planning obligation, as appropriate – reassessment of the planning application and planning balance (to be reconsidered by the Planning Committee), rewriting and completion of the S106 planning obligation.

Or

2. Refusal of the application;

The proposed development does not provide the required level of affordable housing to support 20 dwellings and would be contrary to the Central Lincolnshire Local Plan in particular policy LP 11

Option 1

The applicant has previously agreed to meet the policy requirements of the Central Lincolnshire Local Plan. However, to date, despite the six month period following the

committee's resolution to grant permission, the applicant has yet to sign or commit to making such provision.

It is only at this point, over 10 months from making their application, and at the point by which the S106 can be expected to have been completed, that the applicant has sought to now undertake work into the proposed viability of the scheme.

The implications of going down the route offered by option 1 is that the applicant is now proposing no affordable housing a significant change to the 25% that was originally presented to planning committee and afforded weight at the time of consideration.

It would mean that the development would no longer be fully addressing the impacts of development or meeting with the expectations of the Local Plan, as set out within policy LP11

It would alter the planning balance, resulting in the need to reappraise the planning application as a whole.

Consequently, now approaching 12 months from when the applicant submitted their application (having received pre-application guidance), the Council would be required to review the applicant's viability assessment, leading to further negotiations. It would lead to the need to review the previously agreed Heads of Terms, and therefore reconsider the overall planning balance of the proposed application. If new terms were agreed – it would then require further resource to rewrite a new planning obligation and aim to complete and sign it.

Option 2

The refusal of the application would delay the provision of housing on this site although the applicants would have the option to resubmit a new planning application containing all the evidence required to support the case now made belatedly on the grounds of viability.

No new information or evidence has come to light in terms of "extraordinary or unexpected abnormal costs" associated with developing the site, since the committee's earlier resolution to grant planning permission. To only now submit a viability assessment in order to determine whether the proposed development is indeed viable at such a significant period after the Council has already considered and made a resolution on the application, is not considered to be reasonable. Prior to formal submission of the application under consideration pre application advice was sought and given on 14th February 2018 for the development of the site (Ref: 137314). The extracts dealing with affordable housing and infrastructure are set out below:

Affordable Housing – The site is within the Lincoln Strategy Area. A contribution of 25% affordable housing will be sought on a development of 11 or more houses (policy LP11). This should be integrated seamlessly into the overall development.

Infrastructure – Any identified shortfalls in local infrastructure required to support the development, that are not otherwise included on the CIL 123 List, will be expected to be addressed (policies LP9, LP12).

The applicant was directed to the policy provisions of the Central Lincolnshire Local Plan prior to making their application. They made their application in knowledge of the policy requirements for the District.

The formal submission which was validated on 15th June 2018, four months after the receipt of pre-application guidance, included a planning statement which set out that

- 1.2. The application has been informed by West Lindsey District Council's (WLDC's) response to a Pre-Application Enquiry (reference number 137314) dated the 14 February 2018, presented as Appendix A.
- 1.3. The application is supported by the following assessments, which have informed the Statement and the detailed proposals set out in the planning application:
 - Preliminary Geo-Environmental Risk Assessment
 - Flood Risk Assessment and Drainage Strategy.

The application as originally submitted proposed “up to 22 dwellings with up to 25% of those as affordable dwellings”. It should be noted that no viability report formed part of the application at the time of submission. At no time during the determination of the planning application in the lead up to presentation of the application to planning committee was the issue of viability raised by the applicants’ representatives. The recommendation to planning committee was clear in that it did not seek a contribution of ‘up to’ 5 dwellings. This was not open to debate as it explicitly required 5 dwellings. This is crucial as this was the context against which the application was considered and positive weight was afforded both to this element of the application and the education contribution.

The minute’s record that the applicants’ representatives addressed committee and this matter was not raised at any time – at the time of the committee’s resolution the applicant had not sought to raise any concerns as to the viability of the scheme.

The NPPF (paragraph 57) states that “where up-to-date policies have set out the contributions expected from development, planning applications that comply with them should be assumed to be viable. It is up to the applicant to demonstrate whether particular circumstances justify the need for a viability assessment **at the application stage**” [emphasis added]

It is only now, some six months after the committee’s resolution, and some 11 months after making their application and having received pre-application guidance, that the applicant now seeks to reopen and negotiate previously agreed terms that were deemed necessary in order to make the development compliant with the policy provisions of the development plan.

It is considered that the applicant has failed to demonstrate, despite being given a significant period of time that the development can address the infrastructure requirements arising from the development and meet the provisions of the Local

Plan, particularly policy LP11. The applicant has not signed any planning obligation to commit to making this provision, despite the resolution of the committee allowing the applicant a period of six months to complete and sign the planning obligation within a specified six month window.

As the application stands there would be conflict with the Central Lincolnshire Local Plan in particular policy LP 11 - Affordable Housing It is noted that LP 11 allows for negotiation with developers if an accurate viability assessment demonstrates the requirement cannot be met in full, however, the requirement for the level of affordable housing was made specific in the pre application response dated 14th February 2018 and has not been provided with the application or during the Council's consideration of the application.

It was only explicitly raised on the applicant's behalf over a year later on 15th April 2019 resulting in a submission on May 15th 2019, beyond the six month window for completing the S106 planning obligation.

Recommendation: It is recommended that option 2 is followed, and that planning permission is now refused for the following reason:

The application has failed to demonstrate that it can make adequate infrastructure provision to accommodate the development and meet the policy requirements of the Central Lincolnshire Local Plan in terms of the provision of affordable housing provision, in particular under policy LP11



Planning Committee

29 May 2019

Subject: Determination of Planning Appeals

Report by:

Executive Director of Operations

Contact Officer:

Mark Sturgess
Executive Director of Operations

Mark.sturgess@west-lindsey.gov.uk
01427 676687

Purpose / Summary:

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

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

IMPLICATIONS

Legal: None arising from this report.

Financial: None arising from this report.

Staffing: None arising from this report.

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

Risk Assessment: None arising from this report.

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

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

Are detailed in each individual item

Call in and Urgency:

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

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

Yes

☐

No

x

Key Decision:

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

Yes

☐

No

x

Appendix A - Summary

- i) Appeal by Miss Johanne Carter under section 78 of the Town and Country Planning Act 1990 against a failure to give notice within the prescribed period of a decision on an application for planning permission at High Harbour Cottage, Caistor Road, Middle Rasen, Market Rasen LN8 3JF.

Appeal Allowed – See copy letter attached as Appendix Bi.

- ii) Appeal by Mr and Mrs D Brocklesby against the decision of West Lindsey District Council to refuse planning permission for the erection of a two storey front domestic extension to form a new feature entrance, down stairs living room and enlarged first floor bedroom and the formation of a new dormer window to second bedroom at 54 Rudgard Avenue, Cherry Willingham, Lincoln LN3 4JG.

Appeal Allowed – See copy letter attached as Appendix Bii.

Officer Recommendation – Refuse permission

- iii) Appeal by Mr and Mrs Clyne Taylor against the decision of West Lindsey District Council to refuse outline planning permission to remove an existing semi derelict building and erect a single two storey dwelling house with garage at Bucknell Farm, Gainsborough Road, Scotter Common, Gainsborough.

Appeal Dismissed – See copy letter attached as Appendix Biii.

Officer Recommendation – Refuse permission



Appeal Decision

Site visit made on 12 March 2019

by R Bartlett PGDip URP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 14th May 2019

Appeal Ref: APP/N2535/W/18/3217978

High Harbour Cottage, Caistor Road, Middle Rasen, Market Rasen, LN8 3JF

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a failure to give notice within the prescribed period of a decision on an application for planning permission.
- The appeal is made by Miss Johanne Carter against West Lindsey District Council.
- The application Ref 138092, is dated 4 July 2018.
- The development proposed is change of use from residential to commercial use. The change of proposal from residential to commercial is to take an unused storage barn & convert it into a useful business that promotes the Lincolnshire countryside, places to visit, local events & to give people who live in towns & cities a view, experience & breathe in the fresh air of the countryside. The building is an old brick building with wooden eaves, two doors one at the end gable & one to the court yard, no alteration will be made to the building keeping its original look & in keeping with the surroundings. The commercial use will be a very small coffee shop (open Friday/Saturday/Sunday 10-16.00 & one evening 6.00 - 9.30 one evening every 3/4 months). The idea to have the coffee shop alongside the below (proposal of small adventure motorbikes limited to 8 in stock) is the following:-

It is aimed at adventure motor bikers, who want to see/experience the countryside whilst having a look at world travel routes, local ride routes, suggested places to visit, events & not forgetting socialising with like-minded people. It will be also open to cyclists & walkers who can also use the surrounding areas, woodland & cycle routes. The coffee shop will sell, tea, coffee, cakes & sandwiches, there will also be a very small amount of instant purchases that lend their self to the adventure motorbike market place.

The motorbike shop (same building as the coffee shop) will hold stock only up to 8 motorbikes & sell from the premises.

The selling will be done via a website & main selling sites such as ebay, autotrader or trade shows, customers will collect the bike's when suitable to them. No changes will be made to the building.

Decision

1. The appeal is allowed and planning permission is granted for the change of use of cow shed from residential to commercial use at High Harbour Cottage in accordance with the terms of the application, Ref 138092, dated 4 July 2018, subject to the following conditions:
 - 1) The development hereby permitted shall begin not later than 3 years from the date of this decision.
 - 2) The premises shall only be used as a motorbike and coffee shop and for no other purpose.

- 3) Notwithstanding the red line boundary shown on the General Location Plan (Drawing Number 0001) this planning permission relates solely to the change of use of rooms 1 and 2 on the existing internal building plans (Drawing Number 0002) and to the area of hardstanding/parking areas immediately to the front and side of these rooms, shown on the additional plan submitted with the appeal (also Drawing Number 0002).
- 4) The motorbike and coffee shop shall only operate between the hours of 10.00 and 16.00 on Fridays, Saturdays and Sundays plus one evening per month between the hours of 18.00 and 21.30.
- 5) No more than 8 motorcycles shall be stored on the site at any one time in connection with the business use hereby approved.

Preliminary and Procedural Matters

2. The description of development in the banner heading above is taken from the application form. For ease of reference, I have thereafter used the shortened description of the development that appears on the appeal form and the appellant's statement of case 'the change of use of cow shed from residential to commercial use'.
3. A plan identifying parking spaces was submitted with the appeal. This additional plan does not alter the scheme from that which was subject of the planning application and forms evidence of a confirmative nature. In addition, there have been no objections to the scheme from third parties. With these factors in mind, I am content that no party would be prejudiced by my acceptance of the plan. In essence, taking the plan into account does not run contrary to the principles outlined in Wheatcroft¹.
4. The red line plan includes the dwelling, adjoining farm buildings and adjoining land associated with High Harbour Cottage. Whilst no proposed plans have been submitted, on the basis that no structural or external alterations to the appearance of the building are proposed, it is clear to me that the proposal only relates to the buildings marked room 1 and room 2 on the existing plans and to the parking areas shown on the additional plan submitted with the appeal. I have determined the appeal on this basis.

Main Issue

5. The main issue in this appeal is considered to be whether the proposed use would be appropriate in a countryside location.

Reasons

6. The Council did not determine the application but have confirmed that had they done so, they would have refused it on the grounds that the site is not an appropriate location for the development proposed, it is not accessible by public transport and it does not relate to an existing activity on the site. The Council considers that the proposal would conflict with policies LP7 and LP55 of the Central Lincolnshire Local Plan (CLLP).
7. The appeal site is located in the countryside and comprises a single storey, brick built building with a pitched roof. Attached to the building, there is a

¹ Bernard Wheatcroft Ltd v SSE

dwelling and a range of former farm buildings that are no longer in active agricultural use.

8. Access to the site, which is approximately 2 kilometres to the north of both the village of Middle Rasen and the market town of Market Rasen, can be gained via the A46 Caistor Road, to the east of the site or via Sand Lane to the west of the site. Sand Lane leads to the A1103 to the north or into Middle Rasen to the south.
9. There is a footpath along Caistor Road providing safe pedestrian access between the site and Market Rasen. Whilst I did not see any bus stops close to the site the appellant's final comments advise that there are regular bus services running along the A46 (approximately 700m from the site) as well as a local 'Call Connect' bus service, which will pick up and drop off outside the door.
10. Policy LP55 of the CLLP relates to development in the countryside. Part A(a) of this policy, whilst relating to residential conversions, states that priority should be given to converting disused buildings for business purposes rather than to residential use. Part E of the policy relates to non-residential development in the countryside but is silent on the matter of conversion/changes of use of existing buildings.
11. Policy LP7 of the CLLP relates to sustainable visitor facilities and requires such development to be located within existing settlements or as part of planned urban extensions unless such locations would be unsuitable for the proposal or the proposal relates to an existing use. This policy is also silent on the matter of conversions.
12. In the absence of any clear development plan policy on the conversion of existing buildings to business use in the countryside and in accordance with paragraph 11(d) of the National Planning Policy Framework (the Framework) planning permission should be granted unless i) the Framework provides a clear reason for refusing the development or ii) any adverse impacts of doing so would significantly and demonstrably outweigh the benefits when assessed against the Framework as a whole.
13. Paragraph 83 of the Framework states that planning decisions should enable, amongst other things, the sustainable growth and expansion of all types of business in rural areas, both through conversion of existing buildings and well-designed new buildings. It also supports sustainable rural tourism and leisure developments which respect the character of the countryside.
14. Paragraph 84 of the Framework states that decisions should recognise that sites to meet local business 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.
15. The proposal to convert an existing building to business use, in a rural area, beyond existing settlements and in a location not well served by public transport would not conflict with the Framework.
16. I am also mindful of the fact that subject to meeting the relevant criteria, agricultural buildings can be changed to a flexible commercial use, including A1 (shops) and A3 (restaurants and cafes) under Class R of the General Permitted

Development Order (GPDO), which suggests support for conversions to business use in rural locations.

17. The appellant wishes to sell a small number (up to a maximum of 8) motorcycles from the site. The bikes, which it appears from my site visit are already being sold from the site, are advertised online via a website and other online selling sites such as eBay and Autotrader. Viewing and collection is by appointment. This type of business is frequently operated without the need for planning permission and would not constitute a material change of use unless the number of deliveries and visitors to the site were such that they would materially alter the nature of the existing use.
18. However, the appellant now also proposes to open a shop/café, which would change the use of the site. The shop/café would be open to walkers, cyclists, horse riders and any other members of the general public as opposed to just customers viewing/purchasing motorcycles. The bikes would be displayed either inside room 1 on the submitted plans or on the area of hardstanding immediately outside of the building to be converted, as shown on the additional drawing submitted with the appeal. A small selection of ancillary motorbike products would also be sold from the shop.
19. I saw from my site visit that room 1 on the submitted plans is a disused former agricultural building. The interior has been painted out, maps and photographs are displayed on the walls and a timber bar/counter has been placed at the end of the room. Based upon the appellant's statement of case it is evident that seating would be provided within this building for customers. My understanding, based on the limited information provided, is that the coffee shop would also act as a meeting place for likeminded individuals with the same enthusiasm for motor cycles as the appellant.
20. Room 2 on the submitted plans, which has an internal connection to the main house, would presumably be used for preparing hot and cold drinks and cold food including sandwiches, cakes etc.
21. I am aware that there many different types of motorbikes and motor biking activities. As well as being used as a general mode of transport, motorcycles are used as a hobby and in connection with sport and leisure purposes. In my view, riding motorcycles in rural areas, along rural roads and visiting rural attractions and events, mainly on weekends and bank holidays, is a leisure activity connected to the countryside and one which assists in retaining the vitality and viability of many rural visitor attractions and facilities.
22. I therefore conclude on this main issue that notwithstanding the fact that the proposal would partially conflict with policies LP7 and LP55 of the CLLP, which are silent on the conversion of existing buildings to non-residential use in the countryside, the appeal site would be an appropriate location for the proposed use and would accord with paragraphs 83 and 84 of the Framework.

Other Matters

23. The Council made reference in their appeal statement to the means of access and potential conflicts with farm traffic. The proposed opening hours of the shop are 10.00 to 16.00 Fridays, Saturdays and Sundays plus one evening 18.00 to 21.30 every 3 to 4 months. According to the appellant's submissions this would minimise the potential for any conflicts with farm traffic, which is

busier during the week. I note that no objections have been raised by neighbours or the Parish Council and that the owners of the adjacent farm have wrote in support of the proposal.

24. Based on the evidence before me, including the limited scale of the proposal and the proposed opening hours, there would be very limited car and van/trailer movements to and from the site, which is aimed more at bikers, cyclists and walkers. As such the proposal would not be detrimental to highway safety.

Planning Balance

25. The proposal would conflict with parts of policies LP7 and LP55(E) of the CLLP, which direct new visitor facilities towards settlements. These policies are however silent on the matter of converting existing rural buildings for business use.
26. Other material considerations, namely the support within paragraphs 83 and 84 of the Framework and in Part 2, Class R of the GPDO for the conversion of agricultural buildings to business use and indeed a requirement within Policy LP55(A) of the CLLP for buildings to be robustly marketed for business use prior to being considered for residential use, all suggest that conversions to business use should be supported.
27. Whilst I accept that public transport in rural areas is somewhat limited there are bus services that run close to the site and there is a footpath along the main road. Furthermore, the use is aimed at walkers, cyclists etc and is within a reasonable walking and cycling distance of nearby settlements. As such although some visitors may arrive in private vehicles or on motorcycles, other alternatives are available.
28. On balance, the proposal would in my view be an appropriate and sustainable use of this existing rural building and the material considerations I have identified would outweigh the minor conflict with the development plan, which is silent on the issue of conversions to non-residential use.

Conditions

29. Neither party has suggested any conditions other than the standard three year time limit for commencement, which I have imposed. I have added a condition relating to the drawings in order to clarify precisely which part of the red line site the change of use relates to.
30. A condition is also necessary to limit the use to that which has been applied for on the basis that in planning terms other commercial uses may not be acceptable and need to be fully assessed in each case. Given the concerns raised by the council, I consider that it would be reasonable to restrict the scale of the development and the operating hours to those set out in the appellant's submissions. This would enable any potential impacts of the development to be monitored and recorded and such details could inform the main parties on the suitability or otherwise of any future application(s) to vary these conditions or to otherwise expand or alter the business proposed.

Conclusion

31. For the reasons set out above, the appeal is allowed.

Rachael Bartlett

INSPECTOR



Appeal Decision

Site visit made on 7 May 2019

by Sarah Colebourne MA, MRTPI

an Inspector appointed by the Secretary of State for Communities and Local Government

Decision date: 14 May 2019

Appeal Ref: APP/N2535/D/19/3223109

54 Rudgard Avenue, Cherry Willingham, Lincoln, LN3 4JG

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission.
 - The appeal is made by Mr and Mrs D Brocklesby against the decision of West Lindsay District Council.
 - The application Ref 138789, dated 17 December 2018, was refused by notice dated 8 February 2019.
 - The development proposed is the erection of a two storey front domestic extension to form new feature entrance, down stairs living room and enlarged first floor bedroom and the formation of a new dormer window to second bedroom.
-

Decision

1. The appeal is allowed and planning permission is granted for the erection of a two storey front domestic extension to form new feature entrance, down stairs living room and enlarged first floor bedroom and the formation of a new dormer window to second bedroom at 54 Rudgard Avenue, Cherry Willingham, Lincoln, LN3 4JG in accordance with the terms of the application, Ref 138789, dated 17 December 2018, subject to the following conditions:-
 - 1) The development hereby permitted shall begin not later than three years from the date of this decision.
 - 2) The development hereby permitted shall be carried out in accordance with the following approved plans: L-ADD-015-07 Rev B and L-ADD-015-08 Rev A.

Reasons

2. The appeal site is located on the edge of a modern housing estate of properties which appear to have been built during the 1960's or 70's. Dwellings are a mix of two storey houses, dormer bungalows and single storey bungalows. Whilst the area has a pleasant, spacious character due to the spaces between buildings, their siting behind front gardens and generous grass verges, designs are typical of mass house building in that era and in general there is a high degree of uniformity which adds little interest to the street scene.
3. The appeal dwelling is a dormer bungalow which is tucked away at the end of a cul-de-sac adjacent to open countryside. Other than the side elevation of a property which faces the main part of Rudgard Avenue there are no other dwellings opposite. In the approach from the west along Rudgard Avenue, the dwelling is seen at a distance and as its ridge height is lower than that of the adjacent two storey house it is not dominant in the street scene. Neither is it

prominent in the approach from the south along Rudgard Avenue, being sited around the corner of the cul-de-sac and with houses in the foreground being more dominant in the view. As such, I disagree with the Council that it occupies a prominent position.

4. The proposed two storey extension would have a gabled roof and would extend forwards of the front elevation and across just over half of its width. The roof would project some 8m from the existing ridge but would not be overly dominant or unduly prominent in the street scene due to the discreet position of the property. The matching roof tiles would also help it assimilate sufficiently.
5. The gabled roof form and contemporary design of the proposal differs from that of the surrounding dwellings and I agree with the Council that it would contrast with those. However, the adjacent two storey dwelling has a different form from the dormer bungalow on its other side. In view of this and the discreet position, I am satisfied that the proposed extension would not appear incongruous in the street scene. Moreover, the contemporary style and proposed materials of hardwood timber cladding and off-white render with grey windows and doors would provide some relief and add interest to the dwelling and the street scene.
6. In addition to the standard commencement condition, a condition is necessary requiring that the development is carried out in accordance with the approved plans, in order to provide certainty. A condition requiring matching external materials is unnecessary as the application provides full details of materials which are acceptable.
7. I conclude then that the proposed development is of a high quality design that would positively enhance the character and appearance of the dwelling and the street scene. It would therefore accord with development plan policies LP17 and LP26 in the Central Lincolnshire Local Plan and policy D1 of the Cherry Willingham Neighbourhood Plan which seek to ensure that proposals contribute positively to an area and achieve high quality, sustainable design. It would also accord with the National Planning Policy Framework which has similar objectives. There are no material considerations that justify determining the appeal otherwise and the appeal should be allowed.

Sarah Colebourne

Inspector



Appeal Decision

Site visit made on 12 March 2019

by R Bartlett PGDip URP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 10th May 2019

Appeal Ref: APP/N2535/W/18/3218380

Bucknell Farm, Gainsborough Road, Scotter Common, Gainsborough, DN21 3JF

- 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 & Mrs Clyne Taylor against the decision of West Lindsey District Council.
 - The application Ref 138420, dated 28 September 2018, was refused by notice dated 15 November 2018.
 - The development proposed is to remove existing semi derelict building and erect single two storey dwelling house with garage.
-

Decision

1. The appeal is dismissed.

Procedural Matters

2. The application sought outline permission with all detailed matters reserved for later determination and I have dealt with the appeal on this basis.

Main Issue

3. The main issue in this appeal is whether the location of the dwelling would be acceptable, with particular regard to its access to services.

Reasons

4. The appeal site is located outside of the developed footprint of Scotter and as such, despite the presence of other built development in the immediate surrounding area, for the purposes of planning policy it is defined as being within the countryside.
5. There is some dispute between the main parties as to whether or not the appeal site is within a hamlet. Policy LP2(7) of the Central Lincolnshire Local Plan (CLLP) defines a hamlet as a settlement with dwellings clustered together to form a single developed footprint. It goes on to state that such a hamlet must have a dwelling base of at least 15 units (as at April 2012).
6. The appellant disagrees with the CLLP definition of a hamlet and considers an arbitrary number has been selected by the Council, which is unsupported by the National Planning Policy Framework (the Framework). This is a matter which should have been raised as part of the CLLP consultation process. The Local Plan, following extensive consultation and an examination in public, has been found sound and was only adopted in April 2017. As such I give this

policy substantial weight in the absence of any more up to date planning policy or case law to the contrary.

7. I observed on my site visit that there is a cluster of development surrounding the site, which comprises a mixture of dwellings, commercial buildings and a residential care home. Outside of the developed footprint of this cluster, there are other dwellings and businesses that are sporadically located along Gainsborough Road. In my view these more widely spread dwellings cannot reasonably be considered to form part of a single developed settlement footprint. There are 8 dwellings within the developed footprint of the cluster and as such the site could not be considered to be within a hamlet, based upon the CLLP definition.
8. Policies LP2(8) and LP55(D) of the CLLP set out the circumstances in which new dwellings may be considered acceptable in the countryside. The proposal would not fall within any of these categories.
9. I observed during my site visit that there is a footpath, but no street lighting, along Gainsborough Road providing pedestrian access from the site into Scotter, which is approximately 1.2km away. Scotter is defined as a larger village and offers a reasonable level of services and facilities. I did not see any bus stops close to the site and have not been provided with any evidence to suggest that the development would be served by regular public transport.
10. Whilst there are some small businesses nearby, future occupants of the proposal, would most likely be dependent upon private transport to access retail, education, healthcare and leisure facilities. A condition to ensure the proposal is a live/work dwelling, as offered by the appellant, would not in my view reduce the number of journeys likely to be made as trips to work are frequently linked, for example, with a trip to the shop, doctors or gym on the way home. Furthermore, I have not been pointed to any planning policies that would support a new live work dwelling in the countryside.
11. I acknowledge the fact the site is previously developed land and that it is surrounded by built development. Subject to appropriate reserved matters being agreed a new building in this location would not be harmful to the character and appearance of the countryside. These factors add moderate weight in favour of the proposal but would not, in my view, outweigh the harm caused in terms of future occupiers having to rely heavily upon private vehicle journeys.
12. I therefore conclude on the main issue that the proposal would not be in a sustainable location with regard to access to services and would run contrary to the aims of the Framework in terms of reducing the need to travel. The proposal would also conflict with policies LP2 and LP55(D) of the Central Lincolnshire Local Plan, which seek to direct new housing growth into the larger, more sustainable settlements and to restrict new dwellings in the countryside to those that require such a location in connection with a rural enterprise.

Other Matters

13. Reference has been made to a development at Pingley Vale. However, I have not been provided with full details of this and based upon the brief comments regarding this in the appeal statements submitted by the main parties, it is not

in my view, a comparable case. Moreover, it was determined under a different local plan. As such I am unable to give this any weight in my decision.

Conclusion

14. For the reasons set out above the appeal is dismissed.

Rachael Bartlett

INSPECTOR