

**AGENDA**

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

**Planning Committee**

**Wednesday, 26th June, 2019 at 6.30 pm  
Council Chamber - The Guildhall**

**Members:**

- Councillor Ian Fleetwood (Chairman)
- Councillor Robert Waller (Vice-Chairman)
- Councillor Owen Bierley
- Councillor Matthew Boles
- Councillor David Cotton
- Councillor Michael Devine
- Councillor Cherie Hill
- Councillor Paul Howitt-Cowan
- Councillor Mrs Cordelia McCartney
- Councillor Giles McNeill
- Councillor Mrs Jessie Milne
- Councillor Keith Panter
- Councillor Roger Patterson
- Councillor Mrs Judy Rainsforth
- Councillor Mrs Angela White

**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**

3 - 16

- i) Meeting of the Planning Committee held on Wednesday, 29 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**

**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)   | 139024 - The Waterhouse, Main Street, Burton | 17 - 32 |
| ii)  | 139436 - 4 Churchill Way, Lea                | 33 - 38 |
| iii) | 139491 - 11 Maple Close, Morton              | 39 - 43 |

#### 7. **Determination of Appeals**

There are no appeal determinations to note.

Ian Knowles  
Head of Paid Service  
The Guildhall  
Gainsborough

Tuesday, 18 June 2019

## WEST LINDSEY DISTRICT COUNCIL

MINUTES of the Meeting of the Planning Committee held in the Council Chamber - The Guildhall on 29 May 2019 commencing at 6.30 pm.

**Present:** Councillor Ian Fleetwood (Chairman)  
Councillor Robert Waller (Vice-Chairman)

Councillor Owen Bierley  
Councillor Matthew Boles  
Councillor Michael Devine  
Councillor Cherie Hill  
Councillor Paul Howitt-Cowan  
Councillor Mrs Cordelia McCartney  
Councillor Giles McNeill  
Councillor Mrs Jessie Milne  
Councillor Mrs Judy Rainsforth  
Councillor Mrs Angela White

**In Attendance:**

Councillor Tom Regis	
Mark Sturgess	Executive Director of Operations
Russell Clarkson	Planning Manager (Development Management)
George Backovic	Principal Development Management Officer
Martha Rees	Legal Advisor
James Welbourn	Democratic and Civic Officer

**Apologies:** Councillor David Cotton  
Councillor Keith Panter  
Councillor Roger Patterson

### 1 PUBLIC PARTICIPATION PERIOD

There was no public participation.

The Chairman informed everyone present that planning application number 137950 – Lea Grove Bardney had been withdrawn as an item of business as the applicant had withdrawn the application.

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

The minutes of the meeting held on 1 May were approved as a correct record.

### 3 DECLARATIONS OF INTEREST

Councillor Cordelia McCartney declared an interest in application number 139256 – Kexby

as she had previously worked with Gelders. This previous employment did not prejudice her approach to the application.

Councillor Jessie Milne declared an interest in the same item (139256), and would speak as Ward Member.

Councillor Cherie Hill declared an interest in the appeal under item 10 for Rudgard Avenue, as she was a Ward Member for the application.

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

The Planning Manager informed committee of the latest changes in Government and local planning policy:

- New permitted development rights came into force on Saturday 25th May:
  - make permanent the time limited permitted development right to build a larger rear extension to a dwellinghouse;
  - allow for the erection of taller upstands for off street electric vehicle charging points (increased from 1.6 to 2.3 metres high);
  - amend the existing right (from A1 shop) to additionally allow the change of use from takeaways (A5) to residential use (C3);
  - allow the change of use from retail (A1), takeaways (A5), betting offices, payday loan shops, and launderettes to office use (B1) (subject to “prior approval”);
  - amend the existing right to additionally allow the temporary change of use to specified community uses: exhibition hall, public library, museum, clinic or health centre, or art gallery (other than for sale or hire), and to extend the period of temporary use from two years to three;
  - remove the existing permitted development right which allows the installation, alteration or replacement of a public call box by or on behalf of an electronic communications code operator subject to certain conditions.
  
- Under the Local Plan review timetable, public participation to consider options for the Plan should commence across June and July, with an announcement expected shortly;
  
- There was an update on the following Neighbourhood Plans (NPs):
  - Willoughton NP – a referendum was to take place on 6 June;
  - Spridlington NP – examination was underway;
  - Sudbrooke NP – Consultation had ended. The process of appointing an examiner was underway;
  - Waddingham NP – Consultation on the pre-submission version was to close on Friday 31 May.

#### **5 138812 - BACK LANE, BRATTLEBY**

The Principal Development Management Officer introduced application number 138812 – Back Lane Brattleby.

There was no update on this application; however, as a matter of clarity, it was pointed out that in the committee report that there was a glazing panel in the roof of the property. This panel was located in a hallway.

The first public speaker was Cllr Jerry Scott of Brattleby Parish Council. He made the following points:

- Brattleby was one of the first villages to form a Neighbourhood Plan (NP). Residents engaged with this process. The NP gave communities direct powers to shape their neighbourhoods, and also gave them the chance to get the right development for their community;
- The NP received a 97% 'yes' vote at the referendum;
- Residents have become increasingly proactive in planning matters;
- The application had become contentious – there had been 23 responses from 45 dwellings in the village. The Parish Council and residents believed that the development did not fit with the policies in the NP;
- Common objections were that the development was too big in terms of mass; was too high on an elevated site; was too industrially designed for the area; the feature metal cladding was out of keeping with the village; window sizes across the gardens affected privacy, and it was more suited to an urban setting;
- The Parish Council would ask Committee to refuse the application.

The final speaker was Lee Sleight; the applicant for, and resident at the property. He raised the following points:

- The residents had lots of friends and family in the local area, and this was the ideal plot for a forever home;
- The plot had an extant planning permission; however it was felt that something smaller and of better quality would be more suitable. West Lindsey District Council (WLDC) planning officers agreed with this approach;
- The first plans submitted met with concerns; these were listened to and led to a redesign. It was agreed that the redesign would be done under the same application.

The first objections in the committee report refer to the original design;

- A Heritage Consultant was appointed by the applicant to deal with the Parish Council's concerns;
- In compliance with the NP, the new design used high quality materials. The plot was large; all officers were happy with the scale and mass;
- The height was almost identical to the extant permission, and was identical to the neighbouring property;
- The home was 51 square metres smaller than the extant permission;
- The scheme included new planting of trees and hedgerows;
- The scheme was designed to PassiveHaus, which was a leading international standard;
- The subject of surface water was designed, approved and conditioned;
- The Heritage Consultant had confirmed the application complied with the NP;
- The application was locally inspired, distinctive and used the appropriate materials. Planning officers had confirmed that appropriate policies had been complied with;
- The Conservation Officer at WLDC supported the application; the committee report approved the design, scale, size, materials and the local distinctiveness of the application;

The Principal Development Management Officer added that there was over 25 metres from the back of the house to the rear boundary. The property was set back 20 metres from the road.

Members had the opportunity to ask questions about the application. Following discussions with officers, further information was provided:

- The site had been considered as suitable by local residents for development, and was a huge plot set well back from the road;
- The NP forms part of the application with the Central Lincolnshire Local Plan (CLLP). The Conservation Officer had worked with the applicant to produce something Planning officers could support;
- It appeared that the applicant worked towards the requirements given to them.

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

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.

## **6 139256 - KEXBY**

The Planning Manager introduced planning application 139256 – Kexby, and as an update informed the Committee that following publication of the committee report comments had been received from Kexby Parish Council:

- This application was fundamentally the same as a previously refused application;
- Several issues were raised in response to the 4 previously refused applications on this green wedge site – these issues were still relevant;
- Kexby has now undergone the process of developing a Neighbourhood Plan, and had established a working group meeting with Nev Brown of WLDC;
- According to maps produced over several years, the orchard was part of the green wedge;
- As a community Kexby were not against development, but the formation of a Neighbourhood Plan would give residents a say over the form and location of any housing in the village.

The first public speaker to the application was Councillor Ron Gore from Kexby Parish Council. He raised the following points:

- Reference was made to a statement made by Councillor Jessie Milne, with their being a vested interest in there being no building on the green wedge. The Parish Council had no knowledge of any of their members having a vested interest against this application. The opposition to building was a reflection of the views of the local community;

The second speaker was Sara Boland, Managing Director of Influence Environmental, who were agents for the applicant. The following points were raised:

- Work had been carried out by Influence Environmental on the plans at Market Rasen Leisure Centre, where it was agreed by WLDC that there could be development on the green wedge, in part because there was no adverse impact on the green wedge;
- A green wedge was not intended to be a blanket ban on development, and was less

restrictive than a nationally designated green belt;

- Policy LP22 of the CLLP provided that development would be permitted in a green wedge provided that development was not contrary, or detrimental to the function and aims of the green wedge, or it was essential for the proposed development to be within the green wedge, and the benefits outweighed the harm;
- It was not a policy requirement for a proposal to meet both of these criteria; Influence Environmental were satisfied that the first part of LP22 had been satisfied;
- The position of the development lay against the existing built form in the green wedge within what was understood to be the settlement of Kexby, and the settlement of Upton. There appeared to be a large space between the two settlements;
- The open character remained intact; should the proposals be agreed, a walker would understand that they were leaving Upton and entering Kexby;
- In terms of landscape, there was no effect on distinct separation, and no key open spaces would be closed down. The proposals were in the built context of Kexby. No visual or physical link would be formed between the two villages, and this was in full accordance with LP22 of the CLLP;
- The proposals were in the development footprint of Kexby, given that established built development extended to the north of the site; this included residential properties and the Village Hall. Therefore the proposal accorded with LP2 of the CLLP;
- In terms of LP4 of the CLLP, it was understood there was a requirement for a further 14 dwellings in Kexby over the plan period. There was a demand for bungalows; nationally in 1987 15% of new homes were bungalows, but in 2018 it was less than 2%;
- This proposal would make an important contribution to housing need;

The third speaker was Bernie Shaw, an objector to the application, local resident and Chairman of Kexby Neighbourhood Plan Steering Group. He raised the following points:

- This proposed development had not been instigated by the community, and was not of any community benefit;
- Residents would prefer affordable housing; therefore this was regarded as a speculative opportunity for development;
- The community was now on the 5<sup>th</sup> application for development on this site; this was a repeat application;
- The site was regarded as being unsuitable due to it being within the green wedge. This site was known locally as 'The Orchard' and provided a verdant view out from the village of Kexby;
- The frontages across the bungalows on the corner of Westgate were around 91 metres; this development would reduce this figure to 50%. You would only see

bungalows as opposed to the Trent Valley;

- The site had historic value; the settlement break between Upton and Kexby was in the previous West Lindsey Plan;
- There were several contrary statements on various policies of the CLLP, in particular LP22. The community would like managed and controlled growth for the benefit of the community, not just speculative applications;
- The shortage of bungalows was recognised, but the focus had to be on affordable housing;
- This application was regarded as being a contradiction to the CLLP. If the proposal were accepted, it would set a precedent for speculative development on green wedge sites;
- LP2 of the CLLP was there to protect smaller communities from this type of small development;
- There had been a meeting with Neighbourhood Plan officers along with representatives from Upton and Kexby, with a view to a combined Neighbourhood Plan.

The final speaker was Councillor Jessie Milne, Ward Member for the application. She raised the following points:

- She had called this application to Planning Committee as there were a number of issues at stake;
- The development was proposed in a private orchard; by recommending rejection, are officers saying that private land can be controlled?
- The proposed development would sit nearer to the village of Kexby rather than being in open countryside outside of any development;
- LP4 of the CLLP does not stop development absolutely. There were currently no other developments planned for Kexby, and the Neighbourhood Plan was still in its infancy;
- The proposed development would be close to the bus stop, shops and the pub. It would be an opportunity for existing residents to downsize;
- There were a wide range of activities available at the Village Hall;
- LP2 of the CLLP required the provision of an accessible recreational resource. There was already a playing field which this development would have no impact upon;
- There would be no breach of LP22 as the development would not lead to the coalescence of the villages of Upton and Kexby;
- Policies LP1, LP2, LP4, LP10, LP13, LP15, LP22, and LP26 would all be satisfied by this development;

- There were a number of local residents in favour of the application, and a number against.

**Note:** Following her speech, Councillor Jessie Milne left the Chamber for the remainder of the item.

The Planning Manager responded to some of the points raised by the public speakers:

- The starting point for any decision would be the development plan and the CLLP;
- The extent of the green wedge was not under consideration; the CLLP was clear that the site was within the green wedge. Private land can, and was allocated within the green wedge;
- The test within LP22 of the CLLP was twofold; officers were recommending that criterion b (development being essential) was not engaged as the application was for two market bungalows, and this was supported by paragraph 5.75 of LP22. In terms of criterion a (functions and aims of the green wedge), certain types of development may be acceptable as long as they were not contrary to the functions and aims of the green wedge. Examples of what may be acceptable were listed at paragraph 5.7.4 of LP22; it was not intended for new market housing. However, there was an overall perception that there would be a narrowing of the gap between the development and settlement to one field, with the loss of 0.16ha to development;
- Previous applications on this site had been refused as being contrary to LP22 of the CLLP.

The application was then opened up to comments from Members and Officers. Further points were raised, and listed below:

- The orchard had not previously been developed so would be classified as 'greenfield wedge';
- There are not enough bungalows in the District;
- The Plan allowed for 10% village growth. There was a remaining allowance of 14 dwellings in the village, which did not need to be met within the green wedge;
- The green wedge should not be sacrificed for this development, and could set a precedent.

With no further comments from the Committee it was moved, seconded, voted upon and agreed that permission be **REFUSED**.

**Note:** Councillor Jessie Milne returned to the Chamber following the conclusion of this item.

## **7 139273 - HILLCREST, CAISTOR**

The final application for consideration was 139273 – Hillcrest Caistor. There were no updates from officers.

The first public speaker was Councillor Jon Wright from Caistor Town Council. He raised the following points:

- There had been commercial decline in Caistor in the recent past;
- Developments such as this application need to spearhead the development of Caistor. Commercial land could fill a large void that is present;
- The change of use would be an alternative to other units on site;
- The development conforms to policies 2 and 6 of the Caistor Neighbourhood Plan;
- There was a walking link to existing pedestrian networks and the town centre. The development was within 800 metres of the market place;
- The development was within an existing employment area and included the opportunity for flexible floorspace arrangements;
- There was very little commercial land available in Caistor;

The second speaker was Oliver Lawrence, the applicant. He raised the following points:

- A full independent noise survey had been carried out; as the final occupants were not known a very high internal level of 85 decibels was adopted. 50 decibels had been the level required;
- In the original report, it was noted that the nature of the modern buildings must be considered; the proposed buildings would in fact screen the adjacent property from any noise;
- The scheme had been designed from the outset to have flexible parking with a 2 hour limit. The unit had four parking spaces in front of it, not three as previously reported. Many of the units on site would not have any visitors;
- Concerns around classes overlapping could be addressed by having time gaps written into any lease;
- The previous application on site was submitted by a tenant without including any information that had been agreed with WLDC planning officers around highways and building improvement;
- In excess of £40,000 had been spent on a new pedestrian crossing and a redesign of the site entrance;
- The original applicant of 'Soul Healthy' was now emigrating to Australia on the basis

of the previously refused application;

- The agent responsible for the letting of the units has had two applications for identical businesses on site.

The final speaker was Councillor Tom Regis, West Lindsey District Councillor who spoke in favour of the application:

- This was a simple change of use for a D2 purpose. Current uses were pretty similar in their terms;
- Growth was being looked for in the economic growth sector;
- Central Lincolnshire needs assessment had noted that there had been an increase in the need for commercial properties;
- When this development was fully let, there would be a net job total increase of 21 jobs.

**Note:** Following his speech, Councillor Regis left the Chamber.

The Planning Manager then responded to points raised by the public speakers:

- This site was recognised within the Caistor Neighbourhood Plan, and had a design brief as being used as a 'gateway development' or a 'rural enterprise centre';
- The units on the site had been built out with business use 'B1' – the proposal was a change away from this use to D2 – assembly and leisure. In the officer's opinion, policy 6 of the Caistor Neighbourhood Plan would not apply, or if it did, it would have a negative effect of losing 100 square metres of business space.

Following discussions between officers and members, further information was provided:

- The pedestrian crossing had now been delivered;
- The previous refusal did apply to the old metal hangar on site which was in the process of being removed;
- Planning permission did not attach to a person, but to the land use. The permission had been ruled out on other sites for personal reasons;
- The proposed use of the site would be more appropriate closer to the town centre;
- D2 was recognised as a town centre policy use, or edge of town centre. This was the third such application on the site; the approach had previously been to seek a more central location;
- A gym would always fall within a D2 (assembly and leisure) use classification;
- Policies 1,2,3,7,8 of the Caistor Neighbourhood Plan were the relevant policies setting the site out for a design brief. This set out the site for two possible uses

(gateway development or rural enterprise centre);

- There were 17 units in total, but these were still in the construction phase. These were start up units, and occupancy levels were key;
- A previous applicant was refused a gym on this site, and received a letter from WLDC saying that the business would need to move.

Following these comments, an alternative recommendation of granting permission was moved and seconded, on the grounds of enterprise, and extending permission to business use class D2, relying on policies LP1, LP2 (section 3 market towns), LP3, LP9 (health and wellbeing), and LP24 (point 3 – access to sports facilities, and point d) of the CLLP, and policies 1,2,3,6,7 and 8 of the Caistor Neighbourhood Plan.

A vote to take this new recommendation forward was won; therefore the recommendation to refuse permission as per the report, which had also been previously moved and seconded was overturned. It was therefore **AGREED** to **GRANT** permission to vary condition 24 of planning permission 135031 granted 14 December 2016 to allow local businesses to use the site under D2.

## **8 137950 - LEA GROVE, BARDNEY**

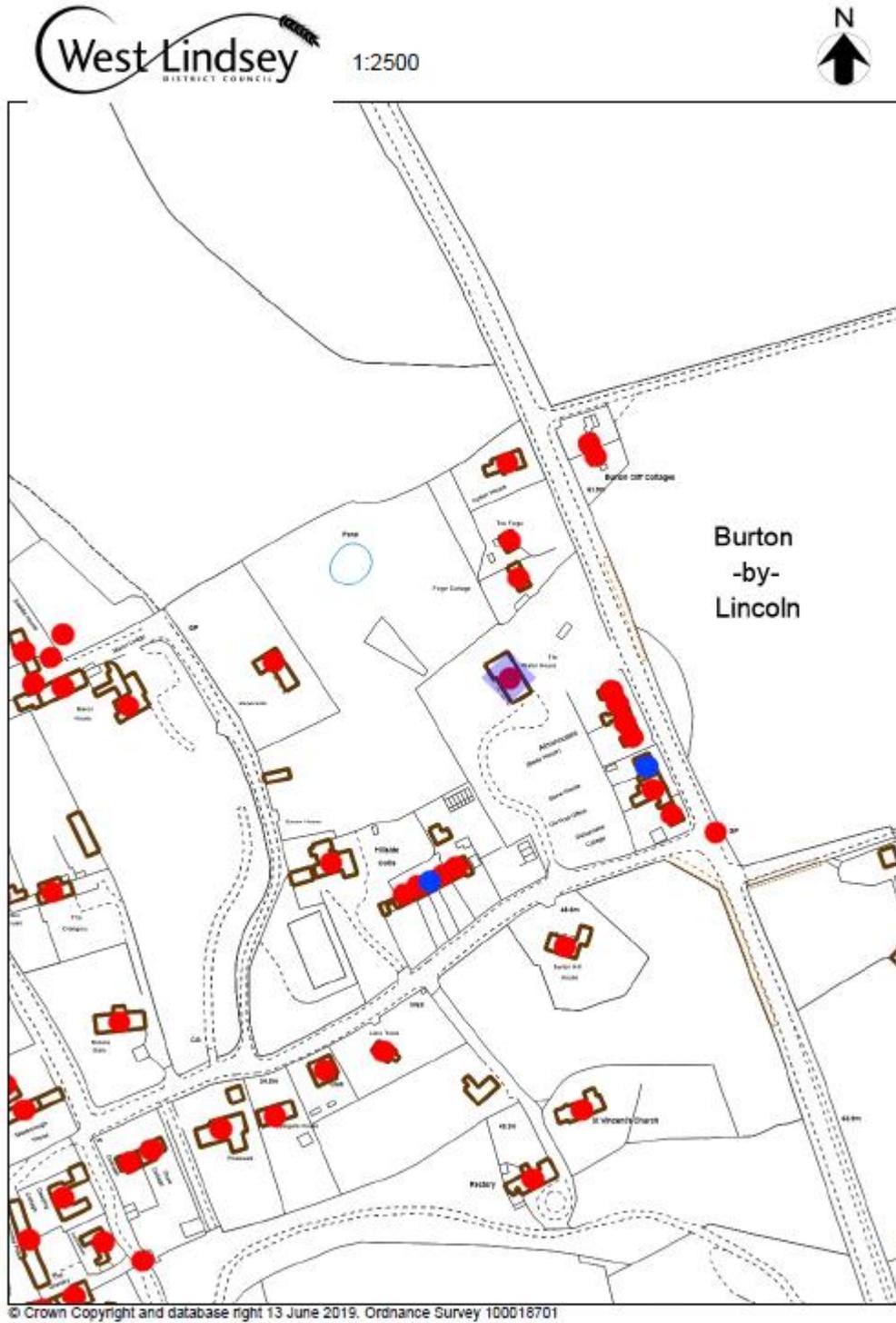
This item had been withdrawn at the outset of the meeting.

## **9 DETERMINATION OF APPEALS**

The appeals were noted.

The meeting concluded at 7.56 pm.

Chairman



## **Officers Report**

### **Planning Application No: 139024**

**PROPOSAL:** Planning application to change the use of a residential swimming pool to a private teaching pool.

**LOCATION:** The Waterhouse Main Street Burton Lincoln LN1 2RD

**WARD:** Saxilby

**WARD MEMBER(S):** Cllr Cotton and Cllr Brockway

**APPLICANT NAME:** Mr and Mrs Hayes Cowley

**TARGET DECISION DATE:** 24/04/2019

**DEVELOPMENT TYPE:** Change of Use

**CASE OFFICER:** Joanne Sizer

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

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#### **Description:**

The application has been referred to planning committee as a retrospective proposal which has raised highway safety concerns by both the Parish Council and Ward Councillor and an application invited through the enforcement process.

The application site is located within Burton village (a small village under policy LP2 of the Local Plan). It sits within Burton Conservation Area, Burton to Nettleham Green Wedge and within proximity to a number of listed buildings. It is also designated as a Limestone Mineral safeguarding area. The site hosts a detached dwelling, private swimming pool and detached garden room set amongst a generous garden area which slopes from east to west. It also hosts a number of trees, some of which are protected by Tree Preservation Order's (TPO). The property has two access points. One off Main Street and one off Middle Street.

This application seeks planning permission to change the use of the existing domestic swimming pool for use as a private teaching pool.

The application advises that the use of the pool for private lessons and associated access and parking is proposed for 4 hours per day during weekdays (Monday to Friday), for no more than 3 lessons a day and no more than 3 days within the 5 day period. Each lesson teaches 4 persons and lasts for one hour which includes time to change either side of it. The times of the lessons run for 3 hours between 4pm and 7pm. The proposed hours are however from 3.30pm to 7.30pm to give half an hour either side of the first and last lessons to allow reasonable time for arrivals and departures to and from the site.

Access for users is gained off Middle Street to the east, and on-site parking provision is provided by an existing gravel space. A small alteration to the existing onsite access is proposed to enable it to be 4.5 metres in width.

The change of use being sought is retrospective with lessons already taking place between 4pm and 7pm on a Wednesday, Thursday and Friday. The proposed use of the pool is to allow future flexibility for the days in which the pool can be used for private swimming lessons but not to intensify its use.

The proposals relate to amended plans which were submitted to clearly indicate the access arrangements, its width and works necessary to achieve the 4.5 metre required width. Amended Plan Nos RDS 11441/04, RDS 11441/01 B and Covering letter dated 22<sup>nd</sup> May are relevant to determination.

**Relevant history:**

132440 – Planning application for proposed new dwelling – Re – Appeal APP/N2535/W/15/3136940 dismissed 29/02/2016

133710 – Planning application for the insertion of dormer windows into the existing roof of the dwelling – GC – 08/01/2016

133985 – Request for confirmation of compliance with condition 2 of planning Permission 133710 granted 08 January 2016 – Condition Discharged – 30/03/2016

137729 - Planning application for erection of summer house - GC

138851 - Request for confirmation of compliance with conditions 2 and 3 of planning permission 137729 granted 9 August 2018 – Partially Discharged

**Representations:**

Ward member Cllr D Cotton:  
28<sup>th</sup> May 2019

My opposition to this is total. The whole application is inappropriate in this location on the grounds of excess parking on a dangerous hill an increase in traffic, the main use is teaching young children and in my view this puts them in danger exiting and entering vehicles parked on the hill. This was/is a domestic pool put in for the house owner's use and never intended for commercial use. I question appropriate changing facilities and what health and safety precautions in terms of life guard and resuscitations equipment are in place or planned.

This is retrospective and the current use is by people from well outside Burton.

Burton Parish Council:  
18 March 2019:

Burton Village is a residential area and businesses are not permitted as a matter of course.

This Parish Council has been raising concerns that a business has been run from these premises for many months and only the investigation by West Lindsey Enforcement Team seems to have prompted this application. We understand that the business has been running for 2 years and without payment of any business rate.

The applicant refers to the teaching of disabled children and in very small groups. The suggestion is that this is a “de minimis” business being run from residential premises.

Although the Parish Council fully support the help for disabled children and perhaps the swimming lessons are primarily aimed at this group of children, it is understood that this is not solely the case.

It is understood that the children are not all disabled and there can be up to 8-10 cars at a time for lessons. The cars access the property by way of Middle Street and egress the property the same way.

This is a busy road with a 50mph speed limit and the Parish Council would question whether this is a safe way of accessing and leaving the premises. It is just at the location where the traffic tends to pick up speed. This should be coupled with the fact that those with children in the car excited as they are going swimming can be easily distracted.

Therefore, the Parish Council submit that this is not a “de minimis” business and highway safety on Middle Street is an issue, unless the speed could be reduced to 30mph on that stretch of road.

23 April 2019:

Burton Village is a residential area and businesses are not permitted as a matter of course.

This Parish Council has been raising concerns that a business has been run from these premises for many months and only the investigation by West Lindsey Enforcement Team seems to have prompted this application. We understand that the business has been running for 2 years and without payment of any business rate.

The applicant refers to the teaching of disabled children and in very small groups. The suggestion is that this is a “de minimis” business being run from residential premises.

Although the Parish Council fully support the help for disabled children and perhaps the swimming lessons are primarily aimed at this group of children, it is understood that this is not solely the case.

It is understood that the children are not all disabled and there can be up to 8-10 cars at a time for lessons. The cars access the property by way of Middle Street and egress the property the same way. This is a busy road with a 50mph speed limit and the Parish Council would question whether this is a safe way of accessing and leaving the premises. It is just at the location where the traffic tends to pick up speed. This should be coupled with the fact that those with children in the car excited as they are going swimming can be easily distracted.

Therefore, the Parish Council submit that this is not a “de minimis” business and highway safety on Middle Street is an issue, unless the speed could be reduced to 30mph on that stretch of road.

23 May 2019: Addendum to previous comments

We have noted that Highways are looking for alterations to access and egress the property. We agree with Highways and a two way traffic to access is created so no one is waiting on Middle Street. Please also can the speed be reduced to 30 miles an hour from the stretch from the Gate House on Middle Street when travelling from Lincoln to the last property on Middle Street going out to South Carlton as this is a teaching school.

Local residents: None received

LCC Highways:

15 March 2019:

Could you please also ask the applicant to demonstrate the number of parking spaces available on site for both the host dwelling and the business use.

01 April 2019: Could you please ask the applicant to demonstrate on plan that the access onto Middle Street will be widened to a minimum of 4.5m to allow for two vehicles to pass in parallel? This will prevent cars waiting on the live carriageway.

The existing access onto Main Street is adequate

09 April 2019: Does not wish to restrict the grant of permission subject to the following condition:

The access improvement works are to be carried out in accordance with Drawing 'RDS 11441/ 01 A' dated April 2019, and to the specification and constructed to the satisfaction of the Highway Authority, under the provision of Section 184 of the Highways Act 1980. Specification and construction information can be obtained from the Highway Authority on 01522 782070.

20 May 2019: If there will no highway improvement works then the informative HI03 that I included on my previous response won't be required. Could you please instead include the following informative (I can send an traffic management, for example, is required whilst they do the works within their land; *Please contact the Lincolnshire County Council Streetworks and Permitting Team on 01522 782070 to discuss any works which will be required within the public highway in association with the development permitted under this Consent. This will enable Lincolnshire County Council to assist in the coordination and timings of these works.*

No concerns on the numbers proposed as the applicant has demonstrated that there is parking available on site for up to 8 vehicles (including the host dwelling) and the widening of the access point will allow for two vehicles to pass in parallel meaning no cars will be waiting on the highway.

## **Relevant Planning Policies:**

Planning law<sup>1</sup> requires that applications for planning permission must be determined in accordance with the development plan, unless material considerations indicate otherwise. Here, the Development Plan comprises the provisions of the Central Lincolnshire Local Plan (April 2017); and the Lincolnshire Minerals and Waste Local Plan (December 2017 and June 2016).

### **Development Plan**

Central Lincolnshire Local Plan

LP1: A Presumption in Favour of Sustainable Development

LP2: The spatial Strategy and Settlement Hierarchy

LP13: Accessibility and Transport

LP17: Landscape, Townscape and Views

LP22: Green Wedges

LP25: The historic Environment

LP26: Design and Amenity

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

Burton Conservation Area Appraisal (BCA) dated July 1990

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

### **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.

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

### **Neighbourhood Plan:**

None.

### **National guidance**

National Planning Policy Framework

National Planning Practice Guidance

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

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

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<sup>1</sup> [Section 38\(6\) of the Planning and Compulsory Purchase Act 2004](#) and [section 70\(2\) of the Town and Country Planning Act 1990](#).

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

### **Main issues**

- Principle of development
- Visual amenity, including impact upon trees, conservation area and setting of listed buildings.
- Green Wedge
- Residential amenity
- Highway Safety

### **Assessment:**

#### **Principle**

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

Central Lincolnshire Local Plan 2012-2036 (adopted in April 2017) contains a suite of policies that provide a framework to deliver sustainable development. These policies are considered in accordance with the NPPF for paragraph 213 purposes.

The proposed site being located in Burton village and proposing the use of a private domestic swimming pool to be used for private lessons would principally be assessed against Local Plan Policies LP1: A presumption in favour of sustainable development and LP2: The Spatial Strategy and Settlement Hierarchy.

LP1 indicates that at the heart of the strategy for Central Lincolnshire is a desire to deliver sustainable growth which brings benefits for all sector of the community (existing and new).

LP2 states that the spatial strategy will focus on delivering sustainable growth for Central Lincolnshire that meets the needs for homes and jobs, regenerates places and communities and supports necessary improvements to facilities, services and infrastructure. Development should create strong, sustainable, cohesive and inclusive communities, making the most effective use of previously developed land and enabling a larger number of people to access jobs, services and facilities locally. Decisions on investment in services and facilities, and on the location and scale of development will be assisted by a Central Lincolnshire Settlement Hierarchy.

Burton is designated as a small village within the Settlement Hierarchy and LP2 advises that unless otherwise promoted via a neighbourhood plan or through the demonstration of clear local community support the following applies in these settlements:

- They will accommodate small scale development of a limited nature in appropriate locations
- Proposals will be considered on their merits but would be limited to around 4 dwellings, or 0.1 hectares per site for employment uses.

The parish council have raised concerns that Burton Village is a residential area and businesses are not permitted as a matter of course. Policy LP2 however supports small scale development of a limited nature in appropriate location and non-residential employment uses of around 0.1 hectares per site.

This policy approach accords with paragraphs 83 & 84 of the NPPF, which states:

*83. Planning policies and decisions should enable:*

- a) the sustainable growth and expansion of all types of business in rural areas, both through conversion of existing buildings and well-designed new buildings;*
- b) the development and diversification of agricultural and other land-based rural businesses;*
- c) sustainable rural tourism and leisure developments which respect the character of the countryside; and*
- d) the retention and development of accessible local services and community facilities, such as local shops, meeting places, sports venues, open space, cultural buildings, public houses and places of worship.*

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

The proposals relate to the change of use of an existing residential swimming pool for private lessons. The pool is located within the existing residential curtilage of The Water House and within an area forming the core shape and form of Burton village. The use of the pool for private lessons and associated access and parking is proposed for 4 hours per day during weekdays (Monday to Friday), for no more than 3 lessons per day over 3 days a week. Each lesson will cater for 4 people and each lesson lasts for one hour which includes time to change either side of it. The times of the lessons run for 3 hours between 4pm and 7pm. The proposed hours are however from 3.30pm to 7.30pm to give half an hour either side of the first and last lessons to allow reasonable time for arrivals and departures to and from the site. It is acknowledged that there is potential for 8 cars to be present on the site at one time during cross over times. The existing access off Middle Street is to be utilised and some minor alterations proposed to allow a width of 4.5 metres to

be achieved and two cars to adequately pass one another. All parking is to be provided on site via an existing gravelled area.

The pool and associated access and parking subject to this degree of use are considered to be limited in nature and of a scale which can therefore be supported. Conditions controlling and limiting the use of the pool and site to such acceptable levels and scale as noted above will however need form part of any permission given and hereby proposed. With such conditions in place the principle of the development is considered to be in accordance with policies LP1 and LP2 of the Central Lincolnshire Local Plan and paragraphs 83 and 84 of the NPPF.

### **Visual amenity and impact on conservation area and setting of listed buildings.**

The site is located within the Burton Conservation Area, in the setting of Listed Buildings and Conservation Area Important Buildings. Therefore the site is very sensitively located and the impact of the proposal on its surrounding area carries significant weight.

Policy LP26: Design and Amenity sets out the policy considerations that development proposals should achieve to contribute positively to local character, landscape and townscape. All proposals should take into consideration the character and local distinctiveness of the area and create a sense of place.

Proposed development should respect the existing topography, landscape character and relate well to the site and surroundings, particularly in relation to siting, height, scale, massing, form and plot width, incorporate as far as possible natural features, and incorporate appropriate landscape treatments and well-designed boundary treatments to assimilate the development into the surrounding area. Development should protect important views into, out of and through the site and reflect or improve on the original architectural style of the local surroundings, using appropriate materials which reinforce or enhance local distinctiveness.

Local policy LP25 of the CLLP states that *'Development proposals should protect, conserve and seek opportunities to enhance the historic environment of Central Lincolnshire. 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'*.

The NPPF guides that *great weight should be given to an asset's conservation* and that *'Significance can be harmed or lost through alteration or destruction of the heritage asset or development within its setting'*. The NPPF further 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'*.

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-o provides a base to assess the impact on the Conservation Area.

The Burton Conservation Area (BCA) describes the two terraces of cottages (Grade II listed) sitting to the east of the site along Middle Street as prominent and important in conveying Burton as an estate village. It also notes the importance of Main Street with the positioning and prominence of buildings, including Hillside Cottages (Grade II listed) which sit south west of the site. It also notes the importance of boundary treatments and trees forming an important role in forming the character of conservation area and advises that building frontages and lines are important as is the design and materials used in new buildings. It states that the general use of dark yellow or light brown bricks, or stone, and pantiles, slate or red coloured tiles would be appropriate.

The proposed change of use does not result in any external changes to the existing building. The only visual change to the site that will result as a consequence of the change of use is the slight alteration to the access and infilling of the gravel surface. These works require the relocation of one gate post, regrading of the land by hand, laying of a kerb and provision of gravel surface to finish. There are no works to be done in the public highway and the whole access is already served by a dropped kerb.

The site has many trees within it and a number within very close proximity to the access. These form a very strong and important feature within the street scene. Some trees are subject to a Tree Preservation Order and others are protected through the Conservation Area designation. The alterations to the existing access are within very close proximity to the roots of one of these trees and consequently a site visit was undertaken by the case officer and tree officer to assess the extended of the works to be undertaken and possible impact upon it/them. It was agreed on site that subject to the regrading of the land around the tree roots being done by hand the alterations to the access should not detrimentally impact upon the health and vitality of them. A note has been added to the plans to secure its undertaking. It is therefore concluded that as the physical changes resulting from the proposed change of use are particularly minimal, they are considered to respect the existing character of the site and surroundings, while conserving the setting of the nearby listed buildings and preserving the conservation area. Consequently the proposals are in accordance with policies LP17, LP25 and LP26 of the Central Lincolnshire Local Plan and duty contained within the Planning (Listed Buildings and Conservation Areas) Act 1990.

**Green Wedge:**

The application site forms part of the Burton to Nettleham Green Wedge.

Policy LP22 identifies Green Wedges to fulfil one or more of the following functions and policy aims

- Prevent the physical merging of settlements and **protecting their character**
- Creation of a multi-functional green lung to offer communities a direct link to the open countryside
- Provision of an accessible recreational resource, with both formal and informal opportunities close to where people live.
- Conservation and enhancement of wildlife and protection of links between sites supporting wildlife corridors.

Within the 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.

Development proposals within a Green Wedge will be expected to have regard to:

- c. the need to **retain the open and undeveloped character** of the Green Wedge, physical separation between settlements, **historic environment character** and green infrastructure value;
- d. the maintenance and enhancement of the network of footpaths, cycleways and bridleways, and their links to the countryside, to retain and enhance public access, where appropriate to the role and function of the Green Wedge;
- e. opportunities to improve the quality and function of green infrastructure within the Green Wedge with regard to the Central Lincolnshire Green Infrastructure network and Biodiversity Opportunity Mapping. Development proposals adjacent to the Green Wedges will be expected to demonstrate that:
  - f. they do not adversely impact on the function of the Green Wedge, taking into account scale, siting, design, materials and landscape treatment;
  - g. They have considered linkages to and enhancements of the adjacent Green Wedge.

In this particular instance it is considered that the nature of the development does not undermine the function of the green wedge in preventing the physical merging of the settlements. However the site does relate to the protection of the character of the Burton village and that of the historic environment. The policy is therefore applicable in this regard.

Nonetheless, the application is for a change of use is to an existing building within an established village.

As the above assessment indicates the development would respect the existing character of the site and surroundings, while conserving the setting of the nearby listed buildings and preserving the conservation area and therefore appropriate in LP22 terms.

### **Residential Amenity:**

Local Plan Policy LP26 also sets out criteria affecting amenity. It states that the amenities which all existing and future occupants of neighbouring land and buildings may reasonably expect to enjoy must not be unduly harmed by or as a result of development.

The closest neighbouring properties which are not associated with the pool are No's 1 and 8 Bede House, Middle Street, Burton. These properties sit to the South of the parking area and are separated by a post and rail fence, trees and hedging. A storage building also sits along the boundary.

The use of the pool for private swimming lessons has been running for a period of 2 years according to the Parish Council. They have been taking place on a Wednesday, Thursday and Friday and running between 4pm and 7pm. The lessons accommodate 4 persons per lesson and the existing off road parking provision associated with this application has been utilised. No complaints have been recorded by the Environmental Health team in terms of noise and disturbance.

The proposed change of use seeks to formalise this retrospective use but does seek to extend the days in which the lessons could take place. This is to allow future flexibility in its use but does not seek to intensify it from the overall 3 day use, 3 lessons per day or 4 persons per lesson. The proposed hours of operation do include an extra half an hour before the first lesson at 4pm and half an hour after the last lesson at 7.00pm to allow reasonable time for arrivals and departures to and from the site. No comments have been received from any neighbouring property in terms of impact upon residential amenity from the existing lessons or proposed use. Consequently it is considered that the use of the pool for private lessons at the level/scale and hours proposed would not unduly harm the residential amenity of the neighbouring properties and in accordance with LP26 of the Local Plan.

### **Highway Safety:**

Policy LP13 Accessibility and Transport seeks development to contribute towards an efficient **and safe transport network** that offers a range of transport choices for the movement of people and goods.

Both the Parish Council and a Ward Councillor have raised concerns with the proposals in relation to highway safety in terms of safe access and egress from the site and adequate parking provision.

The Local Highway Authority also sought further information and clarification that the access off Middle Street would have a minimum width of 4.5 metres to allow cars to pass when entering and exiting the site. Amended plans have been provided which clarifies the width of the access and what works need to be done to achieve this. The Local Highway Authority do not raise any concerns subject to the changes to the implementation of the access being

secured by a conditioned and time limit, and an informative also being placed on any approval seeking them to be contacted prior to the works taking place.

The Local Highway Authority also sought further information and clarification of the use of the pool, associated numbers of vehicles and movements, and on-site parking provision. Again further information was submitted and the Local Highways Authority confirmed that they have no concerns on the numbers proposed as the applicant has demonstrated that there is parking available on site for up to 8 vehicles (including the host dwelling) and the widening of the access point will allow for two vehicles to pass in parallel meaning no cars will be waiting on the highway.

Consequently subject to the widening of the access and scale of the development being secured through conditions of any permission given, the proposed use of the pool is not considered to be detrimental to highway safety and in accordance with Policy LP13 of the Central Lincolnshire 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.

The development relating to a change of use of an existing building and only proposing very minimal alterations to the vehicle access the development would be exempt from the provisions of Policy M11.

### ***Other matters***

It is noted that the application as submitted refers to the private lessons being for disabled children and comments being made in terms of this not potentially being the case. However, this is not material to the consideration of the application. The scale of the overall use and not the abilities of the end user has been assessed in the consideration of this application. A condition which controlled the use of the pool only for disabled persons would not be considered to meet the conditions tests set out in paragraph 55 of the NPPF.

*55. Planning conditions should be kept to a minimum and only imposed where they are necessary, relevant to planning and to the development to be permitted, enforceable, precise and reasonable in all other respects. Agreeing conditions early is beneficial to all parties involved in the process and can speed up decision making. Conditions that are required to be discharged before development commences should be avoided, unless there is a clear justification.*

Concerns raised in relation to changing facilities, the provision of a lifeguard and resuscitation equipment as well as paying of business rates are not

relevant to planning, and should not be material planning considerations in the determination of this application.

**Conclusion and reasons for granting permission.**

The proposals have been assessed against Policies LP1, LP2, LP13, LP17, LP22, LP25 and LP26 of the Central Lincolnshire Local Plan in the first instance as well as all other material considerations including the National Planning Policy Framework and Practice Guidance. Consideration has also been given to the Planning (Listed Buildings and Conservation Areas) Act and Burton Conservation Area Appraisal. In light of this assessment it is considered that the proposals subject to conditions are of an appropriate scale for a rural business and its location in accordance with Policy LP2 and paragraph 83 of the NPPF and are acceptable to highway safety and residential amenity in accordance with Policies LP13 and LP26 and the NPPF. The proposals do not raise any concerns in relation to visual amenity and considered to conserve and preserve the character of the conservation area, the green wedge and setting of the listed buildings in accordance with policies LP17, LP22, LP25 and LP26 and the NPPF. The proposed development is therefore considered to be acceptable and grant of permission recommended, subject to the following conditions:

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

None.

**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:**

1. 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: Nos RDS 11441/04, RDS 11441/01 B and Covering letter dated 22<sup>nd</sup> May 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, unless otherwise agreed in writing by

Reason: To ensure the development proceeds in accordance with the approved plans and to accord with Policies LP2, LP13, LP17, LP26 and LP25 of the Central Lincolnshire Local Plan.

2. The pool, associated access and parking area shall only be in use for no more than 3 private swimming lessons per day, on no more than 3 days per

week between Monday and Friday and the business shall only run between the hours of 3.30pm and 7.30pm.

Reason: To ensure the scale of the use is appropriate for its location and is not detrimental to highway safety and residential amenity of the neighbouring properties in accordance with LP1, LP2, LP13 and LP26 of the Central Lincolnshire Local Plan and guidance within the NPPF.

3. Each private swimming lesson shall only accommodate up to 4 persons/learners at one time.

Reason: To ensure the scale of the use is appropriate for its location and is not detrimental to highway safety and residential amenity of the neighbouring properties in accordance with LP1, LP2, LP13 and LP26 of the Central Lincolnshire Local Plan and guidance within the NPPF.

4. The proposed works to the access and parking area indicated on Plan Nos RDS 11441/04 and RDS 11441/01 B achieving a minimum width of 4.5 metres shall be undertaken within 3 months from the date of this permission.

Reason: To ensure that the proposed development is undertaken in a timely manner as not to be detrimental to highways safety in accordance with LP13 of the Central Lincolnshire Local Plan and guidance within the NPPF.

5. The access as implemented through condition 4 above shall thereafter be retained for the lifetime of the use of the pool for private swimming lessons and be available for use at all times during lesson times.

Reason: To ensure adequate access to and from the site is achieved and parking provision provided for the use in the interest of highway safety in accordance with policy LP13 of the Central Lincolnshire Local Plan and guidance within the NPPF.

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

None.

**Human Rights Implications:**

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

**Legal Implications:**

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



## Officers Report

### Planning Application No: 139436

**PROPOSAL:** Planning application to vary condition 3 of planning permission 137810 granted 26 July 2018 - materials condition

**LOCATION:** 4 Churchill Way Lea Gainsborough DN21 5HT

**WARD:** Lea

**WARD MEMBER:** Cllr Mrs J Milne

**APPLICANT NAME:** Mr Trevor Young

**TARGET DECISION DATE:** 29/07/2019

**DEVELOPMENT TYPE:** Householder Development

**CASE OFFICER:** Danielle Peck

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

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#### **Description:**

This application has been referred to the Committee as the applicant is an elected Councillor, for Gainsborough South-West Ward.

The application site is occupied by a detached 'dormer' type dwelling which is set back from the highway, located within the settlement of Lea. The dwelling has modest size gardens to the front and rear. Churchill Way is made up of large detached properties all of a similar style. Neighbouring land uses are residential on all sides. The site lies within an Area of Great Landscape Value.

The site has permission to erect a first floor extension which will infill a space above the existing double garage. The extension will add a new bedroom and an en-suite to the application dwelling, there will also be a new dormer window to the front and a roof light to the rear. There will be a small window in the side elevation.

This application (139436) seeks to vary condition 3 (matching materials condition) of planning permission 137810.

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

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

This permission proposed that the materials to be used in the extension would match the existing dwelling. It is now proposed to use 'Marley' Duo Modern interlocking concrete roof tile in a smooth grey colour.

#### **Relevant history:**

**137810-** Planning application for first floor extension over existing double garage. Granted 26 July 2018.

**W57/607/81-**Extension to dwelling-Granted 30 July 1981

**Representations:**

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

**Lea Parish Council:** No representations received to date.

**Local residents:** No representations received to date.

IDOX Checked 13 June 2019.

**Relevant Planning Policies:**

Planning law<sup>1</sup> requires that applications for planning permission must be determined in accordance with the development plan, unless material considerations indicate otherwise. The Development Plan in this location comprises the Central Lincolnshire Local Plan (April 2017) and the Lea Neighbourhood Development Plan 2017.

Central Lincolnshire Local Plan

LP1: A Presumption in Favour of Sustainable Development

LP17: Landscape, Townscape and Views

LP26: Design and Amenity

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

*With consideration to paragraph 213 of the National Planning Policy Framework (February 2019) the above policies are consistent with the NPPF (February 2019).*

Lea Neighbourhood Development Plan 2017

Policy 4 Design and Character

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

National Guidance

National Planning Policy Framework

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

National Planning Practice Guidance

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

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<sup>1</sup> [Section 38\(6\)](#) of the Planning and Compulsory Purchase Act 2004 and [section 70\(2\)](#) of the Town and Country Planning Act 1990

## **Main issues**

- Principle
- Visual Amenity

## **Assessment:**

### Principle of Development

The principle of development has been established by the grant of planning permission 137810 on the 26 July 2018.

- Under s73(2) of the Town & Country Planning Act 1990, the local planning authority shall consider only the question of the conditions subject to which planning permission should be granted, and—
- (a) if they decide that planning permission should be granted subject to conditions differing from those subject to which the previous permission was granted, or that it should be granted unconditionally, they shall grant planning permission accordingly, and
- (b) if they decide that planning permission should be granted subject to the same conditions as those subject to which the previous permission was granted, they shall refuse the application.

### Visual Amenity

Policy 4: Design and Character of the Lea Neighbourhood Development Plan states that '*all developments must deliver good quality design*' and sets out a number of design principles for the area. Criterion b) sets out that development should '*recognise and reinforce the district local character in relation to scale, mass, form, character, density, landscape setting and materials*'. In assessing compliance with the policy principles, it is necessary to view the Lea Character and Settlement Breaks Assessment, commissioned as part of the neighbourhood plan, which sets out the notable features of each area. The application site is located within the '1970s/1980s' character area and concrete tiles are a feature within this estate. There is a variation in the colour of concrete tiles used within the area and similar concrete tiles to those proposed in this application are noted within the vicinity of the site.

It is considered that the proposed 'Marley' smooth grey concrete interlocking tile would be seen as a contrast against the host dwelling, however the extension would be viewed as a secondary, subservient element to the main dwelling given that the ridge height of the extension is set down from the main ridge of the dwelling.

Weight should be given to the consideration that the existing roof covering of the dwelling could be changed to the 'Marley' smooth grey concrete interlocking tiles under Class C of Schedule 2 of the Town and Country Planning (General Permitted Development) (England) Order 2015 as amended, which allows for roof alterations without requiring the Local Planning Authority's permission. Consequently, the applicant could, without requiring the Local Planning Authority's permission, change to the 'Marley' smooth grey concrete interlocking tile in any event at a later date.

As a result of this “fallback” it is not considered reasonable to withhold permission on such grounds.

It is therefore considered that the new roof tile would not have a harmful impact on the street scene or the wider Area of Great Landscape Value.

Conclusions:

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

It is therefore recommended that condition 3 is now varied as follows:

*3. The roof tile to be used in the development shall be ‘Marley’ Duo Modern Interlocking concrete tile in ‘smooth grey’.*

**Reason:** *To ensure the use of appropriate materials to accord with the National Planning Policy Framework and Policy LP26 of the Central Lincolnshire Local Plan.*

Recommendation

**It is recommended that the application be delegated back to Officers, to determine the application in accordance with the given resolution, having considered any further representations received ahead of the expiry of the publicity period (8 July 2019). Should any new material considerations arise within the intervening period that have not previously been considered, then the application may be referred back to the Committee for further consideration.**

RECOMMENDATION: Grant permission subject to conditions

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

1. The development hereby permitted shall be begun before the date of the 26 July 2021, as specified in planning permission 137810.

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

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

None.

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

2. With the exception of the detailed matters referred to by the conditions of this consent, the development hereby approved shall be carried out in accordance with the following drawing: TY/18/02 First Floor Extension Dated May 2018. The works shall be carried out in accordance with the details shown on the approved plans and in any other approved documents forming part of the application.

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

3. The roof tile to be used in the development shall be 'Marley' Duo Modern Interlocking concrete tile in 'smooth grey'.

**Reason:** To ensure the use of appropriate materials to accord with the National Planning Policy Framework and Policy LP26 of the Central Lincolnshire Local Plan.

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

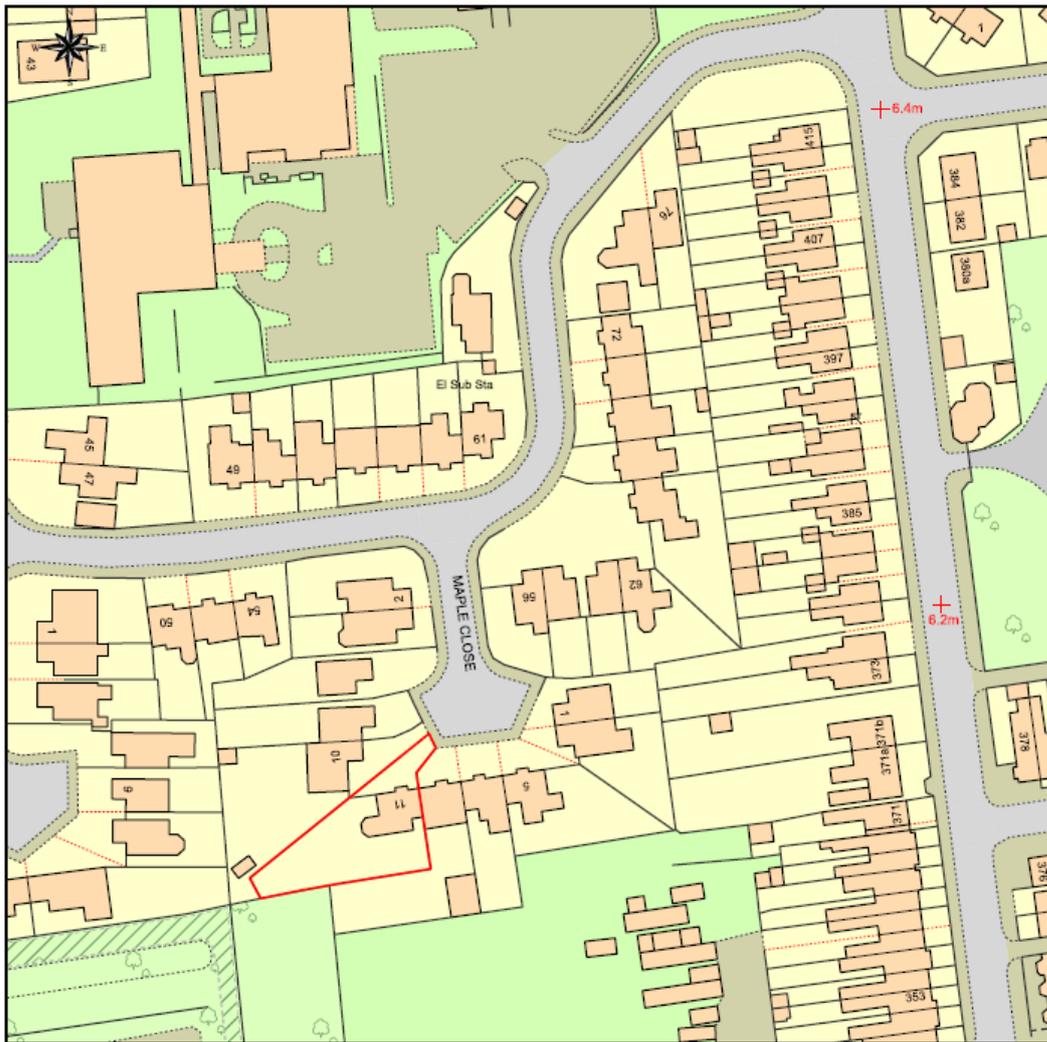
None.

**Human Rights Implications:**

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

**Legal Implications:**

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



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Scale: 1:1250, paper size: A4

**Officer's Report**  
**Planning Application No: 139491**

**PROPOSAL:** Planning application for two storey side extension

**LOCATION:** 11 Maple Close Gainsborough Lincolnshire DN21 2UA

**WARD:** Gainsborough North

**WARD MEMBER(S):** Cllr Mr J Snee, Cllr Mr K R Panter and Cllr Mr M D Boles

**APPLICANT NAME:** Mr Cross and Mrs Stevens

**TARGET DECISION DATE:** 18/07/2019

**DEVELOPMENT TYPE:** Householder Development

**CASE OFFICER:** Danielle Peck

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

**Description:**

**The application is presented to the planning committee as one of the applicants is an employee of the Council.**

The application site comprises of a two storey detached property located within the settlement of Gainsborough. The property is set back from the highway within a corner plot in a small cul-de-sac of houses all with a similar style. There is off street parking provision to the front and an attached single garage. To the west there is a garden area which extends round to the south of the property, beyond the southern boundary lies the garden area of 9 Maple Close, there are residential uses to the north and east.

The application seeks permission to erect a two storey extension off the west elevation, this will accommodate an additional bedroom and en-suite at first floor and a garden room and utility room at ground floor. The existing attached conservatory will be removed to facilitate the development.

**Relevant history:**

**W33/692/75-** Erect 79 dwellings. Granted 11/12/1975.

**Representations:**

Chairman/Ward member(s):	No representations received to date.
Gainsborough Town Council:	No representations received to date.
Local residents:	No representations received to date.
LCC Highways/Lead Local Flood Authority:	No representations received to date.
Archaeology:	No representations received to date.
IDOX:	Checked 13 June 2019

<b>Relevant Planning Policies:</b>	
National guidance	<p><u>National Planning Policy Framework</u>  <a href="https://www.gov.uk/government/publications/national-planning-policy-framework--2">https://www.gov.uk/government/publications/national-planning-policy-framework--2</a></p> <p><u>National Planning Practice Guidance</u>  <a href="https://www.gov.uk/government/collections/planning-practice-guidance">https://www.gov.uk/government/collections/planning-practice-guidance</a></p>
Local Guidance	<p><u>Central Lincolnshire Local Plan ( 2012 -2036):</u></p> <p>LP1: A Presumption in Favour of Sustainable Development  LP17: Landscape, Townscape and Views  LP26: Design and Amenity</p> <p><a href="https://www.west-lindsey.gov.uk/my-services/planning-and-building/planningpolicy/central-lincolnshire-local-plan/">https://www.west-lindsey.gov.uk/my-services/planning-and-building/planningpolicy/central-lincolnshire-local-plan/</a></p> <p><i>With consideration to paragraph 213 of the National Planning Policy Framework (February 2019) the above policies are consistent with the NPPF (February 2019).</i></p>
Neighbourhood Plan:	There is no neighbourhood plan currently in circulation.

<b>POLICY LP26 – Design and Amenity</b>	
Is the proposal well designed in relation to its siting, height, scale, massing and form?	<p>Yes. The proposal is to erect a two storey extension off the west elevation. The extension is stepped in from the front and rear of the dwelling and the eaves and ridge height will match that of the existing property. Although the proposal will extend the principal width of the dwelling, the extension is of a scale that would not change the nature of, or overly dominate the host property.</p> <p>Subordinate to existing property – due to the differing needs of applicants and the individual nature of each site, policies contained within the Central Lincolnshire Local Plan do not impose any specific volume increase rules to extensions, because of this and the fact that the roof height of the existing property will not be increased, the proposal is considered to be subordinate to the existing property.</p>
Does the proposal respect the existing topography, landscape character, street scene and local distinctiveness of the surrounding area?	<p>Yes. The proposal will not have a detrimental impact on the street scene as it is set within a corner plot to the western end of the cul-de-sac.</p>
Does the proposal harm any important local views into, out of or through the site?	<p>No. There are no important views noted.</p>
Does the proposal use appropriate materials which reinforce or enhance local distinctiveness?	<p>Yes. The materials are to match the existing dwelling.</p>

Does the proposal adversely affect the residential amenity of neighbouring properties by virtue of overlooking, overshadowing, loss of light or over dominance?
No. There are two new openings proposed at first floor level in the south elevation, one is an en-suite obscurely glazed window and the other is a full length window which serves the new bedroom and is also proposed to have a Juliette balcony.
There is existing overlooking experienced on site into the garden area of 9 Maple Close in the form of a bedroom window in the south elevation. The extension will not protrude any further forward of the existing rear elevation and bedrooms are also considered to be secondary accommodation. It is also noted that 9 Maple Close also benefits from private rear garden space directly to the rear of their property. Over and above what is currently experienced on site in terms of overlooking the additional impact is considered to be negligible and it would be unreasonable to withhold permission on these grounds.
There is also a new window which also serves the bedroom to the front (north) of the property, however this will look onto the street and the driveway area of those dwellings on the western side of Maple Close, there are no overlooking concerns in this respect.
Cumulatively given these considerations there will not be an adverse impact on the residential amenity of the neighbouring occupiers and the proposals accord to LP26: Design and Amenity.
Does the proposal adversely impact any existing natural or historic features?
No.

<b>Other considerations:</b>
Does the proposal enable an adequate amount of private garden space to remain?
Yes.
Does the proposal enable an adequate level of off street parking to remain?
Yes. This remains unchanged.

<b>Conclusion and reasons for decision:</b>
The decision has been considered against the policies LP1 A presumption in favour of Sustainable Development, LP17 Landscape, Townscape and Views and LP26 Design and Amenity of the Central Lincolnshire Local Plan in the first instance and guidance contained within the National Planning Practice Guidance. In light of this assessment it is considered that the proposal would not harm the character and appearance of the street scene and would not have a significant harmful impact on the living conditions of neighbouring occupiers. A grant of permission is considered appropriate.
<b>It is recommended that the application be delegated back to Officers, to determine the application in accordance with the given resolution, having considered any further representations received ahead of the expiry of the publicity period (8 July 2019). Should any new material considerations arise within the intervening period that have not previously been considered, then the application may be referred back to the Committee for further consideration.</b>
<b>RECOMMENDATION: Grant permission subject to conditions</b>

**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 are to be observed during the course of the development:**

2. With the exception of the detailed matters referred to by the conditions of this consent, the development hereby approved shall be carried out in accordance with the following drawing: CS/01/01/0619 received 23 May 2019. The works shall be carried out in accordance with the details shown on the approved plans and in any other approved documents forming part of the application.

**Reason:** To ensure the development proceeds in accordance with the approved plans and to accord with the National Planning Policy Framework.

3. All external materials used in the development shall match those of the existing building in colour, size, coursing and texture.

**Reason:** To ensure the use of appropriate materials to accord with the National Planning Policy Framework and Policy LP26 of the Central Lincolnshire Local Plan.

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

None.

**Human Rights Implications:**

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

**Legal Implications:**

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