

**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, 13th November, 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 Jane Ellis
- Councillor Cherie Hill
- Councillor Paul Howitt-Cowan
- Councillor Mrs Cordelia McCartney
- 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 - 10

- i) Meeting of the Planning Committee held on Wednesday 16 October, 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) 139552 - Land adj The Limes Hotel, Gainsborough 11 - 22
Road, Market Rasen
- ii) 139936 - Highcliffe Business Park, The Cliff, Ingham, 23 - 41
Lincoln

7. **Determination of Appeals**

42 - 59

- 138290 – The Spinney, Main Drive, Sudbrooke, LN2 2QY
- 138873 – Norwood, Legsby Road, Market Rasen
- 138046 – Land South of Pingley Vale, Bigby High Road, Brigg
- 138984 – 25 Marlow Road, Gainsborough
- 139079 – 5 Beck Hill, Tealby

Ian Knowles
Head of Paid Service
The Guildhall
Gainsborough

Tuesday, 5 November 2019

Planning Committee- 16 October 2019
Subject to Call-in. Call-in will expire at 5pm on

WEST LINDSEY DISTRICT COUNCIL

MINUTES of the Meeting of the Planning Committee held in the Council Chamber - The Guildhall on 16 October 2019 commencing at 6.30 pm.

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

Councillor Owen Bierley
Councillor Michael Devine
Councillor Cherie Hill
Councillor Mrs Jessie Milne
Councillor Keith Panter
Councillor Mrs Judy Rainsforth
Councillor Mrs Angela White

In Attendance:
Russell Clarkson Planning Manager (Development Management)
George Backovic Principal Development Management Officer
Ian Elliott Senior Development Management Officer
Martha Rees Legal Advisor
Katie Coughlan Senior Democratic & Civic Officer

Apologies: Councillor David Cotton
Councillor Paul Howitt-Cowan
Councillor Giles McNeill

Membership: No substitutes were appointed

25 PUBLIC PARTICIPATION PERIOD

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

26 TO APPROVE THE MINUTES OF THE PREVIOUS MEETING

Meeting of the Planning Committee held on 21 August 2019.

RESOLVED that the Minutes of the meeting of the Planning Committee held on 21 August 2019 be confirmed and signed as a correct record.

27 DECLARATIONS OF INTEREST

Councillor Mick Devine declared a personal interest in agenda item 6 ii (Planning Application 139324 – Heapham Road Gainsborough) as he was the Ward Member, but indicated he

would be acting in his Planning Committee Member capacity during consideration of the matter.

28 UPDATE ON GOVERNMENT/LOCAL CHANGES IN PLANNING POLICY

The Committee were advised by the Planning Manager that new CIL Regulations had come into force on 1st September. Among the changes, the regulations removed the “pooling restriction” that previously prevented more than five S106 obligations being used to fund any individual infrastructure project.

The Authority would also now have to publish an annual infrastructure funding statement setting out how much CIL and S106 income is collected and spent.

The Government had announced it would release its “Accelerated Planning Green Paper” in November 2019. The announcement stated this would review planning application fees “to ensure council planning departments are properly resourced”, new permitted development rights for householders to “extend upwards”, and reduce planning conditions by a third, and the “introduction of a new tiered planning system”.

<https://www.gov.uk/government/news/housing-secretary-unveils-green-housing-revolution>

A new National Design Guide had been published on 1st October.
<https://www.gov.uk/government/publications/national-design-guide>

The Government was currently consulting on the possibility of extending permitted development rights “to support the deployment of 5G and extend mobile coverage”.

<https://www.gov.uk/government/consultations/proposed-reforms-to-permitted-development-rights-to-support-the-deployment-of-5g-and-extend-mobile-coverage>

With regard to Neighbourhood Plans, the Planning Manager advised that the referendum for the Glentworth Neighbourhood Plan had been successful and would be adopted by Full Council on Monday 4 November. The examination of the Spridlington Neighbourhood Plan had been successful and the plan would proceed to Referendum on 31 October.

29 PLANNING APPLICATIONS FOR DETERMINATION

The Planning Applications for determination were dealt with as follows: -

29a 139520 - SCOTTON

The Chairman introduced planning application number 139520, Outline planning application to erect 9no. dwellings with access to be considered and not reserved for subsequent applications – Land south of Eastgate, Scotton Gainsborough, Lincs DN21 3QR.

The Planning Officer advised Members of an error in the report, all references to the Scotton Neighbourhood Plan should refer to the document having limited weight in terms of planning decisions.

The Planning Officer further advised that since the publication of the report he wished to include an additional condition and an amendment to a condition already contained within the report as follows: -

Additional Condition

The proposed dwelling to the front of the site and immediately adjacent the shared boundary with 32 Eastgate, Scotton must be a single storey dwelling.

Reason: To ensure the scale of the dwelling has an appropriate relationship with 32 Eastgate and protects the living conditions of the occupants to accord with the National Planning Policy Framework, local policy LP26 of the Central Lincolnshire Local Plan 2012-2036 and policy 6 of the Draft Scotton Neighbourhood Plan.

Amended Condition

No development hereby permitted shall take place unless the works to improve the public highway by means of a 1.2m wide footway (including a tactile crossing point) and carriageway widening and realignment, in accordance with plan PF/19/03 Rev E dated 30th March 2019 has been completed.

Reason: To ensure the provision of safe and adequate means of access to the permitted development to accord with the National Planning Policy Framework, local policy LP13 of the Central Lincolnshire Local Plan 2012-2036 and policy 6 of the Draft Scotton Neighbourhood Plan.

The additional condition related to Plot 1 and would in effect limit it to being a single story dwelling.

The Planning Officer also updated the Committee on the matter of landownership. It had come to light earlier in the week that the site, at this moment in time, was not in the ownership of the applicant. Therefore the wrong certificate had been signed on the application form. However, the correct certificate, certificate B, had now being signed and notice served on the landowner. This meant the Committee could still make a resolution on the application but any resolution would be subject to the completion of the certificate B notification period of 21 days (ends 6th November) on the landowner and the completion of the Section 106 Unilateral Undertaking. The planning application would only need to be referred back to the planning committee if the landowner raises any new material considerations not previously considered.

Due to the time required to complete the Unilateral Undertaking, an extension on the application had been agreed until 29 November.

The first public speaker was Mr Fox, the applicant, who made the following points: -

- The application was before the Committee following many months of consultation and negotiation with the Council's Planning Officers. The discussions had also involved the Council's Highway Officers and the Tree Officer. The Applicant considered he had worked collaboratively and in a positive manner to try and overcome all issues that had been identified through consideration of the application, including responding to concerns from local residents. He placed on record his thanks to the Council Officers for the very reasonable and co-operative way in which they had dealt with

matter.

- The Applicant considered the Committee report before Members provided a detailed and thorough explanation of the planning merits of the case, however for the purpose of clarity, the applicant took the opportunity to provide brief commentary on some of the key issues.
- Members would no doubt be aware that the application site already benefited from an outline planning permission for No.9 dwellings.
- The Committee report before Members made it clear that the extant position should be treated as a fallback position in the determination of the scheme.
- The proposed scale of the development would result in an identical number of dwellings when compared to the previously approved scheme. The site was in fact allocated for housing in the emerging Scotton Neighbourhood Plan. He therefore considered the principle of development had already been established and should be considered acceptable.
- It was noted that the site was situated in a relatively close proximity to two heritage buildings, the relevant technical consultees had confirmed that the Scheme, subject to suitable design at the reserved matters stage would not have an unacceptable impact on any heritage asset.
- The Applicant was keen to work with Council, at reserved matters stage, to ensure that the dwellings were an appropriate and sensitive design and that the key views to nearby listed buildings were not impacted on.
- It was also noted that the tree to the front of the development was now the subject of a Tree Preservation Order. The Scheme had been designed to work around the tree. Measures would be agreed at reserved matters stage to ensure the long term health of the tree was not impacted on. There were no objections to the Scheme from the Council's Tree Officer. The Applicant therefore considered it was clear that the Scheme would not cause harm to the tree either now or in the future.
- In terms of highway safety, the Scheme had been designed to meet all highway standards and included road widening and the provision of a pedestrian footpath.
- Each of the proposed dwellings would be provided with a minimum of three off-street parking spaces and this matter could be controlled at reserved matters stage. He considered there was no reason why the Scheme would result in an increase of on-road parking in the area. The Highways authority had carried out a detailed inspection of the submitted plans, including the points of access and have raised no concerns. The Applicant was more than happy to comply with all the conditions relating to road widening, visibility splays, the provision of footpaths and the disposal of surface water.
- The Applicant advised he and his business partner were local residents in the area and the primary purpose of the scheme was to provide new dwellings for both families. Both had children at nearby schools and wished to be residents for many years to come. The Applicant had previously undertaken a similar scheme and lived there for 18 years. Remaining plots would be offered to local self builders and the aim was to provide a development of nine family homes in a popular residential area. It was the Applicant's view that the development would provide a valuable source of new family homes, which would serve to enhance the vitality of the village. This was not a scheme being put forward by a developer who aimed to cram units onto a site. The scheme had been designed at a relatively low density, which was appropriate for the edge of village location. It was the applicant's view that the scheme would enhance the area and provide an attractive entrance to the village.

- The Applicant considered the planning report set out the planning merits of the scheme when considered against current planning policy, national guidance and all other material considerations. He considered the balance was weighted heavily in favour of a grant permission. He therefore respectfully urged Members of the Committee to accept the recommendation of the Officer and grant permission for the development.

The next Public speakers to address the Committee were Mr Burke and Mr Ferguson who objected to the application and made the following points: -

- Mr Burke lived opposite the development and advised his solicitor had prepared a statement to read to the Committee as follows: -

The application is dependent on highways works within my (Mr Burke's) registered title deed, a copy of which had been provided to the Council. The point has now been countered by Highways map which has appeared on the Council's website which purports to show the land within the title is highways land. The local search made at the time of purchasing the property in 2015 clearly states there are no road schemes affecting the property. Mr Burke had had no approach during his ownership of the property from the Highway authority or any other party on the subject of the status of any of his land. Mr Burke had made a planning application 134885, still viewable on the portal, which included several elements; to construct a building to join to the barn in the garden; to convert the two-storey barn into additional living space; to construct a front wall for privacy in his front garden and to install a rear gate. The extension adjoining the barn to the house had been completed and signed off by the Council. The rear gate had been installed. The position of the front wall, yet to be constructed was within the land shown to be highways land on the map referred to earlier. Mr Burke had tried to resolve this matter with correspondence with both the District Council and County Council's Highways Department but had received no explanation as to why this is said to be Highways land or when it was acquired as such. He considered the development should not be allowed to proceed without this point being determined, as the development was not considered appropriate without highways improvements. Mr Burke requested that the Committee defer the application or at least grant a condition, which states no development can take place until the highways improvements, had been completed.

Mr Ferguson then addressed Committee and made the following points in objection: -

- Mr Ferguson shared some photos with the Committee showing the site from the Kirton Lindsey Road as you entered the village, to demonstrate how the development would impact on the view of the church
- There was no sequential test taken on the application as it was deemed to be a new application.
- The applicant signed a unilateral undertaking regarding the application which Mr Ferguson considered should be void on a couple of points namely, the applicant had stated the land for development belonged to them and at the time the application was made, the land within the red line boundary was within their ownership but that has been contradicted by the ownership certificate posted on the portal earlier in the day.
- The access points to the site required a degree of widening to be done for safety, visibility and installation of the footpath. The land however was outside of the control of the applicant and was in fact part of an already agreed planning application, owned by another party

- The unilateral undertaking stated that the applicant must have title absolute granted at the land registry at the time the unilateral undertaking was signed and challenges cannot be made on the land included in the application, this was clearly not the case.
- On the application form itself, the size stated was larger than stated, as there was land outside of the red plan line. He considered there was also a discrepancy in the agricultural land, was this vacant or not. The first application stated vacant, this application states not.
- Referring to section 12, trees and hedges the application states there are none, this was blatantly untrue.
- The TPO has a dig zone making visibility splays impossible, a similar application on a more appropriate site was turned down for these very reasons - the objector urged for consistency
- Section 21 of the Application stated the land was in sole ownership of the applicant. If form A was signed wrongly, form B should have been signed at the time of submitting the application and parties advised; this was not done, therefore the application should be thrown out.
- Mr Ferguson, referred to a comment lifted directly from the portal regarding incorrectly submitted documentation
- Any buildings located on the site would affect the character and alter views towards the Grade I listed building on approaching from Kirton Lindsey. He considered perfectly good access had been granted as part of the previous application which also had the indicative size of houses the village would like to see in numerous public consultations throughout the neighbourhood planning process. Large luxury housing came bottom in the list of requirements. The Scotton Neighbourhood Plan was beyond regulation 14.
- Scotton currently had five properties for sale, every one of them a large luxury home, some had been on the market over a year.
- Mr Ferguson urged the Committee to refuse the application due to inconsistency and on-going legal issues.

Councillor Rollings, as Local Ward Member, addressed the Committee advising that she was aware local residents had concerns regarding the application ongoing for a period of time.

Councillors Rollings questioned how the character of the village would not be affected by this development and the access points to it. The road in question she considered to be narrow to accommodate such a development.

There were concerns that these multi-access points could lead to further development and the village had had enough development. Concerns were also expressed that agricultural land was being lost and yet was being portrayed as waste land.

The Neighbourhood Planning Group had expressed concern that there was no support for large housing within the village, the village already a huge number of large houses. The Neighbourhood Plan consultation process had shown clearly the village desired affordable homes for young couples and young families, as opposed to executive housing.

There was no community support from either residents or the Parish Council, the visibility splay requirements were not consistent with other rejected applications, there were ownership issues regarding the boundary of the site, some land was in the ownership of a

third party who had not consented to its use. The road widening required impacts on already agreed planning permission and finally the Officer was making recommendations on parts of the Scheme that the public could not comment on. No diversions would be in place whilst work took place and it was considered the road was not suitable for large vehicles

Having made her comments to Committee, Councillor Rollings withdrew from the meeting, in accordance with the agreed process.

The Planning Officer was invited to respond to comments made during public participation including land ownership, agricultural categories etc.

In responding he indicated the issues regarding the certificate had already been addressed earlier in the meeting, regarding road widening and the footpath scheme, the application made it clear that these were conditions of the planning application. A certificate B did not need to be served on the third party as these schemes sat outside the boundary line. Furthermore, correspondence had been received from the legal team at the Highways Department advising that highway rights took precedent over land ownership rights.

Regarding visibility, heritage and trees, all relevant experts had been consulted and raised no concerns subject to the conditions being adhered to. It was re-iterated that scale, appearance, materials etc were reserved matters for consideration in the future, this was outline planning permission with access.

The matter was opened for debate by the Committee and in responding to comments Officers confirmed there was currently outline planning permission on the site, due to expire in 2020. Regarding the need for three access points, Officers further advised that they could only assess what was submitted.

Committee Members commented that in the absence of statutory consultees having raised no objections, there were no planning reasons to reject the application.

Officers confirmed that all reserved matters would have to adhere to the Scotton Neighbourhood Plan and the Central Lincolnshire Local Plan.

With no further comments from the Committee the recommendation in the report was moved and seconded, and then voted upon.

It was agreed that permission be **GRANTED** subject to the conditions contained within the report and as amended during the meeting, detailed above and subject to the completion of a section 106 (unilateral obligation) to bind the plots to:

1. Being sold individually for self-build.
 2. Being serviced plots through the construction of the vehicular access, private road and services to the rear plots
- and expiry of the certificate B notification period of 21 days.

29b 139324 - HEAPHAM ROAD, GAINSBOROUGH

The Chairman of the Committee introduced planning application 139324 – planning application for erection of 2 single story units to use for car rentals, including car wash, car

parts and tyre sales with fitting services and associated parking spaces and new access – land adjacent to Morrisons Supermarket , Heapham Road South, Gainsborough.

There were no officer updates to the report and no members of the public had registered to address Committee regarding the application.

The application had been brought before the Committee for transparency purposes as the Council was the landowner.

In response to Committee's comments, Officers advised that there was quite a large car parking area associated with the site and they did not have concerns that this would lead to increased on-road parking. There were conditions to address noise levels.

With no further comments from the Committee it was moved, seconded, voted upon and agreed that permission be **GRANTED** subject to the conditions contained within the report.

30 DETERMINATION OF APPEALS

The Appeals, which had been determined since the Committee last met, were noted.

The meeting concluded at 7.15 pm.

Chairman



Officers Report

Planning Application No: 139552

PROPOSAL: Planning application for development of a dry leisure centre, together with external sports pitch being variation of conditions 4, 6, 11 and 15 of planning permission 138607 granted 07 February 2019 – updated drawings, landscaping, acoustic fence details and drainage.

LOCATION: Land adj The Limes Hotel Gainsborough Road Market Rasen LN8 3JW

WARD: Market Rasen

WARD MEMBER(S):

APPLICANT NAME: David Kirkup for West Lindsey District Council

TARGET DECISION DATE: 04/09/2019

DEVELOPMENT TYPE: Major - Other

CASE OFFICER: Rachel Woollass

RECOMMENDED DECISION: Grant permission subject to conditions

Description:

The application is presented to committee as West Lindsey District Council are the applicants.

The application seeks permission for a dry leisure centre, together with external sports pitch, being a variation to the existing conditions 4, 6, 11 and 15 attached to planning permission 138607 granted 07 February 2019. The application seeks to update drawings, amend the landscaping, acoustic fence details and drainage.

The application site is located on the western edge of the market town of Market Rasen. It is located on the southern side of Gainsborough Road. The Limes Hotel and associated grounds are to the west, with a small part of the curtilage of the Limes Bungalow adjacent to the south western edge of the site. There are dwellings served off Dear Street next to the north eastern boundary of the site, although the majority of the eastern boundary is with land forming part of the grounds of the Market Rasen Church of England Primary School. A playground/area of open space runs along the entirety of the southern boundary beyond which are semi-detached dwellings facing Coronation Road.

Relevant history:

98/P/0403 – Outline planning application to erect class A1 food store with associated parking and servicing. Permission refused 27/11/98

98/P/0819 – Outline application to erect 18,000sqft gross food retail store and access road. Permission refused 09/03/99

99/P/0085 – Outline planning application for retail development and access road. Permission refused 30/06/99

M00/P/0238 – Outline planning application for retail development (Resubmission of application 98/P/0819 – refused 09/03/99). Deemed refused 01/10/08

135624 – Outline planning application for the erection of 61 dwellings with access to be considered and not reserved for subsequent applications. Application withdrawn by the applicant.

137182 – Outline planning application for the erection of 50 dwellings with access to be considered and not reserved for subsequent applications – resubmission of 135624. Permission refused 29/03/18

138607 – Planning application for a development of a dry leisure centre, together with external sports pitch. Permission granted 07/02/19

Representations:

Chairman/Ward member(s): Cllr Bunney – It is important that the two ponds at the front of the scheme are safe. In addition to ensuring that the depths are appropriate, safety precautions of signage, fences and rescue equipment need to be provided. The plans talk about an effective depth of pond 1 as 0.4m and 2 as 0.3m. I trust this means the maximum depth of the pond and not an average depth? I know that members of the community are interested in advising and helping with the planting of the grounds. It would be a good idea to consult on this.

Market Rasen Town Council: 21st June 2019 – The Council have no objections to the proposal, but wish to note residents concern further to public consultation regarding noise nuisance, which comes under material planning considerations. Noise or disturbance, resulting from use, including proposed hours of operation. Residents are concerned regarding the construction while the work is being carried out and the increase of noise when the proposed work is complete. We wish for residents views to be taken into account when this planning application is determined.

Middle Rasen Parish Council: No representations received to date

Local residents: 37 Dear Street – would like a visual plan before I make a response.

Wingfield – 03/07/19 - I hope the council have taken note of the recent and continued flooding of the construction site and consult their drainage specialists further as to the likelihood of the original surface drainage plan being successful. I also hope they have considered the potential hazard from stagnant water in the detention basins.

The planning permission supplied refers to 21096R01aPKSW by Environoise dated 09 January 2019 which does not seem to be available for study. The one provided is marked 21096R01OPpak and dated Wednesday 08 August 2018. Where is this new report I note the application includes an increase in height of the acoustic fence bounding my property to 2 metres. While that is likely to slightly improve the noise mitigation to my ground floor, it still does nothing to mitigate the noise to the bedrooms on the first floor, as I pointed out in my comment to the original proposal. I still believe acoustic protection should be provided much closer to the car park. However, elsewhere in the current proposal the acoustic fence which I was led to understand by

the noise report supplied to be similar to that described in the reports Appendix C, is described as a featherboard fence. I trust the council will not permit a reduction in the quality of the required acoustic fence.

25/10/19 - I have three comments, the last 2 of which I have made before.

1. On the plan, I do not see the acoustic fence which is supposed to protect my property from the noise from the path running along my Southern boundary.
2. The noise calculations are still completely missing the point that the annoyance will be felt in the bedrooms of my house, not the garden, and even the fence will not protect the bedrooms.
3. The car park noise has been assessed from the centre of the car park, but the annoyance will come from the cars parked closest to my property.

The Bungalow – The first report on the drainage of the first planning stage was incorrect as more drainage had to be inserted into the field and the diggers dug through pipes already in the field. The ponds in the development are unsightly, full of dirty water and do nothing for the site. Midges etc are seen regularly in the evening circulating and landing on the dirty water. The drainage needs to be under the surface not in the surface. When the ponds are full where is the excess water going? The ponds are a significant health and safety risk, during hot weather, will they be used as swimming pools by local children? Are you going to provide life belts as the ponds are very deep. If you look in the ditch in front of the field to the right of The Limes on the A631, sand is already being leached into this dyke from the dry leisure centre, how is this happening? The whole issue of drainage is woefully incomplete it needs re-looking at, the development stopping until a working solution is found. The acoustic fence is fine, but won't stop a lot of noise, landscaping could do better I feel.

LCC Highways: No objections

Conservation Officer: No representations received to date

Tree Officer: No representations received to date

Archaeology: No representations received to date

Relevant Planning Policies:

Central Lincolnshire Local Plan 2012-2036

LP1: A Presumption in Favour of Sustainable Development

LP2: The Spatial Strategy and Settlement Hierarchy

LP6: Retail and Town Centres in Lincolnshire

LP9: Health and Wellbeing

LP13: Accessibility and Transport

LP14: Managing Water Resources and Flood Risk

LP15: Community Facilities

LP17: Landscape, Townscape and Views

LP21: Biodiversity and Geodiversity

LP22: Green Wedges
LP24: Creation of New Open Spaces, Sports and Recreation Facilities
LP25: The Historic Environment
LP26: Design and Amenity

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

National guidance

National Planning Policy Framework
National Planning Practice Guidance

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

Main issues

- Principle
- Variations

Assessment:

Principle

This application seeks to vary conditions 4, 6, 11 and 15 of planning permission 138607 by amending the approved plans, landscaping, acoustic fence details and drainage.

The principle of the development has already been established by the previous consent (138607). What has to be considered is the impact, if any, the changes will have. Works have already started on site.

Variations

There are some minor changes to the elevations. The flues on the roof have increased in height however this is minimal and would not impact upon the character of the area. The render is darker but would be more in-keeping with the building as a whole. The original colour was stone and the new colour is mushroom.

There are some cladding amendments to the proposal. The new amendments are minor but would be a visual improvement upon the previous approval.

The acoustic fence has changed from 1.5m to 2m in height. Again this would be a betterment and there have been no objections from the Environmental Health Officer. A neighbouring property is concerned that there will still be noise issues with regards to their upstairs windows and where the car parking noise was assessed however this was addressed in the previous permission with this application only looking at the change in height of the acoustic fence. The acoustic fence is detailed on the site plan and does show that it will run along the southern boundary of the neighbouring property. A resident is concerned that the acoustic fence was described differently in the previous application however there will be no reduction in the performance of the acoustic fence. The concerns raised by the Parish Council were addressed in the previous application.

The landscaping has had to change due to an amendment in the drainage. The main noticeable change is the size of the detention basins which are much larger. Overall the landscaping is acceptable.

The reason for the change in drainage is due to the following –

- 2no uncharted drainage runs running through the site identified once works commenced on-site. The uncharted drains were not identified on surveys or any utilities drawings.
- Opportunity to divert the uncharted drainage into the proposed drainage
- Proposed drainage required no connection into the main carriageway and therefore this minimises disruption to the road users and local neighbours
- Works can be carried out within the site boundaries
- Benefit to the programme

The reason why there is standing water is that the main connection into the public system has not been connected yet and the attenuation ponds have not been completed.

Once these have been completed this will address the standing water.

The reason the attenuation ponds are bigger is to reduce import and export of water which in effective reduces the impact on the environment and reduces the carbon footprint wherever possible. They will also only fill in extreme events where water will need to be stored.

The Lead Local Flood Authority have assessed the new drainage information and raise no objections.

Other matters

A resident has said they would like visuals to assess the application better however plans are available to view on the website.

With regards to the ponds, these are not deemed to be a health and safety issue and are a feature of the drainage strategy. There are to remain predominately dry.

Cllr Bunney has raised whether the community could help with the planting of the site however this is not a matter for planning.

Review of conditions

Condition 1 – Time – As the development has started no time condition is required.

Condition 2 – Construction Method Statement – This will be amended to be in accordance with the discharge details of 139293.

Condition 3 – Tree Protection – No change.

Condition 4 – Plans – To be updated to the new plans.

Condition 5 – Access – No change.

Condition 6 – Drainage – Changed to the new drainage details.

Condition 7 – Site Layout – Changed to updated site plan.

Condition 8 – Ecology – No change.

Condition 9 – Materials – Changed to include details of materials.

Condition 10 – Landscape Management – No change.

Condition 11 – Acoustic Fence – Changed to new plan.

Condition 12 – Noise – No charge.

Condition 13 – Lighting – No change.

Condition 14 – Contamination – No change.

Condition 15 – Landscaping – Changed to the new drawings.

Condition 16 – Footpath – No change.

Condition 17 – Noise Report – Changed to the amended report.

Condition 18 – Access – No change.

Condition 19 – Travel Plan – No change.

Condition 20 – Construction Times – No change.

Condition 21 – Planting – No change.

Condition 22 – Opening Times – No change.

Condition 23 – Lighting – No change.

Condition 24 – Travel Plan – No change.

Condition 25 – Noise – No change.

Conclusion

The application has been assessed in the first instance against the provisions of the development plan policies LP1: A Presumption in Favour of Sustainable Development, LP2: The Spatial Strategy and Settlement Hierarchy, LP6: Retail and Town Centres in Lincolnshire, LP9: Health and Wellbeing, LP13: Accessibility and Transport, LP14: Managing Water Resources and Flood Risk, LP15: Community Facilities, LP17: Landscape, Townscape and Views, LP21: Biodiversity and Geodiversity, LP22: Green Wedges, LP24: Creation of New Open Spaces, Sports and Recreation Facilities, LP25: The Historic Environment and LP26: Design and Amenity of the Central Lincolnshire Local Plan as well as other material considerations and guidance

contained within the National Planning Policy Framework and National Planning Practice Guidance. In light of this assessment it is considered that the variations would be acceptable. There would be no detrimental impact upon the character and appearance of the area or site and would not be detrimental to surrounding uses amenity.

The application is recommended for approval subject to the following conditions:

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

1. Void

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

None

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

2. The development shall be carried out in full accordance with the Construction Phase Health and Safety Plan (CPHSP) – (PEP Part 2) Rev A dated 7th March 2019 and Environmental Management Plan (EMP) – PEP Part 3 Rev A dated 15th April 2019.

Reason: In the interest of the amenity in accordance with policy LP26 of the Central Lincolnshire Local Plan.

3. The tree protection measures shall be carried out in strict accordance with details within Tree protection Root Barrier Plan and Specification Rev 00 dated 28th January 2019.

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

4. With the exception of the detail matters referred by the conditions of this consent, the development hereby approved shall be carried out in accordance with the following drawings:

MRLC1-CPM-01-00-DR-A-X-2001 revision C02 dated 12.09.2018
MRLC1-CPM-01-01-DR-A-X-2002 revision C02 dated 12.09.2018
MRLC1-CPM-01-ZZ-DR-A-X-2010 revision C02 dated 12.09.2018
2001 Rev C04 dated 30.11.18

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

Reason: To ensure the development proceeds in accordance with the approved plans.

5. Prior to the commencement of construction of any buildings, the vehicular access to the development shall be improved in accordance with amended drawing number SK004 B.

Reason: In the interests of safety of the users of the public highway and the safety of the users of the site.

6. Prior to any of the buildings being occupied, the detailed arrangements for the foul and surface water drainage shall be completed in accordance plans MRLC1-CUR-00-00-DR-C-9201-C02 dated 17.10.18 and MRLC-CUR-00-00-DR-C-9209-C03 dated 22/07/19. The scheme shall be retained and maintained in full in accordance with this strategy.

Reason: To ensure the site is adequately drained in accordance with policy LP14 of the Central Lincolnshire Local Plan.

7. The arrangements shown on the approved plan 2001 Rev C04 dated 30.11.18 for the parking/turning/manoeuvring/loading/unloading of vehicles shall be available at all times when the premises are in use.

Reason: To enable calling vehicles to wait clear of the carriageway and to allow vehicles to enter and leave the highway in a forward gear in the interests of highway safety.

8. The development shall be carried out in strict accordance with the ecological reports (Extended Phase 1 Habitat Survey by CBE Consulting dated 14 October 2016 and Review of Ecological and Aboricultural Reports by CBE Consulting dated 25 October 2018) submitted with the application, including provision of any proposed details of habitat protection/ creation.

Reason: To safeguard wildlife in the interests of nature conservation in accordance with LP21 of the Central Lincolnshire Local Plan.

9. The development shall be carried out using the following materials –

Timber cladding – NORclad Scandanvian Redwood 15mm gap
NORclad Scandanvian Redwood 30mm gap

Curtain Wall Frame – RAL 8019

Render – WEBER Mushroom

Brick – IBSTOCK Leicester Multi Cream

Reason: To ensure the materials proposed create a positive appearance and safeguard the character of the surrounding area in accordance with policies LP17 and LP26 of the Central Lincolnshire Local Plan.

10. Prior to occupation, a landscape management plan including ongoing maintenance and management shall be submitted to and approved in writing by the local planning authority. This shall include the maintenance of the acoustic fence.

Reason: In the interests of visual and residential amenity in accordance with policy LP17 and LP26 of the Central Lincolnshire Local Plan.

11. The acoustic fence shall be erected as shown on plan 2001 Rev C04 dated 30.11.18 prior to occupation and maintained and retained thereafter.

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

12. In the event that a complaint is raised to the Local Planning Authority on the grounds of noise within the first 12 months of the development's first use, noise monitoring shall be carried out by a suitably qualified person, subject to a methodology that has been agreed in writing by the Local Planning Authority prior to monitoring works. Should noise be deemed as reaching unacceptable levels (>50dB LAeq, 1hour) by the Local Planning Authority, a mitigation strategy shall be submitted to and approved in writing by the Local Planning Authority including a timescale for implementation. Mitigation shall be carried out in accordance with the agreed mitigation strategy.

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

13. Prior to occupation details of the lighting for the site (excluding the 3G pitch) including positioning, timings and intensity, and a final light spill diagram, shall be submitted and approved in writing by the Local Planning Authority. The lighting shall only be in accordance with these approved details.

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

14. If during the course of development, contamination not previously identified is found to be present on the site, then no further development (unless otherwise agreed in writing with the Local Planning Authority) shall be carried out until a method statement detailing how and when the contamination is to be dealt with has been submitted to and approved in writing by the Local Planning Authority. The contamination shall then be dealt with in accordance with the approved details.

Reason: In order to safeguard human health and the water environment as recommended by Public Protection.

15. The landscaping shall be carried out in accordance with the details submitted on plan 9601 Rev C02 dated 30.11.18 and 2001 Rev C04 dated 30.11.18.

Reason: In the interests of visual amenity and biodiversity in accordance with policies LP17 and LP21 of the Central Lincolnshire Local Plan.

16. Prior to occupation and notwithstanding the technical details required by the highway authority, the footpath and tactile crossing shall be installed in accordance with plan SK008 A.

Reason: In the interests of safety of the users of the public highway and the safety of the users of the site.

17. The development shall be carried out in accordance with mitigation measures included in Noise Impact Assessment to inform Planning Application report ref: 21096R01bPKsw by Environoise dated 16 October 2019.

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

18. Within seven days of the new access being brought into use, the existing access onto Gainsborough Road shall be permanently closed in accordance with details to be agreed in writing with the Local Planning Authority.

Reason: To reduce to a minimum, the number of individual access points to the development, in the interests of road safety.

19: The approved development shall not be occupied until those parts of the approved Travel Plan that are identified therein as being capable of implementation before occupation shall be implemented in accordance with the timetable contained therein and shall continue to be implemented for as long as any part of the development is occupied.

Reason: In order that the development conforms to the requirements of the National Planning Policy Framework, by ensuring that access to the site is sustainable and that there is a reduced dependency on the private car for journeys to and from the development.

20. Construction works shall only be carried out between the hours of 07:00 and 19:00 on Mondays to Fridays; between 08:00 and 13:00 on Saturdays and at no time on Sundays and Bank Holidays unless specifically agreed in writing by the Local Planning Authority beforehand.

Reason: To protect the amenity of the occupants of nearby dwellings in accordance with 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:

21. All planting, seeding or turfing comprised in the approved details of landscaping shall be carried out in the first planting and seeding season following the occupation of the building or the completion of the development, whichever is the sooner; and any trees or plants which within a period of 5 years from the completion of the development die, are removed, or become seriously damaged or diseased shall be replaced in the next planting season with others of similar size and species, unless the Local Planning Authority gives written consent to any variation.

Reason: To ensure that an approved landscaping scheme is implemented in a speedy and diligent way and that initial plant losses are overcome, in the interests of the visual amenities of the locality and in accordance with policy LP17 of the Central Lincolnshire Local Plan.

22. The use hereby permitted shall not be open to customers outside the following times 07:00 to 22:00 Monday to Sunday and shall not open on Christmas Day, Boxing Day or New Years Day.

Reason: To protect the amenities of adjoining properties and the locality in general in accordance with LP26 of the Central Lincolnshire Local Plan.

23. The lighting for the 3G pitch shall only be illuminated between the hours of 06:45 and 22:15. The illumination shall be in accordance with details in Lighting Impact Assessment Report Issue P02 by built environment consulting Ltd dated 9th January 2019.

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

24. The development shall be carried out in strict accordance with the amended Travel Plan (Framework Travel Plan by Turvey Consultancy Limited dated January 2019).

Reason: To ensure that access to the site is sustainable and reduces dependency on the car in accordance with the National Planning Policy Framework.

25. Plant noise shall not exceed background noise (41dB LA90(15min) for daytime and 29dB LA90(15min) for night time as per details within the Noise Impact Assessment to inform Planning Application report ref: 21096R01aPKsw by Environoise dated 09 January 2019.

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

Human Rights Implications:

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

Legal Implications:

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



Map Information
Scale 1:1250
Date: 03/10/19
Reference 2596
Order No: 2162926



Officers Report

Planning Application No: 139936

PROPOSAL: Planning application for erection of 3 no. buildings to provide either B1 (Business) or B2 (General Industrial) floorspace; with provision of vehicle parking spaces, hard landscaping and means of enclosure. Resubmission of planning application reference: 139515.

LOCATION: Highcliffe Business Park The Cliff Ingham Lincoln LN1 2YQ

WARD: Scampton

WARD MEMBER(S): Cllr R Patterson

APPLICANT NAME: Messrs P Wilson and Son

TARGET DECISION DATE: 08/11/2019

DEVELOPMENT TYPE: Minor - all others

CASE OFFICER: Joanne Sizer

RECOMMENDED DECISION: Refuse Permission

This application has been referred to the planning committee, at the request of the Ward Member.

Description: The application site is located within the open countryside and formed part of a wider and former RAF base. It is accessed off the north side of Ingham Lane and shares an access with the building known as Highcliffe Business Park, which is located to the east of the site. A reservoir, water tower and the Met Office Radar Station sit beyond the business park building with agricultural fields beyond that. Located to the north of the site are 3 former MOD/agricultural buildings, all of which are now in separate business uses. Beyond these are Ingham Cliff Farm buildings and cottages.

Open countryside sits to the west over the B1398. This land immediately to the west is designated an Area of Great Landscape Value (AGLV) and hosts a number of pipelines.

The site is roughly a rectangle piece of land which is 0.57 hectares in area. It forms part of wider area of grass land which holds a corner position where Ingham Lane and the B1398 meet. The boundary treatments which border the wider area and highway are predominately formed of hedging and trees. It is located within a designated limestone Mineral Safeguarding Area (MSA), a safeguarding heights area (for structures above 15.2 metres) and the Ingham Plan M (MET office) consultation zone (for any development).

This application seeks to erect 3 No buildings to provide a mixture of use class B1 (business) and B2 (general industrial) units with provision of vehicle parking spaces with hard and soft landscaping, including means of enclosure. The 3 buildings will host 11 new units in total: 10no. being described as 'small' with a gross internal area of 53.8 square metres; and, one large unit with a total gross internal floor space of 107.6 square metres.

It is a resubmission of application 139515 which was refused planning permission on 16th August 2019 for the reasons set out in the relevant history section below.

This application has been submitted with a revised location plan showing a blue line around surrounding land and Preliminary Geo Environmental Risk Assessment in relation to the potential for on-site contamination.

Relevant history:

139515- Planning application for erection of 3no. buildings to provide either B1 (Business) or B2 (General Industrial) floorspace; with provision of vehicle parking spaces, hard landscaping and means of enclosure. Permission **refused** on 16th August 2019 for the following reasons:

1. The countryside location of the proposed development is not justified and such development should be accommodated within allocated sites or within the built up area of existing settlements. The development does not therefore maximise opportunities for modal shift away from the private car or opportunities to minimise travel and use sustainable modes of transport. The proposals are consequently contrary to Policies LP5, LP13 and LP55 of the Central Lincolnshire Local Plan and guidance within the NPPF.
2. The presence of the development would accentuate existing features which are at odds with the rural location and landscape in this setting including the Area of Great Landscape Value to the west of the site. The proposed development would exacerbate uncharacteristic urban features within the landscape and would not therefore respect the intrinsic value of its character, nor contribute to it. Consequently the development is considered to be contrary to policies LP26, LP55 and LP17 of the Central Lincolnshire Local Plan and guidance within the NPPF.
3. The site and development of it has the potential to be affected by contamination. No details or preliminary risk assessment(s) have been submitted with the application to enable any risk to be assessed. Consequently it cannot be demonstrated that the site is suitable for its proposed use or that no significant impacts on future or neighbouring users, groundwater or surface waters will result as a consequence. The proposals do not therefore comply with policy LP16 of the Central Lincolnshire Local Plan or guidance within the NPPF and NPPG.

137976 – Pre application enquiry for proposed office and light industrial

Development – Proposal unlikely to be supported as contrary to Central Lincolnshire Local Plan.

M06/P/0596 – Outline Planning Application for the development of a rural business park for uses within use Classes B1 and B2 – Refused 25/11/2008 – Appeal Dismissed – 12/06/2009

W50/999/89 – Erect industrial workshops and warehousing in accordance with plans received 1 November 1989 – OC – 10/01/91.

Adjacent the site (Highcliffe Business Park)

127233 – Planning application to site single steel shipping container clad in timber to house biomass boiler. Granted 21/06/2011

M06/P/0596 – Outline Planning Application for the development of a rural business park for uses within use Classes B1 and B2 – Refused 25/11/2008 – Appeal Dismissed – 12/06/2009

M03/P/0353 – Full planning application to erect 5 no. industrial workshops (renewal of 99/P0982). Granted

99/P/0982 – Erect 5 No industrial workshops (Outline application W50/780/93) – Granted 09/08/2000

W50/780/93 – Outline planning application to erect industrial workshops and warehousing – OC – 04/08/98

W50/999/89 – Erect industrial workshops and warehousing in accordance with plans received 1 November 1989 – OC – 10/01/91

Adjacent the site (land and buildings to the north)

132036 – Planning application to erect a new portal steel framed building for the storage of grain – Granted 05/12/2014.

125742 – Change of use of **existing** agricultural buildings to use classes B1 and B8 – Granted – 21/05/2010

M06/P/0596 – Outline Planning Application for the development of a rural business park for uses within use Classes B1 and B2 – Refused 25/11/2008 – Appeal Dismissed – 12/06/2009

M05/P/0780 – Planning application to change the use of **existing** agricultural building to B1 business use – Granted – 05/12/2005

Representations:

Cllrs/Members:

Cllr Patterson has called the application in to be determined at planning committee for the following reasons:

Policy LP5 states quite clearly “important established employment areas and businesses are able to thrive”

Policy LP18, climate change and low carbon living, the development would form part of an existing green energy efficient complex, which is the greenest office space in West Lindsey and only one of two to be found in Lincolnshire. Vehicle journeys would be kept to a minimum and for shorter distances than if the premises were located elsewhere.

The development would meet the criteria laid down in policy LP 55, part E, paragraphs A to D non-residential development in the countryside. It also satisfies the policies laid down in LP 1, presumption in favour of sustainable development.

It can be clearly demonstrated that the proposal would be sustainable, have no negative impact on the surrounding area, in fact the existing development has a positive impact as staff use local facilities such as the shop, post office and the 3 public houses. And some live in the local area and walk and cycle to work.

2.4 of the plan states that existing businesses will be encouraged to expand.

This application sits in an area already containing existing businesses all along the B1398 top road, it is not in the open countryside

Residents:

Willow Green, Church Lane Glentham: The application does accord with the requirements of the Central Lincolnshire Local Plan in particular policy LP 5. This is a Local Employment Site. This is Farm diversification which is encouraged by DEFRA. Where businesses are in their infancy they cannot afford / justify buying into the larger premises on designated SES, ESUE and EEA sites but after a period of growth can do so. This site clearly demonstrates there is a need for a Local Employment Site because there is a gap in the built employment environment.

Ingham Parish Council: Support this application.

LCC Highways and Lead Local Flood Authority:

NO OBS

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.

Note to Officer

The drainage strategy is acceptable in principle, however a site specific ground investigation (GI) report to determine actual infiltration rates, confirmation of water table levels and actual ground type and conditions will

be required to support the suitability of the drainage strategy. Depending on the information contained in a site specific GI further consultation may be required to ascertain the suitability of infiltration on the site.

MET Office: We are unlikely to object as the proposed buildings are below the beam of the radar. However we would like to know if any cranes or other tall structures are to be used during the construction. Any temporary structure above 19m (the height of the radar antenna) would block the radar beam and impact the services provided by the Met Office. Therefore we would request a condition limiting any temporary cranes to maximum 19m height above ground level.

West Lindsey Growth Team: The Growth Team would raise the following concerns in respect of this proposal for the provision of business units at Highcliffe Business Park. The Central Lincolnshire Local Plan - Policy LP5 identifies allocated employment sites/area for commercial development where land is currently available in Gainsborough at Somerby Park and Hemswell Cliff. Recent consents for similar development proposals have been approved in Gainsborough and Saxilby. The Growth Team would encourage development on these sites allocated for commercial development in line with current policy and in sustainable locations.

Archaeology: This office has been consulted on earlier applications for this site and would like to reiterate our previous comments. This area is a nucleus of archaeological activity including a Romano-British site where a 7th century hanging bowl and a number of Anglo-Saxon brooches have been found. This type of find usually indicates a site of high status. A 20th century airfield occupied part of the site and clearance of this has resulted in disturbance to the ground. Due to the presence of the archaeological remains indicated above there is some archaeological significance to the site. Nevertheless, it is clear that some disturbance of the site may have already occurred.

Recommendation: Prior to any groundworks the developer should be required to commission a Scheme of Archaeological Works (on the lines of 4.8.1 in the Lincolnshire Archaeological Handbook (2016)) in accordance with a written scheme of investigation submitted to and approved in writing by the local planning authority. This should be secured by an appropriate condition to enable heritage assets within the site to be recorded prior to their destruction. Initially I envisage that this would involve monitoring of all groundworks, with the ability to stop and fully record archaeological features.

Environmental Protection:

Contamination: There is a requirement for a contaminated land assessment to be carried out prior to development, the land being formally part of an area of military use. The assessment should be submitted to and approved by LPA along with details of any remediation work required if highlighted by the assessment.

Noise, dust, odour: If permission is given then prior to occupation suitable noise assessments will need to be carried out to BS4142 (2014) standard along with assessments for dust and/or odour dependent upon the end user.

Light: details of any external lighting schemes will need to be submitted and approved by LPA prior to installation.

Environment Agency:

We have reviewed the Preliminary Geo-Environmental Risk Assessment (ref: 19-1583.01) dated September 2019 and the Outline Drainage Strategy (ref: RLC/0385/OSDS01) dated October 2019 with regard to the potential risk posed to controlled waters only. The previous use of the proposed development site including filled ground presents a risk of contamination that could be mobilised during construction and could pollute controlled waters. Controlled waters are particularly sensitive in this location because the proposed development site is within a groundwater Source Protection Zone 2 and lies over geology classified as a Principal Aquifer. The Preliminary Geo-Environmental Risk Assessment submitted with this application demonstrates that it will be possible to manage the risks posed to controlled waters by this development. Further detailed information will however be required before built development is undertaken. We believe that it would place an unreasonable burden on the developer to ask for more detailed information prior to the granting of planning permission but respect that this is a decision for the local planning authority.

Environment Agency position

In light of the above, the proposed development will be acceptable if the suggested planning conditions are included and require the submission of a site investigation/remediation strategy. This should be carried out by a competent person in line with paragraph 178 of the National Planning Policy Framework (NPPF).

Without these conditions we would object to the proposal in line with paragraph 170 of the NPPF because it cannot be guaranteed that the development will not be put at unacceptable risk from, or be adversely affected by, unacceptable levels of water pollution. Please notify us immediately if you are unable to apply our suggested conditions to allow further consideration and advice.

Internal Drainage Board: None received to date.

Relevant Planning Policies:

Planning law 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 Plan (2016)

Central Lincolnshire Local Plan 2012 – 2036 (CLLP)

Relevant policies include:

LP1 – Presumption in Favour of Sustainable Development
LP2 – Spatial Strategy and Settlement Hierarchy
LP5 – Delivering prosperity and Jobs
LP13 – Accessibility and Transport
LP14 – Managing Water Resources and Flood Risk
LP16 – Development on land affected by Contamination
LP17 – Landscape, Townscape and Views
LP25 – The Historic Environment
LP26 – Design and Amenity
LP55 – Development in the Countryside

All these policies are considered to be in accordance with the NPPF for paragraph 213 purposes and full weight afforded to them.

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

Core Strategy & Development Management policies (CSDMP 2016)

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

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

National Policy

National Planning Policy Framework
National Planning Practice Guidance

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

Neighbourhood Plan

Ingham was designated as a neighbourhood plan area in February 2017. At the date of writing this report there are no plans or policies published, that may otherwise be taken into consideration.

Main issues

- Principle of development
- Neighbouring amenity including the MET Office
- Design and visual amenity including AGLV and Green credentials.
- Transport Network and Highway Safety
- Minerals
- Drainage
- Archaeology

- Contamination

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.

The policies relating to the principle acceptability of the proposals are the same as previously set out in 139515 and no further information been submitted with this application to address refusal reason No 1 of it. The principle assessment consequently remains the same and is set out below.

The proposed site being located within the open countryside and seeking the provision of new/additional B1 and B2 units would principally be considered against Local Plan Policies LP1, LP2, LP5 and LP55.

Section 8 of Policy LP2 relates to Countryside locations and states that unless allowed by policy in any other levels 1-7 of the hierarchy or any other policy in the Local Plan, development will be regarded as being in the countryside and as such restricted to:

- That which is demonstrably essential to the effective operation of agriculture, horticulture, forestry, outdoor recreation, transport or utility services; renewable energy generation;
- **Proposals falling under policy LP55 and**
- To minerals or waste development in accordance with separate Minerals and Waste Local Development Documents

The proposals in this regard relate to policy LP55 and Part E: Non-residential development in the open countryside. This policy states:

Proposals for non-residential developments will be supported provided that:

- a. The rural location of the enterprise is justifiable to maintain or enhance the rural economy or the location is justified by means of proximity to existing established businesses or natural features.
- b. The location of the enterprise is suitable in terms of accessibility;
- c. The location of the enterprise would not result in conflict with neighbouring uses; and
- d. The development is of a size and scale commensurate with the proposed use and with the rural character of the location.

Criteria b, c and d relate to highway safety, visual and neighbouring amenity considerations and will be topically discussed later in the report.

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

The proposed development is located on a piece of grass land in the open countryside and clearly beyond the developed footprint of any existing settlements. The nearest settlement is Ingham, which is around 1km to the west of the site. The site is not well related to the nearest settlements as it is not well served by public transport; the highways are not lit; and there is no pedestrian footpath provision. As a consequence potential employees would be reliant on the private car to travel to the site and therefore no more likely to be from the nearby rural settlements than from the larger ones of the district, or use the facilities within them.

The proposed site is however located next to an existing office building and the proposals will utilise an existing access serving it. Nevertheless, the proposed B1 and B2 units are mainly speculative development and they do not therefore directly relate to the nearby business premises other than through land ownership. As a whole it is not considered that the rural location of the development is justified in offering guaranteed support to the rural economy or by means of proximity to existing established businesses.

Policy LP5 is also relevant in relating to the Delivery of prosperity and jobs. It looks to support proposals which assist in the delivery of economic prosperity and job growth in the area. This policy sets out a categorical and hierarchical approach in this respect. It allocates Strategic Employment Sites, Important Established Employment Areas and supports appropriate development within Local Employment Sites, Other Employment Proposals and Expansion of Existing Businesses subject to certain criteria being met.

The supporting planning statement again sets out that the site is a Local Employment Site (LES). However, as the site and development is a stand-alone undeveloped parcel of grass land in the countryside; it is not considered to qualify as a Local Employment Site (LES). The proposals therefore need to be considered as "Other Employment Proposals" under Policy LP5. The following LP5 criteria are specifically applicable in assessing the principle of development, while other criteria relating to visual and neighbouring amenity and highway safety are topically discussed later in the report.

LP5:

- There is a clear demonstration that there are no suitable or appropriate sites or buildings within allocated sites or within the built up area of the existing settlement; (1st)
- There is no significant adverse impacts on the viability of delivering any allocated employment site; (5th)
- The proposals maximise opportunities for modal shift away from the private car (6th)

As part of the supporting statement submitted with the application, a letter from a commercial agent based in Lincoln indicates that the development offers much needed business premises for new start up/medium size businesses in the area. In this regard it is noted that none of the allocated sites in the CLLP are located within the closest settlements to the site and the rurality of the surrounding area considered relevant in the reason for this.

No further or meaningful justification has been received as to why the proposed development requires this countryside location other than through land ownership. Consequently, a clear demonstration that there are no suitable or appropriate sites or buildings within allocated site or built up area of existing settlements needs to be supplied for the proposals to be supported through LP5. Despite this constituting a reason for the previous reason for refusal, this matter still has not been addressed by the applicant.

This application is not supported with any further information or such a demonstration. It is therefore reiterated that there are existing allocated sites for B1 and B2 uses within Gainsborough, Hemswell Cliff and Saxilby which are all within 12 miles of the site and even more within the Wider Central Lincolnshire area. West Lindsey Growth Team have again confirmed that there is currently availability in the above allocated sites and planning permissions have also been granted for smaller start up business units within them and the built up areas of Gainsborough and Saxilby. On this basis the Growth team have again raised concerns in respect of the proposals and would instead encourage such development within the more sustainable sites as set out in the hierarchy in policy LP5.

It is therefore again concluded that no demonstration has been given that there are not any suitable or appropriate sites or buildings within allocated sites or within the built up area of the existing settlement which could accommodate the proposals; and in line with the strategy of LP5 priority should be given to such development within these locations.

The development site being located away from such allocated sites and within the open countryside also results in it not being readily accessible without the use of a private car. The site is located at least 1km away from the nearest settlements with no lit roadways, pedestrian footpaths or regular public transport. It cannot therefore be considered that the rural location of the enterprise maximises opportunities for a modal shift away from the private car and again contrary to this principle strand of LP5.

Principle Conclusion:

No further information has been submitted with this application which addresses or alters the principle assessment of the proposals from that of refused application 139515. Consequently the principle of development is not considered to be supported by LP1, LP5 and LP55 of the CLLP and refusal reason 1 of 139515 as noted below is still relevant.

1. The countryside location of the proposed development is not justified and the development proposals should be accommodated within allocated sites or within the built up area of existing settlements. The location of the development does not therefore maximise opportunities for modal shift away from the private car or opportunities to minimise travel and use sustainable modes of transport. The proposals are consequently contrary to Policies LP5, LP13 and LP55 of the Central Lincolnshire Local Plan and is not consistent with guidance within the NPPF (particularly paragraph 84).

Neighbouring Amenity

The proposals in relation to Neighbouring amenity remain the same as those assessed in the determination of application 139515. However, West Lindsey Environmental Protection have made representation on this application.

Part E, Criterion C of policy LP55 advises that the location of the enterprise should not result in conflict with neighbouring uses.

Policy LP5 (Other Employment uses) requires that “there is no significant adverse impact on the character and appearance of the area, and/or the amenity of neighbouring occupiers”.

LP26 advises 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 site sits within close proximity to other business premises. Agricultural buildings and residential properties do however sit further away at an approximate distance of 200 metres to the north west.

On the basis of the use of the units and not knowing the end users West Lindsey Environmental Protection have requested that any permission being granted should be subject to suitable noise, dust and odour assessments which will need to be carried out prior to occupation of the units and relative to the end user. They have also requested a condition for details of any external lighting to be submitted and approved prior to installation.

The site also lies within the Ingham Plan M (MET office) consultation zone for any development, due to the siting of the MET office weather Radar. The MET office have reiterated their previous response and outlined that any structures being used during the construction period should be conditioned to be a maximum height of 19 metres above ground level to ensure the use of the radar is not compromised.

Should a favourable recommendation be forthcoming conditions securing details of impacts of noise, dust and odour, as well as the maximum height of structures not being above 19 metres would need to be imposed. With such conditions the proposals have the potential to principally accord with the amenity aspect of policy LP26.

Visual Amenity

No changes have been made to the size, scale or design of the proposed units from those proposed in application 139515. Nor has there been any changes to the siting of them or the landscaping proposals for the development. As a consequence the visual amenity assessment which was carried out in the determination of application 139515 and 2nd reason for refusal remains the same. Both are set out below.

Criterion d Part e of Policy LP 55 states that the development is of a size and scale which is commensurate with the proposed use and with the rural character of the location.

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.

LP17 relates to Landscape, townscape and views and states to **protect and enhance** the intrinsic value of our landscape and townscape, including the setting of settlements, proposals should have particular regard to maintaining and responding positively to any natural and man-made features within the landscape and townscape which contribute to the character of the area.

The site being located within the open countryside is naturally surrounded by open space formed of fields with trees and hedges forming common features within the immediate areas and wider landscape. As a consequence the character of the area primarily relates to the intrinsic beauty of the open countryside and natural features forming the Area of Great Landscape Value.

The site itself holds a very prominent position within the area due to its relationship with the public highway and surrounding topography. That said its open grassed nature and natural boundary treatments ensure that it remains in character with the valued characteristics of the surrounding countryside and Area of Great Landscape Value.

It is however acknowledged that the presence of the building known as Highcliffe Business Park and the structure forming the Weather station form

features within the landscape. Their presence is also especially notable due to their contrasting and out of place form to the otherwise rural features and character of the area. This is also despite the presence of the surrounding trees and hedges forming the boundary treatments. It is recognised that the proposed units would sit within the same context as the Highcliffe business park building and are not of a size and scale which would be out of place with it. Nevertheless, their presence would increase features which are at odds with the valued characteristics of the countryside and positively contribute to the distinctiveness of the area and AGLV.

Accordingly the second reason for refusal is still relevant and states:

2. The proposed units would therefore exacerbate the out of character urban features within the landscape and would not therefore respect the intrinsic value of its character, nor contribute to it. Consequently the development is considered to be contrary to policies LP26 and 17 of the Central Lincolnshire Local Plan and guidance within the NPPF.

Transport network and Highway Safety

Criterion a Part e of Policy LP55 states that the location of the enterprise should be suitable in terms of accessibility;

LP13 states that development proposals which contribute to an efficient and safe transport network that offers a range of transport choices for the movement of people and goods will be supported.

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

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

The Parish Council previously raised concerns in relation to improvements needed to Ingham Lane to cope with any additional traffic which may be industrial vehicles. The Parish Council in the consultation of this application have not however raised the same or any other highway concerns, only noting their support for the application.

The local Highway Authority have again confirmed that they have no concerns to raise in relation to the proposals and highway safety and transport

implications. The site however being located within the open countryside is not readily accessible by foot or public transport, with the use of private vehicles being the only reliable transport choice available for the movement of people and goods. It is not considered that the proposals are justifiably located to enable travel to be minimised and the use of sustainable transport modes maximised. The proposals due to their countryside location do not therefore meet the requirements of Policy LP13 and guidance within the NPPF.

Minerals

The application site is within a Mineral Safeguarding Area (MSA). Policy M11 of the Core Strategy & Development Management policies (CSDMP 2016) therefore applies.

A minerals assessment formed part of the supporting statement submitted with the application. The Minerals Authority confirmed in the determination of application 139515 that when having regard to the scale, nature and location of the proposed development, the applicant has demonstrated that in accordance with the criteria set out in policy M11, that the site is of a minor nature which would have a negligible impact with respect to sterilising the mineral resource. Accordingly, the County Council raised no safeguarding objections and the same principle applied to the unaltered proposals subject to this application.

It is therefore concluded that the development would accord with policy M11.

Contamination and Drainage:

LP16 relates to Development on Land Affected by Contamination. It states: Development proposals must take into account the potential environmental impacts on people, biodiversity, buildings, land air and water arising from the development itself and any former use of the site, including, in particular, adverse effects arising from pollution.

Where development is proposed on a site which is known to be or has the potential to be affected by contamination, a preliminary risk assessment should be undertaken by the developer and submitted to the relevant Central Lincolnshire Authority as the first stage in assessing the risk of contamination.

Proposals will only be permitted if it can be demonstrated that the site is suitable for its proposed use, with layout and drainage taking account of ground conditions, contamination and gas risks arising from previous uses and any proposals for land remediation with no significant impact on future users, neighbouring uses, groundwater or surface water.

As no details or preliminary risk assessments was submitted with application 139515 refusal reason No 3 related to contamination and LP16 and stated:

3. The site and development of it has the potential to be affected by contamination. No details or preliminary risk assessment(s) have been submitted with the application to enable any risk to be assessed.

Consequently it cannot be demonstrated that the site is suitable for its proposed use or that no significant impacts on future or neighbouring users, groundwater or surface waters will result as a consequence. The proposals do not therefore comply with policy LP16 of the Central Lincolnshire Local Plan or guidance within the NPPF and NPPG.

In response to this refusal reason a preliminary geo-environmental risk assessment has now been submitted for consideration in the determination of this application. The geo-environmental report concludes that an intrusive ground investigation needs to be undertaken to investigate the nature of the made ground deposits, potential contamination sources and the gas generation potential.

West Lindsey Environmental Protection team have also noted the requirement for a contaminated land assessment to be carried out prior to the commencement of the development. The assessment should be submitted to and approved by LPA along with details of any remediation work required if highlighted by the assessment.

In terms of drainage and the on-site potential for contamination policy LP14 seeks to manage water resource and flood risk, but also incorporates adequate drainage provision and protecting the water environment.

Although it is noted that a drainage strategy was provided with application 139515 and the Lead Local Flood Authority confirmed that it was acceptable subject to details of a site specific ground investigation report to determine actual infiltration rates and water table levels being required. As the submitted Geo Environmental Risk Assessment report indicates the likelihood of on-site contamination, consultations in relation to the strategy with the Environment Agency and Internal Drainage Boards have been undertaken as part of the determination of this application.

The Lead Local Flood Authority have again confirmed the drainage strategy is acceptable in principle but a site specific ground investigation (GI) report to determine actual infiltration rates, confirmation of water table levels and actual ground type and conditions will be required to support the suitability of the drainage strategy. Depending on the information contained in a site specific GI further consultation may be required to ascertain the suitability of infiltration on the site.

The Internal Drainage Board have not responded at the time of writing. The Environment Agency have however confirmed that the previous use of the proposed development site including filled ground presents a risk of contamination that could be mobilised during construction and could pollute controlled waters. Controlled waters are particularly sensitive in this location because the proposed development site is within a groundwater Source Protection Zone 2 and lies over geology classified as a Principal Aquifer. Nevertheless, the Preliminary Geo-Environmental Risk Assessment submitted with this application demonstrates that it will be possible to manage the risks posed to controlled waters by this development. Further detailed information

will however be required before built development is undertaken but it would place an unreasonable burden on the developer to ask for more detailed information prior to the granting of planning permission but respect that this is a decision for the local planning authority.

In light of the above, it is advised that the proposed development will be acceptable if the suggested planning conditions are included and secure the submission of a site investigation/remediation strategy which is to be carried out by a competent person in line with paragraph 178 of the National Planning Policy Framework (NPPF). It is noted that without these conditions we would object to the proposal in line with paragraph 170 of the NPPF because it cannot be guaranteed that the development will not be put at unacceptable risk from, or be adversely affected by, unacceptable levels of water pollution.

It is clear from the information received and representations made that should a favourable recommendation be forthcoming, it is essential that adequate pre commencement conditions relating to a contaminated land assessment, remediation works and an adequate drainage strategy form part of any permission granted. Agreement of the applicant/agent would need to be sought for their use.

Archaeology

LP25 states that development proposals should protect, conserve and seek opportunities to enhance the historic environment of Central Lincolnshire.

Lincolnshire County Council Archaeology have confirmed that this area is a nucleus of archaeological activity including a Romano-British site where a 7th century hanging bowl and a number of Anglo-Saxon brooches have been found. This type of find usually indicates a site of high status. A 20th century airfield occupied part of the site and clearance of this has resulted in disturbance to the ground. Due to the presence of the archaeological remains indicated above there is some archaeological significance to the site. Nevertheless, it is clear that some disturbance of the site may have already occurred.

With these factors in mind they have recommended that prior to any groundworks the developer should be required to commission a Scheme of Archaeological Works (on the lines of 4.8.1 in the Lincolnshire Archaeological Handbook (2016)) in accordance with a written scheme of investigation submitted to and approved in writing by the local planning authority. This should be secured by an appropriate condition to enable heritage assets within the site to be recorded prior to their destruction. Initially it is envisaged that this would involve monitoring of all groundworks, with the ability to stop and fully record archaeological features.

With the use of this pre-commencement condition being approved by the applicant and agent and forming part of any permission, the proposals would be considered to reasonably preserve the historic environment through recording in accordance with LP25 and guidance within the NPPF.

Other matters:

Support for the development has been received from Ingham Parish council and from Ward Cllr Patterson. Cllr Patterson has called the application in to be determined by the planning committee for reasons relating to policy matters assessed previously in the report and in addition Policy LP18: climate change and Low Carbon Living.

Cllr Patterson states that the development would form part of an existing green energy efficient complex, which is the greenest office space in West Lindsey and only one of two to be found in Lincolnshire.

As previously set out in the assessment of application 139515, it is recognised that an element of the proposal relates to creating the units to be green and incorporate energy efficient measures similar to those utilised in the building known as Highcliffe Business Park. However, while this element of the proposal is welcome and weight afforded to it, there is no reason why such a building could not be located within an allocated site or built up area of a settlement and consequently the green credentials of the development do not outweigh the significant adverse impacts in terms of its unnecessary countryside location, resulting visual harm along with the reliance on private vehicles for access to employment and associated vehicular movements (undermining the claimed “green credentials”).

Conclusion and Reason for refusing permission

The proposals have been assessed against policies of the Central Lincolnshire Local Plan as well as all other material considerations including policy M11 of the Minerals and Waste Core Strategy and guidance within the NPPF and NPPG. As a result of this assessment the proposal has not demonstrated the need for this countryside location reliant on the use of private motor vehicles with no safe pedestrian access or meaningful public transport as an alternative. The units would harm the visual amenity of the area as they do not respect or contribute to the character of the area or landscape including the Area of Great Landscape Value. The development is therefore considered to be contrary to policies LP2, LP5, LP13, LP16, LP17, LP26 and LP55 of the Central Lincolnshire Local Plan and guidance within the NPPF and refusal of permission for the following reasons is recommended.

1. The countryside location of the proposed development is not justified and such development should be accommodated within allocated sites or within the built up area of existing settlements. The development does not therefore maximise opportunities for modal shift away from the private car or opportunities to minimise travel and use sustainable modes of transport. The proposals are consequently contrary to Policies LP2, LP5, LP13 and LP55 of the Central Lincolnshire Local Plan and guidance within the NPPF.
2. The presence of the development would accentuate existing features which are at odds with the rural location and landscape in this setting including the Area of Great Landscape Value to the west of the site. The proposed development would exacerbate uncharacteristic urban features within the landscape and would not therefore respect the intrinsic value of its character,

nor contribute to it. Consequently the development is considered to be contrary to policies LP26, LP55 and LP17 of the Central Lincolnshire Local Plan and guidance within the NPPF.



Agenda Item 7



Planning Committee

13 November 2019

Subject: Determination of Planning Appeals

Report by:

Executive Director of Resources

Contact Officer:

Ian Knowles
Executive Director of Resources
ian.knowles@west-lindsey.gov.uk
01427 676682

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 Mrs S Picken against the decision of West Lindsey District Council to refuse planning permission for proposed conversion and extension of garage to form additional living accommodation to the main dwelling at The Spinney, Main Drive, Sudbrooke, Lincoln.

Appeal Dismissed – See copy letter attached as Appendix Bi.

Officer Decision – Refuse permission

- ii) Appeal by Mr & Mrs Redwin against the decision of West Lindsey District Council to refuse planning permission for the proposed loft conversion and extension at Norwood, Legsby Road, Market Rasen, LN8 3DZ.

Appeal Dismissed – See copy letter attached as Appendix Bii.

Officer Decision – Refuse permission

- iii) Appeal by Mr Harry Thorpe against the decision of West Lindsey District Council to refuse planning permission to erect 1no dwelling with detached garage at land south of Pingley Vale, Bigby High Road, Brigg, DN20 9HE.

Appeal Dismissed – See copy letter attached as Appendix Biii.

Officer Decision – Refuse permission

- iv) Appeal by Mr Nigel Sutton against the decision of West Lindsey District Council to refuse planning permission for a two bedroom dormer bungalow on site adjacent to 25 Marlow Road, Gainsborough, DN21 1YG.

Appeal Dismissed – See copy letter attached as Appendix Biv.

Officer Decision – Refuse permission

- v) Appeal by Mr & Mrs Ferrier Hanslip against the decision of West Lindsey District Council to refuse planning permission for a new dwelling to residential garden at 5 Beck Hill, Tealby Market Rasen LN8 3XS

Appeal Dismissed – See copy letter attached as Appendix Bv.

Officer Decision – Refuse permission



Appeal Decision

Site visit made on 2 April 2019

by A Graham BA(hons) MAued IHBC

an Inspector appointed by the Secretary of State

Decision date: 11 October 2019

Appeal Ref: APP/N2535/D/18/3216720

The Spinney, Main Drive, Sudbrooke, Lincoln.

- 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 Mrs S Picken against the decision of West Lindsey District Council.
 - The application Ref 138290, dated 30 August, 2018, was refused by notice dated 25 October, 2018.
 - Proposed conversion and extension of garage to form additional living accommodation to the main dwelling.
-

Decision

1. The appeal is dismissed.

Procedural Matter

2. Since determination of this application a revised National Planning Policy Framework ('the Framework') has been published in June 2019. I have had regard to the revised Framework in determining this appeal.

Main Issue

3. The main issues to be considered are:
 - The impact of the proposal upon the setting of Grade II Listed Gates, Gate Piers and 2 Lodges to Sudbrooke Holme, and;
 - The effect of the proposal upon the character and appearance of the area.

Reasons

4. The appeal property is a detached bungalow located along a secluded driveway that appears to have once formed part of the driveway to Sudbrooke Holme, of whose Grade II Listed gates and lodges remain a short distance away from the appeal site.
5. The property sits on a large plot and has a large open front garden area containing some evergreen trees and extensive lawn area. To the rear of the property there exists an on going cattery business that is run by the owners. Any structures or apparatus concerned with the cattery business are not visible due to a fence and the existing bungalow that effectively screens them from public view. To the front of the property stands an existing double garage built of the same buff type brick of the existing bungalow.

The impact upon the setting of the Grade II Listed Gates, Gate Piers and 2 Lodges to Sudbrooke Holme

6. Sections 66 of the *Planning (Listed Buildings and Conservation Areas) Act 1990* requires the decision maker to have special regard to the desirability of preserving a listed building or its setting. Paragraph 193 of the Framework reflects this in its requirement that when considering the impact of a proposal upon the significance of a designated heritage asset, great weight should be given to that asset's conservation.
7. The Grade II Listed Gates, Piers and Lodges were associated with the demolished Sudbrooke Holme of which Main Drive would appear to have been a primary entry towards. The gates and lodges reflect the older history of the site and are constructed from red brick with ornamental details consistent with the architectural styles at the time. They form an important gateway into Main Drive and despite their physical separation from the appeal site I do consider that the proposed site should be considered to be within the wider setting of these structures. This is primarily due to the appeal site's location alongside, and highly visible from, Main Drive, which is fundamentally interlinked with the setting and significance of the Listed structures.
8. The proposal therefore, resulting from its extension to the front and increase in width of built form across the site, will impact upon the former driveway and approach to and from the listed gateway structures. As a result some harm to the significance of the Grade II Listed Gates, Gate Piers and 2 Lodges through this impact of further suburbanising their setting will occur.
9. For these reasons I consider that the proposal is in conflict with Policy LP25 of the Central Lincolnshire Local Plan insofar as it requires proposals to protect the significance of identified heritage assets, including their setting. I return to the necessary balancing exercise in my conclusion below.

The effect of the proposal upon the character and appearance of the area.

10. The character of Main Drive is one of landscaped grounds and specimen trees now largely occupied by a selection of relatively large properties sitting well within their own grounds. The Spinney has a large open plan front garden with select trees interspersed within it. This has the effect of the existing bungalow being highly visible from Main Drive.
11. The proposal intends to extend to the front of the existing bungalow through extending the existing double garage. The result will be a large encroachment into the front garden area that will increase the visual impact of buildings across the frontage of the plot when seen from Main Drive itself. This will result in the width of the bungalow appearing much larger with built form extending forward of the existing main house. As a result there would be an increased urbanisation of this plot and I consider that such an impact would be to the detriment of the overall character and appearance of the area.
12. Notwithstanding therefore the proposed use as an ancillary unit to the main house, the overall design and layout of the proposal will create an overly large building where the two elements would have a jarring appearance with each other. This would also extend built form over a considerable distance along the frontage of this site. As a result of this and of the large front extension, I consider that harm would occur to the character and appearance of the area

and this would conflict with Policies LP17 and LP26 of the Central Lincolnshire Local Plan that seeks to ensure good design.

Other Matters

13. The Council considered that the additional living accommodation would constitute a separate dwelling and was therefore considered as such through the planning application. The appellant has made clear that the proposal before me is for additional living accommodation ancillary to the main dwelling and the appellant is entitled to have the proposal considered as applied for. Ultimately, it is not for me to determine the lawfulness of any existing or proposed development as part of a section 78 appeal and it is open to the appellant to apply to the Council to have this matter determined under section 191 or 192 of the Act¹. Whatever the case may ultimately be, given my findings in relation to the main issues above I do not consider it necessary to consider this matter any further as it would not alter my decision to dismiss the appeal

Planning Balance and Conclusion

14. In Framework terms I consider that less than substantial harm will occur to the significance of the Grade II Listed Gates, Gate Piers and 2 Lodges to Sudbrooke Holme. Having identified such harm however I am required to assess this proposal against the public benefits that can be identified as a result of this scheme and this forms part of the planning balance.
15. In assessing this I give substantial weight to the needs of the appellant's to maintain a viable business and to enable such family relationships to exist between generations living on the same site. This will also have the benefit of reducing travelling between places in order to serve the business. However, the considerable weight and importance I give to the desirability of preserving the significance of the designated heritage asset, in terms of its setting would not be outweighed by these minor public benefits.
16. Drawing everything together, the proposal would conflict with the development plan, when read as a whole. Material considerations, including the Framework do not indicate that a decision should be made other than in accordance with the development plan. Having considered all other matters raised I therefore conclude that in this particular case the appeal should be dismissed

A. Graham

INSPECTOR

¹ The Town and Country Planning Act 1990 (As amended)

Appeal Decision

Site visit made on 17 September 2019

by R E Walker BA Hons DipTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 11 October 2019

Appeal Ref: APP/N2535/D/19/3230535

Norwood, Legsby Road, Market Rasen LN8 3DZ

- 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 & Mrs Redwin against the decision of West Lindsey District Council.
 - The application Ref 138873, dated 21 September 2018, was refused by notice dated 27 March 2019.
 - The development proposed is the proposed loft conversion and extension.
-

Decision

1. The appeal is dismissed.

Procedural Matters

2. The description of development in the heading above has been taken from the planning application form. However, in Part E of the appeal form it is stated that the description of development has not changed but, nevertheless, a different wording has been entered. Neither of the main parties has provided written confirmation that a revised description of development has been agreed. Accordingly, I have used the one given on the original application form which accurately describes the proposal.
3. It is clear from the Council's Decision and Officer Report that the Council's concern relates solely to the loft conversion and not to the extension to the rear. From the evidence I have before me I see no reason to disagree. I have therefore confined my considerations to the proposed loft conversion only.
4. The second reason for refusal within the decision notice, included reference to the neighbouring properties to the east and west. No reference was made to the neighbouring property to the north, notwithstanding that, the delegated officer report raised concerns regarding the impact on this neighbouring property as well. Thus, there is some uncertainty in the Council's position. However, the appellant has had the opportunity to comment on the Council officer's report and I have taken the comments within it into account in reaching my decision. In other words, I have addressed the effect on living conditions with reference to overlooking on the neighbouring properties to the east, west and north within my reasoning below.

Main Issues

5. The main issues are:

- the effect of the proposal on the character and appearance of the host property and surrounding area; and
- The effect of the proposal on the living conditions of the occupiers of the neighbouring properties to the east, west and north with particular reference to privacy.

Reasons

Character and Appearance

6. The appeal property is a modest sized detached bungalow with a pitched roof and gable ends. The appeal property's pitched roof creates a very distinctive three-dimensional form which is, in my view, an important component of the building's character. Along the road there are a mix of properties with many bungalows of varying heights, mostly with pitched or hipped roofs.
7. The proposed loft conversion would result in the raising of the rear roof slope by building up from the rear wall. This would add significant bulk to the building's roof and would serve to unbalance the dwelling. The symmetry of the roof pitch of the bungalow is an important feature and this would be visibly lost from the street where views can be achieved of either gable end. It would, in my view, create an incongruous addition to the property. As such, I consider that the proposed roof alterations would cause harm to the character and appearance of the host property and the surrounding area.
8. I therefore conclude that the proposal would conflict with policy LP26 of the Central Lincolnshire Local Plan (LP) Adopted April 2017. This policy, amongst other things, aims to ensure that development positively contributes to the character of the area through good design. Policy LP26 is consistent with the provisions of the National Planning Policy Framework.

Living Conditions

9. The proposed roof alterations would result in windows on the first-floor rear elevation where there were none. This would allow some angled views toward the neighbouring properties gardens. However, this is a residential street and a certain degree of overlooking of gardens from upper floor windows is not unusual. Indeed, the neighbouring property to the east has a window on the first-floor rear gable end.
10. Given that one window would serve an en-suite, another would serve a landing at the top of the staircase and the third would serve a bedroom window positioned centrally within the building, this layout would minimise the extent of overlooking. Moreover, the appeal property is set back from the rear building line of the neighbouring property to the east. There is an access track in between the appeal property and the neighbouring property to the west. Furthermore, the appeal property's rear garden and outbuilding are located between the proposal and the neighbouring property to the north. All these factors would ensure that there would not be a significant level of overlooking.
11. Overall, whilst some increased overlooking would occur, for the reasons stated, the proposals would not harm the living conditions of the occupiers of the neighbouring properties to the east, west or north with particular reference to privacy. The proposals would not, therefore, be contrary to Policy LP26 of the

LP which, amongst other things, seeks to ensure that developments do not have an unacceptable impact on neighbours.

Other Matters

12. Concerns have been raised by the occupants of the neighbouring property to the east regarding the potential for loss of light to the windows in the property. The proposal would increase the scale and bulk of the property nearer to this neighbouring house than currently exists. However, there would still be a gap, and given the orientation of the two buildings I am not convinced that this would result in a significant loss of light to the windows within this neighbouring property.
13. I recognise that the appellants, are seeking to make an effective use of an existing dwelling. I understand that extending the property might meet the appellants' need for increased accommodation. However, personal circumstances will seldom outweigh more general planning concerns and the appellants' desire to extend the property does not outweigh my concerns relating to the character and appearance of the area.

Conclusion

14. Although I have concluded that the proposal would not harm the living conditions of the occupiers of the neighbouring properties to the east, west and north, this does not outweigh the unacceptable harm to the character and appearance of the area. Accordingly, for the reasons given above the appeal is dismissed.

Robert Walker

INSPECTOR



Appeal Decision

Site visit made on 2 May 2019

by David Storrie DipTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 18 October 2019

Appeal Ref: APP/N2535/W/19/3222792

Land south of Pingley Vale, Bigby High Road, Brigg, DN20 9HE

- 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 Harry Thorpe against the decision of West Lindsey District Council.
 - The application Ref 138046, dated 6 July 2018, was refused by notice dated 31 August 2018.
 - The development proposed is an outline planning application to erect 1no. dwelling with detached garage – access to be considered and not reserved for subsequent applications.
-

Decision

1. The appeal is dismissed.

Preliminary matter

2. I have taken the description of the proposed development from the Appeal Form as this more accurately reflects the proposal.

Main Issue

3. The main issue in the appeal is whether the proposed development would be in an appropriate location having regard to existing development limits and the open countryside.

Reasons

4. The appeal site is a piece of open land set some distance back from Bigby High Road with the boundary of a residential development immediately to the north, an unmade access road to its southern boundary with open land beyond that and open land to the eastern and western boundaries. The site does not fall within an identified settlement in the Council's development plan. Access to the site would be from an existing track off Bigby High Road.
5. The appeal site was originally part of a much larger site, incorporating the land to the north, that was formerly a prisoner of war camp. From the planning history, planning permission was granted in 2008 on the larger parcel of land to the north of the appeal site for a mixed use (ref: 119946). This excluded the appeal site. Subsequent planning permissions have been granted for development on the land immediately to the north of the site with the latest

- being for 13 dwellings. These were under construction at the time of my site visit.
6. The appeal site was part of a mixed use allocation in the West Lindsey District Local Plan (2006). This development plan has now been replaced by the Central Lincolnshire Local Plan (2017) (CLLP). The site has no specific designation or allocation in the CLLP and lies outside the settlement boundary of nearby Brigg.
 7. From the above, and from what I saw on site, the appeal site is unrelated to the development taking place on the adjoining site to the north. From my site visit it was an overgrown field adjacent to agricultural fields to the east west and south of it. Given this I saw it as open countryside.
 8. Policy LP2 of the CLLP sets out the strategy and hierarchy for new development in the district and, amongst other things, seeks to resist development in the countryside to that which is demonstrably essential to the effective operation of agriculture, horticulture, forestry, outdoor recreation, transport or utility services or renewable energy generation. None of these are applicable to the appeal site. CLLP Policy LP55 deals specifically with development in the countryside and supports Policy LP2 stating that new dwellings will only be acceptable where they are essential to the effective operation of rural operations listed in policy LP2. No evidence has been submitted to demonstrate that the development is essential to the effective operation of rural operations.
 9. The appellant has presented a case that the appeal site forms part of a hamlet where CLLP Policy LP2 acknowledges that infill development may be acceptable. The policy provides a useful definition of a hamlet as a settlement not listed elsewhere in the policy and with dwellings clearly clustered together to form a single developed footprint. Such a hamlet must have a dwelling base of at least 15 units (as at April 2012). *"Within such hamlets, single dwelling infill developments (i.e. within the developed footprint of the village and within an otherwise continuous built up frontage of dwellings) in appropriate locations will be supported in principle."*
 10. From my site visit where I viewed the site and surrounding area, I am not convinced that the appeal site falls within a hamlet. It does not sit within an otherwise continuous built up frontage of dwellings nor is it within a developed footprint or clustered development. There are no dwellings either side of it. I therefore conclude that the site conflicts with CLLP Policies LP2 and LP55.
 11. All matters were reserved apart from access. Whilst the access would be down a lengthy track from the main road, passing places would be provided to reduce any conflict with vehicles. There were no objections from the Highway Authority, and I could see no reason to disagree with this. Passing places and sight line improvements could be dealt with by appropriate planning conditions. Notwithstanding the acceptability of the access to the site, it would not overcome the concerns I have regarding the principle of development of the site that I have set out above.

The planning balance and conclusion

12. The site lies just outside the settlement of Brigg and would be accessible by foot and other modes of transport to Brigg. As such it could be considered to be in a sustainable location. However, notwithstanding this, for the reasons

given above, the proposed development would represent a clear incursion into the countryside that would conflict with CLLP Policies LP2 and LP55. It would be physically separate from the adjoining development immediately to the north with no integration by foot or vehicles. This lack of permeability through existing development would also be contrary to CLLP LP26 that, amongst other things, seek to create a sense of place and integration. This adds further weight to my decision.

13. I note that the appellant had supportive pre-application advice from the Council in 2017. This advice was based upon the earlier development plan where the site fell within the boundary of a mixed use allocation. Whilst reference was made to the emerging development plan, appropriate weight was not given to the emerging policies. Notwithstanding this pre-application advice, I must determine the appeal in accordance with the prevailing development plan and have found it would be an unacceptable incursion into the open countryside for the reasons I have given and would be contrary to the development plan policies identified above.
14. Consequently I dismiss the appeal.

David Storrie

INSPECTOR



Appeal Decision

Site visit made on 1 October 2019 by L Wilson BA (Hons) MA

Decision by A U Ghafoor BSc (Hons) MA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 21 October 2019

Appeal Ref: APP/N2535/W/19/3233757
25 Marlow Road, Gainsborough, DN21 1YG

- 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 Nigel Sutton against the decision of West Lindsey District Council.
 - The application Ref 138984, dated 1 February 2019, was refused by notice dated 11 April 2019.
 - The development proposed is described on the application form as *a two bedroom dormer bungalow on site adjacent to 25 Marlow Road, Gainsborough*.
-

Decision

1. The appeal is dismissed.

Appeal Procedure

2. The site visit was undertaken by an Appeal Planning Officer whose recommendation is set out below and to which the Inspector has had regard before deciding the appeal.

Main Issue

3. The effect of the proposal upon: 1) character and appearance of the street scene, and 2) the living conditions of the occupants of no. 25 and 27 Marlow Road, with particular reference to outlook.

Reasons for the Recommendation – *Character and Appearance*

4. No. 25 is a detached bungalow situated in a large plot. The street scene is characterised by a mix of two-storey dwellings and bungalows. Properties are set back from the highway behind a front garden and driveway generally leading to a garage. The new dwelling would be seen as a two-storey property located between two bungalows. The form of the new dwelling would be similar to those highlighted in Figure 6 of the appellant's grounds of appeal. However, these properties are set within larger plots as they have a garage to the side and thus cannot be directly compared to the proposal.
5. The character of properties along Marlow Road vary, but it is characterised by rows of similarly designed buildings displaying a strong simple rhythm. The development would result in a narrow plot which would appear out-of-keeping with the character of the row of bungalows, which are set within generous plots. Within the context of the neighbouring properties the scheme would

appear cramped. The height of the new dwelling and siting in front of no. 25 and 27 would exacerbate this.

6. The appellant has provided a copy of the deeds for the plot, but these do not justify visually harmful development. In addition, the appellant considers the proposal would enhance the scale and mix of housing types and create a range of new job opportunities. One new dwelling would not have a significant impact and thus has little bearing on the planning merits of the case.
7. Whilst the site is located close to local services, the proposal would not accord with the National Planning Policy Framework (the 'Framework') or Policy LP2 of the Central Lincolnshire Local Plan (2017) (LP) as it would cause harm to the character and appearance of the street scene. The proposal would also conflict with Policies LP17 and LP26 of the LP.

Living Conditions

8. The Council state the separation distance between the new dwelling and the side windows of no. 25 and 27 would be approximately 9.4 metres and 7.5 m respectively. In addition, the new dwelling would be located approximately 6.4 m from no. 25's patio doors and flanking windows and 6.7 m from no. 27's glazed door on the front elevation. The appellant does not dispute these distances.
9. There would be an adequate gap between the new dwelling and the side windows to ensure that the development would not have an adverse effect upon the outlook of these windows. Similarly, the front facing windows and doors would not be unduly affected as views of the new dwelling would be limited due to the proposed gap between the dwellings and the windows look towards the highway.
10. For these reasons, the proposed development would not have an adverse effect on occupiers' living conditions. Therefore, it would not conflict with Policy LP26 of the LP and with the Framework.

Conclusion and Recommendation

11. Although I have found that the scheme would not have an adverse effect upon the living conditions of occupants of no. 25 and 27, this is outweighed by the harm to the character and appearance of the street scene to which I attach significant weight. For the reasons given above, I recommend that the appeal should be dismissed.

L M Wilson

APPEALS PLANNING OFFICER

Inspector's Decision

12. I have considered all the submitted evidence and the Appeal Planning Officer's report, and, on that basis, I too agree and conclude that the appeal should be dismissed.

A U Ghafoor

INSPECTOR

Appeal Decision

Site visit made on 8 October 2019

by K Savage BA MPlan MRTPI

an Inspector appointed by the Secretary of State

Decision date: 29 OCTOBER 2019

Appeal Ref: APP/N2535/W/19/3234344

5 Beck Hill, Tealby, Market Rasen LN8 3XS

- 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 & Mrs Ferrier-Hanslip against the decision of West Lindsey District Council.
 - The application Ref 139079, dated 12 February 2019, was refused by notice dated 10 May 2019.
 - The development proposed is 'new dwelling to residential garden of 5 Beck Hill, Tealby.'
-

Decision

1. The appeal is dismissed.

Preliminary Matter

2. The appellants have included revised drawings within their appeal submissions, which are indicated on the appeal form to have not previously been seen by the Council, but based on the appellants' statement of case, they are being presented for consideration as part of the appeal. I also note correspondence from the appellant referring to a further subsequent amendment to a site plan drawing. In determining the appeal, in the interests of fairness, I can only take into account matters that have been properly placed before the main parties and interested parties.
3. Moreover, the appeal process should not be used to evolve a scheme. Having regard to the 'Wheatcroft principles'¹ I note several changes to the proposal, including the repositioning and reorientation of the proposed dwelling, and changes to both its size and design. To accept drawings which, in my judgement, materially change the proposal would deprive those who should have been consulted on the changed development the opportunity of such consultation. Taking all matters into account, I shall determine this appeal on the basis of the plans that were before the Council at the time of its decision.

Main Issues

4. The main issues are the effect of the proposal on the character and appearance of the Tealby Conservation Area and the effect on protected trees.

¹ Bernard Wheatcroft Ltd v SSE [JPL 1982 P37]

Reasons

Conservation Area

5. The Tealby Conservation Area (the CA) covers the older parts of the village, with All Saints Church the focal point a short distance to the north of the appeal site. The CA Appraisal (1992) states that the village owes much of its charm to its natural setting, the informal nature of its street pattern, the overall looseness of its development and the unspoilt character of the older part of the settlement.
6. Beck Hill is further described as a mixture of 18th and 19th century stone houses and 20th century dwellings and the street as having the appearance of a narrow country lane beyond the junction with Front Street. 5 Beck Hill is a traditional cottage built in local ironstone standing immediately next to and perpendicular to the road. A shared access also serves the bungalow at No 5A. The site includes small garden areas to the front and rear. An area to the side is enclosed by a stone wall, beyond which is a detached garage and a larger side garden area, where the proposed dwelling would be built following demolition of the garage. The mature trees and gardens form a natural backdrop and are a notable feature of this part of the CA.
7. The dwelling would stand on higher ground to the rear of No 5. Though indicated by the appellants that the dwelling would be set into the ground, the plans before me do not illustrate clearly at what level the dwelling would sit. Based on the levels I saw on site, the rise in level from the road, and the proposed height of the dwelling, it would be prominent in views from the street, despite its recessed position and any setting into the ground. No 5 appears as a dormer cottage given the first floor windows sit largely above the eaves line within the roof. In contrast, the eaves of the proposed dwelling would be almost wholly above the first floor windows, so appearing as a full two storey dwelling. Therefore, whilst the footprint of the proposed dwelling above ground would not appear significantly different to the existing dwelling at No 5, due to its height and form, it would appear similar if not larger in scale than No 5 when viewed from the street and dominant over the adjacent bungalow at No 5A where a jarring disparity in height would be evident.
8. In terms of layout, the proposal would result in a new dwelling with limited garden space and a much reduced garden to No 5, in contrast with the site surroundings which are generally characterised by dwellings set in spacious plots with mature gardens providing an attractive, verdant character to the CA. Given the size of the proposed dwelling and its proximity to Nos 5 and 5A, it would appear squeezed between the existing buildings in a contrived manner, with loss of existing planting and insufficient space for meaningful new planting, particularly trees. In this regard, there would be conflict with the requirements of the Tealby Village Design Statement.
9. The dwelling would be built in traditional materials and would reference some of the design details of the existing house. However, although the front elevation would face the road, it would include a dominant chimney structure and no front entrance, which would be located on the side elevation facing and close to the boundary of No 5A. As a result of its composition and orientation, the dwelling would appear discordant in comparison to the attractive symmetry of the front elevation of No 5.

10. I also observed the site from the park to the rear. The dwelling would be visible from here, though the existing trees and hedges on the boundary would offer partial screening. That said, neighbouring properties were clearly visible from the park. Given this context, I am satisfied the dwelling would not have a significant adverse impact on views into the CA from the park.
11. However, at the front, the garden area to No 5 would be further reduced by the creation of a double parking bay next to the dwelling. Whilst I understand the boundary wall in this position is a recent construction, the proposal would replace a sensitively designed boundary treatment and abundant planting with a conspicuous and jarring gap for parking of vehicles which would detract from the semi-rural appearance of the street scene.
12. For the above reasons, I find that the proposal would harm the character and appearance of the Tealby Conservation Area. Consequently, there would be conflict with Policies LP17 and LP26 of the Central Lincolnshire Local Plan (Adopted April 2017) (the CLLP) which require development to achieve high quality sustainable design that contributes positively to local character, to be achieved by respecting the existing topography, landscape character and identity, and relating well to the site and surroundings, particularly in relation to siting, height, scale, massing, form and plot widths. There would also be conflict with Policy LP25, which requires development to protect, conserve and seek opportunities to enhance the historic environment of Central Lincolnshire.
13. In this case, the harm to the significance of the designated heritage asset would be less than substantial in the language of the National Planning Policy Framework (the Framework). Paragraph 196 directs that this harm should be weighed against the public benefits of the proposal, including securing its optimum viable use. The provision of an additional dwelling to the District's housing stock, patronage of local services by future occupants and additional Council tax receipts would be public benefits, but these would be limited in scale given the size of the development. Taken cumulatively, they would not outweigh the less than substantial harm to the significance of the designated heritage asset, to which the Framework directs I must give great weight.

Effect on Protected Trees

14. The Council's concern relates to trees just beyond the site boundary in the adjacent park, which are protected by a tree preservation order. No arboricultural assessment was submitted with the original application. The appellants indicate one has been undertaken, however there is no survey before me. I note on the revised plans submitted by the appellant that a root protection area (RPA) of a tree has been shown, but none appears on the plans I am considering, in which the dwelling is in a different position. As such, it is unclear whether the proposal before me would involve works within the RPA of any protected trees; however, the proposed basement excavation would appear to extend close to the boundary and the trees in question. In the absence of substantive evidence in this respect, I am unable to conclude that the protected trees would be safeguarded by the proposal. As such, there would be conflict with Policies LP17 and LP26 of the CLLP which seek the retention, as far as possible, of existing natural and historic features such as trees, to protect and enhance the intrinsic value of the landscape and townscape.

Other Matters

15. The appeal site is also located within the Lincolnshire Wolds Area of Outstanding Natural Beauty (AONB). The Council did not identify any significant effects would arise from the proposal with respect to the AONB, nor have I identified any. A lack of harm in this respect would be a neutral factor weighing neither for nor against the proposal.
16. The appellants have referred to a number of other planning decisions of the Council in the village. Whilst some images and plans have been presented, I do not have full particulars of these decisions to establish whether they are comparable to the appeal before me. Therefore, I afford little weight to them and have considered the appeal on its own merits.
17. In reaching a view on the appeal, I have had regard to letters in support of the proposal from a neighbouring resident, and to the other concerns raised beyond those encapsulated by the main issues, including whether sufficient parking spaces would be provided. However, as my conclusions on the main issues point to the appeal being dismissed, it is not necessary for me to address these concerns further, as they would not alter my overall decision.

Conclusion

18. The proposal would result in conflict with the development plan which is not outweighed by other material considerations, including the Framework. Therefore, for the reasons given and having regard to all relevant matters raised, I dismiss the appeal.

K. Savage

INSPECTOR