

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, 11th December, 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** (PAGES 3 - 11)
 - i) **Meeting of the Planning Committee held on 13 November 2019, previously circulated.**
4. **Declarations of Interest**
Members may make any declarations of interest at this point but may also make them at any time during the course of the meeting.

5. **Update on Government/Local Changes in Planning Policy** (VERBAL REPORT)

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

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

6. **Planning Applications for Determination**

i) 140180 - Wragby Road, Sudbrooke (PAGES 12 - 27)

ii) 139839 - Main Street, Osgodby (PAGES 28 - 47)

iii) 140128 - Low Road, Osgodby (PAGES 48 - 63)

iv) 140042 - Deepdale Lane, Nettleham (PAGES 64 - 80)

7. **Determination of Appeals** (PAGES 81 - 97)

Ian Knowles
Head of Paid Service
The Guildhall
Gainsborough

Tuesday, 3 December 2019

WEST LINDSEY DISTRICT COUNCIL

MINUTES of the Meeting of the Planning Committee held in the Council Chamber - The Guildhall on 13 November 2019 commencing at 6.30 pm.

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

Councillor Owen Bierley
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

In Attendance:
Russell Clarkson Planning Manager (Development Management)
Rachel Woollass Development Management Team Leader
Joanne Sizer Area Development Officer
Martha Rees Legal Advisor
Ele Snow Democratic and Civic Officer

Also in Attendance: Councillor Jeff Summers
Seven members of the public

Apologies:
Councillor David Cotton

31 PUBLIC PARTICIPATION PERIOD

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

32 TO APPROVE THE MINUTES OF THE PREVIOUS MEETING

Meeting of the Planning Committee held on 16 October 2019.

RESOLVED that the Minutes of the meeting of the Planning Committee held on 16 October 2019 be confirmed and signed as a correct record.

33 DECLARATIONS OF INTEREST

Councillor Roger Patterson declared that he would speak as Ward Member in relation to agenda item 6b (139936) and would step down as a Member of Committee for the duration of that item.

Councillor Cordelia McCartney declared that she was Ward Member in relation to agenda item 6a (139552) but would remain as Committee Member for that item.

34 UPDATE ON GOVERNMENT/LOCAL CHANGES IN PLANNING POLICY

The Committee were advised by the Planning Manager that the Housing Delivery Test results were due to be published by the Government in November. It was explained that an action plan would be required if delivery fell under 95% of the housing requirement over the previous three years, however the authority had achieved 112% of the housing requirements for 2018.

The Planning Manager explained that Defra had introduced an Environment Bill that contained several measures with implications for the planning system and the opportunities it provided to protect and improve the natural environment. Key measures included:

- a mandatory duty on developers to provide for a 10% net gain in biodiversity, preferably locally to the development;
- a new mapping system would identify opportunities to improve biodiversity at a strategic scale and could be used to inform development plans and the net gain process;
- local authorities would be required to consult on proposals to fell street trees, and would have a strengthened duty to improve biodiversity when delivering their functions;
- there would also be a new statutory body, the Office for Environmental Protection, with the power to enforce the proper application of environmental law.

With Regard to Neighbourhood Plans, the Planning Manager highlighted that the Glentworth NP had been made by Full Council on 4 November 2019. The referendum for the Spridlington NP had been successful with a 49.7% turnout, of which 73.2% were in favour, this would be made at Full Council at a future date. The examination of the Sudbrooke NP had been successful and the referendum date was to be confirmed, the consultation of the Bishop Norton NP had just closed and the draft version of the Gainsborough NP was out to consultation, due to close on 17 December 2019. He reiterated that the status of all Neighbourhood Plans in the District could be found on the Planning and Building pages of the West Lindsey website.

35 PLANNING APPLICATIONS FOR DETERMINATION

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

36 139552 - LAND ADJ THE LIMES HOTEL, GAINSBOROUGH ROAD, MARKET RASEN

The Chairman introduced planning application number 139552 and invited the Development Management Team Leader to provide any updates. She explained it was a variation application to change conditions 4, 6, 11 and 15 of planning permission 138607 granted 7 February 2019. There were no updates to the report.

Note: The Chairman declared an interest on behalf of all committee Members as West Lindsey District Council was the applicant.

As there were no public speakers registered, the Chairman invited comments from the Committee. A Member of Committee commended the detail of the report and moved the Officer recommendation.

Note: Councillor Paul Howitt-Cowan declared a personal interest as he was Chairman of the Leisure, Culture, Events and Tourism Group.

With no further discussion the recommendation was seconded, voted upon and unanimously agreed that planning permission be **GRANTED** subject to conditions as detailed below.

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 MRLC1-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.

37 139936 - HIGHCLIFFE BUSINESS PARK, THE CLIFF, INGHAM, LINCOLN

Note: Councillor Roger Patterson stepped down from Committee for the duration of this item.

The Chairman introduced planning application number 139936 for the erection of 3 no. buildings to provide either B1 (Business) or B2 (General Industrial) floor space; with provision of vehicle parking spaces, hard landscaping and means of enclosure. The Committee heard this was a resubmission of planning application reference: 139515 and the Area Development Officer confirmed there were no updates to the report.

The Chairman stated there were three registered speakers for the application and invited the first to address the Committee.

The first speaker introduced himself, Councillor Mark Nicholson from Ingham Parish Council. He explained that the Parish Council were undertaking a development plan and that all people involved were supportive of the business and employment opportunities this development would bring to the area. He stated there was housing development underway, providing a 15% increase in housing and the Parish Council would like for there to be employment opportunities for those people to work locally. The proposed development would provide opportunities for greener employment with people able to walk or cycle to work. He reiterated the Parish Council's support of the proposed development and thanked the Committee for their time and consideration.

The Chairman invited the second speaker, Mr James Rigby, the applicant, to address the Committee. Mr Rigby explained that his company felt the Officer's report had oversimplified the case and that, in relation to LP5, the site should not be considered as being in the countryside. He added that LP5 established support for generating employment in these areas and the proposal was for employment development. There was support for 50 jobs, the area locally was considered to be an employment site which would be in accordance with LP5 and paragraph 84 of the revised framework. Mr Rigby commented on the suggested visual impact to the area and advised the Committee that the proposed development would benefit from substantial screening, the buildings would sit below the treeline and he was confident no harmful visual impact would occur. He added that there was strong demand from businesses looking to expand into the area and he believed the proposals would provide significant benefit to the area. He thanked the Committee for their time and consideration.

The third and final speaker, Councillor Roger Patterson, Ward Member, was invited to address the Committee. He stated that he could not find any grounds for refusal of the application. Councillor Patterson explained that the building sat on the ridgeline, there were other businesses along the same building line, the site itself was part of an old airfield and the A15 ran alongside the area. He agreed that the area was countryside but it was a significant industrial area with some major businesses operating around the proposed development site. He stated LP5 was supposed to allow businesses to thrive. Councillor Patterson highlighted that the proposals would make the development the greenest office building in West Lindsey, using green energy as well as requiring minimum vehicle use from employees living in the local area. He quoted LP55 part E, paragraphs A and D and LP1 regarding sustainable development. He also drew Members' attention to section 2.4 of the CLLP, designed to encourage expansion for existing businesses. To conclude, Councillor Patterson stated there would be no visual impact of the building, there were no objections within the community, the community and workers supported and wanted the development. He invited the Committee to look favourably on the application.

Note: Councillor Roger Patterson left the room at 6:49pm

The Chairman invited further comment from the Planning Manager who clarified that 'brown field sites' related to areas which had previously been developed whereas the site in question for the application was a green field site. He advised the Committee to consider whether it was a local employment site, and whether it was expanding an existing business or building on new ground.

The Chairman invited comments from the Committee. Initially, several Members of Committee expressed their support for the application and agreed with the arguments in

favour presented by the speakers. This was countered by other Committee Members who felt that the site was isolated and separated from the village. It was suggested that the commendable green credentials of the development could be implemented in other locations and there were other sites available that would be more suitable to such a development. It was also commented that Members should be consistent and support the relevant policies, a Member of Committee moved the Officer recommendation to refuse planning permission and this was promptly seconded.

At the close of discussions, the Chairman enquired whether there was any Member offering a second proposal to Committee. After giving fair time, but receiving no second proposal, he put the original proposal to the vote.

With five votes in favour of the Officer recommendation, and four votes against the Officer recommendation, it was duly resolved that permission be **REFUSED** for application number 139936.

Note: Councillor Roger Patterson returned to the room at 6:55pm and re-took his seat at Committee.

38 DETERMINATION OF APPEALS

The Chairman commented on the statistics of dismissed appeals and that it was a positive for the Council that the Inspectors agreed with the final decisions.

RESOLVED that the determination of appeals be noted.

The meeting concluded at 6.57 pm.

Chairman

Agenda Item 6a



Officers Report

Planning Application No: 140180

PROPOSAL: Planning application for demolition of the existing dwelling and erection of a large house of multiple occupation (sui generis use class) with associated access alterations, vehicle parking and landscaping.

LOCATION: Rosemary Villa 30 Wragby Road Sudbrooke Lincoln LN2 2QU

WARD: Sudbrooke

WARD MEMBER(S): Cllr Waller

APPLICANT NAME: Mr Vaddaram

TARGET DECISION DATE: 19/12/2019

DEVELOPMENT TYPE: Minor - all others

CASE OFFICER: Martin Evans

RECOMMENDED DECISION: Approve

Description:

This is an application for planning permission for demolition of the existing dwelling and erection of a large house of multiple occupation (sui generis use class) with associated access alterations, vehicle parking and landscaping.

The existing vacant two storey dwelling has three bedrooms and is fairly modest in scale with a traditional brick and tile construction. It is approximately 8m to ridge height and 4.5m in width.

The proposed house in multiple occupation (HMO) features ground floor living area, separate kitchen/diner and car underpass, with eight en-suite bedrooms on the two floors above. The roof is part pitched and part flat. It is approximately 8.3m to ridge height and 11.6m wide with a 0.75m gap to the common boundary with 28 Wragby Road along which it is proposed to erect a new masonry wall.

Proposed materials for walls are red facing brickwork and through coloured render. Proposed roofing materials are dark grey eternit thutone artificial slates. Windows and door to be dark grey upvc/aluminium. A streetscene elevation is submitted showing the proposal in context with the two dwellings adjacent.

Eight car parking spaces are proposed with four to the front of the dwelling and four to the rear accessed via the underpass. The vehicular access from the A158 would be widened to 5.6m. Garden beyond the rear parking spaces would be retained as would the existing hedge to the eastern and southern boundaries.

It is proposed to drain surface and foul water to main sewer

It is proposed waste and recyclable waste is collected daily by the applicant and removed from site. The waste is taken to a central depot, sorted, segregated in to general and recyclable waste and disposed of accordingly.

Public right of way Sudb/129/1 is immediately to the north east of the site. The site forms part of a cluster of four dwellings on the southern side of Wragby Road which are surrounded by arable farmland to the south.

Relevant history:

None.

Representations:

Cllr Waller:

Requests the application is determined by committee and gives the same reasons as Sudbrooke Parish Council's comments, as quoted below.

Sudbrooke Parish Council:

"LP1 - The application is in direct conflict with LP1 as it does not provide sustainable development and is unlikely to be used by existing residents.

LP2 - Sudbrooke has far exceeded the housing stock in the Neighbourhood Plan.

LP3 – Does not apply because development targets met and exceeded by Sudbrooke Park Development.

LP7 – This is not high quality visitor facilities and conflicts with the majority of LP7. Sudbrooke Parish Council state this as to the complete uncertainty of the use of the building.

The applicant has stated that it is to be used as an air bnb and an 'overflow' for hospital consultants. This does not fit in with Sudbrooke Neighbourhood Plan.

LP10 has already been met by The Park development for the next 25 years; it conflicts with Neighbourhood Plan 4.5.1.

LP17 – The new building in relation to the townscape afforded by existing houses is in direct conflict with LP17.

LP 26 – In conflict with design principle LP26(B). The access on the main arterial route into Lincoln (A158) is a known accident blackspot.

LP2C – It will be completely out of character with other houses in the village.

Sudbrooke Neighbourhood Plan 5.22 – This application for a block of eight ‘flats’ as stated use of air bnb does not provide for existing and future residents to live in a home appropriate to their needs.

5.23 Section 13 – The proposed build of this application is completely out of character with a village mentioned in the doomsday book.

Sudbrooke Neighbourhood Plan does not identify a need for this type of accommodation.

Paragraph 5.23 does not respect the Neighbourhood Plan and Sudbrooke Village Character Assessment despite stating otherwise in the application.

6.2 - States that the proposed building is on a residential street within the village. However Sudbrooke Parish Council would like to point out that the A158 is the main arterial road from Skegness to Lincoln.

6.3 – The existing two storey property **is entirely** in keeping with the street scene and this development will be considerably larger and not in keeping with the street scene.

6.5 – Mr Martin Evans, the Planning Officer referred to is not, to the knowledge of Sudbrooke Parish Council, a Senior Planning Officer with West Lindsey District Council.

6.6 – Sudbrooke Character Assessment suggests that Sudbrooke is an attractive village to live and this proposal would not ‘raise the standard of design more generally in the area’.

6.7 – Sudbrooke Parish Council does not agree that this application confirms with the Policies stated.

6.9 – There has never been a call for this type of accommodation in the area. It will not fulfil a non-existent local need.

6.11 – Sudbrooke Parish Council disputes that this development meets the aspirations of National and Local Planning Policy and it should be rejected.

LP 10 – This does not support LP 10.

Material Planning Considerations

The over bearing nature of the proposal.

Access and Highway safety will be impaired by the arrival and departure of residents and service vehicles on the main A158 just metres from the junction of Scothern Lane.

Traffic Generation – The development will generate more traffic by its concept.

Noise and disturbance from the Scheme – Residents will be able to arrive any time - day or night -having paid their fees on-line.

The design and appearance is a Material Consideration in that it is out of keeping with the rest of the village.

Sudbrooke Parish Council has been approached by numerous residents concerned about the use of this building as a potential party house, brothel, and drugs county lines operation.”

Reepham Parish Council:

Requested a deadline extension to 5th December.

Local residents:

Residents of 24, 25, 26, 27, 28, 29, 31, 33 Wragby Road, 50 St Edwards Drive, 46 Windsor Close, 6 Manor Drive Sudbrooke; 12 Barlings Lane, Langworth; 21 Station Road, Timberland object to the proposal (summary):

- Residential amenity- reduced light to neighbours, loss of views, proximity of proposal to neighbour, rear projections beyond neighbour, overshadowing, impact of car park and wall, enjoyment of garden via noise and exhaust fumes, occupants could arrive at any time.
- No need for proposal- no community benefits from transient occupants.
- Proposed use as HMO- out of character with residential the area, noise, poor behaviour of occupants.
- Additional traffic and parking problems- with associated car noise at any time of day and headlights shining at properties. Insufficient parking. May park on road to front, endangering other road users, and restricting right of way access. Pedestrian safety. Lack of service vehicle parking.
- Lack of facilities in area.
- Not a sustainable development.
- Risk of crime from occupants.
- Title deed may prevent the proposal.
- Existing dwelling should be kept as this is a residential area as this better meets National, Local and Neighbourhood policies.
- Group of four properties very visible in both directions on road and should be considered in a group. Visual impact in all directions. Size, mass and scale of proposal is out of local context and does not reflect or compliment neighbours and too big for the plot.
- Removal of planting and ecological impact. Can hedge be protected?
- Could be used for parties if unstaffed/ may be disorderly.
- Waste has been burnt on site.
- Issues with another of the applicants sites.

Residents of Parklands West Drive, 3 Manor Drive, 20 Beresford Drive, 75 Wragby Road, 5 and 6 Shepherds Way, 3 Maple Drive, 66 Holme Drive, 18 Northfield Avenue Sudbrooke; 9 Greetwell Road, Lincoln; 17 Manor Rise, Beck House, 3 Beck Hill, Reepham; 38 Bobbin Lane, Lincoln; 6 Hawthorn Road, 131 Jubilee Close, Cherry Willingham; 17 The Alders, 7 Lime Tree Paddock, Scothern; 12 Harland Road, 29 Foster Street, Flat a 2A Ripon

Street, 5 Ploughmans Court, 28 Smith Street, Lincoln; 16A Wragby Road East, North Greetwell; 3 Ravenwood, 4 Hillcroft, Washingborough, 45 Stane Drive, Bracebridge Heath, 52 Cranwell Street, 91 Uffington Avenue, Flat C 143 Newark Road, Lincoln; Old Post Office, West End, Swaton, Sleaford; 17 Grenville Court, Chorleywood; 230 Harborne Lane, Birmingham; Social Economy House, Victoria Street, West Bromwich; Kodathi, Varanasi, Kunigal, Bangalore in India support the proposal (summary):

- Visitors sometimes have to stay in Lincoln. Proposal provides local option that is safe, clean and modern.
- Extra accommodation for visitors with bigger rooms.
- Agree with the proposal.
- Could ease congestion elsewhere.
- It allows people to spend time closer to nature and relax
- Visitors may visit nearby attractions.
- Hotel, guest house in this location is a good idea. No hotels or guest houses in Sudbrooke.
- Offers variety and flexibility of accommodation for tourists.
- Good views for occupiers.
- Away from crowded city centre.
- Easy access and well located to Lincoln and coast.
- Peaceful, quiet and comfortable rural location for proposal.
- Good replacement building and accommodation will uplift the area.
- Location would suit business visitors in Lincoln.
- Most guest houses in Lincoln are old and full of damp.

Two letters had an incomplete address from Greetwell Road, Lincoln; Taurus Avenue, North Hykeham.

WLDC Environmental Protection Officer recommends demolition management plan, no burning on site, waste to be removed by licenced persons, asbestos assessment required prior to works. Construction management plan to be submitted. The proposed use should be clarified. Further details of waste collection are required.

LCC Highways and LLFA:

No objection subject to informatives regarding amended access and works within the highway.

LCC Public Rights of Way Team:

The Definitive Map and Statement shows Definitive Footpath (Sudbrooke) No.129 adjoining the site although this would not appear to affect the proposed development. Comments;

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

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

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

If there is any doubt that any of these conditions may be breached then a temporary diversion or closure may be needed. Under these circumstances, please advise the applicant to contact Mr Chris Marsh at this office at least 13 weeks prior to their proposed start date. Applicants should be aware that there is a cost in processing such Orders.

Relevant Planning Policies:

Development plan

To the extent that development plan policies are material to an application for planning permission the decision must be taken in accordance with the development plan unless there are material considerations that indicate otherwise (section 70(2) of the Town and Country Planning Act 1990 and section 38(6) of the Planning and Compulsory Purchase Act 2004).

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

Lincolnshire Minerals and Waste Local Plan

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

Core Strategy and Development Management Policies

- Site locations

No relevant policies.

Central Lincolnshire Local Plan

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

Policy LP2: The Spatial Strategy and Settlement Hierarchy

Policy LP13: Accessibility and Transport

Policy LP14: Managing Water Resources and Flood Risk

Policy LP17: Landscape, Townscape and Views

Policy LP26: Design and Amenity

Other

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

National Planning Policy Framework 2019 and Planning Practice Guidance
Paragraph 213 states:

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

Sudbrooke Neighbourhood Plan (SNP)

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

Sudbrooke Neighbourhood Plan has reached referendum stage. An examination of the plan was carried out by an independent examiner in September / October 2019 by written representations. Subject to a series of recommended modifications set out in their report the examiner concluded that the examination of the Sudbrooke Neighbourhood Plan was successful and the plan should proceed to referendum.

West Lindsey District Council has determined that the examiner's recommended modifications to the Sudbrooke Neighbourhood Plan meet the 'basic conditions' as set out in Planning and Compulsory Purchase Act 2004. West Lindsey District Council has agreed with Sudbrooke Parish Council that all of recommended modifications made by the independent examiner be included and revised in the original Neighbourhood Plan in order for it to proceed to public referendum with a date to be confirmed later. The revised referendum version of the plan is currently in preparation.

Relevant policies are:

Policy 7: Public Rights of Way

Policy 9: Local Design Principles

Sudbrooke Village Character Assessment- the site is within the 'Wragby Road' character area.

Main issues

- The principle of development
- Design and visual impact
- Impact on residential amenity
- Impact on highway safety
- Flooding and drainage

Assessment:

The principle of development

Policy LP2 designates Sudbrooke a medium village, stating:

"5. Medium Villages

*Unless otherwise promoted via a neighbourhood plan or through the demonstration of clear local community support****, the following applies in these settlements:*

- *they will accommodate a limited amount of development in order to support their function and/or sustainability.*
- *no sites are allocated in this plan for development, except for Hemswell Cliff and Lea. typically, and only in appropriate locations**,*

*development proposals will be on sites of up to 9 dwellings or 0.25 hectares for employment uses. However, in exceptional circumstances***** proposals may come forward at a larger scale on sites of up to 25 dwellings or 0.5 hectares per site for employment uses where proposals can be justified by local circumstances.”*

The proposal entails a replacement dwelling, albeit, in the form of a larger HMO. This accords with the requirement for a limited amount of development of up to 9 dwellings. Some representations refer to growth levels having already been exceeded but Policy LP4 does not apply to a replacement dwelling. Policy LP2 is consistent with the NPPF paragraph 78 requirement for policies to “identify opportunities for villages to grow and thrive” so is attributed full weight. The Sudbrooke Neighbourhood Plan does not have policies relevant to the principle of development.

The principle of development is acceptable.

Design and visual impact

Policy LP26 requires all development must achieve must achieve high quality sustainable design that contributes positively to local character, landscape and townscape, and supports diversity, equality and access for all. It requires all development must take into consideration the character and local distinctiveness of the area and where applicable must demonstrate that they make effective and efficient use of land; maximise pedestrian permeability; respect existing topography, landscape character, relate well to the site and surroundings with regard to siting, height, scale, massing, form and plot widths; incorporate as far as possible existing natural features; incorporate appropriate landscape treatment to ensure assimilation into the surrounding area; provide well designed boundary treatments and hard and soft landscaping; reflect or improve on the original architectural style of the local surroundings or embrace opportunities for innovative design and new technology which sympathetically complement or contrast with the local architectural style; use appropriate high quality materials which reinforce local distinctiveness.

Section 12 of the NPPF seeks to achieve well-designed places. Paragraph 124 states “The creation of high quality buildings and places is fundamental to what the planning and development process should achieve”. Paragraph 127 requires policies and decisions ensure developments function well and add to the overall quality of the area; are visually attractive as a result of good architecture, layout and appropriate and effective landscaping; are sympathetic to local character and history, including the surrounding built environment and landscape setting, while not preventing or discouraging appropriate innovation or change (such as increased densities); optimise the potential of the site to accommodate and sustain an appropriate amount and mix of development (including green and other public space) and support local facilities and transport networks; and create places that are safe, inclusive and accessible and which promote health and well-being, with a high standard of amenity for existing and future users; and where crime and

disorder, and the fear of crime, do not undermine the quality of life or community cohesion and resilience. LP26 is consistent with section 12 of the NPPF in requiring well designed places. It is therefore attributed full weight.

Policy LP17 relates to landscape, townscape and views. It requires proposals have particular regard to maintaining and responding positively to natural and man-made features within landscape and townscape which positively contribute to the character of the area including hedgerows. It requires proposals take account of views in to, out of and within development areas. LP17 is consistent with NPPF paragraph 170 as they seek to protect valued landscapes and recognise the intrinsic character and beauty of the countryside. It is therefore attributed full weight.

NPPF paragraph 48 allows Councils to give weight to relevant policies in emerging plans based on their stage of preparation; extent of unresolved objections to relevant policies; and their consistency with the NPPF. The SNP is at an advanced stage of preparation with the referendum the only remaining stage prior to being made, there is no known unresolved objection; and its policies are consistent with the NPPF. Therefore, Policies 7 and 9 are attributed substantial weight.

Please note all reference to the SNP takes into account the modifications required by the Examiners report dated 18th October 2019. Policy 9 states:

“In conjunction with the Sudbrooke Character Assessment (Appendix 5), development proposals will be supported where they have considered the following:

1. In relation to site context:

a) the proposal responds positively to the specific character area as identified within the Sudbrooke Character Assessment, the local distinctiveness and form of its surroundings;

[Note examining Inspector deleted criterion b from the policy]

c) key views of village, as identified within the Sudbrooke Character Assessment, and the important landscape views, as identified on figure 16, should be safeguarded. Development proposals should demonstrate that they will not have an unacceptable adverse impact on the views listed 1-11.

2. In relation to site design, layout and access: The arrangement of buildings, structures and spaces within the site, including density and layout, and the alignment and orientation of buildings, relates positively to the character and form of the surroundings, achieves a high quality of design and meets all of the following criteria:

a) integrates well with the existing street patterns and characteristics which define that specific character area

b) protects the amenity of neighbouring occupiers; and

c) creates well-connected and attractive outdoor areas

3. In relation to the design of buildings and structures:

- a) proposals make a positive contribution to their surroundings through the quality of their design in terms of scale, height, form, massing, style, detailing, landscaping and use of materials and meet criteria (b) to (c) listed in part (2) above;*
- b) proposals for non-residential buildings consider flexibility in design to facilitate conversion to other uses in the future;*
- c) proposals for residential buildings consider the accessibility and adaptability of new homes to meet the long-term needs of residents; and*
- d) proposals are designed to take advantage of renewable and low carbon energy sources, including natural solar gain.”*

Relevant sections of the Sudbrooke Character Assessment state:

“5.65 The final key characteristic of Character Area 5 is derived from the influence of the southern side of Wragby Road. Specifically, it is the openness of this stretch of roadside and the views it affords out towards the village’s wider landscape setting (Fig 149 and 150) that are important to the overall character and feel of Wragby Road. This visual connection to the landscape south of Sudbrooke is complemented by a public right of way that grants pedestrian access into this countryside setting (Fig 151).”

“5.67 Two further residential clusters exist along southern edge of Wragby. The first is comprised of a row of inter-war properties with hipped tiles roofs, tall red brick chimney stacks, two-storey bay windows with front facing gables (Fig 155), and is set just slightly back from the road behind open, unenclosed front gardens. The other is located at the junction of North Lane and Wragby Road, and consists of three large detached dwellings, set back from the road within long, narrow plots, and partially screened by roadside planting to the front of the plots (Fig 156).”

The proposal responds well to site context as it does not harmfully affect the openness on the southern side of Wragby Road or visibility to the countryside beyond, nor does it impact on the public right of way itself, as confirmed by LCC public rights of way officer. The proposal has a part hipped roof. It does have a section of flat roof although this would not be obvious in the surrounding area and it does not feature a tall red brick chimney stack. The proposal does feature two storey bay windows with front facing gables and it is set slightly back from the road. The front garden would become a parking area but would remain open in character with the front masonry wall height capable of being controlled by condition. It is noted the front of 24 Wragby Road is partly enclosed by a large fence. The proposal respond positively to the Wragby Road character area 5 of the Sudbrooke Character Assessment. The proposal is not within any key views identified in the SNP. Despite this, the site is in a conspicuous location as it visible in both directions along Wragby Road and from the public right of way to the east and south. There is little landscaping on the site to soften these views. Whilst the proposal is larger than the existing dwelling its overall scale is not considered to be so

large and incongruous as to be in conflict with relevant policies LP17 and LP26. The streetscene elevation and other drawings show the proposal is in keeping with the scale of development in this cluster of four dwellings with the resulting landscape and townscape impacts being acceptable.

The site design, layout and access proposed entails a building on broadly the same part of the site, albeit with a larger footprint. The front elevation remains in line with 28 Wragby Road and would continue to face the road. Residential amenity impacts are discussed below. Outdoor areas provide some remaining garden with retained hedgerow and tree but is mostly car parking. The proposal is larger than the existing dwelling but the overall scale, height, form, massing, style, detailing and use of materials (subject to condition) are considered appropriate to the area. The streetscene elevation shows the proposed building height and bulk reflects adjacent properties and the use of render is a feature of 24, 26 and 28 Wragby Road. Some landscaping would be retained as part of the proposal.

Policy 7 requires *“All new proposals should protect and, where possible, enhance the existing Public Rights of Way network as identified on Figure 13.”* The proposal would not impact the public right of way.

The proposal is considered to comply with the Sudbrooke Character Assessment, Policy 7, Policy 9, LP17 and LP26.

Impact on residential amenity

Policy LP26 requires proposal do not unduly harm residential amenity with consideration to compatibility with neighbouring land uses; overlooking; overshadowing; loss of light; increase in artificial light or glare; adverse noise and vibration; adverse impact upon air quality from odour, fumes, smoke, dust and other sources; adequate storage, sorting and collection of household and commercial waste, including provision for increasing recyclable waste; and creation of safe environments. This is consistent with the requirements of NPPF Paragraph 127 that policies and decision should ensure that developments “f) create places that are safe, inclusive and accessible and which promote health and well-being, with a high standard of amenity for existing and future users” and NPPF paragraph 170 in seeking to prevent new and existing development from contributing to, being put at unacceptable risk from, or being adversely affected by, unacceptable levels of soil, air, water or noise pollution or land instability and can be attached full weight.

The main impact of the proposal will be on the single immediate neighbouring dwelling at 28 Wragby Road. The proposal would not project to the front of this neighbouring property. The residents of this property confirm it has three windows on the ground floor side elevation facing the proposal, two of which serve a dining room. These are two small high level windows. The outlook and light to this room is already compromised by the existing building. The applicant could erect a 2m high fence on this boundary or a 2.5m high outbuilding without planning permission which would further compromise

outlook and light. The proposal would leave a 0.75m gap to the boundary and there is an approximate 1.8m gap (stated by occupiers of this dwelling) between the side of number 28 and the boundary. There is not considered to be a harmful loss of light or sense of overbearing. The other side facing window serves a room with another rear facing window resulting in an acceptable impact.

The submitted drawings demonstrate that whilst the proposal projects to the rear of number 28 it would not extend beyond the 45 degree line drawn from the closest rear facing first floor bedroom window. The rear projection is not considered to be harmful.

The provision of car parking to the rear of the proposal and associated access through the building will be result in some level of noise, car fumes and headlight impact for residents of number 28 including use of their garden and would be a change compared to the previous arrangement with no rear parking area. However, the level of impact combined with the ability to condition a 2m high masonry boundary wall along the common boundary to reduce these impacts results in the impact being acceptable in accordance with LP26. The front car parking area would have similar impacts but must be considered in the context of the very busy Wragby Road which will already be resulting in a significant level of impact to number 28. It would not be appropriate to have a 2m masonry wall in this location due to the streetscene impact therefore it is necessary to condition this to be 1m in height. This would reduce to a small degree impacts experienced by the residents of number 28 from the front parking area. The impacts of the parking and access arrangements would not harm residential amenity in accordance with LP26.

The nature of the use as a HMO is more intense than a regular family dwelling but the impact of the nature of this use along with potentially more frequent vehicle movements and use of the rear garden and building itself is not considered to result in any conflict with LP26. There is not considered to be an increased risk of crime from the proposal. Impact on more distant properties is minimal and acceptable.

It is proposed that waste and recyclable waste is collected daily by the applicant and removed from site. The waste is taken to a central depot, sorted, segregated in to general and recyclable waste and disposed of accordingly. The Environmental Protection Officer considers a formal arrangement via licenced waste carrier is required therefore it is necessary to condition details of waste storage and collection arrangements to comply with LP26.

The impact of the proposal on residential amenity is considered to be in accordance with LP26.

Impact on highway safety

Policy LP13 requires well designed, safe and convenient access for all and that appropriate vehicle parking provision is made for development users.

This is consistent with NPPF paragraph 108 requiring proposals ensure safe and suitable access to the site can be achieved for all users and paragraph 109 requiring development should only be prevented or refused on highways grounds if there would be an unacceptable impact on highway safety. The policy is therefore attributed full weight.

The vehicular access to the site would be widened to 5.629m to allow two vehicles to pass on another. A total of eight car parking spaces are proposed with four to the front and four to the rear with the rear spaces being accessed through the building. Car parking is provided on the basis of one car parking space per bedroom. LCC Highways raises no objection to the proposal. Despite objections received, the proposal is considered to provide suitable access, parking and turning arrangements in a location that would not result in harm to highway safety and convenience. The impact on highway safety is acceptable in accordance with Policy LP13.

Flooding and drainage

Policy LP14 requires proposals demonstrate that they have incorporated Sustainable Drainage Systems (SuDS) in to the proposals unless they can be shown to be impractical whereas NPPF Paragraph 165 requires this for only major developments. However, there is general consistency in requiring developments do not lead to increased risk of flooding therefore LP14 is given full weight.

The site is in flood zone 1 therefore the main consideration is the means of foul and surface water drainage. It is proposed to drain surface and foul water to main sewer. This is acceptable for foul but not for surface water because this has not been justified by exploration of soakaway use or local watercourse. This issue is not a fundamental concern and final details can be secured via condition in accordance with Policy LP14.

Conclusion and recommendation

Replacing the existing dwelling with a large HMO accords with Policy LP2 and is acceptable in principle. Whilst the design is larger than the existing dwelling it is considered to comply with the emerging Sudbrooke Neighbourhood Plan and character assessment as well as Central Lincolnshire Local Plan Policies LP17 and LP26 regarding design and landscape and townscape impacts. The proposal will result in an acceptable impact on the residential amenities of the occupiers of adjoining residents in accordance with Policy LP26. The type and level of traffic generated and the access, turning and parking arrangements on site are considered not to harm highway safety and convenience and comply with Policy LP13. Final details of foul and surface water drainage, waste storage and collection and other technical matters can be secured via condition. The proposal is considered to comply with the development plan, NPPF and emerging policy. It is recommended that planning permission is granted.

Recommended conditions:

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

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

2. No development above foundation level shall take place until details of the means of foul and surface water drainage (including percolation tests) have been submitted to and approved in writing by the Local Planning Authority. The approved details shall be implemented in full before occupation of the HMO.

Reason: To secure appropriate foul and surface water drainage in accordance with Policy LP14 of the Central Lincolnshire Local Plan.

3. Development shall proceed in accordance with the following approved drawings:

L-ADD-026-10

L-ADD-026-11

L-ADD-026-12

L-ADD-026-13

L-ADD-026-14

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

4. The vehicular access amendments, vehicular access through the building, parking and turning space shown on drawing L-ADD-026-10 shall be provided before occupation of the HMO and shall be retained for such use in perpetuity.

Reason: In the interests of highway safety and convenience and to ensure sufficient vehicle parking and turning in accordance with Policy LP13 of the Central Lincolnshire Local Plan.

5. Notwithstanding the submitted details, prior to the occupation of the HMO details of waste storage and collection arrangements shall be submitted to and approved in writing by the Local Planning Authority. The approved details shall be adhered to.

Reason: To ensure appropriate waste storage and collection arrangements in accordance with Policy LP14 of the Central Lincolnshire Local Plan.

6. Prior to their use in the development, details of the external finishing materials shall be submitted to and approved in writing by the Local Planning Authority. Development shall proceed in accordance with the approved details.

Reason: To ensure an appropriate design to the proposal in accordance with Policy LP26 of the Central Lincolnshire Local Plan.

7. The masonry wall to the western boundary, the location of which is shown on drawing number L-ADD-026-10, shall be 1m in height to the front of the front elevation of the building and shall be 2m in height the wall to the rear of the rear elevation.

Reason: To mitigate the impact of the parking arrangements on residential amenity of adjacent occupiers in accordance with Policy LP26 of the Central Lincolnshire Local Plan.

Informatives

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

The permitted development requires the formation of a new/amended vehicular access. These works will require approval from the Highway Authority in accordance with Section 184 of the Highways Act. The works should be constructed in accordance with the Authority's specification that is current at the time of construction. For approval and specification details, please contact vehiclecrossings@lincolnshire.gov.uk

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

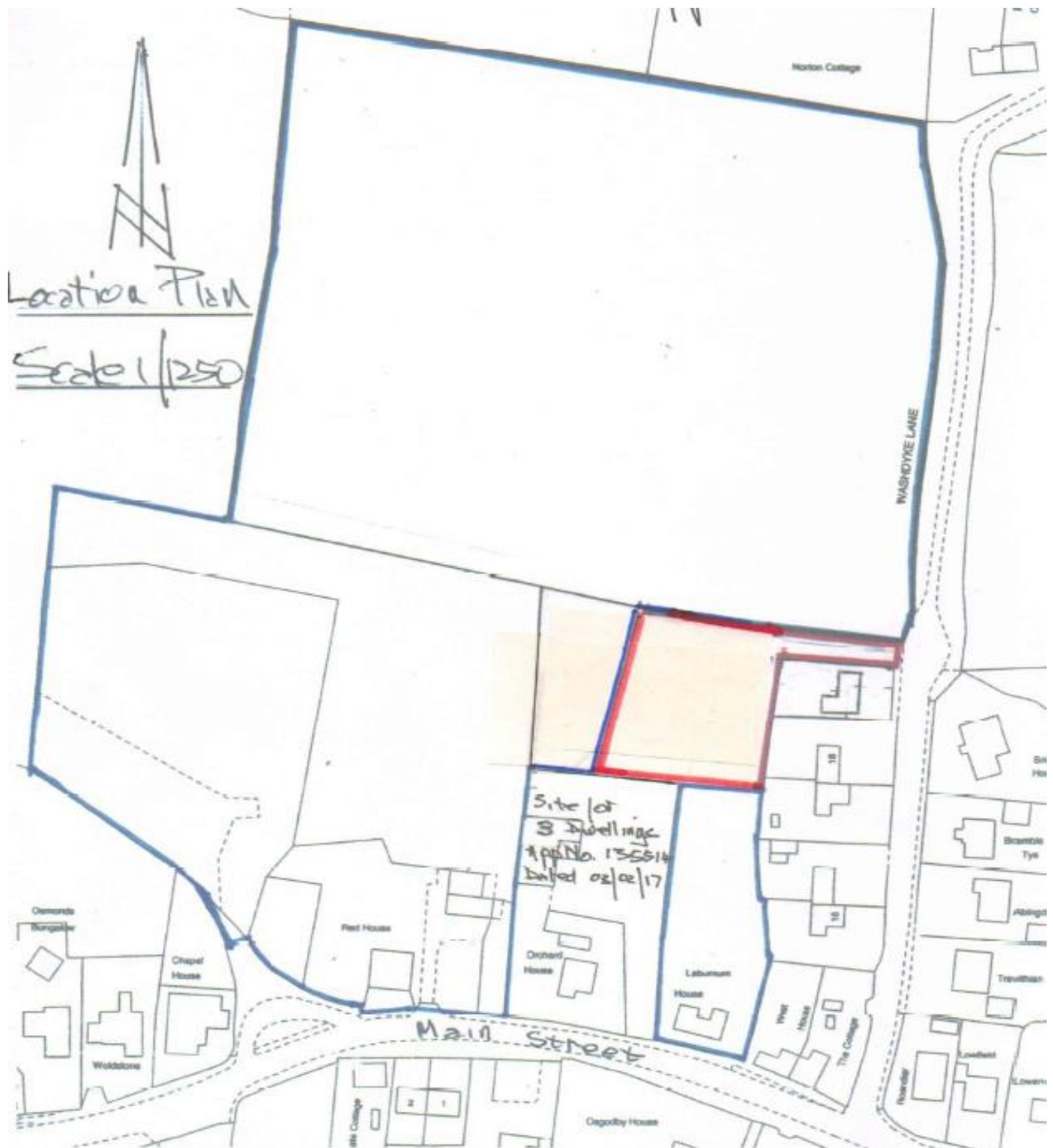
Human Rights Implications:

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

Legal Implications:

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

Agenda Item 6b



Application Number 139839

Officers Report

Planning Application No: 139839

PROPOSAL: Outline planning application to erect 2no. dwellings with all matters reserved.

LOCATION: Land to North East of Red House Main Street Osgodby
Market Rasen LN8 3PA

WARD: Market Rasen

WARD MEMBERS: Cllr Stephen Bunney, Cllr Cordelia McCartney, Cllr John McNeill

APPLICANT NAME: Mr Brown

TARGET DECISION DATE: 15/11/2019 - Extended

DEVELOPMENT TYPE: Minor - Dwellings

CASE OFFICER: Joanne Sizer

RECOMMENDED DECISION: Grant permission subject to conditions.

This application has been referred to the planning committee as there are objections from the Parish Council and neighbours who consider the proposed development to be a departure from the Neighbourhood Plan, and that these matters are considered to be finely balanced.

Description: The application site is located outside of but partially on the edge of the "developed footprint" forming Osgodby village (a small village within the Local Plan settlement hierarchy (policy LP2)). Part of it forms the curtilage of Laburnum House and is currently fenced off from the wider site by wire fencing, trees and planting. The whole site is currently grass land with some trees running along the north boundary. It slightly slopes from south to north with some additional raised areas being present along the southern edge. Land to the south is also notably raised with a concrete platform being visible above the ground levels of the site. Boundary treatments for the whole site generally consist of wire fencing to all aspects but does also consist of wooden post and rail fencing and hedging along the domestic garden areas of the dwellings located along Washdyke Lane. Access to the site is gained off Washdyke lane via an existing field access.

This application seeks outline planning permission to erect two dwellings, with all matters (layout, scale, appearance, landscaping & access) reserved for subsequent approval ("reserved matters").

An indicative plan has been submitted for consideration. During consideration of the application, the proposals have been amended from 4 dwellings to 2 and now includes a reduced application site. This application is a resubmission of application 139146 refused planning permission on 01/05/2019 for the following reasons:

1. The whole of the site is not considered to be an appropriate location as defined by the Central Lincolnshire Local Plan or as set out in the sequential approach for Osgodby village in the neighbourhood plan. The development of the whole site would not therefore retain the core shape and form of the settlement, reflect or respect the landscape character, the street scene nor setting of the village. The proposals are consequently contrary to Policies LP1, LP2, LP17 and LP26 of the Central Lincolnshire Local Plan, Policies 1 and 4 of Osgodby Neighbourhood Plan and guidance contained within the NPPF and NPPG.

2. The provision of 4 dwellings also exceeds the allocated growth level set out for Osgodby village within Central Lincolnshire Local Plan and growth allocation for the Parish within the neighbourhood plan without any clear demonstration of Local Community Support being submitted. The proposals are consequently contrary to the Policies LP1, LP2, LP3 and LP4 of the Central Lincolnshire Local Plan, Policies 1 and 4 of Osgodby Neighbourhood Plan and guidance contained within the NPPF and NPPG.

Relevant history:

On the site

139146 - Outline planning application to erect 4 no dwellings with all matters reserved – Refused 01/05/19

131553 – Erect 8 No 3 bedroom Houses – RE – Appeal dismissed

137728 – Erect 2 dwellings – WA

Adjacent the site

131553 – Erect 8 No 3 bedroom Houses – RE – Appeal dismissed

135514 – Outline to erect 3 No dwellings – GC

122848 – Outline to erect 4 dwellings – RE

120963 – Outline to demolish existing storage building and erect 2 detached dwellings – RE – Appeal dismissed

Representations:

Chairman/Ward member(s): None received

Osgodby Parish Council:

28/10/19: My Council has the following objections on the proposed amendments:

Osgodby Parish Council do not support this application. It has been assessed against the Neighbourhood Plan and I would maintain that the proposed secondary adjacent greenfield site is not an appropriate location as defined in Policy 1. The development also does not have direct frontage. The neighbourhood plan favours developments with strong relationships between frontages and the main streets of the village - clauses 7.8 of the Neighbourhood Plan. The application also does not have community support especially from those of neighbouring residences.

I have looked at the WLDC Planning website and I think that there has been 17 houses granted over the last few years. I will update the spreadsheet next week. The NP states the Parish doesn't want growth to be more than 10% (25 dwellings). Although this isn't a maximum figure if there is strong community support. The neighbourhood plan spans 20 years. We have allocated about 70% of this growth already. I think its likely Ward homes and West Haven will get approval too which will take it up to 76%. I feel there are more appropriate locations for development in the village which should be given priority and protect green field spaces for everyone in the Parish.

11/09/19: Different parish council members responded individually.
Objections, lack of information, abstaining from comment

07/08/19: Different parish council members responded individually.
Objections, lack of information, abstaining from comment

Local residents:

Ravensbrook 18 Washdyke Lane

24/10/19: Previous comments are the same as the last but add the following:
No details of the house types, why are they close to the existing properties, the village plan will be overlooked if supported. Impact on neighbouring amenity during construction.

21/08/19: Concerns raised in relation to the on-going construction of 134383, absence of footpath, the current use of land is paddock land, the land houses wildlife and subject to standing rain.

Norton Cottage Washdyke Lane and Malachai Cottage Washdyke Lane:

07/11/19: Photograph taken 26th October evidencing flooding on Washdyke Lane.

29/10/19: Same representations as 31/08/19

31/08/19: The scale and rate of growth of current development is too high and goes against the Osgodby Neighbourhood Plan. Development exceeds the agreed maximum of 25 houses only 4 years into the 20 year plan period. The location of the proposed development is in the lowest priority location, and there is no supporting evidence as required by ONDP even to be considered. The layout of the development is not in keeping with the ribbon development nature of the Parish. Washdyke Lane is not suitable or safe for pedestrian and vehicular traffic for further development. There are flooding and drainage problems on Washyke Lane.

LCC Highways/Lead Local Flood Authority:

30/08/19: The principle of the proposed development is acceptable.

As this is an outline application with all matters reserved, access and layout have not been considered. Please make the applicant aware of the requirements for access, parking, visibility, turning and layout, as detailed within the Lincolnshire County Council Design Approach and Development Road Specification.

Internal Drainage Board:

The above application lies within the IDB (extended) district and indicates that:

- The applicant should ensure that any existing or proposed surface water discharge system has adequate capacity for any increase in surface water run-off to the area.
- If the surface water were to be disposed of via a soakaway system, the IDB would have no objection in principle but would advise that the ground conditions in this area may not be suitable for soakaway drainage. It is therefore essential that percolation tests are undertaken to establish if the ground conditions are suitable for soakaway drainage throughout the year.
- If surface water is to be directed to a mains sewer system the IDB would again have no objection in principle, providing that the Water Authority are satisfied that the existing system will accept this additional flow.
- If the surface water is to be discharged to any ordinary watercourse within the Drainage District, Consent from the IDB would be required in addition to Planning Permission, and would be restricted to 1.4 litres per second per hectare or greenfield runoff.
- No obstructions within 9 metres of the edge of a watercourse are permitted without Consent from the IDB.
- If surface water or works are planned adjacent to a Main River within the Drainage District, then the Environment Agency should be contacted for any relevant Permits

Rights of Way:

17/10/19 No comments or observations to make.

15/08/19 No comments or observations

Archaeology:

25/10/2019: No change to previous comments.

21/08/19: The proposed development is situated within the historic core of the medieval village of Osgodby. Medieval remains have been found within the village including a pitcher handle of 13th-14th century date, and as well as foundations, walls and a courtyard surfaces indicative of remains of former buildings and occupation.

It is therefore recommended that the developer be required to commission an archaeological scheme of works in order to ensure that any archaeological remains can be recorded prior to their destruction.

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) 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.

Relevant Planning Policies:

Planning Law requires that applications for planning permission 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 Osgodby Neighbourhood Plan (July 2018).

Under planning law, if to any extent a policy contained in a development plan for an area conflicts with another policy in the development plan the conflict must be resolved in favour of the policy which is contained in the last document to become part of the development plan.

Central Lincolnshire Local Plan 2012-2036

LP1: A presumption in favour of sustainable development
LP2: The spatial strategy and settlement hierarchy
LP3: Level and distribution of growth
LP4: Growth in villages
LP14: Managing Water resources and flood risk
LP17: Landscape, Townscape and views
LP25: Historic Environment (Archaeology)
LP26: Design and Amenity

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/>

Neighbourhood Plan:

Osgodby Neighbourhood Plan was made on 2nd July 2018. Relevant policies are noted below:

Policy 1: Residential Development in Osgodby village

Policy 4: Design and character of Development

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

National guidance

National Planning Policy Framework

National Planning Practice Guidance

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

Main issues

Principle

Visual amenity

Residential amenity

Flood Risk and Drainage

Highway Safety

Archaeology

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 appropriate residential development. All policies within the Local Plan are considered to be in accordance with the NPPF for paragraph 213 purposes.

Whether the proposed site would be located within the developed footprint of Osgodby village would principally be assessed against Local Plan Policies LP2: The spatial Strategy and Settlement Hierarchy, LP4: Growth in Villages and LP3 Level and Distribution of Growth.

Policy LP2 of the Central Lincolnshire Local Plan, *designates Osgodby as a small village within which it is acknowledged there can be up to 10% growth with small scale development of a limited nature in **appropriate locations** (around 4 dwellings per site) being accommodated.*

LP2 goes on to advise that an appropriate location means a location which does not conflict when taken as a whole with national policy or policies in this Local Plan. In addition to qualify as an appropriate location the site if developed would:

- *Retain the core shape and form of the settlement;*
- *Not significantly harm the settlements character and appearance;*
- *and*

- *Not significantly harm the character and appearance of the surrounding countryside or the rural setting of the settlement.*

The core shape and form and prevailing character of this edge of settlement location of Osgodby village is predominately characterised by the linear form of the dwellings running along Washdyke Lane and Main Street, and the open fields abutting them.

The site is set back from Washdyke Lane and Main Street and behind the properties which run in a linear form along them. It was concluded in the determination of application 139146 that the development of the whole of the site did not retain the core shape and form of the settlement and would be harmful to the character and appearance of the settlement, its setting and surrounding countryside.

The application site has however now been reduced and sits directly behind the properties facing Washdyke Lane with a large proportion of it consisting of garden land. As a consequence the site now has more of a relationship with the built form of the village forming its core shape and form and encroaches less into the open paddock land associated with the wider rural character of this edge of the settlement location. Again consideration is given to the outline planning permission for 3 dwellings granted on the land between the site and Orchard House in 2017. However no reserved matters application has been received to date. As this permission is extant it is a material planning consideration, but weight is tempered by the absence of any details approved as reserved matters. For the purposes of considering the character and form, the neighbouring site has been considered as undeveloped at the time of determining this application.

The site as such is still recognised as back land development on the edge of the village which abuts open land on two sides. However, due to the now closer relationship with the built form of the village and the provision of two dwellings, it is concluded on balance that the site has the ability to retain the core shape and form of the settlement without being unduly harmful to the character and appearance, its setting and surrounding countryside. Consequently the development is now thought to be in accordance with LP2 of the Central Lincolnshire Local Plan.

Policy LP4 of the CLLP allocates the growth levels for settlements within medium and small villages. The allocated No of dwellings for the village is 14 and as of the 14/11/2019 there is no remaining growth to be accommodated in this village. The policy also provides a sequential approach to be applied to prioritise the development of sites. It states that: *'in each settlement in categories 5-6 of the settlement hierarchy, a sequential test will be applied with priority given as follows:*

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

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

The development in proposing additional dwellings above that allocated exceeds the growth target set out in Policy LP4 and could not be supported by it, unless accompanied by demonstrable evidence of clear local community support, which was not submitted as part of the application. In addition the policy does state:

Local communities can, through Neighbourhood Plans or other means, deliver additional growth over the levels proposed by this policy.

Although no evidence of local community support has been submitted with this application, Osgodby is subject to a Neighbourhood Plan which was made on 2nd July 2018. This plan consequently postdates the Central Lincolnshire Local Plan which was adopted in April 2017. As part of the development plan its policies post-date and can take precedence over the CLLP, where there is any conflict within the policies.

Policy 1: Residential Development in Osgodby village is relevant to this application. This policy states:

1. Proposals for up to four dwellings on **primary or secondary locations in Osgodby Village** will be supported in principle. The settlement area of Osgodby Village is presented in Policy Diagram 1 below (not the full plan).



Criterion 2 states:

For new residential development in the Parish, a sequential test will be applied with priority given as follows:

a. Infill brownfield sites in a primary location;

- b. Infill greenfield sites in a primary location;*
- c. Brownfield sites adjacent to the settlement area in a primary location;*
- d. **Greenfield sites adjacent to the settlement area in a primary location;***
- e. Infill brownfield sites in a secondary location;*
- f. Infill greenfield sites in a secondary location;*
- g. Brownfield sites adjacent to the settlement area in a secondary location;*
- h. Greenfield sites adjacent to the settlement area in a secondary location;*

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

The supporting text in the Neighbourhood Plan provides more clarity to the Primary and Secondary terms used in the policy and colour code applied to Diagram 1. It confirms:

- a. **the term “primary location in Osgodby Village” means a location which is infill or adjacent to the settlement area of Osgodby Village and where development frontage directly faces or is in close distance to either side of Main Street or Washdyke Lane, or to the eastern side of Mill Lane;***
- b. the term “secondary location in Osgodby Village” means a location which is infill or adjacent to the settlement area of Osgodby Village.*

And

- a. Infill is considered to be any site that is completely within the settlement area and in between an otherwise continuous built up frontage of dwellings; these areas are identified as the darkest area in Policy Diagram 1.*
- b. **Adjacent to the settlement area is considered to be any site that is located at the borders of the settlement area, but immediately adjacent with at least one side parallel to the continuous built form; they are identified as the areas of degrading colour between the darkest and lightest areas in Policy Diagram 1.***

It was concluded in the determination of application 139146 that the **whole** of the application site was not considered to be either a primary or secondary location. Consequently the site did not feature within the sequential list supplied in Policy 1 and as the application was not submitted with any clear explanation of why sites within the list are not available or suitable, it failed the sequential strategy set out in it.

The application site has however now been reduced and consequently the sequential assessment for it needs to be re-assessed. In this regard the Parish Council and some close resident(s) are not in support of the application as the proposed secondary adjacent Greenfield site is not considered to be an appropriate location as set out in Policy 1 of the Neighbourhood Plan. It is also stated that the site does not have a direct frontage or strong relationship with the main streets of the village.

Whilst these views are recognised, it is obvious from Policy Diagram 1 of the Neighbourhood plan that most of the site is now within the deeper orange areas and is adjacent to the settlement area of Osgodby Village. Although it is agreed that the site does not directly face onto Washdyke Lane it is considered to be in close distance to it. The site is also considered to be immediately adjacent to the borders of the settlement and has one side parallel to the continuous built form of Washdyke Lane. Consequently, it is concluded that the site *is* in a primary location which is adjacent to the settlement and being Greenfield sits within criterion d on the sequential hierarchy set out above. As such the site is half way up the sequential list and considered to be sequentially acceptable without needing further justification.

This is however recognised to differ to the opinion of the Parish Council.

The final Criterion of Neighbourhood Plan Policy 1 relates to the growth level allocated to Osgodby parish and guides that:

*Proposal for residential development that fulfil the requirements of this policy and that, alone or **in combination with other extant permissions or developments built since 1st April 2015**, would increase the number of new dwellings delivered in **Osgodby Parish by more than 25**, will need to be accompanied by demonstrable evidence of clear local community support for the scheme.*

This allocated level of growth is different to the 14 afforded to Osgodby village through the Central Lincolnshire Local Plan and as the growth area is defined as Osgodby Parish is also subject to a wider area than the individual settlements identified in the Local Plan. The development catchment date is also different to that in the Local Plan, incorporating development since 1st April 2015 and not from April 2012.

Residents and the Parish Council have raised concerns that the growth level for the neighbourhood plan runs until 2036 and growth levels are already close to being met. There is however no limiting timescales in the neighbourhood plan which controls growth levels in this regard.

A search of the Councils data has revealed that there is a total of 22 residential properties/units subject to extant planning permissions or built out within the Policy 1 time period stipulated and consequently a remaining growth level of **3 dwellings** for the parish remains as of the 14/11/19. It is however important to acknowledge there are currently two other live planning applications (see planning history section) for respectively one (140160) and two (140128) dwellings in Osgodby. Therefore there are three planning applications totalling four proposed dwellings when only three dwellings remain. Local policy LP2 sets out and defines that once growth levels have been met any developments for housing will be required to demonstrate clear local community support. The evidence to demonstrate clear local community support must be submitted at the point of submission and cannot be accepted after submission. As described above at the time of submission Osgodby has

remaining housing growth therefore no requirement for the community support evidence was required.

This application in seeking permission for 2 dwellings therefore fits within the 25 allocated for the Parish and the development in accordance with this aspect of Policy 1 of Osgodby Neighbourhood Plan. Overall it therefore has to be concluded that the site is sequentially an appropriate location and the development of 2 dwellings can be supported by Policy 1 of the Neighbourhood Plan.

Principle Conclusion:

The above assessment has concluded that on balance the reduced application site has the ability to retain the core shape and form of the village as set out in LP2 of the Central Lincolnshire Local Plan. However, the provision of 2 dwellings exceeds the growth levels set out in policy LP4 and consequently principle support cannot be given for the development through this policy and the Central Lincolnshire Local Plan. Nevertheless, an assessment of the Osgodby Neighbourhood Plan Policy 1 which postdates the Central Lincolnshire Local Plan has concluded support can be given to the site and development and full weight afforded to this policy approach. The principle of development is therefore considered to be acceptable in accordance with policy 1 of the Osgodby Neighbourhood Plan but it recognised that this not an opinion shared by the Parish Council and some nearby resident within the village.

Visual Amenity

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

Local Plan Policy LP26 relates to design and amenity and 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.

Neighbourhood Plan Policy 4 relates to Design and Character of Development and states:

Development proposals will be supported provided that their design and specification complement the established character of the village in which they are located as described in the Design Character Appraisal, taking particular account of:

- a. the ways in which the overall form, scale, massing, layout and proportions of new buildings and extensions relate to neighbouring buildings and impact on the character and appearance of the villages as a whole; and,*
- b. the visual impact of materials used for external walls and roofs, and the desirability of selecting these from a locally distinctive palette; and,*
- c. the ways in which the development impacts on designated and non-designated heritage assets as identified in the Design Character Appraisal; and*
- d. the visual importance of defining boundaries - particularly boundaries between public and private realms - in ways that are consistent with the mixture of hedges and brick walls that traditionally contribute to the character and distinctiveness of the villages; and,*
- e. The importance of retaining existing mature trees, hedgerows and verges, and to include in new development appropriate landscaping solutions to mitigate visual impact, possibly using native specimens; and,*
- The desirability of echoing and interpreting locally distinctive architecture and building elements of traditional buildings and heritage assets in the design and construction of new buildings and structures; and,*
- g. The impact of new buildings and structures on important views in and out of the villages and on the setting of the villages within the wider landscape.***

Applicants should explain how these issues and other advice contained in the Design Character Appraisal have been taken in to account in the design of developments for which planning permission is sought.

The Design Character Appraisal describes Washdyke lane as a *mixed collection of dwellings ranging from brick-built ex-local authority housing, to detached modern houses, with an older converted terrace and a brick and stone house at the end of the lane. Most set back from the highway with large gardens in front.*

This application in seeking outline permission with all matters reserved does not include details of layout, scale and appearance or materials of the proposed dwellings, as these are reserved for subsequent approval through the Reserved Matters application process. The application has however been submitted with an indicative plan for consideration and to assist in showing how four dwellings could be accommodated on the site.

With all matters being reserved the main visual considerations at this outline stage centre around the impact the proposed dwellings would have on the ***landscape character, street scene, setting of the village and local distinctiveness of the surrounding area.***

Again it is noted that in the determination of application 139146 the provision of 4 dwellings on the site would not reflect or respect the character of the

landscape character, street scene, setting of the village and local distinctiveness of the surrounding area

The application site has however now been reduced and sits directly behind the properties facing Washdyke Lane with a large proportion of it consisting of garden land. As a consequence the site now has more of a relationship with the built form of the village forming its core shape and form and encroaches less into the open paddock land associated with the wider rural character of this edge of the settlement location. It has therefore been concluded as part of the principle assessment of this application that the reduced application site has the potential to retain the core shape and form of the village and is sequentially acceptable in line with Policy 1 of the Neighbourhood Plan.

The provision of two dwellings also reduces impact from that previously assessed for 4 and subject to the size, scale and design of the dwellings being at reserved matters stage, their presence could be read as part of the village despite being back-land. It is therefore considered that the development has the potential not to be unduly harmful to the character of the village and its setting from Washdyke Lane. It is therefore concluded that subject to conditions relating to finished site and floor levels and boundary treatments it would be unreasonable to withhold permission on visual amenity grounds in accordance with Policy LP17 and 26 of the Central Lincolnshire Local Plan and Policy 4 of the Neighbourhood Plan.

Residential Amenity:

The amenity section in Policy LP26 states that the amenities which all existing and future occupants of neighbouring land and buildings may reasonably expect to enjoy must not be unduly harmed by or as a result of development.

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

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

The application site is located adjoining and adjacent to other existing residential properties and their garden areas. Consideration is also given to the potential of the two dwellings being present on land to the rear of Orchard House subject to outline consent.

Concerns have been previously raised in terms of the relationship of the site with the existing properties along Washdyke Lane in terms of overlooking between them and those proposed. Although this application has been provided with an indicative layout plan these details along with exact size, scale and design of the dwellings are however reserved for future consideration at Reserved Matters stage. The assessment of the site therefore relates to the possibility of two dwellings being located on site without being unduly harmful to the residential amenity of the existing and proposed dwellings around. The site in this regard is considered to be large enough to host two dwellings subject to their size, scale, siting and design being acceptable. It is envisaged that separating distances and window configuration could be such that harm through presence, overshadowing and overlooking could be mitigated. The same principle is applied to those proposed to the rear of the site as the exact details of the layout of this site, the size, scale and design of the dwellings have yet to be considered or approved. Site levels are however an important consideration with the site currently sloping and uneven. A condition ensuring such details were submitted and approved would therefore need to form part of any permission granted. Boundary treatments will also play an important role in providing screening and separation to the dwelling and a further condition needed to secure further details in this regard.

Concerns have been raised in terms of limiting noise and disturbance to those neighbouring properties around through the construction period. Again a condition limiting construction times could be included on any permission granted which would help reduce impacts in this otherwise rural location. With such conditions in place it is considered that the provision of 2 dwelling on the site can principally be supported in not raising undue concerns in terms of impact on residential amenity as set out in Policy LP26 of the Central Lincolnshire Local Plan.

Drainage and Flood risk:

Policy LP14 relates to Managing Water Resources and Flood Risk

The site lies within flood zone 1 (low probability) and meets the sequential test to direct new development to those areas at lowest risk of flooding (CLLP policy LP14 and NPPF paragraph 158).

Criterion 2 of Policy 4 of Osgodby Neighbourhood Plan also seeks that *Development proposals should be required to demonstrate appropriate consideration of Flood Risk and the adoption of sustainable urban drainage relevant to the site where such techniques are necessary to ensure adequate drainage.*

Concern has been raised by local residents in relation to surface water flooding on the site, along Washdyke Lane and outside the access to the development. Photographs have been provided. However, an examination of the EA surface water flood maps do not indicate that the site or immediately

surrounding area is subject to or at risk of surface water flooding. The Lead Local Flood Authority have also not raised concerns in this regard.

It is considered therefore that a condition should be required to ensure a satisfactory sustainable drainage system that does not increase the risk of flooding, and has the potential to better the existing conditions.

Highway Safety

Policy LP13 of the Central Lincolnshire Local Plan relates to Accessibility and Transport and states *all development should demonstrate that they provide well designed, safe and convenient access for all.*

Criterion 3 of Policy 4 of the Osgodby Neighbourhood Plan also states that *Development proposals should provide appropriate access and off-street car parking to development plan standards.*

Residents have raised concerns in relation to the access being safe within increased traffic, connectivity of the site with the lack of footpaths and flooding issues. Although it is recognised that access into the site is reserved and to be fully considered at Reserved Matters stage. It is noted that the highway authority have not raised any principle highway safety or parking concerns at this outline stage.

It is considered that a satisfactory access to and from the site can be achieved, and that subject to approval of reserved matters, development can comply with policies LP13 and policy 4 in this regard.

Archaeology

It has been recognised by Lincolnshire County Council Archaeology that the proposed development is situated within the historic core of the medieval village of Osgodby. Medieval remains have been found within the village including a pitcher handle of 13th-14th century date, and as well as foundations, walls and a courtyard surfaces indicative of remains of former buildings and occupation.

As a consequence they have recommended that a condition form part of any permission given ensuring that prior to any groundworks taking place the developer should be required to commission a Scheme of Archaeological Works (on the lines of 4.8.1 in the Lincolnshire Archaeological Handbook) in accordance with a written scheme of investigation submitted to and approved in writing by the local planning authority. This will enable heritage assets within the site to be recorded prior to their destruction.

The proposed development subject to the recommended condition(s) is considered to be acceptable in preservation through record in accordance with Policy LP25 of the Central Lincolnshire Local Plan.

Conclusion and reasons for granting permission

The application has been assessed against Central Lincolnshire Local Plan Policies LP1, LP2, LP3, LP4, LP13, LP14, LP17, LP25 and LP26 as well as all other material considerations including Policies 1 and 4 of Osgodby Neighbourhood Plan and guidance within the NPPF and NPPG. In light of this assessment the proposals on balance are considered to be principally in accordance with Policy 1 of the Osgodby Neighbourhood Plan as well as LP1 and LP2 of the Central Lincolnshire Local Plan. The proposals subject to conditions are also considered to meet the requirements of Policies LP13, LP14, LP17, LP25 and LP26 of the Local Plan and Policy 4 of the Neighbourhood Plan. Consequently grant of permission is recommended subject to the following conditions:

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

1. The development hereby permitted shall be begun before the expiration of two years from the final approval of the reserved matters or, in the case of approval on different dates, the final approval of the last such matter to be approved.

Reason: To conform with Section 92 (2) of the Town and Country Planning Act 1990 (as amended).

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

2. Application for approval of the reserved matters (required by condition 3) shall be made to the Local Planning Authority before the expiration of three years from the date of this outline permission.

Reason: To conform with Section 92 (2) of the Town and Country Planning Act 1990 (as amended).

3. No development shall take place until, plans and particulars of the layout of the development, scale, and appearance of the buildings to be erected, the means of access to the site and the landscaping of the site (hereinafter called "the reserved matters") have been submitted to and approved in writing by the local planning authority, and the development shall be carried out in accordance with those details.

Reason: The application is in outline only and the local planning authority wishes to ensure that these details which have not yet been submitted are appropriate for the locality.

4. No development shall be commenced until details of a scheme for the disposal of surface water and for the dealing with foul sewage has been submitted to and approved in writing by the local planning authority. Where percolation is a part of the disposal system a percolation test in compliance

with British Standards shall be carried out. Where the results of such a test indicate that a percolation system will not function adequately in adverse conditions, then details of an alternative system shall be submitted to and approved in writing by the district planning authority.

Reason: To ensure adequate drainage provision to serve the development in accordance with policy LP14 of the Central Lincolnshire Local Plan, policy 4 of the Neighbourhood Plan and the NPPF.

5. No development shall take place until a written scheme of archaeological investigation has been submitted to and approved in writing by the local planning authority. The local planning authority shall be notified in writing of the intention to commence the archaeological investigations in accordance with the approved written scheme, at least 14 days before the said commencement.

Reason: To ensure the preparation and implementation of an appropriate scheme of archaeological mitigation measures in accordance with policy LP25 of the Central Lincolnshire Local Plan and the National Planning Policy Framework.

6. Details of the finished site levels and finished floor levels of the proposed development shall be submitted along with the details referred to as reserved matters secured by condition 3 above and approved in writing by the Local Planning Authority. The development shall be carried out in accordance with the approved details.

Reason: In the interest of residential and visual amenity in accordance with policies LP17, LP26 of the Central Lincolnshire Local Plan, Policy 4 of the Neighbourhood plan and guidance in the NPPF.

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

7. With the exception of the detailed matters referred to by the conditions of this consent, the development hereby approved shall be carried out in accordance with the site location plan received October 2019. The works shall be carried out in accordance with the details shown on the approved plans and in any other approved documents forming part of the application.

Reason: To ensure the development proceeds in accordance with the approved plans and in accordance with Policies LP2, LP17, LP26 of the Central Lincolnshire Local Plan and Policy 1 of the Neighbourhood Plan.

8. The development shall only be carried out in accordance with the details approved through condition 4 above and shall be completed prior to occupation of the dwelling and thereafter retained.

Reason: To ensure adequate drainage facilities are provided to serve the development in accordance with Policy LP14 of the Central Lincolnshire Local Plan.

9. The development shall proceed wholly in accordance with the approved scheme of archaeological works approved by condition 5 above. A written report of the findings of the work shall also be submitted to and approved in writing by the local planning authority within 3 months of the said site work being completed.

Reason: To ensure the preparation and implementation of an appropriate scheme of archaeological mitigation measures in accordance with policy LP25 of the Central Lincolnshire Local Plan and NPPF.

11. Construction work shall only be undertaken between the hours of 8am and 6pm Monday to Friday and 9am to 1pm on a Saturday and not on a Sunday or Bank Holiday.

Reason: To preserve residential amenity in accordance with the National Planning Policy Framework and Policy LP26 of the Central Lincolnshire Local Plan.

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

None.

Reasons for granting permission

The application has been assessed against Central Lincolnshire Local Plan Policies LP1, LP2, LP3, LP4, LP13, LP14, LP17, LP25 and LP26 as well as all other material considerations including Policies 1 and 4 of Osgodby Neighbourhood Plan and guidance within the NPPF and NPPG. In light of this assessment the proposals on balance are considered to be principally in accordance with Policy 1 of the Osgodby Neighbourhood Plan as well as LP1 and LP2 of the Central Lincolnshire Local Plan. The proposals subject to conditions are also considered to meet the requirements of Policies LP13, LP14, LP17, LP25 and LP26 of the Local Plan and Policy 4 of the Neighbourhood Plan.

Notes to the Applicant

Internal Drainage Board:

The above application lies within the IDB (extended) district and indicates that: -

The applicant should ensure that any existing or proposed surface water discharge system has adequate capacity for any increase in surface water run-off to the area.

The planning application may relate to work in, on, under or near a watercourse within the Internal Drainage Board (IDB) Drainage District and requires CONSENT from the IDB in addition to any landowner agreements for works, access, easements and planning permissions.

The IDB give the following comments/recommendations:

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

If surface water is to be directed to a mains sewer system the IDB would again have no objection in principle, providing that the Water Authority are satisfied that the existing system will accept this additional flow.

If the surface water is to be discharged to any ordinary watercourse within the Drainage District, Consent from the IDB would be required in addition to Planning Permission, and would be restricted to 1.4 litres per second per hectare or greenfield runoff.

No obstructions within 9 metres of the edge of a watercourse are permitted without Consent from the IDB.

If surface water or works are planned adjacent to a Main River within the Drainage District, then the Environment Agency should be contacted for any relevant Permits

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



Application Number 140128

Officers Report

Planning Application No: 140128

PROPOSAL: Planning application for 1 no. dwelling

LOCATION: Land South of Low Road Osgodby

WARD: Market Rasen

WARD MEMBER(S): Cllr Stephen Bunney, Cllr Cordelia McCartney, Cllr John McNeill

APPLICANT NAME: Mr and Mrs Ward

TARGET DECISION DATE: 05/12/2019

DEVELOPMENT TYPE: Minor - Dwellings

CASE OFFICER: Ian Elliott

RECOMMENDED DECISION: Grant Permission subject to conditions

This application has been referred to the Planning Committee following objections from the Parish Council that the development would be contrary to the Central Lincolnshire Local Plan and the Osgodby Neighbourhood Plan.

Description:

The application site is a plot land which is part of a site given planning permission for 4 dwellings (Outline Application 137045 and Reserved Matters Application 138954). The bungalow approved to the front of the site is almost completed. The site is set back from the highway with an existing access point along the north boundary. The plot slopes gently upwards from north to south. The site is open to the north, east and west boundaries with hedging, trees and/or post and rail fencing nearby. The south boundary is screened by hedging with occasional gaps. Neighbouring dwellings have been given permission to the east and west but have yet to be built. A neighbouring dwelling is to the north with open fields to the south.

The application seeks permission for 1no. dwelling

Relevant history:

137045 - Outline planning application for up to 4no. dwellings - all matters reserved – 08/02/18 - Granted time limit and other conditions

138954 - Application for approval of reserved matters for 4no. dwellings, considering access, appearance, landscaping, layout and scale, following outline permission 137045 granted 08 February 2018 – 15/03/19 - Granted time limit and other conditions

139343 - Application for non-material amendment to planning permission 138954 granted 15 March 2019 - various internal and external amendments to plot 1 – 10/05/19 - Granted without conditions

During the officers site visit it was observed that the highway fronting dwelling was almost completely constructed meaning the development has materially commenced in time.

Other live planning applications for housing development in Osgodby:

Land to North East of Red House, Main Street, Osgodby
139839 - Outline planning application to erect 2no. dwellings with all matters reserved – Yet to be determined

Land Adjacent West Haven, Main Street, Osgodby
140160 - Outline planning application to erect 1 detached dwelling with all matters reserved – Yet to be determined

Other relevant decisions:

Land at, Lincoln Road, Ingham
138621 - Planning application for proposed dwelling and attached garage, together with the relocation of garages to plots 1 and 2 of previously approved layout on 134496 – 10/01/19 – Refused – Appeal Allowed - 05/09/19 - (APP/N2535/W/19/3226219)

Paragraph 34 states:

“I have found the proposed development to not accord with the spatial housing policies of the Local Plan, given that the proposal would result in further development beyond the identified target growth for the settlement of Ingham. However, I have found there to be an absence of harm from the development with regards the effect on character and appearance and the provision of adequate living conditions for future occupiers. In addition, no conclusive details of harm related to an adverse impact on Ingham have been adduced from the resultant uplift of a single dwelling over the previously approved development of 47 dwellings, which is of considerable significance in supporting the proposal as sustainable development.”

Representations

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

Osgodby Parish Council: Objection

In the cover letter that is supporting the planning application 140128, the introduction states that Ward Holmes are wishing to put a 5th additional unit on the current development site.(PA 138954)

With reference to the Osgodby Neighbourhood Plan, 7.6 of the Residential Development, it is stated ‘a maximum of 4 dwellings per site in compliance with Policy PL2 of the CLLP’.

The Osgodby Neighbourhood Plan states in 7.8 *that infill is considered to be a site that is a continuous built up frontage of dwellings.* This proposed dwelling

is at the back of the current building development and cannot be deemed to be infill.

Policy LP2 of the Central Lincolnshire Local Plan; 6 Small Villages of which Osgodby is listed. It states, *Unless otherwise promoted via a Neighbourhood Plan – Osgodby Neighbourhood Development Plan was approved and adopted by West Lindsey District Council in 2018; or through the demonstration of clear local community support the following applies:*

- *They will accommodate small scale developments of a limited nature in appropriate locations*
- *Proposals will be considered on their merits but would be limited to around 4 dwellings*

Therefore this planning application would bring 5 dwellings on this site in conflict with both the Osgodby Neighbourhood Plan and the Central Lincolnshire Local Plan. Despite the letter saying the density of housing on the site is low it is not acceptable that both these Plans have been ignored by the developers and Osgodby Parish Council do not support this planning application and it should not be approved

Local residents: No representations received to date

LCC Highways/Lead Local Flood Authority: No objections
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.

LCC Archaeology: No representations received to date

IDOX checked: 27th November 2019

Relevant Planning Policies:

Local Policy

Planning law requires that applications for planning permission must be determined in accordance with the development plan, unless material considerations indicate otherwise. The Development Plan in this location comprises the Central Lincolnshire Local Plan (April 2017) and the Osgodby Neighbourhood Plan (July 2018).

Under planning law¹, if to any extent a policy contained in a development plan for an area conflicts with another policy in the development plan the conflict must be resolved in favour of the policy which is contained in the last document

¹ S38(6) of the Planning and Compulsory Purchase Act 2004

Central Lincolnshire Local Plan 2012-2036 (CLLP)

The policies considered relevant are as follows:

LP1 A Presumption in Favour of Sustainable Development
LP2 The Spatial Strategy and Settlement Hierarchy
LP3 Level and Distribution of Growth
LP4 Growth in Villages
LP10 Meeting Accommodation Needs
LP13 Accessibility and Transport
LP14 Managing Water Resources and Flood Risk
LP17 Landscape, Townscape and Views
LP21 Biodiversity and Geodiversity
LP25 The Historic Environment
LP26 Design and Amenity

Osgodby Neighbourhood Plan (ONP)

Osgodby Neighbourhood Plan (ONP) was formally 'made' by West Lindsey District Council at a Full Council Committee meeting on the 2nd July 2018. As per Neighbourhood Plan Regulations 2012, this Neighbourhood Plan is now 'made' and should be used when determining planning applications within the identified Neighbourhood Area. The relevant policies are:

Objective 1: To identify areas suitable to deliver new housing development within the Parish

Policy 1: Residential Development in Osgodby Village

Policy 4: Design and Character of Development

National Guidance

National Planning Policy Framework

National Planning Practice Guidance

Other

Natural England's East Midlands Agricultural Land Classification Map 2010

Main issues

- Principle of the Development
Central Lincolnshire Local Plan 2012-2036
Osgodby Neighbourhood Plan
National Planning Policy Framework
Concluding Assessment
- Visual Amenity
- Residential Amenity
- Highway Safety
- Drainage
- Trees
- Archaeology

Assessment:

Principle of the Development

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

Central Lincolnshire Local Plan 2012-2036:

Local policy LP2 sets out a spatial strategy and settlement hierarchy from which to focus housing growth. This policy identifies Osgodby as a small village and *'unless otherwise promoted via a neighbourhood plan or through the demonstration of clear local community support, the following applies in these settlements:*

- *they will accommodate small scale development of a limited nature in appropriate locations.*
- *proposals will be considered on their merits but would be limited to **around 4 dwellings** (emphasis added), or 0.1 hectares per site for employment uses.*

Local policy LP2 states that *'throughout this policy, the term 'appropriate locations' means a location which does not conflict, when taken as a whole, with national policy or policies in this Local Plan (such as, but not exclusively, Policy LP26). In addition, to qualify as an 'appropriate location', the site, if developed, would:*

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

Submitted policy LP4 additionally requires a sequential approach to be applied to prioritise the most appropriate land for housing within small villages. LP4 states that:

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

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

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

Local policy LP4 goes on to say that Osgodby has a growth level of 10%. An updated table of remaining growth for housing (dated 28th October 2019) in Osgodby states that there are 3 dwellings remaining.

Osgodby Neighbourhood Plan (ONP):

Section 1 of Policy 1 of the ONP provides a definition of a preferred location and an appropriate location for housing development in Osgodby. It also states in section 1 of the policy that “*proposals for **up to four dwellings** (emphasis added) on primary and secondary locations in Osgodby Village will be supported in principle*”.

Paragraph 7.6 in the justification text states that “policy 1 positively promotes and concentrates development in and around Osgodby Village, with a **maximum of 4 dwellings per site** (emphasis added) in compliance with Policy LP2 of the CLLP”

Section 2 of policy 1 of the ONP along (with policy diagram 1) identifies the developed footprint and provides a definition of ‘infill development’ and ‘adjacent to the developed footprint’.

Section 3 of policy 1 of the ONP sets out a sequential test for housing using section 1 and 2.

The ONP includes the following plans which helps to identify the sites position in relation to Osgodby:

- Figure 7 Policy Map: Osgodby and Kirkby Village
- Policy Diagram 1: Osgodby Village

Policy 4 in combination with the Design Character Appraisal provides criteria of how development should relate to the settlement and its immediate setting, flood risk, access.

Paragraph 9.5 of Policy 4 of the ONP states that 9.5. *‘It is envisaged that the majority of future development will take place in or at the edge of the development footprint of Osgodby Village. Considering that the built up form of the village takes the form of a ribbon development around three main streets, the frontage or front-yard of most developments will directly face the street’.*

The Character Appraisal is separated into five sections with pages 6-13 covering Osgodby Village. Some statements are:

‘Osgodby village is a long linear village laying to the south of a small stream called the Beck and consists of a main street with four lanes leading off’ (pg6).

Mill Lane is characterised by *‘mixed housing, some fronting the lane, others set back in grounds away from the lane’ (pg7).*

Page 10 sets out character groups of dwellings which are within Main Street which runs through the village. It states that ‘the character groups within the main street are considered as follows:

1. Early

2. 18th & 19 century
3. Inter-war- 1950s
4. 1960s – 21st century
5. 2000 – present day'

National Planning Policy Framework:

Paragraph 117 of the NPPF states that *“planning policies and decisions should promote an effective use of land in meeting the need for homes and other uses, while safeguarding and improving the environment and ensuring safe and healthy living conditions.”*

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

Concluding Assessment:

The proposed development on its own accords to the around 4 dwelling limit in LP2 of the CLLP. There is sufficient remaining housing growth (3 dwellings) in Osgodby. The proposal is within the developed footprint of Osgodby which is predominantly very linear in form and pattern but there is a rectangular cluster of buildings with differing uses which sit to the east and west of the northern section of Mill Lane. The application site is set within the boundaries of a 4 dwelling development given outline permission (137045) and reserved matters approval (138954) which replicated the cluster of buildings on the other side of Mill Lane. The proposal would introduce an additional back land dwelling onto the site between two of the dwellings approved in 137045 and 138954. These two dwellings have not been built to date but have extant permission due to the commencement of the frontage dwelling as witnessed at the officer's site visit. Therefore the principle for housing development on the site has already been established by the outline permission (137045) and the commencement on site following the reserved matters approval (138954).

As stated the site already has permission for 4 dwellings and this proposal although an application in its own right for 1 dwelling will cumulatively introduce 5 dwellings within the same site.

Policy LP2 of the CLLP limits housing developments in small villages to around 4 dwellings not up to or a maximum of 4 dwellings. Policy 1 of the ONP takes a different approach and conflicts with the CLLP by limiting housing development proposals to up to 4 dwellings but is silent on proposals which propose more than 4 dwellings whether as a single proposal or cumulatively. The justification text in paragraph 7.6 of policy 1 differs to the policy text by stating a *‘maximum of 4 dwellings per site in compliance with Policy LP2 of the CLLP’*. This is not correct as LP2 states around 4 dwellings.

Section 38 (5) of the Planning and Compulsory Purchase Act 2004 states that *'If to any extent a policy contained in a development plan for an area conflicts with another policy in the development plan the conflict must be resolved in favour of the policy which is contained in the last document'*.

The Osgodby Neighbourhood Plan was made on 2nd July 2018, whereas the Central Lincolnshire Plan was adopted on 24th April 2017. Therefore the most recent plan is the Osgodby Neighbourhood Plan.

The addition of a fifth dwelling on the site would therefore still accord with the dwelling number limit in LP2 of the CLLP but would conflict if taken on a cumulative basis with policy 1 of the ONP and a recommendation of approval would be a departure of the neighbourhood development plan. However, it is again reiterated that the ONP is silent on proposals which singularly or cumulatively propose 5 dwellings.

The submitted site plan 035/0149 P5 dated 2nd October 2019 demonstrates that the extant development for four dwellings was low in density with each plot having large rear garden spaces and plenty of off street parking. The dwelling in the application site will be positioned in a good sized plot of land between extant plots 3 and 4. This will still retain good separation between dwellings and provide acceptable amenity and off street parking facilities to all three plots. The introduction of the dwelling in this case will not lead to an overdevelopment of the site. In fact the dwelling will lead to a more efficient and effective use of land which has already been considered as an appropriate location for housing and benefits from planning permission for housing development.

It is important to acknowledge there are currently two other live planning applications (see planning history section) for respectively one (140160) and two (139839) dwellings in Osgodby. Therefore there are three planning applications totalling four proposed dwellings when only three dwellings remain. Local policy LP2 sets out and defines that once growth levels have been met any developments for housing will be required to demonstrate clear local community support. The evidence to demonstrate clear local community support must be submitted at the point of submission and cannot be accepted after submission. As described above at the time of submission Osgodby has remaining housing growth therefore no requirement for the community support evidence was required.

In the appeal decision in APP/N2535/W/19/3226219 (see history) the inspector recognised that the housing growth level in the settlement had been breached but concluded that the lack of harm caused by the development was of *"considerable significance in supporting the proposal as sustainable development."*

It is therefore considered that the development accords to Local Policy LP1, LP2, LP3 and LP4 of the CLLP but possibly conflicts with Policy 1 of the ONP which is the most up to date plan. The recommendation to approve is due to the development providing more effective and efficient use of the land within

the developed footprint which is considered a significant benefit of the development in accordance with the NPPF.

Visual Amenity

Local Policy LP17 of the CLLP states that *“To protect and enhance the intrinsic value of our landscape and townscape, including the setting of settlements, proposals should have particular regard to maintaining and responding positively to any natural and man-made features within the landscape and townscape which positively contribute to the character of the area”*

Local policy LP26(c) of the CLLP 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:*

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

Policy 4 of the ONP states that *“development proposals will be supported providing their design and specification complement the established character of the village in which they are located as described in the Design Character Appraisal”*.

This application proposes to introduce a single storey 3 bedroom dwelling and detached double garage. The proposed dwelling and detached double garage will be approximately (in metres):

	Height	Width	Length
Dwelling	6.2	15.5	10
Garage	4	6.4	6

The application form states that the dwelling will be constructed from the same materials as approved for the dwellings in reserved matters approval 138954. These are:

- Traditional Welbourne Antique Brick
- Sandtoft Concrete Double Pantile Roof
- Cream UPVC Windows
- French Green/Pale Green Composite Doors (a Farrow and Ball type heritage colour)
- Cream Aluminium bi-folding doors
- Oak Post canopy with traditional lead roof.

This has further been confirmed in an email from the agent.

The proposed dwelling will be of similar design and appearance to the other approved dwellings on the overall site. The introduction of one more dwelling

will not lead to an overdevelopment of the site. The area is not designated as an area of special landscape quality or scenic beauty. The proposed dwellings will not be in clear view from Low Road.

The proposal would not have a harmful visual impact on the site, the surrounding area or the street scene and will accord to local policies LP17 and LP26 of the CLLP, policy 4 of the ONP and the provisions of the NPPF.

It is considered that policy LP17, LP26 and policy 4 are consistent with the design, character and visual amenity guidance (Chapter 12) of the NPPF and can be attached full weight.

Residential Amenity

No objections have been no objections received from neighbouring residents on residential amenity grounds.

At present the proposed single storey dwelling has a nearby neighbour approximately 45 metres to the north/north west (Almondbury). To the north west is a bungalow which is still under construction and to the east and west are plots of land with permission for two storey dwellings which to date have not commenced construction.

It is considered after taking account of all existing and future dwellings that the proposed dwelling will not harm the living conditions of existing or future neighbouring dwellings due to the separation distance and its single storey nature. The proposed dwelling has been positioned to ensure the approved two storey dwellings to the east and west will not have a harmful overbearing impact and the future occupants of the proposed dwelling will have acceptable external private space immediately outside their rear elevation. The development therefore accords to local policy LP26 of the CLLP, policy 4 of the ONP and the provisions of the NPPF.

It is considered that policy LP26 and policy 4 are consistent with the residential amenity guidance of the NPPF and can be attached full weight.

Highway Safety

The application proposes to use the existing vehicular access approved to access the four plots already approved in outline permission (137045) and reserved matters approval (138954). The layout of the site will include acceptable off street parking facilities and turning space to the front. The Highways Authority at Lincolnshire County Council have not objected to the proposal.

Therefore the development would not have a harmful impact on highway safety and accords to local policy LP13 of the CLLP, policy 4 of the ONP and the provisions of the NPPF.

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

Drainage

Foul Water:

The application form states foul water will be disposed to a mains sewer as demonstrated on foul drainage plan 035/0149 P5 dated 2nd October 2019. This is considered acceptable.

Surface Water:

Surface water is proposed to be discharged to a soakaway which as a form of sustainable urban drainage system is encouraged. However the method of how this will work has not been indicated and the suitability of the method for the site has not been justified through appropriate testing. It is considered that the method of surface water drainage is capable of being addressed by the use of a condition.

Therefore subject to conditions the development would not have a harmful impact on drainage and accords to local policy LP14 of the CLLP, policy 4 of the ONP and the provisions of the NPPF.

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

Trees

There are no protected trees on or adjacent the site. However there are a modest group of fruit growing orchard trees within the site.

The Authority's Tree and Landscape Officer has not provided a comment on the application.

Paragraph 118 of the NPPF states that:

'When determining planning applications, local planning authorities should aim to conserve and enhance biodiversity by applying the following principles:

- if significant harm resulting from a development cannot be avoided (through locating on an alternative site with less harmful impacts), adequately mitigated, or, as a last resort, compensated for, then planning permission should be refused'*

Local Policy LP21 states that:

'All development should:

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

Pages 139-142 of the Greater Lincolnshire Biodiversity Action Plan 2011-2012 describes the importance in retention of Traditional Orchards. It states that *'traditional orchards are defined as groups of fruit or nut trees planted on vigorous rootstocks at low densities in permanent grassland, and managed in a low intensity way'* and that they have declined 60% since the 1950's.

On investigation of the orchard maps on the peoples trust for endangered species ² the fruit trees on the site are not identified as a traditional orchard or a traditional orchard definition with marginal sites which are likely to still have wildlife value.

All of the fruit trees appeared to still be in place but they are not protected and could be removed by the land owner at any time without permission. Outline planning permission 137045 did not control the retention of the fruit trees by condition to inform the reserved matters approval but did advise that the layout should attempt to protect the presence of the fruit trees.

As the fruit trees can be removed without permission from the local authority it is considered that the removal of the trees is acceptable and the development would not have a harmful impact on protected trees and accords to local policy LP21 of the CLLP and the provisions of the NPPF.

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

Archaeology

No representations have been received from the Historic Environment Officer (HEO) at Lincolnshire County Council. However in outline planning application the HEO had no objections to housing development on the site.

Therefore the proposal would not have an archaeological harm and accords to local policy LP25 of the CLLP, policy 4 of the ONP and the provisions of the NPPF.

It is considered that policy LP25 and policy 4 are consistent with the heritage guidance of the NPPF and can be attached full weight.

Other Considerations:

Community Infrastructure Levy (CIL)

West Lindsey District Council adopted a Community Infrastructure Levy (CIL) which will be charged from 22nd January 2018. The development prior to commencement will be liable to a CIL payment.

Conclusion and reasons for decision:

The decision has been considered against policies LP1 A presumption in Favour of Sustainable Development, LP2 The Spatial Strategy and Settlement Hierarchy, LP3 Level and Distribution of Growth, LP4 Growth in Villages, LP10 Meeting Accommodation Needs, LP13 Accessibility and Transport, LP14 Managing Water Resources and Flood Risk, LP17 Landscape, Townscape and Views, LP21 Biodiversity and Geodiversity, LP25 The Historic Environment and LP26 Design and Amenity of the adopted Central Lincolnshire Local Plan 2012-2036 in the first instance and guidance contained within the National Planning Policy Framework and National Planning Practice Guidance.

² <https://ptes.org/get-involved/surveys/countryside-2/traditional-orchard-survey/orchard-maps/>

It is acknowledged that the proposed development may be a departure from the Osgodby Neighbourhood Plan but on assessment it is considered that the proposed development is acceptable as a sustainable development and would lead to a more effective and efficient use of land on a site which already has extant planning permission for four dwellings. The proposed development would not lead to any harms in terms of visual impact on the site or surrounding area, the living conditions of the neighbouring dwellings or have a harmful impact on highway safety, trees, archaeology and drainage. This is subject to satisfying a number of conditions.

Human Rights Implications:

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

Legal Implications:

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

Representors to be notified -

(highlight requirements):

Standard Letter ☐ **Special Letter** ☐ **Draft enclosed** ☐

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

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

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

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

NONE

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

2. With the exception of the detailed matters referred to by the conditions of this consent, the development hereby approved must be carried out in accordance with the following proposed drawings dated 2nd October 2019:

- 025/0149 – Dwelling and Garage Elevation and Floor Plans
- 035/0149 P5 – Site and Landscaping Plan

- 031/0149 P5 – Foul Drainage Plan

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

Reason: To ensure the development proceeds in accordance with the approved plans and to accord with the National Planning Policy Framework, local policy LP17 and LP26 of the Central Lincolnshire Local Plan 2012-2036 and policy 1 and 4 of the Osgodby Neighbourhood Plan.

3. No construction works above ground level must take place until details of a scheme for the disposal of surface water (including any necessary soakaway/percolation tests) from the site and a plan identifying connectivity and their position has been submitted to and approved in writing by the local planning authority. No occupation of the dwelling must occur until the approved scheme has been completed and retained as such thereafter.

Reason: To ensure adequate drainage facilities are provided to serve each dwelling, to reduce the risk of flooding and to prevent the pollution of the water environment to accord with the National Planning Policy Framework, local policy LP14 of the Central Lincolnshire Local Plan 2012-2036 and policy 4 of the Osgodby Neighbourhood Plan.

4. The dwelling must be completed in accordance with the materials listed below:

- Traditional Welbourne Antique Brick
- Sandtoft Concrete Double Pantile Roof
- Cream UPVC Windows
- French Green/Pale Green Composite Doors (a Farrow and Ball type heritage colour)
- Cream Aluminium bi-folding doors
- Oak Post canopy with traditional lead roof.

Reason: To ensure the use of appropriate materials in the interests of visual amenity and the character and appearance of the site and the street scene to accord with the National Planning Policy Framework, local policies LP17 and LP26 of the Central Lincolnshire Local Plan 2012-2036 and policy 4 of the Osgodby Neighbourhood Plan.

5. The proposed driveway and turning space must be constructed from a permeable material and completed prior to occupation of the dwelling. The use and permeable construction material must be retained as such thereafter.

Reason: To reduce the risk of flooding to the proposed development and future occupants to accord with the National Planning Policy Framework,

local policy LP14 of the Central Lincolnshire Local Plan 2012-2036 and policy 4 of the Osgodby Neighbourhood.

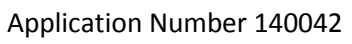
6. No occupation of the dwelling must occur until the foul drainage scheme identified on foul drainage plan 031/0149 P5 dated 2nd October 2019 has been completed and retained as such thereafter.

Reason: To ensure adequate drainage facilities are provided to serve each dwelling, to reduce the risk of flooding and to prevent the pollution of the water environment to accord with the National Planning Policy Framework, local policy LP14 of the Central Lincolnshire Local Plan 2012-2036 and policy 4 of the Osgodby Neighbourhood Plan.

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

7. All planting and/or turfing comprised in the approved landscaping plan must be carried out in the first planting and seeding season following 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 must be replaced in the next planting season with others of similar size and species, unless the Local Planning Authority gives written consent to any variation. The landscaping must be retained thereafter.

Reason: To ensure the landscaping is completed in accordance with the plan and to reinstate the removed hedging to the front of the site to accord with the National Planning Policy Framework, local policies LP17 and LP26 of the Central Lincolnshire Local Plan 2012-2036 and policy 4 of the Osgodby Neighbourhood Plan.



Officers Report

Planning Application No: 140042

PROPOSAL: Planning application for two and a half storey office building and associated car park

LOCATION: Deepdale Lane Enterprise Park Nettleham Lincoln LN2 2LL

WARD: Nettleham

WARD MEMBER(S): Cllr G McNeill, Cllr A White

APPLICANT NAME: Mr D Lui

TARGET DECISION DATE: 20/12/2019

DEVELOPMENT TYPE: Major - Other

CASE OFFICER: Ian Elliott

RECOMMENDED DECISION: Grant Permission subject to conditions

This application has been referred to the Planning Committee at the request of the Ward Member and following objections from the Parish Council that the development would be contrary to the Neighbourhood Plan.

Proposal:

The application seeks permission for a two and a half storey office building comprising five office units with associated meeting rooms and employee facilities. The building has public access to the rear only where the off street vehicle parking spaces (employee, visitor and disabled) and cycle storage are located.

An amended design in terms of the building's appearance has been submitted and a 14 day public reconsultation was undertaken.

Description:

The application site is an undeveloped plot of land which forms part of a local employment site to the north west of Nettleham and to the north of the Headquarters of Lincolnshire Police. The site is in an otherwise open countryside location detached from the developed footprint of Nettleham. The plot is at the front north east corner of the site facing Deepdale Lane. The site is flat and covered by compact earth and hardstanding. Vehicular access to the plot is off the sites road and not off Deepdale Lane. The site is screened to the north boundary by Lincolnshire post and rail fencing. The east boundary is screened by hedging with open boundaries to the south and west boundaries. The office/business buildings to the north, west and north west provide additional screening. To the east is an open field and footpath with Lincolnshire Police Headquarters to the south. The site is within a Limestone Minerals Safeguarding Area and tree 1 of Tree Preservation Order 1967 sits approximately 14 metres to the east of the site.

Ward Member Call in:

It has been requested by a ward member that the application goes to the planning committee on the grounds that the proposed design is contrary to the policies set out in the Nettleham Neighbourhood Plan and the design principles and policy of the Central Lincolnshire Local Plan.

Relevant history:

Site:

M04/P/1460 - Outline application to rural enterprise park – 17/03/05 - Granted time limit and other conditions

M06/P/0844 - Planning Application to construct B1 and B2 office units on plots 7-10 – 06/11/06 - Granted time limit and other conditions

131513 - Planning application for the erection of 4no. dwellings - 27/02/15 – Refused – Appeal Dismissed (APP/N2535/W/15/3014904) - 14/08/15

The other plots on the site have all received permission and been built out for B1 (business offices) and B2 (General Industrial) use of the Town and Country Planning (Use Classes) Order 1987 (as amended).

Representations

Councillor A M White: Objects (summarised)

The proposed design is contrary to policy D-6 (a), (d), (e) and (g) of the Nettleham Neighbourhood Plan and the design principles and policy of the Central Lincolnshire Local Plan.

Nettleham Parish Council: Objects

The building is located in a very prominent location at the entrance to the village and the prestigious Enterprise Park on Deepdale Lane. It is the final site of the enterprise park to be completed in its 12 year park development program and we welcome that completion.

The original concept of the enterprise park was for the development to represent a collection of barn conversions to fit within a rural village setting. This has been achieved over the remainder of the park. The hedgerow along Deepdale Lane was to be retained to maintain the rural approach along Deepdale Lane but was unfortunately removed some years ago exposing the plot. It was expected that this would be corrected when the site was developed.

The Parish Council **strongly objects** to this PA on the following grounds.

1. The proposed building would be very dominant at the entrance to the Enterprise Park and would not fit within the character of the remainder of the Enterprise Park. At height of 2 ½ floors would dominate the surrounding area, and would be the largest building in Nettleham village. This would be contrary to Nettleham Neighbourhood Plan policy d-6 a) relating to local rural character. This building looks like a modern office block and bears no relationship to a barn conversion.
2. The scheme shows the front of the building totally exposed to the rural Deepdale lane without the benefit of hedging as can be seen along the rest of the lane so contrary to Nettleham Neighbourhood Plan Policy D-6e).
3. Boundary conditions all around the other sites on the Enterprise Park include hedgerow plants to soften the landscape impact. This site does not have significant softening to the front or rear of the building. This is contrary to Nettleham Neighbourhood Plan policy-6 g).
4. Nettleham Neighbourhood Plan policy 6 also calls for sufficient external amenity space, refuse and recycling storage facilities. These are not apparent for the drawing provided.

Local residents: No representations received to date

LCC Highways/Lead Local Flood Authority: No objections subject to conditions and advice

Representation received 19th November 2019:

Conditions recommended:

- Construction Management Plan and Method Statement
- Surface water drainage scheme

Representation received 1st October 2019:

Require the following information:

- A Transport Statement outlining vehicle frequency of trips daily, weekly, monthly cycle or cycle of use relevant to the development.
- Drainage Strategy/Flood Risk Assessment in line with sustainable urban drainage principles along with the necessary supporting information.
- Can the applicant also consider a modification or removal of parking spaces to the proposed car parking layout as demonstrated in drawing no. 08-003 to allow the access to the Deepdale Enterprise Park to be kept clear ensuring the safe manoeuvring as part of the associated layout - parking spaces 47, 48, 49 to be considered.

Environment Agency: Comment

The Environment Agency does not wish to make any comments on this application. It does not appear to match any of the criteria on our consultation checklist.

Anglian Water: Comments (Summarised)

Waste Water Treatment

The Nettleham Water Recycling Centre does not have capacity to treat the flows but Anglian Water are obligated to accept the foul flows therefore would take the necessary steps to ensure that there is sufficient treatment capacity should the Planning Authority grant planning permission.

Used Water Network

The sewerage system at present has available capacity for these flows.

Surface Water Disposal

From the details submitted to support the planning application the proposed method of surface water management does not relate to Anglian Water operated assets. As such, we are unable to provide comments on the suitability of the surface water management.

LCC Archaeology: No objections

WLDC Tree and Landscape Officer: No representations received to date

LCC Minerals and Waste: No objections

Relevant Planning Policies:

Local Policy

Planning law requires that applications for planning permission must be determined in accordance with the development plan, unless material considerations indicate otherwise. The Development Plan in this location comprises the Central Lincolnshire Local Plan (April 2017); Nettleham Neighbourhood Plan (December 2015); and the Lincolnshire Minerals and Waste Local Plan (June 2016).

Under planning law¹, if to any extent a policy contained in a development plan for an area conflicts with another policy in the development plan the conflict must be resolved in favour of the policy which is contained in the last document

Central Lincolnshire Local Plan 2012-2036 (CLLP)

The policies considered most relevant are as follows:

- LP1 A presumption in Favour of Sustainable Development
- LP2 The Spatial Strategy and Settlement Hierarchy
- LP5 Delivering Prosperity and Jobs
- LP13 Accessibility and Transport
- LP14 Managing Water Resources and Flood Risk
- LP17 Landscape, Townscape and Views
- LP25 The Historic Environment
- LP26 Design and Amenity
- LP55 Developments in the Countryside

¹ S38(6) of the Planning and Compulsory Purchase Act 2004

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

Lincolnshire Minerals and Waste Local Plan (Core Strategy and Development Management Policies)

The site is within a Limestone Minerals Safeguarding Area. Policy M11 (Safeguarding of Mineral Resources) applies.

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

Neighbourhood Plan

Nettleham Neighbourhood Plan was formally 'made' by West Lindsey District Council at a Full Council Committee meeting on the 3rd March 2016. As per Neighbourhood Plan Regulations 2012, this Neighbourhood Plan is now 'made' and should be used when determining planning applications within the identified Neighbourhood Area.

Policy D-2 Pedestrian and Cycle Access

Policy D-4 Water Resource and Flood Risk

Policy D-6 Design of New Development

Appendix A Character Assessment

Appendix B Proposals Map (Settlement Area)

Nettleham Village Design Statement 2010

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

National Guidance

National Planning Policy Framework (NPPF)

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

National Planning Practice Guidance (NPPG)

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

National Design Guide October 2019

<https://www.gov.uk/government/publications/national-design-guide>

Other

The [Town and Country Planning \(Use Classes\) Order 1987](http://www.legislation.gov.uk/ukxi/1987/764/contents/made) (as amended)

<http://www.legislation.gov.uk/ukxi/1987/764/contents/made>

Main issues

- Principle of the Development
Site History:
Central Lincolnshire Local Plan 2012-2036
Nettleham Neighbourhood Plan
National Planning Policy Framework

Assessment of local policy LP5 (Local Employment Sites) and LP55 (Part E) of the CLLP

Rural Economy

Minerals

Concluding Statement

- Drainage
 - Foul Water*
 - Surface Water*
- Archaeology
- Flood Risk

Assessment:

Principle of the Development

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

Site History:

In 2005 the overall business site was granted outline planning permission (M04/P/1460) for a rural enterprise park under the policies of the West Lindsey Local plan and the Emerging West Lindsey Local Plan First Review (Revised Deposit Draft 2004). Since 2005 the plots have been subject to reserved matters planning applications or full planning applications due to the expiration of the outline permission (M04/P/1460). All of the plots on the site have now been built out for B1 (business offices) and B2 (General Industrial) use of the [Town and Country Planning \(Use Classes\) Order 1987](#) (as amended). The plot subject of this application is the last to be developed.

Central Lincolnshire Local Plan 2012-2036:

Local policy LP5 (Local Employment Sites (LES)) of the CLLP sets out the criteria for the acceptability of proposed development on non-allocated but existing local employment sites.

Local policy LP55 Part E of the CLLP sets out the criteria for Non-residential Development in the Countryside.

Nettleham Neighbourhood Plan:

The Proposals Map in Appendix B designates the site as a business development area (NE(1)).

Policy D-2 (Pedestrian and Cycle Access) provides criteria for adequate access for pedestrians and cyclist.

Policy D-4 (Water Resources and Flood Risk) provides criteria for dealing with any flood risk issues and implementing suitable drainage facilities

Policy D-6 (Design of New Development) provides set out criteria to ensure development is designed in an appropriate manner to its location and setting.

Page 13 of the Nettleham Village Design Statement and Page 20 of the Character Assessment (Appendix A) set out the design style on the Deepdale Lane Employment site both stating:

'A new small (1Ha) business park has subsequently been constructed on Deepdale Lane. The buildings, located on approximately 0.15Ha plots, are in the barn conversion style to harmonise with the rural nature of the area.'

National Planning Policy Framework:

Guidance within paragraph 80 of the NPPF states that *'Significant weight should be placed on the need to support economic growth and productivity, taking into account both local business needs and wider opportunities for development'*.

Guidance within paragraph 83 of the NPPF states that *'planning policies and decision should enable:*

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

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

Assessment of local policy LP5 (Local Employment Sites) and LP55 (Part E) of the CLLP:

In summary these policies combined assess:

- The appropriateness and impact of the size and scale of the development on the rural character of the locality.
- The appropriateness of the location in terms of maintaining or enhancing the rural economy or by means of proximity to existing established businesses or natural features.
- Any conflict with neighbouring uses or amenity of neighbouring occupiers
- Any unacceptable impact on the highway network and accessibility

The appropriateness and impact of the size and scale of the development on the rural character of the locality.

Objections have been received from the Parish Council, and Ward Member (Councillor White) in relation to the scale of the building to the front of the site and the boundary screening to the front. Deepdale Lane Business Park is a modest but established business site to the north west of Nettleham. It currently accommodates a number of

large two storey business use buildings which have been designed with an agricultural barn conversion style concept in mind. The existing buildings are generally long narrow buildings with pitched gable end roofs and the highest building approximately 9 metres in height. The proposed office building will be three storeys which includes space used within the roof and will be approximately (measurements taken from elevation plans):

- 12 metres in height (main section)
- 10.5 metres in height (lower set down section)
- 43.5 metres in width
- 12.5 metres in length

The height of the building is approximately 3 metres higher than the existing buildings on the site but generally most farmsteads include buildings of different heights and appearances.

Local policy L17 of the CLLP states that *“proposals should have particular regard to maintaining and responding positively to any natural and man-made features within the landscape and townscape which positively contribute to the character of the area”*.

Criteria c) of local policy LP26 of the CLLP states that proposals should demonstrate that they *“Respect the existing topography, landscape character and identity, and relate well to the site and surroundings, particularly in relation to siting, height, scale, massing, form and plot widths”*

Policy D-6 criteria a) of the NNP states that *“Recognising and reinforcing the district local character (as set out in the character assessment and the Village Design Statement) in relation to height, scale, density, spacing, layout orientation, features and materials of buildings”*

As previously stated the NNP Character Assessment and the Nettleham Village Design Guide confirms that the identity and/or character of the site is of *“barn conversion style”* buildings *“to harmonise with the rural nature of the area”*. The Identity chapter (pages 14-17) of the National Design Guide places importance on the need for development to either reflect its local character or create a sense of character through the built form.

The appearance of the originally submitted building was of a mixed barn conversion and contemporary design. This has subsequently been amended to better reflect the rural position of the site and to compliment the identity of the existing buildings already built on the site to a barn conversion style. The materials listed on the proposed elevation plans are considered to be acceptable. These are in summary:

- Western Red Cedar Timber Cladding
- Natural Limestone
- Red Multi Facing Brick
- Natural Slate Roof
- Blue Engineering Brick String Course Coping

The application site is a highway frontage plot with the building located approximately 7 metres from Deepdale Lane, and will accordingly have a greater street presence than the remainder of the business park to the rear. Given the orientation and layout of the Deepdale Lane Business Park, for the building to be in keeping with the existing frontage building to the west and to provide sufficient separation from the existing building to the north, it has to be positioned to the front of the plot. It is also more appropriate to have the car parking to the rear of the building hidden from the street scene.

The building is proposed to be prominently located and although 12 metres in height it is not considered that it would harmfully impose on the street scene or the surrounding area. From all public viewpoints the site will be viewed in context with its business park setting.

Objections have been received from the Parish Council in relation to the installation of fencing to the front boundary instead of re-instating a former hedgerow.

The application has included the submission of landscaping plan 08-015 Rev 6 dated 14th November 2019. The landscaping plan clearly identifies all areas of hard and soft landscaping. The initial landscaping plan included the installation of Lincolnshire Post and Rail fencing to the front of the site. The boundaries along this section of Deepdale Lane are dominated by soft landscaping (hedging/trees) therefore it is agreed that the use of fencing can be considered out of character with the Deepdale Lane street scene. The agent therefore alongside the amended landscaping plan submitted an amended site plan (08-003 Rev 4 dated 4th November 2019) to remove the fencing and replace it with a hedgerow.

The landscaping details are therefore considered acceptable and accord to local policy LP17 and LP26 of the CLLP, D-6 of the Nettleham Neighbourhood Plan and the provisions of the NPPF. A condition will be required to ensure the landscaping scheme is established and maintained.

It is considered that policy LP17, LP26 and D-6 are consistent with the historic visual impact guidance of the NPPF and can be attached full weight.

Whilst the concerns of the Parish Council and Ward Member are recognised, it is considered that following revisions, the building would appropriately reflect the local character established by the business park, and the development would not run contrary on design grounds to local policy LP17 and LP26 of the CLLP, D-6 of the Nettleham Neighbourhood Plan and the provisions of the NPPF.

The appropriateness of the location in terms of maintaining or enhancing the rural economy or by means of proximity to existing established businesses or natural features.

The plot is located on an existing established business park for B1 (business offices) and B2 (General Industrial) use as set out in the Town and Country Planning (Use

Classes) Order 1987 (as amended). The site is also allocated as a business development area (NE(1)) in the The Proposals Map in Appendix B of the NNP.

Any conflict with neighbouring uses or amenity of neighbouring occupiers

The plot is located on a modest business park with Lincolnshire Police Headquarters to the south and the nearest residential dwelling sits approximately 72 metres to the east. It is on an existing Local Employment Site and is not expected to conflict with any neighbouring uses.

Any unacceptable impact on the highway network and accessibility

All vehicles travelling to the proposed building would access the car park from the existing Deepdale Lane junction and then a vehicular access off the business park road. A new access will be created off Deepdale Lane to provide access to the substation by Western Power.

The site is to the north west of Nettleham close to the Deepdale Lane and A46 (Welton/Lincoln Road) junction. It is presumed that a high percentage of traffic will travel to and from the site using this junction reducing the volume of traffic travelling through the Nettleham.

In accordance with recommendations of the Highways Authority the rear parking area has been reduced from 49 parking spaces to 46 parking spaces including 2 disabled spaces adjacent the buildings entrance to reception. The building includes a lift and disabled facilities to ensure accessibility is open to everyone.

The proposal includes bike storage adjacent the car park and can be accessed on foot from the village by a footpath on the south side of Deepdale Lane. The nearest bus stop is outside 1 Deepdale Lane which is a short 500 metre walk to the east of the site.

The application has included the submission of a Transport Statement stating in paragraph 6.1.9 that the *“the additional traffic generation of the site would be modest as the proposals would generate less than 20 vehicular trips per peak and 120 per day. A maximum of 12 cyclists per day could also travel to site”*. It concludes in paragraph 6.2.1 *“that there are no reasons from a traffic and transportation perspective why the development proposals should not be granted planning approval”*.

The Highways Authority at Lincolnshire County Council have no objections to the development subject to conditions.

Rural Economy:

The submitted design and access statement concludes that *“the new building will support and encourage additional local businesses with new, up-to-date facilities allowing employment opportunities in the area to grow”*.

The application form does include some information on employment opportunities but only based around the relocating of LK2 Architects Ltd (agent) to one of the offices. The re-location will allow LK2 to increase its employment from 16 full time and 2 part time jobs to 20 full time and 2 part time jobs. The other four offices will allow either new

or expanding small businesses to rent the spaces. Therefore the development would create some job opportunities for the local area.

Minerals:

Guidance contained within paragraph 203-211 of the NPPF sets out the needs to safeguard mineral resources through local plan policies *'to support sustainable economic growth and our quality of life'*. Policy M11 of the Lincolnshire Minerals and Waste Local Plan (Core Strategy and Development Management Policies) states that:

'Applications for non-minerals development in a minerals safeguarding area must be accompanied by a Minerals Assessment. Planning permission will be granted for development within a Minerals Safeguarding Area provided that it would not sterilise mineral resources within the Mineral Safeguarding Areas or prevent future minerals extraction on neighbouring land. Where this is not the case, planning permission will be granted when:

- the applicant can demonstrate to the Mineral Planning Authority that prior extraction of the mineral would be impracticable, and that the development could not reasonably be sited elsewhere; or*
- the incompatible development is of a temporary nature and can be completed and the site restored to a condition that does not inhibit extraction within the timescale that the mineral is likely to be needed; or*
- there is an overriding need for the development to meet local economic needs, and the development could not reasonably be sited elsewhere; or*
- the development is of a minor nature which would have a negligible impact with respect to sterilising the mineral resource; or*
- the development is, or forms part of, an allocation in the Development Plan.*

The site is in a Limestone Minerals Safeguarding Area. The application has included the submission of a Minerals Assessment and the Minerals and Waste team at Lincolnshire County Council have confirmed that they have no objections to the development.

Concluding Statement:

The design, position and scale of the development will not have a harmful impact on the character of the existing established business park or the surrounding area and will not conflict with neighbouring uses. The site is allocated in the Nettleham Neighbourhood Plan as business development area. The development will not harm the highway network whilst providing access to all and job opportunities in the district. The development would sterilise a modest minerals resource but not to such a degree as to be unacceptably harmful.

The principle of the development is therefore acceptable and accords to local policy LP5, LP13, LP17, LP26 and LP55 of the Central Lincolnshire Local Plan, policy D-2 and D-6 of the Nettleham Neighbourhood Plan, policy M11 of Lincolnshire Minerals and Waste Local Plan and the provisions of the NPPF.

It is considered that policy LP5, LP13, LP17, LP26, LP55, D-2 D-6 and M11 are consistent with the business, highway safety, visual amenity, residential amenity, open countryside and minerals guidance of the NPPF and can be attached full weight.

Other Considerations:

Drainage

Foul Water:

The application states that foul water will be disposed of to an existing foul sewer which is acceptable.

Surface Water:

Surface water will be disposed of to a soakaway which is encouraged as a form of sustainable urban drainage. No objections have been received by the Lead Local Flood Authority subject to a condition.

It appears that foul and surface water can be appropriately dealt with from the site, however further details and evidence will need to be submitted and agreed through a condition on the outline permission.

Therefore subject to a condition the development would accord with local policy LP14 of the CLLP, policy D-4 and D-6 of the Nettleham Neighbourhood Plan and the provisions of the NPPF.

It is considered that policy LP14, D-4 and D-6 are consistent with the drainage guidance of the NPPF and can be attached full weight.

Archaeology

The Historic Environment Officer at Lincolnshire County Council has no objections therefore the development will not have a significant adverse archaeological impact and accords to local policy LP25 of the CLLP and guidance contained within the NPPF.

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

Flood Risk

The site is located in flood risk 1 therefore has the lowest risk of flooding. Therefore the development would accord with local policy LP14 of the CLLP, policy D-4 of the Nettleham Neighbourhood Plan and the provisions of the NPPF.

It is considered that policy LP14 and D-4 are consistent with the flood risk guidance of the NPPF and can be attached full weight

Other Considerations:

Community Infrastructure Levy

The proposed development will not be liable for a CIL payment.

Pre-commencement condition

The agent has agreed in writing to the recommended pre-commencement condition

Conclusion and reasons for decision:

The decision has been considered against local policy LP1 A Presumption in Favour of Sustainable Development, LP2 The Spatial Strategy and Settlement Hierarchy, LP5 Delivering Prosperity and Jobs, LP13 Accessibility and Transport, LP14 Managing Water Resources and Flood Risk, LP17 Landscape, Townscape and Views, LP25 The Historic Environment, LP26 Design and Amenity and LP55 Development in the Countryside of the Central Lincolnshire Local plan 2012-2036, Policy M11 of the Lincolnshire Minerals and Waste Local Plan (Core Strategy and Development Management Policies) and Policy D-2 Pedestrian and Cycle Access, Policy D-4 Water Resource and Flood Risk and Policy D-6 Design of New Development of the Nettleham Neighbourhood Plan. Furthermore consideration has been given to guidance contained within the National Planning Policy Framework, National Planning Practice Guidance and the National Design Guide.

In light of this assessment it is considered that the principle of the proposal is acceptable in an open countryside location and will benefit the rural economy. The plot of land is part of an existing established business park which is allocated as a business development area in the Nettleham Neighbourhood Plan. The development would provide an appropriate completion to the business park and provide future job opportunities. It will not significantly harm the character and appearance of the site, the surrounding area or the street scene nor conflict with neighbouring uses. Furthermore the proposal will not have an adverse impact on highway safety, minerals resource archaeology, flooding or drainage.

Human Rights Implications:

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

Legal Implications:

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

Representors to be notified -

(highlight requirements):

Standard Letter

☐

Special Letter

☐

Draft enclosed

☐

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

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

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

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

2. No development must take place until a Construction Management Plan and Method Statement has been submitted to and approved in writing by the Local Planning Authority which must indicate measures to mitigate against traffic generation and drainage of the site during the construction stage of the proposed development. The Construction Management Plan and Method Statement must include;
 - the parking of vehicles of site operatives and visitors;
 - loading and unloading of plant and materials;
 - storage of plant and materials used in constructing the development;
 - wheel washing facilities;
 - the routes of construction traffic to and from the site including any off site routes for the disposal of excavated material and;
 - strategy stating how surface water run off on and from the development will be managed during construction and protection measures for any sustainable drainage features. This should include drawing(s) showing how the drainage systems (permanent or temporary) connect to an outfall (temporary or permanent) during construction.

The Construction Management Plan and Method Statement must be strictly adhered to throughout the construction period.

Reason: To ensure that the permitted development is adequately drained without creating or increasing flood risk to land or property adjacent to, or downstream of, the permitted development during construction and to ensure that suitable traffic routes are agreed to accord with the National Planning Policy Framework, LP13 and LP14 of the Central Lincolnshire Local Plan 2012-2036 and Policy D-4 and D-6 of the Nettleham Neighbourhood Plan.

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

3. With the exception of the detailed matters referred to by the conditions of this consent, the development hereby approved must be carried out in accordance with the following proposed drawings:
 - 08-003 Rev 4 dated 4th November 2019 – Site Plan

- 08-005 Rev 2 dated 4th November 2019 – Ground Floor Plan
- 08-006 Rev 2 dated 4th November 2019 – First and Second Floor Plan
- 08-007 Rev 2 dated 4th November 2019 – Roof Plan
- 08-008 Rev 1 dated 4th November 2019 – South and West Elevation Plans and Materials Schedule
- 08-009 Rev 2 dated 4th November 2019 – North and East Elevation Plans and Materials Schedule
- 08-010 Rev 2 dated 4th November 2019 – Sections
- 08-015 Rev 6 dated 14th November 2019 – Landscaping Plan

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

Reason: To ensure the development proceeds in accordance with the approved plans and to accord with the National Planning Policy Framework, local policy LP17, LP26 and LP55 of the Central Lincolnshire Local Plan 2012-2036 and policy D-6 of the Nettleham Neighbourhood Plan.

4. No construction works above ground level must take place until details of a scheme for the disposal of foul/surface water (including any necessary soakaway/percolation tests) from the site and a plan identifying connectivity and their position has been submitted to and approved in writing by the local planning authority. The surface water scheme shall:

- be based on sustainable drainage principles and an assessment of the hydrological and hydrogeological context of the development;
- provide details of how run-off will be safely conveyed and attenuated during storms up to and including the 1 in 100 year critical storm event, with an allowance for climate change, from all hard surfaced areas within the development into the existing local drainage infrastructure and watercourse system without exceeding the run-off rate for the undeveloped site;
- provide details of the timetable for and any phasing of implementation for the drainage scheme; and
- provide details of how the scheme shall be maintained and managed over the lifetime of the development, including any arrangements for adoption by any public body or Statutory Undertaker and any other arrangements required to secure the operation of the drainage system throughout its lifetime.

No occupation of the offices must occur until the approved scheme has been completed in accordance with the approved phasing and the approved scheme must be retained and maintained in full, in accordance with the approved details.

Reason: To ensure that the development is adequately drained without creating or increasing flood risk to land or property adjacent to, or downstream of, the development to accord with the National Planning Policy Framework, local policies

LP13, LP17 and LP26 of the Central Lincolnshire Local Plan 2012-2036 and policy D-4 and D-6 of the Nettleham Neighbourhood Plan.

5. No operation of the offices must occur the vehicular access to the rear car park, the 46 parking spaces and bicycle storage have been completed in accordance with the details shown on plan 08-003 Rev 4 dated 4th November 2019. The car parking spaces and bicycle storage must be retained as such thereafter.

Reason: In the interests of safety of the users of the public highway, the safety of the users of the site and to provide an acceptable level of on site parking spaces to accord with the National Planning Policy Framework, local policies LP13, LP17 and LP26 of the Central Lincolnshire Local Plan 2012-2036 and Policy D-6 of the Nettleham Neighbourhood Plan.

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

6. All planting and/or turfing comprised in the approved landscaping plan 08-015 Rev 6 dated 14th November 2019 must be carried out in the first planting and seeding season following 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 must be replaced in the next planting season with others of similar size and species, unless the Local Planning Authority gives written consent to any variation. The landscaping must be retained thereafter.

Reason: To ensure the landscaping is completed in accordance with the plan and to reinstate the removed hedging to the front of the site to accord with the National Planning Policy Framework, local policies LP17 and LP26 of the Central Lincolnshire Local Plan 2012-2036 and Policy D-6 of the Nettleham Neighbourhood Plan.



Planning Committee

11 December 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 Mr and Mrs Johnson against the decision of West Lindsey District Council to refuse planning permission for the separation of annex from Diamond House to form 2no. individual dwellings at Diamond House, Ferry Road, Fiskerton, Lincoln, LN3 4HU

Appeal Allowed – See copy letter attached as Appendix Bi.

Officer Decision – Refuse permission

- ii) Appeal by Mr Frank Tobin against the decision of West Lindsey District Council to refuse planning permission for the erection of a livestock building at Brandy Wharf Piggery, Waddingham Road, South Kelsey, Market Rasen LN7 6PN

Appeal Dismissed - See copy letter attached as Appendix Bii.

Officer Decision – Refuse permission

- iiia) Appeal by J Dixon, J Gauke, J Pickwell and J Pickwell against the decision of West Lindsey District Council to impose the following condition at Land off the Hawthorns, Nettleham, Lincoln:

“the development shall comprise of a maximum of fifty dwellings.”

Appeal Allowed (for 63no dwellings) - See copy letter attached as Appendix Biiia.

Committee Decision – Allow permission for 50no. dwellings

- iiib) The application for a full award of costs against West Lindsey District Council in respect of the above decision at Land off the Hawthorns, Nettleham:

Costs Allowed – See copy letter attached as Appendix Biiib.

Appeal Decision

Site visit made on 2 May 2019

by David Storrie DipTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 6 November 2019

Appeal Ref: APP/N2535/W/19/3222860

Diamond House, Ferry Road, Fiskerton, Lincoln, LN3 4HU

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission.
 - The appeal is made by Mr and Mrs Johnson against the decision of West Lindsey District Council.
 - The application Ref 138406, dated 28 September 2018, was refused by notice dated 7 December 2018.
 - The development proposed is the separation of annex from Diamond House to form 2no. individual dwellings.
-

Decision

1. The appeal is allowed and planning permission is granted for the separation of annex from Diamond House to form 2no. individual dwellings at Diamond House, Ferry Road, Fiskerton, Lincoln, LN3 4HU in accordance with the terms of the application, Ref 138406, dated 28 September 2018, subject to the following conditions:
 - 1) The development hereby permitted shall begin not later than 3 years from the date of this decision.
 - 2) The development hereby permitted shall be carried out in accordance with the following approved plans: SD DH18 A3 21B; SD DH18 A1 22C; and SD DH18 A3 21B.

Main Issue

2. The main issue is whether the change of the building from a residential annex to an independent dwelling would conflict with development plan policy that controls development in the countryside.

Reasons

3. The appeal site is an existing building located to the east of Diamond House and used as an Annex to this dwelling. Land to the south of the site provides a number of caravan pitches managed by the appellants. On the opposite side of the road are disused commercial buildings and two dwellings. Open land forms the southern, eastern and western boundaries of the site beyond Diamond House. The site lies just outside the settlement boundary of Fiskerton located to the west of the appeal site.
4. Although the site is located in the countryside, when viewed alongside the existing development immediately opposite, it forms a cluster of development

that presents a built up character. The annex building is already there and being used for residential purposes so in terms of any physical impact of the proposed development, there would be no change. Alterations to provide a single shared access to serve Diamond House and the Annex were proposed and raised no highway issues.

5. Policy LP55 of the Central Lincolnshire Local Plan (2017) (LP) deals specifically with the control of development in the countryside and is generally supportive of development in relation to existing buildings, subject to identified criteria, of Part A) the re-use and conversion of non-residential buildings to residential use; Part B) replacement dwellings. New dwellings (Part D) are only supported where they are essential to the effective operation of rural operations.
6. The Council have considered the development as a new dwelling (Part D) that fails to provide justification that it supports a rural operation. I disagree with this interpretation. Although not explicit in the wording of the policy, I consider that Part D relates to new buildings as opposed to the re-use of an existing building. This is reinforced by part A) and Part B) of the policy that are supportive of the re-use or replacement of existing buildings in the countryside.
7. The building was used as a barn before being converted to an annex. Part A of the policy would have been supportive of a change to residential. That is because the visual impact in the countryside, as a result of any change, is a neutral one. In this case where an existing building is changing from an ancillary residential use to an independent one there would be little if any impact. The building is already there and there would be no physical change to the setting of the countryside in this location as a result of the development.
8. Taking the above into account I conclude that the proposed development would not conflict with LP policy LP55. The change from an ancillary residential use to an independent residential use would have very little impact on the countryside. It would also not conflict with paragraph 79 of the Framework that seeks to avoid the development of isolated homes in the countryside unless certain criteria are met that include the re-use of existing buildings. The appeal site is not isolated and involves the re-use of an existing building.

Conditions

9. The Council have requested a condition specifying the relevant drawings. I agree with this as it provides certainty.

Conclusion

10. For the reasons set out above, the appeal should be allowed.

David Storrie

INSPECTOR



Appeal Decision

Site visit made on 10 June 2019

by Katie McDonald MSc MRTPI

an Inspector appointed by the Secretary of State

Decision date: 12 November 2019

Appeal Ref: APP/N2535/W/18/3216860

**Brandy Wharf Piggery, Waddingham Road, South Kelsey, Market Rasen
LN7 6PN**

- 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 Frank Tobin (Holmeville Farm Services) against the decision of West Lindsey District Council.
 - The application Ref 137678, dated 18 April 2018, was refused by notice dated 5 November 2018.
 - The development proposed is the erection of a livestock building.
-

Decision

1. The appeal is dismissed.

Preliminary Matters

2. The proposal falls under Schedule 2 to The Town and Country Planning (Environmental Impact Assessment (EIA)) Regulations 2017 (EIA Regulations) and as such is accompanied by an Environmental Impact Assessment in the form of an Environmental Statement (ES).
3. The appellant submitted a Screening Request to the Local Planning Authority (LPA) and then to the Secretary of State (SoS). The SoS Screening Direction, dated 28 March 2018, is presented in Appendix 1 of the ES. The Direction indicated that the SoS concurs with the opinion of the LPA, namely that the proposal constituted EIA development, and that an ES was required.
4. However, the Direction only identified potentially significant environmental effects as a result of odour and waste emissions. The Direction refers to properties affected by the spreading of slurry across Holme Hill Farm, both the small number of sensitive receptors near to the piggery site and residents of Moortown.
5. No formal Scoping exercise was then undertaken and the planning application subject to the appeal was submitted with the ES based upon the matters identified in the Screening Direction.
6. The LPA refused the planning application for 4 reasons. The ES was considered incomplete, failing to assess indirect or cumulative impacts of odour. The application failed to show compatibility with neighbouring residential land uses with no consideration of air quality. Insufficient information was provided to assess the potential impact to Kingerby Beck Meadows Site of Special Scientific

Interest (SSSI). Finally, there was no planning obligation to secure a means of disposal of slurry generated by the proposal.

7. The appeal subject to this decision was submitted, and as part of the process of assessing the appeal, the SoS notified the appellant (4 June 2019) that, following examination of the ES, pursuant to regulation 25 of the EIA Regulations, further information was required.
8. The further information was publicised by letter on 25 June 2019 and in the local press on 3 July 2019. A period of 30 days was given for the receipt of comments. Following this, I requested comments from the LPA and the appellant was provided with the final opportunity to comment.
9. I have had regard to all the Environmental Information submitted with the appeal including the original Environmental Statement, the Additional Information, the further responses and the main parties' comments in reaching my conclusions on this appeal.
10. Following the consultation on the Additional Information, Natural England withdrew their objections as to the effect of the proposal upon the SSSI. As a result, the LPA is satisfied the 3rd reason for refusal has been addressed.
11. Lastly, the appellant submitted a planning obligation with the appeal and the LPA has withdrawn its 4th reason for refusal. I have considered the obligation briefly below.

Main Issue

12. With that background, the main issue is the effect of the proposal upon the living conditions of nearby properties surrounding the site and in nearby villages, with specific reference to air quality and odour.

Reasons

13. The site is a working pig farm, located in the open countryside. The proposal is for a livestock building to house around 1000 finishing places for pigs, comprising around 960 square metres of floorspace. It would be around 63m long, 15.5m wide and 5.5m to the ridge with 8 roof mounted ventilation fans. The building would be located adjacent to 6 existing livestock buildings, being of similar dimensions and external materials finish.
14. Following review of the information submitted in the form of the Environmental Statement and the Additional Information, the details presented are sufficient to satisfy Schedule 4 of the EIA Regulations. However, I have concerns regarding how the assessment as to the effect of odour from the slurry spreading has been calculated. Furthermore, I also have significant concerns about air quality and odour, both from the cumulative effects and slurry spreading. The cumulative effect being the existing operation, the neighbouring farm, Holme Hill, and the proposed development.
15. The assessment of the effect of odour from slurry spreading is based solely on the increase in the area of land and the number of hours for which slurry spreading would be carried out per annum as a result of the proposed development (an increase from 84ha to 116ha and from 35 hours to 49 hours per annum). This is not an insignificant increase, even if it does only amount to a total of around 8-9 days per annum.

16. No methodology is provided to describe how the odour resulting from the increased slurry spreading has been calculated; and it appears to be based on the simple calculation above. This is a crude way to estimate the effects and I have concerns that this has not satisfactorily assessed the odour impact. I also have no baseline data for this matter.
17. I recognise the appellant's argument that he believes it is not possible to provide any quantifiable assessment of the slurry spreading effect on amenity. I also understand that slurry spreading is a lawful and common rural activity, subject to other legislative controls and good practice guidance. Yet, these legislative controls appear to leave it for the local authority Environmental Health Department to enforce legislation¹ on odour nuisance². This could lead to a risk that it may be too late to prevent the damage being done, even despite the National Planning Policy Framework setting out that the focus of planning decisions should be on whether proposed development is an acceptable use of land, rather than the control of processes or emissions. Moreover, the SoS specifically refers to this matter to be addressed in the Screening Direction.
18. No significant effects resulting from cumulative effects are predicted in the ES. However, while the ES considers the cumulative effects with existing activities at the site (in relation to waste and odour) and finds the effect acceptable and with a tolerance to increase; it does not address any potential cumulative effects from the cattle housed at the neighbouring Holme Hill Farm.
19. As such, the cumulative odour impacts from the proposal could result in unacceptable odour levels for nearby residents. When considering that the levels at Receptors 3 and 4 are over 2 ouE/m³ with an assessment of just the piggery itself, this is of concern. This issue is not controlled by the Environmental Permit and was also specifically raised in the SoS Screening Direction. Furthermore, I am not satisfied that the lack of co-operation between landowners amounts to a justifiable reason for not providing an assessment as to the cumulative effects, particularly given that Holme Hill Farm receives much of the slurry waste from the existing site.
20. Consequently, the effects upon the living conditions of nearby residents from the slurry spreading on fields at Holme Hill Farm, or the cumulative effects of odour as an in-combination assessment are unknown.
21. The level of separation from the nearby sensitive occupiers is not remote, and the cumulative effects of odour from slurry spreading may well affect them and residents more widely in South Kelsey. Additionally, the cumulative effects of both the piggery and cattle at Holme Hill Farm may also be unacceptable. Indeed, despite the countryside location, this is noted in the responses from interested parties who report odour issues.
22. Turning to the mitigation, whilst the cumulative effects are unknown, the appellant proposes mitigation measures. Although these are inherent in the design, and many are included to satisfy the Environmental Permit or achieve compliance with Defra's Code of Good Agricultural Practice; it is not known if these would reasonably mitigate the effects of the scheme.

¹ Environmental Protection Act 1990

² Paragraph 25 of DEFRA's Protecting our Water, Soil and Air: A Code of Good Agricultural Practice for farmers, growers and land managers (2009)

23. Consequently, it is entirely reasonable to apply the precautionary principle; and in the absence of suitable and substantiated evidence that the cumulative and indirect effects would not be harmful; I find that there would be an adverse effect upon the living conditions of nearby residential occupiers.
24. This would be contrary to Policy LP26 of the Central Lincolnshire Local Plan (April 2017), which seeks to ensure the amenities which all existing and future occupants of neighbouring land and buildings may reasonably expect to enjoy is not unduly harmed by or as a result of development.

Other Matters

Planning obligation

25. The planning obligation submitted with the appeal is dated 7 February 2011 and the supplemental agreement is dated 14 February 2013. Both the agreements relate to previous planning applications determined by the LPA. The supplemental agreement refers to an Agreement for Services between the appellant and Kenneth Lethbridge dated 1 May 2012. This agreement appears to govern the application of slurry to land identified in that agreement.
26. The fundamental flaw with the obligations submitted is that none relate to the planning appeal before me, and therefore would be unenforceable. Added to this, I have not been supplied with the Agreement for Services governing the application of slurry. However, given my findings above, it has not been necessary to consider this matter further.

Conclusion

27. For the reasons set out above, I conclude that the appeal should be dismissed.

Katie McDonald

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: 25 November 2019

Appeal Ref: APP/N2535/W/19/3233948

Land off the Hawthorns, Nettleham, Lincoln

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a grant of planning permission subject to conditions.
- The appeal is made by J Dixon, J Gauke, J Pickwell and J Pickwell against the decision of West Lindsey District Council.
- The application Ref 138494, dated 17 October 2018, was approved on 5 July 2019 and planning permission was granted subject to conditions.
- The development permitted is outline planning application for erection of up to 63 no. dwellings with garages, access roads, footpaths and open space-access to be considered and not reserved for subsequent applications.
- The condition in dispute is No 12 which states that: The development shall comprise of a maximum of fifty dwellings.
- The reason given for the condition is: To preserve the character of the area and to integrate with the adjoining built residential form and to protect residential amenity to accord with the National Planning Policy Framework, local policies LP2, LP10, LP17, LP26 and LP52 of the Central Lincolnshire Local Plan 2012-2036 and policies H-1 and H-7 of the Nettleham Neighbourhood Plan.

Decision

1. The appeal is allowed and the outline planning permission Ref 138494, for



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erection of up to 63 no. dwellings with garages, access roads, footpaths and open space-access to be considered and not reserved for subsequent applications, at Land off the Hawthorns, Nettleham, Lincoln, granted on 5 July 2019 by West Lindsey District Council, is varied by deleting Condition No 12 and its replacement with the following condition:

- 12) The development shall comprise of a maximum of sixty three dwellings.

Application for costs

2. An application for costs was made by J Dixon, J Gauke, J Pickwell and J Pickwell against West Lindsey District Council. This application is the subject of a separate Decision.

Preliminary Matter

3. The appeal site address above is taken from the appeal form, as the address given on the application form was insufficient to identify the site without resorting to grid references.

Background and Main Issue

4. Planning permission was granted by the Council in July 2019 for the residential development of the site, following consideration of the proposal by the Council's Planning Committee. The officer's report recommended approval of the proposal, which sought up to 63 dwellings on the site, with recommended Condition No 12 limiting the number of dwellings to 63. The Planning Committee voted to approve the application with this condition amended to limit the development to 50 dwellings. That condition is now under appeal.
5. The reason given for the imposition of the condition on the Council's decision notice is 'to preserve the character of the area and to integrate with the adjoining built residential form and to protect residential amenity.' The appellants object to the imposition of the condition on the grounds that it unreasonably restricts the development of an allocated site, contrary to the principles of sustainable development and which reduces the benefits that can be delivered.
6. Taking this background into account, I consider that the **main issue** is whether the condition is necessary and reasonable, having regard to relevant development plan policies relating to the delivery and location of housing, the effect on the character and appearance of the area and the effect on living conditions of neighbouring occupants.

Reasons

Policy Context

7. The appeal site is located to the northern side of the settlement of Nettleham, near Lincoln, comprising parts of two agricultural fields accessed from the end of the cul-de-sac of the Hawthorns, a residential street.
8. The relevant development plan documents for the area are the Central Lincolnshire Local Plan 2012-2036 (April 2017) (the CLLP) and the Nettleham Neighbourhood Plan 2014-2031 (2016) (the NNP). The CLLP sets out a spatial strategy for the District. Policy LP1 sets out the desire to deliver sustainable growth that brings benefits for all sectors of the community. Policy LP2 sets out the settlement hierarchy for the district. Policy LP3 sets out a housing target to deliver some 36,960 dwellings between 2012 and 2036, an average annual target of 1,540 dwellings. The supporting text at paragraph 3.3.3 states that the housing target should not be seen as a ceiling, but rather the level of growth which is both needed and anticipated to take place in the plan period.
9. Under Policy LP2, Nettleham is listed under Category 4 – Large Villages, in which most growth will be via sites allocated in the CLLP, or appropriate infill, intensification or renewal within the existing developed footprint. The appeal site is allocated under Policy LP52 under reference CL4662 (2.79 hectares) for an indicative 50 dwellings. In total, allocated sites in Nettleham are identified to deliver an indicative 237 dwellings.
10. The supporting text of the CLLP at Paragraph 10.2.1 states that the indicative numbers of dwellings for each site are used to demonstrate how the overall housing requirement can be met, and it is emphasised that these numbers are only 'indicative' and do not represent a fixed policy target for each individual site. It is well-established that a development plan allocation sets out the principle of the specific land-use, with exact details to be determined through

development management processes. It is no different in this case and it is clear to me that the allocation number is intended to set general parameters for development which would accord with the overall spatial strategy, rather than setting rigid targets.

11. In addition, Paragraph 10.2.2 states that developers are encouraged to produce the most appropriate design-led solution, taking all national policies and other CLLP policies into account, in arriving at a total dwelling figure for their site, and they need not be constrained by the figure that appears in the column headed 'indicative dwelling figure' in the relevant table of, in this case, Policy LP52. The minutes of the Planning Committee meeting on 9 January 2019 where the application was considered make it clear that this explanatory text was referred to by both the appellant's representative and the planning officers present.
12. Policy LP2, under Large Villages, also sets out that in exceptional circumstances (which are a matter for the decision maker), additional growth on non-allocated sites in appropriate locations outside of, but immediately adjacent to, the developed footprint of these large villages might be considered favourably, provided they are at a scale of less than 25 dwellings per hectare. Whilst this part of the policy relates to non-allocated sites, it indicates that additional growth in a village beyond that indicated for allocated sites would potentially accord with the overall spatial strategy.
13. Policy H-1 of the NNP states, in reference to the four allocated sites in the plan area, that they will each be restricted to a yield of 50 homes unless it can be demonstrated that their proposed numbers can be satisfactorily incorporated into the community and also that their proposed design, layout and dwelling numbers can be satisfactorily incorporated into their topography and landscape settings. Policy H-7 of the NNP is specific to the appeal site (Site C in the NNP). It states an allocation of 'approximately 50 dwellings' subject to achieving satisfactory vehicular access, a design and layout which safeguards residential amenities of existing properties, and provision of a footpath across the site. I note that the site is identified in the NNP as being approximately 3.5 hectares rather than 2.79 hectares in the CLLP, but with the same indicative number of dwellings. The appellant states that the actual area is 3.09 hectares.
14. On my reading of these policies and the supporting text, it is evident that the housing figures outlined for each of the allocated sites are not rigid maximums, and the policies of the NNP in particular clearly set out circumstances where more than the indicative number may be acceptable. Moreover, there is flexibility in the policies of both the CLLP and NNP, and notwithstanding the differences in site area, they are largely consistent in their approach. These policies are recently adopted, have been formulated in light of the guidance of the Framework and found to be sound. They are consistent with the Framework in planning positively for a significant boost in housing.
15. The Council argues that developing the site for 50 dwellings would result in 273 additional dwellings in Nettleham when permissions already granted and other allocations in the CLLP are taken into account, which exceeds the 237 set out in the CLLP allocations. This would also be more than the circa 250 dwellings which would equate to the anticipated 12-15% growth for Nettleham outlined by the CLLP and NNP. However, the number of dwellings already granted demonstrates that the Council is prepared to countenance delivery of housing

beyond the numbers expressed in the CLLP and NNP, in line with the flexibility of the relevant policies. This is borne out by the fact that permissions have been granted on allocated sites A and B¹ in NNP which are similarly indicated to deliver approximately 50 dwellings, but which were granted for schemes of 86 and 68 units respectively.

16. Whilst I do not have full particulars of the permissions on sites A and B, both have been approved with more than the 26% uplift on the indicative figure which the Council now argues is a 'substantial over supply' of housing on the appeal site. The Council does not explain why its stance has differed between the applications for Sites A and B and the appeal site, but these other permissions demonstrate that the indicative dwelling numbers have been treated flexibly as allowed for by the aforementioned policies and a higher quantum of development on a site can be permitted without undermining the overall spatial strategy.
17. In this case, layout is a reserved matter and the details presented with the application are indicative; however, they show that 63 dwellings could be delivered on the site at a density of 20 dwellings per hectare (dph), which would accord with the maximum permissible density set out in the NNP, and the size of the site given in the CLLP. Moreover, the Officer's report set out that 20 dph would be comparable with surrounding development, whereas 50 dwellings would either deliver some 16.2 dph based on the appellant's measurement or as low as 14.28 dph based on the site area in Policy H-7. Regardless, the development proposed in this case would be compliant with the Council's own density parameters, and I am not persuaded that there is any justification for limiting the development to 50 dwellings on the basis of density.
18. I have considered the wider concerns raised by the Council in respect of the total number of dwellings being granted in Nettleham. However, the figures provided by the Council suggest the CLLP allocation number of 237 would be surpassed by the 50 dwelling scheme in any event. Moreover, there is little cogent evidence submitted to demonstrate that the impact of 63 dwellings at the appeal site would be harmful in comparison to that of 50 dwellings. Even accounting for the additional dwellings approved on sites A and B, the total delivery of housing in Nettleham would not be significantly out of step with the village's anticipated growth of the spatial strategy, and an additional 13 dwellings would be limited in the context of the overall delivery of housing in Nettleham. The appellants refer to the annual target of 1,540 dwellings representing a significant increase on the average of 934 dwellings completed between 2012 and 2016 and even the average of 1199 completed between 2008 and 2012. As such, the additional dwellings would assist in achieving the ambitious overall housing targets in place.
19. The Council also cites a potential precedent for increased development across Central Lincolnshire which may lack the necessary infrastructure to support it. I have little evidence before me that such concerns are warranted. Any future applications in other locations will fall to be considered on their own merits against the development plan policies in place at the time. As such, I give limited weight to the Council's concerns in this respect.

¹ Council Ref 135567 – Land off Deepdale Lane, Nettleham Lincoln LN2 2LT – Granted 8 November 2017
Council Ref 131975 – Land rear of 72 Scothern Road, Nettleham, Lincolnshire LN2 2TX – Granted 14 March 2017

20. Taking these considerations together, therefore, it is my judgement that the stated allocations within Policies LP52, H-1 and H-7 are not to be treated as absolute maximums and that there is flexibility built into the relevant policies, including those of the NNP, that set out circumstances where delivery of more dwellings than indicated would nevertheless accord with the overall spatial strategy, provided relevant criteria are met, in particular those of Policies H-1 and H-7. It is to these that I now turn.

Character and appearance

21. As set out above, the 63 dwellings could be laid out at a density of 20 per hectare and would incorporate public open space. Based on the indicative plans, the layout and density of the development would be similar to that of adjacent residential development and I see no reason why it could not integrate with it. Although the northern boundary is presently undefined and would have to be created by dividing the existing fields, the site would be largely contained in the landscape by residential development to two sides and an existing field boundary to a third. The dwellings would not be seen from the south or west due to the intervening built form, except from the properties immediately adjoining the site, whilst from the north and east, the site would be seen against a backdrop of existing residential development.
22. Given these physical characteristics, it would not be readily discernible whether there were 50 or 63 dwellings on the site and the higher quantum of development could be satisfactorily incorporated into the surrounding topography and landscape, in accordance with Policy H-1, and would not harm the character and appearance of the area. There would be not conflict with Policies LP17 and LP26 of the CLLP, which seek high quality sustainable design that contributes positively to local character, landscape and townscape

Living conditions

23. Policy H-7 includes further requirements relating to vehicular access, design and layout which safeguards residential amenities of existing properties, and provision of a footpath across the site. In terms of residential amenities of existing properties, the layout of the dwellings is a reserved matter. However, based on the indicative site plan, it would be possible to provide sufficient separation distances and screening between the proposed dwellings and those adjoining the site, such that there would not be harmful effects on existing occupants in terms of overlooking, outlook, enclosure or noise.

Other considerations

24. The indicative plans show a footpath could be provided as required by Policy H-7. Access was considered under the application and has been approved, to be taken from the end of the cul-de-sac of The Hawthorns. I have had regard to the evidence relating to access and other highway safety matters, including concerns raised by members of the Planning Committee and the representations of interested parties.
25. I note the Local Highway Authority did not raise objection to the proposal on the basis of a 63 dwelling scheme. There is nothing I have seen in evidence to suggest the Council limited the number of dwellings due to specific concern over the capacity of the proposed access or levels of proposed traffic. Though I recognise the local concerns regarding these matters, the Framework indicates

that permission should only be prevented or refused on highways grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network would be severe. The evidence before me does not demonstrate that a development of 63 dwellings would be harmful in comparison to the approved development of 50 dwellings and based on all I have seen and read, I find that there would not be an unacceptable effect on highway safety.

Conclusions on Main Issue

26. Having regard to the above, and taking into account my observations on site, there is no persuasive evidence before me to demonstrate why 63 dwellings would be harmful when 50 dwellings were found to be acceptable. For the reasons set out, I am satisfied that the proposal would represent an acceptable quantum of development which would accord with the overall spatial strategy set out in the CLLP and the site-specific policies of the NNP. Consequently, I find no conflict with Policies LP2 and LP52 of the CLLP or Policies H-1 and H-7 of the NNP.
27. As such, I find that the disputed condition limiting development to 50 dwellings is both unreasonable and unnecessary and so does not meet the tests of conditions set out at Paragraph 55 of the Framework. It should therefore be removed. However, a 63 dwelling scheme would represent the maximum density of development set out in the NNP, and represents the quantum of development which the Council considered. In order to ensure the development is undertaken as proposed and additional dwellings are not sought which may have unanticipated impacts, it is necessary to replace the disputed condition with one defining the maximum development permitted as being 63 dwellings. There is no evidence before me of any need to amend or delete any other conditions of the permission.

Conclusion

28. For the reasons given above, I conclude that the appeal should be allowed and the planning permission should be varied as set out in the formal decision.

K Savage

INSPECTOR



Costs Decision

Site visit made on 8 October 2019

by K Savage BA MPlan MRTPI

an Inspector appointed by the Secretary of State

Decision date: 25 November 2019

Costs application in relation to Appeal Ref: APP/N2535/W/19/3233948 Land off The Hawthorns, Nettleham, Lincoln

- The application is made under the Town and Country Planning Act 1990, sections 78, 322 and Schedule 6, and the Local Government Act 1972, section 250(5).
 - The application is made by J Dixon, J Gauke, J Pickwell and J Pickwell for a full award of costs against West Lindsey District Council.
 - The appeal was against the grant subject to conditions of planning permission for the erection of up to 63 no. dwellings with garages, access roads, footpaths and open space-access to be considered and not reserved for subsequent applications.
-

Decision

1. The application for a full award of costs is allowed in the terms set out below.

Reasons

2. The National Planning Practice Guidance (PPG) advises that, irrespective of the outcome of the appeal, costs may be awarded against a party that has behaved unreasonably and thereby caused the party applying for costs to incur unnecessary or wasted expense in the appeal process. The PPG advises that local planning authorities are at risk of an award of costs if they behave unreasonably with respect to the substance of the matter under appeal, for example, by unreasonably refusing or failing to determine planning applications, or by unreasonably defending appeals.
3. The appellant's case is essentially that the Council, in granting permission for a lesser number of dwellings than applied for, acted unreasonably as its decision contradicted its own development plan policy and was based on vague, inaccurate assertions not supported by objective evidence. The fact that the Planning Committee did not agree in full with the officer's recommendation is not itself justification for an award of costs. However, the reasons for doing so, which in this case resulted in a condition limiting the development to a lower number of dwellings than applied for, need to stand up to scrutiny and be supported by robust objective evidence.
4. The Council's response to the costs application is limited to stating that at the Planning Committee meeting on 9 January 2019, Members were not persuaded the site could accommodate 63 dwellings, but in order to act in a positive manner and grant permission, it was felt necessary to impose the condition.
5. As stated in my main Decision, the Council has offered little evidence at appeal as to why a proposal for 50 dwellings was considered acceptable, but one for 63 dwellings would not be. The minutes of the Planning Committee meeting state that towards the end of the debate Members discussed how many

dwelling they would like to see on the site. There is no record of the reasons why 50 dwellings was chosen, beyond earlier oblique references to the fact that this was the indicative allocation number for the site. Furthermore, the reason for imposing the condition on the Council's decision notice refers to protecting the character of the area, integrating with adjoining built residential form and protecting residential amenity. However, there is little, if any, direct reference in the committee minutes as to why Members considered that 50 dwellings would not cause harm in these respects, but 63 dwellings would. Moreover, the Council has advanced no arguments in respect of these matters at appeal.

6. Instead, the Council's case focused on the need to respect the integrity of the housing allocations in the CLLP and NNP. However, in relying primarily on simple arithmetic of number of dwellings granted, the Council at appeal did not acknowledge in any meaningful way the exceptions which exist in the relevant policies to allow a greater quantum of development where it is shown to meet stated criteria, or the clear guidance in the CLLP that developers should not be constrained by the indicative allocation and are encouraged to produce the most appropriate design-led solution. Consequently, no evidence was advanced to demonstrate what harm would occur should an additional 13 dwellings be permitted. Rather, the perceived threat of setting a precedent appears to have been at the forefront of Members' minds in restricting the development to 50 dwellings, a threat for which no evidence has been provided, nor has the different approach taken to other allocated sites in Nettleham been explained.
7. The Council has persisted at appeal with an argument on the principle of the spatial strategy, but has failed to engage with the clear exceptions laid down in the policies, and has not produced any substantive evidence to demonstrate why an additional 13 dwellings would cause demonstrable harm in planning terms, which, ultimately, I have found they would not. In failing to produce evidence and making inaccurate assertions about the proposal's impact, unsupported by objective analysis, the Council could not substantiate its reasons for imposing the condition limiting development to 50 dwellings. This amounts to unreasonable behaviour as set out in the PPG and it follows that the appellant has been put to the unnecessary expense of making the appeal.
8. I therefore find that unreasonable behaviour resulting in unnecessary or wasted expense, as described in the PPG, has been demonstrated and that a full award of costs is justified.

Costs Order

9. In exercise of the powers under section 250(5) of the Local Government Act 1972 and Schedule 6 of the Town and Country Planning Act 1990 as amended, and all other enabling powers in that behalf, IT IS HEREBY ORDERED that West Lindsey District Council shall pay to J Dixon, J Gauke, J Pickwell and J Pickwell the costs of the appeal proceedings described in the heading of this decision; such costs to be assessed in the Senior Courts Costs Office if not agreed.
10. The applicant is now invited to submit to the Council, to whom a copy of this decision has been sent, details of those costs with a view to reaching agreement as to the amount.

K Savage

INSPECTOR