

**Guildhall Gainsborough
Lincolnshire DN21 2NA
Tel: 01427 676676 Fax: 01427 675170**

AGENDA

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

**Planning Committee
Wednesday, 5th February, 2020 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 - 27)
 - i) Meeting of the Planning Committee held on 8 January 2020, 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**

- a) 140077 - Land adj to 2 Church Street Glentworth DN21 5DG (PAGES 28 - 47)
- b) 140331 - Land adj to Fleets Road, Sturton by Stow LN1 2BU (PAGES 48 - 60)
- c) 140254 - Main Street Normanby by Spital LN8 2HE (PAGES 61 - 68)
- d) 140150 - Brandywharf Road, Waddingham DN21 4SW (PAGES 69 - 78)
- e) 140242 - Ulster Road, Gainsborough DN21 2QX (PAGES 79 - 83)

7. **Determination of Appeals** (PAGES 84 - 106)

Ian Knowles
Head of Paid Service
The Guildhall
Gainsborough

Tuesday, 28 January 2020

Planning Committee- 8 January 2020

WEST LINDSEY DISTRICT COUNCIL

MINUTES of the Meeting of the Planning Committee held in the Council Chamber - The Guildhall on 8 January 2020 commencing at 6.30 pm.

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

Councillor Owen Bierley
Councillor Matthew Boles
Councillor Michael Devine
Councillor Jane Ellis
Councillor Cherie Hill
Councillor Paul Howitt-Cowan
Councillor Mrs Cordelia McCartney
Councillor Mrs Jessie Milne
Councillor Mrs Judy Rainsforth
Councillor Mrs Angela White (to item 58)

In Attendance:

Russell Clarkson	Planning Manager (Development Management)
Jonathan Cadd	Principal Development Management Officer
Martin Evans	Senior Development Management Officer
James Welbourn	Democratic and Civic Officer
Rachel Woollass	Development Management Team Leader
Jamie Parsons	Legal Advisor

Also in attendance: 21 members of the public

Apologies: Councillor David Cotton
Councillor Keith Panter

49 VARIATION OF THE AGENDA

The Chairman opened the meeting, and as an additional item of business asked the committee to vary the printed agenda as one of the planned speakers was running late.

The Committee agreed to this variation, and as a result application 140180 – Rosemary Villa, 30 Wragby Road, Sudbrooke was moved to being the third application for consideration.

50 PUBLIC PARTICIPATION PERIOD

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

51 TO APPROVE THE MINUTES OF THE PREVIOUS MEETING

The minutes of the previous meeting held on 11 December 2019 were approved as a correct record and signed by the Chairman.

52 DECLARATIONS OF INTEREST

Cllr Ian Fleetwood declared an interest in application 140180 – Rosemary Villa, 30 Wragby Road, Sudbrooke as he had received an email from the applicant. This had been sent to all Members of the Planning Committee – however no-one declared that they had responded to this email, so it did not preclude any Councillors from speaking, or voting on this item.

Cllr Ian Fleetwood also declared an interest in application 140077 – land adjacent to 2 Church Street, Glentworth as he had seen the applicant, Mrs Hazel Walker at another meeting the previous night. He did not deem himself close enough to the applicant to affect his judgment on the application.

Cllr Bob Waller declared an interest in application 140180 - Rosemary Villa, 30 Wragby Road, Sudbrooke; as the Ward Member for Sudbrooke he had decided to stand down from Committee for this application only and speak against the application as Ward Member.

Cllr Angela White declared an interest in application 140003 – 23 Greetwell Lane, Nettleham; she would speak to the Committee as Ward Member.

Cllr Matt Boles declared that on application 140111 – Land off Bowling Green Road, Gainsborough, he was the Ward Member for Gainsborough North. However, he was entering the committee with an open mind and would not be standing down from Committee.

Finally, Cllr Paul Howitt-Cowan declared an interest in application 140077 - land adjacent to 2 Church Street, Glentworth. He would speak as Ward Member to this item and stand down from Committee.

53 UPDATE ON GOVERNMENT/LOCAL CHANGES IN PLANNING POLICY

The Planning Manager (Development Management) gave an update to Committee, and raised the following:

- A planning white paper will be published in the coming months. In a briefing note published alongside the Queen's Speech, the government said the white paper was intended to "make the planning process clearer, more accessible and more certain for all users, including homeowners and small businesses". It would also "address resourcing and performance in planning departments";
- The Environment Bill will return to Parliament. The Bill was originally introduced to Parliament in the autumn but was withdrawn when the general election was called. Policies included a mandatory requirement for developers to secure an overall ten per cent biodiversity net gain in all new schemes, whilst local authorities would have to draw up spatial "local nature recovery strategies";
- The following Neighbourhood Plans (NP) were at a range of different stages:

- Spridlington NP – a report was going to Full Council on 20 January recommending that the NP be made;
- Sudbrooke NP – the examination of the NP was successful. The referendum would be held on 13 February;
- Scotton NP – the submission version (Reg16) was out for consultation;
- Bishop Norton NP – the submission version (Reg16) was out for consultation;
- Gainsborough NP – the draft version (Reg14) was out for consultation;
- Corringham NP – there had been a change of NP area. The consultation was being run again.

54 140111 - LAND OFF BOWLING GREEN ROAD, GAINSBOROUGH

Members considered a planning application for residential development of 135no dwellings, comprising one and two storey dwellings and 2no.four storey apartment buildings, with associated amenity spaces and car parking at land off Bowling Green Road, Gainsborough.

There was an officer update attached to this item:

- There had been further correspondence from the Environment Agency (EA) on 23 December. They advised that they maintained their objection, due to the way flood heights had been calculated in the breach modelling. They advise setting a site specific model, or setting floor levels at 6.71 metres.

Any decking should not encroach onto the five metre easement so that it did not impede any future improvement works.

The applicant had already taken steps to address these measures having revised the finished floor levels to meet the 6.71 metre requirement, as well as making sure the decking would not encroach onto the five metre easement.

Written confirmation was still awaited from the EA on whether they wished to withdraw their objection on the aforementioned grounds. Under planning law, there was a requirement to notify the Secretary of State if WLDC were minded to grant permission and the objection remained in place.

The officer advised that if committee was minded to follow the recommendation to approve the development, the application be delegated back to officers to ensure written confirmation that the Environment Agency's objection has been resolved prior to issuing the decision and also add any conditions they suggest to the decision notice.

A plans condition would also need to be amended to reflect the information received with regards to the finished floor levels and easement.

The first speaker to this item was Greg Bacon, the Chief Executive of ACIS Group, the applicant. He raised the following points:

- ACIS operated across 19 local authority areas, with their head office being based in Gainsborough. Half of ACIS's stock was in the Gainsborough and wider West Lindsey area;
- 60 homes had recently been completed in Saxilby for over 55s;

- There was a planned regeneration of North Parade Road in Gainsborough;
- The proposal in this application was regeneration of the area along the riverside adjacent to Wilson Street and Japan Road; the site had stood derelict for some time. The proposal was 135 properties comprising two blocks, one of which could lend itself to supported housing; a small 8 bedroomed property for high dependent housing; 36 1-4 bedroomed houses for affordable rent; 12 2-3 bedroomed houses for shared low cost ownership, and 26 2-3 bedroomed properties for outright sales;
- Sales values in the area appeared to be unbeneficial for private developers; therefore this was a 'place making' opportunity for Gainsborough. The development was heavily contingent on Homes England grant funding and grant support from the Greater Lincolnshire Local Enterprise Partnership (GLLEP);
- The total cost of the development was expected to be in excess of £20 million over a 4 to 5 year timescale;
- This development was to be seen as a cornerstone for ACIS to develop better quality housing for specialist housing need;
- The scheme allowed ACIS to undertake stock renewal in Gainsborough, and re-emphasised its commitment to West Lindsey.

Elaine Poon, representing the Growth team at West Lindsey District Council spoke in support of the development, and highlighted the following points:

- The proposal represented a large proportion of the housing target in Gainsborough. The development of this allocated site would signify a huge success by delivering one of two brownfield sites, signalling to developers that Gainsborough was open for business;
- The Gainsborough Investment Partnership was investing in this programme;
- The scheme would act as a catalyst to complete the missing section of Riverside Walk;
- The grant funding for this scheme from the GLLEP was only available until the end of January; this amounted to £2.27 million.

Members of the Committee then provided comment on the item, and also asked questions of officers. Further information was provided:

- This development was the major piece in the 'Riverside Gateway' and the development of Gainsborough, and would bring a lot to the town. This site had been a hotbed for anti-social behaviour in previous years;
- The development goes a long way towards addressing the specialist housing requirement for older people;
- Sections of the site that were subject to raised floor levels already had flood defences in place; therefore flooding was considered as 'low-risk'.

With no further comments or questions from Committee, proceedings moved to a vote as the application had been previously moved and seconded. Permission was **GRANTED** subject to the Environment Agency response and the following conditions, with the power to proceed being delegated back to Planning officers:

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

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

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

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

2. Prior to commencement a checking survey for otters shall be submitted to and approved in writing by the Local Planning Authority. Development shall be carried out in full accordance with any recommendations of the approved report.

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

3. No development shall take place until a phasing plan has been submitted to and approved in writing by the Local Planning Authority.

Reason: To ensure that the development is delivered in a structured way.

4. No development shall take place, including any works of demolition, until a Construction Method Statement has been submitted to, and approved in writing by the local planning authority. The approved statement shall be adhered to throughout the construction period. The statement shall provide:

- i. the parking of vehicles of site operatives and visitors
- ii. loading and unloading of plant and materials
- iii. storage of plant and materials used in constructing the development
- iv. the erection and maintenance of security hoarding including decorative displays and facilities for public viewing, where appropriate
- v. wheel washing facilities
- vi. measures to control the emission of noise, dust and dirt during construction
- vii. a scheme for recycling/disposing of waste resulting from demolition and construction
- viii. The means of access and routing for demolition and construction traffic.
- ix. piling and construction

Reason: In the interests of amenity and in accordance with policy LP13 of the Central Lincolnshire Local Plan.

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

5. The permitted development shall be undertaken in accordance with a surface water drainage scheme which shall first have been approved in writing by the Local Planning Authority.

The scheme shall:

- be based on sustainable drainage principles and an assessment of the hydrological and hydrogeological context of the development;
- provide details of how run-off will be safely conveyed and attenuated during storms up to and including the 1 in 100 year critical storm event, with an allowance for climate change, from all hard surfaced areas within the development into the existing local drainage

infrastructure and watercourse system without exceeding the run-off rate for the undeveloped site;

- provide attenuation details and discharge rates which shall be restricted to **7 litres per second**;
- provide details of the timetable for and any phasing of implementation for the drainage scheme; and
- provide details of how the scheme shall be maintained and managed over the lifetime of the development, including any arrangements for adoption by any public body or Statutory Undertaker and any other arrangements required to secure the operation of the drainage system throughout its lifetime. No dwelling shall be occupied until the approved scheme has been completed or provided on the site in accordance with the approved phasing. The approved scheme shall be retained and maintained in full, in accordance with the approved details.

Reason: To ensure that the permitted development is adequately drained without creating or increasing flood risk to land or property adjacent to, or downstream of, the permitted development.

6. 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 details shown on the approved plans:

3024.03.100
3024.03.101B
3024.03.102A
3024.03.110
3024.03.111
3024.03.120A
3024.03.121A
3024.03.122
3024.03.123
3024.03.124
3024.03.125
3024.03.126B
3024.03.130B
3024.03.131A
3024.03.132A
3024.03.133A
3024.03.135B
3024.03.136A
3024.03.140
3024.03.141
3024.03.145
3024.03.150
3024.03.151
3024.03.155
3024.03.160
3024.03.161
3024.03.165
3024.03.166
3024.03.170

and in any other approved documents forming part of the application.

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

7. The development shall be carried out in strict accordance with the recommendations in the additional ecological surveys dated October 2018 by Smeeden Foreman.

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

8. Unless otherwise agreed in writing with the Local Planning Authority the affordable housing shall comprise of 36 affordable, 12 shared ownership, an 8 bedroom, wheelchair accessible supported living bungalow and 60 apartments split equally between two apartments blocks of shared ownership and affordable housing. Prior to occupation of these units, details of how the units will be secured and nomination agreement or similar shall be submitted to and approved in writing by the Local Planning Authority. Should an alternative scheme for affordable housing be put forward then a scheme for the provision of this affordable housing shall be submitted to and approved in writing by the Local Planning Authority. The scheme shall include the following –

- Statement justifying tenures proposed linking back to the Strategic Housing Market Assessment and Local Housing Needs Assessment work produced by West Lindsey District Council. The statement should also include how they have liaised with West Lindsey Strategic Housing Team and how this has informed tenure and splits proposed.
 - Type of housing, number of bedrooms, sizes of the units and any other features;
 - Marked up drawings detailing the plot numbers, housing types and sizes;
 - Details of how the units will be secured including a nomination agreement or similar.
- The affordable housing shall be retained in accordance with the approved scheme.

Reason: In order to meet a specific housing need within the district in accordance with policy LP11 of the Central Lincolnshire Local Plan.

9. Demolition and/or Construction works shall only be carried out between the hours of 07:00 and 19:00 on Mondays to Fridays; and between 08:00 and 13:00 on Saturdays, with no demolition and/or construction works on Sundays and Bank Holidays unless specifically agreed in writing by the local planning authority beforehand.

Reason: To ensure appropriate mitigation for the impact on residential amenity caused by the construction phases of the development and to accord with policy LP26 of the Central Lincolnshire Local Plan.

10. Prior to occupation, a scheme of landscaping including details of the size, species and position or density of all trees to be planted, fencing and walling shall be submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in accordance with the approved scheme.

Reason: To ensure that a landscaping scheme to enhance the development is provided in accordance with policy LP17 of the Central Lincolnshire Local Plan.

11. Prior to occupation a schedule of landscape maintenance for a minimum period of five

years from the completion of the development of that phase has been submitted to and approved in writing by the local planning authority. The schedule shall include details of the arrangements for its implementation and the development shall be carried out in accordance with the approved details.

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 LP17 of the Central Lincolnshire Local Plan.

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

Reason: To ensure the use of appropriate materials to safeguard the character and appearance of the street scene in accordance with the NPPF and Policies LP17 and LP26 of the Central Lincolnshire Local Plan.

13. Prior to occupation, details of the design, specification, position and height of all external lighting for the apartments have been submitted to and approved in writing by the Local Planning Authority.

Reason: To protect the surrounding area to accord with the National Planning Policy Framework and local policy LP26 of the Central Lincolnshire Local Plan.

14. Development shall be carried out in full accordance of the remediation strategy detailed in the Combined Stage 1/Stage 2 Geo-Environmental Report AC1/01rem1.

Reason: In order to safeguard human health and the water environment in accordance with policy LP26 of the Central Lincolnshire Local Plan.

15. Prior to occupation, details of the design, specification, position and height of any external lighting for the apartments have been submitted to and approved in writing by the Local Planning Authority. The lighting shall be carried out in accordance with the approved details.

Reason: To protect the surrounding area to accord with the National Planning Policy Framework and local policy LP26 of the Central Lincolnshire Local Plan.

16. The permitted development shall not be occupied until a Travel Plan is submitted to and approved in writing by the Local Planning Authority. 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 and those implemented following occupation shall be retained thereafter.

Reason: In order that the permitted 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.

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

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

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

18. 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(s) 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 in accordance with policy LP17 and LP26 of the Central Lincolnshire Local Plan.

55 140132 - LAND OFF STALLINGBOROUGH ROAD, KEELBY

Members considered an application for the erection of a new single storey retail unit, including associated hard and soft landscaping within the site boundary at land off Stallingborough Road, Keelby DN41 8JA.

The Planning Officer provided a verbal update to this item:

- Condition 9 of the recommendations contained a number of infrastructure features which may cause problems in achieving the design and extent of the footpath leading to the proposed store. Work was still ongoing with this condition, but Committee support for the development was still recommended with the caveat of a deferral to officers to allow the Planning authority to maintain control, whilst also allowing the applicant time to discuss the aspect. In the officer's opinion, this would lead to a successful resolution. If this could not be resolved, the application would have to return to Committee;
- Condition 3, which contained information on contamination had been updated following a conversation with Environmental Health colleagues at West Lindsey

District Council. This indicated that the area of concern related to the access road in the former farmyard area, rather than the whole site.

Condition 3 would therefore read 'No development of the access road shall take place.....' rather than 'No development shall take place.....';

- Additional consultee responses had been received from neighbours from Riby Road, Eastfield Road and Dixon Close; none of these consultees raised additional comments that hadn't already been considered in the report. One letter of support from Dixon Close had been received.

The only speaker on this item was Matthew Wilkinson, a Development Manager at Lincoln Co-operative (Co-op), the applicant. He raised the following points:

- The Co-op wanted to focus on:
 - Providing valued services;
 - Growing the local economy;
 - Health and wellbeing;
 - Looking after the local environment.
- The Co-op sought to provide a store in Keelby to meet these values and had recently developed similar schemes in West Lindsey;
- The application sought to construct a single storey store with a modern shopping environment;
- The store would offer a selection of 'on the go' foods amongst other items;
- There were severe reservations from the Co-op about condition 9 relating to the footpath. The wording was a big concern as there were too many unknown risks on land that was beyond the applicant's control and there would be unknown costs. Also required would be the demolition of the farm building.

There was adequate opportunity to cross using the existing road network, and this had been advised by a Planning Consultant employed by the applicant, who in turn referred to paragraph 55 of the National Planning Policy Framework (NPPF).

Members were asked to consider the application minus condition 9. If this was deemed unacceptable, then there would be further discussions with West Lindsey District Council (WLDC) Planning Officers;

- In summary, the Co-op wanted to provide a food store with parking spaces. The store would employ 15 staff recruited from the local area.

The Planning Officer responded to the public speaker only to say that condition 9 requiring the provision of a public footpath remained important.

Note: Cllr Owen Bierley declared an interest as this development was in his Ward. He had not been involved in any discussions on the application, and came to Committee with an open mind.

Following the introduction and the contribution from the speaker, Members asked questions of officers and provided comment. Further information was provided:

- The applicant had indicated that the Coop would be looking to be onsite in the spring of 2020. There were also two outline applications (140100 and 140099) which would

- be considered separately, at a later date for a medical centre, and 80 dwellings;
- Many of the objections to this application had related to Highways concerns. The applicant had undertaken, through their consultants, a Traffic Impact Assessment. In the morning peak hour there would be 60 - 2 way movements, and in the afternoon 80 - 2 way movements.

Officers at WLDC had asked Lincolnshire Highways to take another look at the site access. The findings were that if the access location were changed, most of the traffic generated by the store would still use South Street and would be broadly similar to that proposed but would shift further the impact onto Stallingborough Road. The benefits to South Street would be minimal; therefore, as the site was also allocated for development, WLDC Planning officers did not consider that it would be correct to recommend refusal on those grounds;

- The NPPF talks specifically in relation to the impacts on the vitality and viability of town centres. There were a number of assessments that could be required, but these did not apply in rural locations such as Keelby;
- Competition in this instance would not be a material planning condition;
- There would be 25 spaces in the car park that would be a benefit to users of the proposed store;
- Highway regulations would be dealt with by other authorities; regarding highway parking, Lincolnshire Highways had deemed the arrangements in this application safe under NPPF paragraphs 102-104, and 109.

The application had previously been moved and seconded, taking into account the amendment proposed by the Planning Officer. Following the vote, the application was **GRANTED** subject to conditions, which included continued discussions over condition 9 between the planning authority and the applicant. Therefore the application was deferred back to officers to allow the Planning Authority to maintain control, whilst allowing the applicant time to discuss aspects to gain a successful resolution.

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

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

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

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

2. No development, including ground works, shall take place until, the applicant has arranged for an archaeologist recognised by the Local Planning Authority to carry out an archaeological watching brief (along the lines of 4.8.1 in the Lincolnshire Archaeology Handbook 2016) during all stages of the development involving ground disturbance in accordance with a scheme to be submitted to and approved in writing by the Local Planning Authority. Such arrangements shall include provision for the observation, recording and recovery of artefactual evidence and post-excavation analysis. Fourteen days' notice shall be given to the Local Planning Authority prior to the commencement of works. A report of the archaeologist's findings shall be submitted to the Local Planning Authority within two months of the last day of the watching brief, or such longer period as may be agreed by the Local Planning Authority, and shall include arrangements for the conservation and long-term

storage of artefacts removed from the site.

REASON: To record and advance understanding of the significance of any heritage assets to be lost (wholly or in part) in a manner proportionate to their importance and the impact, and to make this evidence (and any archive generated) publicly accessible and in accordance with policy LP25 of the Central Lincolnshire Local Plan and the provisions of the National Planning Policy Framework, notably section 16, paragraph 199.

3. No development of the access road shall take place until, a contaminated land assessment and associated remedial strategy, together with a timetable of works, have been submitted to and approved in writing by the Local Planning Authority (LPA) and the measures approved in that scheme shall be fully implemented. The scheme shall include all of the following measures unless the LPA dispenses with any such requirement specifically in writing:

- a) The contaminated land assessment shall include a desk study to be submitted to the LPA for approval. The desk study shall detail the history of the site uses and propose a site investigation strategy based on the relevant information discovered by the desk study. The strategy shall be approved by the LPA prior to investigations commencing on site.
- b) The site investigation, including relevant soil, soil gas, surface and groundwater sampling, shall be carried out by a suitably qualified and accredited consultant/contractor in accordance with a Quality Assured sampling and analysis methodology.
- c) A site investigation report detailing all investigative works and sampling on site, together with the results of analysis, risk assessment to any receptors and a proposed remediation strategy shall be submitted to the LPA. The LPA shall approve such remedial works as required prior to any remediation commencing on site. The works shall be of such a nature as to render harmless the identified contamination given the proposed end-use of the site and surrounding environment including any controlled waters.
- d) Approved remediation works shall be carried out in full on site under a quality assurance scheme to demonstrate compliance with the proposed methodology and best practice guidance. If during the works contamination is encountered which has not previously been identified then the additional contamination shall be fully assessed and an appropriate remediation scheme agreed with the LPA.
- e) Upon completion of the works, this condition shall not be discharged until a closure report has been submitted to and approved by the LPA. The closure report shall include details of the proposed remediation works and quality assurance certificates to show that the works have been carried out in full in accordance with the approved methodology. Details of any post-remedial sampling and analysis to show the site has reached the required clean-up criteria shall be included in the closure report together with the necessary documentation detailing what waste materials have been removed from the site.

REASON: In order to safeguard human health and the water environment and identify potential contamination on-site and the potential for off-site migration in accordance with Central Lincolnshire Local Plan policy LP16.

4. No development shall take place until a Construction Management Plan and Method Statement has been submitted to and approved in writing by the Local Planning Authority which shall 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 shall 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 and;
- strategy stating how surface water run off on and from the development will be managed during construction, including 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 shall 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.

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

5. No development above damp course level on the building shall take place until full details of facing and roofing materials have been submitted to and approved in writing by the Local Planning Authority. The development shall be constructed in accordance with the approved details.

REASON: To ensure a satisfactory external appearance of the development and ensure the proposals uses materials and components that have a low environmental impact in accordance with policy LP17 and LP26 of the Central; Lincolnshire Local Plan.

6. Notwithstanding the approved plans details of the species of trees proposed to be planted on site shall be submitted to and approved in writing by the Local Planning Authority before the development progresses beyond damp course level.

REASON: To ensure a satisfactory external appearance of the development and to maintain biodiversity in accordance with polices LP17, LP21 and LP26 of the Central Lincolnshire Local Plan.

7. All planting, seeding or turfing comprised in the approved details of landscaping (as amended through condition 6) shall be carried out in the first planting and seeding season following the occupation of the building(s) 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 occupiers of adjacent buildings – where appropriate) and in accordance with polices LP17, LP21 and LP26 of the Central Lincolnshire Local Plan.

8. Before the store is first brought into use the access, parking (including for bicycles), turning and servicing areas shown on the approved plans shall be completed in accordance with the approved designs and details and thereafter shall be made available at all times for their designated purposes.

REASON: As recommended by the Highway Authority to ensure the timely provision of the facilities and their retention and in the interests of highway safety and capacity and in accordance with policy LP13 and LP26 of the Central Lincolnshire Local Plan.

9. The development hereby permitted shall not be occupied before a 2 metre wide footway along the site frontage to connect the development to the existing footway network on the South Street/ Stallingborough Road junction, has been provided in accordance with details that shall first have been submitted to, and approved in writing by, the Local Planning Authority. The works shall also include appropriate arrangements for the management of surface water run-off from the highway and tactile crossing points on South Street and Stallingborough Road.

REASON: To ensure the provision of safe and adequate pedestrian access to the permitted development, without increasing flood risk to the highway and adjacent land and property and in accordance with policy LP13 of the Central Lincolnshire Local Plan.

10. Before the store is first brought into use the surface and foul drainage system shown on approved plans and document shall be implemented in full and shall be maintained as such thereafter.

REASON: To ensure the site is adequately drained and contamination does not occur and in accordance with policy LP14 of the Central Lincolnshire Local Plan.

11. No external lighting shall be erected until, details of the type, position and angle of glare on the floodlights, (including measures for ensuring that light does not shine directly on the highway housing opposite or is visible to highway users to the detriment of highway safety nor residential amenity) shall have first been submitted to and approved in writing by the Local Planning Authority, The details and measures approved shall be carried out and maintained thereafter whilst the use subsists.

REASON: To avoid drivers being dazzled or distracted in the interests of highway safety and to protect residential amenities of adjoining occupiers in accordance with policies LP13 and LP26 of the Central Lincolnshire Local Plan.

12. Before the retail store is first brought into use details of any extract/refrigeration plant and equipment proposed and measures to mitigate noise from including its acoustic performance shall be submitted to and approved in writing by the Local Planning Authority. The development shall then proceed only in strict accordance with approved scheme and maintained as such thereafter.

REASON: To protect residential amenity in accordance with policy LP26 of the Central Lincolnshire Local Plan.

13. With the exception of the detailed matters referred to by the conditions of this consent, the development hereby approved shall be carried out in accordance with the following

drawings: 101 rev P1, 112 rev P1, j1830-00101 rev A, j1830-00103 rev B, j1830-00104 rev B, j1830-00105 rev B, j1830-00106 rev B, j1830-00107 rev B, j1830-00108 rev A, j1830-00110 rev A, and reports Air Quality Assessment, Archaeological Evaluation (KESR18), Bat Survey by Scarborough Nixon, Ecology & Protected Species Survey by Scarborough Nixon, First Report of Noise Impact Assessment by S& D Garritt Ltd, Surface Area Drainage Strategy by York Sills Limited and Delivery and Associated Noise Plan Keelby.

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

REASON: To ensure the development proceeds in accordance with the approved plans and to accord with the National Planning Policy Framework and policies LP2, LP6, LP13, LP14, LP17, LP21, LP25 and LP26 of the Central Lincolnshire Local Plan.

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

14. The retail store hereby permitted shall not be open to customers outside the following times: 7 am to 10 pm each day and deliveries to and from the site shall also not occur outside of the following hours 7am to 7pm (including waste disposal services).

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

15. There shall be no outside storage of goods, materials equipment or any other articles on the site otherwise than in the defined screened service yard.

REASON: In the interest of residential and/or visual amenity in accordance with policy LP26 of the Central Lincolnshire Local Plan.

56 140180 - ROSEMARY VILLA, 30 WRAGBY ROAD, SUDBROOKE

Members considered a 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 at Rosemary Villa, 30 Wragby Road, Sudbrooke, Lincoln LN2 2QU.

There was no update to this application from officers at the start of the item.

The first speaker to this application was Councillor Peter Heath from Sudbrooke Parish Council. He raised the following points of view:

- The Sudbrooke Neighbourhood Plan (NP) was due to go to referendum in February; as it had been examined, it should be taken into account;
- Policy 1 of the proposed Sudbrooke Neighbourhood Plan related to additional development, in that it would be supported provided that there was clear support from local residents. Applicants were encouraged to agree a scope and a consultation with Sudbrooke Parish Council prior to development taking place. A consultation statement should accompany the planning application;
- Development proposals for smaller homes for younger individuals, as well as specialist homes for older people with specific needs would be encouraged;

- Extensions and alterations to homes was considered under Policy 2 of the Sudbrooke NP. This allowed extensions and alterations that were sensitive to the character of the area. This policy only applied where planning permission was required;
- Extensions and alterations within the parish where planning permissions would be required would be supported when the following criteria were met:
 - Size, scale and materials should be in-keeping with the surrounding area;
 - Extensions and alterations do not result in the reduction of the private amenity of neighbouring residents through overlooking, overshadowing, loss of light or an overbearing appearance;
 - There should also be no adverse effect on the amenity benefits for the community, or for the landscape or local wildlife;
- The parish council did not object to the redevelopment of the site provided that it complied with sections 1 and 2 of the proposed Sudbrooke Neighbourhood Plan; the current application did not do so;
- There had been conflicting advice from WLDC officers on the 'loss of light'. This was a national guideline, and it had been incorrectly stated that this development did not breach it. However, when this was pointed out WLDC stated that this 'loss of light' guideline had not been adopted;
- Despite Lincolnshire Highways having no objection to additional traffic near to the junction of the A158 and Scothern Lane, Sudbrooke Parish Council remained concerned for public safety.

The second speaker to the application was Mr Vaddaram, the applicant. He raised the following points:

- A response had been given to all objections previously;
- Against the Central Lincolnshire Local Plan specifically, the following points were raised:
 - LP1 – this application delivered the core aim of the policy, sustainable development;
 - LP2 – this proposal did not add any additional dwellings in the village;
 - LP3 – the local plan's aim was to facilitate new dwellings;
 - LP7 – this development would deliver high quality sustainable visitor facilities, and respected the environment of the existing settlement;
 - LP10 – developers were expected to contribute to housing needs; this development helped to support mixed and balanced communities;
 - LP17 – the development was a replacement dwelling for the structure currently on-site;
 - LP26 – in-depth analysis of these principles had been carried out within the application and in the report;
- Against the objections on the Design and Access Statement, the following points were raised:
 - 5.22 – contrary to comments this application was not for a block of flats and did not block any features in the village;
 - 5.23 – the application complied with LP10 and LP26 of the Central Lincolnshire Local Plan (CLLP), and respected the NP;
 - 6.2 – the A158 was the main arterial road into Lincoln; however it was still considered as a residential street within Sudbrooke;
 - 6.3 – new proposals were in-keeping with the streetscene, scale, massing and design;

- 6.5 – Sudbrooke Parish Council's claim that Martin Evans was not a Senior Planning Officer at WLDC was refuted;
- 6.6 – it was not disputed that Sudbrooke was an attractive village; however this dwelling would raise the general standard in the area;
- 6.7 – the applicant disagreed with Sudbrooke Parish Council and felt that he had demonstrated that the application conformed to all policies stated;
- 6.9 – as an applicant, was confident that this type of development was needed in the locality;
- 6.11 – demonstrated beyond all reasonable doubt that this development did meet all policies mentioned.

The third speaker was Andy Clarke, the son in law of the resident of 28 Wragby Road in Sudbrooke, which was next door to the proposed application (Andy was speaking on his behalf). The following points were raised:

- A smaller scale development would be happily supported;
- The original report for this application intimated that the '45 degree line' for lighting would not be exceeded at the rear of the property; however it appeared that the original plans were incorrect and the 45 degree line would be exceeded. However, following conversations with planning officers at WLDC it had been revealed that the 45 degree policy was not a WLDC policy; it was a national guideline that had not been adopted.
- This development would have an impact on outlook and light; there were also questions around why this policy had been mentioned in the original report by way of supporting the application;
- There was a belief that the proposed building would contravene neighbouring residents rights under Right of Light Act 1959;
- Believe that side windows would fail a '25 degree' daylight/sunlight test;
- The Planning Officer stated that the 'right to light' was not a planning consideration; although it should be absolute if light had been enjoyed for over 20 years by the neighbour, which it had in this case;
- LP26 of the CLLP had been used in the report to recommend approval;
- The side windows of 28 Wragby Road are the only windows into the dining room; the new development would cause a loss of light to that property;
- In the opinion of Mr Clarke, a significant amount of support for the application had come from the applicant, as evidenced on the internet and social media. The majority of the comments had been added on the same day.

The final speaker was Councillor Bob Waller, the Ward Councillor for Scothern and Sudbrooke. He raised the following points of view:

- On 11 December Cllr Waller spoke against the application at that night's Planning Committee; he had heard nothing since to change his mind;
- This was an application for a holiday let being brought to committee as a House of Multiple Occupancy (HMO). If at a later date it was deemed a business, there would be a long battle over enforcement which would not be good for anybody;
- There was an existing HMO on Manor Drive in Sudbrooke for young adults. Residents did not object to HMOs as long as they were controlled correctly;
- The objection was not to the site being developed per se; but getting a development

in keeping with the character of the area whilst conforming with the NP;

- Previous allegations that the application would be rejected because of the applicant's ethnic background were upsetting;
- The application went against the NPPF, the CLLP and the Sudbrooke NP;
- Nationally, local communities were encouraged to develop a NP for their weight in planning applications; it had taken a lot of work to get Sudbrooke NP to this stage.

Note: Following his contribution, Councillor Waller left the Chamber.

Planning Officers and the Legal Representative responded to some of the points raised by the public speakers:

- Planning officers had formulated their report on planning considerations; the right to light was a private matter to be decided outside of the planning regime;
- Sudbrooke NP had not been to a referendum; therefore regard could be given to it but it did not carry substantial weight;
- The application was being considered against the development plan which here was the CLLP; the NP would not yet be part of the statutory development plan unless the upcoming referendum returned a 'yes' vote. The weight given to the NP would be as an emerging policy;
- Policy 1 of the Sudbrooke NP referred to additional residential development; this was considered as replacement housing with no net gain in housing numbers. Policy 2 referred to extensions to existing dwellings; this was not an extension or an alteration and the policies were not considered to be applicable;
- The right to light would not be relevant and would be a private matter considered outside of the planning regime; however loss of light would be a planning issue. Officers would recommend that the development would not lead to the amenity of neighbouring properties being 'unduly harmed';
- The application under consideration is for a large HMO; any other unauthorised use would be a matter for enforcement.

Members then provided their comments on the report, and asked questions of officers. Further information was provided:

- Most journeys in and out of this property would be made by car due to its location in Sudbrooke; the A158 provides a barrier between the property and the main part of the village. The nearest railway station was in Lincoln. There was a bus service for the village for journeys into Lincoln, and to the coast;
- LP1 of the CLLP made reference to sustainable development, and growth that brings benefit to all sectors of the community;
- This village was in the 'Wragby Road character area'; currently this dwelling was a single family residence rather than an HMO;
- The government would allow demolition of the current dwelling, subject to the type of demolition being employed. The demolition would also be subject to the site's restoration.

Two courses of action had been moved and seconded; the first of these to be voted on was refusal, with the second option being to grant the permission as written in the report. The vote on refusal was successful so then it became the substantive recommendation.

Following a further vote, planning permission was **REFUSED**, as it would be contrary to LP1, LP13, LP18 and LP26 of the Central Lincolnshire Local Plan, along with Paragraph 127 sections a,b,c,d and f of the National Planning Policy Framework.

The proposal does not meet the requirement to deliver sustainable growth, growth that is not for its own sake, but growth that brings benefits for all sectors of the community- for existing residents as much as for new ones. The proposal would intensify the use of the site and is in an unsustainable location, physically separated away from the main settlement by the A158 (Wragby Road), leading to an overreliance on the private car and lack of public transport to access the proposal and for occupants to access services and facilities in Sudbrooke and beyond resulting in a failure to minimise the need to travel and, where travel is necessary, to maximise opportunities for sustainable modes of travel. The proposal is not located where travel can be minimised and the use of sustainable transport modes maximised.

The proposal has unacceptable design principles as it would harm the coherent group of four dwellings and would discord with the character of the area. The proposal would not function well and add to the overall quality of the area, not just for the short term but over the lifetime of the development; would not be visually attractive as a result of good architecture, layout and appropriate and effective landscaping; would not be sympathetic to local character and history, including the surrounding built environment and landscape setting, and would not amount to appropriate innovation or change; would not establish or maintain a strong sense of place, using the arrangement of streets, spaces, building types and materials to create attractive, welcoming and distinctive places to live, work and visit; and would not 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. Therefore, the proposal is not sustainable development and is contrary to Policies LP1, LP13a, LP18 and LP26 of the Central Lincolnshire Local Plan and Paragraph 127 a to d and f of the National Planning Policy Framework.

Note: Following the conclusion of this item, Councillor Bob Waller returned to the Chamber.

57 140077 - LAND ADJ 2 CHURCH ST GLENTWORTH

Members considered an application for 1no. dwelling, including the upgrade of access, private drive and new associated garage – a redesign of approved plot 2 under application number 135838.

There were no officer updates at the start of this item.

The first public speaker to the item was the applicant, Mrs Hazel Walker. She raised the following points:

- People at neighbouring properties and the parish council had raised issues that had previously been dealt with;
- The applicant wanted a site to build a dream home; the principle of a new home had previously been established;
- Legislation encouraged the fact that designs should not be imposed unnecessarily;
- Materials had been used in the design that were more complementary of the surrounding area;
- There was no need in the location to develop a second dwelling that mirrors the

property on Plot 1 – this was supported by Planning officers;

- The footprint of the proposed development had increased on the northern end of the site, without any implications for the south of the site;
- The revised design was not significantly larger in mass to the original dwelling;
- The windows were no higher than previous designs and would not overlook any amenities;
- The twisting of the building did not create any element of overlooking or loss of privacy;
- The proposal would not have a negative impact on any views; in fact it was considered that the proposal would be less detrimental than the previously approved design;
- Foul sewage would be discharged into a private sewage plant; this solution had been deemed acceptable by an ecologist, as well as Natural England;
- The approach taken by the applicant toward potential harm to species had been supported by Natural England and was not a consideration.

The second speaker was Mr Styles, an objector to the application, speaking on behalf of his family and a neighbour. He raised the following points of view:

- A stretch of the private lane accessing the property was owned by the neighbour;
- The first application on the site was not objected to, despite others in the village raising their objections. The vendor in that application kept residents well informed throughout the design process, and talked about two $\frac{3}{4}$ sized houses which was deemed acceptable;
- Objections to the application included:
 - It would be impossible to manoeuvre a fire engine in the lane;
 - A dustbin lorry could not access the lane;
 - An inadequate sewer was discharging waste into the village sewer, which floods every time it rains. Anglian Water had not corrected a problem which has existed for years;
 - Permission had been granted for two $\frac{3}{4}$ sized houses; the present application was for a 5 bedroomed house with a significant sized workshop;
 - There was potential for 5 or more cars daily accessing the site;
 - The demand on the sewer would create even more foul water and would affect water voles;
 - This proposal could set a precedent for the adjoining plot; the proposal was too big and out of place in the centre of the village. This was the wrong development in the right place.

A second objector, Mr Hall spoke to the application, making the following points:

- Mr Styles objected to the initial application; there was consternation that this first application had never appeared at Planning Committee. It had been dealt with by delegated powers by WLDC officers;
- The need for two properties on this access road was contested;
- Endorse everything that previous speaker had outlined. In addition, this application merited a site visit.

The final speaker to this application was Councillor Paul Howitt-Cowan, the Ward Member

for Hemswell, which included the village of Glentworth. He raised the following points:

- This application and its predecessor remained controversial in terms of their access and drainage;
- The original application was preferable to the current planning application;
- The proposed redesign was the main objection, with a focus on the proposed build;
- Glentworth was a community that treasured its conservation area, whilst embracing qualified change. Under the NP, any new housing should be sympathetic to the parish's rural and diverse character. The application would change the outlook of neighbouring residents;
- The new proposal would have an increased ridge height of 8.1 metres, an increase from the initial 7.5 metres;
- The redesign on plot 2 was not sympathetic;
- Glentworth NP section 3.1 supported development proposals where the design and detailing complemented the established character of the village. This was developed further at 3.1.1 – the ways in which overall scale, proportion and massing related to neighbouring buildings;
- The montages in the report were taken in the summer when the surrounding trees were in leaf; it was a very different viewpoint when leaves have been shed, as there would be no canopy as suggested in the report. Screening would be less effective in Autumn and Winter;
- The roof of the proposed dwelling would be visible above the canopy of trees and hedging;
- Concerns remained on the amended design; the fallback of the original application would be preferable.

Note: Following this contribution, Councillor Paul Howitt-Cowan left the Chamber.

Planning officers present responded to points made during the public speaking section of the committee, as well as answering queries from Members. Further information was provided:

- The site in question already had planning permission for one dwelling. One of the key material changes was the new NP, with protected viewpoints. The 'gateway' view of the village provided a first impression of this rural settlement. This proposal, in the opinion of officers would blend in and not stand out;
- There was a garage area to the front of the development, with extensions to the rear. There was an existing pond to the rear of the property;
- If the application were to be granted, any permitted development rights to further extend the property should be withdrawn;
- There was a likelihood of Great Crested Newts in the pond. They were considered a 'low risk', and there were proposals for mitigation should they enter the area. Natural England have advised following the ecologist's recommendations.

A site visit to decide whether the proposal reflected the topography of the site was moved and seconded, a change to the printed officer recommendation.

Following a vote, this application was **DEFERRED** to allow for a site visit to take place.

58 140003 - 23 GREETWELL LANE, NETTLEHAM

Note: Councillor Paul Howitt-Cowan re-joined the meeting before the start of this item..

Members considered an application for an outbuilding to be used as a beauty salon at 23 Greetwell Lane, Nettleham, Lincoln LN2 2PN.

There was no officer update on this item.

The first public speaker on this item was Ms Hindle, the owner of 23 Greetwell Lane. She raised the following points:

- Alterations had been made to the design of the salon following comments made on the planning portal;
- The cabin would no longer be visible from the conservation area in Nettleham;
- Due to her husband's shift pattern, the applicant could not work in any other salons. She wanted to work, and would only treat one customer at a time. There was ample parking available on the driveway; currently the family only had one car;
- The cabin was designed to look like a summer house;
- Lincolnshire County Council as the Highways authority and the lead local flood authority had concluded that local development was acceptable. Access to the salon would be via the footpath between 23 and 25 Greetwell Lane;
- All treatments offered were relaxing, so there would be no noise. The salon would add another service to the village;
- Since the application had been submitted the applicant had worked positively with the Planning department.

The second and final speaker was Cllr Angela White, Ward Member for Nettleham. She raised the following points:

- Cllr White supported the objection from Nettleham Parish Council; the proposed building was inappropriate on this site;
- The salon building would protrude over side fences, impacting the view;
- The UPVC cladding was unsuitable, which had been stated in the parish council's objections, and outlined in Nettleham NP section d6a;
- Cllr White would disagree that UPVC cladding was used in neighbouring properties. Owing to the height of the structure, it would be contrary to Nettleham NP section d6c;
- The site had potential for increased noise, lighting and parking. There were already 3 beauty salons in Nettleham and other business rentals in the village.

Note: Following her contribution, Councillor White left the Chamber and did not return.

Officers responded by acknowledging the issues that Nettleham Parish Council had raised on the design of the salon, but reminded Members that had this been for domestic rather than commercial use and set slightly into the site, it would not have required planning permission. The salon would be in a domestic garden, and the building would not be out of keeping or character for the area.

Neighbours had raised concerns on the air conditioning units; officers believed this could be provided subject to a condition imposed on the applicant.

Members provided comment, and highlighted that Nettleham was characterised by substantial houses on large plots, and the risk of extra traffic. Praise was given to the objections, as in one Member's view they had responded to the objections that had been made.

The development was seen as sustainable for Nettleham, as well as creating employment in the village.

Because of the transition between treatments, there would be a separation of one person leaving and another visiting the premises.

The application was duly moved and seconded, and following the vote planning permission was **GRANTED** subject to conditions:

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

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

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

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

None

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

2. The building hereby approved shall not be erected or located on site until details of foul and surface water drainage details have been submitted to and approved in writing by the Local Planning Authority. The building shall not then be first brought into use until the approved drainage strategy and details have been fully implemented on site.

Reason: To ensure adequate drainage facilities are provided for the development in accordance with policy LP14 of the Central Lincolnshire Local Plan and Policy D6 of the Neighbourhood Plan and guidance within the NPPF.

3. With the exception of the detailed matters referred to by the conditions of this consent, the development hereby approved shall be carried out in accordance with the following drawings: Site Plan including elevations and floor plan received on 13th November 2019 and Design and Access statement. The works shall be carried out in accordance with the details shown on the approved plans and in any other approved documents forming part of the application.

Reason: To ensure the development proceeds in accordance with the approved plans and to accord with the National Planning Policy Framework and policies LP1, LP13, LP17 and LP26 of the Central Lincolnshire Local Plan and Policies D4 and D6 of the Neighbourhood

Plan.

4. No external air-conditioning units or other plant shall be installed on the building or within the site until details have been submitted to and approved in writing by the Local Planning Authority. They shall then only be installed in accordance with the approved details.

Reason: In the interest of neighbouring amenity in accordance with LP26 of the Central Lincolnshire Local Plan and guidance within the NPPF.

5. The 1.8 metre close boarded fence proposed along the rear eastern boundary of the site shall be erected prior to the erection or locating of the building on site and shall thereafter be retained in perpetuity for the lifetime of the development.

Reason: To minimise visual impact on the surrounding area in accordance with Policy LP26 of the Central Lincolnshire Local Plan and Policy D4 of the Neighbourhood Plan and guidance within the NPPF.

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

6. The use as a beauty salon hereby permitted shall only operate during the hours of 9am to 5pm Monday to Saturday with no Sunday or Bank holiday opening.

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

7. No more than 1 therapist shall operate and no more than 5 customers shall be treated on the premises in any one day, with no more than 1 customer being present on the site at any one time.

Reason: To avoid the unacceptable loss of amenity to nearby premises through the inappropriate scale of the business and impacts relating to noise and disturbance in accordance with policy LP26 of the Central Lincolnshire Local Plan.

8. The use of the beauty salon hereby approved shall only be operated by the occupiers of No 23 Greetwell Lane Nettleham LN2 2PN and at all other times as incidental to the enjoyment as residents of it.

Reason: To ensure that the running of the beauty salon is tied to the occupiers of the host dwelling and does not become a separate business use in the interest of residential amenity and in accordance with Policy LP26 of the Central Lincolnshire Local Plan.

59 DETERMINATION OF APPEALS

The appeals were noted.

The meeting concluded at 8.34 pm.

Chairman

Agenda Item 6a



Officers Report

Planning Application No: 140077

PROPOSAL: Planning application for 1no. dwelling, including upgrade of access, private drive and new associated garage - redesign of approved plot 2 under application number 135838

LOCATION: Land adjacent to 2 Church Street Glentworth Gainsborough DN21 5DG

WARD: Hemswell

WARD MEMBER(S): Cllr P Howitt-Cowan

APPLICANT NAME: Mr and Mrs D Walker

TARGET DECISION DATE: 25/11/2019

DEVELOPMENT TYPE: Minor - Dwellings

CASE OFFICER: Daniel Evans

RECOMMENDED DECISION: Grant Permission Subject to Conditions

This application has been referred to the planning committee in view of the objections from the Ward Member and neighbours, and the Parish Council who consider that the application proposes development that would be contrary to the newly made Glentworth Neighbourhood Plan. A site visit with members of the Council's Planning Committee was undertaken on 15th January 2020 following a deferral at January's Planning Committee.

Description:

The application site comprises of an area of undeveloped land located within the defined settlement of Glentworth.

The site consists of an area of well-maintained grassed land which slopes downhill from south to north, away from the access. There are hedges and trees to the boundaries, with existing brick built structures towards the front of the site. The existing access is a single private track that runs along the rear boundaries of 4 – 12 Kexby Road and provides access to the rear for a number of these properties. The site lies within an Area of Great Landscape Value.

The application seeks permission to amend the housetype previously approved in 2017, under planning permission 135838.

Relevant history:

137969: Planning application to remove condition 18 of planning permission

135838 granted 30 June 2017- the retention of garage – granted 16/08/2018

135838: Planning application for 2no. new dwellings – granted 30/06/2017

97/P/0133: Erect double garage – granted

98/P/1006: To erect outbuildings – granted

Representations:

Chairman/Ward member(s):

Cllr. P. Howitt-Cowan (in summary) –

- Favour the previous approval.
- The design will dwarf the entire plot akin to urban housing in a rural setting.
- The revised dwelling will be of such a mass and height that it would intrude upon the landscape.
- Destroy the symmetry of the proposed dwellings.
- The development will cram into a limited space which is inappropriate and intrusive.
- Matters in relation to previous conditions.

Glentworth Parish Council:

(in summary)

- No reference is made to the Glentworth Neighbourhood Plan.
- The scale and massing of the proposed dwelling will impact on the views and vistas identified within the neighbourhood plan.
- The access is unsuitable.
- Concerns raised regarding the location of drainage pipes underneath the access.
- There is evidence of Great Crested Newts and Water Voles inhabiting the pond adjacent to the site.
- Concerns in relation to the possible disposal of foul water into the adjacent pond/water course. There is also no known solution to the proposed package treatment plant.
- Matters in relation to the Anglian Water sewerage pumping station in Glentworth.
- We formally request that given the scale and range of concerns expressed here by the Parish Council and in view of the number of local resident objections, this matter is considered by the full Planning Committee.

Local residents:

Objections received from:

4, 6 and 30 Church Street Glentworth. 2, 4, 6, 8, 12 and Willow Brook, Kexby Road, Glentworth.

The grounds of objection are summarised below:

- Impact on local wildlife, notably Water Voles, Bats, Great Crested Newts.
- Impact on access.
- Access is not suitable.
- Construction traffic.
- Drainage is not acceptable.
- Security issues as a result of access.
- Discrepancies over information submitted.
- Impact on private views.
- Impact on amenity by virtue of overlooking.

- Proposal is too large for the site (overdevelopment).
- Impact on neighbourhood plan views.
- Design is out of character.
- Matters in relation to the Human Rights Act.

Comments of support received from:
2 Church Street, Glentworth.

Comments of support are summarised below:

- The design is more fitting to the size and location in that the mixture of brick and stone reflects local materials.
- The size of the building is more fitting to the size of the plot without effecting the south elevation.

LCC Highways:

(in summary) No objections.

Archaeology:

(in summary) The proposed development should be subject to the same archaeological conditions as that previously approved for the larger site. We reiterate our earlier advice.

Natural England:

(in summary)

- The proposal is a small scale development taking sub-optimal habitat for GCN (if they are even in that pond)
- Your authority would need to be proportionate in their determination here i.e. the costs on the developer to do further survey work against the recommendations of the ecologist.
- The report follows a method statement approach that will protect GCN from killing or injury during works – this will prevent contravention of the legislation and therefore need for a licence.
- Land being taken south of the pond is closer to the road etc. If GCN are there, they will be moving north and northeast around better areas of habitat (these are unaffected)
- Hibernacula will provide an enhancement on site.

We would therefore suggest that the Ecology report is acceptable in this case.

Relevant Planning Policies:

National Guidance:

National Planning Policy Framework (NPPF) -

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

National Planning Practice Guidance -

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

Local Guidance:

Planning law requires that applications for planning permission must be determined in accordance with the development plan unless material considerations indicate otherwise. Here, the relevant documents of the statutory Development Plan are the provisions of the Central Lincolnshire Local Plan (April 2017); and the Glentworth Neighbourhood Plan which was formally made on 4th November 2019, following a successful referendum.

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 to become part of the development plan.

Central Lincolnshire Local Plan (2012-2036):

Following adoption at Full Council on 24th April 2017 the CLLP forms part of the statutory development plan*. 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

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

Neighbourhood Plan:

Glentworth Neighbourhood Development Plan

On 5 September 2019 a referendum was held on the Glentworth Neighbourhood Plan. A majority of residents voted in favour of wanting West Lindsey District Council to use the neighbourhood plan for Glentworth to help it decide planning applications in the neighbourhood area. A neighbourhood plan comes into force as part of the statutory development plan* once it has been successful at referendum. The Neighbourhood Plan has now been formally made on the 4th November 2019. The relevant policies are:

Policy 1: Views

Policy 3: Design and Character of Development

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

¹ S38(5) of the Planning & Compulsory Purchase Act 2004 (as amended)

Other Guidance

Circular 06/2005 Biodiversity and Geological Conservation –
Statutory Obligations and their impact within the Planning System

<https://www.gov.uk/government/publications/biodiversity-and-geological-conservation-circular-06-2005>

Main issues

- **Principle of Development**
- **Ecology**
- **Character and Visual Impact**
 - *Neighbourhood Plan Views*
 - *Area of Great Landscape Value*
- **Residential Amenity**
- **Highway Safety and Parking**
- **Foul and Surface Water Drainage**
- **Other matters**

Assessment:

Principle of Development

The principle of development for one dwelling on this site has already been established by planning permissions 135838 and more recently 137969. Whilst this application would grant a new permission for the site, the most recent extant permission (137969) must be acknowledged and given significant weight in this decision, as a potential “fallback”.

This permission has not yet commenced or had its pre-commencement conditions (numbers 2, 3, 4, 5, 7, 8 and 9) discharged. This an extant permission which still has over 18 months to commence works on the site. It is considered that the principle of housing development on the site has already been established in extant planning permission 137969 therefore the principle of residential development on the site has already been deemed to accord with local policies LP2 and LP4 of the CLLP.

For the purposes of policy LP4, Glentworth has a growth allowance of 15% (14 dwellings) – development of the application site (under application 135838) has already been calculated as part of the permitted growth in the village of 11 dwellings.

Accordingly, it is not necessary to revisit the matter of principle. Nevertheless, it is necessary for this decision to consider whether the revised design is acceptable in all other regards.

Another significant consideration is the adoption of the Glentworth Neighbourhood Plan, made in November 2019. Whilst the principle of development would not be found contrary to the provisions of the Neighbourhood Plan, it contains policies on views; and design & character, which the application now requires to be considered against.

It is considered that policy LP2 and LP4 are consistent with the sustainability and housing growth guidance of the NPPF and can be attached full weight.

Ecology

Section 40 of the Natural Environment and Rural Communities Act 2006 places a duty on all public authorities in England and Wales to have regard, in the exercise of their functions, to the purpose of conserving biodiversity. Central Lincolnshire has many areas which are noted for their natural beauty and biodiversity value. These areas also support a wide variety of species and habitats, and form an important part of the network of biodiversity sites within the wider environment.

Paragraph 99 of Circular 06/2005 Biodiversity and Geological Conservation – Statutory Obligations and their impact within the Planning System² advises that it is essential that the presence or otherwise of protected species and the extent to which they might be affected by the proposed development, is established before planning permission is granted, otherwise all relevant material considerations will not have been addressed on making the decision.

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

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

Guidance contained within paragraph 109 of the NPPF states that ‘*the planning system should contribute to and enhance the natural and local environment by minimising impacts on biodiversity and providing net gains in biodiversity where possible, contributing to the Government’s commitment to halt the overall decline in biodiversity, including by establishing coherent ecological networks that are more resilient to current and future pressures*’.

Guidance contained within paragraph 118 of the NPPF states that ‘*when determining planning applications, local planning authorities should aim to conserve and enhance biodiversity by applying*’ certain principles including:

- *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;*
- *‘planning permission should be refused for development resulting in the loss or deterioration of irreplaceable habitats’*
- *‘opportunities to incorporate biodiversity in and around developments should be encouraged’.*

² <https://www.gov.uk/government/publications/biodiversity-and-geological-conservation-circular-06-2005>

An 'Ecology and Protected Species Survey' has been submitted in support of the application.

The results of the survey are summarised below.

Great Crested Newts

The results of the survey indicate that the pond has potential to support great crested newts, there are records of this species close by and some areas of the site are considered to offer good terrestrial habitat for great crested newts during their terrestrial life phase. In such cases it is usually necessary to undertake further survey work in order to establish the presence of great crested newts and if required to secure a Natural England European Protected Species licence.

However, the report states: *"in certain cases, when the scale of the works is low, it is possible to time the works appropriately, or adjust the area of impact or amend the working methods/practices in order to avoid any risk of injury or disturbance to great crested newts and their places of shelter. In such cases it may be possible to proceed without the requirement for further survey work or a European Protected Species licence as the work will not result in a breach of the relevant legislation". "For this site, given the areas affected and the nature of the surrounding habitats it is considered that with appropriate working practices and timing, it is possible to undertake the proposed work without the risk of a breach in the legislation protecting great crested newts."*

A strict Method Statement in order to ensure legal compliance and to prevent any inadvertent mistakes which could result in a breach of the legislation which protects great crested newts and their habitats is proposed. Advice has been sought from Natural England to ensure the proposed method statement is acceptable, their advice is set out below.

- *"The proposal is a small scale development taking sub-optimal habitat for GCN (if they are even in that pond)*
- *Your authority [WLDC] would need to be proportionate in their determination here i.e. the costs on the developer to do further survey work against the recommendations of the ecologist.*
- *The report follows a method statement approach that will protect GCN from killing or injury during works – this will prevent contravention of the legislation and therefore need for a licence.*
- *Land being taken south of the pond is closer to the road etc. If GCN are there, they will be moving north and northeast around better areas of habitat (these are unaffected)*
- *Hibernacula will provide an enhancement on site.*

We would therefore suggest that the Ecology report is acceptable in this case".

In accordance with the Natural England advice, the approach adopted is acceptable in this instance and therefore should permission be granted, an appropriate condition should be applied to ensure compliance with the method statement.

Bats

The site has moderate potential for foraging and commuting bats. The report recommends that precautions are taken so that the development of the site does not have a negative impact on the availability of commuting and foraging areas for bats within the local landscape. This includes the use of artificial light to ensure dark corridors are maintained around and across the site and the provision of bat boxes.

Badgers

No further work or mitigation is required in respect of this species, but as badgers are a mobile species, it is recommended that vigilance is maintained for signs of badger activity.

Water Vole

No signs of use by water vole were noted during the survey. No further survey work or mitigation is required in respect of this species. It is recommended that vigilance is maintained for signs indicative of water vole presence.

Birds

The hedgerows and trees on site have high potential for use by nesting birds. The report recommends that any vegetation clearance work should commence outside the active nesting season, which typically runs from March through to late August. If work commences during the bird breeding season, a search for nests will need to be carried out before work begins, and active nests should be protected until the young fledge.

Habitats and Plant species

The habitats and plant species recorded on the site are common and widespread in the local area and in the country. The hedgerows on site do not meet the required criteria of 7 woody species within a 30m length to qualify as important under the Hedgerow Regulations 1997. No invasive plant species listed on Schedule 9 were recorded.

Overall, it is considered that the development can be completed without an adverse impact on ecology subject to the development proceeding in strict accordance with the measures and method statement outlined within the 'Ecology and Protected Species Survey'. The proposal therefore accords with policy LP21 of the Central Lincolnshire Local Plan, Circular 06/2005 and guidance within the NPPF.

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

Character and Visual Impact

Policy LP26 seeks to ensure development respects the existing topography, landscape character and identity, and relates well to the site and surroundings, particularly in relation to siting, height, scale, massing, form and plot widths. Policy LP17 seeks to protect and enhance the intrinsic value of our landscape and townscape. Policy 3 of the Glentworth neighbourhood plan

states that “*Development proposals will be supported where their design and detailing complement the established character of the village as described in the Neighbourhood Character Profile Report*”.

The Neighbourhood character profile sets out detailed guidance in relation to the character of Glentworth. The profile provides individual guidance for different areas of the village. Of those areas that relate most to the application site, the profile sets out the following:

Church Road South - “A mixture of housing styles and building materials used on this part of Church Street, but all have good sized front gardens with wide range of trees and hedging. Range of different property styles with large executive detached properties, semi-detached dormer bungalows and detached bungalows”.

Kexby Road/Hannover Hill – “A range of brick semi-detached brick cottages on the left hand side with large front gardens some with large side and back gardens”. Buildings consist of “Red brick.”

Taking account of the advice contained within the character profile and from undertaking an extensive site visit. It can be concluded that the character of the area is established by an eclectic mix of dwelling, styles and forms. The materials are predominantly brick with pantile or concrete tile roofs.

The dwelling approved under application 137969 consists of a detached dormer bungalow with a total height of approximately 7.2m and eaves height of approximately 3.1m. The materials as indicated on the drawings consisted of predominantly render and a mix of brick and grey green Cedral boarding. The revised design approach is set out within the submitted design and access statement. To summarise, the revised dwelling is a two-storey property which has a symmetrical principal frontage. There is a stepped down projection to the rear which provides an overall ‘U’ shaped plan form. The height to the eaves of the principal element of the dwelling is 4.875m with a ridge height of 8.16m. An indication of a traditional materials palette such as a mix of traditional facing brick, stone and clay pantiles is provided on the drawings and the dwelling includes traditional features such as gable wall tumbling.

Given the mix of dwellings in the immediate locality, the design is considered to be appropriate and the proposal will be expected to integrate into the surrounding character. The site boundary has been extended to the north and as such the proposal will not appear overly dominant within the plot. To ensure a high quality finish, final material details should be secured via condition.

The proposal is therefore found to comply with policy 3 of the Glentworth Neighbourhood plan and LP26 and LP17 of the Central Lincolnshire Local Plan.

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

Neighbourhood Plan Views

Policy 1 of the neighbourhood plan identifies key local views within the village and surrounding area. The view towards the village from Hannover Hill (No.5) and the view Northwest from Middle Street (No.10) are identified as a key local views which this development may be visible within.

View no.5 is noted for the following reason:

“This “gateway” view of the village across the paddock where horses and chickens currently graze, including the horse chestnut tree at the junction of Hanover Hill, Chapel Lane and Kexby Road provides a first impression of a quiet, rural settlement in a green setting enhanced by mature trees”. The view, as set out within the Character Profile, is depicted below:



It is noted that the above image does not appear to correspond to the position of the view as set out within policy map 1(a).

View no.10 is noted for the following reason:

“Glimpses of the church, Glentworth Hall and the characteristic pantile roofs, softened and harmonised by the trees. Emphasises the discrete rural setting”. In contrast to the above, view no.10 is not depicted within the Character Profile.

Policy 1 states that *“Development proposals will be supported where they take account of Key Local Views and have demonstrated how they are maintaining and responding positively to such views”.* Section 3.1.1 of the submitted Design and Access Statement outlines how the design of the proposal responds to the neighbourhood plan views.

The application site is located amongst a number of dwellings and will be viewed in the context of the nearby structures. The proposal, as approved under application 137969, consisted of a dormer bungalow with a ridge height of approximately 7.2m. The proposal was to be predominantly cream rendered. The revised design contains a dwelling with a total ridge height of approximately 8.1m with a locally inspired materials choice consisting of brick, stone and a pantile roof.

The view depicted below was taken during the site visit and is taken from Hannover Hill looking towards the site, where view no.5 is identified on policy map 1(a).



In relation to view No.5, the view displays an element of sylvan charm albeit including the roofscape of residential properties along Kexby Road and Church Street. From this view there appears to be a distinct materials palette to this part of the village consisting of pantile roofs and red brick with some uPVC conservatories visible. The use of render is not frequent.

Although the proposed structure will be of a larger scale to that previously approved by approximately 0.9m, it is noted that the materials palette is more traditional and in keeping with the surrounding area. A rendered gable end in this location would appear more visible and impact the view more significantly than the revised proposal given the materials choice. The rear projection of the proposed dwelling would be visible, nevertheless would reinforce the established character and roofscape.

With respect of view No.10, this view represents a similar character to view No.5 albeit with distant views of the Church tower. Given the proximity and scale of properties along Kexby Road, it is anticipated that the proposal, when viewed from view No.10, will appear as an additional pantile roof amongst a roofscape which consists of predominantly pantile roofs. Therefore, the proposal would display features which are “*characteristic*” of the notable view as set out within the definition.

Overall, when considering the dwelling which could be built in this location as a result of extant permission 137969, it is considered that the revised design of the dwelling would have a negligible impact, and would therefore maintain and respond positively to the identified important views (No.5 & No.10). The proposal is therefore deemed to accord with policy 1 of the Glentworth Neighbourhood Plan.

Area of Great Landscape Value

The considerations of Policy LP17 are particularly important when determining proposals which have the potential to impact upon Areas of Great Landscape Value. To accord with the provisions of Policy LP17 Development proposals should have particular regard to maintaining and responding positively to any natural and man-made features within the landscape and townscape which positively contribute to the character of the area, such as (but not limited to) historic buildings and monuments, other landmark buildings, topography, trees and woodland, hedgerows, walls, water features, field patterns and intervisibility between rural historic settlements.

The current site is largely undeveloped with natural screening towards the boundaries. Given the fall-back position offered by the extant planning permission, although the proposal is likely to be visible from the east, given the high quality traditional design, it would not detrimentally impact the special characteristics of the landscape. The landscaping within the plot will be addressed by suitable conditions to ensure that appropriate landscape treatment is provided and retained to assimilate the development into its surroundings.

To conclude this section, it is considered that the design of the proposal is acceptable and will not detrimentally impact the character of the area. The proposal therefore complies with policy LP26 and LP17 of the Central Lincolnshire Local Plan and policy 1 and 3 of the Glentworth Neighbourhood Plan.

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

Residential Amenity

Local Plan Policy LP26 states that planning permission will be granted for new development provided the proposal will not adversely affect the residential

amenity of neighbouring properties by virtue of overlooking, overshadowing, loss of light or over dominance.

Concerns have been raised during the consultation with regard to overlooking impact. In granting permission for the dwellings on this site the previous planning officer concluded *“that the development would not result in significant increase in overlooking, loss of light or overshadowing of existing neighbouring properties”*. It is necessary for this assessment to consider if the re-design would lead to an unacceptable impact over and above the previous proposal.

The previously approved dwellings contain 2no. habitable windows at first floor level at the front elevation, which serve bedrooms. Measured from the centre point of the windows, the windows to the front were situated at a height of approximately 3.6m. The proposed design contains 3no. windows at first floor level to the front elevation. 2no. of which are habitable, serving bedrooms, the other window serves a bathroom which will be obscure glazed. Measured from the centre point of the windows, the windows to the front of the proposal are at a height of approximately 4m. The proposed dwelling is set back approximately 21m from the rear fences and approximately 34m from the rear of the house of the nearest properties on Kexby Road. They are separated by the existing access road and existing and proposed garages will also provide additional screening between the properties. The centre of the windows are approximately 0.4m higher than the previously approved dwelling. Overall, given the minor increase in height and taking into consideration the existing arrangements on site, it is considered that the proposed dwelling will not significantly increase overlooking impacts that would detrimentally impact the residential amenity of neighbouring residents.

Amenity Space

It is also considered that the proposal offers an adequate amount of outside amenity space for proposed dwelling.

Overall, the proposal is acceptable in terms of residential amenity and therefore the proposal accords with policy LP26 of the Central Lincolnshire Local Plan.

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

Highway Safety and Parking

Although concerns have been raised during consultation in relation to the proposed access. The principle of the access to this site was established by application 135838 and 137969, which remain a “fallback”, and to refuse on highway safety grounds without any material change in circumstance would be unreasonable. An appropriate condition will ensure the access is completed to the satisfaction of the highway authority. The proposed access, parking and turning arrangements are acceptable and the proposal accords with policy LP13 subject to receiving such detail.

It is considered that policy LP13 is consistent with the highway safety guidance (paragraph 109) of the NPPF and can be attached full weight.

Foul and Surface Water Drainage

Concerns have been raised during the consultation period that the dwelling would overload the mains sewerage system. As a point of clarity, this application is not proposing to connect to the mains sewer. The applicant has advised that foul drainage will be dealt with via a package treatment plant and surface water will be disposed of via an existing water body. No additional details have been submitted and it is acknowledged that a suitable condition could secure such details. Subject to receiving further details, the scheme accords with policy LP14 of the Central Lincolnshire Local Plan.

It is proposed to discharge the clean treated water from the wastewater treatment plant into the pond, which will then overflow into the stream as it does currently. This was addressed by the ecologist who advised there is no perceived detriment to the ponds wildlife.

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

Other matters

Archaeology

The LCC Historic Environment Officer reiterated their previous advice following the previous applications which stated, *“this development site is within the former medieval settlement of Glentworth, and any development has the potential to disturb remains from this period and possibly earlier”*. This matter was previously dealt with via an appropriately worded condition and the same approach is deemed to be appropriate.

Conclusion

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 and LP25: The Historic Environment, LP26: Design and Amenity of the Central Lincolnshire Local Plan and Policy 1: Views and Policy 3: Design and Character of Development of the Glentworth Neighbourhood Development Plan in the first instance and the guidance contained in National Planning Policy Framework and National Planning Practice Guidance. In light of this assessment it is considered that the principle of development is acceptable. The design is deemed to be appropriate and the development would not be expected to detrimentally impact the character of the area. The proposal will not be likely to spoil the special characteristics of the important views within the settlement. The proposal would not be likely to unduly impact the residential amenity of neighbouring residents and no harm would be expected to arise to highway safety. The proposal will not be expected to harm the character of the Area of Great Landscape Value. The development should

protect the biodiversity value of the site and the development has been shown that it can acceptably mitigate for any harm caused to protected species, particularly Great Crested Newts. The proposal is therefore acceptable.

Draft Conditions

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

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

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

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

2. No development shall take place until, a scheme for the disposal of the foul and surface water drainage for the site have been submitted to and approved in writing by the Local Planning Authority. The approved details shall thereafter be implemented in full before the building(s) are first occupied.

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

3. No development shall take place until details of all external wall and roofing materials, surface materials to be used have been submitted to and approved in writing by the Local Planning Authority and the development shall only be carried out using the agreed materials.

Reason: To safeguard the character and appearance of the building and its surroundings and ensure the proposal uses materials and components that have a low environmental impact in accordance with Central Lincolnshire Local Plan Policy LP26.

4. Before development commences on site further details relating to the vehicular access to the public highway, including materials, specification of works and construction method shall be submitted to the Local Planning Authority for approval. The approved details shall be implemented on site before the development is first brought into use and thereafter retained at all times.

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

5. No development shall take place until, a scheme of landscaping including details of the size, species and position or density of all trees to be removed,

retained or planted, fencing and walling have been submitted to and approved in writing by the Local Planning Authority.

Reason: To ensure that a landscaping scheme to enhance the development is provided in accordance with Central Lincolnshire Local Plan Policy LP17 and LP26.

6. 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(s) 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 occupiers of adjacent buildings and in accordance with Central Lincolnshire Local Plan Policy LP17 and Policy LP26.

7. No development shall commence until, full details of the treatment of all boundaries of the site, including where appropriate, fencing, walling hedgerows to be retained, or other means of enclosure have been submitted to and approved in writing by the Local Planning Authority. The approved details shall be implemented prior to the dwellings are first occupied.

Reason: To ensure the provision of appropriate boundary treatment in the interest of the visual and residential amenity of the area in accordance with Central Lincolnshire Local Plan Policy LP17 and LP26.

8. No development shall take place until a scheme of ecological enhancements including the provision of Bat and Bird boxes within the site, have been submitted to and approved in writing by the Local Planning Authority.

Reason: As recommended under sections 5.2, 5.3 and 5.4 of the 'Ecology and Protected Species Survey' by Inspired Ecology Ltd dated November 2019, to protect and enhance the biodiversity value of the site to accord with the National Planning Policy Framework and LP21 of the Central Lincolnshire Local Plan.

9. No development shall take place, including ground scraping until a scheme for the protection of trees on the site (including accurate survey of trees and root protection areas and timetable for implementation of measures) have been submitted to and approved in writing by the Local Planning Authority and such measures shall be erected in the positions approved before the development is commenced and thereafter retained until completion of the

development. Nothing shall be stored or placed in any area, nor shall the ground levels within those areas be altered, without prior written approval of the Local Planning Authority.

Reason: To safeguard the existing trees on the site during construction works, in the interest of visual amenity in accordance with Central Lincolnshire Local Plan Policy LP17.

10. 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. This scheme shall include the following

1. An assessment of significance and proposed mitigation strategy (i.e. preservation by record, preservation in situ or a mix of these elements).
2. A methodology and timetable of site investigation and recording.
3. Provision for site analysis.
4. Provision for publication and dissemination of analysis and records.
5. Provision for archive deposition.
6. Nomination of a competent person/organisation to undertake the work.
7. The scheme to be in accordance with the Lincolnshire Archaeological Handbook.

Reason: To ensure the preparation and implementation of an appropriate scheme of archaeological mitigation and in accordance with the National Planning Policy Framework.

11. The local planning authority shall be notified in writing of the intention to commence the archaeological investigations in accordance with the approved written scheme referred to in condition 10 at least 14 days before the said commencement. No variation shall take place without prior written consent of the local planning authority.

Reason: In order to facilitate the appropriate monitoring arrangements and to ensure the satisfactory archaeological investigation and retrieval of archaeological finds in accordance with the National Planning Policy Framework.

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

12. The archaeological site work shall be undertaken only in full accordance with the written scheme required by condition 10.

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

13. Following the archaeological site work referred to in condition 10 a written report of the findings of the work shall be submitted to and approved in writing

by the local planning authority within 3 months of the said site work being completed.

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

14. The report referred to in condition 13 and any artefactual evidence recovered from the site shall be deposited within 6 months of the archaeological site work being completed in accordance with a methodology and in a location to be agreed in writing by the local planning authority.

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

15. The development shall be carried out strictly in accordance with the method statement and mitigation measures recommended within section 5.1 (pages 13-17) of the 'Ecology and Protected Species Survey' by Inspired Ecology Ltd dated November 2019.

Reason: To ensure the development proceeds in accordance with the approved method statement in relation to Great Crested Newts to accord with the National Planning Policy Framework and LP21 of the Central Lincolnshire Local Plan.

16. With the exception of the detailed matters referred to by the conditions of this consent, the development hereby approved shall be carried out in accordance with the following drawings: 19/179/Ex – 01, 19/179/Pr – 01, 19/179/Pr – 02, 19/179/Pr – 04, 19/179/Pr – 03 Revision A dated August 2019 and RDS 11230/08 dated February 2016. The works shall be carried out in accordance with the details shown on the approved plans and in any other approved documents forming part of the application.

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

17. The minimum width of the access shall be 4.5 metres for the first 10m and alterations approved under condition 4 to facilitate this shall be completed before the first dwelling is occupied and shall be retained thereafter.

Reason: To ensure safe access to the site and each dwelling/building in the interests of residential amenity, convenience and safety.

18. Prior to any of the buildings being occupied the private drive shall be completed in accordance with the details approved under condition 4.

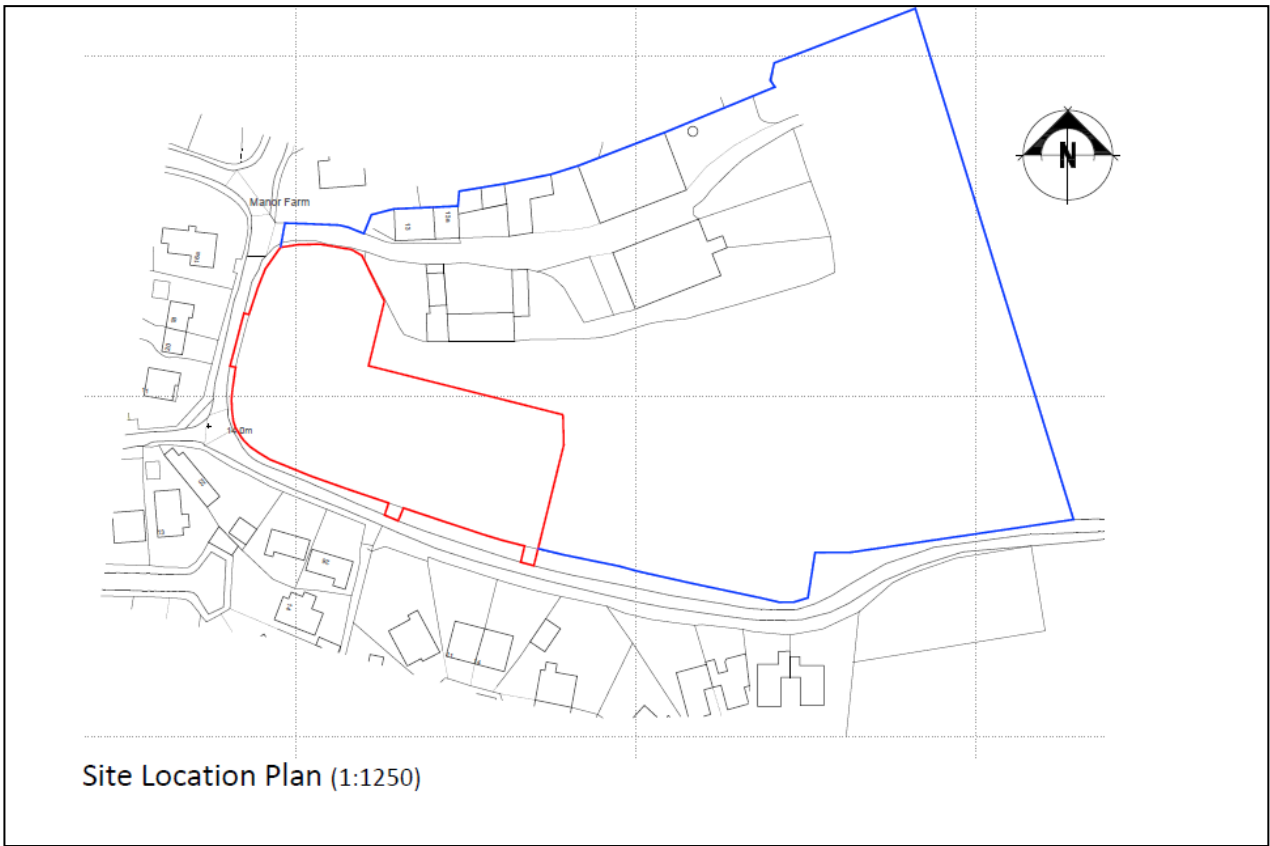
Reason: In the interests of safety of the users of the public highway and the safety of the users of the site.

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

19. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended) Schedule 2 Part 1, Class A, B, C, D and E (or any order revoking and re-enacting that Order with or without modification), there shall be no external alterations or extensions to the building and extension including the insertion of new windows or dormer windows nor structures placed within the curtilage of the dwelling other than as authorised by this permission.

Reason: To safeguard the character and appearance of the building and its surroundings in accordance with policies LP17, LP26 of the Central Lincolnshire Local Plan.

Agenda Item 6b



Officers Report

Planning Application No: 140331

PROPOSAL: Outline planning application to erect 5no. dwellings - all matters reserved.

LOCATION: Land adjacent to Fleets Road Sturton by Stow Lincoln LN1 2BU

WARD: Stow

WARD MEMBER: Cllr T Coulson

APPLICANT NAME: JCM Glassford Ltd.

TARGET DECISION DATE: 23/01/2020

DEVELOPMENT TYPE: Minor - Dwellings

CASE OFFICER: Daniel Evans

RECOMMENDED DECISION: Grant permission subject to conditions.

The application is being referred to the Planning Committee for determination as there are objections from neighbours and Sturton by Stow Parish Council and the planning matters under consideration are finely balanced.

Description:

The application site comprises of an area of agricultural land located off Fleets Road, towards the east of Sturton by Stow.

The site is adjoined by a range of agricultural buildings to the north, residential dwellings to the west and south and the site forms part of a larger agricultural field which runs to the east. Fleets Road wraps around the southern and western boundary of the site. The site slopes gradually from west to east and is raised slightly from the highway. The southern and western boundary of the site comprise of a mature hedgerow. The eastern boundary is open to the remaining field and the northern boundary comprises of a mix of post and rail fencing and shrubbery. A field access is located within the north-western corner of the site. The dwellings along Fleets Road in the vicinity of the site are mainly frontage properties and are a mixture of style, form and age.

Two TPO trees lies along the southern boundary of the site. The definitive public rights of way namely: Stur/76/1, Stur/77/1 and Stur/79/1 lies in close proximity to the site.

The application seeks outline permission for 5no. dwellings with all matters reserved for subsequent applications. Matters of access, scale, appearance, layout and landscaping are therefore all reserved for subsequent approval.

Relevant history:

None.

Representations:

Chairman/Ward member(s):

No representations received to date.

Sturton by Stow Parish Council:

(in summary)

- The Council strongly objects to the planning application.
- The recent flooding issues highlight that the surface water drainage system is not adequate.
- Highway safety matters such as lack of pavement and width of road, therefore the network is not suitable for the accesses suggested.
- Development in the countryside will set a precedent for further encroachment into the countryside.
- The development will remove the hedge which will spoil the character of the area.
- Odour issues from sewage treatment works.
- A planning application in the area has been refused due to access issues.

Local residents:

Objections received from the following properties:

Manor Farm, No's 14, 16a, 18, 20 Fleets Road, 1 Whittles Court, 25 Saxilby Road, 30 The Close, 19 Ashfield, 2 Allan Close, 9 Swan Drive, 4 St Hughs Terrace, The Willows, 14, 16 Manor Farm Drive, Sturton by Stow.

Comments summarised below:

- Highway safety matters.
- Issues in relation to lack of pedestrian footway.
- Proposed properties would be out of character with surrounding dwellings.
- Residential amenity concerns.
- Flooding issues.
- Removal of hedge would affect character and appearance of the area and biodiversity value.
- Proposed dwellings are too large.
- Neighbourhood plan does not support the development.
- Neighbourhood plan survey identified the need for starter homes, not executive houses.
- Development would impact rural character of the settlement.
- Loss of agricultural land.
- The site is not a suitable location and there are more suitable sites in the village.
- Impact on archaeology.
- Odour issues from sewage treatment works.
- Drainage capacity.

Comments of support received from the following properties:

Overhills Farm, Mill Lane, 21 High Street and 56 Stow Road, Sturton by Stow and Mill House Farm, Moor Road, Walesby.

Comments summarised below:

- The houses should be fully eco-friendly.
- The proposal provides good sized plots.
- The site is an infill plot.
- The village has suitable facilities to accommodate the proposal along with connectivity to Lincoln.
- There is scope for improvements to pedestrian safety and surface water flooding issues.
- Village needs sustainable growth of all types of housing.
- Development will create a rural street feel to the area.

LCC Highways & Lead Local Flood Authority:

(in summary)

- No objection in principle.
- Indicated access points are acceptable. It will require formal accesses constructed to the HA's specification.
- With regard to parking provision to individual plots, the applicant should refer to guidance laid out in the Lincolnshire Development Roads and Sustainable Drainage Design Approach.
- Confirmation of proposed condition.

LCC Archaeology:

No archaeological impact.

LCC Public Rights of Way Team:

No observations.

WLDC Environmental Protection:

Contamination: Our records indicate an historic area of unknown land fill in the vicinity of the site, as such a suitable phase 1 desk top contaminated land assessment is required to establish if any potential contaminants are present or likely to be present on site. Any issues found should be suitably remediated against prior to occupation.

Noise/dust/odour: The site is in close proximity to an existing farm, as such there is potential for noise/dust/odour etc. from activity on the farm causing nuisance to end users of the development. As such a suitable assessment is required of any existing and all potential disturbance from the use of the farm on the site and end users. Any mitigation required to protect end users should be installed prior to occupation and thereafter maintained.

WLDC Trees and Landscapes Officer:

I have no objection to development of this site. There are two TPO trees on the southerly edge of the site, one a sycamore and other an ash. The Ash is nearly dead and is a Category U tree, and should not pose a constraint to the proposals. The sycamore is a large and prominent feature tree and any development of the site should take account of its Root Protection Area (RPA) calculated in accordance with BS5837:2012. Development and any underground utilities should be kept outside the trees RPA.

The perimeter mixed, native hedgerow is a priority habitat as listed in the Lincolnshire & UK Biodiversity Action Plans and should be retained where possible. There are four proposed driveway accesses shown where sections of hedgerow would need to be removed. The easterly and northern boundaries are currently open, and boundary creation should be of mixed, native hedgerows in keeping with the rural character of the area, and these would provide compensation for the loss of the sections of hedgerow for the driveways. Landscaping should be required in a reserved matters application.

Relevant Planning Policies:

Planning law requires that applications for planning permission must be determined in accordance with the development plan unless material considerations indicate otherwise. Here, the Development Plan comprises the provisions of the Central Lincolnshire Local Plan.

Central Lincolnshire Local Plan (2012-2036):

Following adoption at Full Council on 24th April 2017 the CLLP forms part of the statutory development plan.

The policies considered most 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

LP16: Development on Land Affected by Contamination

LP17: Landscape, Townscape and Views

LP21: Biodiversity and Geodiversity

LP26: Design and Amenity

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

National Guidance:

National Planning Policy Framework (NPPF) -

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

National Planning Practice Guidance -

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

Neighbourhood Plan:

Whilst the Parish was designated as a Neighbourhood Area in 2018, a draft Plan has yet to be published for consultation. The Sturton by Stow and Stow Neighbourhood Plan is not at a stage where it can be taken into consideration in the determination of this application.

Main issues

- **Principle of Development**
- **Other Considerations**

- Access, Scale, Appearance, Layout and Landscaping
- Residential Amenity
- Contamination
- Foul and Surface Water Drainage
- Agricultural Land
- Highway Improvements and Pedestrian Footway
- Community Infrastructure Levy

Assessment:

Principle of Development

Sturton by Stow is identified as a category 5 Medium Village under Policy LP2 of the CLLP. Policy LP2 states that “*unless otherwise promoted via a neighbourhood plan or through the demonstration of clear local community support, the following applies in these settlements:*

- *they will accommodate 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.*

*** 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.”*

Policy LP4 establishes the total level of % growth for each Medium Village, and further policy requirements in respect of identifying whether a site would be suitable for development.

LP4 permits 15% growth in Sturton by Stow as the village contains ‘key facilities’, which equates to 97 new dwellings. In accordance with the LPA’s most recent ‘Monitoring of Growth in Villages’ document (10/01/2020)¹, the settlement of Sturton by Stow can still support 12 new dwellings before it meets its housing growth limit.

Policy LP4 also sets a sequential approach to the priority of potential development sites. Stating “*in each settlement in categories 5-6 [small and*

¹ See <https://www.west-lindsey.gov.uk/my-services/planning-and-building/planning-policy/housing-growth-in-medium-and-small-villages-policy-lp4/>

medium villages] 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***

*** See definitions of 'appropriate locations' and 'developed footprint' in Policy LP2."*

The proposal accords with the scale of development of up to 9 dwellings. The site is adjoined by residential properties on three sides (north, west and south) and is therefore considered to be an appropriate location as defined because it retains core shape and form and does no harm to character and appearance or that of surrounding countryside. There is sufficient remaining growth to accommodate the proposal. The proposed site constitutes a greenfield site at the edge of the settlement in an appropriate location. Whilst this falls into tier 3 of the LP4 sequential test, there are no available sites within Sturton by Stow which fall into higher tiers of the sequential test. Overall, the proposal accords with LP2 and LP4 and therefore the principle of development is acceptable.

It is considered that policy LP1, 2, 3 and 4 are consistent with the sustainability and housing growth guidance of the NPPF and can be attached full weight.

Other Considerations

Access, Scale, Appearance, Layout and Landscaping

Details of access, scale, appearance, landscaping and layout cannot be assessed at this stage as they are reserved for subsequent approval.

Access:

Planning law requires² that *"where access is a reserved matter, the application for outline planning permission must state the area or areas where access points to the development proposed will be situated."*

The application includes an indicative site plan which identifies three access points from Fleets Road. The Highways Authority (HA) have commented stating that the principle of development is acceptable and it will require a formal access construction to the HA's specification. An advice note will be placed on the decision notice in order to make the applicant aware of the highway authority's requirements for access, parking, visibility, turning and layout; as detailed within the Lincolnshire County Council Design Approach and Development Road Specification³ and DFT Manual for Streets⁴.

² Article 5(3) of the Town & Country Planning (Development Management Procedure) (England) Order 2015 (as amended)

³ <https://www.lincolnshire.gov.uk/transport-and-roads/strategy-policy-and-licences/control-of-new-development-affecting-the-highway/development-road-and-sustainable-drainage-specification-and-construction/87183.article>

⁴ <https://www.gov.uk/government/publications/manual-for-streets>

Scale and Appearance:

Scale and appearance are reserved matters, and the application has not included any indicative elevation plans or sketches at this stage. There is a mixture of property styles, forms and ages within the immediate vicinity of the application site. Any future details of scale and appearance through a reserved matters application would need to be informed by the locality of the site.

It is however considered that the site has the capacity to accommodate up to five dwellings of an appropriate scale and appearance.

Layout:

Whilst layout is a “reserved matter”, the application provides an indicative layout and it is clear that the site is of a size which is capable of accommodating five dwellings with sufficient space for parking, turning a vehicle and external amenity space, without unduly harming the amenity of neighbouring land or unduly harming the prevailing character.

Landscaping:

Landscaping is a “reserved matter” and the application has not included any indicative landscaping. The site would need to be appropriately landscaped to ensure its effective incorporation into the streetscape. There are two TPO trees located along the southern boundary of the site, a sycamore and an ash. The Trees and Landscapes officer has been consulted on the application advising that the Ash is nearly dead and is a Category U tree, and should not pose a constraint to the proposals. The sycamore is a large and prominent feature tree and any development of the site should take account of its Root Protection Area (RPA) calculated in accordance with BS5837:2012. An appropriate condition will be included to secure such details. A well-established mature native hedgerow spans the southern and western perimeter of the site. The verdant nature of the approach into Sturton by Stow from the east along Fleets Road is an important characteristic of the area. The hedgerow would also form a priority habitat as listed in the Lincolnshire & UK Biodiversity Action Plans. The retention of this hedge, except where partial removal is required to form access to the highway, will be secured via condition. It is noted that carriageway widening is also required as part of this permission. It has been confirmed that the appropriate widening can be achieved to the satisfaction of the HA without the removal of the perimeter hedge. Further details in relation to proposed landscaping will be required at the reserved matters stage.

Subject to the above a successful reserved matters application the development could accord with local policy LP17 of the CLLP and the provisions of the NPPF.

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

Residential Amenity

It is considered that five dwellings could be designed and positioned so as not to harm the living conditions of neighbouring dwellings. Therefore, subject to a

successful reserved matters application the development could accord with local policy LP26 of the CLLP and the provisions of the NPPF.

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

Environmental Protection

Policy LP26 Design and Amenity requires development to demonstrate that proposals will be compatible with neighbouring land uses, and will not have an adverse impact in relation to amenity considerations, such as, but not exclusively, adverse noise and vibration and adverse impact upon air quality for odour, fumes, smoke, dust and other sources.

The WLDC Environmental Protection team have identified a historic record of a potential landfill site approx. 10m south of White House Farm. The site is in close proximity to an existing farm, as such there is potential for noise/dust/odour etc. from activity on the farm causing nuisance to end users of the development. Both matters require further investigation which can be secured via condition, in agreement with the Environmental Protection team. Subject to further assessment the development could accord with local policy LP16 and LP26 of the CLLP and the provisions of the NPPF.

It is considered that policy LP26 is consistent with the residential amenity guidance and policy LP16 is consistent with the contamination guidance of the NPPF and can be attached full weight.

Foul and Surface Water Drainage

The site is in flood zone 1 which is sequentially preferable and therefore meets the test within policy LP14 (and NPPF paragraph 158).

The National Planning Practice Guidance advises that *“generally, the aim should be to discharge surface run off as high up the following hierarchy of drainage options as reasonably practicable:*

- 1. into the ground (infiltration);*
- 2. to a surface water body;*
- 3. to a surface water sewer, highway drain, or another drainage system;*
- 4. to a combined sewer.*

Particular types of sustainable drainage systems may not be practicable in all locations. It could be helpful therefore for local planning authorities to set out those local situations where they anticipate particular sustainable drainage systems not being appropriate”. (Paragraph: 080 Reference ID: 7-080-20150323)

The application form states that surface water is proposed to be dealt with through a sustainable drainage system and a mains sewer. The site is not within an area identified by the Environment Agency as at risk from surface water flooding. Nonetheless, I note the comments of a number of residents in relation to a recent flooding event. The Lead Local Flood Authority (LCC) have been consulted on the application, and have advised they have no

objection in principle to the development. It is anticipated that subject to receiving further details, the development will introduce a positive drainage strategy where there currently is the absence of such.

Flood risk, foul and surface water drainage matters are considered acceptable in principle, subject to receiving further details, the scheme accords with policy LP14 of the Central Lincolnshire Local Plan. It is considered that policy LP14 is consistent with the drainage guidance of the NPPF and can be attached full weight.

Agricultural Land

Paragraph 170 of the NPPF sets out that planning decisions should contribute to and enhance the natural and local environment by recognising the benefits of the best and most versatile agricultural land. The site is classed in Natural England's East Midlands Agricultural Land Classification Map as grade 3 (Good to Moderate). The development site currently forms part of a much larger field the remainder of which will remain in agricultural use. The development would not lead to a loss of agricultural land which is classified as grade 1 or 2, which would represent a superior quality of soil, and the loss is relatively minimal therefore is acceptable in this case.

Highway Improvements and Pedestrian Footway

In their initial response, LCC Highways requested carriageway widening to Fleets Road and a footway be provided from the existing footway network to the recreation ground and specifically the public right of way Stur/79/1. The most easterly site boundary lies approximately 90m from the recreation ground and it would be unreasonable to insist on a footway which connects to Stur/79/1 given the quantum of development proposed. However, a connection to the existing network is required and a condition which seeks the provision of a footway will be included on the decision.

It is important to note that the provision of a footway, along with carriageway widening to this part of Fleets Road, could not be achieved along with the retention of the hedge. In this instance, the impact on character from the potential removal of the hedge and the provision of the footway network outweigh the need for the proposed carriageway widening. This approach has not drawn an objection from LCC Highways on highway safety grounds and it is deemed acceptable in this regard.

Community Infrastructure Levy (CIL)

West Lindsey District Council adopted a Community Infrastructure Levy (CIL) in January 2018. The site is within zone 2 where there is a charge of £15 per square metre. This is an outline application with scale to be considered through the submission of a future reserved matters application. Therefore no accurate CIL calculation can be made at this stage. An informative will be attached to the permission making it clear that a CIL charge would be liable.

Conclusion

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, LP16: Development on Land Affected by Contamination, LP17: Landscape, Townscape and Views, LP21: Biodiversity and Geodiversity 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. In light of this it is considered that the principle of the proposal is acceptable and will provide five dwellings in an appropriate location for housing. This is subject to satisfying a number of conditions and the submission of a reserved matters application (access, scale, appearance, layout and landscaping).

Draft Conditions

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

1. Application for approval of the reserved matters must be made to the Local Planning Authority before the expiration of three years from the date of this permission.

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

2. No development must take place until, plans and particulars of **access** to the highway, **appearance**, **layout** and **scale** of the buildings to be erected and the **landscaping** of the site (hereinafter called “the reserved matters”) have been submitted to and approved in writing by the Local Planning Authority, and the development must be carried out in accordance with those details.

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

3. The development hereby permitted must be begun before the expiration of two years from the date of 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:

4. No development must take place until an assessment of the noise, dust and odour disturbance from the use of the farm on the site and end users has been submitted to and approved in writing by the Local Planning Authority. The assessment must include any necessary mitigation measures. Any

mitigation measures required must be installed prior to the occupation of the first dwelling and thereafter maintained.

Reason: To protect the amenity of the future residents from undue noise, dust and odour to accord with the National Planning Policy Framework and local policy LP26 of the Central Lincolnshire Local Plan 2012-2036.

5. No development must take place until a desktop phase 1 contamination report has been submitted and approved in writing by the Local Planning Authority. All recommendations and remedial measures in the phase 1 contamination report must be completed prior to any works commencing on site.

Reason: In order to safeguard human health and the water environment and identify potential contamination on-site to accord with the National Planning Policy Framework and local policy LP16 and LP26 of the Central Lincolnshire Local Plan 2012-2036.

6. No development must take place until, details of the form and position of the protection measures to protect all the protected trees within, on the boundary or adjacent the site have been submitted to and approved in writing by the Local Planning Authority. The approved protection measures must be installed prior to commencement of development (including scraping of ground) and retained in place until the development is completed.

Reason: To safeguard the existing trees within, on the boundary or adjacent the site during construction works, in the interest of visual amenity to accord with the National Planning Policy Framework and local policy LP21 of the Central Lincolnshire Local Plan 2012-2036.

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

7. 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. No occupation shall occur until the approved scheme has been carried out.

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

8. With the exception of the detailed matters referred to by the conditions of this consent, the development hereby approved shall be carried out in accordance with the following drawings: 868.01 Revision A dated March 2019. The works shall be carried out in accordance with the details shown on

the approved plans and in any other approved documents forming part of the application.

Reason: To ensure the development proceeds in accordance with the approved plans and to accord with the National Planning Policy Framework and policy, LP13, LP17 and LP26 of the Central Lincolnshire Local Plan.

9. The development hereby permitted shall not be occupied until details for the provision of a pedestrian footway, have been submitted to, and approved in writing by the Local Planning Authority. The works shall also include appropriate arrangements for the management of surface water run-off from the highway. The footway shall be completed in accordance with the approved details prior to occupation of the dwellings.

Reason: To ensure the provision of safe and adequate pedestrian access to the permitted development, without increasing flood risk to the highway and adjacent land and property.

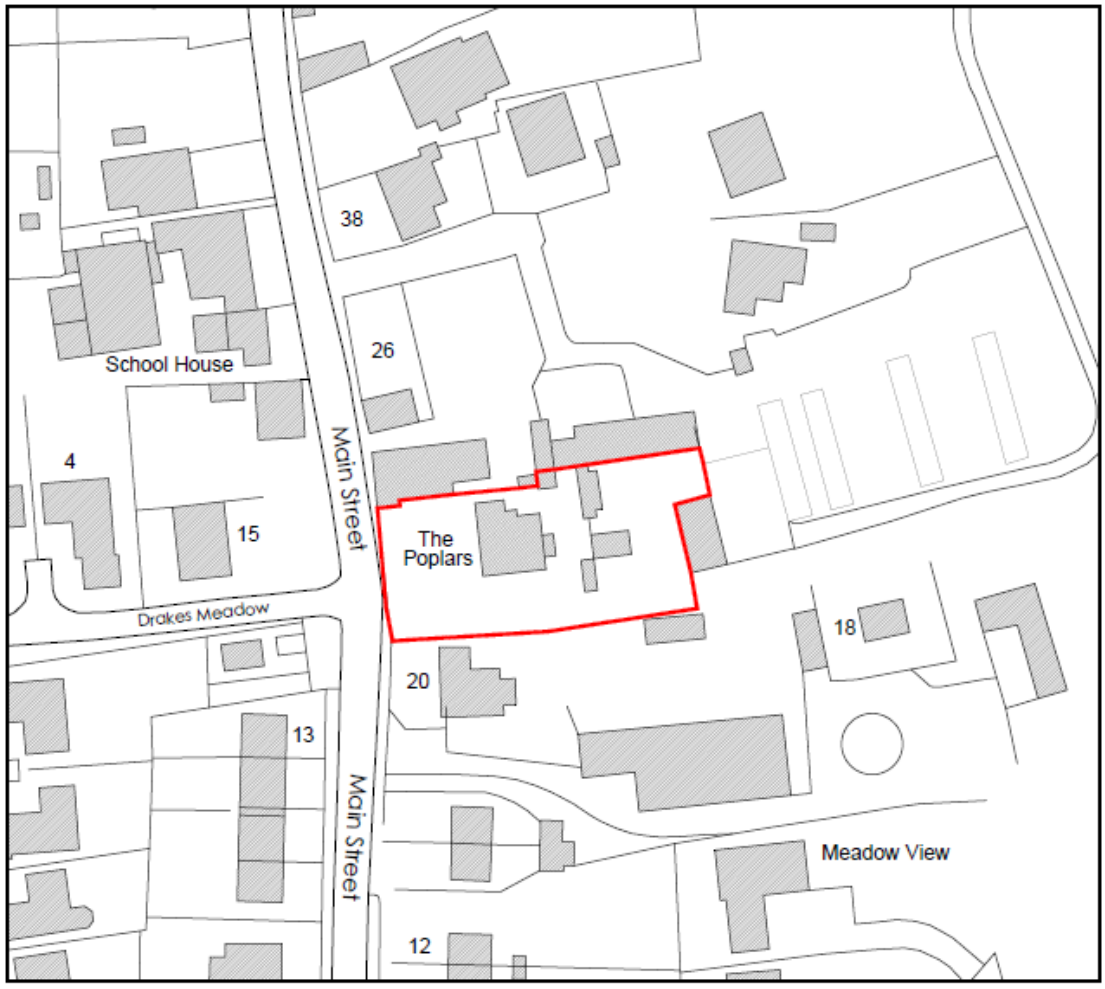
10. The existing hedge along the southern and western perimeter of the site, shall be retained to a minimum height of 1 metre except where partial removal is required for vehicular access.

Reason: In the interest of the visual amenity of the area in accordance with the National Planning Policy Framework and policies LP17 and LP26 of the Central Lincolnshire Local Plan.

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

None.

Site Location Plan 140254- The Poplars, 22 Main Street, Normanby-By-Spital



Officer's Report

Planning Application No: 140254

PROPOSAL: Planning application for the erection of two storey and single storey extensions to the rear, including the removal of existing two storey elements- resubmission of 139326.

LOCATION: The Poplars 22 Main Street Normanby-By-Spital Market Rasen LN8 2HE

WARD: Waddingham and Spital

WARD MEMBER: Cllr J Summers

APPLICANT NAME: Mr & Mrs C Redmile

TARGET DECISION DATE: 02/01/2020 (Extension of time agreed until 06/02/2020)

DEVELOPMENT TYPE: Householder Development

CASE OFFICER: Danielle Peck

RECOMMENDED DECISION: Grant permission with conditions

Description:

The application is being referred to the Planning Committee for determination as there are outstanding objections from neighbours and the planning matters under consideration are finely balanced.

The application site comprises of a detached two storey dwelling set back from the highway within the small settlement of Normanby-By-Spital. There are a number of existing outbuildings to the rear of the property and a large garden area beyond this. The site is bounded by residential uses to the north, west and south with agricultural buildings and field beyond the rear garden to the east. There is a wall along the northern boundary with a mixture of trees and hedging to the south, east and west boundaries. This application is a resubmission of a previously refused scheme (139326).

The application seeks permission to erect two storey and single storey extensions to the rear of the property which includes the removal of the existing elements to the rear.

Following negotiations with the agent amended plans were received on 8 January 2020, a re-consultation was then carried out for 14 days with the neighbouring properties 'Homestead' and '24 Main Street'.

Relevant history:

139326- Planning application to demolish a two storey structure and construct a two and a half storey rear extension. Refused 7 June 2019.

Representations:

Chairman/Ward member(s):	No representations received to date.
Normanby-By-Spital Parish Council:	No representations received to date.
Local residents:	<p>Homestead- 19 January 2020 The new submitted plans show a negligible difference to those previously submitted. Our concerns remain the same:</p> <ol style="list-style-type: none"> 1. The number of windows overlooking our property leave us with little to no privacy. 2. Increased soil flow through ancient pipework. <p>Further to these concerns we wish to highlight the following facts:</p> <ol style="list-style-type: none"> 1. The bi-fold doors open towards our property which would result in all noise being directed towards us. 2. A substantial new build within the garden, shown on no plans, to accommodation standard, with water and soil piping. 3. The artist impression creates a false image of the property with an open garden which is very much not the case. <p>Homestead- 4 December 2019 (In summary)</p> <ul style="list-style-type: none"> • We appreciate the alterations to the original proposals however our original concerns have still not been addressed; • The extension is large and sets a dangerous precedent; • There is currently a single storey building being built in the rear garden clearly of accommodation standard and larger than any original outbuildings; • The new extension will directly overlook all of our plot with the addition of more windows; • We will be completely dominated by a large structure; • Concerns in relation to foul drainage and ancient pipework which crosses our plot. <p>The Olde Post Office, 24 Main Street-21 January 2020 (In summary)</p> <ul style="list-style-type: none"> • In our opinion the changes that have been made make minimal impact as far as our objections are concerned, which remain exactly the same as our comments (4/12/19) • Concerns with the height and extent of the extension, along with the proximity to our house; • Adverse impact on our windows to the back of our house and loss of privacy;

	<ul style="list-style-type: none"> • We dispute the sun tracking diagrams which show that there will be no impact on our property; • The photographs we provided previously clearly indicate that the proposed building will have significant impact on light. <p>The Olde Post Office, 24 Main Street- 4 December 2019 (In summary)</p> <ul style="list-style-type: none"> • Whilst we appreciate that the applicants have responded to our original objections by making alterations to their proposals, we were not consulted before the new plans were prepared; • We still have serious concerns/issues in relation to their proposals; • General objection is the overall height and extent of the new build extension together with its proximity to our house; • Concerns with dominance and loss of light in our private courtyard area and habitable windows; • Right to light, we believe the current layout of no. 22 was designed so as to allow light into the rooms at the back of 24; • Loss of privacy- The current window is a narrow frosted one that is a reasonable distance from our property. The proposed 2 windows are significantly larger and will effectively be directly above the courtyard where we/our guests often sit out, enjoy the sun and talk, and as the windows will be directly overlooking/above the courtyard/rooms at the back of the house, we believe that even with frosting their proposal will lead to an invasion of our privacy.
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.
Archaeology:	No representations received to date.
IDOX:	Checked 22/01/2020

Relevant Planning Policies:	
National guidance	National Planning Policy Framework https://www.gov.uk/guidance/national-planning-policy-framework National Planning Practice Guidance https://www.gov.uk/government/collections/planning-practice-guidance

Local Guidance	<p>Central Lincolnshire Local Plan (2012 -2036):</p> <p>LP1: A Presumption in Favour of Sustainable Development LP17: Landscape, Townscape and Views LP26: Design and Amenity</p> <p><i>With consideration to paragraph 213 of the National Planning Policy Framework (February 2019) the above policies are consistent with the NPPF (February 2019).</i></p> <p>https://www.n-kesteven.gov.uk/central-lincolnshire/local-plan/</p>
Neighbourhood Plan:	<p>Whilst the area was designated as a Neighbourhood Area in June 2017, to date there is no neighbourhood plan in circulation.</p>

POLICY LP26 – Design and Amenity

Is the proposal well designed in relation to its siting, height, scale, massing and form?

Yes.

The existing two storey elements to the rear protrude by 6.5 metres, the new proposed two storey extensions are to be 7.7 metres in length and have a total height of 7.1 metres. The existing ridge height of the two storey element is 6.7 metres, meaning an increase of approximately 0.4 metres. The existing flat roof two storey element adjacent to the boundary with 24 Main Street measures 5 metres in height.

Through negotiations with the agent, amended plans were received which has broken up the massing of the extension closest to the north boundary with 24 Main Street. The two storey element extends 2.4 metres from the rear wall with a total height of 5.3 metres, the height to the eaves is 4.3 metres, and it then drops to single storey.

It is considered that the amended proposals now relate well to the existing property and will not appear as over dominant features.

Does the proposal respect the existing topography, landscape character, street scene and local distinctiveness of the surrounding area?

The dwelling is set back from the main highway of Main Street and is not read as part of the street scene, there are also tall trees to the front of the site which hides any views of the dwelling, and the proposal is also to the rear.

Does the proposal harm any important local views into, out of or through the site?

No. There are no important views noted.

Does the proposal use appropriate materials which reinforce or enhance local distinctiveness?

Yes. The materials are satisfactory.

Does the proposal adversely affect the residential amenity of neighbouring properties by virtue of overlooking, overshadowing, loss of light or over dominance?

No.

Dominance and Overshadowing

The proposed extension will be located 2.1 metres away from the north boundary with 24 Main Street which has a private courtyard and windows adjoining this boundary, there is also a high wall in between the properties. The proposed height of the extension closest to this boundary will be 5.3 metres, this is an increase of 0.3 metres in comparison to the existing element. This extension then drops to single storey. Whilst the extension will be located further towards the boundary it is considered that the break-up of the massing of the extension closest to the boundary will not adversely affect the amenity space or windows by virtue of over dominance.

As a result of the orientation of the site and the proposed siting, the proposal has the potential to cause overshadowing over No.24. Overshadowing already occurs in this courtyard area of no.24 from the dwelling which is the subject of this application and from the 2 metre high boundary wall.

Overlooking

The proposals include two first floor windows on the north elevation, one serves an en-suite and one serves a bathroom, the agent for the application has confirmed by email dated 21 January 2020 that these will both be obscurely glazed, if permission were to be granted then a condition would be placed on the decision notice to ensure these stayed obscurely glazed for the lifetime of the development.

There is no new overlooking from the south elevation, there will however be additional overlooking in this elevation in the form of first floor bedroom windows, there is a separation distance of 10 metres from the boundary with no. 20 Main Street, and it is therefore considered that the amenity of this occupier would not be adversely affected.

If permission were to be granted a condition removing certain permitted development rights in relation the insertion of any new windows, dormer windows and roof lights is considered to be appropriate.

When considering the above, on balance it is considered that the impact of the extensions on the private amenity space of the neighbouring properties would not be significantly different than the existing arrangement and therefore the proposals accord to LP26.

Does the proposal adversely impact any existing natural or historic features?

No.

Other considerations:

Does the proposal enable an adequate amount of private garden space to remain?

Yes. The garden to the rear is large.

Does the proposal enable an adequate level of off street parking to remain?

Yes.

Foul Water Disposal

Concerns were raised from the occupiers at 20 Main Street regarding the increase in sewerage as a result from the enlargement of the dwelling. It is not a requirement on the Householder Planning Application Form to show proposed methods for the disposal of foul and surface water drainage as it is thought that extensions to dwellings and other proposals will plug into the existing systems that serve the host property. Part H of the Building Regulations will also deal with this issue.

Conclusion and reasons for decision:

The decision has been considered against the policies LP1 A Presumption in Favour of Sustainable Development, LP17 Landscape and Townscape and Views and LP26 Design and Amenity of the Central Lincolnshire Local Plan in the first instance and guidance contained within the National Planning Policy Framework and the National Planning Practice Guidance. In light of this assessment it is considered that the design is appropriate and the development would not detrimentally impact the character of the area or the dwelling. No harm would arise to highway safety. The proposal will not result in significant detrimental impact upon the living conditions of neighbouring properties. The proposal is therefore acceptable.

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

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

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

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

2. With the exception of the detailed matters referred to by the conditions of this consent, the development hereby approved shall be carried out in accordance with the following drawings: 12-412-02 C, 12-412-03 D received 8 January 2020. The works shall be carried out in accordance with the details shown on the approved plans.

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

3. The materials used in the development shall match those stated on the application form.

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

Conditions to be observed following the completion of the development:

4. The first floor windows on the north elevation that serve the 'bathroom' and 'en-suite' shall be obscure glazed and retained thereafter.

Reason: To protect the neighbour's amenity from undue loss of privacy from overlooking in accordance with the National Planning Policy Framework and LP26 of the Central Lincolnshire Local Plan.

5. Notwithstanding the provisions of Classes A, B,C, of Schedule 2 Part 1, of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended) (or any order revoking or re-enacting that Order), there shall be no external alterations to the dwelling including the insertion of new windows, or dormer windows or extensions other than authorised by this permission.

Reason: To safeguard the character and appearance of the building and the local area and to avoid adverse impacts on adjoining residential amenities through loss of privacy, overlooking and over dominance in accordance with Policy LP17 and Policy LP26 of the Central Lincolnshire Local Plan.

Human Rights Implications:

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

Legal Implications:

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

Site location plan



Officers Report

Planning Application No: 140150

PROPOSAL: Planning application for 1 no. agricultural workers dwelling

LOCATION: Land at South Carr Brandywharf Road Waddingham

Lincolnshire DN21 4SW

WARD: Waddingham and Spital

WARD MEMBER: Cllr J J Summers

APPLICANT NAME: Darryl Tutty

TARGET DECISION DATE: 11/12/2019 (Extension of time agreed until 6th February 2020)

DEVELOPMENT TYPE: Minor - Dwellings

CASE OFFICER: Vicky Maplethorpe

RECOMMENDED DECISION: Refuse permission

This application has been referred to the Planning Committee at the request of the Ward Member.

Description:

The application site is located in the open countryside, approximately 2 miles to the east of Waddingham and currently comprises of three farm buildings. The site is accessed from Brandy Wharf Road. Fen Cottage and South Carr Farm (house) are located directly adjacent the farmyard. The surrounding area is open agricultural land.

The site is within Flood Zone 3 (high probability).

The application seeks planning permission for 1 dwelling in connection with an existing agricultural business on site.

The proposed dwelling is two storey with integral garage. It measure 31m in width and 13.6m overall width. The plans indicate over 325 square metres gross internal area (GIA).

Relevant history:

139242 - Outline planning application to erect 1no. dwelling in connection with an agricultural business with all matters reserved - resubmission of 138517, Refused 17/5/19.

138517 - Outline planning application to erect 1no. dwelling in connection with an agricultural business, all matters reserved, Refused, 7/12/18.

Representations:

Chairman/Ward member(s): Comments received from Cllr Summers on 25/11/19 *'This application is due to the expansion of this now very large agricultural business spanning Nth Lincolnshire, farming in excess of 5000 acres. . Based on the practice of contract farming , Mr Tutty is also a farm owner. The contracts last for several years. Specialising in the growing of combinable crops and sugar beet. The operation is based around a fleet of very large and very expensive machines working day and night on occasion but housed at Sth Carr Farm when not in use. Lincolnshire police have admitted they cannot appropriately police the rural countryside. (eg. Caistor post office was burgled last year and the Police didn't visit the scene.) i know this is not a planning consideration but businesses need to protect their assets.*

At present Mr. Tutty lives in Waddingham and has a serious need to better protect his assets! The size of his business also has a great need to employ several local people. The proposal is in flood zone three but as described in the EA report this can be mitigated for by adding 0.3 of a metre to the height of the damp proof coarse and associated works. The proposal is of a family house , with office space to accommodate there needs and nothing more. i can support this progressive family and respectfully ask if you are minded to refuse this application, i request it is considered by the planning committee.'
NOTING POLICIES. LP1. LP5. LP 10. LP55.

Waddingham Parish Council: 'Waddingham Parish Council fully support this application.'

Local residents: None received

LCC Highways: No objections, request informatives on the formation of the new vehicular access.

Environment Agency: *'We have reviewed the FRA submitted and consider that it satisfactorily addresses our earlier concerns. Subject to the condition below, we therefore withdraw our previous objection, dated 06 November 2019. **Environment Agency position** The proposed development will only meet the National Planning Policy Framework's requirements in relation to flood risk if the following planning condition is included.*

Condition *The development shall be carried out in accordance with the submitted flood risk assessment (ref: J3689) dated 08 October 2019 and the following mitigation measures it details:*

- Finished floor levels shall be set no lower than 800mm above existing ground level*
- The development shall have at least two storeys*
- Flood resilience and resistance measures to be incorporated into the proposed development as stated'*

Archaeology: None received

Relevant Planning Policies:

Planning law requires that planning decisions are made in accordance with the development plan, unless there are material considerations to indicate otherwise. Here, the relevant part of the development plan is the Central Lincolnshire Local Plan.

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

Policy LP55: Development in the Countryside

With consideration to paragraph 213 of the National Planning Policy Framework (July 2018) the above policies are consistent with the NPPF (July 2018) and full weight can be attached to them.

Waddingham and Brandy Wharf Neighbourhood Plan

Draft Plan published 31st March 2019.

Paragraph 48 of the NPPF states:

Local planning authorities may give weight to relevant policies in emerging plans according to:

- (a) the stage of preparation of the emerging plan (the more advanced its preparation, the greater the weight that may be given);
- (b) the extent to which there are unresolved objections to relevant policies (the less significant the unresolved objections, the greater the weight that may be given); and
- (c) the degree of consistency of the relevant policies in the emerging plan to this Framework (the closer the policies in the emerging plan to the policies in the Framework, the greater the weight that may be given)

The First Draft of the NP was published 31st March 2019 (reg 14 stage) and is yet to be submitted to the Local Planning Authority (reg 16). It therefore remains at an early stage, and only limited weight should be attached to the NP at this time.

National Planning Policy Framework and Planning Practice Guidance

Main issues

- Principle
- Impact on neighbouring properties, streetscene and countryside
- Flood risk
- Highways

- Drainage

Assessment:

Principle

The site is within the countryside therefore tier 8 of policy LP2 applies. It permits development demonstrably essential to the effective operation of agriculture or proposals falling under policy LP55.

Policy LP55 Part D relates to new dwellings in the countryside and states;

“Applications for new dwellings will only be acceptable where they are essential to the effective operation of rural operations listed in policy LP2. Applications should be accompanied by evidence of:

- a. Details of the rural operation that will be supported by the dwelling;*
 - b. The need for the dwelling;*
 - c. The number of workers (full and part time) that will occupy the dwelling;*
 - d. The length of time the enterprise the dwelling will support has been established;*
 - e. The ongoing concern of the associated rural enterprise through the submission of business accounts or a detailed business plan;*
 - f. The availability of other suitable accommodation on site or in the area; and*
 - g. Details of how the proposed size of the dwelling relates to the enterprise.*
- Any such development will be subject to a restrictive occupancy condition.”*

PPS7 was also used previously to assess agricultural workers dwellings and whilst this was revoked with the introduction of the NPPF, in the appeal decision of APP/N2535/A/12/2186890 the inspector stated that “Various appeal decisions made since the Framework was published suggest that the PPS7 tests could be a material consideration when determining whether a worker’s dwelling would meet an essential need.”

Submitted information relevant to each element of Part D of LP55 is set out below;

a) The submitted appraisal states that the rural operation, DT Contracting Beet Ltd is a substantial mixed arable farming enterprise which specialises in growing sugar beet across northern Lincolnshire; this extends to 6000 acres of land in the region, with a base at South Carr, Waddingham. The business specialises in all aspects of sugar beet and fodder beet growing from land preparation through to harvesting. The company also looks after cultivations for maize crops which is a rapidly increasing part of the local agricultural scene. Since the determination of the last application, 139242, the situation has changed and the applicant has now joined his parents in running of South Carr Farm where cereal crops are grown and grazing provided for sheep with approx. 30-40 ewes.

b) The appraisal states there is a need for someone to be on site most of the time. This is because much of the work is carried out beyond the normal working day. There is regular evening work doing routine and emergency

maintenance or repairs. Most of which is undertaken by the applicant, Mr Tutty.

Since the refusal of application 139242 the applicant now runs his business in conjunction with the family farm which includes livestock in the form of 30-40 ewes. Within the appraisal it states 'livestock rustling is an increasing problem and that the presence at night of a resident employee will greatly reduce the risk of disruption to the business as well as ensuring the welfare of livestock'. The protection of livestock from theft or injury may contribute to the need for an agricultural workers dwelling, however it is not by itself sufficient to justify one.

It is accepted that the nature of farming requires work throughout the day and night. However, the applicant currently only lives approx. 4 miles (a 9 minute drive) from the site and although it would be more convenient for a farm worker to live next to the farm, convenience is not an "essential" need. It is understood that the applicant previously lived in Waddingham, just a 5 minute drive from the site but has since sold this property and moved further away to Atterby.

The appraisal also states that by providing a new dwelling it will also provide good facilities for the employees. There are already buildings on site that could provide employee facilities - it is not essential to have a new dwelling to do this.

The submitted appraisal also states that machinery used in the business is highly specialised and expensive and that it is stored outdoors in the farmyard and that just in excess of £1 million has been invested in machinery alone in recent years. It goes on to say that the two neighbouring dwellings are not part of the business and that the farmyard is in a remote rural location. The farmyard is not fully remote as there are two dwellings directly adjacent the farm buildings. One is the farm house originally associated with South Carr Farm and lived in by Mr Tutty's brother, who has his own farming business and the other dwelling is Fen Cottage which is unrelated to the farming business. Even though these dwellings are unrelated to the business both are a physical presence immediately adjacent the farmyard and therefore form a habitable presence at the site to some degree.

In the appeal APP/N2535/A/12/2186890, this was for a proposed dwelling for a farm of 505 acres. In this appeal the inspector attached "little weight to the argument that the development is required for security reasons". The appellant had also "not shown that there is an essential need for a rural worker to live permanently at or near this place of work." It is accepted that there are difficulties with policing rural areas and that there would be some security benefits of having a day and night presence at the site – however, the erection of a new dwelling does not secure a 24/7 security presence (and an empty house in a remote location, in itself may form a target as much as a deterrent). Furthermore, there are already two dwellinghouses adjacent the site – it is not therefore demonstrated that it is necessary to have a third dwelling in order to "secure" the site. The financial value and nature of the

machinery is substantial to the business and any set back could endanger its viability, however 'security reasons' do not constitute an essential need in planning terms. Furthermore no information has been provided as to what current security measures are on site or what security measures have been explored for example CCTV could manage security remotely.

The appraisal goes on to state that the dwelling proposed seeks to protect vulnerable human beings who otherwise would often be working remotely, using large pieces of modern and very powerful agricultural equipment. A letter from NFU Risk Management Services has been provided with the application supporting the proposed dwelling.

Unfortunately, many farmers and farmworkers have accidents while working on their farms, the consequences of which would be less serious if someone else was around to help. However, there can be no guarantee that someone would be around to help, even when a farm has more than one worker. The reality is that most farmers and farmworkers have to spend long hours working alone.

It is considered that the existing dwelling in Atterby, currently occupied by the applicant, meets the needs of the enterprise, and there is insufficient evidence to demonstrate, however desirable, that there is an essential need for a new dwelling on the site.

c) Mr Tutty and his family will occupy the dwelling.

d) and e) The submitted appraisal states that the business has been operating for twenty years and since those early days the business has continued to be a profitable and growing business. Originally operating from the family farmyard at South Carr Farm, since 2014 Mr Tutty has operated separately from, and now is based in a premises purchased from the family at South Carr, Waddingham.

The business supports four full time employees and three part time employees.

f) The agent confirmed that the applicant and his family currently live in Atterby just under 4 miles away from the site which equates approximately to a 9 minute car journey. The applicant already lives close to the site. It is not felt that an essential need has been demonstrated to live directly on site. The NPPF seeks to avoid isolated homes in the countryside (paragraph 79) unless certain criteria are met such as where "there is an essential need for a rural worker, including those taking majority control of a business to live permanently at or near their place of work in the countryside". The applicant already lives nearby.

The case officer also undertook a search on property website "Right Move" on 09/01/20 for properties within a 1 mile (approx) radius of the site. No properties were available, however increasing the radius to 3 miles encompasses the villages of Waddingham, Snitterby, South Kelsey and North Kelsey. Within this 3 mile search area 15 properties were available ranging from 6 bedrooms to 2 bedrooms. Ranging in price from £945,000 to £125,000 within the nearby villages including 2 dwellings with agricultural ties. Some of

the houses for sale appear to be affordable and in reasonably close proximity to the site. There are also 3 plots of land for sale in South Kelsey ranging in price from £100,000 - £110,000. It should also be noted that the applicant has recently moved from Waddingham and currently lives in Atterby, slightly further away from the site but still within 4 miles. Therefore it is considered that there are other housing alternatives available.

g) The proposed dwelling is a 3 bedroomed farm house, incorporating a farm office and decontamination accommodation in the form of large utility room and shower room. Within the Planning Statement it states that 'the enterprise can support the size of dwelling proposed' but no details have been submitted on how the size of the dwelling relates to the enterprise.

There is no dispute that it would be more convenient for a farm worker to live next to the farm, convenience, however, is not an "essential" need, and while security and employee health and safety contribute to the need for an agricultural dwelling they are not sufficient reasons to justify one. The farm has operated successfully for 20 years without the need for a dwelling on the site. The support of the Local Ward Member and Parish Council is noted, however the principle of the proposal cannot be supported as it is contrary to policy LP55 Part D of the Central Lincolnshire Local Plan and the provisions of the National Planning Policy Framework.

Policy LP55 is consistent with paragraph 79 of the NPPF which states that planning policies and decisions should avoid the development of isolated homes in the countryside unless one or more of the following circumstances apply:

(a) there is an essential need for a rural worker, including those taking majority control of a farm business, to live permanently at or near their place of work in the countryside;

Policy LP55 can therefore be attached full weight.

Therefore it is considered that no significant justification has been provided as to why it is essential for a new dwelling on the site in this open countryside location.

The draft Neighbourhood Plan is at an early stage and can only be afforded limited weight. However, draft policy 3 only gives support to "small scale infilling and the conversion of existing buildings" and does not appear to include any policies that would support the proposal.

Impact on neighbouring properties, streetscene and surrounding countryside
The dwelling is located within a large plot over 70m from Fen Cottage and South Carr Farm house, therefore there will be no adverse impacts expected on the residential amenities of the neighbouring houses and the development would comply with policy LP26 in this regard.

The dwelling is a large (the plans indicate over 325sqm GIA) 3 bed property and includes an office and double garage. It is to be constructed from brick and tile and will be 8.1m high. The dwelling is to be located within a field over 30m to the rear of the existing farm yard. The proposed dwelling would appear detached from the group of farm building and existing farm house and bungalow when viewed from the surrounding countryside and would appear as a prominent and incongruent feature within the landscape and would therefore be contrary to policy LP26 in this regard.

Flood risk

The site is located within Flood Zone 3 (high probability). A Flood Risk Assessment (FRA) has been provided with the application. This general approach to flood risk is to ensure that areas at little or no risk of flooding from any source are developed in preference to areas at higher risk. The aim should be to keep development out of medium and high flood risk areas (Flood Zones 2 and 3) and other areas affected by other sources of flooding where possible. This is done through the application of the Sequential Test. The submitted FRA states that 'The proposal is for a dwelling in conjunction with the agricultural business operated from the site.' However, despite there being no objections from the Environment Agency and as concluded above no 'essential' need has been proven and other properties for sale have been identified which are at a lower risk of flooding.

It is considered therefore that, without compliance with policy LP55 to demonstrate an essential need for an agricultural worker, the development of a single dwelling would also fail to comply with the policy LP14 Sequential Test.

Highways

Access will be via the existing farm road off Waddingham Road. There are no concerns regarding highway safety.

Drainage

The Internal Drainage Board have stated that 'The application may increase the impermeable area to the site and the applicant will therefore need to ensure that any existing or proposed surface water system has the capacity to accommodate any increase in surface water discharge from the site.' Any planning permission will be condition to ensure adequate surface water drainage facilities are provided to serve the site.

Conclusion

It is considered that it has not been demonstrated that there is an essential need for a new dwelling in this open countryside location. There is not sufficient justification for a worker to be present permanently on site and that the proposed dwelling is otherwise essential to the efficient and operational running of the enterprise. The proposal is therefore contrary to policy LP55 of the Central Lincolnshire Local Plan and paragraph 79 of the National Planning Policy Framework.

The proposed dwelling, by virtue of its physical detachment from the existing farm yard; and the introduction of a new dwelling in this location would result

in significant harm to the character and appearance of the surrounding countryside.

The proposed dwelling is located within Flood Zone 3 (High Probability of Flooding). The submitted Flood Risk Assessment (FRA) fails to demonstrate that there are no alternative sites reasonably available to accommodate the applicant, which are at a lower risk of flooding. The proposal therefore fails to meet the provisions of the Sequential Test and the Exceptions Test contrary to policy LP14 of the Central Lincolnshire Local Plan and the National Planning Policy Framework.

Human Rights Implications:

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

Legal Implications:

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

Site plan



Officer's Report

Planning Application No: 140242

PROPOSAL: Planning application for removal of prefabricated double garage and construction of double garage with additional habitable space/games room above.

LOCATION: 12 Ulster Road Gainsborough Lincolnshire DN21 2QX
WARD: Gainsborough North
WARD MEMBER(S): Cllr M Boles, Cllr K Panter and Cllr J Snee
APPLICANT NAME: Mr M Clarkson and Miss C Mountcastle

TARGET DECISION DATE: 30/12/2019
DEVELOPMENT TYPE: Householder Development
CASE OFFICER: Vicky Maplethorpe

RECOMMENDED DECISION: Grant permission

Description:	
The application site comprises a detached house with detached double garage located within Gainsborough.	
The site slopes up from the road to the rear of the site.	
The site is surrounded by residential dwellings with a railway line directly to the rear.	
The application seeks to replace the existing double garage with a new brick and tile double garage with games room in the roof space.	
The application is presented to committee as the applicant is an employee of the Council.	

Relevant history:	
None	

Representations:	
Chairman/Ward member(s):	None received
Parish/Town Council/Meeting:	'Members had NO OBJECTIONS to the application, but would suggest asbestos is checked for and dealt with in the appropriate manner.'
Local residents:	None received
LCC Highways:	No objections
Archaeology:	No objections
IDOX:	Checked 10/1/20

Relevant Planning Policies:	
National guidance	National Planning Policy Framework

	https://www.gov.uk/guidance/national-planning-policy-framework Planning Practice Guidance https://www.gov.uk/government/collections/planning-practice-guidance
Local Guidance	Central Lincolnshire Local Plan 2012-2036 (CLLP); Policy LP1: A Presumption in Favour of Sustainable Development Policy LP17: Landscape, Townscape and Views Policy LP26: Design and Amenity https://www.n-kesteven.gov.uk/central-lincolnshire/local-plan/
Neighbourhood Plan:	Gainsborough has a Draft Neighbourhood Plan

POLICY LP26 – Design and Amenity

Is the proposal well designed in relation to its siting, height, scale, massing and form?

Amended plans were submitted during the consideration of this application following concerns raised by the planning officer over the size and scale of the proposed garage. This resulted in a reduction in the overall massing and achieved a better design and in this respect accords with this element of policy LP26 of the CLLP.

Does the proposal respect the existing topography, landscape character, street scene and local distinctiveness of the surrounding area?

Yes. The garage is to be built in materials and style that is in keeping with the area.

Does the proposal harm any important local views into, out of or through the site?

No the proposal does not harm any important views in this general housing area.

Does the proposal use appropriate materials which reinforce or enhance local distinctiveness?

Yes. The proposed materials are to match the existing dwelling.

Does the proposal adversely affect the residential amenity of neighbouring properties by virtue of overlooking, overshadowing, loss of light or over dominance?

No. Due to the location and positioning of windows there will be no direct overlooking of neighbouring properties and due to the size, scale and location of the proposed garage it will not result in material overshadowing or over dominance.

Does the proposal adversely impact any existing natural or historic features?

No.

Other considerations:

Does the proposal enable an adequate amount of private garden space to remain?

Yes a large rear garden will remain.

Does the proposal enable an adequate level of off street parking to remain?

Yes, parking for several vehicles will remain on site.

The Parish Council request that any asbestos is dealt with in an appropriate manner. The removal of asbestos is not controlled through the planning process and is dealt with under other legislation.

Conclusion and reasons for decision:

The proposal has been assessed against Central Lincolnshire Local Plan Policies LP1, LP17 and LP26 as well as all other material considerations, including guidance within the National Planning Policy Framework. As a result of the assessment it is considered that the proposed garage is acceptable in design and amenity terms and highways safety.

Recommended conditions:

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

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

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

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

2. With the exception of the detailed matters referred to by the conditions of this consent, the development hereby approved shall be carried out in accordance with drawing A-101 Rev P1 dated July 2019. The works shall be carried out in accordance with the details shown on the approved plan and in any other approved documents forming part of the application.

Reason: To ensure the development proceeds in accordance with the approved plans and to accord with the National Planning Policy Framework and local policies LP1, LP17 and LP26 of the Central Lincolnshire Local Plan.

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

None

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 7



Planning Committee

Wednesday, 5 February
2020

Subject: Determination of Planning Appeals

Report by:

Chief Executive

Contact Officer:

Ian Knowles
Chief Executive
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 Andrew Judge against the decision of West Lindsey District Council to refuse planning permission to erect 2no. general purpose agricultural buildings and 2no. silos at Red Hog Pastures, Main Street, Apley, Market Rasen, LN8 5JQ

Appeal Dismissed – See copy letter attached as Appendix Bi.

Officer Decision – Refuse permission

- ii) Appeal by Mr and Mrs Waghorn against the decision of West Lindsey District Council to refuse planning permission to erect 1no. dwelling with detached garage at Land to south of South Street, North Kelsey, Market Rasen LN7 6EU

Appeal Dismissed – See copy letter attached as Appendix Bii.

Officer Decision – Refuse permission

Committee Decision – Refuse permission

- iii) Appeal by Mr Andrew Ward against the decision of West Lindsey District Council to refuse planning permission to erect a six foot wooden fence with concrete slotted posts to the front of Highcroft, Highborpe, Southrey, Lincoln LN3 5TB. The application was retrospective.

Appeal Dismissed – See copy letter attached as Appendix Biii.

Officer Decision – Refuse permission

- iv) Appeal by Mr Stewart Smith against the decision of West Lindsey District Council to refuse planning permission to change the use of the land for the siting of 84 chalet lodge units, site manager's accommodation, multi-functional space and a reception/manager's office at Holywell Grange, Moor Road, Snitterby DN21 4UH.

Appeal Dismissed – See copy letter attached as Appendix Biv.

Officer Decision – Refuse permission

Committee decision – Refuse permission

Costs decision – dismissed (attached at Appendix Bv)



Appeal Decision

Site visit made on 19 November 2019

by Mr W Johnson BA(Hons) DipTP DipUDR MRTPI

an Inspector appointed by the Secretary of State

Decision date: 30 December 2019

Appeal Ref: APP/N2535/W/19/3235657

Red Hog Pastures, Main Street, Apley, Market Rasen LN8 5JQ

- 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 Andrew Judge against the decision of West Lindsey District Council.
 - The application Ref 139344, dated 18 April 2019, was refused by notice dated 30 May 2019.
 - The development proposed is to erect 2no. general purpose agricultural buildings and 2no. silos.
-

Decision

1. The appeal is dismissed.

Main Issues

2. The main issues of this appeal are:
 - the effect of the proposed development on the minerals safeguarding area;
 - whether a functional agricultural need for the proposed development has been demonstrated;
 - the effect of the proposed development on the character and appearance of the appeal site and surrounding area; and,
 - the effect of the proposed development on matters of contamination and drainage.

Reasons

Minerals Safeguarding Area

3. The appeal site lies within a sand and gravel minerals safeguarding area. Policy M11 of the Lincolnshire Minerals and Waste Local Plan Core Strategy and Development Management Policies 2016 (MWLP) requires proposals for developments in the Mineral Safeguarding Areas to be accompanied by a minerals assessment. The Policy also seeks to ensure that mineral resources of current or future economic importance are protected from permanent sterilisation by other development.
4. MWLP Policy M11 provides for planning permission to be granted where development would not sterilise mineral resources or prevent future minerals extraction on neighbouring land, or where a developer can demonstrate that

prior extraction of the mineral would be impracticable, and that the development could not reasonably be sited elsewhere. There is no minerals assessment accompanying the application and I note that the proposed development does not meet any of the exceptions listed in MWLP Policy M11.

5. For the reasons given above, I cannot be certain that the proposed development would not significantly harm the minerals safeguarding area. Therefore, the proposed development fails to comply with MWLP Policy M11 and the National Planning Policy Framework (the Framework).

Whether needed for agriculture

6. The Council argues that the appellant has not demonstrated an agricultural need for the buildings and structures, and so it is not justified under Policies LP2 and LP55 of the Central Lincolnshire Local Plan (LP). The application form and appeal form indicate that the area of the site extends to approximately 0.7ha and is located in the open countryside.
7. I note that the appellant asserts that the site cannot be used for 'cropping' due to its size but is suited to the storage of straw and other agricultural materials for use elsewhere, and not taking up valuable arable land. However, LP Policy LP2 requires a demonstration essential to the effective operation of agriculture, horticulture, forestry, outdoor recreation, transport or utility services, and LP Policy LP55 requires the rural location of the enterprise is justifiable to maintain or enhance the rural economy, amongst other things.
8. The Framework is a material consideration in the determination of this appeal. Paragraph 83 of the Framework states that planning policies and decisions should enable the sustainable growth and expansion of all types of business in rural areas, both through conversion of existing buildings and well-designed new buildings; and the development and diversification of agricultural and other land-based rural businesses.
9. However, there is little firm evidence concerning how the proposed development would operate in the wider agricultural community or where the straw and other agricultural materials that are intended to be stored in the building would be obtained. Given the limited size of the site and the lack of specific detail surrounding the items that would be stored in the proposed building, I cannot be certain that the scale of the proposed development is reasonably necessary for the purposes of agriculture.
10. For the reasons given above, I conclude on the available evidence that I am not persuaded that a functional agricultural need for the proposed development has been demonstrated. The proposed development would therefore fail to comply with the operational requirements of agriculture and rural enterprise aims of LP Policies LP2, LP55 and the Framework.

Character an appearance

11. Surrounding the site are other fields. I acknowledge that the site is enclosed by post and wire fencing, with hedgerows. Additionally, I note that earth bunds partially serve the site, mainly on the front boundary with the road. On the evidence before me, including my findings during my visit the proposed development would still be visible from the adjoining fields and wider countryside, especially from views towards the rear boundary of the site, where the proposed buildings would be closely sited, in particular Building No1.

12. I accept that the proposed development would have the typical appearance of agricultural buildings and structures that would not be uncommon on a farm holding. Moreover, the materials proposed for construction in this instance would be agricultural in appearance. However, the countryside, such as that surrounding the appeal site, generally has an open and spacious character. Paragraph 170 of the Framework states that decisions should contribute to and enhance the natural and local environment by, amongst other things, recognising the intrinsic character and beauty of the countryside.
13. The scale of the proposed buildings would be a noticeable feature in the landscape. Given my findings on the previous issue, I cannot be certain that the proposed development is of an acceptable scale. Thus, as the scheme would be notable in size, especially when compared to the size of the holding, it would be very noticeable in the landscape due to its relatively exposed location.
14. For the reasons given above, I conclude that the proposed development would cause significant harm to the character and appearance of the appeal site and the surrounding countryside. The proposed development would therefore fail to comply with the character and appearance aims of LP Policy LP17 and the Framework.

Contamination and drainage

15. There is no dispute between the main parties that the site historically was once used for the exploration of oil¹. From the evidence before me, operations ceased in October 1986 and restoration of the site was completed in accordance with details agreed on 21 October 1986. I note in the appellant's submission, correspondence² with the Oil and Gas Authority (OGA) confirming an agreement to the revision to the restoration of the site, to permit the retention of hard standing and the surrounding bund. Additionally, I note that the OGA consider the site was restored as required by the planning permission, albeit without prejudice.
16. The comments received from the Lead Local Flood Authority (LLFA), which amongst other things is responsible for the management of surface water flood risk, were also consulted on the proposed development and did not object to it. On the details before me, no substantive evidence has been provided that causes me to question the consultation response of the LLFA or demonstrates that contamination still exists at the site, contrary to the beliefs of the OAG. I find these factors to be a material consideration of significant weight in the determination of this appeal.
17. In the particular circumstances surrounding the proposed development, with particular regard to the planning history of the site, I find that in the absence of substantive evidence to the contrary, the issues of contamination and drainage, in this instance, could be addressed through the imposition of suitably worded conditions. Such conditions would be able to ensure that preventative measures would be in place regarding potential sources of contamination and the implementation of a Sustainable Urban Drainage Scheme as proposed. This would ensure that future occupiers of the site and neighbouring land would be protected. In this instance, I am satisfied that

¹ W/2/277/85 dated 3 April 1985 approved 6 Nov 1985

² Email dated 2 November 2019

otherwise unacceptable development could be made acceptable through the use of conditions³.

18. For the reasons given above, I conclude that the proposed development would not cause significant harm with regard to contamination and drainage. The proposed development would therefore comply with the contamination and drainage aims of LP Policies LP14, LP16 and the Framework.

Other Matters

19. I note the appellant's comments about the way the Council handled the application. However, this matter is not material to the assessment of the appeal before me. I have considered this appeal proposal on its own merits and concluded that it would cause harm for the reasons set out above.

Planning Balance and Conclusion

20. Section 38(6) of the Planning and Compulsory Purchase Act 2004 requires this appeal to be determined in accordance with the development plan unless material considerations indicate otherwise.
21. I have found that the proposal does not create any significant harmful effects from a contamination and drainage point of view. Additionally, I note that no objection has been received from the Local Highway Authority. However, these are neutral matters in the overall planning balance. Whilst the proposal would lead to some social and economic benefits, these would be relatively limited in extent, and would not significantly and demonstrably outweigh the clear and substantial harm that would be caused to the minerals safeguarding area and the character and appearance of the appeal site and the surrounding area.
22. The proposal would therefore fail to comply with the development plan when taken as a whole, and there are no other considerations which outweigh this finding. It would also fail to accord with the requirements of the Framework.
23. Taking all matters into consideration, I conclude that the appeal should be dismissed.

W Johnson

INSPECTOR

³ Paragraph 54 of the Framework



Appeal Decision

Site visit made on 18 December 2019

by Darren Hendley BA(Hons) MA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 7th January 2020

Appeal Ref: APP/N2535/W/19/3237540

Land to south of South Street, North Kelsey, Market Rasen LN7 6EU

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission.
 - The appeal is made by Mr & Mrs Waghorn against the decision of West Lindsey District Council.
 - The application Ref: 139558 dated 6 June 2019, was refused by notice dated 22 August 2019.
 - The development proposed is the erection of 1no. dwelling with detached garage.
-

Decision

1. The appeal is dismissed.

Main Issue

2. The main issue is the effect of the proposal on the character and appearance of the area, in particular whether or not it would retain the core shape and form of the settlement.

Reasons

3. The appeal site consists of land that is found well to the rear of residential properties on the south side of South Street. It was formerly used for quarrying activities and parts of the former rock faces are apparent around its boundaries. Overall, though, it has a restored appearance of grassed land with occasional tree planting. The land to the sides and rear of the site is agricultural in use or woodland and, along with the site, is distinctly countryside in its qualities. Gated access is taken by way of a long grassed track that leads into the site from South Street and between residential properties and their rear gardens.
4. North Kelsey is designated as a medium village under Policy LP2 of the Central Lincolnshire Local Plan 2012-2036 (2017) (Local Plan). The main parties disagree over whether or not the proposal would be in an 'appropriate location' for the purposes of the policy. To qualify as such a location, the site, if developed, is to retain the core shape and form of the settlement, amongst other considerations.
5. Policy LP55 of the Local Plan concerns development in the countryside. If a site is to be deemed in such a location, then new dwellings will only be acceptable where they are essential to the effective operation of rural operations listed in Policy LP2. None of these operations apply in this case.

6. South Street forms a distinct southern edge to the village with its linear pattern of development. Most of the dwellings are located towards their site frontages. The majority of the rest of the development in the village lies to the north. This forms its core shape, in broad terms. In contrast, the proposed dwelling would be located well to the rear of much of the existing development on South Street and would markedly project into the countryside surroundings. It would be at odds with the core shape and form of the village. It would appear, in effect, as an outlier of residential development, beyond the edge of the village and into the countryside.
7. The former quarry has effectively blended back into the landscape. It sits comfortably with its countryside environs of fields and woodland. Accordingly, that the proposal would not extend any further back into the rural landscape than the former quarry would not adequately address the harm that would be caused by the incursion of the proposed dwelling onto this part of the site.
8. My attention has been drawn to 'backland' development on South Street. The associated dwellings do not project as far back as would result from the proposal. They are also located towards the end of this road, where there is more of a clustered arrangement of development near to where a number of roads join. I am satisfied that the circumstances are sufficiently different so as to not alter my conclusion on this issue.
9. In respect of the reason for refusal referring to extending the built footprint of North Kelsey, this simply seems to be describing the effect of the development in these terms. This is of relevance in considering whether or not the proposal accords with Policy LP2, including the effect on the core shape and form of the settlement.
10. The appellant has pointed to an archaeology related consultation response that refers to the site lying in the historic core of the village. To interpret this statement in the context of Policy LP2, though, goes beyond what the response is reasonably intended to inform. It relates to the historic environment, where the Council do not raise objections, not the settlement hierarchy and the appropriate location approach to development that Policy LP2 is concerned with. Hence, it has a limited bearing on my deliberations.
11. I conclude that the proposal would have an unacceptable effect on the character and appearance of the area as it would not retain the core shape and form of the settlement. As such, it would not comply with Policy LP2 because it would not be in an appropriate location. Nor would it comply with Policy LP55, as it would constitute a new dwelling in the countryside that would not be permitted under this policy.
12. Policies LP2 and LP55 are also consistent with the National Planning Policy Framework (Framework) which itself sets out to manage rural housing and for development to be sympathetic to local character. The Framework also makes it clear that existing policies should not be considered out-of-date simply because they were adopted prior to its publication. The policies attract full weight in my decision.

Other Matters

13. The proposal would be in a location that would be accessible to local services, and have economic benefits during construction and by way of the future spend

of its occupiers. It would also support the local community and rural vitality, as well as adding to the housing stock. These benefits would, however, be on a minor scale and would not outweigh the harm that would arise. Heritage, flood risk and other environmental considerations which have been raised and are not in dispute attract neutral weight.

14. The appellant considers that the site is previously developed land and cites support for development on such land under the Framework. Still, this support is not unqualified, and includes the matters where harm arises and which is decisive in this case. The same applies in relation to the growth which is permitted in North Kelsey under Policy LP4 of the Local Plan, when Policies LP2 and LP55 are also considered.
15. I am mindful that there were a number of letters of support submitted during the planning application. My decision depends on the planning merits of the case, where I find harm related to character and appearance of the area. Where Policy LP2 refers to the clear demonstration of community support, this seems predicated on pre-application consultation and neither main party has placed great emphasis on this matter in their appeal submissions.
16. The appeal decision¹ that I have been referred to in North Kelsey was for a considerably larger development and there were a broader number of planning considerations that came into play. As a consequence, it attracts limited weight in my decision.

Conclusion

17. For the reasons set out above and having regard to all matters that have been raised, the appeal should be dismissed.

Darren Hendley

INSPECTOR

¹ Appeal ref: APP/N2535/W/19/3233236



Appeal Decision

Site visit made on 7 January 2020

by Darren Hendley BA(Hons) MA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 14th January 2020

Appeal Ref: APP/N2535/D/19/3239404

Highcroft, Highthorpe, Southrey, Lincoln LN3 5TB

- 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 Andrew Ward against the decision of West Lindsey District Council.
 - The application Ref: 139528, dated 25 May 2019, was refused by notice dated 7 August 2019.
 - The development was originally described as "I have erected a six foot wooden fence with concrete slotted posts to the front of my property. This application is retrospective as I did not realise planning permission was required."
-

Decision

1. The appeal is dismissed.

Procedural Matters

2. The description of development in the banner heading above is taken from the planning application form. The Council determined the application on the basis of a planning application to erect a six foot (1.8 metres) wooden fence with concrete posts to the front boundary and, accordingly, so have I.
3. The development has already been carried out and, hence, I have dealt with the appeal on a retrospective basis.

Main Issues

4. The main issues are the effect of the development on (i) the character and appearance of the area; and (ii) the setting of a listed building, Cuckoo Bush Cottage.

Reasons

Character and Appearance

5. The fence runs along the majority of the site frontage on Highthorpe. It is constructed of arched wooden panels that are set between concrete posts. The panels have a decorative appearance and are solid, apart from where the top of each panel contains a lattice-like element that allows views to permeate through this part of the fence. In the proximity of the site, the front boundary treatments along Highthorpe tend to be simple in form and defined by vegetation, low fences and walls, or are unenclosed.

6. Compared to its surroundings, the fence presents a more formal type of enclosure that appears incongruous to the discrete or softer forms of boundary treatment in its vicinity, even with their variety. The decorative design appears out of keeping within this context and the lattice elements do not appreciably lessen the adverse effects that also arise from its size, including its height and predominantly solid form.
7. In addition, the fence is also clearly visible with its siting and as it extends along much of the site frontage. Taking these factors together, the design and the size of the fence has an appreciable detrimental effect on the appearance of the area. This harm is not adequately overcome by the panels being set slightly above ground level, which is less noticeable when viewed from the streetscene.
8. The other boundary treatment around the site which is of a similar design extends away from the site frontage and so it does not have the same level of visual effect. As regards the previous boundary fence on the site frontage, I have limited evidence of its effects as it is no longer in place and so this has a limited bearing on my decision. With the concerns that I have set out, the fence does not constitute achieving well-designed places for the purposes of the National Planning Policy Framework (Framework).
9. I conclude that the development has an unacceptable effect on the character and appearance of the area. As such, it does not comply with Policies LP17 and LP26 of the Central Lincolnshire Local Plan 2012-2036 (2017) (LP) which set out to protect and enhance the intrinsic value of the landscape and townscape, and state that all development proposals must take into consideration the character and local distinctiveness of the area, including that they relate well to the site and the surroundings, amongst other considerations.

Listed Building

10. Cuckoo Bush Cottage¹ is a grade II listed building. It is a thatched cottage that dates from the 17th century with later alterations. It near fronts directly onto Highthorpe and is prominent. Its attractive rural vernacular adds appreciably to its surroundings and this is where much of its significance is derived from.
11. The fence lies directly opposite and is clearly visible from the front of the cottage, separated by the short distance of the roadway, a footway and verge. When the fence's design, including its decorative appearance and the use of concrete posts, is considered with its visibility and the proximity to the listed building, it distracts from the more traditional appearance of this asset and has a harmful effect on the significance of its setting.
12. The appellant has stated that the owner of the listed building is in support of the development. I have to, though, give considerable weight and importance to the statutory duty under Section 66 (1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 concerning the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses. Having regard to the above, I conclude that the development fails to preserve the setting of the listed building.
13. For similar reasons, the development also does not comply with Policy LP25 of the LP because, amidst other matters that the policy is concerned with, the

¹ Named as 'Cookoo Bush Cottage' on the Historic England listing description.

development does not protect the significance of the designated heritage asset (including its setting) and nor can it be supported under the policy as it does not preserve or better reveal the significance of the listed building.

14. The Framework states that when considering the impact of a proposed development on the significance of a designated heritage asset, great weight should be given to the asset's conservation. This is irrespective of whether any potential harm amounts to substantial harm, total loss or less than substantial harm to its significance. In this case, 'less than substantial harm' arises. The public benefits, including the privacy that the fence provides, does not outweigh this harm and so the development does not accord with the Framework in this regard.
15. As a result, the presumption in favour of sustainable development does not apply because the application of policies in the Framework that protect areas or assets of particular importance, related to the designated heritage asset, provides a clear reason for refusing the development.

Conclusion

16. For the reasons set out above and having regard to all matters that have been raised, the appeal should be dismissed.

Darren Hendley

INSPECTOR



Appeal Decision

Hearing Held on 22 October 2019

Site visit made on 22 October 2019

by Mr M Brooker DipTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 23 January 2020

Appeal Ref: APP/N2535/W/19/3231050

Holywell Grange, Moor Road, Snitterby, DN21 4UH

- 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 Stewart Smith against the decision of West Lindsey District Council.
 - The application Ref 138145, dated 27 July 2018, was refused by notice dated 17 December 2018.
 - The development proposed is described as "change the use of the land for the siting of 84 chalet lodge units, site manager's accommodation, multi functional space and a reception/managers office."
-

Decision

1. The appeal is dismissed.

Application for costs

2. At the Hearing an application for costs was made by Mr Stewart Smith against West Lindsey District Council. This application is the subject of a separate Decision.

Preliminary Matters

3. At the hearing it was recognised that the appellant's report 'Financial Viability and Tourism Market Assessment', Hallettec Environmental - July 2018 (FVTMA) had not been published on the Council's website and thus had not been made available to members of the public. Interested parties were given the opportunity to comment on this late evidence and their response has been taken into account in my decision.
4. Furthermore, the Council presented a plan and a photograph showing the garage building at Holywell Grange. The appellant was given the opportunity to comment on this late evidence and their response has been taken into account in my decision.

Main Issues

5. The main issues are:
 - i. Whether or not the appeal site is a suitable location for the proposed development with regards the Development Plan and National Planning Policy Framework (the Framework).

- ii. The effect of the proposed development on the character and appearance of the area.
- iii. The extent to which the proposal would preserve or enhance the setting of Holywell Grange, a Grade II listed building.

Reasons

6. The appeal site is located within a predominately agricultural area approximately 1.25km from Snitterby, a small village. There are a number of residential dwellings in the locality of the appeal site and at the site visit I noted that a number of the adjacent fields were utilised for livestock.
7. The appeal site consists of two fields largely given over to grass but also including a pond, reasonably established trees and is bound by hedgerow. Adjacent to the appeal site is the Grade II listed Holywell Grange, also referred to as Hayes Farmhouse.

Whether or not the appeal site is a suitable location

8. The Council's approach to the consideration of a 'Sustainable Visitor Economy' is set out in Policy LP7 of the Central Lincolnshire Local Plan April 2017 (CLLP). This policy, amongst other things, indicates that visitor facilities including accommodation should be located within existing settlements, or as part of planned urban extensions, unless it can be demonstrated that such locations are unsuitable for the nature of the proposal and there is an overriding benefit to the local economy and/or community and/or environment for locating away from such built up areas; or it relates to an existing visitor facility which is seeking redevelopment or expansion.
9. It was established at the hearing that it is not at dispute between the parties that the nature of the proposed use is such that it is not suitable to be located within existing settlements or as part of a planned urban extension.
10. The appellant identifies a number of economic, community and environmental benefits of the scheme including the £380,000 Gross Value Added (GVA) that the completed development would make to the economy, as detailed in the Financial Viability and Tourism Market Assessment (FVTMA). It was acknowledged at the hearing that owner occupied units contributed a lower value and that the figure was based on all 84 lodges being developed with 15 being let and the remainder being owner occupied. Nonetheless this is a benefit of the appeal scheme and I attach some weight to it.
11. With regards to community benefits, these appear to largely relate to the creation of local jobs, the support of local businesses, facilities and services by visitors to the site and the use of facilities on the site, such as cycle hire, a minibus and shop, by the local community. Whether these benefits would be realised in their entirety and whether facilities such as the provision of the minibus service, detailed in the Sustainable Tourism Plan and Travel Plan, could be controlled by condition is at dispute between the parties, in particular with regards the enforcement of such a condition. However, I find that the proposed development would create some benefits to the local community, and I attach some weight to these.

12. Turning to the environment, the proposed development would result in the development of 84 lodges, including hardstanding, access roads and ancillary development on a well screened but currently undeveloped site. The submitted masterplan shows that a substantial proportion of the site would remain as open grass land and trees with additional tree planting and enhancement, including to the edge of the site to further screen the proposed development.
13. Furthermore, I acknowledge that the proposed lodges would be built to a very high environmental standard. As such I attach some weight to these matters. However, many of the environmental benefits of the scheme identified in the submitted documents are, I find, largely in mitigation of the effects of the proposed development rather than clear overriding benefits.
14. Planning permission has previously been granted for the conversion of a barn on site and other development to create holiday lets and the appellant asserts that this is an existing visitor facility that the proposed development would expand. However, whether the planning permission has been lawfully implemented or not is at dispute between the parties. Irrespective of this dispute, on the basis of the evidence before me and my observations on site I find that there is no tourist facility currently operating from the site and therefore for the purposes of CLLP Policy LP7 there is not a facility to be expended or redeveloped.
15. While I have identified some benefits of the scheme above, I find that there is not an overriding benefit to the local economy, community or environment, or an existing visitor facility to expand. Therefore, I find that the proposed development would be contrary to LP Policy LP7.
16. The appeal site is located in a remote position away from any large settlements and while Paragraph 103 of the Framework recognises that opportunities to maximise sustainable transport solutions vary between rural and urban locations, its overall aim is to reduce reliance on the private car as a mode of transport. Given the acknowledged infrequent local bus service and the lack of a lit footpath between the appeal site and the nearest bus stop it would be highly likely that the majority of future occupiers of the proposed chalet lodge units would access services by private car. This would not achieve the social or environmental sustainable development objective set out in the Framework.
17. Paragraph 78 of the Framework promotes sustainable development in rural areas where it will enhance or maintain the vitality of rural communities. I note the appellant's points regarding the economic, community and environmental benefits that the proposed development would potentially provide. However, I find that in the round, these benefits would not outweigh the accessibility issues that I have set out.
18. Consequently, taking into account all of the factors discussed above, I am not satisfied that the appeal site is a suitable location for the scale of the development proposed. I therefore conclude that the proposed development would conflict with LP Policy LP2, LP7 and LP55 and paragraphs 78 and 103 of the Framework which jointly aim to achieve sustainable development and ensure good accessibility to services and facilities.

Character and appearance

19. The area around the appeal site is characterised by open farmland, small villages and outlying farmsteads. The appeal site is well screened from the surrounding area by the existing trees and hedges and indeed is conspicuous because of this planting.
20. The appellant has submitted a Landscape and Visual Impact Assessment - by influence, July 2018, in support of the appeal scheme. The Assessment identifies that the effect of the development would be major/moderate during the construction period of phase 1, reducing to negligible or minor in the longer term. This limited longer term visual impacts is principally as a result of the limited views into the site from the surrounding area. It is proposed that the screening around the site would be enhanced and its future management controlled by a management plan. Based on the evidence before me I find that the landscaping could be controlled by condition.
21. The proposed development would nonetheless result in the formation of access roads, lodge units and other infrastructure within the open countryside and would result in activity associated with the occupation of the lodges, including comings and goings from the site. As a result of the scale of the proposed development, these would result in the loss of the current rural character and appearance of a large portion of the site and a densely developed character would prevail.
22. I therefore find that the proposed development would harm the character and appearance of the surrounding area contrary to CLLP Policies LP7 and LP17 that seek to protect the character and appearance of the area around new development.

Effect on Grade II listed building

23. In determining this appeal, I have a statutory duty, under Section 66(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 (the Act), to have special regard to the desirability of preserving the building or its setting. I am also mindful that paragraph 193 of the Framework states that when considering the impact of a proposed development on the significance of a designated heritage asset (DHA), great weight should be given to the asset's conservation.
24. Holywell Grange is a Grade II listed building, a DHA. The significance of the DHA lies in its historic value as a stone built 18th Century farmhouse with associated buildings, including a two-storey stone barn that is in a state of dereliction, within a rural farmland setting. The appeal site comprises two large fields surrounding the house and the associated gardens to the north, east and west. The boundaries between the DHA and the appeal site generally consist of mature trees as groups and plantations.
25. The appellant's Heritage Impact Assessment submitted in support of the application recognises that the contribution of the setting of a DHA *goes beyond purely visual relationships*. On the basis of the evidence before me and my observations on site, I find that the appeal site is within the setting of the listed building.
26. The boundary around the DHA creates an effective screen and as such, with only a few exceptions, there are limited views of the DHA from the appeal site.

Nonetheless the proposed scheme would introduce built development and activity in close proximity to the DHA, where currently there is none. As a result of the loss of the open farmland setting, the character of the setting of the DHA would be altered, being replaced by development and activity, harming the significance of the DHA.

27. I note the appellant's comments regarding the absence of any harm to any group value of the DHA and associated buildings and the benefits of additional planting. However, I do not consider that the limited visual relationship between the DHA and the proposed development would mitigate the impact of the significant change in the character, appearance and ambiance of the appeal site resulting from the scale of the proposed development, the proximity to the DHA resulting from the proposed development.
28. Paragraph 193 of the Framework advises that when considering the impact on the significance of DHA, great weight should be given to their conservation. The parties agree that the harm to the DHA would be less than substantial and on the basis of the evidence before me I agree. Given the above, I find that the proposed development would fail to preserve or enhance the setting of Holywell Grange, a Grade II listed building. Consequently, I give this harm considerable importance and great weight in the planning balance of the appeal.
29. Under such circumstances, paragraph 196 of the Framework advises that this harm should be weighed against the public benefits of the proposal. The appellant is of the opinion that the proposal will provide, amongst other matters, new tourist accommodation with additional spin-off benefits to the local economy. This includes visitor spend, income from renting the accommodation and employment generation. Furthermore, the proposed development could provide some community and environmental benefits.
30. However, I find that the harm that would be caused to the setting of the DHA outweighs the benefits of the proposed development, particularly when bearing in mind the special attention that should be paid to the desirability of preserving the setting of the DHA. This fails to satisfy the requirements of the Act, paragraph 192 of the Framework and conflicts with CLLP Policy LP25 that seeks to protect the historic environment, including the setting of the DHA.

Other Matters

Neighbour's privacy

31. Representations were made to the effect that the rights of a neighbouring occupier, Mr and Mrs Day, under the Human Rights Act 1998, Article 8 of the First Protocol, would be violated if the appeal were allowed. At the site visit, I saw the relationship between the appeal site and the neighbour's dwelling and while there are some views from the appeal site to the dwelling I do not find that the proposed development would result in a significant harm to the living conditions, with particular regards to privacy, of the occupiers of that dwelling. Therefore, the degree of interference that would be caused would be insufficient to give rise to a violation of rights under Article 8 of the First Protocol.

Appeal decision

32. My attention has been drawn to an appeal decision¹ for a *30 unit sustainable tourism exemplar leisure lodge park* at Kirton in Lindsey. The appellant has sought to draw parallels between the location of the development and the use of conditions relating to a Sustainable Tourism Plan and a Travel Plan. However, that decision related to a significantly smaller development on a site that was found to be easily accessible on foot from the town centre and a bus stop.
33. Accordingly, I find that the circumstances of the referenced appeal decision are not directly comparable with those which apply here. I have, in any case, reached my own conclusions on the appeal proposal on the basis of the evidence before me.

Travel Plan, Sustainable Tourism Plan & Landscape Management Plan

34. The appellant has submitted a number of supporting plans to mitigate some of the impacts of the appeal scheme and to demonstrate and secure some of the benefits of the scheme. Many of the actions detailed in the plans are aspirational. Nonetheless I agree that the proposed arrangements could be secured by the imposition of a suitably worded condition and could include many of the matters referred to by the appellant. These plans could realise some benefits of the scheme and consequently, this is a matter that weighs in favour of the appeal scheme. I therefore give them some weight.

Highways

35. A number of local residents raised concerns as to the suitability of the surrounding road network for the traffic generated by the scheme, including cyclists and pedestrians. At the site visit I noted that the roads in the area were generally narrow with grassed verges, but at time of site visit the roads were quiet and the vehicle speeds that I observed did not appear high. I noted however that there was a lack of a footpath or lighting which may dissuade some pedestrians and cyclists from using the road to access services and facilities. I note that the Local Highway Authority has not objected to the scheme and based on the evidence before me I agree.

Split decision

36. At the hearing the appellant requested that consideration be given to a split decision to grant consent for less development, specifically fewer lodges, than has been applied for. However, while I acknowledge that the appeal scheme is identified as a phased development, I am not satisfied that the proposed development is clearly severable in functional and physical terms.
37. Therefore, while fewer lodges may reduce the harm resulting from the proposed development and therefore the conflict with the policies of the LP a split decision is not appropriate in this instance.

Conclusion

38. I have found that the proposed development is not in a suitable location for the proposed development with regards the Development Plan and National Planning Policy Framework (the Framework), would harm the character and

¹ APP/Y2003/A/13/2209104 24 April 2014

appearance of the area, and would not preserve or enhance the setting of Holywell Grange, a Grade II listed building.

39. Therefore, for the reasons given above I conclude that the appeal should be dismissed.

Mark Brooker

INSPECTOR

APPEARANCES

FOR THE APPELLANT:

Chris May LLB LARTPI	Partner at Howes Percival LLP
Neil Boughey BA, DipTP, LLB, MRTPI,	Executive Director at Acorn Planning Ltd
Kate Hiseman MSc, MCIEEM, MCIEMA,	CEO of the Sustainable Land Trust
Andrew Roberts BA, Dip.LP, CMLI,	Director at Geoplan Limited
Stewart Smith	Appellant

FOR THE LOCAL PLANNING AUTHORITY:

Mr George Backovic
Mrs Liz Mayle
Mrs Carol Slingsby

INTERESTED PERSONS:

Mrs Laura Bartle, J H Walter LLP
Cllr Summers, West Lindsey Council
Mr Day
Mrs Bedford
Mrs Aston
Mrs Spindley
Mr Richardson

DOCUMENTS SUBMITTED AT THE HEARING

1. Financial Viability and Tourism Market Assessment', Halletc Environmental - July 2018.
2. Plan and photographic image of garage building.



Costs Decision

Hearing Held on 22 October 2019

Site visit made on 22 October 2019

by Mr M Brooker DipTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 23 January 2020

Costs application in relation to Appeal Ref: APP/N2535/W/19/3231050 Holywell Grange, Moor Road, Snitterby, DN21 4UH

- 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 Mr Stewart Smith for a partial award of costs against West Lindsey District Council.
 - The hearing was in connection with an appeal against the refusal of planning permission for the development described as "change the use of the land for the siting of 84 chalet lodge units, site manager's accommodation, multi functional space and a reception/managers office".
-

Decision

1. The application for an award of costs is refused.

The submissions for Mr Stewart Smith

2. The costs application was made orally. The applicant claims that the Council acted unreasonably in refusing planning permission on a planning ground capable of being dealt with by condition as matters of accessibility and sustainability could have been readily addressed by pre-commencement conditions as had been done in respect of another appeal decision¹. The Council's failure to do so was unreasonable and led to the applicant incurring costs relating to those matters.

The response by West Lindsey District Council

3. The Council's response was made orally at the hearing. The Council claims that the proposed conditions do not meet the six tests set out in the National Planning Framework and could not overcome the reasons for the refusal of the application. With regards the appeal decision identified by the applicant, the Council observes that this related to a different development plan of another Local Planning Authority Area.

Reasons

4. The Planning Practice Guidance (the PPG) advises that costs may be awarded against a party who has behaved unreasonably and thereby caused the party applying for costs to incur unnecessary or wasted expense in the appeal process. Examples of unreasonable behaviour of the local planning authority

¹ APP Y2003/A/13/2209104

include refusing planning permission on a planning ground capable of being dealt with by conditions risks an award of costs, where it is concluded that suitable conditions would enable the proposed development to go ahead.

5. However, in determining the appeal, while I found that details such as a travel plan and a sustainable tourism plan could be controlled by a condition, I do not find that such details would overcome the reason for refusal.
6. I therefore conclude that, for the reasons set out above, unreasonable behaviour resulting in unnecessary expense during the appeal process has not been demonstrated. For this reason, and have regard to all other matters raised, an award for costs is not justified.

Mark Brooker

INSPECTOR