



Guildhall Gainsborough

Lincolnshire DN21 2NA

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AGENDA

**This meeting will be held via MS Teams and streamed live to our website
(address below)**

Planning Committee

Wednesday, 17th June, 2020 at 6.30 pm

<https://west-lindsey.public-i.tv/core/portal/home>

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. Register of Attendance

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 - 22)

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

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) 140416 - Land adj. Woldgrain Storage Ltd, Hemswell (PAGES 23 - 48)
- b) 140743 - Bleak Farm, High Street Cherry Willingham (PAGES 49 - 73)
- c) 141030 - 18 Lindholme, Scotter (PAGES 74 - 95)
- d) 140545 - Plot 9, Land South of Eastgate, Scotton (PAGES 96 - 119)

7. **Determination of Appeals**

During the Covid-19 pandemic appeal casework has been placed on hold by the Planning Inspectorate (PINS). Consequently there have not been any appeal decisions received. The Planning Inspectorate (PINS) has recently announced however, that they will be recommencing site visits and are seeking to run inquiries and hearings in a virtual manner where possible. For updates see <https://www.gov.uk/guidance/coronavirus-covid-19-planning-inspectorate-guidance>

Ian Knowles
Head of Paid Service
The Guildhall
Gainsborough

Tuesday, 9 June 2020

WEST LINDSEY DISTRICT COUNCIL

MINUTES of the Meeting of the Planning Committee held virtually via <https://west-lindsey.public-i.tv/core/portal/home> on 29 April 2020 commencing at 6.30 pm.

Present: 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

In Attendance: Councillor Giles McNeill

Also In Attendance:

Ian Knowles	Chief Executive
Alan Robinson	Monitoring Officer
Russell Clarkson	Planning Manager (Development Management)
Ian Elliott	Senior Development Management Officer
Daniel Evans	Senior Development Management Officer
Martin Evans	Senior Development Management Officer
Joanne Sizer	Area Development Officer
Martha Rees	Legal Advisor
Katie Storr	Senior Democratic & Civic Officer
James Welbourn	Democratic and Civic Officer
Ele Snow	Democratic and Civic Officer

70 CHAIRMAN'S WELCOME

The Chairman introduced the first virtual committee meeting of West Lindsey District Council and thanked Members and Officers alike for their efforts during unusual times. He extended a warm welcome to those who may have been viewing the webcast and explained that, as far as possible, the meeting would proceed in the usual manner although there had obviously been slight amendments to the process to ensure clear and concise communication.

71 REGISTER OF ATTENDANCE

The Chairman undertook the register of attendance for Members and each Councillor confirmed their attendance individually.

The Democratic Services Officer completed the register of attendance for Officers and, as with Members, each Officer confirmed their attendance individually.

72 PUBLIC PARTICIPATION PERIOD

The Democratic and Civic Officer confirmed there were no public participants registered for this part of the meeting.

73 TO APPROVE THE MINUTES OF THE PREVIOUS MEETING

RESOLVED that the minutes of the meeting of the Planning Committee held on Wednesday, 5 February 2020 be confirmed as an accurate record.

74 DECLARATIONS OF INTEREST

Councillor I. Fleetwood as Chairman declared on behalf of all Planning Committee Members, that application number 140485 was an application from West Lindsey District Council.

Councillor I. Fleetwood declared that he was County Councillor representing the Langworth area. He was also a member of the Environment Agency Northern Flood Defence Committee, a member of the Witham Third Internal Drainage Board covering the same area, and his Environment Agency involvement covered everything south of the Humber. He confirmed that none of those interests would affect his ability to be involved with all agenda items.

75 UPDATE ON GOVERNMENT/LOCAL CHANGES IN PLANNING POLICY

The Interim Planning Manager (Development Management) introduced a short update to Members explaining that there had been several changes in recent times. He stated that the Government's Chief Planner (24 March 2020) had announced that *"It is important that authorities continue to provide the best service possible in these stretching times and prioritise decision-making to ensure the planning system continues to function, especially where this will support the local economy... We ask you to take an innovative approach, using all options available to you to continue your service...We encourage you to be pragmatic and continue, as much as possible, to work proactively with applicants and others, where necessary agreeing extended periods for making decisions."* The Interim Planning Manager added that this was the intention of West Lindsey District Council, as demonstrated by the first virtual meeting.

He explained that the Government had released the “Planning for the Future” paper on 12 March, after the budget. This would:

- Introduce a national brownfield map;
- Introduce new PD rights to build upwards on existing buildings
- Introduce new PD rights to demolish vacant commercial, industrial buildings and residential blocks and replace with “well-designed new residential units”
- Reform planning fees (including automatic rebates where appeals are successful)

<https://www.gov.uk/government/publications/planning-for-the-future>

In specific response to the worldwide pandemic, new regulations came into force on 24 March 2020 allowing restaurants/cafes (A3) and pubs (A5) to change to a hot food takeaway (A5). This was for a temporary period up to 23 March 2021.

<https://www.gov.uk/government/news/government-to-grant-permission-for-pubs-and-restaurants-to-operate-as-takeaways-as-part-of-coronavirus-response>

In addition, The Coronavirus Act postponed all neighbourhood planning referendums until 6 May 2021. Planning Practice Guidance had been amended to now give “significant weight” to draft NPs, where a decision statement had been issued to send a NP to referendum.

<https://www.gov.uk/guidance/neighbourhood-planning--2#coronavirus>

A Member of Committee enquired about the detail within the ‘Planning for the Future’ paper. The Interim Planning Manager explained that there was currently no further detail however Members would of course be updated as and when more information was known.

76 PLANNING APPLICATIONS FOR DETERMINATION

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

77 140485 - OPERATIONAL DEPOT, CAENBY CORNER

The Chairman introduced the first planning application for the evening, application number 140485 to erect a new operational services depot to facilitate waste services in the region, including an operations office and staff welfare building, external yard for storage and maintenance of the vehicle fleet, bulky storage facility, staff and visitor parking, and site landscaping. He invited the Senior Development Management Officer to provide any updates to the report. On confirming there were no updates, the Chairman invited comments from the Committee Members.

There was widespread support for the proposal and recognition for the improved location in comparison with existing depots. There was a question regarding the use of the Caenby Corner site rather than Hemswell Cliff however the Chairman highlighted that the objective was to consider the application as it was presented. There were further questions in relation to the possibility of flooding on the site, however the Senior Development Management

Officer highlighted that the relevant authorities were content that the surface water drainage provisions would be satisfactory.

Having been proposed and seconded, the Chairman led the voting as described at the start of the meeting and it was **AGREED** that powers be delegated to officers to grant planning permission subject to conditions following receipt of any outstanding consultation replies and matters arising as well as receipt of and any matters arising from:

- Cross sections of the site showing any land level changes
- A scheme of archaeological trial trenching

If these matters are not resolved within 6 months of the date of this planning committee the application will be reported back to the next available planning committee after the 6 months has expired.

78 139532 - BARLINGS LANE, LANGWORTH, LINCOLN LN3 5DF

The Chairman introduced planning application number 139532 for caravan site for siting of 79no. static caravans and 109no. touring caravans. He invited the Senior Development Management Officer to provide any update to the report. The Senior Development Management Officer stated there had been one further objection received on behalf of residents of San Juan, Barlings Lane, Langworth summarised as follows:

- Increase in traffic would cause chaos on this small country road
- Cumulative traffic impact from 20 dwellings approved under 139532
- Road infrastructure, particularly during the summer, was inadequate

He added that these comments did not change the recommendation.

The Chairman invited the Democratic Services Officer to state details of those who were registered to speak on the application. She explained that the two registered speakers, one of whom was in support of the application and one who was objecting, had both provided their statements to be read out to the Committee. She added that Councillor C. Darcel had also registered to speak as Ward Member and he would be present in the meeting to make his speech. The Chairman requested that the provided speeches be read out.

Supporting statement from Mr Ricky Newton, Agent for the Applicant:

Ladies and gentlemen, Thank you for allowing me to provide this speech and allowing your officer to read it out to you.

We have worked closely with your officers in this protracted application and have come to an almost mutually accepted conclusion. Your officers have worked hard to come to their professional recommendation for approval and we hope you will endorse their opinion that is in line with your own and national policies.

The only point we disagree with is condition 8 regarding the footpath along Barlings lane because we consider this condition is unjustified and unnecessary for the following reasons.

There is an extant planning permission for an unlimited number of touring caravans granted on appeal in 2014, highlighted in the officer report. There is no existing approval or condition on the site to provide a footpath along Barlings Lane. The occupiers of these up to 495 caravans can come and go from the site on local roads with no planning impediment. The lane is lightly trafficked (as accepted in the traffic assessment for recent approval for 20 homes nearby) and there is no history of vehicle or pedestrian accidents, however for the future when this application is approved there will be a major reduction in allowed vehicle movements particularly those towing caravans. A major benefit to local amenity and highway safety. Taking this into account the requirement for a footpath is unreasonable. These points have not been taken into account by the highways authority who presumably thought these were extra caravans increasing the density and use of the site. This is not true; the facts are it is a major reduction in numbers allowed.

The council granted outline planning to erect up to 20 houses on land fronting both sides of Barlings lane as recently as December 2019. This permission requires the construction of a 1.8 m wide footway link along the southwest side of Barlings lane connecting to the existing footway network with no highway drainage works. The footway will be dedicated to the highways authority and will bring the footpath network to within 100m of the entrance to the site. If the council has any remaining concerns regarding future pedestrian access to the caravan site these will be mitigated by this new footpath.

One further point is the officer's report does not give a reasoned justification for imposing a 6 month submission deadline and a 6 month completion deadline for the details required by conditions 4,5 and 6. This very short period is not reasonable and not imposed on the outline housing development.

Turning to the third party objections, not upheld by the consultees or officers, the foul water package treatment works recently installed is designed for the maximum number of caravans allowed under the appeal decision and therefore will be more than adequate for the numbers of caravans applied for under this application. It was constructed with building regulations and is in full compliance with industry standards.

I thank you for listening and hope you will take the professional advice of your officers in your decision making process and approve this application without condition 8 and the normal time limit on conditions.

Statement of objection from Sue and Chris Driffl:

My wife and I were very disappointed with the Planning Officers recommendation to approve this application and would like the opportunity to summarise our concerns, in the hope that you will give more consideration to his findings.

West Lindsey's previous management of this site has led to the unfortunate position we now find ourselves in. The Planning Officer has recognised the demands of the site owner with regard to his "threat" to swamp the site with up to 300 tourers and has approved the proposals without amendment. It is my belief that the number of tourers would be self-regulated by demand - the more tourers the less attractive the site becomes. So not much

weight should have been attached to it. His approval comes despite the overwhelming concerns of the residents of Barlings Lane and the Parish Council. The size of this development is excessive and will not enhance the community.

Heavy reliance is made of the 10 conditions which the Planning Officer naively expects to be adhered to. During the previous application for “A Woodland and 27 Static Vans”, Mr Epton is minuted as saying that, to the then Planning Committee, “ a tree planting scheme was proposed and that there would be no overlooking of neighbouring properties. This scheme was extremely detailed and proposed the planting of 6400 trees- none of which have been planted, save for a single row of laurel hedging!

The irony now is that the Planning Officer accepts that the existing housing bordering the site will provide the necessary screening from Barlings Lane! I am sure the residents of Barlings Lane will be gratified to know that! He also concludes that “there would be some visual impact, but this would not cause significant harm and can be mitigated by landscaping”. He chose not to venture to say “will” for some reason! The proposed statics will be very close to our boundary. We do not have a large garden, so they will be close to our house. The proposed landscaping is very thin at this southerly end of the site. At the northern end, where the houses are twice the distance from the site boundary, the landscaping is much thicker. This could and should have been considered by the Planning Officer and the first row of statics moved further away and the landscaping increased. The visual impact is important, however the noise impact is of more concern to us.

Having accepted that, despite the overwhelming evidence that no further planning applications should be considered for this site until all previous conditions have been met, I would like you to consider the 10 Conditions that this Approval relies on.

1. You say that there is not one single condition to be applied before work can commence. I believe that all conditions should be met before work starts on site.
2. There is no clarity as to how the development is to proceed. No restrictions on working hours. Will the new touring site to be utilised to accommodate seasonal and touring vans before work commences on the static site? Will new tourers be located there?
3. Lighting. The previous application for 27 statics, proposed 1200 mm high subdued lighting. This was subsequently changed for more intrusive standard lighting columns. You should know now what lighting is acceptable before any work commences. Will the existing excessive, intrusive floodlighting be recovered as part of this proposal?
4. Landscaping. Your condition that no new caravans will be stationed on the site until a landscaping scheme has been agreed, is not good enough. Given what has happened before, this should be a pre-condition of any development here. The landscaping work should be implemented before any work commences. It is the only way it will be done! Why is the protection of the landscaping only for a period of 5 years after the completion of the development? Why not for ever? Could it be removed after the 5 years?
5. Ecology. You are going to allow this development to take place before you know what ecological enhancements are planned. Too late by the time the first caravan is installed!
6. Drainage. You don't even know whether the site is to be connected to the main sewer or

not. Something of major concern to Langworth residents.

The surface water drainage strategy relies solely on the ability of the existing lakes to cope. The plan is to direct all surface water directly and quickly into these lakes. The supposed 300 mm pipe overflow into the Eau will not work when the river is in flood. This will test the actual capacity of the lakes, rather than the theoretical, and it will happen more than once every 100 years!

7. Highways. Don't wait for the first caravan to be installed, the development could be virtually complete by then. Pedestrians need protection during the construction stage, when they will be at most risk from the hundreds of lorries attending the site!

8. Flood Risk Assessment. The increased floor level height will make the landscaping even more important.

9. Flood Warning. No comment.

10. Holiday Conditions following completion. Why should this condition apply on completion? Surely it applies now, during and after completion!

Finally, given the heavy reliance on these poorly worded conditions, could I ask how they will be policed and what penalties exist for non-compliance?

Thank you for allowing me to voice my concerns. I hope it allows you to properly consider the Planning Officers recommendation and, if not refuse the application, amend and reinforce the conditions under which it is to proceed.

The Chairman thanked the Democratic Services Officer and invited Councillor C. Darcel to address the Committee.

Councillor Darcel explained that his representation had been included in the Officer's report, however, he wished to highlight his objections. He stated that he believed there would be too many caravans which would have a negative impact on the amount of traffic in the area. He believed there should be a pavement included for pedestrians. He stated that his main concern was the risk of flooding in the area, as seen in November 2019. He stated to the Committee that areas of the site were low lying and he questioned the advice given by the Environment Agency and the Witham Drainage Board. Councillor Darcel stated that he believed there was a flood disaster waiting to happen and the issues should be mitigated, for example raising the floor levels of the static caravans.

The Chairman requested for Councillor C. Hill to confirm whether she would be participating in the debate as a Committee Member or whether she wished to stand down from Committee and act as Ward Member. Councillor Hill explained that she felt she was pre-determined against the application and as such would stand down from Committee and speak as Ward Member.

Councillor C. Hill stated that she believed the application was contrary to LP2 and LP4 as there had been no consultation with local residents. She stated that there was no local support for the application and there would be no benefit to the local community should the application be approved. She stated that in relation to LP14, regarding flood risk, the area was zoned as a high probability for flooding. Councillor Hill added that contrary to LP 9 there

was no health and wellbeing provision and contrary to LP26 there was no consideration to the layout of the site. She concluded by reiterating that she did not believe there would be any benefit to the local community or local economy and that the application should not be approved.

The Chairman invited the Senior Development Management Officer to provide any additional comment. He stated that the Environment Agency had seen the comments from Councillor C. Darcel and had confirmed in writing that there was no change to their recommendations. There were no objections from the Lead Local Flood Authority and as per the map provided in the papers, West Lindsey District Council had no control over the number of touring caravans that could be placed on the site, following a previous appeal.

The Chairman thanked all for their comments and invited comments from Committee Members. The Committee discussed the details of the proposed numbers of static and touring caravans and a Member enquired about the landscaping and lighting proposals. The Officer confirmed that the landscaping detailed on the map was proposed design, not existing, and stated that the new lighting would be subject to restrictions but not the existing lighting. He added it would be for the enforcement team to ensure conditions were adhered to.

A Member of Committee enquired about the different timescales detailed within the conditions and what was the purpose of the six month limit. The Officer explained the reasons behind that limitation and the Legal Advisor clarified that the six month period was for the details to be submitted, not for the enactment of such details. It was also clarified by the Officer that should planning permission be granted, it would be the decision of the applicant as to whether to use the permission or revert to the previous appeal decision of unlimited touring caravans.

With this in mind, the Officer recommendation was moved and seconded and put to the vote. With a majority vote it was agreed that planning permission be **GRANTED** subject to conditions as detailed below.

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

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

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

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

None.

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

2. Development shall proceed in accordance with the following approved drawings and shall be for a maximum of 79 static and 109 touring caravans:
LDC2599-02B.

Reason: For the sake of clarity and in the interests of proper planning and in accordance with the terms of the application.

3. No external lighting shall be installed within the application site unless details have first been submitted to and approved in writing by the Local Planning Authority. Lighting shall be installed in accordance with the approved details.

Reason: To prevent harm to residential amenity and the character and appearance of the area in accordance with Policies LP17 and LP26 of the Central Lincolnshire Local Plan.

4. Within 6 months of the date of this permission, a scheme of landscaping including details of the size, species and position or density of all hedges and trees to be planted and measures for the protection of trees to be retained during the course of development shall have been submitted in writing to the Local Planning Authority. The scheme approved in writing by the Local Planning Authority shall be planted in the first available planting season following their approval. Any trees or hedges 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 a landscaping scheme to enhance the development and that initial plant losses are overcome is provided in accordance with Policies LP17 and LP26 of the Central Lincolnshire Local Plan.

5. Within 6 months of the date of this permission, a scheme of ecological enhancements shall be submitted in writing to the Local Planning Authority.

The scheme approved in writing by the Local Planning Authority shall be installed within 6 months of their approval and retained.

Reason: To secure ecological enhancements in accordance with Policy LP21 of the Central Lincolnshire Local Plan and the provisions of the NPPF.

6. Within 6 months of the date of this permission, a detailed foul water drainage scheme shall be submitted in writing to the Local Planning Authority. The scheme approved in writing by the Local Planning Authority shall be installed for the use of each caravan before it is first used.

Reason: To ensure appropriate foul water drainage is secured in accordance with Policy LP14 of the Central Lincolnshire Local Plan.

7. Surface water drainage shall be carried out in accordance with the Drainage Strategy Report by ADC Infrastructure dated 07/01/2020 prior to the first use of each caravan.

Reason: To ensure appropriate surface water drainage is secured in accordance with Policy LP14 of the Central Lincolnshire Local Plan.

8. Within 6 months of the date of this permission, details of a 1.8 metre wide frontage footway (to the southwest side of Barlings Lane), to connect the development to the existing footway network including appropriate arrangements for the management of surface water

run-off from the highway, shall have been submitted in writing to the Local Planning Authority. The details approved in writing by the Local Planning Authority shall be constructed within 6 months of their approval.

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 in accordance with Policy LP13 and LP26 of the Central Lincolnshire Local Plan.

9. The development shall be carried out in accordance with the approved flood risk assessment and the following mitigation measures it details:

- Finished floor levels for static caravans shall be set no lower than 6.5 metres above Ordnance Datum (AOD)
- Static caravans shall be secured to the ground
- These mitigation measures shall be fully implemented prior to occupation
- The measures detailed above shall be retained and maintained thereafter throughout the lifetime of the development.

Reason: To reduce the risk of flooding to the proposed development and future occupants in accordance with Policy LP14 of the Central Lincolnshire Local Plan.

10. The development hereby permitted shall operate the flood warning and evacuation plan detailed in paragraphs 5.9 to 5.11 of the Flood Risk Assessment by LDC issue 1 dated 20/05/2019.

Reason: To reduce the risk of flooding to future occupants in accordance with Policy LP14 of the Central Lincolnshire Local Plan and the provisions of the NPPF.

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

11. The development hereby permitted shall be used for holiday accommodation only and shall not be used as a persons sole or main residence.

Reason: To ensure the development is not occupied as permanent residential accommodation as this would be contrary to Policies LP2, LP4, LP7 and LP26 of the Central Lincolnshire Local Plan.

79 140375 - LAND OFF QUEENSWAY, STURTON BY STOW

The Chairman introduced planning application 140375 for the demolition of 20no. garages and the construction of 14no. affordable dwellings. He invited updates to the report from the Senior Development Management Officer who explained that due to changes with the off-site foul and surface water drainage, it was suggested that conditions numbers six and 11 be removed and instead, be submitted through the section 106 agreement. The recommendation remained the same.

The Chairman stated there was one registered speaker for the application, who had provided a statement to be read by the Democratic Services Officer and he invited her to read aloud the statement.

Statement from Gelders, in support of the application on behalf of the applicant.

Ladies and Gentlemen of the Planning Committee. Thank you for the opportunity to submit a written statement in relation to application 140375 on behalf of the applicants. We would just like to re-iterate a few points before you make your decision.

Firstly, this application will **Improve** Existing Offsite Drainage Infrastructure – resulting in a much lesser risk of localised flooding. During the consultation stage of this application and upon studying the case officer's report, it has become evident that drainage is a concern for some local residents and the Parish Council. This proposed scheme provides storage and attenuation on site, and utilises a Hydro-brake which will severely reduce any outfall of surface water from the site. The Hydro-brake will then (via 450mm diameter drainage pipes) discharge into an existing open watercourse. The proposal then seeks to upgrade an existing 300mm diameter pipe (some 200m away) along Saxilby Road to a new 450mm diameter pipe and installs a new 450mm pipe under the road, thus significantly increasing local drainage capacity. This not only improves drainage on the proposed site but also the drainage offsite providing **Betterment** to the wider community.

Secondly, this application will give younger people as well retirees the opportunity to stay within Sturton by Stow. ACIS has proven local need for housing within Sturton by Stow and they own a number of the existing properties on Queensway.

Thirdly, this application will provide benefits to the community in terms of increased footfall into the local facilities and services. The infill site is located within the heart of Sturton by Stow, which already accommodates a number of services such as shops, halls, churches, pub and play areas.

We and the applicant feel that this development having been considered against all relevant Local and National Planning Policies and upon its own merit is acceptable. This is a view that is shared by the case officer and is confirmed within his report.

Based upon this I urge members to approve this application, to bring long awaited and much needed affordable housing to Sturton by Stow and the district of West Lindsey.

Thank you for your time.

The Chairman invited comments from Committee Members and there was widespread support for the application. It was noted that there was clear evidence of the need for accommodation of this kind and the proposal would fulfil the local need. It was clarified that, as affordable housing, it would be available to any age group and was not intended to be solely for people aged 55 or above.

The Officer recommendation, with the removal of conditions six and 11 to be submitted through the Section 106 agreement, was moved and seconded. Councillor D. Cotton expressed a personal interest in the area as his wife worked at the local shop, and with no further comment from Committee Members it was agreed that planning permission be **GRANTED** subject to conditions, as detailed below, and the signing of a Section 106 Agreement comprising:

1. Construct 14 affordable homes on the site including an agreement to sell or transfer to a registered provider.

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

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

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

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

NONE

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

2. With the exception of the detailed matters referred to by the conditions of this consent, the development hereby approved must be carried out in accordance with the following proposed drawings (Unless Stated Dated 6th December 2019):

- DSA19-053 1000 – House Type A Floor, Roof and Elevation Plans
- DSA19-053 1001 – House Type B Floor, Roof and Elevation Plans
- DSA19-053 1002 – House Type C Floor, Roof and Elevation Plans
- DSA19-053 1003 Rev A dated 27th January 2019 – Site Plan

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

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

3. The proposed dwellings must be constructed from the materials in the materials schedule on the three Floor, Roof and Elevation Plans listed in condition 2 of this permission.

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

4. No occupation of the dwellings must take place until construction details for the pedestrian footpath to the front of the site as shown on site plan DSA19-053 1003 Rev A dated 27th January 2019 have been submitted to and approved in writing by the Local Planning Authority. The details submitted must also include appropriate arrangements for the management of surface water run-off from the highway. No occupation must take place until the footpath has been completed in accordance with the approved plans and details and retained for that use thereafter.

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.

5. The development must be completed in accordance with the foul and surface water drainage plan DSA19-053 PP-001 dated December 2019 within appendix A of the Flood Risk Assessment & Drainage Strategy by DesignSpace Architecture dated December 2019. No occupation of each individual dwelling must occur until the individual dwelling has been fully connected to the approved drainage scheme.

Reason: To ensure adequate drainage facilities are provided to serve the development and to accord with the National Planning Policy Framework and local policy LP14 of the Central Lincolnshire Local Plan 2012-2036.

6. The development must be completed in accordance with the Construction Site Management Plan dated 12th February 2020 including the removal and disposal of any known or found asbestos through a licensed contractor.

Reason: To preserve residential amenity to accord with the National Planning Policy Framework and local policy LP26 of the Central Lincolnshire Local Plan 2012-2036.

7. Before each dwelling is occupied, their vehicular access and driveway must be completed in accordance with the approved site plan DSA19-053 1003 Rev A dated 27th January 2019 and retained for that use thereafter.

Reason: To ensure safe access to the site and each dwelling/building has sufficient off street parking in the interests of highway safety to accord with the National Planning Policy Framework and local policy LP13 and LP26 of the Central Lincolnshire Local Plan 2012-2036.

8. Notwithstanding the approved plans, plots 10, 11, 12, 13 & 14 must be constructed to comply with the standards set out in Part M4(2) (Volume 1: dwellings) of the Building Regulations 2010.

Reason: To ensure the development meets the requirements for accessibility set out in Part M4(2) of the of the Building Regulations 2010 and to accord with the National Planning Policy Framework and local policies LP10, LP17 and LP26 of the Central Lincolnshire Local Plan 2012-2036.

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

9. The method of surface water drainage from the site completed in accordance with condition 5 of this permission must be managed and maintained in accordance with the Management and Maintenance Plan for Surface Water Drainage Scheme prepared by Inspire Design and Development received 12th February 2020.

Reason: To ensure adequate drainage facilities are provided to serve the development and to accord with the National Planning Policy Framework and local policy LP14 of the

80 140513 - LAND OFF MAIN STREET OSGODBY MARKET RASEN LN8 3PA

The Chairman introduced application 140513, an outline planning application to erect 1no. dwelling - all matters reserved. He invited the Development Management Officer to provide any updates and it was explained that the main update was in relation to the remaining growth allowance for the parish of Osgodby, which was set out within the Osgodby Neighbourhood Plan. In the intervening period between the previously scheduled planning committee at the start of April, which was postponed, and the current meeting, an additional dwelling had been granted in Osgodby. This meant the remaining growth for the parish was currently 0. Had planning committee taken place at the start of April, there would have been adequate remaining growth within the parish to accommodate this proposal. He added that the neighbourhood plan was clear that the growth target of 25 dwellings was not a maximum, and could be exceeded where there was the demonstration of community support. However, community support was required to be demonstrated in the circumstance that there was no remaining growth left, at the point of submission. This was not the case here because, at the time of submitting this application, there was adequate remaining growth in the parish to accommodate this proposal. He stated that, therefore, the application was recommended for approval taking into account the growth target and the circumstances that had occurred since the postponement of the last scheduled committee.

The Chairman thanked the Development Management Officer and confirmed there were no speakers registered for the application. He invited comments from Committee Members.

There was discussion regarding the linear development pattern of the village and how the proposal would impact on this. The Officer explained the location of the proposed dwelling was the reason the application was before Committee. He added that, in terms of the Neighbourhood Plan, the location was supportable taking into account the location of the 'darkest areas' as shown on Policy Diagram 1. Further comments from Committee Members supported the importance of the Neighbourhood Plan whilst also appreciating that current circumstances, in relation to the coronavirus pandemic, had impacted on the previous consideration of the application.

As an application for outline planning permission, the Officer recommendation was moved and seconded and on taking the vote, it was agreed that permission be **GRANTED** subject to the following 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 the means of **access** to the highway, **appearance**, **layout** and **scale** of the building(s) 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:

None.

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

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

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.

5. 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: 20.2670.02A dated 9th Jan 2020. 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 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.

81 140569 - 18 LINDHOLME SCOTTER

The Chairman introduced planning application 140569 for replacement of a dormer

bungalow with a two storey house. The Development Management Officer explained there had been two further comments received which raised concerns that the finished building would be directly overlooking neighbouring properties. She explained the reason behind the application being the recent flooding in Scotter and that the raised height of the building would allow for better protection in case of future flooding.

The Chairman stated there were two registered speakers on the application and invited the first speaker, Mrs Laura Calvert, Applicant, to address the Committee.

Thank you, Chairman, for the opportunity to address the Committee.

Last November our property suffered almost 1 metre floodwater, after already flooding badly 12 days prior. The third severe flood event, that we are aware of, in 12 years.

Therefore this application is born out of necessity to protect from future flood events. It would be retracted immediately should others be able to assure us that future flood events are preventable. Sadly flooding is a likely occurrence and this has been reiterated by the EA on many occasions, worsened by the low lying position of our home.

After much deliberating on design, projected build costings and rational planning we have concluded that our proposal is the only way to deal with the problem we face but to make it viable we need to enhance the original design by extending the footprint in such a way that it dovetails with the existing layout and is oriented to suit the plot and it's features.

As we understand it, this application has failed because of our reluctance to remove the very extension that will enable this proposal to be viable.

We would like to challenge the planning teams statement that we have had the 'opportunity to address concerns raised but have failed to do so due to our own private interests'. If this is implying financial gain to us, that is far from correct, we may break even if this application is successful, at the very best. The only 'private interest' we have is the safety and assurance for our three boys under the age of 7 years old who are still showing signs of distress following the flood, of which government guidance states should be considered in planning decisions. The planning team are failing to understand that the removal of the extension would be the end of the road for us. We are not a developer seeking to make profit, we are a young family who want to protect their home from flooding. We are not being unreasonable, purely realistic. Nobody can spend significant amounts of money to result in negative equity.

The reality is the proposed design lends itself to minimise costs by using as much of the existing footprint as possible, and the extension and extra bedroom recoups some of these substantial costs. An extension and extra bedroom has always been an option for our growing family.

In a bid to accommodate all concerns we have made many compromises;

- relocation of the Garage to substantially improve the primary view from No.16
- removal of overhanging eaves resulting in a reduction of the ridge height to within 450mm of the ridge height of No.16
- removal of masonry parapet walls on the western boundary to reduce the bulk brickwork view from No.16

- relocation of the rear Patio area away from the western boundary to reduce overlooking
- replacement of front boundary parapet walls with open balustrading to reduce impact
- removal of the Utility access on the Western elevation to remove any form of intrusion or overlooking on No.16.

Furthermore, the planning team had previously asked us to consider indenting the extension to step the West wall. After consideration, we agreed to this, losing 1 metre on both floors. However we were then told that this would make no difference to their recommendation.

Even after all these design changes in a bid to compromise the effect on the adjacent property, it appears that the height and length of the West facing wall is still a point of contention. The height is dictated by the EA requirements and the length is required to accommodate the extension that is essential to enable viability.

Our view is that any reduction in amenity to the adjacent property is minimal and had it not been for the necessity to raise the building by 1.75m our proposal would not have raised any sustainable objections.

It should not be forgotten that the obstruction to the view line from the center of the gable to No. 16 is 16 metres away and that the primary view to No.16 has much improved, and it is the secondary view from only the side garden and property which is the concern.

The view to the South from No.16 currently overlooks our back garden which is mitigated, to some extent, by our proposed extension. Likewise this would make number 16s garden more private. Due to our proposal No.16 will have a reduced overlooking view of the river Eau at the end of our land which would be mitigated substantially at the front by the relocation of the Garage, overall improving No 16's river view.

We really need to emphasize the point to the committee that there is a significant distance between ourselves and the neighbouring property. We are fortunate to have a plot that can easily facilitate this proposal. The fact of the matter is, no planning application for extensions would ever be approved on the grounds that the planning officer is recommending refusal for on this application. We find this really disappointing due to the circumstances and reasons behind this application.

I think it is very important, and relevant, that the committee should be made aware that the owner of No.16 built our existing property and raised his family there. It is our opinion that **any** proposed design to replace our house would be met with strong objections.

It is now 6 months since the flooding, and we, and our home, remains devastated following the effects and our lives have been put on hold throughout this long process.

We hope that the Committee can support what we are trying to do here so that we can finally get on with creating a secure dwelling and home for our young family out of a flawed, at risk building that will always suffer from the likelihood of flooding.

Thank you.

The Chairman invited the second speaker, Councillor L. Rollings, Ward Member, to address the Committee.

I wanted to speak in support of the planning application submitted by Mr and Mrs Calvert in order to add some additional context which I hope will be useful.

Immediately before the Coronavirus outbreak and subsequent crisis, the Lindholme and Riverside area of Scotter had been hit by a series of flooding incidents that have left the residents in a very difficult situation.

These residents were flooded in 2007 and indeed the Calverts were flooded 2 weeks before the November flood, as their property is actually the lowest on their road.

When the waters rose very suddenly, they had to be rescued by the fire service in a boat at 1am. Their children are still very frightened. They can't afford to be flooded again.

In the run up to the November floods, there were several near misses, with the water levels on the River Eau coming within inches of going over the top of the bank.

Given the government's policy of allowing rivers to naturalise, in the short term it is hard to see the situation on the River Eau being rectified.

The residents are in the situation now where they are repairing their homes when in actual fact, at any time there could be a repeat of the November floods, putting them back to square one.

Properties are becoming increasingly difficult to insure and their value dropping.

For the Calverts with their young family, the only solution is to raise the height of their house allowing flood water to go under it without damaging it, in a flood situation.

The problem with this is that it is very expensive.

The only way they can ever borrow enough money as a mortgage is if the value of the property goes up. The only way it goes up is if they can include an additional bedroom and downstairs room as part of their re-design.

The re-designed property sits on the same footprint but is taller, but for anyone who knows Lindholme, they will know that the properties on the opposite side of the river are much higher, so these proposed changes do not adversely impact on the surrounding properties at all. Indeed, there have been no objections from anyone else on the road apart from one neighbour.

So, in summary I have 3 main points.

- 1 Mr and Mrs Calvert are not trying to make a profit, merely to create a property that allows them to get a mortgage for what they've had to spend on it to make it flood proof.
- 2 The issue with the expanse of wall and distance from the neighbouring property, I don't feel is acceptable.

The view from the neighbouring property is actually improved from the front, the view from the rear is unchanged – it is only from the side that there is some minimal impact and speaking of consistency in planning, there are literally hundreds of properties that we have given planning permission to that are built closer and with bigger expanses of wall, literally obliterating peoples views. We are regularly told, no one is entitled to a view.

- 3 As a district council, we have to accept that if property owners are going to be allowed to flood - proof their properties, there will be some visual change to the built environment - change that may not fit in with the current constraints interpreted by our planning department. We may have to be more flexible.

Given these exceptional circumstances I would urge the committee to accept this application.

With no further comment from the Development Management Officer, the Chairman invited comments from Members of the Committee.

There was significant discussion regarding the benefits of undertaking the rebuild of the flooded property in a manner that would protect it in future, against the potential impact on the area and neighbouring properties. There was some support for the application and a Member of Committee commented that as the building existed already, rather than being an application for a new development, there should be fewer objections to the proposal, however the size difference between existing property and proposed dwelling were highlighted using the plans and Officer's report. The Interim Planning Manager highlighted that the focus of decision making needed to be the material considerations and there were significant concerns about the impact of the proposed extension on the neighbouring property. He added that the principle of the application was supported however the impact of the extension was too great.

A Member of Committee proposed a site visit may assist Members understand the concerns however this was not seconded nor taken to a vote. It was commented that in relation to neighbouring properties being overlooked, the distance between properties was not the impact, rather it would be the mass of the building that would be detrimental.

With no further comments from Members, and with the Officer recommendation having been proposed and seconded, the Chairman undertook the Member vote. With the majority vote it was agreed that planning permission be **REFUSED**.

82 140540 - HIGH STREET, SCOTTER

The Chairman introduced the final planning application for the evening, application number 140540 for the removal of existing garage and erection of two storey side extension. The Interim Planning Manager (Development Management) confirmed there were no updates to the report and the Democratic Services Officer confirmed there were no speakers registered for the application.

The Chairman enquired of the Planning Manager whether the application would have been determined under delegations if the applicant had not been an Officer of the council and this was confirmed to be the case.

In light of this, the Officer recommendation was moved and seconded and it was unanimously agreed that planning permission be **GRANTED** subject to the following 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 drawings 215-100 01, 215-200 01 and 215-002 02 dated Oct 19. 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

83 DETERMINATION OF APPEALS

The Chairman invited Councillor G. McNeill to the meeting to comment on two appeal decisions relating to the Nettleham Ward. Councillor McNeill noted that there had been made reference of a lack of co-operation with both appeal applications and suggested it may be something the Governance and Audit Committee could look into further. In addition, Councillor McNeill commented that it was pleasing to see the green wedge being upheld.

The Chairman thanked Councillor McNeill for his comments and the appeal decisions were noted.

The meeting concluded at 8.45 pm.

Chairman



Officers Report

Planning Application No: 140416

PROPOSAL: Planning application to erect 14no. grain storage silos, 1no. dryer, associated structures and conveyor.

LOCATION: Land adj Woldgrain Storage Ltd Hemswell Airfield
Hemswell Gainsborough DN21 5TJ

WARD: Hemswell

WARD MEMBER(S): Cllr P Howitt-Cowan

APPLICANT NAME: Woldgrain Storage Limited

TARGET DECISION DATE: 07/04/2020

DEVELOPMENT TYPE: Major - Manufacture/Storage/Warehouse

CASE OFFICER: Ian Elliott

RECOMMENDED DECISION: Grant permission subject to conditions

Planning Committee:

This application is considered necessary to present to planning committee due to the nature of the application which is a large expansion to an existing commercial operation close to residential uses in Hemswell Cliff and the concerns raised by local residents, Parish Councils and Parish Meetings.

Description:

The application site is an area of triangular shaped grass land (1.29 hectares) currently owned by the neighbouring road haulage company (JS Highfield Ltd) to the west of the site. The site has a track which goes around the site by the boundaries. The site includes a grass bund in the north corner and is used to store items such as lorry trailers, storage boxes, a caravan and a shipping container.

The north, east, west and north west boundaries have green palisade fencing and wire fencing. Screening is additionally provided by high silos to the north, the stored lorry trailers and industrial building to the south west. A grass bund is adjacent to the east of the site. To the north of the site is Woldgrain Storage Limited (applicant) with JS Highfield Limited (current land owner) to the south and west. To the east is a building and storage area occupied by a separate business.

The site is part of the Hemswell Cliff Business Park and near the area of domestic residential use. The site is in a Limestone Minerals Safeguarding area and an HSE explosives safeguarding zone.

The application seeks permission to erect 14no. grain storage silos, 1no. dryer, associated structures and conveyor.

Relevant history:

JS Highfield Limited site:
134705 - Planning application for proposed new office block – 26/09/16 -
Granted time limit and other conditions

Representations

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

Hemswell Cliff Parish Council: Objection

Noise

We would expect that a noise study to be complete over a reasonable period of time particularly to the south and east and monitoring different weather conditions to independently establish whether the 'humming' noise experienced by a number of local residents is as a result of this site and if it is so determined to assess the impact before any decision.

Visual Impact

We object to the silos being left in an unpainted, bright galvanized state and would like to see a condition whereby the grain stores are painted and graduated to blend in with the surrounding landscape.

Flooding

We would challenge the accuracy of the flood report included in the documents on the website. A number of properties were flooded in 2007 where the houses were uninhabitable. We would ideally like to see an attenuation pond to reduce any risk of flooding.

Neighbourhood Plan development

We are in the process of producing a Regulation 14 NP by April 2020 which identifies nearby sites for housing development so we would like consideration of these proposals including the impact of this development on nearby sites in relation to flooding and visual amenity.

Bishop Norton and Atterby Parish Council: Objections

We object to this proposal on the grounds of:

- increase in noise level will also affect Bishop Norton
- visual amenity (particularly the bright metal exterior, perhaps a green coloured exterior might alleviate)
- flood risk to Hemswell Cliff and Spittle in the street
- Increased HGV traffic which affects the local and surrounding area especially the increasing problem of HGV incidents on the A15.

There appears to be no mention of negating the carbon produced on this project by planting trees, which would also help to alleviate some noise issues

Harpswell Parish Meeting: Observations

Noise

The Woldgrain dryer noise will likely have more of an impact due to the dryers being in operation July to October (late summer–early autumn) when windows/doors are open and people are outside in their gardens.

The issue for residents will be the cumulative effect of all the noise pollution from the industrial activities on Hemswell Cliff, particularly as the area is further developed.

The residents of houses in Harpswell not sheltered by woodland do experience the noise.

Planners may like to consider the planting of banks of trees just outside the area of development to mitigate some of the noise.

Highways

Increase in all traffic, but particularly Lorries will also have an impact.

Visual Impact

- The colour of the 'silos' should be sensitive to the countryside setting - green/brown but not silver.
- Planners may like to consider the planting of banks of trees just outside the area of development to provide a degree of visual screening.

Local residents: Representations received from:

15 Lloyd Place, Hemswell Cliff
48, 52 Canberra Crescent, Hemswell Cliff
19 Anderson Road, Hemswell Cliff
5, 11, 15A Lancaster Green, Hemswell Cliff
31 Minden Place
1 New Bungalows, Ermine Street, Spital in the Street
The Cottage, Ermine Street, Spital in the Street
Pear Tree House, 17a Brook Street, Hemswell

Objections (Summarised):

Residential Amenity/Noise

- Increased noise pollution.
- Constant humming from existing dryer heard indoors when doors and windows closed.
- Noise is detrimental to quality of life.
- Considerable noise nuisance on clear nights and increase of silos by 14 will make it intolerable.
- Sleeping disturbance in the summer.
- Noise annoying at night from incessant motor sounds of the dryer.
- Comparable to jet engine warming up in the distance.

- 5 Lancaster Green is 1200 metres from the site and can clearly hear machinery noise.
- Occasionally when the wind blows from the east there is an incessant pervasive noise more notable at night from Pear Tree House.

Visual Impact

- Industrial landscape already and 14 new silos will dominate the village long views.
- 2 metres higher than existing which will dwarf original silos.
- Silos will be seen from far and will ruin the skyline with more unsightly towers.
- Will be a blot on the landscape with strong glare when sun hits them.
- They are not painted and should be painted dark green.
- Impact on view and panorama from 1 New Bungalows, Ermine Street, Spital in the Street.

Highways

- Extra traffic and traffic movements from Heavy Goods Vehicles.
- Roads are at capacity and traffic will double because the silos are doubling.

Flooding

- Concrete bases cause a bigger risk to flooding.
- No intention to add attenuation ponds will mean more water run-off downhill.

Ecology

- Noise/humming has reduced bats in the village.
- Do not hear barn owls anymore.

Heritage

- There isn't a heritage statement or a report from the conservation Officer.
- 14 extra silos will undoubtedly have an impact on the setting of the nearby listed buildings

Other

- The silos are behind the Primary School which will be a distraction and produce dust. This will impact on the health of the children.
- Covers car in dust.
- If minded to approve should restrict hours of operation.

Red Dragon Fireworks and Dracon Trading Limited: Objection

It could have substantial financial implications to one or both of my clients. This view is supported by HSE (see letter enclosed). Both of the sites store quantities of Hazard Type 3 explosives and obtaining licence to store these items is a difficult and costly process — storage of this nature is at a premium and we do not want to see any reduction in the quantities that we could hold onsite.

I have instructed the Site Manager at Dracon Trading Ltd to contact Woldgrain to obtain additional information that both I and HSE can use in order to determine the potential impact on operations. It may well transpire that there is no impact, but only HSE can make that decision. Therefore until we have certainty our objection to the proposed development would remain.

HSE Explosives: No objection

WLDC Environmental Protection: No objection subject to conditions

Representation received 26th May 2020:

I refer to my previous email of 13 May 2020, and your email of 20th May with the revised noise report reference NIA/8960/20/9025/v4/Woldgrain, I am satisfied with the revised report therefore I would recommendation for members to support the application subject to the following conditions:-

- No deliveries shall be made to the site between the hours of 23:00 until 07:00 hours. Unless specifically agreed in writing by the Local Planning Authority beforehand.
REASON: To protect the amenity of the occupants of nearby dwellings to accord with the National Planning Policy Framework and local policy LP26 of the Central Lincolnshire Local Plan 2012-2036.
- The business outlined in red on location plan LDC2850-PL-01 shall only operate no more than 6 silo fans at any one time. In accordance with the Noise Report reference NIA/8960/20/9025/v4/Woldgrain;
AND
If requested by the Local Planning Authority, the applicant/operator shall submit digital/electronic records of the number and times of fans in use at any one time. This information shall be retained for 2 years.

Reason: To retain a low noise impact on the nearest occupied or potentially occupied uses in accordance with the conclusions of the noise report, during the operation of the business , to accord with the National Planning Policy Framework and local policy LP26 of the Central Lincolnshire Local Plan 2012-2036.

- Any plant hereby permitted shall operate in a way not to exceed the specified noise levels as measured at the specified measuring locations defined in Tables 4.5 and 4.6 of the ENS Noise Report referenced NIA/8960/20/9025/v4/Woldgrain dated 20th May 2020.

Reason: To retain a low noise impact on the nearest occupied or potentially occupied uses in accordance with the conclusions of the noise report during the operation of the business to accord with the National Planning Policy Framework and local policy LP26 of the Central Lincolnshire Local Plan 2012-2036.

Representation received 13th May 2020:

I refer to the above planning application, a proposal of this nature, to provide an increase in the number of fans and associated plant, has great potential to cause considerable noise problems at the nearest, offsite, noise sensitive development, if that noise is not effectively controlled to an acceptable standard.

In terms of traffic noise which has not been considered within the noise report(s), I understand through discussions with the applicant that this will be covered by a noise condition, should planning permission be granted.

There are a number of discrepancies within the noise report(s) that have led to further discussions. In essence, the report(s) predict noise levels which in the opinion of our officers will not actually be achieved, and in any event would lead to unreasonable noise disturbance. The predicted noise levels would be expected to give rise to justified complaints of nuisance at the nearest sensitive properties.

Because of the above, further discussions with the applicant's Noise Consultants ENS concluded that the noise assessments would be revisited, to find a way forward. ENS, felt that the background noise levels undertaken on 2nd/3rd March 2020, did not represent the background noise levels at the newly identified noise sensitive receptor (160m) and, as such, intend to carry out a further assessment, and resubmit a further report, as soon as possible. In addition to this, I note there has been general comments and concerns raised by local residents as part of the consultation process related to noise from the existing plant. However, with reference to Environmental Health's files there is no evidence of any complaints having been received. In this situation I would support a recommendation that members consider either:-

1. Refusal of the proposal as noise would be unreasonable: or
2. Deferral of the proposal, to allow a revision of the submitted noise reports in liaison with Officers to define measures to control noise from the proposed fans in accordance with acceptable standards.

However, if the amended and revised noise report is received, prior to members considering the application at committee, I would suggest that, if officers are satisfied that the report defines proposals that would effectively deal with the noise the following text could form the basis of set of conditions:-

- No deliveries shall be made to the site between the hours of 23:00 until 07:00 hours. Unless specifically agreed in writing by the Local Planning Authority beforehand.

Reason: To protect the amenity of the occupants of nearby dwellings to accord with the National Planning Policy Framework and local policy LP26 of the Central Lincolnshire Local Plan 2012-2036.

- The business outlined in red and blue on location plan LDC2850-PL-01 shall only operate no more than 6 grain dryer fans at any one time. In

accordance with the Noise Report reference NIA/8960/20/9025/v
?/Woldgrain; and if requested by the Local Planning Authority, the
applicant/operator shall submit digital/electronic records of the number and
times of fans in use at any one time.

Reason: To retain a low noise impact on the nearest occupied or
potentially occupied uses concluded in the noise report during operation of
the business to accord with the National Planning Policy Framework and
local policy LP26 of the Central Lincolnshire Local Plan 2012-2036.

- Any plant hereby permitted shall operate in a way that will achieve the
specified noise levels as measured at the specified measuring locations
defined tables xx and xx of the Noise Report referenced
NIA/8960/20/9025/v/Woldgrain.

Reason: To retain a low noise impact on the nearest occupied or
potentially occupied uses concluded in the noise report during operation of
the business to accord with the National Planning Policy Framework and
local policy LP26 of the Central Lincolnshire Local Plan 2012-2036.

Representation received 7th May 2020:

Please note the below response to my recommendation for addressing
concerns should this application proceed and there be subsequent
determination of Statutory Nuisance arising out complaint, ongoing concerns,
indeed duty to monitor the district for Statutory Nuisance.

I have demonstrated proof of need to curb noise creep and Hemswell Cliff by
way of measures already implemented and ongoing, and suggested they be
mirrored. This appeared to have been accepted but only against monitoring
data that wasn't representative of worst case existing or potential or
consideration against nearest premises with established dwelling rights.

I believe I have offered a reasoned and apparently available opportunity with
steps therein to assess and address concerns as regards this application,
noise creep and the wider potential for enforcement action we would be
legally bound to take should there be a subsequent determination of
nuisance.

In view of the response I remain unable to recommend approval.

Representation received 4th May 2020:

Suggest you run existing plant for 15 minutes on basis of each of:
14 fans and 3 dryers
6 fans and 3 dryers

Measure at 160m from the existing plant and simultaneously measure at
original monitoring location i.e. east of the school.

Measure sound output level from a sample of the fans being used to compare against new unattenuated fans. Assess for Tonality, Impulsivity and intermittency

Once results are obtained, assess against WHO, PPG and BS4142 the scenarios for impact from the existing plant to JMW (235m) and at 160m for the new plant for likelihood of nuisance and adverse effect and make comparison against existing results.

If there is likelihood of Nuisance with 14 existing fans then present a reasoned argument demonstrating that the 6 existing fans and 3 dryers are not cause for a likelihood of nuisance and/or that the 6 new fans plus new dryer would not exceed the levels set out in the Food Enterprise Zone and would mitigate impact from the existing plant.

Assurance will still be needed that the proposed plant can be sited without the silo proximity apparent creating its own problem from reflected noise.

Representation received 15th January 2020:

Noise:

- Noise assessment to BS4142 (2014) to establish existing and post development noise levels, to establish if mitigation is required to protect existing nearby sensitive receptors and to consider noise creep in the area as a whole.
- There is continued concern as regards increased and increasing noise levels and of noise creep at Hemswell Cliff. Concerns in the main are in relation to residential areas, most of which are affected and expectation is that there shall be no increase in respect of this application and that any increase in other areas i.e. the business park shall be appropriately justified against the more sensitive users.
- Previous contact with Woldgrain has established that fans do operate at night. This application includes one dryer amongst the intended 14 additional silos; grain dryers have significant potential for noise.

Contamination/Drainage:

- Findings (following the fire at the former Eco-Plastics) of contamination getting into watercourses (at Aisthorpe Springs) in as much as there are watercourses to which former MOD drainage infrastructure discharge.
- It is noted that intent is to discharge surface water by way of soakaway. Whatever the means, there ought to be sequential justification and assurance that the potential from what is High Risk MOD land in terms of potential for contamination is not exacerbated by putting controlled waters (including groundwater) at risk.
- There is history of flooding in the vicinity.

WLDC Conservation Officer (CO): No objections

I can confirm that there are a number of listed buildings in the distance including:

- a) A cluster of listed buildings noting group value at Spital in the Street,

- b) Norton Place and its parkland
- c) Hemswell Court.

The proposed development is an extension of what we can already see and experience, and I can confirm that the proposals will not harm the settings of any of the above. There are no clear views of these structures that affect how the settings of these listed buildings are experienced. Hemswell Court has no visual link between the two sites, nor is this building seen in the same vista on approach to Hemswell. The proposal is at sufficient distance from listed buildings in Spital in the Street and the lodge to, Norton Place and its historic parkland not to have any impact on how these settings are experienced. There are no key views that will be impacted. The site is shown below from the A15 close to the Lodge at Norton Place (red arrow shows the existing development to assist).

Environment Agency: No objections subject to a condition

The previous use of the proposed development site as a former RAF airfield presents a potential risk of contamination that could be mobilised during construction to pollute controlled waters. Controlled waters are particularly sensitive in this location because the proposed development site is within source protection zone 2 and located upon a principal aquifer. The application's desk study report demonstrates that it will be possible to manage the risks posed to controlled waters by this development. Further detailed information will however be required before built development is undertaken. We believe that it would place an unreasonable burden on the developer to ask for more detailed information prior to the granting of planning permission but respect that this is a decision for the local planning authority.

In light of the above, the proposed development will be acceptable if a planning condition is included requiring the submission of a remediation strategy.

The use of infiltration SuDS may not be appropriate in this location if ground investigations identify contamination at the site as a result of the former use of the site as an RAF airfield. Using soakaways or other infiltration methods on land affected by contamination carries groundwater pollution risks.

LCC Highways/Lead Local Flood Authority: No objections

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

LCC Minerals and Waste: No objections

Natural England: No objections with advice

LCC Archaeology: No representations received to date

MOD Safeguarding: No representations received to date

National Grid: No representations received to date

Lincolnshire Wildlife Trust: No representations received to date

IDOX checked: 27th May 2020

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 (adopted in April 2017) and the Lincolnshire Minerals and Waste Local Plan (adopted June 2016).

Development Plan

- ***Central Lincolnshire Local Plan 2012-2036 (CLLP)***

Relevant policies of the CLLP include:

LP1 A presumption in Favour of Sustainable Development

LP2 The Spatial Strategy and Settlement Hierarchy

LP5 Delivering Prosperity and Jobs

LP13 Accessibility and Transport

LP14 Managing Water Resources and Flood Risk

LP16 Development on Land Affected by Contamination

LP17 Landscape, Townscape and Views

LP25 The Historic Environment

LP26 Design and Amenity

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

- ***Neighbourhood Plan (NP)***

West Lindsey District Council has approved the application by Hemswell Cliff Parish Council to have the parish of Hemswell Cliff designated as a neighbourhood area, for the purposes of producing a neighbourhood plan. To date there is no draft neighbourhood plan to consider.

- ***Lincolnshire Minerals and Waste Local Plan (LMWLP)***

The site is in a Limestone Minerals Safeguarding Area and policy M11 of the Core Strategy applies.

National policy & guidance (Material Consideration)

- ***National Planning Policy Framework (NPPF)***

The NPPF sets out the Government's planning policies for England and how these should be applied. It is a material consideration in planning decisions.

The most recent iteration of the NPPF was published in February 2019.

Paragraph 213 states:

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

- **National Planning Practice Guidance**
- **National Design Guide (2019)**

<https://www.gov.uk/government/collections/planning-practice-guidance>
<https://www.gov.uk/government/publications/national-design-guide>

Main issues:

- Principle of the Development
Site Background and proposal
Central Lincolnshire Local Plan 2012-2036
National Planning Policy Framework
Assessment of local policy LP5 (Local Employment Site) of the CLLP
Concluding Statement
- Minerals Resource
- Surface Water Drainage/Water Contamination
- Contamination

Assessment:

Principle of the Development

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

Site Background and proposal:

The submitted design and access statement states that *"Woldgrain Storage Ltd was established in 1980 and is currently an 85,000 tonne Grain Storage facility"*. It carries on to clarify that *"the primary function of the business is to operate as a 'Farmers' Co-operative', with the storage space being owned by the shareholding membership"*

The submitted business case states that *"this expansion would increase our workforce and create additional harvest employment. It will also provide local farmers with greater opportunities to add value to their crops and thereby increase their revenue and profitability. The wider supply chain, particularly hauliers, will also benefit."*

The 85,000 tonnes of grain is collected from the members and delivered by local hauliers. The proposal will provide an additional 60,000 tonnes of grain storage which is aimed to be delivered in the next 10 years and provide storage for local farmers that currently store their grain outside of Lincolnshire.

It is understood that Woldgrain Ltd has applied for a substantial sum of money to help fund the proposed development. This funding is dependent on the disclosure of a planning permission by Woldgrain in its funding application. The timescale of the funding application are relatively tight with the funding decision at the end of June. The position and importance of this funding to the business is acknowledged, however this funding position is not a material consideration in the determination of the application.

Central Lincolnshire Local Plan 2012-2036:

Local policy LP5 (Local Employment Site) of the CLLP sets out the criteria for the acceptability of new B1/B2/B8 employment development/and or redevelopment of sites on non-allocated but existing local employment sites.

National Planning Policy Framework:

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

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

Assessment of Local Policy LP5 (Local Employment Site) of the CLLP:

Local Policy LP5 (Local Employment Site) states that "*Appropriate proposals for new B1/B2/B8 employment development and/or redevelopment of sites for B1/B2/B8 uses on non-allocated but existing local employment sites will be supported where:*

- *they do not conflict with neighbouring land uses;*
- *their scale does not harm the character of the locality and/or the amenities of neighbouring occupiers; and*
- *they will not impact unacceptably on the local and/or strategic highway network."*

They do not conflict with neighbouring land uses:

The proposed site is adjacent the existing business and on a local employment site comprising a number of commercial/industrial businesses with large buildings.

Initially there were concerns raised from the Explosives Inspectorate that the business to the east of the site would be affected in terms of its licensed storage capacity due to the proximity and the potential serious consequence to people. However this concern has now been removed due to the fact there will be no inhabited buildings on the site, workers will not be in the area on a typical day and that the traffic will be limited to 2 vehicles per day.

It is therefore considered that the proposed development would not conflict with neighbouring uses.

Their scale does not harm the character of the locality and/or the amenities of neighbouring occupiers:

Local policy LP17 and LP26 also apply to the visual and residential amenity impacts of the development.

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

Local policy LP26(c) of the CLLP states that *All development proposals must take into consideration the character and local distinctiveness of the area (and enhance or reinforce it, as appropriate) and create a sense of place. As such, and where applicable, proposals will be required to demonstrate, to a degree proportionate to the proposal, that they:*

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

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

Paragraph 180 of the NPPF states that *"Planning policies and decisions should also ensure that new development is appropriate for its location taking into account the likely effects (including cumulative effects) of pollution on health, living conditions and the natural environment, as well as the potential sensitivity of the site or the wider area to impacts that could arise from the development. In doing so they should:*

a) mitigate and reduce to a minimum potential adverse impacts resulting from noise from new development – and avoid noise giving rise to significant adverse impacts on health and the quality of life"

The Identity chapter (pages 14-17) of the National Design Guide places importance on the need for development to either reflect its local character or create a sense of character through the built form.

The proposed development is not within an area designated for its special landscape or scenic beauty.

A number of objections have been received in relation to the visual harm caused by the type and scale of the structure. Comments have been received in relation to the colour of the structures.

The proposed silos would be located adjacent to the south east of Woldgrains existing silos and would be sited on an industrial/commercial section of Hemswell Cliff Business Park. They will be approximately 2 metres higher than the existing silos and be finished in galvanised sheeting which will dull in colour over time.

The officer's site visit included viewing the site from the residential area of Hemswell Cliff, the A631, Dog Kennel Road, Middle Street (B1398), Old Leys Lane, the A15 and Spital Lane. Views of the site using the existing silos as a reference are mixed from not in view, partially in view to fully in view. The differences were very much dependant on local screening and land levels from the highway.

The nearest public right of way is the east entrance point to Hems/787/2 which is 1,500 metres away and gradually goes downwards as you travel west along it. Public right of way Gltw/91/1 is to the south of the site but is a considerable 1,700 metres from the site.

Due to the position of the proposed silos the cumulative impact of the additional silos is not viewed from the east (A15) or the west (Middle Street) although the development does push the silos closer to areas to the east. The view of the silos from the south (A631/Spital Lane) is mixed due to the built form at Hemswell Cliff. The clearest view of the site from the south is from Spital Lane and the A631 between the south junction with Spital Lane and the junction with Dog Kennel Road.

The same can be considered of the views of the site from the residential area of Hemswell Cliff. Most views will be blocked off or reduced by the existing residential built form and Business Park to the north/north west. The clearest view of the silos would be from the residential dwellings near to the school and from the school and its external playing field.

The proposed development will cumulatively increase the number of silos on the site but not to a degree that would completely overtake and dominate the area or the landscape. The cumulative impact will primarily only be seen from the south (A631/Spital Lane) as stated above. All of the views of the silos would be observed in its context on a commercial business park next to existing silos constructed from galvanised steel.

It is therefore considered that the proposed silos would not have a significant harmful visual impact on the site or the surrounding area.

The proposed silos would be approximately 40 metres from the commercial building to the east, approximately 50 metres from the nearest commercial building to the south west and over 400 metres from the nearest residential

dwelling to the south. The proposed silos would not have an overbearing impact or cause a significant loss of light on any neighbouring uses.

The main consideration on residential amenity is the impact of noise disturbance on the neighbouring uses of residential, commercial/business and educational. The authority's Environmental Protection Officer (EPO) has raised concerns over noise impacts of the site and the potential for an increase from this development. Objections have been received in relation to existing noise disturbance from the site. The EPO has acknowledged the concerns raised by local residents however there is no evidence of any complaints having been received.

The application has included the submission of a Noise Impact Assessment (NIA) dated 11th March 2020 by Environmental Noise Solution Ltd. This was then superseded by an amended NIA dated 30th March 2020, then by amended NIA dated 21st April 2020 and finally by amended NIA (version 4) dated 20th May 2020. In summary the latest NIA stated the following:

The four nearest noise sensitive receptors (NSR) were assessed. These are:

- Hemswell Cliff Primary School, approximately 400m to the south of the site (NSR1)
- Dwellings on Capper Avenue, approximately 450 metres to the south of the site (NSR2)
- Blenheim House and Blenheim Lodge approximately 340 metres to the south of the site (NSR3)
- Residential unit above commercial unit on Gibson Road approximately 160 metres to the south of the site (NSR4)

It is acknowledged in the NIA that Blenheim House and Blenheim Lodge are currently unoccupied but have the potential to be occupied in the future and the first floor of the commercial unit on Gibson Road could be occupied as a potential residential unit.

At the top of page 6 the NIA explains the method of assessing the impact and the ratings attached when compared to background noise levels. The timings of noise readings are listed below:

- 1 hr during the day (between 07:00 - 23:00 hrs)
- 15 min during the night (between 23:00 - 07:00 hrs)

The NIA on the requirements of the authority's Environmental Health Department has considered the consented but to date not operational Food Enterprise Zone to the north and west. The NIA states that *"It is understood that the consented Food Enterprise Zone (FEZ) has the following operational noise limits at receptors relevant to this assessment (replicated from Table 7.17 of the Environmental Statement 'Hemswell Cliff FEZ LDO' prepared by Aecom for West Lindsey District Council."* which are:

	Day	Night
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Blenheim Care Home	45dB	39dB
Hemswell Village	36dB	32dB
Gibson Road	52dB	38dB

Page 9 of the NIA states that the typical background noise level recorded from day and early morning monitoring is around:

- 42 dB LA90,15min during the day and 36 dB LA90,T at night at Position 1 (representing Hemswell School and Hemswell Village)
- 42 dB LA90,15min during the day and 41 dB LA90,T at night at Position 2 (representing the Blenheim Care Home)
- 49 dB LA90,15min during the day and 48 dB LA90,T at night at Position 3 (representing the JMW Centre)

The NIA lists the silos and associated fans making it clear on page 10 that the assessment is based on the fitting of fan silencers.

The NIA (page 11) is based on the fact that due to power constraints, it is not possible for all 14 no. silo fans to be in operation simultaneously and that only 6 fans would ever be in use at any one time. This has been confirmed by the agent in an email dated 31st March 2020.

Section 4.2 and table 4.4 of the NIA lists the noise levels on the NSR's. These are:

NSR1	30dB
NSR2	29dB
NSR3	32dB
NSR4	38dB

With the +3dB penalty included the NIA assessed daytime and night impacts as:

Daytime Impact				
Parameter	NSR1	NSR2	NSR3	NSR4
Background sound (dB)	42dB	42dB	42dB	49dB
Noise Level (dB)	30dB	29dB	32dB	38dB
Acoustic Correction +3dB	33dB	32dB	35dB	41dB
Compared to Background	-9dB	-10dB	-7dB	-8dB
Impact Rating	Low	Low	Low	Low

Night time Impact				
Parameter	NSR1	NSR2	NSR3	NSR4
Background sound (dB)	N/A	36dB	41dB	48dB
Noise Level (dB)	N/A	29dB	32dB	38dB
Acoustic Correction +3dB	N/A	32dB	35dB	41dB
Compared to Background	N/A	-4dB	-6dB	-7dB
Impact Rating	Low	Low	Low	Low

N/A – Night time impact on The Primary School (NSR 1) has not been considered as it would be closed and not in operation.

The NIA goes on to state that the “*It can be seen that the rating level of the proposed plant is expected to be below the background noise level during the day and night at all NSRs resulting in a low impact.*”

Section 4.4 of the NIA assesses the cumulative impact of the development on noise including consideration of the Food Enterprise Zone (FEZ). Table 4.8 and 4.9 of the NIA confirms the noise restrictions of the FEZ. These are:

	Day	Night
Blenheim Care Home (dB)	45	39
Hemswell Village (dB)	36	32
Gibson Road	52	38

The FEZ does not include a noise restriction for the Primary School. Based on the FEZ restrictions and noise levels recorded the day and night time use of the proposed site will have the following cumulative noise levels:

Daytime Impact			
Parameter	NSR2	NSR3	NSR4
Consented FEZ Limits	45dB	36dB	52dB
Noise from proposal	32dB	35dB	41dB
Cumulative Noise	45.2dB	38.5dB	52.3dB
Increase	0.2dB	2.5dB	0.3dB
Impact Rating	Negligible	Negligible	Negligible

Night time Impact			
Parameter	NSR2	NSR3	NSR4
Consented FEZ Limits	39dB	32dB	38dB
Noise from proposal	32dB	35dB	41dB
Cumulative Noise	39.8dB	36.8dB	42.8dB
Increase	0.8dB	4.8dB	4.8dB
Impact Rating	Negligible	Small	Small

The NIA concludes on page 14 that the noise impact on all the NSR's will be low during the day and at night. The cumulative effect of noise from the development when considered “*alongside potential additional commercial/Industrial noise from a nearby consented local development*” is:

- “*Negligible during the day at all NSRs*”
- “*Negligible to Small, depending on location, at night.*”

Such increases in cumulative noise levels are not considered to be significant.”

The Authority's EPO has throughout the time of the application raised a number of concerns with the detail of the submitted NIA's (version 1, 2 and 3).

These concerns were relayed to the applicant by the case officer and EPO leading to the submission of version 4 of the NIA.

The Authority's EPO is now satisfied that the information submitted in the Noise Impact Assessment is acceptable including considering a business with first floor residential accommodation around 160 metres from the site. The EPO therefore has no objections to the development subject to the conditions as recommended.

They will not impact unacceptably on the local and/or strategic highway network."

Objections have been received from residents and Parish Councils due to the increase in Heavy Goods Vehicle movement on an already busy road network.

Paragraph 109 of the NPPF states that *"development should only be prevented or refused on highways grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network would be severe."*

The proposed 14 silos would when in full operation create an additional 4,276 lorry movements which would equate to 17 deliveries a day each year by heavy goods vehicles. However there would be a higher concentration of movements over the 12 week harvest period starting in July. Woldgrain is in a location off an 'A' road (A631) with good transport links to the A15 to the east. All deliveries made to the site are completed from a business park access which is separate to the highway access to the residential areas. The Highways Authority at Lincolnshire County Council have no objections to the development.

It is acknowledged that the proposal will increase lorry movements which will be more intensive during the harvest period but access to the site is off the A631 and does not include travelling through the main residential area. It is therefore considered that the development will not have a harmful impact on highway safety or significantly increase the amount of traffic movements on the local road network.

Concluding Statement:

The 14 silos will provide growth to a business on a local employment site and provide additional employment during the harvest season as well as benefiting local farmers and hauliers. The proposed development will not have a harmful visual impact or conflict with neighbouring land uses or the operation of their business. The application has demonstrated that the development is not expected to have a harmful impact on the living conditions of neighbouring residents, particularly in terms of additional noise generated from the proposal and cumulatively. The additional silos will not create unacceptable levels of traffic generation from heavy goods vehicles and will utilise an existing acceptable vehicular access away from the residential area.

The proposal will therefore accord with local policy LP13 and LP17 of the Central Lincolnshire Local Plan and the provisions of the NPPF.

Therefore the principle of the development is acceptable and accords with local policy LP5, LP13, LP17 and LP26 of the Central Lincolnshire Local Plan and the provisions of the NPPF, particularly paragraph 180.

It is considered that policy LP5, LP13, LP17 and LP26 are consistent with the business growth, highway safety, visual impact and residential amenity guidance of the NPPF and can be attached full weight.

Minerals Resource

Guidance contained within paragraph 203-211 of the NPPF sets out the need to safeguard mineral resources through local plan policies '*to support sustainable economic growth and our quality of life*'.

Policy M11 of the Lincolnshire Minerals and Waste Local Plan (Core Strategy and Development Management Policies) states that:

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

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

The site is in a Limestone Minerals Safeguarding Area. The application is for 14 silos and associated structures. The application has included the submission of a Minerals Assessment and the Minerals and Waste team at Lincolnshire County Council have confirmed that they have no objections to the development. The development therefore does not have a harmful impact on a Minerals Resource and accords to policy M11 of the Lincolnshire Minerals and Waste Local Plan and the provision of the NPPF.

It is considered that policy M11 is consistent with the minerals guidance of the NPPF and can be attached full weight.

Surface Water Drainage/Water Contamination

Objections and concerns have been received in terms of surface water drainage methods and flooding. The site is in flood zone 1 and has no risk of surface water flooding according to the governments flood map website¹.

The application has included a Phase 1 Desk Study completed by TLP Ground Investigations dated 19th December 2019.

The application form states that surface water will be disposed to a soakaway, which is encouraged as a form of sustainable urban drainage system. No detail has been submitted to demonstrate that the ground conditions are suitable for infiltration, however during the site visit existing soakaways were observed at the foot of the existing silos.

Concerns around the use of soakaways has been submitted by the Authority's Environmental Protection Officer (EPO) and the Environment Agency (EA) in relation to the impact of contamination from the previous RAF airfield use on controlled waters. Controlled waters are particularly sensitive as the site is in source protection zone 2 and located upon an aquifer. The EA go on to say that *"The application's desk study report demonstrates that it will be possible to manage the risks posed to controlled waters by this development"*.

It is considered and acknowledged by the EA that the disposal of surface water can be addressed by a condition to include the submission of a remediation strategy.

Therefore subject to a condition the development will accord with local policy LP14 and LP16 of the Central Lincolnshire Local Plan and the provisions of the NPPF.

It is considered that policy LP14 and LP16 are consistent with the drainage and contamination guidance of the NPPF and can be attached full weight.

Contamination

Given the previous use of the site as an RAF airfield and its current use owned by a haulier there is the potential for the site to be contaminated. As discussed in the water contaminations section it is considered that further contamination investigation can be addressed through a condition on the permission. The Authority's Environmental Protection Officer has recommended a contamination condition.

Therefore subject to a condition the development will accord with local policy LP16 of the Central Lincolnshire Local Plan and the provisions of the NPPF.

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

¹ <https://flood-warning-information.service.gov.uk/long-term-flood-risk/map>

Other Considerations:

Heritage

A comment has been received from a resident objecting to the lack of a heritage statement and consultation with the Authority's Conservation Area Officer (CAO).

As confirmed by the CAO *"there are a number of listed buildings in the distance including:*

- d) A cluster of listed buildings noting group value at Spital in the Street,*
- e) Norton Place and its parkland*
- f) Hemswell Court."*

The nearest of these Listed Buildings is Hemswell Court which sits approximately 850 metres to the south. The setting of Listed Buildings was not advertised on the site notice due to these significant separation distances. The CO has not requested the submission of a heritage statement and has described that the separation distances and/or the context the Listed Buildings sit in ensures that their settings or how they are experienced is not harmed.

Ecology

Some comments have been received in relation to the impact of the development on local wildlife. The application site is covered by short grass, close to commercial uses and surrounded by a perimeter hardstanding track. Therefore it is not considered reasonable or necessary in this case to require an ecology survey to be completed.

Pre-commencement Conditions

The draft pre-commencement conditions have been agreed in writing by the applicant/agent.

Conclusion and reason for decision:

The decision has been considered against local policy LP1 A Presumption in Favour of Sustainable Development, LP2 The Spatial Strategy and Settlement Hierarchy, LP5 Delivering Prosperity and Jobs, LP13 Accessibility and Transport, LP14 Managing Water Resources and Flood Risk, LP16 Development on Land Affected by Contamination, LP17 Landscape, Townscape and Views, LP25 The Historic Environment and LP26 Design and Amenity of the Central Lincolnshire Local plan 2012-2036 and policy M11 OF the Lincolnshire Minerals and Waste Local Plan (adopted June 2016) in the first instance. Furthermore consideration is given to guidance contained within the National Planning Policy Framework and National Planning Practice Guidance. In light of the above assessment it is considered that the development will provide growth to a business on a local employment site and provide additional employment during the harvest season as well as benefiting local farmers and hauliers. The proposed development will not have a harmful visual impact or conflict with neighbouring land uses or the operation of their business. The application has demonstrated that the development is not expected to have a harmful impact on the living conditions

of neighbouring residents, particularly in terms of additional noise generated from the proposal and cumulatively. The development would not have a harmful impact on highway safety, a minerals resource or drainage. The development is therefore considered acceptable subject to conditions.

Recommendation: Grant of planning permission subject to the following conditions

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

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

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

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

2. No development shall take place until, suitably qualified contaminated land assessments and associated remedial strategy with none technical summaries, conclusions and recommendations, 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. [Outcomes shall appropriately reflect end use and when combining another investigative purpose have a dedicated contaminative summary with justifications cross referenced]. 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 as recommended by the Environment Agency and the Housing and Environmental Enforcement Manager in to accord with the National Planning Policy Framework and policy LP14 and LP16 of the Central Lincolnshire Local Plan 2012-2036.

3. No development must take place until details for the disposal of surface water (including any necessary soakaway/percolation tests) from the site and a plan identifying connectivity and their position has been submitted to and approved in writing by the local planning authority. Any infiltration system must be supported by an assessment of the risks to controlled waters. No operation must occur until the approved scheme has been completed in accordance with the approved scheme.

Reason: To ensure that the developments surface water drainage scheme does not contribute to, and is not put at unacceptable risk from or adversely affected by, unacceptable levels of water pollution caused by mobilised contaminants to accord with the National Planning Policy Framework and policy LP14 and LP16 of the Central Lincolnshire Local Plan 2012-2036.

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

4. With the exception of the detailed matters referred to by the conditions of this consent, the development hereby approved must be carried out in accordance with the following proposed drawings:
- P206650-500 issue 02 dated 3rd April 2020 – elevations
 - P206650-500 issue 05 dated 7th January 2020 – Site Plan

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

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

5. No deliveries must be made to the site between the hours of 23:00 and 07:00.

Reason: To protect the amenity of the occupants of nearby dwellings to accord with the National Planning Policy Framework and local policy LP26 of the Central Lincolnshire Local Plan 2012-2036.

6. The business outlined in red on location plan LDC2850-PL-01 must operate no more than 6 silo fans at any one time. In accordance with the Noise Report reference NIA/8960/20/9025/v4/Woldgrain;

AND

If requested by the Local Planning Authority, the applicant/operator must submit digital/electronic records of the number and times of fans in use at any one time. This information must be retained for 2 years.

Reason: To retain the low noise impact on the nearest occupied or potentially occupied uses as concluded in the approved ENS Noise Report ref NIA/8960/20/9025/v4/Woldgrain dated 20th May 2020 during operation of the business to accord with the National Planning Policy Framework and local policy LP26 of the Central Lincolnshire Local Plan 2012-2036.

7. Any plant hereby permitted must operate in a way so as not to exceed the specified noise levels as measured at the specified measuring locations defined in Tables 4.5 and 4.6 (page 12) of the approved ENS Noise Report ref NIA/8960/20/9025/v4/Woldgrain dated 20th May 2020.

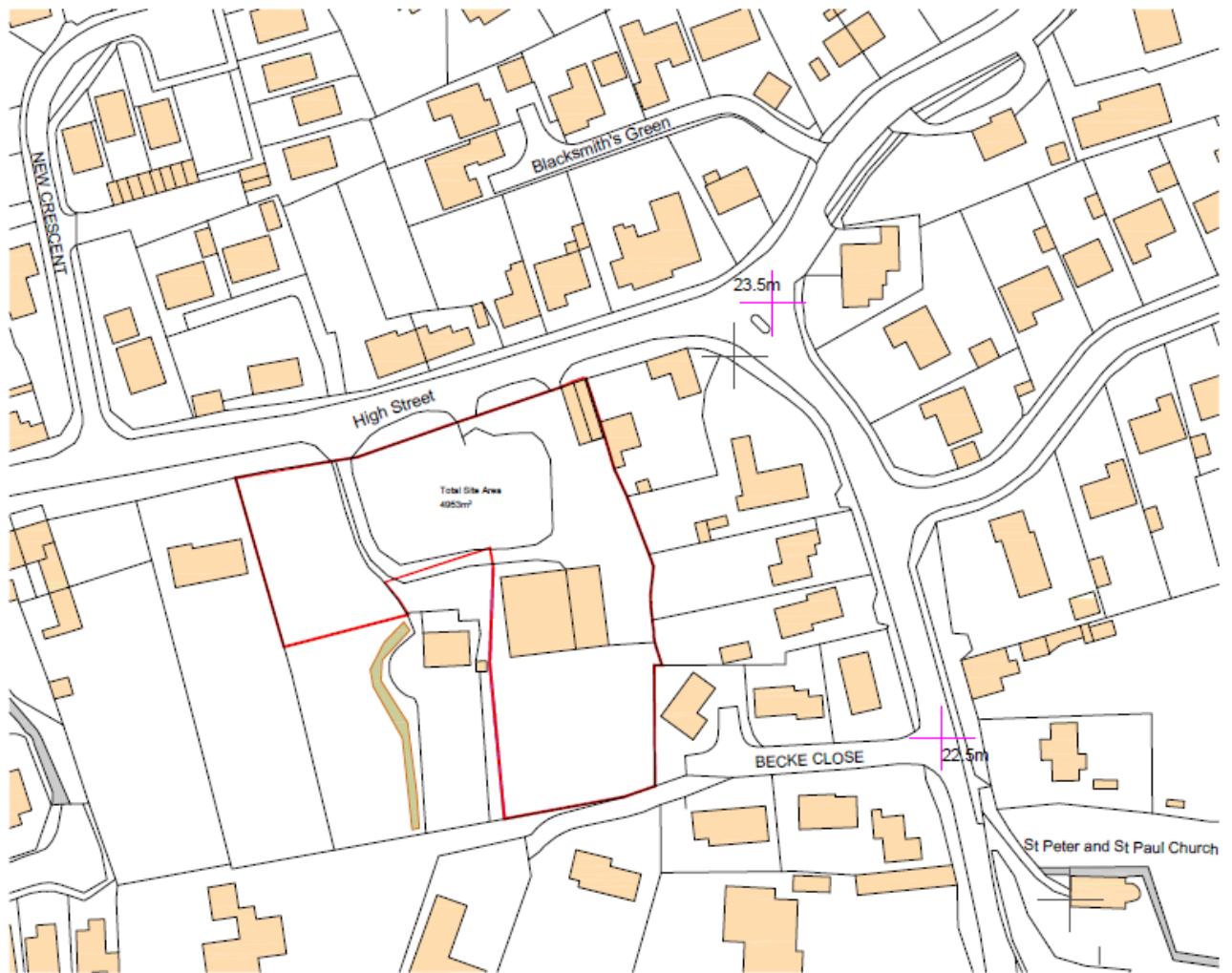
Reason: To retain a low noise impact on the nearest occupied or potentially occupied uses as concluded in the approved noise report during operation of the business to accord with the National Planning Policy Framework and local policy LP26 of the Central Lincolnshire Local Plan 2012-2036.

8. If, during development, any additional contamination not previously identified is found to be present at the site then no further development (unless otherwise agreed in writing with the local planning authority) must be carried out until a remediation strategy detailing how this contamination will be dealt with has been submitted to, and approved in writing by, the local planning authority. The remediation strategy must be implemented as approved.

Reason: To ensure that the development does not contribute to, and is not put at unacceptable risk from or adversely affected by, unacceptable levels of water pollution from previously unidentified contamination sources at the development site to accord with the National Planning Policy Framework and policy LP14 and LP16 of the Central Lincolnshire Local Plan 2012-2036.

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

NONE



Officers Report

Planning Application No: 140743

PROPOSAL: Planning application for 6no. detached dwellings

LOCATION: Bleak Farm High Street Cherry Willingham Lincoln LN3 4AH

WARD: Cherry Willingham

WARD MEMBER(S): Cllr Mrs S C Hill, Cllr Mrs A Welburn and Cllr C Darcel

APPLICANT NAME: Mr Howard Roe

TARGET DECISION DATE: 20/05/2020 (Extension to 19th July 2020)

DEVELOPMENT TYPE: Minor - Dwellings

CASE OFFICER: Ian Elliott

RECOMMENDED DECISION: Refuse Permission

Planning Committee:

This planning application has been called in to planning committee by two ward members but with the caveat that the request is only if the officer recommendation is for refusal. The Parish Council supports the proposed development and considers it to be in accordance with the Made Cherry Willingham Neighbourhood Plan. In addition proposed developments on this site have a history of being presented to the planning committee (132418, 137057 and 138157) for a resolution.

Proposal:

This full application has been submitted to construct six dwellings with three street frontage dwellings and three behind.

Site:

The application site is an area of land (0.49 hectares) positioned in the centre of Cherry Willingham. The wider site has a previous agriculture history of being farmstead (farmhouse and barns) but this use has now ceased. This site is in an untidy condition with a derelict lean to barn to the front, untidy ground conditions, a modern portal framed agricultural building (open to ends and sides) and an orchard to the far rear area. Its appearance includes piles of rubble, bricks, roof tiles, timber and other items. The site is set just back from and above the highway and slopes upwards from north to south.

The north boundary is a mix of open areas with the occasional tree and high brick walls. A mix of fence panels, walls and hedging screen the east boundary. The boundary furthest south is screened by high trees and hedging. The south boundary behind proposed plots 1 and 2 is open to the unoccupied farmhouse. The west boundary is screened to the rear half (adjacent historic farmhouse) by high hedging and to the front half (adjacent 19 High Street) by post and rail fence panels with high hedging from the highway to the principle elevation of 19 High Street. Neighbouring dwellings

are adjacent or opposite all boundaries. A protected tree sits in the south west corner of the site and two protected trees are on the north boundary in the north west corner of the site. There are Listed Buildings in the vicinity of the site. These are:

- The Manor House - Grade II Listed (approximately 26 metres to the south east)
- 21, 23, 25 and 27 High Street - Grade II Listed (approximately 44 metres to the west)

There are in addition a number of non-designated heritage assets listed on Map 4 (pg32) of the Cherry Willingham Neighbourhood Plan which are within close proximity of the site. Amongst others this includes:

- Millennium Hall, 16 High Street
- East Villa, High Street
- Vine Cottage, 8 -10 High Street
- Bleak Farm House and outbuildings

Relevant history:

132418 - Outline planning application for erection of up to 13no. dwellings with all matters reserved and the conversion of a barn to a dwelling – 23/08/16 - Granted with Legal Agreement (Planning Committee) – This outline application has now expired.

137057 - Planning application for the residential development of 5no. detached dwellings - 04/05/18 – Refused (Planning Committee) – Appeal Dismissed 12/04/19 (APP/N2535/W/18/3210404)

Reason for refusal:

The proposed development will not protect the historic village centre of Cherry Willingham, its setting and its heritage assets including non-designated heritage assets through its detrimental layout and design. The proposal is therefore contrary to local policies LP25 and LP26 of the Central Lincolnshire Local Plan, guidance within the National Planning Policy Framework, particularly paragraph 58, 128, 132 and 133 and the statutory duty set out in section 66 of Planning (Listed Buildings and Conservation Areas) Act 1990

Relevant extracts from Appeal Decision include:

Paragraph 7

“The site lies in the centre of Cherry Willingham and comprises part of a former farmstead.”

Paragraph 8

“The farmhouse immediately adjacent to the site is recognised as a non-designated heritage asset in the NP. It appears to me that despite the need for repair, the traditional appearance of this dwelling makes a positive contribution to the area. The NP also identifies other non-designated heritage

assets located along High Street, including the cottages located roughly opposite the site access. The significance of these assets is their traditional scale and appearance, which is typical of a rural village.”

Paragraph 12

“The proposed dwellings would be of similar height and sited closely together, creating a very dense roofscape and a poor sense of space. All five of the proposed dwellings would be large, detached, family houses. Three of these would have no garage and although this is not a necessity, I am mindful of the fact that this is likely to result in a future requirement for outbuildings in the gardens, some of which are already compromised by the proposed parking area.”

Paragraph 17

“The proposals as a whole are confused and replicate neither a traditional housing development nor the appearance of a traditional agricultural farmstead that has been converted to residential use.”

Paragraph 18

“In light of the above, I conclude that the design and layout of the proposal, would be harmful to the character and appearance of the area and the setting of nearby non-designated heritage assets.”

Paragraph 19

“The proposal is therefore contrary to Policies LP25 and LP26 of the Central Lincolnshire Local Plan, which seek to enhance non-designated heritage assets and their setting and to ensure high quality design that contributes positively to local character. The proposal would also conflict with policy D1 of the NP, which requires new development to respect its wide surroundings in relation to historic development patterns and the aims of the Framework in relation to heritage assets and good design.

“In this case, I find that the harm that would be caused to the setting of the non-designated assets would be less than substantial.”

138157 – Planning application to erect 5no. detached dwellings – 18/10/18 - Refused (Planning Committee)

Reasons for refusal:

The development is not sympathetic to local character and history, including the surrounding built environment. The proposed development will not protect the historic village centre of Cherry Willingham, its setting and its heritage assets including non-designated heritage assets through its detrimental design quality and layout. The proposal is therefore contrary to local policies LP25 and LP26 of the Central Lincolnshire Local Plan and guidance within the National Planning Policy Framework, particularly paragraph 127(c), 128, 185(c) and 191.

140158 – Planning application for 6no. detached dwellings – 18/12/19 – Refused (Delegated)

1. *The proposed development does not relate well to or respect the site and surroundings and does not protect the historic character or historical associations the site has in its setting within the centre of the settlement in terms of design, materials, siting, layout and its concept. The development would create a poor sense of place in its location. The development would be unacceptably harmful to the character and appearance of the site, the surrounding area and the setting of nearby Listed Buildings and non-designated heritage assets. Therefore the development would not accord with local policy LP17, LP25 and LP26 of the Central Lincolnshire Local Plan, policy H3, HE1 and D1 of the Cherry Willingham Neighbourhood Plan, the statutory duty set out in section 66 of the Planning (Listed Buildings and Conservation Areas) Act 1990 and guidance within the National Planning Policy Framework and the National Design Guide.*
2. *The root protection area of the protected tree adjacent to the west of the new access road between plots 1 and 2 would cumulatively with the position of the highway (High Street) to the front cover more than the recommended 20% of the root protection area as set out in British Standard BS5837:2012. Therefore the development would have an unacceptable harmful impact on a protected tree in terms of safety, the health of the tree and its amenity value within the area and the street scene. Therefore the development would not accord with local policy LP21 of the Central Lincolnshire Local Plan, policy D1 of the Cherry Willingham Neighbourhood Plan and guidance within the National Planning Policy Framework.*
3. *The application lacks sufficient information to properly assess the impact of the development on highway and pedestrian safety by demonstrating though a swept path analysis that the driveway and turning space to plot 3 is sufficient to allow a vehicle to enter and exit the site in a forward gear. The need for this safety audit is heightened by the proximity of the public bus stop to the north east of the vehicular access to plot 3. The development is therefore contrary to local policy LP13 of the CLLP, policy D1 of the CWNP and guidance contained within the NPPF.*

Representations

Cllr Mrs A Welburn: Comment

The site location is within the centre of what remains of the historic area of Cherry Willingham, many of the surrounding building were built in the 1800s and some are listed. Because of the location it has always been felt by the residents that development on this site should be in keeping with its surroundings and as many of the original features as possible retained.

Unfortunately, the barns and outbuilding have already been destroyed and only the original farm left but this is included and updated in this plan. I understand that the original bricks will be used for the curb side buildings and reclaimed bricks of a similar native for the others.

The majority of the residents, Parish Council and Neighbourhood Plan team are in favour of progressing this scheme as it stands, therefore I would ask that the application is brought to the planning committee for consideration rather than being determined by delegated decision.

Policy LP1 Presumption in Favour of Sustainable Development – This policy confirms a desire to deliver sustainable growth.

5.4 Policy LP2 The Spatial Strategy and Settlement Hierarchy – This policy states that decisions on the location and scale of development will be assisted by the Central Lincolnshire Settlement Hierarchy. Cherry Willingham is identified as a large village which is a settlement which is capable of accommodating an appropriate level of growth such as this windfall site. It is therefore considered that the application site satisfies this policy as it is an infill site within the core of the developed footprint of the village.

5.5 Policy LP3 Level and Distribution of Growth - The Local Plan's strategic aim is to facilitate the delivery of 36,960 new dwellings, around 64% (23,654) in the Lincoln Strategy Area –of the total homes needed, delivered through a combined strategy of (and in priority order) i. urban regeneration; ii. sustainable urban extensions to Lincoln iii. growth at settlements which serve, and are serviced by, Lincoln. The development proposal would be in accordance with this policy.

Cllr C Darcel: Comment

While I am sure the previous decisions to reject the application were well founded, I am sure in this latest response the earlier concerns have been adequately addressed.

I would be happy for the application to be approved without a call in being necessary but it is WLDC's intention to refuse the application then I too would like to see the application "called in". LP2 It is a brown field site within a large village, and a significant number of local residents and the Parish Council have, in the past, indicated to me their approval for the development to proceed.

Cherry Willingham Parish Council: Supports

As a Parish Council, we fully support the application submitted by Mr Roe. The Parish Council have had numerous meetings with the developer, and we have consulted with the community at both a Public Meeting and via several drop in sessions. All of which were very positive. The site falls within the setting of a "non-designated heritage asset" and occupies a critically important centre of the old part of the village. Therefore, it needs to reflect the concept of its agricultural past. We believe that the plans submitted do recognise this. In particular the "street scene" frontage of the development.

There have been issues from Highways. We feel these have been addressed by taking out the third entrance to the site and moving the garage of plot 3 to the rear of the property. The entrance road into the site passing the two (tree protection order) trees will be top dressed, so as not to affect or disturb the tree roots.

The site is probably one of the most important in the village and has the potential to significantly raise the bar of development, as required by our Neighbourhood Plan. As a parish we would love to see this development come to fruition. We feel we have kept a dialogue open to all parties and the developer has listened to any issues and made amendments where possible.

Local residents: Representations received from:

Supports:

4 High Street, Cherry Willingham

- This seems to be the best plan so far

88 Rudgard Avenue, Cherry Willingham

- The overall content of this application is good. The developer has tried to address the issues raised in his last application although this may now have caused other issues not mentioned in the last application. I do however agree with the comment mentioned by highways and do think these need to be addressed especially with regards to plot 3 as if there is a lack of space for parking and getting into the proposed garage at the rear any new householder may be inclined to park at the front and this would lead to reversing onto a main road next to a bus stop. Even though there may be a fence on the proposed plan.

WLDC Conservation Officer: Objection

Response received 13th May 2020 (summarised):

The original barns were a most lovely complex and part of the cherished local scene in the High Street, and on view through the site from the grounds of the Parish Church and to the rear of the Manor House. Since then, the site has been left to deteriorate, and a succession of poor quality proposals has been submitted. The scheme now submitted is virtually identical to the previous application on this site, which lost a planning appeal, and whereby a government planning inspector agreed that the scheme consisted of very poor design quality.

I would advise that if permission was granted it would show support for an inferior development that is contrary to good design, lacks local distinctiveness and has a deleterious impact on the setting of all three of Cherry Willingham's listed buildings (indeed its only listed buildings – see extract of Historic England map below) due to the size and scale of some of the proposed plots, the scale, mass and volume, proposed materials and details.

Granting a permission for an inferior scheme, when it would be so easy to improve the proposed scheme, is a shame when it would be so easy at the design and planning stage to secure a much more appropriate development that better reflected the historic farm buildings, thereby reinstating some of the character that has been destroyed.

I am afraid that I am not able to offer support for this development unless some revisions are made to the proposals. Once built, these buildings are likely to impact for a very long time. I would strongly advise that it is better to wait a little longer for a superior scheme, rather than accept a poor quality scheme in the short term. It should be noted that the local authority does have powers to have the site tidied up.

The application does not preserve the settings of three listed buildings, which have a group value as some of the oldest extant structures in the village of Cherry Willingham.

Response received 27th April 2020 (summarised):

I have attached a couple of sketch mock-ups with some minor revisions to elevations of the 'barn' style structures seen within the setting of the listed building. These are:

- a) Plot 3 – turn the building 90 degrees. For this design to have some authenticity in terms of an agricultural building, it would be improved by turning the building 90 degrees. This would give a less imposing structure to the street front, and replicates a little of the form that was existed. This is quite a simple change and would result in a more private space behind for a garden.



- b) Plot 2 - the opening on the 'threshing barn' style opening has a cambered arch above it. It would be much more apposite if an oak timber lintel was utilised. Threshing barn doors rarely have cambered arches, and if they did, these had sufficient space between the top of the arch and the eaves detail.
- c) Revisions to principal (currently north elevation) of Plot 3 – the infilled 'fake carriage' arches would be improved by having a proper recess to leave the 'infill' behind the arches to give some relief to what is a very large and imposing frontage, as well as some authenticity. For houses at the executive end of the housing market, some well-detailed authenticity may bring a premium for a discerning purchaser.



These are mostly quite minor, and would improve the proposal.

WLDC Tree and Landscape Officer: No objections

The revised plan shows no alteration to the position of the driveway leading to plot 1 and the existing house. My calculation in the previous application was that the driveway covers just over 20% of the important rooting area, however the submitted report says the driveway covers just under 20% of the RPA. It is not clear whether the report has considered just the driveway or also included consideration of the existing hard surfacing of the highway road and footpath which do affect the radius of the RPA or total extent of encroachment.

As pointed out in the tree report, the existing access and ground compaction below will have restricted the growth of many roots below the access, but there will still be some roots below it. The report points out that as the access is slightly lower ground there is scope for using a cellular confinement system for the new driveway.

Tree protection details and arboricultural method statement information are included in the tree report and should be adhered to. Appendix 1 of the report gives details on the type/form of tree protection fencing that should be used. Appendix 2 of the report gives full details of the components and installation of a cellular confinement system. These are all suitable and should be followed.

No underground services should run through the tree RPA or under the proposed cellular confinement system.

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

Representations received 30th April 2020:
No objections subject to conditions

Representations received 1st April 2020:

- A swept path analysis is required for the private drives.
- There is no turning facility for plot 6.
- The access road to the parking areas for plots 3 & 4 needs to be widened to 4m.

- Please annotate the proposed site layout plan to show the widths of both access points and the driveways. There should be 6m fronting any up & over garage door or 4.8m for a roller garage door. Beyond this point it should be kept clear for other users of the private drive. A private drive should measure a minimum of 4.1m at the access for a distance of 10m and thereafter it shall measure 3.7m.
- The tree/plant located at the centre of the private drive should be removed.

LCC Archaeology: No objections subject to a condition

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

IDOX checked: 26th May 2020

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 (adopted in April 2017); and the Cherry Willingham Neighbourhood Plan (adopted March 2019).

Development Plan

• ***Central Lincolnshire Local Plan 2012-2036 (CLLP)***

Relevant policies of the CLLP include:

LP1 A Presumption in Favour of Sustainable Development

LP2 The Spatial Strategy and Settlement Hierarchy

LP3 Level and Distribution of Growth

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

LP25 The Historic Environment

LP26 Design and Amenity

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

- **Cherry Willingham Neighbourhood Plan (CWNP)**

Cherry Willingham Neighbourhood Plan (CWNP) was formally 'made' by West Lindsey District Council at a Full Council Committee meeting on the 4th March 2019. As per Neighbourhood Plan Regulations 2012, this Neighbourhood Plan is now 'made', forms part of the statutory development plan, and should be used when determining planning applications within the identified Neighbourhood Area. The most relevant policies are:

Policy H2 Housing, Type, Mix and Density
Policy H3 Infill Development in Cherry Willingham
Policy HE1 Protecting the Historic Environment
Policy D1 Design Principles for Cherry Willingham
Appendix 2 Non-Designated Heritage Assets
Landscape Character Assessment

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

- **Lincolnshire Minerals and Waste Local Plan (LMWLP)**

The site is not in a Minerals Safeguarding Area therefore policy M11 of the Lincolnshire Minerals and Waste Local Plan (adopted June 2016) does not apply.

National policy & guidance (Material Consideration)

- **National Planning Policy Framework (NPPF)**

The NPPF sets out the Government's planning policies for England and how these should be applied. It is a material consideration in planning decisions. The most recent iteration of the NPPF was published in February 2019. Paragraph 213 states:

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

Annex 2 (page 70) – Definition of Previously developed land:

*"Land which is or was occupied by a permanent structure, including the curtilage of the developed land (although it should not be assumed that the whole of the curtilage should be developed) and any associated fixed surface infrastructure. This excludes: **land that is or was last occupied by agricultural or forestry buildings** (emphasis added); land that has been developed for minerals extraction or waste disposal by landfill, where provision for restoration has been made through development management procedures; land in built-up areas such as residential gardens, parks, recreation grounds and allotments; and land that was previously developed*

but where the remains of the permanent structure or fixed surface structure have blended into the landscape.”

- **National Planning Practice Guidance**
- **National Design Guide (2019)**
 - <https://www.gov.uk/government/collections/planning-practice-guidance>
 - <https://www.gov.uk/government/publications/national-design-guide>

Other:

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

<http://www.legislation.gov.uk/ukpga/1990/9/section/66>

Greater Lincolnshire Biodiversity Action Plan 2011-20 (3rd Edition)

<https://www.nelincs.gov.uk/wp-content/uploads/2016/02/201110-LincolnshireBAP-3rd-edition.pdf>

Main issues

- Principle of the Development
 - Site History*
 - Central Lincolnshire Local Plan 2012-2036*
 - National Planning Policy Framework*
 - Cherry Willingham Neighbourhood Plan*
 - Concluding Assessment*
- Impact on Listed Buildings and Non-Designated Heritage Assets
- Visual Impact
- Residential Amenity
- Archaeology
- Impact on Trees
- Highway Safety
- Drainage
 - Foul Water*
 - Surface Water*

Assessment:

Principle of the Development

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

Site History:

Part of the site has previously been applied for twice (137057 and 138157) in the recent past and refused permission. Planning application 137057 was also dismissed at a subsequent appeal. The difference between planning application 137057 and 138157 was minimal in respect of the materials used particularly to plots 1 and 2. The most recent of these two applications

(138157) was determined on 18th October 2018 but the appeal decision for 137057 was dated 12th April 2019.

In addition the almost identical site was submitted in planning application 140158 and subsequently refused on 18th December 2019 after the decision of the planning inspectorate in 137057.

The site history is included in the planning history section of this report including extracts from the planning appeal decision and the reasons for refusal for planning application 140158.

Central Lincolnshire Local Plan 2012-2036:

Local policy LP2 sets out a spatial strategy and settlement hierarchy from which to focus housing growth. This policy identifies Cherry Willingham as a large village and *‘to maintain and enhance their role as large villages which provide housing, employment, retail and key services and facilities for the local area, the following settlements will be a focus for accommodating an appropriate level of growth’*. LP2 states that most of the housing growth in Cherry Willingham will be *‘via sites allocated in this plan, or appropriate infill, intensification or renewal within the existing developed footprint’*. The application site is not an allocated site but is an appropriate infill/intensification site within the developed footprint of Cherry Willingham.

National Planning Policy Framework:

Paragraph 127 of the NPPF states that *“Planning policies and decisions should ensure that developments:*

- a) will function well and add to the overall quality of the area, not just for the short term but over the lifetime of the development;*
- b) are visually attractive as a result of good architecture, layout and appropriate and effective landscaping;*
- c) are sympathetic to local character and history, including the surrounding built environment and landscape setting, while not preventing or discouraging appropriate innovation or change (such as increased densities)”*

Paragraph 129 of the NPPF states that *“Local planning authorities should ensure that they have access to, and make appropriate use of, tools and processes for assessing and improving the design of development.”*

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

Cherry Willingham Neighbourhood Plan:

Policy H2 sets out criteria for development of 6 dwellings or more delivering housing of a size, type and tenure appropriate to the site and locality.

Policy H3 sets out criteria for infill development placing importance on the character of the area and the impact on the setting of heritage assets.

Policy HE1 provides a map identifying the position of Listed Buildings (Map 3 – Page 31) and Non-Designated Heritage Assets (Map 4 - Page 32) within the settlement and importance on protecting their setting.

Policy D1 provides design principles for all new development in the settlement and sets out criteria in different categories such as character, landscape and parking.

Concluding Assessment:

The application site is prominent and in a historic area centrally located within the developed footprint of the village. The site is considered an appropriate infill and intensification site within an historic setting that requires a high quality design concept in terms of layout, scale, position, appearance and material finish. It is therefore considered that the principle of residential development on the site can be supported and accords with local policy LP1, LP2 of the CLLP, Policy H3 of the CWNP and the provision of the NPPF. This is subject to satisfying all other material considerations.

It is considered that policy LP1, LP2, and policy H3 are consistent with the sustainability and housing growth of the NPPF and can be attached full weight.

Impact on Listed Buildings and Non-Designated Heritage Assets

The site is located within the setting of a number of Listed Buildings, particularly to the west. The Manor House is to the south east and is divided from the site by other residential dwellings. The Listed Buildings off High Street are approximately 44 metres from the nearest west boundary of the site. The setting of these Listed Buildings is currently harmed by the current untidy condition of the site and the adjacent land to the west.

Local policy LP25 of the CLLP states that *“Development proposals should protect, conserve and seek opportunities to enhance the historic environment of Central Lincolnshire”* and provides a breakdown of the required information to be submitted as part of an application in a heritage statement.

In the Listed Building section of LP25 it states that *“Development proposals that affect the setting of a Listed Building will be supported where they preserve or better reveal the significance of the Listed Building”*.

Policy HE1 of the Cherry Willingham Neighbourhood Plan (CWNP) sets out criteria for protecting Heritage Assets within Cherry Willingham. Map 3 (pg31) and Map 4 (pg32) of the CWNP identifies the location of Listed Building and

Non-designated Heritage Assets. In particular criteria 1 of HE1 lists what needs to be considered when assessing the impact of development on a heritage asset.

Criteria a) of policy H3 of the CWNPP states that *“the scheme is in-keeping with the character of the area, particularly in relation to historic development patterns and building plot sizes.”*

Appendix 2 (Non-Designated Heritage Assets) of the CWNPP provides commentary on the historic merit and contribution of each Non-designated Heritage Assets.

Guidance contained within Paragraph 189 of the NPPF states that *“In determining applications, local planning authorities should require an applicant to describe the significance of any heritage assets affected, including any contribution made by their setting. The level of detail should be proportionate to the assets’ importance and no more than is sufficient to understand the potential impact of the proposal on their significance.”*

Paragraph 193 states that *“great weight should be given to the asset’s conservation (and the more important the asset, the greater the weight should be). This is irrespective of whether any potential harm amounts to substantial harm, total loss or less than substantial harm to its significance.”*

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

Paragraph 197 states that *“the effect of an application on the significance of a non-designated heritage asset should be taken into account in determining the application. In weighing applications that directly or indirectly affect non-designated heritage assets, a balanced judgement will be required having regard to the scale of any harm or loss and the significance of the heritage asset.”*

The impact of a development of the setting of a listed building is more than just its visual presence and annex 2 of the NPPF defines the setting of a heritage asset as:

‘The surroundings in which a heritage asset is experienced. Its extent is not fixed and may change as the asset and its surroundings evolve. Elements of a setting may make a positive or negative contribution to the significance of an asset, may affect the ability to appreciate that significance or may be neutral’.

Paragraph 13 (Conserving and Enhancing the Historic Environment) of the NPPG (Reference ID: 18a-013-20140306) further supports this definition declaring that *‘Setting is the surroundings in which an asset is experienced, and may therefore be more extensive than its curtilage’* and *‘although views of*

or from an asset will play an important part, the way in which we experience an asset in its setting is also influenced by other environmental factors’.

Consideration is additionally given to the National Design Guide (October 2019) and particular characteristic C1, C3, I1, I2 and I3. These characteristics are based on development relating to the context of the area, high quality design, heritage assets, local history and creating character.

Paragraph 9 of the appeal decision the inspector stated that *“Given the separation distances and the presence of existing built development between the site and the listed buildings, it is my view that the proposal would have no adverse impact upon any designated heritage assets or their setting.”*

However the inspector concluded in paragraph 18 and 19 that *“the design and layout of the proposal, would be harmful to the character and appearance of the area and the setting of nearby non-designated heritage assets” and that the “proposal is therefore contrary to Policies LP25 and LP26 of the Central Lincolnshire Local Plan, which seek to enhance non-designated heritage assets and their setting and to ensure high quality design that contributes positively to local character. The proposal would also conflict with policy D1 of the NP, which requires new development to respect its wide surroundings in relation to historic development patterns and the aims of the Framework in relation to heritage assets and good design.”*

In design terms the inspector in summary concluded that the proposed development in the dismissed appeal decision:

- was too dense a roofscape (paragraph 12).
- was a poor sense of place (paragraph 12).
- would have a future requirement for outbuildings in the gardens of which some are already compromised by the proposed parking areas (paragraph 12).
- was confused and replicates neither a traditional housing development nor the appearance of a traditional agricultural farmstead that has been converted to residential use (Paragraph 17).

The application has included the submission of a Heritage Statement (HS) received 6th April 2019 which limited description of the heritage assets and the site and surroundings. This is the same HS as submitted in 140158. The HS concludes *“Considering the location of the six dwellings within the application site in relation to the Listed Buildings and the Non-Designated Heritage Assets, the scale of development and the precedent set by the previous outline permission granted. It is considered that on balance, the proposed residential development recognises the historical character of the site, the street scene and the surrounding area including nearby heritage assets.”*

The Local Authority’s Conservation Area Officer (CAO) does not support the application as submitted and has stated that the *“application does not preserve the settings of three listed buildings, which have a group value as some of the oldest extant structures in the village of Cherry Willingham.”*

The CAO provides further clarity in the response why the proposed development is not appropriate to its historic setting. In summary the development:

- Introduces inferior development that is contrary to good design, lacks local distinctiveness and has a deleterious impact on the setting of all three of Cherry Willingham's listed buildings (indeed its only listed buildings – see extract of Historic England map below) due to the size and scale of some of the proposed plots, the scale, mass and volume, proposed materials and details.

The CAO suggested three amendments to the scheme of which one was implemented. The rotating of plot 3 so that its principal elevation faces west was not agreed.

The Cherry Willingham Parish Council welcome and support this application to develop the site in line with the CWNP.

The poor current condition of the site is a consideration but this is given limited weight and does not necessitate, enable or justify a reduction in the need for a high quality sensitive development which reflects the site's historic setting in the centre of Cherry Willingham.

The design and access statement received 25th March 2020 identifies that the concept of the development is *“the frontage is to reflect a traditional farmhouse located behind the existing trees and the other frontage buildings have the appearance of two free standing converted barns Three traditional 3/4 bed-room properties are located in the back land specifically designed to blend sympathetically with the existing surrounding development with regard to scale and massing.*

The intention of the development is acknowledged and welcomed, however the proposal still separates the overall development into an attempted proposed traditional farmstead to the front and a traditional residential development on the land to the rear. This still results in a confused development and creates a poor sense of place. The traditional residential dwellings to the rear correspond poorly with the proposed barn style buildings and farm house style dwelling at the front of the site. Traditional farmsteads do not commonly have farmhouses with barns to the side along a street frontage and in ideal circumstances the existing farmhouse although unoccupied and run down should be the basis to construct an agricultural outbuilding housing development around it.

It is additionally considered that the development will at least maintain if not increase the amount and density of roofing on the site compared to the dismissed appeal. Therefore the proposal will still introduce a roofscape which is too dense.

It is therefore considered that the development is of poor design and layout which does not relate well to the historical agricultural character of the site

and the non-designated heritage farmhouse. The proposal will harm the setting of nearby Listed Buildings and the non-designated heritage assets. Therefore the proposal will not accord with local policy LP25 of the CLLP, policy HE1 of the CWNP, the statutory duty set out in section 66 of the Planning (Listed Buildings and Conservation Areas) Act 1990 and guidance within the NPPF and the National Design Guide.

It is considered that policy LP25 and HE1 is consistent with the historic environment guidance of the NPPF and can be attached full weight.

Visual Impact

Local policy LP26(c) of the CLLP states that *All development proposals must take into consideration the character and local distinctiveness of the area (and enhance or reinforce it, as appropriate) and create a sense of place. As such, and where applicable, proposals will be required to demonstrate, to a degree proportionate to the proposal, that they:*

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

The CWNP sets out criteria for infill developments (Policy H3) and design principles (Policy D1). Policy D1 states that *'proposals shall only be supported where they are of a high standard of design that have fully considered the relevant design principles'*.

Criteria a) of policy 3 of the CWNP states that *"the scheme is in-keeping with the character of the area, particularly in relation to historic development patterns and building plot sizes."*

The site is currently in poor condition in terms of its ground condition, existing derelict buildings, piles of different materials and other items left on site such as a bath, oil drum and tyres. The condition of the site currently detracts from the street scene along the High Street and the setting of the nearby listed buildings to the west and the buildings opposite which are considered as non-designated heritage assets in the CWNP.

The development proposes to construct six detached dwellings of the following approximate scale (measured from submitted plans):

Plot	beds	Storey	Metres		
			Height	Width	Length
1	5	2	8.4	14	12.7
2	4	2	8.8	20	8
3	4	2	7.8	18.7	10
4	5	3	9	11.9	9.1
5	6	3	9.2	13.1	14.6
6	5	2	8.3	14.5	16.2

The six detached dwellings are proposed to be constructed from (identified on elevation and floor plans):

Material	Specification	Plot
Roof Tile	Marley Eternit Tiles Slate Grey Red Clay pantiles Reclaimed Red Clay Pantiles	1, 4, 5, 6 2 3
Brick	Red Reclaimed Brick Brick Corbelling Brick Lintels & Corbelling Yellow Brick Brick Headers	1, 2, 4, 5, 6 1, 4, 5, 6 2, 3 3, 6 6
Stone	Reconstituted Stone Headers and Cills Natural Stone Stone	1, 4, 5 3 6
Windows/Doors	Light Grey uPVC Aluminium Section D/G Ral 7015 Aluminium Section D/G Ral 7016 Composite S/W Door	1, 4, 5, 6 1, 2, 5 3 2, 3
Rooflights	Conservation Roof Lights	2
Rainwater Goods	Black PVC	1, 2, 3, 4, 5, 6
Garage Door	Aluminium Up and Over Garage Door	6

The site is in a prime location in the centre of the settlement and in desperate need of redeveloping to improve the visual appearance and street scene along this stretch of high Street. However as previously recognised this does not enable or justify the approval of any style of housing on the site.

The area around the development site includes a mix of frontage dwellings and dwellings will sit further back from the main highways through Cherry Willingham along cul-de-sacs or no through roads. This includes Becke Close to the south east/south and Blacksmith's Green to the north.

The site is 0.49 hectares in size and is can easily accommodate six dwellings whilst providing sufficient garden space and off street parking. Given the design assessment in the impact on Listed Buildings and Non-Designated Heritage Assets it is considered that the development will have a harmful visual impact on the site, the street scene or the surrounding village of Cherry Willingham therefore does not accord with local policy LP17 and LP26 of the CLLP, policies H3 and D1 of the CWNP and guidance within the NPPF and the National Design Guide.

It is considered that policy LP17, LP26, H3 and D1 are consistent with the design, character and visual amenity guidance (Chapter 12) of the NPPF and can be attached full weight.

Residential Amenity

The site has neighbouring dwellings adjacent or opposite in all directions. No objections have been received from neighbouring residents.

On the opposite side of High Street to the north is 4, 6, 8, 10, 14 and 16 High Street. To the east of the site is 1 High Street, 4, 6, 8 Church Lane and 5 Becke Close. To the south is 8 and 10 Becke Close. The proposed dwellings given the separation distance will not be expected to impact on the living conditions of these neighbouring dwellings through a loss of privacy, an overbearing impact or a loss of light.

19 High Street to the west of the site would share a boundary with plot 1. Plot would be approximately 4.7 metres from the shared boundary with 19 High Street and approximately 7.7 metres from the east elevation of 19 High Street. The primary structure of the proposed dwelling has first floor bedroom windows on the south elevation but these will only be able to view the bottom half of the garden to 19 High Street. Plot 1 given the separation distance and design of the dwelling will not impact on the living conditions of 19 High Street through a loss of privacy, an overbearing impact or a loss of light.

To the south and west of the site is Bleak Farm Farmhouse which is unoccupied and currently in an uninhabitable deteriorating condition. It seems unlikely it is possible that this dwelling could be refurbished and occupied again in the future but it could happen. Proposed plot 5 and plot 6 will have bedroom windows which will look towards the east and south elevations of the farmhouse and the rear garden space but the farmhouse would still have some areas of privacy in its rear garden space. Consideration is given to the separation distances and the proposed uses of the rooms. Therefore it is considered that some overlooking of the farmhouse would occur if occupied but not to a significantly harmful degree. The proposed dwellings will not cause an overbearing impact or loss of light on the farmhouse.

It is important to consider the impact of the proposed dwellings on each other although there is a degree of buyer beware. The proposed dwellings have been positioned and designed including first floor openings to ensure the dwellings will not have a significant harm on the living conditions of the future residents.

Due to the close proximity of neighbouring dwellings it is considered that a construction method statement is required to ensure the construction phase considers the neighbouring residents. If it was minded to approve the application this would be conditioned on the permission.

Overall it is therefore considered that the proposed dwellings will not have a significant harmful impact on the living conditions of neighbouring dwellings or future residents of the site therefore is in accordance with LP26 of the CLLP, policy D1 of the CWNP and guidance contained within the NPPF.

It is considered that policy LP26 and D1 are consistent with the residential amenity guidance of the NPPF and can be attached full weight.

Archaeology

The Historic Environment Officer at Lincolnshire County Council has no objections to the development subject to a scheme of archaeological works prior to any groundworks being required by condition. This is due to the sites

“location within the historic core of Cherry Willingham and adjacent to the site of its manor house, means there is a high potential for medieval and earlier Anglo-Saxon remains to be destroyed during development on any works affecting this area of orchard (Plot 6 on the plans submitted).”

Therefore if it was minded to approve the application then the development would not have a harmful archaeological impact subject to a condition and accords to LP25 of the CLLP, policy HE1 of the CWNP and guidance within the NPPF.

It is considered that policy LP25 and HE1 are consistent with the historic environment guidance of the NPPF and can be attached full weight.

Impact on Trees

Paragraph 118 of the NPPF states that:

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

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

Local Policy LP21 states that:

‘All development should:

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

Policy D1(d) of the CWNP states that *“any existing mature trees and boundary hedgerows, that are within or on the boundary of development sites, shall be retained and protected.”*

The application site includes a protected tree in the south west corner of the site, two protected trees along the north boundary in the north west corner and an old traditional looking orchard to the rear which is not protected. As confirmed by the Authority’s Tree and Landscape Officer (in planning application 140158) and on the site plan the most westerly protected tree to the north boundary has consent (041349) to be removed and replaced.

The application has included an Arboricultural Implications and Tree Protection Proposals report by Mark Hudson dated 7th October 2019 including tree protection measures (appendix 1 and 2) and a tree protection at the end of the report.

Protected Trees:

The protected tree to the rear of the site is approximately 13 metres from the south west corner of plot 6. No comments have been received from the

Authority's Tree and Landscape Officer (TLO) on this protected tree. The separation distance approximated provides sufficient clearance from its crown.

The remaining large protected tree (horse chestnut) along the north boundary is a prominent feature tree along the site frontage and adds value to the street scene. The Authority's TLO objected in refused planning permission 140158 due to the harm caused to this tree. The TLO has however not objected to the development this time providing the tree mitigation and protection measures in the submitted tree report are conditioned to be adhered to. This includes a no dig road construction within the trees root protection area.

Therefore the development would not be likely to have a harmful impact on the protected trees and their root protection areas.

Orchard:

Pages 139-142 of the Greater Lincolnshire Biodiversity Action Plan 2011-2020 (3rd Edition) describes the importance in retention of Traditional Orchards. It states that *'traditional orchards are defined as groups of fruit or nut trees planted on vigorous rootstocks at low densities in permanent grassland, and managed in a low intensity way'* and that they have declined 60% since the 1950's.

The position of plot 6 would allow some of the Orchard Trees to remain in place. No comments have been received from the Authority's Tree and Landscape Officer (TLO) on the Orchard.

Given the orchard trees can be removed without permission the proposed retention of some of the orchard trees through this development is welcomed.

The proposed development will therefore not have a harmful impact on the protected trees and would retain some of the orchard and accords with local policy LP21 of the CLLP, policy D1 of the CWNP and guidance contained with the NPPF.

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

Highway Safety

The development will utilise two existing vehicular access points to provide a two new estate roads to gain access to plot 1 and 2 and to plot 3, 4, 5 and 6. High Street has a 30mph speed limit and the observation views were considered acceptable at the site visit.

The Highways Authority at Lincolnshire County Council objected to the previously refused planning application 140158 due to a lack of sufficient information. This application removed a driveway access to plot 3 and replaced it with garaging to the rear of the plot to be accessed off the estate road. The Highways Authority have not objected to this proposal subject to conditions of which one requires the closing up of an existing vehicular access

in the north east corner of the site (near the bus stop) prior to the use of the proposed accesses.

The proposed dwellings will all be served by adequate off street parking provision.

Therefore the development will not have a harmful impact on highway safety and accords to local policy LP13 of the CLLP, policy D1 of the CWNP and guidance contained within the NPPF.

It is considered that policy LP13 and D1 are consistent with the highway safety guidance (paragraph 109) of the NPPF and can be attached full weight.

Drainage

Foul Water:

The application form states that foul drainage will be disposed of to the mains sewer and the foul drainage scheme is identified on the site plan.

Surface Water:

Surface water is proposed to be dealt with through soakaway which is a method of sustainable urban drainage system and is encouraged. A soakaway scheme has been identified on the site plan but the suitability of the site for soakaways has not been demonstrated through appropriate percolation testing. If tests demonstrate that the site is suitable for soakaways then the soakaway design must be informed by the results of the percolation tests.

Therefore if it was minded to approve the application then the foul drainage scheme would be conditioned to be accorded with prior to occupation. The surface water scheme required further information which could be addressed by the use of a condition.

Therefore subject to conditions the development will not have a harmful drainage impact and accords to local policy LP13 of the CLLP, policy D1 of the CWNP and guidance contained within the NPPF.

It is considered that policy LP14 and D1 are consistent with the drainage guidance of the NPPF and can be attached full weight.

Other Considerations:

Flood Risk

The site sits within flood zone 1 therefore has the lowest risk of flooding therefore meets the NPPF sequential test.

Contamination

Due to the historical use of the site and storage of chemicals it is considered that if it was minded to approve the application then it would be necessary to

include a precautionary contamination condition in the interest of public health and safety.

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

Affordable Housing

Local Policy LP11 of the CLLP states that:

'Affordable housing will be sought on all qualifying housing development sites of 11 dwellings or more, or on development sites of less than 11 units if the total floorspace of the proposed units exceed 1,000 sqm.'

Therefore, if the units exceed 1000sqm, an affordable housing contribution will be required under policy LP11.

LP11 should be considered for its consistency with the NPPF. The NPPF (paragraph 63) states that "*Provision of affordable housing should not be sought for residential developments that are not major developments, other than in designated rural areas..*". Annex 2 of the NPPF defines major development as: *'for housing, development where 10 or more homes will be provided, or the site has an area of 0.5 hectares or more.'*

The proposal is therefore below the dwelling number and the site is less than 0.5 hectares in size therefore is not considered a major development and an affordable housing contribution should not be sought.

It is considered that policy LP11 of the CLLP is not wholly consistent with the affordable housing guidance of the NPPF but can be attached some weight.

Community Infrastructure Levy

West Lindsey District Council adopted a Community Infrastructure Levy (CIL) which will be charged from 22nd January 2018. An additional information form has been submitted but not an assumption of liability form. The total floor space created will be approximately 1,554m². Therefore using this approximate figure the development, which is located in the Lincoln Strategy Area will be liable to a CIL payment required prior to commencement of the development of approximately £38,850. An advisory note will be attached to the permission.

Permitted Development Rights

In the event permission was granted, It is considered relevant and necessary to remove certain permitted development rights from plot 2 and 3. This is to enable the agricultural character and integrity of these plots is retained through proposed future development. The permitted development rights to be removed would be Class A-H of Part 1 (Development within the curtilage of a dwellinghouse) and Class A (gates, fences, walls etc.) of Part 2 of the Town and Country Planning (General Permitted Development) (England) Order 2015 (or any order revoking and re-enacting that Order with or without modification).

Conclusion and reasons for decision:

The decision has been considered against policies LP1 A presumption in Favour of Sustainable Development, LP2 The Spatial Strategy and Growth in Villages, LP3 Level and Distribution of Growth, 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, LP25 The Historic Environment and LP26 Design and Amenity of the Central Lincolnshire Local Plan 2012-2036, Policy H2 Housing, Type, Mix and Density, Policy H3 Infill Development in Cherry Willingham, Policy HE1 Protecting the Historic Environment and Policy D1 Design Principles for Cherry Willingham of the Cherry Willingham Neighbourhood Plan in the first instance, Section 66 of the Planning (Listed Buildings and Conservation Areas) Act 1990, Appeal Decision APP/N2535/W/18/3210404, refused planning application 140158 and guidance contained within the National Planning Policy Framework, National Planning Practice Guidance and the National Design Guide. In light of the above assessment it is considered that the proposed development is not acceptable and should be refused for the following reason:

1. The proposed development does not relate well to or respect the site and surroundings and does not protect the historic character or historical associations the site has in its setting within the centre of the settlement in terms of design, materials, siting, layout and its concept. The development would create a poor sense of place in its location. The development would be unacceptably harmful to the character and appearance of the site, the surrounding area and the setting of nearby Listed Buildings and non-designated heritage assets. Therefore the development would not accord with local policy LP17, LP25 and LP26 of the Central Lincolnshire Local Plan, policy H3, HE1 and D1 of the Cherry Willingham Neighbourhood Plan, the statutory duty set out in section 66 of the Planning (Listed Buildings and Conservation Areas) Act 1990 and guidance within the National Planning Policy Framework and the National Design Guide.

Human Rights Implications:

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

Legal Implications:

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

Representors to be notified -

(highlight requirements):

Standard Letter

☐

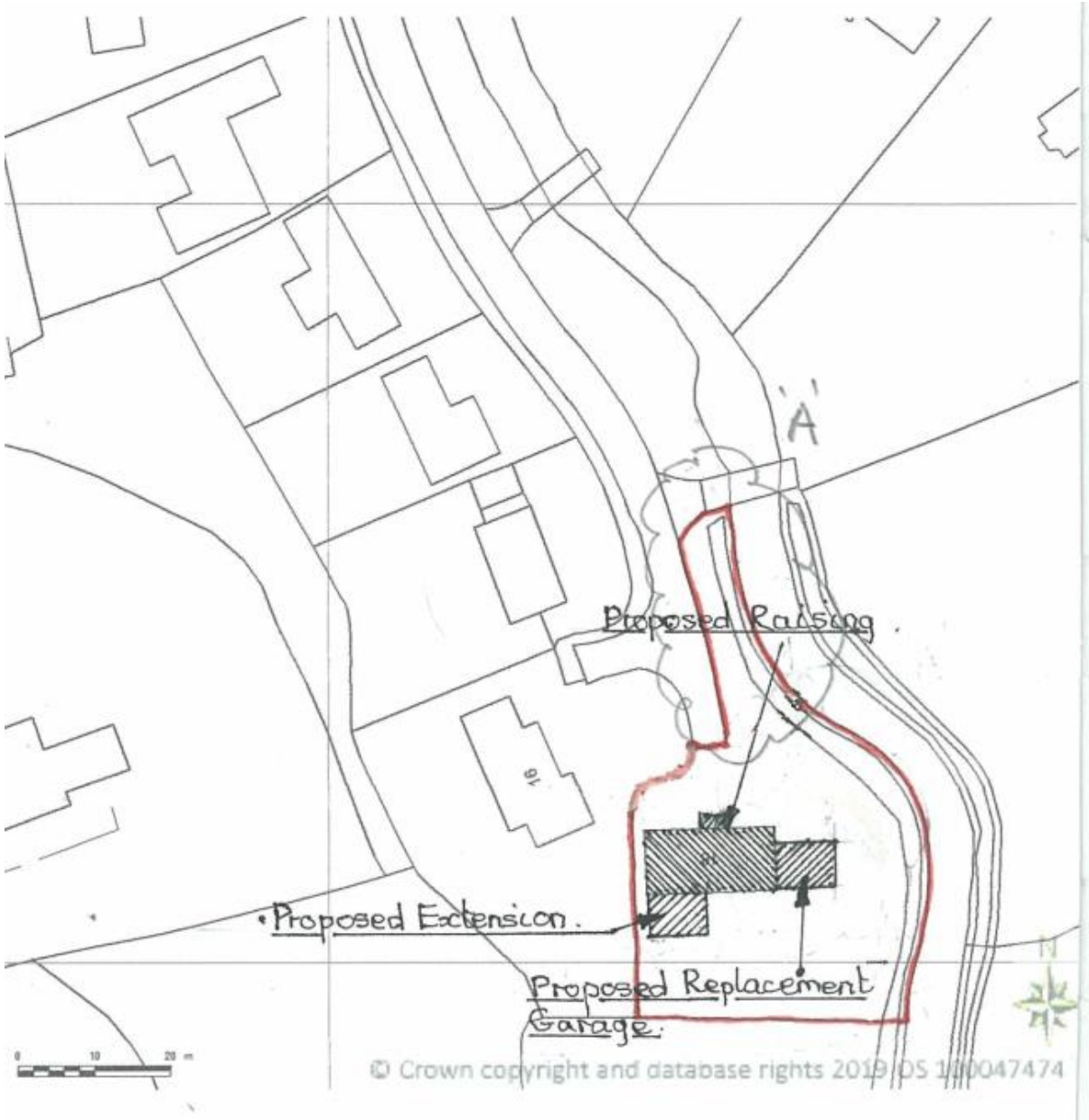
Special Letter

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Draft enclosed

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Agenda Item 6c



Officers Report

Planning Application No: 141030

PROPOSAL: Planning application for replacement of a dormer bungalow with a three storey house.

LOCATION: 18 Lindholme Scotter Gainsborough DN21 3UR

WARD: Scotter and Blyton

WARD MEMBERS: Cllr Rollins, Cllr Clews and Cllr Snee

APPLICANT NAME: Mr Calvert

TARGET DECISION DATE: 01/07/2020

DEVELOPMENT TYPE: Minor - Dwellings

CASE OFFICER: Joanne Sizer

RECOMMENDED DECISION: Grant planning permission.

The application has been referred to the planning committee, as it is considered appropriate to do so in view of the planning history and earlier decision of the committee, and previous representations in view of the benefits and harm that may arise from the proposed development.

Description: The application site is located within an established residential area of Scotter, a large village as defined by the Central Lincolnshire Local Plan (LP2). It sits within Flood Zone 3b (The Functional Flood Plain) as designated by the Environment Agency's flood maps. The site is also designated as a sand and gravel minerals safeguarding area.

The site hosts a detached residential dwelling and garage with associated garden area. The River Eau runs directly along the eastern boundary of the site. Beyond the southern boundary sits a band of trees and open designated local green space, locally known as parson's field. A neighbouring residential property (No 16) adjoins the site to the North West with other dwellings set in a line to the north and facing onto the highway (Lindholme). Further residential properties are accessed off Lindholme but these are set to the North East and on the other side of the river. These properties also sit on higher ground and are at some distance away from the site.

The grade I listed St Peters Church and grade II listed Old Rectory both sit on higher ground to the west. They are separated from the site by No 16, a band of trees and other designated important open space.

This application seeks permission for the erection of a replacement dwelling and garage but is larger in size than the existing. The development is proposed due to flooding events that have occurred at the property and seeks to reduce the impacts of flood events to the property by raising it above the existing known flood risk levels. The proposed dwelling is therefore to be

raised by approximately 1.7 metres from existing levels and incorporates a raised ramp to the front and patio to the rear.

This application is a re-submission, following application 140569 which was refused planning permission on 30 April 2020, following the resolution of the planning committee, for the following reason:

1. As a consequence of its scale, massing and positioning, the development will have a significant visual presence and overbearing impact upon the neighbouring property, to the detriment of the amenities that they may reasonably be expected to enjoy. This is contrary to policy LP26 of the Central Lincolnshire Local Plan and H4 of the Scotter Neighbourhood Plan.

The proposals and proposed amendments to the previously refused scheme are outlined below:

The existing dwelling has an approximate width of 7.5 metres and a length of 17 metres. The eaves height is approximately 2.75 metres and an overall ridge height of approximately 7.5 metres. (From existing site levels).

The proposed dwelling has an approximate width of 13 metres including the rear extension and an approximate length of 24.7 metres including the garage and passageway between. **These elements are the same as the previous scheme.**

The eaves height is now, approximately 7 metres and the overall ridge height is approximately 11.45 metres (from existing site levels). **Application 140569 proposed an eaves height of 6.7 metres and ridge height of 10.2 metres.**

The garage dimensions (separate from the house) approximately measure 6.5 metres in length and approximately 7.7 metres in width (including the passageway). The eaves height is approximately 3.8 metres and the ridge height is 7.9 metres approximately (from existing site levels). **The garage in application 140569 measured 7.7 metres in length (including the passage) and approximately 6.5 metres in width. The eaves height is approximately 4.2 metres and the ridge height 7.2 metres approximately.**

The rear/side elevation extension dimensions (separate from the house) measure approximately 7.5 metres in length and 5.5 metres in width. The eaves height is approximately 4.1 metres and the ridge height 8.8 metres (from existing site levels). **The extension in application 140569 measured 7.5 metres in length and 5.5 metres in width, with an eaves height of 6.7 and ridge height of 10.2.**

The amended replacement dwelling now consists of 3 storeys (including rooms in the roof):

It provides a lounge, hall, cloaks, kitchen, games room, utility and day room at ground floor. The first floor includes 4 bedrooms, 1 en-suite, linen/store and a family bathroom. Bedroom 5, an en-suite, dressing room and balcony are at second floor. The garage consists of parking and storage provision at ground floor with a studio and lobby above.

The proposals have been amended during consideration of the application, and a re-consultation of the amended details underway with representations invited until 10th June.

Relevant history:

140569 – Erect replacement dwelling – RE - 2020

120812 – Erect conservatory – GC 2007

M03/P/1079 – Erect detached garage – GC 2003

W88/440/78 – Erect dwelling – PPC - 1978

Representations (In Summary):

Following the submission of revised drawings, the period of consultation has been extended until 10th June. The report summarises comments received up to the 4th June. Any further representations that are received beyond this date will be summarised at the meeting.

Ward Members: No comment received at time of writing.

Parish Council: No comments received at time of writing.

Local residents: No comments received at time of writing.

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

Internal Drainage Board Comments:

If the surface water were to be disposed of via a soakaway system, the IDB would have no objection in principle but would advise that the ground conditions in this area may not be suitable for soakaway drainage. It is therefore essential that percolation tests are undertaken to establish if the ground conditions are suitable for soakaway drainage throughout the year. If surface water is to be directed to a mains sewer system the IDB would again have no objection in principle, providing that the Water Authority are satisfied that the existing system will accept this additional flow.

If the surface water is to be discharged to any ordinary watercourse within the Drainage District, Consent from the IDB would be required in addition to

Planning Permission, and would be restricted to 1.4 litres per second per hectare of greenfield run off.

No obstruction within 9 metres of the edge of an ordinary watercourse are permitted without Consent of the IDB. If surface water or works are planned adjacent to a Main River within the Drainage District, then the Environment Agency should be contacted for any relevant permits.

Environment Agency:

The proposed development is located in a high flood risk area. We are supporting this application because it is a replacement dwelling which will significantly increase the resilience of the property in comparison to the existing dwelling. The applicant should demonstrate that there is provision of an equivalent amount of flood plain storage in the new development compared to what is existing.

The proposed development will only meet the National Planning Policy Framework's (NPPF) requirements in relation to flood risk if the following planning condition is included.

The development shall be carried out in accordance with the approved flood risk assessment (FRA) dated May 2020 and drawing numbers '19/19/R1/11', '19/19/R1/15', '19/19/R1/07', '19/19/R1/08', '19/19/R1/09' and '19/19/R1/04' and the following mitigation measures they detail:

- ☐ Finished floor levels shall be set no lower than 6.84 metres above Ordnance Datum (AOD).
- ☐ Flood resilience measures shall be implemented as described on page 16 of the FRA.
- ☐ Compensatory flood storage shall be provided as shown in the submitted drawings and as described in the FRA.

LCC Archaeology:

This office has previously been consulted on plans to replace the dwelling on this site and would like to reiterate earlier comments in association with application 140569.

The specification submitted for a programme of archaeological monitoring and recording during the groundworks phase of this development would be sufficient to deal with the potential archaeological impacts we have already raised.

Therefore no pre-commencement archaeological condition would now be required, provided that the specification forms part of the approved plans, and suitably worded conditions are added to require the following:

- the developer to provide the local planning authority with two weeks notice of their intention to start the archaeological works
- the work only to progress in accordance with this agreed specification
- that following the completion of the work on site within a written report of the findings is submitted to the local planning authority

-that any finds and documentary archive is submitted to a suitable archive or museum.

Conservation Officer:

Thank you for the consultation on this application. I visited the site with regard to the last application. Please refer to my previous comments in relation to 140569 with regard to this application.

Previous comments:

I visited this site last week. Although quite an enlargement is proposed in terms of height, the location of the church, although close, is much elevated. I do not consider there will be harm to the setting of the church as a result of this proposal, given the context of adjacent development on Lindholme.

Historic England:

On the basis of the information available to date, we do not wish to offer any comments. We suggest that you seek the views of your specialist conservation and archaeological advisers, as relevant

Building Control: Reiterate previous comments of 140569 and the drainage strategy appears to be fine.

Natural England:

Has no comments to make on this 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 (adopted in April 2017); the Scotter Neighbourhood Plan (made 2018); and the Lincolnshire Minerals and Waste Local Plan (adopted June 2016).

Development Plan

- **Central Lincolnshire Local Plan 2012-2036 (CLLP)**
<https://www.n-kesteven.gov.uk/central-lincolnshire/local-plan/>

Relevant policies of the CLLP include:

- LP1: A Presumption in Favour of Sustainable Development
- LP2: The Spatial Strategy and Settlement Hierarchy
- LP4: Growth in Villages
- 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

- **Scotter Neighbourhood Plan (NP)**

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

Relevant policies of the NP include:

H4 – Small scale Residential Development
D5 – Design of New Development
T8 – Roads and Streets
T9 – Parking Standards
F11 – Flood Risk

- **Lincolnshire Minerals and Waste Local Plan (LMWLP)**

<https://www.lincolnshire.gov.uk/directory-record/61697/minerals-and-waste-local-plan-core-strategy-and-development-management-policies>

The site is in a Minerals Safeguarding Area and policy M11 of the Core Strategy applies.

National policy & guidance (Material Consideration)

- **National Planning Policy Framework (NPPF)**

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

The NPPF sets out the Government's planning policies for England and how these should be applied. It is a material consideration in planning decisions. The most recent iteration of the NPPF was published in February 2019. Paragraph 213 states:

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

- **National Planning Practice Guidance**
- **National Design Guide (2019)**

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

With consideration to paragraph 213 of the National Planning Policy Framework (February 2019) the above policies are consistent with the NPPF (February 2019). LP1 is consistent with NPPF paragraph 11 as they both apply a presumption in favour of sustainable development. LP2, LP3 and LP4 are consistent with NPPF chapter 5 as they both seek to deliver a sufficient supply of homes. LP13 is consistent with NPPF paragraphs 108-111 as they

both seek to ensure an efficient and safe transport network that offers a range of transport choices. LP14 is consistent with paragraphs 155 to 165 of the NPPF as they both seek to avoid putting inappropriate development in areas at risk of flooding. LP17 is consistent with NPPF paragraph 170 as they seek to protect valued landscapes and recognise the intrinsic character and beauty of the countryside. LP21 is consistent with chapter 15 of the NPPF as they both seek to protect and enhance biodiversity. LP25 is consistent with chapter 16 of the NPPF as they both seek to conserve and enhance the historic environment. LP26 is consistent with section 12 of the NPPF in requiring well designed places. The above policies are therefore attributed full weight.

Main issues

- Principle
- Flood risk
- Drainage
- Visual amenity including setting of Listed Buildings
- The Historic Environment (Archaeology)
- Residential amenity
- Ecology
- Highway Safety

Other matters:

- Safeguarding Minerals

Assessment:

Principle

Planning Law dictates that applications for planning permission should be determined in accordance with the development plan, unless material considerations indicate otherwise.

The principle of the development has not altered from that of 140569 and the previous assessment remains applicable in this regard:

Policy LP2, LP3 and LP4 of the CLLP set the strategic approach to the level and delivery of housing growth across Central Lincolnshire. Policy LP2 categorises Scotter as a tier 4 large village. Policy LP2 outlines that Scotter will be a focus for accommodating an appropriate level of growth to maintain and enhance its role as a large village which provides housing, employment, retail, and key services and facilities for the local area. Most of this growth will be via sites allocated in the CLLP, or appropriate infill, intensification or renewal within the existing developed footprint.

Policy H4 of the neighbourhood plan relates to small scale residential developments and states that development will be supported within the existing built form subject to certain design criteria.

The proposed application is for a replacement dwelling located within the existing developed footprint and built form of Scotter. There would also be no overall increase in the residential units as a replacement property and consequently the proposed development accords with the principle strategy of Local Plan policies LP2, LP3 and LP4 as well as Policy H4 of the Neighbourhood Plan. The principle of development can therefore be supported subject to all other material considerations being satisfied.

Flood Risk

The proposed development or associated data has not resulted in a change to the risk of flooding or how the development seeks to address it. The Environment Agency have reiterated their previous comments made in the assessment of 140569 and the Lead Local Flood Authority again do not raise any concerns to the proposals. Consequently the previous assessment undertaken for 140569 and flood risk is still therefore relevant to the determination of this application and outlined below.

The site sits directly alongside the River Eau which runs along the eastern boundary. The site is shown to be in an expansive Flood Plain and designated as Zone 3b (Functional Flood Plan), the highest flood risk category.

Policy LP14 of the CLLP relates to the water environment and flood risk and states that all development proposals in such locations will be considered against the NPPF, including application of the sequential and, if necessary, the exception test.

Paragraph 158 of the NPPF guides that the aim of the sequential test is to steer new development to areas with the lowest risk of flooding. Development should not be allocated or permitted if there are reasonably available sites appropriate for the proposed development in areas with a lower risk of flooding. The sequential approach should be used in areas known to be at risk now or in the future from any form of flooding.

The National Planning Practice Guidance on Flood Risk and Coastal Change¹ (NPPG) offers further guidance on the Sequential test and advises that justification should be provided to why the development couldn't go elsewhere and explain why it cannot reasonably be located within an area with the lowest probability of flooding.

The Flood Risk Vulnerability and flood zone "compatibility" table (Paragraph: 067 Reference ID: 7-067-20140306)² states that in flood zone 3B (functional floodplain) it is for "*essential infrastructure that has to be there and has passed the Exception Test, and water-compatible uses*". It states that development for "more vulnerable" uses, which includes buildings used for dwelling houses, should not be permitted.

¹ See <https://www.gov.uk/guidance/flood-risk-and-coastal-change>

² See <https://www.gov.uk/guidance/flood-risk-and-coastal-change#Table-3-Flood-risk-vulnerability>

The proposals relating to a replacement dwelling within an established residential area of the village and on a site which is all designated as flood Zones 3a and 3b cannot reasonably be located within an area with a lower probability of flooding.

Dwelling house developments should not normally be permitted in flood zone 3B – however, in this instance, a dwelling already occupies the site and has been subject to flooding. The development proposes a betterment in this regard, by replacing it with a more flood resilient property. The Environment Agency, as a statutory consultee, advises that they support the replacement dwelling on the basis that it will significantly increase the resilience of the property in comparison to the existing dwelling.

Paragraph 159 of the NPPF states that where it is not possible for development to be located in zones with a lower risk of flooding, the exception test may have to be applied. Paragraph 160 of the NPPF relates to the exceptions test and guides that the application of the exception test should be informed by a strategic or site-specific flood risk assessment, depending on whether it is being applied during plan production or at the application stage. For the exception test to be passed it should be demonstrated that:

(a) the development would provide wider sustainability benefits to the community that outweigh the flood risk; and

(b) the development will be safe for its lifetime taking account of the vulnerability of its users, without increasing flood risk elsewhere, and, where possible, will reduce flood risk overall.

Both elements of the exception test should be satisfied for development to be allocated or permitted.

Table 3 also set out in the NPPG outlines Flood risk Vulnerability and Flood risk compatibility. It shows that more vulnerable uses within Flood Zones 3a should pass the exceptions test. It also outlines that more vulnerable uses within Flood Zones 3b should not be permitted.

In this respect the NPPG advises that where developments may contain different elements of vulnerability the highest vulnerability category should be used, unless the development is considered in its component parts. Based on the site being within the highest risk category 3b, Table 3 of the NPPG sets out that more vulnerable uses should not be permitted.

The erection of a new dwelling on the site would not therefore ordinarily be supported, with National Planning Policy making it clear that subject to the passing of the exceptions test, only essential infrastructure and water compatible development is permitted in such areas. Consequently the erection of a new dwelling in Zone 3b would not be permitted by the NPPF, Local Plan Policy LP14 or Neighborhood Plan Policy F11.

However, it has to be recognized that although the proposals do relate to the erection of a new dwelling, as a replacement it does not introduce completely new development on to the site, an additional residential unit, nor a more vulnerable use. The existing dwelling was constructed around 1978 and sits within an established residential area and built footprint of the village. It therefore already forms part of the expansive floodplain and as a consequence is known to be at risk of a 1 in 5 yr probability (20% in any one year) of flooding. The site does not benefit from any formal flood defences and the dwelling has in fact recently been flooded on a number of occasions within this time period.

It is therefore evident that should the current situation on site remain the same, with the site and dwelling being un-altered it would be subject to further flooding events and the occupiers subject to constant impacts on their home as a result. This consequently is the reason why the replacement dwelling is proposed and the development seeks to reduce the risk of flooding to the dwelling by raising its living accommodation above the known flood risk levels.

A site specific flood risk assessment has been submitted with the application and on this basis the proposed replacement dwelling has been designed to be raised above the calculated Flood Water levels and incorporates flood resilience measures. The undercroft of the dwelling is also to be used as voids for flood water storage and calculations submitted in support of this.

A neighboring resident previously raised concerns in relation to the risk of flooding in terms of information provided and how the development will impact on flooding to their property and elsewhere. The Environment Agency (EA) and Lead Local Flood Authority as relevant flood risk management authorities have been consulted as part of the assessment and determination of this planning application. The Lead Local Flood Authority have not raised any concerns and the Environment Agency have confirmed that they are satisfied with the flood resilience measures proposed by the Flood Risk Assessment and recommend that a planning condition is applied to secure them.

A drainage strategy has also been submitted with the application and proposes the use of the existing system (main for foul and soakaway/foul for surface water with some amendments. It includes provision for both the dwelling and flood water storage. No objections has been received to the strategy put forward by the EA or Building control. The Internal Drainage Board (IDB) have commented that they have no objections to the discharge of surface water to soakaways subject to a percolation test or the mains system providing the water authority accept any additional flow. They also note additional approvals or permits may be required from the IDB or EA.

A condition to ensure the submitted drainage strategy is implemented shall be added to any permission or if found not to be feasible during construction and the carrying out of a percolation test an alternative shall be submitted to, approved in writing and implemented prior to occupation of the dwelling.

The proposed replacement dwelling subject to conditions therefore offers a betterment to the current situation, with the property being safe for its lifetime without increasing the risk of flooding to the site or elsewhere. It is therefore concluded that weight can be given to the betterment that the proposed replacement dwelling will result in, in flood risk terms and support for this element of the proposals is given when weighing up all other material considerations in the determination of the application.

Visual Impact including setting of listed buildings.

It was noted in the assessment for application 140569 that when taking account of the character of the area as set out in the Neighbourhood Plan character appraisal, the replacement dwelling will sit in an area said to have a mixture of different sized and designed properties, some noted as having a grand stance. The replacement dwelling would therefore sit amongst other larger two storey properties, including its direct neighbour number 16. The site also holds the determining position at the end of Lindholme and consequently lends itself to hosting a larger property. Materials for the development have also been specified as red brick and grey tiles and are considered appropriate for the design of the dwelling and those noted in the area.

That said, the assessment of application 140569 also outlined that the replacement dwelling due to its dominant size and scale would result in a significant local change. It recognised that its presence along with the provision of flood resilience measures needed would not ideally fit with the surroundings and existing characteristics forming this element of Scotter riverside area when being assessed against policy D5 of the neighbourhood plan and LP26 of the CLLP. However, with no objections being received by the Parish Council in this regard, it was concluded that the visual impact of the property would have to be balanced against all other material considerations in terms of their acceptability.

The main changes to visual impact and setting of the listed building proposed in this application result from the increase to the eaves and ridge height, along with the alterations to the rear extension and west side elevation and provision of the balcony and windows in the roof.

The alterations proposed to the rear extension/west side elevation and the provision of the balcony would not impact upon the presence of the dwelling in the street scene and those proposed to the garage not significantly out of size, scale and character to the other properties forming part of the immediate area. These aspects do not therefore raise concerns in terms of impacts on the character of the area.

The revised dwelling does not also raise concerns in relation to the setting of the nearby listed buildings with no objections being raised by Historic England or the Conservation Officer at the time of writing. Based on this stance, it is concluded that the proposals do not result in harm to their setting or the significance of the listed buildings.

The increases to the eaves and ridge height and the presence and scale of the dwelling to the character of the area does however raise further concerns. The eaves height has been increased to 7 metres and the overall dwelling now has a total height of 11.45 metres above the existing ground level. The presence of the dwelling and especially its expansive front elevation will therefore be increased and substantially viewed within the surroundings. Amendments were sought in relation to making reductions but nothing has been received to try and address the concerns raised through CLLP policy LP26 and Neighbourhood Plan Policies H4 and D5.

As a consequence, concerns are still raised with the presence and scale of the dwelling along with other flood resilience measures needed and its ability to fit in to the characteristics forming this element of Scotter Riverside area; without being harmful to it. These are considerations and requirements which are set out in Policy LP26 of the CLLP and Policies H4 and D5 of the Neighbourhood Plan and the acceptability of the visual impacts the proposed dwelling would therefore have has to be weighed against all other material considerations for justification.

The Historic Environment (Archaeology)

The proposed development has not resulted in a change to the potential for Archaeology on the site or the measures which need to be taken in accordance with the submitted report. The previous assessment undertaken for 140569 and outlined below is still therefore relevant to the determination of this application.

Development affecting archaeological remains, whether known or potential, designated or undesignated, should take every practical and reasonable step to protect and, where possible, enhance their significance.

Planning applications for such development should be accompanied by an appropriate and proportionate assessment to understand the potential for and significance of remains, and the impact of development upon them. If initial assessment does not provide sufficient information, developers will be required to undertake field evaluation in advance of determination of the application. This may include a range of techniques for both intrusive and non-intrusive evaluation, as appropriate to the site.

Wherever possible and appropriate, mitigation strategies should ensure the preservation of archaeological remains in-situ. Where this is either not possible or not desirable, provision must be made for preservation by record according to an agreed written scheme of investigation submitted by the developer and approved by the planning authority.

Lincolnshire County Council Archaeology has again identified that the site and surroundings have archaeological significance and advise that "Given that the present house will have had caused some ground disturbance it is recommended that the appropriate mitigation response would be to require an archaeological scheme of works for the archaeological monitoring and

recording during the groundworks phase of development and this secured through appropriate conditions. With such conditions forming part of any approval given the development is considered to be relevantly in accordance with Policy LP25 of the CLLP and guidance within the NPPF.

Residential amenity

It was outlined in the assessment for application 140569 that impacts on the neighbouring property No 16 would be harmful and it was resolved at the planning committee's meeting that planning permission be refused for the following reason:

As a consequence of its scale, massing and positioning, the development will have a significant visual presence and overbearing impact upon the neighbouring property, to the detriment of the amenities that they may reasonably be expected to enjoy. This is contrary to policy LP26 of the Central Lincolnshire Local Plan and H4 of the Scotter Neighbourhood Plan.

In a bid to address the reason for refusal this application has made amendments to the rear extended element of the proposed dwelling forming the west side elevation and facing onto No 16.

The first floor to the rear 'extension' proposed within the first application, has been removed.

As submitted, a sliding roof had originally been proposed with this latest application. In response to ongoing Case Officer concerns, the applicant has now further amended the rear 'extension' so that it now comprises a single storey element with pitched, hipped roof.

The west side elevation in application 140569 had an expanse of wall measuring 87.1 sq metres (13 x 6.75). The wall of the westfacing elevation being considered now measures 52.5 sq metres (7.5 x 7) with a single storey element measuring 22.55 sq metres (5.5 x 4.1) beyond which incorporates a hipped roof sloping away from this neighbouring property. The massing of the west elevation has therefore been reduced as a result.

However, in making these changes and ensuring that no accommodation is lost, the eaves and ridge heights of the dwelling have both been increased to allow a 3 storey property. The eaves height of the existing dwelling stands at 2.75 metres above existing ground level and the proposed now set at 7 metres. This has been increased from 6.7 metres proposed in application 140569.

The ridge height of the existing dwelling is 7.5 metres above existing ground level and now proposed at 11.45 metres. This has been increased from 10.2 metres proposed in application 140569.

The replacement dwelling as a result would still undoubtedly have a significance presence and stance from within this neighbouring property and its garden area. In this regard it is reiterated that No 16 is modern two storey

detached dwelling with its front principal elevation facing east and over the front aspect of the application site and existing dwelling. The side elevation of this property also faces onto that of No 18. It hosts the main living room to the property and has French/patio doors leading to an outdoor decked area and side garden. There is also an upper floor bedroom window facing onto this element too.

It is because of this relationship and the scale of the property that the presence of the dwelling and the impacts on No 16 are considered to be harmful to the residential amenity of the occupiers of this neighbouring property.

The revised dwelling has however reduced the massing of the West wall elevation which runs down the shared boundary of this property. Eaves levels are dropped, reducing the dominating effect of the side wall, and allowing greater views of a pitched tiled roof, which directs away from the shared boundary.

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

The presence of the property and the resultant impacts and harm caused to the amenities of No 16 therefore results in the ability for the development to meet the requirements in LP26 to be finely balanced. The acceptability of the resultant harm to the residential amenity of No 16 would therefore also have to be weighed against all other material considerations for justification.

Impacts through overlooking to No 16 are also material to this development due to the raised levels of the site along with the resultant floor levels of the proposed property. These impacts are however considered to be manageable through the use of conditions should planning permission be granted.

In conclusion therefore, it is considered that the revised dwelling will still form a large, somewhat dominating feature, placed up to the shared boundary that will have a negative impact upon the amenities presently enjoyed at no.16. However, that impact has been reduced through revisions to the scheme in order to decrease it's massing. This harm needs to be weighed against the other planning matters under consideration.

Ecology

The proposed development or timeframe between them has not resulted in a change to the potential for and impacts upon Ecology on the site; nor the measures which need to be taken in accordance with the submitted report. No objections/comments have been received for this application so far and subject to this stance remaining, the previous assessment undertaken for 140569 and outlined below is still relevant to the determination of this application.

Policy LP21: Biodiversity and Geodiversity

States: 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.

It also relevantly guides that Development proposals should ensure opportunities are taken to retain, protect and enhance biodiversity and geodiversity features proportionate to their scale, through site layout, design of new buildings and proposals for existing buildings.

In relation to Mitigation any development which could have an adverse effect on sites with designated features and / or protected species, either individually or cumulatively, will require an assessment as required by the relevant legislation or national planning guidance.

Where any potential adverse effects to the biodiversity or geodiversity value of designated sites are identified, the proposal will not normally be permitted. Development proposals will only be supported if the benefits of the development clearly outweigh the harm to the habitat and/or species. In exceptional circumstances, where adverse impacts are demonstrated to be unavoidable, developers will be required to ensure that impacts are appropriately mitigated, with compensation measures towards loss of habitat used only as a last resort where there is no alternative. Where any mitigation and compensation measures are required, they should be in place before development activities start that may disturb protected or important habitats and species.

A Preliminary Ecological Appraisal has been submitted with the application.

It advises that “some areas of the existing building were considered to offer potential to support bats, notably timber cladding present on the house walls, although no evidence of their presence was found during the survey”.

It recommends further survey work during the active season (April – September), or alternatively supervision of all works relating to the removal of timber cladding and roofing tiles from the house could be undertaken by a suitably licensed ecologist. This can be subject to a planning condition.

The Report also recommends that, since the building is clearly used for roosting and possible nesting by species of common birds, that building work should ideally avoid the active nesting season.

Recommendations are also made for the protection of badgers but it advises that mitigation should not be necessary for water voles and great crested newts.

The recommended and necessary mitigation measures set out in the report can be secured through planning conditions and with such measures in place

the proposals in accordance with the provision set out in Policy LP21 and guidance within the NPPF.

Highway Safety and Parking

The proposed development has not resulted in a change to the previous assessment for highway safety and parking provision. The Local Highway Authority or Parish council have again not raised any concerns and consequently the assessment undertaken for 140569 and outlined below is still relevant to the determination of this application.

Policy LP13: Accessibility and Transport

States that : Development proposals which contribute towards an efficient and safe transport network that offers a range of transport choices for the movement of people and goods will be supported.

Neighbourhood Plan Policy T8: Roads and Streets but is not considered to be relevant to the development.

Neighbourhood Plan Policy T9 relates to Parking and Parking Standards and provides a guide for all new development. It guides that:

1) Adequate private parking and suitable off-street parking should be provided on all new housing developments to minimise obstruction of the highway in the interests of the safety of all road users, including cyclists and pedestrians. Parking areas should be designed to minimise the visual impact of the private car park on the street scene and on the amenity of residents.

2) Development proposals should provide the following parking standards as a minimum:

- a) 1 or 2 bedrooms = 2 spaces
- b) 3 or 4 bedrooms = 3 spaces
- c) 5 or more bedrooms = 4 spaces

The replacement dwelling does not see a material change in parking provision for the site or surrounding area. It is therefore considered that the application makes sufficient provision for on-site car parking, with the Parish Council and the Local Highway Authority raising no concerns. The proposals are therefore considered to appropriately meet the provisions of CLLP policy LP13 and Neighbourhood Plan Policy T9.

Other matters

The site is within a Minerals Safeguarding Area. However, the site is already occupied by a dwelling, and the proposals would not lead to further sterilization of minerals.

Conclusions and Balance

The application proposes to redevelop the site, replacing the existing dormer property, with a substantially larger 3 storey dwelling.

The site is within flood zone 3B – where national planning policy states that development for more vulnerable uses (including dwelling houses) should not be permitted. However, the site is already occupied by a family dwelling, and is vulnerable to future flooding events. The proposed development will result in a considerably more flood resilient property as the building will be raised and allow for flood water storage underneath without increasing flood risk elsewhere. Substantial weight is therefore afforded to this betterment.

Although it is considered that a larger dwelling can be accommodated within this site the proposed dwelling will no doubt have some visual impacts on the character area. The acceptability of these impacts when being assessed against Policy LP26 of the CLLP and Policies H4 and D5 in the Neighbourhood plan are considered to be finely balanced and weigh against the overall acceptability of the proposal.

Similarly the presence of the property and the resultant impacts and harm caused to the amenities of No 16 results in the ability for the development to meet the requirements in LP26 to be finely balanced. The acceptability of the resultant harm to the residential amenity of No 16 therefore also weighs against the proposal.

The proposals in relation to all other material considerations and subject to conditions are considered to be acceptable and in accordance with the policies set out in this report.

It is therefore concluded that there are visual and residential amenity matters which are finely balanced and weigh against the approval of the scheme. However, substantial weight has been afforded to the betterment in flood risk terms and consequently this material consideration may on balance be considered to outweigh the harm caused through impact to visual and residential amenity considerations, following the revisions made. As a result of the amendments it is considered that a recommendation for approval of the application (subject to conditions) is now considered, for the determination of this application.

The Proposed Conditions for such an approval are:

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 development shall be carried out in accordance with the approved flood risk assessment (FRA) dated May 2020 and drawing numbers '19/19/R1/11', '19/19/R1/15', '19/19/R1/07', '19/19/R1/08', '19/19/R1/09' and '19/19/R1/04' and the following mitigation measures they detail:

- Finished floor levels shall be set no lower than 6.84 metres above Ordnance Datum (AOD).
- Flood resilience measures shall be implemented as described on page 16 of the FRA.
- Compensatory flood storage shall be provided as shown in the submitted drawings and as described in the FRA.

Reasons: To reduce the risk of flooding to the proposed development and future occupants, the impact of flooding on the property and to prevent flooding elsewhere by ensuring that compensatory storage of flood water is provided in accordance with Policy LP14 of the Central Lincolnshire Local 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, details and materials:

19/19/R1/09, 19/19/R1/18, 19/19/R1/19, 19/19/R1/16, 19/19/R1/04A, 19/19/R1/05A, 19/19/R1/06A, 19/19/R1/07A, 19/19/R1/08A, 19/19/R1/11A, 19/19/R1/12A, and 19/19/R1/15A. 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 Policy LP1 and LP26 of the Central Lincolnshire Local Plan 2012-2036.

4. The scheme for the disposal of surface water and dealing with foul sewage for the replacement dwelling shall be completed in accordance with the submitted drainage strategy, associated details and percolation tests. Should it come to light during construction that the approved system will not function adequately, then details of an alternative scheme shall be submitted to and approved in writing by the Local Planning Authority. All approved drainage works shall be completed prior to the first occupation of the dwelling and be retained/maintained for the lifetime of the development thereafter.

Reason: To ensure adequate drainage facilities are provided to serve the development, in the interest of Flood Risk and to prevent pollution of the water environment in accordance with Policy LP14 of the Central Lincolnshire Local Plan and guidance within the NPPF.

5. The applicant or developer is to provide the Local Planning Authority two weeks' notice of their intention to start the archaeological works. The archaeological work shall then only be carried out in accordance with the submitted and approved specification dated March 2020 undertaken by Neville Hall, Freelance Field Archaeologist & Consultant. Within 3 months of the completion of the archaeological works on site a written report of the findings shall then be submitted to the local planning authority to ensure any finds and documentary archive is submitted to a suitable archive or museum.

Reason: To ensure appropriate preservation of archaeological remains through recording are achieved in accordance with Central Lincolnshire Local Plan Policy LP25 and guidance within the NPPF.

6. The development, including any demolition works shall be carried out in strict accordance with the recommendations set out in the ecological report submitted with the application, including provision of any proposed details of habitat protection/ creation. These are set out below:

- Bats – Supervision of all works relating to the removal of timber cladding and roofing tiles from the existing dwelling shall be undertaken by a suitably licensed ecologist. All Contractors working on the buildings will be briefed on the legal protection afforded to bats and their places of shelter and how to proceed if a bat is discovered during the course of the work, as set out in Appendix 2 of the ecology report.
- Lighting – Any proposed security lighting on site used during construction should be placed as far from the boundaries of the site as possible. Light spillage on any retained hedgerows should be avoided by using shields to direct light to target areas only. Where possible the use of low pressure sodium lamps or high pressure sodium instead of mercury or metal halide lamps shall be used. The height of any lighting columns should be as short as possible the use of a sensor should be considered to provide some dark periods on site.
- Bat conservation – 3 bat roosting units (Schwegler type 1FE with back plate as shown in Appendix 2 of the ecology appraisal or similar) shall be provided/installed on the replacement dwelling prior to its completion or first occupation and retained thereafter.
- Birds – If works are commenced during the bird breeding season (March to August), a search for nests should be carried out before they begin, and active nests be protected until the young fledge.
- Badgers – Good working practices should be adhered to during development, including demolition, with any trenches being covered overnight and any pipes over 200mm in diameter capped off at night.

Reason: To protect, manage and enhance biodiversity in accordance with Central Lincolnshire Local Plan Policy LP21 and guidance within the NPPF.

7. The proposed boundary wall running along the front western boundary between No 16 and No 18 Lindholme as shown on drawing No's 19/19/R1/15A and 19/19/R1/19 shall be fully completed prior to first occupation of the dwelling. It shall then be retained and maintained in perpetuity for the lifetime of the development.

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

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

8. Notwithstanding the provisions of Classes A, B and E of Schedule 2 Part 1 of the Town and Country Planning (General Permitted Development) (Amendment) Order 2015 (as amended), or any Order revoking and re-enacting that Order, the replacement dwelling hereby permitted shall not be altered or extended, no new windows or doors shall be inserted on the West elevation, and no buildings or structures shall be erected within the curtilage of the dwelling house unless planning permission has first been granted by the Local Planning Authority.

Reason: To enable any such proposals to be assessed in terms of their impact on flood risk and the living conditions of neighbouring properties in accordance with Central Lincolnshire Local Plan Policies LP14 and LP26 as well as guidance within the NPPF.

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

Prepared by :

Joanne Sizer

Date : 04/06/20

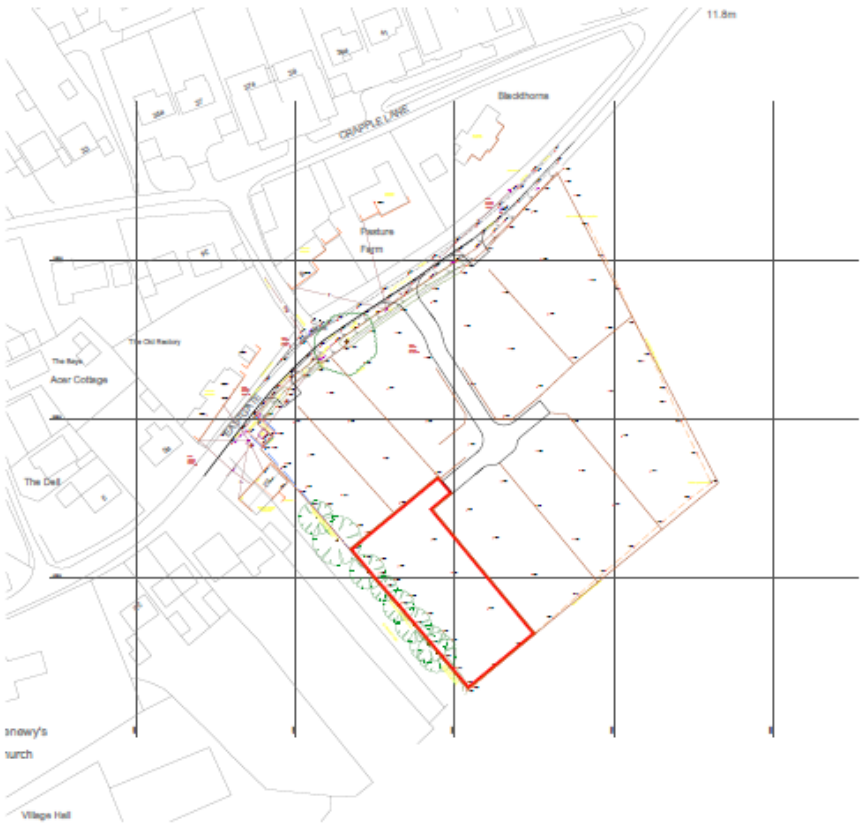
A handwritten signature in black ink, appearing to read 'R. Clarkson', with a horizontal line drawn underneath it.

Authorising Officer

Date: 04/06/2020

Decision Level (x as appropriate)

Committee x



Officers Report

Planning Application No: 140545

PROPOSAL: Application for approval of reserved matters for the erection of 1 no. dwelling and detached garage with annex accommodation, considering appearance, landscaping, layout and scale- following outline permission 139520 granted 16 January 2020.

LOCATION: Plot 9 Land south of Eastgate Scotton Lincolnshire DN21 3QR

WARD: Scotter and Blyton

WARD MEMBER(S): Cllr Mrs M Snee, Cllr Mrs L A Rollings and Cllr Mrs L Clews

APPLICANT NAME: Mr & Mrs Allison

TARGET DECISION DATE: 26/03/2020 (Extension of time agreed until 19th June 2020)

DEVELOPMENT TYPE: Minor - Dwellings

CASE OFFICER: Danielle Peck

RECOMMENDED DECISION: Approve reserved matters of scale, appearance, layout and landscaping, with conditions

Description:

The application has been referred to the Planning Committee following the request of the Ward Member and following third party representations in relation to the impact on residential amenity, and perceived conflict with the draft Scotton Neighbourhood Plan.

The site already benefits from planning permission, following outline permission 139520 granted 16th January 2020, with access arrangements considered and approved at that time. Only matters of layout, appearance, scale and landscaping were reserved for subsequent approval ("reserved matters").

The application seeks reserved matters approval only - for the outstanding matters of appearance, landscaping, layout and scale, relating to 1 dwelling (plot 9).

The application site is a plot of agricultural land and is located in the south west corner of the 9 dwelling self-build site given outline planning permission in planning application 139520. The site currently has open fields to the north east and south boundaries, the garden area of 32 Eastgate is adjacent to the west boundary.

There are two Listed Buildings to the west of the site. These are:

- Church of St Genwys – Grade I Listed
- Acacia Cottage – Grade II Listed

The site is also within a Sand and Gravels Minerals Safeguarding Area.

Amended plans were received on 16th April 2020 following negotiations with the applicants after the Case Officer raised concerns with the originally submitted plans, the changes are listed below;

- Reduction in the scale of the detached garage;
- Privacy screen on first floor balcony to the rear.

A full re consultation was carried out with all neighbours and statutory consultees on the 29th April 2020 for 21 days.

Relevant history:

135056- Outline planning application for proposed development for 9no. dwellings with access to be considered and not reserved for subsequent applications – 12/01/17 - Granted time limit and other conditions (Planning Committee)

139520- Outline planning application to erect 9no. dwellings with access to be considered and not reserved for subsequent applications - 16/01/20 - Granted with Legal Agreement (Planning Committee).

Representations:

Cllr L Rollings: 27th May 2020- The size of this property occupies most of the boundary of 32 East gate. It will have a huge impact on the neighbouring property. Scotton Neighbourhood plan has now been approved and was available for viewing at this time and states that no more large executive houses of this size are required and that smaller properties are what is needed.

Cllr L Clews: 28th May 2020- The application should be taken out of delegated powers and determined by the planning committee for the following reasons:

- The Scotton Neighbourhood Plan has now passed the examination stage;
- The amendments have been addressed;
- Under the latest guidance the Scotton Neighbourhood Plan should now carry 'significant weight' in the planning process;
- The application is contrary to the Scotton Neighbourhood Plan, the village voted for low cost dwellings and bungalows not large/luxury homes which this application is at almost 600sqm over two large buildings, 50% larger than the indicative size of the house shown on the original application for this site;
- Policy 6, design code a) the provision of safe and accessible access from the site onto Eastgate, no evidence of this has been achieved;
- Criteria g states that the proposal does not cause any unacceptable detrimental harm to the private amenity of adjacent properties along Eastgate, the impact on amenity and outlook do not comply with this policy;
- H. Where possible, the development should avoid the blocking of any significant views across the landscape from Eastgate.

- This planning application alters and blocks the view from within and through the site. Through consultation with West Lindsey District Council Plot 9 was agreed to be re orientated to allow the plan for 9 dwellings to be approved. So as to minimise any impact on the residents of No 30 & 32 Eastgate. This has not been done. Loss of: Amenity Outlook Overshadowing

Cllr M Snee: 20th March 2020- I have received concerns from constituents of Scotton regarding this development. The particular concerns around this application is with regard to its size, height and proximity to neighbouring properties. On the indicative plan the house and garage was positioned at an angle and a good distance from the neighbour's boundaries, this plan now appears to show the boundary parallel. I quote "Plot 9 a dwelling and its garage will need to enable the enjoyment of the garden space of 32 Eastgate is not harmed to an unacceptable level".

Constituents have also expressed concerns of the size of the garage and if it is an intention to use it on a commercial basis.

Finally there is concerns from the neighbourhood around privacy, outlook, light levels and disturbance and we request that the application respects the NPPF guidelines when a decision is made.

Can we request this application is reconsidered and when ready for approval be considered by the planning committee following a site visit.

Scotton Parish Council:

On amended plans- 8th May 2020-

Scotton Parish Council wish to reiterate the comments made in response to planning application 140545, in response to the amended application. It is felt the comments have not been fully addressed.

24th February 2020- Scotton Parish Council objects to the above application and wishes to make the following comments: -

Drainage

- Scotton village is served by Severn Trent Water. The Parish Council contacted Severn Trent for an explanation of the sewerage system in the village. Severn Trent have advised that the sewage network in the village only captures foul water. Water run-off and surface water need to be dealt with by soakaways. The existing sewage infrastructure was not designed to cope with surface water and run-off, increased volumes of water or connection of storm drains to the foul water drains would increase the risk of flooding both in the village and to the neighbouring village of Scotter. Flooding of foul water could be a source of contamination, as it would not be directed to the sewage treatment works.
- This planning application has not shown evidence that control of water and sewerage have been considered or that Severn Trent have been approached for advice.

Scale of Garage

- The height of the garage is greater than would be expected and it would be located 1.5m away from the neighbouring boundary. Natural light and privacy are considerations.

Workshop and Annex

- The details of the workshop bear closer consideration. If this is a business, has the land been designated as such?
- Health and safety and noise are reasonable considerations given that this development is located in a purely residential part of the village. If a business is to be created has provision been made for additional parking and sound proofing.

Character

- Scotton Neighbourhood plan has been presented to WLDC and while it has not been formally adopted, we would point out that residents in the village identified a need for smaller, affordable housing, with a preference towards bungalows.
- Outline planning permission in this application granted permission for medium sized bungalows. This application has increased the footprint of the house from 540m to 600m.
- The Parish Council considered the possibility that the large garage and workshop/annexe could be converted into a domicile residence. Infilling on the site would increase the number of houses on that plot and place more strain on the existing sewage network.

Access Roads

- The Parish Council would like to request that consideration is given to access and congestion during any building works. Highways have stipulated that work to the Highways must be completed before building begins.
- The Parish Council would like to ask that a condition be placed that roads into the development are completed before building starts. This is to ensure health and safety/access and congestion issues are properly considered.

CIL

- Lastly, as this development is a self-build it prevents the Parish Council from benefiting from CIL payments, which would normally be used to improve and provide for development of infrastructure in the village due to growth. Therefore, any self-build applications in the village should show that they are environmentally sustainable and would not impact negatively on the village.

Local residents:

On amended plans; Objections received from 5A, 9, 32, Bramley Lodge, Eastgate and 11 High Street, Scotton:

In summary:

Neighbourhood Plan and Amenity:

- The Scotton Neighbourhood Plan has now passed the Examination Stage and should therefore assume substantial weight as if it had gone to referendum in any planning application decisions.
- The Scotton Neighbourhood Plan is very much relevant to this application and should therefore be fully taken into account as per the forward above in the decision making process, it should not be ignored or parts of it 'cherry-picked' as it has already been used in granting planning permission on plots 5 + 7.
- There is no need for large luxury homes, the village needs affordable homes;
- The scale and size of the dwelling and garage is too large and will cause overshadowing, overlooking and an overbearing impact;
- Local Views are not protected;
- Concerns with noise and disturbance from the workshop;
- The garage building will be turned into a dwelling;
- As plot 9 is also adjacent to the boundary of 32 Eastgate this also should be a smaller single storey dwelling.
- No Evidence why the orientation of plot 9 does not comply with the drawing and design that was passed in Application 139520 this was so that the amenity and living conditions of residents would not be effected.

Trees

- The trees on 32 Eastgates land will be damaged;
- The applicant has stated that no trees will be removed but has not submitted a tree survey.
- This would still affect two of the Silver Birch trees and to a lesser extent the Tree of Heaven;
- There should be no changes to the ground levels;
- The RPA measurements are inaccurate on the submitted amended site plan;

Drainage

- What impact will this house have on the out of date sewerage system, could a development of this size lead to flooding in the future.
- No drainage plans have been produced;

Highways

- No access to the plot has been granted or signed by the owner of the land for the development to go ahead;
- No evidence that any outline conditions have been addressed;

**Objections received from 5A, 9x2,32, Bramley Lodge, Eastgate.
Threeways and 11 High Street, Scotton**

**In summary:
Residential Amenity**

- Overshadowing and loss of light impacting on 32 Eastgate's garden area particularly from the garage;
- Noise from the detached garage/workshop and dogs;
- Concerns the garage will be used for commercial use;
- Blocking of views over fields;
- Light pollution;

Trees

- The trees on the west boundary would be affected by the proposal;
- The current proposed position of the workshop annex is 1.5m away from the trees, (which have a stated remaining contribution in excess of 40 years) which is less than half the stated root protection zone of 3.6m.
- The construction of the workshop annex will require a change in ground levels contrary to something previously described as being a sacrosanct restriction.

Character:

- Overdevelopment of the site;
- The scale of the buildings is inappropriate and too large;
- There should be a range of houses including bungalows;
- Important views of the village and church identified in the plan would be impacted;
- There is no need to ruin the charm and character of this historic and beautiful village unnecessarily.

Neighbourhood Plan:

- It is to be noted that this site was only included in the neighbourhood plan allocations as it was already the subject of a previous outline planning granted for access in app No 135056 in 2017;
- The site had to be altercated in the Scotton Neighbourhood plan as the plan was initiated after this date. When put to a public vote this site registered - 59 coming out the least favoured site for development in the village.
- Scotton Neighbourhood plan identified a need for smaller, affordable housing, with a preference towards bungalows.

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.

Historic England: On the basis of the information available to date, we do not wish to offer any comments. We suggest that you seek the views of your specialist conservation and archaeological advisers, as relevant.

WLDC Conservation Officer: No representations received to date.

WLDC Tree and Landscape Officer:

29th May 2020-

- If the building was moved 0.5m further forward and avoid running underground utilities across the back of the building which then it would be acceptable in terms of impact to the trees.
- Tree protection measures should be required, details to be provided for prior approval, which should be put in place prior to any works commencing, including site prep work, and setting out. Due to needing a working space around the building, and space for scaffolding, tree protection measures around the outbuilding should include ground protection in accordance with BS5837:2012 so scaffolding can be erected above it.

14th May- In Summary

- The tree survey information was provided for a previous outline application for the whole site, and the trees at No 32 which are close to the property boundary are described as a group of silver birch and hazel, are in good condition, and would require a Root Protection Area (RPA) of 3.6m radius as measured from their stem centres. The RPA given in that survey for the group of trees would just be set at the largest RPA of an individual tree rather than each tree measured for its own RPA. For the larger tree just to the NW of the workshop/annex outbuilding, the tree survey also gives the RPA for the Tree of Heaven as being 5.4m radius, with an easterly crown spread of 5m towards the building.
- Tree of Heaven- An RPA of 5.4 metres for this tree off the NW corner of the plot would slightly overlap into the corner of Plot 9 by just under 0.5m, and the workshop/annex would be approx. 1.5m outside its RPA with adequate clearance for underground utilities around the outside of the building. I have no objections to the proposed development in relation to this tree.
- Birch off south corner of outbuilding- It is not clear if the note on the site plan for the 3m RPA also applies to this tree. Regardless of this, the maximum RPA of any trees along this group of birch was given as 3.6m in a previous application arboricultural assessment of the trees. According to the tree report these birch are of good physiological and structural condition, and so they should be able to tolerate some minor encroachment into their RPA. Assuming this RPA is 3m, there would be some very minor encroachment by the corner of the building and edge of block paving. I have no objections to the proposals shown on the site plan in terms of impact to this tree, but it should be clarified where the underground drainage is intended to run around the building to see if it would cause additional encroachment and by how much.

- Birch to the rear of the outbuilding- The building would encroach into its RPA by 1m, one third of the RPA radius. Some minor encroachment could be tolerated by healthy trees in a good growing environment, and if roots are correctly pruned to give a clean cut rather than just severed by a spade or other excavation machinery. British Standard recommendations BS5837:2012 advises that the default position should be that structures are located outside the RPA of any trees to be retained. Only if there is an overriding justification for construction within an RPA should it be considered if there are technical solutions to prevent damage to a tree. Intrusion into soil other than for piling within the RPA is generally not acceptable. However, limited manual excavation within the RPA might be acceptable, subject to justification. Such excavations should be undertaken carefully, using hand-held tools or by compressed air soil displacement. Exposed roots should then be gently teased to the side and protected from desiccation until recovered with soil. Moving the building further from the tree by at least 0.5m would reduce the amount of encroachment and impact on this tree to a tolerable amount.
- Birch are naturally shallow rooting trees, therefore, existing ground levels should not be altered within RPA's. Ground protection measures in accordance with BS5837:2012 across the rear of the building should be required and put in place prior to the commencement of any works on this plot, to prevent ground compaction and contamination by development activities, both of which would be detrimental to the shallow roots and future of the birch trees.

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 (adopted in April 2017); and the Lincolnshire Minerals and Waste Local Plan (adopted June 2016).

Development Plan

- ***Central Lincolnshire Local Plan 2012-2036 (CLLP)***

Relevant policies of the CLLP include:

LP1 A Presumption in Favour of Sustainable Development

LP17 Landscape, Townscape and Views

LP25 The Historic Environment

LP26 Design and Amenity

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

- ***Lincolnshire Minerals and Waste Local Plan (LMWLP)***

The site is in a Sand and Gravels Minerals Safeguarding Area and policy M11 of the Core Strategy applies, however this was assessed during the outline planning application 139520 and no safeguarding objections were received from the Minerals and Waste Team at Lincolnshire County Council. This application considers only the approval of reserved matters, following the grant of planning permission.

<https://www.lincolnshire.gov.uk/planning/minerals-waste>

National policy & guidance (Material Consideration)

- **National Planning Policy Framework (NPPF)**

The NPPF sets out the Government's planning policies for England and how these should be applied. It is a material consideration in planning decisions.

The most recent iteration of the NPPF was published in February 2019. Paragraph 213 states:

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

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

- **National Planning Practice Guidance**

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

- **National Design Guide (2019)**

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

Scotton Neighbourhood Plan (Material Consideration)

NPPF paragraph 48 states that 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).

In response to the coronavirus pandemic, Planning Practice Guidance for Neighbourhood Planning has been revised¹. Under Paragraph: 107 Reference ID: 41-107-20200513, it is explained that all neighbourhood planning referendums that have been recently cancelled, or are scheduled to take place, between 16 March 2020 and 5 May 2021 are now postponed until 6th May 2021. Consequently, for decision-making, the revised guidance sets out:

Decision-making: *Where the local planning authority has issued a decision statement (as set out under Regulation 18 of the Neighbourhood Planning (General) Regulations 2012) detailing its intention to send a neighbourhood plan to referendum, that plan can be given significant weight in decision-making, so far as the plan is material to the application.*

- ***Final submitted [Draft] Scotton Neighbourhood Plan (SNP)***

Following public consultation, the draft Scotton Neighbourhood Plan has now been subject to independent examination, with the Examiners Report published on 11th May 2020.

A decision statement was issued on the 22nd May 2020, confirming that, subject to the Examiners proposed modifications, the Neighbourhood Plan may now proceed to referendum.

Accordingly, Paragraph: 107 Reference ID: 41-107-20200513 of the revised Planning Practice Guidance is engaged and the draft Scotton Neighbourhood Plan (read in combination with the Examiners Report and recommendations) “*can be given significant weight in decision-making, so far as the plan is material to the application.*”

The most relevant draft policies are as follows;

Policy 5 – Allocation of Land South of Eastgate (Part of Site 15a)

Policy 12 – Safeguarding Important and Distinctive Landscape Features (View 1 on map 9 (pg66) and Green Lane on map 10 (pg67))

<https://www.west-lindsey.gov.uk/my-services/planning-andbuilding/neighbourhood-planning/all-neighbourhood-plans-in-westlindsey/scotton-neighbourhood-plan/>

Other

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

<https://www.legislation.gov.uk/ukpga/1990/9/section/66>

Section 2A of the Self-build and Custom Housebuilding Act 2015 (as amended)² – Duty to grant planning permission etc.

¹ <https://www.gov.uk/guidance/neighbourhood-planning--2#covid-19>

² Section 2A was inserted by the Housing and Planning Act 2016
<http://www.legislation.gov.uk/ukpga/2016/22/section/10/enacted>

Main issues

Planning permission was granted, in outline, in January 2020. This was granted, subject to a S106 planning agreement, that the plots would only be used for self-build and custom housebuilding.

The obligation was necessary in order for the Local Planning Authority to fulfil its statutory duty under section 2A of the Self-Build and Custom Housebuilding Act 2015 (as amended), to give suitable development permission to enough suitable serviced plots of land to meet the demand for self-build and custom housebuilding in their area. Government Guidance states³ that these duties “are concerned with increasing the availability of land for self-build and custom housebuilding.”

This application seeks only the approval of scale, appearance, layout and landscaping, that were reserved at the time planning permission was granted (“reserved matters”). It does not present the opportunity to reopen and reconsider the granting of planning permission. Accordingly, the only issues that are under consideration with this application are as follows:

- Scale and Appearance
- Layout
- Landscaping

Assessment:

Scale and Appearance

Condition 10 of planning permission states that:

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

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

It was only considered necessary to restrict the scale of the dwelling on plot 1 fronting the site at the time of granting permission therefore the submission of a two storey dwelling is in principle acceptable subject to assessment of scale and appearance.

For the purposes of planning scale & appearance are defined (see Planning Practice Guidance Paragraph: 006 Reference ID: 14-006-20140306) as:⁴

³ Paragraph: 023 Reference ID: 57-023-201760728 <https://www.gov.uk/guidance/self-build-and-custom-housebuilding#land-duties>

⁴ Paragraph 006 Reference ID:14-006-20140306 <https://www.gov.uk/guidance/making-an-application>

- **“scale”** means the height, width and length of each building proposed within the development in relation to its surroundings;
- **“appearance”** means the aspects of a building or place within the development which determines the visual impression the building or place makes, including the external built form of the development, its architecture, materials, decoration, lighting, colour and texture;

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

Local policy LP26(c) of the CLLP states that *All development proposals must take into consideration the character and local distinctiveness of the area (and enhance or reinforce it, as appropriate) and create a sense of place. As such, and where applicable, proposals will be required to demonstrate, to a degree proportionate to the proposal, that they:*

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

Criteria a) of policy 5 of the draft SNP states; *it should include some 2 and 3 bedroom dwellings.*

Plot 9 is the third reserved matters application to be approved, there are still 6 plots to be considered in the future, which may include some properties that are two or three bedroomed. Nonetheless, planning permission has already been granted without such a condition, and it cannot be retrospectively applied at the reserved matters stage.

Criteria b) and d) of policy 5 of the SNP provides direction on the scale and material finish of the development.

Since the submission of the application the status of the neighbourhood plan has changed (11th May), it now can be given significant weight in the determination of applications within the designated area, so far as the plan is material to the application (i.e. reserved matters under consideration). In the examiner’s report a recommendation was put forward to change criteria b of the policy the Parish Council agreed to this and it now forms part of the policy. Criteria b, as amended, now reads:

“b)The height of the building, or buildings should be no higher than the existing buildings ~~on the site~~ [in the immediate locality]”

It is acknowledged that the proposed dwelling could be considered as medium to large in scale. The dwellings in the locality are of a mixed scale but are predominantly two storey dwellings along Eastgate, approximately ranging from around 6-8 metres in height. The plot is of a size which can comfortably accommodate the proposed dwelling. There is no definition of the 'immediate locality' within policy 5.

The two storey detached 4 bedroom dwelling is proposed to be (all approximate from submitted plans):

- 8.3 metres in height;
- 16 metres in length (includes the first floor balcony);
- 20 metres in width (includes porch over door on west elevation)

The detached garage is proposed to be:

- 13.5 metres in length;
- 5.5 metres in height;
- 6.7 metres in width;
- 12 metres in width (which includes the offshoot to the front)

Criteria d) states that *“the materials used for the development should take inspiration from the local vernacular around the site as described in Table 12”*

Table 12 (page 76 Eastgate) provides no reference to a preferred material pallet. It is noted that reserved matters has been granted for plots 5 and 7 (140547 and 140918) however these have not been built.

The Identity chapter (pages 14-17) of the National Design Guide places importance on the need for development to either reflect its local character or create a sense of character through the built form.

Eastgate predominantly comprises red brick dwellings with red pantile and grey concrete roofs. One dwelling is cream rendered (28 Eastgate) and one has a grey/black slate effect roof (Blackthorns).

No details of materials have been provided as part of this application, however if approval is given this could be secured by a condition.

Policy 12 of the SSNP provides protection to identified green lanes (map 10 (pg67)) and important views (view 1 on map 9 (pg66)). The important view is additionally considered in SSNP policy 5 criteria h). A comment has been submitted regarding the impact of the development on views towards the village, the site and the listed buildings. The photos sent in as part of the objection from 5A Eastgate was taken from a position not considered as important in the SSNP. The important view at point 1 is identified on the photo below.



(View 1 Photo)



(Green Lane Map 10)

It is pertinent to clarify that the indicative site plan (PF/19/03 Rev E) submitted in outline planning application 139520 identified a red dash line which demonstrated a clear path to the listed building. The Authority's Conservation Officer (CO) welcomed the indicative layout as it would *"open up and frame a view of the grade I listed church"*.

It is therefore considered that the scale and appearance of the dwelling is acceptable subject to further approval of materials and will not have a harmful visual impact on the site, the street scene or an important view and accords to local policy LP17 and LP26 of the CLLP, policy 5 and 12 of the draft SSNP and the provisions of the NPPF.

It is considered that policy LP17, LP26, policy 5 and policy 12 are consistent with the design, character and visual amenity guidance (Chapter 12) of the NPPF and can be attached full weight.

Residential Amenity

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

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

The criteria that are considered to be relevant to this application are:

- m. Compatibility with neighbouring land uses;*
- n. Overlooking;*
- o. Overshadowing;*
- p. Loss of light;*

In the examiner's report for the SNP a recommendation was put forward to change criteria g of policy 5 of the SNP the Parish Council agreed to this and it now forms part of the policy. Criteria g now reads:

“g) it does not cause ~~detrimental~~ [unacceptable] harm to the private amenity of adjacent properties along Eastgate;”

A number of objections have been received from nearby occupiers including the occupiers of the neighbouring dwelling (32 Eastgate) in relation to the detached garage/workshop, many of these have been regarding the impact on the private amenity of no.32 Eastgate.

Also, comments from many neighbouring occupiers give reference to an indicative layout plan submitted at outline stage (139520). Application 135920 granted permission for residential use with access only to be considered was granted on 11th January 2020, layout was not considered at this stage, it is noted that within the officers report it states; *“A dwelling and its garaging will need to be appropriately orientated and positioned to enable the enjoyment of the garden space to 32 Eastgate is not harmed to an unacceptable level.”*

Originally submitted proposals showed a detached garage/workshop/annex which measured 26.5 metres in length by 6.6 metres in height. Concerns were raised and negotiations were carried out with the applicant in relation to the large scale of this building.

Amended plans were received on 28th April 2020, these now show the building measuring approximately 13.5 metres in length by 5.5 metres in height, the garage is located approximately 1.9 metres away from the west boundary which adjoins 32 Eastgate's rear garden.

No. 32 Eastgate benefits from a long rear garden area that measures approximately 80 metres in length. Given the orientation of the site it is noted that there will be some overshadowing occurring onto no.32's rear garden area particularly in the morning hours, however this level of overshadowing is not considered to be at an 'unduly harmful' level. The occupiers will still benefit from light throughout the afternoon hours and into the evening during the spring/summer months, it must also be noted that not all of the garden area will be overshadowed during the morning hours.

Concerns have also been received in relation to the detached garage and that it may be used as a commercial business. The garage is for private domestic only for the storage of a work van and tools, as detailed in the design and access statement submitted with the application which states *“The garage and workshop has been designed specifically for the family's needs and working arrangement. Security is a big issue and it is important that the work van can be parked inside and locked away along with work tools, equipment and materials.”*

It must also be noted that the outline permission was granted for residential use not commercial use, any deviation from this would require an application for planning permission in its own right. If permission were to be granted a condition will be placed

on the permission in relation to the annex accommodation so that it would not be able to be a separate dwelling in its own right.

Comments have been received in relation to the potential for noise arising from the proposed garage. The garage is domestic, with a workshop for personal use, it is not anticipated that there would be unacceptable levels of noise arising from this. If unacceptable noise levels were to occur then this is capable of being investigated under the provisions of the Environmental Protection Act 1990 in order to determine whether it constitutes a statutory nuisance.

It is acknowledged that the garage is of a larger scale than a typical domestic garage and that there will be some impact on the amenity of no. 32 however this is not considered to be to an 'unduly harmful' or 'unacceptable' level as stated in LP26 and criteria g) of policy 5 of the Scotton Neighbourhood Plan.

The proposed dwelling will have a potential future neighbour in 'Plot 8' and 'Plot 1' to the east and the north respectively. A 1.8 metre high obscurely glazed screen will be installed on the eastern side of the first floor balcony to the rear to protect the amenity of the future occupiers of 'Plot 8'. The balcony has a separation distance of approximately 18 metres with the west boundary adjacent to the properties on Eastgate, this is considered to be an acceptable distance. The detached garage located to the front of the site will be adjacent to the rear boundary of 'Plot 1', the garage is located approximately 0.8metres away from the boundary with a width of approximately 12 metres in width (including the offshoot to the front), it is considered that the garage will not cause harm on the amenity of the future occupiers.

The dwelling has openings on all elevations, there are ground floor doors and a first floor window that serves a bathroom on the west elevation, there is also a first floor window on the east elevation which also serves a bathroom, drawing's submitted with the application show these windows as obscurely glazed. The proposed dwelling is set away from the west boundary by approximately 7 metres, this relationship is considered to be acceptable subject to an appropriate boundary treatment which would mitigate any overlooking concerns that may arise from the ground floor entrances.

There are no overlooking concerns from the south elevation which faces onto the open fields. As previously stated the dwelling is well set back into the site, some overlooking may occur onto the garden area of no.32, however there is a large amount of space that would still benefit from no overlooking.

The proposal will therefore not have a significant overbearing impact, cause a significant loss of light or overshadowing impact on the privacy of the existing and future neighbouring dwellings due to the separation distance, the position of openings and the position of the proposed dwelling on the plot. The development will accord with local policy LP26 of the CLLP, policy 5 of the SNP and the provisions of the NPPF.

It is considered that policy LP26 and policy 5 are consistent with the residential amenity guidance of the NPPF and can be attached full weight.

Layout

For the purposes of planning layout is defined (see Planning Practice Guidance Paragraph: 006 Reference ID: 14-006-20140306) as:⁵

- ***‘Layout’*** – the way in which buildings, routes and open spaces within the development are provided, situated and orientated in relation to each other and to buildings and spaces outside the development.

Policy 5 criteria i) and j) of the SNP provide direction on the garden amenity and off street parking provision. The proposed dwelling will sit in a large plot measuring approximately 57 metres in length and approximately 30-34 metres in width. The site covers approximately 1620 square metres.

The dwelling would be located approximately 24 metres back from the front (north) boundary, leaving more than adequate rear garden space. Vehicular and pedestrian access is via a shared access with plots 6-9 inclusive. The layout provides sufficient driveway and space for turning to allow a vehicle to enter and leave the site in a forward gear. The Highways Authority at Lincolnshire County Council have no objections to the proposed off street parking provision and turning spaces.

The impact of the development on the living conditions of adjoining residents in relation to the dwelling and detached garage has already been addressed earlier in this report. The layout of the plot is considered to be acceptable and accords to local policy LP17 and LP26 of the CLLP, policy 5 of the SNP and the provisions of the NPPF.

It is considered that policy LP17, LP26 and policy 5 are consistent with the design, character and visual amenity guidance (Chapter 12) of the NPPF and can be attached full weight.

Landscaping

For the purposes of planning layout is defined (see Planning Practice Guidance Paragraph: 006 Reference ID: 14-006-20140306) as:⁶

- ***‘Landscaping’*** – the treatment of land (other than buildings) for the purpose of enhancing or protecting the amenities of the site and the area in which it is situated and includes: (a) screening by fences, walls or other means; (b) the planting of trees, hedges, shrubs or grass; (c) the formation of banks, terraces or other earthworks; (d) the laying out or provision of gardens, courts, squares,

⁵ Paragraph 006 Reference ID:14-006-20140306 <https://www.gov.uk/guidance/making-an-application>

⁶ Paragraph 006 Reference ID:14-006-20140306 <https://www.gov.uk/guidance/making-an-application>

water features, sculpture or public art; and (e) the provision of other amenity features;

The rear external area of the plot will be laid to grass, there will also be a driveway and patio areas around the dwelling. The driveway and patios will be conditioned to be constructed from a permeable material and retained thereafter.

Criteria f of policy 5 of the SNP states:

A boundary treatment should be provided to the south eastern boundary of the site. It should reflect the relationship between the village and its surrounding countryside and incorporate soft landscaping that are reflective to those dominant ones along Eastgate;”

Further information particularly in relation to the proposed boundary treatments can be secured by conditions on the permission, where the information will need to be provided prior to any development taking place. It is advised that the applicant takes particular note of criteria f) of policy 5 of the SNP when putting forward details of proposed boundary treatments for approval.

The landscaping of the site is therefore acceptable subject to further information being provided for approval in relation to the boundary treatments and accords to local policy LP17 and LP26 of the CLLP, policy 5 and 12 of the SSNP and the provisions of the NPPF.

It is considered that policy LP17, LP26, policy 5 and policy 12 are consistent with the landscaping guidance of the NPPF and can be attached full weight.

Other Considerations:

Heritage

The proposal has the potential to have an impact on the setting of Church of St Genwys (Grade I Listed) and Acacia Cottage (Grade II Listed). The impact of the development on the view of St Genwys as you enter the village from the west is additionally a consideration. Objections have been received on heritage grounds.

Local policy LP25 of the CLLP states that *‘Development proposals should protect, conserve and seek opportunities to enhance the historic environment of Central Lincolnshire’* and provides a breakdown of the required information to be submitted as part of an application in a heritage statement.

In the Listed Building section of LP25 it states that *‘Development proposals that affect the setting of a Listed Building will be supported where they preserve or better reveal the significance of the Listed Building’*.

Policy 5 criteria h) of the SSNP places importance on the *“need for the development to be set back and be able to frame the important view (View 1 on Map 9) of Grade I Listed church as approach village centre from Eastgate”*

Paragraph 193 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 (and the more important the asset, the greater the weight should be). This is irrespective of whether any potential harm amounts to substantial harm, total loss or less than substantial harm to its significance'.

The impact of a development on the setting of a listed building is more than just its visual presence and annex 2 of the NPPF defines the setting of a heritage asset as:

'The surroundings in which a heritage asset is experienced. Its extent is not fixed and may change as the asset and its surroundings evolve. Elements of a setting may make a positive or negative contribution to the significance of an asset, may affect the ability to appreciate that significance or may be neutral'.

The plot is to the rear south west corner of the site and will be located behind the plots located to the front of the site. The siting of the proposed dwelling set back from Eastgate and set well back within the site respects the building line required to retain a framed view of the Grade I Listed Church as you approach the village from Eastgate.

The siting and design of the proposed dwelling will at least preserve the setting of the Listed Buildings whilst retaining the framed view of St Genwys Church and accord to local policy LP25 of the CLLP, policy 5 of the SSNP, the statutory duty set out in Section 66 of the Planning (Listed Buildings and Conservation Areas) Act 1990 and the provisions of the NPPF.

It is considered that policy LP25 and Policy 5 are consistent with the heritage guidance of the NPPF and can be attached full weight.

Access

Some comments have been raised by third parties relating to access to the site. However, access arrangements have already been granted permission, and are not under consideration with this application only for the approval of reserved matters.

Drainage

Third party representations have been received in regards to drainage arrangements. However, drainage arrangements are not under consideration with this application for reserved matters only. It is a condition of the planning permission that:

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 must 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, local policy

LP14 of the Central Lincolnshire Local Plan 2012-2036 and policy 6 of the Draft Scotton Neighbourhood Plan.

Trees

There are existing trees which adjoin the west boundary of the site with 32 Eastgate, these consist of a Tree of Heaven and Birch trees. Through consultation with WLDC's tree and landscape officer, concerns were raised particularly in relation to the birch tree located directly behind the outbuilding.

The Local Planning Authority has a duty under section 197⁷ of the Town and Country Planning Act 1990 to;

(a) to ensure, whenever it is appropriate, that in granting planning permission for any development adequate provision is made, by the imposition of conditions, for the preservation or planting of trees; and

(b) to make such orders under section 198 as appear to the authority to be necessary in connection with the grant of such permission, whether for giving effect to such conditions or otherwise.

In a further consultation with the tree and landscape officer it was confirmed that the Root Protection Area of this tree could tolerate some encroachment, this would be at an acceptable level as to not cause harm to the tree if the outbuilding was moved 0.5 metres to the east.

It has not been possible to contact the applicant to seek amendments in relation to this, however the final position of the garage could be secured via a condition on the permission if the application were to be granted.

Concerns have also been raised in relation to the cutting back of branches which may be overhanging into the site and any damage that may be caused to the trees through the development, this is a common law matter, to be agreed between both parties privately.

Conclusions and reasons for decision:

The decision has been considered against local policies: LP1 A Presumption in Favour of Sustainable Development, LP14 Managing Water Resources and Flood Risk, LP17 Landscape, Townscape and Views, LP25 The Historic Environment and LP26 Design and Amenity of the Central Lincolnshire Local Plan 2012-2036, policy 5 and 12 of the Final Draft Scotton Neighbourhood Plan and Section 66 of the Planning (Listed Buildings and Conservation Areas) Act 1990. Furthermore consideration has been given to guidance contained within the National Planning Policy Framework and National Planning Practice Guidance. In light of the assessment the scale, appearance, landscaping and

⁷ <http://www.legislation.gov.uk/ukpga/1990/8/section/197>

layout of the development are found to be acceptable. The development would not have a harmful visual impact on the site or the street scene and will preserve the setting of the nearby listed buildings. It would not be expected to have an unduly harmful impact on the living conditions of neighbouring dwellings.

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

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

Refer to outline planning permission ref 139520.

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

1.No development must take place until details (including the colour) of all external and roofing materials to be used have been submitted to and approved by the Local Planning Authority.

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 and to accord with the National Planning Policy Framework and local policy LP17 and LP26 of the Central Lincolnshire Local Plan 2012-2036 and policy 5 of the draft Scotton Neighbourhood Plan.

2. No development must take place until a final landscaping scheme has been submitted including details of the height, materials and species of planting to be used for the boundary treatments have been submitted to and approved in writing by the Local Planning Authority.

Reason: To ensure the development site is appropriately landscape in its setting to the National Planning Policy Framework and local policies LP17 and LP26 of the Central Lincolnshire Local Plan 2012-2036 and policy 5 of the draft Scotton Neighbourhood Plan.

3.No development must take place until, details of the form and position of the protection measures to protect the trees adjacent to the west boundary have been submitted to and approved in writing by the Local Planning Authority. The approved protection measures must be installed prior to commencement and retained in place until the development is completed.

Reason: To safeguard the existing trees on 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:

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

- ALLISON-A-04B received 28th April 2020;
- ALLISON-A-02B received 16th April 2020;
- ALLISON-A-05D received 16th April 2020;
- ALLISON-A-03D received 16th April 2020.

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

Reason: To ensure the development proceeds in accordance with the approved plans and to accord with the National Planning Policy Framework, local policy LP17 and LP26 of the Central Lincolnshire Local Plan 2012-2036 and policy 5 and 12 of the draft Scotton Neighbourhood Plan.

5. No occupation of the dwelling must occur until the proposed driveway and turning space identified on site plan ALLISON-A-03D received 16 April 2020 has been constructed. All hardstanding identified on site plan ALLISON-A-03D received 16 April 2020 must be constructed from a permeable material and retained thereafter.

Reason: To ensure off street parking provision is provide prior to occupation and to reduce the risk of surface water flooding on the site and the highway to accord with the National Planning Policy Framework, local policy LP14 and LP26 of the Central Lincolnshire Local Plan 2012-2036 and policy 5 of the Scotton Neighbourhood Plan

6. Notwithstanding drawing no. ALLISON-A-03D received 16 April 2020, no works on the construction of the outbuilding shall commence until a plan showing the final position of the outbuilding has been submitted to and agreed in writing by the Local Planning Authority. Once agreed, the works must be carried out in accordance with the details shown on the approved plan.

Reason: In the interests of protecting the adjacent trees on the west boundary with no.32 Eastgate, in accordance with Section 197 of the Town and Country Planning Act 1990.

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

7.The first floor annex accommodation in the detached garage building shall not be occupied at any other time other than for the purposes ancillary to the residential use of the main dwelling on 'Plot 9, Eastgate'.

Reason: The application has been assessed and found to be acceptable as an annex ancillary to the use of the main dwelling on 'Plot 9' in accordance with the NPPF and policies LP17 and LP26 of the Central Lincolnshire Local Plan and Policy 5 of the Scotton Neighbourhood Plan.

Notes to the Applicant

Compliance with Outline Permission

There is a need to comply with the conditions of outline planning permission 139520 and the Legal Unilateral Undertaking received 16th January 2020.

CIL

Please be aware that as of the 22nd January 2018 West Lindsey District Council implemented a Community Infrastructure Levy and that eligible development granted on or after this date will be subject to this charge. The development subject to this Decision Notice could fall within the definitions held within the adopted charging schedule and as such may be liable to pay the levy. For further information on CIL, processes, calculating the levy and associated forms please visit the Planning Portal www.west-lindsey.gov.uk/cilforms and West Lindsey District Council's own website www.west-lindsey.gov.uk/CIL

Please note that CIL liable development cannot commence until all forms and necessary fees have been submitted and paid. Failure to do so will result in surcharges and penalties.