

Guildhall Gainsborough
Lincolnshire DN21 2NA
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AGENDA

This meeting will be streamed live (to the below link) and the video archive published on our website

Planning Committee
Wednesday, 22nd July, 2020 at 6.30 pm
Virtual - MS Teams

<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 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 17 June 2020, previously circulated.**
4. **Declarations of Interest**
Members may make any declarations of interest at this point

Agendas, Reports and Minutes will be provided upon request in the following formats:

Large Clear Print: Braille: Audio: Native Language

but may also make them at any time during the course of the meeting.

5. **Update on Government/Local Changes in Planning Policy** (VERBAL REPORT)
- Note** – the status of Neighbourhood Plans in the District may be found via this link
<https://www.west-lindsey.gov.uk/my-services/planning-and-building/neighbourhood-planning/>
6. **Development Management Performance Update** (PAGES 23 - 28)
7. **Planning Applications for Determination**
- i) 140851 - 49 Church Street Gainsborough (PAGES 29 - 41)
 - ii) 140958 - Land to the south side of Albion Works Ropery Road Gainsborough (PAGES 42 - 53)
 - iii) 140707 - Sunnyside Up Farm Shop Poplar Farm Tealby Road, Walesby (PAGES 54 - 86)
 - iv) 140979 - Cross Roads Garage Thornton Road, South Kelsey (PAGES 87 - 108)
 - v) 140986 - Land to the east of Fir Tree Farm, Carr Lane, Blyton Carr (PAGES 109 - 126)
8. **County Matters Applications 141306/141307 Land to East of Smithfield Road, North Kelsey** (TO FOLLOW)
9. **Determination of Appeals** (PAGES 127 - 152)

Ian Knowles
Head of Paid Service
The Guildhall
Gainsborough

Tuesday, 14 July 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 17 June 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 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:

Alan Robinson	Director of Corporate Services and Monitoring Officer
Russell Clarkson	Interim Planning Manager (Development Management)
Ian Elliott	Senior Development Management Officer
Danielle Peck	Development Management Officer
Joanne Sizer	Area Development Officer
Martha Rees	Legal Advisor
Ele Snow	Democratic and Civic Officer
James Welbourn	Democratic and Civic Officer

1 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.

2 PUBLIC PARTICIPATION PERIOD

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

3 TO APPROVE THE MINUTES OF THE PREVIOUS MEETING

RESOLVED that the minutes of the meeting of the Planning Committee held on Wednesday, 29 April 2020 be confirmed as an accurate record.

4 DECLARATIONS OF INTEREST

Councillor I. Fleetwood declared a non-pecuniary interest as he was Vice Chairman for Cherry Willingham Parish Council, in relation to application number 140743, Bleak Farm. He stated he had not held any conversations regarding the application nor had he been a part of any planning discussions for the village.

Councillor D. Cotton declared a prejudicial interest in application number 141030, 18 Lindholme, as he had had lengthy conversations with the applicant and as such, would stand down from the Committee for the duration of that item.

Councillor P. Howitt-Cowan declared that, as Ward Member for Hemswell, he wished to speak on the application and would therefore stand down from the Committee for the duration of that item.

5 UPDATE ON GOVERNMENT/LOCAL CHANGES IN PLANNING POLICY

The Interim Planning Manager (Development Management) introduced a short update to Members explaining that the Government had announced further measures to introduce flexibility into the planning system in Mid-May, due to the current pandemic.

This included:

- Measures to allow CIL payment deferrals for small developers;
- Encouraging new applications to be made online, as much as possible;
- Confirmation that MHCLG did not intend to extend the timescales for determining applications *“Developers should be encouraged to agree extensions of time where possible”*
- Flexibility in publicising applications where the normal statutory requirements could not be met;
- They continued to want to see Local Plans progressing through the system as a vital means for supporting economic recovery in line with the government’s aspirations to have plans in place across the country by 2023.

See <https://www.gov.uk/guidance/coronavirus-covid-19-planning-update>

On 13 May 2020, the government published a [written ministerial statement](#) on planning and construction working hours. This statement expected local planning authorities to approve requests to extend construction working hours temporarily to ensure safe working in line with social distancing guidelines until 9pm, Monday to Saturday, unless there were very compelling reasons against this.

See <https://www.gov.uk/guidance/coronavirus-covid-19-construction-update-qa>

In addition, the Planning Inspectorate (PINS) latest update (28 May) advised they had now recommenced site visits where safe to do so. For “the foreseeable future” they would not be arranging face-to-face inquiries and hearings however, following a successful trial, they had begun arranging virtual Hearings.

See <https://www.gov.uk/guidance/coronavirus-covid-19-planning-inspectorate-guidance>

Members were given the following update regarding Neighbourhood Plans:

Scotton NP	Examination successful. Decision statement issued. But due to COVID-19 situation referendum delayed until May 2021.	<i>Draft plan can be given significant weight in decision-making, so far as the plan is material to the application.</i>
Bishop Norton NP	Examination completed. Examiner’s report to be issued shortly.	Increasing weight
Gainsborough NP	Submission consultation underway (Reg16) ends 22 July 2020.	Increasing weight
Morton NP	Submission consultation underway shortly (Reg16) will end 7 Sept 2020.	Increasing weight
Hemswell and Harpswell NP	Submission version (Reg16) to be submitted to WLDC for consultation and examination shortly.	Some weight

<https://www.gov.uk/guidance/neighbourhood-planning--2#covid-19>

6 PLANNING APPLICATIONS FOR DETERMINATION

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

7 140416 - LAND ADJ. WOLDGRAIN STORAGE LTD, HEMSWELL

The first planning application of the night was introduced for Members’ consideration. Planning application number 140416 seeking to erect 14no. grain storage silos, 1no. dryer, associated structures and conveyor. The Planning Manager explained that a member of the public had informed the Planning Department that they had requested the Secretary of State use his powers under s77 to “call-in” the application for his own determination. It was the Secretary of State’s policy that they would normally only do this if the application conflicted with national policy in important ways, or was nationally significant. The Planning Casework Unit had been in contact, and it had been requested that, whilst the Committee may proceed to make its resolution, that no decision be issued, until the Secretary of State had determined whether he wished to exercise his powers.

The Senior Development Management Officer presented the details of the application and highlighted there was one update to report, that being the proposed conditions as a result of the revised noise report.

The Chairman explained there were a number of public representations which were to be read out by the Democratic and Civic Officer.

Statement from Hemswell Cliff Parish Council.

“Hemswell Cliff Parish Council has objected to this application on the following grounds:

1. Despite the disquiet, felt by residents of Hemswell Cliff about the noise already created by the existing silos and associated plant. The noise report has been conducted at a quiet time of year and is not representative of what it is like during the busy time of year, whilst this does not suit the grant funding that the applicant is applying for it should not be overlooked. This study would have different results if conducted in August or September. If it is not a Material consideration as stated at page 35 para 1 “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”
Then why not delay the application until a noise study can be carried out at a more suitable time.

2. Page 34 Quotes

“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”. If this is a long-term plan over the next ten years are there more Silos and fans in the pipeline.

3. Page 39 Quotes

“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.”

2 Points here: If only 6 fans can be running at any one time, will they upgrade the electricity supply later and run more. In addition, is this an additional 6 fans on top of the already installed fans?

4. Page 47 Item 6 Quotes

“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. What about the Business in Blue, which is the existing business? How many will they be running at the same time. Whatever they are running will be in addition to the 6 extra Fans

Are the existing fans running with attenuators as the new ones propose. Also there are not just fans but conveyor/elevators to move the grain around the plant all creating additional noise, These were probably not running when the noise study was carried out. Why were the noise studies only taken to the south and west of the Plant? What about the properties to the east. This is very close to the Primary School (200m), the disruption to the school could be very off putting and effect the children’s education. This was one of the main reasons the

Wind Farm application rejected.

5. Will the noise issue be monitored? And what action will be taken if they exceed the limits set in the NIA

6. Page 40 quotes

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.” This plant is the background noise at night; it is all you can hear!

7. Flooding

The FRA quotes at 5.1 that the area has not been subject to flooding and shows a map (Historical Flood Map from WLDC SFRA) this shows no flooding at Hemswell Cliff! Therefore is incorrect. James Road at Hemswell Cliff was flooded to the extent that several houses were uninhabitable in 2007, which is not shown on the SFRA. These properties are only 500m from the development site. Flooding has also occurred in Spital in the Street.

8. Visual Impact

Although this has apparently been considered, we do not think fairly. The long view will be damaged tremendously, bringing a huge industrial view. The existing silos can already be seen on a clear day from the Wolds, a recognised Area of Outstanding Natural Beauty. Any additional silos will be even more prominent and further damage the long view.”

Statement from Mr John Burnett, Applicant

“Ladies and gentlemen, Good evening and thank you for giving me this opportunity to address you.

Woldgrain has been at Hemswell Airfield since 1980. In fact I believe Woldgrain may have been the first business to become established on the site after the closure of RAF Hemswell. In deciding to purchase our current site, the original Directors of Woldgrain made two very far sighted and important decisions. Firstly, they bought a site with a significant amount of room for expansion. Secondly, Hemswell’s location within an hour of both the coast and the M62/A1 has become more important, strategically for grain movement. We currently store around 85,000 tonnes of grain each year, grown by Woldgrain’s members, the vast majority of whom are farming within 30 miles of Hemswell. Seven of the nine Woldgrain Directors live in the West Lindsey.

Woldgrain has evolved into a grain storage facility with a national importance, satisfying the requirements of the feed, food and fuel supply chains. Wheat and barley stored at Hemswell has been used by processors and manufacturers up and down the country, to create famous products such as Carling lager, Hovis bread and Warburton’s crumpets. Each year a significant proportion of the stored crop is exported through the ports of Lincolnshire and Humberside.

We believe that Woldgrain’s location will become increasingly important in the years to come, as modern supply chains demand a level of traceability that is becoming more difficult to achieve with on farm storage.

During the last 10 years we have seen the business grow significantly, to a point where we

have fully developed our existing site. As you will appreciate growth is vitally important to the success of any business. Over this period the business has grown from an annual turnover of £250,000 to a turnover of £1.8m. We have doubled our number of employees and have recently taken on our first apprentice. In addition, we now employ 6 students each year for our busiest period from July to September. To achieve this growth we have invested almost £15m since 2008, with approximately 60% of this having been spent locally. Since 2008 we have more than tripled our annual use of local grain haulage businesses, spending nearly £400k last year. All of these businesses are North Lincolnshire, if not West Lindsey based, thereby ensuring this money is reinvested locally.

In order to continue to grow we need to acquire more land and there is now the opportunity to purchase the site which is the subject of the application. We believe this site will give us at least another 10 years of growth at Hemswell. The capital spend required for the new plant will be in the order of £12-15m, with a similar proportion being spent locally. Woldgrain is a market-leading grain store, as modern as any in the UK, and has recently won awards, including Small Business of the Year 2016 (Gainsborough Business Awards) and Food & Farming Excellence Award 2017 (Lincolnshire Business Awards).

In the coming years we believe this new expansion project will contribute significantly to the creation and development of the Food Enterprise Zone and the wider socio-economic regeneration of the local area, as outlined in the Hemswell Cliff Masterplan. The agri-food sector, which contributes 18% of Lincolnshire GVA and makes up over 90% of the area covered by West Lindsey, is particularly vulnerable to the impact of Covid-19 and the challenges posed by Brexit. Food and farming also sits at the heart of the industrial strategy for the Greater Lincolnshire Local Economic Partnership (GLLEP). A thriving agri-food sector will be vital to the economic recovery of the county as the Covid lockdown is eased.

Without the support from West Lindsey District Council, none of this growth would have been possible. With your continued support and by approving this application, we believe together we can build on past successes and achieve the following:

- Safeguarding Woldgrain's future at Hemswell.
- Continued support for the local economy.
- Support for the wider agri-food sector in greater Lincolnshire."

Statement of Objection from Mr Alan Pendle

"I would like to ask the committee to take into consideration the trauma the residents of Hemswell cliff and surrounding areas have to endure every year from September through to March, this is when the Woldgrain fans are running 24 hours a day at their highest capacity. The noise resonates and is so annoying it is impossible to sit and read a book or have a quiet discussion. One night my wife and I got in the car and went for a drive at 2am just to get away from the noise. We live just south of the A631 so have total sympathy for those living, including the school just 320 meters from the site, or 170meters from new site. I am asking the committee to postpone any decision on this application until an accurate noise reading can be made at a time when the fans are running at full capacity."

The Chairman thanked the Democratic and Civic Officer and invited Councillor Paul Howitt-Cowan to address the Committee in his role as Ward Member.

Councillor Howitt-Cowan explained that he had no prior knowledge that the application had been referred to the Secretary of State. He stated that his Ward embraced both residential and business interests and it was important to maintain a balance between quality and quantity. He explained that he felt, without tighter conditions, the approval of this application would lead to a reduction in the quality of life for residents which needed to be safeguarded against. He noted that the visual impact of the new silos would be obvious in a negative way and whilst it was necessary to represent the industry of the area, the visual impact needed to be taken into consideration. He also felt that the possible noise impact was a justifiable concern for residents and highlighted that the tests had been conducted during the quiet months and not when the business was running at full capacity. He thanked the committee for their time and welcomed their careful consideration of the full details of the application.

The Chairman thanked Councillor Howitt-Cowan and requested that he absent himself from the Committee for the remainder of the item.

The Senior Development Management Officer highlighted that it was very clearly conditioned for only six fans to be in use and this was an enforceable condition. He added that there had been several noise tests undertaken and the findings of these were detailed in the report. He also noted that the colour of the silos had been chosen to match with the existing and that having them a different colour could make them more prominent and visible, however this could be subject to change should Members wish.

The Chairman invited comments from Committee Members. There was considerable discussion regarding the possible noise impact of the fans and the visual impact of the new silos. The results of the noise testing were taken into consideration and it was acknowledged that, should the application be agreed and noise became an exacerbated issue, the Environmental Health team could be contacted and the conditions regarding noise could be enforced. It was also agreed that the colour of the new silos should be conditioned so as to avoid an excessive visual impact.

Having proposed and seconded the Officer recommendation it was agreed that planning permission be **GRANTED** subject to the conditions set out below alongside a new condition for the colour of the silos to be reconsidered in order to minimise the visual impact.

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 postremedial 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.

4. No development must take place unless a colour scheme for the silos has been submitted to, and approved in writing by the local planning authority. The development shall thereafter

be finished and retained, in accordance with the agreed colour scheme.

Reason: In the interests of visual amenity, to mitigate the visual impact of the industrial structures within their surroundings, to accord with the National Planning Policy Framework and policy LP5, LP17 and LP26 of the Central Lincolnshire Local Plan 2012-2036.

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

5. 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.

6. 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.

7. 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.

8. 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.

9. 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

8 140743 - BLEAK FARM, HIGH STREET CHERRY WILLINGHAM

The Senior Development Management Officer introduced planning application 140743 for 6no. detached dwellings. He stated there were no updates to the application and presented a brief summary of the history of the site.

The Chairman stated there were two speakers for this application and invited the first speaker to address the Committee.

Councillor Sharron Brylewski made the following statement on behalf of the Parish Council.

“This is an ambitious project and the developer we feel has made changes when necessary. The fact that many reclaimed bricks from the original site are being used again would reflect the age, heritage and overall historical importance of the site. None of the surrounding residents had anything but positive comments to make about the plans. Also, feedback from a public meeting suggested a very positive reaction, even though they have changed slightly over time.

Seven years on and the site has deteriorated massively and we fear if the plans are rejected again the site would obviously get worse. It is now, and has been from the start, a magnet to youths who have systematically broken windows, set fires, and generally caused damage to the property, which in turn has led to residents’ complaints.

Although not a perfect design, from people who know more than we mere mortals, the phrase ‘*blinkered by science*’ comes to mind. Perfection to every individual is perceivably different, so difficult to quantify.

“*One of the basic rules of the Universe is that nothing is perfect. Perfection simply doesn’t exist. Without imperfection, neither you nor I would exist.*” Professor Stephen Hawking.

We have shown the plans to a planning officer from another District and in his opinion the plans are better than others that have been submitted before. I know the following will not influence the planning application decision, but Roy Bowser was a well-respected man who

gave a lot to our village. It would be a fitting tribute to his memory to have this development come to fruition. The time is right to give the Village a boost to moral during this difficult period.

Something to look forward to, and be proud of, a rebuilt historically important part of our Village. Let it be remembered that Cherry Willingham is a large village with a diversity of housing, both old and new. This development, we envision, will add another opportunity for diversity, as well as enhancing our Neighbourhood Plan. In fact diversity seems to be the key word here. We are not a 'pretty village', we are living in a semi-rural community with housing of all types, but mainly detached properties, so this development fits in well with what attracts people to come and live in Cherry Willingham.

The residents and Parish Council feel this development, will raise the bar in terms of its design and layout, and again enhance the mission statements set out in our neighbourhood plan.

The resilience of the residents of this Village over the last few months has been nothing short of inspirational. They have been patient, but something positive is needed to galvanise their ambition and to see this development through. Mindful of all its complexities, we the Parish Council and the residents of Cherry Willingham are on a 'mission' and I personally trust and respect their integrity.

Thank you for listening to this statement.”

The next speaker, Mr Howard Roe, Applicant, was invited to speak.

“Good Evening Mr Chairman, ladies, and gentlemen of the committee, Over the past 11 months both I and Cherry Willingham Parish Council have worked together to design a scheme that we believe will both enhance the village as well as giving quality homes for people to live in.

At a general meeting at the end of October the plans were shown to over 70 members of the community and when put to a show of hands there was majority approval and no objections to the proposed development.

Tennyson Homes are local family builders who build quality homes. Wherever possible, we use reclaimed materials to help the homes blend into the local surroundings. Our previous developments in North Kesteven, East Lindsey and Lincoln City all speak for themselves in quality and design and I would ask that the members of the committee give us the chance to develop a site the village can be proud of in West Lindsey.”

The Chairman thanked both speakers and confirmed there was no further comment from the Senior Development Management Officer. The Chairman highlighted that the condition of a site was not sufficient reason to approve an application and based on policy, there was little support for the suitability of the application.

There was some support amongst Members that the proposed development would be an improvement on the existing state of the land, however it was again reiterated that any development should be in line with National and Local Planning Policies, which, as per the Officer's report, this proposal was not.

The Officer's recommendation was moved and seconded and, on voting, it was agreed that planning permission be **REFUSED**.

9 141030 - 18 LINDHOLME, SCOTTER

Note: Councillor M. Devine spoke on behalf of all Committee Members to advise that they had all received an email from the applicant for this item.

The Area Development Officer introduced planning application 141030 for the replacement of a dormer bungalow with a three storey house. She explained this was a review of the previous application which had been refused permission at the April meeting. She explained that previous objections to the proposal had been withdrawn. She added that condition two relating to flood risk would also be amended subject to approval.

The Chairman invited the two registered speakers to address the Committee.

Statement from Mrs Laura Calvert, Applicant

"Thank you once again Chairman for the opportunity to address the Committee. I will be brief.

Our situation has not changed since the last committee meeting. This application is born out of necessity to protect from future flood events following almost a metre of flood water destroying our property last November, the third severe flood event in 12 years. It is now 7 months since the flooding, and we, and our home, remain devastated following the effects. Following refusal we engaged in further discussions with Planning in recognition of the points of concern expressed by councillors at the last Committee Meeting.

The overbearing concerns on the Western boundary have been addressed by reducing the extension to a single storey and replacing the displaced accommodation in the loft space of the main block. We acknowledge that Planning have some reservations about the raised ridge and appreciate that they have accepted it to enable workable space in the roof void.

We also note that Mr Richards, owner of No.16, has no objection to the revised proposal and we are committed to consulting him on all interface issues throughout construction.

We sincerely hope that the Committee can now support our application to enable a long awaited return to a dry house. Thank you."

The Chairman invited Councillor Lesley Rollings, Ward Member, to speak.

Councillor Rollings reiterated her support for the application and explained that the applicants had worked hard to address the concerns that had been raised previously. She felt it spoke volumes that the objections had been withdrawn. She thanked the Committee and asked them to support the Officer recommendation to approve the application.

The Chairman again thanked the speakers and invited comments from the Committee Members. It was noted again that condition two would be amended, however, with

significant praise for the amendments to the proposal, the Officer recommendation was moved, seconded and voted upon and it was agreed that planning permission be **GRANTED** subject to the following conditions.

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

1. The development hereby permitted shall be begun before the expiration of 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, 1919/R1/18, 1919/R1/19, 1919/R1/16, 1919/R1/04A, 1919/R1/05A, 1919/R1/06A, 1919/R1/07A, 1919/R1/08A, 1919/R1/11A, 1919/R1/12A, and 1919/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.

10 140545 - PLOT 9, LAND SOUTH OF EASTGATE, SCOTTON

Members gave consideration to the last application of the night, application number 140545 for approval of reserved matters for the erection of 1no. dwelling and detached garage with annex accommodation, considering appearance, landscaping, layout and scale- following outline permission 139520 granted 16 January 2020. The Development Management Officer stated there had been one further objection received, summarised as follows:

- They questioned the use of extensions of time on the outline application and this reserved matters application and said that the application should have been refused immediately
- Issues in relation to highways and access still outstanding
- Policies from the neighbourhood plan had been cherry picked by the planning officers
- Size of the dwellings being approved on the site were too large
- Plot 9 should be a single storey dwelling
- Impact on the residential amenity of no. 32-overshadowing and scale
- Loss of the view to grade 1 listed church

The Chairman noted there were four speakers registered for the application, with the first being a statement to be read out by the Democratic and Civic Officer.

Statement from Scotton Parish Council

“1. The Parish Council has sent in an objection to this application and wish that you please note these objections.

2. The Parish Council would like to inform you that the Scotton Neighbourhood Plan has been approved and therefore should be considered regarding this application. This application contravenes Policy 5 and 6 of the Plan. The size is over 2 to 3 times what is required for any development within Scotton. This is also contrary to Local Policy LP26 as it will adversely affect the amenities of other properties.

3. The Parish Council has concerns that the original percolation test for the plot has not been made public or any other tests.

4. The present road leading to this application is only wide enough for one vehicle. The delivery of materials and vehicles of the workmen will cause this road to be blocked for other traffic unless the road improvements are in place before any building work is allowed.

The Chairman thanked the Democratic and Civic Officer and invited the next speaker, Jessica McCague, Agent for the applicant, to address the Committee.

The Agent explained there were three main points she wished to make in response to objections raised against the application. Firstly, with regard to the scale of the house, she noted that there had been an objection raised which stated the proposal in the current application was 50% larger than the indicative house size on the original application. The Agent stated that this was not true. The footprint of the house on both applications was at 238m² and therefore had not altered. The garage with one bedroom annex was larger than originally planned, however with a footprint increase from 81m² to 134m² this was an overall increase of only 16%. She stated that, in response to several requested amendments to the plan, they had complied with the requests accordingly, such as reducing the length of the garage alongside the boundary of number 32 from 25m to 13.5m; moving the garage an increased distance away from the boundary of number 32 and reducing the height of the garage in relation to the impact on plot 1. In response to concerns that the applicant would seek to convert the garage and annex into a separate dwelling at a later date, the Agent stated that this was not the wish of her client and the use of the garage was too important to his way of life to consider changing it. Finally, she confirmed that the proposal was not for commercial use. Her client was an independent joiner who wished to store his van, tools and materials in a safe and secure environment in order to best minimise the risk of theft and the impact that would have on his livelihood. She explained that her client already lived in the community and had made every effort to ensure their proposals worked for the community as well as their own needs. She thanked the Committee for their time and asked them to consider and support the Officer’s recommendation for approval.

The next speaker was then invited to speak. Mr Redfern, objector to the application, made the following comments.

“We object to this application and are at a complete loss to understand how this can possibly be justified and recommended for approval, even with the conditions when there are so many compelling reasons for rejection. The proposed development represents overbuild and extravagance in the extreme. Based on the measurements given by the Case Officer, the

house is a huge 640m² with a proposed workshop of 180m², our house is 160m² and accommodates four adults and two children. The only house bigger than this is the 40 bed nursing home. The officer states 'dwellings in the locality are of a mixed scale', they are and range in size from 96m² and 310m², not even close to 640m². It will be a carbuncle on the beautiful landscape and is therefore totally inappropriate in terms of size, scale, orientation, appearance and landscaping. It will certainly not relate well to the surrounding area and will have a detrimental impact on the character and appearance of the area as well as causing an unacceptable loss of amenity in terms of privacy, outlook and potentially noise to us.

The proposed outbuilding shows excavation to below ground level, contrary to planning conditions. There is a problem with the silver birch trees, the root protection area is 3.6m and should not be encroached on. It is 13.5m long, 3.5m longer than our house. It sits adjacent to the area mostly used in our garden, which causes great concern regarding the potential for noise levels from cars, dogs, workshop etc. We have a long, narrow garden, approximately 80m long. Plot 9 has a huge plot of 1620m² running 57m along our boundary which leaves just 23m to accommodate Plot 1, which is also adjacent to us. Every part of our boundary is being unnecessarily encroached upon and you would have thought, with a plot of this size, there would be some room for compromise. The house and outbuilding could be reoriented away from our boundary, as previously recommended by a Planning Officer. It is acknowledged that the Neighbourhood Plan (N.P.) carries significant weight. Policy 5 N.P. (g). Any proposed dwelling to the front of the site and immediately adjacent to the shared boundary with 32 Eastgate should have an appropriate scale and relationship with the property and protect the living conditions of the occupants. This proposal would not! It seems to us that the proposal for this building couldn't be designed more perfectly to deny us the amenity of natural sunlight, privacy and overshadowing if it tried. It is as close to our border as the silver birch trees allow, running parallel to the recreational and food growing areas of our garden that we have cultivated for over 44 years. It is a haven of peace and tranquillity and it feels that this annex alone, which is larger than some houses on Eastgate, has been poorly sited and would take away a lot of our amenity. L.P.26. The amenities which all existing and future occupants of neighbouring land + building may reasonably expect to enjoy must not be unduly harmed by as a result of development. Consideration should be given in relationship to overlooking, overshadowing and loss of light. All of this applies to us. The case officer acknowledges there will be loss of light + overshadowing but it is considered to be not of an unduly harmful level. In the future there will also be loss of light and overshadowing when Plot One is developed. This development will have a major impact on our life. In fact Plot 9 would benefit from everything that we would be deprived of including the beautiful views over open countryside. Are the needs of the applicant to be given priority over any of our needs, including the residents of Scotton expressed in the Neighbourhood Plan.

N.P. Point 7.6.and 7.9 and policy 5 12.2 supports new development where they are sensitive and appropriate to their location. Small scale in relation to building form in the village and that new houses sit well within the wider landscape. The general development should include smaller dwellings of 2 to 3 bedrooms to support the local accommodation needs in the village. LP26 design principle C - relates well to the site and surroundings particularly in relation to siting height and scale; it does none of these. A planning application in Scotton to build a bungalow was refused as the officers report stated it was incongruous and having an adverse affect on both the immediate surroundings and the wider landscape. This proposal is all of these! Another application, in order to protect the rural character of the settlement and to safeguard the amenities of neighbouring properties in accordance with LP26 the

dwelling approved was limited to single storey accommodation. Why cannot the annex next to us be single-storey to safeguard our amenities?...”

At the end of the five minute time limit, the Chairman thanked Mr Redfern for his time and asked Councillor Lesley Rollings to speak, in her role as Ward Member.

Councillor L. Rollings explained she had received many comments regarding this application. She expressed her concerns that there appeared to be no oversight of the whole site, allowing nine self-build properties being monitored by individual Planning Officers, rather than a plan for the site as a whole. She stated that, on the original application, Lincolnshire County Council Highways had stated that the roads would not be adopted, and there were no details in the papers as to who would be responsible for roads, lighting, pavements and suchlike. Councillor Rollings stated that she believed the Neighbourhood Plan was being ignored and the need for smaller dwellings was being overlooked. She stated the sections of the Neighbourhood Plan relevant to number 32 Eastgate and reiterated the sentiments of the previous speaker that they would lose their privacy in being overlooked along all boundaries of their garden. She also queried the future plans for the proposed dwelling, voicing concerns that it could be for commercial use in the future. With regards to size and scale of the property, Councillor Rollings repeated the size details of other properties in the area but stated there was nothing of the size of the proposed building. She questioned why there was a history of applications for smaller properties being refused, where this application for such a large property was being recommended for approval. She stated that she believed the size of the dwelling should be significantly reduced, the garage should become simply a garage, rather than the separate building and annex and the siting of the building on the plot should be reconsidered to minimise the impact on neighbouring properties. She thanked the Committee for their time.

At the end of the speakers, the Interim Planning Development Manager highlighted to the Committee that, in terms of decision making, where the local planning authority had issued a decision statement (as set out under Regulation 18 of the Neighbourhood Planning (General) Regulations 2012) detailing its intention to send a draft neighbourhood plan to referendum, that plan could be given significant weight in decision-making, so far as the plan was material to the application.

The Chairman invited comments from Members of the Committee. It was reiterated that the application was for reserved matters only. There were concerns raised regarding the size of the annex and whether it could be conditioned that it must remain ancillary to the main dwelling, both for current and future occupants. It was confirmed this was an option.

There was significant discussion regarding the size of the property and the Development Management Officer clarified that the larger measurements encompassed the floor space over two floors as well as the garage space.

It was proposed that the permitted development rights be extended to cover the entire building rather than just the first floor of the annex.

With this amendment it was moved, seconded and agreed that reserved matters of scale, appearance, layout and landscaping, with conditions as detailed below, be **APPROVED**.

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.

11 DETERMINATION OF APPEALS

The Chairman reiterated that during the Covid-19 pandemic appeal casework had been placed on hold by the Planning Inspectorate (PINS); consequently, there had not been any appeal decisions received. However, as mentioned in the update earlier in the meeting, it had been announced that they were in the process of recommencing site visits and hearings where possible.

The meeting concluded at 8.46 pm.

Chairman



Planning Committee

Wednesday 22nd July 2020

Subject: Development Management Performance Update

Report by:	Assistant Director of Planning & Regeneration
Contact Officer:	Russell Clarkson Interim Planning Manager (Development Management) Russell.clarkson@west-lindsey.gov.uk Tel: 01427 676641
Purpose / Summary:	To provide an update on the Council's Development Management performance in 2019/20 and in Q1 of 2020/21, following the Coronavirus pandemic

RECOMMENDATION(S):

1. Members to note the Development Management Performance Update Report;
2. Members to agree that further performance updates will be circulated via the West Lindsey Member's bulletin.

IMPLICATIONS

Legal:

No legal implications arising.

Financial :

No financial implications arising.

Staffing :

No staffing implications arising.

Equality and Diversity including Human Rights :

No equality and diversity implications arising.

Data Protection Implications

No data protection implications arising

Climate Related Risks and Opportunities:

No climate related risks and opportunities arising

Section 17 Crime and Disorder Considerations:

No crime and disorder implications arising

Health Implications:

No health implications arising

Title and Location of any Background Papers used in the preparation of this report :

Live tables on planning application statistics, MHCLG

<https://www.gov.uk/government/statistical-data-sets/live-tables-on-planning-application-statistics#local-planning-authority-performance-tables>

Risk Assessment :

1 Introduction

1.1 The purpose of this paper is to provide an update on the service and performance of the Development Management function in 2019/20 and the first quarter Q1 of 2020/21.

1.2 The Government assesses performance on the speed and quality of decision making, which will be addressed below.

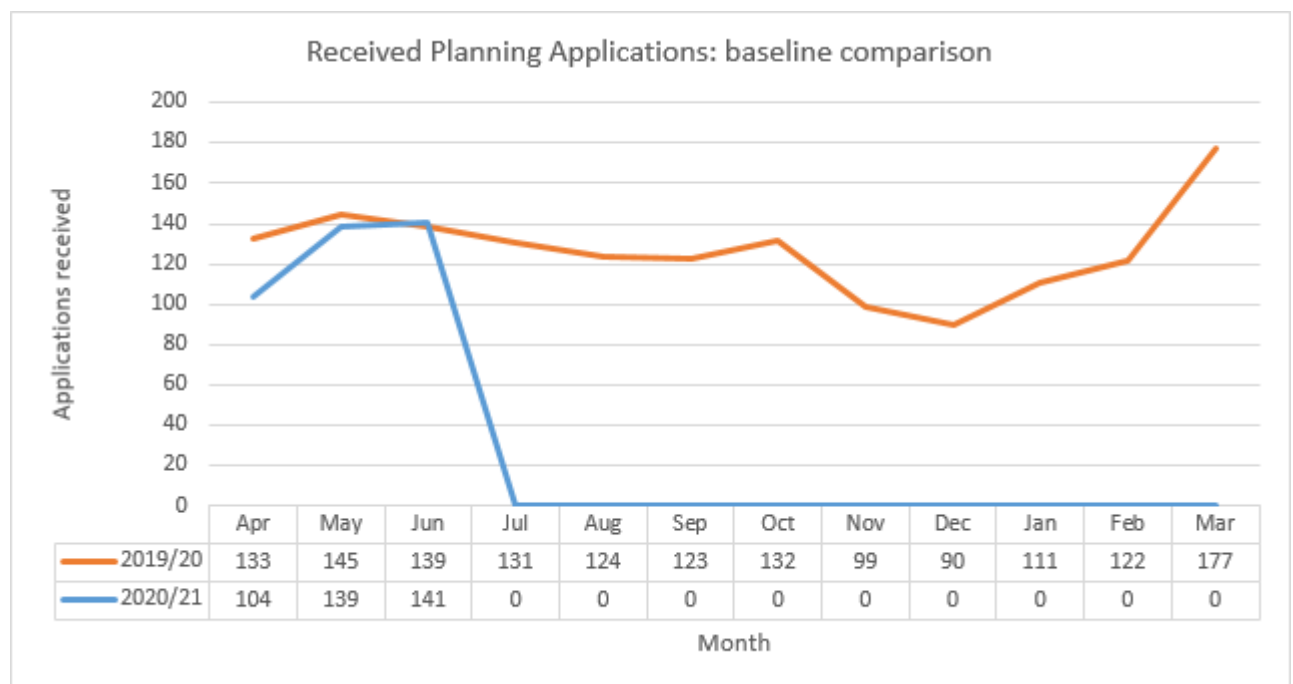
2 Applications Received

2.1 In 2019/20, the service received in total, 1,526 applications of all types (planning, listed building consent, discharge of planning conditions etc.) – this was consistent with the previously reported year (1,529 total applications in 2018/19). In March 2020, we received the highest number of monthly applications in over two years (177 applications).

2.2 This provides a mean monthly average of 127 applications a month in 2019/20.

2.3 This is against the backdrop of a national reduction in the number of new planning applications in the year ending December 2019, with a 4% drop in applications across England overall from the year before¹.

2.4 In Q1 2020/21 we received 384 applications, including 11 major planning applications – a monthly mean average of 128 applications. It indicates that, following lockdown commencing in March 2020, after an initial below average month in April, it has since seen two above average months in May and June, and that overall, the effect of the pandemic is yet to be seen in the number of new applications received.



¹ [National Statistics – Planning applications in England: October to December 2019](#)

3. Speed of Decision Making - Applications Determined

- 3.1 National performance indicators measure the speed at which the Council makes its planning decisions.
- 3.2 Following the commencement of lockdown in March 2020, the Ministry of Housing, Communities and Local Government (MHCLG) has made clear² that “*It is important to keep the planning system moving as much as we can, so that it is able to play its full part in the economic recovery to come, at both national and local levels*”, but that they “*do not intend to change the determination timescales for planning applications [8/13 weeks]... Developers should be encouraged to agree extensions of time where necessary but retaining the timescales means there is still the option to appeal to the Secretary of State on the grounds of non-determination.*”
- 3.3 Accordingly, with Council offices closed, the Service has adapted to new working practices, with all planning staff now working remotely. Within Q1 2020/21, the Council has continued to operate at full strength and determined 8 major applications and 201 non-major planning applications.
- 3.4 Following legislative changes in early April in order to allow virtual Council meetings to take place, the Council has successfully and quickly adapted to new practices. We held our first two virtual Planning Committee Meetings in Q1 2020/21, in which the Committee has been able to consider and made resolutions on 10 applications (comprising 4 major applications and 6 non-major applications).

Major developments

- 3.5 The Government sets a target³ of 60% of all major applications to have been determined “within time” – that is, within the statutory 13 week period; or within a longer period that has been agreed in writing with the applicant / with a Planning Performance Agreement (PPA) in place / EIA (Environmental Impact Assessment) Developments. Failure to achieve this target would mean the Authority would be “designated” and special measures put in place.
- 3.6 In 2019/20, West Lindsey District Council determined 100% (50 out of 50) of its major applications in time.
- 3.7 In Q1 2020/21, this excellent performance has been maintained, with 100% (8 out of 8) major applications being determined in time.
- 3.8 National statistics⁴ show that, in the 24 month period ending December 2019, West Lindsey DC determined 96.4% of major applications in time (England overall total - 88.3%) – of which 44% were determined within 13 weeks (29% in

² <https://www.gov.uk/guidance/coronavirus-covid-19-planning-update>

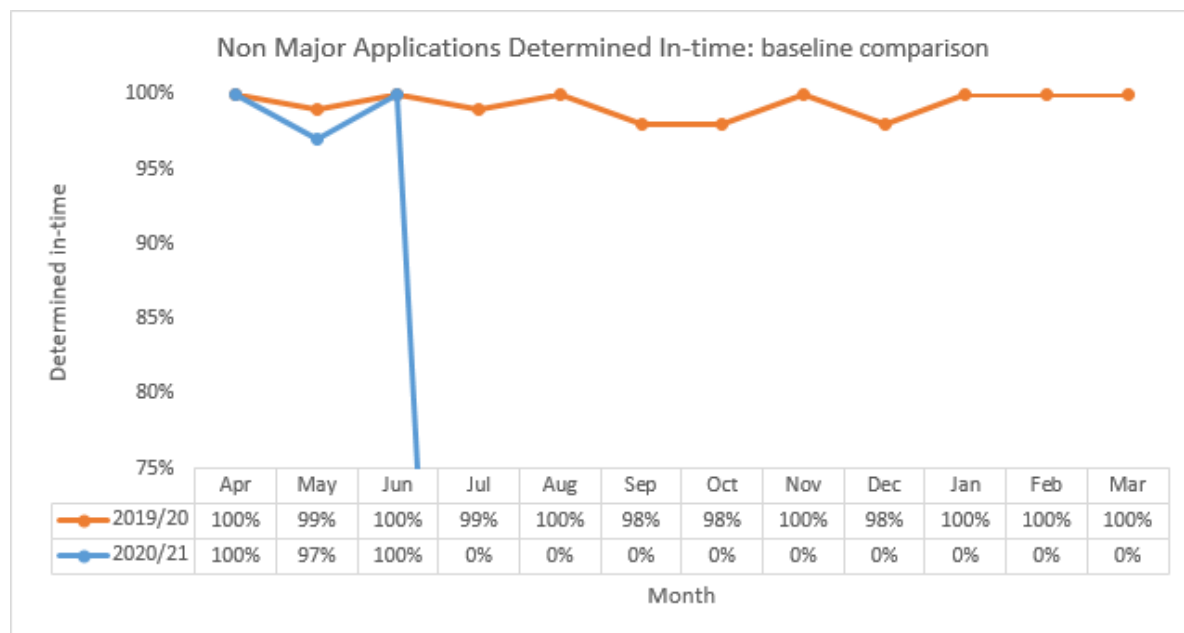
³ [Improving Planning Performance: criteria for designation \(revised 2018\)](#)

⁴ Table P151a, Live tables on planning application statistics, MHCLG

England overall), and 52% with an agreed extension of time in place (59% in England overall).

Non-Major Developments

3.9 For non-major development, the Government threshold⁵ is set at 70% of such applications being determined in time – within 8 weeks, or within a longer period that has been agreed in writing with the applicant. Failure to achieve this target would mean the Authority would be “designated” and special measures put in place.



3.10 In 2019/20, West Lindsey District Council determined 99% (721 out of 726) of non-major applications within time.

3.11 In Q1 2020/21, we have determined 99% (199 out of 201) of non-major applications within time.

3.12 National statistics⁶ show that, in the 24 month period ending December 2019, West Lindsey DC determined 98.9% of non-major applications in time (Overall English total is 88%) – of which 73% were determined within 8 weeks (63% in England overall), and 26% with an agreed extension of time (25% in England overall).

4 Quality of Decisions – appeals

4.1 In order to assess the quality of decision-making, the measure employed by the Government is the percentage of the total number of decisions made by the authority, on applications that are then subsequently overturned at appeal. The

⁵ [Improving Planning Performance: criteria for designation \(revised 2018\)](#)

⁶ Table P153, Live tables on planning application statistics, MHCLG

threshold for designation, on applications for both major and non-major development, is 10% of applications being overturned at appeal.

- 4.2 Within the current Government assessment period⁷, only 1.6% of major decisions were overturned at appeal, and 1.1% of non-major decisions.
- 4.3 In 2019/20 we received 39 appeal decisions overall of which, 29 were dismissed and 10 were allowed,. Allowed appeals equate to 1.3% of the overall decisions made.
- 4.4 In Q1 2020/21, appeal decisions had initially been suspended, following the Covid-19 outbreak. They have recommenced in June – we received two appeal decisions, both were dismissed (allowed appeals equate to 0% of decisions made).

5 Conclusions

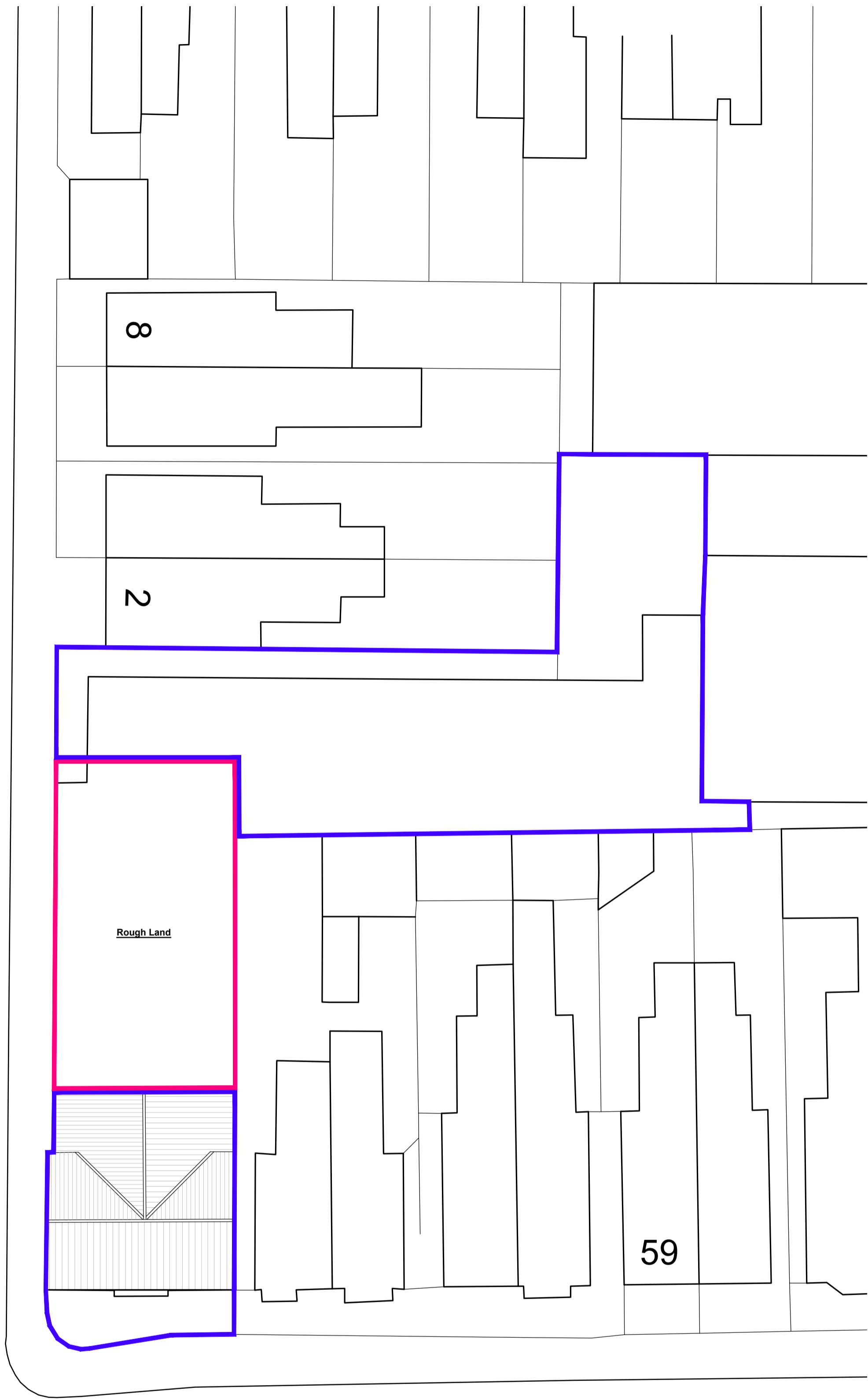
- 5.1 Last year (2019/20), the service received on average 127 applications a month. In Q1 we received on average 128 applications a month, indicating that the number of applications received has not, so far, been affected by the current health pandemic.
- 5.2 The Ministry of Housing, Communities and Local Government (MHCLG) has made clear⁸ that *“It is important to keep the planning system moving as much as we can, so that it is able to play its full part in the economic recovery to come, at both national and local levels”* and that they *“do not intend to change the determination timescales for planning applications [8/13 weeks]... Developers should be encouraged to agree extensions of time where necessary but retaining the timescales means there is still the option to appeal to the Secretary of State on the grounds of non-determination.”*
- 5.3 We held our first two virtual Planning Committee Meetings in Q1 2020/21, in which the Committee has been able to consider and has made resolutions on 10 applications (including 4 major applications and 6 non-major applications).
- 5.4 It can be considered that, despite the upheavals arising from the pandemic, with the offices closed the entire department now working remotely from home and adaptation to virtual planning committees, the service has been resilient and has sustained excellent levels of performance with 100% of major decisions and 99% of non-major decisions being made in time within Q1 2020/21.

⁷ Tables P152a (Major applications –24 months ending September 2018) and P154 (non major apps -24 months ending June 2018), Live tables on planning application statistics, MHCLG

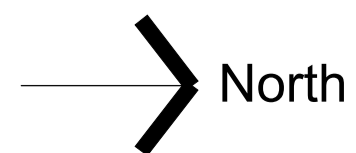
⁸ <https://www.gov.uk/guidance/coronavirus-covid-19-planning-update>

ACLAND STREET

CHURCH STREET

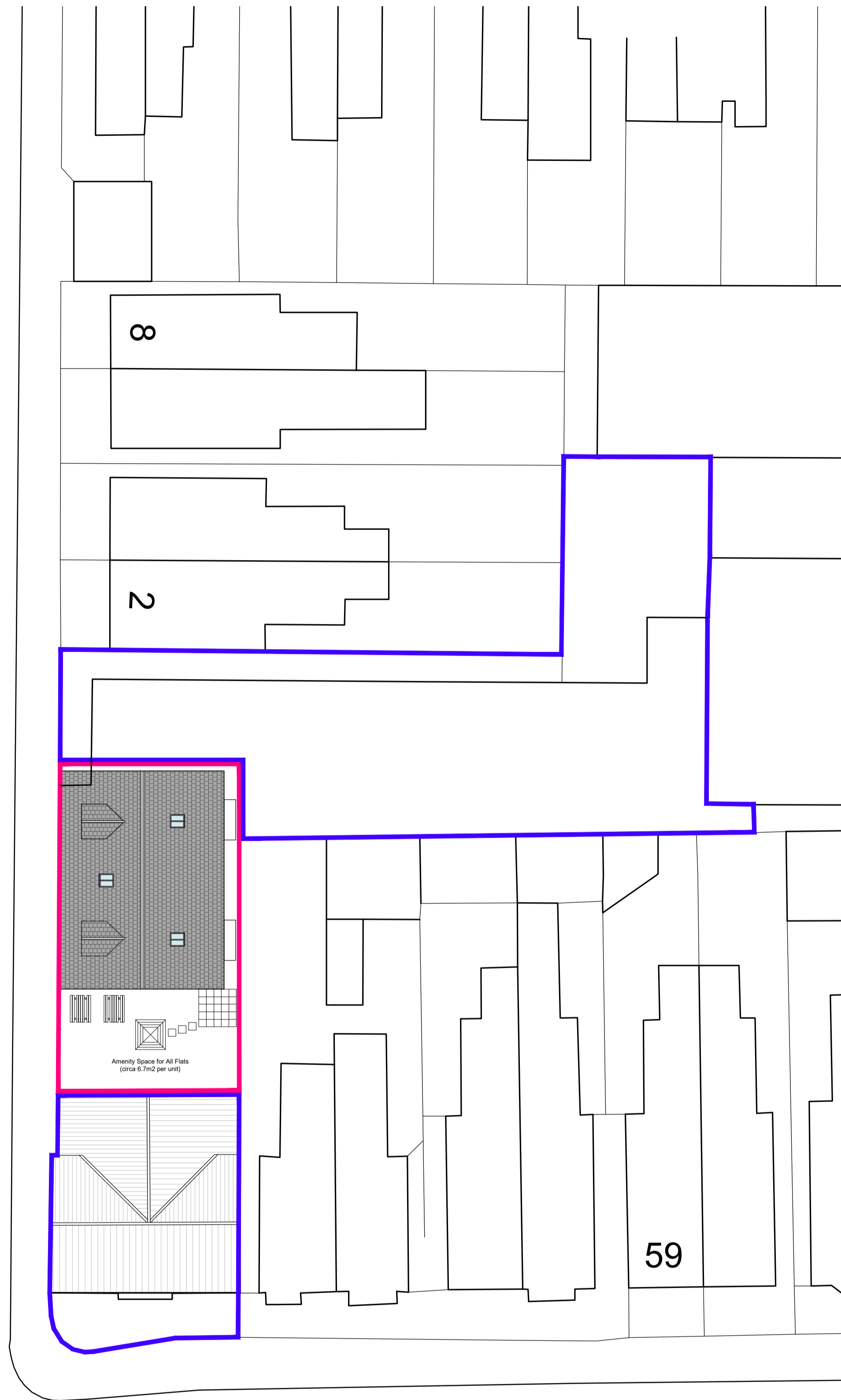


Existing Site Plan (including existing roof plan) 1:200

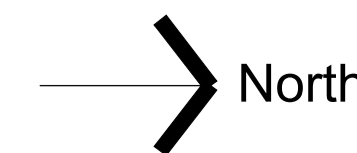


ACLAND STREET

CHURCH STREET



Proposed Site Plan (including proposed roof plan) 1:200



General Notes:
 This drawing is to be read in-conjunction with all other relevant drawings and specifications.
 Should any discrepancies between the details/dimensions indicated on this and/or any other relevant drawings Designspace Architecture Ltd must be notified immediately.



Site Location Plan (1:1250)



REV:	First Issue	19/02/20	??	??
DETAILS:		DATE:	DWN:	CHKD:
DRAWING STATUS:		STATUS CODE:		
Planning				
DESIGN SPACE ARCHITECTURE		Tower House, Lucy Tower Street Lincoln, Lincolnshire, LN1 1XW		
		E. info@designspace.uk.com W. designspace.uk.com T. 01427 762 698		
CLIENT:				
Mazhar Azeem				
PROJECT:				
Re Development of the FM Institute, Church Street, Gainsborough				
DRAWING TITLE:				
Existing & Proposed Site Plans				
DATE:	DRAWN:	CHECKED:		
19.02.20	JR	JAR		
SCALE:	PAPER SIZE:	REVISION:		
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Officers Report

Planning Application No: 140851

PROPOSAL: Planning application to erect 5no. apartments

LOCATION: 49 Church Street Gainsborough Lincolnshire DN21 2JX

WARD: Gainsborough South West

WARD MEMBER(S): Cllr Judy Rainsforth, Cllr Trevor Young

APPLICANT NAME: Mr Mazhar

TARGET DECISION DATE: 8/7/2020

DEVELOPMENT TYPE: Minor - Dwellings

CASE OFFICER: Martin Evans

RECOMMENDED DECISION: Approve

This application is reported to planning committee, following third party concerns (including Gainsborough Town Council), particularly in relation to parking provision.

Description:

Planning permission is sought to erect a two storey building with accommodation in the roof space to provide 5 apartments consisting of 4 one bed and 1 two bed. It would be located between 49 Church Street and 2 Acland Street. It would have shared garden with the flat conversion at 49. The site is in flood zone 2 (medium probability).

Relevant history:

129029 Planning application for change of use of existing disused warehouse into community hall, health centre and pharmacy, construction of new extension to for a new entrance. Approved 9/11/2012.

135402 Application for prior notification of proposed demolition. Prior Approval Required 1/12/2016.

139006 Planning application for conversion to 6no. flats of remaining Fanny Marshall Institute. Approved 8/11/2019.

141023 Request for confirmation of compliance with conditions 2, 3 and 4 of planning permission 139006 granted 08 November 2019. Current.

Representations:

Gainsborough Town Council: "Concerns raised regarding health and safety of pedestrians, given it would increase use of available car parking directly opposite a primary school"

Residents comment as follows:

51-53 Church Street support “Something is better than an empty space for kids to vandalize. Better for the appearance of the area.” and “After initially being opposed to plans for the old Fanny Marshall building I have since been very impressed with the consideration shown, not only towards myself as a direct neighbour but also to the building plans and tasteful renovation currently being undertaken. Too many empty buildings already present in Gainsborough, so I do view this as a positive step for the town. I therefore have no further objections to the next phase concerning proposed apartments for the Acland Street [site].”

59 Church Street objects “I would have loved to support this proposal, the style of the building and type of flats being built is much more suitable for this town than previous. However in section 9 of the design and access document it says there will be no parking allocated for these flats. This was our greatest concern as a resident. In the previous plans there were to be 14 spaces if I remember correctly, if this is still true I would happily support the development.

How it seems though is 10 flats with no parking, which is hardly different to 25 flats with 14 spaces from the original design. Yes it is close to public transport but there are none for people who work in surrounding places like Doncaster, Retford, Market Rasen then you definitely need a car. From my previous objection I talked about the lack of parking already on Church street and Acland street due to the 30 minute bays, teacher parking and the newer buildings on Church street. I hope I have read this wrong and you will still be allocating parking. But until I am sure then I will have to object.”

Gainsborough Town Councillor Richard Craig of 4 Acland Street objects: “Initial objections were raised by many local residents, despite this, planning went through!? There have now been amendments to the application, which now do not include any provision for parking on site. This is not acceptable, as the impact on all local residents will be immense! Residents find it difficult enough to park outside their own homes due to the school, and there are both elderly residents and those with disabilities that need to be able to park and use their car day to day, but are afraid to do so, as more often than not they are unable to park outside their homes on their return. What the planning committee need to do is consider how they might feel in this situation, and unanimously object to these amendments.”

LCC Highways and LLFA: No objection and recommends a construction management plan condition and informative regarding works within the highway.

Environment Agency: No objection subject to condition.

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)**

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

Relevant policies of the CLLP include:

Policy LP1: A Presumption in Favour of Sustainable Development

Policy LP2: The Spatial Strategy and Settlement Hierarchy

Policy LP13: Accessibility and Transport

Policy LP14: Managing Water Resources and Flood Risk

Policy LP17: Landscape, Townscape and Views

Policy LP25: The Historic Environment

Policy LP26: Design and Amenity

Policy LP38: Protecting Gainsborough's Setting and Character

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

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

No relevant policies.

National policy & guidance (Material Consideration)

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

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

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)**

Draft 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).

- **Draft Gainsborough Town Neighbourhood Plan**

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

Gainsborough Town Council has formally submitted its Neighbourhood Plan and supporting documents for consideration as part of the Neighbourhood Plan Regulations 2012 (as amended). West Lindsey District Council (WLDC) will now consult with the public and consultation bodies. The consultation period runs until 20 July 2020.

Relevant policies:

NPP 1 Sustainable Development

NPP 5 Protecting the Landscape Character

NPP 6 Ensuring High Quality Design

NPP 7 Ensuring High Quality Design in each Character Area

NPP 18 Protecting and Enhancing Heritage Assets

The draft plan is at a fairly advanced stage of preparation with the draft plan having been formally submitted to West Lindsey DC (reg16 stage) and is subject to current consultation. The Consultation Statement on the draft plan shows, following public consultation on the first pre-submission Draft (reg14), NPP1 has 65% support; NPP5 95% support; NPP6 74% support and NPP18 75% support. Applying the NPPF paragraph 48 test set out above, it is considered that these policies may be given some weight, in consideration of this application.

Main issues

- **Principle**
- **Design and heritage**
- **Residential amenity**
- **Flood risk and drainage**
- **Highways**
- **Other**

Assessment:

Principle

Policy LP2 designates Gainsborough a main town which will be a focus for substantial housing development. Additional growth on non-allocated sites in appropriate locations** within the developed footprint*** of Sleaford and Gainsborough urban area* will also be considered favourably. This proposal is considered to be additional growth in an appropriate location within the developed footprint of the Gainsborough urban area. The draft neighbourhood plan has no policies impacting the principle of development. LP2 is consistent with the NPPF in encouraging development in sustainable locations and is given full weight. The principle of development is acceptable.

Design and heritage

Local Plan Policy LP17 states:

“Character and setting

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. Where a proposal may result in significant harm, it may, exceptionally, be permitted if the overriding benefits of the development demonstrably outweigh the harm: in such circumstances the harm should be minimised and mitigated.

Creating and protecting views

All development proposals should take account of views in to, out of and within development areas: schemes should be designed (through considerate development, layout and design) to preserve or enhance key local views and vistas, and create new public views where possible. Particular consideration should be given to views of significant buildings and views within landscapes which are more sensitive to change due to their open, exposed nature and extensive intervisibility from various viewpoints.”

Policy LP26 requires all development must achieve high quality sustainable design that contributes positively to local character, landscape and townscape, and supports diversity, equality and access for all. It requires all development must take into consideration the character and local distinctiveness of the area and where applicable must demonstrate that they make effective and efficient use of land; maximise pedestrian permeability; respect existing topography, landscape character, relate well to the site and surroundings with regard to siting, height, scale, massing, form and plot widths; not result in settlement coalescence; not result in ribbon development, nor extend existing linear features of the settlement and instead retain, where appropriate, a tight village nucleus; incorporate as far as possible existing natural and historic features; incorporate appropriate landscape treatment to ensure assimilation into the surrounding area; provide well designed boundary treatments and hard and soft landscaping; protect important local views;

reflect or improve on the original architectural style of the local surroundings or embrace opportunities for innovative design and new technology which sympathetically complement or contrast with the local architectural style; use appropriate high quality materials which reinforce local distinctiveness.

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

LP38 seeks to protect Gainsborough’s character but requiring proposals make a positive contribution to the built environment. NPP 6 seeks to ensure high quality design is delivered in Gainsborough. In order to achieve this, proposals should demonstrate how they will reinforce the character of the area as set out in Gainsborough Heritage and Character Assessment 2018. The site is on the southern boundary of TCA01 Gainsborough Morton within the character assessment. The character assessment lists key characteristics of this area including:

“• Predominant loose grid street pattern with long north-south streets, high number of dense housing comprising older long terraces, short terraces and semi-detached housing in a tight grain, particularly within the southern half of the TCA;”

5.2.5 Urban Structure and built form states:

“Residential development within the TCA varies in age and pattern with a large proportion south of North Marsh Road comprising long uninterrupted Victorian terraces based on a north-south/east-west grid. This pattern breaks up and becomes looser towards the northern and eastern edges of the TCA where 20th and 21st century development predominates. Throughout the area, housing generally comprises two storey terraces of red or buff brick, with chimneys, grey roof tiles and lower amounts of three storey flats. The façades of some houses are rendered.....

21st century development within the TCA often includes three storey buildings varying in style and brick colour commonly with contrasting detailing to windows of buff sandstone or red brick. Often with smaller plots, street

sections in these areas are relatively narrow and enclosed by adjoining taller buildings.”

The local list recommendations states “A number of buildings and structures have been identified within this report which positively contributes to the character and heritage of the area. These are as follows:

- The Fanny Marshall Memorial Institute (Photo 47) opened in 1896. Built by James Marshall, and dedicated to his wife, as a hall and gymnasium for the local community. The two storey structure is built of red brick, with stone dressings, and a plaque and clock on the Church Street elevations. The buildings, as well as of architectural interest, is of historic interest as evidence of the fashion for philanthropic activities followed by Gainsborough’s industrialists.”

With regards to Appendix D: Heritage Report on Proposed Non-Designated Heritage Assets for Nomination on WLDCs Local List, the remaining element of 49 Church Street has not been carried forward from the Gainsborough Heritage and Character Assessment into the draft neighbourhood plan as a non-designated heritage asset.

NPP7 States:

“1. Development proposals in TCA 01 should;

a) reflect the distinctive historic character of TCA 01 and the separation of the Town from the village of Morton, ensuring distinction between the two settlements. Design proposals should demonstrate how this separation would be achieved with reference to density and pattern of development, separation between buildings, plot widths, building lines, boundary treatments such as walls, railings or hedges and spatial qualities of front gardens. The maintenance of existing views towards listed buildings within Morton should be considered; and

b) demonstrate how the design, layout and boundary treatment reinforces the character of the Morton Terrace area identified in Map 13.”

The proposal reflects the identified distinctive historic character of the area in accordance with NPP7.

LP17, LP26 and LP38 are consistent with section 12 of the NPPF in requiring well designed places and are given full weight.

The proposed building reflects the large scale and position on the back edge of the footway that the now demolished rear wing of 49 Church Street once occupied. The high density and tight grain of the area as well as some three storey flats are recognised in the Gainsborough Heritage and Character Assessment 2018. The proposal would reinforce this character as required by NPP6.

The design and townscape impacts are reflect the impact the previous building historically had. The siting has been amended to move the building further from the rear elevation of 49 to provide an appropriate relationship with the flats it will contain. Rear openings are designed with residential amenity in

mind. The proposal has been moved further away from 49. The appropriate design makes the impact on its setting appropriate.

Design and heritage impacts are considered acceptable in accordance with NPP 6, NPP7, NPP18, LP17, LP26 and LP38.

Residential amenity

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

The flat sizes of 42m², 46m² (1 bed) and 74m² (2 bed) accord with the technical housing standards – nationally described space standard of 39sqm for 1 bed and 61sqm to for 2 bed flats. The amended position of the building improves the size of shared garden to approximately 6m by 11m with the conversion of 49 to provide sitting and clothes drying areas.

Rear facing windows have been designed to prevent direct overlooking of neighbouring rear gardens particularly 51 Church Street, the roof lights are high level and ground floor openings are screened by the large wall to be retained. There has historically been a very large building on a larger footprint than that proposed. The 2 attic side openings of 2 Acland Street are sufficiently removed from the proposal to prevent harm. The conversion of 49 is being carried out in accordance with a non-material amendment (reference 140843) which allowed a number of rear openings “6 additional windows to the western elevation (3 at ground floor and 3 at first floor)” to bedrooms, kitchen and a lounge. The amended layout provides sufficient separation between the rear and side elevations.

The proposal provides suitable accommodation providing a reasonable level of amenity for future residents. The impact of the proposal in the residential amenities of existing neighbours would be acceptable in accordance with LP26.

Flood risk and drainage

Policy LP14 requires the sequential test in the NPPF be carried out and is therefore inherently consistent. Policy LP14 requires proposals demonstrate

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

The site is in flood zone 2 (medium probability) and the development is more vulnerable. There are regeneration needs on this brownfield site towards the centre of Gainsborough and it is noted the site is currently in a poor condition following the demolition of the previous building. These are considered to be appropriate reasons to restrict the sequential test to the site boundary. The proposal passes the sequential test. More vulnerable development in flood zone 2 does not require application of the exceptions test.

The EA raises no objection to the site specific flood risk assessment and recommends a condition securing finished floor levels. The ground floor is significantly raised above surrounding ground levels in the interests of flood mitigation.

Foul and surface water are proposed to drain to main sewer. This is a common arrangement in this part of Gainsborough but needs to be sequentially justified therefore a foul and surface water drainage condition is required.

Flood risk and drainage matters are acceptable in accordance with LP14.

Highways

Policy LP13 requires well designed, safe and convenient access for all and that appropriate vehicle parking provision is made for development users. This is consistent with NPPF paragraph 108 requiring proposals ensure safe and suitable access to the site can be achieved for all users and paragraph 109 requiring development should only be prevented or refused on highways grounds if there would be an unacceptable impact on highway safety. The policy is therefore attributed full weight.

Objections regarding parking implications are noted. The conversion of 49 was allowed without on-site parking. On-street parking is a feature of this high density town location with terraced houses routinely not providing on-site parking. The Local Highways Authority raises no objections to the proposal. The policy test in LP13 q. is "For parking provision q. ensure that appropriate vehicle...parking is made for residents (and) visitors..... The number and nature of spaces provided, location and access should have regard to surrounding conditions and cumulative impact." The CLLP and Neighbourhood Plan have no set parking standards based on bedroom numbers. On street parking can occur immediately to the front of the site. There is a traffic regulation order on the opposite side of the road and on the corner with Church Street and parts of the surrounding road network preventing parking Monday to Saturday 8am to 6pm. There are parking bays on Church Street but these are limited to 30 minutes with no return within 1

hour Monday to Saturday 8am to 6pm. Parking pressures are likely increased by the adjacent School. Additional parking pressure from 5 flats is unlikely to be significant particularly as some residents may not have cars. The proximity of the site to the town centre and availability of transport options other than the car lead to the officer conclusion it would be appropriate to allow the development without on-site parking facilities. However, this is considered to be the most finely balanced element of the scheme. Highway impacts are considered acceptable in accordance with LP13.

Other

Affordable housing is not required because the conversion of 49 has been subject to a non-material amendment reducing the number of flats to 5. This taken cumulatively with the proposal is below the threshold in LP11.

LCC Highways recommends a construction management plan and method statement condition but this is not considered necessary on a development of this scale.

Conclusion

The proposal entails a residential development near the centre of Gainsborough which is acceptable in principle. The amended design is appropriate and does not harm heritage assets. No harm to residential amenity or highway safety would be expected to arise. Flood risk and drainage matters are considered to be appropriate. There are no other known technical problems with the application, therefore it is recommended that permission is granted subject to the following conditions:

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

1. The development hereby permitted shall be begun before the expiration of 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:
1000 Rev D
1001 Rev C

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

3. No development above damp proof course level shall take place until details of foul and surface water drainage (including a percolation test) have been submitted to and approved in writing by the Local Planning Authority. The approved details shall be installed prior to first occupation of the development.

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

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

- Finished floor levels shall be set no lower than 6.9 metres above Ordnance Datum (AOD)
- Flood resilience measures shall be implemented

These mitigation measures shall be fully implemented prior to occupation of the development. 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.

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

Reason: To secure good design in accordance with Policy LP26 of the Central Lincolnshire Local Plan.

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

None.

Human Rights Implications:

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

Legal Implications:

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

Agenda Item 7b



Officers Report

Planning Application No: 140958

PROPOSAL: Planning application for creation of pedestrian footway to connect existing paths to the north and south, with associated lighting and boundary treatments.

LOCATION: Land to the south side of Albion Works Ropery Road Gainsborough Lincs DN21 2QB

WARD: Gainsborough South West

WARD MEMBER(S): Cllr J A Rainsforth, Cllr T V Young

APPLICANT NAME: Acis Group

TARGET DECISION DATE: 30/06/2020

DEVELOPMENT TYPE: Minor - all others

CASE OFFICER: Rachel Woollass

RECOMMENDED DECISION: Grant permission

Description:

The application site sits to the west of Sinclair Animal & Household Care and other industrial buildings and to the south west of Riverside Approach a fairly modern housing estate. The site is immediately adjacent to the River Trent.

The application seeks permission for the creation of a pedestrian footway of to connect existing paths to the north and south, with associated lighting and boundary treatments.

Relevant history:

119938 – Planning application for flood defence works (4 sections) – Section 1 - footpath improvements. Section 2 – Install ground anchors and bank protection. Section 3 – Install ground anchors and bank protection and new sheet pile wall and localised raising of concrete wall. Section 4 – cut off wall and localised raising and widening of bund. Permission granted 17/07/07

Representations:

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

Gainsborough Town Council: No objections

Local residents: Objections received from 1 The Quays and 18, 26, 36, 51, 53, 55, 57, 61 and 73 Riverside Approach with the main concerns –

- Loss of privacy

- Safety of resident
- No mention of any improvements to residents' safety such as cameras
- No consideration to the residents
- Sinclair Animal and Housing Care Ltd is still operational so connection would not be possible
- No benefit in opening the walkway just to increase the footfall of pedestrians walking though the small estate
- Covid-19 guidance state all should remain 2 metres apart this would be extremely difficult for the residents of the river facing properties of Riverside Approach. Would result in possible infection and anxiety alongside mental health problems
- Street lighting has not been working
- Increased risk of garden theft and burglary
- Security cameras and lighting need to be installed
- Cleanliness of the area. Residents take responsibility of keeping area clean. Council need to ensure the area is cleaned daily
- Bins should be increase, including dog waste bins
- Regular painting of the street furnishings should be increased
- Decrease in property value
- Trouble with groups congregating
- Increased pollution and possible damage to property
- Dogs walking along will cause danger
- No CCTV
- More traffic, litter, footfall and noise unnecessarily
- Issues with anti-social behaviour
- Loss of view
- Issues with motorbikes riding the footpaths
- Would want taller more security fencing to be installed at the rear of The Quays
- Should be barriers to prevent motorbikes
- Should be a form of secure gated access for the residents

1 general observation received from 67 Riverside Approach –

In summary -

Safety

Installation of CCTV cameras to monitor the pathway as it successfully does on the present pathway.

Signage and prevention of access to vehicles.

Clearly marked access points for emergency vehicles to stop parking and preventing their access.

Lifesaving equipment to be provided and maintained in accordance with

Health and Safety

standards for any waterside risk assessment where public have immediate access to water.

Hygiene

The excellent cleaning standard that takes place near other residential properties on the Riverside pathway will be extended to this part of the footpath. There will be consultation with residents regarding the placement of litter and dog bins.

Privacy

Memorial benches will not be placed on this narrow stretch of the footpath paying regard to resident's privacy.

A maintenance schedule will be in place starting with the immediate attention of street lighting functioning in this area. We should not have to wait for this work to be completed for residents to have street lighting. Street lights on the Riverside footpath are not turned off and we would expect the same. The movement sensitive street lights that are on the darkest part of Riverside walk would not be acceptable here as the majority of bedrooms are to the rear of the properties.

Please respect the safety of our homes, children and the mental wellbeing of our residents when making your decisions. If this is done with understanding and continual monitoring on all the levels I have mentioned this could be for the greater good of everyone.

A petition has also been received for CCTV cameras that are monitored in accordance with existing provision on the Riverside Path, Gainsborough in residential areas.

The footpath directly adjoins residential property and we oppose any opening of the footpath that will decrease the safety, mental wellbeing, hygiene and detrimentally affect the peaceful enjoyment of our homes. We also feel that any change to the footpath would negatively affect the value of our homes, safety of children and aesthetics of the environment and wildlife.

The petition has 58 signatures from residents of Riverside Approach.

LCC Highways/Lead Local Flood Authority: No objections

Lincolnshire Police: AWAIT CONSULTATION RESPONSE

Public Rights of Way: No objections

LCC Minerals and Waste Team: No representations received to date

Environment Agency: No objections – information for applicants

Archaeology: No representations received to date

Relevant Planning Policies:

Planning law requires that applications for planning permission must be determined in accordance with the development plan, unless material considerations indicate otherwise. Here, the Development Plan comprises the provisions of the Central Lincolnshire Local Plan (adopted in April 2017); the Submitted Gainsborough Neighbourhood Plan; 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

LP13: Accessibility and Transport

LP14: Managing Water Resources and Flood Risk

LP17: Landscape, Townscape and Views

LP40: Gainsborough Riverside

LP41: Regeneration of Gainsborough

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

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

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

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

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

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

Draft Local Plan / 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).

- **Submitted Gainsborough Neighbourhood Plan**

Gainsborough Town Council has formally submitted its Neighbourhood Plan and supporting documents for consideration as part of the Neighbourhood Plan Regulations 2012 (as amended). West Lindsey District Council (WLDC) are now consulting with the public and consultation bodies.

Relevant policies include:

NPP 2 Protecting the Natural Environment and Enhancing Biodiversity

The plan can be attached some weight.

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

Main issues

- Principle
- Local Objection
- Minerals

Assessment:

Principle

CLLP policy LP40: Gainsborough Riverside states that all relevant development proposals on sites adjacent to the River Trent must assist in the delivery of the long

term aim of creating an uninterrupted and attractive pedestrian and cycle corridor connecting Gainsborough's riverside area with the settlements of Lea to the south and Morton to the north. Proposals should also seek to improve connectivity between the riverside and other parts of the town, including the new urban extensions.

Where relevant, proposals for sites adjacent to the River Trent must seek to extend and enhance the existing public realm improvements and deliver an enhanced pedestrian and cycle network.

Proposals should take account of the need to provide an easement strip behind the flood defences to facilitate ongoing access for future maintenance and repair.

In addition to the above, all development proposals adjacent to the river will be expected demonstrate that the requirements of the Water Framework Directive have been duly considered and must ensure that there will be no deterioration to the river as a result of the development.

Policy LP41 states that development proposals should assist, where possible, in meeting wider regeneration and investment objectives for Gainsborough, including the most up to date Gainsborough Masterplan.

In particular, development proposals will be supported which:

- **Enhance linkages to** / from Marshall's Yard, Market Place, Market Street, **the Riverside** and any other key heritage assets;
- Strengthen the existing retail area of the town centre, through increased and/or improved retail offer, together with some complementary uses as appropriate;
- Deliver mixed use regeneration of the Riverside Area, including high quality public realm provision; and / or
- Deliver improved public transport facilities and connections.

The proposal is to create a footpath that connects up the existing footpaths along the Riverside to the north. One of the main emphasises running through policies LP40 and LP41 is to improve and enhance linkages and connectivity to the Riverside. The proposal would be in accordance with policies LP40 and LP41.

Policy LP13 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.

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.

The proposal would not be detrimental to the character of the area. The footpath enhances the character by allowing increased access to the riverside. The proposed

footpath would connect to the existing riverside walkway enabling access from the west of Riverside Approach. The walkway responds positively with the current features.

Paragraph 104 of the NPPF states that planning policies should:

d) provide for high quality walking and cycling networks and supporting facilities such as cycle parking (drawing on Local Cycling and Walking Infrastructure Plans)

Policies LP40 and LP41 are consistent with the NPPF and attached full weight.

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.

Policy LP13 is consistent with the NPPF is attached full weight.

Submitted Gainsborough Town Neighbourhood Plan policy NPP 2 (10) states that development on sites adjacent to the River Trent are required to

a) produce landscape proposals that recognise the significance of the River Trent as a wildlife corridor. The proposals for a Riverside walkway should demonstrate how this can also be a buffer zone between development and the River;

Whilst this policy seems to mainly relate to other development on sites, with a walkway as a buffer to these developments, a riverside walkway is promoted. The proposal is for a walkway in itself and would therefore be in accordance with the Neighbourhood Plan. In accordance with paragraph 48 of the NPPF the neighbourhood plan can be attached some weight. The proposal is adjacent to an industrial site and therefore appropriate boundary treatments are required as separation. The proposed boundary treatment is 2.4m high galvanised steel security fence which would be acceptable.

Local Objection

There has been a number of local objections to the proposal from the residents of Riverside Approach with regards to safety, antisocial behaviour and fear of crime.

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 walkway is proposed to be maintained by West Lindsey District Council with potential that the walkway be adopted by Lincolnshire County Council in the future.

The proposal does not provide a new footpath adjacent to Riverside Approach, this is already in situ but a new footpath to connect the Riverside Approach Footpath with the Riverside Walkway which is also existing. The site proposal is land to the south side of Albion Works.

Currently on the existing footpath, fencing blocks access to the north. Residents are concerned that the fencing is to be removed which would then allow access onto the Riverside Walkway on Bowling Green Road. The removal of this fencing is not part of the application but could be removed without planning permission by its owners.

The proposal does not include vegetation but rather is open with street lighting. This therefore would allow for natural surveillance and avoids the creation of areas of concealment. Lighting can effectively support formal and informal surveillance.

Guidance from the police state that footpaths should be as straight as possible, at least 3m wide and well lit, devoid of hidden recesses or potential hiding places and overlooked by surrounding properties.

The footpath is approximately 4.5m through most parts of the footpath with a few pinch points the smallest being 2.7m due to a building position on the industrial site. The footpath is predominantly straight, will be lit, doesn't have any hiding places and will be overlooked, allowing natural surveillance.

The police have indicated that they are not likely to object but we are awaiting written comment.

As part of the wider project works have been taking place to include provision of CCTV and this would be integrated with the installation of street lighting. This should be conditioned.

It is not considered that there will be a detrimental impact with regards to residential amenity and the proposal overall will bring wider public benefits with access to the Riverside.

127 (f) states that planning policies and decisions should ensure that developments:

- create places that are safe, inclusive and accessible and which promote health and well-being, with a high standard of amenity for existing and future users.

Policy LP26 is consistent with the NPPF and is attached full weight.

The proposal fully accords with the plan aspirations under policy LP40 of the Central Lincolnshire Local Plan.

Minerals

The site sits within a Minerals Safeguarding Area and therefore policy M11 of the Lincolnshire Minerals and Waste Local Plan Core Strategy is applicable.

This requires applications for non-minerals development to assess the implications of the development on the Minerals Safeguarding Area allocation to ensure that the granting of permission would not sterilise mineral resources within the Minerals Safeguarding Area or prevent the future minerals extraction on neighbouring land.

Whilst the Minerals Safeguarding Area allocation does not mean that extraction will take place, an assessment of the impact of the proposed development on the designation is required.

Policy M11 lists criteria that should be considered in the preparation of a planning application in order to demonstrate policy compliance.

The agent has submitted a short statement to address policy M11. The Minerals and Waste Team at LCC have been consulted on the application but to date have not commented.

The application is essentially to change the surface from concrete hardstanding to tarmac. The proposed development is in an urban location where mineral extraction itself would be inappropriate and would be harmful.

In this case even without a comment from the Minerals and Waste Team it is considered that this would be acceptable and in accordance with policy M11.

Other matters

There are no concerns with regards to highway safety.

Devaluation of property is not a material consideration.

Painting of street furniture is not a material consideration.

There is not deemed to be a loss of a view with regards to the proposal.

The proposal is wide enough to adhere with social distancing.

The proposal lies within Flood Zone 2. There are no concerns with regards to flooding. The EA have been consulted and raise no objections.

Issues with motorbikes riding on pavements is a police matter.

Conclusion

The proposal has been considered against the Development Plan namely policies, LP1: A Presumption in Favour of Sustainable Development, LP13: Accessibility and Transport, LP14: Managing Water Resources and Flood Risk, LP17: Landscape, Townscape and Views, LP40: Gainsborough Riverside and LP41: Regeneration of Gainsborough in the Central Lincolnshire Local Plan including the advice given in the National Planning Policy Framework and the National Planning Practice Guidance, the Lincolnshire Minerals and Waste Local Plan and the submitted Gainsborough Town Neighbourhood Plan. The proposal would not have a detrimental impact on the character of the area, residential amenity, highways, does not conflict with neighbouring

land uses or harmfully impact on a minerals resource and is recommended for approval subject to the following conditions –

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

1. The development hereby permitted shall be begun before the expiration of 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 detail matters referred by the conditions of this consent, the development hereby approved shall be carried out in accordance with the following drawings: 3024.09.010A dated March 2020 and 3024.09.002E dated March 2020. The works shall be in accordance with the details shown on the approved plans and in any other documents forming part of the application.

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

3. Prior to first use of the footpath, details of any new railings to be installed on the existing concrete wall shall be submitted to and approved in writing by the Local Planning Authority.

Reason: To ensure the use of appropriate materials in the interests of visual amenity and the character and appearance of the site.

4. Prior to first use of the pedestrian footway, the street lighting and CCTV shall be installed and fully operational and retained thereafter.

Reason: In the interests of highway safety and residential amenity.

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

None

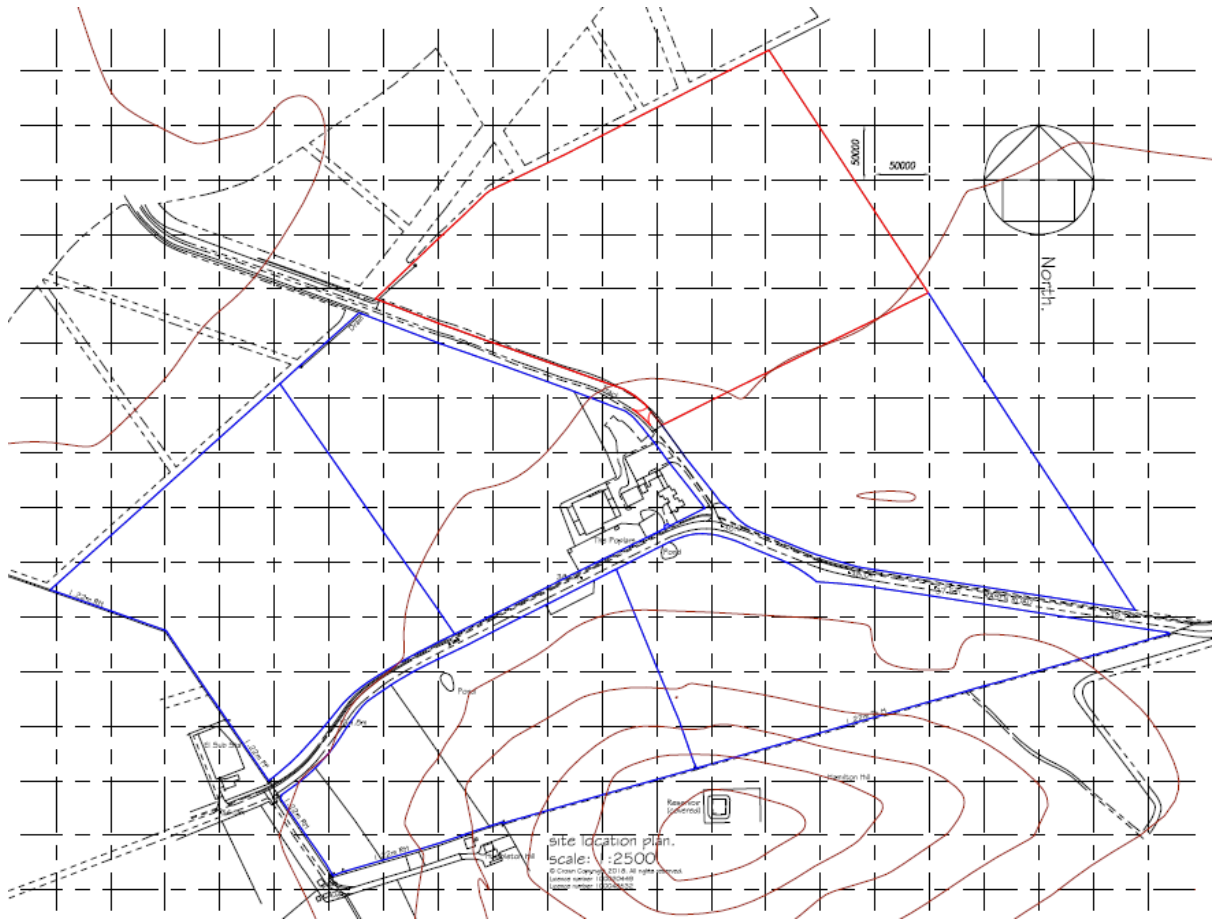
Human Rights Implications:

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

Legal Implications:

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

Agenda Item 7c



Officers Report

Planning Application No: 140707

PROPOSAL: Planning application for change of use of land for siting of caravans (lodges) and proposed recreation pond with 20 fishing pegs, to include site levelling using excavated material.

LOCATION: Sunnyside Up Farm Shop, Poplar Farm Tealby Road Walesby Market Rasen LN8 3UL

WARD: Market Rasen (superseded)

WARD MEMBER(S): Cllr S Bunney, Cllr J McNeill and Cllr Mrs C E J McCartney

APPLICANT NAME: Mr Casswell

TARGET DECISION DATE: 02/06/2020

DEVELOPMENT TYPE: Major - Other

CASE OFFICER: Rachel Woolass

RECOMMENDED DECISION: Grant permission

Description:

The application site lies in between Tealby and Market Rasen on the northern side of Tealby Road (B1203) towards the eastern edge of the West Lindsey District Council area some 2.5km north east of Market Rasen. Poplar Farm comprises a four bed detached farmhouse, with a separate one bedroom living annexe, a range of traditional and modern farm buildings in all about 37.53 hectares (94.47 acres). Located immediately to the north of the farm yard and shop/café the field is approximately 8.99ha in area. Access to the site is from Poplar Farm driveway to the west of the field. Adjacent to the site is Willingham Forest of which part is a designated Local Wildlife Site (LWS). This is plantation managed by the Forestry Commission. To the south of the site is the B1203 highway but beyond this is Hamilton Hill and Chapel Hill which is part of Pickard's Plantation. To the south of the site is the applicants' farm yard which is formed of a number of substantial brick buildings, portal framed barns and a car park area.

The application seeks permission for change of use of land for siting of caravans (lodges) and proposed recreation pond with 20 fishing pegs, to include site levelling using excavated material.

The proposed site is immediately adjacent to land granted permission in November 2019 for the siting of caravans, and an irrigation pond in May 2019.

The site is within an area designated as an Area of Great Landscape Value (AGLV) – policy LP17 of the Central Lincolnshire Local Plan applies.

The boundary of the Lincolnshire Wolds Area of Outstanding Natural Beauty (AONB) is approximately 2.4km to the east (the village of Tealby is within the AONB).

Relevant history:

121073 – Planning application for retention of change of use of former agricultural building and extension and alterations to form tea room/extended farm shop with kitchen store and toilet facilities and change of use of agricultural land to form extension to car park and to form rear patio. Permission granted 30/04/08

138912 – Planning application for proposed irrigation pond including site levelling using excavated material and associated agricultural building. Permission granted 07/05/19

139788 – Planning application for change of use of land for siting of caravans. Permission granted 22/11/19

Representations:

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

Walesby Parish Council: 03/06/2020 – The Parish council consider that these are minor changes to the original proposal and the previous comments made by the Parish Council as to why they object to the proposal still stand.

31/03/2020 - We strongly oppose application 140707.

Under application 139788 approval was given for 15 and only 15 cabins.

The reason for the limitation to 15 was “This was the number considered acceptable to maintain and enhance the rural character of the area and the setting of the Lincolnshire Wolds AONB and in accordance with policies LP2, LP17 and LP26 of the Central Lincolnshire Local Plan”.

The current application is sited next to the field applicable to 139788. Effectively the 2 applications together relate to one huge site.

Under 140707 the applicant proposes to add another 50 cabins making 65 in all with the two sites together.

That would be totally unacceptable in the AONB. The total site should be limited to the original 15- restricted for the reason quoted above.

The whole proposed project will have a serious impact on wildlife habitat and biodiversity, noise, highway issues and the character of the site through inadequate landscaping.

Tealby Parish Council: Tealby Parish Council wish to object to this application.

Concerns and objections have been raised in relation to the impact on a site designated in an AONB, with the initial development removing well established and mature hedgerow. Not only has this had a negative impact visually, hedgerows are important for a number of reasons, providing a habitat for wildlife that supports the healthy functioning of ecosystems, controlling processes such as air quality, water purification and pollination.

The number of access points indicated by the installation of gates is more than the original planning application applied for, with the field fence leaving the site exposed and unattractive.

The site is currently placing advertising, for which no planning has been applied for, indicating a holiday park. Concerns for this advertising and further is also objected to. With signage comes additional lighting, which is likely to cause light pollution in an AONB, causing concern and impact for local residents.

Concerns and objections have been raised in relation to the impact on the highway and access requirements. This road is already prone to regular flooding, which has recently increased due to the installation and the size of the "pond" and its overflow, from this site, which frequently affects the highway especially when freezing.

Concerns and objections have also been expressed due to the width of the road, and restricted views, on entry and exit from the site, especially with larger vehicles like caravans. The impact of increased traffic on an already busy highway, used additionally by farm vehicles, another concern.

Concerns and objections have been raised in relation to the size of the development which is disproportionate to the requirements of the site and surrounding villages. An existing facility in a neighbouring village is already established, and although well utilised does not operate to capacity, therefore a development of this size would not be sustainable or required.

Equally the infrastructure locally could not support this site.

Local residents: Support received from –

The Birches, Mulberry Road, Claxby
2 Risby Manor Cottage, Catskin Lane, Walesby
The Old School House, Bardney Road, Gautby
Cherry Holt, Hareby Road, Miningsby
1 Woodhill, Middle Rasen
Cherry Cottage, Rasen Road, Tealby
38 Appleby Gardens, Broughton
Atkinson Avenue x 3
2 Lady Frances Drive, Market Rasen x 2
12 Westlands Avenue, Tetney
Catskin Lane, Walesby
Dovecote, Market Rasen
Lindsey Lodge, Main Road, Bleasby Moor
20 Mallard Way, Market Rasen
79 Collingwood Crescent
Hillstone House, 8 Beck Hill, Tealby
10 Tudor Close, New Toft
Sea Lane, North Cotes, Grimsby
58 Gordon Field, Market Rasen
2 Church Lane, Tetney
Pinfold Lane, Grimsby
The Old School House, Bardney Road, Market Rasen
Robinson's Lane, North Thoresby

20 Mallard Way, Market Rasen
Kestrels

With the main comments –

- Anything that brings more tourism into the area must be a good thing
- Provide opportunities for employment
- Location is ideal
- Likelihood of any noise nuisance minimal
- Would appear sensitively landscaped when mature
- Might bring some benefit to other town business
- Access is much better to get in and out of from the main road
- First log cabin on site is beautiful
- Lake is attracting a large amount of wildlife
- New proposal will be even better screened with existing trees, hedging and more planting.
- No major problems with 15 so I feel there wouldn't be a problem with this next proposal
- Walesby/Tealby area is a sort after holiday destination
- New proposal is not in an AONB
- Will definitely use the facilities and support local business
- Brilliant way to increase tourism
- The Lincolnshire Wolds have so much to offer and with a brilliant place like this to stay it will give them the perfect opportunity to enjoy surrounding countryside
- Good use of the land
- Pond will create habitats for wildlife
- Will enhance the area
- Lodges are of a high standard
- Will build the economy after the recession will incur due to Coronavirus
- Beautiful place to stay with access to long walks
- Site doesn't sit within Hamilton Hill
- Hamilton Hill isn't of great historic importance
- More structurally friendly than a housing development
- Visibility is low
- Waste can easily be dispensed in the correct way
- Hedge removal has helped visibility
- Sympathetically landscaped

Objections received from the following –

3A Kingsway, Tealby
12 North Kelsey Road, Caistor
18 Lancaster Drive, Market Rasen
4 The Row, Rasen Road, Walesby
Hambleton Hill, Tealby Road, Market Rasen
Woodley, Tealby Road, Market Rasen

14 The Smooting, Tealby
9 Cow Lane, Tealby
Honey Bee Barns, Risby Grange, Rasen Road, Tealby
Red House, Moor Road, Walesby
Risby Grange, Rasen Road, Tealby
Stone House, Greenbanks South Lane, Stainton Le Vale
The Old Joiners Workshop, Walesby Hill, Walesby
Weavers, Sandy Lane, Tealby
Shepards Hill, Thorpe Lane, Tealby
82 Nantes Close, London
9 Aisne Close, Lincoln
6 Beck Hill, Tealby
Hillcrest, 16 Rasen Road, Tealby
48 Rasen Road, Tealby
Bayons Park, Tealby
Caistor Lane, Tealby
The Birches, Mulberry Road, Claxby
Peacefields, 3 Rasen Road, Tealby
Waterside House, Kingsway, Tealby
Tudor Cottage, 23 Rasen Road, Tealby
Garden Cottage, Beck Hill, Tealby
32 Rasen Road, Tealby
Rase Thatch, Sandy Lane, Tealby
Thorpe Farm, Thorpe Lane, Tealby
Wood View Cottage, Rasen Road, Tealby
Lark Rise, 5A Beck Hill, Tealby
36 Front Street, Tealby
Hill Top House
Foxhills

With the main concerns –

- Sunnyside Up are not a current supplier of produce to Tealby shop
- Impact on the local community
- Detrimental to wildlife
- Detrimental to the peace and quiet of the countryside
- Access road doesn't seem a very safe and viable option for significant increase in road traffic
- Caravans and lodges will appear out of character
- Addition of so many caravans would have a huge impact on the landscape, habitat and character
- No economic or social reason for this development
- Would increase pollution, litter, noise and is environmentally unsustainable
- Ruin views
- Impact on the AONB
- Impact from lighting

- Destruction of hedgerows at the site of previous application has opened up the whole of the two sites
- No planning for advertisements
- Landscaping from previous application has not yet occurred
- Claims made in application to confirm compliance with NPPF and CLLP are misleading
- Many visitor accommodation in the area
- Site lacks public utilities
- Farm shop can no longer claim to sell or supply to local celebrities
- Doubtful the log cabins will promote tourism
- Concerned with unwanted visitors on our property
- Few products sold at the farm shop are sourced locally
- Unlikely to employ additional persons
- Removal of prime land
- Has a business case been presented?
- Further planning should be withheld until the work of the first site is satisfactorily completed, the site up and running and the impact of it independently assessed.
- Another leisure site would be unsustainable
- Increased traffic danger to human life and wildlife
- Would be overdevelopment
- Town offers little in the form of activities and attractions. Must be reasonable to infer that further planning will be sought for the installation of reception buildings, clubhouse, retail, sales centre, entertainment and facilities for sport and recreation adding further development to the already inappropriate size
- Concern the applicant may want to sell these cabins off as holiday homes and before we know it they are being lived in all year round as residential properties
- Flooding issues
- How does the applicant propose to deal with refuse and sewage
- Coronavirus pandemic is going to impact negatively on travel, holidays, the economy and society for at least the next 5 years, there is no need for further caravan parks
- Sits next to a place of great historical and religious interest, namely Hamilton Hill
- Site is rich in archaeology
- Loss of trees
- Spoiling visual amenity
- Fear of crime
- Respondents of support mostly further away, these respondents would not suffer any of the inconveniences caused by the development

Following re-consultation of 26th May 2020 (comments received 26th May onwards) –

Support

20 Mallard Way, Market Rasen
East Lodge Bayons Park Tealby
2 Lady Frances Drive, Market Rasen
Cherry Cottage, Rasen Road, Tealby
The Old Chapel, Front Street, Tealby

With the main comments –

- Fantastic for the area
- More jobs
- More business
- More tourism
- More exposure for local products
- A place for families to gather after COVID-19
- A place to learn a skill of fishing
- Business competition
- Doesn't affect anybody's landscape view and is in a discreet area of the countryside
- The visual assessment has proved the objections regarding the AONB wrong
- No flooding issues
- The proposal couldn't be off a better access
- The traffic generated is small
- This is an individual application and should be based on that only
- Tourism is a big part of the UK economy and this proposal should be welcomed
- In light of COVID and staycation becoming the norm would be lovely to see a flourishing farm shop and accommodation site at Sunnyside
- Positive for the local community

Objection

Tudor Cottage, 23 Rasen Road, Tealby
Hill Top House, 7 Cow Lane, Tealby
Shepards Hill
32 Rasen Road, Tealby
Low Moor Farm
Waterside House
Woodley, Tealby Road, Market Rasen
Melbreak, Sandy Lane Tealby
Hambleton Hill, Tealby Road, Market Rasen
Woodview Cottage Rasen Road, Tealby

With the main concerns –

- Unsuitable for the area
- Visitors will not fade harmlessly into the area
- Detrimental effect on the rural and peaceful character of the area
- Against further expansion
- Appears to disregard planning regulations with the removal of hedges, erecting adverts and a new access

- Considerable work happening on the other side of the main road to this development which suggests that there will either be a further application for yet more lodges or that attractions will be built which will mean there will be considerable traffic across the main road
- Levels of traffic likely to be generated by this application will greatly increase
- Scale is inappropriate
- Would have an extremely negative visual impact
- permission has already been granted for 15 cabins which would seem more than enough for an area that has no shortage of caravan parks and holiday accommodation
- Not consulted on the application
- Less support for these proposals locally
- Increased competition
- Development is not accessible
- Insufficient car parking
- No provision for evening eating/drinking
- No footpath from Poplar Farm to Tealby
- No public transport
- No provision for the collection of waste
- Caravans are densely packed together, making for a lack of privacy and likely nuisance and noise
- Electricity frequently fails
- Flooding
- Lighting
- Noise
- Statement seems to have missed a few key viewpoints
- Ecology
- Proposal inconsistent with National and Local Policy
- Out of character
- Not just locals that use some viewpoints

Comment received for Waterside House – provides a link to the Market Rasen visitors' guide to walking in Willingham Woods, containing a map showing a queried viewpoint and the footpaths leading to it.

General observation

30 Rasen Road –

Before giving permission for another phase of the development, please wait and see what effect the first set of holiday cottages have with regards to the amount of extra people to the area and traffic on the road. I also realize people need jobs and the local shops and pubs need to be supported as much as possible, however we also need to bear in mind the amount of holiday cottages, B&B's Hotels and Pubs in the area that already have accommodation and are finding it difficult to fill their rooms and pay their rates.

48 Rasen Road –

'Log cabins (caravans) will promote rural tourism.'

Under the paragraph on Social & Economic Context, it quotes the NPPF stating the following points that are in support of the proposed development.

" We must house a rising population which is living longer and wants to make new choices"

Will this proposal of Luxury Lodges be for Tourists staying a few days or for sale as a Retirement/Park homes type housing estate? Or a mixture of the two?

LCC Highways: 08/06/2020 – No objections

05/06/2020 - Thank you for the additional information submitted, however the below remains outstanding;

Could the applicant please confirm whether the existing bin storage on the consented site will be utilised for this proposal, and whether the fishing pegs can be used by non-residents and if so the level of parking provision required.

27/03/2020 - Can the applicant please submit a Flood Risk Assessment, Drainage Strategy and Construction Management Plan (guidance can be provided on production if required). Could they please also confirm whether the existing bin storage on the consented site will be utilised for this proposal, and whether the fishing pegs can be used by non-residents and if so the level of parking provision required.

Natural England: 01/06/2020 Natural England has previously commented on this proposal, our ref 312586, and made comments to the authority in our letter dated 03 April 2020.

The advice provided in our previous response applies equally to this amendment although we made no objection to the original proposal.

The proposed amendments to the original application are unlikely to have significantly different impacts on the natural environment than the original proposal.

Should the proposal be amended in a way which significantly affects its impact on the natural environment then, in accordance with Section 4 of the Natural Environment and Rural Communities Act 2006, Natural England should be consulted again. Before sending us the amended consultation, please assess whether the changes proposed will materially affect any of the advice we have previously offered. If they are unlikely to do so, please do not re-consult us.

03/04/2020 - Based on the plans submitted, Natural England considers that the proposed development will not have significant adverse impacts on designated sites and has no objection.

Conservation Officer: I can confirm that farm buildings are considered to historic buildings (HER Record 56460) when a record of the buildings was made prior to conversion under an approval in 2009. The location of the farmstead, which can be seen on old maps since at least 1887 as an isolated historic farmstead with open fields around it. Little has changed since 1887 according to old OS maps. The isolated nature of the farmstead, whether the buildings are converted or not, forms a part of the character of the historic landscape in the Wolds, which retains a high level of post enclosure field boundaries.

Located between forestry plantations on the south, and Walesby Moor Wood to the north, the character of the land between is predominantly agricultural. The density of what is proposed and the landscape interventions to ensure the lodges are not highly visible will result in a big change to the open setting of the isolated farmstead. The NPPF defines a heritage asset as 'A building, monument, site, place, area or landscape identified as having a degree of significance meriting consideration in planning decisions, because of its heritage interest. It includes designated heritage assets and assets identified by the local planning authority (including local listing)'. Old maps and a HER record of the former historic agricultural buildings demonstrates that some consideration as part of CLLP LP17 and LP25 is advisable.

AONB Officer – The proposed application site is some 2.5 kilometres to the west of the nationally protected Lincolnshire Wolds Area of Outstanding Natural Beauty (AONB) and therefore has the potential to impact upon setting, especially the views both from and to the Lincolnshire Wolds. We therefore welcome the inclusion of an additional Landscape and Visual Impact Assessment (LVIA) to help assess these proposals. It is clear that the site will be visible from the AONB due to the local topography at this location, and the generally very open panoramic views westwards from the higher ground that comprises the Chalk Wolds Escarpment and includes the important recreational route of the Viking Way. Local public rights of way close to the site are also widely promoted, including a section from the Lincolnshire Wolds Gateway Walk from Market Rasen (Following Woods and Mills). The LVIA provides a helpful summary of the landscape character of the area and details the wider policy contexts, including for the Lincolnshire Wolds AONB. The findings of the LVIA suggest that the visual impacts from the proposal will be negligible on account of distance, landscaping, the design and height of the lodges and effective screening from the neighbouring blocks of woodland. I would add that many of the surrounding woodland compartments will be under the ownership and management of the Forestry Commission and blocks of conifers will be subject to periodic thinning and harvesting operations so the level of adjacent screening could change dramatically overtime.

I note that the D & A reports (paragraph 23.) that the local parish councils, among others, have all been very supportive: however it appears from the responses submitted, that some statutory consultees, including Tealby Parish Council and Walesby Parish Council, have objected to the development proposals, notably citing concerns in respect of the detrimental impacts upon the AONB. The D & A stresses that the spacing is low density but the layout of the proposed cabins, especially in the western half of the site, suggests a spacing of only 6 metres between cabins. A general concern is that the proposed "caravan" development is significant, being classed as major development, and unlike a mobile and tent/canvas facility, a proposal for lodges will create a permanent site fixing, with units subsequently in situ for 365 days of the year. A further issue is one of the potential for light pollution and this impact does not appear to have been covered within the LVIA. This is an issue that has been generating much discussion at the national level, in particular the importance of our protected landscapes (AONBs and National Parks) for providing and safeguarding our dark night skies.

We would expect a much more robust scheme of landscaping, especially on the easternmost flank of the development proposal and a biodiversity/nature conservation plan that can secure biodiversity net-gain. We welcome additional plans for a proposed wild meadow within the site complex. A recreational fishing lake will provide some opportunities for wildlife, but clearly not as much as an equivalent sized water body with the primary purpose of nature conservation. It is not clear from the plans if there is provision for part of the lake to function as a "nature refuge", where for example wildfowl could harbour relatively undisturbed, which could be especially important during most sensitive times of the year, especially during the bird nesting season.

On balance, in the light of the conclusions of the LVIA, it would be difficult to argue a case for the development to have a significant impact upon the Lincolnshire Wolds AONB, but without further landscaping and more information on lighting plans there will evidently be some detrimental impacts and disruption to AONB setting, in addition to further intrusion and harm to the landscape character of the Area of Great Landscape Value (AGLV) through this development as detailed.

Growth and Projects: In principle, and subject to normal planning considerations, the Growth and Projects Team (including Visitor Economy) are supportive of the above application from a visitor economy perspective.

Tourism is a major sector in West Lindsey bringing into the area around £133 million in revenue and supports c1780 full time jobs (STEAM data 2018). Staying visitors account for 28% of all visitors to the district and is currently worth £48.3 million (STEAM data 2018) which, has grown annually since 2012.

The provision of quality accommodation for visitors is an important element for future sustainable development within the district and any initiative which promotes this will add value to the current product. Although the tourism and hospitality industry has suffered significantly during the Coronavirus pandemic, research shows that rural destinations are likely to recover the quickest as they have greater potential to offer safe, socially-distanced holidays and breaks (Hotel Solutions, 2020). This will allow our local economies to recover as well as supporting the local authority aspiration of being a prosperous and enterprising district where an increased number of businesses and enterprises can grow and prosper.

In this application it is important to acknowledge that bringing more visitors into the district, who will use all the services available, will undoubtedly aid the economy of the district for local businesses and residents. Due to their location and their proximity to the Lincolnshire Wolds AONB, it is important that they consider the natural environment and support the local communities wherever possible.

Public Rights of Way: No objections

Environment Agency: Draws attention to Government Guidance with regards to water supply, wastewater and water quality

Archaeology: No representations received to date

Relevant Planning Policies:

Planning law requires that applications for planning permission must be determined in accordance with the development plan, unless material considerations indicate otherwise. Here, the Development Plan comprises the provisions of the Central Lincolnshire Local Plan (adopted in April 2017).

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

LP7: A Sustainable Visitor Economy

LP13: Accessibility and Transport

LP14: Managing Water Resources and Flood Risk

LP17: Landscape, Townscape and Views

LP21: Biodiversity & Geodiversity

LP25: The Historic Environment, LP26: Design and Amenity

LP55: Development in the Countryside

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

Neighbourhood Plan

There are no neighbourhood plans in preparation within this area.

Lincolnshire Minerals and Waste Local Plan (2017)

The site is not within a Minerals Safeguarding area.

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/publications/national-planning-policy-framework--2>

Main issues

- Principle
- Agricultural Land
- Impact on the Character and Appearance of the Site and Wider Area
- Residential Amenity
- Highways
- Flood Risk and Drainage
- Ecology
- Historic Buildings

Assessment:

Principle

The application seeks permission for the change of use of land for siting of caravans (lodges) and proposed recreation pond with 20 fishing pegs, to include site levelling using excavated material.

The site falls to be considered as “countryside” under the spatial strategy and settlement hierarchy of LP2:

“Unless allowed by:

*a. policy in any of the levels 1-7 above; or
b. any other policy in the Local Plan (such as LP4, LP5, LP7 and LP57), development will be regarded as being in the countryside and as such restricted to:*

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

This allows the application to be assessed against LP7 in order to determine whether the principle is acceptable.

Part E of LP 55 sets out its policy for “non-residential development in the countryside” as follows:

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

a. The rural location of the enterprise is justifiable to maintain or enhance the rural economy

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

It is considered however, that this policy should not be read in isolation, but alongside LP7 which sets out a direct policy in relation to “A Sustainable Visitor Economy” and which provides locational parameters for such developments.

The supporting text (section 3.7) of the Central Lincolnshire Local Plan (CLLP) explains that *“The visitor economy is one of the most important sectors of Central Lincolnshire’s economy.”* It explains that, whilst Lincoln is the principal visitor destination in Central Lincolnshire, that *“Rural Central Lincolnshire also makes a significant contribution to the visitor economy, with many visitors attracted to the waterways, walking and cycling routes, aviation attractions and other attractions across the area which are varied and numerous.”*

The Greater Lincolnshire Local Enterprise Partnership (GLLEP) recognises the visitor economy as one of the top three strongest economic sectors within Greater Lincolnshire and identified this sector as one of the priorities for growth. In order to achieve this, policy LP7 *“aims to encourage sustainable growth in the visitor economy”*. It explains that *“The tourism offer of more urban areas is different to that in rural areas where the scale and types of visitor economy uses need to be in scale with their surroundings.”*

Policy LP7: A Sustainable Visitor Economy

Development and activities that will deliver high quality sustainable visitor facilities such as culture and leisure facilities, sporting attractions and accommodation, including proposals for temporary permission in support of the promotion of events and festivals, will be supported. Such development and activities should be designed so that they:

- a. contribute to the local economy; and
- b. benefit both local communities and visitors; and
- c. respect the intrinsic natural and built environmental qualities of the area; and
- d. are appropriate for the character of the local environment in scale and nature.

Development should be located within existing settlements, or as part of planned urban extensions, unless it can be demonstrated that:

- such locations are unsuitable for the nature of the proposal and there is an overriding benefit to the local economy and/or community and/or environment for locating away from such built up areas; or
- it relates to an existing visitor facility which is seeking redevelopment or expansion.

The host property (Sunnyside Up) of the proposed site currently operates as a farm shop; café and as a restaurant over two floors. There is an area for outside dining and a

dedicated car park with capacity for 30 cars. The business has been operating for approximately 15 years.

Sunnyside Up farm shop employs 15 staff, 3 full time and 12 part time.

As part of the proposal staffing levels will increase by 3 part time.

It was concluded in the previous application (139788) that the proposal is an existing visitor facility. The proposal therefore can be considered as an expansion of an existing visitor facility in accordance with the policy requirements to be able to support tourism outside the settlement. The principle can therefore be supported, however, its acceptability rests on a consideration of the detailed impacts arising.

The proposal would contribute to the local economy and would benefit local communities and visitors. The Growth Team have been consulted and state that it is important to acknowledge that bringing more visitors into the district, who will use all the services available, will undoubtedly aid the economy of the district for local businesses and residents.

Furthermore they state that although the tourism and hospitality industry has suffered significantly during the Coronavirus pandemic, research shows that rural destinations are likely to recover the quickest as they have greater potential to offer safe, socially-distanced holidays and breaks (Hotel Solutions, 2020). This will allow our local economies to recover as well as supporting the local authority aspiration of being a prosperous and enterprising district where an increased number of businesses and enterprises can grow and prosper.

Short term benefits may be given some weight, however, planning permission is to change the use of land in perpetuity.

The proposal would therefore be in accordance with criteria a and b of policy LP7.

Criteria c and d of policy LP7 will be assessed in further detail in the sections below.

The location is justified by means of proximity to existing established businesses or natural features, is suitable in terms of accessibility; The location of the enterprise would not result in conflict with neighbouring uses; and The development is of a size and scale commensurate with the proposed use and with the rural character of the location (discussed in more detail below) and would therefore be in accordance with policy LP55.

Paragraph 83 of the NPPF states that

Planning policies and decisions should enable:

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

- b) the development and diversification of agricultural and other land-based rural businesses;
- c) sustainable rural tourism and leisure developments which respect the character of the countryside; and
- d) the retention and development of accessible local services and community facilities, such as local shops, meeting places, sports venues, open space, cultural buildings, public houses and places of worship.

Policy LP7 is consistent with the NPPF and is attached full weight.

Agricultural Land

Part G of policy LP55 states that proposals should protect the best and most versatile agricultural land so as to protect opportunities for food production and the continuance of the agricultural economy.

The land is Grade 3 agricultural land which is classified as good to moderate and the middle classification on the East Midlands Land Classification.

Natural England's Land Classification map does not distinguish between grade 3A (good) and 3B (moderate). Only Grade 3A falls within the classification of Best and Most Versatile Agricultural Land (BMV land) – to which Part G of LP55 applies / NPPF.

In the absence of a site specific survey, a precautionary view is taken that the proposed development could lose up to 9.01ha of BMV land. This needs to be weighed against all other planning considerations, within the planning balance.

The loss of potential best and most versatile agricultural land is a perceived harm from the proposal. This will need to be weighed against the identified benefits of development in the overall planning balance.

Paragraph 170(b) of the NPPF states that planning policies and decisions should contribute to and enhance the natural and local environment by:

- b) recognising the intrinsic character and beauty of the countryside, and the wider benefits from natural capital and ecosystem services – including the economic and other benefits of the best and most versatile agricultural land, and of trees and woodland

Policy LP55 is consistent with the NPPF and is attached full weight.

Impact on the Character and Appearance of the Site and Wider Area

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. Where a proposal may result in

significant harm, it may, exceptionally, be permitted if the overriding benefits of the development demonstrably outweigh the harm: in such circumstances the harm should be minimised and mitigated.

All development proposals should take account of views in to, out of and within development areas: schemes should be designed (through considerate development, layout and design) to preserve or enhance key local views and vistas, and create new public views where possible.

The considerations set out in this policy are particularly important when determining proposals which have the potential to impact upon the Lincolnshire Wolds AONB (approximately 2.4km to the east) and the Areas of Great Landscape Value (as identified on the policies map) and upon Lincoln's historic skyline.

As part of the application a Landscape and Visual Statement was requested by the officer and subsequently submitted.

The application site lies outside the Area of Outstanding Natural Beauty but within the Area of Great Landscape Value.

The site falls within the West Lindsey Landscape Character Assessment 1999 – Area 11: Heathland Belt

The key characteristics of this LCA relevant to the application are:

- Large conifer plantations and acid soils formed on areas of coversand;
- Gorse, birch trees and acid grassland indicate heathland character within the agricultural landscape;
- Mix of arable fields and pastures with patchy clumps of hedgerows and few hedgerow trees;
- Distinctive lines of oaks, straight ancient hedgerows and small deciduous woodlands near Holton le Moor; and
- The fringes of Market Rasen and Caistor have a relatively wide range of land uses

Particularly distinctive are the extensive plantations of Scots and Corsican Pine which form a dark vertical edge, especially where there is no deciduous edge to them. This stark visual edge is particularly dominant in views from the Wolds between Walesby and Tealby.

The landscape pattern varies from large scale arable fields and pastures to smaller scale horse fields, immediately to the north of Market Rasen. Fields are enclosed by low hedgerows and hedgerow trees.

The landscape on the outskirts of Market Rasen has a particular diverse pattern and a variety of uses including agriculture, light industry, kennels, nurseries, a race course, golf course and camping area. The blocks of woodland, hedgerows and trees help to

accommodate this varied range of land use in a predominantly flat agricultural landscape.

Within the woodlands there is a strong sense of enclosure.

Due to the conifer plantations views are relatively contained and there is some capacity to accommodate change. The most sensitive parts of the landscape, relative to the application site are;

- Woodland edges – these structure views (particularly towards the Wolds) and forms a dark backdrop to most views within this area

In terms of principles for accommodating new development, again relevant to the application site;

- Any new development on the fringes of Market Rasen or Caistor should be accompanied by mass planting which is designed to help integrate the development with the surrounding landscape pattern. It should include elements such as mixed woodland, hedgerows and hedgerow trees (predominantly oak)

It is important to consider some of the characteristics of the adjacent LCA, Area 12: North West Wolds Escarpment where relevant to the application site.

Those key characteristics which come through for this character area are;

- Extensive views towards the north and west; and
- The scarp feature forms a prominent vertical feature in the landscape;

The Application Site is currently a managed agricultural field adjacent to the Sunnyside Farm complex which comprises the farmhouse, shop and café, farmyard and the site for the approved lodges (139788). The site lies directly to the north of the approved lodge site.

The field is typical of those in the surrounding area, particularly those between Sunnyside Farm and the edge of the Wolds to the east. Those closer to the perimeter of Market Rasen (west of the farm and the local main market town) are smaller and form groups of associated fields. The field has strongly defined boundaries, to the west a mature deciduous woodland hedgerow forms the boundary to the Bridleway connecting into Walesby Moor woodland, a typical conifer plantation as described in the LCA which forms the northern boundary to the site.

These plantations are a strong characteristic of the local landscape and are part of a wider plantation group which wraps from north to south around the eastern edge of Market Rasen forming a distinct break between the rural field patterns on either side.

The eastern and southern boundaries are open, demarked by a typical managed native hedge. Beyond this boundary, to the south is the site of the approved lodges and then to Tealby Road.

Topographically, the field and those adjacent are relatively flat, rising gently to the east to Walesby Road and then sharply increasing from 59mAOD to circa. 115m AOD as it rises up to the Wolds ridgeline. Directly to the south of the farm, on the opposite side of the road, is Hamilton Hill. This localised area of raised ground is now set within the larger Manor Plantation and is a downhill mountain bike course.

There are several public rights of way (PRoW) which connect north-south across the farmland into the wooded plantations and the open access land. Footpaths connect up the scarp, easterly to join to the Viking Way, a Long Distance Walk of over 147miles through Rutland, Lincolnshire and Leicestershire, from the banks of the River Humber to Oakham. The area is a popular location for visitors and recreational activities, particularly walking and cycling. The villages surrounding Market Rasen are accessed by typical country roads radiating from it.

The site lies between Market Rasen and Tealby, approximately 3km to the east, on the Tealby Road. Contextually the site is more connected to the farmland to the east and up to the villages of Tealby and Walesby and up onto the ridgeline. Tealby is a nucleated village around the historic core with more modern residential buildings developing linearly on the Tealby Road. There are scattered farmstead through this landscape and as mentioned in the LCA, diversity of land use includes existing caravan and camping, the farm shop itself and the aforementioned mountain bike course.

The Landscape and Visual Statement concludes that the Application Site and the adjacent landscape are not considered to be highly sensitive to the Proposals. The Local Landscape character assessment considers the woodland edges to the plantations to be the most sensitive features of this part of the landscape and they are a dominant part of the character in this location. The application site is also considered to be within the landscape and visual setting of the Lincolnshire Wolds AONB and therefore should be given due consideration. This is a statutory duty under 85(1) of the Countryside Act and states –

In exercising or performing any functions in relation to, or so as to affect, land in an area of outstanding natural beauty, a relevant authority shall have regard to the purpose of conserving and enhancing the natural beauty of the area of outstanding natural beauty.

The proposed development typology is not a common feature within this local landscape but small recreational developments, scattered farmsteads and outlying built form is not an inappropriate feature in the location or the wider AONB. To the north, although not visible in the context of this proposal, is a camp site and the 15 Lodges have been approved and are being constructed to the south.

The Proposals, if considered in isolation are perceived to be a large change to the existing landscape however the type of development proposed is low intervention – no severe construction activities are required, and the lodges are temporary by nature. The preparation of the fishing lake and the construction of a circulation route internally and the pads for the lodges are low level activities and will be absorbed on a similar level to general agricultural activity. The field itself which form the proposals would sit is not uncommon or unusual, all perimeter features will remain unaffected, and the site is accessed through an existing farm gate.

The location of the application site is considered less sensitive than the field adjacent which has the approved permission. The adjacent field is against the Tealby Road and at the entrance to the Farm site. The approved application will be more visible and although is less dense has the same coverage as the Proposals.

The proposals present landscape opportunities to improve and enhance those features identified as sensitive – the woodland edge – and increase the amount of deciduous planting along the edges of the plantations. The proposals also respond to the principles for accommodating new development by implementing mass planting, considered though, to help integrate the proposals into the surrounding landscape pattern.

Visually the envelope for experiencing the changes is small. Views from the west are limited until the receptors are directly adjacent to the Farm itself. On arrival at the Farm, the open aspect of the frontage will change, although largely this change has occurred due to the introduction of the 15 lodges and fishing lake. The Proposals will be experienced as an extension to this.

Beyond the very close views and on completion, once the new planting matures, the Lodges will not be visible due to the height of circa 5m from ground level. Care should be taken that a break in the plantations is still appreciated – that a gap between the woodlands remains as this is a characteristic of this local landscape. This may result in some of the lodge rooves being visible in the close-range views.

The Proposals will not detract from the panoramic views experienced from the Viking Way along the Wolds ridgeline. The change in the landscape may be discernible where the Lodges within the approved scheme are located, potentially contributing a small and relatively low-key part of the wider view however the Proposals will not be visible from the most direct locations due to the woodland edge wrapping around the eastern edge of the application site (in the views). The Proposals would not appear obtrusive in the landscape and over time any adverse impacts would be mitigated by the proposed planting structure. As with the views from the lower levels, the planting should be considered to maintain the 'break' between the plantations and allow views beyond to be appreciated. Should lodges become visible as a result of this it will not be detrimental to the overall view.

The experience of the AONB and the qualities that contribute to its designation would not be impacted by the Proposals.

The potential for a change in the views will largely only be experienced in very close proximity to the Proposals. The Proposals will introduce a change in the view as the receptor approaches the site however there will not be a feeling that this is an inappropriate typology and the proposed planting will present positive opportunities for biodiversity and habitat creation.

Following a re-consultation of the application to include the submitted Landscape and Visual Statement, a representation was received about a viewing location that was not included in the original report. The Landscape Officer of the submitted report then visited the viewpoint and concluded -

The view is incidental through a break in the hedgerow trees and captures a single view towards Sunnyside Up and the Wolds beyond;

- Although it is a view of value to locals it is not recorded or presented to visitors compared to the views from the Wolds AONB, along the Viking Way. These would be judged as of the highest sensitivity; and
- The effects of the Proposals would introduce additional lodges to the north of those already approved but would have no direct effect on the views towards the Wolds themselves.

Overall, the introduction of this view into the assessment does not change the overall outcomes of the report.

A further representation was received to show a walking guide that details the viewing location on an unmaintained route. This walking guide is not just available to locals. Whilst this route is highlighted on a walking guide, it is still not considered that this alters the overall outcomes of the report.

The proposal aims to introduce the lodges into an enhanced and well managed landscape which would make a contribution to the biodiversity and landscape features of the locality.

Extensive planting is proposed to be implemented along the boundaries and will be introduced between lodges and around the pond.

The lodges are proposed on the eastern boundary are aligned with those of the south so the eastern boundaries will appear continuous and those to the north would not protrude beyond the established line of built form.

Wildflower meadow planting is to be introduced providing increased biodiversity in comparison to the agricultural field and provide a pleasant outlook for the visitors and general users of the surrounding landscape.

Whilst not with an Area of Outstanding Natural Beauty, the site is some 2.5km to the west of the AONB and therefore does have the potential to impact upon the setting

however the Landscape Visual Statement concludes that there will be a negligible effect to the AONB.

Upon consultation with the AONB Officer they request further landscaping and more information on lighting plans to reduce the impacts and disruption to the AONB setting. This can, and should be secured via a planning condition.

Comments received from local residents' state that landscaping from the previously approved adjacent site has not yet occurred. However there was only 1 out of the 15 approved lodges on site when the application was submitted. The condition on this application (139788) states that landscaping shall be carried out in the first planting and seeding season following the occupation of the buildings or completion of the development. Neither of these triggers has been met and therefore the landscaping does not need to be carried out at this time.

Lodges are a temporary fixture and with appropriate landscaping the proposal would be acceptable. The proposal would not be deemed an inappropriate feature in this landscape giving the wider considerations of the landscape.

The proposal would be of 50 pitches, which should be conditioned.

Whilst the scale is larger than that of the other approved site, and also taken cumulatively with the previously approved scheme, the proposal with the correct landscaping would not appear obtrusive in the landscape.

The experience of the AONB and qualities that contribute to its designation would not be impacted by the proposal.

The proposal is therefore in accordance with criteria c and d of LP7 and policy LP17 of the Central Lincolnshire Local Plan.

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);

Policy LP17 is consistent with the NPPF and is attached full weight.

Residential Amenity

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.

Concerns have been raised with regards to noise. The proposal does not give rise to any obvious or immediate noise concerns. The nearest neighbour is over 250m away.

The lodges are sited approximately 12 metres apart from one another not 6m as suggested by the AONB Officer. This would be adequate separation and would not give rise to concerns over privacy.

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

(f) create places that are safe, inclusive and accessible and which promote health and well-being, with a high standard of amenity for existing and future users

Policy LP26 is consistent with the NPPF and is attached full weight.

Highways

Policy LP13 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.

LCC Highways have been consulted on the application requested that the applicant submit a Flood Risk Assessment, Drainage Strategy and Construction Management Plan. They also asked for confirmation whether the existing bin storage on the consented site will be utilised for this proposal, and whether the fishing pegs can be used by non-residents and if so the level of parking provision required.

The agent subsequently submitted a Flood Risk Assessment and Drainage Strategy and a Construction Management Plan.

They also confirmed that the fishing pegs were private use only and would not be for non-residents. It is not a commercial fishing pond.

With regards to the bin storage, the proposed pitches will have their own bin storage areas, as shown on the plans, and are proposed to be collected on a regular basis.

Following all further information received, LCC highways had no objections.

Concern has been raised by residents with regards to parking and highway safety. However the Local Highways Authority raise no objections to these matters.

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.

Whilst third party representations are noted, it is not considered that there would be an unacceptable impact on highway safety, or that the residual cumulative impacts on the

road network would be severe, and the proposal would comply with LP13 and the NPPF in this regard.

Policy LP13 is consistent with the NPPF and is given full weight.

Flood Risk and Drainage

Policy LP14 states that all development proposals will be considered against the NPPF, including application of the sequential and, if necessary, the exception test.

Through appropriate consultation and option appraisal, development proposals should demonstrate:

- a. that they are informed by and take account of the best available information from all sources of flood risk and by site specific flood risk assessments where appropriate;*
- b. that there is no unacceptable increased risk of flooding to the development site or to existing properties;*
- c. that the development will be safe during its lifetime, does not affect the integrity of existing flood defences and any necessary flood mitigation measures have been agreed with the relevant bodies;*
- d. that the adoption, ongoing maintenance and management of any mitigation measures have been considered and any necessary agreements are in place;*
- e. how proposals have taken a positive approach to reducing overall flood risk and have considered the potential to contribute towards solutions for the wider area; and*
- f. that they have incorporated Sustainable Drainage Systems (SuDS) in to the proposals unless they can be shown to be impractical.*

Policy LP14 states that development proposals should demonstrate:

- g. that water is available to support the development proposed;*
- h. that development contributes positively to the water environment and its ecology where possible and does not adversely affect surface and ground water quality in line with the requirements of the Water Framework Directive;*
- i. that development with the potential to pose a risk to groundwater resources is not located in sensitive locations to meet the requirements of the Water Framework Directive;*
- j. they meet the Building Regulation water efficiency standard of 110 litres per occupier per day;*
- k. how Sustainable Drainage Systems (SuDS) to deliver improvements to water quality, the water environment and where possible to improve amenity and biodiversity have been incorporated into the proposal unless they can be shown to be impractical;*
- l. that relevant site investigations, risk assessments and necessary mitigation measures for source protection zones around boreholes, wells, springs and water courses have been agreed with the relevant bodies (e.g. the Environment Agency and relevant water companies);*

- m. that adequate foul water treatment and disposal already exists or can be provided in time to serve the development;*
- n. that no surface water connections are made to the foul system;*
- o. that surface water connections to the combined or surface water system are only made in exceptional circumstances where it can be demonstrated that there are no feasible alternatives (this applies to new developments and redevelopments) and where there is no detriment to existing users;*
- p. that no combined sewer overflows are created in areas served by combined sewers, and that foul and surface water flows are separated;*
- q. that suitable access is safeguarded for the maintenance of water resources, flood defences and drainage infrastructure; and*
- r. that adequate provision is made to safeguard the future maintenance of water bodies to which surface water is discharged, preferably by an Agency, Internal Drainage Board, Water Company, the Canal and River Trust or local council).*

The foul water from the development will be collected on site and discharged into a proposed foul water treatment plant sited on land within the applicant's ownership. The overflow from the plant will be discharged into Walesby Beck, connected to the existing discharge connection. Consent to discharge into the existing watercourse will be required from the Environment Agency accordingly.

All of the surface water from the development will be discharged into the proposed pond with an outlet connected to the existing connection to Walesby Beck. The surface water connections and disposal are all on land owned by the applicant and therefore the proposed drainage from the site is totally self-sufficient and independent.

The development will include water butts on the rainwater outlets of the lodges to enable recycled water to be used for the irrigation purposes to reduce the needs on main water supplies and also to limit the amount of surface water discharge to the existing water course.

Private access roads and car spaces will be constructed in porous surfaces to allow water to percolate laterally into the surrounding soft landscape areas. The subsoil's are of a sandy nature and offer good infiltration potential.

The proposed pond can remove grit and small particles before discharging to the existing drain. Porous surfaces is proposed as a way of removing hydrocarbons from spillages in parking areas and trapped gullies will be used around the access roads.

The site is located within Flood Zone 1 (low probability) and is not at risk of flooding from external sources. The site would be protected from flooding by the use of pipes, porous surfaces, swales (if required) and site attenuation (proposed pond) that will attenuate water during the worst case 1 in 100 year storm event. The designed drainage system will be subjected to a regular maintenance regime to ensure that blockages do not occur. Capacity within the drainage network will be maintained by regular inspection and removal of vegetation and other general debris. The design of

the proposed drainage system would include a 30% increase in rainfall intensity to allow for the effects of climate change over the design life of the premises.

The surface water from the proposed development is likely to be restricted to less than existing Greenfield runoff discharge rates. Any swales and wet balancing pond would be designed to attenuate storms during a 1 in 100 year storm event with a 30% climate change allowance. This, together with a regular maintenance regime to ensure no blockages or loss of capacity will occur to ensure that the risk of flooding elsewhere will not increase.

A condition is recommended for a final drainage scheme prior to the erection of the log cabins. The proposal subject to conditions would be in accordance with policy LP14.

Paragraph 165 of the NPPF states that major developments should incorporate sustainable drainage systems unless there is clear evidence that this would be inappropriate.

Policy LP14 is consistent with the NPPF and is attached full weight.

Ecology

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.

Concerns have been raised from residents with regards to wildlife.

As part of the application an Ecological Survey – Extended Phase 1 has been submitted. This was initially submitted for the adjacent approved site application however consideration was given with regards to the wider site and therefore it is considered the recommendations are appropriate for this site.

No further survey works are required but contains the following recommendations –

Hedgerow – It is recommended that boundary hedgerows be retained or replaced where possible. Gaps will require re-planting which should follow specific hedgerow planting prescription which should be comprised of locally appropriate native species sourced from local provenance sourced seed stock/material.

This will, (within a 5 year period), enhance any established physical links between existing hedgerows and act as both habitat and wildlife corridor for a potentially wide ranging number of species.

The opportunity also exists to plant locally appropriate native and naturalised tree species.

Bats – The proposed works will not affect any buildings or mature and over-mature boundary trees. The survey results indicate that the site is unlikely to be key to the overall conservation bats in the local area and the enhancement of the site would not alter the ability of bats to survive and reproduce.

The ecological functionality of bats in the local area will not be adversely affected by the proposed development.

However, despite the open nature of the site, the mature hedgerows, tree belts and site boundaries may provide foraging habitat for bats and be utilised as flight corridors.

The site boundaries are believed to offer extremely good foraging potential for a number of bat species. This could further be enhanced by the erection of bat boxes.

Lighting – Lighting schemes can damage bat foraging habitat directly through loss of land fragmentation, or indirectly by severing community routes from roosts.

It is recommended that any proposed security lighting on site is placed as far from the boundary hedgerows as possible, that light spillages on hedgerows is avoided by using shields to direct light to the target area only. The impact on bats can be minimised by the use of low pressure sodium lamps or high pressure sodium instead of mercury or metal halide lamps. The height of lighting columns in general should be as short as possible as light at a low level reduces the ecological impact. The possibility of using a sensor should be considered to provide some dark periods on site.

Amphibians – The proposed development will have no or low/negligible potential impacts on any potential Great Crested Newt population and viable habitats.

Given the physical nature of the site it is possible to undertake the proposed work without the risk of a breach in the legislation protecting Great Crested Newts providing a precautionary approach is adopted. It is recommended that work is undertaken in accordance with a strict method statement. This is contained within the survey.

Reptiles – Precautionary measures are recommended and include –

1. A suitably qualified/experienced ecologist will deliver a toolbox talk to contractors responsible for the works. The talk will cover reptile ecology, reptiles and the law, and what to do if reptiles are found during the works.
2. If during the works period any reptiles are found on site works should cease in that area and a suitably qualified ecologist should be contacted for advice.
3. Grassland/vegetation clearance should ideally take place during the summer months (April-September) when reptiles and amphibians are the most active (ideally when day time temperatures are between 16-24 degrees Celsius) when reptiles and amphibians are alert and mobile and can flee disturbance. However this may lead to a conflict with timing relating to the bird nesting season. Therefore extreme caution in relation to nesting birds must be exercised.

Birds – To minimise any potential impact or disturbance to protected breeding birds, any site clearance or works affecting the boundary hedgerows should be undertaken outside the bird breeding season. If work is carried out in the breeding season then an ecologist should be consulted and it is likely that work will have to stop if breeding birds are found in the trees and scrub present it may be necessary to undertake further more detailed breeding bird surveys immediately prior to the work to search for nests. A bird box is recommended.

Snipe – It is recommended as a conservation measure that within the design of new water body consideration to the inclusion of extensive shallow margins where wading birds such as Snipe feed and sometimes breed. The opportunity to plant native species to encourage natural colonisation by insect and amphibian life is also present. A suitable list of native species is provided in the survey. Establishment prescription (sowing rates/stocking densities methods and timings) recommended by the seed provider must be followed.

Other recommendations – Good working practices should be adhered to during any future work, with any trenches covered overnight and any pipes over 200mm in diameter capped off at night.

The recommendations can be conditioned.

The proposal, subject to conditions would be in accordance with LP21.

Paragraph 174(b) of the NPPF states that to protect and enhance biodiversity and geodiversity, plans should promote the conservation, restoration and enhancement of priority habitats, ecological networks and the protection and recovery of priority species; and identify and pursue opportunities for securing measurable net gains for biodiversity.

Policy LP21 is consistent with the NPPF and is attached full weight.

Historic Buildings

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

The host farmstead buildings are considered to be historic buildings on the HER record but are not listed.

It is not felt that the lodges would have a detrimental impact on the farmstead. Whilst there would be a change to the setting this is deemed to be harmful.

Paragraph 192 of the NPPF states that in determining applications, local planning authorities should take account of:

a) the desirability of sustaining and enhancing the significance of heritage assets and putting them to viable uses consistent with their conservation;

b) the positive contribution that conservation of heritage assets can make to sustainable communities including their economic vitality; and
c) the desirability of new development making a positive contribution to local character and distinctiveness.

Policy LP25 is consistent with the NPPF and is attached full weight.

Other matters

Competition is not a material consideration.

The application consultation and publicity has met the statutory duty and requirements under the Central Lincolnshire Statement of Community Involvement.

A lack of provision for evening eating/drinking at the site café would not warrant a reason for refusal. The lodges provide self-catering accommodation to allow for meals to be prepared or visitors could take advantage of surrounding villages' facilities, to the benefit of the local economy.

It is stated that there is no footpath from Poplar Farm to Tealby. This is not the case. A pedestrian footpath is present albeit wider in some places than others where natural growth of grasses has taken place.

The type of accommodation and location would by its very nature attract visits from cars rather than public transport but this would not warrant a refusal of the application.

The application is considered on its own merits. Speculative growth is not a material consideration. Any future applications will also be considered on their own merits.

Conclusions and recommendations

The proposal has been considered against the Development Plan namely policies, LP1: A Presumption in Favour of Sustainable Development, LP2: The Spatial Strategy and Settlement Hierarchy, LP7: A Sustainable Visitor Economy, LP13 Accessibility and Transport, LP14: Managing Water Resources and Flood Risk, LP17: Landscape, Townscape and Views, LP21: Biodiversity & Geodiversity, LP25: The Historic Environment, LP26: Design and Amenity, LP55: Development in the Countryside in the Central Lincolnshire Local Plan including the advice given in the National Planning Policy Framework and the National Planning Practice Guidance. The proposal would have some impact to the landscape however is not considered to have a detrimental impact upon the character of the area or the setting of the AONB. The proposal is considered not to have an adverse impact on residential amenity or highway safety. The site is at low risk of flooding, provides adequate drainage and would enhance the ecology and biodiversity of the site. The proposal would allow for the potential loss of good to moderate agricultural land which would be a harm of the proposal. However the proposal would contribute to the tourism industry and would be beneficial to the

economy. Taking in account all the considerations the proposal is recommended for approval subject to the following conditions:

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

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

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

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

2. No development shall take place until a final landscaping scheme including details of the size, species and position or density of all trees/hedges to be planted, details of any removal of hedges, details of the height and materials used for any boundary treatments and the surface material of the parking spaces have been submitted to and approved in writing by the Local Planning Authority.

Reason: To ensure that appropriate landscaping is introduced and will not adversely impact on the character and appearance of the site to accord with the National Planning Policy Framework and local policies LP17 and LP26 of the Central Lincolnshire Local Plan 2012-2036

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

3. With the exception of the detailed matters referred to by the conditions of this consent, the development hereby approved shall be carried out in accordance with the details shown on the approved plans:

Foresters Lodge Elevations and Floor Plan

The Strand Elevations and Floor Plan

dmc 18535/021 Rev A

dmc 18535/022 Rev A

dmc 18535/023 Rev A

dmc 18535/024 Rev A

dmc 18535/025 Rev A

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

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

4. Prior to the installation of any external lighting, details of the lighting scheme (including a light spill diagram) including luminance shall be submitted to and agreed in

writing by the Local Planning Authority. The scheme shall then be implemented in strict accordance with the approved plans and retained as such thereafter.

Reason: To maintain and enhance the rural character of the area, the setting of the Lincolnshire Wolds AONB and to protect wildlife and in accordance with policies LP2, LP17 and LP26 of the Central Lincolnshire Local Plan.

5. The development hereby approved shall only be carried out in accordance with the recommendations set out in the Extended Phase 1 Survey dated April 2019 by Ecology & Forestry Ltd.

Reason: In the interest of nature conservation to accord with the National Planning Policy Framework and local policy LP21 of the Central Lincolnshire Local Plan 2012-2036.

6. No development shall take place during the bird breeding season (1st March to 31st July) in any year until, a detailed survey is undertaken to check for the existence of bird nests. Any active nests shall be protected until the young fledge. Completion of bird nest inspection shall be confirmed by a suitably qualified person and a report submitted to and approved in writing by the Local Planning Authority before any demolition works commence.

Reason: In the interest of nature to accord with the National Planning Policy Framework and local policy LP21 of the Central Lincolnshire Local Plan 2012-2036.

7. No erection of the log cabins shall take place until details of the proposed surface water and foul water drainage have been submitted to and approved in writing by the Local Planning Authority. The approved details must be in place before occupation of the log cabins

Reason: To ensure satisfactory drainage arrangements are in place in accordance with policy LP 14 of the Central Lincolnshire Local Plan.

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

8. The maximum number of log cabins on the site shall not exceed **50**.

Reason: This was the number considered acceptable to maintain and enhance the rural character of the area and the setting of the Lincolnshire Wolds AONB and in accordance with policies LP2, LP17 and LP26 of the Central Lincolnshire Local Plan.

9. All planting, seeding or turfing comprised in the approved details of landscaping shall be carried out in the first planting and seeding season following the occupation of the building(s) or the completion of the development, whichever is the sooner; and any trees or plants which within a period of 5 years from the completion of the development die, are

removed, or become seriously damaged or diseased shall be replaced in the next planting season with others of similar size and species, unless the Local Planning Authority gives written consent to any variation.

Reason: To ensure that an approved landscaping scheme is implemented in a speedy and diligent way and that initial plant losses are overcome, in the interests of the visual amenities of the locality and in accordance with policies LP17 and LP26 of the Central Lincolnshire Local Plan.

10. The accommodation hereby permitted shall only be used for holiday accommodation and shall not be used to provide any unit of permanent residential accommodation.

Reason: To accord with current planning policies under which continuously occupied dwellings would not normally be permitted on the site to accord with the National Planning Policy Framework and local policy LP26 of the Central Lincolnshire Local Plan 2012-2036.

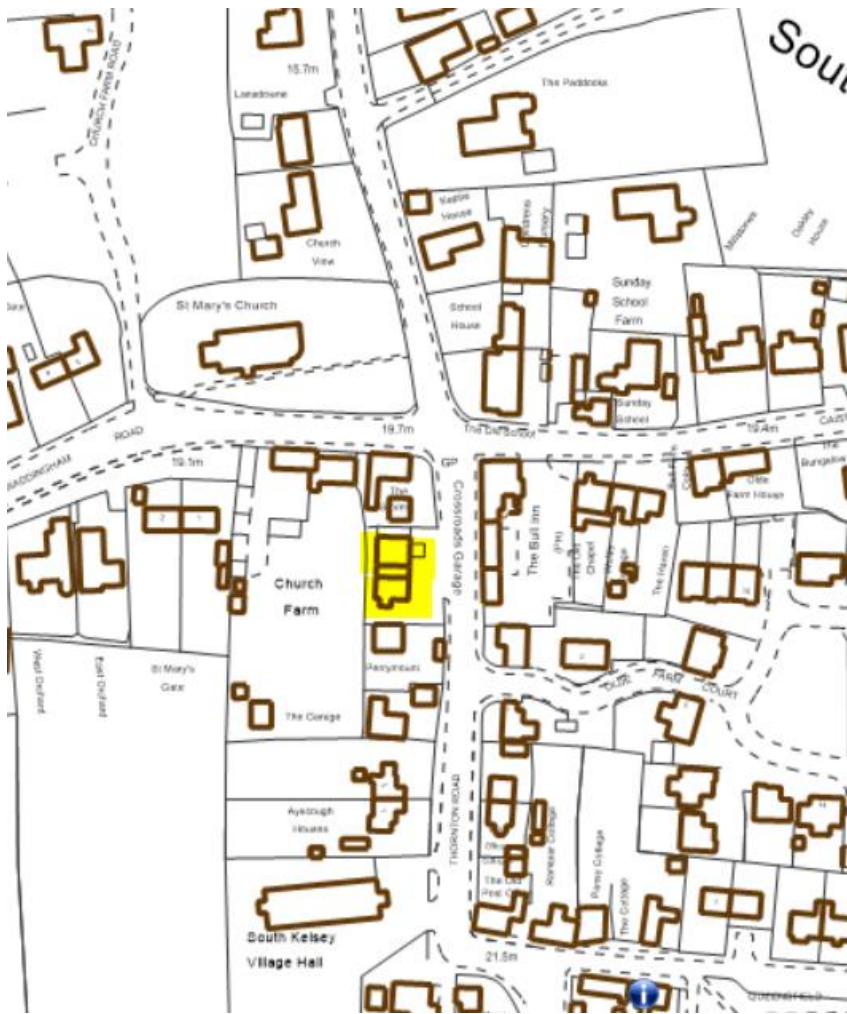
Human Rights Implications:

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

Legal Implications:

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

SITE LOCATION CROSS ROADS GARAGE REF 140979



Officers Report

Planning Application No: 140979

PROPOSAL: Planning application for replacement garage workshop/MOT testing centre

LOCATION: Cross Roads Garage Thornton Road South Kelsey Market Rasen LN7 6PS

WARD: Kelsey Wold

WARD MEMBER: Cllr P Howitt-Cowan

APPLICANT NAME: Mr Iman Zidan

TARGET DECISION DATE: 23/06/2020 (Extension to 24/07/20)

DEVELOPMENT TYPE: Minor - all others

CASE OFFICER: Ian Elliott

RECOMMENDED DECISION: Refuse Permission

Planning Committee:

This application has a recommendation for refusal but has received support from the South Kelsey Parish Council and a number of residents. The application has economic and social benefits to the local community to a site which has an established vehicle repair/MOT business within their settlement. With this in mind this application is considered relevant and necessary to put before the planning committee.

Description:

The application site is a vehicle repair business with a workshop/reception building and external hardstanding parking. The site is set just back from and above the level of the highway and within the developed footprint of South Kelsey. The north boundary is screened a low brick wall to the front, the north elevation of the existing garage building and fence panels. The east boundary is primarily open with some low brick walling. The south boundary is screened by hedging and the north elevation of the adjoining dwelling. The west boundary is screened by fence panels. Neighbouring dwellings are adjacent or opposite to the north, south east, south and west with the Bull Inn Public House to the north east/east. The site is in the setting of a number of Grade II Listed Buildings. These are:

- The Bull Inn
- St Marys Church
- Monument to Skipworth Family in Graveyard of St Marys Church
- Old School House

The application seeks permission for a replacement garage workshop/MOT testing centre.

Relevant history:

None

Representations

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

South Kelsey and Moortown Parish Council: Fully support

Local residents: Representations received from:

5 Westerby Court, South Kelsey: Supports

I believe it is rare that a young business entrepreneur is keen to invest and rebuild a premise in keeping with many original features, especially in a remote village like South Kelsey. This development would be a great asset to the village both visually and providing a service to local residents. Every effort should be made to encourage and support the applicant with the least amount of stress and cost especially under the current unprecedented times and the unknown futures of many small independent businesses.

Poolthorne Farm, Cadney: Supports

Whilst many village based business are relocating or closing, I fully support the expansion of Zidan Motorsport and the extension of services. It would be a great shame to not allow this opportunity, and a loss to the fabric of the village and local community if the site were to be left undeveloped. The ascetics improvements proposed to the existing buildings on the site are welcomed. The current selection look tired and detract from the rest of the well-kept village surrounding. The potential to boost employment within the local community will also be a great opportunity through this expansion.

Kelsey Place, Brigg Road, South Kelsey: Supports

I support the application to redevelop the existing garage, it will be a welcome addition to the village, create local employment and enable people to have their vehicles repaired locally.

23 Lammas Leas Road, Market Rasen:

Great to see a local company expanding and investing in the future.

Langmead, West Street, North Kelsey:

I would like to support the planning application, I like many have used the old Balderson Motors garage and Zidan Motorsport for many years and feel an improved building would allow this business a much better opportunity to thrive and carry on being a tremendous asset to all the surrounding areas for years to come.

42 Grammar School Road Brigg:

Always amazing customer service and excellent standards of work. Very reliable business with an amazing future.

8 Tennyson Close Caistor:

Always used this garage for mot with previous owners but needs a update

Beckside Lodge, Caistor Road, South Kelsey:

I fully support the proposal and think it's a great scheme.

27 Foxglove Road Market Rasen:

More than happy to support this application. Its clear to see that Mr Zidan takes care about the appearance of all his buildings and this will bring benefits to the surrounding area.

Keptie House Brigg Road South Kelsey:

Yes 100% agree with this proposal

The Magpies Gainsborough Road Middle Rasen

I think this development would not only be a huge gain for the village allowing for more jobs and services but would intern bring people with it and potentially support other local business to with passing trade.. the development looks great and compliments the village and surrounding building with the compromise on height on the new building.. all in all this is an excellent plan and I am all for it.

23 Caistor Road Market Rasen:

Think this is worth supporting and can comply with the rules and regulations to fully allow this to go ahead safely and without major disruption.

2 Bracken Way Market Rasen:

Use zidan motorsport for all my vehicle repairs and maintenance. He's a good garage and a trusted mechanic. I don't trust any other garage around this area. I support his business 100%.

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.

WLDC Environmental Protection Officer: Comment

Representation received 14th May 2020:

Noise

I am however aware that modern cladding materials can offer high levels of noise reduction and don't dispute the potential. The applicant site is a central village location which has typically undergone change to a more residential nature and in any event has a likelihood of low background noise of which there has been no measurement, let alone an assessment of the modern day noise potential of a business of this nature.

There is no assurance that the cladding will meet the potential of an unspecified need; further and more significant is maintaining the mitigation potential of the panels when utilised in the built structure being proposed i.e.

air tightness. Walls, roof and fenestration all play a part, as will need of ventilation (an additional noise potential) should windows and doors be closed, as might reasonably be expected but is not readily apparent in either the applicant description of the existing premises or the drawing of the rebuild proposed.

Identification of noise sources and a qualified assessment is required, as is the obtaining of existing background levels for operating hours that ought to be specified. Comparison ought then to be made for purposes of identifying any adverse effect when assessed against the mitigation factors of the proposed 'airtight structure' and any loss of integrity that might reasonably be expected in terms of built factors and openings and use thereof.

Assessment against WHO, PPG and significantly BS 4142 (Method for rating industrial noise affecting mixed residential and industrial areas) is required so as to assure that noise correction factors, particularly those of Impulsivity and Intermittency, are adequately accounted for in respect of potential for activities that include use of percussion and mechanical noise.

Representation received 6th May 2020:

Noise

An assessment of impact(s) and recommendation(s) for mitigation is needed – it can be conditioned but mitigation is likely to reflect on the fabric of the building, i.e. the materials used.

Contamination

I suggest a condition:

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

Along with a note as per my response – it would be in the applicants interest to be aware of the potential problems for the future, indeed if there is evidence to hand to prove any applicable deregulation AND assessment of contamination – it can only get harder to prove as time goes on.

Representation received 5th May 2020:

Noise

A noise assessment ought to be required detailing the potential for impact and mitigation as might be necessary. Fact that the business is being revamped out not to exclude assessment and any need to upscale noise mitigation at this 'sensitive' location. Reference within the application infers that the current premises are energy inefficient and an intention to address this in the rebuild. It should be born in mind however that energy efficient structures and insulation ought not necessarily to be considered to be both thermally and

sound attenuating and appropriate mitigating properties ought as such to be assured.

Reference in the application is also change in appearance in the existing perception of scale and frontage change depending on whether the workshop door is open or closed which potentially flags the need for consideration of noise impact in future intent.

Contamination

It is apparent that the premises at one time or another served as a filling station and in any event has history of activity likely to give rise to contamination. Same or similar use as such ought not to flag as a significant concern albeit there may be risk to ground and office/reception workers.

It is noted that there is intent to remove the existing island, accordingly it would be advisable to flag up the risk apparent in any service station infrastructure that may not have been properly decommissioned/removed at 'end of use' e.g., UST's (underground storage tanks), service pipes and contamination inherent to leakage of the same.

In any event the property as a whole is potentially contaminated until proven otherwise and these matters ought to be addressed and any residual risk placed/retained on record.

Drainage

It is noted that the footprint of the building is increasing and in any event drainage strategy ought to be subject of review in terms of planning policy and requirements for 1:100 plus the appropriate climate change factor for commercial premises. It is also noted that the application form indicates intent to discharge surface water to mains sewer. This ought to be sequentially justified and in any event, if permitted ought to be attenuated and as such have suitably sized storage.

LCC Archaeology: Objects

The proposed development involves the demolition of an early timber-framed and corrugated iron clad garage within the historic village of South Kelsey, adjacent to the Grade II Listed Bull Inn and close to the Grade II Listed Church of St Mary. Cross Roads Garage is a rare survival of the early days of motoring, and is of a type which is now an increasingly scarce resource both locally and nationally.

This office disagrees with the assessment in the Planning Statement that "though the existing garage workshop exhibits a number of unusual ad-hoc design features and rather dated design/appearance, such is not considered to comprise a non-designated heritage asset."

Historic England's guidance on heritage assets of this type, Buildings and Infrastructure for the Motor Car, states: "many of the rural garages that sprang up in the 1920s were rudimentary corrugated iron or timber shack-like buildings, sometimes with a further shack as a café... reused first world war

aircraft hangers and prefabricated agricultural buildings were on occasion employed as workshops."

Cross Roads Garage is typical of the interwar rural garage so described, which are of heritage value. It is a characterful vernacular building that still survives in its historic village setting, where it contributes a great deal to the local distinctiveness and sense of place in South Kelsey. As noted elsewhere in the Planning Statement it is clear that: "the traditional character and appearance of the existing premises does add interest to the setting of the street scene".

This office is not aware of another garage of this vernacular rural type anywhere in the county to have survived. There is only one interwar village garage recorded in the Lincolnshire Historic Environment Record, at Wellingore in North Kesteven, which is now Grade II Listed. This is however a grander architect-designed building of L limestone in a style inspired by local village buildings in response to the public concerns at the time, led by groups like the CPRE about the design of the unplanned garages (such as here at South Kelsey) that were springing up along the country's roads. Whilst garages such as Cross Roads were once ubiquitous on country lanes, comprehensive replacement and demolition across the country, particularly since the 1970s, means examples such as this are now increasingly rare in our villages and rural landscapes.

Because of the current crisis it has not been possible to access information in local studies libraries or the Lincolnshire Archives, but from the available sources of evidence it is likely that Cross Roads Garage was built in the interwar period (1920s-30s), as it appears on the Ordnance Survey's mapping for the first time in 1956, but not on the preceding 1905 map. At this point only the single northern workshop is depicted, but by the following 1976 map the smaller southern workshop and brick office lean to had been added. Prior to the current ownership, the garage had been run by the Balderson family since at least the early 1950s. It is probable that this northern workshop was built between the wars when the firm of 'Balderson Bros.' ran one of Lincolnshire's earliest rural motorbus services. From South Kelsey this linked the village with nearby towns, at first using a single Model-T Ford bus purchased after the brothers' return from the First World War.

Despite its rarity, Historic England's listing selection guide on Infrastructure: Transport states that although early garages are increasingly rare, they would only consider them for national designation where they possess architectural interest (such as that at Wellingore noted above). Cross Roads Garage therefore does not fulfil the criteria needed for national designation, but it does represent a non-designated heritage asset (defined in the NPPF as a building possessing heritage value that has not been formally designated).

The garage is of local significance and townscape value, and the public benefits of its conservation should be a material consideration in the planning balance.

Recommendation:

In light of the rarity of the historic garage and its contribution to the local character and distinctiveness of South Kelsey, we recommend that the applicant and the local planning authority consider all options to preserve and upgrade the original older timber-framed northern workshop. We welcome the intention to use reclaimed brick for the proposed replacement link building, which alongside timber doors and continued use of corrugated metal would also help any modernisation of the garage to fit into this historic village setting.

Secondary recommendation (if demolition and replacement approved):

If there is no option but to pursue complete demolition and replacement we would recommend that the garage be subject to a programme of historic building recording prior to its demolition, in order that the evidential value of its fabric can be captured and 'preserved by record'. This would help advance the understanding of its unique ad hoc historical development, and the potential reuse of materials in its construction. It is recommended that, prior to any development/demolition, the developer should be required to commission a Scheme of Archaeological Works (on the lines of 4.8.1 in the Lincolnshire Archaeological Handbook) according to a written scheme of investigation to be agreed with, submitted to and approved by the local planning authority. This should be secured by an appropriate condition to enable this heritage asset to be recorded prior to its destruction. The results of the survey should be submitted and approved by the Local Planning Authority prior to work commencing on site. This scheme of works will consist of historic building recording.

WLDC Conservation Officer: Objects

Representation received 3rd June 2020:

I find there is no additional information supplied that would change my original advice in respect of this site. In fact, as it is now confirmed that the building will be a completely new structure, I would advise that it is imperative that these listed buildings and their settings are fully considered in the planning process. I would reiterate my advice in respect of the proposed building, in that its design is wholly inappropriate to the setting of two listed buildings, one which is grade I listed, and is wholly inappropriate to the historic centre of a rural village.

Were this proposal located in the middle of a large modern farmstead, it may well be appropriate. However, this site is surrounded by historic buildings in a rural historic village settlement. Changing this setting requires development that will either preserve this setting (e.g. leave it like it is), or that any new development can be shown to pose no harm to the setting of listed buildings. The proposal does not preserve this setting and would instead be harmful to the setting and fails to meet entirely criterion d and e of LP25 of the CLLP. The proposal fails to meet criterion c, i, j and k of Policy LP26 of the CLLP

In its current form, the only recommendation that can be made is that of refusal.

Representation received 20th May 2020:

The site consists of some conjoined former garage premises. The main structure has a traditional pitched roof with over-sailing barge boards and is constructed of timber and corrugated iron. A smaller more modern building with a flat roof links to a perhaps slightly later structure with shallower roof. The site is located directly opposite the grade II listed Bull Inn, and above the host building, the tower of the grade I listed Church of St. Mary can be seen as part of the street scene and is very much 'read' against the roof structure.

It is very clear that great care must be taken with any changes to the roof shape and it's covering if the setting of the church is to be preserved. The proposals include changing the roof pitch for much longer slope, which would result in a very visually dominant roof structure that would reduce views of the church tower. These changes are not easy to clarify properly, because they are not shown on plans as existing and only proposed plans have been submitted (although these are marked as existing and proposed, there is no indication of the changes shown on these either).

External cladding is also proposed, and the proposed plans show images where the finished development would have an appearance similar to a modern portal frame agricultural building. As such, I remain to be convinced that this proposal will not result in a harmful impact on the setting of the grade I listed church due to visual harm.

In its current form, I strongly object to this proposal which does not preserve the setting of the grade I listed church or the grade II listed Bull Inn. Any revised proposals need to take full account of this setting and provide a quality solution that will not result in visual harm to these listed buildings. If any revisions are made, I would advise that plans as existing are required as well as plans as proposed.

Economic Development: No representations received to date

IDOX checked: 23rd June 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).

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/>

South Kelsey Neighbourhood Plan (SKNP)

West Lindsey District Council has approved the application by South Kelsey Parish Council to have the parish of South Kelsey designated as a neighbourhood area, for the purposes of producing a neighbourhood plan. The neighbourhood plan group are now consulting with the public and working towards the production of the neighbourhood development plan. There is, however, currently no neighbourhood plan in circulation that may otherwise be taken into consideration.

Lincolnshire Minerals and Waste Local Plan (LMWLP)

The site is not within a Minerals Safeguarding Area, Minerals or Waste site/area.

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 83 states:

'Planning policies and decisions should enable:

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

c) sustainable rural tourism and leisure developments which respect the character of the countryside; and

d) the retention and development of accessible local services and community facilities, such as local shops, meeting places, sports venues, open space, cultural buildings, public houses and places of worship'.

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 (NPPG)**
- **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>

Main issues:

- Principle of the Development
Central Lincolnshire Local Plan 2012-2036
National Planning Policy Framework
Heritage
Assessment of Local Policy LP5 (Expansion of Existing Business)
Concluding Assessment
- Archaeology
- Contamination
- Drainage

Assessment:

Principle of the Development

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

Central Lincolnshire Local Plan 2012-2036:

Local policy LP5 (Expansion of Existing Businesses) of the CLLP sets out the criteria for the acceptability of growth, expansion and improvements to local businesses outside of allocated employment sites.

Heritage

The site is considered to be within the setting of a number of grade II listed buildings most notably The Church of St Mary's and the Bull Inn Public House. The Historic Environment Officer (Lincolnshire County Council) refers to the garage building as a non-designated heritage asset, however no evidence of where this is listed is provided and is considered to be an individual opinion of the officer. Paragraph 30 of the Historic Environment section of the NPPG states that "*non-designated heritage assets are buildings, monuments, sites, places, areas or landscapes identified by plan-making bodies as having a degree of heritage significance meriting*

consideration in planning decisions but which do not meet the criteria for designated heritage assets. A substantial majority of buildings have little or no heritage significance and thus do not constitute heritage assets. Only a minority have enough heritage significance to merit identification as non-designated heritage assets.”

It goes on to state that “There are a number of processes through which non-designated heritage assets may be identified, including the local and neighbourhood plan-making processes and conservation area appraisals and reviews. Irrespective of how they are identified, it is important that the decisions to identify them as non-designated heritage assets are based on sound evidence.”

Whilst the views of the Historic Environment Officer are recognised, it is considered that there is insufficient evidence in which to consider the existing building is not a non-designated heritage asset.

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.

It further 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.”

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. As a minimum the relevant historic environment record should have been consulted and the heritage assets assessed using appropriate expertise where necessary. Where a site on which development is proposed includes, or has the potential to include, heritage assets with archaeological interest, local planning authorities should require developers to submit an appropriate desk-based assessment and, where necessary, a field evaluation.”

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.”

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, unless it can be demonstrated that the substantial harm or total loss is necessary to

achieve substantial public benefits that outweigh that harm or loss, or all of the following apply:

- a) the nature of the heritage asset prevents all reasonable uses of the site; and*
- b) no viable use of the heritage asset itself can be found in the medium term through appropriate marketing that will enable its conservation; and*
- c) conservation by grant-funding or some form of not for profit, charitable or public ownership is demonstrably not possible; and*
- d) the harm or loss is outweighed by the benefit of bringing the site back into use.”*

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*’.

The application has included the submission of a Heritage Statement (HS) within the Supporting Planning & Heritage Statement (SPHS) by JHG Planning Consultancy dated April 2020. The HA concludes in paragraph 4.10 that the “*The proposed development will not result in a fundamental change of characteristics compared to baseline visual conditions, but it is reasonable to conclude that the scheme will subtly enhance the setting of the neighbouring Listed Building*”.

The Local Authority’s Conservation Officer (CO) concludes that “*the site is located directly opposite the grade II listed Bull Inn, and above the host building, the tower of the grade I listed Church of St. Mary can be seen as part of the street scene and is very much ‘read’ against the roof structure*” and “*its design is wholly inappropriate to the setting of two listed buildings, one which is grade I listed, and is wholly inappropriate to the historic centre of a rural village.*” Whilst the comments of the CO are noted, it is acknowledged that the Church of St Mary is grade II listed.

The CO goes on to say that in light of its agricultural appearance “*were this proposal located in the middle of a large modern farmstead, it may well be appropriate. However, this site is surrounded by historic buildings in a rural historic village settlement*” and “*The proposals include changing the roof pitch*

for much longer slope, which would result in a very visually dominant roof structure that would reduce views of the church tower.”

The agent was offered a meeting to discuss possible amendments to the design of the proposal with the case officer and conservation officer prior to determination. This offer was politely declined. Accordingly, it falls to consider the proposed development on the design as submitted.

The CO has therefore strongly objected to the scale and design of the proposed replacement garage building as it *“fails to meet entirely criterion d and e of LP25 of the CLLP and criterion c, i, j and k of Policy LP26 of the CLLP”*

Therefore the development would harm and does not preserve the setting of the adjacent and nearby Listed Building and is contrary to local policy LP25 of the CLLP, 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 is consistent with the heritage guidance of the NPPF and can be attached full weight.

Assessment of Local Policy LP5 (Expansion of Existing Business)

Local policy LP5 states that: *‘the expansion of existing businesses which are currently located in areas outside allocated employment sites will be supported, provided:*

- *existing buildings are reused where possible;*
- *they do not conflict with neighbouring land uses;*
- *they will not impact unacceptably on the local and/or strategic highway network; and*
- *the proposal would not have an adverse impact on the character and appearance of the area.’*

The proposed development is a complete replacement of the existing garage building therefore proposes an expansion and growth of the business through proposing a modern purpose built building.

Existing buildings are reused where possible:

The site currently comprises a building which is primarily a timber framed construction, clad with a single layer of corrugated steel. Paragraph 2.8 of the SPHS states that *“an inspection of the premises indicated that the existing workshops are in very poor condition with elements of the main building being subject to a degree of structural instability”*. This statement is acknowledged given the age of the building, however no professional structural survey has been submitted to evidence this claim.

The existing building is considered by the application to be unfit for purpose or renovation and applies to provide a bespoke workshop built to modern specifications to establish a functionally and commercially viable base of operations.

They do not conflict with neighbouring land uses:

The site is within the centre of the village with residential uses in all directions. To the north east/east of the site is the Bull Inn Public House which includes residential accommodation on its first floor. No objections have been received from neighbouring residents.

The proposed building would have a modestly larger footprint than the existing building which would particularly project the south elevation approximately 2.1 metres closer to the south boundary and Perrymount. The separation distance would still be sufficient at approximately 4.6 metres with the roof slope of the single storey structure falling away from the shared boundary with Perrymount.

The proposed building would additionally be approximately 2 metres longer adjacent the shared boundary with The Stores. The Stores has a double garage and driveway adjacent this shared boundary which so their main external amenity space will not be affected.

It is therefore considered that the scale and position of the building will not harm the living conditions of neighbouring dwellings.

The Authority's Environmental Protection Officer (EPO) has recommended that a noise assessment ought to be commissioned in this sensitive location with mitigation measures provided. The site already has a vehicle MOT and repair use therefore the activity and noise on the site will remain as that created by such a business.

The existing building is primarily a timber framed building with single skin corrugated steel elevations. The proposed development will be constructed from Steadmans insulation cladding and the acoustic performance of the panels has been submitted in the application. It is considered that the more modern construction will at least retain and in all likelihood reduce the noise impact on the surrounding area.

Although the recommendation of the EPO is acknowledged it is not considered reasonable to expect a noise assessment to be commissioned and submitted with the application – however, a condition for noise mitigation would be reasonable and relevant.

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

The proposal will retain the existing vehicular access off Thornton Road but modestly reduce the amount of external space left for vehicle parking. The workshops can additionally be used for vehicle parking/storage overnight. It is considered that adequate off street parking will remain for employees and customers. The Highways Authority at Lincolnshire Council have no objections to the proposal. The proposal would therefore not have a harmful impact on highway safety.

The proposal would not have an adverse impact on the character and appearance of the area:

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.”

Developments should also “be designed (through considerate development, layout and design) to preserve or enhance key local views and vistas.”

Local policy LP26(c) states ‘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 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 visual impact of the proposed development on the site, the street scene and the surrounding area has already been discussed in the heritage section of this report.

The proposed agricultural style building in terms of its scale, massing and form will not relate well to the site and its surroundings or use high quality materials which will reinforce or enhance local distinctiveness.

Concluding Statement:

The proposed development would expand the existing building on the site through a purpose built replacement building and proposes to increase its employee number by one full time member of staff. The development would not have an impact on the living conditions of neighbouring dwellings, highway safety or be able to make use of the existing building. The development through its scale, massing and form would have a harmful visual impact on the character and appearance of the area and would not preserve the setting of nearby listed buildings. It therefore considered that the harms of the development outweigh the benefits to the business and employment opportunities

Therefore it is considered that the principle of the development cannot be supported and the proposal is contrary to local policy LP5, LP17, LP25 and

LP26 of the Central Lincolnshire Local Plan, Section 66 of the Planning (Listed Buildings and Conservation Areas) Act 1990 and the provisions of the NPPF and the National Design Guide.

It is considered that policy LP5, LP13, LP17, LP25 and LP26 are consistent with the business, expansion, highway safety, heritage and visual amenity guidance of the NPPF and can be attached full weight.

Archaeology:

The Historic Environment Officer (HEO) at Lincolnshire County Council has provide comment on the historical value of this typical interwar rural garage. The HEO has additionally indicated that the existing garage is worthy of non-designated heritage status and is of local significance and townscape value, and the public benefits of its conservation should be a material consideration in the planning balance.

Whilst these comments are noted the existing garage is not identified anywhere as being a non-designated heritage asset and the impact of the development on the built heritage form is assessed in the heritage section earlier in the report.

However if it was minded to approve the application then the condition recommended for an appropriate Scheme of Archaeological Works and a historic building recording would be attached to the permission.

Therefore the development will not be expected to have a harmful archaeological impact and accords to local policy LP25 of the CLLP and guidance contained within the NPPF.

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

Contamination

The Authority's Environmental Protection Officer has recommended that any approval should include a pre-cautionary contamination condition. Given the previous use of the site this is considered as acceptable and would be attached to the permission if it was minded to approve the application.

Therefore subject to a condition the development would not have a harmful impact on contamination and accords to local policy LP16 of the Central Lincolnshire Local Plan 2012-2036 and the provisions of the National Planning Policy Framework.

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

Surface Water Drainage

The application form states that the foul and surface water would be disposed of to the mains sewer to replicate the existing building. Therefore the development would retain its current drainage disposal methods.

The development would not have a harmful impact on drainage and accords to local policy LP14 of the CLLP and guidance contained within the NPPF.

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

Other Considerations:

Community Infrastructure Levy

This development is not liable to a CIL payment.

Conclusion and reasons for decision:

The decision has been considered against LP1 A Presumption in Favour of Sustainable Development, LP2 The Spatial Strategy and Settlement Hierarchy, LP5 Delivering Prosperity and Jobs, LP13 Accessibility and Transport, LP14 Managing Water Resources and Flood Risk, LP17 Landscape, Townscape and Views, LP25 The Historic Environment and LP26 Design and Amenity, Section 66 of the Planning (Listed Buildings and Conservation Areas) Act 1990 and guidance contained within the National Planning Policy Framework, National Planning Practice Guidance and National Design Guide.

On balance it is considered that the harm caused by the development would outweigh the benefits of a replacement purpose built building and the increase in employment of 1 full time employee. In light of the above assessment it is considered that the principle of the proposal is not acceptable and is refused for the following reasons:

1. The scale, massing and appearance of the proposed development would neither respect nor relate well to the built environmental qualities of the area. As a result the development would not preserve the setting of the adjacent and nearby Listed Buildings and would harm the character and appearance of the site, the street scene and the surrounding area. The development would therefore not accord with local policy LP5, LP17, LP25 and LP26 of the Central Lincolnshire Local Plan, the statutory duty in Section 66 of the Planning (Listed Buildings and Conservation Areas) Act 1990 and the provisions of 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

Draft 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 a written scheme of archaeological investigation has been submitted to and approved in writing by the local planning authority. This scheme shall include the following
 1. An assessment of significance and proposed mitigation strategy (i.e. preservation by record, preservation in situ or a mix of these elements).
 2. A methodology and timetable of site investigation and recording.
 3. Provision for site analysis.
 4. Provision for publication and dissemination of analysis and records.
 5. Provision for archive deposition.
 6. Nomination of a competent person/organisation to undertake the work.
 7. The scheme to be in accordance with the Lincolnshire Archaeological Handbook.
 8. Historic Building Record

Reason: To ensure the preparation and implementation of an appropriate scheme of archaeological mitigation to accord with the National Planning Policy Framework and Local Policy LP25 of the Central Lincolnshire Local Plan 2012-2036.

3. The local planning authority shall be notified in writing of the intention to commence the archaeological investigations in accordance with the approved written scheme referred to in condition 2 at least 14 days before the said commencement. No variation shall take place without prior written consent of the local planning authority.

Reason: In order to facilitate the appropriate monitoring arrangements and to ensure the satisfactory archaeological investigation and retrieval of archaeological finds to accord with the National Planning Policy Framework and Local Policy LP25 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:

- F2950-A1-01 dated April 2020 – Location, Site, Elevations, Floor, and Roof Plan.

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

Reason: To ensure the development proceeds in accordance with the approved plans and to accord with the National Planning Policy Framework, local policy LP17, LP25 and LP26 of the Central Lincolnshire Local Plan 2012-2036 and Section 66 of the Planning (Listed Buildings and Conservation Areas) Act 1990.

5. If during the course of development, contamination is found to be present on site, then no further development (unless otherwise agreed in writing by the local planning authority) must be carried out until a method statement detailing how and when the contamination is to be dealt with has been submitted to and approved in writing by the local planning authority. The contamination must then be dealt with in accordance with the approved details.

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

6. MATERIALS

7. No development above ground level must take place until details of noise mitigation have been submitted to and approved in writing by the Local Planning Authority. The approved mitigation measures must be completed in accordance with the approved measures and retained as such thereafter.

Reason: To protect the amenity of the adjacent neighbour's from undue noise to accord with the National Planning Policy Framework and local policy LP26 of the Central Lincolnshire Local Plan 2012-2036.

8. The archaeological site work shall be undertaken only in full accordance with the written scheme required by condition 2.

Reason: To ensure the satisfactory archaeological investigation and retrieval of archaeological finds to accord with the National Planning Policy Framework and Local Policy LP25 of the Central Lincolnshire Local Plan 2012-2036.

9. Following the archaeological site work referred to in condition 8 a written report of the findings of the work shall be submitted to and approved in writing by the local planning authority within 3 months of the said site work being completed.

Reason: To ensure the satisfactory archaeological investigation and retrieval of archaeological finds to accord with the National Planning Policy Framework and Local Policy LP25 of the Central Lincolnshire Local Plan 2012-2036.

10. The report referred to in condition 9 and any artefactual evidence recovered from the site shall be deposited within 6 months of the archaeological site work being completed in accordance with a methodology and in a location to be agreed in writing by the local planning authority.

Reason: To ensure the satisfactory archaeological investigation and retrieval of archaeological finds to accord with the National Planning Policy Framework and Local Policy LP25 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:

11. The site outlined on red on location plan F2950-A1-01 dated April 2020 must only be used as a car mechanics and MOT Service business. Any other uses including any different use within Class B2 must require an application for planning permission.

Reason: To protect the amenities of nearby properties and the locality to accord with the National Planning Policy Framework and Local Policy LP26 of the Central Lincolnshire Local Plan 2012-2036.

Representations received following recommendation:

1. **1 Skipworth Ridge Waddingham Road South Kelsey**
2. **2 Bridge Cottage Brigg Road South Kelsey**
3. **5 Manor Gardens Brigg Road South Kelsey**
4. **Beckside Lodge Caistor Road South Kelsey**
5. **Hawthorne Cottage Brigg Road South Kelsey**
6. **The Bull Inn Caistor Road South Kelsey**

7. **12 Patricks Close North Kelsey**
8. **Bridge Willow Little London North Kelsey**
9. **Lyndon Church Street North Kelsey**
10. **North Kelsey Post Office High Street North Kelsey**
11. **Rovama West Street North Kelsey**

- 12. Manor Farm Cottage Moortown Road Nettleton
- 13.14 Lime Walk Market Rasen
- 14.15 Highfield Close Gainsborough
- 15.18 Mill Road Market Rasen
- 16. Brickyard Cottages Brickyard Lane Holton Le Moor
- 17.21 Lancaster Drive Market Rasen
- 18.23 Gordon Field Market Rasen
- 19.3 Jacksons Field Middle Rasen
- 20.4 Lime Walk Market Rasen
- 21.41 Epsom close Lincoln
- 22.6 Mill Street Market Rasen
- 23.64 Gordon Field Market Rasen
- 24.74 Willingham Road Market Rasen
- 25. Lilly Cottage Low Church Road Middle Rasen
- 26. Tanglewood Owersby Bridge Road Kirkby Cum Osgodby
- 27. The Chestnuts Wickenby Road Lissington
- 28. Willow House Legsby Road Market Rasen
- 29.26 Anglian Way Market Rasen
- 30. Pepperdale Farm Brigg Road Howsham

- 31.28 Dale Park Avenue Winterton
- 32. Springfield Avenue Eighton Banks Gateshead
- 33.1 Windsor way Broughton
- 34.13 Vale road London



SITE LOCATION LAND EAST OF FIR TREE FARM BLYTON REF 140986

Officers Report

Planning Application No: 140986

PROPOSAL: Planning application for a new 60m x 50m liquid fertiliser storage lagoon being variation of condition 5 of planning permission 134838 granted 17 October 2016 - lagoon covering.

LOCATION: Land to the east of Fir Tree Farm Carr Lane Blyton Carr Gainsborough DN21 3EP

WARD: Scotter and Blyton

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

APPLICANT NAME: Fred Walter and S Fred Walter

TARGET DECISION DATE: 24/06/2020

DEVELOPMENT TYPE: Minor - all others

CASE OFFICER: Ian Elliott

RECOMMENDED DECISION: Grant Permission subject to conditions

Planning Committee:

This planning application has been referred to the planning committee at the request of the three ward members, and following representations from third parties, on grounds of the impact of the smell on the life of the residents.

Description:

The application site is an existing lagoon constructed within agricultural land to the east of Fir Tree Farm, Blyton. The site is set back well back from Laughton Road and Carr Lane down a farm track which serves Fir Tree Farm and 3-4 other dwellings. The site is screened by low fencing. Agricultural fields sit to the north, east and west with a group of trees to the south. The nearest residential dwellings are approximately:

- 202 metres to Fir Tree Farm to the west
- 343 metres to Moorclose Farm to the south

The site is located within Flood zone 3 and a Sand and Gravel Minerals Safeguarding Area.

The application seeks not to comply with, or otherwise vary condition 5 of planning permission 134838 granted 17 October 2016 – permission granted for new 60m x 50m liquid fertiliser storage lagoon.

This is a Section 73 application in order not to have to comply with condition 5, which states:

The lagoon shall be covered at all times by the Hexa-Cover Floating Cover shown in the submitted brochure received 10th October 2016 and retained thereafter.

Reason: To reduce the potential for odours in the interests of visual amenity to accord with the National Planning Policy Framework and saved policies STRAT 1 of the West Lindsey Local Plan First Review 2006 and local policy LP26 of the Central Lincolnshire Local Plan 2012-2036.

The application seeks to vary the condition to:

The surface of the lagoon identified on site plan 002 dated August 2016 must be covered by chopped straw when liquid fertiliser is present in the lagoon. The chopped straw must be renewed every time the lagoon is refilled with liquid fertiliser.

Reason: To reduce the potential for odours in the interests of amenity to accord with the National Planning Policy Framework and local policy LP26 of the Central Lincolnshire Local Plan 2012-2036.

In the Supporting Statement (SS) the application has stated that “the material we have found that the solid content of the liquid fertiliser is sinking to the bottom of the lagoon. This therefore requires the material to be stirred during the activity of emptying the lagoon in order to lift those solid particles into suspension and suck them out into the field application tankers. Therefore, we need to be able to access the lagoon to use the sub surface, tractor mounted stirrer when spreading the fertiliser as shown below.

The Hexacover is no longer suitable because the plastic plates will be dragged down into the lagoon and chopped/mixed up when we are stirring the fertiliser”.

The SS goes on to state that “the fertiliser is not forming its own surface crust to act as a seal on the top of the liquid. We would propose to cover the surface with chopped straw, renewed annually once filling is completed.”

Following a telephone conversation with the applicant it has been clarified that the required stirring of the lagoon mixes the natural chopped straw into the digestate and then is spread over the land within a 4 to 5 day period. The chopped straw is then replaced once the lagoon has been filled again.

Relevant history:

134838 - Planning application for a new 60m x 50m liquid fertiliser storage lagoon – 17/10/16 - Granted time limit and other conditions

Representations

Cllr. Mandy Snee, Cllr Lesley Rollings and Cllr Liz Clews: Comment

We have been asked by numerous residents and Morton Parish Council to request that this application be decided by the Planning Committee. The

original application 134838 was granted with several conditions attached and this Call in request is on the variations to this application, 140986: The residents and ward Councillors feel that the proposed amendment to the type of cover for the lagoon is not a suitable alternative. There is already an issue with smells and how that is impacting on the life of the residents and this change will not help this situation but compound it. The condition placed upon the original planning application states:

5. "The lagoon shall be covered at all times by the Hex-Cover Floating cover shown in the submitted brochure received 10/10/2016 and retained thereafter.

Reason: to reduce the potential odours in the interests of visual amenity to accord with the National Planning Policy framework and saved policies STRAT1 of the West Lindsey Local Plan First review and local policy LP26 of the Central Local Plan 2012-2036"

The applicant is now saying that this type of cover is unsuitable, however the brochure submitted at the time of his original application clearly details the operational procedure and type of cover suitable for each operation. The decision was based on the evidence put before the planning committee.

Residents are also concerned about how the proposed change of cover will impact on the safety and welfare of birds and animals frequenting the site and surrounding area.

Other conditions placed on the approval of the original application also appear not to have been addressed. Condition 9 with regard to the planting of trees and the fencing as detailed in the original application is queried by residents " All planting comprised in the approved details of landscaping shown on plan 002 dated 2016 shall be carried out in the first planting and seeding season following completion of the development "

Other issues pointed out by nearby residents of this site are the frequency and high speed of the vehicles accessing this location and the detriment these vehicles are having on the highways approaching the site and beyond. This application needs to be decided by the Planning committee to ensure the residents have the option to attend and put their views forward to the elected members.

Blyton Parish Council: No objections

Morton Parish Council: Objections

The observations and concerns of Morton Parish Council remain the same as the concerns raised with previous applications PL/0009/19 and PL/0067/19.

Whilst as a Parish we are aware that the proposed site falls within the Parish of Blyton/Laughton, we strongly feel that consideration must be given to the fact that the majority of the additional traffic caused from the lagoon passes through the village of Morton. This causes a substantial impact on the village with an increase in road traffic and damage to the road surfaces and verges

by the many lorries and heavy farming vehicles that drive through on a regular basis. This in turn causes a danger to other road users due to the potholes and deep crevices caused by these vehicles constantly passing through.

There are genuine concerns regarding safety both to human and wildlife as to date there has been no fencing erected surrounding the present lagoon (although we believe fencing has been put in place over the last week or two), also up until recent times no cover had been in place. There is the added risk posed to wildlife in the nearby causeway due to pollution and the hazard that would be caused if the site were to flood. The offensive smell omitted and is unbearable at times in the surrounding area and potential for further bad air quality.

We feel that the concerns we have raised previously have not been taken into consideration as the issues are still on going and any proposed new application will only impact these further.

Local residents: Representations received from:

16 Front Street, Morton
New Farm, Carr Lane, Blyton Carr
Fir Tree Farm, Carr Lane, Blyton Carr
Newville Farm, Carr Lane, Blyton Carr
Carr Farm, Blyton Carr
Blackbird Hill Farm, Laughton
Laughton Lodge, Laughton Lane, Morton
Wheelhouse, Laughton lane, Morton
Moorclose Farm, Carr Lane, Blyton Carr
Catchwater Farm, Blyton Carr

Objections (summarised):

Residential Amenity

- Smell in summer months. Unbearable to have windows open in New Farm and sit outside for any length of time.
- There are odours. Take this as a complaint from Newville Farm.
- We have lived with offensive smell for 4 years at Carr Farm and made many complaints.
- Odours which will emanate in general and when wind turns north/north west it will be extremely unpleasant.
- There are days when the odour is offensive at Moorclose Farm.

Description

- The description is ambiguous

Highways

- Increase in traffic on unnamed lane and constantly having to fill in potholes.
- Speed of vehicles and damage doing to roads.

- Morton cannot sustain extra farming and lorry traffic caused by development.
- Heavy traffic has become a major problem through village of Morton.
- Extra slurry lorries will make area even more unsafe through Morton and right angles bend.

Other

- Concerned straw cover not enough given depth of lagoon.
- 3-4ft galvanised fence and gate around perimeter of site as well as 3000mm new trees has not been implemented.
- No safety fence and dog mistook straw for ground and fell in nearly drowning.
- Straw is a risk to wildlife and unauthorised persons.
- Do not understand how straw stays intact when lagoon stirred.

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.

WLDC Environment Protection: No objection with comments

Representation received 6th June 2020:

Having looked into the history of the lagoon at Fir Tree Farm I can find no complaint of odour which has been linked directly to the lagoon after investigation by Tony. The odours complained of having been linked to spreading in nearby fields rather than the lagoon itself.

It appears that the lack of cover on the lagoon, as required by the original planning condition, was noted along with a complaint received about the lack of fencing and increased traffic movements damaging the public highway rather than as a direct complaint about odour from the lagoon itself.

The applicant was advised to apply for a variation of the condition related to the requirement for a cover as it was apparent that no cover was in existence or likely to be, this appears due to the conditioned cover material (Hexa floating cover) not being suitable according to the applicant. Who explains reasons in his supporting statement, in brief: The lagoon needs to be stirred during removal of the contents due to the settling of solids, the stirring would mix the cover material with the content and as the Hexa is a manmade material this would cause problems when spread on land. However no such issue would occur with the chopped straw, being a natural material and easily recovered annually.

Representation received 3rd June 2020:

In principle I would continue to hold the line of requiring the specified cover as best practice has not been demonstrated nor is it apparent. However I cannot support an objection.

My analysis of online comment subsequent to my last is as follows:

1. Boyden Blackbird Hill Farm – no relevance [to application under consideration]
2. Ruddle Laughton Lodge – advice apparent – no impact (in excess of 2km away)
3. Trew hitt The Wheelhouse – reference is to something that might occur as if there were to be a retrograde step in respect of this presently uncovered lagoon: ‘The odours which will emanate in general and when the wind turns to the North/North West will be extremely unpleasant, and possibly affect general health and wellbeing’ – no impact apparent and in excess of 2km away
4. Cllr Mandy Snee, Cllr Lesley Rollings and Cllr Liz Clews – I support their view that lagoons of this type ought to be suitably covered and that the case resulting in the original permission ought to stand, however I have yet to see complaint, let alone substantiated complaint. NB the lagoon on the occasion I visited in 2017 was did have fenced protected from unintentional intrusion from man or animal.
5. Morton Parish Council I haven’t been to site since I investigated first concerns in 2017 – I have yet to see justification of odour complaint or of substantiated odour in comment ‘The offensive smell omitted is unbearable at times in the surrounding area and potential for further bad air quality.’. January 2017 complaint from Holme Farm cited ‘smell from field’, inferred the lagoon but was in fact digestate spread on a field near the complainant’s property. I remain unaware of any other complaints, only of a speculative at the time of first application.
6. Youngmans Carr Farm – Despite the inference of many complaints over 4 years, the only records apparent as regards the lagoon are a 2016 Planning Enforcement referral and a January 2017 odour complaint for which no monitoring information appears to have been returned. Reference in the Planning Enforcement log would suggest that complaints were about spreading to the land. In any event no nuisance from the lagoon would appear to be likely as distance is 0.5km with prevailing winds that would take any odour away.
7. Newville Farm is located in excess of 0.9km SSW of the lagoon in a direct line on the other side of the Youngmans – it is apparent from the online comment that there is no clarity of what the proposal is i.e. a new lagoon or a cover + I suggest a need to verify if there is still fencing. NB no nuisance potential with a SW prevailing and distancing.
8. New Farm Carr Lane like Newville Farm is in a direct line and circa 600m SSW of the lagoon. Complaint primarily is in relation to the impact on the road and there is nothing in the comment to positively connect summer time odour with the lagoon. Typically spreading to the land is during spring and harvest time and the medium could be from any number of sources whether the lagoon was there or not.
9. Pratik Basu Fir Tree Farm Nothing in the representation to suggest that there is or has been odour impact for the last three years, concern would appear to be about safety

Representation received 14th May 2020:

I have reviewed the 'supporting statement' and note a reported reduction of 40% of ammonia emissions, reference to the Code of Good Practice and to DEFRA but to no substantiation of fact let alone of best practice for which I would suggest 40% is significantly lower than would be provided by the required Hexa cover. Mention is also made of clay beads – a method recently been rejected in respect of a number of applications by County Waste Planners where argument of 'crusting over' was also used. Odour will still be picked up off the lagoon by the wind whether crusted over or covered in straw or beads, both of which will be subject to displacement by the wind. It is apparent that the basis for application in respect of the original permission was lacking in terms of management ability of a covered lagoon; lagoons elsewhere are 'stirred' by other methods so as not to compromise the cover that was agreed to.

The proposed cover is contrary to current guidance from enforcing authorities and practice cited is not best practice. However I have no substantiated history of complaint and location factors would appear to make the potential for substantiated complaint unlikely, as such I cannot reasonably object but would suggest that there be requirement for regular checking and maintenance of the straw covering.

Were the lagoon to be subject to an Environmental Agency Permit or Exemption requirement or to a County Waste Permission then I would advise consulting with them. The applicant ought nevertheless to be made aware that should there be substantiated complaint then there would be a legal requirement to serve notice to abate any Statutory Nuisance arising.

Representation received 5th May 2020:

Unfortunately this application has been tendered without any of the information I had advised Original permission was for a floating cover; submission of proposal for a straw cover being rejected then and later as not being a substantial or proven covering and one subject of displacement and degeneration. Conversation earlier this year appears to have arisen out of enforcement action around other none compliance and/or damage to roads which raised fact of none- compliance with the requirement for a cover. Discussion regarding this appeared to resolve into an intent to submit an application to vary the cover requirement based upon perceived lack of need and complaint.

Advice was threefold

1. Existing policy was for such lagoons and tanks to be covered
2. That national policy (i.e. Environment Agency) as regards to types of cover was understood to be being reviewed.
3. That if application was to be submitted it ought to demonstrate best Practice.

Advice was also to address the following of which there is nothing in this application:

- a) That addresses complaint history
- And
- b) That demonstrates and compares best practice of covers and materials available for the purpose

There is nothing that suggests or demonstrates best practice, let alone that addresses any aspect of adequacy of a floating straw cover. Straw covers are subject to displacement including and especially by wind and change in wind direction. They are subject to decomposition, and sinking and will in any event absorb and hold the liquor and thereby undermine its purpose, namely that of preventing odour from being picked up and carried by movement of air.

Recent County Planning Applications in respect of retrospective applications for temporary tanks within the county and district have been refused on the grounds of them not having covers; alternate proposals, including the crusting over and floatation of other materials (clay beads) having been deemed to be inadequate. Points in favour of the applicant is that there is no recent complaint or substantiated history of complaint of odour. Prevailing wind makes most likely complaints too distant to experience other than occasional odour and historical complaint would appear to have been more associated with the application of organic materials to the land.

WLDC Enforcement Officer: Comment

I have had some involvement with the above site following a report received to suggest a breach of conditions. After contacting the owners they were advised they submit an application to vary the conditions which was submitted recently and the enforcement file closed.

I am aware that there are some other issues with the site which are being monitored to ensure these are adhered to once the planning application to vary the changes has been resolved.

Archaeology: No representations received to date

Environmental Agency: No representations received to date

Relevant Planning Policies:

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

LP26 Design and Amenity

LP55 Development in the Countryside

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

- **Blyton Neighbourhood Plan (NP)**

There is currently no neighbourhood plan in circulation that may otherwise be taken into consideration.

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

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

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

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>

Other

Code of Good Agricultural Practice for Reducing Ammonia Emissions by DEFRA dated 2018

<https://www.gov.uk/government/publications/code-of-good-agricultural-practice-for-reducing-ammonia-emissions/code-of-good-agricultural-practice-cogap-for-reducing-ammonia-emissions#store-and-cover-your-organic-manures>

Main issues

This application has been submitted under the provisions of Section 73 of the Town and Country Planning Act 1990 as a variation of condition planning application. Section 73(2) of the Act states that:

*“On such an application the local planning authority shall consider **only** the question of the conditions subject to which planning permission should be granted, and –*

(a)if they decide that planning permission should be granted subject to conditions differing from those subject to which the previous permission was granted, or that it should be granted unconditionally, they shall grant planning permission accordingly, and

(b)if they decide that planning permission should be granted subject to the same conditions as those subject to which the previous permission was granted, they shall refuse the application.”

Accordingly, this application shall consider only the conditions that were applied to application 134838, and is not a fresh assessment of the proposed development, or a review of the previous grant of planning permission.

- Principle of the Development
- Assessment in planning permission 134838
- Residential Amenity
- Minerals Resource
- Assessment of conditions 1-4 and 6-9 of planning permission 134838

Assessment:

Principle of the Development

The principle of the development has already been established and the lagoon part of the development has commenced and been completed. As previously described, under this application the local planning authority “shall consider only the question of the conditions subject to which planning permission should be granted”. The application form states that the development commenced on 24th October 2016 but has yet to be completed in full. There were no pre-commencement conditions on planning permission 134838 that needed to be discharged.

It is relevant to note that planning permission 134838 was assessed against the saved policies of the West Lindsey Local Plan Review 2006 with appropriate weight attributed to the position of the emerging Central Lincolnshire Local Plan 2012-2036.

The Central Lincolnshire Local Plan was formally adopted in April 2017 and its relevant policies will be used in the assessment of this planning application.

This application has been submitted to vary the lagoon cover (condition 5) from a Hexa-Cover Floating Cover to a cover of chopped straw, renewed annually once filling is completed.

The lagoon has never been covered by the conditioned Hexa-Cover and has instead been covered by chopped straw method. The applicants reasoning behind the use of chopped straw by the applicant is set out in the earlier

description section of this report. The acceptability of the chopped straw method is assessed later in the report in the residential amenity section. This application has been submitted on the back of intervention by the Authority's Planning Enforcement Team as the development is currently in breach of condition 5.

Assessment in 134838

In planning application 134838 the following consideration apart from the principle were assessed in the decision making process:

- Pollution
- Visual Impact
- Highways
- Archaeology
- Trees

These consideration are not altered from the officer's report assessment of planning application 134838.

Residential Amenity

Objections have been received in relation to the odour impact of the development from Ward Members, residents and Morton Parish Council. The nearest residential dwellings are approximately:

- 202 metres to Fir Tree Farm to the west
- 320 metres to Moorclose Farm to the south
- 570 metres to Mobile Home, Brewery Lodge, New Farm to the south
- 700 meters to Redhill Farm, Laughton Road to the north east
- 735 metres to Greenhills Farm, Laughton Road, to the north west
- 800 metres to Carr Farm, Laughton Road, to the south east

The applicant has included the submission of Department of Environmental Food and Rural Affairs (DEFRA) guidance on the Code of Good Agricultural Practice (COGAP) for Reducing Ammonia Emissions dated 2018. This provides guidance on best practice and states on page 7 that *"Storage systems that have a large surface area per unit volume (such as a lagoon) have a greater potential for ammonia emissions as more slurry is exposed to the movement of air. It is more difficult to reduce ammonia emissions from lagoons than from tanks. Before constructing a lagoon, you should plan effective mitigation measures for reducing emissions, such as installing a cover."*

The COGAP then adds on page 7-8 that the three main styles of covers available for slurry storage are:

- Tight lid, roof or tent structure
- Floating sheeting
- Floating LECA (light expanded clay aggregate) balls or hexa-covers

Page 7 of the COGAP also states that *“Where the fibre content of the cattle or pig slurry is high and it is not necessary to regularly mix and spread the slurry, **allowing the slurry to develop a natural crust** can reduce ammonia emissions during storage by up to 40%. Similar effects can be achieved by adding chopped straw or LECA (light expanded clay aggregate) pellets to non-crusting slurry, as long as it won’t cause management problems. These fibres rise to the surface and act as a barrier, reducing the interaction between the movement of air and the nitrogen in the slurry.”*

It would therefore appear that the guidance advises the use of a cover as the preferred method of sealing a larger surface area such as a lagoon but if managed properly chopped straw can additionally be an effective method of reducing odour into the air.

The Authority’s Environmental Protection Officer (EPO) has stated that *“I would continue to hold the line of requiring the specified cover as best practice has not been demonstrated nor is it apparent. However I cannot support an objection.”* The EPO has made it clear that, from an Environmental Protection perspective, there has been *“no substantiated history of complaint”* and that *“location factors would appear to make the potential for substantiated complaint unlikely”*.

As stated by the Authority’s Enforcement Officer complaints received by their department have been based around a failure to comply with conditions such as the use of a hexa-cover and implementation of the approved fencing, gates, hardstanding and planting. The complaints were not based on odour.

The EPO has commented on representations made stating that all of the comments are either:

1. Not relevant [to the application]
2. No impact due to the distance of objectors from the site
3. No evidence to suggest an odour problem
4. Odour potentially from land spreading typically from Spring to harvest

The Local Authority has statutory nuisance powers under the Environmental Protection Act 1990, outside of the planning system, to investigate any complaints made in relation to issues such as odour and take necessary action where required.

It is therefore considered that the use of a chopped straw covering to reduce the ammonia emissions from the existing lagoon is acceptable and the development accords to local policy LP26 and LP55 Part E (c) of the Central Lincolnshire Local Plan 2012-2036 and the provisions of the NPPF.

It is considered that policy LP26 and LP55 Part E (c) are consistent with the residential amenity guidance of the NPPF and can be attached full weight.

Minerals Resource

The principle of the development has already been established in commenced planning permission 134838 therefore it is not necessary to assess the impact of the development on a Minerals Resource

Assessment of conditions 1-4 and 6-9 of planning permission 134838

As a variation of condition application will create a brand new permission in itself a review of all other conditions originally imposed on 134838 needs to be undertaken without this any new permission would be unrestricted.

Condition 1 – Time limit for commencement

This condition is no longer relevant or necessary as the development commenced in a timely manner and can be removed.

Condition 2 – Plans

This condition is still relevant and necessary and will be retained.

Condition 3 – Verges

This condition is still relevant and necessary and will be retained.

Condition 4 – Permeable Hardstanding

This condition is still relevant and necessary and will be retained.

Condition 6 – the leak detection and monitoring system

This condition is still relevant and necessary and will be retained.

Condition 7 – Lagoon Storage Material

This condition is still relevant and necessary and will be retained.

Condition 8 – Method of transferring liquid fertiliser

This condition is still relevant and necessary and will be retained.

Condition 9 – Planting

This condition is still relevant and necessary and will be retained. It is acknowledge that the tree planting proposed in the original application has not been implemented, however the condition states that the planting “*shall be carried out in the first planting and seeding season following the completion of the development*”.

Although the lagoon has been constructed the full development has not been completed in terms of the perimeter fencing/gate and permeable hardstanding. It is important that the perimeter fencing/gate and permeable hardstanding is completed first before the tree planting. If the trees were planted first then the construction of the perimeter fencing/gate and permeable hardstanding could impact on the establishment of the planted trees through cutting roots and soil compaction not allowing water to flow through the ground.

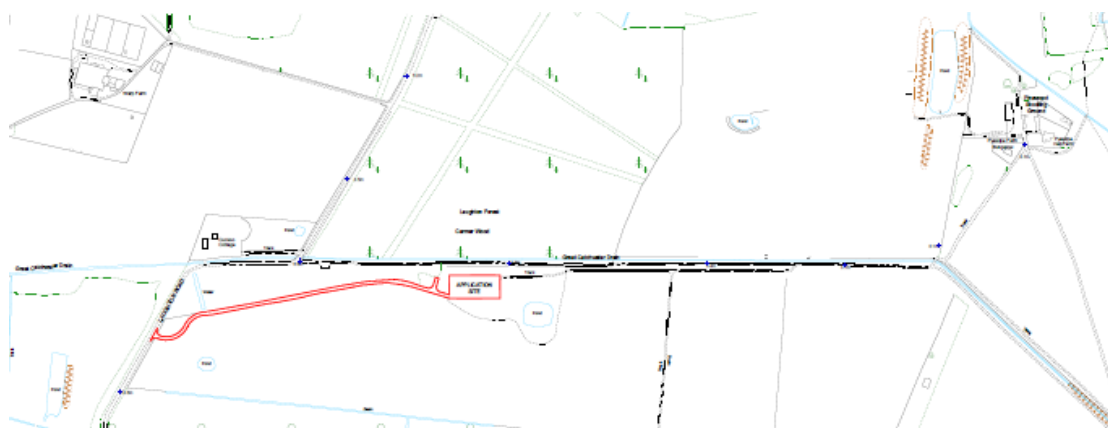
It would therefore be prudent to attach a condition which ensures the tree planting is completed in the first planting season after completion of the approved perimeter fencing/gate and hardstanding (see below).

New Condition

Given that the approved perimeter fencing/gate and permeable hardstanding has not been completed it is considered necessary to add conditions ensuring they are implemented and completed within a 6 month period.

Other

The reference numbers (PL/0009/19 and PL/0067/19) listed by Morton Parish Council in their representation are withdrawn County Matters Waste planning application numbers relating to Land East of Laughton Road, Blyton (see plan below). This site is a different site to the application site therefore has no bearing on the determination of this application.



Conclusions and reasons for decision:

The decision has been considered against local policies LP26 Design and Amenity and LP55 Development in the Countryside of the adopted Central Lincolnshire Local Plan 2012-2036 in the first instance and guidance contained within the National Planning Policy Framework and National Planning Practice Guidance. In light of this assessment it is considered that the variation of condition 5 to alter the approved cover to a chopped straw method is acceptable. The proposed method would not have an unduly harmful odour impact on the residential amenity of nearby dwellings. The proposed variation is therefore acceptable subject to conditions.

Human Rights Implications:

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

Legal Implications:

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

Proposed Conditions:

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

NONE

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

NONE

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

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

001 dated August 2016 –Site Location Plan
002 dated August 2016 – Site and Landscaping Plan
BCL-FWSL0003 Revision A dated 4th August 2016 – Lagoon Floor Plan
BCL-FWSL0005 Revision Z1 dated 7th October 2016 – Lagoon Site Section

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 LP55 of the Central Lincolnshire Local Plan 2012-2036.

2. All construction and excavation machinery or stored materials shall be kept off the vegetation verges at all times.

Reason: To safeguard the existing tree adjacent the site during construction works, in the interest of visual amenity and the health of the protected tree to accord with the National Planning Policy Framework and local policy LP17, LP26 and LP55 of the Central Lincolnshire Local Plan 2012-2036.

3. All hardstanding areas shown on plan 002 dated August 2016 shall be constructed from a permeable material and retained thereafter.

Reason: To retain adequate surface water drainage of the site in a flood risk area to accord with the National Planning Policy Framework and local policy LP14 of the Central Lincolnshire Local Plan 2012-2036.

4. The surface of the lagoon identified on site plan 002 dated August 2016 must be covered by chopped straw when liquid fertiliser is present in the

lagoon. The chopped straw must be renewed every time the lagoon is refilled with liquid fertiliser.

Reason: To reduce the potential for odours in the interests of amenity to accord with the National Planning Policy Framework and local policy LP26 of the Central Lincolnshire Local Plan 2012-2036.

5. The lagoon shall include the leak detection and monitoring system stated in the planning statement revision B dated 14th October 2016 and retained thereafter.

Reason: To reduce the potential for contamination to accord with the National Planning Policy Framework and local policy LP26 and LP55 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:

6. The lagoon hereby approved shall only be used for the storage of liquid fertiliser and for no other material.

Reason: To reduce the potential for odours/contamination to accord with the National Planning Policy Framework and local policy LP26 and LP55 of the Central Lincolnshire Local Plan 2012-2036.

7. The liquid fertiliser shall on each activity be piped into and out of the lagoon from the bottom upwards.

Reason: To reduce the potential for odours to accord with the National Planning Policy Framework and local policy LP26 and LP55 of the Central Lincolnshire Local Plan 2012-2036.

8. The 4ft high security fencing, 4ft high security gate and permeable hardstanding (see condition 3) identified on plan 002 dated August 2016 must be installed within 6 months of the date of this permission and retained as such thereafter.

Reason: To ensure the lagoon is securely fence from people and animals for health and safety reasons to accord with the National Planning Policy Framework and local policy LP26 and LP55 of the Central Lincolnshire Local Plan 2012-2036.

9. All tree planting comprised in the approved details of landscaping shown on plan 002 dated August 2016 shall be carried out in the first planting and seeding season following the completion of the fencing, gate and permeable hardstanding (see condition 8) and any trees which within a period of 5 years from the completion of the development die, are removed, or become seriously damaged or diseased shall be replaced in the next planting season with others of similar size and species, unless the

Local Planning Authority gives written consent to any variation. The landscaping should be retained thereafter.

Reason: To ensure that additional tree planting is provided within the site as soft screening to accord with the National Planning Policy Framework and local policy LP17, LP26 and LP55 of the Central Lincolnshire Local Plan 2012-2036.



Planning Committee

Wednesday, 22 July
2020

Subject: Determination of Planning Appeals

Report by:

Assistant Director Planning and
Regeneration

Contact Officer:

James Welbourn
Democratic and Civic Officer
james.welbourn@west-lindsey.gov.uk

Purpose / Summary:

The report contains details of planning applications that had been submitted to appeal and for determination by the Planning Inspectorate.

RECOMMENDATION(S): That the Appeal decisions be noted.

IMPLICATIONS

Legal: None arising from this report.

Financial: None arising from this report.

Staffing: None arising from this report.

Equality and Diversity including Human Rights: The planning applications have been considered against Human Rights implications especially with regard to Article 8 – right to respect for private and family life and Protocol 1, Article 1 – protection of property and balancing the public interest and well-being of the community within these rights.

Risk Assessment: None arising from this report.

Climate Related Risks and Opportunities: None arising from this report.

Title and Location of any Background Papers used in the preparation of this report:
Are detailed in each individual item

Call in and Urgency:

Is the decision one which Rule 14.7 of the Scrutiny Procedure Rules apply?

i.e. is the report exempt from being called in due to urgency (in consultation with C&I chairman)

Yes

No

Key Decision:

A matter which affects two or more wards, or has significant financial implications

Yes

No

Appendix A - Summary

- i) Appeal by Mr Laurence Brown against the decision of West Lindsey District Council to refuse planning permission for an outline application to erect 2 no. dwellings with all matters reserved at land to the north east of Red House, Main Street, Osgodby, Market Rasen LN8 3PA

Appeal Dismissed – See copy letter attached as Appendix Bi.

Full Award of Costs Refused – See copy letter attached as Appendix Bii

Committee Decision – Refuse permission

- ii) Appeal by Mr Rob Wilkinson against the decision of West Lindsey District Council to refuse planning permission for a change of use of existing public house to 3 no.1 bed dwellings, demolition of various flat roof extensions to the rear of the existing property, and construction of 4 no. 3 bed dwellings to the rear of the existing building, with external works including 12 space car park, boundary walls and fencing at Brown Cow Inn, Lincoln Road, Nettleham, Lincolnshire LN2 2NE.

Appeal Dismissed – See copy letter attached as Appendix Biii

Officer Decision – Refuse permission

- iii) Appeal by Lea Lincs Properties Ltd. under section 78 of the Town and Country Planning Act 1990 against a failure to give notice within the prescribed period of a decision on an application for outline planning permission for the erection of 4no. dwellings at land at Station Road, Knaith Park, Gainsborough DN21 5EZ

Appeal Dismissed – See copy letter attached as Appendix Biv.

Officer Decision – Non-determination appeal

- iv) Appeal by Mrs Gail Wilkinson under section 20 of the Planning (Listed Buildings and Conservation Areas) Act 1990 against a refusal to grant listed building consent for the erection of a tiled canopy over the front door at 12 The Green, Reepham, Lincoln LN3 4DH

Appeal Dismissed – See copy letter attached as Appendix Bv.

Officer Decision – Refuse permission

- v) Appeal by Mr and Mrs Michael Drury under section 78 of the Town and Country Planning Act 1990 against the decision of West Lindsey District Council to refuse to grant outline planning permission to erect a pair of semi-detached cottages at land at East Farm, Atterby Lane, Atterby, Market Rasen LN8 2BJ

Appeal Dismissed – See copy letter attached as Appendix Bvi.

Officer Decision – Refuse permission



Appeal Decision

Site visit made on 24 June 2020

by Sarah Housden BA (Hons) BPI MRTPI

an Inspector appointed by the Secretary of State

Decision date: 8 July 2020

Appeal Ref: APP/N2535/W/20/3247810

**Land to north east of Red House, Main Street, Osgodby, Market Rasen
LN8 3PA**

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant outline planning permission.
 - The appeal is made by Mr Laurence Brown against the decision of West Lindsey District Council.
 - The application Ref 139839, dated 7 August 2019, was refused by notice dated 16 December 2019.
 - The development proposed is 'outline application to erect 2 No. dwellings with all matters reserved'.
-

Decision

1. The appeal is dismissed.

Application for Costs

2. An application for costs was made by Mr Laurence Brown against West Lindsey District Council. This application is the subject of a separate decision.

Procedural Matter

3. The planning application was originally submitted for four dwellings but was changed to two dwellings. I have taken the description of the development in the banner heading above from the decision notice and considered the appeal scheme accordingly. The application was submitted in outline with all matters reserved for later approval and I have determined the appeal on that basis.

Main Issues

4. The main issues in this case are:
 - whether the location and scale of the proposed development would accord with the overall strategy for housing in the development plan; and
 - the effect of the proposed development on the character and appearance of the area.

Reasons

Location and Scale

5. The Central Lincolnshire Local Plan (2017) (LP) Policy LP2 identifies Osgodby as a 'small village' (tier 6) where small scale development of a limited nature in 'appropriate locations' and limited to around 4 dwellings will be considered on its merits. Whilst not referred to in the first reason for refusal, Osgodby Neighbourhood Plan (NP) Policy 1 is also relevant to this appeal and supports, in principle, proposals for up to four dwellings in primary or secondary locations in the settlement area of Osgodby village. NP Policy 1 operates in conjunction with Diagram 1, which identifies the settlement area in a notation of varying shades of dark brown/orange, the lighter areas representing the edge of the settlement area. The exact colour of the notation covering the appeal site is difficult to establish from Diagram 1, but it is covered by the coloured settlement area notation and is therefore within Osgodby village for the purposes of the NP policies.
6. A 'primary location' is defined in the supporting text to NP Policy 1 as 'a location which is infill or adjacent to the settlement area of Osgodby village and where development frontage directly faces or is in close distance to either side of.....Washdyke Lane'. Secondary locations are those which are 'infill or adjacent to the settlement area of Osgodby village'. NP Policy 1 also sets out a sequential approach to the development of sites according to a hierarchy of categories from a) to h), with proposals for sites lower in the list required to include a clear explanation of why sites are not available or suitable within categories higher up the list.
7. The Parish Council considers that the site is not an appropriate location for development because it is a greenfield site in a secondary location (category h in NP Policy 1) and no justification has been provided as to why sites of a higher priority are not available. The Parish Council indicates that the NP favours sites with a strong relationship between the frontages and the main streets of the village.
8. The proposed dwellings would be located to the rear of, but in close proximity to, Nos 18 and 19 Washdyke Lane. Although the layout and siting of the proposed dwellings are reserved for later approval, given the size and configuration of the appeal site it is likely that their front elevations would face north but they would be in close proximity to Washdyke Lane. Having regard to the definition in the supporting text in NP Policy 1, I consider that the site is in a primary location and as a greenfield site it would fall within category d) of NP Policy 1. The NP does not make clear the threshold used to determine the 'lower' categories, but the officer report concluded that being 'half way up the sequential list' the site was considered to be sequentially preferable and no further justification was needed. There is nothing in the evidence before me to reach a different conclusion.
9. LP Policy LP4 identifies the anticipated growth for Osgodby over the Plan period to 2036 as equivalent to 10% of the number of dwellings present in the settlement as at April 2012. According to the officer report, this equates to 14 new dwellings. Where a proposed development would exceed the identified growth level in conjunction with other development since April 2012, it should be accompanied by clear evidence of appropriate levels of community support or supported by allocations or policies in an adopted Neighbourhood Plan.

10. NP Policy 1 also sets out growth levels for Osgodby and is relevant to this appeal. It requires that proposals for residential development that fulfil the requirements of the policy and that alone or in combination with other extant permissions or developments built since 1 April 2015 would increase the number of new dwellings delivered in Osgodby Parish by more than 25, need to be accompanied by demonstrable evidence of clear local community support for the scheme.
11. The officer report indicates that at 30 April 2019 there was a remaining capacity for 3 additional dwellings in Osgodby against the growth level set out under NP Policy 1. However, during the course of determining the application, two other applications for residential development were under consideration which taken in conjunction with the development subject to this appeal would bring the total to four, in excess of the remaining growth allocation set out in the NP. Although the Council's statement of case indicates that the growth levels against the LP and NP are now both zero, I have no further evidence or details of how that figure has been arrived at.
12. In the circumstances, I am unable to reach a conclusion about whether the growth levels for Osgodby set out in either the LP or NP have been reached or would be exceeded if the proposed development went ahead. Based on the Council's evidence, the level set out in the NP would be exceeded by 2 dwellings. Facilities in Osgodby include a primary school, post office and village hall and playing fields. Furthermore, LP Policy LP2 identifies the village for small scale development of a limited nature and it is not clear from the evidence before me why two additional dwellings would 'tip the scales', rendering the development unsustainable.
13. My conclusion on the first main issue is that the location and scale of the proposed development would not conflict with the overall strategy for housing in the development plan, including LP Policy LP2 in so far as it seeks to secure small scale development of a limited nature in small villages and it would not undermine the aim of LP Policy LP1 which seeks to deliver sustainable patterns of growth. At the time that the planning application was considered, the scale of development proposed would not have triggered the requirement for clear local community support for the scheme and the proposal would accord with the broad approach set out in NP Policy 1. However, to be considered as an 'appropriate location' under the terms of LP Policy LP2, a development must retain the core shape and form of the settlement, not significantly harm its character and appearance nor that of the surrounding countryside or harm the rural setting of the settlement and I deal with these matters next.

Character and appearance

14. In addition to the requirements of LP Policy LP2, Policy LP26 states that development should contribute positively to local character, landscape and townscape and whilst not referred to in the decision notice, is relevant to the determination of this appeal. NP Policy 4 requires new development to complement the established character of the village, as described in the Design Character Appraisal, taking particular account of the impact of new buildings on important views in and out of the village and on its setting within the wider landscape. Whilst I have not been supplied with a copy of the Design Character Appraisal, at my site visit I was able to see the village's prevailing form and character.

15. Osgodby has a predominantly linear settlement form. The core of the village is along Low Road/Main Street and comprises a mixture of traditional and more modern dwellings and agricultural and other outbuildings. The more modern dwellings and some outbuildings are set further back from the road resulting in a staggered building line. Washdyke Lane extends to the north of Main Street with frontage dwellings to the west and east of the lane.
16. The appeal site comprises a small grazing area to the rear of the dwellings at the northern end of Washdyke Lane and includes a small part of the rear garden area of Laburnum House which fronts onto Main Street. Although it is enclosed by a mixture of post and wire fencing and mature hedging, the appeal site is contiguous with and seen in conjunction with the larger grassed fields to the west and north of the dwellings on Washdyke Lane and forms part of the open countryside running up to the built up edge of the village. The contrast between the built-up area of the village and the open countryside beyond contributes to the rural setting of Osgodby.
17. From Washdyke Lane, the proposed dwellings would be visible in the gap between Nos 18 and 19 Washdyke Lane. Overall, the proposed form of development in depth would be at odds with the strongly linear form of development of this part of the village. It would consolidate development at the edge of the village and extend into the open countryside around it. The new access road would introduce a hard and engineered feature at the edge of the village which would be detrimental to its rural character and setting.
18. I conclude, therefore, that the proposed development would cause material harm to the distinctive form and character and rural setting of Osgodby. The proposal would therefore conflict with LP Policy LP26, NP Policy 4 and LP Policy LP2 in so far as they seek to ensure that new development does not harm the character and appearance of a settlement or its rural setting. There would be further conflict with the National Planning Policy Framework which states that development should be sympathetic to local character and history, including the surrounding built environment and landscape setting.
19. My attention has been drawn to the development 'in depth' that has been permitted to the rear of Orchard House on Main Street¹. However, I saw at my site visit that the Orchard House site relates more closely to Main Street which is characterised by a more irregular building line. Furthermore, there is an existing building on this site. Overall, I conclude that the circumstances of that site are not comparable with the case before me.

Other Matters

20. Local residents and the Parish Council have raised a number of other issues in relation to highway safety, drainage and flooding and the impact of the proposed development on the amenity of adjoining occupiers. The application is in outline only with detailed matters reserved for later approval and no further details of those matters have been provided. I have therefore afforded them little weight in my consideration of this appeal.

¹ Application Reference 135514

Planning Balance and Conclusion

21. Whilst I have found that the location and scale of the proposed development would accord with the strategy for housing in the LP and the policies in the NP, it would cause material harm to the character and appearance of the area and to the rural setting of Osgodby and would conflict with the development plan, read as a whole. There are no material considerations to justify a decision other than in accordance with the development plan.
22. Having had regard to all other matters raised, I conclude that the appeal should be dismissed.

Sarah Housden

INSPECTOR



Costs Decision

Site visit made on 24 June 2020

by **Sarah Housden BA (Hons) BPI MRTPI**

an Inspector appointed by the Secretary of State

Decision date: 8 July 2020

Costs application in relation to Appeal Ref: APP/N2535/W/20/3247810 Land to north east of Red House, Main Street, Osgodby, Market Rasen LN8 3PA

- The application is made under the Town and Country Planning Act 1990, sections 78, 322 and Schedule 6, and the Local Government Act 1972, section 250(5).
 - The application is made by Mr Laurence Brown for a full award of costs against West Lindsey District Council.
 - The appeal was against the refusal of planning permission for 'outline application to erect 2 No. dwellings with all matters reserved'.
-

Decision

1. The application for a full award of costs is refused.

Reasons

2. The Planning Practice Guidance (PPG) advises that costs may be awarded against a party who has behaved unreasonably and thereby caused the party applying for costs to incur unnecessary or wasted expense in the appeal process.
3. The applicant's claim for an award of costs relates to substantive matters in the way that the Council assessed the planning application in relation to the policies in the Central Lincolnshire Local Plan (2017) (LP) and Osgodby Neighbourhood Plan (2018) (NP). It is argued that the Council has prevented development which should clearly have been permitted because it accorded with the development plan and that the appeal was unnecessary.
4. The applicant considers that the reference to the growth level for Osgodby set out in the LP in the first reason for refusal is inappropriate, because it has been 'superseded' by Policy 1 of the NP. LP Policy LP2 allows for NPs to vary the growth levels set out, which is what the NP has done and there is no 'conflict' between the two documents in that regard. However, the absence of a reference to the NP in the first reason for refusal is confusing and inconsistent with the second reason for refusal which does mention the NP. Nor is there anything in the Council's evidence which provides further clarity. I consider that this amounts to unreasonable behaviour by the Council.
5. I note that the applicant has gone to considerable lengths to clarify the monitoring of permissions for new dwellings in Osgodby in relation to the growth levels set out in the LP following the refusal of planning permission for a previous scheme for four dwellings on the appeal site.¹ However, that same

¹ Application Reference 139146

information is relevant to address the growth level set out in NP Policy 1 and whilst I acknowledge that it has been frustrating for the applicant, I do not consider that the applicant has been put to any unnecessary or additional expense as part of the appeal process to address the monitoring issue in relation to the NP.

6. Although the application was submitted in outline with all matters reserved for later approval, NP Policy 4 which deals with character and design is relevant to the assessment of the proposed development. It follows that I disagree with the applicant's point that NP Policy 4 would only be relevant to a reserved matters application and the Council has not acted unreasonably in including reference to NP Policy 4 within the second reason for refusal.
7. The applicant argues that specific National Planning Policy Framework (NPPF) paragraph numbers should have been referenced in the reasons for refusal rather than 'guidance in the NPPF'. However, there is no specific requirement to do so and that does not amount to unreasonable behaviour by the Council.
8. It is also argued that the Council has adopted an inconsistent approach to the determination of other applications for new dwellings in Osgodby, in particular in relation to the issue of whether the development would be sustainable. That is, however, a matter of planning judgement and I have addressed the issue in my decision on the appeal. The Council determined other applications based on a specific balance of considerations and I cannot be clear that they are identical to the appeal scheme before me. The Council has not acted unreasonably in this regard.
9. For the reasons outlined above, I conclude that whilst the Council has acted unreasonably in relation to the first reason for refusal, no unnecessary or wasted expense has been incurred by the appellant. A full award of costs is therefore not justified.

Sarah Housden

INSPECTOR



Appeal Decision

Site visit made on 26 May 2020

by Edwin Maund BA (Hons) MSc Dip UP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 30th June 2020

Appeal Ref: APP/N2535/W/20/3244288

Brown Cow Inn, Lincoln Road, Nettleham, Lincolnshire LN2 2NE

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission.
 - The appeal is made by Mr Rob Wilkinson against the decision of West Lindsey District Council.
 - The application Ref 139626, dated 19 June 2019, was refused by notice dated 31 July 2019.
 - The development proposed is change of use of existing public house to 3 no. 1 bed dwellings, demolition of various flat roof extensions to the rear of the existing property. Construction of 4 no. 3 bed dwellings to the rear of the existing building. External works including 12 space car park, boundary walls and fencing.
-

Decision

1. The appeal is dismissed.

Preliminary Issue

2. Originally the planning application was refused by the council for four reasons. The council have confirmed that since the submission of additional information by the appellant, in respect of archaeology and minerals safeguarding, they do not wish to defend either the third or fourth reasons for refusal, I have therefore considered the main issues of dispute between the parties as set out below.
3. The site has been the subject of a previous appeal¹ decided in February this year. This scheme has sought to respond to the Council's previous refusal; however, the Council has introduced new reasons for refusal not previously relied upon, which I address in the main issues.

Main Issues

4. The main issues are:
 - The effect of the proposed development on the character and appearance of the area with particular regard to the effect on the function of the Green Wedge and landscape impact; and
 - The effect on the living conditions of future occupiers of the proposed dwellings with particular regard to privacy and outlook.

¹ APP/N2535/W/19/3240712

Reasons

Character and Appearance

5. The appeal site is located on the eastern side of the A46 Lincoln Road, a busy principal route. The built development here is characterised by properties set in spacious plots with green spaces creating a semi-rural setting. The public house sits on the road frontage as part of a predominantly linear extension to the south of the main body of the village of Nettleham.
6. The public house is framed within an open setting with the current property clearly visible from the main road, with fields dropping away to the east, then rising again beyond the Nettleham Beck. With the car park and play area to the south, a significant gap is formed in the frontage allowing views through to the 'Green Wedge' designated in the Central Lincolnshire Local Plan 2017 (the Local Plan).
7. To the north of the green wedge, three new large detached residential properties have been constructed, all of which are clearly visible from the rear of the public house and this forms a clear edge to this open area, creating a strong boundary to the edge of the village.
8. Policy LP2 sets out a series of criteria against which new development must be judged. Nettleham being identified as a large village has a role to provide housing and other services and facilities. It is not disputed by the main parties that the development would be within the developed footprint of the settlement, as such I agree with the appellant it is not necessary to demonstrate in respect of this policy that exceptional circumstances are required to justify the development.
9. Being previously developed land and currently forming part of the car park to the former public house, I agree with the appellant this development would be an appropriate development in this respect.
10. Policy LP22 of the Local Plan has four main aims for areas designated as Green Wedges. To prevent the merging of settlements, to preserve the identity, local and historic character of those settlements; to create a green lung to link to the countryside; to provide an accessible recreational resource; and to conserve and enhance local wildlife and protection of links between wildlife sites to support wildlife corridors.
11. The development proposed would improve the appearance of the area by the removal of a series of extensions to the public house, reducing the size of the current property, and in this respect this would contribute positively to the space about the site thus reducing the built form in the locality.
12. The council do not oppose the conversion of the public house to 3 new dwellings and nor was this element considered controversial in the appeal decision to which I have been referred. Nothing which I have seen would lead me to disagree with these conclusions.
13. Counter to that is the concern raised by the addition of the new terrace of four properties located to the rear of the site. This has been redesigned to more closely reflect the design of the public house and been reduced in scale in response to the criticisms made to the previous scheme.

14. The Council have sought to argue that the proposal would have an adverse effect on the landscape and views from the village or from the public footpath. I consider the effect would be modest but being located at the top of a drop in the ground with no space to assimilate it into the countryside this would emphasise the visual effect in this location and overall would have a negative effect on the appearance of the landscape and Green Wedge.
15. The development would create a parallel building, which while largely in line with the current public house and thus shielded to a large extent from the main road, extends beyond it. This encroachment would be more apparent when moving beyond a position directly in front of the site where the new building would result in a visual encroachment into the Green Wedge.
16. Development proposals within the Green Wedge 'need to retain the open and undeveloped character of the Green Wedge' and by constructing the terrace of 4 properties to the rear of the current public house a degree of the open and undeveloped character would be lost.
17. I recognise that this would be modest, particularly when taking the removal of the extensions into consideration, nevertheless it would have an adverse effect on the character and appearance of the area with particular regard to the effect on the function of the Green Wedge and the landscape setting of the settlement. As such I do not consider the scheme accords with policies LP22, LP17 of the Local Plan or policy E1 of the Neighbourhood Plan which seek to protect both the green wedge and the landscape and retain the open and undeveloped character of the area.

Living Conditions

18. The proposal would create two banks of terraced properties separated by around 15m. The rear (north west elevation) of the new block of four houses, would have a series of habitable rooms both at ground and first floor level. Even with intervening fencing defining the gardens of the properties as shown on the submitted drawings, there would be significant overlooking of the rear gardens and ground floor habitable rooms of the properties formed from the pub conversion.
19. The suggestion of the introduction of a condition to require obscure glazing and or fixed windows would not resolve the issue satisfactorily as it would create a different problem for the occupiers of the new dwellings by creating bedrooms without a suitable outlook. This would not therefore overcome the concern identified, nor would it remove the perception of overlooking with the properties being as close as proposed.
20. Despite the Council not referring to this issue previously, I am obliged to consider the concern raised. With a separation of only around 15m, overlooking and consequent loss of privacy from first floor windows at this distance does not achieve suitable living conditions for future occupiers and as such I consider this would be in conflict with policy LP26 of the Local Plan which amongst other things seeks to ensure new development achieves suitable amenity standards for existing and future occupiers.

Conclusion

21. I recognise the scheme could provide benefits, through the development of a brownfield site and provision of additional housing, nevertheless this does not

outweigh the harm I have identified from the impact upon the function of the Green Wedge, the landscape or the unsatisfactory living conditions that would result. I conclude that the appeal should be dismissed.

Edwin Maund

INSPECTOR



Appeal Decision

Site visit made on 26 May 2020

by Edwin Maund BA (Hons) MSc Dip UP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 17th June 2020

Appeal Ref: APP/N2535/W/20/3246075

Land at Station Road, Knaith Park, Gainsborough DN21 5EZ

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a failure to give notice within the prescribed period of a decision on an application for outline planning permission.
 - The appeal is made by Lea Lincs Properties Ltd against West Lindsey District Council.
 - The application Ref 140361 is dated 5 December 2019.
 - The development proposed is the erection of 4no dwellings.
-

Decision

1. The appeal is dismissed.

Procedural Matters

1. The planning application was submitted in outline with all matters reserved for future consideration, although a site layout plan was provided this is illustrative and I have determined the appeal on this basis.
2. The Council has indicated that had it come to a decision, planning permission would have been refused for three reasons;
 - The proposal is deemed an inappropriate location for housing as it would be detrimental to the character and appearance of Knaith Park altering the core shape and form of the village and adversely affecting the Area of Great Natural Beauty in which the development would be located. The Lea Neighbourhood Plan focuses growth within the core of the village of which this site lies outside. The proposal is therefore contrary to policy 2 of the Lea Neighbourhood Plan, policies LP2, LP4, LP17 and LP26 of the Central Lincolnshire Local Plan and the provisions of the NPPF.
 - The proposal requires the provision of affordable housing. There is no mechanism provided within the application to secure the required provision. The proposal is therefore contrary to policy LP3 of the Lea Neighbourhood Plan and the provisions of the NPPF.
 - Insufficient information has been provided to adequately assess the impact of this development on ecology and biodiversity. The proposal is therefore contrary to the policy LP21 of the Central Lincolnshire Local Plan and the provisions of the NPPF.

Main Issues

3. From the evidence before me I consider the main issues in this case are;
 - The effect on the character and appearance of the area, with particular regard to the shape and form of the village;
 - Whether the site is a suitable site for housing having regard to local and national planning policy;
 - Whether or not the proposed development would make adequate provision for affordable housing; and
 - Whether the scheme would have an adverse effect on local ecology and biodiversity.

Reasons

Character and Appearance

4. The appeal site is a parcel of land to the north and west of a pair of bungalows on the northern side of Station Road. Currently it is part of a field to the west of the main body of the village and the railway line but extends beyond the pair of bungalows on this side of the road. Set behind a native hedgerow it is screened from the road which fronts the site. As such it has a rural character and contributes positively to the sense of place, providing a rural and verdant setting to this location.
5. The main body of the village is to the east of the railway line, with the largely linear development focused around the two roads, Station Road which serves the site and Willingham Road. The railway line forms a strong physical and visual barrier to the western edge of the village, with the small number of properties beyond it appearing a somewhat small isolated cluster.
6. The rural character beyond the railway and the pair of bungalows adjacent the site is further emphasised by the change in the road beyond these properties to a single-track rural lane with passing places.
7. The development of just under a hectare of land on the northern side of the road for four dwellings would represent a significant encroachment into the countryside, both extending the built form of the village to the west, but also to the north beyond the frontage properties on Station Road. This would neither respect or complement the existing form and shape of the village in this location. As the layout plan is only illustrative at this stage, I do not find the applicant's argument, that this would limit the amount of ribbon development beyond the current properties to be a persuasive one.
8. Consequently, I consider this would harm the agricultural and rural character of the site. As such the development would represent an incongruous intrusion into the countryside that would harm the character and appearance of the countryside and be in conflict with policies LP2 and LP17 of the Central Lincolnshire Local Plan (LP) (2017) which aim amongst other things to respect the shape and form of the villages, protect the landscape and retain the character of the area.

Suitable Location

9. Policy LP2 in setting criteria against which sites for future growth should be assessed defines what could be regarded as an appropriate location for such development. To comply the development should retain the core shape and form of the settlement, and not significantly harm either the character and appearance of the settlement, the rural setting or the countryside.
10. The LP policies set out a methodology for housing delivery within a hierarchy of settlements which makes clear this site would be classed as countryside in policy terms. This development would not meet any of the exceptions for new residential development in such a location. In fact, to allow this development would be in direct conflict with the LP as the proposal would neither retain the core shape and form of the settlement and would harm the character and appearance of the countryside.
11. Furthermore the Lea Neighbourhood Plan (2018) (LNP) covers this site as despite being physically adjacent to the settlement of Knaith Park it is within the parish of Lea. Policy 2 supports residential development on infill and redevelopment sites – this is neither of these, nor would it satisfy the tests within the policy as being within the built-up area of the village.
12. Much of the argument presented by the appellant focuses on the ongoing need for the supply of houses, and the difficulty that is envisaged in delivering that future supply to meet the objectives of the LP. There is no suggestion however, that there is not a 5-year supply as required by the National Planning Policy Framework (the Framework).
13. I therefore conclude the proposal is not located in a suitable location and would be in conflict with the council housing strategy as set out in policies LP2 and LP4 of the LP and policy 2 of the LNP.

Affordable Housing

14. The Framework and Local Plan require the provision of affordable housing when a major development is proposed, this scheme however, relates to only 4 dwellings. The LNP was adopted in early 2018 and Policy 3 (Not LNP 3 as referred to by the Council) has a requirement for the provision of affordable housing on developments of 4 or more dwellings 'where relevant'. It is clear from the evidence within the LNP and the LP there is a significant need for affordable housing, but there has been no evidence presented by either party of the relevance in this particular case of applying a much more stringent threshold than that required by both national and local policy.
15. The appellant has indicated that they would be willing to 'adhere to the requirements of the LPA', however, have not provided any mechanism that would deliver affordable housing.
16. As it is not clear from what has been presented that the scheme is policy compliant or a mechanism to deliver affordable housing is in place. Even taking the Framework's lesser requirement as a material consideration, to which, I give significant weight, the decision should be made in line with the development plan.
17. It is clear that the need for affordable housing is substantial within the council area with 17,400 affordable homes required to be provided over the plan

period. As such without evidence before me to the contrary that the more stringent requirement within the LNP should not apply, I conclude that as the scheme would not provide for affordable housing it would be in conflict with Policy 3 of the LNP.

Ecology

18. In order to be able to make a properly informed decision the decision maker must have information in respect of ecological and biodiversity factors which apply to a site and development at the time the decision is to be made. It is not generally appropriate for this principle concern to be left to the reserved matters stage.
19. While the site has not been designated as having any specific ecological sensitivity, proposals need to ensure that they contribute to and enhance the natural and local environment as expected by the Framework. The LP also makes clear that developers will be expected to submit an ecological survey where there is a reasonable likelihood of the presence of important habitat or species.
20. As the site would no longer appear to be in arable production, is in close proximity to a pond to the north, connected via field side hedges, it is reasonable to assume there may be important species or habitat present. In the absence of a survey indicating otherwise, I consider the application would not protect or enhance the ecology or biodiversity of the area and would be contrary to the provisions of policy LP21 of the LP.

Other Matters

21. Various other matters have been raised by third parties including, drainage, inadequate water pressure, the potential of noise from the railway, and inadequacy of the access road. As I have found harm in considering the main issues these other factors do not need to be considered further.

Conclusions

22. I recognise the scheme could bring forward 4 dwellings and add to the housing stock, nevertheless this would not outweigh the harm I have identified and therefore I conclude that the appeal should be dismissed.

Edwin Maund

INSPECTOR



Appeal Decision

Site visit made on 30 June 2020

by **A Blicq BSc (Hons) MA CMLI**

an Inspector appointed by the Secretary of State

Decision date: 13 July 2020

Appeal Ref: APP/N2535/Y/19/3242677

12 The Green, Reepham, Lincoln LN3 4DH

- The appeal is made under section 20 of the Planning (Listed Buildings and Conservation Areas) Act 1990 against a refusal to grant listed building consent.
 - The appeal is made by Mrs Gail Wilkinson against the decision of West Lindsey District Council.
 - The application Ref 139702, dated 19 June 2019, was refused by notice dated 13 September 2019.
 - The works proposed are erection of tiled canopy over the front door.
-

Decision

1. The appeal is dismissed.

Procedural Matters

2. The appellant submitted a third canopy proposal as part of the appeal documents. However, the evidence suggests that this was not part of the information upon which the Council made its decision. Consequently, I have excluded it from my reasoning as to do otherwise could be prejudicial to the Council.
3. Section 72(1) of the Planning (Listed Building and Conservation Areas) (England) Act 1990 (the Act) confers on the decision maker a statutory duty to pay special attention to the desirability of preserving or enhancing the character or appearance of a conservation area. This duty applies to listed building appeals. As such, although the harm to the conservation area is not mentioned in the Council's evidence, I have considered it appropriate to consider this in my reasoning.

Main Issues

4. The main issue is whether the proposed works would preserve the Grade II listed building known as 10 - 16 The Green, (also known as Pembertons Place), or any special architectural or historic interest that it possesses, and whether the development would preserve or enhance the character or appearance of the Reepham Conservation Area (RCA).

Reasons

Listed Building

5. Number 12 is a mid-terrace limestone dwelling in a line of five, four of which have near identical form and typology. The Historic England listing states that the cottages date from the early 19th and 20th centuries. The entire terrace

constitutes the listed building and Historic England has attributed the terrace as having Group Value.

6. When viewed from The Green, the terrace forms a continuous two storey façade with low eaves, punctuated by four pairs of windows at regular intervals. At the rear, what appears to have been a courtyard area with stores and other outbuildings, has now been replaced with individual narrow gardens, each leading to an entrance door. Although I noticed minor differences between the windows, the overall impression is a striking uniformity across both front and rear elevations, arising from a regular repetition of window and door openings, and their treatments. The scale of those openings, and their positioning and repetition on the long flat elevations is consistent with the building's origins and represents a local and simple vernacular style. Although views of the rear elevation are interrupted by vegetation and boundary treatments, the notable consistency evident on the building's front elevation appears to be in place at the rear.
7. The significance of Pembertons Place is therefore derived from its intact historic fabric, and its demonstration of simple vernacular building techniques and detailing. The conformity and consistency of No 12 with its adjoining dwellings makes an important and positive contribution to the appreciation of the terrace.
8. The appellant wishes to add a small canopy over the entrance to No 12. Two designs were submitted, one having a dual pitched form and the other a flat canopy form, both supported by brackets. However, there is nothing before me to indicate that either design would be appropriate on a terrace of this design and age, and both would appear to be associated with a later period or grander building styles.
9. Moreover, a wall mounted canopy would disrupt the flat rear elevation of Pembertons Place, and in so doing would diminish and dilute its significance. A canopy would not necessarily affect the door frame or construction but it would be prominent and detract from the simplicity and consistency of the terrace's rear elevation. This reasoning is supported by the RCA appraisal which states that historic buildings have been spoilt by inappropriate and unsympathetic additions. Moreover, although seemingly a small addition, it could lead to pressure for more alterations leading to the incremental disfigurement of this seemingly original facade.
10. It is argued that canopies are common to buildings of this type. However, there is nothing before me to suggest that where such canopies now exist, that their design is contemporaneous with the host building.
11. Two local examples have been brought to my attention. However, the porch at the listed Larburnum Farmhouse has side walls and windows. Moreover, the host building has rather grander proportions than Pembertons Place and the porch is central and proportionate to a detached three bay front elevation. Pembertons Place is an altogether more modest structure whose significance is derived from its small scale and simplicity.
12. Cobs House is also a house of larger proportions than No 12. Furthermore, both Cobs House and Larburnum Farmhouse are distinct buildings rather than an integral part of a larger entity whose significance lies in the unity of the

whole. Moreover, there is nothing before me to suggest that Cobs House is listed.

13. With regard to the provisions of the Act and the National Planning Policy Framework (the Framework), the assessment of special architectural and historic interest is integral to any consideration of the impact of works on heritage assets. In this case the listed building's special and historic interest is its inherent simple vernacular style. Development that detracts from or dilutes that simple vernacular style, as would be the case here, would have a harmful impact.
14. Moreover, the importance of historic unity is set out in the principles of selection for listed buildings¹. The canopy would add ornamentation to a group example of simple vernacular architecture, and would detract from the flat elevation of the terrace as a whole. This would diminish the significance of the listed building and would amount to less than substantial harm as set out in Paragraph 196 of the Framework. The Framework sets out that such harm should be weighed against the public benefits of the proposal. In this instance the benefits would be private, relating to the occupiers of No 12.
15. I agree that the terrace's rear elevation is not visible from The Green, and views are obscured by garden boundary treatments. However, the intrinsic historic value or special features of the terrace are not predicated on visibility from the public domain, which in any case may change over time.
16. The appellant argues that the terrace was extended at the rear in the early 20th century but although local knowledge is cited there is nothing before me to substantiate this argument. I noticed that the rear section of stonework on the terrace's southern flank appeared to have different coursing and was not keyed in. Nonetheless, there could be many reasons for this, and the rebated rear extension on the end dwelling shown on the 1887 map had been only partly filled by 1905. Although there is a shallower roof slope above the rear section of the terrace, the tiles seem identical, and the fenestration and design of the rear elevation are strikingly similar to the front. Moreover, there is no evidence that the cottages originally had doors onto The Green. It seems reasonable to assume that the sole entry faced onto a shared courtyard with washing facilities. As such I am not satisfied that the rear section of Pembertons Place is necessarily 20th century addition.
17. I appreciate that the appellant has raised issues of water ingress and shelter. However, the rear elevation of these cottages does not appear particularly exposed, and there is nothing before me to indicate that other options have been investigated and dismissed.
18. I conclude that the works would fail to preserve the special architectural and historic interest of Pembertons Place. In this regard it would be contrary to Section 16 of the Act, and Section 16 of the Framework.

Conservation Area

19. The irregular and small scale pattern of period buildings around The Green and Church Lane suggest that these were part of the original village core. Traditional limestone cottages, such as those at Pembertons Place and Rose Cottage have simple shapes and proportions, and occupy prominent positions

¹ Principles of Selection for Listed Buildings, DDCMS November 2018

in the street scene. I conclude that these simple cottages are a key feature of the area and that the significance of the RCA is derived from its historic layout and fabric.

20. However, the rear elevation of Pembertons Place is not visible from The Green and I am satisfied that a canopy over No 12's entrance would have a neutral effect on the appreciation of the RCA. The works would preserve or enhance the overall character or appearance of the RCA and there would be no conflict with the provisions of Section 72(1) of the Act, or Section 16 of the Framework. However, this does not alter the weight I give to the harm to the listed building arising from these works.

Other matters

21. The appellant has raised concerns regarding procedural issues but these are outside the remit of the appeal.

Conclusion

22. In the light of the above I conclude that the appeal should be dismissed.

A Blicq

INSPECTOR



Appeal Decision

Site visit made on 3 July 2020

by **S Harley BSc(Hons) MPhil MRTPI ARICS**

an Inspector appointed by the Secretary of State

Decision date: 9th July 2020

Appeal Ref: APP/N2535/W/20/3245255

Land at East Farm, Atterby Lane, Atterby, Market Rasen LN8 2BJ

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant outline planning permission.
 - The appeal is made by Mr and Mrs Michael Drury against the decision of West Lindsey District Council.
 - The application Ref 140073, dated 27 September 2019, was refused by notice dated 20 November 2019.
 - The development proposed is outline planning permission to erect a pair of semi-detached cottages (all matters reserved for subsequent approval).
-

Decision

1. The appeal is dismissed.

Main Issues

2. The main issue is whether the site is a suitable for two dwellings taking into account local and national planning policies.

Reasons

3. The spatial strategy of the Central Lincolnshire Local Plan 2017 (the LP) seeks to concentrate growth in the main urban areas, to make the most of existing services and facilities, with appropriate levels of growth in other settlements. In the Settlement Hierarchy established by Policy LP2, Bishop Norton is identified as a Small Village. suitable for development of a limited nature. There are some facilities in Bishop Norton, including a part time Post Office; a village hall; recreation ground and limited public transport opportunities so most existing and future residents would rely on the private vehicle for many day to day services and facilities. Atterby is a close neighbour of Bishop Norton village and shares its facilities and Parish Council.
4. In the Settlement Hierarchy level seven of eight is Hamlet: a settlement not listed elsewhere in the Policy; with dwellings clearly clustered together to form a single developed footprint; and with a dwelling base of at least 15 units as at April 2012. Atterby did not have 15 qualifying dwellings at the requisite date and, therefore, is not recognised as a Hamlet for the purposes of Policy LP2. Accordingly for adopted local planning policy purposes the appeal site falls within the countryside, level eight of the Settlement Hierarchy, where residential development is restricted except in specified circumstances set out in Policies LP2 and LP55. The evidence does not indicate that the proposal would benefit from any of the exceptions. Accordingly I conclude it would be contrary to the spatial strategy as set out in Policies LP2 and LP55.

5. The appeal site is an area of grass and hardstanding which is currently used as domestic garden. The East Farm complex is located to the south west including a large garage tucked into the 'L' of the appeal site. To the immediate east of the site there is a telephone exchange in a timber building set back from Atterby Lane. There are fields to the east of the telephone exchange, to the south of the appeal site, and across Atterby Lane. To the immediate west of the site is the driveway serving East Farm and former barns which have been converted into three dwellings.
6. Gardens, paddocks and other undeveloped land within the curtilage of buildings on the edge of a settlement are excluded from the definition of the developed footprint. However, as a garden, and due to the adjacent buildings, in my view the appeal site relates more to the built up settlement than to the surrounding agricultural fields of the local countryside. Moreover, the site is not greenfield because it has been held that garden land that is not within a built-up area amounts to previously developed land as defined in the Glossary of the National Planning Policy Framework (the Framework)¹. Policy LP2 does allow for single infill developments within the developed footprint of a Hamlet and within an otherwise continuous built up frontage of dwellings. However, more than one dwelling would not be supported by this Policy.
7. The ambitious emerging Bishop Norton and Atterby Neighbourhood Plan Submission Version November 2019 (the emerging NP) seeks to deliver more local housing than that planned for in the LP to help meet the anticipated housing needs of the next two decades and to boost the vitality of the local community. Most development would be in Bishop Norton but the objectives of the emerging NP also support some small-scale development in Atterby. Emerging NP Policy N7 seeks to designate Atterby as a Hamlet and to support single infill developments. The emerging Policy N5 allocates land which includes the appeal site for one dwelling: Allocation NP6.
8. The emerging NP has been through a number of consultations and is at Examination Stage. The evidence indicates there are no objections from the community to Allocation NP6 and, on this basis, I accord Policy N5 some weight. However, the appeal proposal is for two dwellings rather than one, on a significantly smaller site. Moreover, due to the site's awkward 'L' shape and size, it is not clear how two dwellings could be satisfactorily accommodated in respect of the requisite garden space; satisfactory outlook for future occupiers of the proposed dwellings; and also meet the criteria of emerging Policy N5 for orientation facing Atterby Lane; ensuring no unacceptable detrimental harm to the private amenity of adjacent properties; and provision of appropriate roadside landscaping and off street parking. Accordingly, I conclude the proposal would not gain support from emerging Policy N7, whether or not Atterby constitutes a Hamlet.
9. All new build development has some effect on the appearance of its site and surroundings. I acknowledge that the application is in outline and that the Council would have control over the scale and appearance of the proposed cottages at reserved matters stage. I have no doubt that the cottages could be of an appropriate design with suitable materials and built to modern efficiency standards. However, given the concerns I have identified above in relation to the shape and size of the site, I cannot confidently conclude that the proposal

¹ High Court in Dartford Borough Council v Secretary of State for Communities & Local Government (CO/4129/2015)

would not have a detrimental effect on the appearance of the countryside. Accordingly I cannot conclude it would comply with of Policies LP17 and LP26 of the LP or those principles of the Framework that seek to protect and enhance the character of the area.

10. For the reasons set out above I conclude that the appeal site is not suitable for two dwellings taking into account local and national planning policies. I find the proposal conflicts with Policies LP2, LP17, LP26 and LP55 of the LP; Policy N7 of the emerging NP; and the Framework in terms of spatial strategy and effect on the character and appearance of the area.

Other Matters

11. The proposal would provide market housing and there is no mechanism for ensuring the houses would meet any specific local need. Accordingly it does not gain support from the principles relating to rural exception sites for affordable housing set out in Paragraph 77 of the Framework. Houses for people to take up employment opportunities locally could help to provide people with a shorter journey to work time. However, I give this little weight in this appeal as I have seen no evidence of employment opportunities or need for employees nearby.
12. A condition removing permitted development rights for outbuildings could be imposed on any permission. This would restrict the amount of built development on the site in future. However, this does not lead me to conclude that the proposal would be acceptable in respect of the spatial strategy. Nor does the absence of objections from the local community, in itself, lead me to any different conclusions in relation to the planning merits of the proposal.

Planning Balance and Conclusion

13. The economic, social and environmental objectives of sustainable development, as set out in the Framework, should be delivered through the preparation and implementation of plans and the application of the Framework policies: they are not criteria against which every development should be judged. Nevertheless, the proposal would make efficient use of brownfield land; would provide some economic benefits from employment during construction and additional spend in the local economy; would help support local facilities in Bishop Norton and the local community; and would provide additional market housing in an attractive rural area. These matters attract some weight in favour of the proposal albeit limited by its scale.
14. However, planning applications and appeals should be determined in accordance with the development plan unless material considerations indicate otherwise. Allowing the proposal would undermine the spatial strategy and the plan making process. Moreover, I cannot confidently conclude that two dwellings could be satisfactorily accommodated without detriment to the character and appearance of the area. In failing to comply with Policies LP2, LP17, LP26 and LP55 of the LP the proposal cannot be said to comply with the development plan as a whole. I find insufficient material considerations to outweigh this conflict with the development plan. I conclude the appeal should be dismissed.

S Harley

INSPECTOR