

AGENDA

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

Planning Committee

Wednesday, 14th October, 2020 at 6.30 pm

Held virtually via MS - Teams and available to watch on:

<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 - 8

- i) Meeting of the Planning Committee held on Wednesday 16 September, 2020, previously circulated.

4. **Declarations of Interest**

Members may make any declarations of interest at this point but may also make them at any time during the course of the meeting.

5. **Update on Government/Local Changes in Planning Policy**

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

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

6. **Planning Applications for Determination**

i)	141263 - Saxilby	PAGES 9 - 29
ii)	141442 - Sunnyside, Tealby	PAGES 30 - 56
iii)	140906 - Tealby	PAGES 57 - 71
iv)	141429 - Grasby	PAGES 72 - 89
v)	141550 - Sudbrooke	PAGES 90 - 111
vi)	141348 - Welton	PAGES 112 - 131

7. **Determination of Appeals**

As of 6 October 2020, no appeal determinations have been received since the previous meeting.

Ian Knowles
Head of Paid Service
The Guildhall
Gainsborough

Tuesday, 6 October 2020

WEST LINDSEY DISTRICT COUNCIL

MINUTES of the Meeting of the Planning Committee held virtually via MS Teams on 16 September 2020 commencing at 6.30 pm.

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

Councillor Owen Bierley
Councillor Matthew Boles
Councillor Michael Devine
Councillor Jane Ellis
Councillor Cherie Hill
Councillor Mrs Cordelia McCartney
Councillor Mrs Jessie Milne
Councillor Keith Panter
Councillor Roger Patterson
Councillor Mrs Judy Rainsforth
Councillor Mrs Angela White

In Attendance:
Russell Clarkson Interim Planning Manager (Development Management)
Danielle Peck Development Management Officer
Martha Rees Legal Advisor
Ele Snow Democratic and Civic Officer
James Welbourn Democratic and Civic Officer

Apologies: Councillor David Cotton

38 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.

39 PUBLIC PARTICIPATION PERIOD

There was no public participation at this point in the meeting.

40 TO APPROVE THE MINUTES OF THE PREVIOUS MEETING

RESOLVED that the minutes of the meeting of the Planning Committee held on Wednesday, 19 August, and adjourned until Monday, 24 August 2020 be confirmed as an accurate record.

41 DECLARATIONS OF INTEREST

There were no declarations of interest at this point in the meeting.

42 UPDATE ON GOVERNMENT/LOCAL CHANGES IN PLANNING POLICY

The Interim Planning Manager (Development Management) explained there were no further updates from the meeting the previous month. The response to the Government's White Paper was being progressed and there was a workshop due to take place for Members to have the opportunity to have an input. A Member of the Committee noted her concerns that local communities were facing a weakening of their powers and enquired as to the timescale for the review of the Local Plan. The Chairman reiterated the plans to hold a workshop to ensure Members could provide feedback for the response to the White Paper and also advised there was no clear timescale for the review of the Local Plan but assured Committee that Members would be kept updated.

43 PLANNING APPLICATIONS FOR DETERMINATION

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

44 141174 - LAND BETWEEN HAWTHORNE CLOSE AND ELIZABETH CLOSE, GLENTWORTH

The first application of the evening was introduced for Members' consideration. Planning application number 141174 for erection of 1no. dwelling on land between Hawthorne Close and Elizabeth Close, Glentworth, Gainsborough. The Development Management Officer stated there were no updates to the application.

The Chairman invited the first speaker to address the Committee.

Councillor John Latham, of Glentham Parish Council, thanked the Chairman and explained to the Committee that a statement from the Parish Council, setting out their objections, had been submitted as summarised in the Officer's report. He stated that the Parish Council had two main concerns. The first concern was the size of the site and the proximity to other dwellings. He stated it would be dominant over other houses and would detract from the other homes in the area. He stated it was contrary to Section 3 of the Neighbourhood Plan regarding scale. He continued that the principle objection was regarding the proposal to build on open public space that had been conditioned to remain as such in a previous application. The Councillor explained that, as a result of that condition, the land had not been designated as public space in the Neighbourhood Plan. He stated that the Parish

Council and residents were subsequently non-plussed by the decision to build on the land. He questioned why a condition would be put in place in the first place if it was not going to be adhered to. He thanked the Committee for their time and asked them to consider the implications of other conditions should the application be approved.

The Chairman thanked Councillor Latham and invited the second speaker, Mr Robert Bryan, to address the Committee.

Mr Bryan introduced himself as agent for the applicant and thanked the Chairman for the opportunity to address the Committee. He commented that they were grateful for the Officer recommendation and would not repeat the details of the report, however he wished to comment on a couple of issues raised by the Parish Council. He stated that conditions could be changed with changing circumstances and that, in the time since the original condition had been agreed, the Neighbourhood Plan had been adopted which did not identify the land in question as open public space. He stated that it would have been the perfect opportunity for the Parish to safeguard the space, but that did not happen. In addition, Mr Bryan explained that the proposal did not negate the value of the open space as the public footpath would be retained and there would be additional landscaping to enhance the area as well as space to the side of the footpath. With regards to the design and scale of the proposal, he noted that it was deemed to be in accordance with planning policies and the elevation, design and scale of the neighbouring dwellings. He also highlighted that it was at a distance away from number 16 as to avoid overlooking. He concluded by stating that the proposal was fully compliant with all policies and would make a valuable addition to the area.

The Chairman thanked Mr Bryan for his time and introduced the third and final speaker for the evening, Councillor Paul Howitt-Cowan.

Councillor Howitt-Cowan thanked the Chairman and stated he was speaking in his role as Ward Member in opposition to the Officer recommendation. He explained there was no demand for the additional housing in the village and the assumption had been that the land was protected by the existing conditions. He quoted the NPPF that local green space designation should only be used when it was not demonstrably important to the community. He stated that there was amenity value not just for the residents of the close but also for the village as a whole and visitors to the area. He explained that the proposal would have an impact on the area, the living conditions of neighbouring properties and on the whole village. He highlighted the importance of retaining green space, especially for the perpetuation of wellbeing and good mental health.

The Chairman thanked all speakers and invited any further comment from the Officer. The Interim Planning Manager highlighted that the Local Plan and the Neighbourhood Plan were very explicit as to what was considered green open space and the area of land in question had not been recognised as green space in the development plans.

A Member of the Committee enquired as to the details of the relocation of the footpath and whether there was a timescale or deadline for this to be completed. It was explained that there was no condition regarding the footpath but there could be one added if necessary. The map of the proposed re-situation of the footpath was displayed on screen and Members noted that it was proposed to be moved approximately 2-4m south of the existing situation. It was requested that a condition be added for the footpath to be moved prior to the development starting. The Legal Advisor noted that any pre-commencement conditions

would have to be agreed with the applicant, however, it was accepted that there would be scope for the condition as requested by Members.

With no further comment it was unanimously 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. 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: ZD/G/P1 and ZD/G/P2 received 1st September 2020. Works shall be carried out in accordance with the details shown on the approved plans.

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

3. No development shall take place above foundation level until details of all proposed facing materials have been submitted to and approved in writing by the Local Planning Authority. The development shall only be carried out in accordance with the approved details.

Reason: To ensure the use of appropriate materials to accord with policy LP17 and LP26 of the Central Lincolnshire Local Plan and the National Planning Policy Framework.

4. No development shall take place above foundation level until a scheme for the disposal of foul and surface waters (including the results of soakaway/percolation tests) have been submitted to and approved in writing by the Local Planning Authority. The development shall only be carried out in accordance with the approved details.

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

5. Prior to the occupation of the dwelling full and final landscaping details, including the height and type of hedging to be planted to the north boundary shall be provided to and agreed 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.

6. All planting or turfing comprised in the submitted details of landscaping as shown on plan ZD/G/P1 received 1st September 2020 and as agreed in condition 5 of this permission must be carried out in the first planting and seeding season following the completion of the development, whichever is the sooner; and any trees or plants which within a period of 5 years from the completion of the development die, are removed, or become seriously damaged or diseased must be replaced in the next planting season with others of similar size and species, unless the Local Planning Authority gives written consent to any variation. The landscaping should be retained thereafter.

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

7. The development hereby approved must only be carried out in accordance with the recommendations set out in section 5 (pages 21-22) of the preliminary ecological appraisal survey completed in August 2020 by Whitcher Ecological Consultants 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.

8. The development must be completed in accordance with the tree protection measures identified within the arboricultural method statement by AWA Tree Consultants dated May 2020. 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 LP17 and LP21 of the Central Lincolnshire Local Plan 2012-2036.

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

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

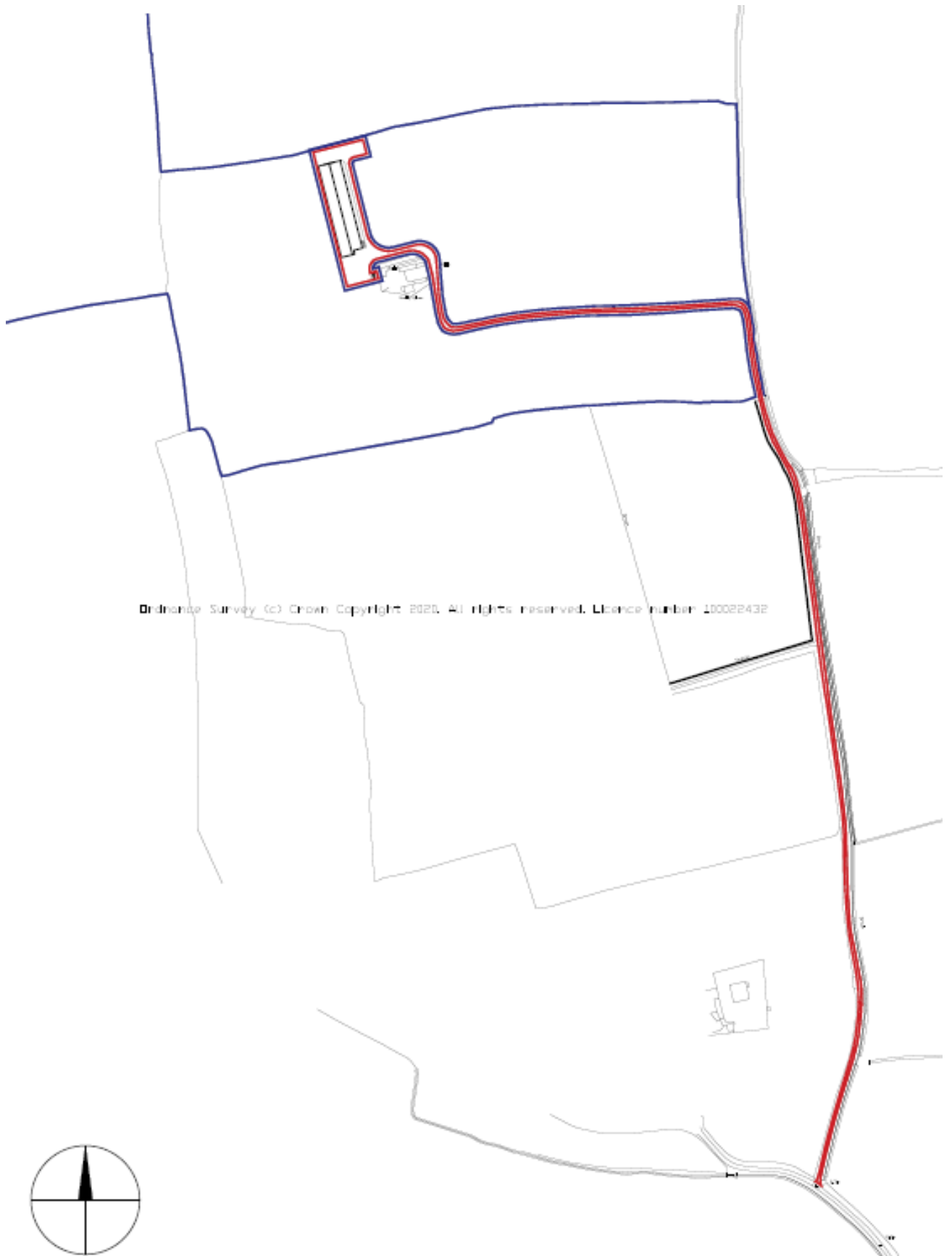
Reason: To enable any such proposals to be assessed in terms of their impact on the resulting amount of space around the dwelling and to safeguard the character and appearance of the building and its surroundings.

45 DETERMINATION OF APPEALS

The determination of appeals were noted.

The meeting concluded at 7.05 pm.

Chairman



Officers Report

Planning Application No: 141263

PROPOSAL: Planning application for erection of 1no. poultry rearing unit with ancillary feed silos, hardstanding and access.

LOCATION: Saxilby Sykes Sykes Lane Saxilby Lincoln LN1 2NX

WARD: Saxilby

WARD MEMBER(S): Rev Cllr D J Cotton, Cllr Mrs M Brockway

APPLICANT NAME: Mr Caleb Arden

TARGET DECISION DATE: 23/09/2020

DEVELOPMENT TYPE: Major - Other

CASE OFFICER: Ian Elliott

RECOMMENDED DECISION: Grant permission subject to conditions

Planning Committee:

It is considered that the proposed development is relevant to be presented to the planning committee as the recommendation is for approval and the Parish Council have objected on policies of the Made Saxilby with Ingleby Neighbourhood Plan.

Description:

The application site is part of a larger agricultural field set in the open countryside isolated from any other built form. The agricultural field gently slopes upwards from west to east and is currently used for arable crop growing. Further to the east the land drops down and then up again. The site is accessed down a long single farm track off Sykes Lane. The site is screened to the north by high hedging and is open to the existing agricultural field to the east, south and west. Agricultural fields are adjacent or opposite each boundary of the site with an uninhabitable derelict farmstead close by to the south west. The first part of the farm track runs near to Sykes Farmhouse. A high percentage of the access track to the site is in flood zone 2.

The application seeks permission for erection of one poultry rearing unit with ancillary feed silos, hardstanding and access. The poultry unit will accommodate a maximum of 38,000 birds (chicks) which after 16 weeks will be transported to the egg laying units.

Town and Country Planning (Environmental Impact Assessment) Regulations 2017:

The development has been assessed in the context of Schedule 2 of the Regulations and after taking account of the criteria in Schedule 3 it has been concluded that the development is not likely to have significant effects on the environment by virtue of its nature, size or location. Neither is the site within a

sensitive area as defined in Regulation 2(1). Therefore the development is not 'EIA development'.

Relevant history:

None

Representations

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

Saxilby Parish Council: Objection

One of Saxilby Parish Council's objectives is: To improve the Health and wellbeing of residents.

During the Covid-19 pandemic and the access to Saxilby Nature Project, more families have rediscovered walking and cycling along Sykes Lane enjoying the countryside in safety with low levels of traffic. Dog walkers and people jogging also use that route. This area of Sykes Lane would also be used to access the proposed cycle/footpath from Saxilby to Torksey, an identified project in the Saxilby with Ingleby Neighbourhood Development Plan. (A feasibility study for the project is planned for this year).

NDP Policy 17: Traffic and Movement around the Village, Policy 16: Existing and New Non-Vehicular Routes and Policy 11: Minimising the impact of Development on the Natural Environment.

The application notes an expected 56 HGV vehicle movements in a 19-week cycle. There are a limited number of options for accessing this site (via Sykes Lane from Torksey direction, Sykes Lane via Church Lane, and Sykes Lane via the High Street), and none of these are suitable for the volume of large vehicles. Sykes Lane as soon as you get out of the village is effectively single track with no passing places and large water filled dykes either side. There are tight bends and the road goes under a height limited railway bridge near blind bends.

We have serious concerns about HGVs attempting to negotiate this route and public safety of other vehicles and pedestrians/cyclists which may encounter these vehicles.

Local residents: Representations received from (Saxilby unless stated):

Objections (summarised)

1 Ivy Cottages, Sykes Lane
The Warren, Sykes Lane
1 Sykes Junction Cottages, Sykes Lane
3A, 11, 14, 54, 64, 66, 81 Sykes Lane
12, 37 Bridge Street
12 The Close
6, 15 Ingamells Drive
17G, 20, 53, 57 Church Lane

20 Otter Avenue
4, 5, 9, 17 Northfield Rise
7, 8 Brackenbury Road
9 MacPhail Crescent
20, 22 Fosdyke Gardens
2 Poachers Court
2 Ballerini Way
27 Mill Lane
30, 40, 55 Highfield Road
10 Eastcroft
18 Daubeney Avenue
5 Wells Court
1 Sturton Road
5, 10 The Sidings
67-69, 121 High Street
31 Warwick Close
11 Thonock Drive
16 Meadow Rise
20 Hawthorne Close
23 Queensway
26 St Botolphs Gate

4 Stretton Close, Sturton by Stow
Berry Brow, 14 Craypool Lane, Scothern
47 Hawthorn Chase, Lincoln
1 Lindholme Road, Lincoln
2 Victoria Street, Lincoln
5 Spring Hill, Lincoln
66 Foster Street, Lincoln
4 George Elsey House, Moorland Avenue, Lincoln
52a Spital Street, Lincoln
54 Anderby Drive, Lincoln
1 College Close, Lincoln
6 Grafton Street, Lincoln
1 Station Field, Skellingthorpe
15 Pottergate Close, Waddington
16 Edinburgh Square, Waddington
33 Cox Drive, Bottesford
31 The Street, Waldron
96 Weir Garden, Rayleigh
10 High Street, North Scarle
3 Grace Avenue, North Hykeham
6 Shaw Way, Nettleham
Jolls Farmhouse, Jolls Lane, Greetham

Animal Welfare

- Opposed to cramming amount of chickens into the unit.
- Impact on welfare of the animals.

Human Health

- Industrial animal farming has caused most new infectious diseases and risks more pandemics.

Visual Impact

- Will ruin the aesthetics of Sykes Lane and this end of the village.
- Unsightly addition to the village.
- Building on Saxilby green space.
- Too close to built up area.
- Must be a better location than on the edge of the village.

Residential Amenity

- Likely to produce bad odour/smells when wind blows in certain way.
- In spite of modern ventilation systems smell will drift over the village.
- Noise pollution from heavy goods vehicles.
- Encourage vermin to the area.
- Too close to built up area.

Highway Safety

- Increase traffic flow even more causing a congestion issue and more accidents.
- Road infrastructure through Saxilby will not cope as it is not designed for heavy goods vehicles.
- Access through residential streets including Sykes Lane within the village is not suitable. Street parking narrows the roads.
- Sykes Lane is a single carriageway with no passing places and blind bends therefore is unsuitable for heavy goods vehicles.
- Grass verges along Sykes Lane are damaged.
- Danger to walkers, dog walkers, cyclists, horse riders etc. Using Sykes Lane.
- Unsuitable access from Torksey or Saxilby.
- Passing places scheme should be conditioned.

Ecology

- Damage to natural habitats on site and surrounding area.
- Local conservation area concern.
- The wildlife impact would not be good.
- Detract from beauty and tranquillity of newly created nature site near the application site.

Environment

- Transport and production emissions would harm the environment.
- Have goals to reduce carbon footprint in next few decades and animal agriculture is a major contributor to our carbon footprint.

Other

- Waste will damage countryside.
- Smell will devalue house prices.

- Have enough chicken plants in the area.
- Should be on brownfield land.
- Approval would lead to further applications.
- Little or no economic benefit with 1 full time and 1 part time employee.
- Inadequate water supply for firefighting.
- Local business could suffer.
- Impact on recreational use of the area by walkers, cyclists, horse riders etc.

Supports (summarised)

12 Queensway

- Local company producing food and providing jobs.

General Observation (summarised)

Sykes Farm, Sykes Lane
114 Lincoln Road, North Hykeham

- Adjacent field used by walker/dog walkers and is a nature site.
- Passing place minimal
- Heavy Goods Vehicles rarely seen on Sykes Lane
- Application address is incorrect

LCC Highways/Lead Local Flood Authority: No objection subject to conditions and advisory notes

Representation received 15th July 2020:

- Construction Management Plan and Method Statement
- 3 Passing Places along Sykes Lane

Representation received 15th July 2020:

It is noted that the applicant has provided proposed vehicle movements, they also need to submit current vehicle movements in/out of the access with Sykes Lane. I see that they have said that the construction movements are not available but this is something that we need to be able to provide a substantive response to the LPA. We will also need to know the proposed routing construction vehicles and servicing vehicles will take. Sykes Lane is narrow in nature with some blind bends.

WLDC Environmental Protection: No objections

Representation received 8th July 2020:
No further concerns

Representation received 6th July 2020:

The odour report at 3.5 page 7 indicates that the “manure is to be removed throughout the flock cycle and therefore emissions during the end of flock

cleaning of the house would be lower than for a traditional house where manure collects within the house” however the Design and Access Statement at 2.9 page 6 states “poultry litter will be removed from the unit at the end of each 16 week cycle. These statements appear in conflict with each other and clarity is sought that the conclusions in both reports, that the predicted odour exposures would be well below the EA’s benchmark and that the proposed development will not give rise to any significant adverse environmental effects remain valid and clarify which system is to be used.

Other than the above clarification point I have no comments regarding this application.

Environment Agency: Comment

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

Witham 3rd Internal Drainage Board: No objections with advice

LCC Archaeology: No representations received to date

Lincolnshire Fire and Rescue: Objection with advice

The Fire Authority object to the application on the grounds of inadequate water supply for firefighting purposes.

WLDC Economic Development: No representations received to date

IDOX checked: 7th September 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); the Saxilby with Ingleby Neighbourhood Plan (made 8th May 2017); and the Lincolnshire Minerals and Waste Local Plan (adopted June 2016).

Development Plan

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

Relevant policies of the CLLP include:

LP1 A presumption in Favour of Sustainable Development

LP2 The Spatial Strategy and Settlement Hierarchy

LP13 Accessibility and Transport

LP14 Managing Water Resources and Flood Risk

LP17 Landscape, Townscape and Views

LP21 Biodiversity and Geodiversity

LP25 The Historic Environment

LP26 Design and Amenity
LP55 Developments in the Countryside
<https://www.west-lindsey.gov.uk/my-services/planning-and-building/planning-policy/central-lincolnshire-local-plan/>

- ***Saxilby with Ingleby Neighbourhood Plan (SINP)***

Relevant policies of the NP include:
Policy 2 Design of New Development
Policy 11 Minimising the impact of Development of the Natural Environment
Policy 17 Traffic Movements around the Village
<https://www.west-lindsey.gov.uk/my-services/planning-and-building/neighbourhood-planning/all-neighbourhood-plans-in-west-lindsey/saxilby-with-ingleby-neighbourhood-plan-made/>

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

The site is not within a Minerals Safeguarding Area, Minerals or Waste site/area.
<https://www.lincolnshire.gov.uk/planning/minerals-waste>

National policy & guidance (Material Consideration)

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

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

Paragraph 80 of the NPPF states:
"Significant weight should be placed on the need to support economic growth and productivity, taking into account both local business needs and wider opportunities for development."

Paragraph 83 of the NPPF states:
"planning policies and decision should enable:

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

Paragraph 109 state 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."

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:

Natural England's Agricultural Land Classification Map 2010

<http://publications.naturalengland.org.uk/publication/143027?category=5954148537204736>

Main issues:

- Principle of the Development
Central Lincolnshire Local Plan 2012-2036
Saxilby with Ingleby Neighbourhood Plan
Concluding Statement
- Assessment of local policy LP55 (Part E) of the CLLP
- Agricultural Benefit
- Waste Management
- Flood Risk
- Surface Water 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:

The application site is located within the open countryside therefore Tier 8 (countryside) of local policy LP2 applies which allows development demonstrably essential to the effective operation of agriculture. Local policy LP55 Part E of the CLLP sets out the criteria for Non-residential Development in the Countryside.

Saxilby with Ingleby Neighbourhood Plan:

Policy 2 (Design of New Development) sets out criteria for the acceptable design of new development.

Policy 11 (Minimising the impact of Development of the Natural Environment) sets out criteria for protecting existing features in the natural environment such as trees, hedging etc.

Policy 17 (Traffic Movements around the Village) provides protection from new development having an unacceptable traffic impacts on the village

Concluding Statement:

The application site is part of a larger arable field therefore the agricultural use of the land will be maintained. The use of the site as a chicken rearing unit is a use which only lends itself to be sited in isolated open countryside locations away from people and buildings, particularly residential dwellings.

The principle of the development is therefore acceptable subject to satisfying all other material considerations including the criteria listed in local policy LP55 Part E of the CLLP.

Assessment of local policy LP55 (Part E) of the CLLP

Local policy LP55 Part E of the CLLP states that “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”.

*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:*

The proposed rearing unit will be a standalone building and would not be close to established businesses or natural features. As already stated agricultural developments of this nature require an isolated location away from people therefore the proposed open countryside location is justified and would provide one full time and one part-time employment opportunity. The development would be expected to generate some off site employment as well such as jobs associated with haulage, construction/manufacturing, food processing, administration etc. The rearing unit will additionally support and supply hens to the applicant’s series of poultry farms specialising in higher welfare free range egg production situated in Newton on Trent, southwest of Saxilby and north of Harby (Newark & Sherwood). Therefore the proposed rearing unit will enhance the local rural economy in the local area, West Lindsey and a neighbouring district.

The location of the enterprise is suitable in terms of accessibility;

A number of objections have been received in relation to highway safety in particular vehicles travelling through the village and along Sykes Lane.

Policy 11 of the SINP States that “*development proposals in Saxilby must ensure that any transport impacts of the scheme are identified and acceptable. Any measures needed to deal with the anticipated impacts must be implemented.*”

The proposed building and accompanying structures would be accessed via an existing wide vehicular access off Sykes Lane and a long agricultural track measuring approximately 1,200 metres. To accommodate the type of vehicles that would be visiting the site the site includes a concrete apron to the north and south of the rearing unit to allow for parking and turning.

From the sites entrance Sykes Lane is single carriageway until you arrive at the settlement edge of Saxilby where it widens to a double carriageway through Saxilby to the junction with High Street. The single carriageway section of Sykes Lane does not currently include any formal passing places and relies on informal passing places such as vehicular accesses or damage verges.

The application in the Design and Access Statement (DAS) and additional letter dated 20th July 2020 from JHG Planning has provided details on existing, construction and proposed vehicle movements to the site. In summary the vehicle movements are:

	Movements	Type of vehicle
Existing	149/annum (298 if including return journey)	Tractors Tractor with trailer Crop Sprayer Heavy Goods Vehicles Combine Harvester Excavator
Construction (17 weeks)	180	Heavy Goods Vehicles Light Commercial Vehicles Commercial Vehicles
Operational	151.2/annum (includes return journey)	7.5 tonne Heavy Goods Vehicles 21 tonne Heavy Goods Vehicles 38 tonne Heavy Goods Vehicles Tractor and Trailer
Employee	2-4/day (includes return journey)	Private Car Van

The main operation of the business will generate 56 vehicle movements (including return journey) per rearing cycle which including the 3 week cleaning process lasts 19 weeks. The DAS states that there would be a maximum 2.7 cycles a year totalling the 151.2 journeys (including return journey) per annum. Employee traffic will generate a maximum of 1,460 (4x165) vehicle movements per annum.

Following the submission of the additional information in the letter the Highways Authority have no objections to the development subject to conditions. The recommended conditions includes the submission of a passing places scheme (three in total) along Sykes Lane to be completed prior to operation.

The construction phase of the development will numerically increase and intensify the use of Sykes Lane but only for a temporary period of 17 weeks. The existing and operational vehicle movements are almost identical in terms of number but it has to be considered that the development only uses a relatively small area of the wider field therefore vehicle movements to the remaining arable use would continue. Employee journeys will be higher than the operational traffic but this will be in smaller privately owned vehicles.

The inclusion of a condition requiring three formal passing places along the single carriageway of Sykes Lane is therefore considered relevant, reasonable and necessary. The agent has agreed in writing to the highways condition in email dated 13th August 2020.

Comments have been made around the vehicles travelling through the village to get to Sykes Lane. The additional letter states that *“agricultural traffic presently arising from the farm holding is routed via Sykes Lane through Saxilby to the B1241. It is intended that the proposed development will retain the established vehicle routing.”*

This would be an inevitable consequence of the development but the roads are publicly owned highways and the additional larger vehicle movements generated would be on average 0.4 movements a day (151.2/365)

Comments have additionally been made about the safety of walkers, dog walkers, cyclist and horse riders. Sykes Lane is a single carriageway road with no pedestrian footpath or street lighting. The users of the road for such activities do so, in accordance with highway law and provisions, at their own risk.

The location of the enterprise would not result in conflict with neighbouring uses:

A number of objections have been received in relation to residential amenity in terms of odour (smell) and noise pollution from vehicles.

Local policy LP26 of the CLLP protects the surrounding area from unacceptable harm on the amenity of all existing and future occupants of neighbouring land and buildings. This includes noise, air quality and odour.

The nearest residential dwellings are (approximate measurement):

- Castle Farm – 500 metres to the north
- Bridge Farm – 670 metres to the south west on other side of railway line
- 1-4 Sykes Junction Cottages – 770 metres to the south west
- Handy Tip – 780 metres to the south
- Orange Farm – 790 metres to the south
- The Haven – 810 metres to south east
- Sykes Farm – 815 metres to the south east
- Willow Tree Farm – 830 metres to the south
- Ingleby Hall/Ingleby Cottage – 1200 metres to the east

The proposed building and structures due to the separation distance would not have an overlooking impact, overbearing impact or cause any loss of light on any of the above listed dwellings.

Following the assessment in the location of the enterprise is suitable in terms of accessibility section above the amount of vehicle movements generated will not have cause a harmful noise or head light disturbance on the residents of the village or the residents in the dwellings listed above.

The main consideration is the impact of the development on air quality and odour. The application has included the submission of:

- A Report on the Modelling of the Dispersion and Deposition of Ammonia by AS Modelling & Data Ltd dated 28th May 2020 (DDA)
- A Dispersion Modelling Study of the Impact of Odour by AS Modelling & Data Ltd dated 28th May 2020 (DMSO)

The DDA on page 3 confirms there are three Local Wildlife Sites (LWS) within 2km of the site but no Sites of Special Scientific Interest (SSSIs) within 5 km or no internationally designated sites within 10 km of the site.

The DDA concludes on page 17 that *“should the proposed development go ahead, at all sites considered, the predicted process contribution to annual mean ammonia concentrations would be below the Environment Agency’s lower threshold percentage (100% for a non-statutory site) of the precautionary Critical Level of 1.0 µg-NH₃/m³”*

The DMSO on page 3 and 14 sets out the nearest residential and commercial receptors totalling 11.

The DMSO on page 19 *“should the proposal to construct a new poultry house at Saxilby Sykes be undertaken, at all discrete receptors considered, the predicted odour exposures would be well below the Environment Agency’s benchmark for moderately offensive odours, a 98th percentile hourly mean odour concentration of 3.0 ouE/m³ over a one year period.”*

The potential impact of air quality will be greater as the rearing cycle of 16 weeks progresses and will heavily rely on the ventilation systems on the building. The full 19 week rearing cycle includes a 3 week cleaning process at the end of the initial 16 weeks which will remove the waste which causes odour to be produced. The process of dealing with waste and its impact is dealt with later in this report.

The Environment Agency has not commented on the application but the Authority’s Environmental Protection Officer following submission of an update odour report (received 7th July 2020) has no objections to the development in terms of air quality or odour.

The development is of a size and scale commensurate with the proposed use and with the rural character of the location:

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

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

Policy 2 of the SINP states that *"all new development must deliver good quality design."*

The SINP Character Assessment does not provide any context for the area of the application site.

The proposed building will have an appearance within this isolated open countryside rural setting. The design and access statement states that the proposed rearing unit would be constructed from the following materials:

- Elevations - polyester coated profiled steel sheeting in Juniper Green.
- Roofs - polyester coated profiled steel sheeting in Juniper Green.

The building would be approximately 5.6 metres high (2.9 metre eaves), 21.6 metres wide and 96 metres long. The vents on the roof of the rearing unit would reach an approximate height of 6.4 metres high.

The additional infrastructure includes two silos and an LPG tank. The silos will be juniper green in colour and approximately 8 metres high and 2.5 metres wide. The LPG Tank will be white in colour and approximately 1.5 metres high, 1.4 metres wide and 4 metres long.

As already stated the proposed rearing unit and associated infrastructure would be located in an isolated location in the open countryside. Views of the site were observed from the different public vantage points in the immediate and wider setting. The views from the north, south and west would be screened by vegetation, land levels and the railway line embankment. Views from the east from the B1241 to the east around Ingleby which is on a higher ground would view the site from a distance but there are no public rights of

way in this location and the highway in the area is a 60mph highway. In any case the proposal includes a proposed tree belt to the east of the site which in time would provide appropriate screening from views from the east.

It is therefore considered that the proposal will enhance the rural economy, is suitable in terms of accessibility and highway safety, would not conflict with neighbouring uses, is of a size and scale commensurate with the proposed use and would not have a harmful visual impact on the rural character and setting of the open countryside. The proposal will accord to local policy, LP13, LP17, LP26 and LP55 of the CLLP, policy 2, 11 and 17 of the SINP and the provisions of the NPPF.

It is considered that policy LP5, LP13, LP17, LP26, LP55. 2, 11 and 17 are consistent with the highway safety, visual amenity, residential amenity and open countryside rural economy guidance of the NPPF and can be attached full weight.

Agricultural Benefit

Guidance contained within Paragraph 170 of the NPPF states that *“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”*. The field is classed in Natural England’s East Midlands Agricultural Land Classification Map as grade 3 (good to moderate). The best and most versatile land is defined as Grades 1, 2 and 3a by policy guidance (Annex 2 of NPPF). This designates the site as being fairly productive for agricultural use. The site is currently used for growing crops and the development is only building on part of the land (0.9 Hectares). The development will lead to a loss of agricultural land but the land will be continued to be used for an agricultural purpose. Therefore the loss of arable land is not considered as significant.

Waste Management

Paragraph 2.9 of the submitted Design and Access Statement states that *“2.9 Poultry litter will be removed from the unit at the end of each 16 week rearing cycle. The litter comprises a valuable fertiliser and will therefore be marketed as manure for spreading upon farmland in accordance with the Code of Good Agricultural Practice (DEFRA, 2009). It will be transported from the site via tractor and covered trailer either directly to outlying farms or P A Arden & Son Ltd’s arable holding (or remote manure storage compound if necessary).”*

The poultry litter will therefore be removed from the site during the last weeks of the 19 week cycle and used on agricultural land in the ownership of the applicant or sold to other farmers for the same use.

The process of managing the waste within the poultry unit is considered acceptable and spreading would be completed in accordance with the Code of Good Agricultural Practice (DEFRA, 2009).

Flood Risk

As previously acknowledged the access track running north to south and a small section of the access track running east to west lies within flood zone 2. The built form of the development is in flood zone 1.

As the access track sits within flood zone 2 local policy LP14 and the National Planning Policy Framework (NPPF) requires a sequential approach towards locating development to areas at lower risk of flooding and the submission of a Flood Risk Assessment (FRA). The DAS has included an FRA section.

Paragraph 4.62 of the DAS states that *“With reference to NPPG Table 3, which identifies the flood risk vulnerability and potential compatibility of new development within the various flood zones, it can be noted that ‘less vulnerable’ agricultural development is considered to be entirely strategically acceptable within Flood Zones 1 and 2. The application site is therefore a sequentially preferential location for the proposed development and there is no requirement for applying the ‘exception test’”*.

The proposed use of the site for agricultural purposes is classed under Table 2 (Flood Risk Vulnerability Classification) of the NPPG as being less vulnerable. Given consideration to table 3 (Flood risk vulnerability and flood zone ‘compatibility’) of the NPPG the site would not be required to pass the exceptions test if the sequential test is passed and the table considers the use as acceptable in flood zone 2. The Sequential Test should be applied first to guide development to Flood Zone 1, then Zone 2, and then Zone 3.

In support of this Guidance contained within paragraph 155 of the NPPF indicates that development should be directed away from areas at highest risk from flooding. The sequential test is applied by the Local Authority. Paragraph 33 (Ref ID: 7-033-20140306) of the NPPG states that *“the area to apply the Sequential Test across will be defined by local circumstances relating to the catchment area for the type of development propose”*.

The main aspect of the development where employee(s) will work and the chicks will be accommodated will be situated safely in flood zone 1 therefore does not need to pass the flood risk sequential test.

The medium risk of the access track in flood zone 2 still has to be considered given that access to employees, deliveries and removal of waste can only be completed by using this track. However given the location of the buildings and the medium risk associated to the access track it is considered that the development is acceptable.

The development therefore passes the flood risk sequential test and will not increase the risk of flooding on the site or the surrounding area. Therefore the development accords to Local Policy LP14 of the CLLP, policy 2 of the SINP and the provisions of the NPPF.

It is considered that policy LP14 and policy 2 are consistent with the flood risk guidance of the NPPF and can be attached full weight.

Surface Water Drainage

The application form and DAS state that surface water will be disposed of to soakaways. Paragraph 4.66 of the DAS states that *“The utilisation of soakaways, which are a sustainable infiltration based drainage system, to address the run-off of rainwater from the poultry unit roof will be potentially viable in this location.”*

Therefore it is considered that surface water is capable of being addressed by condition and subject to further details would accord with local policy LP14 of the CLLP, policy 2 of the SINP and the provisions of the NPPF.

It is considered that policy LP14 and policy 2 consistent with the drainage guidance of the NPPF and can be attached full weight.

Other Consideration:

Biodiversity

Objections have been received in relation to ecological impacts.

The application site is arable land with some boundary hedging to the north boundary which is to be retained. The application does not include an ecology survey and it is not considered necessary as part of the determination of the application because the site is active arable land and no field hedging/trees are to be disturbed or removed.

The proposal includes the addition of a tree belt to the east boundary which will modestly enhance the biodiversity value of the proposal.

Nature Site

Objections have been received in relation to the impact of the development on the beauty and tranquillity of newly created nature site which is located near the application site. On investigation the Saxilby Nature Project¹ is to the south of the development site on the other side of Sykes Lane. The Saxilby Nature Project is at least 1000 metres from the proposed building therefore will not be harmed by the development.

Animal Welfare

Objections have been received in relation to animal welfare. The DAS in paragraph 6.1 states that *“The development/operation will be associated with ‘RSPCA Freedom Foods’, which seeks to promote the highest animal welfare standards.”* The issue of animal welfare is controlled by separate legislation namely the Animal Welfare Act 2006², and is not a material consideration in the determination of this planning application.

Community Infrastructure Levy (CIL)

The development is not liable to a CIL payment.

¹ <https://www.google.co.uk/maps/place/Saxilby+Nature+Project/@53.2788441,-0.6849502,1250m/data=!3m1!1e3!4m5!3m4!1s0x0:0x75932191046708b8!8m2!3d53.277104!4d-0.679089>

² <https://www.gov.uk/guidance/animal-welfare>

Pre-commencement conditions

The agent has agreed in writing to the proposed pre-commencement conditions

Conclusion and reasons for decision:

The decision has been considered against local policy LP1 A Presumption in Favour of Sustainable Development, LP2 The Spatial Strategy and Settlement Hierarchy, LP13 Accessibility and Transport, LP14 Managing Water Resources and Flood Risk, LP17 Landscape, Townscape and Views, LP21 Biodiversity and Geodiversity, LP25 The Historic Environment, LP26 Design and Amenity and LP55 Development in the Countryside of the Central Lincolnshire Local plan 2012-2036 and policy 2 Design of New Development, Policy 11 Minimising the impact of Development of the Natural Environment and Policy 17 Traffic Movements around the Village of the Saxilby with Ingleby Neighbourhood Plan. Furthermore consideration is given to guidance contained within the National Planning Policy Framework, National Planning Practice Guidance and National Design Guide. In light of this assessment it is considered that the principle of the proposal is acceptable in an open countryside location and will benefit the rural economy. The development will provide a modest amount of employment opportunities and it will not significantly harm the character and appearance of the site or the open countryside nor the living conditions of the nearest neighbouring occupiers. Furthermore the proposal will not have a harmful impact on highway safety, flood risk, ecology, archaeology or drainage. This is subject to a number of conditions, particularly for appropriate passing places along Sykes Lane.

Human Rights Implications:

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

Legal Implications:

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

Representors to be notified -

(highlight requirements):

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

Prepared by: Ian Elliott

Date: 7th September 2020

Recommended 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 Construction Management Plan and Method Statement has been submitted to and approved in writing by the Local Planning Authority which shall indicate measures to mitigate against traffic generation and drainage of the site during the construction stage of the proposed development. The Construction Management Plan and Method Statement shall include:
 - i. the parking of vehicles of site operatives and visitors;
 - ii. loading and unloading of plant and materials;
 - iii. storage of plant and materials used in constructing the development;
 - iv. wheel washing facilities;
 - v. the routes of construction traffic to and from the site including any off site routes for the disposal of excavated material and;
 - vi. method statement for surveying verges along Sykes Lane prior to construction and remedial works for any damage caused by vehicular traffic relating to the development.

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

Reason: To ensure that the public highway is not impeded during the construction phase causing obstruction and hazard to other highway users to accord with the National Planning Policy Framework, local policy LP13 of the Central Lincolnshire Local Plan 2012-2036 and policy 11 and 17 of the Saxilby with Ingleby Neighbourhood Plan.

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

3. With the exception of the detailed matters referred to by the conditions of this consent, the development hereby approved must be carried out in accordance with the following proposed drawings:
 - F2961-A1-01 dated April 2020 – Location, Site, Elevations and Floor plans (Rearing Unit, Silos and LPG Tank)

The works must be carried out in accordance with the details shown on the approved plans, the materials/colour finish identified in section 7 of the application form and email dated 4th September 2020 from the agent and in any other approved documents forming part of the application.

Reason: To ensure the development proceeds in accordance with the approved plans and to accord with the National Planning Policy Framework, local policy LP17, LP26 and LP55 of the Central Lincolnshire Local Plan 2012-2036 and policy 2 of the Saxilby with Ingleby Neighbourhood Plan.

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

Reason: To ensure adequate drainage facilities are provided to serve each dwelling and to reduce the risk of flooding to accord with the National Planning Policy Framework, local policy LP14 of the Central Lincolnshire Local Plan 2012-2036 and policy 2 of the Saxilby with Ingleby Neighbourhood Plan.

5. No operation of the development must take place until details to provide three heavy goods vehicle passing places along Sykes Lane between the Saxilby settlement edge and the sites vehicular access have been submitted to and approved in writing by the Local Planning Authority. The three passing places must be completed prior to operation of the development.

Reason: To ensure the provision of safe and adequate means of access to the permitted development to accord with the National Planning Policy Framework, local policy LP13 of the Central Lincolnshire Local Plan 2012-2036 and policy 2 and 17 of the Saxilby with Ingleby Neighbourhood Plan.

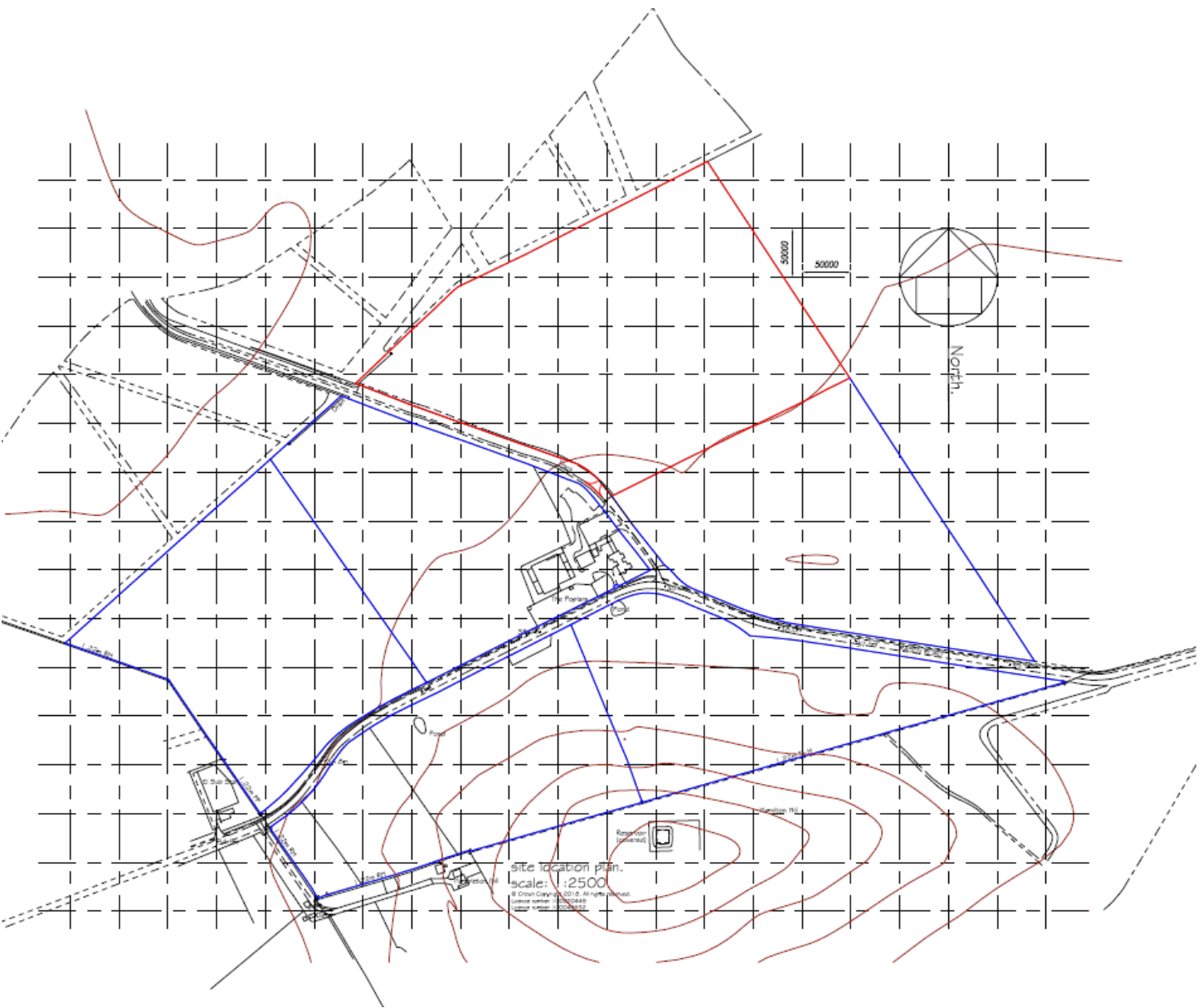
6. No operation of the development must take place until details of the tree species and planting height for the tree belt identified on site plan F2961-A1-01 dated April 2020 has been submitted to and approved in writing by the Local Planning Authority. The approved details must be completed in the first planting season following completion of the development. Any trees which within a period of 5 years from the completion of the development die, are removed, or become seriously damaged or diseased must be replaced in the next planting season with others of similar size and species, unless the Local Planning Authority gives written consent to any variation. The tree belt must be retained thereafter.

Reason: To ensure that appropriate landscaping is introduced and will not harm the character and appearance of the site or the area to accord with the National Planning Policy Framework, local policies LP17, LP26 and LP55 of the Central Lincolnshire Local Plan 2012-2036 and policy 2 and 111 of the Saxilby with Ingleby Neighbourhood Plan.

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

7. All manure from the operation of the development must be removed from the site in accordance with paragraph 2.9 of the Environmental Report and Design and Access Statement dated June 2020 by JHG Planning Consultancy.

Reason: To ensure that all manure from the site is removed in an appropriate manner to accord with the National Planning Policy Framework and local policies LP17 and LP26 of the Central Lincolnshire Local Plan 2012-2036.



Officers Report

Planning Application No: 141442

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 - resubmission of 140707.

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

WARD: Market Rasen

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

APPLICANT NAME: Mr Casswell

TARGET DECISION DATE: 02/11/2020

DEVELOPMENT TYPE: Major - Other

CASE OFFICER: Rachel Woollass

RECOMMENDED DECISION: Grant permission

This application has been referred to the Committee, as it is considered appropriate to do so in view of the planning history and previous decision to refuse planning permission on the site, and following objections from third parties including the Parish Councils.

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.

Fundamentally, following refusal of planning application 140707, the latest site plan (drawing dmc/18535/401) now depicts 27 lodges. Previously 50 lodges were depicted – therefore a reduction by 23 lodges (46%).

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

140707 - 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. Refused 23/07/2020
Reason for refusal:

1. The scale of development would be detrimental to, and adversely affect countryside setting and the setting of the Area of Great Landscape Value and Lincolnshire Wolds AONB contrary to policies LP7 and LP17 of the Central Lincolnshire Local Plan.

Representations:

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

Walesby Parish Council: Object – Apart from a reduction in the number of cabins from 50 to 27 there is little difference in concept to application 140707 which we opposed and which was not approved. This revised application is totally unacceptable and we oppose it just as we did 140707 as follows:-
The total site should be limited for the moment to the original 15 to ensure there is no adverse effect on the environment and the surrounding area before considering any extension. This was the number considered acceptable to maintain 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 141442 the applicant proposes to add another 27 cabins making 42 in all with the two sites together.

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

The total (42) proposed development would cause noise and highways issues which would have a serious impact on wildlife habitat and bio-diversity and affect the character of the site through inadequate landscaping.

Tealby Parish Council: Tealby Parish Council's understanding is that the original application for 15 lodges was granted on the basis that there would be no further development to adjoining land.

Furthermore, the adjacent site remains incomplete and should be used as a measure of the need for such development and local affects caused by such development.

Tealby Parish Council would also like to draw attention to the increasing amount of signage on the fencing facing the main road, for which no permission has been granted. The signage is a distraction for some vehicle drivers entering the bend. Tealby Parish Council would like to draw attention to that statement of benefit to the local school, which remains, and is, unsubstantiated.

Local residents: Support received from – Kestrels, Otby Lane, Walesby – This planning application supports the local economy, employment and tourism.

Objections received from –
Shepards Hill
The Old Joiners Workshop
Waterside House
Tudor Cottage
Danesway
Red House
Rase Thatch
Rose Bank
Wood View Cottage
4 The Row
Low Moor Farm
Peacefields
Woodley
48 Rasen Road
Hambleton Hill

With the main concerns –

- Traffic
- Impact on the landscape
- Impact on wildlife
- Legend box covers up Tealby on extended phase 1 survey map

- Not an application for 27 cabins with 54 parking spaces. It is an application for 42 cabins and 84 parking spaces
- Further viewpoints need to be assessed
- Could be archaeology on site
- Not an appropriate location
- Object on the same grounds as application 140707
- No justification for the lodges
- Loss of a view
- Would affect the setting of the AGLV and AONB
- The 15 lodges should be erected first before any other application is considered
- Scale of development is not appropriate
- Noise
- Would reduce visitor numbers
- No need for additional holiday accommodation
- Removes key reason for tourism in the area
- Proposal for holiday accommodation not homes
- Waste

LCC Highways: No objections

Natural England: No objections

Public Rights of Way: No objections

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 and allow visitors to stay longer.

Although the tourism and hospitality industry has suffered significantly during the Coronavirus pandemic, research shows that rural destinations are recovering the quickest as they have greater potential to offer safe, socially distanced holidays and breaks. 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.

As the industry continues to recover, the rise of the 'staycation' will bring increased demand; therefore enhancing the need for a wide range of quality accommodation.

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.

Environment Agency: No objections. 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.

This application is a re-submission of a previously approved scheme. The change being a reduction in the numbers of caravans (lodges) from 50 to 27. This is a reduction of 23 which equates to a 46% reduction.

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 previous applications (139788 and 140707) 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 submitted. This is the same statement as the previous application. However this application is for the same scheme albeit a reduction in numbers therefore the statement is relevant and its conclusions are considered to be valid. The reduction in numbers would be a betterment on the existing application and would improve upon any impact on the area.

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, eastly 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, 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.

Further views were submitted during the previous application (140707) to address a representation and these views and corresponding statement have been submitted in this current application and concludes –

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 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.

It has been requested from objectors that further views be assessed. However, these are not deemed necessary and would not alter the conclusions of the visual impact 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.

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.

The AONB Officer has not commented on this application but request further landscaping and more information on lighting plans to reduce the impacts and disruption to the AONB setting in the previous application. This is felt to be still appropriate for this application. 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 27 pitches, which should be secured via planning condition.

It is acknowledged that the earlier scheme of 50 pitches was refused permission due to the landscape and visual impacts of the development. These are however further mitigated by the reduction in numbers, leading to a lower density scheme.

Whilst the scale is larger than that of the other approved site, it has been significantly reduced from the previous refused application. When also taken cumulatively with the previously approved scheme, the proposal with the correct landscaping would not be expected to appear obtrusive within the landscape.

The experience of the AONB and qualities that contribute to its designation would not be expected to 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 30 metres apart from one another. 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 and have no objections to the proposal.

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

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.

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.

A resident has stated that one of the known R-B pottery kiln sites on the moor is only around 800 metres east from the proposed excavation described in new planning application 141442, and there are soil and vegetation/crop marks in fields closer to the proposed excavation that could be indicating the presence of other archaeological remains sub-surface nearby.

The archaeologist at LCC has been consulted on the application and no representations have been received. However, in the previous application for the pond (138912) no archaeological input was required. Therefore it would be unreasonable to ask the applicant to carry out such surveys.

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

Advertisements are not applied for under this application and are not a material consideration to this application.

Competition is not a material consideration.

The application is to be considered on its own merits, against the provisions of the development plan. Speculative growth is not a material planning consideration. Any future applications would also need to be considered on

their own merits. The previous permissions were not granted on the basis that they would be no further development on the adjacent land. No such restrictions were placed on these applications. However as stated, any future applications will be considered on their own merits.

A resident has stated that in the extended phase 1 survey the legends box covers up most of Tealby and covers the walkways and listed buildings. They request that a new map be submitted. The extended phase 1 survey relates to ecology therefore the locations of listed buildings and PROWs are irrelevant in this survey.

A representation has stated that the application would reduce visitor numbers. There is no evidence before the officer why the proposal would create such effect, and is not the position taken by the WLDC Visitor Economy officer

The proposal has been assessed as holiday accommodation and not dwellings.

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 18535/401

DMC 18535/402

DMC 18535/403

DMC 18535/404

DMC 18535/405

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 **27**.

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.

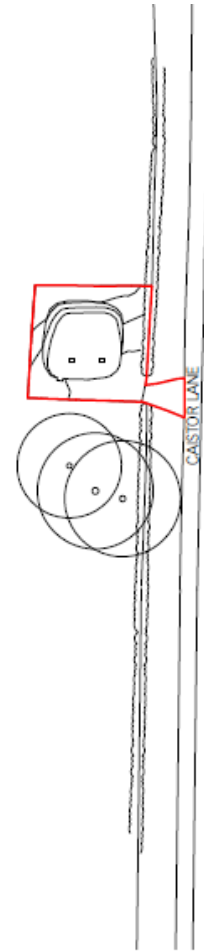
Human Rights Implications:

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

South East



1 Location Plan
A001 1 : 1250

Officers Report

Planning Application No: 140906

PROPOSAL: Planning application for change of use from water storage tank to single family dwelling.

LOCATION: Land Off Caistor Lane Tealby Market Rasen

WARD: Market Rasen

WARD MEMBER(S): Cllr S Bunney, Cllr J McNeill and Cllr CEJ
McCartney

APPLICANT NAME: Mr Tony Parkinson

TARGET DECISION DATE: 16/10/2020

DEVELOPMENT TYPE: Minor - Dwellings

CASE OFFICER: Richard Green

RECOMMENDED DECISION: Refuse.

This application has been referred to planning committee as the decision is considered to be finely balanced. The site is located within a sensitive landscape (The Lincolnshire Wolds Area of Outstanding Natural Beauty - AONB) and there are representations both in favour and against the proposed development.

Description:

The site is located in the countryside to the north east of Tealby. The site is a redundant Anglian Water covered reservoir and is located off Caistor Lane (which is a single track road) immediately to the east of the road. The site is approximately 1 km in distance to Tealby All Saints Church. The site is located within the Lincolnshire Wolds Area of Outstanding Natural Beauty (AONB) and is surrounded by open countryside on all sides and has no near neighbours. There is a Group Tree Preservation Order (TPO) to the north of the site and there is an existing access off Caistor Lane with a hedgerow on the rest of this boundary with Caistor Lane. There is a Public Right of Way (Teal/125/1) located approximately 250 metres across open fields (no boundary treatments) to the south east of the site. The site is located above the footpath on a slope.

The application seeks permission to change the use of the water storage tank (covered reservoir which is below ground) to one dwelling. It is proposed to construct a two bed dwelling over three floors. The existing concrete underground reservoir (which is currently buried underground and covered by a grass bank) will be utilised for the ground floor (approximately 3.8 metres in height). On top of this will be two further floors of accommodation measuring approximately 6.5 metres in height. The existing access off Caistor Lane will be utilised leading to two car parking spaces to the north of the dwelling. A new Cor-ten sliding gate will be erected. The site will be open to the east and the south with a 'Ha Ha' boundary treatments and a new native hedge will be

planted on the northern boundary and the existing one retained adjacent to Caistor Lane. The property will have a granite terrace and a small amount of outside amenity space mainly located towards the western end of the site.

Amended plans and an addendum to the Design and Access Statement have been received to meet the recommendations made by Design Midlands in their latest letter dated 27/02/2020.

Town and Country Planning (Environmental Impact Assessment) Regulations 2017:

The development is within a 'sensitive area' as defined in Regulation 2(1) of the Regulations (the Lincolnshire Wolds Area of Outstanding Natural Beauty) and has therefore been assessed in the context of Schedule 2 of the Regulations. After taking account of the criteria in Schedule 3 it has been concluded that the development is not likely to have significant effects on the environment by virtue of its nature, size or location. Therefore the development is not 'EIA development'.

Relevant history:

138066 - Pre-application enquiry for 1 dwelling. Advice given 25/07/2018. *'It is my opinion that the proposal cannot be supported in principle as it currently stands. The proposal fails in relation to Policy LP55 of the Central Lincolnshire Local Plan in relation to Part A and Part D of the policy. No evidence has been provided with this request for pre-application advice outlining why such a dwelling is essential to the effective operation of rural operations listed in policy LP2 (usually for agriculture, horticulture or forestry). This proposal is for market housing. In exceptional circumstances Paragraph 79 of the NPPF allows new dwellings to be built in the countryside where they are of exceptional design contrary to the general policies of restraint for new dwellings in the countryside. If you think you can meet the criteria of paragraph 79 any such proposal (a detailed design) would need to be put before a design panel (Opun) which covers the east midlands area, who can provide you with professional advice as to how to move forward with one of these schemes.'*

139198 - Planning application for change of use from Anglian Water storage tank to 1no. dwelling. Withdrawn by the applicant 09/05/2019 after the following advice was given by the Case Officer *'I am sorry, your proposal needs to go through the design review panel process run by Opun before it is submitted as a formal planning application. I recommend you withdraw the current application and re-submit once you have taken your proposal through the design review panel process i.e. once you have Opun's formal response back in writing on the merits of your proposed design. Do you therefore want to withdraw your application or do you want me to determine it as submitted (a dwelling in the open countryside contrary to the National Planning Policy Framework. Policy LP2 and LP55 of the Central Lincolnshire Local Plan)?'*

Representations

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

Parish Council: Tealby Parish Council have no comments to add at this time.

Local residents: The following representations support the proposal:

- Beckside 10 Kingsway Tealby – What an interesting and creative solution. It is excellent news that such a site is being reused and developed. The design fits well and is imaginative. I see the reference to ancient hill forts and such fortifications in this strong but elegant form. I really do hope this actually gets built, and show that architecture doesn't have to be about 1950's suburban villas faced with bits of sandstone.
- 10 Rasen Road Tealby - Brilliant scheme. Looking forward to seeing it built.
- The Poplars Tealby Road Market Rasen – Fully support this application, good creative plans.

The following representations object to the proposal:

Yew Tree House 34 Caistor Lane Tealby - The architecture of this building is not compatible with those existing in Tealby. It does not fit into an area of outstanding natural beauty.

Front Street, Tealby – I would like to object to this proposal, very strongly. Wow! could they have made it even more ugly? It looks like a rusty old corrugated iron shed. A ghastly eyesore on this lovely lane with views overlooking the plain to Lincoln.

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

Internal Drainage Board (IDB) comments attached to this representation:

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

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

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

LCC Archaeology: No representations received to date.

Lincolnshire Wolds AONB Officer: No representations received to date.

Natural England: Based on the plans submitted, Natural England considers that the proposed development will not have significant adverse impacts on statutorily protected nature conservation sites.

Lincolnshire Wildlife Trust: No representations received to date.

Tealby Society: No representations received to date.

The Ramblers Association: No representations received to date.

LCC Rights of Way: No representations received to date.

IDOX checked: 29/09/2020

Relevant Planning Policies:

Planning law requires that applications for planning permission must be determined in accordance with the development plan, unless material considerations indicate otherwise. Here, the Development Plan comprises the provisions of the Central Lincolnshire Local Plan (adopted in April 2017) and the Lincolnshire Minerals and Waste Local Plan (adopted June 2016).

Development Plan:

*Central Lincolnshire Local Plan 2012-2036

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

LP1: A Presumption in Favour of Sustainable Development

LP2: The Spatial Strategy and Settlement Hierarchy

LP13: Accessibility and Transport

LP14: Managing Water Resources and Flood Risk

LP17: Landscape, Townscape and Views

LP21: Biodiversity and Geodiversity

LP26: Design and Amenity

LP55: Development in the Countryside.

**With consideration to paragraph 213 of the National Planning Policy Framework (February 2019) the above policies are consistent with the NPPF (February 2019). LP1 is consistent with NPPF paragraph 11 as they both apply a presumption in favour of sustainable development. LP2 is consistent with NPPF chapter 5 as they both seek to deliver a sufficient supply of homes. LP13 is consistent with NPPF paragraphs 108-111 as they both seek to ensure an efficient and safe transport network that offers a range of transport choices. LP14 is consistent with paragraphs 155 to 165 of the NPPF as they both seek to avoid putting inappropriate development in areas at risk of flooding. LP17 is consistent with NPPF paragraph 170 as they seek to protect valued landscapes and recognise the intrinsic character and beauty of the countryside. LP21 is consistent with chapter 15 of the NPPF as they both seek to protect and enhance biodiversity and LP26 is consistent with section 12 of*

the NPPF in requiring well designed places. The above policies are therefore attributed full weight.

Neighbourhood Plan:

No plan currently being prepared.

Lincolnshire Minerals and Waste Local Plan (LMWLP)

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

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

Lincolnshire Wolds AONB Management Plan (material consideration)

<https://www.lincswolds.org.uk/looking-after/lincolnshire-wolds-aonb-management-plan>

National policy & guidance (Material Consideration)

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

https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/810197/NPPF_Feb_2019_revised.pdf

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)**

AONB Statutory Duty

[Section 11A\(2\) of the National Parks and Access to the Countryside Act 1949](#), [section 17A of the Norfolk and Suffolk Broads Act 1988](#) and [section 85 of the Countryside and Rights of Way Act 2000](#) require that 'in exercising or performing any functions in relation to, or so as to affect, land' in National Parks and Areas of Outstanding Natural Beauty, relevant authorities 'shall have regard' to their purposes for which these areas are designated.

Main issues

- Principle of the Development and Design
- Visual Impact (Lincolnshire Wolds Area of Outstanding Natural Beauty)
- Residential Amenity
- Foul and Surface Water Drainage
- Highway Safety
- Ecology
- Trees Landscaping
- Garden Space
- Other Matters

Assessment:

Principle of Development and Design

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

The site is located within the open countryside. The proposal is for an 'exemplar dwelling' under the provisions of paragraph 79 of the NPPF which states:

Planning policies and decisions should avoid the development of isolated homes in the countryside unless one or more of the following circumstances apply:

- a) there is an essential need for a rural worker, including those taking majority control of a farm business, to live permanently at or near their place of work in the countryside;
- b) the development would represent the optimal viable use of a heritage asset or would be appropriate enabling development to secure the future of heritage assets;
- c) the development would re-use redundant or disused buildings and enhance its immediate setting;
- d) the development would involve the subdivision of an existing residential dwelling; or
- e) the design is of exceptional quality.

Such a design should be:

- truly outstanding or innovative, reflecting the highest standards in architecture, and would help to raise standards of design more generally in rural areas; and
- would significantly enhance its immediate setting, and be sensitive to the defining characteristics of the local area.

This proposal seeks to comply with the exceptional quality of design element of the NPPF. The Central Lincolnshire Local Plan and in particular Policy LP55 is silent on such proposals. Therefore it is required to adopt a reasonable approach in the application of local and national policy.

Policy LP1 states that where there are no policies relevant to the application or relevant policies are out of date at the time of making the decision, then the appropriate Council will grant permission unless material considerations indicate otherwise – taking into account whether:

- Any adverse impacts of granting permission would significantly and demonstrably outweigh the benefits, when assessed against the policies in the National Planning Policy Framework taken as a whole;
- or Specific policies in that Framework indicate that development should be restricted.

Prior to the submission of this application a proposed scheme was put before the Design Review Panel for the East Midlands (Opun now Design Midlands) who gave the following feedback on the proposed scheme in a letter dated the 27/06/2019:

‘The site specifically the disused water tank is considered to be exciting, extraordinary and the re-use to create a retreat for the client achievable. As proposed the scheme was considered to be driven by constraints rather than opportunities, resulting in a building that is domestic in character, which is inconsistent with the disused water tank, the site and its setting. The Panel encouraged the design team to undertake a bolder approach to create a building which reinforces and references the typology, form and character of the water tank and for the water tank to be central / at the fore of the design.

Other areas to be addressed include:

- *Undertaking additional work to strengthen the site analysis to demonstrate an in-depth understanding of the site context;*
- *Develop the landscape strategy which should include clarification on the approach to the site boundaries, open space and to re-examine the extent of the driveway;*
- *Ensure sustainability is embraced at the design development to ensure that it is integral to the design; and*
- *To carefully consider the material palette for the scheme to ensure it is appropriate to the site context.’*

Further advice was given by Design Midlands on the 27/02/2020:

‘The design is based on the well-documented history of Tealby and its buildings (past and present), the plot and its setting, and the client brief and is a bold and convincing response to the existing structure on the plot.

Further development of rationale for the immediate landscape strategy and exploration of how the development significantly enhances its immediate setting would be beneficial.

The current proposals overall are considered positive and promising, and the architects are encouraged to explore the options for refinement of the design and to implement sustainability in further detail.'

The Design and Access Statement submitted with this application (140906) states that the '*building is of exemplary design, as critiqued by Opun/Design Midlands and provided additional information to outline the landscape and sustainability credentials of the building in order to show that the building can stand alone in the countryside and not rely heavily on external sources in order to run.*

The design of the dwelling will create a folly in the landscape which will highlight how excellent design can improve the setting of an area and turn an unused overgrown area into something of architectural merit. The building therefore, meets the criteria of the NPPF under paragraph 79.'

It is proposed to construct a two bed dwelling over three floors. The existing concrete underground reservoir/tank (which is currently buried underground and covered by a grass bank) will be utilised for the ground floor (approximately 3.8 metres in height). On top of this will sit a two storey cube clad in aged copper and perforated metal screens. This element of the building will house two further floors of accommodation measuring approximately 6.5 metres in height. The existing access off Caistor Lane will be utilised leading to two car parking spaces to the north of the dwelling. A new Cor-ten sliding gate will be erected (no details submitted). The site will be open to the east and the south with a 'Ha Ha' boundary treatments and a new native hedge will be planted on the northern boundary and the existing one retained adjacent to Caistor Lane. The property will have a granite terrace and a small amount of outside amenity space manly located towards the western end of the site.

Design Midlands in their latest letter dated 27/02/2020, consider the building to be a bold and convincing response to the existing structure on the plot. The current proposals overall are considered 'positive and promising', and the architects are encouraged to explore the options for refinement of the design and to implement sustainability in further detail. Design Midlands, also state that further development of the rationale for the immediate landscape strategy and exploration of how the development significantly enhances its immediate setting would be beneficial. The following detailed comments are made:

- The considered design response draws from a broad context but clarification as to how the development "*significantly enhances its immediate setting*" needs to be made. The case that the design may philosophically enhance an understanding of the setting and site history may support this argument. A clearer explanation also to the approach to the immediate landscape may help.

- The location of the building within the framework of the existing structure/tank is logical, as is the resultant form and materials of the external terrace. Further exploration of immediate landform surrounding the building, particularly the approach along the northwest and southeast would be helpful.
- The landscape drawing indicates a gabion wall, as a contrasting material, which would signal the distinction between old and new. The design team is encouraged to investigate this aspect of the lower floor design further.
- The "off-grid" location of the site makes sustainability a significant requirement for this project, and therefore this should be explored thoroughly in the next design phase. The previous design included photo voltaic (PV) panels and a biomass boiler for energy creation, while the current presentation refers to ground source heat pump technology and the PV panels are no longer mentioned, so the assumption is that power will be supplied from the national grid. The design document states that the building will be "highly insulated", but the plans shown in the sketch plans are thin, and do not appear to contain much insulation. The design team is encouraged to address sustainability in more detail, starting with the building envelope and extending to the size and location of external plant equipment, to ensure these can be integrated convincingly. This work should also include the drainage of storm water from the site and the treatment of waste water.

Amended plans and an addendum to the Design and Access Statement were received on the 22/09/2020. In terms of sustainability the revised proposal will incorporate photovoltaic cells on the roof and a borehole to provide heating and hot water. Further clarification has also been provided and the plans have also been revised to take into account the comments made in regards to landscape by Design Midlands. It is considered that the revised proposal has addressed the recommendations made by Design Midlands in their latest letter dated 27/02/2020.

Judgements on what constitutes good design is subjective by nature and it is not simply a matter of whether one likes it or not. It is important to consider whether it has been carefully thought through including in terms of incorporation of quality materials, a high level of sustainability and a good relationship between form and function. Having met the recommendations and approval of Design Midlands the proposal is considered to be of exceptional quality which reflects the highest standards of architecture, and would help to raise the standard of design in West Lindsey.

However, the proposal cannot be supported in principle as the proposal is located within the Lincolnshire Wolds AONB and will be detrimental to this protected landscape.

The current redundant reservoir tank (approximately 3.84 metres in height) is buried within the ground and covered by a grass bank and blends into the surrounding countryside. It is proposed to utilise the existing tank as living

accommodation, which will involve uncovering the concrete walls of the tank to the south and constructing gabions. A contemporary box providing two floors of accommodation measuring some 6.5 metres in height will be positioned on top of this exposed tank (the first floor of accommodation).

There is a Public Right of Way (Teal/125/1) located approximately 250 metres to the south east of the site. The proposed dwelling is in an elevated position above a Public Right of Way and there are no boundary treatments between the proposed dwelling and this footpath. The proposed structure will therefore be particularly prominent from this location. The proposal will also be prominent from Caistor Lane through the proposed access and above the existing hedge. The existing reservoir is buried beneath a grass bank.

It is also considered that there is the potential for residential 'clutter' in the proposed outside amenity space afforded the dwelling (south western corner of the site).

It is therefore considered that the proposal would harm the natural beauty of this landscape and would be contrary to the NPPF paragraph 79 as it is considered that the proposal would not significantly enhance its immediate setting but would be detrimental to this protected landscape.

Visual Impact (Lincolnshire Wolds Area of Outstanding Natural Beauty)

The Council has a statutory duty¹ that:

"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 Lincolnshire Wolds AONB Management Plan (2018-23) was adopted in April 2018. The production of five yearly management plans is a statutory duty for all local authorities that have AONBs, or part of an AONB, within their administrative boundaries and one plan must be produced in partnership with other local authorities and relevant statutory bodies.

Paragraph 172 of the NPPF states that *'Great weight should be given to conserving landscape and scenic beauty in National Parks, the Broads and Areas of Outstanding Natural Beauty, which have the highest status of protection in relation to landscape and scenic beauty.'*

The current redundant reservoir tank (approximately 3.84 metres in height) is buried within the ground and covered by a grass bank and blends into the surrounding countryside. There is a Public Right of Way (Teal/125/1) located approximately 250 metres to the south east of the site. The proposed dwelling is in an elevated position above the Public Right of Way and there are no boundary treatments between the proposed dwelling and this footpath.

¹ Section 85(1) of the Countryside and Rights of Way Act 2000

It is considered that the proposed residential dwelling in the form of a contemporary box providing two floors of accommodation measuring some 6.5 metres in height on top of the exposed tank (the existing concrete walls of the tank will be uncovered (to the south) with gabions also being constructed will be particularly prominent when viewed from the Public Right of Way. The proposal will also be prominent from Caistor Lane through the proposed access and above the existing hedge.

It is also considered that there is the potential for residential 'clutter' in the proposed outside amenity space afforded the dwelling (south western corner of the site).

It is therefore considered that the proposal would harm the natural beauty of this landscape and would be contrary to the NPPF paragraph 79 as it is considered that the proposal would not significantly enhance its immediate setting but would be detrimental to this protected landscape. The proposal is therefore contrary to the NPPF and Policy LP17 and LP26 of the Central Lincolnshire Local Plan.

Residential Amenity

Local Plan Policy LP26 states that planning permission will be granted for new development provided the proposal will not adversely affect the residential amenity of neighbouring properties by virtue of overlooking, overshadowing, loss of light or over dominance.

The proposed dwelling is located in the open countryside with no near neighbours. It is therefore considered that the proposed dwelling will not have a harmful impact on the living conditions of neighbouring dwellings or the proposed dwelling.

Foul and Surface Water Drainage

Foul sewerage is stated on the application form as being dealt with by way of a septic tank and surface water by way of a soakaway. The revised plans state that an effluent treatment plant will be installed towards the south western corner of the site to deal with foul sewerage.

National Planning Policy Guidance (Paragraph: 020 Reference ID: 34-020-20140306) states that septic tanks or package sewage treatment plants may only be considered if it can be clearly demonstrated by the applicant that discharging into a public sewer is not feasible (taking into account cost and/or practicability and whether the package treatment plant poses a risk to a designated site) in accordance with Approved Document H of the Building Regulations 2010. Septic tanks must not discharge effluent to surface water and must comply with the general binding rules, or a permit will be required.

The appropriateness of the intended method(s) cannot be assessed at this stage. If permission was to be granted a planning condition to secure full drainage details would be recommended.

Highway Safety

It is proposed to erect a two bed dwelling which will utilise the existing access off Caistor Lane and provide for two off road car parking space. Lincolnshire County Council Highways do not object to the application but suggest two informatives. If it was minded to grant permission the informatives would be attached to the decision notice.

Ecology

A preliminary ecological appraisal has been commissioned (Woolley Ecology 15/03/2019) and submitted as part of this applications supporting documentation. The ecologists made the following findings:

- Due to the small size of the Site the poor semi-improved grassland will be lost to facilitate the development. All habitats directly adjacent to the boundary and outside the Site will be retained, including the hedgerow to the south, scrub and mature trees.

The following mitigation methods are suggested:

- Bird nest boxes should be erected on the proposed buildings, which would maintain and enhance breeding possibilities for the Site. Such nesting facilities should be sited away from roads, erected away from disturbance and facing away from prevailing wind and rain.
- In addition, bat boxes, such as the Schwegler 1FF should be erected on the side of the new buildings to increase roosting opportunities within the area. Bat boxes should be installed at varying heights between 3m and 6m on the southern, south-eastern and south-western aspects, with a variety of box types used to provide roosting opportunities for a wide range of species.
- In order to avoid any impacts associated with light spill on potential bat flight-lines, foraging habitat or potential roost locations, the following measures should be implemented;
 - The direct lighting of existing trees, hedgerows, dense scrub, or proposed landscape planning and areas of open standing water should be avoided;
 - Road and flood lighting should use low pressure sodium or high-pressure sodium instead of mercury or metal halide lamps,
 - Lighting will be directional and light spillage will be avoided;
 - Lighting columns would in general be as short as possible, although in some locations taller columns would allow reduced horizontal spill;
 - Lighting levels should be as low as guidelines permit and only used where required for public safety.
- Any deep excavations which must be left open overnight must have sloping boards installed to ensure that any animals such as badgers, hedgehogs or hares that fall in are able to escape.
- Should any non-protected species such as hedgehog, frog, smooth newt or toad be found during works these should be moved carefully by hand to an area to be left undisturbed by works.

- Should evidence of protected species, such as nesting birds, great crested newts, badgers or reptiles, be discovered during works, works should temporarily stop while Woolley Ecology Ltd. or the local office of Natural England are contacted for advice on the best way to proceed.

If it was minded to grant permission appropriate conditions will be attached to the decision notice to cover the above recommendations.

Trees and Landscaping

There are trees to the north of the site protected by a TPO and an existing hedge on the boundary fronting Caistor Lane. The Trees Root Protection Area (RPA's) fall outside of the built foot print of the proposed building works and the hedge is also located away from the main construction works.

If it was minded to grant permission the decision notice will be conditioned appropriately to secure full landscaping and boundary treatment details.

Garden Space

The garden space afforded the dwelling is considered to be acceptable.

Other Matters:

Public Right of Way

The proposal would not be detrimental to the physical use of the nearby Public Right of Way (Teal/125/1) as the Right of Way is located approximately 250 metres to the south west of the site. Lincolnshire County Council Rights of Way section have not objected to this application. However, users of the public right of way are considered to be sensitive visual receptors and the site is considered to be visually prominent from this foot path as outlined above.

Light Pollution

The site is located in the open countryside. If it was minded to grant permission an appropriate condition will be attached to the decision notice to secure full details of external and internal lighting and the mitigation measure proposed to minimise light pollution.

Balancing evaluation and conclusion:

The decision has been considered against policy LP1: A Presumption in Favour of Sustainable Development, LP2: The Spatial Strategy, LP13: Accessibility and Transport, LP14: Managing Water Resources and Flood Risk, LP17: Landscape, Townscape and Views, LP21: Biodiversity and Geodiversity and LP55: Development in the Countryside of the adopted Central Lincolnshire Local Plan and the guidance contained in National Planning Policy Framework and National Planning Practice Guidance. In light of this assessment, the proposal is refused for the following reasons:

1. The principle of development cannot be supported as the proposal is located within the Lincolnshire Wolds Area of Outstanding Natural Beauty and it is considered that the proposal would be detrimental towards, and will otherwise harm the natural beauty of this landscape

and would be contrary to the NPPF paragraph 79. It is considered that the proposal would not significantly enhance its immediate setting but would be detrimental to this protected landscape.

2. The introduction of a dwelling in this location would have a detrimental impact on the Lincolnshire Wolds AONB Landscape as the site is currently a grassed over covered reservoir/tank within the open countryside. It is considered that this proposal would harm the natural beauty of this landscape and would be contrary to the NPPF and Policy LP17 and LP26 of the Central Lincolnshire Local Plan.

Human Rights Implications:

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

Legal Implications:

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

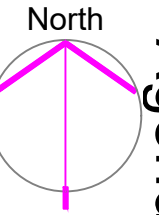
Representors to be notified -

(highlight requirements):

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

Prepared by: Richard Green

Date: 29th September 2020



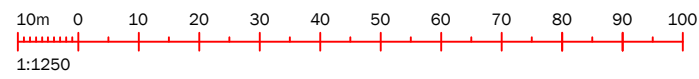
Revisions:
A (14.07.20) red line extents amended to include site access and site boundaries to south and west to suit indicative layout.

client	
DJ and JM Frankish	
project	
Land off Clixby Lane, Grasby	
drawing	
Location Plan	
date	scale
05.02.20	1:1250@A3
drawn	check
KK	



Brown & Co. 6 Market Place, Brigg, North Lincolnshire, DN20 8HA.
T: 01522 654833, W: www.brown-co.com
Brown & Co Registered Office: Granta Hall, Finkin Street, Grantham, Lincolnshire, NG31 6QZ.
Registration no: 0C302092. Registered in England & Wales.

2020	029201	01	A
------	--------	----	---



Officers Report

Planning Application No: 141429

PROPOSAL: Outline planning application for 5no. dwellings - with all matters reserved

LOCATION: Land to South of Clixby Lane Grasby Lincs DN38 6AJ

WARD: Kelsey

WARD MEMBER(S): Cllr. P Howitt-Cowan

APPLICANT NAME: DJ and JM Frankish

TARGET DECISION DATE: 23/09/2020

DEVELOPMENT TYPE: Minor - Dwellings

CASE OFFICER: Daniel Evans

RECOMMENDED DECISION: Grant Permission Subject to Conditions

The application is being referred to the Planning Committee for determination in view of the number of public consultation representations from the ward member, Parish Council and local residents, on planning matters.

Description:

The application site comprises of an area of agricultural land located on the Southern side of Clixby Lane, on the eastern side of Grasby.

The site fronts onto the highway and currently forms part of a larger agricultural field which runs to the south. An existing dwelling is located directly to the west of the site and a detached brick building which has planning permission for a business use (not yet operational) to the east. The highway adjoins the northern side of the site with additional residential properties opposite, which stretch along the northern side of Clixby Lane. The dwellings along Clixby Lane are mainly frontage properties and are a mixture of style, form and age. Agricultural fields are located to the south. The site slopes down from north to south and contains no significant defining features. The northern boundary is defined by a number of mature frontage trees and hedge planting separating the site from the highway. The eastern and western boundaries are formed from a mix of fencing and hedging providing separation from the neighbouring uses. The southern boundary is open to the remaining field. The public right of way Gras/29/2 (part of the Viking Way) and Gras/47/1 lies along the northern and western boundary respectively.

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

Relevant history:

W39/758/75 - Outline application for residential development. Refused 15/01/76.

W39/765/75 - Outline application for proposed residential development. Refused 12/02/76.

140614 - Pre-application enquiry to erect 4no. dwellings. Supported March 2020.

Representations:

Chairman/Ward member(s):

Cllr. Howitt-Cowan

(in summary)

- I am very concerned about this particular application which I view as speculative and fails to offer 'affordable' housing for the local people which is what the village is crying out for. That is a priority need from listening to residents. I am disturbed by the 'urbanisation' of our countryside.
- The village has limited amenities and therefore not sustainable with the continued spate of applications to date.
- I think there is a strong ecological argument, however, this is an ancient meadow by its location and humble or low position and would constitute a heritage loss to this attractive village, which is part of the Viking Way.
- I am alarmed by the narrow lane, which is a single track; almost scandalised by the report submitted by Highways which support the application, it beggar's belief that anyone physically looking at this lane can support the PA.
- If the PA is approved, we need to see strict conditions attached because the quality of life of residents is going to be disrupted due to the access into Clixby Lane and the lane itself.
- I understand that there are ongoing concerns about sewage and drainage.
- I was left in no doubt from talking to residents [and until I introduced myself, they were not aware that I was a district cllr], that this PA is very 'controversial' in Clixby Lane and even wider still and I would urge you as the Planning Officer to consider that this PA be placed in the hands of the Planning Committee unless you are of a mind to refuse it.

Grasby Parish Council:

(in summary)

- The application lacks any detail on important matters such as design detail, layout, drainage, provision of services and construction process.
- Highway safety matters regarding the condition and width of Clixby Lane and lack of pedestrian footway.
- An ecology survey has been undertaken, however this was done earlier in the year in early spring when all sorts of flora and fauna are not yet visible.
- Although the application site lies lower than Clixby Lane and the residential properties situated on the north side, we consider that it is inevitable that two storey dwellings will be built and these will overlook those existing properties immediately adjacent, leading to a loss of privacy and potentially loss of light.

- In the Planning Statement, reference is made to the ancient 'Ridge and Furrow' that is present in field, however there does not appear to be any mentioned how this landform will be protected in the future.
- if planning permission is granted then clearly there will be a lot of disturbance to the residents of Clixby Lane and more widely the village as a whole.
- Although perhaps not a direct planning issue, all sewage and associated services, such as surface water run-off need to be reviewed, surveyed and proven to withstand additional housing development.
- In view of the public objections to this application we consider that it should be rejected by West Lindsey, or at the very least, considered at Planning Committee, rather than by delegated officers.

Local Residents:

Objections received from the following properties:

4 Clixby Lane Grasby, Highgarth 5 Clixby Lane Grasby, 7 Clixby Lane Grasby, White House 10 Clixby Lane Grasby, Shambles Cottage, 11a Clixby Lane Grasby, Bentley View 15 Clixby Lane Grasby, 17 Clixby Lane Grasby, 19 Clixby Lane Grasby, Rose Cottage 21 Clixby Lane Grasby, Poppyfields 21A Clixby Lane Grasby, 23 Clixby Lane Grasby, Mount Sorrell Clixby Lane Grasby, Malvern Clixby Lane Grasby, Rose Cottage Clixby Lane Grasby, Wold House Clixby Lane Grasby. 14 Station Road Grasby, Little Wold 21 Station Road Grasby. 3 Front Street Grasby, 7 Front Street Grasby, Old Chapel House 9 Front Street Grasby, 13 Front Street Grasby. 3 Bentley Lane Grasby, Willow House 6 Bentley Lane Grasby, 12 Bentley Lane Grasby, Bentley House Bentley Lane Grasby. 4 Wilmore Lane Grasby. Hillrise 1 Church Hill Grasby, Ballacraigne 8 Church Hill Grasby, 11 Church Hill Grasby, The Bungalow Church Hill Grasby. The Glen 3 Main Street Grasby. 1 Vicarage Lane Grasby, Blossom Cottage Vicarage Lane Grasby. 32 Grove Road Tiptree Colchester, East End Kirmington, 12 Stallingborough Road Immingham, 21 Appleby Lodge Manchester, 21 Aldrich Road Cleethorpes, 1 Grey Close Stansted, 8 Roxton Avenue Keelby, Torbay Road Urmston.

Comments summarised below:

- The lane is part of the Viking Way and will be dangerous for walkers. The public footpath across the site would also be impacted.
- Highway safety matters regarding the condition and width of Clixby Lane.
- Clixby Lane does not have the access or appropriate room to accommodate the extra traffic 5 more homes will bring.
- The site is an ancient meadow/pasture land and has high ecological value with species such as Barn Owl, hedgehog, frogs, newts, dragonflies, damsel flies, grass snakes, water hens, wild ducks, herons, bats, hares, deer, slowworms, voles, mice and multiple species of birds.
- I believe the trees on the lane have a preservation order.
- Residential amenity matters such as overlooking, headlights from vehicles shining into windows, noise and light pollution.
- The houses will impact my view.

- No information on design.
- Issues regarding drainage infrastructure capacity in the village.
- The development will impact on the views of the countryside.
- Loss of trees is an issue.
- No site notice displayed.
- The site is not an appropriate location for housing as per LP2 and LP4.
- The development will impact the character of the village.
- Construction traffic would present a massive problem for residents as well as pedestrian users of the lane.
- The site is outside of the village boundary.
- The village has few amenities, no post office, shop, doctors and limited bus service.
- The village has a need for recreation facilities such as a playing field, or playground, which would be a more suitable use for this land.
- Inaccuracies with the submitted information.
- Five new build houses in this location will significantly harm the character of the surroundings.
- The village needs starter homes not executive housing.

LCC Highways and Lead Local Flood Authority:

(in summary)

No objections subject to conditions as follows:

- When application is made for Reserved Matters it shall show a visibility splay in line with Manual for Streets - 2.4m x 43m. All obstructions exceeding 0.6 metres high shall be cleared from the land within the visibility splays, the visibility splays shall be kept free of obstructions exceeding 0.6 metres in height.
- No part of the development hereby permitted shall be occupied before the works to improve the public highway (by means of upgrading the Kissing gates on the public right of way to Wicket Gates) have been certified complete by the Local Planning Authority.

LCC Rights of Way Team:

(in summary)

No comments or observations.

The Ramblers Association (North Lincolnshire Officer):

(in summary)

- The lane is too narrow for additional traffic.
- The verge is steeped and uneven and is not safe to use as an alternate to the tarmac road which is very narrow. Being part of a recognised Long Distance Route the Lane is regularly used by Children as part of their Duke of Edinburgh award scheme as well as adult walking groups such as The Ramblers.

LCC Archaeology:

(in summary)

No archaeological input required.

WLDC Trees Officer:

I have no objections to the removal of the sycamore for an entrance. The trees are very one-sided due to pruning for overhead line clearance, and when bare of foliage do not provide good visual amenity features, although having the trees is better than no trees and they do add to the rural character of the street scene. The Arb report assessment of the trees puts them as having mainly arboricultural qualities rather than landscape qualities, which refers to the structures of the trees, although man's intervention has had a negative impact on their visual amenity. The sycamore is the smallest tree along the row, the rest of the trees are to be retained with appropriate protection measures suitably detailed.

Natural England:

Natural England has no comments to make on this application.

Lincolnshire Wildlife Trust:

(in summary) **03/09/2020**

We note that the survey of this grassland was undertaken in April and as such may have missed some interest in its flora. We highlight this risk due to the naturally low fertility of the chalky soil at this location which holds high potential for grassland biodiversity. We would hope that a second visit can be paid between May and August before a Full Application is made and that the Preliminary Ecological Appraisal can be amended with any further field survey details.

We note from the Proposed Site Plan drawing that the southern boundary will be planted with 'mixed, indigenous hedge planting.' We support this but would recommend that this hedge is created with at least a thickness of 2.5m (between stems) and maintained at a height of at least 2m to increase its benefit for nesting birds and that every effort is made to plant with a maximum diversity for the chalky soil type. Suitable species here should be hawthorn, blackthorn, field maple, spindle, wayfaring tree, guelder rose, buckthorn, hazel, field rose, dog rose, wild privet, holly, ivy and bramble.

If the Applicant owns the adjacent grassland we would be keen to see measures undertaken to increase floral diversity in this grassland. We highlight this as an opportunity to deliver Biodiversity Net Gain for lowland calcareous grassland, a Priority Habitat under Section 41 of the NERC Act 2006. Soil mapping from Cranfield University Soilscales (<http://www.landis.org.uk/soilscales/>) identifies this locality as an area with high potential for calcareous grassland restoration/creation. Local road verges confirm this. BNG could therefore be delivered if, as part of this proposed development, adjacent or nearby grassland on chalk soil of a reasonably commensurate area and ideally on a south-facing slope were restored to increase its floral diversity. We would insist that this should utilise seed mixes for 'chalk grassland' of UK provenance.

We acknowledge that statutory and non-statutory designated sites in this vicinity are unlikely to be impacted due to their distance from the proposed development.

(in summary) **29/09/2020**

The Ecologist gives their assurances that they have undertaken the survey in late April and that they have confidence that there is a low risk of false negatives in the grassland survey. LWT does not therefore insist on a further survey. I acknowledge that it is best practice to resolve all material considerations at outline stage. LWT is pleased to find agreement on proposed enhancements.

We have no further comments.

Relevant Planning Policies:

Planning law requires that applications for planning permission must be determined in accordance with the development plan, unless material considerations indicate otherwise. Here, the Development Plan comprises the provisions of the Central Lincolnshire Local Plan (adopted in April 2017); and the Lincolnshire Minerals and Waste Local Plan (adopted June 2016).

Development Plan

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

Relevant policies of the CLLP include:

LP1: A Presumption in Favour of Sustainable Development

LP2: The Spatial Strategy and Settlement Hierarchy

LP3: Level and Distribution of Growth

LP4: Growth in Villages

LP10: Meeting Accommodation Needs

LP13: Accessibility and Transport

LP14: Managing Water Resources and Flood Risk

LP17: Landscape, Townscape and Views

LP21: Biodiversity and Geodiversity

LP26: Design and Amenity

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

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

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

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

National policy & guidance (Material Consideration)

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

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

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

Paragraph 213 states:

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

National Planning Practice Guidance -

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

Grasby Neighbourhood Plan

West Lindsey District Council has approved the application by Grasby Parish Council to have their parish designated as a neighbourhood area for the purposes of producing a neighbourhood plan. The neighbourhood plan group are now working towards the production of the neighbourhood plan. To date, there is no published draft plan and therefore the neighbourhood plan cannot be attributed any weight in the determination of this application.

Main issues

- **Principle of Development**
- **Other Considerations**
 1. Access, Scale, Appearance, Layout and Landscaping
 2. Residential Amenity
 3. Foul and Surface Water Drainage
 4. Agricultural Land
 5. Protected Species
 6. Community Infrastructure Levy
 7. Public Right of Way
 8. Other Matters

Assessment

Principle of Development

Policy LP2 designates Grasby as a small village and states that in relation to development within small villages "Unless otherwise promoted via a neighbourhood plan or through the demonstration of clear local community support, the following applies in these settlements:

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

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

- retain the core shape and form of the settlement;
- not significantly harm the settlement's character and appearance; and

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

Policy LP4 establishes the total level of % growth for each Small Village, and further policy requirements in respect of identifying whether a site would be suitable for development. Grasby is allocated a 10% growth level, which equates to 20 new dwellings. In accordance with the LPA's most recent 'Monitoring of Growth in Villages' document (04/09/2020)¹, the settlement of Grasby can still support 13 new dwellings before it meets its housing growth limit.

Policy LP4 also sets a sequential approach to the priority of potential development sites. Stating *"in each settlement in categories 5-6 [small and medium villages] of the settlement hierarchy, a sequential test will be applied with priority given as follows:*

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

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

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

It is therefore necessary to consider if the proposed application site can be considered as an appropriate location and whether the site meets the LP4 sequential approach.

The application accords with the scale of development (around 4 dwellings) and there is adequate growth remaining in the settlement of Grasby to accommodate the proposal. The application site is an area of undeveloped agricultural land located towards the east of Grasby. This area of Grasby is characterised by a form of development which is largely linear along Clixby Lane. The site is adjoined by residential properties on two sides (west and north) and a detached brick built structure to the east. Whilst the development of the site would extend the residential development along the southern side of Clixby Lane, the development along the northern side of Clixby Lane extends further to the east of the application site. The site is, therefore, considered to be an appropriate location and would not significantly harm the settlement's character and appearance nor that of the surrounding countryside.

With regard to LP4, the site would not constitute infill and would therefore fall as a greenfield sites at the edge of a settlement, in an appropriate location.

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

Whilst this falls into tier 3 of the LP4 sequential test, there are no known reasonably available sites within Grasby which fall into higher tiers of the sequential test. Overall, the proposal accords with LP2 and LP4 and therefore the principle of development is acceptable.

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

Other Considerations

1. Access, Scale, Appearance, Layout and Landscaping

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

Access:

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

The application includes an indicative site plan which identifies two access points from Clixby Lane which form into a private driveway which will serve all properties. Despite the concerns of neighbouring properties, the Highways Authority (HA) have no objection to the proposal subject to conditions and future development will require a formal access construction to the HA's specification. An advice note will be placed on the decision notice in order to make the applicant aware of the highway authority's requirements for access, parking, visibility, turning and layout; as detailed within the Lincolnshire County Council Design Approach and Development Road Specification³ and DFT Manual for Streets⁴.

Scale and Appearance:

Scale and appearance are reserved matters, and the application has not included any indicative elevation plans or sketches at this stage. There is a mixture of property styles, forms and ages within the immediate vicinity of the application site. Any future details of scale and appearance through a reserved matters application would need to be informed by the locality of the site. The future design approach and the materials palette should take inspiration from the surrounding character of the area.

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

Layout:

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

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

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

The northern side of Clixby Lane consists of a row of properties which front the highway in a rather arbitrary building line. The properties which lie to the south of Clixby Lane directly front, or are in very close proximity to, the highway edge. Clixby Lane is characterised by a largely linear form of development. The frontage properties are a mixture of style, form and age. The submitted indicative site plan outlines that the proposed dwellings will form frontage plots onto Clixby Lane reflecting the character of the locality.

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

Landscaping:

Landscaping is a “reserved matter” and the application has not included any indicative landscaping. The site would need to be appropriately landscaped to ensure its effective incorporation into the streetscape and surrounding countryside.

The northern boundary of the site contains a row of well-established frontage trees. A tree report has been submitted as part of the application which sets out which trees are to be removed or retained. In relation to the latter there are a number of mitigation measures in order to preserve the trees during the development. Such tree protection measures can be secured by an appropriately worded condition. T2 Sycamore is the only frontage tree to be removed. The removal of the T2 is required for access into the site. The WLDC Trees and Landscapes Officer has been consulted on the application and is satisfied with the proposed protection methods and has no objection to the removal of T2.

Subject to the above the development could reasonably be expected to accord with local policy LP17 of the CLLP and the provisions of the NPPF.

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

2. Residential Amenity

There are a number of plots along the northern side of Clixby Lane which face the application site. It is considered that five dwellings could be designed and positioned so as not to harm the living conditions of neighbouring dwellings (the indicative plan shows a separation distance of over 27m between the nearest existing dwelling (11a) and proposed, demonstrating that reasonable separation distances can readily be achieved). Therefore, subject to a successful reserved matters application the development could accord with local policy LP26 of the CLLP and the provisions of the NPPF.

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

3. Foul and Surface Water Drainage

The site is in flood zone 1 which is sequentially preferable and therefore meets the test within policy LP14 (and NPPF paragraph 158). The application form states that surface water is proposed to be dealt via a soakaway system. The site is not within an area identified by the Environment Agency as at risk from surface water flooding. It is anticipated that subject to receiving further details, the development will introduce a positive drainage strategy where there currently is the absence of such.

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

4. Agricultural Land

Paragraph 170 of the NPPF sets out that planning decisions should contribute to and enhance the natural and local environment by recognising the benefits of the best and most versatile (bmv) agricultural land. The site is classed in Natural England's East Midlands Agricultural Land Classification Map as grade 3 (Good to Moderate). The map does not distinguish between grade 3a (good) and 3b (moderate). The land may therefore comprise BMV land. The development site currently forms part of a much larger field the remainder of which will remain in agricultural use. The development would not lead to a loss of agricultural land which is classified as grade 1 or 2, which would represent a superior quality of soil, and the loss is relatively minimal therefore is acceptable in this case. Natural England advice⁵ is that "you should take account of smaller losses (under 20 hectares) if they're significant when making your decision." The site comprises 0.45ha on the edge of an established settlement – its loss is not considered significant.

5. Protected Species

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

Paragraph 99 of Circular 06/2005 Biodiversity and Geological Conservation – Statutory Obligations and their impact within the Planning System⁶ advises that it is essential that the presence or otherwise of protected species and the extent to which they might be affected by the proposed development, is

⁵ <https://www.gov.uk/government/publications/agricultural-land-assess-proposals-for-development/guide-to-assessing-development-proposals-on-agricultural-land>

⁶ <https://www.gov.uk/government/publications/biodiversity-and-geological-conservation-circular-06-2005>

established before planning permission is granted, otherwise all relevant material considerations will not have been addressed on making the decision.

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

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

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

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

- *if significant harm resulting from a development cannot be avoided (through locating on an alternative site with less harmful impacts), adequately mitigated, or, as a last resort, compensated for, then planning permission should be refused;*
- *‘planning permission should be refused for development resulting in the loss or deterioration of irreplaceable habitats’*
- *‘opportunities to incorporate biodiversity in and around developments should be encouraged’.*

A preliminary ecological appraisal has been submitted in support of the application. The results are summarised below:

Bats - The site is considered to only offer limited foraging capacity given the size of the site and the habitat composition. No further survey work required. Recommendations provided in relation to external lighting on site and for a scheme of bat boxes.

Badger - No main or annex setts, tracks on well-worn paths or any foraging activities were identified within the application site or within the immediate surrounding habitat and no further survey or mitigation work is required.

Great Crested Newts – The site offers limited potential for Great Crested Newt and no further survey or mitigation work is required.

Birds - No active or historical nests were seen during the field survey. There was no evidence of the site supporting bird species listed on Schedule 1 of the Wildlife and Countryside Act 1981 (as amended). No further Breeding bird survey work is required. Recommendations provided for when vegetation/ground clearance works are to be undertaken and for a scheme of bird boxes.

Reptiles - The application site as a whole is considered to offer limited opportunities for reptile species and no further survey or mitigation work is required.

The Lincolnshire Wildlife Trust (LWT) initially commented on the ecology appraisal advising that *“the survey of this grassland was undertaken in April and as such may have missed some interest in its flora. We highlight this risk due to the naturally low fertility of the chalky soil at this location which holds high potential for grassland biodiversity. We would hope that a second visit can be paid between May and August before a Full Application is made and that the Preliminary Ecological Appraisal can be amended with any further field survey details”*.

This recommendation does not follow the guidance of paragraph 99 of Circular 06/2005. The site survey for the ecology appraisal was undertaken on 27th April which falls marginally outside of the optimal period for undertaking a botanical survey (May-August) but within the sub-optimal period (April and September). Importantly, the appraisal was not undertaken outside of the typical survey season. As advised by the ecologist, given the timing of the appraisal, it is reasonable to expect plant species to be visible within the development area at that time. Notably the ecologist did not observe any plant species that would warrant the recommendation for a second botanical survey.

Following receipt of the above additional information provided by the ecologist, the LWT do not insist on a further survey being undertaken.

Given that the site has been appraised within an acceptable survey period, it would be unreasonable to expect the applicant to commission a further specific botanical survey. This proportionate approach is deemed acceptable in this instance.

As set out above, policy LP21 states that all development should seek to deliver a net gain in biodiversity and geodiversity. The LWT indicate there are opportunities for this development to deliver a biodiversity net gain. A scheme of ecological enhancements will be required by condition to ensure this.

Overall, it is considered that the development can be completed without an adverse impact on ecology and will, subject to further details, deliver ecological enhancements to the area. The proposal therefore accords with policy LP21 of the Central Lincolnshire Local Plan, Circular 06/2005 and guidance within the NPPF.

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

6. Community Infrastructure Levy

West Lindsey District Council adopted a Community Infrastructure Levy (CIL) which will be charged from 22nd January 2018. The site is within zone 2

where there is a charge of £15 per square metre. This is an outline application with scale to be considered through the submission of a future reserved matters application. Therefore no accurate CIL calculation can be made at this stage. An informative will be attached to the permission making it clear that a CIL charge would be liable.

7. Public Right of Way

There are two existing rights of way that run along Clixby Lane (the 'Viking Way') and to the west of the site. As shown on the proposed site plan, the public right of way to the west of the site extends into the field to the south-east and does not follow the exact route which is shown on the LCC definitive map. The application proposes to realign the the right of way to a similar position as shown on the definitive map, outside of the application site boundary. The LCC Rights of Way Team have no objections to the development proposal and it is considered that the proposal would not harm the functions of the rights of way. The North Lincolnshire Ramblers Officer has commented based on safety due to the increase in vehicular movements along Clixby Lane. No concerns in relation to highway safety along Clixby Lane have been raised by LCC Highways as part of their consultation response. Clixby Lane is located within a primary residential area which is subject to speed restrictions, therefore, the associated traffic volume and speed is low. Accordingly, the development is considered to be acceptable in this regard.

The Highway Authority have requested that a condition be added to the decision requesting that the kissing gates on the public right of way are upgraded to Wicket Gates. However, the current kissing gates are not located within the site boundary and are not impacted by the proposed development. Therefore it is considered unreasonable and not relevant to the proposed development and would not therefore meet the "six tests" (NPPF paragraph 55) for a planning condition.

8. Other Matters

Affordable Housing

Comments have been received during the consultation that the development should provide affordable housing. The scale of development does not trigger the requirement for affordable housing as per policy LP11 of the CLLP and the NPPF (paragraph 63).

Conclusion

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

provide five dwellings in an appropriate location for housing. This is subject to satisfying a number of conditions and the submission of a reserved matters application (access, scale, appearance, layout and landscaping).

Draft Conditions

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

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

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

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

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

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

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

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

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

Reason: To protect and enhance the biodiversity value of the site to accord with the National Planning Policy Framework and LP21 of the Central Lincolnshire Local Plan.

5. The tree protection measures as detailed within BS5837:2012 Tree Survey dated 06 July 2020 and drawing P2063 Fig 4 dated 08 January 2020 shall be implemented before any site clearance or development is commenced, and thereafter retained in its approved position until completion of the works and

development. Nothing shall be stored or placed in any root protection area, nor shall the ground levels within those areas be altered.

Reason: To ensure that adequate measures are taken to protect trees whilst works and development take place in the interest of visual amenity in accordance with LP17 and LP26 of the Central Lincolnshire Local Plan.

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

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

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

7. When application is made for approval of access (Reserved Matters) it shall show a visibility splay in line with Manual for Streets - 2.4m x 43m. All obstructions exceeding 0.6 metres high shall be cleared from the land within the visibility splays, the visibility splays shall be kept free of obstructions exceeding 0.6 metres in height.

Reason: So that drivers intending entering the highway at the access may have sufficient visibility of approaching traffic to judge if it is safe to complete the manoeuvre.

8. With the exception of the detailed matters referred to by the conditions of this consent, the development hereby approved shall be carried out in accordance with the following drawings: 2020 029201 05 A dated 08.06.20. The works shall be carried out in accordance with the details shown on the approved plans and in any other approved documents forming part of the application.

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

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

None.

Notes to the Applicant
HIGHWAYS

The highway improvement works referred to in condition 8 are required to be carried out by means of a legal agreement between the landowner and the County Council, as the Local Highway Authority.

The permitted development requires the formation of a new/amended vehicular access. These works will require approval from the Highway Authority in accordance with Section 184 of the Highways Act. The works should be constructed in accordance with the Authority's specification that is current at the time of construction. Relocation of existing apparatus, underground services or street furniture will be the responsibility of the applicant, prior to application. For approval and specification details, please contact

vehiclecrossings@lincolnshire.gov.uk

The road serving the permitted development is approved as a private road which will not be adopted as a Highway Maintainable at the Public Expense (under the Highways Act 1980). As such, the liability for the future maintenance of the road will rest with those who gain access to their property from it.

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

Please be aware of the highways authority's requirements for access, parking, visibility, turning and layout; as detailed within the Lincolnshire County Council Design Approach and Development Road Specification⁷ and DFT Manual for Streets⁸.

HEDGEROW ADVICE

It is recommended that the *"proposed mixed indigenous hedge planting to southern boundaries of new dwellings"* as shown on drawing 2020 029201 05 A is maintained at a height of at least 2m to increase its benefit for nesting birds and that planting schedule utilises suitable species such as; hawthorn, blackthorn, field maple, spindle, wayfaring tree, guelder rose, buckthorn, hazel, field rose, dog rose, wild privet, holly, ivy and bramble.

COMMUNITY INFRASTRUCTURE LEVY

Please be aware that as of the 22nd January 2018 West Lindsey District Council implemented a Community Infrastructure Levy and that eligible development granted on or after this date will be subject to this charge. The development subject to this Decision Notice could fall within the definitions held within the adopted charging schedule and as such may be liable to pay the levy. For further information on CIL, processes, calculating the levy and associated forms please visit the Planning Portal www.west-lindsey.gov.uk/cilforms and West Lindsey District Council's own website www.west-lindsey.gov.uk/CIL

Please note that CIL liable development cannot commence until all forms and necessary fees have been submitted and paid. Failure to do so will result in surcharges and penalties

⁷ <https://www.lincolnshire.gov.uk/transport-and-roads/strategy-policy-and-licences/control-of-new-development-affecting-the-highway/development-road-and-sustainable-drainage-specification-and-construction/87183.article>

⁸ <https://www.gov.uk/government/publications/manual-for-streets>



DISCLAIMER: ALL DIMENSIONS ARE GIVEN IN GOOD FAITH AND BELIEVED TO BE CORRECT. THE CONTRACTOR IS RESPONSIBLE FOR ALL DIMENSIONS, QUANTITIES AND PERFORMANCE REQUIREMENTS. ALL INFORMATION SHOULD BE CONFIRMED & CORRELATED AT THE JOB SITE IN ACCORDANCE TO WORKS BEING COMPLETED OR ASSURING CONSISTENCY WITH CONTRACT DOCUMENTS AND PERFORMING THE WORK IN A SAFE AND SATISFACTORY MANNER. NO RESPONSIBILITY CAN BE TAKEN FROM MEASURING OFF THIS DRAWING.

COPYRIGHT: THIS DRAWING IS THE PROPERTY OF BUILDROW AND MUST NOT BE REPRODUCED OR USED IN CONJUNCTION WITH ANY UNAUTHORISED USE WHOLLY OR IN PART WITHOUT WRITTEN CONSENT.

REVISIONS:
01 - Submitted for planning approval.
20 August 2020

CLIENT:
Vaddaram Ltd

PROJECT:
30 Wragby Road
Sudbrooke, Lincoln

DRAWING:
Site Location Plan

STATUS:
PLANNING APPROVAL

DRAWN BY: SB CHECKED: SV

SCALE: 1:250 @ A3 DATE: AUGUST 2020

DRAWING NUMBER: WRA030-EL1 REVISION: -01

Buildrow
65 High Street, Lincoln LN5 8AD tel. 0300 303 8600

Officers Report

Planning Application No: 141550

PROPOSAL: Planning application for removal of existing dwelling and erection of 1no. dwellinghouse with associated access alterations, vehicle parking and landscaping.

LOCATION: Rosemary Villa 30 Wragby Road Lincoln LN2 2QU

WARD: Sudbrooke

WARD MEMBER(S): Cllr Waller

APPLICANT NAME: Mr Vaddaram

TARGET DECISION DATE: 16/10/2020

DEVELOPMENT TYPE: Minor - Dwellings

CASE OFFICER: Martin Evans

RECOMMENDED DECISION: Approve subject to conditions.

This application is reported to planning committee as Senior Officers consider it appropriate to do so following the recent planning history of the site, and following the call in request of Cllr Waller.

Description:

This is an application for planning permission for demolition of the existing dwelling and erection of a dwelling (use class C3) with associated access alterations, vehicle parking and landscaping.

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

The proposed dwelling features ground floor living area, separate kitchen/diner and car underpass, with five en-suite bedrooms on the first floor. The second floor contains a cinema room, games room, children's play room, fitness room and study as well as three WC's. The roof is part pitched and part flat. It is approximately 8.3m to ridge height and 11.6m wide with a 0.75m gap to the common boundary with 28 Wragby Road along which it is proposed to erect a new 2m high acoustic panel fence, decreasing to 1m to the front of the property.

Proposed materials for walls are red facing brickwork and through coloured render. Proposed roofing materials are dark grey eternit thrutone artificial slates. Windows and door to be dark grey upvc/aluminium.

A streetscene elevation is submitted showing the proposal in context with the two dwellings adjacent.

It is proposed to erect a rear outbuilding containing two garage parking spaces/storage and two car port spaces. The building would have a ridge height of 5m with external finishing materials to match the main dwelling.

The proposed block plan shows the existing vehicular access from the A158 widened to 5.6m and a driveway and front garden to the front of the proposed dwelling. An underpass through the dwelling would provide access to a rear driveway and the aforementioned outbuilding.

Garden beyond the rear parking spaces would be retained as would the existing hedge to the eastern and southern boundaries. It is proposed to drain surface and foul water to main sewer.

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

Relevant history:

140180 Planning application for demolition of the existing dwelling and erection of a large house of multiple occupation (sui generis use class) with associated access alterations, vehicle parking and landscaping. Refused 9/1/2020:

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

The proposal has unacceptable design principles as it would harm the coherent group of four dwellings and would discord with the character of the area. The proposal would not function well and add to the overall quality of the area, not just for the short term but over the lifetime of the development; would not be visually attractive as a result of good architecture, layout and appropriate and effective landscaping; would not be sympathetic to local character and history, including the surrounding built environment and landscape setting, and would not amount to appropriate innovation or change; would not establish or maintain a strong sense of place, using the arrangement of streets, spaces, building types and materials to create attractive, welcoming and distinctive places to live, work and visit; and would not create places that are safe, inclusive and accessible and which promote

health and well-being, with a high standard of amenity for existing and future users. Therefore, the proposal is not sustainable development and is contrary to Policies LP1, LP13a, LP18 and LP26 of the Central Lincolnshire Local Plan and Paragraph 127 a to d and f of the National Planning Policy Framework.”

The above decision was appealed (Appeal Ref: APP/N2535/W/20/3245962). The Sudbrooke Neighbourhood Plan was made before the appeal was determined. The appeal was dismissed on 15/6/2020. The Inspector identified the following main issues:

“Accordingly, the main issues in this case are:

- Whether this would be a suitable location for the proposed development having regard to the accessibility of local services and facilities including by sustainable modes of travel;*
- The effect of the proposed development on the character and appearance of the area; and*
- The effect on the living conditions of the occupiers of No 28 Wragby Road (No 28), having particular regard to light levels and noise and disturbance.”*

On the first issue, the Inspector concluded:

“9. The scale of development proposed would not undermine the aim of LP Policies LP13 and LP18 to minimise the need to travel and maximise the use of sustainable transport. The proposal would not conflict with LP Policy LP1 which seeks sustainable patterns of growth in the District nor with LP Policy LP2 which allows for a limited amount of development to support the function and sustainability of Sudbrooke. Overall, I conclude that this would be a suitable location for the proposed development having regard to the accessibility of local services and facilities by sustainable modes of travel.”

On the second issue, the Inspector concluded:

“13. The scale and appearance of the proposed development would be acceptable and it would not adversely affect the character and appearance of the surrounding area. The proposal would accord with LP Policy LP26 in so far as it requires new development to respect landscape character and relate well to the site and surroundings. It would also comply with NP Policy 9 in so far as it requires new development to respond to the distinctive character areas in Sudbrooke and make a positive contribution in terms of design quality including scale, height, form, massing, style, detailing, landscaping and use of materials.”

On the third issue, the Inspector concluded:

“16. The appeal proposal includes four parking spaces to the front of the building and four to the rear which would be accessed by a

passageway through the building and alongside the common boundary with No 28. An outdoor patio to the rear of the property and rear garden area would also be provided.

17. Although the location of the property means that walking, cycling and use of public transport would be possible, it is reasonable to expect that some of the occupiers would use cars. The differing patterns of activity throughout the day associated with the individual lifestyles of eight occupiers would be likely to result in more frequent trips to and from the property including by car compared with occupation by a single household.

18. At my site visit, traffic noise from the A158 was audible from the rear garden of the appeal property. Notwithstanding this, the rear garden to No 28 is private and established and enjoyed in conjunction with the dwelling. The noise and disturbance from vehicles moving through the passageway and manoeuvring in the rear parking area would be in close proximity to the side windows and rear garden of No 28 and would be noticeable above the existing background noise levels. The proposed 2 metre high wall would not mitigate this impact, particularly when ambient noise levels are lower such as during the evening and night time. The patio and rear garden area would also be likely to be used more intensively compared with use by a single household.

19. Overall, whilst there would be no material harm to the living conditions of No 28's occupiers arising from the loss of daylight and sunlight, the noise and disturbance arising from the daily activities of eight people living in close proximity would be significantly different when compared to occupation of the appeal property by a single household and would cause material harm to the living conditions currently enjoyed by the occupiers of No 28. I have considered whether this could be mitigated by means of a planning condition, but since it would be likely to be necessary to restrict hours of use and occupancy levels such a condition would not be reasonable and would not meet the tests for conditions set out in the Framework and the Planning Practice Guidance.

20. The appeal proposal would conflict with LP Policy 26 which states that the amenities of existing and future occupants of neighbouring buildings may reasonably expect to enjoy must not be unduly harmed by development, including through adverse noise. There would also be conflict with NP Policy 9 which seeks to protect the amenity of neighbouring occupiers. Whilst I acknowledge that the appeal scheme has been amended to take account of the impact on the living conditions of the adjoining occupier and that I have reached a different conclusion from the Council on this issue, I have come to my conclusion based on the circumstances of the site, the proposed development and the evidence before me."

Representations:

Cllr Waller:

“I would like this “called in” to the planning committee. Whilst I appreciate the new regulations may allow a HMO at a later date, I would like the committee the opportunity to discuss this fully and our residents having the opportunity to see we have gone through the full process.”

Sudbrooke Parish Council:

“Sudbrooke Parish Council has been unable to meet formally and agree a corporate response to the above. However available individual Councillors have been contacted by me for their views and those who are in a position to comment have no objections, but ask that neighbours comments be taken into consideration when determining the application.”

Residents:

Residents of Fairwoods, 26 Wragby Road; Lismore, 29 Wragby Road; 21 Station Road; Golden Acre, 16 Scothern Lane, Sudbrooke object (summary):

- It will be used as a House of Multiple Occupation (HMO)/air bnb. What would prevent use as a HMO?
- No different from previous application
- Same size as last application
- Previous reasons for refusal given by planning committee apply
- Harm to coherent group of four dwellings and character of the area
- Planning Inspectors reasons for dismissing the appeal apply to this application- conflict with LP26 and NP Policy 9 via adverse noise for neighbours
- Noise and disturbance from vehicles moving to rear of the property and multiple occupiers would make more frequent journeys than just one family. Impact on peace and enjoyment of neighbours gardens
- Parking should be to the front of the dwelling instead of to the rear
- No neighbouring property uses back garden for parking
- Noise assessment is incorrect that a neighbour has a rear garage- this is a gym
- Conflicts with Sudbrooke Neighbourhood Plan as it fails to protect the amenity of neighbouring occupiers and create well connected and attractive outdoor areas
- Noise assessment mentions HMO use
- Inappropriate area for the proposal
- The number of vehicle movements each day will be dangerous
- It will be run with the applicants property opposite causing cumulative HMO problems that are out of character with the area
- It will overpower next door neighbours
- Impact on public right of way

WLDC Environmental Protection Officer:

“I would have no objection to the new proposal as a dwelling (class C3), I would consider that the development would sit in the Lowest Observed Adverse Effect Level category (as there is potential for some reported sleep

disturbance) and that to mitigate and reduce disturbance to a minimum the proposed acoustic fence along the boundary with 28 would be beneficial.”

LCC Highways:

No objection and recommends informatives regarding dedicating footways to the highway authority and works within the highway.

LCC Public Right of Way Officer:

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

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

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

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

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 Sudbrooke Neighbourhood Plan (made 2 March 2020); 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:

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

Policy LP1: A Presumption in Favour of Sustainable Development

Policy LP2: The Spatial Strategy and Settlement Hierarchy

Policy LP4: Growth in Villages

Policy LP13: Accessibility and Transport

Policy LP14: Managing Water Resources and Flood Risk

Policy LP17: Landscape, Townscape and Views

Policy LP26: Design and Amenity

- **Sudbrooke Neighbourhood Plan (SNP)**

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

Relevant policies of the NP include:

Policy 7: Public Rights of Way

Policy 9: Local Design Principles

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

Lincolnshire Minerals and Waste Local Plan

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

Core Strategy and Development Management Policies

- Site locations

No relevant policies.

National policy & guidance (Material Consideration)

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

- **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)**

Main issues

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

Assessment:

The principle of development

The proposal is for a replacement dwellinghouse (use class C3), not a house in multiple occupation (HMO- sui generis use) as was previously proposed under application 140180.

CLLP policy LP2 designates Sudbrooke a medium village, stating:

"5. Medium Villages

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

- *they will accommodate a limited amount of development in order to support their function and/or sustainability.*
- *no sites are allocated in this plan for development, except for Hemswell Cliff and Lea. typically, and only in appropriate locations**, development proposals will be on sites of up to 9 dwellings or 0.25 hectares for employment uses. However, in exceptional circumstances***** proposals may come forward at a larger scale on sites of up to 25 dwellings or 0.5 hectares per site for employment uses where proposals can be justified by local circumstances.*

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

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

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

Policy LP4 permits 10% (71 dwellings) growth in Sudbrooke and states:

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

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

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

*A proposal within or on the edge of a village in categories 5-6 of the settlement hierarchy should be accompanied by demonstrable evidence of clear local community support** for the scheme if, in combination with:*

- a. other development built since April 2012;*
- b. any extant permissions; and*
- c. any allocated sites,*

the proposal would increase the number of dwellings in a village by more than 10% or, where relevant, the identified growth level in the above table; or for non-dwellings, have a floorspace of 1,000 sqm or more or have an operational area (including, for example, parking and storage spaces) of 0.5ha or more.”

The proposal entails a replacement dwelling. This accords with the requirement for a limited amount of development of up to 9 dwellings. This is considered an appropriate location as defined because a replacement dwelling would retain the core shape and form of the settlement and there is considered to be no harm to the character of the area nor that of surrounding countryside. This is reinforced by the aforementioned findings of the Inspector on that matter of character impacts for a proposal with extremely similar built form (but not use). The latest Monitoring of Growth in Villages table dated 24/09/20 available on the Council's website shows the 10% growth in Sudbrooke has been met and exceeded. However, the proposal is not for an additional dwelling but a replacement dwelling. There will be no net increase in the number of dwellinghouses, meaning the requirement for clear local community support is not engaged. The proposal entails development of brownfield land in an appropriate location within the developed footprint of Sudbrooke making this a sequentially preferable site for development.

Policy 1 of the SNP relates only to additional residential development. Therefore, it does not apply to a replacement dwelling and is not engaged.

Policies LP2 and LP4 are consistent with the NPPF paragraph 78 requirement for policies to “identify opportunities for villages to grow and thrive” so is attributed full weight. The principle of development is acceptable. This view is reinforced by the Inspector's aforementioned findings that this is a suitable location for development.

Design and visual impact

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

architectural style; use appropriate high quality materials which reinforce local distinctiveness.

Section 12 of the NPPF seeks to achieve well-designed places. Paragraph 124 states “The creation of high quality buildings and places is fundamental to what the planning and development process should achieve”. Paragraph 127 requires policies and decisions ensure developments function well and add to the overall quality of the area; are visually attractive as a result of good architecture, layout and appropriate and effective landscaping; are sympathetic to local character and history, including the surrounding built environment and landscape setting, while not preventing or discouraging appropriate innovation or change (such as increased densities); optimise the potential of the site to accommodate and sustain an appropriate amount and mix of development (including green and other public space) and support local facilities and transport networks; and create places that are safe, inclusive and accessible and which promote health and well-being, with a high standard of amenity for existing and future users; and where crime and disorder, and the fear of crime, do not undermine the quality of life or community cohesion and resilience. LP26 is consistent with section 12 of the NPPF in requiring well designed places. It is therefore attributed full weight.

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

Please note all reference to the SNP is taken from the referendum version because the final version is not yet on the Council’s website.

Policy 9 states:

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

1. In relation to site context:

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

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

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

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

b) protects the amenity of neighbouring occupiers; and

c) creates well-connected and attractive outdoor areas

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

a) proposals make a positive contribution to their surroundings through the quality of their design in terms of scale, height, form, massing, style, detailing, landscaping and use of materials and meet criteria (b) to (c) listed in part (2) above;

b) proposals for non-residential buildings consider flexibility in design to facilitate conversion to other uses in the future;

c) proposals for residential buildings consider the accessibility and adaptability of new homes to meet the long-term needs of residents; and

d) proposals are designed to take advantage of renewable and low carbon energy sources, including natural solar gain.”

Relevant sections of the Sudbrooke Character Assessment state:

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

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

The proposal responds well to site context as it does not harmfully affect the openness on the southern side of Wragby Road or visibility to the countryside beyond, nor does it impact on the public right of way itself. The proposal has a part hipped roof. It does have a section of flat roof although this would not be obvious in the surrounding area and it does not feature a tall red brick chimney stack. The proposal does feature two storey bay windows with front facing gables and it is set slightly back from the road. The front garden would mostly become a driveway/parking area but would remain open in character with the front acoustic fence height reducing to 1m. It is noted the front of 24 Wragby Road is partly enclosed by a large fence. The proposal respond positively to the Wragby Road character area 5 of the Sudbrooke Character Assessment.

The proposal is not within any key views identified in the SNP. Despite this, the site is in a conspicuous location as it is visible in both directions along Wragby Road and from the public right of way to the east and south. There is little landscaping on the site to soften these views. Whilst the proposal is larger than the existing dwelling its overall scale is not considered to be so large and incongruous as to be in conflict with relevant policies LP17 and LP26. The streetscene elevation and other drawings show the proposal is in keeping with the scale of development in this cluster of four dwellings with the resulting landscape and townscape impacts being acceptable. The site design, layout and access proposed entails a building on broadly the same part of the site, albeit with a larger footprint. The front elevation remains in line with 28 Wragby Road and would continue to face the road. Residential amenity impacts are discussed below. Outdoor areas provide some remaining garden with retained hedgerow and tree but is mostly car driveway/parking. The proposal is larger than the existing dwelling but the overall scale, height, form, massing, style, detailing and use of materials (subject to condition) are considered appropriate to the area. The streetscene elevation shows the proposed building height and bulk reflects adjacent properties and the use of render is a feature of 24, 26 and 28 Wragby Road. Some landscaping would be retained as part of the proposal. The rear outbuilding reflects the character of the proposed main dwelling with the same finishing materials. It would be screened from the front of the proposed dwelling but would be visible from the public right of way and the main road to the east. However, the outbuilding is of a scale that would appear appropriate in this context.

Policy 7 requires *“All new proposals should protect and, where possible, enhance the existing Public Rights of Way network as identified on Figure 13.”* The proposal would not impact the public right of way. The proposal is considered to comply with the Sudbrooke Character Assessment, Policy 7, Policy 9, LP17 and LP26. This view is reinforced by the Inspector’s aforementioned findings that the impact on the character and appearance of the area is acceptable for a very similarly designed proposal.

Impact on residential amenity

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

The main impact of the proposal will be on the single immediate neighbouring dwelling at 28 Wragby Road. The proposal would not project to the front of this neighbouring property. It has three windows on the ground floor side elevation facing the proposal, two of which serve a dining room. These are two small high level windows. The outlook and light to this room is already compromised by the existing building. The applicant could erect a 2m high fence on this boundary or a 2.5m high outbuilding without requiring planning permission which would further compromise outlook and light. Indeed, the application proposed a 2m high acoustic fence on this boundary to mitigate noise impacts. The proposal would leave a 0.75m gap to the boundary and there is an approximate 1.8m gap between the side of number 28 and the boundary. There is not considered to be a harmful loss of light or sense of overbearing. The other side facing window serves a room with another rear facing window resulting in an acceptable impact.

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

The Inspectors findings, as quoted above, regarding harm to the residential amenities of the occupiers of 28 Wragby Road by virtue of noise and disturbance are critical. The Inspector considered the impact of a large HMO with 8 rooms to generate noise and disturbance harmful to amenity because of the potential vehicle movements to the side and rear of the property through the underpass and the impact this would have on neighbouring side windows and the enjoyment of their rear garden. The Inspector also raised issue with the use of a rear patio area. There are multiple references to the intensity of the use compared to the impacts arising from use as a family dwelling house.

The proposed use as a 5 bedroom single dwellinghouse is, by its nature, less intense than a large HMO with 8 bedrooms and the associated individual lifestyle patterns and movements to and from the property, particularly by vehicle. It would accommodate a single household, rather than a number of individual households.

The applicant had a noise assessment carried out for the previously proposed large HMO after the appeal decision was issued. Whilst this makes various references to that large HMO use, it can still be used as a reference for noise levels.

The NPPF states;

“170. Planning policies and decisions should contribute to and enhance the natural and local environment by:....

(e) preventing 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.”

The PPG states;

“How can noise impacts be determined?

Plan-making and decision making need to take account of the acoustic environment and in doing so consider:

whether or not a significant adverse effect is occurring or likely to occur;

whether or not an adverse effect is occurring or likely to occur; and

whether or not a good standard of amenity can be achieved.

In line with the Explanatory note of the noise policy statement for England, this would include identifying whether the overall effect of the noise exposure (including the impact during the construction phase wherever applicable) is, or would be, above or below the significant observed adverse effect level and the lowest observed adverse effect level for the given situation. As noise is a complex technical issue, it may be appropriate to seek experienced specialist assistance when applying this policy.

Paragraph: 003 Reference ID: 30-003-20190722

What are the observed effect levels?

Significant observed adverse effect level: This is the level of noise exposure above which significant adverse effects on health and quality of life occur.

Lowest observed adverse effect level: this is the level of noise exposure above which adverse effects on health and quality of life can be detected.

No observed effect level: this is the level of noise exposure below which no effect at all on health or quality of life can be detected.

Although the word ‘level’ is used here, this does not mean that the effects can only be defined in terms of a single value of noise exposure. In some circumstances adverse effects are defined in terms of a combination of more than one factor such as noise exposure, the number of occurrences of the noise in a given time period, the duration of the noise and the time of day the noise occurs.

See the noise policy statement for England for further information.

Paragraph: 004 Reference ID: 30-004-20190722”

Response	Examples of outcomes	Increasing effect level	Action
No Observed Effect Level			
Not present	No Effect	No Observed Effect	No specific measures required
No Observed Adverse Effect Level			
Present and not intrusive	Noise can be heard, but does not cause any change in behaviour, attitude or other physiological response. Can slightly affect the acoustic character of the area but not such that there is a change in the quality of life.	No Observed Adverse Effect	No specific measures required
Lowest Observed Adverse Effect Level			
Present and intrusive	Noise can be heard and causes small changes in behaviour, attitude or other physiological response, e.g. turning up volume of television; speaking more loudly; where there is no alternative ventilation, having to close windows for some of the time because of the noise. Potential for some reported sleep disturbance. Affects the acoustic character of the area such that there is a small actual or perceived change in the quality of life.	Observed Adverse Effect	Mitigate and reduce to a minimum
Significant Observed Adverse Effect Level			
Present and disruptive	The noise causes a material change in behaviour, attitude or other physiological response, e.g. avoiding certain activities during periods of intrusion; where there is no alternative ventilation, having to keep windows closed most of the time because of the noise. Potential for sleep disturbance resulting in difficulty in getting to sleep, premature awakening and difficulty in getting back to sleep. Quality of life diminished due to change in acoustic character of the area.	Significant Observed Adverse Effect	Avoid
Present and very disruptive	Extensive and regular changes in behaviour, attitude or other physiological response and/or an inability to mitigate effect of noise leading to psychological stress, e.g. regular sleep deprivation/awakening; loss of appetite, significant, medically definable harm, e.g. auditory and non-auditory.	Unacceptable Adverse Effect	Prevent

The Noise Policy Statement for England (NPSE) (March 2010) states;

“2.9..... Unlike air quality, there are currently no European or national noise limits which have to be met”

“2.22 It is not possible to have a single objective noise-based measure that defines SOAEL (Significant Observed Adverse Effect Level) that is applicable to all sources of noise in all situations. Consequently, the

SOAEL is likely to be different for different noise sources, for different receptors and at different times. It is acknowledged that further research is required to increase our understanding of what may constitute a significant adverse impact on health and quality of life from noise. However, not having specific SOAEL values in the NPSE provides the necessary policy flexibility until further evidence and suitable guidance is available.”

“2.24 The second aim of the NPSE refers to the situation where the impact lies somewhere between LOAEL (Lowest Observed Adverse Effect Level) and SOAEL. It requires that all reasonable steps should be taken to mitigate and minimise adverse effects on health and quality of life while also taking into account the guiding principles of sustainable development (paragraph 1.8). This does not mean that such adverse effects cannot occur.”

The Council’s EPO was advised of the appeal decision, the current proposal and the noise assessment. The following response was received:

“I would have no objection to the new proposal as a dwelling (class C3), I would consider that the development would sit in the Lowest Observed Adverse Effect Level category (as there is potential for some reported sleep disturbance) and that to mitigate and reduce disturbance to a minimum the proposed acoustic fence along the boundary with 28 would be beneficial.”

The table, guidance and comments above makes clear the less intensive noise generated by this proposal compared to the large HMO sits between the LOAEL (Lowest Observed Adverse Effect Level) and SOAEL (Significant Observed Adverse Effect Level) where the requirement is to take all reasonable steps to mitigate and minimise adverse effects on health and quality of life. The proposed acoustic fence represents beneficial mitigation. The Council’s EPO raises no objections to the proposal. The front driveway/parking area is not considered to be harmful. Car fumes and headlight disturbance are not considered harmful.

This means the noise and disturbance generated by the proposal and the impact this would have on nearby sensitive noise receptors is considered to be acceptable in light of the requirements of the NPSE, PPG regarding noise, LP26 and Policy 9.

The proposed building layout is conducive to future use as a house in multiple occupation (HMO) within Use Class C4 - being a small shared house occupied by up to six unrelated individuals, as their only or main residence, who share basic amenities such as a kitchen or bathroom.

Changing the use of a dwellinghouse (Use Class C3) to a house in multiple occupation (Use Class C4) by not more than six residents, is permitted

development by virtue of Government Order¹. Consequently, should the applicant / future owner wish to change the use of the building from a dwellinghouse (use class C3) to a HMO (for up to six persons) under use class C4 at a later date, they could do so, without requiring the local planning authority's permission.

In light of the Inspector's decision to dismiss a large (more than six residents) HMO due to noise and disturbance issues arising from the nature of this use it is necessary to consider whether these permitted development rights should be removed via condition on the grant of planning permission for the current proposal.

Planning Practice Guidance states:

“Is it appropriate to use conditions to restrict the future use of permitted development rights or changes of use?”

Conditions restricting the future use of permitted development rights or changes of use may not pass the test of reasonableness or necessity. The scope of such conditions needs to be precisely defined, by reference to the relevant provisions in the Town and Country Planning (General Permitted Development) (England) Order 2015, so that it is clear exactly which rights have been limited or withdrawn. Area-wide or blanket removal of freedoms to carry out small scale domestic and non-domestic alterations that would otherwise not require an application for planning permission are unlikely to meet the tests of reasonableness and necessity. The local planning authority also has powers under article 4 of the Town and Country Planning (General Permitted Development) (England) Order 2015 to enable them to withdraw permitted development rights across a defined area, where justified.

Paragraph: 017 Reference ID: 21a-017-20190723”

It is considered necessary to remove these permitted development rights because it is reasonable to ensure future consideration of the impact any use as a house in multiple occupation within Use Class C4 would have on the residential amenities of occupiers of adjacent dwellings by virtue of noise and disturbance, a concern within this location that has previously been identified by a Government Planning Inspector.

Consequently, a proposed change to a HMO, would thereafter require an application for planning permission to the Local Planning Authority, and ensure appropriate scrutiny is given to the effect upon neighbouring amenity, prior to any permission being given.

It is therefore recommended that planning permission be granted with a condition to withdraw the current “permitted development” otherwise allowed

¹ The Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended), Schedule 2, Part 3, Class L

under Part 3 Class L (small HMOs to dwellinghouses and vice versa) of the Order.

Impact on highway safety

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

The vehicular access to the site would be widened to 5.6m to allow two vehicles to pass on another. A total of four car parking spaces are proposed in the application form although more could be accommodated within the front and rear garden parking areas including the outbuilding. LCC Highways raises no objection to the proposal.

Despite objections received, the proposal is considered to provide suitable access, parking and turning arrangements in a location that would not result in harm to highway safety and convenience. The impact on highway safety is acceptable in accordance with Policy LP13.

Flooding and drainage

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

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

Conclusion and recommendation

Replacing the existing dwelling with a dwelling accords with Policies LP2 and LP4 and is acceptable in principle. Whilst the design is larger than the existing dwelling it is considered to comply with the Sudbrooke Neighbourhood Plan and character assessment as well as Central Lincolnshire Local Plan Policies LP17 and LP26 regarding design and landscape and townscape impacts. The proposal will result in an acceptable impact on the residential amenities of the occupiers of adjoining residents in accordance with Policy LP26. The type and

level of traffic generated and the access, turning and parking arrangements on site are considered not to harm highway safety and convenience and comply with Policy LP13. Final details of foul and surface water drainage can be secured via condition. The proposal is considered to comply with the development plan and NPPF. It is recommended that planning permission is granted subject to the following conditions:

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

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

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

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

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

WRA030-EL1 Rev 01
WRA030-PE1 Rev 01
WRA030-PE2 Rev 01
WRA030-PF1 Rev 01
WRA030-PF2 Rev 01
WRA030-PS1 Rev 01
WRA030-PG1 Rev 01

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

4. The vehicular access amendments, vehicular access through the building, parking and turning space shown on drawing WRA030-PS1 Rev 01 shall be provided before occupation of the dwelling and shall be retained for such use in perpetuity.

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

5. The acoustic fence to the western boundary, the location of which is shown on drawing number WRA030-PS1 Rev 01, shall be installed prior to occupation of the development and shall be retained whilst the dwelling is in use.

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

Lincolnshire Local Plan.

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

Reason: To ensure an appropriate design to the proposal in accordance with Policy LP26 of the Central Lincolnshire Local Plan and Policy 9 of the Sudbrooke Neighbourhood Plan.

7. Notwithstanding the provisions of The Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended), Schedule 2, Part 3, Class L or any Order revoking and re-enacting that Order, the dwelling hereby permitted shall not be used as a house in multiple occupation as defined by Use Class C4 of The Town and Country Planning (Use Classes) Order 1987 (as amended) or any Order revoking and re-enacting that Order unless planning permission has first been granted by the Local Planning Authority.

Reason: In order to allow consideration of such a use on the residential amenities of local residents by virtue of issues such as noise and disturbance in accordance with Policy LP26 of the Central Lincolnshire Local Plan and Policy 9 of the Sudbrooke Neighbourhood Plan.

Informatives

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

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

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

Where a footway is to be constructed on private land, that land must be dedicated to the Highway Authority as public highway.

Human Rights Implications:

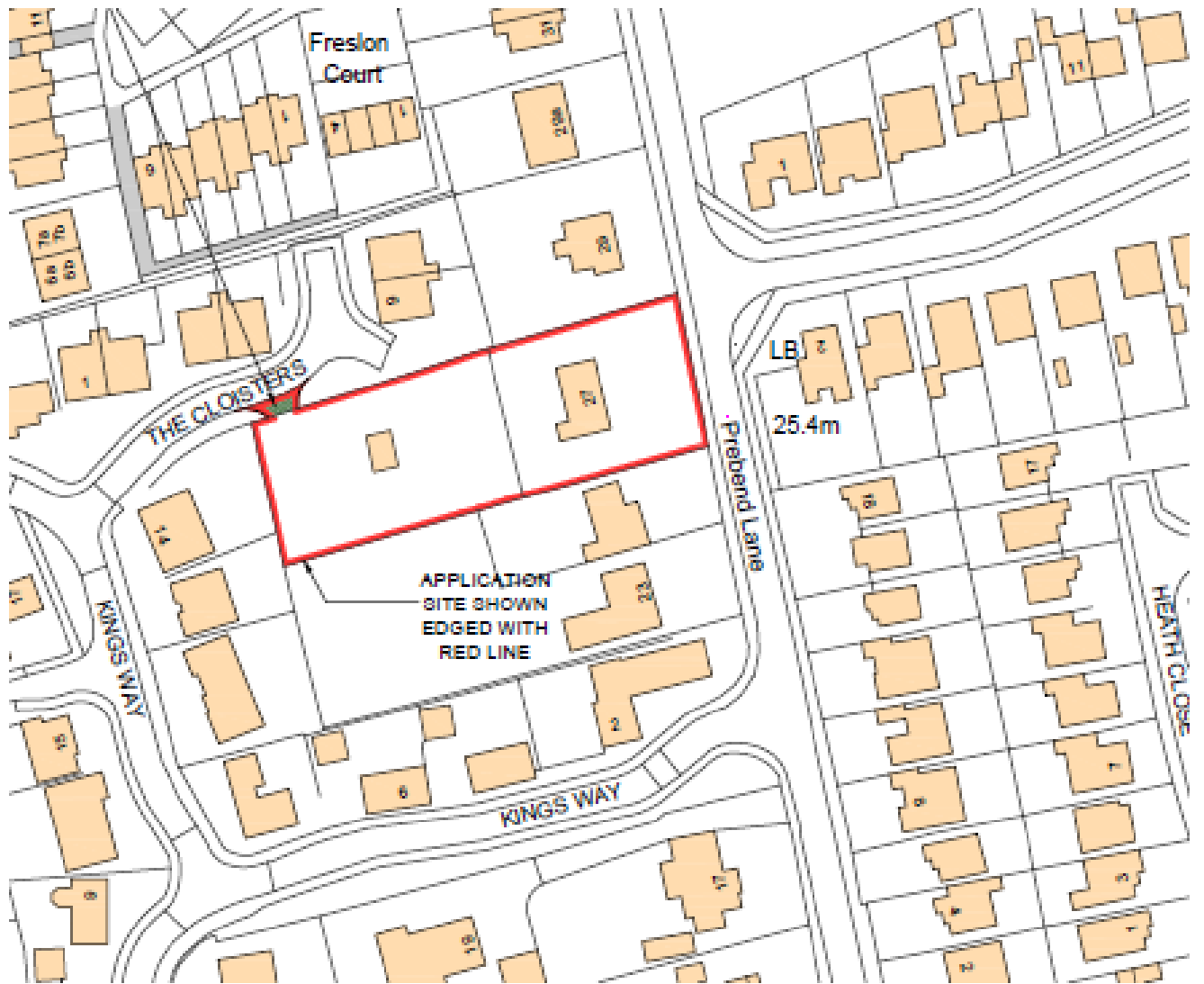
The above objections, considerations and resulting recommendation have had regard to Article 8 and Article 1 of the First Protocol of the European Convention for Human Rights Act 1998. The recommendation will not

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 6f



Officers Report

Planning Application No: 141348

PROPOSAL: Planning application for demolition of existing dwelling, erection of 1no. replacement dwelling and 3no. new dwellings, with associated garaging and new vehicular access.

LOCATION: 27 Prebend Lane Welton Lincoln LN2 3JR

WARD: Dunholme and Welton

WARD MEMBER(S): Cllr Mr S England, Cllr Mrs D M Rodgers, Cllr Mrs C M Grimble

APPLICANT NAME: Mr & Mrs Sykes

TARGET DECISION DATE: 04/09/2020

DEVELOPMENT TYPE: Minor - Dwellings

CASE OFFICER: Ian Elliott

RECOMMENDED DECISION: Grant permission subject to conditions

Planning Committee:

This application is considered necessary to present to planning committee due to third party objections from the Ward Member, Parish Council and neighbours. This includes the Parish Council objecting on neighbourhood plan grounds.

Description:

The application site includes a single storey unoccupied bungalow with roof accommodation and a single driveway to the front. The bungalow has a modest front garden with a larger rear garden. The site is flat and measures 27 metres wide and 77 metres long. The site is set just back from Prebend Lane to the east and The Cloisters to the north. The rear garden includes a number of trees and some outbuildings. The front part of the site is screened by low hedging to the north boundary, high hedging/trees to the east boundary and low/high planting to the south boundary. The side boundaries are screened by a mix of high hedging, high trees and low fencing. The rear part of the site is screened by high hedging/fencing to the north boundary and high trees/hedging to the south boundary. The west boundary is screened by high fence panels. Neighbouring dwellings are adjacent or opposite each boundary. The site is in a Limestone Minerals Safeguarding Area and Public Rights of Way Welt/42/3 runs adjacent the front east boundary.

The application seeks permission for demolition of existing dwelling, erection of 1no. replacement dwelling and 3no. new dwellings, with associated garaging and new vehicular access.

The application has included the submission of amended drawings to amend the scale and position of plots 1 and 2 which required a 14 day reconsultation

period The amendments were made following concerns of the impact of plot 1 and 2 on the character of the area and amenity of the neighbours.

Relevant history:

Rear garden section of the site:

Pre-application 138057 - Pre-application enquiry to erect 1no. dwelling.

Conclusion:

"It is therefore considered that the proposal is likely to be supported through a formal planning applications"

Representations

CLLr England: Objection and Call to Planning Committee

I respectfully request that should the officer be minded to grant this application that the final determination be made by the planning committee.

The proposal is wholly inappropriate for the setting, and whilst the demolition of the existing dwelling maybe acceptable and in keeping the remainder of the proposal would provide no benefit and would be outweighed by significant harm to the surrounding properties and the environment. The proposal is in contravention to policies LP 2 LP 13 LP 17 LP 26 LP 52 of the CLLP and policy EN 1 of the Welton by Lincoln NP

Welton Parish Council: Objections (summarised)

Allocated Sites

- This application does not sit within the designated sites for development in the Welton-by-Lincoln Neighbourhood Plan and this should be taken into account and the application should be refused; Policy LP52 of the Central Lincolnshire Local Plan - Adopted April 2017: Residential Allocations - Large Villages applies.

Highway Safety

- The proposed access from The Cloisters is unsuitable for large vehicles such as delivery and removal lorries
- The increase in vehicles is also of great concern, possibly as many as ten would impact on Prebend Lane which is already overburdened, taking into account that there is a large development of approximately 350 dwellings currently under construction at the end of Prebend Lane.
- The access to the proposed two new properties from Prebend Lane would seriously impact on the flow of traffic with it being so close to the junction with Rivehall Avenue.
- If this development was granted permission, the route for and parking of construction vehicles and deliveries will need to be managed in such a way that they do not cause any disruption to the movement of traffic on Prebend Lane or accessing the site through the centre of the village.

- There would be a significant level of nuisance resulting from the movement of vehicles to and from the proposed development past existing residences both on Prebend Lane leading to an unacceptable proliferation of vehicular access on to an already busy road to the detriment of highway safety and The Cloisters, a no through road; refer to Policy LP13 of the Central Lincolnshire Local Plan - Adopted April 2017: Accessibility and Transport and Policy LP26: Design and Amenity.

Residential Amenity

- The proposed development would dramatically change the view from and be overbearing on neighbouring properties, including the adjacent property to the South which is extremely close to Plot 2.

Trees

- The number of trees that will be lost is outrageous, albeit some are not considered to be of importance; the environment is a high priority for the Parish Council, see Policy EN1 of the Welton-by-Lincoln Neighbourhood Plan; also refer to Policy LP17 of the Central Lincolnshire Local Plan - Adopted April 2017: Landscape, Townscape and Views;

Drainage

- The drains and sewers in Welton are also at saturation point and there have been concerns regarding flooding in this area historically.

Other

- This is yet another example of backland and tandem development. If permission is granted it would set a precedent for other properties with large gardens in this neighbourhood to follow suit.
- The infrastructure in Welton is already at bursting point with the development already under construction at the end of Prebend Lane and those already built the increase has been quite significant; refer to Policy LP12 of the Central Lincolnshire Local Plan - Adopted April 2017: Infrastructure to Support Growth.
- The Parish Council respectfully requests that this application is put before the Planning Committee.
- Policies LP2 and LP4 of the Central Lincolnshire Local Plan - Adopted April 2017 state “the term ‘demonstration of clear local community support’ means that at the point of submitting a planning application to the local planning authority, there should be clear evidence of local community support for the scheme, with such support generated via a thorough, but proportionate, pre-application community consultation exercise. If, despite a thorough, but proportionate, pre-application consultation exercise, demonstrable evidence of support or objection cannot be determined, then there will be a requirement for support from the applicable Parish or Town Council” and Welton-by-Lincoln Parish Council does not support this application and has not been consulted by the applicant.

Local residents: Objections (summarised) received from:

- 12, 14 Kingsway, Welton

- 25, 27, 29 Prebend Lane, Welton
- 1, 2, 3, 4, 6 The Cloisters, Welton

Highway Safety

- Will double vehicular use of The Cloisters largely occupied by elderly/disabled persons.
- The Cloisters is not suitable for a large delivery vehicles or large numbers of parked work vehicles.
- Site traffic should be restricted to Prebend Lane.
- The roads are narrow and can hardly cope with 2 cars passing never mind HGV's.
- Impact on quality of life by traffic from noise and dust.
- New residents or visitors parking on The Cloisters will make manoeuvring more difficult.

Trees

- All mature deciduous trees on the site are to go.
- Many trees and hedges will be uprooted.

Residential Amenity

- New homes are not far behind my house and intrusive additions of windows or additional first floor rooms would be of detriment to 12 Kingsway.
- Loss of light on 25 Prebend Lane from the front of plot 2 significantly extending past front of property. Overshadowing loss of light to bedroom window. Rear section loss of light to sitting room, lounge and patio. In breach of 45 degree rule.
- Second floor windows on side elevation will overlook property and garden of 25 Prebend Lane,
- Plot 1 will block virtually all light from the south on 29 Prebend Lane.
- Proposed dwelling will overlook 6 The Cloisters impacting on privacy.
- Plot 3 and 4 will overlook 14 Kingsway.
- Plot 3 and 4 gravel driveway will result in additional unnecessary noise from vehicles.

Drainage

- Worried about demand on the sewerage system and flooding.
- I would like to see what drainage details are intended.

Visual Impact

- Overdeveloped and not in keeping with character of neighbouring properties and street scene.
- Shoehorning 4 dwellings into space available.
- Plot 1 positioned much closer to Prebend Lane than current bungalow.

Landscaping

- Concerned over trimming back of hedge.

Ecology

- Lots of wildlife on site including foxes, birds, squirrels, grass snakes.

Other

- Noise, mess and movement of building supplies down our narrow cul-de-sac will be a real problem.
- Work should commence to rear of site first.
- Lorries through residential area where children play.
- Construction access better from Prebend Lane.

LCC Highways/Lead Local Flood Authority: No objections with advice

Representation received 1st October 2020:

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.

Representation received 7th August 2020:

Please request applicant demonstrate a minimum of 3 parking spaces (excluding garage) not to be located within turning area for plot 2.

LCC Minerals and Waste: No objections

WLDC Tree and Landscape Officer: No representations received to date

LCC Archaeology: No representations received to date

LCC Public Rights of Way: No representations received to date

Ramblers Association: No representations received to date

IDOX checked: 1st October 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); the Welton Neighbourhood Plan (Made 5th September 2016); and the Lincolnshire Minerals and Waste Local Plan (adopted June 2016).

Development Plan

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

Relevant policies of the CLLP include:

LP1 A Presumption in Favour of Sustainable Development

LP2 The Spatial Strategy and Settlement Hierarchy

LP3 Level and Distribution of Growth

LP10 Meeting Accommodation Needs

LP13 Accessibility and Transport

LP14 Managing Water Resources and Flood Risk

LP17 Landscape, Townscape and Views

LP21 Biodiversity and Geodiversity

LP25 The Historic Environment

LP26 Design and Amenity

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

- **Welton Neighbourhood Plan (WNP)**

Relevant policies of the NP include:

Policy D1 Village Character

Policy D2 Safe Environment

Policy EN1 Environmental Capital

Policy EN3 Flood Risk

Welton-by-Lincoln Village Character Assessment January 2016 – Area B Kingsway (pg38-40)

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

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

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

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

National policy & guidance (Material Consideration)

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

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

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

Paragraph 213 states:

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

- **National Planning Practice Guidance**

- **National Design Guide (2019)**

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

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

Main issues:

- Principle of the Development
*Central Lincolnshire Local Plan 2012-2036
Welton Neighbourhood Plan
Concluding Assessment*
- Visual Impact
- Residential Amenity
- Minerals Resource
- Highway Safety
- Drainage
- Archaeology
- Trees
- Landscaping

Assessment:

Principle of the Development

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

Central Lincolnshire Local Plan 2012-2036:

Local policy LP2 sets out a spatial strategy and settlement hierarchy from which to focus housing growth. This policy identifies Welton as a large village and *'to maintain and enhance their role as large villages which provide housing, employment, retail and key services and facilities for the local area, the following settlements will be a focus for accommodating an appropriate level of growth'*. LP2 states that most of the housing growth in Welton will be *'via sites allocated in this plan, or appropriate infill, intensification or renewal within the existing developed footprint'*.

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

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

The development plan does not have a specific policy, and is otherwise silent on the demolition and replacement of a dwelling within a settlement.

Welton Neighbourhood Plan:

Policy D1 of the WNP protects the character of the village from harmful development.

Policy D2 of the WNP promotes the creation of safe environments for the community.

Policy EN3 protects the village from flood risk and encourages sustainable urban drainage systems.

Concluding Statement:

The proposed development is considered an appropriate infill/intensification within the developed footprint of Welton and will provide an additional three market dwellings to the housing supply in Welton and Central Lincolnshire.

The principle of redeveloping the site for four dwellings is therefore considered to accord with the development plan. It would be considered to be in accordance with local policy LP1, LP2, LP3 of the CLLP, policy D1 of the WNP and the provision of the NPPF. This is subject to consideration of all other planning matters, including design and amenity, as addressed below.

Visual Impact

Objections have been received in relation to the visual impact and overdevelopment of the site.

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;'

Policy D1 of the WNP protects the character of the village from harmful development.

The Welton Character Assessment states the following:

"Throughout Kingsway and the adjoining cul-de-sacs many properties have an open plan layout, with little or no boundary treatment. Where boundaries do

exist, they typically take the form of formal hedgerow planting. Gardens mostly retain their lawns and many host a variety of trees and shrubs.” (pg39)

“The western side of Prebend Lane forms the eastern edge of this character area and is lined by more residential buildings. Along this length of Prebend Lane there is a relatively consistent building line. However, in almost all other respects properties differ (Fig 44). Terraces line the northern proportion of Prebend Lane, whilst further south as the road moves towards the village centre; detached dwellings are the main building typology. Individually, these detached buildings display a wide variety of forms, roof styles and pitches. This is likely to be the result of piecemeal development and redevelopment through the decades, which has produced a great variety of housing types along a relatively short stretch of road”. (pg40)

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 development proposes to provide two 3 bedroom and two 4 bedroom detached dwellings measuring (approximate taken from submitted plans):

	Measurements (Metres)			
	Ridge Height	Eaves Height	Width	Length
Plot 1	8.9	5.1	10	15.5
Plot 2	8.9	5.1	10	15.5
Plot 3	6.3	2.68	14	21.5
Plot 4	6.3	2.68	10.3	21.6

The elevation plans for each dwelling includes a facing materials schedule. The proposed materials are acceptable apart from the facing red and buff brick which will need to be approved through a condition before any development above ground level.

The surrounding area comprises a mix of dwelling scales, appearance, age, position within the plot and garden sizes. This is emphasised by the Welton Character Assessment. The proposed front two dwellings (plot 1 and 2) will not be forward of the building line along Prebend Lane and would not be considered to be out of scale or proportion with the neighbouring dwellings or their plot sizes.

Plot 3 and 4 to the rear of the site are lower level dwellings which two storey dwellings to the south west and modest bungalows to the north west. Both the plots face south west with plot 3 being adjacent The Cloisters which is dominated by frontage highway facing bungalows. The north west elevation of plot 3 does include openings including a door flanked by windows at ground floor window and a first floor gable end window. It is additionally considered that with appropriate landscaping in place only the first floor window will be visible from The Cloisters. In the side facing elevation of plot 3 on The Cloisters will match the side facing elevation of 14 Kingsway.

Each of the dwellings will have external garden spaces which will be more than in keeping with the surrounding dwellings.

Therefore the development is not considered to have a harmful visual impact on the character and appearance of the street scene or the surrounding area and would accord to local policy LP17 and LP26 of the Central Lincolnshire Local Plan, policy D1 of the WNP and the provisions of the NPPF and the National Design Guide.

It is considered that policies LP17, LP26 and D1 are consistent with the visual amenity guidance of the NPPF and can be attached full weight.

Residential Amenity

Objections have been received in relation to residential amenity. As previously stated plots 1 and 2 raised concerns and have subsequently been revised in order to respond to and mitigate those concerns.

The site is in a residential area therefore there are a number of residential dwellings which are adjacent or opposite the site. These are:

- 25 Prebend Lane to the south east
- 29 Prebend Lane to the north west
- 12 Kingsway to the south west of the site
- 14 Kingsway to the south west of the site
- 4 The Cloisters to the north west of the site
- 6 The Cloisters to the north west of the site
- 2 Rivehall Avenue to the north east of the site

25 Prebend Lane (25PL):

Proposed plot 2 would be the closest dwelling to 25PL with its south east side elevation approximately 2.1 metres from north west side elevation of 25PL. The north west elevation of 25PL has one modest ground floor obscurely glazed window. Although this window is obscurely glazed it does still receive light and appears to be the only window serving the room which is not likely to be a habitable room. The scale and position of plot 2 will have an impact on the amount of light received by this window, however consideration has to be given to the fact that 2 metre boundary treatments could be installed on the shared boundary without planning permission in accordance with Schedule 2 Part 2 Class A of The Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended). Therefore some loss of light to the window is likely to occur but given the fallback position this is not considered to be sufficient reason to refuse planning permission.

Proposed plot 2 would have rear first floor windows that would allow some overlooking of the rear garden space of 25PL but not to a harmful degree as the immediate garden space outside the rear elevation of 25PL would remain private. This would be a typical arrangement with two storey dwellings within a residential location.

The front elevation of proposed plot 2 is in line with the front elevation of 25PL.

The side south east elevation of proposed plot 4 which faces the end of the rear garden of 25PL would only have one first floor window serving the ensuite to bedroom 2. This would view into the end of the rear garden to 25PL. However the window would be conditioned to be obscurely glazed and the residents of 25PL would still have areas of privacy in their rear garden.

The south east elevation of plot 4 runs adjacent the shared boundary with 25PL but is primarily single storey and would not have a significant overbearing impact or cause a significant loss of light on the garden of 25PL.

29 Prebend Lane (29PL):

Proposed plot 1 would be the closest proposed dwelling to 29PL with its north west side elevation approximately 2 metres from the shared boundary and approximately 8.5 metres from the south east side elevation of 25PL.

Proposed plot 1 would sit further back than 29PL therefore the south east side gable elevation window will not be impacted by loss of light.

Proposed plot 1 extends a further 12 metres back from the rear elevation of 29PL with approximately 7 metres of this being two storey in height. The proposed position of plot 2 would have some impact on light received by the rear garden and rear windows of 29PL but not to a significant degree to warrant refusal. The separation distance between proposed plot 1 and 29PL will be sufficient to reduce any overbearing impact.

The side north west elevation of plot 1 has no first floor windows therefore the level of privacy to the rear garden of 29PL will be maintained.

The rear elevation of proposed plot 3 which faces 29PL would only have one first floor rooflight opening serving the stairs on the north east roof plane which is not considered as primary living accommodation.

12 Kingsway (12K):

Proposed plot 4 would be the closest proposed dwelling to 12K. The south western section of the proposed dwelling to plot 4 is single storey and approximately 4.6 metres from the shared boundary with 12K. Proposed plot 4 only has one hobby room rooflight at first floor level facing 12K and this is approximately 16 metres from the shared boundary and 28 metres from the rear elevation of 12K.

14 Kingsway (14K):

Proposed plot 3 and 4 would be the closest to 14K. The first floor windows/rooflights on proposed plots 3 and 4 are approximately 16 metres from the shared boundary and 28 metres from the rear elevation of 14K. At its closest proposed plot 3 is approximately 12.5 metres from the shared boundary with 14K.

6 The Cloisters (6TC):

Proposed plot 3 would be the closest to 6TC but at its nearest would be 12 to 16 metres from the side elevation of 6TC. Proposed plot 3 would have one first floor bedroom window on its north west elevation and a first floor rooflight opening serving the stairs on the north east roof plane. These openings would not overlook the rear garden of 6TC.

The nearest first floor bedroom window to proposed plot 1 would be 25 metres from the rear elevation of 6TC.

4 The Cloisters (4TC) and 2 Rivehall Avenue (2RA):

4TC and 2RA are on the opposite sides of The Cloisters and Prebend Lane therefore significantly separated from the proposed dwellings.

The driveway to plot 3 and 4 will be particularly close to the rear garden on 14 Kingsway and will partly be constructed from gravel which has been objected to by a neighbour in terms of noise disturbance. The driveway will only serve 2 three bedroom dwellings therefore any noise caused would be modest given the traffic journeys generated and the low speed of the vehicles.

It is additionally relevant to assess the impact of the proposed dwellings on each other. The proposed dwellings are positioned so that the dwellings are sufficiently separated to ensure there is no harm to their living conditions. Each proposed dwelling has more than sufficient external amenity space. The application has included a Construction Management Plan Revision A dated 29th September 2020 and Construction Site Plan 1633S/19/25 dated September 2020. The CMP provides the following key procedures:

- Plot 3 and 4 to be constructed first using direct access from Prebend Lane.
- The vehicular access from The Cloisters serving plots 1 & 2 will not be allowed to be used by vehicles any larger than a 'Transit' sized van.
- All contractor traffic and material delivery vehicles will be encouraged to exclusively access the site from Prebend Lane.

The detail within the CMP is considered acceptable and would be recommended as a condition on the permission to adhere to.

Therefore the development would not have a significant harmful impact on the living conditions of neighbouring or future residents and accords to local policy LP26 of the Central Lincolnshire Local Plan 2012-2036, policy D1 of the WNP and the provisions of the National Planning Policy Framework.

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

Minerals Resource

Guidance contained within paragraph 203-211 of the NPPF sets out the needs to safeguard mineral resources through local plan policies '*to support sustainable economic growth and our quality of life*'. Policy M11 of the

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

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

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

The application has included the submission of a Minerals Assessment received 27th July 2020. The Minerals and Waste team at Lincolnshire County Council have no objections to the development.

It is considered that the site has and would have a residential use in an area dominated by residential dwellings. The extraction of a minerals resource would not be practical in such an area and the development would have a negligible impact with respect to sterilising the mineral resource.

Therefore the proposal would not significantly sterilise the minerals resources in West Lindsey. The development therefore would accord with policy M11 of Lincolnshire Minerals and Waste Local Plan (Core Strategy and Development Management Policies) and the provisions of the NPPF.

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

Highway Safety

There have been objections received in relation to highway safety from residents.

The development would include the removal of the existing vehicular access to 27 Prebend Lane and the installation of three new vehicular accesses. Two of the new access would be off Prebend Lane which has a 30mph speed limit and observation views appeared acceptable at the officer's site visit.

The third new vehicular access would be off The Cloisters and serve both proposed plot 3 and 4. The Cloisters is a 30mph cul-de-sac and observation views appeared acceptable at the officer's site visit. The site plan identifies a 4.4 metre wide vehicular access which would allow two cars to pass safely.

The Highways Authority at Lincolnshire County Council has no objections to the development.

Therefore the development would not have a harmful impact on highway safety and accords to local policy LP13 of the Central Lincolnshire Local Plan 2012-2036, policy D1 of the WNP and the provisions of the National Planning Policy Framework.

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

Drainage

The application form states that foul water is to be disposed of to the mains sewer and surface water is to soakaways. The use of a sustainable urban drainage system (SuDs) for surface water is encouraged, however the suitability of the sites ground conditions for soakaways has not been detailed or established. A comprehensive drainage strategy has not been submitted or any percolation tests to demonstrate the porous nature of the ground. The Environment Agency maps suggest a low risk of surface water flooding on the site which further confirms the need for further details.

It is therefore considered that foul and surface water would be capable of being addressed by condition and subject to these details is likely accord with local policy LP14 of the CLLP, policy EN3 of the ENP and the provisions of the NPPF.

It is considered that policy LP14 and EN3 are consistent with the drainage guidance of the NPPF and can be attached full weight.

Archaeology

To date there has been no comment received from the Historic Environment Officer at Lincolnshire County Council. The site is already occupied by the dwelling to be demolished and had disturbance through domestic use.

Therefore subject to conditions the development would not have a harmful archaeological impact and accords to local policy LP25 of the Central Lincolnshire Local Plan 2012-2036 and the provisions of the National Planning Policy Framework.

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

Trees

The application site includes a number of trees however none of them are protected and would not require any permission to be removed. However the Local Planning Authority does have a statutory duty set out in section 197 of

the Town and Country Planning Act 1990¹ for the preservation and planting of trees through condition. The application has included an arboricultural report dated June 2020 by AWA Tree Consultants. The Authority's Tree and Landscape Officer has to date not formally commented on the application but has verbally stated that all the trees are categorised as Class C trees therefore have low value in terms of their condition and amenity value. The submitted site plan includes details of landscaping including the planting of new trees to help mitigate for the trees to be removed.

It is therefore considered that the development would not have a harmful impact on trees and accords to local policy LP21 of the Central Lincolnshire Local Plan 2012-2036, policy EN1 of the WNP and the provisions of the National Planning Policy Framework.

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

Landscaping

The landscaping details on submitted site plan are all acceptable, however details of tree species have not been submitted. These details can be covered by a condition on the permission to be submitted prior to occupation and planted during the first planting season following completion of the development.

It is therefore considered that the development would not have a harmful visual impact through landscaping and accords to local policy LP17 of the Central Lincolnshire Local Plan 2012-2036, policy D1 of the WNP and the provisions of the National Planning Policy Framework.

It is considered that policy LP21 and D1 are consistent with the tree protection guidance of the NPPF and can be attached full weight.

Other Consideration:

Demolition

The application includes the demolition of the existing dwelling on the site but no demolition method statement has been submitted. Therefore a demolition condition should be attached to the permission to ensure the demolition works are completed in a manner which will cause minimal disruption to the surrounding area.

Public Rights of Way

The Construction Site Plan 1633S/19/25 dated September 2020 demonstrates that the construction phase will have little or no impact on the use of the Public Rights of Way.

¹ <https://www.legislation.gov.uk/ukpga/1990/8/section/197/2011-11-15?wrap=true&timeline=true>

Community Infrastructure Levy

West Lindsey District Council adopted a Community Infrastructure Levy (CIL) which will be charged from 22nd January 2018. Details in relation to CIL have not been received from the agent. The site is within charging zone 1, where the charge would be £25 per square metre for houses which is due prior to commencement of the development.

Pre-commencement conditions

The agent has agreed in writing to the pre-commencement conditions attached to the planning permission.

Conclusion and reasons for decision:

The decision has been considered against policies LP1 A presumption in Favour of Sustainable Development, LP2 The Spatial Strategy and Settlement Hierarchy, LP3 Level and Distribution of Growth, LP10 Meeting Accommodation Needs, LP13 Accessibility and Transport, LP14 Managing Water Resources and Flood Risk, LP17 Landscape, Townscape and Views, LP21 Biodiversity and Geodiversity, LP25 The Historic Environment and LP26 Design and Amenity of the adopted Central Lincolnshire Local Plan 2012-2036, policy D1 Village Character, D2 Safe Environment, EN1 Environmental Capital and EN3 Flood Risk of the Welton Neighbourhood Plan and policy M11 of the Lincolnshire Minerals and Waste Local Plan (LMWLP) in the first instance. Consideration has additionally been given to guidance contained within the National Planning Policy Framework, National Planning Practice Guidance and the National Design Guide. In light of this it is considered that the principle of the proposal is acceptable and will provide four dwellings (one replacement) towards the housing supply of Central Lincolnshire. The development would not have a harmful visual impact on the site or the street scene and would not harm the living conditions of neighbouring dwellings and the future residents. It would not have a harmful impact on highway safety, drainage, biodiversity, a minerals resource and archaeology. This is subject to the approval and adhering to a number of conditions.

Human Rights Implications:

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

Legal Implications:

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

Representors to be notified -

(highlight requirements):

Standard Letter

Special Letter

Draft enclosed

Prepared by: Ian Elliott

Date: 1st October 2020

Recommended 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 must take place until a demolition method statement for the existing dwelling (27 Prebend Lane) to be demolished has been submitted to and agreed in writing by the local planning authority. The approved statement must be adhered to. The statement must provide for:
 - (i) measures to control the emission of dust and dirt;
 - (ii) details of noise reduction measures;
 - (iii) a scheme for recycling/disposing of waste;
 - (iv) the hours during which machinery may be operated, vehicles may enter and leave, and works may be carried out on the site;

Reason: To restrict disruption to the living conditions of the nearest neighbouring dwellings and the surrounding area from noise, dust and vibration to accord with the National Planning Policy Framework, local policy LP26 of the Central Lincolnshire Local Plan 2012-2036 and D1 of the Welton Neighbourhood Plan.

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

3. With the exception of the detailed matters referred to by the conditions of this consent, the development hereby approved must be carried out in accordance with the following proposed drawings:
 - 1633S/19/15B dated 15th September 2020 – Plot 1 Floor and Roof Plan
 - 1633S/19/16B dated 15th September 2020 – Plot 1 Elevation and materials schedule
 - 1633S/19/17B dated 15th September 2020 – Plot 2 Floor and Roof Plan
 - 1633S/19/18B dated 15th September 2020 – Plot 2 Elevation and materials schedule
 - 1633S/19/19A dated 26th May 2020 – Plot 3 Floor and Roof Plan
 - 1633S/19/20A dated 26th May 2020 – Plot 3 Elevation and materials schedule
 - 1633S/19/21A dated 26th May 2020 – Plot 4 Floor and Roof Plan

- 1633S/19/22A dated 26th May 2020 – Plot 4 Elevation and materials schedule
- 1633S/19/23D dated 29th September 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, local policy LP26 of the Central Lincolnshire Local Plan 2012-2036 and policy D1 of the Welton Neighbourhood Plan.

4. The development must be completed in accordance with the Construction Management Plan Revision A dated 29th September 2020 and Construction Site Plan 1633S/19/25 dated September 2020.

Reason: To restrict disruption to the living conditions of the neighbouring dwelling and surrounding area from noise, dust and vibration and to limit the impact on the public rights of way to accord with the National Planning Policy Framework and local policy LP26 of the Central Lincolnshire Local Plan 2012-2036.

5. No development above ground level must take place until details of the red and buff brick type have been submitted to and agreed in writing by the Local Planning Authority. The development must be completed in accordance with the approved brick.

Reason: To ensure the use of appropriate materials in the interests of visual amenity and the character and appearance of the site and the surrounding area to accord with the National Planning Policy Framework and local policies LP17 and LP26 of the Central Lincolnshire Local Plan 2012-2036 and policy D1 of the Welton Neighbourhood Plan.

6. No development above ground level must take place until details of the tree species, planting arrangement and aftercare of all new trees have been submitted to and agreed in writing by the Local Planning Authority.

Reason: To ensure the development site is appropriately landscape with a mix of native trees to accord with the National Planning Policy Framework, local policies LP17 and LP26 of the Central Lincolnshire Local Plan 2012-2036 and policy EN1 of the Welton Neighbourhood Plan.

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

Reason: To ensure adequate drainage facilities are provided to serve each dwelling, to reduce the risk of flooding and to prevent the pollution of the water environment to accord with the National Planning Policy Framework, local policy LP14 of the Central Lincolnshire Local Plan 2012-2036 and policy EN3 of the Welton Neighbourhood Plan.

8. No occupation of each individual dwelling must take place until their vehicular access, individual driveway and turning space has been fully completed in accordance with site plan 1633S/19/23D dated 29th September 2020.

Reason: In the interests of safety of the users of the public highway and the safety of the users of the site to accord with the National Planning Policy Framework, local policies LP13 and LP26 of the Central Lincolnshire Local Plan 2012-2036 and policy D1 of the Welton Neighbourhood Plan.

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

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

Reason: To ensure that additional trees are provided within the site to mitigate for the trees which are to be removed to accord with the National Planning Policy Framework, local policies LP17 and LP26 of the Central Lincolnshire Local Plan 2012-2036 and policy EN1 of the Welton Neighbourhood Plan.