

**AGENDA**

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

**Planning Committee**

**Wednesday, 11th November, 2020 at 6.30 pm**

**Held virtually 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 - 29)

- i) Meeting of the Planning Committee held on 14 October 2020.

4. **Declarations of Interest**

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

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

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

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

6. **Planning Applications for Determination**

a) 140235 - Lindsey Shopping Centre (PAGES 30 - 60)

b) 140352 - Horsemarket, Caistor (PAGES 61 - 78)

c) 141705 - Minster View, Stainfield (PAGES 79 - 87)

7. **Determination of Appeals** (PAGES 88 - 99)

Ian Knowles  
Head of Paid Service  
The Guildhall  
Gainsborough

Tuesday, 3 November 2020

## WEST LINDSEY DISTRICT COUNCIL

MINUTES of the Meeting of the Planning Committee held virtually via MS - Teams on 14 October 2020 commencing at 6.30 pm.

**Present:** Councillor Ian Fleetwood (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

**In Attendance:**

Russell Clarkson	Interim Planning Manager (Development Management)
Rachel Woollass	Development Management Team Leader
Ian Elliott	Senior Development Management Officer
Martin Evans	Senior Development Management Officer
Richard Green	Planning Officer
Daniel Evans	Senior Development Management Officer
Martha Rees	Legal Advisor
Ele Snow	Democratic and Civic Officer
James Welbourn	Democratic and Civic Officer

**Apologies:** Councillor Robert Waller

### 46 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.

### 47 PUBLIC PARTICIPATION PERIOD

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

#### 48 TO APPROVE THE MINUTES OF THE PREVIOUS MEETING

**RESOLVED** that the minutes of the meeting of the Planning Committee held on Wednesday, 16 September 2020 be confirmed as an accurate record.

#### 49 DECLARATIONS OF INTEREST

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

#### 50 UPDATE ON GOVERNMENT/LOCAL CHANGES IN PLANNING POLICY

The Interim Planning Manager (Development Management) explained that the consultation on the Government White Paper “Planning for the Future” closed on Thursday 29 October. A workshop had been held with Members on Wednesday 7 October and comments from that were being fed into the response being prepared by Officers. The proposed response would be reported to the Prosperous Communities Committee on 20 October.

He also provided the following update regarding Neighbourhood Plans.

Neighbourhood Plan/s	Headlines	Planning Decision Weighting
Made Neighbourhood Plans	Brattleby, Caistor*, Cherry Willingham, Dunholme, Great Limber, Lea, Nettleham*, Osgodby, Riseholme, Scotter, Scothern, Saxilby, Welton, Willoughton, Glentworth, Spridlington, and Sudbrooke.	Full weight
Scotton NP	Examination successful. Decision statement issued. But due to COVID-19 situation referendum delayed until May 2021.	Significant weight
Bishop Norton NP	Examination successful. <b>Decision statement to be issued shortly.</b> But due to COVID-19 situation referendum delayed until May 2021.	Increasing weight
Gainsborough NP	Submission consultation completed (Reg16). <b>Appointment of examiner underway.</b>	Increasing weight
Morton NP	Submission consultation completed (Reg16). <b>Responses to be posted on website and appointment of examiner process to begin shortly.</b>	Increasing weight
Hemswell and Harpswell NP	Submission version(Reg16) expected to be submitted to WLDC for consultation and examination soon.	Some weight
Hemswell Cliff NP	Environmental(SEA) scoping report recently completed.	Little weight
Corringham NP	<b>Public event held on 18 Sept on housing site selection. Covid 19 restrictions were observed.</b>	Little weight
Ingham NP	<b>Local housing needs and site assessments recently completed.</b>	Little weight

Grasby NP	PC meeting with WLDC and Community Lincs held 30 Sept to discuss start with NP.	Little weight
Normanby and Owmbly NP	Normanby by Spital and Owmbly by Spital PCs have decided to now do their own NPs for their parish areas only. Previously they were preparing a joint NP which will be withdrawn. Decisions on applications to be made by Full Council on 2 Nov.	Little weight
*Caistor NP	Review underway.	-
*Nettleham NP	Review underway. Consultant appointed.	-
Neighbourhood Plans - made (17) - in preparation (22) - at designation (1) - at pre-designation stage (2) - to be started (42) - to be reviewed (2)*	To view all of WLDC's neighbourhood plans go to: <a href="https://www.west-lindsey.gov.uk/my-services/planning-and-building/neighbourhood-planning/">https://www.west-lindsey.gov.uk/my-services/planning-and-building/neighbourhood-planning/</a>	<b>NP stage-weighting</b> Made–full weight Referendum successful–full weight Examination successful–significant weight Submission Reg16–increasing weight Draft Reg14 - some weight Designated – little weight

## 51 PLANNING APPLICATIONS FOR DETERMINATION

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

### 52 141263 - SAXILBY

The first application of the evening was introduced for Members' consideration. Planning application number 141263 for erection of 1no. poultry rearing unit with ancillary feed silos, hardstanding and access, Sykes Lane, Saxilby. The Senior Development Management Officer stated that the applicant had submitted details on the HGV movements to and from the site. It was stated that there was no intention for there to be movement during unsocial hours. The busiest week would be week 16 of the cycle and there would be two HGVS each day carrying 16,000 birds a day. There would be no HGV activity before 7am nor any late evening activity. At all other times the HGV activity would be during normal working hours.

The Chairman invited the first speak to address the Committee.

Councillor Liz Hillman, of Saxilby Parish Council, thanked the Chairman and detailed the landscape and character of Saxilby. She explained that Sykes Lane started in Saxilby and was popular with families, cyclists and dog walkers, particularly during the recent restrictions on day to day life. She stated that it added leisure amenity to the area and with a nature

project due to open in spring 2021, was only going to become ever more popular with residents and visitors alike. Councillor Hillman stated that the use of the lane by lorries, and the route through the village, would have a significantly negative impact on the area and the use of the lane for local residents. She explained that the HGVs would cause the roads to become damaged and unsafe and that the road itself was not suitable due to the number of blind bends and narrow lane. She stated that the application was not in accordance with the Neighbourhood Plan with regards to improving health and wellbeing and minimising impact on the natural environment. She again highlighted the impact of the traffic on the village and use of the lane and requested the Committee to refuse planning permission.

The second speaker, Mr Oliver Grundy, Agent for the Applicant, had submitted a statement to be read aloud and the Chairman invited the Democratic Services Officer to do so.

This letter outlines comments in support of the above application, which are presented to the 14th October 2020 Planning Committee for consideration.

The proposed development comprises a farm diversification scheme. It will allow applicants' P. A. Arden and Son to rear chickens required to supply their portfolio of local free range egg production farms. The purchasing of new hen colonies is one of the largest overheads with 32,000 birds typically costing in excess of £100,000. P A Arden & Son Ltd have identified that the long term commercial viability and profitability of their established free range egg production enterprise will be enhanced through diversification into poultry rearing.

At present, chickens at point of lay are purchased from remote suppliers and transported a considerable distance to free range farms near Newton on Trent, Thorney and North Harby. The proposed development will localise the rearing process. Aside from reducing overheads associated with flock purchase, such will also reduce stress currently experienced by chickens being transported over long distances. The applicant's will be able to manage their own rearing operation to a very high standard, thus raising strong healthy hens capable of thriving after transfer to the various free range farms. Each of P A Arden & Son's 32,000 bird free range units is accompanied by over 40 acres of woodland and meadow ranging area. Happy healthy hens typically range and forage more effectively in these expansive semi-natural environments, thus producing richer eggs on a daily basis. The proposed rearing unit will therefore comprise an important addition to the wider free range egg production operation, which accords with the highest welfare standards in the UK.

The proposed rearing farm comprises a relatively low intensity operation. Chickens will be reared from day old chicks to point of lay over the course of 16 weeks within a state of the art climate controlled poultry house. The development's environmental impact is characteristically of very small magnitude. Odour and ammonia emissions are demonstrably *de minimis*. No adverse impacts will be experienced by neighbouring residents in terms of noise, odour or disturbance. Outlying habitat land will be unaffected by the operation. The site can be readily drained and the development will not give rise to localised flooding. The new unit will be well screened and not easily visible from outlying receptors.

Unlike free range egg production, the rearing operation does not require frequent servicing by delivery vehicles. Even when transferring reared birds to outlying free range farms, which is arguably the busiest phase of each 19 week cycle, only four HGV's will typically access the site over a two day period. Delivery operations will also take place during normal working hours. It is realistically unlikely that local residents will notice any tangible change to levels of

vehicular activity experienced along the local highway network.

On this basis, the applicants' are rather surprised that the proposal has attracted a number of objections. Sadly it is apparent that the majority of these stem from misinformation spread via social media as opposed to careful consideration of the submitted application portfolio. It is evident that the development will not give rise to any significant adverse effects and the scheme achieves full compliance with all relevant planning policy. It is also emphasised that the scheme will create new jobs on site whilst supporting a number of existing jobs that have been created by the farm business. Particularly in context of a looming economic crisis, the importance of supporting the local rural economy through sustainable development of this nature cannot be understated.

The Officer highlighted for Members that it was usual for an application such as this to be in an isolated location away from dwellings. Screening had been included in the plans and the Highways Agency had not objected to the application, subject to the completion of three passing places along the lane prior to development.

The Chairman invited comments from Committee Members and the concerns raised regarding the width of the access lane, and the impact on the village of HGV movements, were recognised by Members. It was highlighted that the passing places did have to be in situ prior to the development and the details regarding the HGV movement times was reiterated. Members were supportive of the application but questioned whether there was any alternative access route. Members were reminded that the application for determination was as stated in the report.

There was further discussion regarding the use of the lane and the importance of the passing places. There was also recognition of the concerns regarding increased traffic but the Committee did consider the timings of the HGV movements to be minimal. Other concerns raised, such as the odour of the chickens or waste produced, were recognised but Members gave examples of other locations where the air filtration systems were of such quality that there was no impact of the surrounding areas. It was also highlighted that the location was isolated and at a considerable distance from neighbouring dwellings.

Having been proposed and seconded, it was voted upon that permission be **GRANTED** subject to the following conditions.

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

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

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

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

2. No development shall take place until 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.

**53 141442 - SUNNYSIDE, TEALBY**

Members were asked to consider application number 141442 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, located at Sunnyside Up Farm Shop, Poplar Farm. This was a resubmission of 140707. There were no updates from the Officer and so the Chairman invited the registered speakers to address the Committee.

It was heard that the Parish Council had registered to speak but had not provided any details to be able to join the MS Teams meeting. They had also not provided a statement to be read on their behalf. The Chairman subsequently requested that the next register speaker, Ms Kelly Casswell, daughter of the applicant, should address the Committee. Ms Casswell made the following comments.

“I’m the applicant’s daughter, Kelly. I would like to thank members for their previous comments, which we have taken on board.

1. This application meets planning policies as did the previous one for 50 Holiday Lodges, which the officer recommended approval.
2. The reduction of Lodges has nearly halved and although the application states caravans, the lodges are natural timber which blends into the surroundings. Not white caravans.
3. With regards to the AONB, we have personally walked the Viking Way and the Lodges aren't visible.
4. The Farmshop is highly sustainable which provides over 25 Lincolnshire products and supplies local businesses with Lincolnshire Meat.
5. Due to Covid-19, the first phase of 15 Holiday Lodges has been delayed. The park will be opening in Spring 2021, with firm bookings already made through cottages.com.
6. We have 16 applicants on the waiting list for cleaning and reception jobs. Rural UK holidays are in high demand and with this site been in a tourist area, this application has so much to offer.
7. I'd like to point out that Laura Burgin from West Lindsey Enforcement has been for a site visit, the renewing of fencing, gateways and signage is all compliant with planning.
8. I stand for the younger generation and Market Rasen. Our site is in a unique location between Willingham and Walesby Woods which already attracts walkers and cyclists all year round. The tourism we will generate will be a massive boost to the Racecourse, Golf Course, the new Leisure Centre and regenerate the high street. Both myself and my brother are hugely ambitious, ready and waiting to serve the community, together with visitors from further afield on a larger scale.
9. I personally have worked in the tourism sector for 11 years and my other holiday businesses are 98% occupied. This development will be 100% successful.

Thank you for your time.”

The Chairman invited the next speaker, Ms Lynda Bowen, to address the Committee.

“The decision notice for the application which was granted in 2019 for 15 lodges (App Ref: 139788) contained a condition (Condition 6) which stated ‘the maximum number of log cabins on the site shall not exceed 15’. The reason for this condition was that 15 lodges were considered to be acceptable to maintain and enhance the rural character of the area and the setting of the Lincolnshire Wolds AONB in accordance with the Central Lincolnshire Local Plan.

It is therefore clear that by implementing this condition, West Lindsey consider that the site is within the setting of The Lincolnshire Wolds AONB and the reason for limiting the quantum was explicitly used to protect the site from future increase of development. The policy position has not changed since this decision and therefore there is no reason for an increased number to now be considered acceptable especially when the first application has not been fully built out.

This application should not be considered as a ‘second site’, but it is an expansion to the existing permission and the increased number of lodges is greater than the number WLDC originally considered to be acceptable. Policy LP17 of the Central Lincolnshire Local Plan states that ‘in considering the impacts of the proposal, the cumulative impacts as well as the individual impacts will be considered’. The Officer Report states this re-submission applies for a 46% reduction in lodges from the previously refused application for 50, however irrespective of this, this application proposes a 180% increase from the 15 lodges that were previously only considered to be acceptable.

In the previous refusal, some Councillors had concerns about the impact on the countryside. As the 15 lodges which have permission have not been fully built yet the development impact of the existing permission cannot be fully established and it is impossible for the environmental impact to be considered and judged against currently. This includes planning considerations such as the visual impact of urbanisation in the setting of the Lincolnshire Wolds AONB, light amenity impact and vehicular traffic impact.

As West Lindsey have already considered and accepted that the site is within the setting of the Lincolnshire Wolds AONB and it is considered any further increase in number will have an impact on the setting of the Lincolnshire Wolds and would therefore be contrary to LP2, LP17 and LP26 of the Central Lincolnshire Local Plan. The policy position has not changed and this application should be considered as an expansion to the existing permission and the cumulative impact of granting the decision would be contrary to the Council's previous reasoning for limiting the quantum. The cumulative impact would therefore be unacceptable in accordance with LP17 of the Central Lincolnshire Local Plan and would result in a development of an unacceptable size and scale for the rural character of the location.

P.170 of the NPPF states that planning decisions should contribute to and enhance the natural and local environment by protecting and enhancing valued landscapes and recognise the intrinsic character and beauty of the countryside. The limitation of a maximum of 15 was implemented to purposefully protect the setting of the Lincolnshire Wolds AONB and the countryside. It is considered that allowing for a further large scale expansion through this application would be contrary to the Council's previous intentions of protecting a valued landscape and would therefore be contrary to the provisions of the NPPF.

Policy LP7 (D) of the Central Lincolnshire Local Plan states that development should be designed so that they are 'appropriate for the character of the local environment in scale and nature'. It is stressed that previously 15 lodges were only considered acceptable in line with this policy and that the cumulative expansion would not accord with this policy.

Policy 7 also states that development should be located within existing settlements unless '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'. As the permission for the 15 lodges is not fully operational, the demand, impact and overriding benefit to the local economy, community and environment cannot be tested against. Further, local tourism clearly is struggling, with vacancies increasing, as fewer people are able to holiday due to government lockdowns, fewer people have disposable cash for holidays, and most importantly, the number of vacant beds in catered and self catering accommodation in this area is already high and growing. There is no possible way that adding to an existing local problem is going to enhance the local economy, and I am amazed at the case officers naïve reliance on an office-based tourism officer who to my knowledge has limited links and liaisons to what is happening in the local economy. The case officer offers only a weak statement from this officer with no demonstrable evidence of growing needs. Why the officer thinks that rural areas are going to recover faster from corona virus is naïve beyond belief

This proposal will add to an existing local problem in the economy and be damaging to local businesses, without adding anything new to the area. People coming to holiday in Lincolnshire ( a decreasing number of people over the last few months, as the catchment

area for tourism- predominantly the north east and north west and midlands, are locked down) need more amenities and things to see and do- not more of what already exists- plentiful accommodation much of which lies vacant.

Further I consider that this application fails completely to accord with the provisions of LP7, as the application cannot be an appropriately assessed 'expansion' of an existing tourism business as the existing business itself is not fully operational.

Overall, the cumulative impact of this application alongside the previous permission falls foul of the protection to the setting of the Lincolnshire Wolds AONB that the Council originally secured via limiting the quantum by condition.

Policy LP17 emphasises the importance to consider the cumulative impact of development and as stated, the cumulative impact of this application would be contrary to the Local Development Plan, national policy and West Lindsey's own intentions to protect the Wolds AONB."

The Chairman thanked both speakers and invited any further comment from the Officer. She offered the clarification regarding the number of lodges that, if there had been no restriction, there could have been any number of lodges located on the site. There was now a condition to limit the number to 27 on the new site.

Committee Members were invited to comment on the application and whilst there was some concern regarding the impact on the AONB, overall comments were supportive of the business venture and the benefit it would have on the local economy. It was felt that the reduction in number of lodges was a positive amendment and that the plans demonstrated a well-laid out development.

On being proposed and seconded it was agreed that permission by **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:**

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 (1<sup>st</sup> March to 31<sup>st</sup> 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.

**54 140906 - TEALBY**

The third application of the evening was introduced. Application number 140906 for change of use from water storage tank to single family dwelling on land off Caistor Lane, Tealby. Members heard there were no updates and, having seen the Officer presentation, the Chairman invited the first speaker to address the Committee.

Laura McMullan, Agent for the Applicant, made the following statement.

“Evening Chair, Thank you for the opportunity to speak this evening.

As you are aware we are applying for permission to re-use an existing redundant water tank and convert this into a single dwelling. We are seeking permission for the dwelling under paragraph 79 of the NPPF. The NPPF states that in order for the application to be approved that it must meet the criteria of section c of paragraph 79

which states that:

c) the development would re-use redundant or disused buildings and enhance its immediate setting;

To ensure that we have achieved alignment with paragraph 79 we consulted an external design panel, as requested by West Lindsey planning department, to review the proposals who are experts in the analysis and critiquing projects with regards to paragraph 79 applications.

The response from the design review panel praised the design and how it was deeply rooted in the history and context of the site and also state that it is a 'bold and convincing response to the existing structure on the plot and is a positive contribution to the site.

During the planning process we have then clarified further points with the planner to ensure we align with paragraph 79, these were submitted in an addendum document.

We whole heartedly believe we meet the criteria set out by paragraph 79 as the building has a positive impact on the landscape and its visibility from the surrounding areas evokes intrigue which ultimately arouses more questions around the history and context of the site. The revised landscaping proposals are also a great improvement on the current grassed, over grown mound and metal fencing. The site is littered with electrical boxes and industrial equipment which doesn't have a positive impact on the landscape. The current concrete post and barbed wire fencing also have a negative impact on the landscape whilst our proposals seek to soften the edge of the site and blend harmoniously with the surrounding context. Not only do we comply with section c of paragraph 79 we also exceed the requirements by also complying with section e with regards to raising standards of design in rural areas.

The reason we are here is to ask the committee do you agree that the current proposals are reusing an existing redundant structure and enhancing its immediate setting. We have demonstrated that we are in complete alignment with paragraph 79 section c of the NPPF. Through the use of design reviews, written documentation, 2D and 3D drawings.

We thank you for your involvement in this process and are open to answer any further questions from the floor."

The Chairman clarified questions were not permitted however thanked Ms McMullen for her time.

There was significant discussion regarding the benefit to the local area versus the potential impact on the rural location. It was noted that there had been no objections raised from the AONB Officer and there was assent that the design and addition to the area would be beneficial.

The Chairman commented that, whilst it was an interesting and innovative design, it was not suitable to the rural location and so he moved the Officer recommendation to refuse permission. This was seconded and so the Chairman conducted a vote. With the majority vote against the recommendation, the proposal to refuse permission was lost.

Having been moved and seconded for the application to be agreed under paragraph 79 of the NPPF, the Chairman undertook a second vote. With the majority vote, it was agreed for planning permission to be **GRANTED** subject to conditions as provided by the Officer.

**55 141429 - GRASBY**

Members were asked to give consideration to application number 141429 outline planning application for 5no. dwellings - with all matters reserved on land to the south of Clixby Lane, Grasby. There were no Officer updates and following the initial presentation, the Chairman invited the first speaker to address the Committee.

Councillor Viv Wood, of Grasby Parish Council, explained that there had been at least 68 objections against the application as well as work recommended by the Lincolnshire wildlife Trust. She wanted to emphasise the most concerning aspects. Regarding ecology, she stated that the field had been undisturbed for 60 years and was an ecosystem in its own right. She stated that the applicant had already removed a hedgerow and simply putting up some bat boxes would not mitigate the loss of the natural habitat. She continued that Clixby Lane was very narrow and there were no street lights near the entrance. She suggested that a site visit would be the only way to appreciate the difficulties of the narrow access. She added that it was difficult for vehicles to turn around and often had to reverse up the lane. She noted the difficulties this would cause during the construction of the proposed development. Councillor Wood stated that a previous application had been refused as a result of the narrow lane. With regards to the historical importance of the lane, she enquired what actions would be taken should there be archaeological finds during the development work. The impact on existing residents, businesses and the local wildlife was highlighted and Councillor Wood implored Members to request a site visit in order to see for themselves the difficulties that would arise from the proposed development.

The Chairman invited the second speaker, Leanne Pogson, Agent for the Applicant, to address the Committee. She made the following statement.

“Good Evening,

My name is Leanne Pogson, I am an Associate Planner at Brown and Co and I am the agent representing the applicants, David Frankish and Judith Frankish, and I am speaking in support of this application.

This application seeks outline planning permission for five dwellings on land at Clixby Lane, Grasby, and has been recommended for approval by the case officer.

The site is part of an agricultural field on the southern side of Clixby Lane. There is residential development to the north and west of the application site and a brick-built building which has permission for business use to the east. This building has recently been refurbished and modernised.

Pre-application advice was sought earlier in the year for four dwellings on the site, which the case officer considered to be acceptable in principle. Informal discussions with the case officer during the pre-app process suggested that five dwellings would be supported on the site.

An indicative layout submitted with the application shows two vehicular entrances to the site, with a private drive parallel to the main road. This would reduce the number of vehicle movements along Clixby Lane as opposed to creating individual access points and would also retain all but one of the trees along the site frontage. These two access points would

also provide natural passing places, which are currently lacking on Clixby Lane, thereby improving the lane for all road users.

As stated in the officer's report, Grasby has a growth level of 10% and would still support 13 new dwellings before this growth limit is met. A sequential test has been carried out and no sites within the main body of the village, or brownfield sites on the edge of the village are available and this site is therefore considered suitable for development, without affecting the core shape and form of the settlement.

There are no technical objections to the application with highways, drainage, ecology and trees all being considered to be acceptable by professional officers.

Any concerns regarding design and amenity can be designed out at reserved matters stage.

The NPPF states that there is a favour in presumption of sustainable development unless material considerations indicate otherwise. The proposed development for five dwellings is considered by the case officer, in line with the Central Lincolnshire Local Plan and the NPPF to be sustainable. The absence of any concerns and objections by technical consultees and the ability to design out any potential impact on amenity at the next stage, would demonstrate that there are no material considerations which would justify refusing the application.

As such, on behalf of my client I respectfully ask members to follow the officer's recommendation, local and national planning policy and grant permission for this proposal.

Thank you."

The final speaker, Mr Blair Bushby, was invited to speak. HE made the following comments.

"Thank you, Chairman, for this opportunity to address the committee.

Highways – Grasby has had to accommodate a substantial increase in vehicle movements due to significant developments both within the village and in adjacent settlements, these impact on the A1084 which runs directly through the village. Over the years there has been numerous collisions at the crossroads, some fatal.

Grasby has no local amenities and it is likely that each dwelling will have at least 2 plus cars. This will add a minimum of 20 additional vehicle movements to Clixby Lane per day.

Clixby Lane narrows after number 10, the last house on the South side. There is good reason why this narrower section of Clixby Lane has only been developed on one side as it is totally inadequate for vehicles merging from both sides.

There is a total absence of footpaths. All vehicles larger than a medium size van must reverse up or down the Lane, this poses a great risk to pedestrians and cyclists. Deliveries block the Lane and there is further danger when children are dropped off and collected from the village school.

Following a freedom of information request it should be noted that the highways report is based on a desk top study. If the application is not declined, then a site visit is imperative.

Previous development on Clixby Lane and in Grasby – Since the 1970's there has been 8 new houses built on Clixby Lane, with a further one already approved this year, this represents a 50% increase. If 5 more houses are added this gives an increase of 75% with no road improvements.

In Grasby there has already been approval for 7 new dwellings this year. Last year on top of the permanent new dwelling approvals there was approval for 32 lodges in the old chalk quarry off Grasby Wold Lane.

It is clear to see that Grasby is already undergoing significant development for its size.

Objections – There have been over 60 objections to this development, and not one in support.

Grasby has 11 roads and there were objections from 8 of these. This means residents from 73% of the roads have put in an objection. Therefore, the majority of the village deem this development inappropriate and not just Clixby Lane residents.

If a physical meeting had been allowed in the chamber, then residents would have been able to show their disapproval by virtue of their presence.

In Character – The proposed development site doesn't feature in the LP4 Hierarchy as it is a Green site within the settlement, NOT at the edge. As properties exist on all 4 sides of the development this greenfield is definitely in the core and not at the edge. This means the sequential test cannot be applied and used in support of the application.

The proposed development does not meet with the requirements of LP2 as the settlements character and appearance would be harmed by building on one of the few green spaces left within the core. Furthermore, the character and appearance of the surrounding countryside and rural setting would be harmed by blocking the view over the Ancholme Valley and escarpment at Nettleton and Caistor. This view is appreciated by the many walker on the Viking Way.

No other road in the village has a secondary access road running parallel to it. This proposed access road is significantly wider than Clixby Lane and will be over dominant and out of character. Clixby Lane is 3m wide and the proposed access road is 4.5m with the splays extending to 15m. How can this be in keeping with a small single-track lane. Again, a site visit is imperative to appreciate.

Wildlife and habitat loss – The Ecology report was primarily a desktop study with only one site visit taking place before the main growing season and before many migrating birds had arrived. In June and July when the grass is a full height the site is an important habitat for insects, reptiles and small mammals. Lincolnshire Wildlife Trust was hoping for a second visit, but this never happened.

The report fails to mention that the site is a regular feeding ground for the local Barn Owls, which are listed in Schedule 1 of the Wildlife and Countryside Act. Swallows, Swifts and bats all feed on the abundant flying insects that emanate from this grassland. Once their feeding grounds are destroyed these species will be absent from Grasby for ever.

Another omission of the Ecology report is not mentioning a single type of insect. Our pollinators are declining rapidly and many of the flowering plants that grow at the site support their existence.

Environmental impact – We must consider what village we want to leave for the next generation? A village with green spaces and abundant wildlife or a village with no green spaces and the wildlife desecrated by inappropriate development. Once the wildlife is destroyed, it will be gone for ever. Our quest should not be to race blindly forward and build further houses just because LP4 states a 10% growth. The world is in danger of forgetting about the importance of the natural world. Future generations will judge us on whether we prioritised development over the natural environment.

After the passing of Councillor Strange Grasby no longer has a ward councillor and we feel disadvantaged because no one is talking in this position.”

The Chairman invited any return comments from the Officer who reminded Members that there were no outstanding objections from ecology nor highways and the area was not a designated open space.

Members of the Committee enquired whether there would be any archaeological work undertaken and it was confirmed that they had been consulted and no input was required. There were also several comments regarding the suitability of further development in Grasby. It was confirmed that based on the development plan, Grasby was suitable for growth however it was the exact site that was under consideration.

The Officer recommendation to grant permission was moved and seconded however on taking the vote, the proposal was lost and so the Chairman requested for an alternative recommendation to be put forward.

Following further discussion, it was proposed that permission be refused as contrary to LP13 and LP26 section B. This was seconded and taken to the vote. It was agreed by majority vote that permission be **REFUSED** for the aforementioned reasons.

**Note:** The meeting adjourned at 8:48pm for a short comfort break and reconvened at 8:55pm. A full register of attendance was undertaken.

## **56 141550 - SADBROOKE**

The next application for consideration was number 141550 for the removal of existing dwelling and erection of 1no. dwelling house with associated access alterations, vehicle parking and landscaping at Rosemary Villa, 30 Wragby Road, Sudbrooke. Members heard from the Officer that since the report was drafted, further objections had been received from residents of Green Garth, 24 Wragby Road; and Homelea 28 Wragby Road summarised as follows:

- Not against a replacement dwelling but do not agree with multi occupancy.
- Potentially another 10 cars and people do not fit with current infrastructure of Sudbrooke and the busy road
- Impact on residential amenity- the size and proximity of the proposal to the neighbouring property will overshadow, reduce light and impact views from the rear of the property. The

rear projection of the proposal would break the 45 degree rule in relation to number 28.

- Increased pollution and noise for the garden of 28, including noise from smokers outside the proposal
- Size of replacement dwelling is out of context and does not compliment neighbouring dwellings
- Loop hole means the house could be changed to a HMO. Objector requests an Article 4 direction is applied to this application to prevent this happening.
- The second floor plan is primed for conversion to additional en-suite bedrooms suggesting this is the intention.
- The noise survey is for an HMO indicating this is the objective
- Previous conclusions of the planning inspectorate on the last application still apply. The application must be refused for the same reasons.

These representations did not change the recommendation.

The Chairman invited the registered speakers to address the Committee. Councillor Peter Heath, of Sudbrooke Parish Council, made the following statement.

“Sudbrooke Parish Council took this application at face value and recorded no objection. However, we have revised our opinion in the light of residents’ concerns and now wish to object for the following reasons.

Planning application 141550 is a straightforward resubmission of application 140180, refused by this Planning Committee in January. Comparing the plans for this application to the last scheme, the design of the building and internal layout is identical. Only minor amendments have been made to re-label room descriptions.

For example, the second-floor roof plan for this application retains the exact same layout, simply re-labelled. It has not been redesigned from the original scheme or its dominance on the area reduced in any way. Bedrooms in the original layout now appear as a ‘study, fitness room, playroom, games room and cinema room’ instead. However, each of these rooms retains an individual bathroom.

The result of this is that we now have a proposal for a five bedroom “house” with nine bathrooms across 3 floors. Three of these bathrooms are in the roof space alone! This is clearly not a usual family home. Family homes in villages should also seek to maximise outdoor space. This proposal would turn over half of the existing rear garden into a large driveway and double garage, leaving only a small lawn area – quite out of character with a large family home and the local character.

Consequently, the layout is dominated by vehicle movements and not amenity space. Most significantly the development will introduce vehicle movements to the rear of the property. Vehicle noise and disturbance from car lights in winter months or at night will negatively impact future residents of the proposed dwelling and harm the amenity and enjoyment of the existing neighbouring properties too.

Many other examples show the true intentions of the applicant. The noise impact assessment, dated August 2020, refers to the erection of a ‘house in multiple occupancy’ and ‘HMO’ throughout, and noise impact is assessed on this basis. Taken together, there is almost no attempt to disguise the very clear motives of the applicant.

The council can confidently refuse this application; the last committee decision was subsequently upheld at appeal, with the Planning Inspector agreeing that the development is wholly unsuited to the site and in conflict with the development plan. The appeal for costs, also dismissed by the Inspectorate, further underpins the robust case and justified decision this committee reached.

The applicant operates a lettings company called 'Properties on the Market' in Lincoln that includes many HMOs. The agent for this application, "Buildrow" has the same address as the letting company at 65 High Street Lincoln. They appear one and the same.

The purpose of this application is to plainly to develop an HMO by whatever means necessary and avoid planning controls. The fact remains however than in retaining the original design and layout, the scheme is no more suitable for this location than the previous failed attempt. The negative and harmful impact on neighbours is just as severe. Residents should feel protected from harmful development.

Visiting the site, it is clear that the proposal is totally out of character with the neighbouring dwellings and indeed all dwellings on the southern side of Wragby Road. The site occupies a prominent end plot which further exposes its dominance and negative impact on the street scene and rural backdrop.

Conclusion - If this application is a genuine attempt to deliver a family home, why build a house that is like no other in the locality in terms of scale and design. Why not make the rear garden a safe environment to relax and play too? The answer is clear – this is not a family home.

This development has already been firmly refused on grounds of harm to neighbour amenity. Policy conflicts with LP26 and NP policy 9 identified by the Inspector last time remain valid. A condition restricting occupancy was, the Inspector concluded, not reasonable. This means that planning controls that the council could impose in some cases cannot reasonably address the harm to neighbour amenity here.

On the grounds of design, misleading supporting evidence, harmful impact on neighbour amenity and conflict with the design code of the neighbourhood plan, this application should be refused."

The second speaker, Mr Sath Vaddaram, Applicant, made the following comments alongside a selection of photographs he had provided in advance.

"My name is Sath Vaddaram. Regarding objector's comments:

1. There is no relevance to HMO here as it is for C3 dwelling.
2. 11 immediate neighboring properties are currently parking at rear.
3. Business use at 24 Wragby Road is causing enormous vehicle movements..

It is surprising to learn that 26 has no concerns of above activities but has more interest on my property which is located far and other side of the cluster.

I challenge 2 Conditions proposed:

Condition 7

1. HMO is not relevant here. Every C3 proposal is conducive to future use as HMO. It is unreasonable to differentiate this proposal with that single point. Past planning history

should complement for my honesty rather than be against.

2. The facts of Inspector's statement have changed within the Officer's report. The appeal has only dealt with 8 bed HMO and is clear from points 4, 17, 19 of the decision notice. Appeal has no relevance to any other proposals less than 8 beds. Officer cannot use someone else's unconfirmed statement.

3. There are 13 HMO's in that area. Full details were provided to the council, most of them are using their PD rights.

4. The noise report conflicts with this condition.

5. Regarding other potential disturbance such as

A. Vision: Vehicle lights are acceptable as per the drawings on the screen (WRA030-HL-01) and part 4 of Lighting Regulations 1989

B. Smell: All the vehicles are subject to emission test.

6. Proposal is not in 'designated areas' where PD rights are more restricted.

7. Drawings on the screen (WRA030-PD1-01) shows the scope of PD rights on all properties in the cluster. They would be considerably larger and can be used as HMOs. Then, my property faces more concerns by debarring PD rights those can be used to confront when other properties exercise their rights.

8. Updated PD rights 2020 reconfirms in favour of C3 to C4. This condition is against the government policies.

9. I am not against implementation of Article 4 to tackle all the concerns raised applicable to every property in that area. Current approach constitutes discrimination against the applicant.

10. Appeal Case studies (APP/Q1445/W/18/3206340 87-89) confirm that this condition is unreasonable and will not justify the need as per Paragraph 55 of the NPPF

As an example the appeal decision states that

'The fact that other neighbouring properties might still enjoy PD rights, I see no reason why the occupiers should be debarred from the entitlement available under Class C.'

Condition 5.

A. Construction methods will reduce the noise impact levels from inside the building.

B. Outside usage unchanged.

Overall, the proposal should have less noise impact on neighbouring property. So, the EPO's classification should be "No Observed Effect Level".

Even though the Applicant is not against his proposal, but stipulating this as a condition constitutes as discrimination because there is no acoustic fencing present between any C3 dwellings or in any other C3 planning conditions from this council.

In conclusion, the Planning permission should be granted without these two conditions.

Thank you.”

The third speaker for the evening, Ward Member Councillor Robert Waller had sent his apologies and so the following statement was read aloud by the Democratic Services Officer.

“Good Evening Members of the Committee

I would like to speak regarding the application 141550 a C3 dwelling on the site of an existing building at 30 Wragby Road Sudbrooke. I am the WLDC Councillor for the Sudbrooke Ward. I asked for this application to be brought to the full committee due in part to the controversial previous application for this site and also to ensure all residents have the opportunity to see that due process has been followed. In addition part of the application mentions HMO which has aroused suspicion amongst members of the public.

This application is very similar to the previous one for this site that was refused by this committee and by the inspector when the applicant lodged an appeal. The appeal (APP/N2535/W/20/3245962) was refused on the 15th July this year. The main reasons for the appeal being refused are still, in my opinion extant in relationship to this new application. One of the main factors was the detrimental impact that a building of this size would have on the immediate neighbours with the proposed building being only 0.75m from the common boundary. The Inspector cited the following as some of her reasons in the decision;

- The impact on the living conditions of the neighbours at number 28 Wragby Road
- Conflict with policy LP 26
- NP Policy 9
- Giving full weight to Sudbrooke NP made on the 13th February 2020

We have before us an application that is very, very similar in design and layout, although the bedroom size has been reduced from 8 to 5, however three full en-suite rooms have been designated as a study, fitness room and child's playroom have replaced the other bedrooms. These rooms appear to have the same dimensions to the bedrooms they have replaced. So the applicant appears to be developing a residence that can be changed to an HMO at a later date despite losing an appeal for a previous HMO. This has obviously caused concern amongst some residents and neighbours within the village. I do appreciate that one of the applicant's companies specialise in the provision of HMOs in and around Lincoln. However, the application before the committee tonight is for a C3 dwelling and as such members are voting on this but I ask you to bear in mind the previous application and the objections that were identified and supported when the appeal was refused. I would also like to highlight to the members of the committee that this is no ordinary dwelling. I have never heard of a five bedroom house with 9 bathrooms, 3 of which are in the roof space. This cannot be classed as a normal family residence. In addition the house has not got a “family” garden but a very large area for several cars with an underpass for these vehicles.

In its current format I would not be able to support this application. It is my personal opinion that this application is an attempt to establish an HMO by the submission of a C3 dwelling. I would be happy to see a new building erected on this site with the current house being demolished but only if the design, size and build all meet the requirements of the Neighbour

hood plan and policies of the CLLP. Any new build on this plot must, in my opinion take into consideration the immediate neighbours quality of living.”

The Chairman asked whether there was any further Officer update and the Interim Planning Manager reiterated to Members that the application was for a C3 family home and that was how it should be assessed. He noted that under current legislation, a C3 home could be converted into an HMO without any involvement of the Council, however, the report did include a condition whereby a conversion to an HMO would be required to return to the Committee. He also highlighted that planning history and inspectorate decisions were material considerations.

There was considerable discussion regarding the size and layout of the property in consideration of the previous refusal and the dismissed Planning Inspectorate appeal. Both the Planning Officers and the Legal Advisor reiterated to Members that the application was for a C3 family dwelling and any conversion to an HMO would be conditioned to return for further permission.

A Member of Committee moved an alternative proposal for the permission to be refused as contrary to LP26 section R and NP policy 9. This was seconded by the Chairman. On being put to the vote, it was carried that the application be **REFUSED** as contrary to LP26 section R and NP policy 9.

## **57 141348 - WELTON**

The final application was introduced, application number 141348, for demolition of existing dwelling, erection of 1no. replacement dwelling and 3no. new dwellings, with associated garaging and new vehicular access, at 27 Prebend Lane, Welton. Members heard from the Senior Development Management Officer that the archaeological comment had been received and they were not aware of anything of note. The tree and landscape officer had confirmed all trees were considered to be class C and therefore not of sufficient quality to retain, they should not pose any restraint to the development. He added that the draft condition two was to be removed and there was an amendment to condition four.

The Chairman invited the Democratic Services Officer to read aloud the statement provided by Dan Rontree, Agent for the Applicant.

In light of the current COVID 19 restrictions, it is understandable that this meeting is being held remotely. This small statement is intended to substitute our speech at committee and is to be read out in support of the application. The statement has been written by Dan Rontree, who is a Director at Heronswood Design, the designer of the scheme and acting as the agent on behalf of Mr & Mrs Sykes.

Whilst we have taken the opportunity to have this statement read out at Committee in lieu of it being delivered verbally (we have registered to speak, but will not intend on doing so if this report is to be read out in entirety), HWD are sitting in the virtual meeting room and would be happy to address the committee with clarification of any matter contained within this statement.

Prior to the continuation into this report, we would also like to take the opportunity to advise that a small number of factual discrepancies in the officers committee report have been

brought to the officers attention prior to this evenings meeting, along with some additional information from consultees and it is anticipated that Ian Elliot will have addressed those points in an update to the committee before this meeting commenced.

This small scheme for 4 dwellings (1 of which is as a direct replacement for the host dwelling) is strategically located in what the CLLP describe as a 'LARGE VILLAGE' where policies suggest that development will be allowed in various forms within the developed footprint, whether that be via allocated sites, appropriate infill, intensification or renewal. It is our suggestion that this proposal quite clearly meets that criteria and will be in line with the core strategies of the CLLP which cites a presumption in Favour of Sustainable Development.

Quite evidently, this application seems to have drawn in a number of objections, which have been clearly summarised in the report produced by the case officer. We would further that by agreeing that the majority of objections seem to relate most strongly towards the impacts upon the residential amenity of the surrounding neighbourhood, the impact upon highways safety, the loss of a number of trees, the inappropriateness of designs on Plots 1 & 2 and the detrimental impact the construction process will place upon the immediate environments. As part of our role as agents for this application, we have been monitoring comments raised and objections submitted, with a view to better understanding the feelings of the neighbouring residents as well as the statutory consultees.

Regular dialogue with Ian Elliot (Case Officer) during the consultation period has been maintained and this has led to a positively pro-active approach from both WLDC and Heronswood Design (HWD).

Public objectors to the proposals raised significant concerns in connection with a number of design issues relating to the overbearing nature of the originally submitted designs for Plots 1 & 2, along with a statutory query in connection with adequate parking and turning facilities not being made available for these 2 plots.

As a result of these objections, HWD voluntarily entered into dialogue with WLDC to seek the views of the case officer and these discussions led to the extension of the statutory determination period, giving an opportunity for a revised design proposal to be put forward for Plots 1 & 2. It is our view that this pro-active approach has led to the betterment of the proposals and it is now felt that Plots 1 & 2 are significantly more sympathetic towards the objections raised and it is now our opinion that the development can be harmoniously integrated with Prebend Lane, without undue harm being brought. It is also suggested that the Officers recommendation for approval of this application demonstrate WLDC's agreement with our thoughts.

The mid consultation amendments to Plots 1 & 2 also appear to have satisfied LCC Highways as it is now advised that they have no objections to the development in connection with the 2 plots served from Prebend Lane.

It should be noted that at no time during the consultation period of the application have LCC Highways raised any objection to the elements of the development proposed in connection with the use of The Cloisters serving Plots 3 & 4.

Notwithstanding the support of LCC Highways in connection with the use of The Cloisters to serve this part of the development, HWD have shown an understanding of the nature of the

objections received in connection with its use during the construction period and have gone to great lengths to produce a Demolition & Construction Management Plan. This plan attempts to provide WLDC with a control mechanism (via planning condition compliance). The intention of this document is to restrict construction traffic over The Cloisters until the very latter stages of the development. By this point, the demand for larger vehicles is significantly reduced, therefore the residents of The Cloisters can hopefully accept that the applicant is showing an understanding towards their concerns and all that can be done to protect their safety and enjoyment of amenity values while this development is completed, is being proposed.

The final major cause for objections appears to be in connection with the loss of trees at the application site. Whilst at the time of writing his report, the case officer had not yet received the formal response of the Council's Arboricultural Officer, these comments have since been received. In conclusion WLDC have stated that a professional tree survey has been carried out by a well-known, established arboriculturist, in which he has identified all the trees as being classed as Category C. WLDC have since gone on to confirm that any category C trees should not realistically pose a constraint to the proposed development, their retention could not be insisted upon, nor do any of the trees meet the Criteria for the introduction of a Tree Preservation Order.

**Note:** The meeting adjourned at 9:52pm and was reconvened at 9:58pm to allow for the live webcasting of the meeting to be continued.

Members of Committee enquired whether there was provision within the Local Plan for further development in Welton and this was confirmed to be the case. It was also clarified that although the location was not an allocated site, it would be considered infill.

With no further discussion, the recommendation was proposed, seconded and voted upon and it was agreed that permission be **GRANTED** subject to the following conditions.

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

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

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

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

2. No development 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.

**58 DETERMINATION OF APPEALS**

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

The meeting concluded at 10.05 pm.

Chairman

# Agenda Item 6a



## **Officers Report**

### **Planning Application No: 140235**

**PROPOSAL:** Planning application for demolition of the former Lindsey Shopping Centre and proposal to develop multiplex cinema, car parking and commercial units in the following use classes, Class A1 (shops), Class A2 (financial and professional services), Class A3 (restaurants and cafes), Class A4 (drinking establishments), Class A5 (hot food takeaways) and Class D2 (assembly and leisure), together with associated works.

**LOCATION:** Former Lindsey Shopping Centre Market Place Gainsborough  
Lincolnshire DN21 2BP  
**WARD:** Gainsborough South West  
**WARD MEMBER(S):** Cllr Mrs J A Rainsforth, Cllr T V Young  
**APPLICANT NAME:** Savoy Cinemas Ltd

**TARGET DECISION DATE:** 08/04/2020  
**DEVELOPMENT TYPE:** Major - Other  
**CASE OFFICER:** Rachel Woollass

**RECOMMENDED DECISION:** Grant the principle of development subject to deferral back to officers for improved design and any other outstanding matters.

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The application is referred to committee as the application is of strategic importance and WLDC association.

#### **Description:**

The development site is located within the town centre of Gainsborough, within the Gainsborough Town Centre Conservation Area. The site is located at the former Lindsey Centre, sited between Heaton Street and Market Place. This is within an established urban area consisting of a mixture of retail and office uses taking the form of new and old properties addressing the street frontages. The gross area of the site is 0.47 Ha The site was previously a department store hosting medium to small retail units.

The application seeks permission for demolition of the former Lindsey Shopping Centre and proposal to develop multiplex cinema, car parking and commercial units in the following use classes, Class A1 (shops), Class A2 (financial and professional services), Class A3 (restaurants and cafes), Class A4 (drinking establishments), Class A5 (hot food takeaways) and Class D2 (assembly and leisure), together with associated works<sup>1</sup>.

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<sup>1</sup> Under the transitional arrangements for the Town & Country Planning (Use Classes) (Amendment) (England) Regulations 2020, the above use classes still apply.

**Relevant history:**

GU/100/60 – Erect a supermarket. Permission granted 05/07/60

GU/10/61 – Alter shop front and convert store into offices. Permission granted 07/03/61

GU/220/61 – Convert cinema entrance and foyer into a TV and radio sale shop and stockroom. Permission granted 03/10/61

GU/156/62 – Convert cinema foyer into shop premises. Permission granted 02/10/62

W33/185/77 – Alterations and extension to existing retail store. Permission granted 21/04/77

W33/CAD/4/86 – Listed Building Consent to demolish part of retail store. Permission granted 11/09/86

W33/295/93 – Planning permission to alter and extend building at first floor level to form stock room. Permission granted 03/06/93

W33/897/93 – Planning application to change the use of the retail unit to coffee shop. Permission granted 09/12/93

99/P/0042 – Planning application to alter existing sale shop including external alterations (blocking up existing door openings) Permission granted 18/02/99

**Representations:**

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

**Parish/Town Council/Meeting:** No representations received to date

**Local residents:** 12 Nelson Street – Support - This is an excellent proposal to bring a much needed leisure facility to the centre of our town. The proposed facades are in keeping with the overall atmosphere of the market square and open up the sight lines to and from the Market Square and Marshalls Yard. This can only aid the prosperity of both the town centre and the wider Lidl and Marshalls Yard areas.

42 Dunstall Walk – Support – It will bring in much needed revenue to the town plus create permanent employment positions.

19 Maybell Close – Support – Excellent idea. Saves having to travel to Lincoln or Scunthorpe.

14 Bury BL8 1HD – General Observation – In general the approach taken is to be supported, I would, however, make the following observations –

- Appears to be a lack of a Heritage Impact Assessment
- The layout, by opening up the former alley is to be supported. This aids legibility and walkability both to and from the site and town centre. However, care needs to be taken in relation to the public realm so that it all ties in.
- Would question the provision of car parking. Could the space not be used more worthwhile as part of a wildflower meadow in order to bring some green infrastructure in to the town centre.
- The buildings facing Market Square have clearly understood the need to replicate the rhythm and roof lines of the existing buildings. The materials chosen, respect the character of the surrounding buildings, but also bring an air of modernity to the town centre which is lacking in some respects. This is good to see and shows that it is possible to deliver good, well designed buildings in the Conservation Area. However, I do have concerns with the use of cladding on the upper parts of the cinema building. In my opinion, the use of cladding materials should have no part in buildings which are either in or adjacent to Conservation Areas and Listed Buildings.

Pippin Close, Misterton – I fully support this development and note the impressive scale and detail paid into creating complimenting units (units A,B,C) for the Marketplace and taking on board architectural cues to create a pleasing cohesive appearance.

However I echo other comments made regarding to design of the cinema (unit D.) The lacklustre design is a real shame and I believe it won't provide any positive visual appearance within in the town. Especially so close to the historic centre and much well done historically sensitive architecture seen in

Marshalls Yard. The materials chosen and cladding echo this concern. It will be a real shame for such a new key development on the town to suffer from its poor appearance (take the retail units on Heaton Street as an example).

Especially on the South approach, as coming in from the Bus station.

There is also no specifics on the signage or any advertisements used, and with such a prominent frontage I think a well designed and manufactured sign must be considered. Opposed to some font just displayed in a polished silver letting.

I fully support the development and aspirations to bring a more leisure focused approach to the town centre and improvements it'll make! I just feel the development could push a little further instead of being a grey box opposite a car park in a town centre.

**LCC Highways:** The principle of development is acceptable to the Highway Authority, the submitted transport statement is a fair and reasonable representation of the impact on the existing highway network and is considered acceptable. The following information will be required:

An updated site plan to reflect the following:

- Footway and access arrangement in more detail on Heaton Street North.
- The existing vehicle access on Heaton Street South will require removal and reinstatement to footway. Specification to be agreed with the Highway Authority.
- All vehicle access construction details to be confirmed with the Highway Authority.

- Please indicate the kerb radii on the Heaton Street South servicing access (generally a 10m requirement, however swept path shown is acceptable)

#### Drainage

The drainage strategy is acceptable in principle provided Severn Trent Water confirm acceptance of discharge and the proposed rate of discharge. This should be sought at this stage.

#### **Environmental Protection:**

Contamination - There are a number of former contaminative land uses in the area along with a high probability of made ground and organic matter. A comprehensive condition ought to be attached to any permission

Odour - Premises with planning use categories that allow hot food preparation ought to be conditioned to have extraction equipment and agreed maintenance approved in writing prior to bringing it into use. Said condition to be targeted at change of use as well as intended use.

Noise - An assessment of likely sources, potential impact and mitigation proposals, as appropriate, ought to be required in respect of nuisance noise said assessment shall be compliant with BS 4142 as amended, take appropriate account of requirements in respect of Regulated Entertainment and of NPPG in respect of minimising potential for any Observed Adverse Effect.

Lighting - A condition requiring approval of external lighting ought to be attached to any permission granted, said approval would need to be appropriately informed by reference to plans and elevations illustrative of Lux levels

Litter - A condition for the control of litter ought to be attached to any condition

Pigeons - Measures to address the significant presence of feral pigeons currently and persistently associated with the existing premises shall be taken to ensure they do not relocate to other areas of the town

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

**Environment Agency:** No objections subject to a condition on floor levels.

**Archaeology:** Prior to any demolition or groundworks, the developer should be required to commission a Scheme of Archaeological Works (on the lines of 4.8.1 in the Lincolnshire Archaeological Handbook) in accordance with a written scheme of investigation submitted to and approved in writing by the local planning authority. This should be secured by appropriate conditions to enable heritage assets within the site to be recorded prior to their destruction.

## **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

LP5: Delivering Prosperity and Jobs

LP6: Retail and Town Centres in Central Lincolnshire

LP7: A sustainable Visitor Economy

LP13: Accessibility and Transport

LP14: Managing Water Resources and Flood Risk

LP15: Community Facilities

LP25: The Historic Environment

LP26: Design and Amenity

LP38: Protecting Gainsboroughs Setting and Character

LP41: Regeneration of Gainsborough

LP42: Gainsborough Town Centre

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

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

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

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

### National policy & guidance (Material Consideration)

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

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

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

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

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

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

#### Conservation Area Legal Duty

Section 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990

[https://www.legislation.gov.uk/ukpga/1990/9/pdfs/ukpga\\_19900009\\_en.pdf](https://www.legislation.gov.uk/ukpga/1990/9/pdfs/ukpga_19900009_en.pdf)

#### Listed Building Legal Duty

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

[https://www.legislation.gov.uk/ukpga/1990/9/pdfs/ukpga\\_19900009\\_en.pdf](https://www.legislation.gov.uk/ukpga/1990/9/pdfs/ukpga_19900009_en.pdf)

#### Draft Local Plan / Neighbourhood Plan (Material Consideration)

NPPF paragraph 48 states that Local planning authorities may give weight to relevant policies in emerging plans according to:

*(a) the stage of preparation of the emerging plan (the more advanced its preparation, the greater the weight that may be given);*

*(b) the extent to which there are unresolved objections to relevant policies (the less significant the unresolved objections, the greater the weight that may be given); and*

*(c) the degree of consistency of the relevant policies in the emerging plan to this Framework (the closer the policies in the emerging plan to the policies in the Framework, the greater the weight that may be given).*

- **Submitted Gainsborough Town Neighbourhood Plan (GNP)**

Gainsborough Town Council has formally submitted its Neighbourhood Plan and supporting documents for consideration as part of the Neighbourhood Plan Regulations 2012 (as amended). West Lindsey District Council (WLDC) have consulted with the public and consultation bodies. The consultation finished on 20<sup>th</sup> July 2020.

The plan may be attached increasing weight in the consideration of this application.

Relevant policies include:

NPP 1 Sustainable Development

NPP 2 Protecting the Natural Environment and Enhancing Biodiversity

NPP 6 Ensuring High Quality Design

NPP 18 Protecting and Enhancing Heritage Assets

NPP 19 Improving the Vitality of the Town Centre

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

### **Main issues**

- Principle
- Design and Impact on Listed Buildings and Conservation Area
- Highways
- Noise
- Drainage
- Flood Risk
- Archaeology
- Minerals

### **Assessment:**

#### Principle

The site is located within the Gainsborough Primary Shopping Area, as allocated in the CLLP.

The scheme proposes a cinema complex and commercial development. This takes the form of 3 ground floor commercial units with back of house to the first and/or second floors, a 4 screen cinema, and new car park comprising of 56 parking bays (including 3 accessible parking bays).

This application will apply for the following 'use classes' as part of this planning application:

Units A & B - A1 (Shops), A2 (Financial and professional services), A3 (Food and drink), A4 (Pub or drinking establishment), A5 (Hot food takeaway)

Unit C - A1 (Shops), A2 (Financial and professional services), A3 (Food and drink), A4 (Pub or drinking establishments), A5 (Hot food takeaway), D2 (Assembly and leisure)

Unit D - D2 (Assembly and leisure)

The commercial ground floor contains 3 units, with gross internal floor areas including ancillary spaces to first and second floor) as follows:

1. Unit A = 160 m<sup>2</sup> / 1735 ft<sup>2</sup>
2. Unit B = 150 m<sup>2</sup> / 1620 ft<sup>2</sup>
3. Unit C = 360 m<sup>2</sup> / 3875 ft<sup>2</sup>

The cinema comprises of a gross internal floor area (GIFA) of 1545m<sup>2</sup> / 16630ft<sup>2</sup>, which includes 4No. screens, a foyer, function room, WCs, storage and ancillary spaces.

The Central Lincolnshire City and Town Centre Study Update 2015 showed that the retail ranking of Gainsborough had improved significantly between 2005 and 2013 going from 546th to 353rd.

This was attributed to the development of Marshalls Yard in 2007 which had provided an additional 28 large retail units for mainly national operators.. In the 2015 study Gainsborough had 33 (16.7%) vacant units (compared to 11% nationally and 13% in Lincoln). Gainsborough had a similar proportion of convenience, comparison, retail and financial services but only 15% of units had a leisure use compared to 22% nationally and 23% in Lincoln. Similarly, the proportion of floor space occupied by leisure service units (10.1%) is also significantly below the national average (23.2%).

This limited leisure offer was a common theme in the community consultation of the Gainsborough Neighbourhood Plan where local people expressed disappointment that there were few 'nice' places to socialise within the Town in the evening. Local people spend their leisure time and money outside Gainsborough.

The proposed commercial retail units and 4 screen cinema are suitable for this location in a predominantly 'mixed' use area in Gainsborough town centre. The proposal would add a much needed leisure facility to the area to boost the limited leisure on offer in the town.

The NPPF defines main town centre uses as - Retail development (including warehouse clubs and factory outlet centres); leisure, entertainment and more intensive sport and recreation uses (including cinemas, restaurants, drive-through restaurants, bars and pubs, nightclubs, casinos, health and fitness centres, indoor bowling centres and bingo halls); offices; and arts, culture and tourism development (including theatres, museums, galleries and concert halls, hotels and conference facilities).

Policy LP6 states that development proposals for retail and/ or other town centre uses will be directed to the Tier 1 to 4 centres defined in this policy, and will be appropriate in scale and nature to the size and function of the relevant centre and to the maintenance of the retail hierarchy as a whole. The site lies within Tier 2.

Policy LP7 states that 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.

Policy LP15 states that all development proposals should recognise that community facilities such as leisure facilities, libraries, public houses, places of worship and community halls, or any registered asset of community value, are an integral component in achieving and maintaining sustainable, well integrated and inclusive development.

Policy LP41 states that development proposals should assist, where possible, in meeting wider regeneration and investment objectives for Gainsborough. In particular, development proposals will be supported which:

- Enhance linkages to / from Marshall's Yard, Market Place, Market Street, the Riverside and any other key heritage assets;
- Strengthen the existing retail area of the town centre, through increased and/or improved retail offer, together with some complementary uses as appropriate;

Policy LP42 states that proposals for main town centre uses will be supported within Gainsborough Town Centre, as identified on the Policies Map, provided that the proposed development is compatible with the use of adjacent buildings and land.

In the identified Primary Shopping Area, proposals for non-retail use on ground floors will only be supported if they:

- a. Are a recognised main town centre use; and
- b. Would not result in the over concentration of non-retail uses that would undermine the primary shopping area's overall retail function and character; and
- c. Would have no demonstrable impact on the vitality and viability of the centre as a whole.

Ensuring the vitality of the Town Centre means adjusting to the changes in the traditional model of the British High Street. Creation of a lively and dynamic social space that provides inducement to visit is recognised as key to unlocking the revitalisation of the historic core of the Town centre. This approach is endorsed by retail analysts, commentators and Central Government alike and echoed in the community consultation exercises undertaken in the Gainsborough Neighbourhood Plan.

Best practice suggests that offering entertainment and performance areas, leisure pursuit outlets, restaurants, cafes and bars within a landscaped area with interesting visual attractions and well-designed seating areas drives use of the space by the community and visitors.

The proposal is located within the primary shopping area and consists of main town centre uses. It would not result in the over concentration of non-retail uses and does include retail as part of the proposal. The proposal would bring a much needed leisure facility along with other town centre uses to improve the vitality and viability of the centre. The proposal would be acceptable as a matter of principle and would not undermine the primary shopping area's overall retail function and character. The

proposal by its very nature would improve and enhance the town bringing a much needed leisure economy which is limited in the present time.

The proposal also enhances linkage to and from the Market Place and strengthens the offer of the town centre.

The proposal would be in accordance with policies LP6, LP7, LP15, LP41 and LP42.

Policy LP5 states that the Central Lincolnshire authorities will, in principle, support proposals which assist in the delivery of economic prosperity and job growth to the area.

It is anticipated that the proposal will create 18 full time jobs and 16 part time jobs. This can only be supported and would be in accordance with policy LP5.

Policy NPP1 of the GNP states that development in the Gainsborough Neighbourhood Plan area should be located so that it can make a positive contribution towards the achievement of sustainable development. Development should assist in meeting the economic, social and environmental regeneration of the Town.

Policy NPP19 of the GNP states that to be supported, proposals must make the Market Place an attractive focal point for the Town Centre and will include;

c) a design of the space that enhances retail, commercial and leisure uses in the Town Centre.

*and*

The redevelopment of buildings identified as having a negative value (see Map 26) is supported where it can be demonstrated that the proposal accords with the principles of good design in NPP 6 (1) and (2) and reinforce the historic character of the Town Centre (including creating/improving pedestrian access to the market place).

The Gainsborough Neighbourhood Plan identifies the former Oldrids Department Store (The Lindsey Centre/the site) as a retail unit that does not make any contribution to the historic character of the Town centre.

The design of future development in the Town Centre Conservation Area must enhance the historic character. New development that better reveals the significance of heritage assets such as by removing unsympathetic later additions, adding interpretation, or creating new ways to view the town's heritage will enhance this character.

Proposals that see the removal of buildings that have no value or a negative value may also provide better permeability into the market place (their redevelopment may allow for new direct and safe pedestrian routes into the historic core) so long as this does not leave gaps in the street scene and historic layout. This would strengthen the existing

character and contribute to refocusing the pedestrian flow back into the historic part of the Town.

At the historic core of the Town Centre is the market place and Town Hall; this was located on the main north-south route through the Town. It is classed as a historic open space (see Map 27 of the GNP).

Through traffic was removed from the market place in order to create a large pedestrianised space which extends to include Lord Street (east) and Silver Street. One of the consequences of the removal of vehicular traffic is the perception of emptiness at certain times of day. The market place is accessed by two pedestrian routes and a few small alleyways. There is limited permeability. This combined with the pull of Marshall's Yard means that few people walk through what was the core of the Town.

The proposal creates a key space within the urban fabric where streets and paths merge to create a connective route between the historic Market Place and the recent Marshall's Yard Development, promoting the local character, wayfinding and sense of place within the town centre.

The proposal would be in accordance with policies NPP 1 and NPP19, subject to design, of the Gainsborough Neighbourhood Plan which carries significant weight.

Design will be discussed in more detail below in the relevant section.

Paragraph 85 of the NPPF states that planning policies and decisions should support the role that town centres play at the heart of local communities, by taking a positive approach to their growth, management and adaptation.

Paragraph 86 of the NPPF states that Local planning authorities should apply a sequential test to planning applications for main town centre uses which are neither in an existing centre nor in accordance with an up-to-date plan. Main town centre uses should be located in town centres, then in edge of centre locations; and only if suitable sites are not available (or expected to become available within a reasonable period) should out of centre sites be considered.

Policies LP5, LP6, LP7, LP15 and LP42 are consistent with the NPPF and attached full weight.

Policies NPP 1 and NPP 19 of the submitted GNP are consistent with the NPPF and attached significant weight.

#### *Design and Impact on Listed Buildings and Conservation Area*

Policy LP26 states that all development, including extensions and alterations to existing buildings, must achieve high quality sustainable design that contributes positively to local character, landscape and townscape, and supports diversity, equality and access for all.

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.

NPP 6 of the GNP states that development must be of a high design quality that will contribute to the character of Gainsborough Parish.

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

Policy LP38 states that proposals for development should seek to make a positive contribution to the built and natural environment and quality of life in Gainsborough.

NNP 18 of the GNP states that Listed buildings, the three Conservation Areas and their settings and items on the Lincolnshire Historic Environment Record, are protected in accordance with District and National policy. Development that enhances these heritage assets and/or better reveals their significance (including their settings) will be supported.

NNP 18 also states that development within the Conservation Areas or their settings should demonstrate an understanding of the history and industrial quality of the area. Development should respect the scale, building plot, height and roofline, and complement existing materials and architectural detailing and reflect the pattern and design.

The site lies within the Gainsborough Town Centre Conservation Area and the rear of the site overlooks the Britannia Works Conservation Area to the east. There are three Grade II\* and 32 Grade II listed buildings within the study area.

The Gainsborough Town Centre Conservation Area covers an area of historic core which is considered to be of special historic and architectural interest and was designated in 1986.

The town centre has three focal points which are centred on the Market Place, The Old Hall, and All Saints Church. These areas all have separate and distinct characters and are associated with different periods in Gainsborough's development. Up to the thirteenth-century it is likely that the Old Hall was the central focus of the settlement. It would have been home to the Lord of the Manor, possibly built on the site of the former defensive Burgh. In the twelfth-century after the granting of the town's Market Charter the emphasis would have at least partially shifted to the Market Place and the surrounding streets. In the eighteenth and early nineteenth-centuries with the development of the port, the emphasis shifted once more to the riverside.

Included in the medieval core of the town are Market Place, Market Street, Church Street, the pedestrianised section of Lord Street (as far as Parnell Street) Little Church Street and Silver Street. Also included in this area are buildings on the west side of North Street as far the junction with Market Street and the Court House on the opposite

corner with Market Street. This is a largely flat area but it is elevated above the level of the River Trent.

The town centre plan is that of a medieval town and is based on a crossroads formation. These streets are narrow and flanked on both sides by densely packed buildings which address the road. These streets still respect the alignment of the medieval streets and spaces.

A good proportion of these buildings date from the eighteenth and early nineteenth century. There are also a large number of twentieth-century buildings. Broadly speaking the pre-twentieth-century buildings are mainly tall and narrow often of three or four storeys with plot widths reflecting the medieval plot divisions. The predominant building material is red brick, handmade on pre C 19<sup>th</sup> buildings and machine made on later ones.

Roofs are generally covered with pan-tile, clay or blue slate roofs although there are numerous concrete tiled roofs.

The public realm treatment within the historic core varies, however recent improvements to surfaces within pedestrianised areas (Market Place, Lord Street and Silver Street) have employed a mixture of high-quality natural stone finishes including porphyry sets sawn York Stone. Beyond the retail heart of the town centre public realm treatment becomes more utilitarian with tarmacadam road surfaces and concrete (and occasionally stone footpaths).

Even though there is a significant amount of twentieth-century building surrounding the Market Place, this respects the feel of the place, with heights, building materials and fenestration patterns respecting traditional patterns. The main twentieth-century building of note is the 1926 Bank at the entrance to Market Place. This grand and ornate neoclassical composition is currently vacant. It is not listed but is of clear local heritage and townscape value. In the Market Place, the Lindsey Centre which occupies the whole of the south-east corner is lower in height than its historic neighbours. It does not dominate or detract from the historic buildings, being constructed from brick of a dark recessive colour.

The Market Place currently lacks a central focal point although there was originally a large drinking fountain here which is marked on the 1886 Ordnance Survey. Silver Street exits to Caskgate Street to the south and the Market Place connects to Lord Street, Church Street and Market Street to the north. The entry and exit points into these streets offer views that cover a large part of the historic town centre. Curtis Walk and Flag Alley are narrow pedestrian routes which connect to the Market Place both of which have considerable townscape value.

In a recent review of The Gainsborough Town Conservation Area Appraisal, this summarises the characteristics of the Market Place as -

- Effective enclosure of the space
- High quality public realm and traffic free environment

- Diversity of buildings by age, aesthetics and materials with late C20th buildings seeking to conform to established development patterns (materials, fenestration patterns, heights etc.)
- Market Hall acts as the dominant and unchallenged focal point
- Strong northern gateway formed by the Market Hall and the former NatWest Bank.

In determining planning applications associated with buildings or land within a conservation area the duty in law under S72 (1) of this act is that “special attention shall be paid to the desirability of preserving or enhancing the character and appearance of that area”.

Section 66 of the Planning (Listed Buildings and Conservation Areas) Act 1990 (the Listed Buildings Act) states: “In considering whether to grant planning permission for development which affects a Listed Building or its setting, the local planning authority or, as the case may be, the Secretary of State shall have special regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses”.

The design as submitted would be harmful to the conservation area and would not preserve or enhance its character. It would also be harmful to the setting of numerous Listed Buildings.

Whilst a new walking route from the Market Place is welcomed, the link currently proposed is too wide. The established and historic enclosure to the east side of the Market Place would be lost. The view of the single storey element of the cinema to the rear compounds this problem.

The buildings surrounding the Market Place are generally three stories and often have parapets at the roof eaves. The proposed buildings either side of the proposed passage are lower than others in the Market Place and have large exposed pitched roofs. This contrast helps to increase the impact of the wide passage way.

A chimney stack is shown on unit C and unless the chimney stack is functional it should be removed. Good quality honest contemporary design which is informed by context and local character should be the objective.

The height, roof form and fenestration pattern of units A, B and C are alien to the Market Place and could be considered more harmful to the character of the Conservation Area than the existing 1960's building.

The rear proposed cinema block is a utilitarian commercial building which if concealed from the Market Place and the significant part of the Conservation Area will not be harmful.

It is accepted that although the rear of the proposed development falls within the Conservation Area there is considerably more design flexibility in this location.

The officer is still working with the agent to amend the design of the proposal so that it does not detract from the special interest of the conservation area or detract from the setting of the Listed Buildings.

Changes being sought are to address the height and roof of the buildings facing Market Place and to address the walkway so that it doesn't detract from the setting of listed buildings and the character of the conservation area.

Currently the proposal would not be considered to be in accordance with policies LP25 and LP26 of the Central Lincolnshire Plan and NNP 6 of the Gainsborough Neighbourhood Plan.

It is felt that an appropriate final design can be achieved that would not be detrimental to the conservation area and would enhance the character and appearance of the area and would not detract from the setting of the Listed Buildings.

Paragraph 189 of the NPPF states that in determining applications, local planning authorities should require an applicant to describe the significance of any heritage assets affected, including any contribution made by their setting. The level of detail should be proportionate to the assets' importance and no more than is sufficient to understand the potential impact of the proposal on their significance. As a minimum the relevant historic environment record should have been consulted and the heritage assets assessed using appropriate expertise where necessary.

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.

Policies LP25, LP26 and LP38 are consistent with the NPPF and attached full weight.

Policy NPP 6 of GNP is consistent with the NPPF and attached significant 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.

A Transport Statement has been submitted as part of the application.

This summarises that the Transport Statement provided a review of the transport and highways details associated with the proposals and is in support of a planning application to be submitted WLDC for the development of a four-screen cinema, two

retail units [Use Class A1], a restaurant [Use Class A3] and associated car parking on the site known as the Lindsey Centre, which is predominantly unoccupied.

In addition to the existing Co-op Travel outlet and Post Office, the site was occupied by Oldrids Department Store, having been a cinema originally, and is now established as an A1 retail (non-food) site.

The site is located in Gainsborough town centre and is therefore well located to additional retail and leisure land uses and is adjacent to a Lidl superstore. Gainsborough Bus Interchange is 150m from the site offering a wide range of bus services to and from the surrounding urban settlements of Lincoln, Retford, Doncaster and Scunthorpe, in addition to local services with Gainsborough itself. There are also two railway stations in the vicinity of the site offering services to and from Worksop, Retford, Lincoln, Sheffield and other key centres.

Walking routes to and from Gainsborough Bus Interchange and Gainsborough Central Railway Station are safe and well-lit and Gainsborough Lea Road Railway Station can be accessed by cycle in around 10 minutes.

There are a large number of public car parking spaces (Pay and Display surface car parks and on-street) within the town centre in close proximity of the site, which is inexpensive. There is also a large car park serving the Lidl superstore, adjacent to the site, which has controlled parking limited to 1 hour 30 minutes.

The proposed development comprises:

- A four-screen cinema, with a total of 383 seats;
- Unit A: A1 Use [80.8 sq. m];
- Unit B: A1 Use [75.5 sq. m]; and
- Unit C: A3 Use - Restaurant [302 sq.m].

57 parking spaces are to be provided, included six disabled spaces, 50 accessed from Heaton Street [North] and seven accessed from Heaton Street [South]. These spaces will be Pay & Display and for public use.

Servicing will be undertaken from the servicing area accessed from Heaton Street [South] for the Cinema and Unit C and from the car park accessed from Heaton Street [North] for Units A and B. Refuse collection will occur from Heaton Street [South].

A trip generation assessment has been undertaken to forecast the likely number of vehicle movements associated with the proposed development on a Saturday, which is acknowledged to be the peak period of activity for the proposed uses. The assessment includes the consideration of the vehicle movements that could have been generated by the consented use and linked trips with users of the proposed development already in the town centre and also of users visiting more than one use at the proposed development itself.

The assessment of the cinema use has been undertaken using first principles, applying assumptions based on various sources of information and is considered to be a robust assessment. The net vehicular impacts shown are:

- A reduction in the consents use peak (11:00 to 12:00, -123 vehicle movements);
- An increase in the combined use proposed development peak (17:00 to 18:00, +25 vehicle movements); and
- A slightly larger increase in the restaurant peak (19:00 to 20:00, +48 vehicle movements).

These increases can be attributed to the differing opening times of the consented and proposed uses i.e. the Lindsey Centre will not have been open in the evening, whereas this the peak period of activity for the Cinema and Restaurant. The forecast daily [09:00 to 23:00] net vehicular impact is identified as -366 two-way movement and therefore, there will be an overall net reduction in the number of vehicle movements associated with the development proposals compared to the consented use.

A car parking accumulation assessment has been undertaken, which shows for the majority of the day, the car park can accommodate the forecast vehicles generated by the proposed development and is likely to be an overestimation, given the robust assessment.

The Transport Statement concludes that the proposed development is in a highly sustainable location and the robust trip generation assessment has shown a negligible net vehicular impact. Given, the parking to be provided, the availability of additional parking in the town centre (particularly in the evening when the demand is higher for the proposed development) and since a Travel Plan will be implemented at the site, promoting sustainable travel modes to staff and visitors, SLR suggests the proposals should be considered acceptable and that there should be no transport or highways reasons why this application should not be approved.

LCC Highways have been consulted on the proposal and state that the submitted Transport Statement is a fair and reasonable representation of the impact on the existing highway network and is considered acceptable.

LCC Highways did request an updated site plan to reflect the following:

- Footway and access arrangement in more detail on Heaton Street North.
- The existing vehicle access on Heaton Street South will require removal and reinstatement to footway. Specification to be agreed with the Highway Authority.
- All vehicle access construction details to be confirmed with the Highway Authority.
- Please indicate the kerb radii on the Heaton Street South servicing access (generally a 10m requirement, however swept path shown is acceptable)

This information can be conditioned.

A travel plan was also submitted as part of the proposal. LCC Highways were consulted on the travel plan and state that overall the travel plan as submitted contains the relevant information that would be expected in a residential travel plan in an appropriate level of detail. However, there are some areas where additional detail or clarity is required. This can be conditioned.

The proposal, subject to conditions, would be in accordance with policy LP13.

Paragraph 104(b) of the NPPF states that planning policies should:

b) be prepared with the active involvement of local highways authorities, other transport infrastructure providers and operators and neighbouring councils, so that strategies and investments for supporting sustainable transport and development patterns are aligned.

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.

#### Noise

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.

It is noted that the Environmental Protection Officer has sought a noise assessment to be submitted. One has not been submitted with the application. However given the sites location in the centre of town and the town centre compatible uses it is considered to be an appropriate town centre use within this location. A condition can be placed on the application for a noise assessment to be submitted to detail any mitigation that may be required from the uses.

The proposal subject to this condition would be in accordance with policy LP26.

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

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

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

#### Drainage

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).

### *Surface Water*

The proposed strategy detailed in the application aims to reduce the surface water discharge to greenfield rates. All post development run-off from the development area will be limited to 10 litres/second in accordance with best practice. Attenuation and reduced discharge will be provided for all storm events up to and including the 1 in 100-year storm plus 40% allowance for climate change.

Sustainable Drainage Systems (SuDS) shall be used including a large area of tanked permeable paving and silt traps.

The discharge will connect into the existing Severn Trent Water combined sewers located around the site.

Discharge will be to 2 locations with 5l/s to each outlet. An additional 10% allowance for urban creep has been included in the sizing of attenuation.

Maintenance/management of all onsite drainage infrastructure has been considered within a separate maintenance plan. This will be updated through the development process.

The proposed surface water drainage strategy is entirely based on-site.

#### *Foul Drainage*

It is proposed to discharge the foul drainage from the development site into the existing Severn Trent Water combined sewers to the south of the site in Heaton Street and east of the site in Heaton Street.

A final drainage strategy can be conditioned.

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 attached full weight.

#### *Flood Risk*

Policy LP14 states that 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.

GNP NPP 2 Proposals should ensure flood risk is not increased to the site or to others, and be improved wherever possible and will be considered against the sequential and where necessary the exceptions test in accordance with CLLP LP14.

A Flood Risk Assessment (FRA) has been submitted as part of the application.

The report assesses existing flood risk issues at the site and proposes mitigation where necessary to reduce the risk of flooding to occupants post-development with no increased risk of flooding off-site.

The site is currently developed land containing a shopping Centre with associated hardstanding areas. The proposals are for a multi-unit commercial development including a cinema with associated parking and landscaping.

The development area of the site is located in the Environment Agency's Defended Flood Zone 3 where there is a worst case greater than 1 in 100 annual probability of river flooding.

The sources of flooding assessed and proposed mitigation measures are listed in the table below.

Source	Risk Category (after mitigation)	Comments
Fluvial (Rivers and Sea)	High	Proposed finished floor levels above 1 in 200-year event flood levels
Coastal and tidal	Negligible	Not near coast or tidal waterbody
Groundwater	Low	Not high based on EA information and Magic Map. No onsite testing available.
Surface water	Low	Low due to natural topography and surface water drainage strategy
Sewers	Low	Low due to natural topography and sewer location
Reservoirs	Negligible	Not near reservoir

It is recommended that future residents sign up to the EA free flood warning system.

The proposals for redevelopment of the land for commercial use is generally classified as 'Less Vulnerable', however should part of the site be used for a drinking establishment, hotel or nightclub, these would be classified as 'More Vulnerable', hence the assumption for use is 'More Vulnerable' as defined in PPG Table 2.

According to PPG, this land use is appropriate for Flood Zone and 3, subject to the application of the Sequential and Exception Test.

The report demonstrates that both the Sequential and Exception tests have been passed, therefore the proposed redevelopment is appropriate, in flood risk terms. It is

considered that the proposal has passed the sequential and exception tests. Town centre uses need to be limited to the town centre so there would be no sequentially preferable location.

Safe access will be addressed through the provision of safe refuge within the new development and a safe route outside the flood extent. In the event of a flood, the area to the east and north of the site along Heaton Street and Market are outside the flood plain and can be accessed via foot. In an event safe egress cannot be achieved, refuge is available in the upper floors.

Post-development surface water runoff will be restricted to a discharge rate of 10 l/s subject to Severn Trent approval. This discharge will be maintained for the range of rainfall events up to and including the 1 in 100 storm event + 40% climate change. The surface water drainage strategy incorporates extensive Sustainable Drainage Systems (SuDS).

The Environment Agency have been consulted and have no objections subject to a condition that finished floor levels shall be set no lower than 6.96 metres above Ordnance Datum (AOD).

The proposal subject to conditions would be in accordance with policy LP14 and NNP 2 of the GNP.

Paragraph 156 states that strategic policies should be informed by a strategic flood risk assessment, and should manage flood risk from all sources. They should consider cumulative impacts in, or affecting, local areas susceptible to flooding, and take account of advice from the Environment Agency and other relevant flood risk management authorities, such as lead local flood authorities and internal drainage boards.

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

Policy NPP2 of the submitted GNP is consistent with the NPPF and attached significant weight.

### Archaeology

Policy LP25 states that development affecting archaeological remains, whether known or potential, designated or undesignated, should take every practical and reasonable step to protect and, where possible, enhance their significance.

Planning applications for such development should be accompanied by an appropriate and proportionate assessment to understand the potential for and significance of remains, and the impact of development upon them.

If initial assessment does not provide sufficient information, developers will be required to undertake field evaluation in advance of determination of the application. This may include a range of techniques for both intrusive and non-intrusive evaluation, as appropriate to the site.

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

The proposed development is located within the core of the medieval town of Gainsborough. The site fronts on to two sides of the Market Place and it includes a number of characteristic burgage plots that likely originated in the medieval period. A detailed Heritage Assessment has been produced in support of the application, which adequately describes the available information to present an assessment of the site's archaeological potential.

This location in the heart of the medieval town is one where deeply stratified remains from periods throughout the town's history, from its Anglo-Saxon and Viking origins onwards may be expected. However, the lack of recent development or archaeological research within Gainsborough means that there is almost no available information with which to make a reliable assessment of the significance, complexity, depth or preservation of any remains in this part of the town. The present use of the site would appear to rule out any potential for evaluation to provide site specific evidence of archaeological potential prior to determination.

As concluded in the developer's Heritage Assessment: "The proposed development potentially could disturb significant archaeological remains at the core of the medieval town. Grubbing out of existing foundations and the construction of new foundations, as well as any services installation have the potential to destroy archaeological deposits."

It is therefore recommended that the developer be required to remove the present foundations under archaeological supervision, followed by a programme of post determination archaeological evaluation. This evaluation will inform the design of an archaeological mitigation strategy, if necessary, that aims to minimise the impacts of the proposed development upon significant buried archaeology (such as by changes to the foundation design), and where such impacts cannot be avoided, an appropriate scheme to ensure remains are preserved by record prior to destruction.

This can be secured by planning condition.

The proposal, subject to conditions, would be in accordance with policy LP25.

Paragraph 189 of the NPPF states that in determining applications, local planning authorities should require an applicant to describe the significance of any heritage assets affected. Where a site on which development is proposed includes, or has the potential to include, heritage assets with archaeological interest, local planning authorities should require developers to submit an appropriate desk-based assessment and, where necessary, a field evaluation.

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

### Minerals

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

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

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

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

The justification and need for the development proposed have therefore been assessed against the policy objectives set out in policy M11 of the Lincolnshire Minerals and Waste Local Plan Core Strategy, and in reference to the British Geological Survey document '*Mineral Safeguarding in England: Good Practice Advice*'

Whilst a minerals assessment has not been submitted with the application, the potential for the recovery of mineral from within the site is limited by a range of pre-existing constraints, notably the presence of commercial properties surrounding the site along with numerous listed buildings.

Taking into account these constraints, it is considered that the prior extraction of any significant volume of mineral from within the site would be unfeasible.

In accordance with the criteria set out in policy M11 prior extraction of the mineral would be impracticable and would have a negligible impact with respect to sterilising the mineral resource.

Overall it is concluded that the Development will not result in the sterilisation of a mineral resource worthy of safeguarding and will not prejudice the effective working of any currently permitted or proposed mineral extraction or minerals infrastructure.

The presence of sand and gravel within the surrounding area should not therefore be viewed as a constraint on the Development.

### *Other matters*

As some of the uses proposed would allow for hot food preparation, a condition is recommended for details of any extraction equipment to be submitted and approved prior to first use.

The Environmental Protection Officer has recommended a condition for the control of litter. This type of condition is not relevant to planning, enforceable and would not meet the “six tests”<sup>2</sup>. Therefore a condition for such should not be placed on the permission.

They have also requested a condition for measures for pigeons. Again this is not relevant to planning, could not be enforced and should not be placed on the permission.

A condition for external lighting to be submitted and approved prior to first use has been recommended and can be added to the permission.

## **Conclusion**

The proposal has been considered against the Development Plan namely policies, LP1: A Presumption in Favour of Sustainable Development, LP5: Delivering Prosperity and Jobs, LP6: Retail and Town Centres in Central Lincolnshire, LP7: A sustainable Visitor Economy, LP13: Accessibility and Transport, LP14: Managing Water Resources and Flood Risk, LP15: Community Facilities, LP25: The Historic Environment, LP26: Design and Amenity and LP42: Gainsborough Town Centre in the Central Lincolnshire Local Plan, policies NPP 1 Sustainable Development, NPP 2 Protecting the Natural Environment and Enhancing Biodiversity, NPP 6 Ensuring High Quality Design, NPP 18 Protecting and Enhancing Heritage Assets and NPP 19 Improving the Vitality of the Town Centre in the submitted Gainsborough Town Neighbourhood Plan including the advice given in the National Planning Policy Framework and the National Planning Practice Guidance. The principle of development is acceptable.

The proposal would improve and enhance the town bringing a much needed leisure economy which is limited in the present time in accordance with policies LP7, LP15 and LP42 of the Central Lincolnshire Local Plan. The proposal in terms of principle would be in accordance with policies NPP1 and NPP 19 of the submitted Gainsborough Town Neighbourhood Plan.

The proposal would create new jobs in accordance with policy LP5.

The proposal would not be detrimental in terms of highways and drainage and would not increase the risk of flooding in accordance with policies LP13 and LP14.

The proposal would not result in the sterilisation of a mineral resource worthy of safeguarding and will not prejudice the effective working of any currently permitted or proposed mineral extraction or minerals infrastructure in accordance with policy M11.

The proposed development potentially could disturb significant archaeological remains at the core of the medieval town. Subject to a condition for a scheme of investigation works the proposal would be in accordance with policy LP25 in terms of archaeology.

Currently the design would be harmful to the conservation area and setting of the many listed buildings. The proposal is currently contrary to policies LP25, LP26 and NPP6 of

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<sup>2</sup> <https://www.gov.uk/guidance/use-of-planning-conditions>

the Gainsborough Neighbourhood Plan. Therefore, it is requested that members grant the principle of development subject to delegating back to officers for an amended design and refined conditions that will preserve or enhance the character of the conservation area and protect the setting of the listed buildings. Possible conditions are listed below –

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

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

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

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

2. No development shall take place until a demolition method statement has been submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in accordance with the approved details.

**Reason:** In the interests of amenity and in accordance with policies LP13 and LP26 of the Central Lincolnshire Local Plan.

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

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

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

4. No development shall take place until a written scheme of archaeological investigation has been submitted to and approved in writing by the local planning

authority. This should consist of set piece archaeological excavation and shall also include the following

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

**Reason:** To ensure the preparation and implementation of an appropriate scheme of archaeological mitigation and in accordance with the National Planning Policy Framework (2012).

**5.** The local planning authority shall be notified in writing of the intention to commence the archaeological investigations in accordance with the approved written scheme referred to in condition 4 at least 14 days before the said commencement. No variation shall take place without prior written consent of the local planning authority.

**Reason:** In order to facilitate the appropriate monitoring arrangements and to ensure the satisfactory archaeological investigation and retrieval of archaeological finds in accordance with the National Planning Policy Framework (2012).

**6.** The archaeological site work shall be undertaken only in full accordance with the written scheme required by condition 4.

**Reason:** To ensure the satisfactory archaeological investigation and retrieval of archaeological finds in accordance with the National Planning Policy Framework (2012).

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

**7.** Following the archaeological site work referred to in condition 6 a written report of the findings of the work shall be submitted to and approved in writing by the local planning authority within 3 months of the said site work being completed. .

**Reason:** To ensure the satisfactory archaeological investigation and retrieval of archaeological finds in accordance with the National Planning Policy Framework (2012).

**8.** The report referred to in condition 7 and any artefactual evidence recovered from the site shall be deposited within 6 months of the archaeological site work being completed in accordance with a methodology and in a location to be agreed in writing by the local planning authority.

**Reason:** To ensure the satisfactory archaeological investigation and retrieval of archaeological finds in accordance with the National Planning Policy Framework (2012).

**9.** No development other than to foundation level shall take place until full details of foul and surface water drainage has been submitted to and approved by the Local Planning Authority. The development shall be carried out in accordance with the approved details.

**Reason:** To ensure adequate drainage facilities are provided to serve the development and to prevent pollution of the water environment in accordance with policy LP14 of the Central Lincolnshire Local Plan.

**10.** 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:

(TO BE COMPLETED)

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

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

**11.** Finished floor levels shall be set no lower than 6.96 metres above Ordnance Datum (AOD)

**Reason:** To reduce the risk of flooding to the proposed development and future occupants

**12.** Prior to any extraction unit being installed, details shall first be submitted to and approved in writing by the local planning authority. The development shall be carried out in accordance with the approved details.

**Reason:** In the interests of amenity in accordance with policy LP26 of the Central Lincolnshire Local Plan.

**13.** Prior to any external lighting being installed, details shall first be submitted to and approved in writing by the local planning authority. The development shall be carried out in accordance with the approved details.

**Reason:** In the interests of amenity in accordance with policy LP26 of the Central Lincolnshire Local Plan.

**14.** Notwithstanding the plans submitted, no development, other than to foundations level, shall take place until details shall be submitted for the following –

- Footway and access arrangement in more detail on Heaton Street North.
- The existing vehicle access on Heaton Street South will require removal and reinstatement to footway. Specification to be agreed with the Highway Authority.
- All vehicle access construction details to be confirmed with the Highway Authority.
- Please indicate the kerb radii on the Heaton Street South servicing access (generally a 10m requirement, however swept path shown is acceptable)

**Reason:** In the interests of highway safety in accordance with policy LP13 of the Central Lincolnshire Local Plan.

**15.** No development, other than to foundations level, shall take place until details of the proposed new walling, roofing, windows, doors and other external materials have been submitted to and approved in writing by the local planning authority. The development shall thereafter be constructed in accordance with the approved details.

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

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

**Reason:** In order to safeguard human health and the water environment in accordance with policies LP16 and LP26 of the Central Lincolnshire Local Plan.

**17.** No development, other than to foundations level, shall take place until a noise assessment detailing any mitigation has been submitted to and approved in writing by the local planning authority. The development shall thereafter be constructed in accordance with the approved details.

**Reason:** In the interests of amenity in accordance with policy LP26 of the Central Lincolnshire Plan.

**18.** Prior to the first use of the development a Travel Plan shall be submitted to and approved in writing by the Local Planning Authority. The development shall thereafter be carried out in accordance with the approved details.

**Reason:** In order that the permitted development conforms to the requirements of the National Planning Policy Framework, by ensuring that access to the site is sustainable and that there is a reduced dependency on the private car for journeys to and from the development.

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

None

**Human Rights Implications:**

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

**Legal Implications:**

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

## SITE LOCATION PLAN Claddagh, Horsemarket, Caistor

**REF 140352**



Location Plan

1:1250

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## **Officers Report**

### **Planning Application No: 140352**

**PROPOSAL:** Planning application for removal of single-storey bungalow and erect 1no. replacement two storey dwelling.

**LOCATION:** Claddagh Horsemarket Caistor Market Rasen LN7 6UP

**WARD:** Caistor and Yarborough

**WARD MEMBER(S):** Cllr Lawrence and Cllr Bierley

**APPLICANT NAME:** Mr & Mrs Gaughan

**TARGET DECISION DATE:** 02/03/2020

**DEVELOPMENT TYPE:** Minor - Dwellings

**CASE OFFICER:** Joanne Sizer

**RECOMMENDED DECISION:** Grant permission subject to conditions

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**Description:** The site is located within an existing residential area of Caistor. It is situated along the southern boundary of Caistor Conservation (Article 4) area and surrounded by a number of listed buildings and historic boundary treatment. The site consists of a modern detached bungalow set in a generous sized garden plot, allowing for off road parking. It is accessed off a small access road leading from Horsemarket and serving 3 other properties. These dwellings and the piece of grass land adjoining the eastern boundary have a similar land level to that of the site. The other residential properties that surround the site are all set on higher ground. The site is also subject to a medium risk of surface water flooding as shown on the Environment Agency Flood maps.

**Proposals:** This application seeks permission to replace the existing bungalow on site with a two storey dwelling. The proposals are subject to amendments and as some of the matters are finely balanced the application has been presented to Planning Committee for determination. The amendments are subject to a re-consultation which ends on the Friday 6<sup>th</sup> November 2020.

#### **Relevant history:**

373/88 – Outline application to erect bungalow – GC – May 1988

983/88 – Application to erect bungalow – GC – September 1988

#### **Representations:**

**Chairman/Ward member(s):** None received

#### **Parish/Town Council/Meeting:**

13/02/20 - Members supported the application but had concerns that a home was being demolished to make way for the new building

**Local residents:**

Objecting to the proposal

7 Bobs Lane  
Petersfield Road Greatham  
Normanby Rise Claxby  
5 Bobs Lane  
58 South Street  
Carrs End South Street North Kelsey  
9 Bobs Lane  
67 Wiltshire Avenue Burton  
72 Tongue Way Ruddington  
90 Veneables Way Lincolnshire  
East Hall Barn Easthall Road North Kelsey  
Poplar Farm Skinners Lane Middle Rasen  
Sycamore House Bobs Lane  
15 Coach House Court Caistor  
Lea House 38 South Street  
2 Bobs Lane  
7 Nuffield Close Scunthorpe  
Hilltop Cottage 2 North Kelsey Road  
Ainsworth House Walesby Road Market Rasen  
14 Hansard Crescent Caistor  
6 Canada Lane Caistor

Objection matters raised (summarised):

- Loss of visual amenity (this includes open land, trees, historic buildings and the inter-relationship between them).
- Will tower above gardens and buildings, blocking light and views
- Nothing to look at but bricks and tiles.
- Loss of light and enjoyment of the garden for the majority of the day.
- Impact on Victorian wall
- Demolition is not environmentally friendly
- Existing drainage issues
- Size, scale and design is not in keeping with the area and detrimental to the character of it and the Conservation Area sitting on its boundary.
- Surface water drainage problems and interruption to spring flows
- Smoke not dispersing properly due to levels of new dwelling.
- Overlooking and loss of privacy to existing properties and gardens
- The property exits across a much used footpath for children accessing the Nursery, Primary and Junior School.
- A need for trees to replace what was once an old orchard
- The current green space in the valley provides a much needed break between the brick and concrete developments surrounding it and adjoining the conservation area. This will be lost.
- Archaeology - The site is very close to what is believed to be roman walls thus potentially being of significant interest.
- Overbearing and intrusive in stature and within the landscape.

- The height of the property is the issue and is out of scale to the surrounding buildings and Listed properties. It will dwarf the existing 3 storey listed property to the front.
- Not in-keeping with Caistor Neighbourhood Plan
- Question the validity of the parish council response

Concerns raised but does not object.

Hope House 15 Horse Market - height might be an issue. When we built an extension some years ago we were not allowed to build as high as our adjoining Victorian extension which is 2 full storeys. Hope House itself is 3 storeys and the new house would be approximately the same height.

Support the application.

North House Horsemarket  
32 North Street  
14 Navigation Lane  
Rose Cottage 12A South Dale

**LCC Highways/Lead Local Flood Authority:**

20/05/20 - You'll need to consult the Internal Drainage Board on this one. My understanding is that this type of work will require consent under the Land Drainage Act and any proposals will require approval from them. Looks like you might need to see some more details/design on what they are planning

07/05/20 - Does not wish to restrict the grant of permission

This application is a minor application and it is the LPA's responsibility to satisfy themselves that the risk from surface water flooding is acceptable. 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.

10/01/20 - The applicant hasn't address how they are going to mitigate the issue of surface water flooding when the new building will cover the area that is affected by surface water flooding. I have attached an extract from the EA website for your information, as this is a minor application this is something that will need to be address by yourselves with the applicant.

**Archaeology:**

14/04/20 - The information provided in the HIA does not have any bearing on our previous advice, which remains unaltered. We cannot agree with the conclusion that "historically, the land has been demonstrated to have no significance in recent history and there are no records of historic finds of any antiquity." The HIA consists only of a walk around photographic survey by the architect, with a single historic map, and it has therefore not considered sufficient evidence (or the Lincolnshire Historic Environment Record) to support this claim. Whilst the HIA may or may not be sufficient for the purposes of considering impacts on the built historic environment, we would advise the local planning authority to place no weight on it as regards the

potential archaeological impacts, as the assessment has not been produced using appropriate expertise or evidence.

24/01/20 - The proposed development is situated within the historic settlement of Caistor, close to the Roman town Scheduled Monument. The site is located close to a number of historic springs on the edge of the Roman and later town, and objects of Tudor date have been uncovered nearby around 100m to the east. Development on this site may therefore have an impact on archaeological remains of Roman, medieval and post-medieval date. Therefore it is recommended that any remains are recorded prior to their destruction.

Recommendation: Prior to any groundworks the developer should be required to commission a Scheme of Archaeological Works (on the lines of 4.8.1 in the Lincolnshire Archaeological Handbook) in accordance with a written scheme of investigation submitted to and approved in writing by the local planning authority. This should be secured by appropriate conditions to enable heritage assets within the site to be recorded prior to their destruction.

**Conservation Officer:**

05/10/20 - The revised scheme is much more appropriate with regard to siting and will maintain glimpsed views into the back of the Caistor Conservation area and the pantile roofs that are seen as you pass by the site from south travelling north up Horsemarket. The canopy of trees behind the existing bungalows will be also be seen clearly to the left of and above the proposed gable end of the new house. The plans indicate the outline of the existing bungalow and the proposed house and you can see that the impact is very limited in terms of the difference. We will see a prominent red brick gable, but provided we have control of external materials through conditions, I am content that this revised proposal will change the setting of nearby listed buildings and the setting of the Caistor Conservation Area, but not in a harmful way.

18/05/20 - Based on the information provided, I would advise that the proposed development would result in development that does not preserve the setting of listed buildings, or the setting of the conservation area, and is likely to have a harmful impact in its current form.

31/02/20 - I have visited the site and I would advise that there will be an impact on the direct setting of the Caistor Conservation Area and the setting of various listed buildings. Therefore a heritage impact assessment is required that considers the view into and around the site from the conservation area, including glimpsed views from South Street, between buildings on Bob's Lane, and behind listed buildings on Horsemarket and any views towards the site from listed buildings. Once we have this assessment, I will provide further advice. Currently, I have concerns that the development may be too close to listed buildings and may change how their setting is experienced due to the increase in volume and the change in siting compared to the existing building.

### **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 Caistor Neighbourhood Plan and the Lincolnshire Minerals and Waste Local Plan (adopted June 2016).

#### Development Plan

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

Relevant policies of the CLLP include:

LP1: A Presumption in Favour of Sustainable Development

LP2: The Spatial Strategy and Settlement Hierarchy

LP3: Level and Distribution of Growth

LP13: Accessibility and Transport

LP14: Managing Water Resources and Flood Risk

LP17: Landscape, Townscape and Views

LP25: The Historic Environment

LP26: Design and Amenity

Caistor Conservation Area Appraisal.

- **Caistor Neighbourhood Plan (NP)**
- <https://www.west-lindsey.gov.uk/my-services/planning-and-building/neighbourhood-planning/>

Relevant policies of the NP include:

Policy 1 – Growth and the presumption in favour of sustainable development

Policy 2 – Type, scale and location of development

Policy 3 – Design quality

Other policies

- **Lincolnshire Minerals and Waste Local Plan (LMWLP)**
- <https://www.lincolnshire.gov.uk/directory-record/61697/minerals-and-waste-local-plan-core-strategy-and-development-management-policies>

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

#### National policy & guidance (Material Consideration)

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

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

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

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

- **National Planning Practice Guidance**
- *National Design Guide (2019)*
- <https://www.gov.uk/government/publications/national-planning-policy-framework--2>

## **Main issues**

- Principle
- Visual amenity and the Historic Environment
- Archaeology
- Residential amenity
- Highway Safety
- Drainage and Flood Risk

## **Assessment:**

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

Central Lincolnshire Local Plan 2012-2036 (adopted in April 2017) contains a suite of policies that provide a framework to deliver appropriate residential development. These policies are considered to be in accordance with the NPPF for paragraph 213 purposes.

As a consequence of the site being located within the developed footprint of Caistor and application seeking permission for a replacement dwelling, the proposals would principally be assessed against Local Plan Policies LP2: The spatial Strategy and Settlement Hierarchy and LP3 Level and Distribution of Growth. As well as Policy 2 of Caistor Neighbourhood Plan.

Policy LP2 of the Central Lincolnshire Local Plan, designates Caistor as a Market Town. This policy states to maintain and enhance their roles as Market

Towns Caistor and Market Rasen will be the focus for significant, but proportionate, growth in housing, employment, retail and wider service provision. Most of this growth will be via sites allocated in this plan, or appropriate infill, **intensification or renewal within the existing developed footprint of the Market Towns.**

LP2 provides a definition of developed footprint and states that developed footprint' of a settlement is defined as the continuous built form of the settlement and excludes:

- a. individual buildings or groups of dispersed buildings which are clearly detached from the continuous built up area of the settlement;
  - b. gardens, paddocks and other undeveloped land within the curtilage of buildings on the edge of the settlement where land relates more to the surrounding countryside than to the built up area of the settlement;
  - c. agricultural buildings and associated land on the edge of the settlement;
- and
- d. outdoor sports and recreation facilities and other formal open spaces on the edge of the settlement.

Policy 2 of the Caistor Neighbourhood Plan relates to type, scale and location of development and sets out a list of criteria for Major development to be considered against. Although this is not major development it is noted that one of the criteria of this policy relates to the provision of small scale and infill development.

Some representations have raised concerns in terms of the unsustainable nature of demolishing and replacing an existing property and Policy 3 of the Neighbourhood Plan advises that existing buildings should be retained and re-used with demolition generally being avoided.

The site is within an existing residential area and considered to be within the established developed footprint of Caistor. The proposed development in replacing a dwelling relates to a renewal of the site and also noted to have a neutral impact on the growth of this Market Town. The replacement dwelling also gives an opportunity for it to be more energy efficient with more living space that could not be achieved utilising the existing building. The demolition of the existing dwelling to achieve the proposed scheme is therefore unavoidable in this instance. Consequently the location of the site and provision of a replacement dwelling is principally in accordance with Local Plan Policies LP2 and LP3 as well as Policy 2 and Policy 3 of the Caistor Neighbourhood Plan.

#### Visual Amenity and impact upon the historic environment.

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

Local Plan Policy LP26 relates to design and amenity and states that all development proposals must take into consideration the character and local distinctiveness of the area (and enhance or reinforce it, as appropriate) and create a sense of place. As such, and where applicable, proposals will be required to demonstrate, to a degree proportionate to the proposal, that they are well designed in relation to **siting, height, scale, massing and form**. The policy also states that the proposal should **respect the existing topography, landscape character, street scene** and local distinctiveness of the surrounding area and should use appropriate, high **quality materials** which reinforce or enhance local distinctiveness. Any important local view into, out of or through the site should not be harmed.

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

It advises that development proposals will be supported where they:

- d. **Protect the significance of designated heritage assets** (including their setting) by protecting and enhancing architectural and historic character, historical associations, landscape and townscape features and through consideration of scale, design, materials, siting, layout, mass, use, and views and vistas both from and towards the asset;
- e. Promote opportunities to better reveal significance of heritage assets, where possible;
- f. Take into account the desirability of **sustaining and enhancing non-designated heritage assets and their setting**.

In addition to this policy LP25 states that Development within, affecting the setting of, or affecting views into or out of, a Conservation Area should **preserve (and enhance or reinforce it, as appropriate) features that contribute positively to the area's character, appearance and setting**

Neighbourhood Plan Policy 3 relates to design quality and states that wherever possible, development should be designed to **conserve and enhance the rural nature, heritage and quality and diversity of design**. **The natural environment and historic built environment should be respected**, with new buildings **integrating** with the existing environment. Landscaping should blend with natural rural setting and be indigenous species. Building lines should be respected and **housing reflect the local vernacular style**. **Traditional materials should be used to blend in with existing buildings**. **Boundary treatments should be brick, post and rail fences or hedges**.

The site is located within an existing residential area, is situated along the southern boundary of Caistor Conservation (Article 4) area and surrounded by a number of listed buildings and a historic boundary treatment. The listed buildings include 1-9 Horsemarket and 7 Plough Hill. There are however also a number of unlisted buildings of interest which are attached to, and form a part of, the setting of listed buildings and contribute strongly to the valued character of Caistor Conservation Area.

The site consists of a modern detached bungalow set in a generous sized garden plot which is accessed off a small road leading from Horsemarket. These dwellings and the piece of grass land adjoining the eastern boundary have a similar land level to that of the site. The other residential properties surrounding the site are all set on higher ground, some with sloping gardens meeting the site boundary.

The conservation area appraisal notes the changes in land levels and the listed buildings stating that the high grass banks create a sense of enclosure on Plough Hill and Nettleton Road/Horsemarket and the natural springs contribute to the distinctive and unique quality of town. The eastern side of Horsemarket is dominated by the elegant three storey façade of the late Georgian terrace known as no's 1 -11 Horsemarket with giant pilasters and a central carriage arch. Nos 1 – 11 Horsemarket. While the southern end of Horsemarket is effectively contained by a steep grass bank.

It is because of the changing land levels and the siting of the surrounding buildings that the presence of the bungalow in its valley position is limited and allows for views of the surrounding trees and greenery, the buildings within the Conservation Area and historic buildings beyond. Many concerns have been raised by numerous residents and other people in relation to the size, scale and design of the new dwelling and its detrimental impact upon the character of the area, including the neighbouring Conservation Area and historic properties. Their concerns centre on the size and design of the replacement property not reflecting the character or style of the area and would not therefore respectfully integrate into it. The Conservation officer also raised concerns and objections in relation to the replacement dwelling as originally submitted.

These concerns were raised with the applicant/agent and the scheme has since been amended with the siting and height of the dwelling being changed. Additional information has also been provided which enables a comparison of the existing and proposed properties to be made and how it will integrate into the surrounding area and land levels to be seen. These amended details are at the time of writing this report out for re-consultation but further comments have been received by the conservation officer, which confirm that the development is now much more appropriate in Policy LP25 and historic environment terms.

In this regard it has been noted that its siting will now maintain glimpsed views into the back of the Caistor Conservation area and the pantile roofs that are seen as you pass by the site from south travelling north up Horsemarket. The canopy of trees behind the existing bungalows will also be seen clearly to the left of and above the proposed gable end of the new house. The plans also indicate the outline of the existing bungalow and the proposed house and evidence the impact is limited in terms of the difference. There is nevertheless no doubt that you will see a prominent red brick gable and that this revised proposal will change the setting of nearby listed buildings and the setting of the Caistor Conservation Area. However, subject to appropriate materials

being secured by condition it will not be in a harmful way. As such the proposed replacement dwelling is considered to be in accordance with Policy LP25 of the Central Lincolnshire Local Plan, Policy 3 of the Neighbourhood plan and guidance within the NPPF.

The same principle is therefore applied to the impacts upon the visual amenity of the area. It is recognised that the size, scale and design of the dwelling will result in a visual change, with the replacement dwelling being more prominent than the existing. However, it will not be an unduly harmful impact. In this regard consideration is given to the setback position of the dwelling when being read from Horsemarket and within its valley setting from other public vantage points. The size, scale and design of the property forming its immediate neighbour must also be recognised. This property is a substantial size red brick built dwelling which forms part of the immediate street scene which the replacement dwelling will be read with. The proposed dwelling is also noted to be of a traditional gable form seen within the area and with the use of traditional materials has the ability to reflect some of the traditional characteristics seen within it. The dwelling is therefore considered to have some compatible features and on balance considered to be acceptable to the character of the area. It is therefore concluded that although the dwelling will result in a visual change and will have an impact it is not one that would be unduly harmful to the character of the area. The proposals on balance and subject to conditions are therefore considered to be in accordance with Policy LP17 and LP26 of the Central Lincolnshire Local Plan and Policy 3 of the Neighbourhood plan.

#### Archaeology:

Policy LP25 in relation to Archaeology states that development affecting archaeological remains, whether known or potential, designated or undesignated, should take every practical and reasonable step to protect and, where possible, enhance their significance.

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

LCC Archaeology have identified that the proposed development is situated within the historic settlement of Caistor, close the Roman town Scheduled Monument. The site is located close to a number of historic springs on the edge of the Roman and later town, and objects of Tudor date have been uncovered nearby around 100m to the east. Development on this site may therefore have an impact on archaeological remains of Roman, medieval and post-medieval date.

As a consequence LCC Archaeology have recommended that if permission is granted it should be subject to conditions securing that prior to any groundworks the developer should be required to commission a Scheme of Archaeological Works (on the lines of 4.8.1 in the Lincolnshire Archaeological

Handbook) in accordance with a written scheme of investigation; which is to be submitted to and approved in writing by the local planning authority. This is to enable heritage assets within the site to be recorded prior to their destruction.

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

Residential Amenity:

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

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

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

Policy 2 of the Neighbourhood Plan states that the amenities of existing residents should be safeguarded.

Neighbouring properties to the North (Bobs Lane).

A number of concerns have been raised in relation to impact the scheme will have on the living conditions of nearby residents, especially those to the North on Bobs Lane. Concerns are based around the size, scale, massing and orientation of the dwelling which would have an over bearing impact, result in overshadowing and loss of light to the garden areas and loss of privacy to them.

The main body of the dwelling and the now two storey north elevation is noted to be set approximately 6 metres at the closest point to one of the adjoining gardens and approximately 40 metres away from the main dwelling houses, which are set on higher ground. The existing dwelling is not dissimilar in this regard.

The eaves height of the replacement dwelling measures approximately 5.3 metres with a total ridge height of 8.9 metres. This elevation also measures approximately 18 metres across. The ridge of the existing dwelling

approximately meets the eaves of that proposed and the north elevation measures approximately 11.5 metres across.

The replacement dwelling is therefore clearly much larger than that existing and through its size and massing would have a very clear presence from the lower levels of the garden areas of these properties. The ridge height also being 8.9 metres and the dwelling south in orientation would lead to some overshadowing of these lower garden areas. The garden areas directly outside the neighbouring properties and on higher ground would however be set approximately 20-30 metres away. It is also noted that no one has a right to a view.

The overall amenity impacts to these neighbouring properties are therefore mainly focused around the lower garden aspects closest to the site but would still have an impact on their existing amenity. Whether these impacts are considered to be unduly harmful to what they may reasonably expect to enjoy is however a finely balanced matter.

Overlooking from windows on this north elevation was also a concern raised. The windows are noted to serve a cloakroom, utility room and kitchen at ground floor and an en-suite, bathroom and 3<sup>rd</sup> bedroom on the first floor. As a result a majority of them will be obscurely glazed or belong to secondary living space. The kitchen window is also noted to be narrow and set at a height which could be screened by a boundary treatment. As such overlooking resulting from this elevation would be minimal and not considered to be unduly harmful and future changes to this elevation can be controlled through a condition.

#### Neighbouring property located to the south.

The Neighbouring bungalow to the south is noted to be on raised ground and already shares a very close relationship with the host dwelling and garden, with high levels of overlooking between both properties and garden areas being present. Weight is therefore afforded to this existing situation.

The replacement dwelling in terms of its layout, size and scale sees the smallest elements of the new house towards this neighbouring dwelling. Thereby resulting in the mass of the main living accommodation being set away from the shared boundary by 22 metres. This along with the neighbouring bungalow being set on higher ground and to the south ensures that the development would not be over bearing or result in loss of light. There are windows proposed on the south elevations of the new dwelling which serve principal living areas. Nevertheless, you can stand in the rear garden of the site already and gain similar views into this property and its garden. As such the relationship and overlooking from the replacement dwelling is not considered to be materially different or unduly harmful. The proposed replacement garage is also not considered to alter the relationship between the two properties and an acceptable change.

#### Dwelling to the south West (North House)

The replacement dwelling is set at a distance, orientation and sited not to result in any undue adverse impacts to the residential amenity of North House. The replacement garage is also located in the same place as the existing and of a size, scale and design not to have a detrimental impact.

#### Dwelling to the North West (15 Horse Market)

The replacement dwelling is located in a similar position to the existing and is noted to measure approximately 12 metres away from the shared boundary and 35 meters from the main house. It will have a larger stance from within this property and its garden area, but its presence is not considered to be harmfully overbearing or result in significant loss of light and overshadowing. The west elevation does see the introduction of two first floor windows overlooking the rear garden and elevation of No 15 Horse Market. These windows however serve a bedroom (secondary accommodation) and are at a sufficient distance so as not to be significantly harmful in terms of loss of privacy. Consideration has also been given to the other properties within close proximity to this neighbouring dwelling and the existing opportunities for overlooking into these areas. The proposed replacement dwelling overall is not therefore considered to be unduly harmful to the occupiers of this property.

#### Highway Safety

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

Neighbourhood Plan Policy 2 seeks to provide and improve walking and cycling connectivity within the town and between community facilities.

The site and existing dwelling is served by an established access and provision for off road parking. It is also within walking and cycling distance to a number of local services and facilities. The existing site and dwelling has provision for off road parking as does that proposed. The Local Highway Authority have not raised any concerns with the development in terms of highway safety and consequently the development considered to be relevantly in accordance with the provisions of Local Plan Policy LP13 and Neighbourhood Plan Policy LP2.

#### Drainage and Flood risk:

Policy LP14 relates to Managing Water Resources and Flood Risk and incorporates requirements for adequate drainage provision.

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

Part of the site is however noted to be within an area at low and medium risk of surface water flooding. This area of flooding is shown on the EA maps to be running along the north east to north-west aspects of the site and beyond.

The medium risk area runs through site from the east, partially along the rear elevation of the existing dwelling and continuous along the north elevation before reducing in risk and continuing out of the site. Concerns have been raised by nearby properties in relation to this and the flow of natural springs and drains in the area.

In response to the original proposals the Lead Local Flood Authority noted the amended siting of the replacement dwelling within this area; and although they did not object to the proposal they did advise that the applicant would need to demonstrate how they are going to mitigate the issue of surface water flooding when the new building will cover the area that is affected by surface water flooding.

On this basis a Flood Risk assessment was undertaken and submitted which confirmed that the proposed development is at a medium risk of flooding from pluvial sources and that the flow path for the surface water flooding is associated with the line of a culverted watercourse. The mitigation proposed was for the dwelling to be repositioned and the culvert sized accordingly, replaced and diverted. The development with the correct scheme therefore has an opportunity to address the existing risk of surface water flooding on the site and possibly offer a betterment to the current situation.

The position of the proposed dwelling has now been amended and although still within the medium area of flood risk is considered acceptable subject to the mitigation measures identified being implemented and the current risk of flooding to the site and elsewhere made no worse. The mitigation measures did not however include any specific calculations or details to allow the adequacy of the measures to be assessed and the resultant risk of flooding to the site and elsewhere to be determined. Nor has there been any details provided for the surface and foul water drainage for the dwelling. As such pre commencement conditions to secure such details, their assessment, approval and implementation would be required should permission be granted. With such a conditions in place the development is considered to be principally in accordance with Policy LP14 of the Central Lincolnshire Local Plan and guidance within the NPPF.

### **Conclusion and reasoning.**

The amended replacement dwelling has been assessed against Local Plan Policies LP1, LP2, LP3, LP14, LP17, LP25 and LP26 as well as Policies 1, 2 and 3 of the Neighbourhood plan and all other material considerations including guidance within the NPPF and NPPG. As a result of this assessment the replacement dwelling is principally considered to be acceptable and subject to conditions preserve the setting of the neighbouring conservation area and nearby listed buildings. Its size, scale and design are also considered on balance to acceptably integrate into the area and respect the characteristics of it. The development subject to conditions also has the opportunity to provide a betterment in flood risk terms and record archaeology findings; it does not also raise any highway concerns. As such the development is considered to be in accordance with Policies LP1, LP2, LP3, LP14, LP17 and LP25 of the Central Lincolnshire Local Plan and Policies 1

and 2 of the Neighbourhood plan. The replacement dwelling will however have an impact on the residential amenity of nearby dwellings and the acceptability of the scheme is therefore considered to be finely balanced when assessing against the Amenity section of Policy LP26 and a criterion within Policy 2 of the Neighbourhood plan. Consequently the decision has been presented to planning committee for determination.

**Recommendation: Grant 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 written scheme of archaeological investigation has been submitted to and approved in writing by the local planning authority. The local planning authority shall be notified in writing of the intention to commence the archaeological investigations in accordance with the approved written scheme, at least 14 days before the said commencement.

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

**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 following drawings: 031/0146, 020/0146 C, 030/0146 B, 050/0146 received September and October 2020. The works shall be carried out in accordance with the details shown on the approved plans and in any other approved documents forming part of the application, unless otherwise agreed in writing by West Lindsey District Council as Local Planning Authority.

Reason: To ensure the development proceeds in accordance with the approved plans and to accord with Policy STRAT 1 – Development requiring planning permission of the West Lindsey Local Plan First Review 2006

4. No further development other than the demolition of the dwelling shall take place until details of the proposed mitigation measures for surface water

flooding in line with the recommendations set out in the Flood Risk Assessment undertaken by Roy Loblely and dated March 2020 have been submitted to and approved in writing by the Local Planning Authority.

Reason: To ensure the risk of flooding to the site and elsewhere is not increased in accordance with Policy LP14 of the Central Lincolnshire Local Plan and guidance within the NPPF.

5. No further development other than the demolition of the dwelling and laying of the foundations shall take place until the approved surface water flooding mitigation measures secured by condition 4 above have been fully implemented in accordance with the approved details and retained/maintained thereafter.

Reason: To ensure the risk of flooding to the site and elsewhere is not increased in accordance with Policy LP14 of the Central Lincolnshire Local Plan and guidance within the NPPF.

6. No further development other than the demolition of the dwelling and laying of the foundations shall take place until details of the proposed external materials have been submitted in writing to, viewed on site and approved in writing by the Local Planning Authority. The development shall then be carried out in accordance with the approved details and not altered thereafter.

Reason: To ensure the development respects the character and appearance of the site and area as well as the setting of the conservation area and historic buildings in accordance with Policies LP17, LP25 and LP26 of the Central Lincolnshire Local Plan and Policies 1, 2 and 3 of the Neighbourhood Plan, as well as the NPPF.

7. No further development other than the demolition of the dwelling shall take place until details of the proposed surface and foul water drainage has been submitted to and agreed in writing by the Local Planning authority. The development must then be carried out in accordance with the approved details, completed prior to first occupation of the dwelling and retained/maintained thereafter.

Reason: To ensure adequate drainage facilities are provided to serve the development and/or to prevent pollution of the water environment in accordance with Policy LP14 of the Central Lincolnshire Local Plan and the NPPF.

8. The archaeological work shall only be carried out in accordance with the submitted and approved specification secured by condition 2 above. Within 3 months of the completion of the archaeological works on site a written report of the findings shall then be submitted to the local planning authority to ensure any finds and documentary archive is submitted to a suitable archive or museum.

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

9. The two windows on the north elevation serving the en-suite and family bathroom shall be glazed with obscure glazing prior to the first occupation of the dwelling and thereafter retained in perpetuity.

Reason: To safeguard residential amenity in accordance with Policy LP26 of the Central Lincolnshire Local Plan and Policy 3 of the Neighbourhood plan and guidance within the NPPF.

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

10. Notwithstanding the provisions of Classes A, AA, B, C, D, E, F, G and H of Schedule 2, Part 1 of the Town and Country Planning (General Permitted Development) (Amendment) Order 2015 (as amended), or any Order revoking and re-enacting that Order, the dwelling hereby permitted shall not be altered or extended, 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 living conditions of adjoining dwellings and to safeguard the character and appearance of the surrounding area and historic environment in accordance with Policies LP17, LP23, LP25 and LP26 of the Central Lincolnshire Local Plan and Policies 1, 2 and 3 of the Neighbourhood Plan as well as guidance within the NPPF.

**Human Rights Implications:**

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

**Legal Implications:**

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



## **Officers Report**

### **Planning Application No: 141705**

**PROPOSAL:** Planning application for change of use from holiday let to 1 no. dwelling

**LOCATION:** Minster View Main Road Stainfield Market Rasen LN8 5JL

**WARD:** Bardney

**WARD MEMBER(S):** Cllr I G Fleetwood

**APPLICANT NAME:** Estate of Dennis Fleetwood

**TARGET DECISION DATE:** 30/11/2020

**DEVELOPMENT TYPE:** Change of Use

**CASE OFFICER:** Danielle Peck

**RECOMMENDED DECISION:** Refuse planning permission

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**The application is referred to the planning committee for determination as the applicant is a relative of the elected Councillor for the Bardney Ward.**

#### **Description:**

The application site comprises of a single storey detached building in Stainfield. The existing building lies adjacent to a two storey detached dwelling known as 'Minster View' and a detached garage which are both located to the south of the existing building, further residential properties adjoin the north boundary, the highway is located to the east with open countryside beyond. The building which is the subject of this application was granted planning permission under reference M05/P/0987 to convert to a holiday let.

The application seeks permission to change the use of the existing holiday let to a C3 dwellinghouse.

#### **Relevant history:**

**122178-** Request for confirmation of compliance with conditions 4, 6 and 8 of M05/P/0987. Conditions discharged 22 May 2008.

**M05/P/0987-** Planning application to convert bar to holiday let accommodation. Granted within conditions 14<sup>th</sup> December 2005.

#### **Representations:**

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

**Bardney Parish Council:** No objection to the application in principle. We wish that the correct procedures are applied when considering this application.

**Local residents:** No representations received to date.

**LCC Highways/Lead Local Flood Authority:** No objections. Having given due regard to the appropriate local and national planning policy guidance (in particular the National Planning Policy Framework), Lincolnshire County Council (as Highway Authority and Lead Local Flood Authority) has concluded that the proposed development is acceptable and accordingly, does not wish to object to this planning application.

**Archaeology:** No representations received to date.

**LCC Rights of Way Team:** No objections.

**The Ramblers Association:** No representations received to date.

**Relevant Planning Policies:**

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

Development Plan

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

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

Relevant policies of the CLLP include:

LP1: A Presumption in Favour of Sustainable Development

LP2: The Settlement Hierarchy

LP3: Level and Distribution of Growth

LP13: Accessibility and Transport

LP14: Managing Water Resources and Flood Risk

LP17: Landscape, Townscape and Views

LP26: Design and Amenity

LP55: Development in the Countryside

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

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

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

National policy & guidance (Material Consideration)

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

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

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

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

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

#### Other

Section 56 of the Town and Country Planning Act 1990  
<https://www.legislation.gov.uk/ukpga/1990/8/section/56>

- **Draft Bardney, Southrey, Stainfield and Apley Neighbourhood Plan;**

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

West Lindsey District Council has approved the application by Bardney Group Parish Council to have the parishes of Bardney, Southrey, Stainfield and Apley designated as a neighbourhood area, for the purposes of producing a neighbourhood plan.

The neighbourhood plan group are now consulting with the public and working towards the production of the neighbourhood development plan.

#### **Main issues**

- Principle of development;  
*Planning history and current use;*  
*Assessment of policies within the Central Lincolnshire Local Plan;*  
*Concluding statement*
- Residential Amenity
- Visual Impact
- Drainage

#### **Assessment:**

Principle of development

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

Planning history and current use;

Planning permission was granted in 2005 for the conversion of a barn to a holiday let under reference M05/P/0987. The permission was granted for the conversion of the barn to a holiday let with the following condition;

2. *The unit of holiday accommodation hereby permitted shall not be used;*  
*(a) at anytime for the purpose of a main residence or for the provision of permanent residential accommodation;*  
*(b) other than to provide short term holiday accommodation such that the same person or persons shall not occupy the holiday accommodation for any period in excess of six weeks in total per calendar year, unless the prior agreement of the District Authority is first received in writing;*

*Or otherwise shall only be used for purposes incidental to the enjoyment of the adjacent dwelling known as Minster View.*

*Reason: For the avoidance of doubt and in order to ensure that the development complies with the countryside and tourism policies contained in policies C1 and T7 of the adopted West Lindsey Local Plan.*

From reading the officers report (M05/P/0987) at the time of the application it is clear that the proposal for the conversion was only acceptable on tourism grounds.

Current use

Building control records show that a commencement of works inspection in relation to planning permission M05/P/0987 was carried out in August 2008, there are also further records of inspections and meetings. Whilst no completion certificate has been issued, it is considered that the development under ref M05/P/0987 has been lawfully initiated for the purposes of section 56 (1) (c)<sup>1</sup> of the Town and Country Planning Act 1990. The building could therefore be used as a holiday let at any time.

During a site visit carried out by the planning officer on 9<sup>th</sup> October 2020 it was apparent to see that the alterations have been carried out in accordance with the approved plans with the exception of the materials on the lean to extension at the front of the building and without the proposed boundary treatment and parking area.

Assessment of policies within the Central Lincolnshire Local Plan

Policy LP2 of the Central Lincolnshire Local Plan sets out a settlement hierarchy. The application site is clearly separated from the nearby settlements of Fiskerton and Bardney. Stainfield does not qualify as a hamlet as described in tier 7 of policy LP2,

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<sup>1</sup> <https://www.legislation.gov.uk/ukpga/1990/8/section/56>

whilst there is a group of 9 dwellings clustered together, there is not a base of at least 15 dwellings. The site is therefore considered to be located in the open countryside. Tier 8. Countryside of the settlement hierarchy would apply.

Policy LP55 Part A sets out criteria for the re-use and conversion of non- residential buildings for residential use in the open countryside. The criteria set out in LP55 Part A is as follows, an assessment of each criteria is also detailed below;

*Where a change of use proposal to residential use requires permission, and where the proposal is outside the developed footprint of a settlement listed in the settlement hierarchy, then the proposal will be supported provided that the following criteria are met:*

*a. Comprehensive and proportionate evidence is provided to justify either that the building can no longer be used for the purpose for which it was originally built, or the purpose for which it was last used, or that there is no demand (as demonstrated through a thorough and robust marketing exercise) for the use of the building for business purposes; and*

No evidence has been provided by the applicant as to why the building can no longer be used as a holiday let. No marketing exercise has been carried out either.

A supporting statement provided with the application states that due to the ongoing health and mobility issues of the applicant who currently resides in Minster View, the option of the single storey holiday let is a more appropriate option for the use of a wheelchair whilst still allowing them to reside in Stainfield. The medical and personal concerns are noted however the personal circumstances of the residents of the host dwelling have been given consideration in the determination of this application, however this does not outweigh allowing a dwelling in the open countryside for these reasons alone.

As part of the determination process the question was posed as to whether the building would be ancillary or in some way dependent on Minster View. It was confirmed that this would not be the case and the application was simply for a separate dwelling in its own right.

*b. The building is capable of conversion with minimal alteration, including no need for inappropriate new openings and additional features; and*

The building will predominantly remain as it is existing with the exception of the change in material to the small lean to at the front of the building which is to be clad in a timber effect UPVC cladding.

*c. The building is of notable architectural or historic merit and intrinsically worthy of retention in its setting.*

The existing building as converted is not of any notable architectural or historic merit.

Paragraph 79 of the NPPF also states that planning policies and decisions should avoid the development of isolated homes in the countryside unless one or more of the following circumstances apply;

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

*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, in that it:*

*- is 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.*

#### *Concluding statement*

The existing building does not meet criteria a and c of Part A of policy LP55 of the CLLP, no evidence or marketing exercise has been provided to show that the building cannot be still be used as a holiday let, and the building is also not considered to be of any notable architectural or historical merit. It is also considered that the proposal does not meet any of the criteria in paragraph 79 of the NPPF. The proposal, if granted would therefore create an isolated dwelling within the open countryside which local and national policy seeks to avoid. The proposal is therefore contrary to policy LP55 of the Central Lincolnshire Local Plan and paragraph 79 of the National Planning Policy Framework.

It is considered that policy LP55 is consistent with the conversion of non-residential buildings in the open countryside and housing growth guidance of the NPPF and can be attached full weight.

#### Residential Amenity

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

Upon visiting the site it was clear to see that there is no existing boundary treatment which separates the existing building from Minster View. Approved plans shown on planning application M05/P/0987 show a Lincolnshire post and rail fence around the

application site along with space for parking, however this part of the permission has not been carried out.

Plans provided with this application provide no detail on how the site will be separated from Minster View, it is proposed that parking and amenity space will be shared. Proposed boundary treatment details were requested through email correspondence with the agent for the application, a reply from the agent dated 16<sup>th</sup> October 2020 states that; *“Due to the site being under one family ownership, there are no boundary treatments intended to separate the garden areas”*.

Whilst this arrangement may be considered acceptable in the current situation, it is considered that this would not be acceptable if permission were to be granted for the holiday let to be a dwelling in its own right. The granting of this application would give the possibility for the building to be put up for market sale in the future and to be bought by someone who has no connection with the host dwelling. In the absence of any boundary treatment this open area around the proposed dwelling would be overlooked by the occupiers residing at Minster View.

It is therefore considered that the level of private amenity for the proposed dwelling is unacceptable and does not accord to policy LP26 Design and Amenity of the CLLP.

There are no other amenity concerns arising from the proposed development.

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

#### Visual Impact

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’.

The building will remain as existing with the exception to the change in material of the small lean to which is proposed to be clad in timber effect UPVC cladding, this is considered to be acceptable. In the event permission was granted a sample of the material would be requested via a condition on any decision. However it is considered that this minor change to the proposed is unlikely to have a harmful impact on the street scene or surrounding area.

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

Conclusions and reasons for decision:

The decision has been considered against the policies 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, LP26 Design and Amenity and LP55: Development in the Open Countryside of the Central Lincolnshire Local Plan in the first instance and the guidance contained within the National Planning Policy Framework and National Planning Practice Guidance. In light of this assessment the application is recommended for refusal for the following reasons:

1. The application does not meet the criteria of Part A: Re-use and conversion of non-residential buildings for residential use in the open countryside of Policy LP55: Development in the Open Countryside of the Central Lincolnshire Local Plan, no evidence or marketing exercise has been provided to show that the building cannot be still be used as a holiday let, and the building is also not considered to be of any notable architectural or historical merit. The proposal would therefore create a dwelling within the open countryside which local and national policy in the interests of sustainability seeks to avoid. The proposal is therefore contrary to policy LP55 of the Central Lincolnshire Local Plan and paragraph 79 of the National Planning Policy Framework.
2. In the absence of proposed boundary treatments to separate the site from the host dwelling Minster View, the level of private amenity afforded to the proposed dwelling is not at an acceptable level, the amenity of any future occupiers would be unduly harmed by virtue of overlooking contrary to policy LP26 of the Central Lincolnshire Local Plan and guidance contained within the National Planning Policy Framework and the National Planning Practice Guidance.

# Agenda Item 7



**Planning Committee**

**Wednesday, 11  
November 2020**

**Subject: Determination of Planning Appeals**

Report by:

Assistant Director Planning and  
Regeneration

Contact Officer:

James Welbourn  
Democratic and Civic Officer  
[james.welbourn@west-lindsey.gov.uk](mailto:james.welbourn@west-lindsey.gov.uk)

Purpose / Summary:

The report contains details of planning applications that had been submitted to appeal and for determination by the Planning Inspectorate.

**RECOMMENDATION(S): That the Appeal decisions be noted.**

**IMPLICATIONS**

**Legal:** None arising from this report.

**Financial:** None arising from this report.

**Staffing:** None arising from this report.

**Equality and Diversity including Human Rights:** The planning applications have been considered against Human Rights implications especially with regard to Article 8 – right to respect for private and family life and Protocol 1, Article 1 – protection of property and balancing the public interest and well-being of the community within these rights.

**Risk Assessment:** None arising from this report.

**Climate Related Risks and Opportunities:** None arising from this report.

**Title and Location of any Background Papers used in the preparation of this report:**  
Are detailed in each individual item

**Call in and Urgency:**

**Is the decision one which Rule 14.7 of the Scrutiny Procedure Rules apply?**

i.e. is the report exempt from being called in due to urgency (in consultation with C&I chairman)

**Yes**

**No**

**Key Decision:**

A matter which affects two or more wards, or has significant financial implications

**Yes**

**No**

## **Appendix A - Summary**

- i) Appeal by Mr C Marshall against the decision of West Lindsey District Council to refuse outline planning permission for the erection of up to 4no. dwellings with access to be considered and not reserved for subsequent applications at land south of Ingham Road, Stow LN1 2DG

**Appeal Dismissed** – See copy letter attached as Appendix Bi.

**Officer Decision** – Refuse permission

- ii) Appeal by Mr and Mrs Martinson against the decision of West Lindsey District Council to refuse planning permission for outline planning application for 2no. dwellings with access to be considered and all other matters reserved for subsequent applications at land to the r/o Charolands, Ingham Road, Stow LN1 2DG.

**Appeal Dismissed** – See copy letter attached as Appendix Bii

**Officer Decision** – Refuse permission

- iii) Appeal by Mrs Rosemary Kettleborough against the decision of West Lindsey District Council to refuse planning permission to erect 1no dwelling with access and layout to be considered and not reserved for subsequent applications on land adjacent to Sal Don, 30 Crapple Lane, Scotton, Gainsborough, DN21 3QT.

**Appeal Dismissed** – See copy letter attached as Appendix Biii

**Officer Decision** – Refuse permission



## Appeal Decision

Site visit made on 6 October 2020

**by Paul Cooper MSc MRTPI**

an Inspector appointed by the Secretary of State

Decision date: 22 October 2020

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### **Appeal Ref: APP/N2535/W/20/3257140**

### **Land south of Ingham Road, Stow, Lincolnshire LN1 2DG**

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant outline planning permission.
  - The appeal is made by Mr C Marshall against the decision of West Lindsey District Council.
  - The application Ref 141143, dated 1 June 2020, was refused by notice dated 3 August 2020.
  - The development proposed is Outline planning application to erect up to 4no. dwellings with access to be considered and not reserved for subsequent applications.
- 

### **Decision**

1. The appeal is dismissed.

### **Procedural Matter**

2. The application is made in outline with means of access to be determined at this stage. The appellant has also submitted an indicative site layout and I have had regard to this in determining the appeal.

### **Main Issue**

3. The main issue in this appeal is whether the location of the appeal site is suitable in terms of local and national planning policy.

### **Reasons**

4. Policy LP2 of the Central Lincolnshire Local Plan (2017) (The LP) identifies levels of settlement hierarchy across the local planning authority areas. Tier six is small villages and Policy LP4 seeks to control development in that tier and provides a sequential test for development sites and also states that the development sites should be in an appropriate location. Policy LP2 states that an appropriate location is one that does not conflict with local or national planning policy as a whole and would also retain the core shape and form of the settlement, not harm the character and appearance of the settlement or surrounding countryside.
5. Policy LP26 of the LP also looks to ensure that development preserves or enhances the character and appearance of the area and specifically should not result in ribbon development or extend linear features of the settlement. These are not defined in the policy but ordinarily mean the building of housing in a continuous row along a road in or out of the settlement as opposed to roads contained within the settlement.

6. The appeal site is a section of a large agricultural field on the south side of Ingram Road, set back from the highway. There is a dwelling to the western boundary of the site. The site is visible from the main road.
7. Whilst there is a dwelling to the western edge of the site, the dwellings would create a continuation of the village, extending the village from the traditional settlement. The appeal site is not an infill plot, and would alter the shape of the village as it would create ribbon development along Ingham Lane effectively into an agricultural field and would introduce a physical barrier that would impact upon view across the open land beyond, and as a result, have a negative impact on the appearance of the village as a whole from the loss of open views and the loss of part of an agricultural field that does not lend itself to residential development.
8. Policy LP4 also refers to the expected growth level of Stow as a settlement, indicated as a level of 17 dwellings. From the evidence provided by the Council, this has already been met by dwellings completed and under construction, as well as existing approvals, and therefore the appeal proposal is contrary to that policy.
9. I have been provided with the details of a community consultation exercise which has been carried out to meet the requirements of clear local support as set out in Policy LP2. This has not been carried out by the organisation of drop-in sessions due to COVID restrictions, but by calling at properties to present the application, the creation of a newsletter, and a letter drop. Included in this community exercise was a simple yes/no comment card to reflect whether the development would be suitable. It appears that the response was favourable, but the doorstep visits required a decision to be made at that point. In addition, it appears that a number of responses were from addresses outside the village.
10. A Neighbourhood Plan is also in the process of being drawn up but carries no weight at present but has also carried out a survey that showed that residents did not wish to see additional development other than that allocated with the Local Plan. Also, in addition, it would appear that the sequential test requested as part of Policy LP2 to identify appropriate sites has not been carried out.
11. Whilst a consultation exercise has been carried out that appears to show support for the development, I find that the visual harm caused to the village by the development, and its undoubted location as ribbon development that would extend the envelope of the village outweighs the support for the development that has been demonstrated.
12. Overall, the appeal site would not be an appropriate location for residential development and would not be in accordance with policies LP2 and LP4 of the LP and policy LP26 with regard to character and appearance and ribbon development.

### **Other Matters**

13. I have also been referred to other developments in the village. I do not have the full details in support of the applications for planning permission before me and I can therefore attach only limited weight to the extant permissions. In any event I must determine this appeal on its own merits and such weight as

can be given is not sufficient to overcome the harm to the character and appearance of the village and the wider countryside.

14. The presumption in favour of sustainable development raised by the appellant in regard to the National Planning Policy Framework does not change the status of the development plan as the starting point for decision making. The degree of consistency of the relevant Local Plan policies that I have identified with the Framework means that I can attach significant weight to those policies.
15. The proposals would offer four new dwellings with the accompanying social and economic benefits of new housing, but these are proposed to be open market dwellings and meet no affordable need. The dwellings would provide an additional four housings unit to meet housing need. These factors do favour the proposal, however, given the size of the contribution (four dwellings), the scale of this benefit would be limited and not be significant.
16. The Council has not raised the issue of access to the site in their reasons for refusal and I have no reason to contradict those findings, therefore I will not assess the matter further.

### **Conclusion**

17. Therefore, for the reasons given above, and taking into account all other matters, I conclude that the appeal should be dismissed.

*Paul Cooper*

INSPECTOR



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## Appeal Decision

Site visit made on 6 October 2020

**by Paul Cooper MSc MRTPI**

an Inspector appointed by the Secretary of State

Decision date: 22 October 2020

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### Appeal Ref: APP/N2535/W/20/3254975

### Land r/o Charolands, Ingham Road, Stow, Lincolnshire LN1 2DG

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant outline planning permission.
  - The appeal is made by Mr & Mrs Martinson against the decision of West Lindsey District Council.
  - The application Ref 140899, dated 3 April 2020, was refused by notice dated 10 June 2020.
  - The development proposed is outline planning permission for 2no dwellings with access to be considered and all other matters reserved for subsequent applications.
- 

### Decision

1. The appeal is dismissed.

### Procedural Matter

2. The application is made in outline with means of access to be determined at this stage. The applicant has also submitted an indicative site layout and I have had regard to this in determining the appeal.

### Main Issue

3. The main issue in this appeal is whether the location of the appeal site is suitable in terms of local and national planning policy.

### Reasons

4. Policy LP2 of the Central Lincolnshire Local Plan (2017) (The LP) identifies levels of settlement hierarchy across the local planning authority areas. Tier six is small villages and Policy LP4 seeks to control development in that tier and provides a sequential test for development sites and also states that the development sites should be in an appropriate location. Policy LP2 states that an appropriate location is one that does not conflict with local or national planning policy as a whole and would also retain the core shape and form of the settlement, not harm the character and appearance of the settlement or surrounding countryside.
5. The appeal site is a parcel of land located to the rear of "Ash Trees" but is currently accessed from "Charolands" and forms part of an agricultural holding. An agricultural building dominates the site. The site is generally unkempt in nature with various agricultural implements dotted around the site.
6. Policy LP4 also refers to the expected growth of Stow as a sixth-tier settlement, which is indicated at a level of 10%, calculated at 17 dwellings. From the evidence in front of me, this has been met by completed dwellings and those

- under construction, as well as existing approvals, and therefore the appeal proposal falls foul of the designation.
7. Policy LP2 states that in the event of the growth figure being met, then two additional scenarios come into play to allow for initial growth, which are promotion in the Neighbourhood Plan or a clear demonstration of community support.
  8. At present, initial work has started on a Neighbourhood Plan for the area but this can attract no weight at present.
  9. The second criteria relates to community support. The appellants have considered proportionate support to be the surrounding properties and landowners. It has also included the builder of the approved properties adjacent the site.
  10. I find that the exercise cannot be considered proportionate, in that it only contained properties surrounding the site, one of which the Council have indicated was missed, adjacent the site entrance. This consultation exercise is akin to a Local Authority consultation rather than a full support exercise and as a result I find that it does not meet the criteria set out in Policy LP2 for a suitable community support exercise. Incidentally the proposal does not carry the support of the Parish Council, as set out in the text of the Policy.
  11. Whilst there would be benefits from the loss of the agricultural building from a visual point of view, that does not outweigh the fact that the growth figure for the village has already been met, and clear demonstration of community support, has in my opinion, not been correctly demonstrated.
  12. Overall, I find that the appeal site would not be an appropriate location for residential development as it would not meet the criteria set out in the requirements of Policies LP2 and LP4 of the Local Plan.

### **Other Matters**

13. I have also been referred to other developments in the village. I do not have the full details in support of the applications for planning permission before me and I can therefore attach only limited weight to the extant permissions. In any event I must determine this appeal on its own merits and such weight as can be given is not sufficient to overcome the issues in terms of the growth allocation and the lack of evidence to demonstrate appropriate community support.
14. The proposals would offer two new dwellings with the accompanying social and economic benefits of new housing, the dwellings would provide an additional two housing units to meet housing need. These factors do favour the proposal, however, given the size of the contribution (two dwellings), the scale of this benefit would be limited and not be significant.
15. The Council has not raised the issue of access to the site in their reasons for refusal and I have no reason to contradict those findings, therefore I will not assess the matter further.

**Conclusion**

16. Therefore, for the reasons given above, and taking into account all other matters, I conclude that the appeal should be dismissed.

*Paul Cooper*

INSPECTOR



## Appeal Decision

Site visit made on 19 October 2020

**by Beverley Doward BSc BTP MRTPI**

**an Inspector appointed by the Secretary of State for Communities and Local Government**

**Decision date: 30 October 2020**

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**Appeal Ref: APP/N2535/W/20/3255822**

**Land adjacent to Sal Don, 30 Crapple Lane, Scotton, Gainsborough, Lincolnshire, DN21 3QT**

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant outline planning permission.
  - The appeal is made by Mrs Rosemary Kettleborough against the decision of West Lindsey District Council.
  - The application Ref 141019, dated 4 May 2020, was refused by notice dated 7 July 2020.
  - The development proposed is to erect 1no dwelling with access and layout to be considered and not reserved for subsequent applications.
- 

### Decision

1. The appeal is dismissed.

### Procedural Matter

2. The description of the proposed development in the heading above differs from that stated on the application form as the appeal form indicates that a revised description of development was agreed by the Council and the appellant before the Council determined the planning application.
3. The revised description of development amended the proposal from an outline application with all matters reserved to an outline application with access and layout to be considered and all other matters reserved for future consideration. The Council considered the application based on the revised description of development and so shall I.

### Main Issues

4. The main issues in this case are:
  - the effect of the proposed development on the character and appearance of the area; and
  - the living conditions of the occupiers of the existing dwelling Sal Don, 30 Crapple Lane, with regard to amenity space.

### Reasons

#### *Character and appearance*

5. The appeal site comprises land to the eastern side of an existing detached dwelling known as Sal Don on the southern side of Crapple Lane within the defined settlement of Scotton. It is adjoined by residential properties to the

east, west and south. There are also residential properties on the northern side of Crapple Lane.

6. The site is located within Character Area 2 (Crapple Lane), as identified within the submission draft of the Scotton Neighbourhood Plan (Neighbourhood Plan). The character description within the Neighbourhood Plan indicates that the dwellings on Crapple Lane are a mixed array of houses and bungalows which pretty much run the entire length of the lane. It also indicates that these dwellings vary in age. From what I saw on my site visit I agree with this description.
7. The frontage of the appeal site to Crapple Lane is of a similar width to the frontages of the immediate surrounding dwellings on the south and north side of Crapple Lane. However, that part of the site on which the proposed dwelling would be sited is significantly narrower. Accordingly, notwithstanding that there is currently a detached garage and outbuilding on this part of the site, the proposed dwelling would appear cramped on its plot. The overall effect of the proposal would be to introduce a density of residential development which would be contrary to the prevailing character of the immediate surrounding area, particularly on the southern side of Crapple Lane. As such therefore, the proposal would be detrimental to the character and appearance of the area.
8. The appellant refers to another development elsewhere on Crapple Lane which it is suggested demonstrates a precedent for the type of development proposed here. I am not aware of the circumstances relating to this development nevertheless it does not serve to provide support in favour of a proposal that I have found would cause harm.
9. Having regard to the above the proposed development would cause harm to the character and appearance of the area. This would be contrary to policies LP2, LP4, LP17 and LP26 of the Central Lincolnshire Local Plan 2017 (Local Plan) which taken together seek to ensure that, amongst other things, development does not harm the character and appearance of the area. It would be contrary to policies 6 and 12 of the submission draft Neighbourhood Plan which have similar objectives and which, in the light of the advice in the Planning Practice Guidance<sup>1</sup>, given the stage that it has reached can be given significant weight in decision making. It would also be contrary to the National Planning Policy Framework which has similar provisions.

#### *Living conditions*

10. The appeal site incorporates some of the rear garden area of the existing dwelling known as Sal Don at 30 Crapple Lane.
11. The appeal proposal would result in the rear garden area of Sal Don being significantly reduced to a roughly triangular shaped area with a depth of around 4m to the east and around 8m to the west. The appellant suggests that the proposal would provide sufficient amenity space to serve the existing dwelling and is commensurate in size to that which serves other dwellings nearby. However, it seems to me that the reduced area coupled with its irregular shape would mean that its ability to function as a useable amenity space for the occupiers of Sal Don would be likely to be limited.

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<sup>1</sup> ID 41-107-20200925

12. Having regard to the above therefore, the proposal would cause material harm to the living conditions of the occupiers of the existing dwelling known as Sal Don at 30 Crapple Lane with regard to amenity space. It would fail to comply with policy LP26 of the Local Plan which seeks to ensure that the amenities that all existing and future occupants of neighbouring land and buildings may reasonably expect to enjoy are not unduly harmed by or as a result of a development proposal. It would also be contrary to paragraph 127(f) of the National Planning Policy Framework which indicates that planning decisions should ensure that developments create a high standard of amenity for existing and future users.

*Conclusion*

13. Having regard to all of the above the proposal would be contrary to the development plan as a whole. For the reasons given above therefore, I conclude that the appeal should be dismissed.

*Beverley Doward*

INSPECTOR