

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

AGENDA

This meeting will be streamed live via the address below and the video archive published on our website

Planning Committee
Wednesday, 9th December, 2020 at 6.30 pm
Virtual - MS Teams

Web address: <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 - 11)
 - i) **Meeting of the Planning Committee held on 11 November 2020, previously circulated.**

4. **Declarations of Interest**
Members may make any declarations of interest at this point but may also make them at any time during the course of the meeting.
5. **Update on Government/Local Changes in Planning Policy** (VERBAL REPORT)
Note – the status of Neighbourhood Plans in the District may be found via this link
<https://www.west-lindsey.gov.uk/my-services/planning-and-building/neighbourhood-planning/>
6. **Planning Applications for Determination**
- i) 141736 - Station Road, Bardney (PAGES 12 - 22)
 - ii) 141447 - Saxilby Road, Sturton by Stow (PAGES 23 - 33)
 - iii) 141637 - Land Off Middle Street, Scotton (PAGES 34 - 42)
 - iv) 141848 - Summer Hill, Gainsborough (PAGES 43 - 47)
 - v) 141726 - Ulster Road, Gainsborough (PAGES 48 - 52)
 - vi) 140997 - Owersby Bridge Road, Kirkby cum Osgodby (PAGES 53 - 62)
 - vii) 141621 - Padmoor Lane, Upton (PAGES 63 - 79)
7. **Determination of Appeals** (PAGES 80 - 85)

Ian Knowles
Head of Paid Service
The Guildhall
Gainsborough

Tuesday, 1 December 2020

WEST LINDSEY DISTRICT COUNCIL

MINUTES of the Meeting of the Planning Committee held virtually via MS Teams on 11 November 2020 commencing at 6.30 pm.

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

Councillor Owen Bierley
Councillor Matthew Boles
Councillor David Cotton
Councillor Michael Devine
Councillor Jane Ellis
Councillor 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
George Backovic Principal Development Management Officer
Martha Rees Legal Advisor
Ele Snow Democratic and Civic Officer
James Welbourn Democratic and Civic Officer

Apologies: Councillor Cherie Hill

59 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.

60 PUBLIC PARTICIPATION PERIOD

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

61 TO APPROVE THE MINUTES OF THE PREVIOUS MEETING

RESOLVED that the minutes of the meeting of the Planning Committee held on Wednesday, 14 October 2020 be confirmed as an accurate record.

62 DECLARATIONS OF INTEREST

The Chairman noted that application number 140235, the Lindsey Shopping Centre, related to the council and noted a dispensation for all Members of the Planning Committee.

The Chairman also declared a person pecuniary interest for item 6c, application number 141705, Minster View, Stainfield. He stated the property was in the estate of his late father, he had not spoken to anyone in the council regarding the application and he would be standing down from the Committee in order for the Vice-Chairman to stand in and Chair the remainder of the meeting.

63 UPDATE ON GOVERNMENT/LOCAL CHANGES IN PLANNING POLICY

The Committee heard a summary of the following updates to Neighbourhood Plans within the district.

West Lindsey District Council Neighbourhood Plans Update – PC Meeting 11 Nov 2020		
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, Spidlington, 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. Decision statement issued. But due to COVID-19 situation referendum delayed until May 2021.	Significant weight
Gainsborough NP	Submission consultation completed (Reg16). Examiner appointed. Examination begins 23 Nov.	Increasing weight
Morton NP	Submission consultation completed (Reg16). Responses posted on website and appointment of examiner process has begun.	Increasing weight
Corringham NP	Consultation on Draft Plan (Regulation 14) underway from 9 Nov to 22 Dec.	Some weight
Sturton and Stow NP	Consultation on Draft Plan (Regulation 14)	Some weight

	underway from 2 Nov to 14 Dec.	
Hemswell Cliff NP	Enhancements to Design Code being considered.	Little weight
Normanby and Owmbly NP	Applications from Normanby by Spital and Owmbly by Spital PCs to prepare their own NPs were approved by Full Council on 2 Nov.	Little weight
*Caistor NP	Review underway. Consultant appointed.	-
*Nettleham NP	Review underway. Consultant appointed.	-
Neighbourhood Plans - made (17) - in preparation (24) - to be started (42) - being reviewed (2)*	To view all of WLDC's neighbourhood plans go to: https://www.west-lindsey.gov.uk/my-services/planning-and-building/neighbourhood-planning/	NP stage-weighting Made–full weight Referendum successful–full weight Examination successful–significant weight Submission Reg16–increasing weight Draft Reg14 - some weight Designated – little weight

64 PLANNING APPLICATIONS FOR DETERMINATION

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

65 140235 - LINDSEY SHOPPING CENTRE

The Committee was asked to give consideration to application number 140235 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, in the Market Place, Gainsborough.

Members were shown a presentation regarding suggestions for amendments to the theme and design of the development and heard that it was requested for final design agreements to be delegated to Officers. There were no registered speakers for the application and the Chairman invited comments from Members of the Committee.

There was unilateral support from Members and it was felt that the development would be beneficial not just for Gainsborough, but for the district as a whole. Clarification was sought regarding the pedestrian access through to Heaton Street and it was confirmed this would be retained.

A Member of the Committee enquired as to the details of car parking and access via Heaton Street as this was already a congested area with cars double parked and movement of traffic being impeded as a result. It was confirmed that this had been considered and it was anticipated that the Highways Agency would agree with the final design amendments which also addressed the issue.

Having been moved, seconded and voted upon, it was unanimously agreed that permission be **GRANTED** for the principle of development subject to deferral back to officers for improved design and any other outstanding matters.

66 140352 - HORSEMARKET, CAISTOR

The Chairman introduced application number 140352 for the removal of single-storey bungalow and erect 1no. replacement two storey dwelling at Claddagh Horsemarket Caistor. He invited the Interim Planning Manager (Development Management) to provide updates to the application.

The Committee heard this was a revised plan and further objections had been received following re-consultation. He summarised the objections as follows:

- My only objection to the revised proposal is the [precedent] of a house rather than a bungalow being built in that location, in that it may be used to justify similar builds in the adjoining land between that property and [58 South St].
- The concerns over surface water drainage made in my previous objection still apply
- scale of this property is completely incongruous with the locality
- The ridge height noted on the recent plans is in our opinion excessive, particularly for this area. At nearly 9m high it is nearly 2m above what could reasonably be expected for a modest two-storey property.
- photograph with the overlay showing the massing of the proposed build is from Google streetview and as such is much higher and not representative of the perspective from which a pedestrian would view the property
- The North aspect of the property viewed from the conservation area of Bobs Lane and also the listed buildings along Horsemarket, is frankly a disgrace and shows absolute contempt for the impact it will have on residents and the visual amenity when viewed from the conservation area of the town.
- In our opinion, this property is proposed in completely the wrong place, has a harmful impact on the local conservation area and has scant regard for surrounding properties and residents.
- it will clearly build a monstrous brick wall up against the conservation area and plummet gardens into darkness, the plans show the property height rising to the upper bungalow window on the hill opposite and the property width starting from the front of the existing bungalow to be demolished, stretching as far back as the east side of the bungalow above, a huge imposing property from all sides!
- On closer inspection of the 'revised' plans, it also appears that the excessive height of the roof may be to accommodate further rooms in the loft (evident from the side view which looks to show internal walls in the loft space), and effectively creating an additional storey
- If allowed this property will completely undermine the aesthetics and heritage of the

entire conservation area and set a precedent for future developments in and around the historical centre of the town.

The Interim Planning Manager added that these repeat concerns were addressed within the report. The proposal was outside of the conservation area and there was medium risk of surface water flooding.

The eaves height of the replacement dwelling measured approximately 5.3 metres with a total ridge height of 8.9 metres. This elevation also measured approximately 18 metres across. The ridge of the existing dwelling approximately met the eaves of that proposed and the north elevation measured approximately 11.5 metres across.

To North (Bobs Lane): The main body of the dwelling and the now two storey north elevation was 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 were set on higher ground.

To South (12A South Dale): set away from shared boundary by 22m.

Dwelling to the North West (15 Horse Market)

The replacement dwelling was located in a similar position to the existing and was noted to measure approximately 12 metres away from the shared boundary and 35 meters from the main house.

The Chairman invited the first speaker, Mr Sam Marriott, Agent for the Applicant, to address the Committee.

Mr Marriott thanked the Committee and explained that, as stated, the application was for the demolition of the existing bungalow and a replacement 2 storey home. He believed the application was before the Committee because of the number of comments from residents of Caistor. He highlighted that there had also been letters of support, including from the immediate neighbour. Mr Marriott stated that some of the objections were from people who lived outside of the town including a former resident, someone who was considering moving to the area and objections were received from residents in South Kelsey. He noted that their interest in the application was unclear. Mr Marriott highlighted that the applicant had worked with the officers to adjust and redesign the proposal according to the issues raised. With regard to the potential for surface water flooding, he stated that historically this had never happened, however, it had been addressed. They had worked proactively with the council and neither the case officer nor the heritage officer had any more issues. He stated there had been active collaboration with the council and he hoped the Committee would agree.

The Chairman thanked him for his speech and invited Members of the Committee to offer their comments.

The number of objections was noted by a Member however it was questioned why those living away from the area had chosen to object. He felt that looking at the topography of the area, the proposed dwelling did not appear to be overly large in comparison with other dwellings. He did not feel there were grounds for refusal and as such, moved the Officer recommendation.

Another Member stated that according to planning policy, all requirements were met. He accepted the amendments that had been made and welcomed the betterments to the drainage provisions. He seconded the Officer recommendation.

On the whole, Members felt that a well-designed two storey dwelling would be more in keeping with the area than the existing building and it was considered to be a suitable proposal. The Chairman took a vote and it was unanimously 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 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 Lobleby 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.

Note: The Chairman reiterated his personal interest in the next agenda item and stood down from the Chair. He left the meeting at that point and the Vice-Chairman took the Chair for the duration of the meeting.

67 141705 - MINSTER VIEW, STAINFIELD

The final application of the evening was introduced, application number 141705 for change of use from holiday let to 1no. dwelling. The Committee heard there were no updates to the report and the first registered speaker was invited to address the Committee.

Mr Sean Madden, Agent for the Applicant, thanked the Committee for their time and made the following points.

- The change of use application seeks full planning approval for a residential dwelling, not change of use to a C3 dwellinghouse. This has clearly been stated to the planning officer in an email along with other points which have been included in this report - C3 status has never been suggested at any stage by the applicant or agent. Permission is sought for Mr P. Fleetwood to occupy the existing building - he has increasing mobility and health issues which require single storey living and he has lived at this location since 1963.
- The holiday let was never brought into use due to the owner suffering ill health for a period of time, the applicant for the holiday let (Dennis Fleetwood) has now sadly now passed away.
- The drains are not connected and a completion certificate has never been issued as the works were ongoing by Mr D. Fleetwood. Building Inspection has been undertaken by West Lindsey District Council, and with work outstanding it would be unreasonable to apply for a completion certificate.
- A marketing exercise was therefore not carried out due to the building not being brought into use as a holiday let
- Paragraph 79 has no bearing on this application due to this change of use application which is for an existing building. Paragraph 79 refers to the construction of new

buildings.

- No fence has been constructed between the existing dwelling at Minster View and the building submitted for change of use due to the project being incomplete and under single ownership. The buildings are approx 25m apart and overlooking should not be a problem. A fence can easily be erected between the properties to ensure private amenity space is provided for the properties if ownership changes in the future, therefore ensuring compliance with Policy LP26 of the Central Lincolnshire Local Plan. This could easily be achieved by conditioning any permission granted.
- There are 27 properties in the Hamlet of Stainfield, not 9 as indicated in the Officers Report. These properties are all located within the 'Stainfield' village boards which mark the perimeter of the settlement.
- Full and concise answers have been given to any questions raised by the planning officer promptly.
- No objections have been received from any of the consultees, the parish council or highways, we therefore respectfully request for the application to be granted planning permission.

With no other speakers, Members of Committee were invited to comment on the application. It was enquired as to what constituted a hamlet, this was confirmed to be dwellings clearly clustered together to form a single developed footprint. Members queried the essence of building in open countryside and highlighted that the building was already in existence. The potential for change of ownership was recognised and it was suggested that, should the application be approved, it should be conditioned in order to put fencing in place to make a separate amenity area. It was also suggested that permitted development rights be withdrawn.

The Officer read aloud suggested conditions for consideration should Members be minded to approve the application.

Following further discussion, a Member of Committee proposed that permission be granted, in line with policy LP55 and subject to the conditions as detailed by the Officer.

On being seconded and voted upon, it was unanimously agreed that permission be **GRANTED** subject to the conditions provided by the Planning Officer.

68 DETERMINATION OF APPEALS

The Interim Planning Manager highlighted that all three detailed appeals had been dismissed. The determination of appeals were **NOTED**.

The meeting concluded at 7.45 pm.

Chairman

Agenda Item 6a



Officers Report

Planning Application No: 141736

PROPOSAL: Planning application for change of use of existing care facility to 4no. bed House in Multiple Occupation (HMO)

LOCATION: 51 Station Road Bardney Lincoln LN3 5UD

WARD: Bardney

WARD MEMBER(S): Cllr Fleetwood

APPLICANT NAME: Mr H DeSavary

TARGET DECISION DATE: 23/11/2020

DEVELOPMENT TYPE: Change of Use

CASE OFFICER: Vicky Maplethorpe

RECOMMENDED DECISION: Grant permission

This application is referred to the Planning Committee, following objections from the Parish Council and other third parties, which are considered to be both relevant and balanced planning matters.

Description:

The application site forms a large, vacant, detached house at 51 Station Road set back from the road and with a large garden to the rear. The site has its own access from Station Road and there is a large area to the front and side of the property currently used for parking cars. The property is well screened with high mature hedges and trees along its boundary with 49 Station Road (a residential property) giving a good degree of privacy and separation between the two properties. Station Road is characterised by similar dwellings. To the rear of the garden is public footpath BARD/132/1 beyond which is a field. Bardney Meadows SNCI is approximately 150 metres to the North West of the site.

The application site forms part of The Hawthorns which is home to people with learning difficulties operating under a C2 use class (residential institution) granted planning permission in early 2012 and subsequently extended through the erection of buildings in the rear garden creating accommodation for 17 individuals along with a change of use of no.51 to office accommodation ancillary to the care home.

This application seeks permission to change the use of no. 51 Station Road to a four bedroom House in Multiple Occupation (use class C4) in association with the existing care home. Residents have moved in to the building.

Relevant history:

138551– Application for non-material amendment to planning permission 134668 granted 16/09/2016 to re-positioning of windows and doors to side and rear elevations, G, 15/11/18.

134668 - Planning application for change of use from office-B1 to care home facility-C2, and erection of extension to the rear to facilitate the creation of 2 additional bed spaces, GC, 19/6/16.

132095 – Planning application for the erection of building to provide 6No. additional bedrooms to serve The Hawthorns care home with change of use of existing house to provide ancillary office, administration and storage to serve the site. GC, 16/1/15.

Representations:

Chairman/Ward member(s): None received

Bardney Group Parish Council: *'Bardney Group Parish Council would like to object to the planning application on two main grounds;*

a) protection of the vulnerable residents who will be housed at the site

b) the material considerations of the application.

BGPC are very disappointed that the planning application has been submitted after the work has been completed. Residents have already been moved in and BGPC have received complaints over the noise and conduct from 51 Station Rd.

Protection of the residents.

****Redacted*** This proposed development will be outside the remit of the Care Quality Commission (CQC) which raises safeguarding concerns. Home From Home Care claim on their website that;*

Our learning disability care homes reflect our belief and experience that individuals respond to a warm and homely atmosphere. The homes offer spacious, communal environments for social interaction, balanced with privacy and personal space for each individual. All the homes are located in villages with access to a good range of local amenities.

The application states; This application seeks to change the use from the C3 use to a 4 bed HMO. Whilst under the same operation as the adjoining Care Facility, the care requirement and staffing for these occupants will be substantially reduced. As the occupants will have the ability to lock their own doors to their bedrooms, and providing a greater sense of self support, the change of use to and HMO is necessary. However the Directors Report in the Home From Home Care Annual Accounts published Sept 2020 states; Future Developments. The rolling redevelopment process of existing Homes into apartments is a race against time as we no longer get referrals for previous types of placements. This redevelopment and repurposing strategy is not only essential for the group's survival, but it is anticipated to generate a commercial return and ultimately return the company to profit. The statement appears to indicate that the referrals received for their services are coming from those with the most complex needs however in order to reduce costs, the organisation is looking to move to an operational model that requires less staff. Therefore BGPC have serious concerns over the safety and the protection of the vulnerable adults at the site.

Material Considerations

Parking; Parking has been a major issue at the site since its inception in 2004. Over the years BGPC have received regular complaints from residents both near the home and those living on side streets. Planning permission for 134668 (2016) stated that sufficient parking should be provided for staff at the site, however this condition was never complied with. This proposal will actually require more parking spaces due to families visiting residents in the HMO, whilst the number of available spaces will be reduced, as vehicles have previously been parked at the rear of 51 Station Rd,

however this has been made into a garden. Despite claims in previous application Design and Access Statements, staff at the site must drive as Bardney has very poor public transport links. Parking outside the premises has created a highways safety issue as the Care Home is situated at the main road through the village and visibility is an issue.

Noise; Noise from the property has been a cause of contention with neighbouring residents for many years. Noise not only emanates from the residents but also from the conduct and behaviour of staff. WLDC Environmental Protection dept regularly have to attend to monitor noise levels. Several residents have stated that the incessant noise has affected their mental wellbeing. This history of complaints should be taken into account, as the NPPF states; "170. Planning policies and decisions should contribute to and enhance the natural and local environment by:....

(e) preventing new and existing development from contributing to, being put at unacceptable risk from, or being adversely affected by, unacceptable levels of soil, air, water or noise pollution or land instability." The Planning Practice Guidance states; "How can noise impacts be determined? Plan-making and decision making need to take account of the acoustic environment and in doing so consider:

- whether or not a significant adverse effect is occurring or likely to occur;
- whether or not an adverse effect is occurring or likely to occur; and
- whether or not a good standard of amenity can be achieved.

In line with the Explanatory note of the noise policy statement for England, this would include identifying whether the overall effect of the noise exposure (including the impact during the construction phase wherever applicable) is, or would be, above or below the significant observed adverse effect level and the lowest observed adverse effect level for the given situation. As noise is a complex technical issue, it may be appropriate to seek experienced specialist assistance when applying this policy. Paragraph: 003 Reference ID: 30-003-20190722 What are the observed effect levels? Significant observed adverse effect level: This is the level of noise exposure above which significant adverse effects on health and quality of life occur. Lowest observed adverse effect level: this is the level of noise exposure above which adverse effects on health and quality of life can be detected. No observed effect level: this is the level of noise exposure below which no effect at all on health or quality of life can be detected. Although the word 'level' is used here, this does not mean that the effects can only be defined in terms of a single value of noise exposure. In some circumstances adverse effects are defined in terms of a combination of more than one factor such as noise exposure, the number of occurrences of the noise in a given time period, the duration of the noise and the time of day the noise occurs. See the noise policy statement for England for further information. Paragraph: 004 Reference ID: 30-004-20190722 The Noise Exposure Hierarchy Table states; RESPONSE Present and very disruptive EXAMPLES OF OUTCOMES Extensive and regular changes in behaviour, attitude or other physiological response and/or an inability to mitigate effect of noise leading to psychological stress, e.g. regular sleep deprivation/awakening; loss of appetite, significant, medically definable harm, e.g. auditory and non-auditory. INCREASING EFFECT LEVEL Unacceptable Adverse Effect ACTION Prevent Over the years the extent of the complaints registered with WLDC, police, social services and BGPC indicate that the noise level emanating from the Care home has had a detrimental impact on the quality of life of local residents. As a result of the past and present history of noise levels it is clear to see that the level is already at 'Present and Very Disruptive'. LP26; BGPC are aware that WLDC Planning Committee has recently

rejected a planning application for a similar HMO in Sudbrooke. The grounds for the rejection of the application were based primarily on LP26 Amenity Considerations; m. Compatibility with neighbouring land uses (51 Station Rd is surround properties are residential homes). r. adverse noise and vibration (see above). LP 26 goes on to state 'Similarly, proposals for development adjacent to, or in the vicinity of, existing 'bad neighbour' uses will need to demonstrate that both the ongoing use of the neighbouring site is not compromised, and that the amenity of occupiers of the new development will be satisfactory with the ongoing normal use of the neighbouring site, taking account of criteria m to u above.

S106. To date there has been no s106 levy placed on any of the granted planning permissions at the site. However the development of the site has increased the number of residents in Bardney and due to the increase in complex needs of the residents, the demands on the doctors surgery in Bardney has increased greater than with a normal residential development of the same size. Residents of the care home do make use of the current play park in the village, therefore if this application was granted s106 contributions should be made to both the playpark and medical facilities in Bardney.

In summary, Bardney Group Parish Council object to this proposal due to safeguarding concerns for the new residents as it would remove the protection of the Care Quality Commission for the most vulnerable in our community. Also in relation to material considerations of the application which primarily relates to the quality of life for those who live in the vicinity.'

Local residents: Objections received from 42, 44, 48, 49, 50, 52, 54 and 78 Station Road. The concerns raised mainly relate to:

- Parking and highway safety
- Noise and disturbance from residents, staff and vehicles
- Size of facility now too big for the village
- Disruption during building works
- Detriment effect on residential amenity
- Impact on neighbours mental wellbeing
- Management of refuse – environmental nuisance
- Fire hazard for residents
- Inaccuracies within the application
- Residents already living in the property

LCC Highways: No objections

Environmental Protection: No objections

Archaeology: None received

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 Lincolnshire Minerals and Waste Local Plan (adopted June 2016).

Development Plan

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

Relevant policies of the CLLP include:

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

LP1: A Presumption in Favour of Sustainable Development

LP2: The Spatial Strategy and Settlement Hierarchy

LP4: Growth in Villages

LP5: Delivering Prosperity and Jobs (Expansion of Existing Businesses - p25)

LP10: Meeting Accommodation Needs

LP13: Accessibility and Transport

LP14: Managing Water Resources and Flood Risk

LP17: Landscape, Townscape and Views

LP26: Design and Amenity

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

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

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/collections/planning-practice-guidance>

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

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

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

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

Draft 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).

- ***Draft 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.

However, to date a draft Plan has not been published, that may otherwise be taken into account as a material consideration.

Main issues

- Principle of change of use
- Impact on residential amenity
- Impact on highway safety
- Other matters

This application considers only the land use implications for a change of use to a use class C4 house in multiple occupation. Whilst the concerns of the Parish Council in regard to the future management of the premises are noted, these are matters outside the remit of a planning application.

Assessment:

Principle

The premises is sited within a residential area of Bardney, policy LP2 designates Bardney as a large village (tier 4), stating:

'To maintain and enhance their role as large villages which provide housing, employment, retail and key services and facilitates for the local area, the following settlements will be a focus for accommodating an appropriate level of growth. Most of this growth will be via sites allocated in this plan, or appropriate infill, intensification or renewal within the existing developed footprint. In exceptional circumstances, additional growth on non-allocated sites in appropriate location outside of, but immediately adjacent to, the developed footprint of these large villages might be considered favourably, though these are unlikely to be of a scale over 25 dwellings/1 ha per site.'

The proposal is for the conversion of an existing building which is set within the existing care home complex. The appearance of the building will be unchanged. The building was previously a dwellinghouse (use class C3) which was then used as an office in connection with the care home facility (use class C2). This application seeks permission to use it as a small HMO for 4 residents (use class C4).

Policy LP10 states that “residential care accommodation, which is designed to accommodate those who need some form of on-site assistance, should be located in a settlement in levels 1 to 4 of the settlement hierarchy”. Bardney is tier 4 (large village) and is therefore a location in which care facilities are directed to, by the Development Plan.

It is concluded therefore that in principle this would be a suitable site for the intensification of a site within the developed footprint of Bardney which is also an extension of an existing facility in accordance with policies LP2 and LP10 of the CLLP, subject to assessment of the impact on residential and visual amenity.

Impact on residential amenity

The building already benefits from planning permission for a change of use to provide 2 additional bed spaces for residents of the care home (use class C2). This fall back position is a material consideration in the assessment of this application.

It is considered that the provision of 2 more bedrooms, resulting in 4 residents based within the building, will not in itself now result in undue harm to the amenity of the residents sufficient to refuse the planning application. Furthermore the addition of 2 residents within the village of Bardney will not be expected to put a strain on its services and facilities.

It is noted that the Parish Council have raised securing a S106 obligation for financial contributions towards medical facilities and a playpark. However, planning law sets out that planning obligations must only be sought where they meet all of the following tests:

- (a) necessary to make the development acceptable in planning terms;*
- (b) directly related to the development; and*
- (c) fairly and reasonably related in scale and kind to the development.*

It is not considered that financial contributions towards play parks and medical facilities have been shown to be necessary, and would not be considered to be fairly and reasonably related in scale and kind to the development.

Concerns have been raised by several residents who live near the site. The concerns raised relate to increase levels of noise from the site including unpredictable behaviour of residents. However, the use of the site as a C2 residential institution is already established and the relationship already exists between the site and the surrounding properties – this application considers only the changes currently being proposed.

It is accepted that the proposed change of use will intensify the use of the site by an additional 2 residents to that previously approved under application 134668, however, given the distance between the dwelling and the surrounding properties it is considered that there will be no undue harm caused to the amenity of the neighbouring occupants as a direct result of the proposed development.

Any future noise disturbance reports could be dealt with by the Council under the provisions of the Environmental Protection Act 1990. Any inappropriate language or behaviour would need to be taken up with the Nursing Home Management, the police or as a civil matter through legal proceedings. It should be noted that Environmental Protection Officers have visited the site on many occasions and have concluded that there is no noise statutory nuisance and therefore have raised no objections to the proposal currently being considered.

The nature of the use as a small HMO (for 4 residents) is not considered to be more intense than a regular family dwelling. The impact of the nature of this use is not considered to result in any conflict with policy LP26.

Impact on highway safety

Policy LP13 requires well designed, safe and convenient access for all and that appropriate vehicle parking provision is made for development users.

The issue of car parking has been raised by local residents regarding the amount of parking on the road for staff and construction vehicles and the obstructing of driveways. Access to the site is available from Station Road and the road at this point is straight with good visibility. 9 parking spaces currently exist at the site and these are to be retained, along with 21 spaces at the adjoining site. Within the Planning Statement it states *'Whilst it is understood that the occupant numbers will rise for this property, from 2 to 4, the care and staffing requirement will be substantially lower, and will require less parking. Therefore the proposed parking arrangement are not to change from the previously approved numbers.'*

However, a further letter from the applicant's agent does acknowledge that *'there has been a longstanding and regular series of development work undertaken in recent years which has led to the Home From Home Care Ltd operation offering the levels and quality of accommodation that it does. This is now coming to an end and the temporary inconveniences that have been endured by the local resident community will not be experienced moving forwards.'*

No objections have been received from Lincolnshire County Council Highways. It is concluded therefore that the impact on highway safety is acceptable in accordance with policy LP13.

Other matters

Public Footpath – PROW Bard/132/1 runs along the rear boundary of the care home complex. The proposed change of use will have no visual or physical impact on the PROW.

Site Management - The Parish Council has raised that *"this proposed development will be outside the remit of the Care Quality Commission (CQC) which raises safeguarding concerns."* Whilst these concerns are noted, the planning application considers only the land use implications of the proposed development. The future management of the site is outside of the parameters of the planning system, and is addressed by other areas of legislation outside of planning legislation.

Construction phase - Concerns have been raised regarding disruption during the construction phase. The application is for a change of use to a HMO. The works have already been carried out and residents are already living in the property. Therefore there will not likely be an increase in the number of construction vehicles at the site from the granting of this planning application.

Fire Safety - Concerns have been raised that the proposal will present a fire hazard for residents - as with any HMO or care facility fire regulations would be dealt with via Building Regulations.

Management of refuse – Concerns have been raised regarding the increase in refuse and that it will become an environmental nuisance. As the HMO is to be under the management of the existing care home, the refuse will be dealt with under the existing waste storage and collection arrangements.

Whilst a number of third parties raise that the change of use has taken place and the application is retrospective, planning law expressly allows for planning permission to be granted for development carried out before the date of the application (s73A of the Town & Country Planning Act 1990).

Conclusion

Converting the existing dwelling into a small HMO accords with policy LP2 as it is within a sustainable location forming part of an existing care home facility and is acceptable in principle. The proposal will result in an acceptable impact on the residential amenities of the occupiers of nearby residents in accordance with policy LP26. The type and level of traffic generated and the access, turning and parking arrangements on site are considered not to harm highway safety and convenience and comply with policy LP13. The proposal is considered to comply with the development plan and NPPF. It is recommended that planning permission is granted.

Recommended conditions:

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

None

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

None

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

1. With the exception of the detailed matters referred to by the conditions of this consent, the development hereby approved shall be carried out in accordance with drawings 376.28/PL003A, 376.28/PL006A and 376.28/PL007A. The works shall be carried out in accordance with the details shown on the approved plan and in any other approved documents forming part of the application.

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

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

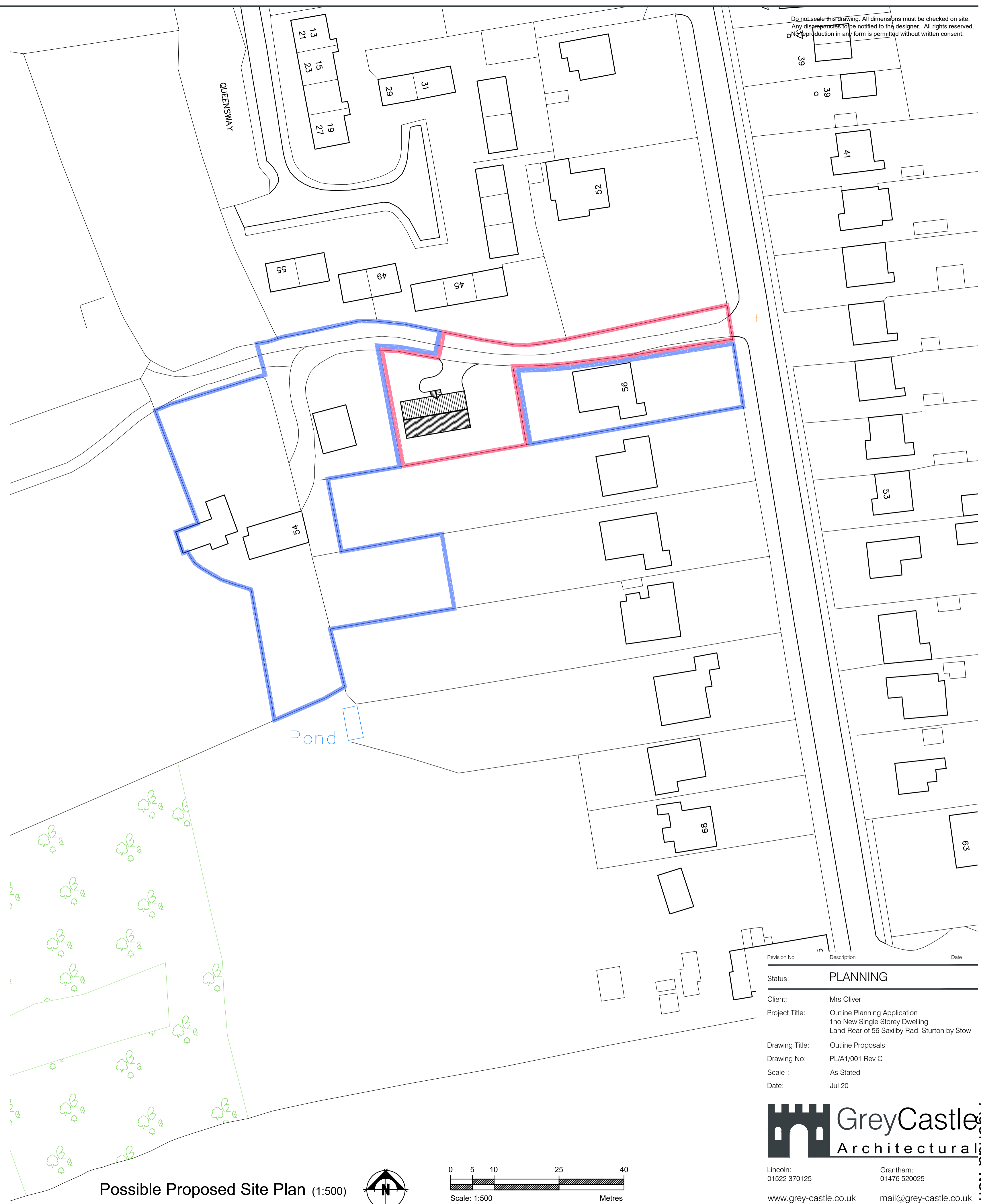
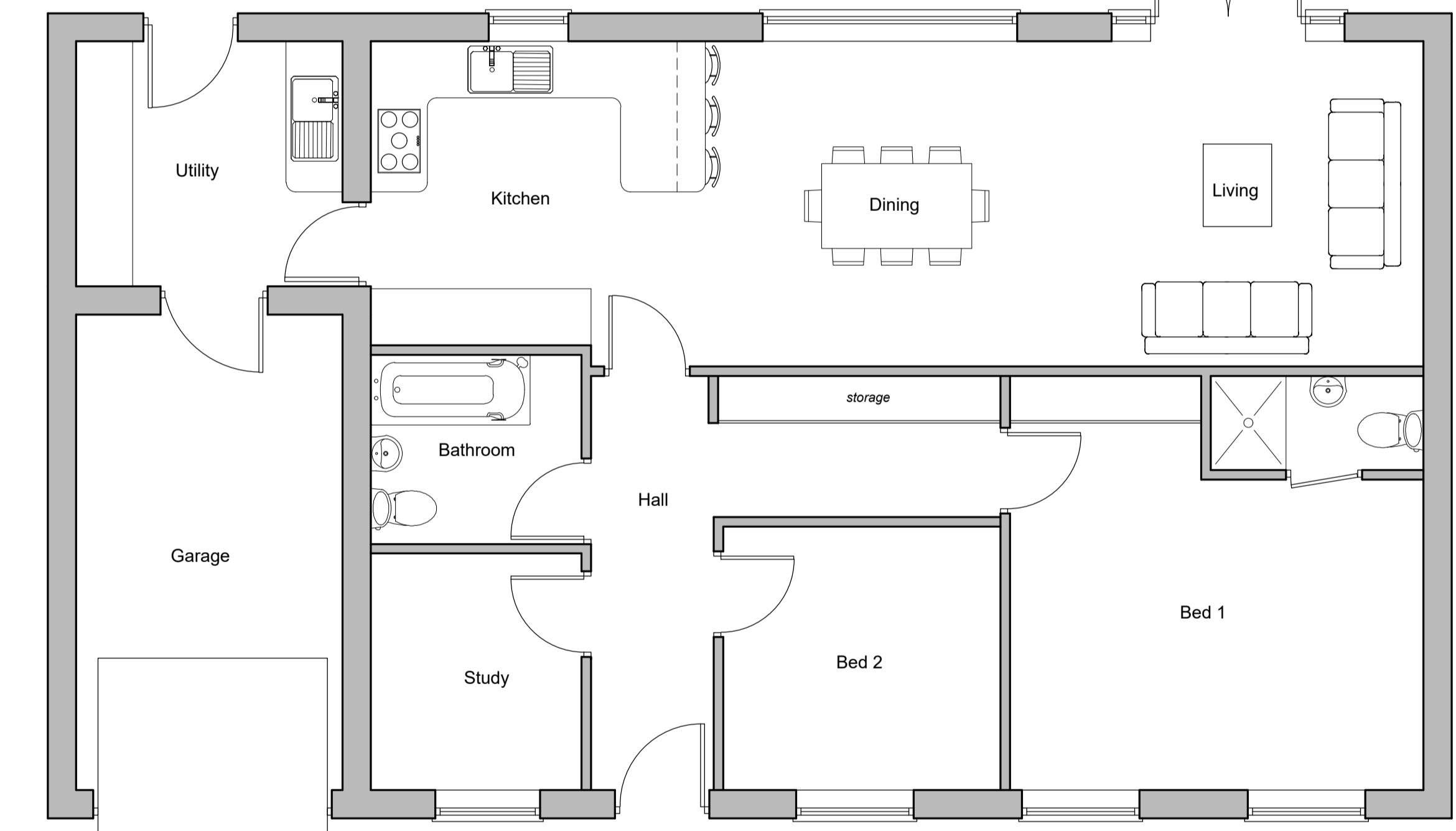
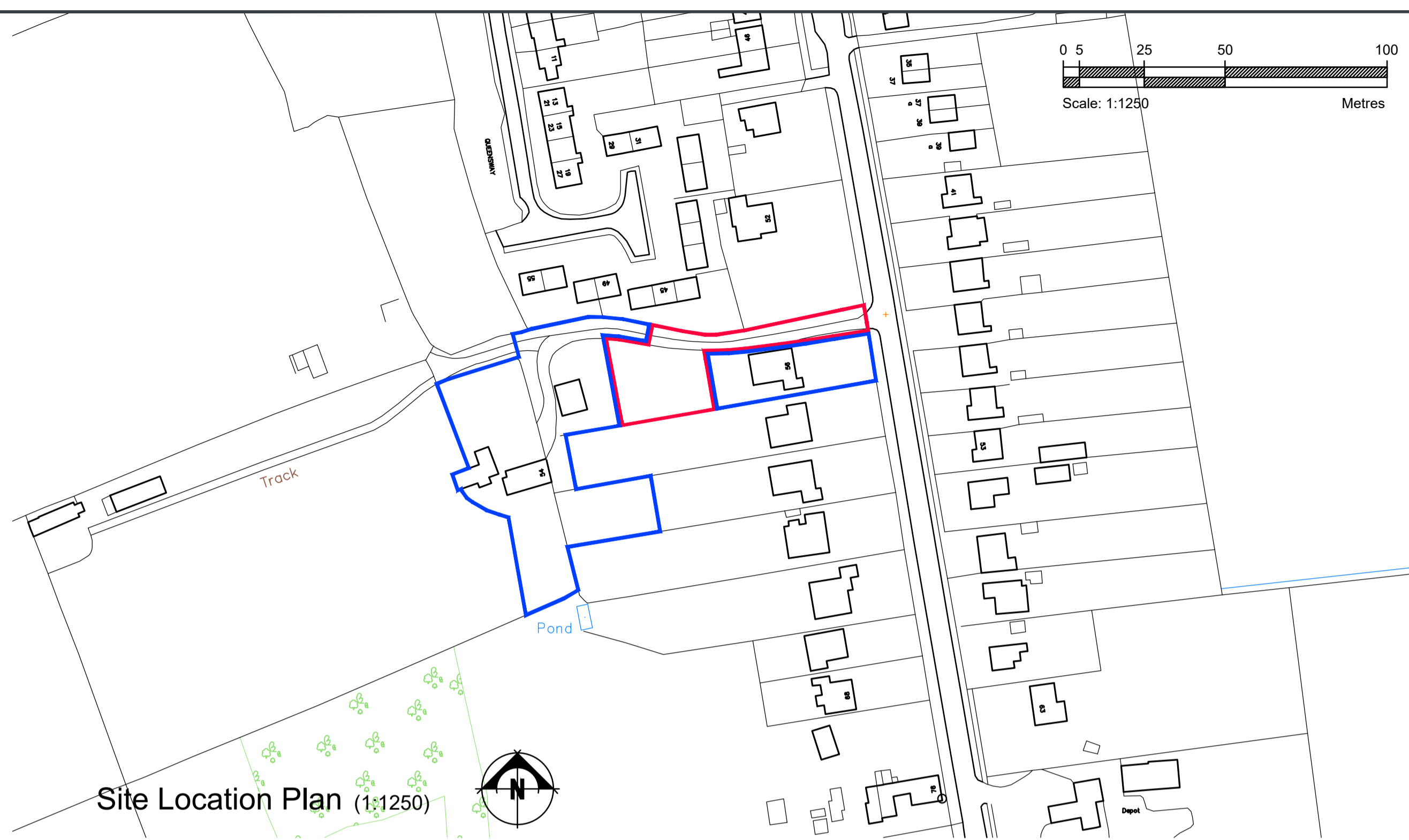
None

Human Rights Implications:

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

Legal Implications:

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



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Revision No	Description	Date
Status: PLANNING		
Client:	Mrs Oliver	
Project Title:	Outline Planning Application 1 no New Single Storey Dwelling Land Rear of 56 Saxilby Rad, Sturton by Stow	
Drawing Title:	Outline Proposals	
Drawing No:	PL/A1/001 Rev C	
Scale :	As Stated	
Date:	Jul 20	

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Grantham: 01476 520025
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Officers Report

Planning Application No: 141447

PROPOSAL: Outline planning application for 1 no. single storey dwelling with access to be determined and all other matters reserved.

LOCATION: Land to r/o 56 Saxilby Road Sturton-by-Stow Lincoln LN1 2AB

WARD: Stow

APPLICANT NAME: Ms Oliver

TARGET DECISION DATE: 13/10/2020

DEVELOPMENT TYPE: Minor - Dwellings

CASE OFFICER: Martin Evans

RECOMMENDED DECISION: Refuse

This application is reported to planning committee because flood risk and drainage matters are considered to be finely balanced.

Description:

Outline planning permission with access to be determined is sought for the erection of a single storey dwelling. Access would be from Saxilby Road via a private access track.

Matters of layout, scale, appearance and landscaping are all reserved for subsequent approval ("reserved matters")

Access was originally sought to be a reserved matter. However, on the 26th August, the Local Planning Authority requested access details be provided under article 5(2) of the Town & Country Planning (Development Management Procedure) (England) Order 2015 (as amended). The access reserved matter was called in during the course of the application. Vehicular access details are provided.

The site is located within Sturton by Stow and is to the rear of 56 Saxilby Road. The access is shared by other land users to the west and a dwelling.

Relevant history:

None.

Representations:

Sturton by Stow Parish Council: "The Parish Council are concerned that this will increase the risk of flooding in this area which is already well documented."

Residents of 47 Saxilby Road and Meadow Farm make general observations (summary):

- No objection
- A SUDS report should be done as proposal downstream of 141359 so water management needs serious consideration.
- Access is overgrown and in poor condition with narrow usable width making it unsafe for pedestrians and vehicles.
- Track widening is long overdue and welcome but paviour finish is a concern because heavy vehicles use the track. LCC highways must deem the improvements capable of withstanding this.
- Access improvements should be required for the construction phase.

Residents of 45 Queensway object (summary):

- Site is in a hollow and is in a flood area. The site can flood during heavy rain. Anglian Water have said surface water sewers at near capacity.
- Rain comes off the fields and when the drain is full floods 56 Saxilby Road and Queensway. Rain has left voids beneath pavements and bungalows and buildings are sinking and sink holes will be created.
- The proposal will involve land levelling and raising which will increase flooding in Queensway, 56 Saxilby Road and the road itself.

LCC Highways: no objection and recommends two informatives regarding the road not being adopted and works within the highway.

Environment Agency: no comment.

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/local-plan/>

Relevant policies of the CLLP include:

Policy LP1: A Presumption in Favour of sustainable Development

Policy LP2: The Spatial Strategy and Settlement Hierarchy

Policy LP4: Growth in Villages

Policy LP13: Accessibility and Transport

Policy LP14: Managing Water Resources and Flood Risk

Policy LP17: Landscape, Townscape and Views

Policy LP25: The Historic Environment

Policy LP26: Design and Amenity

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

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

The site is not within a Minerals Safeguarding Area, Minerals or Waste site / area. No relevant policies.

National policy & guidance (Material Consideration)

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

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

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

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

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

Draft Neighbourhood Plan (Material Consideration)

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

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

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

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

Sturton by Stow and Stow Neighbourhood Plan

West Lindsey District Council has approved the joint application by Sturton by Stow and Stow Parish Councils to have their parishes designated as a neighbourhood area for the purposes of producing a neighbourhood plan.

The neighbourhood plan group are now working towards the production of the neighbourhood plan. There is no draft presently in circulation that may otherwise be taken into consideration in the determination of this application.

Main issues:

- Principle
- Design and visual impact
- Residential amenity
- Highways
- Archaeology
- Flood risk and surface water drainage

Assessment:

Principle

Policy LP2 designates Sturton by Stow a medium village, and states that: Unless otherwise promoted via a neighbourhood plan or through the demonstration of clear local community support, the following applies in these settlements:

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

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

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

Policy LP4 establishes the total level of % growth for each Medium Village, and further policy requirements in respect of identifying whether a site would be suitable for development. LP4 permits 15% growth in Sturton by Stow. The latest figures available on the Council's website (Monitoring of Growth in Villages – 24/09/20) shows remaining growth of 7 dwellings.

LP4 sets the following sequential test for site development;

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

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

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

The proposal accords with the scale of development of up to 9 dwellings. This is considered to be an appropriate location as defined because it retains core shape and form and does no harm to character and appearance or that of surrounding countryside. There is sufficient remaining growth to accommodate the proposal. This is an infill plot in an appropriate location within the developed footprint of the settlement, as defined, and is therefore within tier one of the sequential test.

The proposal accords with LP2 and LP4. Policies LP2 and LP4 are consistent with the NPPF paragraph 78 requirement for policies to “identify opportunities for villages to grow and thrive” so are attributed full weight. The principle of development is acceptable.

Design and visual impact

Policy LP17 and LP26 require all development must achieve high quality sustainable design that contributes positively to local character, landscape and townscape, and supports diversity, equality and access for all. Section 12 of the NPPF seeks to achieve well-designed places. LP26 is consistent with the NPPF and given full weight.

As scale and appearance are reserved, these matters are to be addressed in detail at reserved matters stage but there is no inherent conflict envisaged because the site is garden land. The access track improvements are adjacent to some large trees but the intervening drainage channel will have prevented root spread such that no harm to trees would arise.

Residential amenity

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

from, or being adversely affected by, unacceptable levels of soil, air, water or noise pollution or land instability and can be attached full weight.

The indicative layout shows a 19m gap is possible between the north facing elevation and the bungalows to the north. A gap of 25m to 56 Saxilby Road is possible. The garden land to the south would not be harmfully overlooked and 58 Saxilby Road would be screened to some extent by intervening its outbuildings.

Whilst, scale and layout are reserved matters, it is considered that the site can ably accommodate an appropriately scaled property without undue harm to neighbouring amenity.

The impact on residential amenity is acceptable in accordance with Policy LP26.

Highways

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

Access was requested to be considered as part of this application and the proposal now demonstrates an improved 4.15m wide by 10m long area adjacent the highway can be achieved to allow two vehicles to pass each other in the interests of highway safety and convenience. LCC Highways raises no objections with the proposal. There is not considered to be a need to secure this during the construction phase but it can be secured before occupation of the dwelling via condition.

It is considered the proposal provides safe access and sufficient vehicle parking space. The proposal accords with Policy LP13 and the highway impacts are acceptable.

Archaeology

LCC Archaeology has not responded to consultation.

Flood risk and surface water drainage

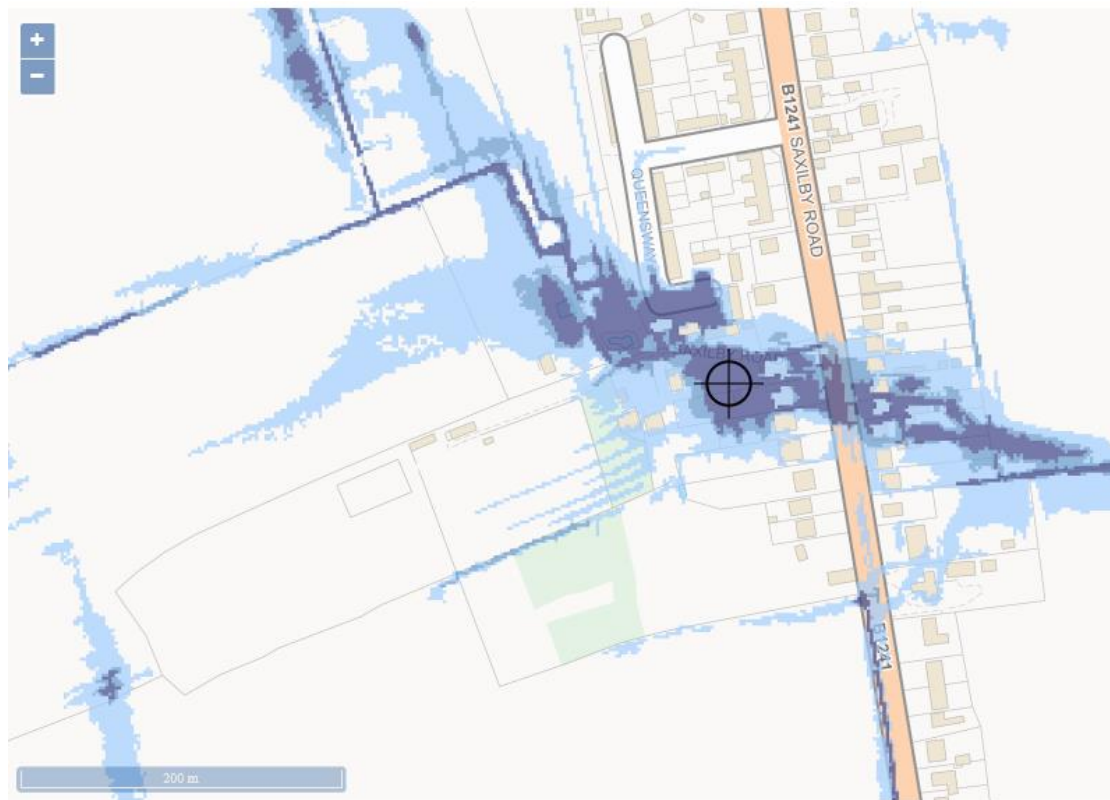
Policy LP14 requires proposals demonstrate that they have incorporated Sustainable Drainage Systems (SuDS) in to the proposals unless they can be shown to be impractical whereas NPPF Paragraph 165 requires this for only major developments. However, there is general consistency in requiring developments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

full weight. The CLLP requires the NPPF flood risk sequential test is carried out which is inherently consistent.

Inappropriate development in areas at risk of flooding should be avoided by directing development away from areas at highest risk. The aim of the sequential test is to steer new development to areas with the lowest risk of flooding. Development should not be allocated or permitted if there are reasonably available sites appropriate for the proposed development in areas with a lower risk of flooding. The strategic flood risk assessment will provide the basis for applying this test. The sequential approach should be used in areas known to be at risk now or in the future from any form of flooding.

The site is at low risk from river or sea flooding and accordingly falls within flood zone 1 (low probability - Land having a less than 1 in 1,000 annual probability of river or sea flooding).

However, the Environment Agency's Flood Map for Planning (<https://flood-map-for-planning.service.gov.uk/>) indicates the site is at high risk of surface water flooding.



Extent of flooding from surface water

● High ● Medium ● Low ○ Very low ⊕ Location you selected

However, that mapping system states “Flooding from surface water is difficult to predict as rainfall location and volume are difficult to forecast. In addition, local features can greatly affect the chance and severity of flooding.”

The applicants flood risk assessment author has provided an Environment Agency document entitled “Risk of Flooding from Surface Water” dataset documentation dated May 2016 which states “It is not suitable to be used:... to identify if an individual property will, or will not flood”

The same EA document states “How reliable are the surface water results? The results should not be used to understand flood risk for individual properties. In some places the results should only be used for high level risk assessments – comparing risk between towns and counties – whilst in other places the results are more reliable and can be used to understand risk at street level.”

It is considered that the published high level flood data shows there is a risk of surface water flooding in the area on and around the application site.

Given the indication of some flood risk potential on site, it was considered necessary to require a site specific flood risk assessment. Two FRA’s have been received. The FRA received 18/8/2020 states:

“There is a small ditch to the north of the site that during periods of heavy rainfall could fill with surface water, however due to the topography of the surrounding land, gravity would take any overflow from this ditch away from the site. Information provided suggests that there is a high risk of this, however, following discussions with the host dwelling owner and adjacent landowner, it is believed that the ditch overflowed during periods of excessive rain in 2019 but the actual application site or the access not affected. The applicant has been resident adjacent to the site for in excess of 30 years and none of the adjacent properties have flooded.”

And:

“8.0 Off Site Impact

The proposed development is not on the active flood plain and would not reduce storage capacity. The proposed development will increase the area of hard standing on the site, however with a suitable drainage system and the incorporation of purpose built attenuation, the risks of any potential surface water flooding can actually be reduced.”

There is also reference to flood risk potential on the site in representations received.

The NPPF states “163. When determining any planning applications, local planning authorities should ensure that flood risk is not increased elsewhere. Where appropriate, applications should be supported by a site-specific flood-risk assessment. Development should only be allowed in areas at risk of flooding where, in the light of this assessment (and the sequential and exception tests, as applicable) it can be demonstrated that:

(a) within the site, the most vulnerable development is located in areas of lowest flood risk, unless there are overriding reasons to prefer a different location;

- (b) the development is appropriately flood resistant and resilient;
- (c) it incorporates sustainable drainage systems, unless there is clear evidence that this would be inappropriate;
- (d) any residual risk can be safely managed; and
- (e) safe access and escape routes are included where appropriate, as part of an agreed emergency plan.”

There are no lower risk areas on site apparent. Flood resilience and resistance measures are incorporated. Drainage matters could be secured by condition. Residual risk is safely managed. The finished floor level would allow residents to stay in the dwelling in the event of a flood or they could go to the main road where risk is low. The second flood risk assessment received 23/9/2020 considers the site level to be 13.0mAOD with a potential flood depth of 13.3mAOD and a proposed finished floor level of 14mAOD which is 0.70m above the surface water flood level. Paragraph 3.3 of the second FRA states:

“The proposed dwelling will not affect any surface water flow route, but the raising could displace flood water. Only the footprint of the dwelling will be raised which is 120m² and with a flood depth of 0.30m gives a displaced volume of 36m³. The area of the surface water flooding adjacent to the proposed dwelling is approximately 1,920m² less the dwelling footprint leaves an area of 1,800m². The displaced volume of 36m³ over the area of 1,800m² would see an increase in flood depth of 20mm, which can be considered as insignificant, particularly given the indicative nature of the information on the maps.”

Given the indicated high risk of surface water flooding on gov.uk mapping it is reasonable to expect that, in order to pass the flood risk sequential test, the flood risk assessment demonstrates the site is not at risk of flooding. It does not do this.

The FRA demonstrates an increased flood risk for surrounding residential dwellings, most of which are bungalows, of approximately 20mm. This is in direct conflict with paragraph 136 of the NPPF which requires “When determining any planning applications, local planning authorities should ensure that flood risk is not increased elsewhere” and CLLP Policy LP14 which requires “development proposals should demonstrate:....b. that there is no unacceptable increased risk of flooding to the development site or to existing properties”.

It is considered the proposal would also fail the sequential test because Sturton by Stow is at low risk (flood zone 1) of river and sea flooding and only small parts of the settlement are indicated to be at medium or high risk of surface water flooding. It can only be concluded there are ample sites within the village to accommodate additional dwellings that are at lower risk of flooding than the application site. The proposal is contrary to LP14 and the NPPF.

Conclusion and recommendation

The development is acceptable in principle with regard to Policies LP2 and LP4. It will be possible to secure an appropriate design that has an acceptable impact on residential amenity and visual amenity. Access matters are acceptable subject to condition. The flood risk assessments do not disprove the gov.uk mapping indication of high risk of surface water flooding in this area and confirm the indicative footprint of the dwelling would displace sufficient flood water to exacerbate flood depths by 20mm for adjacent dwellings, many of which are bungalows. It is considered the proposal fails the flood risk sequential test because the vast majority of the settlement is at lower risk of flooding and alternative sites could accommodate the proposal. It is recommended that outline planning permission is refused for the following reason:

The flood risk assessments do not disprove the gov.uk mapping indication of high risk of surface water flooding in this area and confirms the indicative footprint of the dwelling would displace sufficient flood water to exacerbate flood depths by 20mm for adjacent dwellings, many of which are bungalows. It is considered the proposal fails the flood risk sequential test because the vast majority of the settlement is at lower risk of flooding and alternative sites could accommodate the proposal. The proposal is contrary to Policy LP14 of the Central Lincolnshire Local Plan and the provisions of the NPPF.

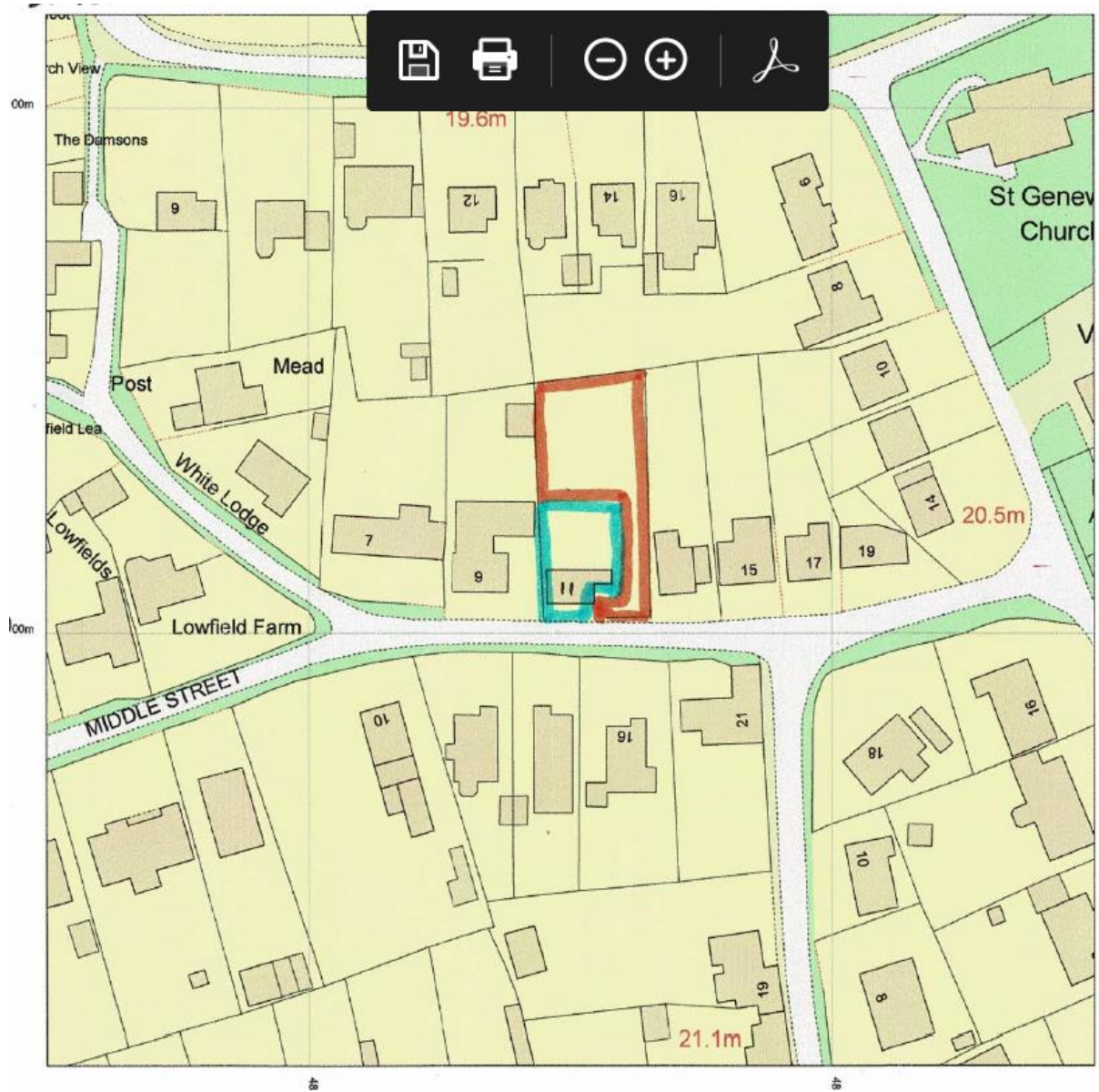
Human Rights Implications:

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

Agenda Item 6c



Officers Report

Planning Application No: 141637

PROPOSAL: Outline planning application to erect 1 no. bungalow with access and layout to be considered and not reserved for subsequent applications - resubmission of 140488

LOCATION: Land off Middle Street Scotton Gainsborough DN21 3RA
WARD: Scotter and Blyton

WARD MEMBER(S): Cllr Rollings, Cllr Clews and Cllr M Snee
APPLICANT NAME: Ms J Smith

TARGET DECISION DATE: 04/11/2020
DEVELOPMENT TYPE: Minor - Dwellings
CASE OFFICER: Vicky Maplethorpe

RECOMMENDED DECISION: Refuse permission

This application has been referred to the Planning Committee, following third party comments both in support and opposition, and claims that it would comply with the Neighbourhood Plan.

Description: The application site comprises a detached cottage located within Scotton. The site is surrounded by other residential dwellings.

The application is a resubmission of a previously refused application for outline permission for 1 bungalow with access and layout to be considered. The application varies slightly from that previously refused. The changes are; the moving of the access to the east side of the site and the location of the detached garage and driveway for the new dwelling to the north east of the application site.

Matters to be considered with this application are access and layout, with matters of appearance, landscaping and scale reserved for subsequent approval ('reserved matters').

Relevant history: 140488 - Outline planning application to erect 1 no. bungalow with access and layout to be considered and not reserved for subsequent applications, Refused 6/3/20. Refusal reason:

'The depth of development on Middle Street is predominately one dwelling on the road frontage. The proposal would introduce a detached dwelling on land behind No 11. This would be in stark contrast to the linear character of this part of the settlement. As a result the proposed siting of a new dwelling would introduce a pattern of built development that would be discordant to, and have an adverse effect on, both the immediate surroundings and the wider landscape character contrary to policy LP26 of the Central Lincolnshire Local Plan and the provisions of the National Planning Policy Framework.'

Representations:

Chairman/Ward member(s): Cllr Rollings 'I have visited the proposed site at the request of the applicant and I must say that I really did feel that a bungalow would fit very well into this location and not in any way be out of keeping with the environment. The maps attached are slightly misleading as they do not give a realistic impression of the scale of the building that sits in the garden next to the proposed plot. This building is a large, tall building that could easily become a dwelling. A building positioned next to this building would not be out of place. Added to this, Scotton is a village that has lots of roads that cross over each other with houses of varying sizes. A bungalow such as the one proposed would not be out of place here. The garden is very big and the bottom section, which does very much feel like a building plot is unused and already separated from the rest of the garden nearest the house by an established hedge. The plot can easily be accessed by the creation of a driveway from Middle St. I can think of many other larger developments in the ward, that are accessed by narrower entrance driveways. In respect of the access, most of the properties on Middle St do not have space to turn and require drivers to drive in and reverse off. In this case there is no reason why turning space could not be created next to the proposed property. Middle St is a very small narrow road. I don't believe that vehicles moving in and out of this property would cause any problem.

The Scotton Neighbourhood plan has identified that the village needs more smaller houses and bungalows suitable for older people wishing to downsize whilst remaining in the village. I believe that this property would meet this need. Due to the national housing shortage, I would ask that if officers are minded to recommend refusal on this application that the application is referred to the planning committee.'

Scotton Parish Council: 'The Parish Council raised concerns about application number 140488 and objected due to the reasons given below. The resubmission application 141637 does not appear to have addressed these concerns. The Parish Council wishes to stand by previous comments made on the original application and asks for these concerns to be considered when re-examining resubmission 141637.

1. Sewerage

The new build would need to apply to Severn Trent for connection to the sewerage system. Any new build should demonstrate how additional surface runoff would be channelled and that existing provision would not overwhelm the existing sewage system. Flooding of the main sewer could result in contamination of water sources with wastewater (dark water).

2. Privacy & light

There are concerns with the proximity to the adjoining property, risks of being overlooked and reasonable access to light.

3. The Parish Council concurs with the decision made by Lincolnshire County Council previously and feels it is still relevant to the resubmission.

3. Vehicular access The development would not appear to allow cars to turn safely in the drive and would cause vehicles to reverse onto oncoming traffic.'

Local residents: 2 letters received from neighbouring properties. No 13, Middle Street 'We are the neighbours of 15 Middle Street and our border wall is the one which will be adjacent to the proposed drive. We have no objection to the development as outlined in the drawing assuming the following conditions are applied:

- The wall between should be repaired and stabilised, as well as raised to 1800mm to maintain privacy. We are concerned that a bungalow in the position planned would easily look into the back of our house and vice versa, as well as cars coming up and down the new drive would flash distracting lights into our living space. An improved wall will mitigate these issues.

- The height of the property should be proportionate to the space and be considerate of any impact on light to our garden. As such we would like a stipulation that the roof pitch angle should be no more than 35 degrees to ensure the height of the bungalow is kept to a minimum.'

No. 15 Middle Street: "The position of the entrance is to be where the existing electric post has a stay wire. A discussion with Northern Grid has already taken place and the 4 metre stay wire can be replaced with a 2 metre wooden outrigger stake on the opposite side to accommodate the new entrance." I have concerns about this as the stay wire/ guy wire is usually positioned to be equal and opposite the tension produced by the conductors so putting the wire the other side wouldn't give the desired tension to keep the post safe. Has a diversion request been made rather than a brief discussion with Northern Grid? If not it may be that the wire may not be able to be moved for it to be safe.'

LCC Highways: No objections, request condition and informatives.

Archaeology: 'The proposed development lies within the historic core of the medieval settlement of Scotton. The village is documented since the 11th century as a relatively large village and today preserves much of its complex medieval morphology developed from two manorial holdings. This site lies on one of the original medieval routes in the village in an area where medieval remains may survive below ground and that would be impacted by new development. Given this, the appropriate level of requirement is a scheme of archaeological monitoring and recording during groundworks.

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 an appropriate condition to enable heritage assets within the site to be recorded prior to their destruction.

Initially I envisage that this would involve monitoring of all groundworks, with the ability to stop and fully record archaeological features.

"[Local planning authorities] require developers to record and advance understanding of the significance of any heritage assets to be lost (wholly or in part) in a manner proportionate to their importance and the impact, and to make this evidence (and any archive generated) publicly accessible." National Planning Policy Framework, section 16, paragraph 199. A brief can be produced by this department which will lay out the details above, and the specification for the work should be approved by this department prior to the commencement of works. Please ask the developer to contact this office for further details.'

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/local-plan/>

Relevant policies of the CLLP include:

LP1: A Presumption in Favour of Sustainable Development

LP2: The Spatial and Settlement Hierarchy

LP3: Level and Distribution of Growth

LP4: Growth in Villages

LP17: Landscape, Townscape and Views

LP26: Design and Amenity

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

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

National policy & guidance (Material Consideration)

- **National Planning Policy Framework (NPPF)**
- <https://www.gov.uk/government/publications/national-planning-policy-framework--2>

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

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

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

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

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).

- **Draft Scotton Neighbourhood Plan**

Scotton Neighbourhood Plan has reached referendum stage at a date to be confirmed. The Government has stated that no neighbourhood plan referendums should be held until May 2021 in response to the COVID-19 situation.

An examination of the plan was carried out by an independent examiner in April/May 2020 by written representations. Subject to a series of recommended modifications set out in their report (see below) the examiner concluded that the examination of the Scotton Neighbourhood Plan had been successful and the plan should proceed to referendum.

West Lindsey District Council has determined that the examiner's recommended modifications to the Scotton Neighbourhood Plan meet the 'basic conditions' as set out in Planning and Compulsory Purchase Act 2004. West Lindsey District Council has agreed with Scotton Parish Council that all of recommended modifications made by the independent examiner be included and revised in the original Neighbourhood Plan in order for it to proceed to public referendum.

Given that neighbourhood plan referendums have been delayed, the Government has updated current planning guidance to set out that where a decision statement (see below) has been made detailing the intention to send a neighbourhood plan to referendum (such as for the Scotton Neighbourhood Plan) that plan can be given significant weight in planning decision-making, so far as the plan is material to the application.

Relevant policies:

Policy 6: Windfall Residential Development

Main issues

- Principle
- Impact on residential amenity
- Impact on character of the area
- Access
- Other matters

Assessment:

Principle

Policy LP2 designates Scotton as a 'Medium Village' within the settlement hierarchy in which unless otherwise supported via a neighbourhood plan or through the demonstration of clear local community support (neither of which apply here), it will accommodate development proposals on sites of up to 9 dwellings in appropriate locations. To qualify as an appropriate location, the site, if developed, would:

- Retain the core shape and form of the settlement
- Not significantly harm the settlements character and appearance; and
- Not significantly harm the character and appearance of the surrounding countryside or the rural setting of the settlement.

However policy LP2 also states that throughout this policy the term 'developed footprint' in a settlement is defined as the continuous built up area of the settlement and excludes;

- a) individual buildings or group of dispersed building 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 the 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.

The site is within the main body of the village and is located within the developed footprint.

Policy LP4 permits 10% growth for Scotton with the remaining growth (as of 13th October 2020) considered to be 13 dwellings. Therefore the proposal would not exceed the anticipated growth. LP4 sets a sequential test for site development as follows;

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

In this case the proposed dwelling would not be infill development as the site is not situated between existing buildings and would not be situated in an otherwise continuous built up frontage within the settlement, the site is part of the rear garden to No.11 Middle Street and residential gardens are classed as greenfield land. As a green field site within the developed footprint, it does not automatically fit into the sequential test hierarchy, but consideration nonetheless needs to be given as to whether this would be an 'appropriate location' under policy LP2.

It is considered that the proposal would go against the established character of the area (residential dwellings with undeveloped rear gardens) by introducing an uncharacteristic form of back land development. The proposed dwelling would look incongruous in the rear garden of the host property in this location and would not retain the core shape and form of Scotton and would harm the settlements character and appearance contrary to policy LP2.

This development also has the potential to set a precedent for further development to the rear of properties in this part of Scotton.

Policy 5 of the draft neighbourhood plan states *'unless demonstrated otherwise, proposals for new residential development to meet the remaining housing requirement will only be supported if it is filling a gap within existing developed footprint of Scotton'* but *'g) where development is being proposed behind or within a gap that is surrounded by existing dwellings, it must not cause unacceptable harm to the occupants of nearby properties.'*

The development would not be 'filling a gap' but would be introducing new residential development within an established garden space area.

In conclusion, it is considered that the introduction of new development within this location, would not be an "appropriate location" under policies LP2 and LP4 of the Central Lincolnshire Local Plan, and would not "fill a gap" under policy 5 of the draft Neighbourhood Plan, which can be given significant 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. The policy also applies to future occupants of development proposals under consideration.

Policy 5 of the draft neighbourhood plan states *'unless demonstrated otherwise, proposals for new residential development to meet the remaining housing requirement will only be supported if it is filling a gap within existing developed footprint of Scotton'* but *'g) where development is being proposed behind or within a gap that is surrounded by existing dwellings, it must not cause unacceptable harm to the occupants of nearby properties.'*

No.13 Middle Street have made comments on the application and have stated in order to maintain privacy and reduce noise and disturbance from vehicles using the new access a 1.8m high wall should be erected, and that the new dwelling should not have a pitch of more than 35 degrees to ensure the bungalow is not overbearing. As the application is for outline consent with only access and layout to be considered it contains limited details regarding the proposed dwellings in terms of scale and appearance. It is considered that the indicative site layout demonstrates the site is capable of accommodating a bungalow with sufficient space for parking, turning a vehicle and external amenity space and that a bungalow could be appropriately designed and positioned on the site to not have a harmful impact on the living conditions of neighbouring dwellings including each other and the host dwelling.

Therefore if it was minded to approve the application a successful reserved matters application could accord with local policy LP26 of the CLLP, policy 5(g) of the draft Neighbourhood Plan, and the provisions of the NPPF. A condition for a bungalow only would be necessary, considering its location and relationship with surrounding properties.

Impact on area

The site forms part of the rear garden of No 11 Middle Street. The north side of Middle Street is characterised by detached houses with large rear gardens. The consistent building line of these dwellings makes a positive contribution to the character and appearance of the area.

The proposal would result in a dwelling being situated behind the main building line. There are no other examples of dwellings set back further than the general building line of dwellings along this section of Middle Street. Such an arrangement would be an incongruous development that would be out of character with the prevailing pattern of development in the area and consequently the development would cause material harm to the character and appearance of the area.

Highways and access

Concerns have been raised by a neighbouring resident regarding highway safety. Access to the site is to be via a new access onto Middle Street. It will be a shared access with the host dwelling. The highways officer has viewed the plans and has no objections to the proposal but requests a condition and informative notes be added to any planning permission.

Other matters

No. 15 Middle Street has raised concerns about the electric pole at the entrance to the site. This is not a material planning consideration. The applicant would need to liaise with the appropriate body regarding any issues with its location.

Conclusion

It is recommended that planning permission is refused for the following reason:

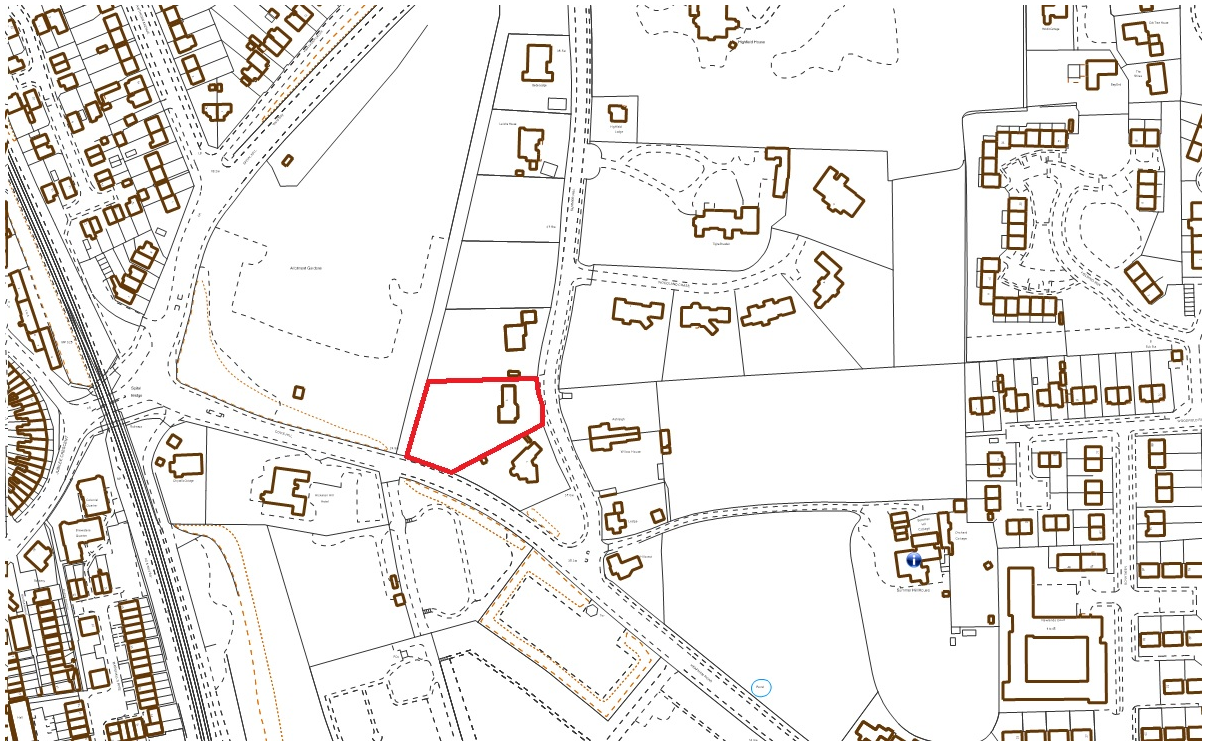
The depth of development on Middle Street is predominately one dwelling on the road frontage. The proposal would introduce a detached dwelling on land behind No 11. This would be in stark contrast to the linear character of this part of the settlement. As a result the proposed siting of a new dwelling would introduce a pattern of built development that would be discordant to, and have an adverse effect on, both the immediate surroundings and the wider landscape character contrary to policy LP26 of the Central Lincolnshire Local Plan, policy 5 of the draft Neighbourhood Plan and the provisions of the National Planning Policy Framework.

Human Rights Implications:

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

Legal Implications:

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



Officer's Report

Planning Application No: 141848

PROPOSAL: Planning application for balcony to west elevation

LOCATION: Summer House 3 Summer Hill Gainsborough Lincolnshire DN21 1HQ

WARD: Gainsborough East

WARD MEMBER(S): Cllr D Dobbie, Cllr T Davies, Cllr M Devine.

APPLICANT NAME: Mr Peck

TARGET DECISION DATE: 15/12/2020

DEVELOPMENT TYPE: Householder Development

CASE OFFICER: Dan Power

RECOMMENDED DECISION: Grant subject to conditions

Description:

The application is presented to the planning committee as the applicant is from the immediate family of an officer of the Council.

The application site comprises of a two storey detached property located within the settlement of Gainsborough. The property is set back to the west of Summer Hill road, with a parking area to the front and a garden to the rear. The character of Summer Hill is mainly residential, comprising of detached two storey dwellings.

This application seeks planning permission for a balcony to the western elevation of Summer House. The balcony would replace an existing Juliet balcony and would project 1.5 metres with a width of 2.6 metres.

Relevant history:

No relevant planning history

Representations:

Chairman/Ward member(s):	No comments have been received
Parish Council Meeting:	No comments have been received
Local residents:	One letter of comments has been received with no objection to the proposal.
LCC Highways/Lead Local Flood Authority:	No comments have been received

Relevant Planning Policies:

National guidance	National Planning Policy Framework National Planning Practice Guidance
Local Guidance	Central Lincolnshire Local Plan (2012 -2036):

	<p>LP1: A Presumption in Favour of Sustainable Development LP17: Landscape, Townscape and Views LP26: Design and Amenity</p> <p>With consideration to paragraph 213 of the National Planning Policy Framework (February 2019) the above policies are consistent with the NPPF (February 2019).</p>
Neighbourhood Plan:	<p>The Gainsborough Neighbourhood Plan is currently at examination stage which is being undertaken by an independent examiner. The examiner will consider all representations received from consultation on the final plan submitted and they will scrutinise the plan against relevant legislation. When completed, the examiner will produce an examination report that may propose modifications to the Plan. The examiner will also recommend whether they feel the Plan should proceed to a public referendum. Relevant policies of the draft neighbourhood plan:</p> <p>NPP5 Protecting the Landscape Character NPP 6 Ensuring High Quality Design</p>

POLICY LP26 – Design and Amenity	
Is the proposal well designed in relation to its siting, height, scale, massing and form?	Yes. This application proposes to change a Juliet balcony to a projecting balcony to the west elevation. The balcony would project 1.5 metres from the rear of the property at first floor, with a platform at 3 metres in height. The proposal would be a small addition to the rear of the property and would appear subservient to the host dwelling.
Does the proposal respect the existing topography, landscape character, street scene and local distinctiveness of the surrounding area?	Yes. The proposal would not be expected to have a detrimental impact on the street scene due to its size and location.
Does the proposal harm any important local views into, out of or through the site?	No. There are no recognised important views within this location.
Does the proposal use appropriate materials which reinforce or enhance local distinctiveness?	Yes. The balcony would be constructed from steel, finished in black powder coated.
Does the proposal adversely affect the residential amenity of neighbouring properties by virtue of overlooking, overshadowing, loss of light or over dominance?	No. Due to the projection and position of the balcony in comparison to the neighbouring dwelling, it is not considered the proposal would result in significant overlooking.
Does the proposal adversely impact any existing natural or historic features?	No.

Other considerations:	
Does the proposal enable an adequate amount of private garden space to remain?	Yes
Does the proposal enable an adequate level of off street parking to remain?	Yes

Conclusion and reasons for decision:

The decision has been considered against policy LP1: A Presumption in Favour of Sustainable Development, LP17: Landscape, Townscape and Views and LP26: Design and Amenity of the Central Lincolnshire Local Plan in the first instance and guidance contained within the National Planning Policy Framework, National Planning Practice Guidance and the National Design Guide. In light of this assessment it is considered that the proposal will not harm the character and appearance of the street-scene or the dwelling, nor the living conditions of neighbouring occupiers. As such subject to the recommended conditions the proposal is considered acceptable and recommended for approval.

RECOMMENDATION: Grant permission subject to conditions**Conditions stating the time by which the development must be commenced:**

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

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

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

2. With the exception of the detailed matters referred to by the conditions of this consent, the development hereby approved shall be carried out in accordance with the following drawing: Site Location Plan, Elevations 10/20 RP, Floor Plans 10/20 RP received 2 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.

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

3. The balcony hereby approved shall be finished in the colour black, unless otherwise approved in writing by the Local Planning Authority.

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

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

None.

Human Rights Implications:

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

Legal Implications:

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

Agenda Item 6e



Site Location Plan (11/20/2024)

Officer's Report

Planning Application No: 141726

PROPOSAL: Planning application for removal of prefabricated double garage and construction of double garage with additional habitable space/games room above - resubmission of previously approved permission 140242

LOCATION: 12 Ulster Road Gainsborough Lincolnshire DN21 2QX

WARD: Gainsborough North

WARD MEMBER(S): Cllr M Boles, Cllr K Panter and Cllr J Snee

APPLICANT NAME: Mr M Clarkson and Miss C Mountcastle

TARGET DECISION DATE: 03/12/2020

DEVELOPMENT TYPE: Householder Development

CASE OFFICER: Vicky Maplethorpe

RECOMMENDED DECISION: Refuse permission

Description:

The application site comprises a detached house with detached double garage located within Gainsborough.

The site slopes up from the road to the rear of the site.

The site is surrounded by residential dwellings with a railway line directly to the rear.

The application seeks to replace the existing double garage with a new brick and tile double garage with games room in the roof space.

The application is presented to committee as the applicant is an employee of the Council.

Relevant history:

140242 - Planning application for removal of prefabricated double garage and construction of double garage with additional habitable space/games room above, GC, 6/2/20.

Representations:

Chairman/Ward member(s):	None received
Parish/Town Council/Meeting:	No objections
Local residents:	3 letters of support received from 10, 11 and 14 Ulster Road.
LCC Highways/Lead Local Flood Authority:	No objections

Archaeology:	None received
Network Rail:	No objections
IDOX:	Checked 20/11/20

Relevant Planning Policies:	
National guidance	<p>National Planning Policy Framework https://www.gov.uk/guidance/national-planning-policy-framework</p> <p>Planning Practice Guidance https://www.gov.uk/government/collections/planning-practice-guidance</p>
Local Guidance	<p>Central Lincolnshire Local Plan 2012-2036 (CLLP); Policy LP1: A Presumption in Favour of Sustainable Development Policy LP17: Landscape, Townscape and Views Policy LP26: Design and Amenity https://www.n-kesteven.gov.uk/central-lincolnshire/local-plan/</p>
Neighbourhood Plan:	<p>Gainsborough Town Neighbourhood Plan</p> <p>Gainsborough Town Council has formally submitted its Neighbourhood Plan and supporting documents for consideration as part of the Neighbourhood Plan Regulations 2012 (as amended). https://www.west-lindsey.gov.uk/my-services/planning-and-building/neighbourhood-planning/all-neighbourhood-plans-in-west-lindsey/gainsborough-town-neighbourhood-plan/</p>

POLICY LP26 – Design and Amenity
<p>Is the proposal well designed in relation to its siting, height, scale, massing and form?</p>
<p>The proposed garage measures 7m wide by 10m long and has a ridge height of 6.4m and eaves height of 3.3m.</p> <p>Earlier this year committee approved a garage on site measuring 5.7m to ridge and 3.1m to eaves, planning reference, 140242. The size of the garage was subject to negotiations between the planning officer and agent in order to reduce its size. The approved plans were considered to be a better design than this proposal and would result in a less visually obtrusive structure in the street scene.</p> <p>The current application seeks permission for a larger garage than that approved under application 140242. It is considered that the 0.7m increase in ridge height and 0.2m increase in eaves height above that already approved on the site results in an over dominant feature within this residential area.</p>

Due to its size, scale and massing the proposed garage will be visually obtrusive and does not relate well to its surroundings or to the host dwelling. This will result in harm to the street scene contrary to the NPPF and policies LP17 and LP26 of the Central Lincolnshire Local Plan.

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

It is appreciated that the garage is set back 16m from the road, however due to its size, scale, design and massing it will still be a prominent feature within the street scene.

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

No.

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

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

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

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

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

No.

Other considerations:

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

Yes.

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

Yes.

Good Design

The National Planning Policy Framework in Chapter 12 – Achieving Well Designed places states that the creation of high quality buildings and places is fundamental to what the planning and development process should achieve. In paragraph 130 it goes on to state ‘Permission should be refused for development of poor design that fails to take the opportunities available for improving the character and quality of an area and the way it functions.’ In this instance, the proposals would create a discordant design in the landscape which would detract from the design of the host dwelling and the street scene contrary to the NPPF and policies LP17 and LP26 of the Central Lincolnshire Local Plan.

Conclusion and reasons for decision:

The decision has been considered against policies LP17: Landscape, Townscape and Views and LP26: Design and Amenity of the adopted Central Lincolnshire Local

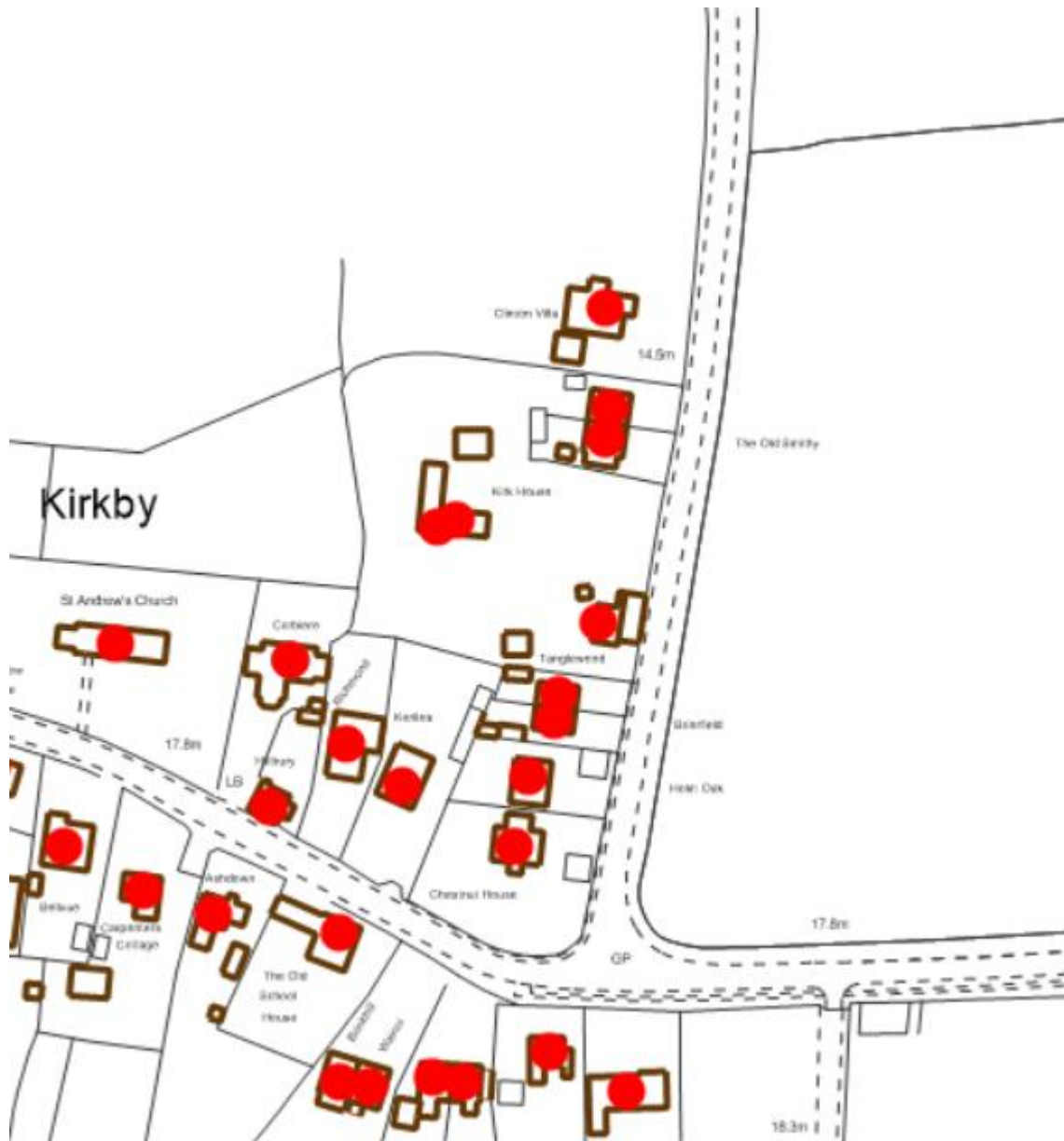
Plan, and guidance contained within the National Planning Policy Framework. In light of this assessment it is considered that due to its size, scale, design and massing the proposed garage will be visually intrusive. It will have a negative impact on the host dwelling and detract from the character and appearance of the street scene.

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.



Officer's Report

Planning Application No: 140997

PROPOSAL: Planning application to erect extension(s) to existing dwelling

LOCATION: Clinton Villa Owersby Bridge Road Kirkby Cum Osgodby Market
Rasen LN8 3PE

WARD: Market Rasen

WARD MEMBER(S): Cllr JC McNeill, Cllr Bunney and Cllr Mrs CE McCartney

APPLICANT NAME: Mr and Mrs Hodges

TARGET DECISION DATE: 07/07/2020

DEVELOPMENT TYPE: Householder Development

CASE OFFICER: Joanne Sizer

RECOMMENDED DECISION: Grant permission subject to conditions.

Description:

The application site is located on the northern edge of Kirkby village. It hosts a detached bungalow and garage set within a generous garden and allows for off road parking provision. Boundary treatments consist of a wall with railings and gate to the front eastern aspect, an open boundary to the north and a row of substantial conifer trees to the west. The south boundary consists of an approximate 1.8 metre close boarded fence to the front aspect and informal planting to the garden area section of the site. Other residential properties (bungalows) sit to the south while a Grade II listed building is located to the South West (Kirk House). Open countryside sits to all other aspects.

This application seeks permission to erect extensions to the rear and south side of the dwelling and includes the removal of the existing detached garage. The proposals have been amended and relate to details submitted on 06th October 2020. The application is referred to planning committee for determination due to material considerations relating to impact upon residential amenity being considered as finely balanced.

Relevant history:

CR/30/52 – Erect bungalow – Outline Consent granted
CR/64/52 – Erect Bungalow – Planning Permission Granted
96/P/0465 – Erect detached double garage – Granted Conditionally 08/96
M04/P/0645 – Erect single storey rear extension, bay window and chimney stack – Granted Conditionally 07/20004

Representations:

Chairman/Ward member(s):	None received
Osgodby Parish Council	13/10/20 – My council has no comment on the proposed amendment. 18/05/20 - My Council has the following no objections to make on the proposal
Local residents:	1 The Old Smithy – 21/10/20 and 26/10/20 – Concerns relating to

amenity and Character which are summarised below:

- Windows on the south elevation will overlook my home and my neighbours.
- The workshop being provided is substantial in size and raises concerns about what it will be used for and the potential for noise that could be generated. The noise generated from this room due to its close proximity to the boundary and windows serving it will impact upon living conditions and amenity.
- The rear extension running along the south side elevation will extend 1.2 metres higher than the fence and therefore dominate the view out of mine and my neighbours gardens; having a harmful impact.
- Based on the Heritage officers previous comments a heritage statement should be required to assess the impact on the listed buildings.
- While the extension has been reduced in size the overall design is still at odds with the character of the village. The mix of materials will make it more visible and have a harmful effect on the rural setting and character of the village.

Previous comments received – 03/06/20 - 19/06/20 raised concerns and objections relating to residential and visual amenity and summarised below:

- Extension built up to the boundary and visible above the boundary fence.
- It will dominate the view over our gardens and from inside our homes and impact upon our living conditions.
- The extension will also result in loss of light.
- The six roof lights on the south elevation and proposed balcony will cause overlooking to our garden areas and homes.
- The extension is at odds with the form and design of the existing bungalow and character of the area.
- The increase in the size of the dwelling will make it more prominent from the north as with the white finish render. This will be harmful to the rural setting and approach to the village.
- The application does not comply with Local Plan Policies as the height, scale and massing is at odds with the character of the village. It does not therefore improve or enhance the setting of the village.

2 The Old Smithy - 02/11/20 raises concerns in relation to character and amenity. These are summarised below:

- The three windows on the south elevation will be above the boundary fence and result in overlooking.
- The top of the flat roof extension is 1.2 metres above the

	<p>current fence on the southern boundary and will impact upon the view from my garden and from the front door in a detrimental way.</p> <ul style="list-style-type: none"> • The workshop being provided is substantial in size and raises concerns about what it will be used for and the potential for noise that could be generated. The noise generated from this room due to its close proximity to the boundary and windows serving it will impact upon living conditions and amenity. The use of a planning condition to control its use and the ability to open the windows? • The proposals as a whole will have a negative impact upon my living conditions. <p>Previous comments made on 18/06/20 raised concerns in relation to the accuracy of the Parish Council response and objections in relation to design character and appearance of materials. They are summarised below:</p> <ul style="list-style-type: none"> • The response from the parish council is not correct in saying they have no objections and it is more accurate to say that due to the current circumstances no opinion was received. • The development does not comply with Local Plan or Neighbourhood Plan Policy in relation to Scale/Height. It is out of character to the dwellings to the roadside dwellings on the northern edge of the village. • The materials do not match the character of the nearby dwellings which are all brick built with smallish windows. • The location, scale and form of the extension will be overbearing and have an oppressive impact. • The extension would have an impact on important views into the village and of nearby listed buildings. • The solar panels would have an impact upon residential amenity through visual appearance and reflection. • The extension would lead to loss of light • The noise from the use of the garage element of the extension is concerning. • Overlooking and loss of privacy from the skylights.
LCC Highways/Lead Local Flood Authority:	12/10/20 – I confirm that our comments remain the same. 29/05/20 – Does not wish to restrict the grant of planning permission.
Archaeology:	None received.
Conservation Officer:	22/11/20 - Thank you for the consultation on proposals to extend Clinton Villa. I am pleased to note that much of much of my original advice has been utilised to ensure that the setting of Kirk House and the parish church, and how these settings are experienced, will not be harmed as a result of the revised proposals.

	22/06/20 - Thanks for consulting me on the above application. I visited the site and its environs to consider the possible impact on the setting of Kirk House (grade II listed) and the Church of St. Andrew. I would advise that there would be a harmful impact on the setting of Kirk House, not only as seen from the road. Also, I believe there would be a harmful impact from views out of Kirk House and its garden and how this is experienced, from the proposed development. No heritage statement has been supplied with this application. Also, there are glimpsed views of the church tower seen from the drive entrance of Clinton Villa which may also be impacted by the proposal.
Comments from the applicant:	<p>Receive on 09/11/20 and summarised below:</p> <ul style="list-style-type: none"> • The windows on the South elevation will be frosted. • The height of the extension bordering the south elevation is lower than the existing garage roof and will improve views. • The workshop is for domestic/hobby use and is in a similar position to the existing garage. It will be double skin with insulation which is not the case of the existing garage which also has large open garage doors.
IDOX:	Checked 20/11/2020

Relevant Planning Policies:	
National guidance	<p>National Planning Policy Framework National Planning Practice Guidance</p> <p>https://www.gov.uk/government/publications/national-planning-policy-framework--2</p>
Local Guidance	<p>Central Lincolnshire Local Plan (2012 -2036):</p> <p>LP1: A Presumption in Favour of Sustainable Development LP17: Landscape, Townscape and Views LP25: The Historic Environment LP26: Design and Amenity</p> <p>https://www.n-kesteven.gov.uk/central-lincolnshire/local-plan/</p>
Neighbourhood Plan:	<p>Osgodby Neighbourhood Plan</p> <p>Policy 4 Design and Character of Development</p> <p>Osgodby Character Appraisal: Kirkby Village 1980-present: Some Houses, some bungalows, some detached, some semi-detached, all brick built, roofed with concrete tiles. All set back from the roadway with gardens and driveways for off road parking; windows and doors mostly upvc.</p> <p>https://www.west-lindsey.gov.uk/my-services/planning-and-building/neighbourhood-planning/all-neighbourhood-plans-in-</p>

POLICY LP17 and LP26 of the CLLP and Policy 4 of the Osgodby Neighbourhood Plan

Is the proposal well designed in relation to its siting, height, scale, massing and form? Do they relate to neighbouring buildings and character and appearance of the village as a whole? Does the proposal respect the existing topography, character of the street scene and local distinctiveness of the surrounding village? Are boundaries and boundary treatments appropriate to the character of the village? Does the proposal harm any important local views into, out of or through the site, the village and wider landscape? Does the proposal use appropriate materials which reinforce or enhance local distinctiveness? Do the walls and roofs reflect the locality?

The Kirkby section of the Neighbourhood Plan Character appraisal states that the village is formed of Some Houses, some bungalows, some detached, some semi-detached, all brick built, roofed with concrete tiles. All set back from the roadway with gardens and driveways for off road parking; windows and doors mostly upvc.

Concerns have been raised in terms of the design of the extension(s) and materials proposed not being in-keeping with the character of the village. This is not however considered the case when looking at the how the extension will be viewed alongside the existing bungalow and within the wider context forming the character of the area.

The proposed extension(s), as amended, are of a height and scale which reflects that of the existing bungalow when being visually read within the streetscene and alongside the neighbouring properties. Its form and design consists of gable roofed elements which reflects that of the existing bungalow, while the flat roof element which can be seen within the streetscene and from wider views, is proportionate to the existing dwelling. It is noted in this regard that the flat roof element of the proposals do form a large proportion of the extension(s) proposed. However, a majority of this is to the rear of the property and will only be visible from within the rear garden; not therefore impacting upon the character of the property and setting of the village when being viewed from the countryside to the North. The flat roof extension has also been designed this way to ensure that the proposals do not impact upon the setting of the nearby listed buildings.

In terms of materials the proposed development uses a mixture of brick, glass, coloured render and timber cladding; some of which are not seen in the current dwelling or the bungalows sitting directly alongside it. The listed building located to the South West does however have a painted finish and the materials chosen for the scheme do remove the risk of mismatched brickwork, which can often result from not finding an exact brick match and weathering. No specific details are however known in terms of the final materials and a condition to secure them is therefore proposed. With the use of such a condition the chosen materials could be controlled and not be significantly out of character or harmful to it.

In terms of the whole development, consideration must also be given to permitted development rights and what alterations, extensions and outbuildings could be carried out/erected without the need for planning permission. The same principle applies for boundary treatments; with the ability for a two metre fence to be erected around the side and rear boundaries, and offering screening of the site from the wider area.

The development, in line with the above assessment is therefore considered to be of a size, scale and design which is respectful to the character of the dwelling, to that of the area and village, and would not be harmful to the setting of it. The development is therefore considered to be in accordance with Policies LP17 and LP26 of the Central Lincolnshire Local Plan and Policy 4 of the Neighbourhood Plan.

Does the proposal adversely impact any existing natural or historic features? Are trees, hedgerows and verges maintained and landscaping formed of native specimens?

No. The proposals do not adversely impact upon any natural features within the site or impact upon any trees, hedgerows or verges.

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

Concerns have been raised by the occupiers of the two neighbouring bungalows located to the south of the site. Their concerns relate to the visibility/presence of the extension and its impact upon views and living conditions from their home and garden. Resultant overlooking from windows along the south elevation and noise impacts relating to the use of the garage/workshop proposed due to its size, proximity to the boundary and provision of windows facing in their direction.

In terms of visual presence it is important to note that the extent of the neighbouring properties gardens which stops in line with the central outbuilding located in the garden area of No 1 The Smithy. The extension therefore runs down the entire garden boundary of No 2 The Smithy. The proposed extension also results in the dwelling being brought closer to this boundary and set at a distance between 1.45 and 1.9 meters away. The pitched roof element forming the front/side elevations of Clinton Villa will sit in line with the side elevation of No 2 The Smithy and will be visible from the garden area between the house and their shed/garage. This element of the proposed extension measures approximately 4.1 metres in height and then slopes down to an eaves height of approximately 2.5 metres. The flat roof extension then runs into the rear garden at a height of approximately 3 metres for a length of 13.5 metres. All aspects of the side extension will therefore be visible above the separating boundary treatment from the garden areas of No's 1 and 2 The Smithy and will result in a visual change to their outlook. It is nevertheless noted in this respect that the proposals will result in the existing detached garage sitting approximately 2.3-2.5 metres away from the shared boundary to be demolished. The roof of this garage already has a clear presence within the garden area of No 2, measuring approximately 5.1 metres in height and 2.6 metres to the eaves. Its removal and replacement with a lower structure will therefore result in less of a visual impact than the current situation. The presence of the extension and the impact upon the amenity of the neighbouring property therefore relates to the pitched roof element which will be seen between the dwelling of No1 the Smithy and the garage in its garden area. In this regard consideration has to be given to permitted development and the fact that a side extension can be erected up to half the width of the original dwelling, up to 4 metres in height, with an eaves height of 3 metres without needing planning permission. Therefore, although this proposal is not permitted development, a similar extension could be built without the need for planning permission, and weight afforded to this position. It is consequently concluded overall that although the proposed extension does alter the visual outlook from the garden areas of the neighbouring properties, the impact is not unduly harmful.

In relation to impacts from overlooking and loss of privacy through the 3 windows on the

south side elevation, it is noted that the top of these windows are above the height of the existing 1.8 metre boundary treatment but some are positioned adjacent to the garage in No 1 The Smithy's garden. Consequently, the views afforded into the neighbouring properties would be very limited and the windows also only serve secondary living accommodation (garage and workshop). It is therefore concluded that the provision of these windows will not be unduly harmful through loss of privacy and it is not considered reasonable or necessary to use a condition to ensure they are obscurely glazed, as offered by the applicant.

Further objections and concerns have been raised in relation to these windows and the size, proximity and use of the garage for commercial purposes and the potential for noise nuisance arising from it. The applicant has confirmed that the garage is to be used incidentally to the host dwelling, as the existing one is. The size and location of the garage/workshop is also not considered to be too dissimilar to that existing or out of character for domestic purposes. As such a condition to secure its domestic use is not considered necessary, with planning permission being required should certain business uses be proposed or implemented in the future.

The proposals overall are therefore noted to result in some changes between the properties and the relationship they currently share. The impacts from these changes are however not considered to be unduly harmful to the living conditions of the occupiers of the neighbouring properties and the proposals therefore in accordance with LP26 of the Central Lincolnshire Local Plan.

Policy LP25: The Historic Environment (CLLP) and Policy 4 of the Neighbourhood Plan

The application site sits within the setting of Kirk House a grade II listed building and glimpses of the Church can also be seen from the site.

Policy LP25 states that Development proposals should protect, conserve and seek opportunities to enhance the historic environment of Central Lincolnshire. It guides that development proposals that affect the significance of a heritage assets including its setting should undertake a proportionate assessment of significance and impacts. The Policy sets out that Development proposals will be supported where they 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; Promote opportunities to better reveal significance of heritage assets, where possible; Take into account the desirability of sustaining and enhancing non-designated heritage assets and their setting.

Policy 4 states that the way in which development impacts on designated and non-designated heritage assets should be considered.

The proposals as originally submitted raised concerns with the conservation officer who based on these proposals requested an assessment of significance to be undertaken to inform the assessment of significance and impact. Comments from a neighbouring occupier have also raised the lack of information in this regard.

The proposals have however now been amended to remove the extended element which encroached onto the setting of Kirk House and considered to be harmful to its

significance. The proposals in fact have been designed to protect the setting of the listed buildings through the provision of the flat roof element. The size, scale and design of the proposals are now considered to preserve views towards and from the listed buildings and the significance of them protected through appropriate setting. The conservation officer has not raised any concerns with the amended proposals nor the need for further information to be submitted. The proposals are therefore considered to be in accordance with LP25 of the Central Lincolnshire Local Plan and Policy 4 of the Neighbourhood Plan.

Other considerations:

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

Yes.

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

Yes.

Conclusion and reasons for decision:

The proposal has been assessed against policies LP1, LP17, LP25 and LP26 of the Central Lincolnshire Local Plan 2012-2036 as well as Policy 4 of the Neighbourhood Plan and all other material consideration including guidance within the NPPF. As a result of this assessment the proposed extension(s) are considered acceptable in Design and Amenity terms and preserves the setting of the nearby listed building. Consequently grant of permission recommended subject to the following conditions:

Proposed Conditions:

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

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

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

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

None.

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

2. With the exception of the detailed matters referred to by the conditions of this consent, the development hereby approved shall be carried out in accordance with the following drawings: E0324-01, E0324-02, E0324-03, E0324-04, E0324-05, E0324-06 and E0324-07 received 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.

Reason: To ensure the development proceeds in accordance with the approved plans and to accord with Policy LP1, P17, LP25 and LP26 of the Central Lincolnshire Local Plan

2012-2036 as well as Policy 4 of the Neighbourhood Plan.

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

Reason: To safeguard the character of the area and setting of the nearby listed building in accordance with Policies LP17, LP25 and LP26 of the Central Lincolnshire Local Plan and Policy 4 of the Neighbourhood Plan.

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

None

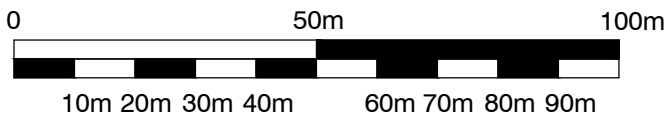
Human Rights Implications:

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

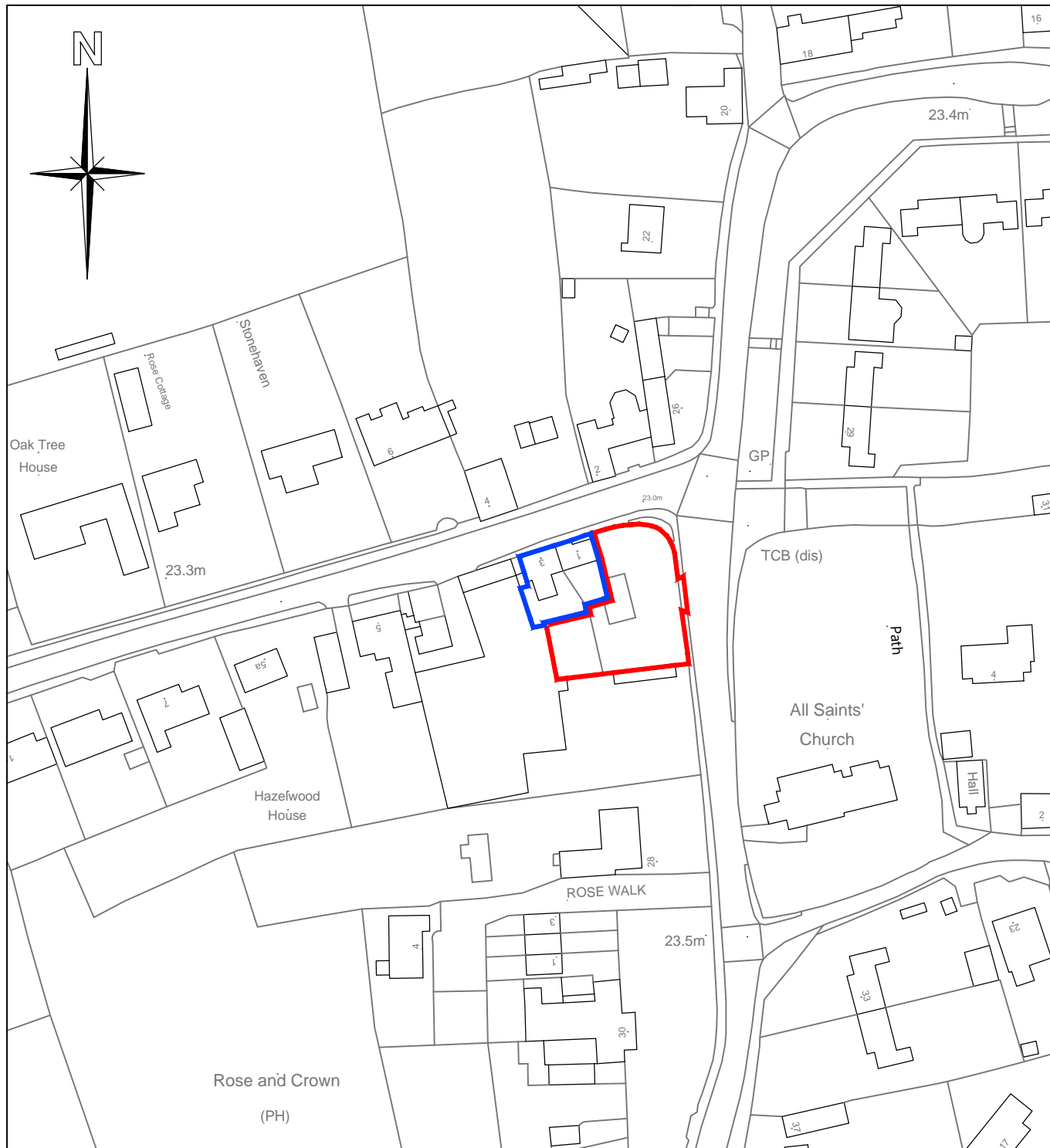
Legal Implications:

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


Scale Bar



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B	Minor amendment to Red/Blue outlines	26-10-20	Drawing: Site Location Plan	 <p>Artech Designs Ltd Architectural Consultants 44 Church Road · Saxilby Lincoln · LN1 2HJ Tel 01522 803382 Mob 07808 815366 martin@artechdesigns.co.uk www.artechdesigns.co.uk</p>
A	Red/Blue outlines amended	04-09-20		
Revision	Description	Date	Status: Planning	
Mr & Mrs S. Crow Residential Development 1 + 3 Padmoor Lane, Upton Gainsborough, Lincolnshire			Scale: 1:1250 @ A4	
			Date: August 2020	
			Drwg. No: 1518C/100	
			Drawn by mdf	

Officers Report

Planning Application No: 141621

PROPOSAL: Planning application to erect 1no. dwelling.

LOCATION: Land adjacent 1 & 3 Padmoor Lane Upton Gainsborough
DN21 5NH

WARD: Lea

WARD MEMBER(S): Cllr Mrs J B Milne

APPLICANT NAME: Mr and Mrs Crow

TARGET DECISION DATE: 11/12/2020

DEVELOPMENT TYPE: Minor - Dwellings

CASE OFFICER: Martin Evans

RECOMMENDED DECISION: Approve subject to conditions

This application is reported to planning committee in light of the finely balanced nature of the planning policy considerations as described below.

Description:

The site is a corner plot located on the junction of Padmoor Lane and High Street. The application site consists of the garage, car parking area and garden area for 1 and 3 Padmoor Lane. There is a business premises directly to the west and south of the application site. Directly opposite on the east side of High Street is the parish Church of All Saints, which is a grade II* listed building. To the south, beyond the business premises, is 28 High Street (grade II listed) and its stable block. To the north is 26 High Street, also grade II listed.

Planning permission is sought to erect one dwelling. The proposal has been significantly amended to move it further west and improve its design.

Relevant history:

M06/P/0052- planning application to erect detached dwelling. Refused 6/4/2006. Appeal APP/N2535/A/06/2009872 dismissed 20/6/2006.

M06/P/0599- planning application to erect detached dwelling. Refused 24/8/2006.

131368- Planning application for erection of 1no. dwelling. Refused 23/7/2014.

Representations:

Upton Parish Council:

“Upton Parish Council wishes to make the following comments in support of the above planning application.

The applicant is a well-respected resident of Upton for over 40 years and has contributed and supported village life. Mrs Crow is part of the family that owned the local blacksmiths Neville Barnes. Their support and contributions has been invaluable to events and organisations in the village. Mrs Crow feels very passionate at wanting to spend her retirement in the village she loves. This new build would allow them to fulfil their dreams, as well as having the space for Mrs Crow to teach the piano. The site for the proposed dwelling is on “Brownfield” land and consideration has been given to the existing buildings and surroundings. This proposal will contribute to the supply of housing in Upton in accordance with the Central Lincolnshire Local Plan. The entrance to the proposed property is from High street an existing access into the rear of the properties for 1 and 3 Padmoor Lane. Parking has been allocated for up to 6 cars for the 3 properties, which is more than adequate.”

Local residents:

Residents of 1A Church Road, Upton; Beaconsfield House, Upton; 2 The Hop Gardens, Willingham by Stow; and The Old Vicarage, 28 High Street, Upton support the proposal (summary):

- Support the proposal
- Concur with the Parish Council
- Allows long standing resident of Upton to enjoy her retirement in the village
- Proposal is in context and scale with the area.
- Design and layout appropriate for the area and similar to others approved. Proposal is an enhancement compared to existing garage
- Use of brownfield land and infill development
- Boundary hedge retention ensures to harm to listed buildings
- No access issues as it is existing and well used with ample parking
- The family have lived in the village for nearly 100 years and have been supportive of the church and community and continue to do so
- Proposal would allow the space to teach music and continue the family tradition
- Additional houses will assist growing infrastructure

WLDC Environmental Protection Officer:

“the requirement for a suitable assessment to consider all aspects of potential nuisance from noise, dust, odour or vibration at the existing engineering works adjacent to the development stands. The assessment should consider the potential for these issues to occur if the business was operated at potential capacity and not just on the current activities which may not be representational of the norm. The assessment should cover any mitigation that may be required to ensure that future occupiers of the dwelling are not

significantly affected by the engineering activities and should be approved by the LPA prior to development commencing.”

WLDC Conservation Officer:

Comments on initial proposal:

“I have visited the site to consider the impact of the proposed development on the setting of the various listed buildings, which are:

1. The Church of All Saints, grade II* listed;
2. 26 High Street, grade II listed;
3. 28 High Street, grade II listed.

Moreover, the list description for all three listed buildings have the letters ‘GV’ which means ‘group value’. Group value is one of the statutory criterion for the listing of buildings. The DCMS Principles of Selection for Listing Buildings states in paragraph 17 that when making a listing decision, the Secretary of State may also take into account:

o Group value: The extent to which the exterior of the building contributes to the architectural or historic interest of any group of buildings of which it forms part, generally known as group value. The Secretary of State will take this into account particularly where buildings comprise an important architectural or historic unity or a fine example of planning (e.g. squares, terraces or model villages or where there is a historical functional relationship between the buildings. Sometimes group value will be achieved through a colocation of diverse buildings of different types and dates.
[https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/757054/Revised Principles of Selection 2018.pdf](https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/757054/Revised_Principles_of_Selection_2018.pdf)

The setting of the three is shared and closely interlinked with an enhanced consideration due to the group values noted. The proposed development in the location proposed would impact on the immediate setting of both 26 and 28 High Street, and the Churchyard would result in harm to this setting. The site as existing has been open for at least 140 years according to old maps. There is a 20th C structure on site but this is single storey and flat-roofed and is not a prominent feature of the site and does not impose on the setting. Policy LP25 of the adopted local plan states:

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.

The proposed development does not protect the significance of these listed building and their shared setting, including views to and from the shared setting of these heritage assets no consideration has been given to the views and vistas towards 28 High Street at all, but instead, are located to block any views in entirety. Also, set between two separate listed buildings, the

development would be an unwelcome intrusion that does not preserve this shared setting, due to its siting, scale, height, mass and design. The proposals fail to meet key criterion of Adopted CLLP Policy LP25.

It is a requirement of the LPA when exercising its planning function to have 'special regard' for the preservation of the setting of a listed building (section 66 of the LB&CA Act 1990). The proposed development does not preserve the shared setting, enhanced by the group value noted on the list descriptions of three listed buildings.

I would advise that any new development must be set back no further forward than the recently approved dwellings on the plot between the site and 28 High Street. The design needs to be improved for a traditional form and locally distinctive materials and details would be required.

Without suitable revisions as noted above, I am unable to offer any support for the application in its current form. Given the above, the only recommendation that can be given is that of refusal. I will be happy to write a supporting statement for any appeal that may arise should this prove necessary (refer to recent successful appeals re setting of listed buildings at nearby Willingham-by-Stow)."

Comments on amended proposal:

"I welcome the revised designs which are much more appropriate to the context and with the correct materials should result in an attractive development. All credit to the designer who has taken on board comments and context and produced a pleasing result. Please can we secure the materials stated as a certainty?"

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." Advice repeated under reconsultation.

LCC Highways:

No objection and recommends two informatives regarding the new access and works within the highway.

LCC Archaeology:

Recommends a scheme of archaeological works.

LCC Minerals and Waste:

"It is considered that having regard to the scale, nature and location of the proposed development, the applicant has demonstrated that in accordance with the criteria set out in policy M11 prior extraction of the mineral would be

impracticable and the site is of a minor nature which would have a negligible impact with respect to sterilising the mineral resource. Accordingly, the County Council has no safeguarding objections.”

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/local-plan/>

Relevant policies of the CLLP include:

Policy LP1: A Presumption in Favour of Sustainable Development

Policy LP2: The Spatial Strategy and Settlement Hierarchy

Policy LP4: Growth in Villages

Policy LP13: Accessibility and Transport

Policy LP14: Managing Water Resources and Flood Risk

Policy LP17: Landscape, Townscape and Views

Policy LP25: The Historic Environment

Policy LP26: Design and Amenity

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

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

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

National policy & guidance (Material Consideration)

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

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

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

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

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

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

Draft Neighbourhood Plan (Material Consideration)

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

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

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

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

Upton and Kexby Parishes Neighbourhood Plan

West Lindsey District Council has approved (14/11/2019) the joint application by Upton and Kexby Parish Councils to have their parishes designated as a neighbourhood area for the purposes of producing a neighbourhood plan. The neighbourhood plan group are now working towards the production of the neighbourhood plan. There is no draft to consider.

Other

Statutory test

The Planning (Listed Buildings and Conservation Areas) Act 1990 states:

“66 General duty as respects listed buildings in exercise of planning functions.
(1) 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.”

Main issues

- **The principle of development**
- **Design and heritage impacts**
- **Residential amenity**
- **Highways**
- **Flood risk and drainage**

Assessment:

The principle of development

The site is in a Sand and Gravel Minerals Safeguarding Area and policy M11 of the Core Strategy applies. A minerals assessment has been submitted. LCC Minerals and Waste consider the proposal would have negligible impact on minerals resources and raise no safeguarding objection. The impact on minerals is acceptable in accordance with Policy M11.

Upton is designated a small village by Policy LP2 which states:

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

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

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

*“** throughout this policy, the term ‘appropriate locations’ means a location which*

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

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

*“**** throughout this policy and Policy LP4 the term ‘demonstration of clear local community support’ means that at the point of submitting a planning application to the local planning authority, there should be clear evidence of local community support for the scheme, with such support generated via a thorough, but proportionate, pre-application community consultation exercise. If, despite a thorough, but proportionate, pre-application consultation exercise, demonstrable evidence of support or objection cannot be determined, then there will be a requirement for support from the applicable Parish or Town Council. If an applicant is in doubt as to what would constitute a ‘thorough, but proportionate, pre-application consultation exercise’, then the applicant should contact the applicable local planning authority.”*

Policy LP4 permits 10% growth in Upton with the “West Lindsey District Council– Monitoring of Growth in Villages – 19/11/2020 table available on the Council’s website indicating no growth remains.

Policy LP4 states:

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

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

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

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

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

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

The proposed new dwelling complies with the scale of development permitted by Policy LP2. This is an infill plot in an appropriate location within the developed footprint of the village which is sequentially preferable for development in accordance with Policy LP4.

At the point this application was validated on 4th September 2020, there was remaining growth of 1 dwelling for the village. This meant the application was not required to demonstrate evidence of clear local community support. However, application reference 141329 planning application for the demolition of industrial buildings and erection of 4no. dwellings at The Forge Padmoor Lane Upton Gainsborough DN21 5NH, immediately to the west and south of the application site, was approved on 24th September thereby taking up the single dwelling of remaining growth.

If the proposal was submitted today there would be a requirement for clear local community support but the circumstances described above, whereby remaining growth has been taken up during the life of the current application, are beyond the control of the applicant.

In light of the wider acceptability of the proposal as described below and this unusual policy context, it is considered reasonable and necessary to report the application to planning committee to enable discussion to take place as to the merits of the proposal. It is noteworthy that a small number of supportive letters from the Parish Council and residents have been received during the consultation process and that no objections have been received.

Policies LP2 and LP4 are consistent with the NPPF paragraph 78 requirement for policies to “identify opportunities for villages to grow and thrive” so are given full weight. The proposal is considered to be in compliance with Policies M11, LP2 and LP4.

Design and heritage impacts

The primary consideration is the statutory test within The Planning (Listed Buildings and Conservation Areas) Act 1990 which states:

“66 General duty as respects listed buildings in exercise of planning functions.

(1) 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.”

Policy LP25 requires development proposals should protect, conserve and seek opportunities to enhance the historic environment of Central Lincolnshire. Where proposals affect the significance of an asset the application must, proportionally, describe and assess significance of the asset; identify the impact the proposal would have on significance and special character of the asset; provide clear justification for the proposal, especially if harm to significance arises, so that harm can be weighed against public benefits. Unless it is explicitly demonstrated that the proposal meets the tests set out in the NPPF, permission will only be granted for development affecting designated or non-designated heritage assets where the impact of the proposal does not harm the significance of the asset and/or its setting. Permission to alter a listed building will be granted where the LPA is satisfied the proposal is in the interests of the buildings preservation and does not involve activities or alterations prejudicial to the special architectural or historic interest of the building. Development proposals that affect the setting of a Listed Building will be supported where they preserve or better reveal the significance of the Listed Building.

NPPF paragraph 192 requires LPA's, in determining applications, 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. Paragraph 193 requires, when considering the impact of a proposed development on the significance of a designated heritage asset, great weight should be given to the asset's conservation (and the more important the asset, the greater the weight should be). This is irrespective of whether any potential harm amounts to substantial harm, total loss or less than substantial harm to its significance. Paragraph 194 requires any harm to, or loss of, the significance of a designated heritage asset (from its alteration

or destruction, or from development within its setting), should require clear and convincing justification.

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

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

Policies LP25 and LP26 are consistent with the NPPF and are given full weight.

The site is a corner plot located on the junction of Padmoor Lane and High Street. The existing dwelling, although much altered, has brickwork of perhaps the late 19th century, with a later additions to its east (and south) of a slightly different brick. In the grounds are some modern garages. The site was once a Blacksmiths (old OS maps). The site is contained by estate railing and there is a lawned area behind this. Directly opposite on the east side of High Street is the parish Church of All Saints, which is a grade II* listed building. To the south is 28 High Street (grade II listed), and its stable block. To the north

is 26 High Street, also grade II listed. All of the list descriptions contain the letters GV (group value) meaning that at the point of listing, not only did these buildings meet national criterion for listing in their own right, but that their exteriors also contribute to the architectural or historic interest of any group of buildings of which it forms part (section 3 (a) of the LB&CA Act 1990).

The initial proposal entailed a dwelling in unnecessarily close proximity to the footway, with a design that did not reflect the historic character of the village that failed to preserve the group value setting of the surrounding listed buildings.

Amendments were sought and secured including a steeper roof pitch to the dwelling and piano room to reflect that found on traditional buildings in the area; chimney stacks at each gable end of the main roof; ground floor front windows to the main dwelling that are as tall as the front door; a traditional pantile roof and red brick walls; good quality cream coloured heritage upvc windows; traditional timber front door; additional windows to the front of the piano room; and the relocation of the dwelling further west to respect the building line of 1 Padmoor Lane and the permitted dwelling to the south. The proposed front projection is set slightly further to the west than the existing outbuilding to be demolished. The Council's Conservation Officer supports the proposal and Historic England make no comment.

The amended proposal is considered to be appropriate to its context, reflects vernacular design in the area and would preserve the setting of the adjacent listed buildings in accordance with the statutory test and Policies LP25 and LP26.

Residential amenity

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

There would be a gap of 4.7m between the rear elevation of 1 Padmoor Lane and the nearest single storey element of the proposal. This relationship is broadly similar to the existing outbuilding to be demolished. The two storey element of the proposed dwelling would be approximately 11m from the rear

elevation of 1 Padmoor Lane and there are no proposed side openings to create overlooking. 1 Padmoor Lane would retain an 8.6m deep rear garden. This relationship would not cause harm to residential amenity.

The two storey element of the proposed dwelling would be 11m from that of 3 Padmoor Lane. There would be a gap of 7m between the single storey rear projection of 3 Padmoor Lane and that proposed and a gap of 7.4m between it and the two storey element of the proposal. The rear elevation of the proposal faces west whilst those of 1 and 3 Padmoor Lane are south facing, creating an angled relationship that minimises overlooking. 3 Padmoor Lane would retain a part 10m deep and part 5.5m deep rear garden.

The proposed dwelling would have part 4.8m deep and part 7.7m deep rear garden with its single storey rear projection creating a screened area from the rear of 1 and 3 Padmoor Lane. The western boundary of the garden would be formed by the building currently occupied as an engineering works. The Council's Environmental Protection Officer has confirmed they do not require a noise assessment prior to determination of the application and are content with the imposition of a condition requiring a noise, dust, odour or vibration assessment be submitted including mitigation measures such as enhanced glazing and or acoustic grade boundary fencing to minimise noise pollution. The EPO raises no concerns in principle noting a lack of historic noise complaints. Such a condition is recommended in the interests of residential amenity.

The proposed site plan indicates the approved footprint of plot 1 under planning application 141329 which sits slightly to the west of the proposal. There would be a 1.5m gap between these dwellings and plot 1 would project approximately 4.8m to the rear of the rear elevation of the proposal. Plot 1 features a single first floor side north facing obscure glazed bathroom window resulting in no overlooking.

The aforementioned interrelationships between plots is considered to have an acceptable impact on residential amenity for existing and future residents. There is no guarantee 141329 will be implemented. In this scenario the proposals relationship with and impacts arising from the adjacent business use are acceptable.

The impact on residential amenity is considered acceptable in accordance with Policy LP26.

Highways

Policy LP13 requires well designed, safe and convenient access for all and that appropriate vehicle parking provision is made for development users. This is consistent with NPPF paragraph 108 requiring proposals ensure safe and suitable access to the site can be achieved for all users and paragraph 109 requiring development should only be prevented or refused on highways

grounds if there would be an unacceptable impact on highway safety. The policy is therefore given full weight.

The existing vehicular access would be widened from 3.7m to 4.1m to allow two vehicle to pass each other. A large parking area would be provided using permeable paving to provide two car parking spaces each for the use of 1 and 3 Padmoor Lane whilst the proposed dwelling would have three car parking spaces. Ample on site turning space would be provided.

LCC Highways raises no objections to the proposal. The highway and on site arrangements are considered acceptable in accordance with Policy LP13.

Flood risk and drainage

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

The site is in flood zone 1 (low risk) and is not at risk of surface water flooding. This is an acceptable flood risk location for a dwelling.

Surface water is proposed to drain to soakaway with no infiltration test having been submitted. The parking area would be made of permeable paving. Foul water would drain to the mains sewer in High Street. Final details of surface water drainage will be required via condition to ensure compliance with Policy LP14.

Conclusion

The proposal would have negligible impact on mineral resources. The scale and location of the proposal is considered compliant with Policies LP2 and LP4. The proposal would take Upton one dwelling above its 10% growth allowance but the circumstances are such that this is considered acceptable. Significant design and heritage impact improvements have been secured such that the proposal is acceptable in this regard. Sufficient spaces between dwellings and garden sizes are proposed. The impact from adjacent business premises is acceptable subject to condition. No harm to residential amenity would arise. Appropriate vehicular access and parking facilities are provided. Flood risk and drainage matters are acceptable subject to condition securing final details. The proposal is considered acceptable therefore it is recommended that planning permission is granted subject to the following conditions:

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

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

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

1518C/100 Rev B
1518C/102 Rev B
1518C/103 Rev B
1518C/104 Rev B
1518C/105

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

3. No development shall take place on the site until 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 has been submitted to and approved in writing by the Local Planning Authority. The scheme shall include an assessment of significance and research questions and:

- i) the programme and methodology of site investigation and recording;
- ii) the programme for post investigation assessment;
- iii) the provision to be made for analysis of the site investigation and recording;
- iv) the provision to be made for publication and dissemination of the analysis and records of the site investigation;
- v) the provision to be made for archive deposition of the analysis and records of the site investigation;
- vi) the nomination of a competent person or persons/organization to undertake the works set out within the Written Scheme of Investigation.

Reason: To secure appropriate assessment and investigation of potential archaeological interest on the site in accordance with Policy LP25 of the Central Lincolnshire Local Plan.

4. No development above damp roof course level shall take place until details of the means of surface water drainage (including percolation test) has been submitted to and approved in writing by the Local Planning Authority. The approved details shall be implemented in full before occupation of the dwelling.

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

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

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

6. No development above damp roof course level shall take place until a noise, dust, odour and vibration impact assessment has been submitted to and approved in writing by the Local Planning Authority which shall include details of any mitigation measures required. The development shall only be implemented in accordance approved mitigation measures and maintained as such for the life of the development.

Reason: In the interests of the amenity of the future occupiers of the dwelling having regard to the implications from adjacent uses and in accordance with Policy LP26 of the Central Lincolnshire Local Plan.

7. Before the first use of the development, a scheme of landscaping including details of the size, species and position or density of all trees and hedging to be planted or retained, shall have been submitted to and approved in writing by the Local Planning Authority. All planting comprised in the approved details of landscaping shall be carried out in the first planting season following the first use of the dwelling or the completion of the development, whichever is the sooner; and any trees or hedging 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 the visual impact of the development on the area of great landscape value is minimised in accordance with the requirements of Policies LP17 and LP26 of the Central Lincolnshire Local Plan.

Informatives

LCC Highways states:

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

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

Human Rights Implications:

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

Legal Implications:

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

Agenda Item 7



Planning Committee

**Wednesday, 9
December 2020**

Subject: Determination of Planning Appeals

Report by:

Assistant Director Planning and
Regeneration

Contact Officer:

James Welbourn
Democratic and Civic Officer
james.welbourn@west-lindsey.gov.uk

Purpose / Summary:

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

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

IMPLICATIONS

Legal: None arising from this report.

Financial: None arising from this report.

Staffing: None arising from this report.

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

Risk Assessment: None arising from this report.

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

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

Call in and Urgency:

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

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

Yes

No

Key Decision:

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

Yes

No

Appendix A - Summary

- i) Appeal by Mr Dirk Terjung against the decision of West Lindsey District Council to refuse planning permission for the conversion of former RAF accommodation into 4 flats, construction of a new car park, bin store, ASHP compound and footpaths, adjacent to community centre, Kent Road, Brookenby, Market Rasen LN8 6EW.

Appeal Dismissed – See copy letter attached as Appendix Bi.

Officer Decision – Refuse permission



Appeal Decision

Site visit made on 28 October 2020

by William Walton BA MSc Dip Env Law LLM CPE BVC MRTPI

an Inspector appointed by the Secretary of State

Decision date: 16th November 2020

Appeal Ref: APP/N2535/W/20/3256447

Former RAF accommodation, adjacent to community centre, Kent Road, Brookenby, Market Rasen LN8 6EW

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant full planning permission.
 - The appeal is made by Mr Dirk Terjung against the decision of West Lindsey District Council.
 - The application Ref 140672, dated 24 February 2020, was refused by notice dated 27 May 2020.
 - The development proposed is described as the conversion of former RAF accommodation into 4 flats, construction of a new car park, bin store, ASHP compound and footpaths.
-

Decision

1. The appeal is dismissed.

Procedural Matter

2. No site address was provided on the planning application form. In the alternative, I have used that provided in the officer's report.

Main Issue

3. The main issue is whether the proposed development would provide for satisfactory living conditions of the future occupants of the 4 flats, with particular regard to internal space provision and outlook.

Reasons

4. The appeal property is a derelict 2-storey former RAF accommodation block located close to the centre of the village of Brookenby which is within the confines of what used to be known as RAF Binbrook in north Lincolnshire. The block is one of 3 set around a 3-sided grassed area with a crescent shaped road running past.
5. The former accommodation block is connected to the adjacent, larger block by an enclosed passageway. This adjacent block includes a community centre and a theatre. The block on the other side of the grassed area includes a drop-in centre and a church. The end section of the block subject to this appeal was used until recently as a shop and take-away called 'Lifestyle Express'.
6. The appeal proposal comprises the conversion of most of the now derelict former accommodation block to 4 flats which would be let out at affordable rates by a housing association or a private company. Flats 1 and 2 on the

ground floor would be 1 and 2-bedrooms respectively and Flats 3 and 4 on the first floor would both have 2 bedrooms. The internal and external walls would be lined and insulated in accordance with the requirements of the Building Regulations.

7. A ramp would serve the existing door on the western elevation of the accommodation block. Vehicle parking would be provided a short distance away to the north of the block. The enclosed passageway would be removed to facilitate easier pedestrian access to the car park. An enclosed landscaped garden for the communal enjoyment of the occupants would also be provided to the north and east of the block. This garden would also accommodate an air sourced heating pump for the flats.
8. Flats 1-4 would have internal floor spaces of, respectively, 44 square metres, 55 square metres, 47 square metres and 55 square metres. In each instance these would fall below the Nationally Described Space Standards (NDSS) which are 50 square metres for the 1-bedroom (2-person) flat and 61 square metres for the 2-bedroomed (3-person) flats. It should be noted that the NDSS advises also on minimum bedroom sizes, but the submitted drawings only provide aggregate floorspace areas for each flat.
9. The Planning Practice Guidance (PPG) states that "where a local planning authority (or qualifying body) wishes to require an internal space standard, they should only do so by reference in their Local Plan to the nationally described space standard". The NDSS is not referred to in the Central Lincolnshire Local Plan 2017 (LP) and therefore cannot be given full weight in this case. It does, however, provide a useful point of reference.
10. The absence of any reference to the NDSS in the LP was cited by the Inspector determining an appeal against refusal of planning permission for conversion of a former hairdressing salon to a residential flat in a back garden in Hykeham, Lincoln¹. In that case, however, the proposed development fell only 0.5 square metres below the 37 square metre standard advised in the NDSS. Furthermore, it included a garage which could be used for the storage of personal belongings and had a private garden.
11. In contrast, each of the proposed flats in the former RAF accommodation block would fall considerably below the advised standard. Specifically, Flats 1, 2 and 4 would each fall 6 square metres below the standard and Flat 3 would fall 14 square metres below it. Within the context of small flats, these shortfalls in internal space provision are extremely significant.
12. It is acknowledged that the future occupants would have access to an abundance of open space within the immediate environs of the block and generally across the former RAF base, but this would not be the equivalent of a private garden with private access.
13. Consequently, because of the scale of the internal space shortfall, the lack of a garage for storage and the difference in the quality of the outdoor space provision, the proposed development can be clearly distinguished from that considered in the Hykeham appeal decision.
14. Flat 1 and Flat 3 would be about 4 metres from the enclosed emergency stair exit attached to the side elevation of the adjacent, larger block. The window of

¹ See ref APP/R2520/W/18/3214922

Bedroom 1 of Flat 1, the window in Bedroom 1 of Flat 3 and the 2 windows in Bedroom 2 of Flat 3 would all look onto the emergency stair exit.

15. However, a new window in the north facing elevation of Bedroom 1 of Flat 1 would mean that the occupants would still have a good outlook over open space towards the car park. Furthermore, the first-floor location of Flat 3 would allow the future occupants to have a satisfactory outlook over the roof and beyond the emergency staircase. The windows of the kitchen / lounge / dining room of both flats would provide a good outlook across the front of the larger block towards the church.
16. Notwithstanding the satisfactory outlook however, the proposed development would still fail to provide for the acceptable living conditions of future occupants due to the very cramped level of accommodation in each of the 4 flats. Policy LP26: Design and Amenity of the LP does not directly address the issue of the living conditions of the future occupants of the host building and so the proposal would not conflict with that policy.
17. However, it would fail to accord with the advice handed down in Paragraph 127f) of the National Planning Policy Framework (the Framework) that new development should provide a high quality of living accommodation for future occupants. Since this is recently articulated Government policy it is accorded considerable weight.

Other Matters

18. The proposal would make a positive contribution to improving the appearance of this part of the village by converting a derelict and unloved building on a brownfield site to a socially beneficial use. Notwithstanding the lack of an appropriately worded s.106 agreement, it would also help meet the need for new, affordable accommodation for young couples and families identified in a local housing survey undertaken by the Brookenby Community Land Trust, dated March 2018. Many local people have supported the proposal. There is strong Government support for new housing as identified in the Appellant's Statement.
19. As the settlement is identified as a medium sized village (the 5th tier of 8) by the Council the proposal would comply with policy as regards housing numbers. The flats would be located about 350 metres from a bus stop and so would allow occupants to use public transport to access local towns and villages. Finally, construction of the flats would produce a short-term employment benefit.
20. These are all matters that, to one degree or other, support the proposal. However, even when taken together they do not outweigh the clear conflict with the Framework that has arisen due to the unacceptably limited size of each of the proposed flats which would fail to provide a satisfactory standard of living conditions for future occupants.

Conclusion

21. For these reasons the appeal should be dismissed.

William Walton

INSPECTOR