

Guildhall Gainsborough

Lincolnshire DN21 2NA

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AGENDA

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

Planning Committee

Wednesday, 6th January, 2021 at 6.30 pm

Virtual - MS Teams

Members:

Councillor Ian Fleetwood (Chairman)
Councillor Robert Waller (Vice-Chairman)
Councillor Owen Bierley
Councillor Matthew Boles
Councillor David Cotton
Councillor Michael Devine
Councillor Jane Ellis
Councillor Cherie Hill
Councillor Mrs Cordelia McCartney
Councillor Mrs Jessie Milne
Councillor Keith Panter
Councillor Roger Patterson
Councillor Mrs Judy Rainsforth
Councillor Mrs Angela White

1. **Register of Attendance**
2. **Public Participation Period**
Up to 15 minutes are allowed for public participation. Participants are restricted to 3 minutes each.
3. **To Approve the Minutes of the Previous Meeting** (PAGES 3 - 22)
Meeting of the Planning Committee held on 9 December 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**

a) 141017 - "Land At", North Street and Spital Terrace, Gainsborough (PAGES 23 - 39)

b) 142050, 81 Sunningdale Way, Gainsborough (PAGES 40 - 45)

7. **Determination of Appeals** (PAGES 46 - 82)

Ian Knowles
Head of Paid Service
The Guildhall
Gainsborough

Thursday, 24 December 2020

WEST LINDSEY DISTRICT COUNCIL

MINUTES of the Meeting of the Planning Committee held virtually via MS Teams on 9 December 2020 commencing at 6.30 pm.

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

Councillor Owen Bierley
Councillor Matthew Boles
Councillor David Cotton
Councillor Michael Devine
Councillor Jane Ellis
Councillor Cherie Hill
Councillor 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)
George Backovic Principal Development Management Officer
Martin Evans Senior Development Management Officer
Joanne Sizer Area Development Officer
Vicky Maplethorpe Area Development Officer
Dan Power Development Management Officer
Martha Rees Legal Advisor
Ele Snow Democratic and Civic Officer
James Welbourn Democratic and Civic Officer

69 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.

70 PUBLIC PARTICIPATION PERIOD

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

71 TO APPROVE THE MINUTES OF THE PREVIOUS MEETING

RESOLVED that the minutes of the meeting of the Planning Committee held on Wednesday, 11 November 2020 be confirmed as an accurate record.

72 DECLARATIONS OF INTEREST

Councillor I. Fleetwood stated that he had not received any communication regarding any of the applications due to be considered and was impartial in relation to all applications.

With regard to application number 141736, Station Road Bardney, Councillor R. Patterson declared that he had been lobbied by the Bardney Group Parish Council but he remained impartial. He also declared that he had visited Home from Home Care and attended a party in 2016 and he knew a person who worked at the site, however his judgement had not been impacted.

Councillors M. Boles, J. Ellis, R. Waller, A. White, C. McCartney, C. Hill and O. Bierley all declared they had received the lobbying emails from Bardney Group Parish Council but either did not read the emails or did not consider themselves influenced by the content.

Councillor J. Milne declared that she had also received the emails but had not read them. She also declared that she had visited the site through her work with Sir Edward Leigh MP but her impartiality was not affected.

Councillor D. Cotton, as Vice-Chairman of the Standards Committee, raised concerns regarding the lobbying from the Bardney Group Parish Council.

Councillor J. Rainsforth declared that she had received the emails from the Bardney Group Parish Council and believed the information contained would prejudice her against the application and as such she would not be involved in discussions or the vote for application number 141736.

73 UPDATE ON GOVERNMENT/LOCAL CHANGES IN PLANNING POLICY

The Committee heard from the Interim Planning Manager (Development Management) regarding recent updates from Government.

Retail Opening Hours

Written ministerial statement from Secretary of State for Communities and Local Government:

<https://questions-statements.parliament.uk/written-statements/detail/2020-11-30/hlws602>

“...the purpose of this Written Ministerial Statement, which comes into effect from 2 December, is to make clear that, as a matter of urgency, local planning authorities should take a positive approach to their engagement with retailers to ensure planning controls are

not a barrier to the temporary extension of retail opening times in December and January.

In particular, local planning authorities, having regard to their legal obligations, should not seek to undertake planning enforcement action which would result in the unnecessary restriction of retail hours during this period. The National Planning Policy Framework already emphasises that planning enforcement is a discretionary activity, and local planning authorities should act proportionately in responding to suspected breaches of planning control.

Where appropriate, local planning authorities should also highlight this temporary relaxation to retailers in their area so that they can take advantage of longer opening hours if they wish to do so.”

Supporting housing delivery and public service infrastructure

<https://www.gov.uk/government/consultations/supporting-housing-delivery-and-public-service-infrastructure>

Consultation would close at 11:45pm on 28 January 2021

A new PD right would allow all buildings within the newly created use class E (which includes offices, restaurants, shops, gyms, professional services and light industrial) to be converted to residential use (Class C3) without requiring a planning application. There would be “no size limit on the buildings that can benefit from the right”, the consultation document states. prior approval system would be restricted to factors including flooding, noise, contaminated land, and adequate levels of natural light. The new homes must also meet national space standards.

A proposed new “fast track” planning route to build public service buildings - such as schools, colleges, universities, prisons and hospitals - would require local authorities to determine applications for such schemes within ten weeks. The current statutory requirement was 13 weeks. In practice, this would mean local planning authorities having to “prioritise these decisions over other applications for major development”, said the MHCLG. Meanwhile, the statutory publicity and consultation period for such applications would be cut from 21 to 14 days.

Existing permitted development rights allowing public service buildings to expand would be changed to allow greater enlargement. Instead of the limit on such changes being set at 25 per cent of the original buildings’ gross floorspace, this would be set at 25 per cent of their footprint. Instead of total extra floorspace being capped at 100 square metres, this would be set to 250 square metres, as it currently was for schools. The height limit for such work would be raised from five metres to six metres. An exemption from developing playing fields would remain.

The government had announced plans to "simplify and rationalise" permitted developments rights, as part of a review of such rights following recent changes to the Use Classes Order. The government proposed to review and update references to use classes throughout the General Permitted Development Order (GPDO). It planned “appropriate legislative amendments” to be made before 31 July 2021.

The Committee was also provided the following updates on Neighbourhood Plans.

Neighbourhood Plan/s	Headlines	Planning Decision Weighting
Made Neighbourhood Plans	Brattleby, Caistor*, Cherry Willingham, Dunholme, Great Limber, Lea, Nettleham*, Osgodby, Riseholme, Scotter, Scothern, Saxilby, Welton, Willoughton, Glentworth, Spridlington, and Sudbrooke.	Full weight
Scotton NP	Examination successful. Decision statement issued. But due to COVID-19 situation referendum delayed until May 2021.	Significant weight
Bishop Norton NP	Examination successful. Decision statement issued. But due to COVID-19 situation referendum delayed until May 2021. A claim is to be submitted shortly to MHCLG for Neighbourhood Planning Grant to help reimburse WLDC for the costs of this NP's examination, referendum and other outlays.	Significant weight
Gainsborough NP	Submission consultation completed (Reg16). Examiner appointed. Examination underway. Site visit completed and clarification note issued.	Increasing weight
Morton NP	Submission consultation completed (Reg16). Responses posted on website. Process of appointing the examiner to begin shortly.	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) underway from 2 Nov to 14 Dec.	Some weight
Fiskerton	Early draft of NP issued to WLDC for comment.	-
Ingham NP	Consultation on site assessment report underway from 16 Nov to 11 Dec	-
*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
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74 PLANNING APPLICATIONS FOR DETERMINATION

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

75 141736 - STATION ROAD, BARDNEY

The Chairman introduced the first application of the evening, number 141736 for change of use of existing care facility to 4no. bed House in Multiple Occupation (HMO) at 51 Station Road Bardney Lincoln. In being the first application, the Chairman detailed the process for invited registered speakers to address the Committee and requested the Planning Officer to provide any updates to the Committee.

The Planning Officer stated that a further representation had been received from the Parish Council with allegations of inaccuracies in the report as well as withholding objections. He stated that Officers had responded to these comments, that all written objections were included in the report and although audio and video files could not be made public, these had been shared with Members of the Committee for transparency of decision making. He clarified that the application was looking for a change of use to residential use with no care provision required. He also noted a small update to the report in that at the bottom of page 18 there was an insertion to be made after the sentence ending “use class C2.” to read “Permission was subsequently granted for a change of use including extensions to use class C2.”

The Chairman invited the first speaker, Councillor Robin Darby to address the Committee.

Councillor Darby thanked the Committee and started by clarifying that the Bardney Group Parish Council had not been lobbying Members of the Committee, rather they had sought to highlight the issues with the application. He wished to highlight to the Committee that the application was not from a charity, rather it was a Limited Company and their motives were for financial gain not for the benefit of their clients. He referenced a previous application for an HMO in Sudbrooke which had been refused based on the potential for noise impact and likened it to the problems already experienced at the site in question. He stated that the complex was not an asset to the village and did not serve local residents. He explained that there were over 80 employees who provided 24 hour care which led to excessive traffic movements at all times of day and night. He added that parking was always problematic and was having a severely negative impact on the area. He wished to make the Committee aware that the only time any noise was reduced, was at the times when they were aware there was a noise report being undertaken. He added that several local residents were reporting an effect on their mental health as a result of the noise generated on the site. In

addition to these concerns, Councillor Darby stated that local services, such as GP appointments, were being exploited to the detriment of other residents. He believed that the complex should be looked at as a whole, not with each stage being considered in isolation. He urged the Committee to reject the application and thanked them for their time.

The second speaker, the applicant Mr Hugo DeSavary, addressed the Committee. He highlighted that his statement regarding the objections raised had been included in the application however he wished to address a couple of points. With regards to parking issues, he acknowledged this had been problematic however construction work was nearing completion which would allow the car park to be in full use. He stated the on-site parking was sufficient for staff and residents. He provided Members with some background to Home from Home Care, stating they were Lincolnshire based, regulated by the CQC with their services rated excellent by that regulator. He added they had been awarded best Care Home Group at the annual Care Awards as well as the Platinum Award as an Investor in People. He acknowledged they were a Limited Company but stated they did not pay dividends and any profit was reinvested into the organisation. He stated they were a family led company seeking to provide the care needed by vulnerable people in society and requested the Committee to approve the application.

The first of two registered objectors, Mrs Dawn Thomas, made the following statement to the Committee.

“In the context of my objections HFHC site refers to all five dwellings, including The Laurels. Please consider this application as a multi housing development, not a single dwelling, not in isolation and with reference to my original objection.

I have concerns regarding the handling of this and previous applications, the unusual and intimidatory responses from Globe Consultants and the new behaviours staff are exhibiting which feels as if they are trying to antagonise and intimidate us.

The site is now screened off but work continues with workmen on site daily the fire exit to the Hawthorns's has been partially bricked up, new side doors added and trees removed the front door of the Laurels is unsightly and out of character as filled in with breeze blocks.

Where we once looked out over gardens there is now a car park and nine industrial sized waste bins which are frequently overflowing, screenings is a hedge that is barely a meter high.

Car parking is an issue for staff and local residents. With Insufficient capacity to support staff parking, nine people carriers, visitors etc. Although it's not illegal to park on Station Road, the original planning permission was granted on the proviso that all employees and visitors would use onsite car parking facilities.

There is considerable vehicle activity coming and going from the site cars queue onto Station Road waiting for the automatic gate to open. The gravel surface is noisy Staff heard having loud conversations as they arrive and leave. Headlights shine directly into our living rooms

Increasing access to incorporate all three gates has the potential to cause collisions, pedestrian incidents and increase light from cars into more of our living space. The

development in my opinion has outgrown the site.

Global Consultants reference noise complaints from residents. In my opinion the Council has not thoroughly monitored these, used any recording devices and only visited the site a hand full of times and not necessarily when the noise is at its worse.

The effect on my family and my own mental health cannot be underestimated. You need to live our life to understand the full impact of the noise which impacts on the peace and enjoyment of our garden and home. The noise gets into your very core, grinds you down to the point where you look at ways to escape. We shouldn't be made to feel that way.

Consideration should be given to the type of residents housed in the centre of our village.

Thank you for taking the time to hear my concerns.”

The second objector, Mr Christopher Bush, addressed the Committee. He stated he had lived opposite the dev for past 18 years and had watched it grow from the original even residents to the now proposed 27 residents. He stated the complex should be looked at as a whole not as separate applications. He raised concerns regarding the increased fire risk with an increased number of residents and a decreased number of staff as care would not be provided. With regard to noise, he highlighted the 24 hour nature of the complex and again highlighted the comings and goings of staff at all hours of the day and night. He explained that the plans submitted did not demonstrate the full parking available and stated there would not be sufficient parking available. He also commented there was a bin shelter to be built which would take up parking spaces. He commented that refuse was also an issue as bins were often overflowing and unsanitary. He reiterated the impact on his family life of the vehicular noise, construction noise and general noise generated by staff and residents. He felt the complex had become too big for the site it occupied and urged the Committee to consider the implications of granting the application.

The Chairman thanked all speakers for their comments and invited the Planning Officer to make any further comment. The Planning Officer reiterated that the application was a change of use to residential use and as such, the concerns regarding staff vehicle movements were not relevant to this application.

The Chairman opened Committee discussions by reiterating that he had not been involved in discussions about the application nor had he had any contact with the Parish Council regarding their concerns. He stated that it seemed apparent that the site had outgrown its location and was having an impact on the day to day lives of local residents. He stated that there was ongoing expansion on the site and supported the concerns raised by speakers to the application.

The Planning Officer highlighted that there was currently no cap on existing numbers however if the application was to be approved, there would then be a limit as to how many occupants could reside at the property.

There was further discussion amongst the Committee regarding the impact of the complex on the area in relation to the application being specific to one dwelling. The concerns raised by residents were acknowledged however as the application was in relation to change of use for one dwelling, those concerns related to the site as a whole rather than the current

application.

With some conflict of opinion amongst Members, the Officer recommendation was moved, seconded and with a majority vote it was agreed that permission be **GRANTED** subject to the following 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

76 141447 - SAXILBY ROAD, STURTON BY STOW

The Committee gave consideration to application number 141447, outline planning application for 1no. single storey dwelling with access to be determined and all other matters reserved on land to the rear of 56 Saxilby Road Sturton-by-Stow Lincoln. The Planning Officer updated the Committee that since the report was drafted, the Neighbourhood Plan application had been received and was in the early stage of preparation. Its consistency with the NPPF was yet to be tested and it was to be afforded little weight in decision making. He added there appeared to be conflict within the policies and, in relation to the application, there was little to no community support and focus was on the concerns regarding flooding. Having given his presentation on the application, the Chairman invited the first speaker to address the Committee.

The first speaker introduced herself as Councillor Carol Gilbert of the Parish Council. She stated that the main concerns were regarding the risk of flooding and access to the site. She stated that in 2019 the site, and neighbouring properties, suffered significant flooding and

the only reason the flood water did not breach into houses was because of the efforts of the fire service in pumping water away and residents digging their own defensive trenches. She felt the applicant had accepted there were potential issues but had not proposed any kind of solution. She explained that the site was much lower than surrounding land and formed a catchment pond at times of heavy rain. She stated that the soil was of a heavy clay consistency and so excess water did not simply drain away. She felt the existing drainage did not work and to build on the site would only worsen the existing problems. With regard to access, Councillor Gilbert highlighted that the track was narrow and this had been the reason for previous refusal to build on the site. She noted there was not capacity for additional vehicular usage and the access was not sufficient for two way traffic or to enable passing places. In addition to these concerns, she stated that there would be little garden or amenity space for the proposed dwelling and what was there would be in the shade. She summarised her concerns to focus on the flooding concerns and access to the site and thanked the Committee for their time and consideration.

The second speaker, Mr Jon Cook, Agent for the Applicant, thanked the Committee for the opportunity to speak. He stated they were disappointed that the Officer recommendation was to refuse permission and also felt it should have been a decision made under delegated powers. He highlighted that Lincolnshire County Council, as Lead Flood Authority had not raised any issues, neither had the Environment Agency nor the Flood Specialist. He stated that other, similar, applications had been approved in the same area and decision making should be consistent. He explained that nothing was unsurmountable and there was the opportunity for a positive impact on the drainage of the area should the application be allowed. He felt the positive attributes were being overlooked and requested the Committee to consider granting permission. Mr Cook then handed to Mr Ron Loble, Independent Flood Management Specialist.

Mr Loble disputed the Officer suggestion that surface water flooding maps should be used to assess the site suitability. He quoted a similar application in North Kesteven District and explained that discussions in relation to that application specified that mapping was only suitable for nationwide or county wide development. He stated that, with this in mind, the use of such mapping by the Officer was not suitable for a single dwelling application and that the surface water flood map should not be used to ascertain suitability for this application. Mr Loble acknowledged the concerns regarding surface water pooling in the lower level land however stated that mitigation measures such as raising the floor level would be included in the development.

The Chairman invited further comment from the Planning Officer who highlighted that, contrary to the NPPF, LP and the emerging NP, reports stated the indicative footprint would increase flood depths by 2cm. He also clarified that the Environment Agency only provided comments on river or sea flooding, Lincolnshire County Council were required by law to respond to major applications, which this was not, and it was therefore the responsibility of the District Council to consider the risks and likelihood of the impact of such flooding.

The Chairman invited comments from Members of the Committee and there was significant discussion regarding the recent flood problems in the village as well as whether the proposed development would offer any amelioration of drainage in that specific area. It was generally accepted that any increased risk of flooding was not acceptable.

Having been moved, seconded and put to the vote, it was agreed that permission be

REFUSED.

77 141637 - LAND OFF MIDDLE STREET, SCOTTON

The Chairman introduced application number 141637, outline planning application to erect 1no. bungalow with access and layout to be considered and not reserved for subsequent applications, on land off Middle Street, Scotton, Gainsborough. This was a resubmission of application number 140488. The Officer advised there were no updates to the report and so the Chairman invited the first of the two registered speakers to address the Committee.

Mr James Mumby, Agent for the Applicant, made the following statement.

“Chairman & members of the committee, thank you for the opportunity to speak to you today.

Background

The proposed site is at present, part of a side & rear garden to 11 Middle Street, Scotton, Gainsborough. The site lies within the recognised development boundary of Scotton, does not lie within a flood risk zone & has no special features or bio-diversity.

Proposal

This proposal is to erect a 2 bedroom single storey bungalow on the site with detached garage off-road parking & turning area. The only items to be determined by this application are the development in principle and the new access as appearance, landscaping, layout & scale are to be left as reserved matters.

Although the design of the bungalow would be left for reserved matters it would be proposed to build the dwelling in materials which would be sympathetic to the area & setting.

Access & Parking

The access & parking for the new bungalow & no 11 will be off Middle Street as indicated on the proposed block plan. The position of the entrance is to be where the existing electric post has a stay wire. A discussion has already taken place with Northern Grid and the 4 metre stay wire can be replaced with a 2 metre wooden outrigger stake on the opposite side to accommodate this new entrance.

Justification for Development

The host dwelling is fairly small in size when compared with those dwellings adjacent to it with a garden which is much larger and deeper than those around it – this makes the overall plot look out of character with the general plot sizes in the area. Therefore this proposal to divide the plot into 2 smaller plots would create a layout which we feel would be more in keeping with the general layout & character of the area.

We do not concur with the officer’s statement that the new dwelling would create a pattern of development which would be discordant to or have an adverse effect on the area. In fact the resultant plot sizes will be similar to many existing plots around the immediate area.

Effect on Amenity of Adjacent Dwellings

The new bungalow would not affect the amenity of adjacent dwellings for the following

reasons:

1. The proposed dwelling & the host property will each have sufficient land to provide adequate amenity space without causing a cramped development.
2. The proposed bungalow will be single storey only so no overlooking issues will occur.
3. There is sufficient spacing between the new bungalow and all adjacent properties to prevent any possible loss of amenity.
4. There are existing walls, fencing & mature hedging to all the boundaries of the proposed plot which will screen the proposed development from the adjacent properties.
5. It should be noted that there are existing examples of similar rear developments within the village eg on Crapple Lane.

Please note that the case officer has confirmed within her report that the indicative site layout indicated on the proposed block plan clearly indicates that the site is capable of accommodating a bungalow with sufficient space for parking, turning a vehicle & external amenity space & that an appropriate final design could be done so not have a harmful impact on the living conditions of neighbouring dwellings including each other and the host dwelling.

Trees

There are no trees located in the proposed location of the new buildings.

Contamination

A contamination “Screening Assessment Form” was enclosed with the application to confirm the current & previous uses of the site which indicate that to our knowledge no suspected contamination is present.

Proportionate Minerals Assessment

The proposed site is located in a “Gravel Mineral Safeguarding Area” and therefore a “Proportionate Minerals Assessment” was submitted with the application which concluded that it would be highly unlikely that the site would be granted permission for mineral extraction and therefore we consider it more suitable for the proposal submitted.

Drainage

Foul Water

It is proposed to connect the new dwelling into an existing foul water drain serving no11.

Surface Water

Surface water will be discharged into on-site soakaways subject to satisfactory percolation tests.

These items can be satisfactorily covered by suitable condition.

Summary

We consider that this proposal will provide a suitable plot for an affordable dwelling within the parish without affecting the street scene or creating a loss of amenity on adjacent properties.

Therefore we feel that the proposal would be acceptable development and would kindly ask for the committees support in approving our proposal.

Thank you.”

The Chairman thanked Mr Mumby for his time and invited the second registered speaker,

Councillor L. Rollings, Ward Member, to speak.

Councillor Rollings stated she was surprised to see the recommendation for refusal. She stated that, having visited the site of the proposed development, she felt it was a natural space for a bungalow and that the building adjacent to the site was around the same height as the proposal which she did not feel was demonstrated in the Officer presentation. She stated that she believed there was plenty of space for the new building without being incongruous and that the talk of the village being linear in nature was misleading as in fact, Scotton was rather 'higgledy-piggledy' with criss-cross streets, uphill and downhill development and clusters of houses that weaved around. She added that all properties were built at different times, in different styles, facing different directions, in complete contrast to the description of a linear character to the village. She noted the importance of village residents having the option to downsize but remain in the village and stated this would assist would that. She urged the Committee to support the application and thanked them for their time.

A Member of Committee sought clarification regarding a comment from the Parish Council that they supported the decision of Lincolnshire County Council. The Planning Officer explained the application had been previously refused and comments from Lincolnshire County Council had been in relation to the access to the property.

With this clarification, and with no further Members indicating to speak, the Officer recommendation to refuse was moved from the Chair and seconded. On taking it to the vote, it was agreed that permission be **REFUSED**.

78 141848 - SUMMER HILL, GAINSBOROUGH

The Chairman introduced application number 141848, for balcony to west elevation at Summer House, 3 Summer Hill, Gainsborough. There were no updates from the Planning Officer and, with no registered speakers, the Chairman invited comments from Committee Members.

A Member of Committee noted that the applicant was a relative of a council officer and as such, the application was beofre the Committee for reasons of transparency. The decsiion would have otherwise been made under delegated powers.

Note: Due to technical issues, the meeting was adjourned at 8:19pm and reconvened at 8:25pm. A full roll call was undertaken to confirm all Members were present.

On restarting the meeting, the Chairman summarised the Member comments as detailed above. The Officer recommendation for approval was moved, seconded and voted upon. 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 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.

79 141726 - ULSTER ROAD, GAINSBOROUGH

The Committee were asked to give consideration to application number 141726, for removal of prefabricated double garage and construction of double garage with additional habitable space/games room above at 12 Ulster Road Gainsborough. This was a resubmission of previously approved permission 140242. There were no updates from the Officer and she presented the details of the application to the Committee.

Note: Due to a recurrence of the technical issues, the meeting adjourned at 8:32pm and reconvened at 9:00pm. The Chairman conducted a full roll call to ensure all Members were present. This was confirmed to be the case.

The Planning Officer continued her presentation and, once completed, the Chairman invited the registered speaker to address the Committee.

Mr Peter Benson, Agent for the Applicant, thanked the Committee for the opportunity to speak. He stated that, as mentioned, the proposal originally was granted permission in February 2020 however, the proposed redesign was to try to get more space on the first floor. To do this, they were suggesting a slightly increased pitch of roof. This increased the first floor space without increasing the footprint. They considered this to be a minor change. The original application approved had an overall ridge height of 5.7m with a corresponding eave height of 2.85m. The distance from the front boundary was 15m which was exactly the same distance as the existing garage. The new amended application had an identical footprint but with a revised height of 6.4m. He stated that due to previous discussions, they

were aware the increase would be met with some resistance but they had taken steps to ensure the impact was minimised. They also undertook lengthy consultation with neighbours to ensure there were no neighbourhood issues. In order to mitigate the increase in height they had moved the building 1.5m further back into the plot so it was further away from the road. This reduced the garden space but the applicants felt this was a suitable compromise in order to gain the additional space on the first floor. They felt the impact on neighbouring properties was minimal, due to the garden areas being raised and the garage being built at a lower level. With regard to the formal and informal consultation with neighbours, Mr Benson stated it was important to note that no negative feedback had been received from residents on the street. Formal letters of support had been received from residents of Ulster Road, including two neighbours, and informal positive feedback had also been received from other residents of Ulster Road. There was also no negative feedback received from the Parish Council, Lincolnshire County Council or the Ward Member. He stated that taking into account all of the above, the recommendation to refuse could be reconsidered by the Committee. He added that the materials to be used were in keeping with the area and the design of the proposal was not changed to the previously agreed application aside from the change to the roof pitch. He summarised the points made above and requested that consideration be given for approval of the application.

There were no further comments from the Planning Officer and so the Chairman asked for comments from Committee Members. A Member of the Committee noted that the application had been referred to the Committee because the applicant was associated with West Lindsey District Council otherwise the decision would have been taken under delegated powers. He stated that he could understand why the recommendation was to refuse permission however stated that, should the Committee be minded to grant the application, there should be a condition put in place to ensure the property remained ancillary to the main dwelling rather than separated off as a small dwelling.

Councillor M. Boles declared a personal interest in that he knew Mr Benson but had not discussed the application with him. Councillor Boles stated that he was struggling to agree with the Officer recommendation to refuse the application. In knowing the area well, he did not agree that the proposal would be overly dominant and noted the support from the neighbours and residents of the street. He stated that he would support the granting of permission.

Another Member of Committee stated that she recognised the concerns raised but was overall surprised at the recommendation to refuse. She noted there seemed to be sufficient space to accommodate the proposal without a negative impact on the area.

With no other indications to speak, the Chairman moved the Officer recommendation, which, on being seconded was taken to the vote. With a majority vote against, the recommendation to refuse planning permission was **not carried** and the Chairman asked for an alternative proposal.

A Member of Committee proposed that permission be granted under a reversal of the reasons for refusal. It was also proposed that an additional condition be put in place to ensure the building remained ancillary to the main dwelling. This proposal was seconded and, on being taken to the vote, it was agreed that permission be **GRANTED**.

80 140997 - OWERSBY BRIDGE ROAD, KIRKBY CUM OSGODBY

The Committee gave consideration to application number 140997 to erect extension(s) to existing dwelling at Clinton Villa, Owersby Bridge Road, Kirkby Cum Osgodby, Market Rasen. There were no updates from the Officer so the Chairman invited the Democratic Services Officer to read the following statement provided by Mr Peter Everton, Agent for the Applicant.

“Good evening Chairman and members of the committee. Thank you for your time this evening.

As stated, this application is for a demolition of the existing garage and a proposal for a single storey rear and side extension to Clinton Villa.

The main concerns raised by the planning officer and neighbour objections from the previously submitted scheme were the views to and from the listed building, scale and massing, and the residential amenity impacts on the neighbouring dwellings.

Following a very productive site meeting and numerous email correspondence with Joanne Sizer, the scheme evolved to what you see before you today.

The design is sympathetic to the existing bungalow and maintains the character of the property. Scale has been reduced along with the amenity impacts on the neighbouring dwellings. Whilst the extension is large, it is appropriately proportioned to the large plot and is of a height and scale which reflects the existing dwelling.

The flat roof element will have minimal visual impact from the street scene and neighbouring properties, with the majority of the flat roof extension only visible from the rear garden which has been designed to negate the impact to the nearby listed building. This was a previous concern of the Conservation Officer and as seen in her most recent response, the Officer states that the setting of Kirk House will not be harmed.

We now present a well-rounded scheme addressing all previous issues, in our opinion adhering to all relevant Planning Policy and with an Officer recommendation for approval, which has been achieved through a proactive approach.

Joanne has been extremely professional, great to work with and we believed going forward this project would be seen positively, especially with the conservation officer now having no issues with the revised design and the planning officer recommending it for approval.

We can now no longer see why this application should not be seen as favourable and granted.

Many thanks for your time.”

With no further comment from the Officer, the Chairman opened the floor for comments from Members. The size of the planned extension was called into question and the Planning Officer confirmed the application for consideration was smaller than had been proposed originally. A Member of Committee commented that she had read the comments from

neighbouring properties with interest, as well as the conservation report. She noted that the applicants had worked with Planning Officers to agree on what was being considered this evening and she was happy to support the application.

Having been moved and seconded, there was discussion regarding the need to condition the use of the workshop for personal use only and whether to remove permitted development rights. It was decided, and agreed by the proposer and seconder, that too safeguard for future use, the workshop should be conditioned for domestic use only and to ensure no further extensions to the property, permitted development rights should be removed.

With these two amendments, the Chairman took the vote and it was unanimously agreed that permission be **GRANTED** subject to those and the following conditions.

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

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

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

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

None.

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

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

81 141621 - PADMOOR LANE, UPTON

The Chairman introduced the final application of the night, 141621, to erect 1no. dwelling on land adjacent 1 & 3 Padmoor Lane Upton Gainsborough.

NOTE: Councillor D. Cotton declared a non-pecuniary interest in the application as it was in one of the parishes to which he ministered and was in reference to the church as a listed building. He therefore left the meeting at 9:40pm.

There was no update from the Planning Officer and as such the Chairman invited the first speaker, Mr Martin Furnish, Agent for the Applicant, to address the Committee. Mr Furnish made the following statement.

“Good evening to all members of the Committee.

I would firstly like to thank the Planning Officer Martin Evans and Conservation Officer Liz Mayle for their support and assistance during the application process in delivering an excellent scheme seeking your support tonight.

It is recognised to be a sensitive site located in the vicinity of three listed buildings in the settlement of Upton, but it has been the main aspiration of this application not to impact on any of these existing buildings.

Therefore, through consultation with both Conservation and Planning Officers, the scheme before you today has been designed to protect visual impact on all the listed buildings, whilst delivering a desirable but modest residential dwelling for the applicants.

The new dwelling is in an infill plot considered in an appropriate location and provides a vast improvement to the street scene in the heart of the village. It would remove an existing flat roofed garage and storage block with no architectural merit, replacing with a dwelling design that includes all the architectural features that would have been expected 100 years ago.

The dwelling has focused on the applicants need to provide a separate piano room to allow the teaching of pupils away from the residential element of their home, which has become more prevalent during recent times. The current residence does not have the ability to provide suitable access to prevent pupils entering the home nor provide the additional space.

Additionally, there has been a significant level of parking allocated within the site, which will avoid any need of parking on the street, helping to maintain the open aspect to the central area of the village.

The new dwelling would provide continued long-term residency in Upton where the applicant, Mrs Crow, has lived all her life, maintaining her close connection to the local community. The applicant's current property would become available and be suitable for local first time and retirement occupants.

The applicant is a well-respected resident of Upton and has received strong local community support for this application, being fully backed by the Parish Council and Local Residents. The applicant's family have lived in the village for nearly 100 years and have been supportive of the church and local community and continue to do so. Therefore, it would be considered a shame to see the applicants have to move away to seek suitable accommodation.

We therefore hope that the committee can see merit in the application and approve. Thank you for your time.”

The Chairman thanked Mr Furnish and invited comments from Committee Members. Councillor J. Milne stated that she was Ward Member for the application but had not been involved in any discussions and therefore was speaking as a Member of the Planning Committee. She stated that it appeared great consideration had been given to the design of the property and to minimise the impact on surrounding buildings, including the church. She mentioned concerns around dust and noise, however, noted that there had not been such concerns raised regarding the existing forge. She commented that there was significant community support for the application and she moved the Officer recommendation for approval.

There were further comments of support from Committee Members and the level of community engagement was highlighted as particularly positive.

Having been moved and seconded, the Chairman took the vote and it was unanimously agreed that permission be **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.

82 DETERMINATION OF APPEALS

The determination of appeals was **NOTED**.

The Chairman thanked everyone for their patience through the technical difficulties and wished all present a Merry Christmas and Happy New Year.

The meeting concluded at 9.55 pm.

Chairman



Officers Report

Planning Application No: 141017

PROPOSAL: Planning application for change of use of land to park including siting of vehicle for hot & cold foods, seating, raised area, perimeter fencing, and siting of a storage shed.

LOCATION: Land At North Street and Spital Terrace Gainsborough
Lincolnshire DN21 2HU

WARD: Gainsborough South West

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

APPLICANT NAME: Mr S Ralf

TARGET DECISION DATE: 14/07/2020

DEVELOPMENT TYPE: Change of Use

CASE OFFICER: Daniel Evans

RECOMMENDED DECISION: Grant the principle of development, subject to deferral back to officers for resolution of outstanding matters in relation to odour.

This planning application is being referred to the Planning Committee for determination following the request of the Ward Member within the 28 day 'call-in' period and the planning matters under consideration are finely balanced.

Description:

The application site is a vacant area of land located on the corner between North Street and Spital Terrace.

The site lies within Gainsborough Town Centre surrounded by a number of Listed Buildings and within the Gainsborough Britannia Conservation Area. The site is surrounded by a mixture of retail units some with flats above. North Street and Spital Terrace adjoin the western and northern boundaries respectively. The site comprises of an open area of grass which was previously unkempt and measures approximately 850m² in area.

The application seeks permission to change the use of the site to a 'pocket park' and the siting of a catering vehicle which will serve hot and cold food and drink. The proposed activities on the site include usage as park day to day with up to 50-60 people and catering trailer and evening performances in summer (theatre, music, cinema) with a maximum of 200 attendees. The application also proposes a number of ancillary elements (below).

The description of works given in the application form, is as follows:

- *Change of use of land to Park*
- *Stationing of vehicle for hot & cold foods*
- *Provision of seating*

- *Provision of raised area for seating, activities and entertainment*
- *Provision of seating benches*
- *Provision of perimeter fencing at 1m height*
- *Provision of a storage shed*
- *Provision of raised planting beds and wheelie bin wormery*

To note: this application is retrospective. Works have commenced and the catering vehicle has been operational over the summer months.

Relevant history:

M06/P/0082 - Planning Application to erect 24no. apartments and 5no. shop units. Granted 13/06/2006.

131913 - Planning application to erect a four storey block of 19no. apartments to provide a supported living environment for adults with learning difficulties. Refused 28/04/2015.

134332 - Planning application to erect a four storey block of 17no. apartments with associated access and car parking-resubmission of 131913. Granted 02/06/2017.

Representations:

Chairman/Ward member(s):

Cllr. J. Rainsforth

I have received several phone calls from members of the public expressing concerns at the siting of this application, the general feeling being it would be detrimental to the street scene as it is situated in a Conservation Area.

Concerns have also been raised about it being a distraction at a very busy roundabout.

So based on this I am asking could this application please be brought to the planning committee for determination.

Gainsborough Town Council:

A member commented that for much of the week commencing 18 May 2020 that the bottom of Spital Terrace was already being used for food distribution. A comment was also made that the planning application documents were not of a high standard and professional.

Concerns were raised by a member about members of the public congregating at the site in question whilst lockdown measures were in place and near a busy roundabout.

Additional concerns were raised about the impact that proposal would have on other food outlets in proximity.

A question was raised whether the appropriate planning permission was currently in place for such activity. A concern was raised about the detrimental impact the activity is currently having on the street scene.

One member specifically questioned if the proprietor had taken steps to ensure that guidelines were being met to tackle the outbreak of the coronavirus? There was also questions about what certification was in place for hygiene, health and safety, etc.

Local residents:

Objections received from the following properties: 24 Meadow Rise, Lea.

Comments summarised as follows:

- This would be an eye sore we have plenty of eateries we do not need a burger van.
- It would impact on the area and other food establishments.

General Observations received from the following properties: 45 Larne Road, Lincoln.

Comments summarised as follows:

- Being dog owners it's always difficult to find somewhere to have a coffee/tea and a bite to eat, but we were able to do so here, the grounds look well-kept and tidy the kitchen trailer gives a hint of Gainsborough's farm machinery industrial history.
- The staff were very helpful, the food was freshly cooked and very enjoyable.
- It is so unusual to find little gems like this in these days of the National coffee shop franchises, it's so refreshing to find a business that takes what I believe was a piece of overgrown waste land and an eyesore and turn it into a space which adds to the town in a positive way for it's community. It is somewhere we both hope to visit regularly when visiting the area in the future. Well done West Lindsey District Council for supporting this sort of enterprise and giving the people of Gainsborough and visitors to the area somewhere that's totally unique to experience.

LCC Highways & Lead Local Flood Authority:

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

LCC Archaeology:

The proposed development is located in an area of archaeological interest close to the historic core of the medieval town of Gainsborough. Yet the proposed development does not appear to involve any substantial groundworks (other than planting, path laying etc.) and on this basis we would recommend that no archaeological input be required.

WLDC Environmental Health:

25/11/2020

Whilst there are inaccuracies in the text of the noise assessment (referrals within to the site being a shisha room and a pub) I am satisfied that the general day to day usage of the site as a park for food and drink purchase, consumption and social gathering etc. is not going to cause excess noise disturbance provided patrons behaviour is suitable managed by staff as per the noise management plan on page 18 of the assessment. However I still have concerns regarding the use and suitability of the site as an outside entertainment venue given the close proximity to residential properties and the lack of information regarding the type and intended location of sound equipment, how/where it is to be installed and how it is to be managed to ensure levels do not exceed those which would cause disturbance. This could perhaps though be conditioned along the lines of "any amplified music or PA system is not to be brought into use until such a time as the details of the installation has been agreed in writing by LPA".

There also needs to be confirmed by the applicant that the catering trailer has no fixed mechanical plant (running all appliances off mains or solar as described in the noise assessment) and that the existing fence meets the criteria within section 6 the assessment.

As briefly touched on the odour assessment is not suitable and does not show how odour from the cooking of food at the premises is to be managed effectively. The applicant should be directed to the DEFRA / EMAQ guidance "Control of Odour and Noise from Commercial Kitchen Exhaust Systems"

06/08/2020

(in summary)

The food truck appears to be intended as a permanent fixture, certainly as it is likely to be there for more than 28 days it would not be classed as temporary, as such it must comply with the same requirements as any other fixed commercial kitchen, it will require an adequate odour control mechanism to be in place prior to use details of which will need to be submitted and approved.

As a food establishment it will need to have a proper water supply, it will need to have proper drainage (foul and surface water) and there will be a requirement for a staff toilet facilities etc. as a permanent structure it will also need registering with our food team. Any waste (including waste water) created by the business will need to be disposed of properly. Provision of food and drink intended to be consumed on the premises (premises is the entire site encompassed by the application and not just the food truck) will require provision of toilet facilities for customers.

The noise aspect has not been fully addressed and I would expect a full noise assessment by a suitably qualified person to cover all aspects of noise from the site. Two "high impact" events per week would be considered excessive in a residential area and in general the management plan supplied is vague regarding what activities will take place, what effect they will have on the area and how this will be managed. Suitable restrictions on hours and number & type of activities will need to be conditioned should permission be considered.

27/05/2020

(in summary)

Highlighting potential issues in relation to:

- Potential noise disturbance to occupiers of neighbouring premises from generators, food prep, activities & entertainment and customers.
- Potential odour nuisance from cooking.
- Off-site litter management.
- Lighting arrangement.
- Storage shed.

WLDC Conservation Officer:

02/12/2020

(in summary)

The site lies within the setting of the grade II* listed former Magistrates Court. A wider shot within the heritage statement shows exactly the park is set between non-designated heritage assets and a highly graded listed building. This site has been open historically and has previously been something of an eyesore in a key location as you come into town.

17/06/2020

(in summary)

The site is located at a very prominent corner in the town centre, which is within the Britannia Works conservation area. There are listed buildings in Spital Terrace in close proximity to this site and a number of buildings of importance in the conservation area nearby, including the Heritage Centre. Also, the site is within the Gainsborough Town Centre Heritage Masterplan. Until a few weeks ago, this site contained advertisement hoardings. I visited yesterday and noticed that the hoardings were gone and works were underway on site. Development for flats has previously been granted on this site, however, the Britannia Works conservation area appraisal notes that the site has historically been open space (confirmed by old OS maps). The conservation area appraisal also notes that the site would benefit from environmental improvements. I note also that there is no heritage statement with this application.

I would advise that whilst I welcome the principal of improving this site, which could make a very attractive pocket park, that any such proposal must be appropriate to the conservation area. Unfortunately the current proposals have a number of elements which are not considered to preserve or enhance the conservation area.

So I whilst I would advise that it would be acceptable to see the area used as a pocket park, properly designed as a civic amenity for use by all, it is not suitable for an open air café area serviced by a truck.

WLDC Licensing:

(in summary)

It is likely that some of the activities proposed would require a licence for the site. Licensable activities which would require a temporary events notice or premises licence are:

- Sale of alcohol
- Late night refreshment
- Regulated entertainment
 - Performance of a play
 - Exhibition of films
 - Indoor sporting events
 - Boxing or wrestling entertainments
 - Performance of live music
 - Playing of recorded music
 - Performance of dance

WLDC Trees and Landscapes Officer:

This is a prominent corner located adjacent the main route into the town centre from the north and east sides of the town. There are various tall building around this site and any new landscaping should contain some structural planting to compliment the buildings as well as add feature and biodiversity value to the site.

Native tree species are the best for biodiversity value but any trees will improve biodiversity value. Due to the available space of the site and its intended use any tree planting should be chosen to avoid wide spreading crowns and trees that would eventually take up too much space or would dominate the site.

There are a number of small trees that would be suitable to add feature, amenity and improve biodiversity of the site. Small species suggestions are crab apple, Amelanchier 'Ballerina', Amelanchier lamarckii, or Photinia x fraseri 'Red Robin' which is grown as a shrub or a small tree. For a bit more structural height to the planting, Betula utilis Jacquemontii planted in tight groups of three would stand out to passers-by, three small to medium sized trees following the perimeter of the site with oval or narrow crowns to avoid their crowns overly 'filling' the site would add feature and amenity to the site and make an important contribution to the street scene, such as Pyrus calleryana 'Chanticleer', or there are a number of rowan varieties with oval crowns such as Sorbus aucuparia 'Asplenifolia' or Sorbus aucuparia 'Cardinal Royal', Sorbus aucuparia 'Sheerwater Seedling', or some field maple varieties also have oval/narrower crowns such as Acer campestre 'Elegant', Acer campestre 'Queen Elizabeth', or some tree nurseries supply 'streetwise' varieties of some trees which are narrow crowned versions, such as Acer campestre 'Streetwise' which is only 3m wide after 25years. One or two specimen large species trees such as Quercus robur Fastigiata or Fastigiata 'Koster', or Fagus sylvatica 'Dawyck' would stand out. Holly or something thorny such as Crataegus 'Paul's Scarlet', Hybrid cockspur thorn, or Broad-leaved cockspur thorn are good one to obstruct people going where they shouldn't, such as position one at the side of the food truck or the shed to prevent people going behind them.

Relevant Planning Policies:

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

Development Plan

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

Relevant policies of the CLLP include:

- LP1: A Presumption in Favour of Sustainable Development
- LP2: The Spatial Strategy and Settlement Hierarchy
- LP6: Retail and Town Centres in Central Lincolnshire
- LP9: Health and Wellbeing
- LP13: Accessibility and Transport
- LP14: Managing Water Resources and Flood Risk
- LP17: Landscape, Townscape and Views
- LP20: Green Infrastructure Network
- LP24: Creation of New Open Space, Sports and Recreation Facilities
- LP25: The Historic Environment
- LP26: Design and Amenity
- LP38: Protecting Gainsborough's Setting and Character
- LP42: Gainsborough Town Centre and Primary Shopping Area

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

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

The site is not in a Minerals Safeguarding Area and therefore policy M11 of the Core Strategy does not apply.

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

National policy & guidance (Material Consideration)

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

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

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

National Planning Practice Guidance -

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

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 Gainsborough Neighbourhood Plan (GNP)***

Gainsborough Town Council has formally submitted its Neighbourhood Plan and supporting documents for consideration as part of Regulation 16 of the Neighbourhood Plan Regulations 2012 (as amended). The Regulation 16 consultation has concluded and the plan is currently at examination stage which is being undertaken by an independent examiner. Applying paragraph 48 of the NPPF, the emerging neighbourhood development plan can be afforded some limited weight in the decision of this scheme at this stage of preparation (subject to any outstanding objections on the relevant policies).

Relevant policies of the GNP are:

NPP1: Sustainable Development

NPP2: Protecting the Natural Environment and Enhancing Biodiversity

NPP3: Creating a Local Green Network

NPP6: Ensuring High Quality Design

NPP7: Ensuring High Quality Design in each Character Area

NPP18: Protecting and Enhancing Heritage Assets

NPP19: Improving the Vitality of the Town Centre

Other Guidance:

Section 66 of the Planning (Listed Building & Conservation Areas) act 1990.

Section 72 of the Planning (Listed Building & Conservation Areas) act 1990.

Gainsborough Britannia Conservation Area

Main issues

- Principle of Development
- Heritage and Design
- Residential Amenity
- Other Matters

Assessment:**Principle of Development**

The application seeks permission to change the use of the land to a park together with the siting of a catering vehicle which will serve hot and cold refreshments, seating areas, a raised platform area and siting of a storage shed.

Policy LP24 supports the provision of new open space within Central Lincolnshire. This is echoed within the emerging GNP which seeks to deliver a Local Green Network within the town. 'Map 6 Existing Green Spaces' within the GNP identifies a clear lack of green space within the Town Centre. The CLLP and NPPF also recognise the benefits open space can have in supporting and enhancing physical and mental health and wellbeing.

The proposed renovation and revitalisation of the open space will deliver notable public realm improvements and serve as a new social facility within the town centre. This accords with policy LP38 of the CLLP in particular, which seeks to deliver improvements to the public realm that will enhance Gainsborough's attractiveness as a destination.

Overall the renovation and revitalisation of this open space which serves as a gateway site within the town centre is supported in principle.

In addition to the renovation of the open space, the site will incorporate a food establishment through the siting of the catering vehicle which is to be a permanent addition. The vehicle is located to the east of the site.

The site is located within the defined Town Centre Boundary. In accordance with policy LP42 of the CLLP, within the Town Centre Boundary, proposals for main town centre uses are supported provided that the proposed development is compatible with the use of adjacent buildings and land.

Leisure and recreational uses such as restaurants are defined as main town centre uses by the NPPF. The proposal would offer food provision within a recreational area and food kiosk/structures such as this are somewhat expected within an urban park setting. It is anticipated that customers may utilise the tables and chairs provided within the open space for consumption, but there is no restriction in relation to consumption off the premises. Overall, it is concluded that the catering establishment proposed may be considered a main town centre use and is appropriate to this setting.

The NPPF at paragraph 85, advises that planning decisions should support the role that town centres play at the heart of local communities, by taking a positive approach to their growth, management and adaptation. The emerging GNP also seeks to improve the vitality of the town centre.

Overall, the proposed development to renovate and revitalise this gateway open space in Gainsborough Town Centre is supported in principle and the catering establishment will provide a diversification of the food and drink offer within the Town Centre.

It is considered that policies LP24, LP38 and LP42 are consistent with the NPPF and are attributed full weight.

Heritage and Design

The site is located within the Gainsborough Britannia Conservation Area and surrounded by a number of heritage assets.

Section 66 of the Planning (Listed Building & Conservation Areas) act 1990 places a legislative requirement that when considering whether to grant planning permission for development which affects a listed building or its setting, the local planning authority 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. Setting is more than views, it is how the building is experienced. In addition to this, the site is located within Gainsborough Britannia Conservation area and therefore Section 72 (1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 requires that special attention is paid to the desirability of preserving or enhancing the character or appearance of the conservation area.

Policy LP25 states that development proposals should protect, conserve and seek opportunities to enhance the historic environment of Central Lincolnshire. The emerging GNP, at policy NPP18, also seeks to retain and enhance the heritage values of Gainsborough.

In relation to design the NPPF makes clear that the creation of high quality places is fundamental to what the planning and development process should achieve. Policy LP26 seeks to ensure development respects the landscape character and identity, and relates well to the site and surroundings. Policy LP17 seeks to protect and enhance the intrinsic value of our landscape and townscape. Policy NPP6 of the GNP seeks to achieve high quality design.

A depiction is below of the site before and after the works have taken place:

Before.



(<https://www.google.co.uk/maps/>)

After.



The applicant's submitted heritage assessment advises that historically the site has remained open in nature. The site contains a well landscaped area consisting of areas for seating, together with a footpath through the site. To the east of the site there will be a catering vehicle along with an ancillary storage shed and a raised platform area. The site will be bounded to the front by low level fencing. It is considered that the revitalisation of the open space will deliver notable public realm improvements and enhance the character and appearance of the area, together with the setting of the Conservation Area and heritage assets.

However, concerns have been raised regarding the design and appearance of the proposed catering vehicle. The proposed structure contains a wood effect external finish with a corrugated metal roof. The proposal also includes an ancillary storage shed which is of no particular architectural merit. The proposed catering vehicle, together with the ancillary structures, would not in themselves enhance the setting, and may contribute to a negative visual impact as they would form somewhat uncharacteristic additions to the town centre, particularly in an open space setting.

It is considered that the addition of the catering vehicle along with the additional ancillary structures, given their design, would be incongruous additions to the heritage setting of the site. Policy LP25 advises that 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 proposals do not harm the significance of the asset and or its setting.

The approach within paragraph 196 of the NPPF is where a development proposal will lead to less than substantial harm to the significance of a designated heritage asset, as is the case here, this harm should be weighed against the public benefits of the proposal.

In this case, the proposal offers public benefits by virtue of the works to the open space, which deliver significant improvement to the public realm and enhance the character and appearance of this gateway site in the town centre. The siting of the catering vehicle will also provide benefits by virtue of

a diversification of the food and drink offer within the Town Centre. Therefore, in this case, these public benefits would outweigh the harm caused to the Conservation Area and setting of nearby listed buildings and non-designated heritage assets. A comprehensive landscaping scheme, including appropriate tree planting within the site, will be required via condition to help mitigate the harm caused by the catering vehicle and ancillary structures. This is supported by policy NPP19 of the GNP in particular which supports trees and other soft landscaping within the town centre.

Overall, the proposal accords with policies LP17, LP25 and LP26 of the CLLP, Policies NPP6, NPP7 and NPP18 of the GNP and guidance contained within the National Planning Policy Framework.

It is considered that policies LP17, LP25 and LP26 are consistent with the NPPF and are attributed full weight.

Residential Amenity

Policy LP26 requires development to demonstrate that proposals will be compatible with neighbouring land uses, and will not have an adverse impact in relation to amenity considerations, such as, but not exclusively, adverse noise and vibration and adverse impact upon air quality for odour, fumes, smoke, dust and other sources.

The site is located within a town centre location, any residential use within a town centre location will be subject to some noise and disturbance given the nature of the location. However, it is important to ensure that this proposal does not increase any disturbance levels to an unacceptable level.

Noise

The applicant has submitted a desk top noise assessment for the site. Page 7 of the noise assessment advises that the proposed activities on the site include usage as park day to day with approximately 50-60 people and catering trailer and evening performances in summer (theatre, music, cinema) with a maximum of 200 attendees.

A noise management plan is proposed within the assessment to ensure a low likelihood of noise impact. The WLDC Environmental Health Officer is satisfied that the general day to day usage of the site as a park for food and drink purchase, consumption and social gathering etc. is unlikely to cause excess noise disturbance.

However, concerns have been raised regarding the suitability of the site as an outside entertainment venue given the close proximity to residential properties and the lack of information regarding the type and intended location of sound equipment, how/where it is to be installed and how it is to be managed to ensure levels do not exceed those which would cause disturbance. This matter can be resolved by an appropriately worded condition, as proposed by the Environmental Health Officer. In addition to this, it is noted that some 'evening performances' proposed may be licensable activities, which would require the site to be licensed appropriately. The process of licensing the site

is separate from the planning process but would include consultations with relevant parties such as Environmental Health and the Police. Nevertheless, a precautionary approach has been adopted regarding this element of the proposal, given the lack of detail provided regarding the live events taking place from the site.

Odour

To date, an appropriate odour assessment has not been provided for the activities on site, particularly in relation to the catering vehicle.

The Environmental Health Officer has suggested that an appropriate assessment should be provided to establish how odour from the cooking of food at the premises is to be managed effectively.

The applicant has confirmed in principle their acceptance to produce such a report and implement the necessary mitigation measures.

The recommendation of this report is to delegate back to officers for determination once an appropriate assessment has been provided, to ensure it is satisfactory, and secure any required mitigation.

Subject to the above, it is considered that the proposal is compliant with policy LP26 of the CLLP. It is considered that policy LP26 is consistent with the residential amenity guidance of the NPPF and is attributed full weight.

Other Matters

Public Right of Way

The site is located to the east of Gain/12/1, a public right of way. The proposed development will have no impact on the functions of the right of way.

Highway Safety

Concerns have been raised by the local ward member in relation to highway safety. The perimeter of the site contains highway parking restrictions which would prevent members of the public parking directly adjacent to the site. The Highway Authority have raised no concerns in relation to the proposal. It is also noted that the catering vehicle has been located on site during the summer and the Local Planning Authority have not been made aware of any highway issues during this period. As such, the proposal accords with policy LP13.

Conclusion

The proposal has been considered against policies LP1: A Presumption in Favour of Sustainable Development, LP2: The Spatial Strategy and Settlement Hierarchy, LP6: Retail and Town Centres in Central Lincolnshire, LP9: Health and Wellbeing, LP13: Accessibility and Transport, LP14: Managing Water Resources and Flood Risk, LP17: Landscape, Townscape and Views, LP20: Green Infrastructure Network, LP24: Creation of New Open Space, Sports and Recreation Facilities, LP25: The Historic Environment, LP26: Design and Amenity, LP38: Protecting Gainsborough's Setting and

Character, LP42: Gainsborough Town Centre and Primary Shopping Area of the Central Lincolnshire Local Plan, Section 72 and Section 66 of the Planning (Listed Building & Conservation Areas) act 1990 in the first instance and guidance contained within the National Planning Policy Framework, the National Planning Practice Guidance and policies NPP1: Sustainable Development , NPP2: Protecting the Natural Environment and Enhancing Biodiversity, NPP3: Creating a Local Green Network, NPP6: Ensuring High Quality Design, NPP7: Ensuring High Quality Design in each Character Area, NPP18: Protecting and Enhancing Heritage Assets, NPP19: Improving the Vitality of the Town Centre of the emerging Gainsborough Neighbourhood Plan.

In light of this assessment it is considered that the proposed renovation and revitalisation of the open space will deliver notable public realm improvements and serve as a new social facility within the town centre. The catering establishment will provide a diversification of the food and drink offer within the town centre. The proposed catering vehicle, together with the ancillary structures such as the storage shed, given their design, would be incongruous additions to the heritage setting, however, the public benefits of this development outweigh the harm cause to the Conservation Area and setting of listed buildings and non-designated heritage assets. No harm would arise to highway safety.

Therefore, it is requested that members grant the principle of development subject to delegating back to officers for resolution of the outstanding matters in relation to odour that will protect the amenities of neighbouring properties. Possible conditions are listed below –

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

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

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

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

None.

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

2. Within 6 months of the date of this decision a comprehensive landscaping scheme shall have been submitted to the Local Planning Authority for its written approval, including details of the:
 - position, size, species and density of all trees, hedging and shrubbery to be planted;

The development shall be completed in accordance with the agreed details.

Reason: To ensure that appropriate landscaping is introduced and will not adversely impact on the character and appearance of the site and the surrounding area to accord with the National Planning Policy Framework, local policies LP17, LP25 and LP26 of the Central Lincolnshire Local Plan.

3. No amplified music or PA systems be brought into use until such a time as the details of the installation, including acoustic performance, has been agreed in writing by the Local Planning Authority.

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

4. The catering vehicle shall only operate between the hours of 9.00 and 22.00 Monday - Saturday and 9.00 and 21:00 Sunday including Public and Bank Holidays.

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

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

- Site Layout/Block Plan (Proposed) dated 19th May 2020;
- Amended Visualisation dated 15th December 2020;
- Proposed Catering Vehicle and Storage Shed dated 23rd December 2020; and,
- Fencing Specification dated 15th December 2020.

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

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

6. The development shall operate in accordance with the Noise Management Plan set out within Section 6 of Noise Impact Assessment by Nova Acoustics dated 18/11/2020.

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

7. No live event(s) shall be held on the application site.

Reason: In the interests of residential amenity in accordance with the National Planning Policy Framework and policy LP26 of the Central Lincolnshire Local Plan.

8. All planting comprised in the approved details of landscaping (Condition 2) shall be carried out in the first planting and seeding season following the occupation of the building(s) or the completion of the development, whichever is the sooner; and any trees or plants which within a period of 5 years from the completion of the development die, are removed, or become seriously damaged or diseased shall be replaced in the next planting season with others of similar size and species, unless the Local Planning Authority gives written consent to any variation.

Reason: To ensure that an approved landscaping scheme is implemented in a speedy and diligent way and that initial plant losses are overcome, in the interests of the visual amenities of the locality and occupiers of adjacent buildings and in accordance with Central Lincolnshire Local Plan Policy LP17, LP25 and LP26.

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

None.

Agenda Item 6b

142050- 81 Sunningdale Way, Gainsborough- Site Location Plan



Officer's Report

Planning Application No: 142050

PROPOSAL: Planning application to remove existing single storey garage and replace with two storey side extension.

LOCATION: 81 Sunningdale Way Gainsborough Lincolnshire DN21 1FZ

WARD: Gainsborough North

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

APPLICANT NAME: Mr D Salmon

TARGET DECISION DATE: 19/01/2021

DEVELOPMENT TYPE: Householder Development

CASE OFFICER: Danielle Peck

RECOMMENDED DECISION: Grant permission with conditions

Description:

The application is referred to the planning committee as the applicant is related to a family member of an officer of the Council.

The application site comprises of a two storey detached dwelling located within Gainsborough. There is a driveway and single storey attached garage to the north of the dwelling. The site is adjoined by residential properties on all sides with the highway to the west.

The application seeks permission to erect a two storey side extension which will include the removal of an existing single storey garage.

Relevant history:

125564- Request for confirmation of compliance with condition 6 of planning permission 124354 granted 8 September 2009. Condition discharged 24/03/10.

124354- Planning application to erect 109 dwellings and associated infrastructure (amendment of previous designs). Granted 08/09/09.

M06/P/0174- Reserved Matters Planning Application to amend approved layout, minor reconfiguration of housing areas, substitution house types and provision of two additional dwellings (Re-submission of M05/P/0512). Granted 18/04/06.

M05/P/1321- Reserved Matters Planning Application to amend the alignment of an approved means of access and landscaping to conform with the requirements of 278 works (Granted Outline Planning Permission, application number M03/P/0200).

Granted 24/01/06.

M05/P/0512- Reserved Matters Planning Application for residential development of 257 dwellings and associated works (Granted Outline Planning Permission, application number M03/P/0200) Granted 28/07/05.

M03/P/0200- Residential Development (Local Plan Site G1) Granted 29/12/03).

Representations:

Chairman/Ward member(s):	No representations received to date.
Gainsborough Town Council:	No representations received to date.
Local residents:	No representations received to date.
LCC Highways/Lead Local Flood Authority:	No representations received to date.
Archaeology:	No representations received to date.

Relevant Planning Policies:	
National guidance	National Planning Policy Framework National Planning Practice Guidance National Design Guide 2019
Local Guidance	Central Lincolnshire Local Plan (2012 -2036): https://www.n-kesteven.gov.uk/central-lincolnshire/local-plan/ LP1: A Presumption in Favour of Sustainable Development LP17: Landscape, Townscape and Views LP26: Design and Amenity <i>With consideration to paragraph 213 of the National Planning Policy Framework (February 2019) the above policies are consistent with the NPPF (February 2019).</i>
Neighbourhood Plan:	https://www.west-lindsey.gov.uk/my-services/planning-and-building/neighbourhoodplanning/all-neighbourhood-plans-in-west-lindsey/gainsborough-townneighbourhood-plan/ 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: NPP5 Protecting the Landscape Character NPP 6 Ensuring High Quality Design

POLICY LP26 – Design and Amenity
Is the proposal well designed in relation to its siting, height, scale, massing and form?
Yes. The extension is two storey in scale and is located to the side of the dwelling. The proposed ridge and eaves height is stepped down from the existing and is

also stepped in from the principal elevation, the extension will therefore appear as a subordinate feature in relation to the host dwelling.
Does the proposal respect the existing topography, landscape character, street scene and local distinctiveness of the surrounding area?
Yes.
Does the proposal harm any important local views into, out of or through the site?
No. There are no important views noted.
Does the proposal use appropriate materials which reinforce or enhance local distinctiveness?
Yes.
Does the proposal adversely affect the residential amenity of neighbouring properties by virtue of overlooking, overshadowing, loss of light or over dominance?
No. The extension is located within close proximity to the neighbouring property to the north (79 Sunningdale Way), there are no proposed windows in the side elevation of the extension. There is a new window at first floor height in the rear (east) elevation of the extension, this would result in some additional overlooking into the neighbouring gardens, however this is not considered to be at an unacceptable level above what already occurs on site. The extension will slightly protrude from the existing rear elevation. Some overshadowing may occur on the rear amenity space of the neighbours at no. 79 as a result of the extension during the afternoon hours, however this is not considered to be at an unacceptable level which would warrant a refusal of the application on these grounds. The proposal is considered to accord to policy LP26 of the Central Lincolnshire Local Plan.
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.

It is recommended that the application be delegated back to Officers, to determine the application in accordance with the given resolution, following the expiry of the publicity period (13th January 2021). Should any new material considerations arise within the intervening period, then the application may be referred back to the Committee for further consideration.

RECOMMENDATION: Grant permission with 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: A-061 rev P2 and A-100 rev P1 both received 24th November 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. All external materials used in the development shall match those of the existing building in colour, size, coursing and texture.

Reason: To ensure the use of appropriate materials to accord with the National Planning Policy Framework and Policies 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.

Agenda Item 7



Planning Committee

**Wednesday, 6 January
2021**

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

x

Key Decision:

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

Yes

☐

No

x

Appendix A - Summary

- i) Appeal by Mr Arden against the decision of West Lindsey District Council to refuse planning permission for a single dwelling and vehicular access on to Lincoln Road on land to the south of Lincoln Road and immediately to the east of an existing property known as "Annrick", Torksey Lock.

Appeal Dismissed – See copy letter attached as Appendix Bi.

Officer Decision – Refuse permission

- ii) Appeal by Mr Paul Smith against the decision of West Lindsey District Council to refuse planning permission for outline planning application to erect 2 single dwellings on land east side of Mill Lane, Osgodby, LN8 3TB.

Appeal Allowed – See copy letter attached as Appendix Bii.

Officer Decision – Refuse permission.

- iii) Appeal by Mr Musson (UKSD Developments Limited) against the decision of West Lindsey District Council to refuse planning permission for a proposed development originally described as residential development consisting of 7 dwellings on land off Scothern Road, Nettleham, Lincoln.

Appeal Dismissed – See copy letter attached as Appendix Biii.

Officer Decision – Refuse permission.

- iv) Appeal by M Good and Son Limited against the decision of West Lindsey District Council to refuse planning permission for a proposed development originally described as:

- i) The erection of 25 dwelling houses, including the reconstruction of the existing barn and boundary walls to facilitate its use as a single dwelling, associated garaging, car parking, access roads, landscaping, public open space and footpaths at **land at Good's Farm, Meadows Lane, Reepham, Lincs**; and;
- ii) The demolition of brick-built barn and alterations and rebuilding of stone boundary wall at **Good's Farm, Meadows Lane, Reepham, Lincs**.

Appeals Dismissed – See copy letter attached as Appendix Biv.

Officer Decision – Refuse permission.

Costs Decision – Refused in both cases (Appendices Bv and Bvi)



Appeal Decision

Site visit made on 9 November 2020 by L Wilson BA (Hons) MA MRTPI

Decision by Chris Preston BA (Hons) BPI MRTPI

an Inspector appointed by the Secretary of State

Decision date: 2nd December 2020

Appeal Ref: APP/N2535/W/20/3257173

Land to the south of Lincoln Road, immediately to the East of Annrick, Torksey Lock, Lincoln LN1 2EL

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission.
 - The appeal is made by Mr Arden against the decision of West Lindsey District Council.
 - The application Ref 140369, dated 20 November 2019, was refused by notice dated 6 February 2020.
 - The development proposed is described on the application form as a full planning application for a single dwelling and vehicular access on to Lincoln Road on land to the south of Lincoln Road and immediately to the east of an existing property known as "Annrick", Torksey Lock.
-

Decision

1. The appeal is dismissed.

Appeal Procedure

2. The site visit was undertaken by an Appeal Planning Officer whose recommendation is set out below and to which the Inspector has had regard before deciding the appeal.

Preliminary Matters

3. The appeal site's postcode differs on the application form to that used on the Council's decision notice. I have used the postcode cited on the decision notice as this correctly identifies the site.

Main Issue

4. Whether the proposal would comply with local and national planning policy which seeks to steer new development away from areas at the highest risk of flooding and, linked to that, whether there is an essential need for the dwelling in connection with the proposed holiday accommodation on the adjacent site, such that the sequential test should be limited to the consideration of sites within Torksey Lock, as opposed to the wider area.

Reasons for the Recommendation

5. Paragraph 155 of the National Planning Policy Framework (the 'Framework') states that inappropriate development in areas of flooding should be avoided by directing development away from areas at high risk. The submitted Flood Risk Assessment (FRA) identifies that the site is located within Flood Zone 3 (area with a high probability of flooding).

6. In such cases the Council must apply the Sequential Test and the onus is on the applicant to demonstrate that there are no reasonably available sites appropriate for the proposed development in areas with a lower risk of flooding. I note that the Environment Agency highlight that before development can be considered appropriate in this location it must pass the flood risk Sequential Test and their response does not cover this aspect.
7. The Planning, Design and Access Statement (DAS) sets out the Sequential Test and states that it should only cover potential sites in the village of Torksey Lock, rather than across the district. The search area submitted by the appellant is extremely limited, as it would normally extend across a town or district area rather than one village.
8. Nonetheless, the Planning Practice Guidance (PPG) sets out that a pragmatic approach on the availability of alternatives should be taken. For example, in considering planning applications for extensions to existing business premises it might be impractical to suggest that there are more suitable alternative locations for that development elsewhere¹. The new dwelling relates to a holiday accommodation development granted planning permission in 2017, which also includes a restaurant and shops².
9. Most of Torksey Lock is within Flood Zone 3. Hence, as well as the Sequential Test covering a small area, there is limited sites within a lower flood risk area. The Sequential Test identified two sites, outside the flood risk area. These sites were deemed inappropriate as the appellant considered the local development plan would not support housing in such locations. The sequential test therefore concluded that there are no other sites within the village which meet the appellant's essential need. The Council did not dispute those findings in respect of alternative sites within the village but does not accept that there is an essential need for the dwelling linked to the extant holiday accommodation permission.
10. The appellant states that the development is required to provide a permanent on-site manager accommodation to ensure the proper and safe operation of the holiday accommodation units, and an occupancy condition could be imposed. They set out that there is an essential need to house a manager for the neighbouring development. These needs relate to security, maintenance, customer care and welfare and impact on business matters. In addition, the appellant contends that the accommodation would help minimise the impact of predatory birds upon the adjacent fishing lake.
11. The manager's accommodation relates to a business which is not currently operating and there is a significant amount of building work to be undertaken before it would be able to open. However, I note that pre-commencement conditions have been discharged. The construction of a footway and footbridge has been completed, the appellant has also invested in a new electricity transformer and water supply.
12. The insurance company has stated that to insure the farm shop and glamping site, it seems reasonably practicable to employ a 'live in warden' to manage incidents. Having said that, the letter and email do not state that the dwelling is essential and that they would be unable to insure the approved development

¹ Paragraph: 033 Reference ID: 7-033-20140306

² Reference: 134553

- or that there are no other means to ensure that it would comply with health and safety regulations and to provide appropriate security precautions.
13. The DAS states that having a dwelling within the development was considered inappropriate and would not meet many of the policies within the Central Lincolnshire Local Plan (2017) (LP). However, given that the holiday accommodation has been approved, the appellant has not fully explained why the manager's dwelling could not be accommodated within the neighbouring holiday accommodation site. The Council also consider that this option has not been explored. Although the holiday accommodation site is also within Flood Zone 3, a manager's dwelling within the site could utilise an approved building rather than introducing a further new building as proposed. It is not uncommon for staff or managers to be accommodated within holiday parks and it is not clear why there would be any inherent conflict between those living on site for management purposes and those staying for holidays.
 14. It is not clear whether the business would operate all year or would be seasonal. No evidence has been submitted to demonstrate that other measures have been considered, for example a temporary dwelling for a trial period, or that the business would be viable for the foreseeable future. Moreover, it is not clear whether shift arrangements for those working at the site have been considered such that an on-site presence could be maintained to assist holidaymakers or to deal with any emergency issues, without the need for a permanent dwelling.
 15. In addition, no satisfactory mechanism for tying the accommodation to the use of the adjacent holiday park has been put forward. The condition suggested would seek to limit occupation of the dwelling to those working as a site manager for the holiday park. However, if permission were granted, the dwelling could be erected in advance of the holiday park and there would be no obligation to complete the associated development. I am not satisfied that it would be enforceable or reasonable to seek to achieve the completion of the holiday park through a condition attached to any permission for the current appeal which relates to a different site. Moreover, whether a development is completed would depend on any number of factors, including viability.
 16. Consequently, that could lead to a situation where the dwelling is constructed in advance of the holiday park with no guarantee that the development would take place. Once the physical shell of the building was in place, it may be difficult or unreasonable to resist its use as a dwelling even though the original justification was no longer present. No satisfactory mechanism to avoid that situation or to tie the construction to the completion and use of the holiday park has been presented.
 17. Furthermore, how the appellant would effectively deal with predatory birds is ambiguous. The tenant of the fishing lake states that a manager on site would be able to scare the birds or inform them of their arrival. I am not convinced that this would be a feasible solution. The appellant would have to be monitoring the lake 24/7 to watch out for birds and if they phoned the tenant, by the time they arrive it is likely that the birds would have disappeared.
 18. In addition, the submitted site plan shows that the new dwelling would have limited relationship with either the holiday accommodation or the lake given the use of boundary treatment around the site and individual access. In terms of security, the proposed dwelling would have limited natural surveillance of

the holiday accommodation given that it would not be integrated within the site.

19. Accordingly, based on the evidence submitted, I am not satisfied that there is truly an essential need for a manager's dwelling on the proposed site for the business to function properly. Thus, the Sequential Test has not been passed because the appellant has not justified the limited search area and as a result the submission does not adequately demonstrate that there are no suitable alternative sites in areas of a lower probability of flooding.
20. The Sequential Test must be passed before the Exception Test can be applied. The purpose of the Exception Test is to allow necessary development to take place in situations where sequentially preferable sites are not available³. Given my findings above, my decision does not turn on whether the Exception Test has been passed.
21. The appellant asserts that the site is protected by adequate flood defences which are well maintained by the Environment Agency. If the defences were taken into account then the risk of flooding would be equivalent to Flood Zone 2. I note that the presence of flood defences does not mean that an area is 'safe'. Only whilst the defence is maintained the risk is reduced and they could fail. The FRA acknowledges that flood defences reduce, but do not completely stop the chance of flooding as they can be overtopped or fail and therefore measures are required to protect the development.
22. The FRA identifies flood resilient measures, which include a raised floor level and demountable defences. It goes on to state that the development would not cause any rise in the flood level in the immediate area. The PPG states that flood resistance measures should not be used to justify development in inappropriate locations⁴. In the absence of an appropriate Sequential Test being passed, the proposed development is unacceptable in principle. Therefore, it is not necessary for me to consider the detailed flood mitigation proposals or whether the scheme would increase the risk of flooding within the area.
23. For these reasons, the proposal would not comply with local or national planning policy which seeks to steer new development away from areas at the highest risk of flooding. Consequently, it conflicts with Policies LP2 and LP14 of the LP and the Framework which seek to promote, amongst other matters, sustainable growth within appropriate locations and to steer new development to areas with the lowest risk of flooding.

Other Considerations

24. Policy LP4 of the LP identifies that Torksey Lock in principle will be permitted to grow by 10%, in order to deliver its five year housing supply over the lifetime of the Plan. The appellant highlights that this equates to an additional capacity of 40 dwellings and there have been no new dwellings permitted since 2012.
25. Nevertheless, the supporting text of this Policy highlights that some areas have significant constraints, including flood risk. In these settlements, which includes Torksey Lock, whilst the growth level has not been altered to take account of these constraints, it is questionable whether development proposals will be

³ Paragraph: 023 Reference ID: 7-023-20140306

⁴ Paragraph: 059 Reference ID: 7-059-20140306

able to overcome these constraints. It is therefore assumed, for the purpose of meeting growth targets, that a zero per cent increase in growth can take place in these locations. In addition, based on the evidence submitted the Council is able to demonstrate a five year supply of deliverable housing sites. Thus, this is not a matter that weighs in favour of the proposal.

Conclusion and Recommendation

26. For the reasons given above I recommend that the appeal should be dismissed.

L M Wilson

APPEALS PLANNING OFFICER

Inspector's Decision

27. I have considered all the submitted evidence and the Appeal Planning Officer's report, and, on that basis, I agree and conclude that the appeal should be dismissed.

Chris Preston

INSPECTOR

Appeal Decision

Site visit made on 1 December 2020

by R Walker BA Hons DipTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 11 December 2020

Appeal Ref: APP/N2535/W/20/3257715

Land East of Mill Lane, Osgodby LN8 3TB

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant outline planning permission.
 - The appeal is made by Mr Paul Smith against the decision of West Lindsey District Council.
 - The application Ref 140611, dated 19 February 2020, was refused by notice dated 15 April 2020.
 - The development proposed is outline planning application to erect 2 single dwellings on land east side of Mill Lane.
-

Decision

1. The appeal is allowed and planning permission is granted for outline planning application to erect 2 single dwellings on land east side of Mill Lane at Land East of Mill Lane, Osgodby LN8 3TB, in accordance with the terms of application Ref 140611, dated 19 February 2020, subject to the conditions set out in the schedule attached to this decision.

Procedural Matter

2. The planning application was made in outline with all matters reserved. As such, I have regarded all elements of the drawings submitted as indicative.

Main Issue

3. The main issue is the effect of the proposal on the character and appearance of the surrounding area.

Reasons

4. The appeal site forms part of a livery yard containing stables positioned between residential properties along Mill Lane (the Lane). Although the Lane contains linear housing, there is no fixed building line or overriding pattern of development. There is variety in the angle of properties, their design and positioning.
5. In addition to the linear housing, there is a depth to the built environment with several outbuildings set behind the frontage housing. Moreover, some backland development is being built to the north off Low Road, behind housing on Mill Lane. As such, I do not consider that the introduction of the proposed rear dwelling, in a position that does not extend beyond the line of other buildings or into the surrounding countryside, would appear harmful to the character and appearance of this part of the village.

6. The density of properties along Mill Lane does appear to vary, with properties around the appeal site having more spacious grounds than others closer to the core of the village. Moreover, the illustrative plans demonstrate that a layout could be achieved that would retain space between the proposed buildings and neighbouring properties, such that they would not appear cramped.
7. In this context, whilst the proposal would add some variation to the built form along Mill Lane, subject to details secured by a future reserved matters application, the proposal would make an efficient use of the land and would not appear as an incongruous form of development.
8. I therefore conclude that the proposal would not harm the character and appearance of the surrounding area. The proposal would therefore comply with the requirements of Policies LP17 and LP26 of the Central Lincolnshire Local Plan (2017) (LP) and Policy 4 of the Osgodby Neighbourhood Plan (NP). These policies stipulate, amongst other things, that all development proposals must take into consideration the character and local distinctiveness of the area.
9. The proposal would also accord with paragraphs 127 and 130 of the National Planning Policy Framework (the Framework) and the National Design Guide (2019) (NDG) which require, amongst other things, developments to be sympathetic to local character and the surrounding built environment and landscape setting.

Other Matters

10. Whilst there maybe alternative sites within the village or wider area that are suitable for housing, the appeal site is located on an infill site, on previously developed land (PDL) directly facing the eastern side of Mill Lane. As such, it is the most sequential location for growth as stipulated by Policy 1 of the NP. Moreover, given the date of the application, there was no requirement for the application to be accompanied by evidence of clear community support.
11. Notwithstanding the Council's current housing supply position, the proposal would deliver additional housing, boosting the supply of market housing and make an effective use of the site, which is PDL, as supported by the Framework. It would not result in the loss of any open countryside or Green Belt land. The overall social and economic benefits would be small from 2 dwellings, but these benefits do weigh in favour of the scheme, albeit to a small degree.
12. It is a well founded principle that the planning system does not exist to protect private interests such as value of land or property. The indicative plan shows how sufficient space can be maintained around the dwellings and there is no evidence before me that a design could not be brought forward at the reserved matters stage that would not harm the living conditions of the occupiers of the neighbouring property.
13. Given the number of dwellings, the proposal is unlikely to result in unacceptable levels of traffic or pollution. The access and parking arrangements would form part of the reserved matters. However, there is no substantive evidence before me that satisfactory arrangements could not be achieved.

14. Concerns have been raised regarding the drainage of the site, however, there is no substantive evidence that the proposal would have any significantly harmful effect on flooding.
15. Detailed design elements such as the scale of the properties, their appearance or electric charging points are matters that would be considered in the reserved matters stage.
16. No other harms have been identified by the Council. However, the absence of harm is a neutral matter, weighing neither for nor against the development.
17. Any future application, including any revised scheme to the adjacent application are not matters that I can assess as part of this application and would be for a future application. Similarly, the relocation of the stables is not before me, my assessment is limited to the appeal proposal which seeks the replacement of the existing stables. There is no evidence before me that the redevelopment of the appeal site would have any adverse economic effects.
18. The particular circumstances of the appeal proposal are unlikely to be repeated elsewhere. Therefore, concerns about precedent are not a significant consideration.
19. Concerns regarding the processing of the application or previous application adjacent to the site are not issues that I can assess as part of this appeal. The validity or not of such matters do not affect the planning merits or effects of the proposal before me.

Conditions

20. The conditions relating to the submission of reserved matters and commencement of development are standard. The approval and implementation of a foul and surface water drainage scheme are necessary to ensure the satisfactory drainage of the site and to prevent flooding.
21. I have not included the suggested condition relating to the scale of the rear dwelling, as such detailed considerations should be part of the reserved matters application.

Conclusion

22. In conclusion, I have found that the proposal would not harm the character and appearance of the surrounding area and the proposal would comply with the development plan when read as a whole.
23. For the reasons set out, and having considered all other matters raised, the appeal is allowed, subject to conditions.

Robert Walker

INSPECTOR

Schedule of Conditions

1. Application for approval of the reserved matters shall be made to the local planning authority not later than 3 years from the date of this permission.

2. The development hereby permitted shall take place not later than 2 years from the date of approval of the last of the reserved matters to be approved.
3. No development must take place until, plans and particulars of the means of access to the highway, appearance, layout and scale of the buildings to be erected and the landscaping of the site (hereinafter called "the reserved matters") have been submitted to and approved in writing by the Local Planning Authority, and the development must be carried out in accordance with those details.
4. No construction works above ground level must take place until details of a scheme for the disposal of foul/surface water (including any necessary soakaway/percolation tests) from the site and a plan identifying connectivity and their position has been submitted to and approved in writing by the local planning authority. No occupation shall occur until the approved scheme has been carried out.

End of Schedule

Appeal Decision

Site visit made on 1 December 2020

by R Walker BA Hons DipTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 11 December 2020

Appeal Ref: APP/N2535/W/20/3256719

Land off Scothern Road, Nettleham, Lincoln

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant outline planning permission.
 - The appeal is made by Mr Musson (UKSD Developments Limited) against the decision of West Lindsey District Council.
 - The application Ref 140946, dated 7 April 2020, was refused by notice dated 15 June 2020.
 - The development proposed was originally described as residential development consisting of 7 dwellings.
-

Decision

1. The appeal is dismissed.

Procedural Matters

2. The original application was made in outline, with all matters reserved apart from access. While I have had regard to all of the submitted plans, I have treated all elements shown, as indicative, with the exception of access.
3. An Agricultural Land Assessment report was submitted as part of the appeal. The Council and third parties have had the opportunity to comment on this document as part of the appeal process. As such, no party has been prejudiced by its submission at this stage. The Council has withdrawn its second reason for refusal as a result.

Main Issue

4. Having regard to the above, the main issue is the effect of the proposal on the character and appearance of the surrounding area.

Reasons

5. The appeal site forms part of a large arable field on the edge of Nettleham. The field is bordered by a hedgerow but, due to its size and topography, has an open character. The housing bordering the field forms a clear and distinctive edge to the settlement. The wide expansive views across this open countryside, contrast with the built form and makes a positive contribution to the character of this part of the settlement edge.
6. Although the housing on the southern side of the road originally had a linear form following the road, the housing currently being constructed to the rear means that this is no longer a key feature of this entrance into the settlement. The proposed extension of the built form into the field on the opposite side with

- a row of linear housing would, subsequently, alter the core shape of this part of the settlement.
7. The proposal would not project further than the housing on the southern side of the road and would be viewed against the backdrop of the existing built edge of the settlement. However, it would still appear as a prominent excursion into the open countryside.
 8. Even though only a small portion of the field would be lost, in extending the built form along the field frontage of the road, it would significantly erode the open environment along this route into and out of the settlement. In doing so the urbanisation of this part of the field, even with additional planting, would harm the pleasant open character of the settlement edge.
 9. I therefore find that the proposal would be harmful to the character and appearance of the surrounding area. The proposal would therefore conflict with the requirements of Policies LP17 and LP26 of the Central Lincolnshire Local Plan (2017) (LP) and Policy D-5 Nettleham Neighbourhood Plan (2015). These policies stipulate, amongst other things, that all development proposals must take into consideration the character and local distinctiveness of the area.
 10. The proposal would also conflict with paragraphs 127 and 130 of the National Planning Policy Framework (the Framework) which require, amongst other things, developments to be sympathetic to local character and the surrounding built environment and landscape setting.

Other Matters

11. The appeal site is located outside of the built area of Nettleham in open countryside for planning policy purposes and the proposal would not accord with any of the forms of development deemed acceptable under Policy LP55 of the LP. However, for Nettleham and other large villages, Policy LP2 of the LP stipulates, amongst other things, that in exceptional circumstances, additional growth on non-allocated sites in appropriate locations outside of, but immediately adjacent to, the developed footprint of these large villages might be considered favourably.
12. However, given my findings in relation to character and appearance and the conflict with, amongst other things, Policy LP26 of the LP, the proposal would not constitute an appropriate location having regard to the criteria in Policy LP2 of the LP.
13. There is no dispute that the Council can currently demonstrate a 5-year supply of housing. As such, the presumption in favour of sustainable development as set out in the Framework is not engaged. Moreover, there is no substantive evidence of a specific housing need in the village that would be served by the proposal.
14. Nonetheless, the government places considerable importance on boosting the supply of housing and the proposal would deliver economic and social benefits from the construction and occupation of the housing in a sustainable location. Moreover, I note the appellant's commitment to build the dwellings to a level greater than the requirement within Policy LP10 of the LP. However, given the scale of development these benefits would be small and, as such, the weight I attach to these benefits is small.

15. The proposed public footpath link would have benefits to the local community. However, it would lie outside of the appeal site and no planning obligation has been submitted and, as such, there is no mechanism before me to secure it.
16. The appellant also intends to increase the Community Infrastructure Levy payments as well as an additional parish contribution per plot. However, there is no indication of where this money would be spent or how it relates to the development. As such, I can not be satisfied that such financial contributions would be either directly related to the proposed development or necessary to make the development acceptable in planning terms.
17. The absence of harm in relation to other technical issues weigh neither for nor against the proposal and are neutral matters.
18. I note that the appellants have made changes to the scheme following the dismissal of a previous appeal with the view to finding a solution. Whilst I have had regard to the findings of the Council on that scheme, the scale and form of development has changed substantially. As such, I have reached my own conclusions on the appeal proposal based on the plans and evidence before me.
19. Reference has been made to another application for 7 dwellings approved by the Council at Reepham. However, I do not have the full details of that case and so can not be certain that the circumstances are the same. In any event, I have determined the appeal on its own merits having particular regard to the effects of the proposal on this particular area.

Conclusion

20. The proposal would result in harm to the character and appearance of the surrounding area and would not retain the core shape and form of the settlement. The appeal site would not therefore constitute an appropriate location having regard to the criteria in Policy LP2 of the LP.
21. Although there are benefits, even if I were to conclude that the appeal site was an appropriate location for growth, the benefits would not, in this case, be sufficient to constitute exceptional circumstances in the context of Policy LP2 of the LP.
22. I therefore conclude that the proposal would conflict with the development plan when read as a whole. Given the extent of benefits I have afforded to the proposal, there are no material considerations that would indicate that the appeal decision should be taken other than in accordance with the development plan.
23. For the above reasons, the appeal is dismissed.

Robert Walker

INSPECTOR

Appeal Decisions

Hearing Held on 24 - 25 November 2020

Site visit made on 26 November 2020

by Graham Chamberlain BA (Hons) MSc MRTPI

an Inspector appointed by the Secretary of State

Decision date: 15 December 2020

Appeal A - Appeal Ref: APP/N2535/W/19/3221725

Land at Good's Farm, Meadows Lane, Reepham, Lincolnshire

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission.
 - The appeal is made by M Good and Son Limited against the decision of West Lindsey District Council.
 - The application Ref 138041, dated 5 July 2018, was refused by notice dated 9 October 2018.
 - The development proposed is described as 'Erection of 25 dwelling houses, including the reconstruction of the existing barn and boundary walls to facilitate its use as a single dwelling, associated garaging, car parking, access roads, landscaping, public open space and footpaths'.
-

Appeal B - Appeal Ref: APP/N2535/W/19/3225861

Good's Farm, Meadows Lane, Reepham, Lincolnshire

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission.
 - The appeal is made by M Good and Son Limited against the decision of West Lindsey District Council.
 - The application Ref 138941, dated 22 January 2019, was refused by notice dated 15 March 2019.
 - The development proposed is described as 'Demolition of brick-built barn and alterations and rebuilding of stone boundary wall'.
-

Decision

1. Appeal A - The appeal is dismissed.
2. Appeal B - The appeal is dismissed.

Applications for Costs

3. Applications for awards of costs were made by M Good and Son Limited against West Lindsey District Council. These applications will be the subject of separate Decisions.

Preliminary Matters

4. I have considered the two appeals concurrently, but on their own merits, because there are some common matters between them. During and after the hearing the additional evidence listed at the end of this decision was submitted. It was relevant to my considerations, reasonably brief and capable of being

addressed by the parties present, or in writing after the hearing closed. Thus, accepting it has not resulted in any party being significantly prejudiced.

Main Issues

5. Through the Statement of Common Ground (SOCG), the Council have confirmed that the biodiversity survey and geophysical assessment submitted with the appeal has addressed its concerns regarding the effect of the proposal upon potentially as yet unknown archaeological deposits and the possible habitats of protected species. I have no reasons to disagree and therefore I have not considered these matters further as they are no longer in dispute.
6. Thus, the main issues in this appeal are:
 - Whether the proposed development would adhere to the spatial strategy in the development plan, with particular reference to whether there is clear local community support for it;
 - Whether, within the meaning of the development plan, the proposal has followed a sequential approach and would be in an appropriate location;
 - Whether the proposal would preserve or enhance the character or appearance of the Reepham Conservation Area (CA) and the effect on the setting of the CA;
 - Whether the appeal scheme would preserve the setting of the Grade II* listed building known as the Church of St Peter and St Paul; and
 - Whether the proposal would make adequate provision for affordable housing.

Reasons

Whether there is clear local community support for the proposal

7. Policy LP2 of the Local Plan¹ (LP) sets out the spatial strategy for the plan area and this incorporates a settlement hierarchy. The proportion of housing growth directed to each settlement is dependent on its size and the level of services and facilities available. Thus, most growth is to be concentrated on the Lincoln Urban Area, Main Towns, Market Towns and Larger Villages. However, in order to support their role and function as sustainable settlements, and help to meet local needs, some proportionate and appropriate development is directed to the lower order settlements such as the Medium and Small Villages.
8. Reepham is categorised in Policy LP2 as a Medium Village where a limited amount of development will be accommodated over the plan period. To achieve this, Policy LP4 of the LP sets a growth target of a 15% increase in the number of dwellings at the village over the plan period. Policy LP2 explains that unless otherwise promoted via a neighbourhood plan or through the demonstration of clear local community support, housing developments at Medium Villages such as Reepham will typically be on sites of up to 9 dwellings in appropriate locations. However, in exceptional circumstances proposals may come forward at a larger scale on sites of up to 25 dwellings.

¹ Central Lincolnshire Local Plan 2012 – 2036 Adopted April 2017

9. Thus, the expectation in Policy LP2 is that development schemes at Medium Villages will usually be minor in scale given their position in the settlement hierarchy. However, if there is clear local community support then major schemes can be pursued, or if exceptional circumstances can be demonstrated then up to 25 homes can be approved. This provides two alternative options for delivering schemes beyond the nine homes threshold.
10. The phrase 'clear local community support' is defined in Policy LP2 as meaning clear evidence of local community support for the scheme generated via a thorough and proportionate pre application consultation exercise at the point of submitting a planning application. The policy does not define what the local community is for this purpose, what a thorough and proportionate consultation exercise would be and what would amount to local community support. It is however clear that it is local community support at the time of submitting the planning application and therefore consultation responses received during the application should be set aside when addressing this point.
11. Policy LP2 explains that the Parish Council will effectively have the casting vote when the consultation is inconclusive. Thus, it is logical to conclude that the parish is the geographical area when defining the 'local community'.
12. The consultation exercise involved a leaflet being sent to all householders and a vote overseen by the Parish Council. Although generally systematic and detailed there were some limitations in the process. For example, the earlier consultation raised expectations regarding the level of affordable housing and some households apparently received more than one voting card. That said, the level of affordable housing was confirmed at the public meeting and the vote was not the only method used for testing public opinion, as a follow up public meeting was also held. Accordingly, the Council have confirmed through the SOCG that the consultation exercise was thorough and proportionate. This is a reasonable conclusion based on the balance of the evidence before me. This is important, as it indicates that those parishioners that voted were expressing an informed view.
13. There is a subtle change in terminology within Policy LP2, with the policy initially referring to 'clear local community support' but the definition of this term (also within the policy) referring to 'clear evidence of local community support'. Clear support could be read as a higher bar than clear evidence of local support. Nevertheless, I have used the latter term as this is the stated definition of the former. Thus, it would be reasonable to interpret clear evidence of local community support as simply being a majority of those who voted, as such an approach would be easy to understand and therefore amount to clear evidence.
14. The SOCG confirms that 59% of those who voted were in support of the proposal. At the public meeting 18 out of 20 written comments received indicated support for the proposal. This is clear evidence of consistent local community support for the proposal at the pre application stage. This was based on a voter turnout of 40%, which is low, but all households were given a chance to vote. Some of those that voted in support of the proposal could have been motivated by a desire to advance their own sites or through a friendship with the appellants. Others may not have voted due to concerns about splitting the village. However, such personal motivations are part and parcel of a public vote and do not invalidate the result.

15. I therefore conclude that the appellants have demonstrated that there was clear local community support for the proposal at the point of submitting the planning application. Accordingly, the appeal scheme is not, in principle, at odds with Policy LP2 of the LP. Given this conclusion, there is no need to consider whether there would be exceptional circumstances.

Whether the proposal has followed a sequential approach

16. Policy LP4 of the LP sets out a sequential test for proposals in Medium Villages. It explains that brownfield land or infill sites within the developed footprint of the settlement are 'Category 1', followed by brownfield sites on the edge of a settlement (Category 2) and then greenfield sites on the edge of the settlement (Category 3). 'Brownfield land' is not defined but it is reasonable to conclude that it means previously developed land (PDL) as defined in the National Planning Policy Framework (the 'Framework').
17. The appeal site encompasses a farmyard and arable field. It therefore falls outside the definition of PDL in the Framework and is in Tier 3. It is therefore necessary for the appellant to demonstrate that there are no other sites that are both available and suitable in Categories 1 and 2. There is no requirement to compare the appeal site with other sites in Category 3, including that part of the site identified as Site CL3084 in the AECOM study², which was undertaken to inform emerging allocations in the draft Neighbourhood Plan.
18. In considering which sites are 'available' it is necessary to start with an assessment of those on the market. However, a site does not need to be currently on the market to be available. For example, a site could be available if a landowner has publicly expressed a desire to develop their land through some formal process such as a call for sites. In addition, it is advantageous if the suitability of a site has been tested through a formal process, such as an allocation, the grant of planning permission or some other robust appraisal.
19. The appellant has undertaken a sequential assessment and has not been able to identify any sequentially preferable sites that are suitable, available and capable of accommodating the proposed development. The Council has not directed me to any other sequentially preferable sites save for those identified in the AECOM study. Some of the sites in the AECOM study were advanced following a recent call for sites whereas others were included following a review of the SHELAA³ sites promoted by landowners in 2015. All the sites in the AECOM study were subject to a baseline technical study. It is therefore possible to ascertain whether some of the sites in the study are available and suitable.
20. Sites 3, 12, 13.1 and 16 are in sequentially higher categories than the appeal site but, having viewed these sites and reviewed the constraints identified in the AECOM study, which resulted in an amber score, it would be unwise to rely on them being suitable. Sites 5 and 10 in the AECOM Study are also in a sequentially higher tier and scored 'green' in the study. However, it is unlikely that more than one home could be delivered at each site and therefore this level of provision would be significantly below that advanced by the appellants.
21. Therefore, although considering sites in a 'disaggregated way' is not an unreasonable approach in the context of the sequential test in Policy LP4, it would nevertheless be unreasonable in this instance to prevent 25 homes on

² Reepham Neighbourhood Plan Site Assessment Final Report March 2019

³ The Strategic Housing and Economic Land Availability Assessment

the edge of the village just because two could be delivered in it. Thus, in the circumstances, the proposal would be sequentially acceptable.

Whether the proposal would be in an appropriate location

22. The sequential approach in Policy LP4 of the LP requires development to be in an 'appropriate location' as defined in Policy LP2 of the LP. To qualify as an appropriate location a site, if developed, would need to 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.
23. Policy LP2 does not provide any guidance explaining how a decision maker should assess the core shape and form of a village. Nevertheless, it would be reasonable to assess the grain and layout of the settlement, how it interacts with the countryside and then whether the proposal once built would retain this. In so doing, a focus should be placed on how the core shape and form of the village, including its grain and layout, would be experienced with the proposed development.
24. Reepham is a nucleated village with an historic centre focussed on The Green and Church Lane. The village has expanded to the south but has been largely contained by the railway line save for a large body of housing along Fiskerton Road. Several housing estates have been constructed to the west and south west of the High Street including Manor Rise, Mellows Close and Spring Hill and these have a clearly defined edge with the arable landscape.
25. Alternatively, the northern part of the village (that north of Church Lane and The Green) has been subject to infilling, but not significant growth beyond the historic centre. Accordingly, the village centre has retained a soft and informal rural edge rather than the harder more regimented edges found elsewhere. The gardens, allotments and paddocks to the north of Church Lane reinforce the rural edge and provide both a green buffer between the village core and the open arable landscape and a tapering of the settlement into the countryside. The existing farmyard at the appeal site reads as part of the line of development along the northern side of The Green and is therefore physically part of the village. The field beyond the farmyard is open countryside experienced in the context of other arable fields and predominately viewed against the backdrop of the green 'buffer' described above.
26. The appeal scheme would be experienced as a comparatively large single body of housing on the northern edge of the settlement and therefore it would extend the village in a direction that has not been subject to significant expansion. This would jar with the grain and layout of the village and would be more than a fraying of the settlement's edge. Moreover, by projecting past the farmyard into an arable field the proposal would not amount to the infilling synonymous with this part of the village, such as Carpenters Close.
27. The proposal would incorporate an open space in the north east corner and softening landscaping around the edges. However, the open space would be too small to reinforce the existing green buffer to the west and therefore the housing in the field would be experienced as a jarring protrusion of the village, at odds with the character of the northern edge of the settlement. The meadow and belt of landscaping to the east of Meadow Lane would provide a sense of transition, as would the extensive landscaping through the development, but

this would not overcome the harmful impact that would occur from the development projecting too far in a northerly direction.

28. Accordingly, the proposal would fail to retain the core shape and form of the village and would significantly harm the settlement's character and appearance and its rural edge. It therefore follows that the proposal would not be an 'appropriate location' under Policy LP4 of the LP.

Whether the proposal would preserve or enhance the character or appearance of the Reepham Conservation Area (CA) and the effect on its setting

29. Both the Reepham Conservation Area Appraisal and the appellants' Heritage Impact Assessment explain that the CA is focussed on the historic village centre which was recorded in the Domesday Book. The Reepham Tithe Award Map of 1851 shows a small settlement arranged around a village green and set within an agricultural landscape. The village was subject to infilling and expansion in the second half of the 19th Century due to growth in the agricultural economy and the coming of the railway line. The expansion and infilling continued into the 20th Century and often involved bungalows.
30. As a result, the CA encompasses distinctive 19th and 20th Century layers, a mix of architectural styles and an organic layout evident in variable plots sizes and informal corners and bends. That said, the historic village centre is still very legible, particularly the northern edge, which has retained a strong spatial connection to the countryside. As a result, the village, particularly when viewed from the north, is experienced within an agricultural landscape. In addition, The Green has retained a rural character due to the presence of wide grass verges, planted front gardens, a narrow carriageway and the prominently sited brick barn at Manor Farm, which is justifiably identified in the Reepham Conservation Area Appraisal (CAA) as an 'Important Building'.
31. Accordingly, and mindful of relevant advice⁴, it is reasonable to conclude that the CA derives much significance from its evidential and historic value as an example of a very old and evolving agricultural settlement. In this respect the way the village is experienced in a rural landscape from the north adds to the significance of the CA. The historic layering and rural character have also fortuitously provided an aesthetic value to the CA. For example, the view along The Green looking west from Smeeting Lane provides an attractive unplanned view that takes in Manor Farm Barn, the green and the church.
32. Being a farmyard and agricultural field, the appeal site contributes positively to the rural character and setting of the CA. The agricultural activity also provides some continuity with the past. There is also a view through the farmyard from The Green towards open countryside which provides a direct visual link from the historic village core to the settlement's agricultural hinterland. When viewed from The Green, the large modern agricultural buildings have a recessive appearance, being set back from the road behind the old brick barn and the trees in front of the walled garden of Reepham Manor. However, the farmyard buildings have a considerable presence in views back towards the CA from the north and are therefore notable detractors in the CA's setting, as is the expanse of concrete that comprises the yard.

⁴ Managing Significance in Decision-Taking in the Historic Environment Historic Environment Good Practice Advice in Planning: 2 – Historic England

33. In order to achieve enhanced visibility splays, which would be necessary to accommodate the increase in vehicle movements that would occur as a result of the proposal, the brick-built barn and adjoining stone wall would be demolished. Both are important features in their own right as heritage assets, but they also add to the significance of the CA. Removing the prominent, attractive and historic barn would harm the character and authenticity of the CA because an important component of its significance is the collective presence of the historic 'Important Buildings' as identified in the CAA. The removal of an attractive historic building with a patina of age would also harm the CA's appearance and its rural character. The same would apply to the wall, which is finished in local stone.
34. In an attempt to offset the harm that would occur from demolishing these features, the appellants would (in Appeal A) construct Plot 1 in a style aimed at broadly replicating the appearance of the barn in a position 1.5m further back from the lane, and therefore broadly on the same footprint. The wall would also be re-positioned. Plot 1 would have the same form and dimensions as the existing barn and therefore the concept of a copy would have some integrity. This would be greatly aided by the intention to reuse as many bricks and stones as possible and copy the existing bonds, mortar colour and pattern of fenestration. The large barn doors would be reused and pinned back, a slate roof constructed, and the northern elevation would not have the detracting presence of a roller door. Thus, in some respects, Plot 1 would be more attractive than the existing barn. Plot 1 and the reconstructed wall would have a similar appearance to the existing structures that would be lost, and this would provide some continuity to the street scene.
35. However, even with the reuse of bricks and the barn doors, Plot 1 would not have the same patina of age that the barn currently exhibits. Moreover, there would be a complete loss of authenticity. This would be especially apparent because Plot 1 would not be a barn. It would instead be a newly constructed home set within a domestic garden and alongside a large garage and driveway. It would also have large double-glazed windows in the western elevation, which would be a clumsy insertion. It's also doubtful whether the existing windows could be reused because they would not provide adequate means of escape or the thermal performance required by building regulations.
36. Setting Plot 1 about 1.5m back from the current position of the barn would straighten the view along The Green. This would alter the street scene by diluting the way the curve in the road is framed by the barn. That said, the road alignment would not change so the curve would remain. Plot 1 would also provide a semblance of the commanding presence the barn currently has in the street scene. The grass verge would also be widened thereby reinforcing the rural character of The Green and providing a sense of continuity with the verges either side of the site access.
37. Overall, the demolition of the barn would result in moderate residual harm to the significance of the CA. This is because of the mitigation that would be provided through the construction of Plot 1, which would have a very similar appearance and a high level of integrity as a replica. Without the reconstruction of Plot 1, as proposed in Appeal B, the level of harm would be significant as an important building would be lost without the partial mitigation of a facsimile replacement and views of the utilitarian farmyard would be opened up.

38. The development would close off the existing view from The Green into open countryside. This would harm the sense of spatial and visual connectivity between the historic core and its rural hinterland. However, the eastern side of Meadow Lane would have a rural character due to the extensive belt of tree planting, which would sit alongside the pleasant walled garden of Reepham Manor. Furthermore, Meadow Lane would be flanked by grass verges, which would provide a visual link with The Green, and Plots 1-3 would have a rural vernacular style, although this would be diminished by the absence of front gardens and the presence of large garages. Overall, the view along Meadow Lane from The Green would retain some semblance of a rural feel. Views out to open countryside would also be provided from further along Meadow Lane. As such, the loss of the view from The Green towards open countryside would have a moderate adverse impact on the CA.
39. Of greater concern would be the expansion of development beyond the farmyard into the adjoining field. This would seriously urbanise the setting of the CA when viewed from the north, where the historic relationship between the old village centre and the agricultural landscape is best appreciated and experienced. As a comparatively large body of houses projecting beyond existing development, the proposed housing would be stark in views from the north east and north. This would seriously harm the setting of the CA despite the benefits that would accrue from removing the existing, harmfully prominent, agricultural structures and concrete yard. Planting and the low density would soften the presence of the houses, but the northern edge of the CA would still be experienced in a very different way, with a more suburbanised edge rather than as an informal rural fringe. As a result, the setting of the CA would be significantly harmed.
40. The CAA does not directly identify views of the CA from the north and north east as being 'important views', but the document is now somewhat dated and does not follow existing Historic England advice⁵ on considering setting. As such, this is not a point that undermines my findings, particularly as Policy LP25 of the LP refers to views in an out of CAs.
41. It was confirmed at the hearing that the site access would not be that proposed in the Transport Assessment. Instead, it would be without pavements or kerbs and therefore the type of shared space scheme encouraged by the Minister of State for Housing and Planning in 2018. Given the circumstances of a lightly trafficked lane with slow moving vehicles, a situation that would endure post development, this would be a safe and suitable approach. As such, the entrance into the site would not have an over engineered appearance and would therefore have only a limited impact on the rural character of The Green. For these reasons, there would be no need for a pavement along The Green.
42. There is some street lighting along The Green so the addition of extra lighting in the development would not be out of place and could be controlled through the imposition of a planning condition. The development would result in additional vehicle movements in what is a quiet part of the CA with a rural character. However, the increase would not be significant, adding around one vehicle every four minutes in the peak hours. This would not result in a notable change in the character of traffic flows along The Green or within the CA more widely. Thus, the lighting and traffic impacts would be neutral. The removal of

⁵ Conservation Area Appraisal, Designation and Management – Historic Advice Note 1

the existing agricultural buildings would benefit the view from the cricket pitch towards Reepham Manor, where they loom in the background, but this would not offset the cumulative harm I have identified.

43. In conclusion, Appeal A would result in moderate residual harm to the significance of the CA as a whole. Appeal B would result in significant harm. Thus, the appeal schemes would fail to preserve the character and appearance of the CA. Appeal A would also result in significant harm to the setting of the CA. As such, the proposals would be at odds with Policy LP25 of the LP, which states that development within a CA, or affecting its setting, should preserve features that contribute positively to its character, appearance and setting.

Whether the appeal scheme would preserve the setting of the Church of St Peter and St Paul

44. The Church of St Peter and St Paul was listed Grade II* in 1966. It is of medieval origins but was mostly rebuilt in around 1862 when it was altered by a local architect. The building therefore derives much of its significance from its architectural value and this is often experienced at close range. Nevertheless, the building benefits from a tall tower and this gives it a commanding presence at points around the village in the rural, predominantly agrarian landscape.
45. It is important not to conflate the church's value to the rural landscape with the rural landscape's value to the significance of the church. That said, the church has been a central feature of the village as a rural community for many years and has a high status as their place of worship. The church tower reinforces the status and provides legibility in the rural landscape, from where it was probably designed to be seen. As such, there is historical and evidential value in experiencing the church in a rural context and with a visual connectivity to the surrounding agrarian landscape.
46. The 1851 Tithe Map demonstrates that the Church once stood in the north western corner of the village adjacent to open countryside and therefore it would have been particularly prominent, especially as Reepham was a small settlement. Over time, there has been extensive development to the south, west and east of the church which has eroded the connectivity it once had with the wider landscape. As a result, the church has a limited presence in views from the east, west and south and is no longer experienced from these directions as the dominant structure it would have once been, as it is now lost amongst the skyline of modern housing.
47. A ribbon of housing has also been constructed along Church Lane thereby severing the spatial link with the open countryside to the north. However, the northern fringe of the village has not been subject to the same level of modern development as elsewhere and therefore the church tower is prominent in views from the north. Particularly in the vicinity of viewpoints (VP) 2, 3 and 8 (as defined in the appellant's Landscape and Visual Impact Assessment - LVIA), where the church tower stands nestled amongst trees but proud of the skyline.
48. Thus, when approaching the village from the north it is still possible to gain an impression of how the church once stood in the rural landscape and how generations of villagers would have viewed it. This sense of continuity provides communal value. The bucolic setting north of the Church also has a rural charm which fortuitously provides aesthetic value to the church and its setting despite the disparaging remarks made by Pevsner.

49. Consequently, the special interest of the listed building, in so far as it relates to this appeal, includes its visual presence in views from the north of the village. This is because the ability to experience the values derived from these views are important to the way the building is understood and appreciated – its significance in other words.
50. The agricultural field in the northern part of the appeal site contributes to the setting of the Church because it provides a rural foreground to views from VP3, which is representative of several vantage points along the public right of way. It also contributes positively to the rural setting of the church when viewed from the north in a broad arc that encompasses VPs 2 and 8. That said, the large agricultural buildings that currently occupy the remainder of the site are prominent and of a scale that completes with, and detracts from, views of the church from this direction.
51. Removing the existing agricultural buildings would notably improve the setting of the church when viewed from the north and VP3. However, the appeal scheme would effectively block views of the church from VP3 and would be a prominent block of development with more of a presence than the existing barns. This would be due to the greater size of the built footprint and the northerly projection outside the farmyard. This would also be the case despite the sloping gradient of the arable field. The impact would change over time as the proposed planting matures, but the housing would nevertheless project harmfully into the rural setting of the church when experienced from the north/north east of the village.
52. The impact from VP3 would be significant, but this is only one unplanned view of the church. The impact from the north would be more limited because views of the church tower would not be blocked and it would still be possible to experience the church in a rural context, albeit with the proposed housing estate being a prominent visual competitor. Overall, the proposal would moderately harm the setting of the church.
53. This impact would not be mitigated by opening up a new public view of the church from the northern edge of the brook (which marks the northern boundary of the appeal site) because the housing would be very apparent from this location, especially Plot 23.
54. Historic England has provided guidance on the setting of heritage assets in GPA3⁶. This document suggests that because Church's are often tall structures, their setting is unlikely to be affected by small-scale development if it does not compete with their scale. In my view, 25 homes would not be 'small scale' in the context of the northern edge of the village and would collectively compete with the church. Notwithstanding this, an assessment of the significance of an individual listed building will involve a discrete and specific appraisal. In this instance, the specific circumstances before me indicate that the proposal would harm the setting of the church for the reasons given and therefore the aforementioned general guidance in GPA3 is not determinative.
55. Overall, I conclude that the proposal would moderately harm the setting of the listed building and thus its significance. The setting of the listed building would not be preserved. The proposal would therefore be at odds with Policy LP25,

⁶ The Setting of Heritage Assets – Historic Environment Good Practice Advice in Planning Note 3

which seeks to secure development that would not be prejudicial to a listed building's setting.

Whether the proposal would make adequate provision for affordable housing

56. Within the Lincoln Strategy Area Policy LP11 of the LP requires 25% provision of affordable housing in schemes proposing 11 or more homes. That said, the policy also states that the Central Lincolnshire authorities will negotiate the level of affordable housing with developers if an accurate viability assessment demonstrates this percentage cannot be met in full.
57. The appellants' viability assessment has indicated that it would not be commercially viable to deliver any affordable housing. This is because the assessment suggests the residual land value (RLV) would be £674,195 below the existing use value (EUV) and £774,195 below the EUV plus a landowner premium of 20% above the EUV (EUV+), which is required to incentive the sale of the land. The Council have not provided evidence that undermines the robustness of the EUV.
58. However, I share the Council's scepticism as to whether the construction of the new farmyard should be included as a development cost of the proposal. To do otherwise would, in theory, see the landowner benefiting twice as they would receive funds to relocate the farmyard and the RLV upon the sale of the site. This is all the more pertinent because I have not been presented with any details demonstrating where the farmyard would go and an indication that the relevant permissions are in place.
59. Thus, the development costs can be reduced by £586,871 (the costs identified for relocating the farmyard) with this sum added to the RLV. Thus, the RLV could reasonably be increased to £654,782 with 0% affordable housing and £412,676 with 25%. This is a better picture than depicted in the viability appraisal as the EUV+ would be exceeded with 0% affordable housing. That said, the EUV+ would not be reached with 25% affordable housing.
60. During the hearing the Council raised several other concerns with the viability appraisal. It indicated that a 17.5% developer profit would be more appropriate than 20%. This proposition was not supported by evidence, but I nevertheless consider there is some flexibility in the profit level given that the appellants would be the developers and therefore the risks would be lower.
61. The Council also suggested the build costs and professional fees are higher than the average for the area, that the EUV+ could be set at 10% above the EUV (rather than 20%) and that there are some errors in the appraisal. For example, it refers to the costs of a barn conversion when one is not proposed and identifies s106 contributions instead of CIL costs. The appraisal is also based on figures that are now two years old. Many of these points could have some traction but the Council failed to develop a robust counter assessment which identified alternative figures and the implications this would have for the RLV. As such, the significance of the alleged limitations is unclear and therefore the Council has not demonstrated that 25% affordable housing would be a viable proposition.
62. That said, the appellants have offered to provide 12% affordable housing (3 homes) and this would be secured through the necessary planning obligation submitted after the hearing. I was advised at the hearing that such provision

would come out of developer profit. To my mind this is an indication that there may be some force to the Council's point that there is some scope within the scheme to provide affordable housing without it prejudicing the deliverability of the scheme. In addition, the appellant has included a review mechanism within the planning obligation that would facilitate a reappraisal based on actual build costs and sales. This would address some of the Council's concerns regarding apparently inflated development costs.

63. In summary, the Council have not demonstrated that 25% affordable housing would be viable, but it has highlighted some limitations with the viability appraisal. Similarly, the appellant has not robustly demonstrated a figure of 0% affordable housing but the evidence before me suggests 25% provision to be too high. In the circumstances, it would be a pragmatic approach to split the difference and therefore 12% with a review mechanism seems about right. Thus, the proposal would make adequate provision for affordable housing and therefore a conflict with Policy LP11 would not occur.

Other Considerations and Heritage Planning Balance

64. The harm that would occur to the setting of the listed building would be moderate and therefore 'less than substantial' within the meaning of the Framework. The moderate harm to the CA and the significant harm to its setting would also be 'less than substantial' in Appeal A. The harm to the CA in Appeal B would also be 'less than substantial' given the localised impacts, but of a high order given the importance of the barn and the absence of mitigation in the form of a facsimile type replacement. Paragraph 196 of the Framework requires such harm to be weighed against the public benefits of the proposal. However, in so doing less than substantial harm should not necessarily be conflated with a less than substantial planning objection.
65. The existing access into the farmyard has very poor visibility to the west due to the presence of the brick barn. The visibility is below the standards set by Manual for Streets and is therefore more likely to be unsafe, as demonstrated by an independent road safety audit. This is aggravated by the nature of the farm traffic, which involves around 2000 movements a year by large vehicles including tractors, combines and lorries. When these vehicles are turning right out of the farmyard they cut across the oncoming traffic, which they are unable to see when commencing the manoeuvre. This results in the risk of a vehicle collision. There is also the risk that farm traffic would hit pedestrians and cyclists, but they would be moving more slowly and would, in most instances, be able to hear the vehicles manoeuvring and thus step onto the grass verge.
66. A collision with an agricultural vehicle would likely be more serious than with a car, as demonstrated by data collected by the Lincolnshire Road Safety Partnership. Therefore, improving the visibility at the site access by removing the barn would be a public benefit. However, it is unclear whether this data relates to circumstances similar to the appeal site. This is important because The Green is characterised by slow moving and infrequent traffic. As such, the risk of a serious collision is reduced.
67. Moreover, local residents would be familiar with the access and would therefore be accustomed with the need for additional caution and would know that it is unwise for children to play in the vicinity of the access. Likewise, farm operatives would be professional drivers that would take the upmost care when exiting the site. There is also good forward visibility along The Green so in

many instances motorists would be able to see a vehicle emerging from the appeal site in good time and react. It is therefore unsurprising that no accidents have been recorded in the vicinity of the site access, as the situation is, to a significant extent, self-policing.

68. The appellant points to the near miss log kept by the business as evidence that there is a problem, as this records the number of near misses increasing year on year. It would be advantageous to deal with the problem before an accident occurs, although there is no guarantee one would for the reasons already given. Moreover, there is no evidence before me to suggest the appellant has put in place other measures to address the safety concerns. For example, there is nothing to suggest other solutions have been explored with the local highway authority, such as signage or alterations to the barn or the lane. I also heard at the hearing that it is not uncommon for more than one member of staff to be on site at any one time and consequently there could be opportunities to see vehicles out. In addition, there has been no indication that public liability insurance would not be forthcoming if the status quo endures. These factors would suggest the problem is not as acute as is suggested. As such, the highway safety benefits from demolishing the barn would be of moderate weight in Appeals A and B.
69. Farm traffic currently has to go through the village, where many of the roads are narrow lanes that are often cluttered by on street parking. This results in noise and disturbance to residents along the route, but the impact is seasonal, short in duration and intermittent. Moreover, there is little to suggest large vehicles prevent an unacceptable highway safety risk. It would be advantageous to remove most of the heavy vehicle movements from the village and therefore this would be a public benefit. However, it is one of limited weight. Relocating the farmyard would enable the appellants' existing business to become more efficient and grow and thrive without the constraint of the access and village centre location. This could aid the local economy in a modest way.
70. Removing the farmyard from its current site would mean local residents would not be affected by noise and disturbance from the grain dryers, fuel tank and general activity. However, substantive evidence such as a noise assessment or complaints log is not before me to suggest this is an existing problem of note. In fact, many representations have suggested this is not a problem. As such, this is a very limited public benefit. Likewise, the benefits from creating an additional footpath route would be limited given the existing extensive network north of the village. Visual improvements from removing the existing agricultural buildings and concrete yard would be undone by the impacts of extending the proposal northwards outside the built footprint of the yard.
71. The appeal scheme would deliver around seven times more open space than is required by the development plan. The open space would support informal recreation by acting as somewhere to picnic or have a 'kick about'. Although this would not be the formal play space or recreation ground most in need, the open space provision needs to be considered in the context of the existing quantitative shortage. A planning condition could be imposed to ensure the spaces are attractively landscaped and managed and therefore more than simply a grass field of low recreational value. The open space that would be provided would also be well placed relative to the village centre. Open space provision would therefore be a significant benefit. The proposal would also

- benefit biodiversity through tree planting and the creation of the meadow and open space. This would be an added benefit of moderate weight.
72. The proposal would be a medium sized development that would provide twenty-five homes. This would moderately boost housing land supply and choice with the homes capable of being delivered reasonably quickly. It would also help meet the village growth target. However, there is nothing to suggest the appeal site is required to meet this target, especially as the work underpinning the emerging neighbourhood plan has provisionally identified ample provision on other sites. Moreover, the Council suggests that it has a five-year housing land supply and is therefore in the process of significantly boosting the supply of housing. In such circumstances, the contribution to housing supply would be a moderate benefit.
73. However, the appellants have provided me with five scenarios whereby the housing supply could be below five years. All but one relies on a Covid-19 adjustment of between 1.16% and 7.7% to take the supply marginally below five years. However, I have not been presented with an actual Covid-19 adjustment figure detailing the effects of the pandemic in a West Lindsey context and supported by substantive evidence. The conclusions in the Lichfield report appear to be based to a large extent on local market intelligence from Suffolk and therefore does not relate directly to West Lindsey. Moreover, the effects of Covid-19 could be short lived with development bouncing back over the five-year period. In addition, the Council used evidence from local developers to inform and forecast its housing supply figure and therefore it has probably factored in some of the effects of Covid-19.
74. Nevertheless, there is some traction to the appellants argument that the Council has not provided clear evidence that the Western Growth Corridor and Land at Eastfields Farm would be delivered in the five-year period. Thus, if I were to accept the appellants' points regarding purpose-built student accommodation, then the housing supply could be around 4.87 years. In such circumstances, the delivery of housing would become a significant benefit.
75. The construction and subsequent occupation of the properties would deliver notable economic benefits through the circulation of funds. It would also provide a boost to the vitality of the village, particularly given the proximity to the village core. However, substantive evidence is not before me demonstrating that local services and facilities are failing for lack of patronage. Nor is there anything to suggest that village clubs, societies and organisations need more members. Accordingly, these social benefits are of moderate weight. The financial benefits the Council would derive, such as additional Council Tax, would also have the potential to be a moderate benefit if spent on more than servicing the additional residents.
76. The delivery of affordable housing would be a benefit. However, this is not a strong benefit of the proposal as only three homes would be delivered, and this would be at a policy compliant level. Given the small number of homes proposed the benefit would still be modest even if I took the view the proposal was exceeding policy requirements.
77. When taken collectively, Appeal A would deliver important public benefits. However, the proposal would significantly harm the setting of the CA, and moderately harm both the character and appearance of the CA and the setting of a Grade II* listed building. Paragraph 193 of the Framework states that

great weight should be given to the conservation of designated heritage assets and the more important the asset the greater the weight should be. This chimes with the considerable importance and weight I must give to the special regard I must pay to preserving the listed building's setting and the special attention I must pay to the desirability of preserving or enhancing the character or appearance of the CA, as set out in the Act⁷. Accordingly, there is a strong presumption in favour of the preservation of heritage assets.

78. In this context I find that the less than substantial harm that would arise from Appeal A, which would cumulatively be of a high order within the 'spectrum' (of less than substantial harm), would not be outweighed by its public benefits taken together. This would be the case even if I were to share the appellant's view that the Council are unable to demonstrate a five-year housing land supply, which would result in the housing supply benefits carrying significant weight to be considered cumulatively with the other benefits.
79. The significant 'less than substantial harm' to the CA that I have identified in respect of Appeal B would not be outweighed by the moderate benefits to highway safety that would be derived from removing the barn.
80. Accordingly, in respect of both appeals, there would be a conflict with Paragraph 194 of the Framework as harm to designated heritage assets would not have clear and convincing justification. Accordingly, the application of policies in the Framework that protect designated heritage assets provide a clear reason to refuse the proposal. The failure to positively conclude the heritage balance also results in a conflict with Policy LP25 of the LP⁸.
81. The development would therefore fail to satisfy the requirements of the Act, the Framework and the development plan. In this instance it follows that the benefits of the proposal would not outweigh the totality of harm I have identified either, which includes a conflict with Policy LP4 of the LP.

Conclusion

82. Appeal A had clear community support at the pre application stage, would be sequentially acceptable and would make adequate provision for affordable housing. However, in its entirety it would not be in an appropriate location and would harm designated heritage assets and their setting. It would therefore be contrary to the expectations of the Act and the development plan as a whole. There are no other considerations, including the Framework, which outweigh this finding. Consequently, for the reasons given, Appeal A fails.
83. Appeal B would harm the conservation area contrary to the expectations of the Act and would be at odds with the development plan as a whole. Likewise, there are no other considerations, including the Framework, which outweigh this finding. Consequently, for the reasons given, Appeal B also fails.

Graham Chamberlain
INSPECTOR

⁷ See Sections 66(1) and 72(1) of The Planning (Listed Buildings and Conservation Areas) Act 1990

⁸ Which states that 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 heritage assets where the impact of the proposal does not harm the significance of the asset and/or its setting.

APPEARANCES

FOR THE APPELLANT

Mr Phillip Good	Appellant
Mr Joe Good	Appellant
Mr Phil Scrafton DipTP MRTPI	Globe Consultants Limited
Miss Natasha Bicknell LLB Law	Roythornes Solicitors
Mr Phillip Robson BVC, LLB (Hons) MSC	Kings Chambers
Miss Sara Boland BA (Hons) PG Dip LA CMILI	Influence Landscape Architects
Mr Adam Partington BA (Hons) MSc Oxon	Locus Consulting Ltd
Mr Vimal (Raz) Patel BEng (Hons)	RKS Associates

FOR THE LOCAL PLANNING AUTHORITY

Mr George Backovic BA (Hons), URP, BTP, MRTPI	West Lindsey District Council
Mrs Liz Mayle BA(Hons) MA(Dist) IHBC	West Lindsey District Council
Ms Rachael Hughes DipSurv, MSc MRICS	West Lindsey District Council

INTERESTED PARTIES

Mr Joe Stuffins
Mr Vernon Stuffins (Snr)
Mrs Jo Beresford-Robinson
Mr Michael Robinson
Mrs Louise Carder
Mr Chris Carder
Mrs Judith Smith
Mrs Fiona World
Mr David World
Dr Laura Stuffins
Cllr Christopher Darcel – Cherry Willingham Ward
Mr Kevin Thoy
Mr Michael Kheng
Mrs Cathy and Mr Gary Fox

DOCUMENTS SUBMITTED DURING THE HEARING

1. Conservation Area Appraisal, Designation and Management - Historic England, Advice Note 1 (Second Edition)
2. Site photographs taken by Mr George Backovic
3. Email from Liz Mayle setting out advice from the Council's Building Control Officer on reusing windows.
4. Site photographs taken by Mrs Liz Mayle
5. CAD drawing showing the proposed position of Plot 1 1510mm further into the site than the current barn
6. Email from Oliver Clawson setting out a suggested condition relating to an open space maintenance and management plan
7. Letter dated 28 September 2018 from Kit Malthouse MP and Nusrat Ghani MP relating to shared space schemes
8. Emailed representations from Mr Ron Harrison and Catherine Wilson submitted by Mrs Louise Carder
9. Questionnaire results relating to the Fiskerton Neighbourhood Plan

10. Emailed representation from Mrs Cathy and Mr Gary Fox
11. Emailed representation from Laura Stuffins
12. Emailed representation from Mr Vernon Stuffins
13. Emailed representation from Mr Kevin Thoy

DOCUMENTS SUBMITTED AFTER THE HEARING

1. Counterpart Planning Obligation
2. Email form the local planning authority confirming the acceptability of the counterpart planning obligation

Costs Decision

Hearing Held on 24 - 25 November 2020

Site visit made on 26 November 2020

by Graham Chamberlain BA (Hons) MSc MRTPI

an Inspector appointed by the Secretary of State

Decision date: 15 December 2020

Costs application in relation to Appeal Ref: APP/N2535/W/19/3221725 Good's Farm, Meadows Lane, Reepham, Lincolnshire

- The application is made under the Town and Country Planning Act 1990, sections 78, 322 and Schedule 6, and the Local Government Act 1972, section 250(5).
 - The application is made by M Good and Son Limited for a full award of costs against West Lindsey District Council.
 - The hearing was in connection with an appeal against the refusal of planning permission for a development described as 'Erection of 25 dwelling houses, including the reconstruction of the existing barn and boundary walls to facilitate its use as a single dwelling, associated garaging, car parking, access roads, landscaping, public open space and footpaths'.
-

Decision

1. The application for an award of costs is refused.

Preliminary Matter

2. The application for an award of costs was made in writing before the hearing opened. The Council likewise responded to the application in writing in advance of the hearing. The applicant was afforded a right of response at the hearing but no further comments when made. Thus, I have considered the application based on the written submissions before me.

Reasons

3. Irrespective of the outcome of the appeal, the Planning Practice Guidance (PPG) states that an award of costs may only be made against a party who has behaved unreasonably and thereby caused the party applying for costs to incur unnecessary expense in the appeal process.
4. The applicants allege that the Council refused the planning application without any advanced notification or warning and this deprived them of the opportunity to address some of the Council's concerns and identify possible solutions.
5. The National Planning Policy Framework explains that local planning authorities should approach decision making in a positive and creative way and should work proactively with applicants. However, there is no requirement compelling local planning authorities to inform an applicant of how they are going to determine an application before doing so. The decision notice serves the purpose of clearly and concisely explaining how an application has been determined and, where applicable, the reasons for refusal.

6. It can be beneficial and generally conducive with good customer service to inform an applicant that a refusal of planning permission is on its way, especially when there has been lengthy pre application engagement. However, there may be circumstances where this is not possible and, occasionally, there may be little to gain if the matters concerning the Council relate to the principle of development, which is the case in this instance. The Council have also suggested that they were seeking to save the applicants the cost of further survey work, which would ultimately have been submitted in support of an application that the Council considered to be fundamentally at odds with the development plan. This was a reasonable approach in the circumstances.
7. The applicants have provided additional evidence in relation to protected species with the appeal. This is a concession that it was necessary. As such, the Council did not act unreasonably in refusing the proposal on these grounds. The Council are under no compulsion to agree a time extension or defer the consideration of the application to allow further surveys. The fact that it did not is understandable in this instance given the other concerns raised. Moreover, a prompt decision can be beneficial to an applicant in order that they may take stock. It also provides the local community with an outcome.
8. Similarly, the Council are not required to engage in negotiations regarding the level of affordable housing that should be provided. The onus is on the Council to determine whether the level of affordable housing proposed is acceptable, and this is what it did. Negotiating on such matters can be of benefit, particularly as it enables the Council to test its concerns prior to a refusal and ensure they can be substantiated, but it is not obligatory.

Conclusion

9. In light of the above, I conclude that unreasonable behaviour resulting in unnecessary or wasted expense, as described in the PPG, has not occurred and therefore an award of costs would be unjustified.

Graham Chamberlain,
INSPECTOR

Costs Decision

Hearing Held on 24 – 25 November 2020

Site visit made on 26 November 2020

by Graham Chamberlain BA (Hons) MSc MRTPI

an Inspector appointed by the Secretary of State

Decision date: 15 December 2020

Costs application in relation to Appeal Ref: APP/N2535/W/19/3225861 Good's Farm, Meadows Lane, Reepham, Lincolnshire

- The application is made under the Town and Country Planning Act 1990, sections 78, 322 and Schedule 6, and the Local Government Act 1972, section 250(5).
 - The application is made by M Good and Son Limited for a full award of costs against West Lindsey District Council.
 - The hearing was in connection with an appeal against the refusal of planning permission for a proposed described as 'Demolition of brick-built barn and alterations and rebuilding of stone boundary wall'.
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Decision

1. The application for an award of costs is refused.

Preliminary Matter

2. The application for an award of costs was made in writing before the hearing opened. The Council likewise responded to the application in writing prior to the hearing. The applicant was afforded a right of response at the hearing but no further comments when made. Thus, I have considered the application based on the written submissions before me.

Reasons

3. Irrespective of the outcome of the appeal, the Planning Practice Guidance (PPG) states that an award of costs may only be made against a party who has behaved unreasonably and thereby caused the party applying for costs to incur unnecessary expense in the appeal process.
4. The applicants allege that the Council failed to take 'full account' of the highway safety matters and gave heritage comments 'disproportionate and undue weight'. In addition, the Council failed to provide advance notice of its decision and thus deprived them of an opportunity to enter into a dialogue.
5. The National Planning Policy Framework explains that local planning authorities should approach decision making in a positive and creative way and should work proactively with applicants. However, there is no requirement compelling local planning authorities to inform an applicant of how they are going to determine an application before doing so. The decision notice serves the purpose of clearly and concisely explaining how an application has been determined and, where applicable, the reasons for refusal. As such, the Council did not act unreasonably in failing to provide advanced notice.

6. It is clear from the submissions of the Council that it considered matters of highway and public safety – they were discussed in the Officer's report and it was a matter commented upon by the Highway Authority at the request of the Council. There is no evidence before me to suggest the Council did not consider a key document or piece of evidence. It therefore took full account of the matter. The Planning Practice Guide¹ explains that it is for the decision maker to decide the weight given to a material consideration. Thus, in these circumstances, the Council were entitled to give the weight it saw fit.
7. Similarly, the Council were demonstrably in full knowledge of the applicant's case regarding the significance of the heritage assets and how the proposal would be affected by the proposal. The Council's assessment was supported by expert advice and followed a site visit. Thus, the judgments it reached in respect of how much weight to give this matter were informed and thus reasonable. The applicants have not provided substantive evidence to support the allegation that the weight given to heritage harm was 'disproportionate'. I did not share the Council's views in this respect, but the Council's position was logical and well-reasoned and therefore reasonable.

Conclusion

8. In light of the above, I conclude that unreasonable behaviour resulting in unnecessary or wasted expense, as described in the PPG, has not occurred and therefore an award of costs would be unjustified.

Graham Chamberlain,
INSPECTOR

¹ Paragraph 009 Reference ID: 21b-009-20140306