

Guildhall Gainsborough

Lincolnshire DN21 2NA

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AGENDA

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

Planning Committee

Wednesday, 3rd March, 2021 at 6.30 pm

to be held virtually via MS Teams and available to watch at:

<https://west-lindsey.public-i.tv/core/portal/home>

Members:

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

1. Register of Attendance

2. Public Participation Period

Up to 15 minutes are allowed for public participation. Participants are restricted to 3 minutes each.

3. To Approve the Minutes of the Previous Meeting

3 - 24

- i) Meeting of the Planning Committee held on 3 February 2021, previously circulated.

4. **Declarations of Interest**

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

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

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

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

6. **Planning Applications for Determination**

i)	141128 - Hemswell	25 - 54
ii)	140156 - Dunholme	55 - 74
iii)	141907 - Waddingham	75 - 96

7. **Public Reports**

i)	TPO - Sudbrooke	97 - 112
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8. **Determination of Appeals**

113 - 120

Ian Knowles
Head of Paid Service
The Guildhall
Gainsborough

Tuesday, 23 February 2021

WEST LINDSEY DISTRICT COUNCIL

MINUTES of the Meeting of the Planning Committee held virtually via MS Teams on 3 February 2021 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
Rachel Woollass Development Management Team Leader
Martin Evans Senior Development Management Officer
Martha Rees Legal Advisor
Ele Snow Democratic and Civic Officer
James Welbourn Democratic and Civic Officer

92 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.

93 PUBLIC PARTICIPATION PERIOD

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

94 TO APPROVE THE MINUTES OF THE PREVIOUS MEETING

Councillor D. Cotton made a statement to the Committee relating to comments he had made at the meeting of the Planning Committee in December 2020. He stated that, in relation to the lobbying that had taken place regarding one specific application, he wished to clarify that whilst it was imperative for Members to declare whether they had been lobbied, lobbying itself was not illegal. He apologised if his comments had misled the Committee and he wished to put on record his clarification.

RESOLVED that the minutes of the meeting of the Planning Committee held on Wednesday, 6 January 2021 be confirmed as an accurate record.

95 DECLARATIONS OF INTEREST

Councillor I. Fleetwood declared that he had been copied into an email sent to Officers in relation to planning application 142148 but he had not responded or dealt with the email. He also declared that he was the Ward Member for application number 141033 but he had not had any representations placed in front of him and he would remain in the Chair.

Councillor R. Waller declared that he would speak as Ward Member for application number 142148 and would leave the meeting at that point.

Councillor A. White declared that she had called in application number 142065 but she would remain in her seat as Committee Member.

96 UPDATE ON GOVERNMENT/LOCAL CHANGES IN PLANNING POLICY

The Committee heard from the Interim Planning Manager (Development Management) regarding updates and changes in planning policy. He stated there was a Government consultation underway on the **draft revision to the NPPF**. This was to incorporate the “Building Better, Building Beautiful Commission” report and placed greater emphasis on beauty and place-making, and new trees. Local Planning Authorities would be required to produce local design guides and codes.

There was also a consultation on the draft **National Model Design Code** which would close on 27 March 2021. The proposals could be found at:

<https://www.gov.uk/government/consultations/national-planning-policy-framework-and-national-model-design-code-consultation-proposals>

Members also received the following update regarding Neighbourhood Plans.

Neighbourhood Plan/s	Headlines	Planning Decision Weighting
Made Neighbourhood Plans	Brattleby, Caistor*, Cherry Willingham, Dunholme, Great Limber, Lea, Nettleham*, Osgodby, Riseholme, Scotter, Scothern, Saxilby, Welton, Willoughton, Glentworth, Spridlington, and Sudbrooke.	Full weight
Scotton NP	Examination successful. Decision statement	Significant weight

	issued. Referendum to be held 6 May 2021.	
Bishop Norton NP	Examination successful. Decision statement issued. Referendum to be held 6 May 2021.	Significant weight
Gainsborough NP	Examination successful. Decision statement issued. Referendum to be held 6 May 2021.	Significant weight
Morton NP	Examination underway. Examiner's Clarification Note issued. Assuming examination is successful, referendum to be held 6 May 2021.	Increasing weight
Corringham NP	Consultation on Draft Plan (Regulation 14) ended 8 Jan 2021.	Some weight
Sturton and Stow NP	Consultation on Draft Plan (Regulation 14) completed.	Some weight
Ingham NP	Consultation on site assessment report completed.	-
*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/Decision Statement issued–significant weight -Submission Reg16–increasing weight -Draft Reg14 - some weight -Designated – little weight

97 PLANNING APPLICATIONS FOR DETERMINATION

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

98 141033 - BARDNEY

The Chairman introduced application number 141033 as an outline planning application to erect 5no. dwellings with access and layout to be considered and not reserved for subsequent applications, on land adj to 15 Abbey Road Bardney. The Principal Development Management Officer stated there were no updates to the report however he had been provided with some photos to be shown on screen during the registered speaker's statement. The Chairman invited Councillor Robin Darby to address the Committee.

Councillor Darby thanked the Committee and stated he was representing the Bardney Group Parish Council. He stated that the first objection was in relation to the public footpath that ran along the eastern boundary of the property. He explained that this footpath was owned by

the Parish Council and they had not been consulted regarding the proposals. He stated that if the application was granted, access would be difficult for construction traffic and drew Members' attention to the photos on screen depicting the access and narrow layout of the road. He highlighted there had been previous complaints regarding access to homes on the road and the proposed development would worsen the situation. He added that there was currently a request lodged with Lincolnshire County Council for there to be double yellow lines along the stretch of road. With regard to the site, he stated there was insufficient parking allocation for all properties, including existing residents, and it was necessary for residents to park on Station Road. He noted that the proposed pedestrian access would remove two parking spaces which would make parking increasingly difficult. He added that there were existing difficulties with residents parking on Abbey Road which affected the visibility of the road for all users. He invited Members to note the incline of the road and the difference between the site and road level. Councillor Darby explained that drainage in the area and for the proposed development was not sufficient and would increase the risk of flooding in an area that was already liable to flood. He also stated that the property adjacent to unit 5 had been a commercial property with an underground fuel storage tank and removal and decontamination of the area would need to be undertaken. Councillor Darby stated that he believed the application would be granted however, the Parish Council requested that the access to Station Road be blocked, the drainage needs be fully addressed, S106 should be levied, there should be restrictions on traffic movement in place during the construction phase and the Parish Council should be consulted regarding the public right of way.

The Chairman invited any comments from the Principal Development Management Officer who confirmed there were no alterations proposed to the right of way and it did not fall within the application site. He added that no issues had been raised by the Highways Agency with regards to parking and access and additional car parking provision was given on site. It was not possible to restrict the access on Abbey Road, this had also not been deemed necessary by the Highways Agency. In relation to drainage difficulties, Anglian Water had recommended a condition in their original comments but the Lead Local Flood Authority had not noted any issues. There was a condition proposed regarding the removal of the fuel tank and details of acceptable working practice was contained within the construction management plan.

The Chairman stated he knew the site well and that it had previously been a farm with vehicles going in and out. It had been disused for many years. He added that the indicative plan showed numerous parking spaces on the site.

A Member of the Committee enquired about the specifics of the access points to the site and concerns regarding traffic congestion. It was highlighted that of the two existing access points on Station Road, one would be closed off and that the only comment regarding the access point on Abbey Road had been a minimum width requirement. There had been no issues raised by the Highways Agency regarding visibility on Abbey Road. There had also been parking provision proposed per new dwelling as well as additional parking spaces.

The speaker's comment regarding S106 payment was clarified to be a CIL contribution, for which the new development would be liable, and a proportion of which would go to the Parish Council.

Having been moved and seconded, the Chairman took the vote and it was unanimously

agreed that conditional permission be **GRANTED** subject to the following conditions.

Conditions requiring reserved matters and stating the time by which the development must be commenced:

1. No development shall take place until, plans and particulars of the **scale** and **appearance** 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 shall be carried out in accordance with those details.

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

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

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

3. The development to which the permission relates must be begun not later than the expiration of two years from the final approval of the reserved matters or, in the case of approval on different dates, the final approval of the last such matter to be approved.

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

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

4. No development shall take place until, suitably qualified contaminated land assessments and associated remedial strategy with none technical summaries, conclusions and recommendations, together with a timetable of works, have been submitted to and approved in writing by the Local Planning Authority (LPA) and the measures approved in that scheme shall be fully implemented. [Outcomes shall appropriately reflect end use and when combining another investigative purpose have a dedicated contaminative summary with justifications cross referenced]. The scheme shall include all of the following measures unless the LPA dispenses with any such requirement specifically in writing

a) The contaminated land assessment shall include a desk study to be submitted to the LPA for approval. The desk study shall detail the history of the site uses and propose a site investigation strategy based on the relevant information discovered by the desk study. The strategy shall be approved by the LPA prior to investigations commencing on site.

b) The site investigation, including relevant soil, soil gas, surface and groundwater sampling, shall be carried out by a suitably qualified and accredited consultant/contractor in accordance with a Quality Assured sampling and analysis methodology.

c) A site investigation report detailing all investigative works and sampling on site, together with the results of analysis, risk assessment to any receptors and a proposed remediation strategy shall be submitted to the LPA. The LPA shall approve such remedial works as required prior to any remediation commencing on site. The works shall be of such a nature as to render harmless the identified contamination given the proposed end-use of the site

and surrounding environment including any controlled waters.

d) Approved remediation works shall be carried out in full on site under a quality assurance scheme to demonstrate compliance with the proposed methodology and best practice guidance. If during the works contamination is encountered which has not previously been identified then the additional contamination shall be fully assessed and an appropriate remediation scheme agreed with the LPA.

e) Upon completion of the works, this condition shall not be discharged until a closure report has been submitted to and approved by the LPA. The closure report shall include details of the proposed remediation works and quality assurance certificates to show that the works have been carried out in full in accordance with the approved methodology. Details of any post-remedial sampling and analysis to show the site has reached the required clean-up criteria shall be included in the closure report together with the necessary documentation detailing what waste materials have been removed from the site.

Reason: In order to safeguard human health and the water environment and identify potential contamination on-site and the potential for off-site migration to accord with the National Planning Policy Framework and policy LP14 and LP16 of the Central Lincolnshire Local Plan 2012-2036.

5. No development shall take place until a surface water drainage scheme for the site, based on sustainable urban drainage principles and an assessment of the hydrological and hydrogeological context of the development, has been submitted to and approved in writing by the Local Planning Authority.

The scheme shall:

a) Provide details of how run-off will be safely conveyed and attenuated during storms up to and including the 1 in 100 year critical storm event, with an allowance for climate change, from all hard surfaced areas within the development into the existing local drainage infrastructure and watercourse system without exceeding the run-off rate for the undeveloped site;

b) Provide attenuation details and discharge rates

c) Provide details of the timetable for and any phasing of implementation for the drainage scheme; and

d) Provide details of how the scheme shall be maintained and managed over the lifetime of the development, including any arrangements for adoption by any public body or Statutory Undertaker and any other arrangements required to secure the operation of the drainage system throughout its lifetime.

The development shall be carried out in accordance with the approved drainage scheme and no dwelling shall be occupied until the approved scheme has been completed or provided on the site in accordance with the approved phasing. The approved scheme shall be retained and maintained in full in accordance with the approved details.

Reason: To ensure that surface water run-off from the development will not adversely affect, by reason of flooding, neighbouring land and property in accordance with policies LP 14 and LP 26 of the Central Lincolnshire Local Plan.

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

6. With the exception of the detailed matters referred to by the conditions of this approval and the outline planning permission, the development hereby approved shall be carried out in accordance with the following drawings and documents:

The Layout and Access shown on drawing no. H3356-3007 Revision A date October 2020;
Layout and Access shown on drawing no. H3356-3005 Revision E date March 2020;
Highway Drawing H3356 -3006 Revision B date August 2019;

Reason: To ensure the development proceeds in accordance with the approved plans in the interests of proper planning.

7. Within seven days of the new access being brought into use, the existing access onto Station Road shall be permanently closed in accordance with a scheme to be agreed in writing by the Local Planning Authority.

Reason: To reduce to a minimum the number of individual access points to the road, in the interests of road safety in accordance with policy LP13 of the Central Lincolnshire Local Plan.

8. Before the access is brought into use all obstructions exceeding 0.6 metres high shall be cleared from the land within the visibility splays illustrated on drawing number H/3356 - 3006 dated August 2019 and thereafter, the visibility splays shall be kept free of obstructions exceeding 0.6 metres in height.

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

9. The minimum width of the access shall be 4.1 metres.

Reason: To ensure safe access to the site and each dwelling in the interests of residential amenity, convenience and safety and in accordance with policies LP13 and LP26 of the Central Lincolnshire Local Plan

10. No development shall take place, until a Construction Method Statement has been submitted to, and approved in writing by, the local planning authority. The approved Statement shall be adhered to throughout the construction period. The Statement shall provide for:

- (i) the routeing and management of construction traffic;
- (ii) the parking of vehicles of site operatives and visitors;
- (iii) loading and unloading of plant and materials;
- (iv) storage of plant and materials used in constructing the development;
- (v) the erection and maintenance of security hoarding including decorative displays and facilities for public viewing, where appropriate;
- (vi) wheel cleaning facilities;
- (vii) measures to control the emission of dust and dirt during construction;
- (viii) details of noise reduction measures;
- (ix) a scheme for recycling/disposing of waste resulting from demolition and construction works;
- (x) the hours during which machinery may be operated, vehicles may

enter and leave, and works may be carried out on the site;
(xi) Measures for tree and hedgerow protection;

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

11. The details to be submitted in accordance with condition no. 1 above shall include existing and proposed finished ground levels.

Reason: In order to be able to assess the impact of the development on existing dwellings in the interests of amenity in accordance with policy LP 26 of the Central Lincolnshire Local Plan.

12. The development hereby approved shall not exceed 5 dwellings.

Reason: The application was found to be acceptable on this basis in accordance with policy LP26 of the Central Lincolnshire Local Plan.

13. If any works to the buildings and site take place outside the active nesting season from 1st March through to 31st August a search for nests must be carried out before it begins, and active nests should be protected until the young fledge.

Reason: To protect biodiversity in accordance with policy LP21 of the Central Lincolnshire Local Plan.

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

14. No dwelling shall be occupied, unless the approved surface water scheme and foul water drainage connection to the public sewer has been implemented in full.

Reason: To ensure satisfactory drainage of the site in accordance with policy LP14 of the Central Lincolnshire Local Plan.

15. No dwelling shall be occupied until details of the position and form of 4 integral bat roosts and 2 nest boxes across the site have been submitted to and approved in writing by the local planning authority and the approved details fully implemented.

Reason: In the interests of bio diversity enhancement to accord with the requirements of Policy LP21 of the Central Lincolnshire Local Plan.

99 142065 - NETTLEHAM

The Chairman introduced the second application of the night, application number 142065 for construction of 30no. Entry Level homes and associated infrastructure on land off Deepdale Lane Nettleham Lincoln – resubmission of 140938. There were no updates from the Officer and the Chairman confirmed there were four registered speakers. He requested the first speaker to address the Committee.

Councillor John Evans, of Nettleham Parish Council, made the following statement.

Local strength of feeling on this matter can clearly be judged by the large number of submissions of opposition from the community. But we do understand that developments such as this must be judged on planning grounds.

The Parish Council **strongly objects** to this application and respectfully requests that the committee should refuse this application for 30 homes off Deepdale Lane on the following planning grounds:

1. This is not an allocated site in the adopted Nettleham Neighbourhood Plan (Nettleham Neighbourhood Plan) or CLLP.
2. The developer claims that this is an entry-level exception site so under NPPF 71 development on an unallocated site is permissible. However the proposal is contrary to para b) of the NPPF 71 as it does not comply with the design policies or standards as per D-6 and D-3 of Nettleham Neighbourhood Plan.

Nettleham Neighbourhood Plan D-6 clearly states that new development should recognize and reinforce the local character in terms of height, scale, density, etc. This is supported by LP26 c).

The Nettleham Neighbourhood Plan also identifies the max density for new homes in Nettleham as 20 homes per Ha, which is reflected in the adjacent recent development by Larkfleet/Allison Homes where a total of 86 homes were originally approved (PA 135567) on a site of some 4.6Ha. giving a gross density of 18.7 homes /Ha. Even when the additional 7 homes were approved for the site in August 2020 it resulted in 20.2 homes/Ha.

LP2 spacial strategy section 4 on large villages refers to -

Exception sites are **unlikely to be of a scale over 25 dwellings / 1 ha per site.**

This proposal seeks to produce 33 homes/Ha. leading to an inappropriate urban density in a sensitive rural village edge setting.

The design and access statement and officers report seeks to justify this high density by comparing it to that of the adjacent residential care home development for older people which was a part of the earlier development. This would be a totally inappropriate and invalid as a comparison for a housing development such that proposed now.

3. It is clear that none of the properties in the proposal have garages and the parking provision is in place of a front garden which will provide a car cluttered street scene. This is more usual in urban developments and does not reflect the character of Nettleham.

4. The applicant, and officer's report, seek to identify local need by referring to the housing register which is inappropriate as that refers to rented accommodation requests not entry level or affordable housing which is the subject of this planning application. Mention is also made of the SMHA but that was published 6 years ago and is currently under review so the document cannot be relied as evidence in 2021.

Over the past 3 years Nettleham village has had planning permission approved which includes 71 affordable homes, a yield of over 27%.

LP11 calls for 20% of new housing allocation in rural locations to be affordable, which equates to 47 based on the total number of new homes allocated to Nettleham in the CLLP. So we are already delivering 51% more affordable homes than envisaged in the CLLP.

Additional development in Nettleham Parish include 24 affordable 1 bed flats at Roman Gate (PA 142230), and Minster fields is also providing some 93 affordable homes. Affordable homes delivered in the Parish of Nettleham since 2016 will total some 188.

Clearly there is little local need for additional entry level housing on the proposed site as well as that already in the pipeline.

Nettleham Parish Council submits that based on the above grounds alone, this opportunistic planning application should be refused. It is contrary to the adopted Nettleham Neighbourhood Plan and not compliant with NPPF 71 b, in that it does not comply with local design policies and fails to reflect the character in terms of housing density of the surrounding area.

There is also no up to date assessment showing local housing needs for this type of property.

However should the LPA be minded to approve the development then provision for children's play equipment on site (via S106 agreement) or a financial provision should be required for the Bill Bailey recreation ground some 700m. away along Deepdale Lane.

Deepdale Lane lacks a footpath on the development side the lane, so for safety and amenity purposes there should also be a S106 requirement for the developer to be required to provide one to meet up with the existing footpath on the north side of the road.

Nettleham Parish Council requests that it is made a party to any S106 agreement.

The second speaker, Mr Mark Mann, made the following statement.

My name is Mark Mann, and I am speaking on behalf of Allison Homes.

The application before you today, is a resubmission of the one refused in August. Whilst it remains an '*Entry Level*' scheme; designed to provide much needed affordable accommodation for younger people, the scheme has been amended to take on board the reasons for refusal. In addition, following further discussions with officers, changes were made to better reflect the housing needs of the village.

At the heart of Members concerns was that the density was considered too high, being above the figure referred to in the Neighbourhood Plan. And, that it did not meet the parking levels required by policy D3, despite meeting the Local Highway Authority's. However, elsewhere in Nettleham, exceptions to these requirements have been agreed by the Council. This flexibility is supported by the Neighbourhood Plan, which allows for exceptions, particularly in respect of affordable housing.

Nevertheless, the applicants have sought to compromise. The revised scheme has a lower density and has more parking spaces. The only shortfall, is that one of the *cluster units* of 1

bed homes, has only 1.5 spaces per dwelling. Of note is that the other cluster unit, and all the other dwellings, meet the requirements of policy D3. As such, it has a lower density than the LACE scheme and the 7- unit scheme recently approved by Members in August 2020, both of which are adjacent. It also has a much greater level of parking than both those schemes.

Elsewhere, the Council has accepted higher densities as well as lower parking provision, than that required in the Neighbour Plan. For example, the recent development at Lodge Lane.

Your officer's report examines in detail, what weight to give to the Neighbourhood Plan policies, bearing in mind the age of that Plan, and the fact that it was adopted before the Council's own Local Plan and the NPPF. My only comment is that the Neighbourhood Plan states that it's parking policy was in accordance with the Council's own local plan. This is not the case. The WLLP (2006) policy specified a maximum number of spaces per dwelling, whereas D-3 requires a minimum. It cannot be in accord with the WLLP. To compound this error, the Plan also advises that within the village, over 57% of households had access to just one car or none at all. I believe this application would fail to meet those earlier LP policies as it provides too much parking!

In West Lindsey there is a shortage of affordable homes as confirmed by officers. The Council acknowledge that this shortfall cannot be met solely by market led schemes and that more needs to be done. This includes working with developers to bring forward wholly affordable proposals like this application.

Prior to paragraph 71, it was very unlikely that we would have developed this site. However, this amendment to the NPPF changed the planning position of this site, as well as others. It removed any objection *in principle* to such developments.

In terms of design, character, and appearance the development is very similar to phase 1. The density is higher, but that is the nature of affordable housing.

That is accepted by the Neighbourhood Plan and this Committee, when in August, the 7-unit scheme was approved. The LACE scheme is higher still, and whilst it contains apartments, it also contained bungalows. The only distinction of the LACE development is that it is for the over 55s. It is not a care facility. All 36 dwellings are 2 bed units, yet parking provision is substantially less than what we provide for our 1 bed units. In fact, compared to our revised scheme, which provides 64 spaces for 30, mostly 1 and 2 bed homes, the LACE development provided 39 spaces for the 36, 2 bed dwellings. Strict adherence to Policy D3 would require 72 spaces. This is despite evidence that indicates car ownership levels are greatest for those aged 60 plus!

The above clearly demonstrates that the Council can apply policy flexibly and the Neighbourhood Plan allows for such flexibility, as does the Council's own Local Plan.

To conclude the development will provide:

- much needed affordable housing in the area.
- It will look like the housing already approved.
- It will provide attractive open space at the front of the site, and
- It will provide more parking than some recently approved/built developments.

There are no objections from statutory consultees such as highways, the flood authority, etc., and your officers consider the development will comply with the policies in both the Local Plan and the Neighbourhood Plan.

We trust therefore that Members will support their officer's recommendation and approve this revised application.

The Chairman invited the next speaker, Sally Lidbury, to address the Committee. She made the following comments.

Statement from residents of Nettleham Chase in relation to the following planning applications:

140938 - construction of 30 entry level homes and associated infrastructure

I have been asked to speak on behalf of residents of Nettleham Chase. We have many concerns about the quality and integrity of the developer, but fully appreciate this is not the forum to share our concerns.

Local support – an application should demonstrate there is local support for it, as stated in LP26. It is clear that there is a **distinct lack of local support** for this proposal. Given the high number of LOCAL objections to the previous application, the objection by Nettleham Parish Council and a unanimous refusal by WLDC planning committee, we find it astonishing that again the developer has submitted a further plan.

Larkfleet's original design statement CLEARLY stated that the land would be retained as agriculture land. Planning was granted on that basis. Therefore, we are astounded that the developer has chosen to submit a further application.

Density – in their application the developer has chosen to compare the density of the proposed housing to that of the Lace Housing development and NOT their own existing development of residential dwellings.

The current Larkfleet development is **8.13 per hectare**. The proposed density is however **18 per hectare**. We feel the density of the application will drastically affect the character of the area. One of the key points in the Nettleham Neighbourhood Plan was to retain a village feel and the character of the village. It states that this particular piece of land should be an area of local green space.

Need – We do not feel sufficient need for this proposal has been demonstrated. LP 11 states: In rural areas, where through a local needs assessment there is both a need and clear local community support for affordable housing. *Has a LOCAL needs assessment been carried out or is only the wider area of Lincoln being used to determine need?*

The existing development **already has 42% of affordable homes**. Double the suggested 20%. This proposal of 30 affordable homes, plus the 7 given permission would mean there would be a total of 73 affordable homes and 50 residential properties. A staggering 59% would be affordable homes on this development.

Parking – there is a lack of parking for visitors. Given the density of the proposal, this would undoubtedly mean vehicles would be forced to find alternative parking. This could negatively impact on the existing development. For those planned houses which would have direct access to driveways on Baker Drive, visitors would be forced to park on the roadside. At certain points of Baker Drive there is already an issue when two vehicles try to pass each

other. The road is not wide enough. Visitors to these properties would be forced to park on the roadside which would cause a hazard to road users. The only alternative would be to park on the pavement – which is not acceptable.

Larkfleet have recently written to residents of Phase 1, reminding them of their duty to adhere to covenants and not park vehicles incorrectly. This suggests that there is already an existing issue with parking availability for both homeowners and their visitors. Whilst all residents of Phase 1 will endeavour to abide by the legal requirements, human nature suggests that future homeowners and their visitors would cause more significant issues.

Design and appearance – the application is not in keeping with the character of the village. The neighbourhood plan states: new housing should be of a scale, design and **density** to fit within the existing character of the village. The Lincolnshire Local Plan suggests 50 homes per site to maintain the character and feel of the village. We notice that the original planning application by the developer sought permission for 90 dwellings but this was rejected.

The final speaker, Councillor Giles McNeill, speaking as Ward Member, made the following statement.

The Committee in its wisdom chose to accept the arguments of myself, the Parish Council and members of the public in refusing the previous submission of this planning application a mere 23 weeks and 1 day ago. You did so for good reason. As is clear from the minutes of that meeting, Councillor White's call-in request, and the submission of the Parish Council, that you are being asked, by the developer, to reconsider the Committee's view, taken in August, of Paragraph 71 of the National Planning Policy Framework and how it integrates with the other parts of the Local Plan.

Your responsibility is to determine planning applications in accordance with the local plan and other relevant policies. The application before the Committee this evening is, in my opinion, materially the same as that which was previously refused.

I contend that in August the Committee discharged its responsibility to determine the previous application properly and should align its decision tonight with that decision. This is why:

When the permission was granted for the first phase it was understood that a higher number of homes (86) for the allocated site (of around 50) was acceptable as the trade-off for the housing development for older persons that was contained therein.

I would respectfully request that the application be refused permission on the basis that it conflicts with:

National Planning Policy Framework paragraph 71 (b)

I contend that in relation to NPPF 71 (b), the requirement for the development to 'comply with any local design policies and standards' remains not met.

I accept that the site is adjacent to the existing settlement, that there are no protected assets or areas and is narrowly proportionate in size – The area of this site is only very narrowly below the 1 hectare limit (down to 9,118 square metres from 9,167 square metres) – which is a direct and lingering consequence of the developer 'playing the system' and splitting the previous application in two – for which he has secured permission for the bungalows.

The proposal fails to meet the requirement for an entry level exception site to comply with local design policies and standards as articulated in the *Nettleham Design Statement*.

The Nettleham Design Statement makes it clear that development along the 6 access roads – such as Deepdale Lane, should be avoided. Each of the house types are two story dwelling that are highly urban in their character and therefore in my opinion do not accord with this policy. Elsewhere the Nettleham Design Statement contends: “New developments should respect the country lane character of the village approach roads”.

The statement also makes clear that “Any new buildings should be of similar proportions to houses in their vicinity.” The nearby properties on Baker Drive are of a very different order to those being proposed by the developer and the, permission for bungalows, approved in August.

This is reinforced by the conflict with:

NNP Policy D-6: Design of new development

The proposal fails to recognise and reinforce the local character in relation to height, scale, density (65% greater than the specified maximum) and spacing (a); reflect existing residential densities in the locality of the scheme (b); merge into the existing rural village context and respond to the wider countryside setting (e).

And:

Policy LP26: Design & Amenity

The proposed development fails to take into consideration important design principles, including respecting the, landscape character and identity, relating well to the site and surroundings, particularly in relation to siting, height, scale, massing, form and plot widths (c); fails to provide a tight village nucleus but building away from the village’s centre (d); and reflect or improve on the architectural style of the local surroundings (j). It also fails to meet the Local Plan’s amenity considerations (which all existing and future occupants of neighbouring land and buildings may reasonably expect to enjoy) in respect of the compatibility of this phase of development in relation to the first phase (m).

I will not reiterate the arguments advance by Nettleham Parish Council to include **Policy LP11** (the applicant’s failure to demonstrate local support) and **NPPF 127** (as the proposal would not be sympathetic to the local character).

Finally, I am also deeply concerned at the representation made by Anglian Water that the Nettleham Water Recycling Centre does not currently have capacity to treat the flows from this proposed development.

Whilst I have no desire to see the Committee grant planning permission on the application I would be remiss not to highlight that they strongly recommend that conditions are included to ensure no occupation of any dwellings takes place until the Nettleham Water Recycling Centre has capacity to treat the waste water flows that the development will generate.

This is important to protect the Nettleham Beck, ensuring the development does not make the current phosphorous issues worse and cause any other pollution. Nettleham Beck was classified as poor for phosphate in 2019 in the Water Framework Directive; the major reason for this failure was identified as continuous discharges from sewage treatment works. There is a Phosphorous improvement scheme due to be completed by 22 December 2024.

However Anglian Water are not aware of any plans to increase capacity of the Nettleham Water Recycling Centre before 2040. This is a material consideration. I would contend that this proposal conflicts with **NPPF 170 (e)** and **NPPF 8 (c)** – the third of the three pillars of sustainability, the environment. I would therefore request that should the Committee be minded to ignore the arguments advanced for refusal of this application then a condition be applied, in line with the request from Anglian Water, that habitation of any dwellings not take place until the completion of capacity improvements at the Nettleham Water Recycling Centre at the absolute earliest after 2040.

Chairman, Members of the Committee, thank-you for your consideration

The Chairman thanked all speakers for their comments and invited the Development Management Team Leader to offer any response. She stated that maximum density was not included in the Neighbourhood Plan and it was seen as being too prescriptive. Community support was not necessary on entry level sites and affordable housing was based on the authority rather than parish need, however, the Nettleham needs assessment did demonstrate a high need for affordable housing. With regards to parking, there was parking provided on the site and that of the existing site was not a material consideration for this application. Regarding drainage, Anglian Water had stated there was capacity but they were obligated to provide drainage from the site.

The Chairman invited comments from Members. A Member of Committee stated it was disappointing that local support was not required given the strength of feeling against the application. She stated that Nettleham had already provided affordable housing and there was a significant number of new residents to be integrated into the village. She supported the comments made by the Parish Councillor and Ward Member.

There were further comments made regarding the water recycling and the Officer clarified that the comments made by the Environment Agency were based on old information and Anglian Water had since confirmed there was capacity. A Member of Committee noted that it had been misleading for the site to have been said to be remaining as open land as that had not been the case.

With the Officer recommendation moved but not seconded, the Legal Advisor reminded Members that it was a Paragraph 71 application which did fall under most recent policy. An alternate proposal for refusal, on the basis that the application was contrary to LP26 and D6 of the Neighbourhood Plan, was moved and seconded. Based on this the Chairman led the vote and it was agreed that permission be **REFUSED**.

100 142148 - SUDBROOKE

The Chairman introduced the final application for the evening, application number 142148 for demolition of the existing dwelling and erection of a large house of multiple occupation (sui generis use class) with associated access alterations, vehicle parking and landscaping at Rosemary Villa, 30 Wragby Road, Sudbrooke, Lincoln – resubmission of planning application 140180. The Senior Development Management Officer provided the following update.

Since the report was written additional objections had been received from residents of 28, 61

and 96 Wragby Road, Sudbrooke; 50 Windsor Close, Sudbrooke; 10, 21 and 35 Sibthorpe Drive, Sudbrooke; 3 and 5 Courtfield Close, Sudbrooke; 2 and 23 Holme Drive, Sudbrooke, 13 Park Close, Sudbrooke; 3 Fir Tree Close, Sudbrooke; and 6 Oak Tree Close, Sudbrooke which were summarised as follows:

- Contrary to several policies in the CLLP and neighbourhood plan
- Harmful to residential amenity by virtue of noise and disturbance, overshadowing, reduced light, increased fumes and light pollution contrary to LP17, LP26 and Policy 9
- Not sustainable development, not best use of existing stock, use of natural resources, is energy inefficient, does not minimise waste or pollution or travel contrary to LP1, LP13 and LP18
- Scale, height, materials and mass are out of keeping with the area and adjacent dwellings
- No need for a HMO and no local support contrary to LP2 and LP4. The proposal is not designed to be a home.
- With 8 double bedrooms up to 16 people could live in the proposal instead of 8 people as considered in the noise assessment and by the planning inspectorate. Rooms could be occupied by more people
- The submitted streetscene drawing is inaccurate because 26 Wragby Road is smaller than drawn and the proposal would be taller than 28 Wragby Road. The application plot is higher than 28 Wragby Road which will emphasise the difference in scale. This erroneous document seems to have been used in the appeal
- Light from car movements, interior lighting and exterior lighting
- 28 Wragby Road is built below the road level meaning any movement to and from the property will increase light pollution from overlooking. The front wall would not prevent this
- There has never been vehicular access to the rear of this cluster of properties and the information submitted regarding 24 Wragby Road is inaccurate. The applicants assertion that parking at 24 Wragby Road causes problems is contradicted by his assertion the proposed parking arrangements are acceptable
- Is a garage proposed?
- It is unclear what type of fence/wall will be built and what the noise assessment recommends
- The site may be levelled off meaning fence heights are increased and this is not shown on the plans
- The proposal does not meet the CLLP objective of promoting healthy lifestyles and wellbeing and provides insufficient amenity
- No push bike facilities. Cars would have to be used
- Plans show inaccurate 45 degree line. It would affect neighbouring windows. Are the plans accurate?
- The property is currently being renovated. The garage has already been demolished.
- The example properties given by the applicant are not comparable to the proposal
- The proposal does not supply housing for local people
- Noise assessment is misleading as it does not account for multi path and reverberation and the use of garden/patio is dismissed. 30 Wragby Road is a noisier location than 28 Wragby Road. If the noise assessment had been done in the garden of 28 Wragby Road with a hedge/fence the ambient noise level would be lower and therefore the impact would be greater. The noise assessment is not independent.
- Group bookings are possible with associated disturbance

- Lincoln City Council's supplementary planning for HMO's details why it used an Article 4 direction and related concerns which are applicable here. 23 Wragby Road could be a HMO
- Lack of amenities in the area
- The road is extremely busy
- Lack of parking for the proposal
- Loss of property value
- If this is passed after umpteen attempts I can only assume that the council have had a backhander from the developer
- Construction impacts and harm to wildlife
- No need for further building in Sudbrooke
- The proposal is not for a replacement HMO. It is for an additional HMO.

These representations did not change the recommendation.

The Chairman thanked him for his update and stated there were four registered speakers to the application. He invited the first speaker, Councillor Peter Heath of the Parish Council, to address the Committee. He made the following statement.

This is the third time that this development has been presented to the committee. The design on each occasion is virtually unchanged from the previous one. It was rejected on both previous occasions and an appeal was also rejected thus confirming the committee's decision.

Sudbrooke Parish Council object to this application for the "Material Harm" it will cause the occupants of 28 Wragby Road by the overbearing nature of the proposed building and usage as stated in the appeal judgment.

I hope the members of the planning committee have had the opportunity to read the objection from Mr Clark, the neighbour at 28 Wragby Road. Mr Clark, has provided a comprehensive rebuttal of the many of the claims made for the application. The applicant misrepresents the current state of the building in the attached photographs, it is shown as a derelict building. The building has since been refurbished with new windows and interior work as shown in the photographs provided by Mr Clark in his objection.

The design drawings show 45 degree line from the rear as having no impact on the neighbouring house. The Line is not in the correct place and will affect the light received by the windows of No 28.

The development is in direct conflict with Policy 2 of the Sudbrooke Neighbourhood Plan, Extensions and alterations to existing dwellings, and Policy 9, Local Design Principles, of the Sudbrooke Neighbourhood Plan.

Policy 2 states that:-

Extensions and alterations to existing dwellings within the Parish where planning permission is required will be supported where the following criteria are met:

- A. the size scale, height and materials of the development are in keeping with the original dwelling
- B. the extension and alterations are designed so that there shall be no significant

reduction in the private amenity of the occupiers of neighbouring properties through overlooking, overshadowing, loss of light or an overbearing appearance.

Policy 9 section 2 states that: -

In relation to site design, layout and access it should meet the following criteria:

b) Protects the amenity of neighbouring occupiers

This application fails on both our Policies.

The applicant has made many assumptions in his favour in the design and access statement.

The provision of an 8-bedroom mansion for short term lets will generate noise and disturbance from unregulated arrivals, departures and outdoor enjoyment of the space for potentially up to 16 plus people. The noise created by manoeuvring vehicles to access parking space at the front and rear should not be lightly dismissed. The noise assessment provided by the applicant is partisan and make assumptions in the applicant's favour. Recordings of passing traffic and of the rear garden of an unoccupied house are hardly representative of the potential noise when fully occupied.

Sudbrooke Parish Council are concerned for the safety of occupants arriving and departing by car onto the A158 a main arterial road for access to the coast. The junction of the A158 with Scothern Lane a few hundred yards to the west has been the site of many car accidents as drivers risk pulling out into fast flowing traffic.

The applicant cites other HMO's in Sudbrooke as justification for this. There are 2 small Air B&Bs in Sudbrooke and an HMO in a former 4 bed house. It is run by social services for up to six in long term accommodation for vulnerable adults under supervision. This application is much bigger than all of those combined.

In conclusion this change from a modest family home to a hotel like property will have a huge impact on the neighbouring property It will increase traffic and therefore pollution and risk. It is not sustainable development and is not required or sought after for our village and should be rejected.

The Chairman invited the second speaker, the applicant Mr Vaddaram, to make his comments. He offered the following statement.

My name is Sath Vaddaram.

The refusal of previous application 140180 has been appealed to the Planning Inspectorate who has confirmed that the reasons for the refusal by Planning Committee were not justified. However, the appeal inspector had dismissed the appeal based on totally new ground which is noise and disturbance as a mentioned in point 23 of decision notice.

This application is a resubmission as per the suggestion by the Honourable Judge at High Court of Justice, Queen's Bench Division during the Renewal Hearing of Planning Statutory Review as the noise assessment report was not present at the time the Inspector was deciding.

Regarding objector's comments:

1. About Noise: The Noise Assessment proves that the impact is acceptable and in accordance with the planning policy. Furthermore, this has also been endorsed by the Environmental Protection Officer from the same council who has concluded their own assessment.
2. Disturbances:
 - a. Sight/ Vision: Lights from the vehicles are acceptable and demonstrated through the drawings on the screen (WRA030-HL1-01) and The Road Vehicles Lighting Regulations 1989
 - b. Smell: All the vehicles are subject to annual MOT and emission test. So, smoke comes out the vehicles are acceptable levels.
 - c. Other disturbances like taste, touch, movement, body position are not applicable to this proposal.
3. Anti-social behaviour: As confirmed by the Environmental Protection Officer, this can be dealt with under suitable existing legislation.
4. Highway safety impairment: It was considered and accepted by the Planning Inspector under the point 7. Furthermore, Local Highway Authority have confirmed that the proposal does not have an impact on the public highway in terms of safety and capacity.
5. Parking and vehicle movements: Planning Inspectorate acknowledged this under the point 16 and has not raised any objections. Furthermore, 11 immediate neighbouring properties are currently parking at the rear. Business use at 24 Wragby Road is already causing enormous vehicle movements.
6. Suitability of the site: Planning Inspectorate has dealt this under the point 9 and 13.
7. The design and appearance: This have been covered by Planning Inspector under points between 10 to 13.
8. Overbearing nature: Planning Inspectorate covered this under the point 12.
9. Trees and wildlife: These have no relevance to this development.
10. Loss of light and overshadowing: Planning Inspectorate determined this under the point 15.
11. Light pollution: Officer's Report already addressed this point.
12. Neighbourhood plan: was fully considered by the Planning Inspector as mentioned under the point 2.
13. Need of development: Planning Inspector confirmed under the point 23 this development would provide good quality visitor and business accommodation and diversify the type and choice of accommodation.
14. All the Policies mentioned by the objectors are already covered by the Appeal Decision and the Officer's Report.

Any other non-relevant comments should be disregarded and please note that there are some insulting comments towards the applicant and the council officer's integrity.

As Officer's Report clearly demonstrated this revised application mitigates the only one reason for previous dismissal by the Planning Inspectorate. So, the applicant requests the committee to grant the approval to avoid presenting this planning case in front of the same Judge/ Court.

Thank you, Chairman.

The third speaker, Mr Andy Clark who was speaking on behalf of his father-in-law, made the following statement.

My name is Andy Clark, I am the son in law of Alan Dovey who I am speaking on behalf of this evening; he lives at 28 Wragby Road, next door to the proposed planning application.

The current proposal will significantly affect his amenity as was supported by the Planning Inspectorate. The proposal will cause disturbance, noise and light pollution, the resubmission of this proposal does not resolve this. All the decisions made on this property assumed that the property was unrepairable. It states in the planning and design document that the current property is structurally unsound. Contrary to this the property has already undergone significant redevelopment, the garage has been demolished, 7 new windows fitted, decorating, plumbing and grounds cleared. The proposal does not meet sustainable requirements as it does not make best use of existing stock, use natural resources prudently, minimise waste or pollution, mitigate climate change or minimise the need to travel. This is a great example of building for buildings sake.

A noise survey has been undertaken and while we do not dispute the calculations per say, we completely disagree with a lot of the assumptions made and therefore a significant amount of impact has not been modelled or considered. The report has been used to try and nullify the previous appeal outcome; therefore, it is critical that the assumptions are correct. I believe the noise survey is significantly bias toward Mr Vaddaram.

The survey is modelled on 8 residents only, with an assumption of individual lets, yet as these are double or perhaps even family rooms there could be 20 guests. This potential occupancy and therefore impact has not been measured. Even the inspectorate's decision made this assumption of 8 residents and still deemed it enough to dismiss the appeal.

The assumption that the garden and patio will not be used and therefore not modelled is preposterous. With no local facilities such as pubs or restaurants the garden will undoubtedly be utilised, particularly in Summer. To dismiss interactions between clientele and only factor in 1-minute conversations is flawed, as this does not account for interactions between family groups, couples, or visitors.

Additional noise and disturbance such as cars idling, service vehicles, motorbikes, arrivals and departures especially with luggage as well as potential group bookings have not been considered.

The measurements for the noise survey were taken in the garden of number 30, however, this is not a true representation of the background noise levels I experience in my garden as I am significantly more acoustically sheltered and have less exposure to the road noise. Therefore, the impact is greater than measured.

The assessment is based on spherical spreading and does not account for multi path or reverberation, however as most of the proposed land will be covered in tarmac (or similar) and is boxed in with mainly walls and fences, the sound will be reflected rather than be absorbed (as it is currently). Thus, having a greater impact than modelled. The noise survey report also states there is a garage in the rear of number 24 and uses this in favour of the proposal. For clarity, there is not and never has been a garage in the rear garden of number

24. I do not believe the noise survey materially changes the original application which was refused by this committee and refused on appeal.

There will be a large increase in light pollution from car movements at the front and rear as well as the additional exterior lighting required for the business to meet Health and Safety requirements. The 1m wall at the front, the slope down to the houses and driver behaviours have not been considered in the visual impact statement.

The “Proposed Street Elevation Document” has been used to validate the massing, scale, and appearance of the proposal. However, the proposed ridge height is higher than mine and therefore massing, scale and appearance has been underestimated.

The activity and the comings and goings of 8 people as well as the services to support this will be significantly greater than a single-family household. The possibility of 20 people magnifies this exponentially and has not been considered.

I fear I will be unable to use my own garden if this proposal goes ahead. Not only is there no local support for this development, but there is considerable objection to it. I respectfully request that you refuse this planning application.

The fourth speaker, Councillor R. Waller, speaking as Ward Member, addressed the Committee. He stated that he was surprised to see the application a further time, given that it was virtually identical to the previous application refused by Committee and lost on appeal. He stated that he could not see any material changes. The previous application was refused as contrary to sections of the Local Plan, NPPF and Neighbourhood Plan, he felt all of these remained valid for the current application. He noted that the noise assessment had been based on an assumed eight residents of the property, however it was possible for there to be significantly more people in residence which would greatly impact the noise levels. He also commented that there were no waste storage facilities, with the applicant proposing to collect the waste on a daily basis. It was highlighted that a licensed carrier would be required to clear business waste and the Environment Protection Officer had raised concerns about this proposed arrangement. With such strong objections from the Parish Council and local residents, Councillor Waller hoped that Members would take all objections into consideration, however, should the application be approved, he felt it was necessary for conditions be imposed to address concerns regarding noise and waste disposal, amongst other concerns.

NOTE: Councillor Waller left the meeting at 8:29pm

The Senior Development Management Officer commented that, should the application be approved, licensing regulations could be used to control the occupancy levels in the property. He also highlighted the proposed conditions which addressed the concerns raised, specifically regarding waste disposal, parking allocation and noise levels. He added that the Environmental Health Officer had also undertaken noise assessments and their findings did not raise any concerns.

The Chairman invited comments from Members. Based on the similarities with the previously refused application, the Legal Advisor reiterated that the reason for refusal by the Inspector, following the applicant’s appeal, was based on noise considerations which was now addressed by the provision of a noise assessment.

There was strong feeling amongst Members that the concerns regarding noise levels were not the only issue and worries about vehicle movements, light pollution as well as waste removal remained valid. It was also noted that, by the very nature of an HMO, it could prove difficult to monitor the situation should there be continuous change of residents.

With no proposer for the Officer recommendation, it was moved that the application be refused as contrary to LP26 paragraphs M,Q,R and S, NPPF 127a and Neighbourhood Plan Policy 9. The proposal was seconded and the Chairman took the vote. It was subsequently agreed that permission be **REFUSED** as detailed above.

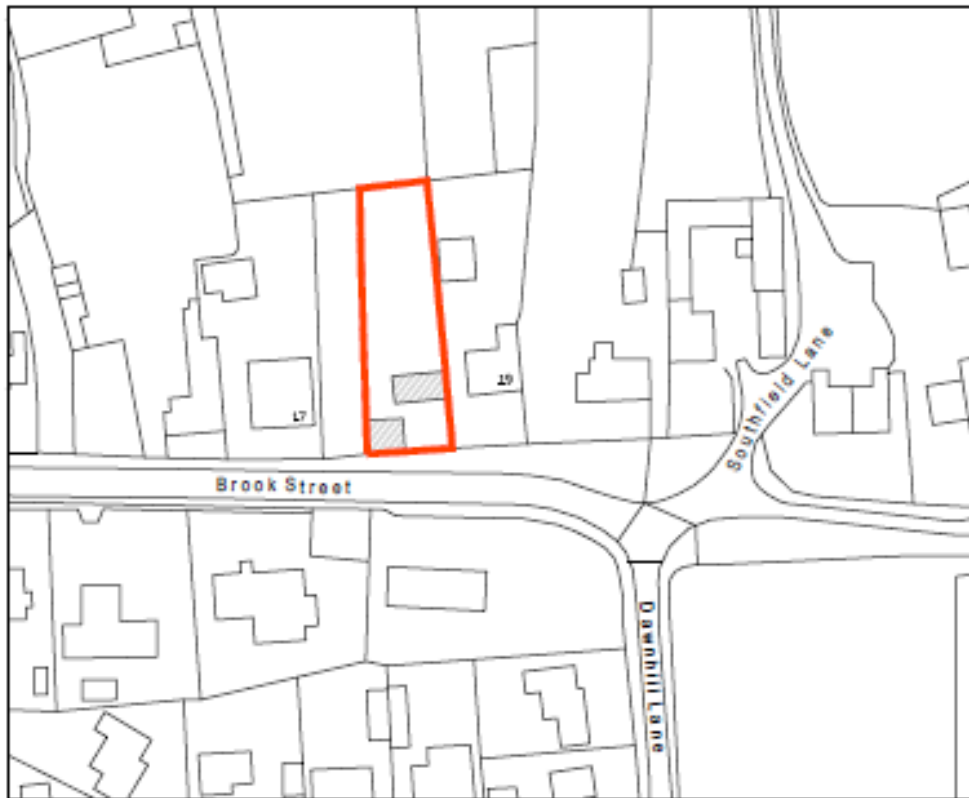
101 DETERMINATION OF APPEALS

The determination of appeals was **NOTED**.

The meeting concluded at 8.53 pm.

Chairman

Site Location Plan-141128



Officers Report

Planning Application No: 141128

PROPOSAL: Planning application to demolish existing main building and replace with 1no. dwelling including landscaping, ancillary works and installation of solar panels to existing garage.

LOCATION: Land adj 19 Brook Street Hemswell Gainsborough DN21 5UJ

WARD: Hemswell

APPLICANT NAME: Mr and Mrs Morris

WARD MEMBER: Cllr P Howitt-Cowan

TARGET DECISION DATE: 05/08/2020 (Extension of time agreed until 29th January 2021)

DEVELOPMENT TYPE: Minor - Dwellings

CASE OFFICER: Danielle Peck

RECOMMENDED DECISION: Refuse planning permission

The application is referred back to Planning Committee for determination following the meeting held on 24th August 2020. At this meeting members requested that the application was deferred back to officers to carry out discussions with the agent/applicant to in relation to the design and retention of the original building (or elements of).

Description:

The application site comprises of an existing building, 'The Blacksmiths Forge' and a newly constructed detached double garage within the settlement of Hemswell. The existing building is constructed of local roughly coursed stone and pantile, the building is noted to be at the earliest C17. A residential property is located directly to the east of the site, to the west is a grassed track, the highway lies to the south with more residential properties beyond this. The site is within the Hemswell Conservation Area, an Area of Great Landscape Value and is also within a Limestone Mineral Safeguarding Area.

Proposal: The application seeks permission to demolish the existing building and replace with 1no. dwelling, including landscaping, ancillary works and solar panels to the existing detached garage.

The application was previously considered at the Committee's meeting of 24th August 2020. At that meeting, the minutes record "*With these details clarified and voted upon, it*

*was agreed that the application be **DEFERRED** for further discussion regarding design and retention of the original building [or elements of].”*

The following chronology of events, is provided as an update since the meeting of 24th August 2020:

- 25th August 2020 Email sent to Mr Morris (applicant) to confirm that Mr Andrew Ryley (agent) would be acting as agent for the application and confirmation that alternatives to the demolition of the building will be looked into;
- 3rd September 2020- Virtual meeting with Case Officer (Miss Danielle Peck) and Mr Ryley (agent). The types of reports required for the application, was discussed;
- 16th September 2020- Virtual meeting with case officer, Mr Ryley and WLDC Conservation Officer (Mrs Elizabeth Mayle). Possible methods of repair were discussed along with ways/options that the building could be extended to the rear;
- 7th October 2020 Email sent to Mr Ryley requesting update following meeting;
- 22nd October 2020 Further email sent to Mr Ryley as no response received from 7th October 2020;
- Email received from Mr Ryley on 28th October 2020 stating that a heritage consultant had been instructed to prepare a statement of significance, a new architect had been instructed and advice was being sought from various consultants on the structural integrity of the building. Extension of time agreed until 11th December 2020;
- Email sent to Conservation Officer from Mr Morris on 8th December 2020. The email advised that the heritage report would be delayed due to COVID19;
- Email sent to Mr Ryley on 9th December 2020 to see if a further extension of time was needed, this was agreed until 29th January 2021;
- Email received from applicant on 6th January 2021 to advise that the western side of the front elevation had collapsed due to a rotten timber lintel above the window failing. The applicant also advised that a further structural survey had been carried out on the building by Ward Cole. Mr Morris states that the survey concludes that the building cannot be saved and that the front elevation is the most structurally unsound part.

- On the 4th January 2021 an application to serve a Section 76 Urgent Works Notice in relation to the building was approved by the Secretary of State for Digital, Culture, Media & Sport (DCMS), on the advice of Historic England, in a letter dated 22nd December. Historic England advised *“Accordingly, we advise that the Old Blacksmith’s Forge makes an important contribution to the character and appearance of the Hemswell conservation area for the reasons given above. The loss of the Old Blacksmith’s Forge would remove that important physical and visual historic contribution to the character and appearance of the conservation area.* Advice was given to Mr Morris on the urgent works required prior to the serving of any legal notice.
- On the 25th January 2021 additional documents were received. These include an additional structural report by Ward Cole dated 7th October 2020, additional supporting document titled ‘Old Blacksmiths History’, a letter from the agent for the application Mr Andrew Ryley and an Historic Building Record from 2006 have been submitted.
- On the 9th February 2021, Officers visited the site with a Conservation-accredited structural engineer. The final report has now been received and is considered to be a relevant material consideration in the determination of the application.
- On the 17th February 2021 a Section 54 Urgent Works Notice was served. The notice contained details of the urgent works that are urgently necessary for the preservation of the building.

Relevant history:

M04/P/0684- Convert buildings to dwelling and garage. GC 06/08/04

M03/P/0012- Convert Blacksmiths Forge to single dwelling and erect new two storey dwelling. Withdrawn by applicant.

M02/P/0186- Conservation Area Consent to Demolish Buildings (2no. Brick and stone stables adjoining west end of Blacksmiths Forge, 1no. tin Lean to shed adjoining rear of Blacksmiths Forge, Brick garage, partial brick enclosure and 3 tin and timber lean to sheds. Formal Conservation Area consent not required 07/08/02.

Representations:

Cllr P Howitt-Cowan: This planning application is exercising the village which prides itself on Heritage. I appreciate it is not listed but rests within the conservation area. Is the conservation officer deputed to assess this application due to the location and sensitivity surrounding the application. If it is finely balanced the only route open is to the planning committee.

Hemswell Parish Council: The parish council has reservations regarding the proposed development as it will remove a non-designated heritage asset from within the conservation area and replace it with a character dwelling which will have no heritage value or functional links to the surrounding properties. The building to be demolished is the Blacksmiths Forge which sits adjacent to the Shoe House (same site) and the

Blacksmiths cottage (adjacent site). By replacing the forge with a new character property, a significant part of Hemswell history will be lost. The Council supports the need to deconstruct the property due to the instability of the structure but would rather see the exterior form of the building be reconstructed with sympathetic extensions created as necessary to support a modern sustainable dwelling. In this way the heritage of the site can be honoured.

Local residents:

17A Brook Street: The Old Forge has been a significant landmark in Brook Street for well over a century and was no doubt a focal point in the village when it was in use as a forge with horses queuing outside and being attended to in the Shoe House. However, these times are well beyond living memory and for many people in the village, their only view of this building is seeing it encircled by galvanised steel fencing as this is how it has been for the last 14 years. As part of the previous planning permission M04/P/0684, the former Shoe House was demolished and replaced with a significantly larger brand new garage. This building has retained the 'character' of the former Shoe House by virtue of its use of the original stone and replicating windows and installing other features from the original building. The Forge however has remained 'untouched' as it has proved to be something of a 'conundrum' for the previous developer. He had permission to 'convert' a building which was never really fit for conversion.

Unfortunately, when the original planning permission (M04/P/0684) was sought by the then owner, the planning authority failed to ask the question "how practical was it to convert this building into a new dwelling?" Shortly after the permission was granted, the plot was sold to the previous developer who then tried to engage the planning authority in a discussion regarding the feasibility of 'converting' this building. He engaged a surveyor who provided a report saying that the building was unfit for conversion. The current owners have also engaged another structural engineer who has also said that "given the magnitude and nature of structural defects, demolition and rebuild is considered a sensible approach".

It is clear to me, as I have looked at this building every day for at least the last 14 years that the wind and rain are taking their toll and it will soon fall down unless significant remedial work is carried out. The new garage is evidence that the 'character' of the former building can be re-created with the use of the original stone and the inclusion of key features from the original building.

LCC Highways/Lead Local Flood Authority:

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

Internal Drainage Board: If the surface water were to be disposed of via a soakaway system, the IDB would have no objection in principle but would advise that the ground conditions in this area may not be suitable for soakaway drainage. It is therefore

essential that percolation tests are undertaken to establish if the ground conditions are suitable for soakaway drainage throughout the year.

Natural England: No comments to make.

The Lincolnshire Bat Group:

16/08/20- Thank you for referring this report to Lincs Bat Group. It is perfectly satisfactory and we would endorse the recommendations in section 4.2.

29/06/20- Thank you for consulting Lincolnshire Bat Group regarding the ecology report for this application. This is a sound report but it should be noted that this is only an assessment, and that further survey work is needed during the summer to establish whether bats are using this building, which is classed as having medium potential for roosting bats. See section 4.2.1.

Archaeology: The proposed development involves the demolition of a non-designated heritage asset within the designated Hemswell Conservation Area. Previously planning consent has been given for conversion (with some rebuilding) of the historic forge, however, the current proposal is for complete demolition and construction of a new dwelling. The potential impact on the heritage asset itself and the surrounding Conservation Area is therefore very different to the previously consented scheme.

However, the application has not been produced in accordance with the National Planning Policy Framework (paragraph 189) or the Central Lincs Local Plan (LP25).

The application's heritage statement does not include any assessment of the significance of the historic forge that it is now proposed to demolish and replace. This is a minimum requirement of applications as stated in the NPPF (189), and is required to enable the local planning authority to make a reasoned decision. Nor is there any consideration of the impact of the demolition of the forge on the wider Conservation Area, or the impact of the proposed new build dwelling. This is not in accordance with local plan policy LP25.

There is also no justification as to why the historic forge cannot be dismantled and rebuilt, and why it is now proposed to construct an entirely new cottage, which does not preserve the form, character or appearance of the existing historic village forge.

Therefore insufficient information has been provided to enable the local planning authority to make any reasoned decision on the impacts of the proposal on non-designated and designated heritage assets.

The developer's attention is directed to Historic England's recent guidance on the production of heritage statements of this nature, which should be an objective assessment of significance, produced using appropriate expertise where necessary. It should not be confused with a planning justification statement.

<https://historicengland.org.uk/images-books/publications/statements-heritagesignificance-advice-note-12/>

Recommendation: it is recommended that this application should not be considered further until the additional information required has been provided. This is to enable the local planning authority to be able to make a reasoned decision on the impacts of the proposal on the historic environment as required by local and national planning policy.

**WLDC Conservation Officer:
22nd February 2021-**

The final issue structural report is from Mason Clark Associates, and the inspection and report were completed by a CARE registered conservation accredited structural engineer. Although this report was obtained to ensure that if urgent works to preserve this building were needed, and before urgent works could be set out in section 54 Urgent Works Notice, under the LB&CA Act 1990, it was only fair (on both the owner of the building, and the local authority in terms of using public funds) to know whether the building was indeed capable of repair in the longer term.

The findings of this structural report conclude that some urgent works were necessary (and for which an Urgent Works Notice under section 54 of the Planning (Listed Buildings & Conservation Areas) Act 1990 was served last Wednesday) but that this was really only necessary to the areas that have recently suffered collapsed.

The list of works cited in 5.9 of that report for long term repair are relatively simple works. Other than localised reconstruction to those areas where sudden deterioration has recently occurred, that the remainder of the building requires repairs only and no demolition at all to give this building a new lease of life. Having inspected the building, external walls are approaching almost 20 inches in thickness. These are substantial walls, and as noted by our structural engineer with 'few signs of separation, bulging or cracking.

Works to repair the building consist of, in essence:

- Replacing rotted lintels to extant window and door openings (5 no.)
- Reinstating the two historic cast iron pattress plates (which are still securely attached by one end to the building (being set within around 20 inches of masonry),
- A small area of helical steel tie bar over a small window on the east gable and the corner adjacent to it. Helical steel tie repairs consist of slender helical stainless steel bars inserted into masonry joints using epoxy resin, and once complete, the joint is repointed. This is a standard and accepted method of repair for historic buildings.
- Possible repairs (note the word repair, rather than replacement or demolition) to roof timbers (inspection needed to confirm).
- Repointing the west elevation, and stone indents (new stones to the NW corner where currently missing, this north elevation was formerly an internal wall for the most part and is now exposed since a smaller addition to the building was demolished some years ago following the grant of planning permission to repair, convert and extend the former Blacksmith's Forge).
- Localised reconstruction of the recently collapsed SW corner masonry.

Other works to be expected are the reinstatement of rainwater goods, which have been missing for some years, and repair or replacement of external window and door joinery. Repointing in lime mortar is also recommended.

The above are considered to be completely achievable by any sympathetic owner of the building and the works are quite standard repairs for a suitably experienced building contractor.

My final conclusion in this matter, based on the findings of a conservation accredited structural engineer is that despite the very sudden and localised collapses that have occurred to this building in recent months, it is readily capable of sympathetic repair without demolition. We have already advised on how this very significant historic building to the Hemswell conservation area could also be sympathetically extended. Moreover, there is an extant and implemented planning permission in place right now (M04/P/0684) to continue those works of repair, and there has been since 2006.

10th February 2021-

Firstly, the Ward Cole Structural report states that the building has been repointed, albeit with cement, and that 'Generally, the roof timbers with the exception of the original truss bottom chords look in good condition' (paragraph 3.0). This latest report contradicts the G2 report which states the roof structure is poor condition. Other defects are noted, but all of these can be readily rectified through sympathetic repair. This report concludes that economic repair of the building is not viable. However, no costs are submitted to prove this point (for example, a priced tender for the repair of the building compared with its demolition, clearance and rebuilding). Unless costs are provided to demonstrate this, no credence can be given to this as a justification. The same report suggests that in the building cannot be safely accessed to undertake repairs. However, this seems to contradict entirely suggestions that the roof is in good condition (and since has been structurally propped) and does not take account of any urgently necessary works that could be undertaken to make the building safe, or indeed the use of standard scaffold access methods for historic buildings where specially designed access scaffolds are utilised. Secondly, the Letter from DBLP's Andrew Ryley again cites and commends the demolition of the building based on the report by Ward Cole dated 7 October 2020 and also cites Health and Safety.

The applicant has been advised on at least three occasions now that he should supply a structural report from a structural engineer who is on the Institute of Structural Engineers Conservation Accreditation Register of Engineers (CARE).

I took with me a CARE registered structural engineer, instructed by our council, to survey this building in relation to an approval from the Secretary of State, received January 4th 2021 allowing the local authority to serve an Urgent Works Notice to preserve this building. Although this report has been commissioned to assist the council in ensuring that urgent works to preserve the building are undertaken, there would be no point in doing this unless the building was actually capable of repair. The engineers

report is awaited. It is recommended that this is made available before a decision is made.

An application was made in July last year to the Secretary of State via the Department for Digital, Culture, Media & Sport (DCMS). The applicant was informed of the application made by the DCMS, who then advised me that he would not negotiate about the revisions to his application (as directed by planning committee) unless the council withdrew its application to the Secretary of State. We did not withdraw the application to the Secretary of State, which was approved on January 4th 2021.

The proposal to demolish this building should therefore be considered under paragraph 195 of the NPPF, which requires all possible options are considered to avoid demolition including finding a suitable use, marketing the building, securing grant aid to repair it, and that public benefit would result from the re-use of the land. None of these has taken place, and there is no public benefit accruing from this application. There is no public benefit arising from this application.

In conclusion, this locally cherished building is more than capable of sympathetic repair and demolition should not be supported. This council has taken all possible steps to secure a future for the building by:

- a. applying for and obtaining Secretary of State approval to serve a notice to preserve this building.
- b. encourage the owner to revise his proposals to retain and repair the building, consisting of at least a one hour meeting with [the agent] setting out the way in which a suitable extension to accommodate a family might be secured if the building could be repaired as part of the proposal, which was completely disregarded;
- c. we have encouraged the owner to undertake urgently necessary repairs of his own volition;
- d. we have instructed a CARE registered engineer to provide advice on both urgent works to preserve the building, and to ensure that the building is capable of long term repair before progressing to serve a notice to secure its preservation through urgently necessary works;
- e. we have surveyed this building and now await a report from the CARE registered engineer.

Finally, some further comments with regard to the proposed replacement building promoted by the applicant and his planning agent. The proposed replacement bungalow is [not considered to be of any] architectural merit, and certainly would not replicate the existing structure. I would therefore refer to a very recent planning appeal hearing at Reepham, which bears similes. The proposal included demolishing a historic barn located in the heart of the Reepham Conservation Area, and to 'relocate' the barn some 1.5 metres away from its original location in facsimile. The planning inspector agreed with the local authority that the loss of the barn, which is noted in the Reepham Conservation Area Appraisal as an important building (just like the former Blacksmiths' Forge at Hemswell) would result in harm to the conservation area and consequently he

dismissed the appeal. The proposed facsimile building at Reepham was much more authentic than that now proposed for Hemswell.

Final Recommendation: The application should be refused.

3rd August 2020 (In summary)- The external appearance of the extant building, which is the principal building on this site, is without alteration since construction and contains original windows, doors, ironmongery (and ties, where these have not been removed already) and is of sufficient architectural merit to be considered of high significance for its aesthetic vernacular architectural qualities. Its historic interest is also of high significance for its historic, social and evidential values.

There are no public benefits arising from this proposal. Citing the removal of some hoarding, which did not from what I see, obtain any planning permissions, is not a public benefit. It is open to the local authority to serve legal notices, should it prove necessary which could result in the betterment of the site (S.215 notice for example could result in the site being tidied up or an unauthorised works notice for the hoardings). Thus, the same result of tidying the site could, if the Local Authority chose to do so, be achieved by serving notices to improve the site rather than seeing the loss of the building because a neighbour has objected to the hoardings and the untidy nature of the site.

Suitable repair methods not investigated include:

- 1.the use of localised crack stitching to cracks around and to the left of the window on south elevation (west side of principal front);
- 2.deep tamping and repointing using lime mortar, where necessary;
- 3.a small area of reconstruction about the large opening on the north elevation with a new window lintel;
- 4.reconstructing the removed stone quoins to the NW corner
- 5.re-fixing or replacing cast iron ties

I would advise that once lost, the heritage of Hemswell's Old Blacksmiths Forge (former Smithy) will be gone forever, along with its setting. Brook Street would have a very changed character as a result, and not for the better. Hemswell is one of our best rural conservation areas. Every effort needs to be made to preserve the building through sympathetic repair. The proposed design doesn't even attempt to mimic the original design, even if the original building could be proven beyond repair, this proposal would still be unacceptable for its harm to a designated heritage asset due to the poor design of the proposed replacement.

My final advice reminds us what **the LPA is required to do:** Section 72 of the Planning (Listed Buildings & Conservation Areas) Act 1990 requires the Local Authority to 'pay special attention to the desirability of preserving or enhancing a conservation area when exercising its planning function. This proposal will not preserve a building of high significance within the conservation area, and it certainly does not enhance it. The proposal fails to comply with a number of criterion in policy LP25, and fails to meet policies in the NPPF.

Final Recommendation: Refusal.

The way forward: The applicant is welcome to discuss alternatives that include repair of the building. I will be happy to advise further if he contacts me to advise how this might be achieved.

8th July 2020-

Site: the Land adjacent 19 Brook Street contains one the old smithy, which is noted as an important building in the Hemswell conservation area appraisal. Constructed of local roughly coursed stone and pantile, this building is noted to be C17 according to the same appraisal. This earliest element survives, with later additions to the north (a tin roofed lean-to) and the west (a lower subsidiary brick range which was in a state of partial loss in any case) are no longer extant.

Significance: As an important building in the conservation area, and a building that contributes positively to the conservation area on a number of counts (assessed using Table 1 of Historic England's Conservation Area Appraisal, Designation and Management Historic England Advice Note 1 (Second Edition) published February 2019). The Old Smithy is considered to have a high level of significance for its architectural (aesthetic), historic, communal and evidential values.

Background: The building has not been used as a Smithy for many years and planning permission was granted to repair and extend the building under WLDC planning reference M04/P/0684 in 2004. A new garage is located on the site of an earlier outbuilding (shoe house) and is as approved under the above consent, which is considered implemented. A chimney stack has been demolished in the Old Smithy (and was advised as urgently necessary at the time) along with a small, later, brick addition and a tin-roofed lean-to. Despite a structural report at the time suggesting that the building could not be converted due to its poor condition (not a CARE registered engineer's report) consent was granted for the repair of the Old Smithy.

Condition of Building: The condition of the building is poor in places, but given that no maintenance or repair has been carried out since the approved plans of 2004, and considering this building is more than 300 years old, this is only to be expected. There has been a recent collapse of a small area of stone on the north (back) elevation, there is some removed stone quoins on the NW corner (west elevation) and there is a structural crack to the SW corner (front elevation). Notes on the original planning file note the west gable is in poor condition and the SW corner, but that the remainder of the building was in good condition (for its age). The original consent approved the repair of the building without any extensive demolition of the main 17th C building, but rather, its sympathetic repair and extension.

Proposed development: demolition of the Old Smithy, and replacement with a new bungalow, with large roof containing an attic bedrooms.

Advice: I have a number of very serious concerns in respect of the proposals. These are

1. The total demolition of the Old Smithy is proposed, but would lead to a total loss of significance of a non-designated heritage asset that makes a highly significant contribution to the Hemswell Conservation Area and would result in less than substantial harm to the designated conservation area. This proposal cannot be supported in its current form. Insufficient consideration has been given to its significance and to mitigate any harm to that significance. I will refer here to para 190 of the NPPF which states:

Local planning authorities should identify and assess the particular significance of any heritage asset that may be affected by a proposal (including by development affecting the setting of a heritage asset) taking account of the available evidence and any necessary expertise. They should take this into account when considering the impact of a proposal on a heritage asset, to avoid or minimise any conflict between the heritage asset's conservation and any aspect of the proposal

And paragraph 193 which states:

When considering the impact of a proposed development on the significance of a designated heritage asset, great weight should be given to the asset's conservation (and the more important the asset, the greater the weight should be). This is irrespective of whether any potential harm amounts to substantial harm, total loss or less than substantial harm to its significance.

The proposal does not preserve the conservation area and would lead to less than substantial harm to the conservation area as a designated heritage asset, but would be substantial harm to the asset itself. The proposed replacement is little more than a stone built bungalow of modern and non-traditional form lacking in local distinctiveness (it takes more than local materials for a building to be locally distinctive). Brick quoins are proposed (which were advised against in the original application), the proposed windows are flush casement windows, and the building is littered with large roof lights. The pitch of the roof is non-traditional and bears no resemblance to the original form of the building, and others of the same build period in the village, and this is due to the width of the plan proposed.

2. The heritage statement element of the D&A does not adequately describe or assess the significance of the Old Smithy. The HER does not appear to have been used and there is no professional assessment by a suitable qualified person (as set out in section 11 of Historic England Advice Note 12 – Statements of Heritage Significance) of the building (and as per para 189 of the NPPF) and has made no attempt to consider properly the significance, instead, choosing to play down significance and the level of impact of the proposed development on both the asset itself and the conservation area. The content of the statement does not accord with Historic England's HEAN 12 (Historic England Advice Note 12 – Statements of Heritage Significance) or as an alternative method of assessing significance, with paragraph 4.3 of British Standards Institute (BSI) 7913:2013 A guide to the conservation of historic buildings.

3. I am seriously concerned that the structural report has not considered any alternatives to both the extent of repairs and how these might be achieved without resorting to total demolition. The structural report jumps to an economic conclusion to demolish the whole building, which is an approach that wholly disregards the significance of the building and does not conform to BS7913:2013 and a more sympathetic approaches. It is my view that the area requiring the most attention is the westerly gable and the SE corner crack. I would advise that further consideration is required with regard to localised structural works to this area and how structurally this may be achieved, setting out appropriate methods of repair, with shaded and annotated elevations showing exactly where repairs are needed.

What the LPA is required to do: Section 72 of the Planning (Listed Buildings & Conservation Areas) Act 1990 states when exercising its planning function that the LPA must pay 'special attention' to the desirability of preserving or enhancing a conservation area. This proposal would denude the Hemswell conservation area of an significant and important building, leaving in its place a very poor substitute. Policy LP25 of the adopted CLLP also states:

Paragraph 5.10.10 Demolition within a conservation area should only be allowed in exceptional circumstances, and will normally be permitted only if the Council is satisfied that the proposal for redevelopment is acceptable and there is an undertaking to implement it within a specified period.

Paragraph 5.10.11 Development within conservation areas must respect the local character and be carefully designed to respect the setting, through consideration of scale, height, massing, alignment, and use of appropriate materials. Keeping valued historic buildings in active and viable use is important for both the maintenance of the building concerned and the overall character of the conservation area. Proposals to change the use of a building might therefore be supported, where features essential to the special interest of the individual building are not lost or altered to facilitate the change of use.

And that: Development proposals will be supported where they:

d. Protect the significance of designated heritage assets (including their setting) by protecting and enhancing architectural and historic character, historical associations, landscape and townscape features and through consideration of scale, design, materials, siting, layout, mass, use, and views and vistas both from and towards the asset;

e. Promote opportunities to better reveal significance of heritage assets, where possible;

f. Take into account the desirability of sustaining and enhancing non-designated heritage assets and their setting.

And that the change of use of heritage assets will be supported provided:

g. the proposed use is considered to be the optimum viable use, and is compatible with the fabric, interior, character, appearance and setting of the heritage asset;

h. such a change of use will demonstrably assist in the maintenance or enhancement of the heritage asset; and

i. features essential to the special interest of the individual heritage asset are not lost or altered to facilitate the change of use.

Recommendation: It is my professional view that this building is capable of repair, albeit with some minor localised dismantling and other conservation methods of structural repair, particularly to the western gable / SW corner. I would advise that if a smaller house than that already approved and implemented in part is now required by the new owner, that revised plans are supplied showing retention and repair of the existing structure with a smaller extension to the rear (and west side if desired) based on the already approved designs. Adding to the rear would solve any structural issues arising on the north elevation (as well might an extension on the west). Likewise, a revised structural report is advised to accord with either BS7913:2013 or that a CARE registered structural engineer's report is instead supplied.

If revisions as advised are not forthcoming, I would advise that the **application be refused** as it fails to meet the requirements of primary legislation, the NPPF and Local Plan policies.

Relevant Planning Policies:

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

Development Plan

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

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

Relevant policies of the CLLP include:

LP1: A Presumption in Favour of Sustainable Development

LP2: The Settlement Hierarchy

LP3: Level and Distribution of Growth

LP4: Growth in Villages

LP10: Meeting Accommodation Needs

LP13: Accessibility and Transport

LP14: Managing Water Resources and Flood Risk

LP17: Landscape, townscape and views
LP21: Biodiversity and Geodiversity
LP25: The Historic Environment
LP26: Design and Amenity

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

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

National policy & guidance (Material Consideration)

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

<https://www.gov.uk/guidance/national-planning-policy-framework>

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

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

- ***National Planning Practice Guidance***

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

- ***National Design Guide (2019)***

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

Draft Neighbourhood Plan (Material Consideration)

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

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

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

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

- **Draft Hemswell and Harpswell Neighbourhood Plan**

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

The consultation on the Pre-Submission (Regulation 14) Consultation Version of the Neighbourhood Plan and evidence based documents has now finished. The Steering Group will now work towards the submission (Regulation 16) version of the plan. Subject to NPPF paragraph 48, the plan may be given 'some weight' in the consideration of planning applications.

The most relevant policies are considered to be:

Policy 6: Design Principles-Parts 1 and 2

Policy 7: Protecting Non-Designated Heritage Assets

Other

Statutory duty under section 72 of the Town and Country Planning (Listed Buildings and Conservations Areas) Act 1990

<https://www.legislation.gov.uk/ukpga/1990/9/section/72>

Hemswell Conservation Area Appraisal

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

BSI Standards Publication: Guide to the conservation of historic buildings
BSI:7913:2013.

Main issues

- Principle of development
- Heritage and Visual Impact
Proposed dwelling
- Residential amenity
- Ecology
- Minerals
- Drainage
- Highways
- Section 54 Urgent Works Notice and Council's Structural Report.

Assessment:

Policies LP2, LP3 and LP4 of the CLLP set the strategic approach to the level and delivery of housing growth across Central Lincolnshire.

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

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

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

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

Policy LP4 establishes the total level of % growth for each Small Village, and further policy requirements in respect of identifying whether a site would be suitable for development. Hemswell is allocated a 15% growth level, which equates to 18 new dwellings. In accordance with the LPA’s most recent ‘Monitoring of Growth in Villages’ document (05/02/2021), the settlement of Hemswell can still support 7 new dwellings before it meets its housing growth limit.

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

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

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

*** See definitions of ‘appropriate locations’ and ‘developed footprint’ in Policy LP2.”*

Planning permission was granted under ref M04/P/0684 for the conversion of the building to a dwelling and a garage. The new detached garage element of the application was implemented and therefore the permission is considered to be extant, the permission is included within the LP4 growth table. The permission is a material consideration in relation to the determination of this application.

The site is within the developed footprint of the settlement and retains the core shape of the village. The proposal is for the demolition of the existing building which is to be replaced with a single dwelling, consideration in relation to the loss of the building and other heritage matters is set out in the relevant sections below and for the reasons explained within these sections the principle of development cannot be supported.

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

Heritage and Visual Impact

The proposal relates to the demolition of the existing Blacksmiths forge building and construction of a new dwelling. The building would be replaced by a bungalow style dwelling, 1.5 storeys, with rooms in the roof.

Paragraph 40¹ of The National Planning Practice Guidance gives guidance on what should be considered to be a non-designated heritage asset:

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

In some cases, local planning authorities may also identify non-designated heritage assets as part of the decision-making process on planning applications, for example, following archaeological investigations. It is helpful if plans note areas with potential for the discovery of non-designated heritage assets with archaeological interest. The historic environment record will be a useful indicator of archaeological potential in the area

The existing building is listed on the Lincolnshire Historic Environment Record (HER).

It is also within the Hemswell Conservation Area and is also noted as an important building in the Hemswell Conservation Area Appraisal.

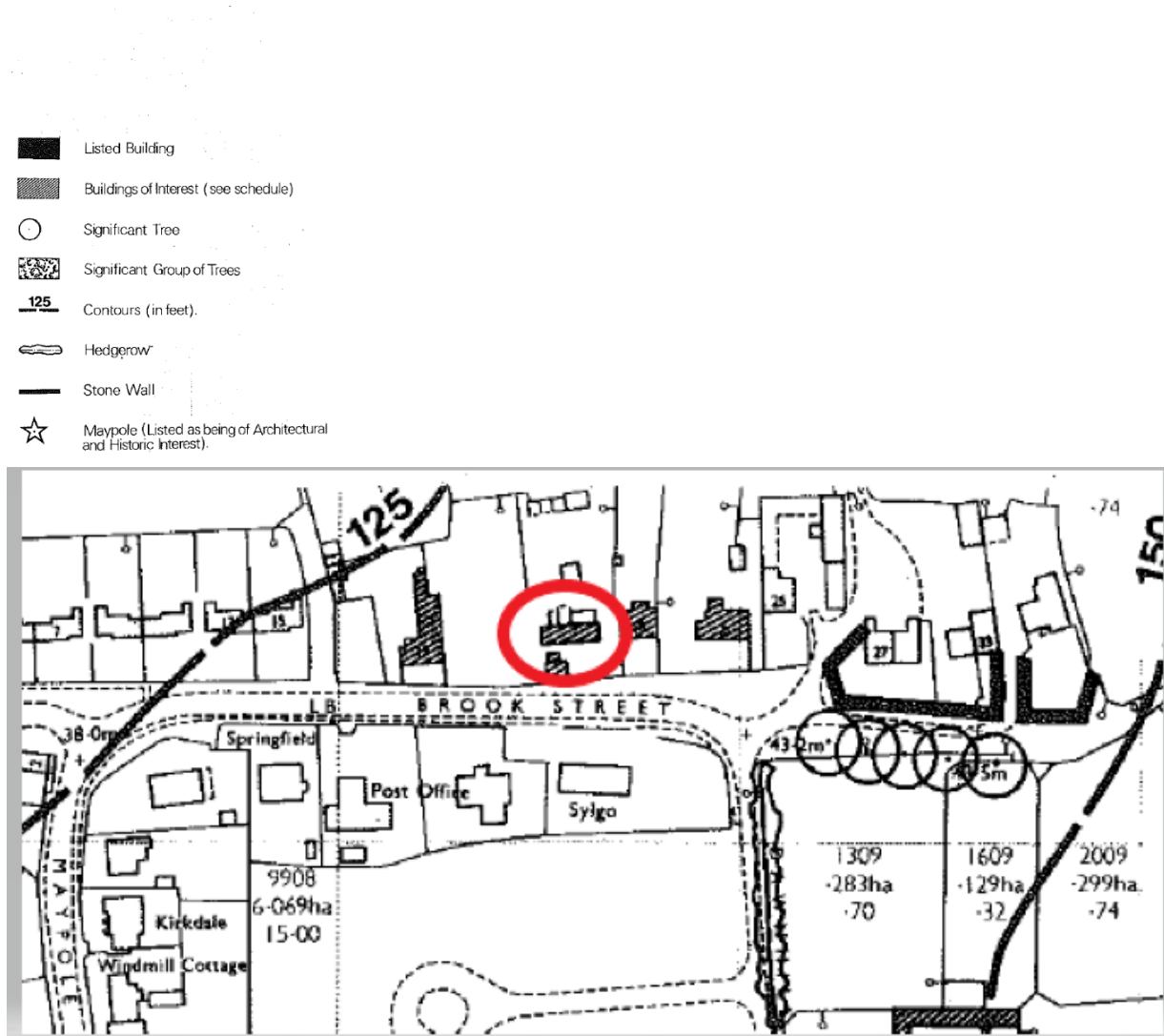
it is therefore considered to be a non-designated heritage asset.

¹ <https://www.gov.uk/guidance/conserving-and-enhancing-the-historic-environment#non-designated>

Within the Hemswell Conservation Area appraisal the Blacksmiths Forge is noted as making a positive contribution to the conservation area. Historically outbuildings of no architectural interest on the site have been removed (as detailed within the planning history section of this report). The site, contained within an extract of Plan 1 contained within the appraisal is shown below, the key that accompanies the plan is also shown.

Main Features of Interest

PLAN 1



The application site is circled in red and the plan key shows the Blacksmiths Forge is a building of interest within the conservation area.

Supporting paragraph 5.10.10 of LP25 of the CLLP states that:

Demolition within a conservation area should only be allowed in exceptional circumstances, and will normally be permitted only if the Council is satisfied that the

proposal for redevelopment is acceptable and there is an undertaking to implement it within a specified period.

Policy LP25 states that: *In instances where a development proposal would affect the significance of a heritage asset (whether designated or non-designated), including any contribution made by its setting, the applicant will be required to undertake the following, in a manner proportionate to the asset's significance:*

- a. describe and assess the significance of the asset, including its setting, to determine its architectural, historical or archaeological interest; and*
- b. identify the impact of the proposed works on the significance and special character of the asset; and*
- c. provide clear justification for the works, especially if these would harm the significance of the asset or its setting, so that the harm can be weighed against public benefits.*

Policy LP25 then goes on to say:

Development proposals will be supported where they:

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

Section 72 of the Planning (Listed Buildings & Conservation Areas) Act 1990 states when exercising its planning function that the LPA must pay 'special attention' to the desirability of preserving or enhancing a conservation area.

Paragraph 189 of the NPPF states that: *In determining applications, local planning authorities should require an applicant to describe the significance of any heritage assets affected, including any contribution made by their setting. The level of detail should be proportionate to the assets' importance and no more than is sufficient to understand the potential impact of the proposal on their significance. As a minimum the relevant historic environment record should have been consulted and the heritage assets assessed using appropriate expertise where necessary. Where a site on which development is proposed includes, or has the potential to include, heritage assets with archaeological interest, local planning authorities should require developers to submit an appropriate desk-based assessment and, where necessary, a field evaluation.*

It is recognised that the building is in poor condition in some places, there is visible damage and collapse of the stone work to the north elevation, there is also damage to

the north west corner and south west corner. Planning permission was granted in 2004 for the conversion of the building to a dwelling with modest extensions and alterations under reference M04/P/0684.

A structural report by g2 Structural has also been submitted with the current application. A visual survey was carried out by g2 structural on the 14th November 2019. The report lists a number of defects with comments in relation to each one.

In summary the report concludes that:

“Given the magnitude and the nature of the structural defects identified, demolition of the former Blacksmiths Forge building and a rebuild to current building regulations is considered a sensible approach. It is recognised that the building is of significant local interest so a rebuild sympathetic to the surrounding area should be forward in consultation with the planning department”

The report then goes on to say:

This is due, primarily as a result of the following proposed structural repair work:

- *Replacement roof structure and cladding.*
- *Rebuild of the west elevation due to stone masonry deterioration and mortar loss.*
- *Removal or rebuild of the chimney breasts due to their current condition.*
- *An inspection of the existing foundations throughout. It is likely that due to the absence of a gutter to both roof slopes, continuous rainfall over the years will have caused localised soil washout to the foundation soil. This may require underpinning to several areas.*

However it is considered that the report has not fully considered any other alternatives to total demolition and rebuild, and why the building cannot be dismantled and rebuilt in some areas using appropriate conservation methods, it must also be noted that no works to attempt to stabilise the building have been carried out since the application in 2004. Since this structural report at the end of 2019 was carried out stone has fallen away from the north elevation leaving a large hole.

Comments from WLDC’s conservation officer has advised that suitable repair methods that have not been investigated include:

1. The use of localised crack stitching to cracks around and to the left of the window on south elevation (west side of principal front);
2. deep tamping and repointing using lime mortar, where necessary;
3. a small area of reconstruction about the large opening on the north elevation with a new window lintel;
4. reconstructing the removed stone quoins to the NW corner
5. re-fixing or replacing cast iron ties

The structural report submitted with the application does not appear to take account of or conform to BSI:7913:2013 which advises in paragraph 6.2 that condition surveys and

inspections should “be performed by competent persons with knowledge of traditional materials, construction techniques and decay processes”.

In support of the demolition of the Blacksmiths Forge the applicant has also submitted a report from 2006 by Ward and Cole that was submitted to the LPA in connection with the discharge of conditions of the 2004 application.

The report concluded that:

“Given the significant nature of the distortions and misalignments which are present, coupled with the inadequate and/or deteriorating nature of the various elements of construction, it is our opinion that purely on health and safety ground, refurbishment of this property should not be contemplated.”

No further information in regard to the discussion between the planning officer at the time of the submitted structural and the applicant has been found on the historic planning file.

A further structural survey was carried out on the building by Ward and Cole on 7th October 2020 with a copy of this provided to the Local Planning Authority on 25th January 2021.

The report states that the building has been repointed, albeit with cement and that ‘Generally, the roof timbers with the exception of the original truss bottom chords look in good condition’ (paragraph 3.0). This latest report contradicts the report by G2 which stated that the roof structure is in poor condition.

The report concludes that ‘Based on our observations we consider the building to be beyond economic repair and believe that it is currently in a precarious state.’ However, no costs have been submitted to prove this point, for example, a priced tender for the repair of the building compared with its demolition and rebuild.

The applicant has been advised that a structural report should be supplied from an engineer who is on the Institute of Structural Engineers Conservation Accreditation register of Engineers (CARE). This has not been carried out by the applicant. The suggested methods of repair have also not been investigated.

The Council instructed an independent CARE registered structural engineer to survey the building. The survey was carried out on 9th February 2021 and the Council has now received the final structural report.

The structural report considers the previous reports that have been carried out on the building and despite the findings of these reports the CARE accredited engineer concludes differently to the demolition of the building, instead recommending and advising on its full repair.

The report describes the structural state of the building as the following;

“Despite the recent collapses around window openings, the walls are in a reasonably sound condition. There was extensive weathering to the west gable and slight outward bulging to the east gable. Generally, however, the remaining walls were plumb with few signs of separation, bulging or cracking. The brick arches over the remaining south elevation openings were intact and undistorted with no movement or cracking above.”

“The ridge line remains straight with no significant signs of spreading at eaves level. Internally, although we were not able to inspect at high level, the roof timbers appeared in reasonable condition with no generalised decay or wholesale failure of the rafters, purlins or collar ties.”

“The masonry walls, while not of the highest quality, have withstood the localised collapses. The rubble core will deteriorate while exposed to weather and water ingress, and this should be minimised where possible. The loss of the outer face around the northwest corner may be related to the demolition of the abutting former stable / store building.”

In Section 5.9 of the report a list of full repair works is given, the list details the repairs the building needs in the long term.

It is considered that the latest Structural Survey is a relevant material consideration in the determination of this application. This is the most recent structural survey of the building and has also been completed by a CARE registered engineer, considered the most appropriate person to survey an historic building, and which has taken into account the earlier surveys. It is advised that greater weight may therefore be given to the findings in the report by Mason Clark Associates.

The proposed demolition of the building is considered under paragraph 195 of the NPPF. Public benefit is defined in the NPPG Paragraph: 020 Reference ID: 18a-020-20190723 as²:

“Public benefits may follow from many developments and could be anything that delivers economic, social or environmental objectives as described in the National Planning Policy Framework ([paragraph 8](#)). Public benefits should flow from the proposed development. They should be of a nature or scale to be of benefit to the public at large and not just be a private benefit. However, benefits do not always have to be visible or accessible to the public in order to be genuine public benefits, for example, works to a listed private dwelling which secure its future as a designated heritage asset could be a public benefit.”

² <https://www.gov.uk/guidance/conserving-and-enhancing-the-historic-environment>

This requires that all possible options are considered to avoid the demolition, including finding a suitable use, marketing the building, securing grant aid to repair it and that public benefit would result from the re-use of the land. None of these have taken place and there is no public benefit arising from this application.

A heritage statement contained within the Design and Access statement has been submitted with the application and a further document titled 'Old Blacksmiths History' by Mr and Mrs Morris was submitted on 25th January 2021. Concerns in relation to the submitted heritage statement and the lack of assessment of significance of the Blacksmiths Forge has been expressed by the Historic Environment Officer at Lincolnshire County Council and WLDC's Conservation Officer.

In the document submitted on 25th January 2021 it states that: *'It is claimed that the forge has a high level of significance for its architectural, communal and evidential values. It is in our opinion that this is not the case as all of the architectural features which identify this building as a blacksmiths forge have already been demolished by previous owners'*

The statements provided with the application do not include any full assessment of the historic significance of the Blacksmiths Forge, this is a minimum requirement of applications as stated within paragraph 189 of the NPPF, and is required in order for the LPA to make a reasoned decision.

The statements do not consider the impact of the demolition of the Blacksmiths forge on the wider conservation area except to say that the features in paragraph 4.6 of the conservation area appraisal as contributing to the character and appearance of the conservation area will not be harmed (point 43 of the submitted Design and Access statement).

It is therefore considered that insufficient information has been provided to enable the LPA to make any reasoned decisions on the impacts of the proposal on non-designated and designated heritage assets.

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

Proposed Dwelling

Within Conservation Areas local policy LP25 of the CLLP requires development to preserve the setting of the conservation area and has a set of criteria that proposals should meet. In particular the following criteria are considered relevant:

- j. Retain buildings/groups of buildings, existing street patterns, historic building lines and ground surfaces;*
- k. Retain architectural details that contribute to the character and appearance of the area;*

l. Where relevant and practical, remove features which are incompatible with the Conservation Area;

m. Retain and reinforce local distinctiveness with reference to height, massing, scale, form, materials and lot widths of the existing built environment;

Policy LP26 of the CLLP has a set of design principles that development proposals must take into consideration. The criteria that are most relevant in this case are as follows:

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

j. Duly reflect or improve on the original architectural style of the local surroundings, or embrace opportunities for innovative design and new technologies which sympathetically complement or contrast with the local architectural style;

k. Use appropriate, high quality materials which reinforce or enhance local distinctiveness, with consideration given to texture, colour, pattern and durability;

The Hemswell Conservation Area appraisal recognises that what little modern development there has been in Brook Street has not respected the established properties.

Policy 4 Part 2 of the Draft Hemswell and Harpswell Neighbourhood Plan specifically relates to residential development in Hemswell only. The first criteria of Part 2 states: *Proposals for residential development within Hemswell should demonstrate a high design quality that enhances the distinctiveness and quality that contributes to its rural quality.*

The proposed dwelling which would be built in replacement of the existing building is of a bungalow style, 1.5 storeys with rooms in the roof.

The existing building is approximately 5.2 metres in height, the proposed height of the dwelling will be approximately 6.8 metres, an increase of 1.6 metres (measurements taken from existing and proposed plans). The roof pitch of the proposed dwelling along with the gables are not traditional and are not akin to the original scale and form of the building.

There are five roof lights proposed to the front and the rear roof slopes, a total of ten. These are particularly large in size and are not what is found on similar buildings within such a sensitive area.

Solar panels are also proposed on the existing detached garage, to provide power to an air source heat pump for central heating and a private electric charging facility. The panels are located on the southern roof slope adjacent to the highway, a prominent position with views into the conservation area particularly when approaching from the east.

Materials to be used in the development of the new dwelling include the re use of the stone from the original building (Ancaster Stone). Brick quoins and flush casement windows which are also not appropriate or traditional additions that reflect the buildings original form and character.

Since the planning committee meeting on 24th August 2020 and despite two meetings with the agent for the application where advice was given on how the building could be repaired, converted and extended sympathetically, no amended plans for the replacement dwelling have been forthcoming.

It is therefore considered that the design of the proposed dwelling would not meet the design criteria contained within policies LP25 and LP26 of the CLLP nor would it preserve or enhance the Hemswell Conservation Area as required by the statutory duty, the proposal lacks local distinctiveness and traditional style which bears no resemblance to the original Blacksmiths Forge.

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

Residential Amenity

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

There will be no new openings in either gable end of the dwelling, roof lights are proposed in the front and rear roof slopes at first floor level. There are no existing first floor openings, however first floor windows are a common occurrence in residential areas. The building is almost in line with no. 19 Brook Street. It is considered that the proposed dwelling would not cause an unduly harmful impact on the amenity of the neighbouring occupiers in terms of overlooking, dominance loss of light or overshadowing.

There is also a large amount of outside amenity space allocated for the proposed dwelling.

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

Ecology

Paragraph 99 of Circular 06/2005 Biodiversity and Geological Conservation – Statutory Obligations and their impact within the Planning System² advises that it is essential that the presence or otherwise of protected species and the extent to which they might be affected by the proposed development, is established before planning

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

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

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

Guidance contained within paragraph 170 of the NPPF states that ‘*when determining planning applications, local planning authorities should aim to conserve and enhance biodiversity by applying*’ certain principles including:

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

A Bat Building Assessment and Bat Survey have been submitted as part of the application. The surveys also refer to birds.

The building was found to have “moderate” potential to support roosting bats due to features in the external walls of the building and the free access to the interior

In relation to bats paragraph 4.2.1 concluded that:

“As such should bats be present within the building a licence from Natural England will be required prior to its demolition which will involve mitigation to minimise the risk to individual bats and compensation for the loss of roosting features. In order to inform these requirement it is recommended that a minimum of two nocturnal surveys for roosting bats be undertaken during the active seasons for bats (May to September) in line with current best practice guidance.”

There are currently multiple bird’s nests within the building In relation to this the report concludes that;

The building should be demolished between October and February inclusive, outside of nesting bird seasons in accordance with the general protection afforded to wild birds and their nests under the Wildlife and Countryside Act 1981. If this is not possible, a check for nesting birds should be undertaken prior to the removal of the building. Where active nests are identified all work within the vicinity of the nest must cease and working

restrictions put in place until a follow up survey can demonstrate that the nests are no longer active.

Enhancement recommendations have also been provided within the report.

Following on from the recommendations within the first survey, a further Bat survey was submitted by the applicant on 22nd July 2020, a further consultation on the report was sent to the Lincolnshire Bat Group on 23rd July 2020, to date no further comments have been received.

Two nocturnal surveys were undertaken during the active seasons. Paragraph 4.2.1 ii states that; *During these surveys no baths were identified roosting within or utilising the building in any way.*

At paragraph 4.2.2. ii the report states that; *A number of common pipistrelle bats were observed passing through/close to the site during the nocturnal surveys*”

Overall, it is considered that the development can be completed without an adverse impact on ecology subject to the development proceeding in strict accordance with the measures and method statement outlined within the ‘Bat Building Assessment and Bat Survey’. If permission were to be granted appropriate conditions on the decision notice would secure this. The proposal therefore accords with policy LP21 of the Central Lincolnshire Local Plan, Circular 06/2005 and guidance within the NPPF.

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

Minerals

The site is within a Limestone Mineral Safeguarding Area and therefore policy M11 of the Core Strategy applies. As there is an existing building on site it is considered that the proposal would not lead to further sterilisation of minerals.

It is considered that policy M11 is consistent with the minerals guidance (chapter 17) of the NPPF and can be attached full weight.

Drainage

The applicant has stated that that surface water is to be disposed of via soakaway and foul drainage to connect to the mains. In order to assess the suitability of these proposed methods, if permission were to be granted a condition would be added to the decision notice requesting further information.

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

Highways

Access to the site will be utilised via the existing drop kerb access off Brook Street. The Highways department have been consulted on the application and have no objections to the proposals. The proposal is acceptable in highways terms.

It is considered that policy LP13 is consistent with the highway safety guidance (paragraph 109) of the NPPF and can be attached full weight.

Other Matters - Section 54 Urgent Works Notice

As a separate matter to the planning application an application was made to the Secretary of State via the Department for Digital, Culture, Media and Sport (DCMS) under Section 76 of the Planning (Listed Buildings & Conservation Areas) Act 1990, seeking permission to serve a Section 54 Urgent Works Notice for the purposes of securing urgently necessary works to the building.

The application to serve the notice was approved by the Secretary of State on 4th January 2021. This allows the Local Planning Authority, for the purposes of securing urgently necessary works, to treat the building as if it were a listed building under Section 54 of the Act. Accompanied with the email from the DCMS was a letter from Historic England in their capacity as special advisors to the Secretary of State, in the letter Historic England advised “...we advise that the Old Blacksmith’s Forge makes an important contribution to the character and appearance of the Hemswell conservation area for the reasons given above. The loss of the Old Blacksmith’s Forge would remove that important physical and visual historic contribution to the character and appearance of the conservation area.”

Advice has been given to the applicant in relation to undertaking some urgent structural propping. To date, one element of the three which were advised has been carried out, this is propping of the roof above the south west corner of the building where masonry above a window has collapsed.

The Council served a Section 54 Urgent Works notice on 17th February 2021.

Conclusions and reasons for decision:

The proposal has been considered against policies LP1: A Presumption in Favour of Sustainable Development, LP2: The Settlement Hierarchy, LP3: Level and Distribution of Growth, LP4: Growth in Villages, LP10: Meeting Accommodation Needs, LP13: Accessibility and Transport, LP14: Managing Water Resources and Flood Risk, LP17: Landscape, townscape and views LP21: Biodiversity and Geodiversity, LP25: The Historic Environment and LP26: Design and Amenity of the Central Lincolnshire Local Plan and policies Draft Hemswell and Harpswell Neighbourhood Plan in the first instance and guidance contained within the National Planning Policy Framework and National planning practice guidance. In light of this assessment it is considered that the application should be refused for the following reasons:

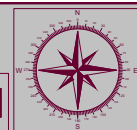
1. Insufficient evidence has been submitted to the Local Planning Authority in order to justify the loss of the non-designated heritage asset and the impact of this loss on the wider Hemswell Conservation Area, a designated heritage asset. The structural reports submitted provide insufficient evidence in regards to any other alternative other than demolition of a non-designated heritage asset contrary to policy LP25 of the Central Lincolnshire Local Plan, the statutory duty under section 72 of the Town and Country Planning (Listed Buildings and Conservation Areas) Act 1990 and Paragraph 189 of the National Planning Policy Framework.
2. The Old Blacksmith's Forge is considered to make an important contribution to the character and appearance of the Hemswell conservation area. It's loss would amount to substantial harm. By virtue of its scale and appearance the design of the proposed replacement dwelling would fail to preserve or enhance the character and appearance of the Conservation Area. The loss of the existing building and its proposed replacement would cause harm to the Hemswell Conservation Area contrary to local policies LP17, LP25 and LP26 of the Central Lincolnshire Local Plan in the first instance, the statutory duty under section 72 of the Town and Country Planning (Listed Buildings and Conservation Areas) Act 1990 as well as guidance contained within the National Planning Policy Framework and National Planning Practice guidance.

Proposed Extension | 'Dunholme Old School' | 8 Market Rasen Road | Dunholme | LN2 3QR

Ordnance Survey Site Plan Drawing

Exclusion: Ryland Design Are NOT
Principal Designer Unless Appointed
Otherwise

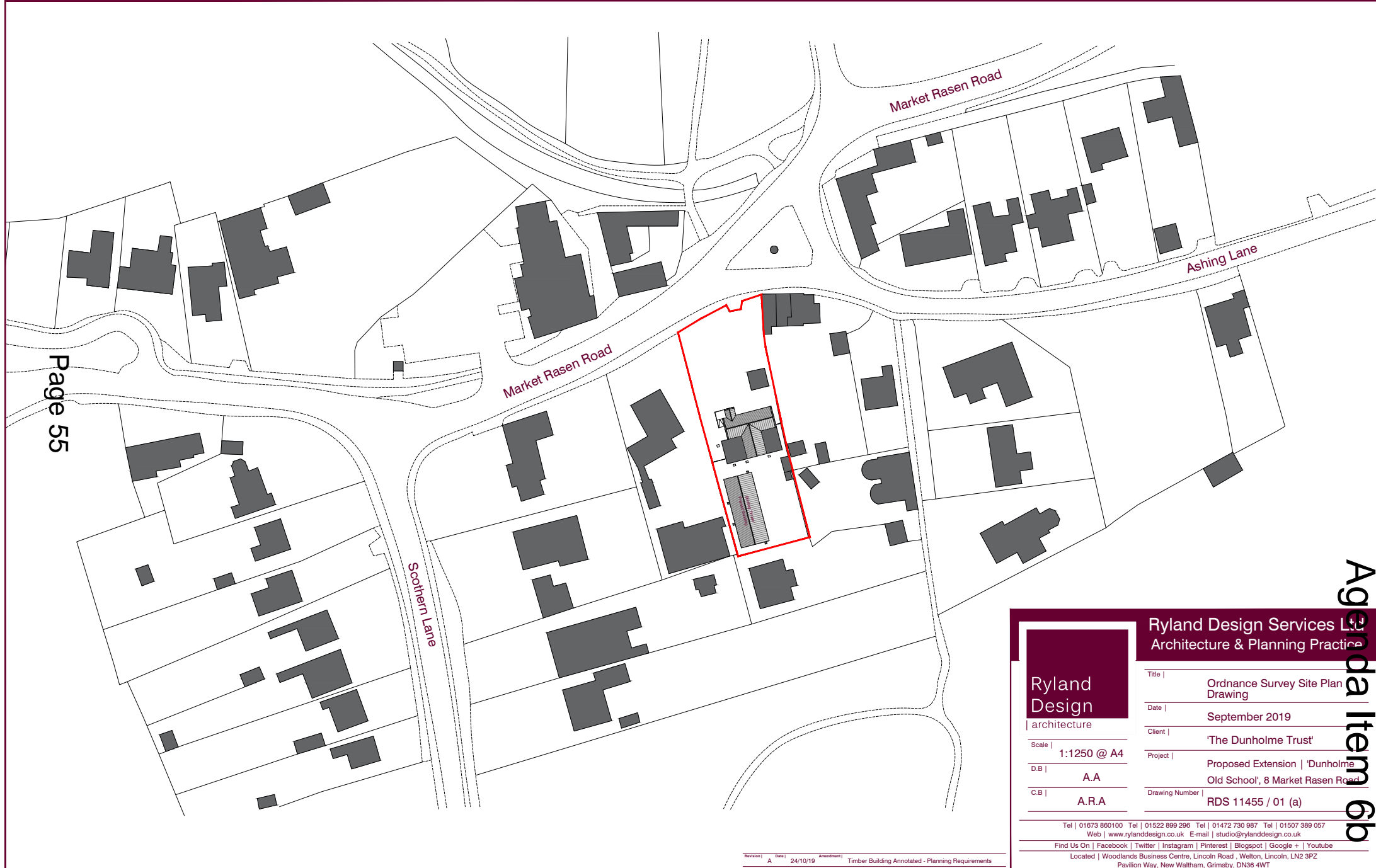
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Notes:

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works being commenced.
2. Any discrepancies to be reported to Ryland Design before any work
is put in hand.
3. Do not scale from this Drawing, use figured dimensions only.
Corrections are responsible for taking and checking all site
dimensions.
4. All dimensions are in millimetres unless stated otherwise.
5. This Drawing is to be read in conjunction with relevant Consultant
and Specialist Drawings.
6. This Drawing is to be read in conjunction with Drawing Nos.



**Ryland
Design**
architecture

Scale | 1:1250 @ A4
D.B | A.A
C.B | A.R.A

Ryland Design Services Ltd
Architecture & Planning Practice

Title | Ordnance Survey Site Plan
Drawing
Date | September 2019
Client | 'The Dunholme Trust'
Project | Proposed Extension | 'Dunholme
Old School', 8 Market Rasen Road
Drawing Number | RDS 11455 / 01 (a)

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Pavilion Way, New Waltham, Grimsby, DN36 4WT

Revision | A Date | 24/10/19 Amendment | Timber Building Annotated - Planning Requirements

Officer's Report

Planning Application No: 140156

PROPOSAL: Planning application for extension and alterations to existing community centre, including the removal of the portable timber frame building and construction of proposed community room with toilets, offices and staff facilities.

LOCATION: The Old School 8 Market Rasen Road Dunholme Lincoln LN2 3QR

WARD: Dunholme and Welton

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

APPLICANT NAME: Mr J Richie (The Dunholme Trust)

TARGET DECISION DATE: 04/03/2021

DEVELOPMENT TYPE: Minor - all others

CASE OFFICER: Richard Green

RECOMMENDED DECISION: Grant with conditions attached.

This application has been referred to planning committee because of the correspondence from third parties, including the Parish Council, on planning matters relating to this application

Description:

The application site is located within the built foot print of Dunholme. The Old School which is a Victorian building has been used as a community centre since the 1980's and is currently run by The Dunholme Trust. The buildings are known as the Old School Community Centre. There is also a large wooden hut located towards the rear of the site with the front part of this building used as an office for the Lincolnshire Association of Local Councils. The site is accessed off Market Rasen Road to the north which leads to a large area of off road car parking before you reach 'The Old School' and to the rear is a yard and the timber hut mentioned above which is located towards the south western corner of the site. There is a small single storey building in front of 'The Old School' by the eastern boundary of the site. The site is surrounded by residential dwellings in the main. The Old School is a registered community asset and it has been identified within the Dunholme Neighbourhood Development Plan as a non-designated heritage asset.

The site is located within Flood Zone 2. The Grade I Listed Church of St Chad is located approximately 124 metres to the north of the site (there is also a Grade II Lampstand within the churchyard). To the west of the Church is the Grade II Listed vicarage.

The application seeks permission to extend and alter the existing community centre. The existing retained and remodelled building will house a main hall, a

kitchen, a meeting room and toilets. The proposed new extension to the south will house a multipurpose auditorium space (approximately 117 m2 of floor space), a kitchen, toilets, a meeting room and an office for the Lincolnshire Association of Local Councils. The main entrance to the enlarged building will be through the present entrance to the retained building with another entrance in the new extension abutting the retained building and a further small entrance in the new extension both of which are located in the west (side) elevation as is the retained entrance. The existing car park (21 spaces) and entrance to the north would be utilised. An existing single storey large timber building on the site will be removed to facilitate the development. Amended plans have been received.

Relevant history:

W24/106/86 - Change the use of former classrooms to snooker room. Granted 25/03/86.

W24/95/85 - Change the use of school to community centre. Granted 14/03/85.

WR/96/59 – No description assumed to be the planning permission for the wooden hut.

Representations:

Cllr S England: I fully support this application it will not only improve the existing building but provide a much needed community facility

Dunholme Parish Council: objects for the following reasons:

- Overdevelopment of this site
- Insufficient on-site parking
- Does not protect the heritage centre of Dunholme.
- Does not comply with Dunholme neighbourhood plan.
- The present site has reached its maximum potential.
- No evidence to support the need for a new social space in the village
- Will compete with village Hall.
- Anti-social parking on narrow roads.
- There is no clear plan or strategy for the use of a new extension. (Dunholme Village Hall will be of a similar size (should the plans be approved) has on -site parking for approximately 100 parking spaces with no immediate neighbours)
- Statutory Nuisance - A number of nearby properties will experience these issues caused by either on-street parking or potential noise.
- The present use of the Old School building has co-existed harmoniously with the immediate neighbours partly due to the fact the Old school has two letting rooms the Main Hall (ex-class room and a second small class room) available for casual letting with good facilities and ideal for small to medium sized gathering particularly birthday

parties of all ages by various groups including residents. The applicant has indicated the desire to increase business.

- The Old School boundary backs onto immediate neighbours there is hardly any distance to dissipate.
- The greatest impact of the new auditorium will be on the neighbours and surrounding roads.
- If the applicant's application was to demolish the wooden structure and replace it with a structure of a similar size and on the same footprint it would be more acceptable. The old wooden classroom has been on long-term rental to the Lincolnshire Association of Local councils an organisation we fully support.
- The intention to introduce additional functions to Dunholme Old School Community Centre that is not presently available, Musical Concerts, Wedding Parties Dances. Introducing a new larger function room means an increase in numbers of users. This will attract a huge demand for parking.

The Dunholme Trust (the applicant): Letter of support received on the 14/02/2021: As well as the main building we also have a large wooden hut at the rear of the property. Although a lot of work has been carried out on this building it is past its best and the roof is leaking in places and the wooden frame is rotting. It is thought to be beyond repair therefore needs replacing. The occupants of this building are the Offices for the Lincolnshire Association of Local Councils (LALC) a Computer Suit and a Photographic Studio. Together they generate approximately one third of our annual income. We also have several users who need additional space.

The Old School when built was in an open field with the field on the west owned by William Ross and on the east by George Dawson. Next door by the green there was already a Methodist chapel built in 1841 but is now three cottages numbers 10, 12 and 14 Market Rasen Road owned by Mr & Mrs Pymer living at number 14. They have a shared garden that only just extends to the rear of the school building. On the other side but on the main road is Perry's Aquatics with a 1940's bungalow at the front and business premises to the rear.

To the south is a log cabin used as an office for Mr Bernard Wilson living at 4 Ashing Lane. This was built on land that had been used as a playing field for the school but as it was acquired by the LEA it was sold off once the school closed. This land is elevated with a fivefoot wall and a further five foot fence on top and with 20 foot conifer trees behind. All buildings in the immediate vicinity, except no 4 Ashing Lane are nondomestic. The other three of our immediate neighbours have welcomed the development as an improvement.

The village hall site is approximately one Kilometre outside the village curtilage. The area around the village hall is predominantly grassland incorporating a sports complex of an outdoor and indoor bowls clubs, a tennis academy and a football field with a pavilion. The hall also has a bar so larger parties and events can be held. It is not our intention to compete with our village hall but compliment it. We discuss all our plans with the village hall

committee and, in fact, two of the Dunholme Old School Trustees and also trustees of the village hall committee. Not only do we share bookings but on occasions we actively recommend the other venue if we think it is more appropriate to hold it in the other venue. The village hall is adjacent to two new developments giving it the opportunity to expand in its own way with its excellent sporting facilities and having a bar. Whereas the old school is located in the historical centre of the village and concentrates more on clubs', young children's parties and anyone wanting a smaller venue.

Both the Church and the Old School are part of the visual heritage of the village. together with the green and the church bridge. The church runs their own activities and plans are afoot to make various changes to the church to make it more usable for different events other than church services.

They already have a Coffee Stop once a month and a mobile post office twice a week. They have a capacity of approximately 220 people but they do not have any dedicated parking so have to rely on onstreet parking. We do occasionally work together whereby if both are being used by the same group then the parking at the old school can be used. We feel that our proposed extension with added facilities should not impact on any plans the PCC has for the future but could very well compliment them. The Church uses the Old School as the venue for their Sunday School. Every year at the annual Church fete the PCC takes over the Old School to provide refreshments and charity activities as part of the overall fete programme activities in the centre of the village around the Church.

The Old School currently has parking spaces for approximately 20 cars but sometimes users do double park. This is no problem because they all arrive together and leave together quite amiably. There is also room for onstreet parking on Market Rasen Road that does not impede the flow of traffic. The Church which is opposite has no dedicated parking space so always uses onstreet parking on Market Rasen Road and Holmes Lane without any apparent problems. The facilities provided by the community centre is primarily aimed at the residents of Dunholme so is within easy walking distance from all houses which in most cases mitigates the use of cars. The highways department is quite happy with our vehicle entry and exit from the property as it opens out onto Ashing Lane which is a no through road for most vehicles. In the 36 years the Old School has been a community centre there has been no recorded traffic incidents regarding vehicles entering or leaving the site.

We feel that there will be a need for further facilities of social welfare, recreation and leisure. There are currently over three hundred new houses being built in the village, with the increase in population estimated to be over 1100 in the next few years. This is a 57% increase in the population and if facilities are not provided for the occupants of these new houses, they will travel elsewhere creating unnecessary car journeys.

The idea of our proposed development is first to accommodate those that are currently housed in the wooden hut and secondly to be able to provide a

larger hall for a greater diversity of activities than we have at present. The total area, without the wooden building is approximately 480 Square metres.

We would have liked to have used the whole space available and initially made plans to do so. But as the building is in a non-designated heritage site and having carried out a Heritage Impact assessment, we agreed with the conservation officer to reduce the size of the proposed building by over 80 square metres so that it sits behind the frontage of the old school building.

By building a new hall to the rear it would free up the original hall as it is envisaged that all our present users would move to the new hall giving them greater scope to expand and to create facilities for other activities. The original hall could now include a permanent tea room as well as creating either a membership social club or an exserviceman's club (but membership open to all) under the HM Forces Covenant. Some research has been carried out on this with positive results. This would be managed to ensure legality under the Charities Act.

The new extension will improve our community facilities not only for our current users but also to create facilities for the performing arts of drama, music and indoor sports. This then will leave the original hall free for further usage. Although no final decision can be made until planning for the project has been approved suggestions of a permanent tea room and a Social Club have been muted. We have made enquiries and we would be happy to be involved in the Forces Covenant. Some parishioners have suggested some sort of bar or bistro to be included but that would be on consultation with village hall trustees and their possible developments and the legal and financial implication, but would be considered.

We believe that this project is a worthy one to enhance the social, cultural and educational facilities for Dunholme and the surrounding area. We can certainly see nothing in our Neighbourhood Plan that prohibits this. In fact, it states, Policy 12: Heritage Assets 'The heritage assets identified on figure 11 should be sustained and enhanced as part of a development proposals on or adjacent to their location'.

The trustees now feel that the opportunity to deliver a prestigious project that will not only be for the public good but will be financially sustainable. It will be a beacon to the world of what can be achieved in a rural community if there is enough will from all those involved.

It is hard to believe, and it somewhat saddens us, that there are people who would not want an enhanced community centre in their community. The Dunholme Trust trustees are determined that every effort will be made to acquire the necessary social welfare for recreation and leisure time occupation facilities for the community and for this project to be a success.

Local residents: Graphica Lincoln Ltd Greystones The Old Dairy Holmes Lane Dunholme: The site is too small for the scale of building proposed. Car

parking would be an issue. We formed a local community group called DIG (Dunholme Improvement Group) and carried out a village wide survey. The community did say that we needed a cafe / bistro / bar as a priority as a facility as we had lost the only pub in the village. The proposals show a huge extension on the back of the Old School, which seems to have the facilities replicating that of the Village Hall. The worry is that it would take a lot of public money to fund this ambitious project and it would not be spent in the best way to suit the majority of local people.

Springfield 16 Market Rasen Road Dunholme: I believe this proposal to be unsuitable as it is far too large for the site, and there is insufficient parking to support such a development. At present the hall usage can result in cars being parked on the narrow parts of Market Rasen Road around the War Memorial, restricting vehicular movement and causing vehicles to mount the edges of the Green. This development would be environmentally detrimental to the appearance of the old village centre, and will impact on the daily lives of residents.

Sycamore Lodge Holmes Lane Dunholme: I'm not against Facilities that do not Duplicate what we already have in Dunholme, Like Dunholme Village Hall and the New Church Project across the road that will be more Multi-Functional use, when pews will be replaced by moveable chairs, so concerts, movie films, wedding receptions can be held at the Church to keep it sustainable into the future (same applies to the Village Hall). The Church already has a kitchen and toilets. When Community Lincs did a survey on what was top of most people's wish's came out to be a Bistro/ Coffee Bar , after losing the Lord Nelson pub the year before , DIG were successful in receiving a West Lindsey grant of £10,000 from there Community Asset Fund , to Help with business plans , architect drawings , and Community Lincs Survey, not long after all this was completed including independent survey was completed the Rug was pulled from underneath DIG and all their hard work sadly came to an end with Funders ready to support the project , as there was a genuine need for what DIG was trying to achieve for the Community of Dunholme.

12 Wentworth Drive Dunholme: This village needs a communal meeting point, the village needs a licensed premises, that is what will draw local money back in to the local community employing local residents. This will also enable the long standing locals able to keep the new residents, not just enabling a quick profit back handed scheme take place. 41 years between Welton and Dunholme and a resident that works in the village.

11 The Granthams Dunholme: We need a social space for adults and children alike. We do not need offices or more kitchens. Something like a social club where sports can be watched together whilst enjoying a drink and listening to some music, darts, pool and also access to light snacks, teas and coffees. Something that can function for everyone in the village, the elderly (who already have their luncheon club there and have a waiting list a mile long) a brand new big kitchen was built here to cater for such purposes, I think that is great and also fundraisers are frequently held here. There is enough space to create an area for kids to play. The courtyard in the back could be converted

to a safe play place which could be similar setup to the social club in Welton where young families could supervise their own children whilst enjoying social time together out. There is now so many more houses built in Dunholme that sheltered leisure space is direly needed. Unfortunately the park behind the Dunholme Village hall has been taken away and that was very functional when family friendly parties was held at the village hall. Let's make this project work for each individual in the Community.

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

Conservation Officer: I do agree that this is now much more acceptable [amended plans] for the reasons outlined below. And yes, please add a condition for all external materials to be approved. Sample panel not necessary:

The proposal is now acceptable as it will not harm this non-designated heritage asset or the Listed Church to north. The proposal is satisfactory in its design and is subservient to the host building and uses an appropriate set of materials subject to a condition to seek details for all external materials (including the proposed bricks).

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

Archaeology: The proposed development is situated within the historic core of the medieval settlement of Dunholme. Evaluation trenching to the south of the site has revealed evidence for a medieval moated site, and several nearby developments have revealed evidence for medieval and post medieval activity. There is thus a high potential for archaeological remains of medieval and later settlement and related activity to be disturbed during the groundworks for the proposed development. Prior to any groundworks the developer should be required to commission a Scheme of Archaeological Works.

Environmental Protection: The extension appears close to neighbouring residential properties as such a suitable noise assessment ought to be considered, along with suitable restrictive opening times and requirement for windows & doors to be kept closed during noisy activity.

Environment Agency: The proposal can be classified as 'minor development' in relation to flood risk. It was therefore not necessary to consult us.

Witham Third District Internal Drainage Board: As the applicant has pointed out, the site is in Zone 2/3 on the Environment Agency Flood Maps

and potentially at flood risk. It is noted a Flood Risk Assessment is included in the Application that contains some appropriate mitigation.

No development should be commenced until the Local Planning Authority, in consultation with the Lead Local Flood Authority has approved a scheme for the provision, implementation and future maintenance of a surface water drainage system. Where Surface Water is to be directed into a Mains Sewer System the relevant bodies must be contacted to ensure the system has sufficient capacity to accept any additional Surface Water.

IDOX: Checked 15/02/2021

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 Dunholme Neighbourhood Development Plan (adopted in January 2017).

Development Plan:

*Central Lincolnshire Local Plan 2012-2036

LP1: A Presumption in Favour of Sustainable Development

LP2: The Spatial Strategy and Settlement Hierarchy

LP13: Accessibility and Transport

LP14: Managing Water Resources and Flood Risk

LP15: Community Facilities

LP17: Landscape, Townscape and Views

LP25: The Historic Environment

LP26: Design and Amenity

**With consideration to paragraph 213 of the National Planning Policy Framework (February 2019) the above policies are consistent with the NPPF (February 2019). LP1 is consistent with NPPF paragraph 11 as they both apply a presumption in favour of sustainable development. LP2 is consistent with NPPF chapter 5 as they both seek to deliver a sufficient supply of homes and jobs. LP6 is consistent with chapter 7 of the NPPF as they both seek to ensure the vitality of town centres. LP15 is consistent with paragraphs 20, 28, 83 and 92 of the NPPF as they both seek to protect existing community facilities and provide for new and enhanced community facilities. LP17 is consistent with NPPF paragraphs 127 and 170 as they both seek to protect townscapes and valued landscapes and recognise the intrinsic character and beauty of the countryside. LP25 is consistent with chapter 16 of the NPPF as they both seek to conserve and enhance the historic environment and LP26 is consistent with section 12 of the NPPF in requiring well designed places. The above policies are therefore attributed full weight.*

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

Dunholme Neighbourhood Development Plan:

Policy 4: Design Principles

Policy 9: Community Facilities

Policy 12: Heritage Assets

Policy 13: Reducing Flood Risk

Policy 14: Water and Waste

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

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)."

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

- **National Planning Practice Guidance**

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

- **National Design Guide (2019)**

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

Listed Building Legal Duty

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

Main issues:

- Principle of the Development
- Visual Amenity and Design
- Non Designated Heritage Asset
- Listed Building
- Residential Amenity
- Foul and Surface Water Drainage
- Flood Risk
- Highway Safety
- Archaeology
- Other Matters

Assessment:

Principle of the Development

The existing Victorian building 'The Old School' and the timber hut have been used as a community centre since the 1980's and the centre is currently run by The Dunholme Trust. The buildings are known as the Old School Community Centre. Lincolnshire Association of Local Councils currently uses part of the timber hut as an office.

The application seeks permission to extend and alter the existing community centre housed in the Victorian building. The remodelled existing building will house a main hall, a kitchen, a meeting room and toilets. The proposed new extension to the south will house a multipurpose auditorium space (approximately 117 m2 of floor space), a kitchen, toilets, a meeting room and an office for the Lincolnshire Association of Local Councils.

The expansion of the community centre is needed as the applicant states that the centre is becoming more and more popular and the proposal will allow for added space to accommodate all those who wish to use the facility and will allow the centre to expand to meet the growing needs of the community. There are also certain activities lacking in the community which even the village hall does or cannot cater for. These activities are mainly social, performing arts and indoor sports facilities. Furthermore, the existing wooden hut is deteriorating fast and will need to be replaced.

Local Plan Policy LP5 supports the expansion of an existing community facility such as a place of worship to extend or diversify the level of service provided.

Paragraph 92 of the NPPF also states that planning decisions should '*ensure that established shops, facilities and services are able to develop and modernise, and are retained for the benefit of the community.*'

The Old School Community Centre is a registered community asset. Policy 9 of the Dunholme Neighbourhood Development Plan does not list the Old School Community Centre within its list of key community services and facilities. But the justification to the policy does state that '*the community supports the development of additional community facilities...*'

It is considered that the proposal for alterations to the existing Old School Community Centre and the proposed extension to provide additional community social space and offices will help to preserve and enhance the ongoing use of this community facility. Therefore the principle of the development is acceptable providing all other material considerations are satisfied.

Visual Amenity and Design

Local Plan Policy LP17 states that to protect and enhance the intrinsic value of our landscape and townscape, including the setting of settlements, proposals should have particular regard to maintaining and responding

positively to any natural and man-made features within the landscape and townscape which positively contribute to the character of the area, such as (but not limited to) historic buildings and monuments, other landmark buildings, topography, trees and woodland, hedgerows, walls, water features, field patterns and intervisibility between rural historic settlements. Where a proposal may result in significant harm, it may, exceptionally, be permitted if the overriding benefits of the development demonstrably outweigh the harm: in such circumstances the harm should be minimised and mitigated.

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

Policy 4 of the Dunholme Neighbourhood Development Plan states that proposals should preserve or enhance the village of Dunholme by recognising and reinforcing the distinct local character in relation to height, scale, spacing, layout, orientation, design, and materials of buildings.

The National Planning Policy Framework in Chapter 12 – Achieving Well Designed places states that the creation of high quality buildings and places is fundamental to what the planning and development process should achieve. In paragraph 130 it goes on to state ‘Permission should be refused for development of poor design that fails to take the opportunities available for improving the character and quality of an area and the way it functions.’

Amended plans have been received to alter the design of the proposed extension. Several options were explored with the agent before amended plans were submitted and re-consulted upon.

Minimal external alterations are proposed to the original Victorian building and the proposed extension to the rear in terms of its siting, height, scale, massing and form does not have a harmful impact on the overall design of this traditional vernacular building. The extension is to the rear (south) of the Victorian Building and is not above the ridge line of this building and does not extend beyond the side (west and east) elevations of the existing building. The proposed design consists of a link building off the rear (southern) elevation of the existing building which will have a lower ridge height than the existing building and will be set in from the existing building. The link building is considered to provide a good contrast to the existing building and is considered to complement the existing building. The link building will be clad in timber and have a fibre cement slate roof. The link building will lead to the part of the proposed extension which will house the auditorium. This building will have a pitched roof whose ridge will be no higher than the existing

building and will not extend beyond the existing side elevations of the building that already exist on the site. The auditorium orientated from west to east and will have a fibre cement slate roof and rendering and buff bricks to match the existing building. The proposed design after going through several amendments is now considered to be satisfactory and has the support of the Conservation Officer.

The proposed materials are stated as being fibre cement slate tiles (blue/black) render, timber cladding, buff bricks to match the existing and slate grey windows and doors. If it is minded to grant permission a condition will be attached to the decision notice requiring full details of all external materials in order to safeguard the character and appearance of this non-designated heritage asset and the street scene.

It is considered that the amended proposal is now of a satisfactory design which would not detrimentally alter the appearance and character of the existing vernacular building. It is also considered that the proposal would through its use of appropriate materials and design contribute to the character and local distinctiveness of the area. The development is therefore considered to be in accordance with Policy LP17 and LP26 of the Central Lincolnshire Local Plan, Policy 4 of the Dunholme Neighbourhood Development Plan and the National Design Guide and the National Planning Policy Framework.

Non Designated Heritage Asset

The Old School Community Centre is not listed and it is not in a Conservation Area. However, the building is listed as a non-designated heritage asset in paragraph 15.5 of the Dunholme Neighbourhood Development Plan. Policy 12: Heritage Assets of the plan states that *'there will be a presumption against developments that have an adverse impact on the heritage assets within Dunholme.'*

Following discussions with the Conservation Officer amended plans were received which retain the existing heritage asset on the site (limited external alterations are proposed) and the proposed extension to the rear is considered to be of a satisfactory design which will not detrimentally alter the appearance and character of the existing non-designated heritage asset. If it is minded to grant permission materials will be conditioned accordingly.

Listed Building

The Grade I Listed Church of St Chad is located approximately 124 metres to the north of the site (there is also a Grade II Lampstand within the churchyard). To the west of the Church is the Grade II Listed vicarage. The existing building, car park and entrance facing the above heritage assets will not be altered externally. The proposed extension is to the rear (south) of the existing building on the site. The Conservation Officer is also of the opinion that the amended proposal will not affect the Listed Buildings to the north.

As such, it is considered that the proposal will not affect the setting of nearby Listed Buildings in accordance with Policy LP25 of the Central Lincolnshire

Local Plan, Policy 12 of the Dunholme Neighbourhood Development Plan and the NPPF.

Residential Amenity

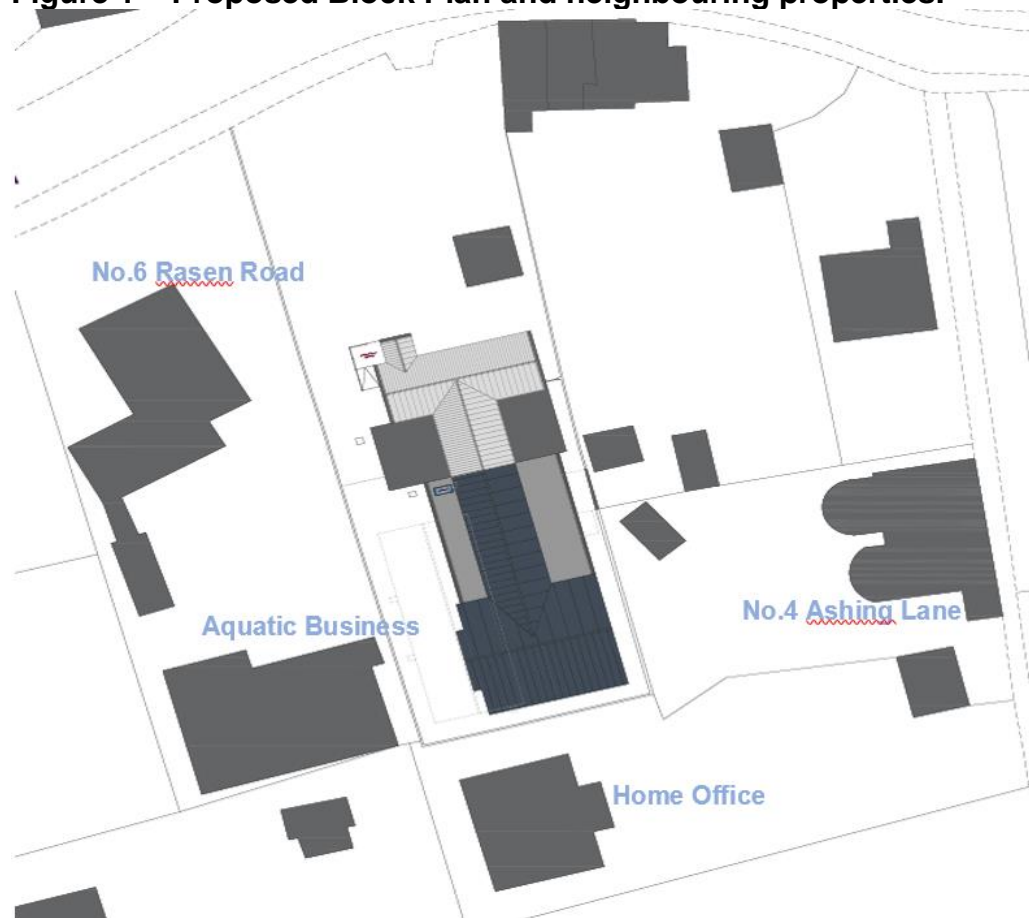
Local Plan Policy LP26 states that planning permission will be granted for new development provided the proposal will not adversely affect the residential amenity of neighbouring properties by virtue of overlooking, overshadowing, loss of light, over dominance and adverse noise.

The existing building on the site will be remodelled internally with the current Hall within this building being retained. The main entrance to the enlarged building will be through the present entrance to the retained building with another entrance in the new extension abutting the retained building and a further small entrance in the new extension both of which are located in the west (side) elevation as is the retained entrance.

The proposed extension in the link building will have toilets, a kitchen, a meeting room and an office which are not considered to constitute a harm to nearby residents. However, a new auditorium is proposed at the rear of the proposed extension by the southern boundary of the site (See Figure 1 below). The auditorium is located approximately 4.9 metres to the north of a home office/lodge building (the host building is believed to be No.4 Ashing Lane) and approximately 7.2 metres to the east of a set of outbuildings that house or did house an aquatic business (the host dwelling is No.6 Market Rasen Road). The nearest residential buildings to the auditorium are No.4 Ashing Lane which is located approximately 21 metres to the east and No.6 Market Rasen Road which is located approximately 24 metres to the north west. There are therefore no concerns with over dominance and loss of light.

The multi-purpose auditorium space (approximately 117 m² of floor space will be used for social events, performing arts and sports facilities and will replace the existing wooden hut which is deteriorating fast and needs to be replaced. Regular uses of the existing facility are stated as Music for toddlers and parents, Children's Dancing Classes and performances, Age UK Luncheon Club, Dunholme Camera Club, meetings, lectures and exhibitions, Bible Studies Group, Lectures and discussion meetings, Dog behavioural classes, Keep fit classes, movement to music, Take-away Sunday Roast dinners with various casual users also, The existing building opens at 9am and closes at about 10pm, except for the odd event such as an adult party which goes over this time. The proposed opening times for the new facility are proposed to be the same with the odd event going over this time as currently happens. In terms of a noise assessment this is not felt necessary as the hall operating on the site is nearer to neighbouring dwellings than the proposed extension. However, the applicant wants to use the proposed remodelled building and the proposed extension with no restrictions on the operating hours. The proposed extension brings the extended building closer to No.4 Ashing Lane (see Figure 1 below) and an unrestricted use on this site which is surrounded by residential dwellings would have the potential to affect the residential amenity of neighbouring occupiers. Therefore, if it is minded to grant permission a condition will be attached to the decision notice restricting the hours of operation from 9am to 10pm as is currently the case for the existing building.

Figure 1 – Proposed Block Plan and neighbouring properties.



It is not felt necessary to impose a condition in relation to shutting windows for dancing classes and the like as such a condition would be unenforceable and the current building on the site is not restricted by such a condition which is nearer to neighbouring dwellings.

It is therefore considered that the proposal will not have an adverse impact on residential amenity in accordance with Policy LP17, LP26 and the NPPF.

Foul and Surface Water Drainage

The applicant seeks to utilise the existing main sewer for the disposal of foul sewerage and surface water will also be disposed of via the main sewer. However, under the sustainable drainage hierarchy, the aim should be to discharge surface run off as high up the following hierarchy of drainage options as reasonably practicable:

1. Into the ground (infiltration);
2. To a surface water body;
3. To a surface water sewer, highway drain, or another drainage system;
4. To a combined sewer.

A condition will therefore be attached to the decision notice requiring that no development shall take place until details of a scheme for the disposal of foul sewerage and surface water from the site (including the results of soakaway/percolation tests) have been submitted to and approved in writing by the local planning authority.

Flood Risk

The site is located within Flood Zone 2 as defined by the Environment Agency's Flood Risk Maps. The applicant has submitted a Flood Risk Assessment which states that the proposed floor levels will be set no lower than the existing levels and that the electrics will be 600mm above the finished floor levels. If it is minded to grant permission the mitigation measures will be conditioned accordingly. The proposed use also falls within the "Less Vulnerable" uses of land as defined in Table 2 NPPF Technical Guide for Flood Risk Vulnerability Classification and the proposed development is appropriate in Flood Zone 2 Table 3 of NPPF.

Highway Safety

The existing access off Market Rasen Road will be retained which leads to a 21 space car park and turning areas. There is also on street car parking in the vicinity of the site. The facilities provided by the community centre are also primarily aimed at the residents of Dunholme allowing the centre to be accessed on foot or by bicycle. Lincolnshire County Council Highways have not objected to the amended plans. If it is minded to grant permission an informative suggested by Highways will be attached to the decision notice.

Archaeology

The Historic Environment Officer at Lincolnshire County Council states that the proposed development is situated within the historic core of the medieval settlement of Dunholme. Given this, if it is minded to grant permission suitable conditions will be attached to the decision notice requiring the developer to undertake a scheme of archaeological monitoring and recording.

Other Matters:

None.

Conclusion and reason for decision

The decision has been considered against policy LP1: A Presumption in Favour of Sustainable Development, LP2: The Spatial Strategy and Settlement Hierarchy, LP13: Accessibility and Transport, LP14: Managing Water Resources and Flood Risk, LP15: Community Facilities, LP17: Landscape, Townscape and Views, LP25: The Historic Environment and LP26: Design and Amenity of the Central Lincolnshire Local Plan in the first instance and policies contained within the Dunholme Neighbourhood Development Plan (Policy 4: Design Principles, Policy 9: Community Facilities, Policy 12: Heritage Assets, Policy 13: Reducing Flood Risk and Policy 14: Water and Waste) and guidance contained within the National Planning Policy Framework and National Planning Practice Guidance and Section 66 of the Planning (Listed Buildings and Conservation Areas) Act 1990.

In light of this assessment it is considered that the proposal will help to preserve the ongoing use and expansion of this community facility. It will not harm the character and appearance of the building or the surrounding area and will not harm the residential amenity of neighbouring properties.

Furthermore, the proposal will not harm this non-designated heritage asset or affect the setting of nearby listed buildings and will not increase the risk of flooding providing flood proofing measures are incorporated. The proposal is recommended for approval subject to the following conditions: -

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

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

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

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

2. No development shall take place until a written scheme of archaeological investigation has been submitted to and approved in writing by the local planning authority (see notes to applicants below). The local planning authority shall be notified in writing of the intention to commence the archaeological investigations in accordance with the approved written scheme, at least 14 days before the said commencement. This scheme shall include the following:

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

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

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

4. With the exception of the detailed matters referred to by the conditions of this consent, the development hereby approved shall be carried out in accordance with the following drawings: 11455 05M dated 08/09/2020, 11455 06G dated 03/11/2020, 11455 07 F dated 02/11/2020 and 11455 08B dated 03/09/2020. 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.

5. No development, other than to foundations level shall take place until the proposed new walling, roofing, windows, doors and other external materials have been submitted to and approved in writing by the local planning authority. The development shall thereafter be constructed in accordance with the approved details. The details submitted shall include; the proposed colour finish, rainwater goods and type of pointing to be used.

Reason: To ensure the use of appropriate materials to safeguard the character and appearance of this non-designated heritage asset and the street scene in accordance with the NPPF and Policies LP17, LP25 and LP26 of the Central Lincolnshire Local Plan.

6. No development, other than to foundations level shall take place until a scheme for the disposal of foul and surface waters (including the results of soakaway/percolation tests) have been submitted to and approved in writing by the Local Planning Authority. The development shall only be carried out in accordance with the approved details (see notes to the applicant below).

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

7. The development shall be carried out in accordance with the mitigation measures outlined in the submitted Flood Risk Assessment received 03/12/2019.

Reason: To reduce the risk and impact of flooding on the approved development and its occupants in accordance with LP14 of the Central Lincolnshire Local Plan, National Planning Policy Framework.

8. The development shall proceed wholly in accordance with the approved scheme of archaeological works approved by condition 2 of this permission.

Reason: To ensure the satisfactory archaeological investigation and retrieval of archaeological finds in accordance with the National Planning Policy Framework

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

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

Reason: To ensure the satisfactory archaeological investigation and retrieval of archaeological finds in accordance with the National Planning Policy Framework

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

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

11. The use hereby permitted under this permission shall not operate outside the following times:

- Daily opening times (Monday to Sunday) – 9.00 am to 10.00 pm throughout the year.

Reason: To protect the amenities of adjoining properties and the locality in general in accordance with the NPPF and Policy LP26 of the Central Lincolnshire Local Plan.

Notes to the Applicant

Archaeology

For advice on the written scheme required by condition 2 please contact Lincolnshire County Council Historic Environment advisor (tel. 01522 554823).

Highways

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

Foul and Surface Water Drainage

The application form states that both foul and surface water will be disposed of via the main sewer. However, under the sustainable drainage hierarchy, the aim should be to discharge surface run off as high up the following hierarchy of drainage options as reasonably practicable:

1. Into the ground (infiltration);
2. To a surface water body;
3. To a surface water sewer, highway drain, or another drainage system;
4. To a combined sewer.

Human Rights Implications:

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

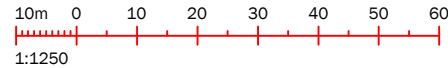
interfere with the applicant's and/or objector's right to respect for his private and family life, his home and his correspondence.

Legal Implications:

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



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Revisions:
A (14.01.21) Red line amended

Mr D Waite			
project Land Off The Wolds, Waddingham			
drawing Scheme Indicative Location Plan	dwg. no. 426A.02	revision A	
date 28.10.20	scale 1:1250@A3	drawn KK	check HM

Kelly & MacPherson ARCHITECTS
tel: 01472 851732 mob: 07801081799 & 07443 577522
email: kate@kellymac.co.uk & hugh@kellymac.co.uk
Unit 1, Caistor MUC, 19 South Street, Caistor LN7 6UB

Officers Report

Planning Application No: 141907

PROPOSAL: Outline planning application for 4no. dwellings with all matters reserved

LOCATION: Land East of The Wolds Waddingham Gainsborough DN21 4RE

WARD: Waddingham and Spital

WARD MEMBER(S): Cllr J J Summers

APPLICANT NAME: Mr D Waite

TARGET DECISION DATE: 05/03/2021

DEVELOPMENT TYPE: Minor - Dwellings

CASE OFFICER: Richard Green

RECOMMENDED DECISION: Grant with conditions attached.

This planning application is being referred to the Planning Committee for determination following the request of the Ward Member and the level of neighbour response the application has generated.

Description:

The site is part of a wider agricultural field and is located on the edge of the built footprint of Waddingham. The site is accessed off 'The Wolds' at the end of a cul-de-sac via an access between No.10 and No.19 The Wolds. To the south and east of the site is the wider agricultural field. To the west is No.10 The Wolds a two storey detached dwelling and two pairs of semi-detached two storey dwellings (No.11 to 19 The Wolds). To the north are the large rear gardens of Rosemund and Fieldview Cottage, Joshua Way which are both two storey detached dwellings.

The application seeks outline planning permission to erect four dwellings with all matters reserved (being matters of access, layout, scale, appearance and landscaping).

An amended plan (red line altered) and sequential test have been consulted upon and notice served on the owners of the access to the site as a Certificate B has been completed/required.

Relevant history:

No relevant planning history.

The Wolds

M02/P/0023 – Full planning application for the erection of 13 dwellings and garages. Granted 15/10/2002.

Representations

Chairman/Ward member(s): Cllr J J Summers: 06/11/2020 - This outline application is a common sense infill site. Which I approve. The only element which I question is the position of plot 3. The house in plot 3 I believe needs particular attention when a detailed plan is submitted because of its close proximity to the adjacent property ref overlooking.

Further Comments 05/12/2020: The width of a highway appears to be somewhat arbitrary as so much conflicting advice and confusion almost allows the planning system to approve anything. First I believe all highways with in housing developments whether single carriageway or double should contain a public kerbed footpath. If we do not protect the pedestrian, man, woman and especially child then the planning system is failing communities miserably. With no appreciable value being attributable to human life.

This proposal for 4 houses is too large for the end of this cul-de-sac location due to the amount of journeys now taking place under the present commercial situation. Ten to fifteen years ago it was claimed by the planning world the average number of daily vehicular journeys per household was 10. Today it is much increased. 4cars, post man, milk man, fuel, furniture plus the infamous white van delivery carrying who knows what! All add up to many more than 10!

Where are we creating the extra capacity for parking and vehicular movement? Personally 2 houses with a road plus footpath would be more sensible. The other alternative is no further housing on this site.

The latest Central Lincolnshire Local Plan sets out the growth figures for all communities within the plan area. Within the CLJP area, with a time span from 2012 to 2036 which is presently going through a review. This review will be setting new housing targets for some areas, some will increase others may be reduced. Waddingham is designated as a MEDIUM VILLAGE. ALLOCATED WITH 15 % GROWTH LEVEL from the plan BASE TIME LINE, which I believe has already been met!

Sadly Waddingham has not yet completed its own Neighbourhood Plan which advises and supports the Central Lincolnshire Plan. The Neighbourhood Plan is the vehicle by which communities can strongly influence where growth is to occur within their community and resist it where it is not wanted.

Due to the strong resistance to this application I respectfully request it be heard in THE PLANNING COMMITTEE for the follow reasons.

1. The large number of concerns shown by residents of THE WOLDS cul-de-sac. The people who live here and will have to endure whatever may be imposed upon them!
2. This application is for outline planning only, with insufficient detail.
3. Highways specifications required.
4. The need for a footpath.

5. The requirement of a housing needs survey to demonstrate justification.

Can I suggest Policies LP3, LP4, LP12, LP13, LP26 and LP53 all potentially have a bearing on this site for the future.

Parish Council: Following a request by members of the public, the council held an extraordinary meeting on 25th November. Several members of the public were present. They asked the council to add a comment about the plans for this development.

The public made a very convincing argument about the problems of vehicular access down the access to the proposed development, including emergency vehicles, refuse collectors and delivery vans. They made the point that there are many more deliveries made now than when the Wolds was built and that there have been several incidents including these vehicles.

They also commented strongly on the fact that the land is high quality agricultural land and is not infill. When the Neighbourhood plan committee carried out its consultations by questionnaire and public meetings the outcomes strongly indicated that any housing developments should include more affordable dwellings rather than large, detached houses. Although the neighbourhood plan is currently on hold these findings should carry weight on deciding the type of housing this development proposes. Another outcome was that one of the main issues in Waddingham especially in the cul-de-sacs was parking. This is an issue that we hope would be addressed if the development were to go ahead.

According to the Lincolnshire Plan and the draft Neighbourhood plan the village needs to plan for 44 new homes by 2036. As the Neighbourhood Plan has not been completed and adopted, we would ask that the developer seeks approval from the Parish by sharing his plans and listening to the Parish views in order that the right kind of development for the Parish occurs. According to Policy LP4 'a proposal within or on the edge of a village should be accompanied by demonstrable evidence of clear local community support'.

If a development in this location does go ahead would it be possible for the developer to donate a piece of land suitable for a children's play area for the benefit of the community. The parish council has already started investigating where a playground could go in the Parish. Parishioners have raised funds for equipment and the Parish council would agree to maintain and develop such a site.

Local Residents: 2, 4, 6, 7, 8 (x2), 10, 11, 15, 17 & 19 (x2) The Wolds, Field View Cottage and Rosemund Cottage (x2), Joshua Way, Waddingham object to the proposal for the following reasons:

- Firstly, I do not agree with Cllr Summers' comment that this application is "sensible infill".
- My concern is that if planning permission is granted for these 4 dwellings, it is quite clear from the site plan that there is more

opportunity to extend the site further. This will then be classed as infill and there will be no way of stopping future development.

- I believe this will lead to overdevelopment of the village and a field full of new dwellings thus creating a new estate and all the issues that are associated with such a large development in a small village which does not have the infrastructure to cope with the additional residents that will live here.
- I also would like to refer you to the Waddingham Neighbourhood Plan. The online update dated March 2020 states that the land submitted for more than 3 dwellings is 100% over-subscribed and the plan is currently suspended. The consensus of the village is that infill is acceptable, but not new developments, and this application will lead to a new development. There is clear opportunity to build more than the 4 houses requested on this application and create a new estate, therefore how can it be classed as infill?
- The Wolds is an established development which is not overlooked to the east or south side. By granting permission for these dwellings, I will be overlooked, overshadowed and lose privacy, not to mention the additional noise and traffic disturbance and will be caused by additional residents being in situ.
- There is a distinct lack of affordable housing in Waddingham and this proposed plan for 4 detached dwellings does not assist those trying to get on the housing ladder.
- I would also like to draw your attention to the impacts of highway safety. The Wolds is currently a cul-de-sac and not a through road to other properties. The proposed entry to the new development is adjacent to 19 The Wolds who have side access to their property, therefore a footpath will need to be installed to ensure the safety of the residents. I do not believe that after installing a footpath that there will be provision for a road wide enough for emergency vehicles to access.
- There will also be increased noise and traffic due to vehicles needing access to the proposed new dwellings.
- If you are not already aware, there are existing covenants relating to parking in place on The Wolds which need to be adhered to.
- There are already issues with irresponsible parking in The Wolds, and covenants in place; using the single carriageway private resident only road with 4 large properties has the potential to increase traffic by 8 cars daily as a minimum and all associated visitors. This will increase noise, pollution and accidents impacting on highway safety, quality of life, personal safety and wellbeing. Given the proposal is 4 large properties it is likely they will be occupied by multiple adults with cars, given the location and no public transport infrastructure, the number of 8 additional cars is a low estimate. There have already been several near misses historically.
- These properties will overlook 4 other properties and significantly reduce the light, this will significantly reduce privacy and will devalue the existing properties.
- There is no indication at this stage of application how the properties will look and if they will be in keeping with existing buildings.

- This applicant has already made a separate application opposite the entrance to The Wolds for a large detached property. Appreciate as many applications can be made as possible however this village has poor infrastructure to support additional school, places, transport and access, but most importantly affordable housing for young people who wish to remain in the village having been born here. 4 more large detached properties are not affordable for ordinary people on ordinary wages and not in keeping with government policy.
- The construction of these dwellings will involve traffic disturbance along 'The Wolds' when it is currently a busy road anyway. It can be difficult driving up or down the road when vehicles are already parked either side.
- I have a parking space outside the front of my house and to get out of the cul-de-sac I have to reverse out of it into oncoming traffic which is currently a potential hazard without the additional traffic building work would incur.
- As set out in the 2019 village plan, the planned development area is outside of the villages "developed footprint" and given there are other areas in this footprint that are yet to be developed I would not expect this plan to get permission before this happens. In particular Policy 3 of this plan states that any additional developments outside of the "footprint" should demonstrate "support from the community" and set out an explanation "that the feedback overall has been positive towards this proposal".
- There has been no consideration for public footpaths. With footpaths in place there would not be the required road width for emergency vehicles i.e. Fire engines have to have at least 3.7 metres kerb to kerb 3. using this access for construction vehicles could cause damage to homes bordering this access point especially regarding health and safety of residents in the close would any damage to any part of properties be compensated.
- I feel consideration should be given to the access for this development. The actual road which is the Wolds is very narrow, it has been purposely narrowed and would extremely difficult for two cars to pass and even harder for site traffic to have access this way.
- I would not object to new homes being built however the village has no doctors, a very irregular bus service, no senior schools, no public house or adequate shopping. Therefore increased numbers in the village will increase the amount of traffic on the roads in both the village and in general.
- I would be concerned with site traffic, large lorries and heavy loads would make walking very dangerous. As well as the increased traffic created by families having to travel outside the village for everyday living.
- The application is not infill but is in fact an application for a new development on Greenfield agricultural land.
- The planning application does not meet the requirements for planning submission as detailed in Policy LP4 of the Central Lincolnshire Local Plan.

- The application for planning has not been submitted in accordance with Policy LP2 of the Central Lincolnshire Local Plan. It does not meet the requirement for appropriate locations nor does it meet the requirements laid out for community support.
- As this planning application is for development on current Greenfield agricultural land, this planning application does not meet the sequential approach laid out in the Central Lincolnshire Local Plan
- The planning application does meet or demonstrate how it has taken into consideration the criteria laid down in Policy LP26 of the Central Lincolnshire Local Plan.
- The proposed planning application is for land currently used as Greenfield agricultural land and classed as either grade 2 or 3, therefore the proposed planning application should be rejected.
- This planning application does not come into the areas already included within the draft Waddingham and Brandy Wharf Neighbourhood Plan.
- The proposed development in this planning application does not come within the development footprint for the village of Waddingham as shown in the Neighbourhood Plan. Also does not meet section 9 and Policy 3 of the draft plan.
- The planning permission should not be granted as the application does not meet the required car parking standards identified in Section 15 of the draft neighbourhood plan.
- The planning permission should not be granted as the application would exceed the number of properties identified as being required in accordance with items 6 and 8 in the draft Neighbourhood Plan.
- WLDC have already stated on their website that development land in Waddingham is already over 100% subscribed, therefore no additional developments should be allowed?
- The planning permission should not be granted as the existing road and existing parking layout is not safe nor compatible for adding a live active road at the bottom of the cul-de-sac. The proposed access road to the new development is neither suitable nor safe to serve the proposed planning application. My driveway at number 10 which currently provides access onto the dead end of the cul-de-sac would not provide a safe access on to the proposed access road should it become a live active road.
- The proposed development does not meet with the criteria laid down in the Central Lincolnshire Housing Growth Strategy 2016-2021.
- I would like to point out that the Waddingham Village Plan dated 02/03/2020 is “stalled” at present.
- Does not seek opportunities for landscape, recreational and ecological gain whilst minimising the environmental impact of new development.” I fail to see how this development would adhere to that principle of the neighbourhood plan.
- The proposed site is also not detailed on the Village Plan so has not been subject to risk assessment or public scrutiny to the same extent as other sites which are readily available for the community to see.

- Any of the proposed properties will significantly affect our enjoyment of our own land. Property one is very close to our garden, and the whole development borders the width of the bottom of our garden in entirety, so we are very much affected by this proposal. Our garden is south facing and therefore the light coming into our garden will be affected considerably by these properties.
- We have numerous plants in the south part of the garden which will be affected by the reduced levels of light.
- We have several established large trees which support a significant amount of wildlife through the year and the trees themselves are good for the environment. The construction of any properties on this site could damage the roots of the trees which may not be immediately apparent. This could affect their stability putting both our garden and any new properties at risk of damage should they fall. It is a concern that the proposed properties may not be able to get insurance easily either due to the proximity of the trees to the buildings.
- One of the established trees has a Bat Box meaning that Bats can roost in this. The construction and potential damage to the tree could severely affect their habitat. We regularly see Bats in the garden so are concerned for their future. Other wildlife often comes in from the field also such as Hedgehogs.
- The field also acts as a method of helping to absorb excess water should we see the heavy and prolonged rain which we did in 2019, further hard surfaces will surely contribute to flooding or drain systems being overwhelmed.
- We currently enjoy views across a large field in several directions which would be adversely affected by this construction.
- Presently, our house borders the field of this proposed development on two sides so we could find any further building wraps around our property. We are already aware of a further development to the side of our property at the rear of the former Marquis of Granby Public House. When that is completed it will mean our immediate surrounding environment will become more built up.
- The prospect of losing more countryside is a concern.
- I would also question whether the building of four properties on the proposed site is necessary due to the other developments I have referred to. There has also been an application for planning permission opposite The Wolds in Waddingham meaning that without consideration to the environment, the village will lose its current charm.
- In addition, the infrastructure of the village, namely roads, public services such as Refuse Collections, School places and medical services will not be increasing. There is an extremely limited bus route through the village meaning that to get anywhere, the proposed properties will need to be supported by car use. It is likely that for these properties there will be at least one car, possibly two contributing to additional wear and tear on the roads.
- Staying on top of potholes is already a huge task for the Highways Agency which will not be helped by this development.
- Unclear plans and diagrams.

- As a result of the building work, there will be increased noise pollution, traffic and a road safety risk for people and the many pets who live in The Wolds.
- It is a busy close already due to numerous cars, vans and lorries coming down here to turn around, which has caused damage to residents' private property such as gates, walls and cars.
- It would become a race track. It's already a dangerous close.
- This is a quiet close and is why we like living down here. We don't want this to change. During these challenging and uncertain times, it's been a saving grace for us all, with the stunning views from our properties. It's helped our wellbeing.
- The residents where the proposed houses are planned have beautiful views and chose this position when purchasing their properties. They will have no views if the proposal goes through. Houses will be overlooked and light will be reduced.
- Majority of the people in the Wolds have been here for a long time because of the quiet location and the views we enjoy from our properties.
- There were several areas of land marked on the Neighbourhood Plan (currently stalled), these should be considered first before any others are proposed and developed. Including the Planning application for the Land to the rear of the Marquis of Granby, 7 Houses).
- Further concern would be if this is passed then I foresee further applications for more house continuing across the same section of the field.
- Should an access road be presented to be run down the side of The Wolds, it would destroy our view from our garden and house which is one of the main reasons the property was bought in the first place.
- My other concern is the lack of and rapidly dwindling village infrastructure. In the time I have lived in the village we have lost the G.P. surgery, pub, butchers. At present time the village shop and post office is up for sale so we may be losing this amenity as well. There is no regular public transport. This development would increase strain on what is already an over stretched infrastructure, with more buildings, people and vehicles.
- Destruction of hedgerows, habitats and natural drainage – the original development of The Wolds resulted in destruction in some of the natural hedgerows and drainage ditch. This also resulted in loss of a mature tree due to groundwork work on fencing. The proposed development would continue this destruction.
- Interference of natural light - the proposed development would interfere with the natural light to south facing gardens.
- Light pollution – the property and adjacent properties lying close to the village boundary enjoy low light pollution, which would be significantly impacted by the proposed development.
- Privacy/overlook – the proposed two storey development would overlook our property, and significantly impinge on the privacy of the property and garden.

- I would like to ascertain if the access to the proposed development over the piece of land in The Wolds has been agreed as this land is a ransom strip and owned by a third party and not by the applicant.
- Added noise disturbance both from additional families in residence on completion and during the Construction Phase of the proposed Development.
- During the Construction Phase of the proposed Development existing residents would be subject to congestion and blockages on the existing narrow road from Construction traffic and some heavy goods vehicles that would not be suitable for the road could cause damage to resident's properties.
- Four of the existing Properties have off-property parking allocations on The Wolds Cul-de-Sac. The road entrance to these spaces is currently used as a turn round point for Cars, Lorries, Delivery Drivers, Waste Collection Vehicles, etc. visiting The Wolds.
- Exiting, particularly Reversing from the parking allocations is currently extremely hazardous and if this Planning Application is granted, Residents would be reversing into a live active busy road from a blind spot which is not a safe option.
- The Proposed Access Road to the new homes is much narrower than the existing Wolds Road and is bordered by 2 Properties, No 19 which has existing side gated access and No 10 whose Garage Wall and Garden Wall are sited straight on the proposed Access route.
- Footpaths will be required on either side to ensure the Personal Safety of the Residents thus making the road even narrower and therefore not suitable for Emergency Services Vehicles.
- The rear side windows of No 19 will only be 1 metre away from the proposed Access Road and is therefore open to damage from the increased heavy traffic, in the first instance
- Is the Land between the dead end of the Wolds Road which is the proposed Access Road to the new homes available for Development as I am led to understand it is owned by a third party?
- Since moving to this property 26 years ago bats have been regular visitors to our garden and have a roost at the hedgerow that borders the arable field under consideration in this planning application. The proposed development will directly impact this roost.
- The manager of DDM agriculture who is a parish councillor, said that he worked for the applicant's land agents and when asked if he was leaving the meeting [Parish meeting 25 November] due to a conflict of interest, he declined. It was stated that it was a declaration of interest rather than a conflict.
- I notice that Lincolnshire Highways have posted a comment regarding this planning application and have provided a caveat to their comments which reads as follows: "the access and layout has not been considered as part of this application." I ask the planning department to reject this application on the grounds that there are numerous concerns about the safety of the proposed access by Waddingham village residents and the proposed access and layout have not been considered by Lincolnshire Highways department, therefore the safety

concerns have not been fully reviewed or addressed by Lincolnshire Highways department.

- I cannot understand what difference highlighting this access road in red makes as the safety concerns regarding this proposed access still remain.
- I note there has been a certificate “B” uploaded on to the planning portal. I assume that this confirms that a piece of land included in the application is in fact owned by a third party and not the applicant of the planning application. However the Certificate “B” does not identify which area of the land in this application this relates too.
- The Sequential test report has been very selective in the information it has provided from Policy LP4, it has not provided the full requirements of Policy LP4.
- The Sequential test report makes three statements referring to there being no sites available within the village which meet the criteria of Policy LP4, Brownfield or infill sites within the developed footprint of the settlement or Brownfield sites at the edge of the settlement. These statements made in the Sequential test report are clearly not true and I have supplied information in more detail showing examples and details of sites which actually fall into this criteria. These sites should be taken into consideration before this application is considered.
- The Sequential test report states that it does not include residential gardens as these are greenfield sites however it is clear from the Central Lincolnshire Local Plan that the statement made in the Sequential test report that residential gardens come under greenfield sites is not correct. Residential gardens should in fact come under criteria 1) brownfield land or infill sites, therefore these should be taken into consideration before this application is considered.
- The Sequential test report uses a scoring method for sites it has identified to compare against the application site. The sequential test report has been selective in what it has reported without mentioning other criteria which should be considered in any sequential test report. Therefore on that basis this report should not be used as an accurate
- The Sequential test report uses Listed Buildings as a criteria for scoring other identified areas of land yet I cannot understand why the Sequential Test report would use the criteria of Listed buildings for all the other sites it has identified, when it has selectively not mentioned or used the fact in its scoring that the proposed application site is in the line of sight of a listed building.
- The Sequential test report has identified areas of agricultural land in or around the edge of the village to use as a comparison against this application site, however the report has been very selective to what areas it has selected to use as a comparison to the application site and has not included all suitable areas.
- In its assessment, the Sequential test report has chosen to completely ignore areas of land recently identified over the last 2 years as suitable areas for building in Waddingham.
- The sequential test report uses a method to score the sites that it has identified. One of the scoring methods used is an assessment of Public

Rights of Way (PRoW). For this application the sequential test reports states:- *“No PROWS close to give views of the site”*. This statement is totally untrue

- The Sequential test report has too many inconsistencies, is not factual in many areas, it contains statements that are not true, it is selective towards what is included in the report showing a bias towards this application, it has not reviewed all areas of suitable land for building in or around Waddingham and it does not include the full information that is a requirement of the Central Lincolnshire Local Plan Policies LP2, LP4 and LP 26.
- Taking all of the above into consideration I cannot see how the Sequential Report can be used as a supporting document to this planning application. Due to the facts, the integrity and validity of the Sequential Report has to come into question, therefore I consider this document should not be considered as an impartial or factual document when reviewing this planning application.
- In our opinion, the sequential assessment conclusion is extremely biased and vigorously disagree with the findings that the Application Site (141907) is the least sensitive of 12 sites in the Village. Approximately, 2 years ago the draft Waddingham and Brandy Wharf Neighbourhood Plan did not include the Application Site as potential development land.
- Development land in Waddingham is 100% subscribed and No additional development should be allowed
- Based on the conclusion findings of the Sequential Test Report is that if this Application is approved then being the least sensitive of all the available development land, what is there to stop the remaining houses required to achieve the 15% growth in the Village also being built on this Site. A whole new housing Estate on Greenfield arable farm land is unthinkable.
- According to Policy LP4 of the CLLP, a proposal within or on the edge of a village should be accompanied by demonstrable evidence of clear local community support. This application has not followed any of the requirement for Community Support for the scheme as none of the required supporting documentation has been supplied.

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

This is an outline application with all matters reserved. The principle of development is acceptable, however, the access and layout has not been considered as part of this application. One informative is suggested.

LCC Historic Environment Officer: Despite being located away from the historic core of the village of Waddingham, the proposed development is

situated within an area of archaeological interest. When 'The Wolds' cul-de-sac was built in the early 2000s a programme of archaeological recording was made a condition of planning consent. This recording identified middle Saxon settlement evidence across the site, including at the easternmost end adjacent to the proposed development. There is thus potential for similar remains to extend into this site, and we would recommend that a similar programme of recording be required so that any remains can be recorded prior to destruction. Recommendation: Prior to any groundworks the developer should be required to commission a Scheme of Archaeological Works.

LCC Minerals and Waste: No representations received to date.

IDOX: Checked 11/02/2021

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**

LP1: A Presumption in Favour of Sustainable Development

LP2: The Spatial Strategy and Settlement Hierarchy

LP3: Level and Distribution of Growth

LP4: Growth in Villages

LP13: Accessibility and Transport

LP14: Managing Water Resources and Flood Risk

LP17: Landscape, Townscape and Views

LP21: Biodiversity and Geodiversity

LP26: Design and Amenity

LP55: Development in the Countryside

**With consideration to paragraph 213 of the National Planning Policy Framework (February 2019) the above policies are consistent with the NPPF (February 2019). LP1 is consistent with NPPF paragraph 11 as they both apply a presumption in favour of sustainable development. LP2, LP3 and LP4 are consistent with NPPF chapter 5 as they both seek to deliver a sufficient supply of homes. LP13 is consistent with NPPF paragraphs 108-111 as they both seek to ensure an efficient and safe transport network that offers a range of transport choices. LP14 is consistent with paragraphs 155 to 165 of the NPPF as they both seek to avoid putting inappropriate development in areas at risk of flooding. LP17 is consistent with NPPF paragraph 170 as they seek to protect valued landscapes and recognise the intrinsic character and beauty of the countryside. LP21 is consistent with chapter 15 of the NPPF as they both seek to protect and enhance biodiversity. LP26 is consistent with section 12 of the NPPF in requiring well designed places and LP55 is consistent with paragraph 79 and paragraph 170 of the NPPF as they both seek to avoid isolated new homes in the countryside and both recognise the intrinsic character and beauty of the countryside. The above policies are therefore attributed full weight.*

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

Central Lincolnshire Local Plan Review 2019

As part of the Central Lincolnshire Local Plan Review a new call for sites exercise has been run. A larger site which includes this site has been put forward as part of this call for sites.

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

<https://central-lincs.inconsult.uk/>

Waddingham and Brandy Wharf Neighbourhood Plan:

Waddingham Parish Council have consulted on their draft Waddingham and Brandy Wharf Neighbourhood Plan under Regulation 14. The consultation ran for a two month period and started on the 31 March 2019 and closed on the 31 May 2019.

Neighbourhood Plans that have reached this stage should be given limited weight. This consultation is undertaken by the Parish Council and the LPA do not see the extent of any resolved objections and a judgement has therefore not been made as to whether the NDP is in conformity with the Core Strategy and national policy.

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

There is the following update on the Waddingham Parish Council website dated 2 March 2020 which states that there is an impasse in progressing a Neighbourhood Plan and progress is effectively stalled:

<http://waddingham.gov.uk/neighbourhood-plan>

Lincolnshire Minerals and Waste Plan

The Core Strategy & Development Management policies (CSDMP) were adopted in June 2016 and form part of the Development Plan. The application site is within a Mineral Safeguarding Area (MSA). Policy M11 applies.

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

National policy & guidance (Material Consideration)

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

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

Paragraph 213 states:

"Existing [development plan] policies should not be considered out-of-date simply because they were adopted or made prior to the publication of this

Framework. Due weight should be given to them, according to their degree of consistency with this Framework (the closer the policies in the plan to the policies in the Framework, the greater the weight that may be given)."

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

- **National Planning Practice Guidance**

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

- **National Design Guide (2019)**

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

Main issues

- Principle of the Development
- Scale, Appearance and Layout
- Access and Highway Safety
- Foul and Surface Water Drainage
- Boundary Treatments, Landscaping and Trees
- Agricultural Land
- Other Matters

Assessment:

Principle of Development

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

The site is greenfield land at the edge of the settlement and is therefore within the third category of land to be developed under the sequential test in Policy LP4. The Policy requires that a sequential approach be applied to prioritise the most appropriate land for housing within small villages. The land is a green field site. Therefore the site has the lowest priority for housing as a green field site on the edge of the settlement.

The applicant has submitted a comprehensive sequential test as part of this application which shows that there are no sites sequentially which are more suitable or preferable sites in Waddingham and therefore the application site is considered to be an appropriate location for growth. Furthermore, the Waddingham and Brandy Wharf Neighbourhood Plan can only be given limited weight at the moment and according to the latest update from Waddingham Parish Council is effectively stalled.

In the Central Lincolnshire Local Plan, Waddingham is designated as a Medium Village (LP2) within which it is acknowledged there can be up to 15%

growth with small scale development of a limited nature (up to 9 dwellings per site) being accommodated. As of the 05/02/2021, the following table shows that there is a remaining growth of 26 dwellings left to be accommodated:

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

This proposal is in line with the limited nature of development promoted through Policy LP2 for medium villages such as Waddingham and there is growth remaining in this settlement. The site is also considered to be an appropriate location for growth as a sequential test has been undertaken which shows that there are no sites sequentially which are more suitable or preferable in Waddingham. The site also has existing dwellings to the north and the west and will not be extending the built footprint into the open countryside but will be rounding off the existing built foot print.

The principle to develop four dwellings in this location is considered acceptable as the site is considered to be an appropriate location for growth and will contribute to the allocated housing growth apportioned to Waddingham in the adopted Central Lincolnshire Local Plan.

Scale, Appearance and Layout

The applicant has submitted an indicative proposed site layout plan with House No.1 and No.2 located by the eastern boundary of the site in the northern most part of the site with detached garages serving these 2 houses located to the west of these proposed dwellings. House No.3 and its attached garage is located in line with No.10 The Wolds and its garage towards the south western corner of the site and House No.4 and its detached garage located towards the south eastern corner of the site. The indicative site layout shows the site accessed off the Wolds between No.10 and No.19 The Wolds with internal roads to the east of No.11 to 19 The Wolds and continuing from the existing access through to the other side of the site. The proposed access to the site will go past the blank side elevation of No.19 The Wolds with close boarded wooden fencing to the rear (east) of the property with a conservatory and rear garden beyond. The proposed access will also go past the driveway (which has a low wall on its northern boundary) of No. 10 The Wolds and the blank north elevation of a detached garage belonging to No.10 The Wolds. Each dwelling will have its own outside amenity space.

As scale, appearance and layout is a reserved matter the visual impact on the site and surrounding area will be fully considered and assessed at a future reserved matters stage. However, the site is considered large enough to accommodate four detached dwellings and associated garages, which will allow for an adequate amount of outside amenity space. Materials will be finalised at the reserved matters stage and will be conditioned accordingly.

It is therefore considered that the proposal can accommodate four detached dwellings without affecting the residential amenity of neighbouring properties or the proposed dwellings.

Access and Highway Safety

Policy LP13 of the Central Lincolnshire Local Plans states that development proposals which contribute towards an efficient and safe transport network will be supported.

The indicative site layout plan shows that the site will be accessed off the Wolds between No.10 and No.19 The Wolds with internal roads to the east of No.11 to 19 The Wolds and continuing from the existing access through to the other side of the site.

This is an outline application with all matters reserved including access and site layout. The proposal is for 4 dwellings which is a minor planning application and as such the development will not generate significant movement or disturbance. Construction Traffic is necessary in order to develop such proposals. The proposal is of a minor nature and as such a construction management plan is not necessary.

Lincolnshire County Council Highways have indicated in principle that the proposed development is acceptable. If it is minded to grant permission the informative suggested by the Highways Authority will be attached to the decision notice.

Whilst access and layout are a reserved matter, it is considered that the proposal can achieve a suitable access, given its current width. A reserved matters application will need to show sufficient parking. However given the indicative plot sizes, it is considered that this can be achieved.

The Highways Authority will be consulted again at the Reserved Matters stage when a detailed scheme is submitted for consideration.

Foul and Surface Water Drainage

The application form has not stated how foul sewerage will be dealt, but states that surface water will be dealt with by way of a sustainable drainage system. The appropriateness of the intended method(s) cannot be assessed at this stage. A planning condition to secure full foul and surface water drainage would need to be attached to the decision notice if it was minded to grant permission.

A condition would also need to be attached to the decision notice if permission was to be granted requiring that any hardstanding should be constructed from a porous material and be retained as such thereafter or should be drained within the site.

Boundary Treatments, Landscaping and Trees

The site has a mixture of hedgerows, trees and fencing on its western boundary and trees and hedgerows on its northern boundary. The eastern and southern boundaries are open to the wider agricultural field.

The indicative proposed site layout plan does not indicate any boundary treatments. If it is minded to grant permission a note to the applicant will be

attached to the decision notice stating that any buildings should be kept out of the Root Protection Areas of any adjacent trees. However, landscaping is a reserved matter.

Agricultural Land

The High-Level Natural England maps indicate the site is in Agricultural Land Classification (ALC) 2 – Very Good, as is most of the agricultural land around Waddingham apart from to the east of the settlement which is Good to moderate (Grade 3).

Policy LP55 part G seeks to protect the best and most versatile agricultural. Whilst the site is located on Grade 2 agricultural land, the site is small in scale and is only a small part (approximately 0.26 Hectares) of a large intensively farmed agricultural field with a proportion of the site close to the western boundary not farmed.

Other Matters:

Ecology

The site is a small part of a large intensively farmed agricultural field, as such it is considered that the site does not have any ecological importance. The reserved matters will need to take account of root protection areas for the existing neighbouring trees as these have the potential for use by bats.

Minerals and Waste

The application site is within a Mineral Safeguarding Area (MSA). Policy M11 of the Core Strategy & Development Management policies (CSDMP 2016) therefore applies.

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

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

A minerals assessment has been submitted and it is concluded that no limestone extraction companies would be interested in extracting from this site for the following reasons:

- the development is within the village curtilage;
- there are significant deposits of Limestone elsewhere in the region; and
- the site is not recorded as having economic value.

Although it is not considered that the site is within the built foot print of Waddingham. The potential for the recovery of mineral from within the site is

limited by pre-existing constraints, notably the presence of residential properties surrounding.

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

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

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

Archaeology

The Historic Environment Officer at Lincolnshire County Council states that this site is likely to fall within an area of archaeological interest. Given this, a condition will be attached to the decision notice if it is minded to grant permission requiring the developer to undertake a scheme of archaeological monitoring and recording.

Ownership

A notice has been served on other owners of the access to the site as a Certificate B has been completed/required.

Matters raised by Objectors not covered in the above report

- Future Development – This application has been determined in accordance with the proposal applied for. Future applications will be determined on their own merits.
- Infrastructure – The Community Infrastructure Levy (CIL) will apply to this proposal (unless certain exemptions apply). CIL is a levy that local authorities can charge on new developments in their area. The money raised from CIL is used to support development by funding infrastructure. CIL will be liable when the development is built, but the liability will be calculated at Reserved Matters stage.
- Privacy – This is an outline planning application with all matters reserved. A subsequent reserved planning application which will contain detailed plans will properly assess the impact on residential amenity.
- Right to a view – There is no right to a view under the planning system.
- Covenants – This is a civil matter and not a planning matter.

Conclusion and reasons for decision:

The decision has been considered against policy LP1: A Presumption in Favour of Sustainable Development, LP2: The Spatial Strategy and Settlement Hierarchy, LP3: Level and Distribution of Growth, LP4: Growth in Villages, LP13: Accessibility and Transport, LP14: Managing Water Resources and Flood Risk, LP17: Landscape, Townscape and Views, LP21:

Biodiversity and Geodiversity, LP26: Design and Amenity and LP55: Development in the Countryside of the adopted Central Lincolnshire Local Plan in the first instance and the Lincolnshire Minerals and Waste Plan (Policy M11) and guidance contained in National Planning Policy Framework and National Planning Practice Guidance.

In light of this assessment it is considered that the principle of development to develop four dwellings in this location is acceptable as the site is considered to be an appropriate location for growth and will contribute to the allocated housing growth apportioned to Waddingham in the adopted Central Lincolnshire Local Plan. Furthermore, it is considered that appropriately designed dwellings in this location could protect residential amenity and the visual amenity of the street scene/countryside and could provide an appropriate amount of outside residential amenity space. The proposal is not considered to raise any unacceptable highways issues. The proposal is recommended for approval subject to the following conditions: -

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

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

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

2. No development shall take place until, plans and particulars of the access, 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 shall be carried out in accordance with those details.

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

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

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

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

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

planning authority (see notes to applicants below). The local planning authority shall be notified in writing of the intention to commence the archaeological investigations in accordance with the approved written scheme, at least 14 days before the said commencement. This scheme shall include the following:

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

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

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

5. No development other than to foundations shall take place until a scheme for the disposal of foul and surface waters (including the results of soakaway/percolation tests) have been submitted to and approved in writing by the Local Planning Authority. The development shall only be carried out in accordance with the approved scheme and be available for use before the first occupation of the dwellings.

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

6. New hardstanding shall be constructed from a porous material or shall be appropriately drained within the site and shall be retained as such thereafter.

Reason: To ensure appropriate drainage to accord with the National Planning Policy Framework and Policy LP14 of the Central Lincolnshire Local Plan.

7. The development shall proceed wholly in accordance with the approved scheme of archaeological works approved by condition 4 of this permission.

Reason: To ensure the satisfactory archaeological investigation and retrieval of archaeological finds in accordance with the National Planning Policy Framework

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

8. Following the archaeological site work referred to in condition 7 written

report of the findings of the work shall be submitted to and approved in writing by the local planning authority within 3 months of the said site work being completed.

Reason: To ensure the satisfactory archaeological investigation and retrieval of archaeological finds in accordance with the National Planning Policy Framework

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

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

Notes to the Applicant

Highways

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

Archaeology

For advice on the written scheme required by condition 4 please contact Lincolnshire County Council Historic Environment advisor (tel. 01522 554823).

Trees

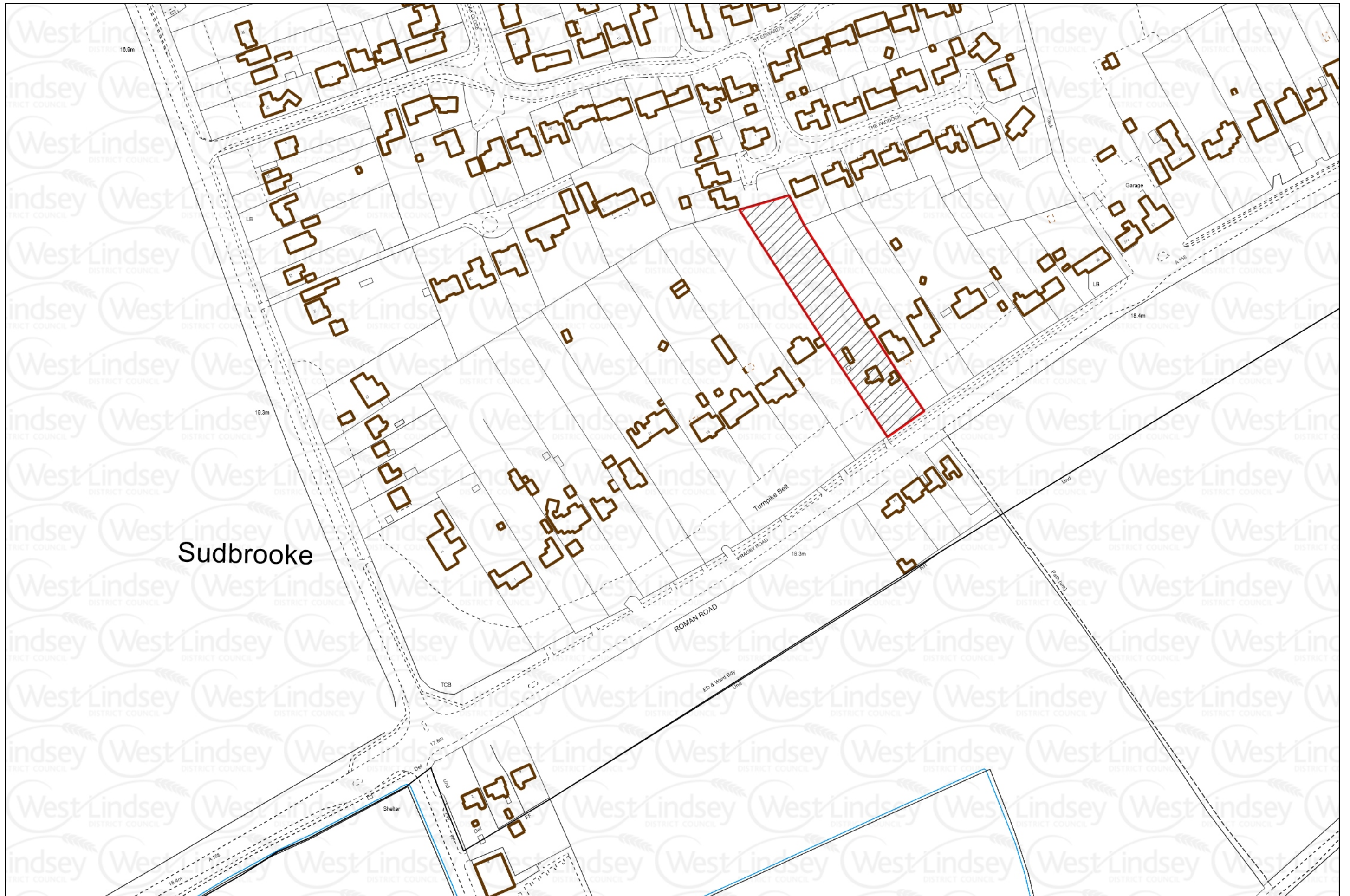
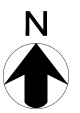
As part of any subsequent reserved matters application any development should be located outside of the Root Protection Areas (RPAs) of adjacent trees.

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





Planning Committee

Date: 03 March 2021

Subject: Objection to Tree Preservation Order Sudbrooke No1 2021

Please insert ✓ or N/A to verify this report has been cleared by:-

Finance	Legal (MO)	HR	Directors Sign Off	Management Team
✓	N/A	✓	✓	N/A

To be removed by Committee Admin immediately prior to agenda despatch

Report to be with Committee Admin no later than 5 working days before Chair's briefing and final report no later than 6 working days before Committee.

Report by:

Chief Executive

Contact Officer:

Carol Slingsby
Trees and Landscape Officer
01427 676650
Carol.slingsby@west-lindsey.gov.uk

Purpose / Summary:

This report relates to an objection received against the making of a Tree Preservation Order protecting sections of two tree belts crossing the front and rear gardens of a property on Wragby Road, Sudbrooke.

RECOMMENDATION(S): That Members, notwithstanding the objections made by the owner, approve the confirmation of the Tree Preservation Order Sudbrooke No1 2021.

IMPLICATIONS

Legal: None

(N.B.) Where there are legal implications the report **MUST** be seen by the MO

Financial :

There are no financial implications arising from this report

Staffing : None

(N.B.) Where there are staffing implications the report **MUST** have a HR Ref

Equality and Diversity including Human Rights : The process for making and confirming Tree Preservation Orders is set out in primary legislation and government guidance. Therefore, if all decisions are made in accordance with those statutory requirements and guidance and are taken after having full regard to all the facts, no identified breach to the Human Rights Act 1998 should arise as a result of this report.

Data Protection Implications : None

Climate Related Risks and Opportunities: None

Section 17 Crime and Disorder Considerations: None

Health Implications: None

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

PPG (Planning Practice Guidance) - <https://www.gov.uk/guidance/tree-preservation-orders-and-trees-in-conservation-areas> explaining the legislation governing the making of TPO's.

The Town & Country Planning Act, Part VIII, Chapter I, sections 197 & 198 – the duty to make provisions for protecting trees
<http://www.legislation.gov.uk/ukpga/1990/8/part/VIII/chapter/I>

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

Risk Assessment : Not necessary

Call in and Urgency:

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

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

Yes

☐

No

☐

Key Decision:

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

Yes

☐

No

☐

1 Introduction

- 1.1 An objection has been received regarding the making of Tree Preservation Order Sudbrooke No1 2020, which was made on 23 September 2020 in response to a tree application, partly as an update to the already existing 1950 Tree Preservation Order (TPO), and partly to add protection to conifer trees not protected by the old 1950 TPO, within the grounds of 23 Wragby Road.
- 1.2 The old Sudbrooke 1950 TPO is a large TPO that covers various areas across Sudbrooke. Legislation has changed several times, and the health and amenity of many trees will have changed over the 70 years since the TPO was made, and some trees may have disappeared altogether. An update of this TPO was started a few years ago in other areas of Sudbrooke. The intention is to continue to update and replace the 1950 TPO in sections, and once all the areas covered by the 1950 order have been updated, the old 1950 order will then be revoked.
- 1.3 The 1950 TPO only protected 'hardwood' trees within the tree belts crossing the front and rear of this property. This left many yew trees unprotected within the outline of the TPO. Many other trees in the garden but outside the areas of the TPO had already been cut down.
- 1.4 An application for tree work was received on 14 July 2020, application ref: 041635, which included a report and plan listing works to many trees within the property on Wragby Road, Sudbrooke. Only trees covered by the TPO could be dealt with in the application.
- 1.5 A tree application is just one of many different types of planning application. The Town and Country Planning Act 1990 (sections 197 & 198), various Central Lincolnshire Local Plan policies, and the NPPF require the planning process to minimise impacts on biodiversity, and to make appropriate provision for the protection and preservation of trees by the imposition of conditions and/or by making a Tree Preservation Order where necessary in the interests of amenity.
- 1.6 Following a site visit on 15th September 2020 as part of the tree application, concerns for the non-protected trees were raised, and it was decided to make a new TPO to cover just the applicant's property due to the impending tree works, and update the rest over other properties at a later date when time allowed. An email was received 22nd September 2020 from the applicant saying tree works would be commencing on the 24th. Having knowledge of the impending works to non-protected trees, time was of the essence to create the various documents for a new TPO, arrange for it to be printed, signed and sealed, and 'served'. Tree Preservation Order Sudbrooke No1 2020 was made on 23rd September, and a copy was attached to the builder's fence across the site entrance, emailed to the applicant/objector, and sent by 1st class post, all on the 23rd.

2 Discussion

- 2.1 An objection was received from the property owner, which is a 7 page document detailing various objection points. The objection letter is included at Appendix A, and this report will refer to the numbered points in turn to provide my response so members can consider both points of view in relation to this TPO. **See Appendix A**
- 2.2 Objection point 1) refers to the effective time & date of the order, and explains when the objector received or saw a copy of the new TPO. He considers it should not become an effective legal document until the receiving party actually receives it. In response, it is appreciated the posted copy of the TPO might not have reached the objector before the tree works was scheduled to go ahead, which is why the TPO was also emailed to the objector, and a copy of the TPO was attached to the fence across the site entrance. According to the TPO legislation and government guidance, a TPO is a valid and legal document on the day the authority makes it. This objection point is more in relation to timing and the scheduled tree works last September rather than whether the trees should or shouldn't be protected by this TPO.
- 2.3 Objection point 2) is regarding the urgency behind making the TPO, and gives various examples of the objector contacting the Department. These appear to be to indicate the Council was aware of proposed tree works and so should have dealt with his application earlier and made the TPO earlier, rather than the TPO being made just the day before tree works were due to start. In response, an informal enquiry asking how long a tree application takes would not normally prompt the updating of a TPO to be started. Even when the tree application was received, the information supplied was checked to see if it was a valid application or if further information was required, and for intended works to various trees the list is checked just to identify any protected tree which are subject to the application process. It is only when that application starts to be processed and a site visit undertaken that the application details are looked at, and the need for further protection to be extended to other trees within the property becomes apparent. This is not an "emergency" TPO and follows the standard procedure for the introduction of a new TPO (being that it is served and thereafter the Local Planning Authority has six months to determine whether to confirm the Order). In discussions with the objector after the TPO was made, I referred to a "sense of urgency" for making the TPO in relation to the available time between processing the application and impending tree works. This point is in relation to timing of the TPO and the tree works and not whether or not the TPO should be confirmed.
- 2.4 Point 3) in the objection letter clarifies that the tree owner is not actually objecting to the need for the TPO, providing it is issued in a non-discriminative nature. This is in relation to the new TPO only being made on the one property. After discussing the impending tree works, time constraints, and amount of work and time needed to update the TPO along the full length of both tree belts, it was decided to initially

make the new TPO on just this property, and the rest would be updated at a later date. I can confirm the full length of these two tree belts has now been updated with TPO Sudbrooke No1 2021 served on 26th January 2021, and all affected owners and neighbours have received a copy of their new TPO.

- 2.5 Point 4) questions why a TPO was not issued previously, and the objector assumes not implementing the new TPO sooner was a mistake by the council, and that because of this mistake the council is now trying to penalize people, and he again refers to the TPO as an emergency TPO. To explain, the 1950 TPO covers large areas of Sudbrooke and affects many properties. Updating the TPO started several years ago, and some areas have already had new TPO's made, or assessments started but not completed. Updating an old TPO is a long-term project that takes up a lot of time and resources. If trees at any property had previously been thought to be in imminent danger due to the old TPO then that relevant section would have been updated at that time, as it has been in this instance. Again, this is not an "emergency" TPO. It is just a new TPO that has been created as a partial update to a very old TPO in response to impending tree works, some of which were considered inappropriate and placing the trees at risk. The point of a TPO is to identify trees that are important to the amenity of the area and to prevent inappropriate work from being done, and it is not a means of penalizing people.
- 2.6 The claim of discrimination against the property in point 5) of the objection letter is very similar to the above point 4), in that the objector is claiming the creation of the TPO is punishing him by preventing his tree work from going ahead, and how do we know other people are not harming their trees. This could be said by anyone who has a TPO put on their trees, as a TPO is generally made when trees are thought to be in danger, whether from inappropriate or unnecessary tree work or due to development pressures. This is a requirement of the protected tree legislation. We can only assess trees for a new TPO or prioritise updating an old TPO to improve tree protection when it comes to our attention that trees might be at risk. Unauthorised tree work and even tree removal does occasionally occur without our knowledge. We cannot do anything about work that we do not know about, but we can take enforcement action when it comes to our attention, and hopefully that acts as a deterrent to some extent. In any event, whilst TPO Sudbrooke No1 2020 (here under consideration) was applied specifically to 23 Wragby Road in response to imminent works, TPO Sudbrooke No1 2021 has now been served to those other properties in the surrounding area.
- 2.7 Also in point 5) the objector claims the TPO has caused him financial loss due to delays in his building work, however, the trees are not near his building or the footprint of the replacement building, with plenty of space between trees and development area, and there is an existing driveway for clear and easy access. The objector says himself in objection point 7) that the new TPO is no closer to the building than the

old 1950 TPO. There is no apparent reason why the creation of this TPO and resulting delay to work to some softwood trees outside the development area would cause delays to the development work.

- 2.8 Objection point 6) is in relation to a misleading amenity statement because it also describes the amenity of the tree belts as a whole and their amenity to the area rather than just relating to that property. Under the TPO legislation an assessment of amenity is about amenity to the surrounding area. It is a measure of public amenity provided by the trees and not about their impact within a site. Trees at this property are an integral part of two longer tree belts which are key features in the area. The trees in each individual property are important for their contribution to the overall impact and feature of the two tree belts.

See Appendix B

- 2.9 Expediency is questioned at objection point 7), and is about whether the TPO is necessary, or is there a need for the TPO. Under national legislation and 'good practice', a TPO should only be made if it is expedient i.e. if there is a good reason for it. If trees were under good management then it would not be expedient to make a TPO, but if trees were thought to be at risk (being felled, pruned or damaged), then it would be expedient to protect them in the interests of amenity. A risk to trees generally arises as a result of development pressures, a conservation area tree application involving inappropriate work, word of someone's tree work intentions, or even changes in property ownership. In this instance, the Council was aware of proposed tree work, some of which was inappropriate, and risks from approved development, as we know from experience that developers don't always abide by required tree protection measures, and a TPO protecting softwoods and hardwoods would strengthen the requirement to protect the trees.

See Appendix B.

- 2.10 Objection point 8)B) is regarding the objectors enquiries to the new TPO, WLDC response, and his financial loss. This has been partially discussed in para 2.7 above, but such issues should be the subject of a complaint rather than a reason whether or not the TPO is confirmed.

3 Conclusion

- 3.1 The trees in the garden are prominent features within the locality, significantly contributing to the character and amenity of the area. The 1950 Order already protects hardwoods, but it is well overdue for updating, and this new TPO will ensure tree protection for both hardwoods and softwoods. The confirmation of this order is the only way to ensure the integrity of the two tree belts is not diminished by work at this property to remove yew trees, or individual trees inappropriately pruned, or trees compromised by development.

Date: 06 November 2020

Ms. Carol Slingsby
West Lindsey District Council
Guildhall
Marshall's Yard
Gainsborough DN21 2NA

Sent by email: [REDACTED]

CC: [REDACTED]; [REDACTED]
[REDACTED]; [REDACTED]
[REDACTED]; [REDACTED]

Dear Concerned,

Ref: Tree Preservation Order Sudbrooke No1 2020

Subject: Objection and comments to the TPO Sudbrooke No1 2020.

1) Effective time and date of the order.

I object the statement that the order is effective immediately. The effective date of the order is 5:30pm on 24 September 2020 for the following reasons:

A) I have received the order FIRST TIME at 5:20 pm on 24th September 2020 and immediately contacted the council by telephone and followed by an email to Ms. Carol Slingsby at 17:32:

"Dear Carol

I have just picked the displayed envelop from the gate at 23 Wragby Road which contains the TPO Sudbrooke No1 2020. I have not read the content of the document yet and have immediately called you to get some clarity, but there is no answer. So, I have left the voice message on the phone for you. Please call me on 0333 300 2982 anytime (24 hours on any day) as a matter of urgency to discuss this as the works already started on site this morning.

Regards

Sath Vaddaram"

B) I have made several calls on 25 September 2020 (call recordings are available upon the request subject to admin charge) and made it clear to the council about the receipt of the order.

C) I have made aware various officers about the time and date of receiving the order through calls/ emails/ site visits on several different occasions.

D) It does not make any sense for any order to be effective until the point the other party receives it, for a simple reason that the other party would not be aware what the order is unless it reaches them.

2) Emergency TPO

I disagree with the urgency behind creating this order due to the following:

A) I have been discussing the proposed tree works with the council for more than 8 months. This includes the softwood as well. Please see one of the emails received from Ms. Slingsby on 11 June 2020 at 16:43:

"Good afternoon Mr Vaddaram

I am very sorry for not phoning you back, but I have not received your messages and I am currently unable to phone you back as I am having phone difficulties and will need to contact our ICT department to get it resolved.

The lady on reception who just tried to put your call through to me said you are enquiring about doing some tree work to TPO trees and want to know about time scales. Any pruning work to a TPO tree will need an application. Tree applications are free but can take up to 8 weeks to complete. Tree applications are very similar to a householder planning application, in that we require a completed application form with any necessary details, once valid, it goes on our website for public consultation for 4 weeks, and a site visit is carried out before a decision notice is issued somewhere between 5 to 8 weeks.

I have taken the liberty of attaching an application form and guidance notes, but an online application can be made through the Planning Portal. Please feel free to get back to me if there are any other aspects to your enquiry that still require answers.

Kind Regards

Carol"

B) I have made the Tree application on 14 July 2020 which included full details of proposed works within the property that clearly demonstrates my intended course of action. I have informed the officer – Ms. Slingsby about the submission in my email dated 14 July 2020 at 16:30:

"Dear Carol

I have submitted the application through planning portal. Please contact me direct if you require any clarification?

Regards

Sath"

C) The case officer has examined my application and after analyzing all the points decided to divide my application into two sections. Please see the below email received on 23 July 2020 at 16:23:

"Good afternoon Sath

Thank you for your recent tree application. Your application includes the removal of a dead tree, along with various works to other live trees. The removal of a dead tree only requires 5 working days prior notice, and does not need to go through the application process. Therefore, due to the dead tree having a different process and deadline date, your application has been split into two parts. The removal of the single dead tree has been entered into our database of applications under reference: 041634, and as the 5 working days has expired, you may go ahead and remove this tree. For the other trees, they will have to follow the tree application process, for which an acknowledgement letter will be sent to you shortly.

Please don't hesitate to contact me if you have any queries about your application.

Kind regards

Carol"

This clearly indicates that the officer was aware of my intentions and planned works in relation to every single tree.

D) I have cooperated with the officer and always offered support and answered all the questions and doubts. Please see my email to Ms. Slingsby dated 23 July 2020 at 16:32:

"Dear Carol

I am happy with the process of splitting in to two. We want to do all the approved works all in one go once both the applications conclude. If you have any queries, please don't hesitate to contact me?

Regards

Sath"

E) My Tree application was validated on 27 July 2020. Please see the email received from the officer on 27 July 2020 at 16:08:

"Good afternoon Sath

Thank you for your recent application for tree work which has been checked as valid. Please see the attached acknowledgement letter in relation to your application. Please note, that some clarification of works is required for ash tree T769, as explained on the attached letter. Also, not all the trees within the tree report accompanying your application are protected.

I have also attached a letter issued by the planning department, of which tree applications are a part of, regarding the current processing of applications and site visits during the current pandemic. Where the letter refers to development please take it as tree works.

Kind regards

Carol"

This confirms that the officer was aware of the content of my application. The officer needed a clarification in relation to works on ash tree T769 which also confirms that the officer must have gone through all details of my application. I have clarified the officer's doubt in my email dated 28 July 2020 at 19:56:

"Dear Carol

Thank you for the acknowledgment. Reference to T769: We are proposing to remove the entire tree

Kind Regards

Sath Vaddaram"

F) I have even tried to provide further clarity to the officer in case it was needed. Please see my email from 20 August 2020 at 16:08:

"Dear Carol

Please let me know if you have any further queries related to my application and let me know the progress?

Regards

Sath"

G) On 24 August 2020 the case officer confirmed in her email sent at 12:10 that no further clarification is needed, which means she has all the details regarding any tree and planned works on them. Please see the content of the email below:

"Good morning Sath

I do not have any queries regarding you application. A site visit is yet to be carried out before I can type up my report and send out a decision.

The period for the application is up to 8th September, as given on the acknowledgement letter, however, I am currently experiencing a high volume of work and tree applications are running over time. I have various applications to complete which are due before yours, but I will endeavour to complete them as quickly as possible.

Kind Regards

Carol"

H) The official decision of approval was issued on 15 September 2020 and the case officer concluded in her report:

"The tree belt across the property frontage contains a variety of trees but not all are protected. The TPO group G6 protects hardwoods, therefore any softwoods (conifers) are not protected by the TPO and will not be further discussed in this report."

I) I have been upfront, detailed and honest about all the proposed works to the trees before and during the whole application process which took several months so why this preservation order has become an emergency all of the sudden?

3) Need of TPO

I am not objecting the need of preservation order to any of the trees as long as the order is issued in non-discriminative nature.

4) Failure to issue Tree Preservation Order previously

According to my discussion with the officer it has been confirmed that Ms. Slingsby was considering issuing preservation order to the whole area for several years but did not do so. If there was a need of preservation order in that area, why it has been delayed? It is clear that the mistake by not implementing the TPO is down to the Council but they tried to penalize other people for their mistakes. I object to an emergency TPO only on my property but I do not have any concerns to any other TPO if council believes is needed in this area.

5) Discrimination against my property (location)

If there is a need for TPO for any area, the officer should have issued an appropriate order to safeguard the important trees. It is unreasonable to punish someone who sought proper advice from the officer and followed the correct process to obtain a consent of proposed works on the trees within their property. I have followed the exact council's determination and all the comments concluded in the decision notice as well as the officer's report. Upon obtaining the advice from the council and approval of my tree application I have instructed my contractor to carry out the approved works. This emergency Tree Preservation Order has disrupted these works as per the manager's advice to hold all the tree works on site. Again, this clearly demonstrates that I have followed the officer's instruction.

How the Council knows that other owners do not harm the same type of trees on their properties? Is there any guarantee the council can provide? As the order issued by the council discriminates my property this have caused me financial loss due to the delays in the building project and also have an effect on other elements of my property such as property value. If the officer thinks that the yew trees are classed as significant trees and should be given the same protection as the hardwoods, the same rules should apply to all other trees mentioned in the order within that area. Why the order only affects my property then?

6) Misleading amenity statement

All these reasons mentioned under this point are relevant to the area but not just my property and cannot be used as a reason to make an order specific to my property.

It is clear that the officer is aware of the works to the softwood from the TPO application (14 July 2020). The same officer has confirmed that there are no concerns for any work to softwood trees mentioned in the same application which clearly demonstrate that those trees are not important. This statement within this order contradicts with the above by saying "*safeguarding these important trees*".

7) Expediency

The order also stipulates that it will safeguard the trees from the proposed construction work, this is totally irrelevant as the new emergency TPO does not extend the area of the original TPO and the planning condition would suffice to safeguard any damage from the proposed construction work. There is no justification of unnecessary duplicating safeguarding precautions needed especially when the TAX payer is spending money.

8) Other points

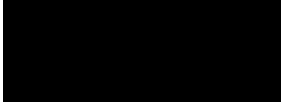
A) The officer has confirmed that the information request form is not necessary to be filled in, therefore this form has not been sent back to the council.

B) This order clearly states that any enquiries regarding the order would be dealt by the officer. I have all the evidence to prove that the officer, her manager and all other officers who dealt with the enquiries have failed to deal this matter appropriately and in a timely manner. This has caused an enormous financial loss which will be claimed from the council in due course.

As explained above this Emergency Tree Preservation Order should be squashed with immediate effect and I invite the Council to issue proper TPO order to the whole area if they feel that this is appropriate.

If the Council decides not to squash the order then it is my intention to charge the Council for administering any applications arisen due to this order and any other effects of such applications process.

Regards

A black rectangular box redacting the signature of Sath Vaddaram.

Sath Vaddaram
23 Wragby Road
Sudbrooke
Lincoln LN2 2QU.

TREE PRESERVATION ORDER Sudbrooke No1 2020

STATEMENT OF REASONS FOR MAKING AN ORDER

LOCATION

Front & rear gardens at 23 Wragby Road, Sudbrooke, Lincoln, LN2 2QU.

AMENITY

The two tree areas are part of much larger tree belts across the front and rear of many properties along Wragby Road. The tree belts remain from the old park land Sudbrooke Holme, with the tree belt along the property frontages being the woodland edge of the original park land. The tree belt along the north side of Wragby Road forms a wall of structural greenery along much of the length of Wragby Road, giving the south edge of Sudbrooke adjacent the busy A158 its distinctive tree-lined character, and is a key feature along the north side of the highway, and important screening for the properties behind.

Both trees belts are already protected by the Sudbrooke 1950 Order which inexplicably only protects hardwoods. Yew trees remaining from the historic area of the park land are integral features within these tree belts, and contribute to the feature and character provided by the overall tree belt, particularly during winter when the deciduous trees are bare of foliage. Yew trees are described in the Sudbrooke Neighbourhood Plan, as are the tree belts along Wragby Road and Scothern Lane, as being important to the character, history and wildlife of Sudbrooke. The Sudbrooke Character Assessment document includes a Townscape Analysis Map shows areas of 'Significant trees/tree clusters) and include both these tree belts. With this in mind, the yews should be given the same protection as the hardwoods.

EXPEDIENCY

It is the view of the district planning authority, that this Order be made in the interests of safeguarding these important trees. A TPO application has been received for tree works which also list work to many softwoods which the old 1950 TPO did not cover. The local planning authority therefore considers that it is expedient to make an Order to safeguard this tree from inappropriate topping, lopping or root damage which otherwise might arise from the proposed construction works. The retention and protection of the tree provides visual and wildlife amenity feature.

TREES SPECIFIED

W1 = Mixed trees of hardwood and softwood

W2 = Mixed trees of hardwood and softwood



Planning Committee

Wednesday, 3 March
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 & Mrs Ledgerwood against the decision of West Lindsey District Council to refuse planning permission for proposed new single storey dwelling on land adj to 32 Monson Road, Northorpe DN21 4AE.

Appeal Dismissed – See copy letter attached as Appendix Bi.

Officer Decision – Refuse permission



Appeal Decision

Site Visit made on 25 January 2021

by Robert Walker BA (Hons) DipTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 05 February 2021

Appeal Ref: APP/N2535/W/20/3262629

Land adj to 32 Monson Road, Northorpe DN21 4AE

- 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 & Mrs Ledgerwood against the decision of West Lindsey District Council.
 - The application Ref 140859, dated 24 March 2020, was refused by notice dated 19 June 2020.
 - The development proposed was originally described as proposed new single storey dwelling.
-

Decision

1. The appeal is dismissed.

Preliminary Matters

2. The description of development given on the planning application form and decision notice differ slightly. The description in the header above is taken from the planning application form which accurately describes the proposal.
3. The appellants have provided evidence that an amended plan, Ref PL/A1/002 Rev B, was submitted to the Council prior to the determination in response to the Local Highway Authority's consultation response. I have no substantive evidence that this amended plan was considered by the Council. However, the Council and third parties have had the opportunity to comment on it as part of the appeal process. As such, no party has been prejudiced by its submission as part of the appeal and I have taken the amended plan into consideration.

Main Issues

4. The main issues are whether the site represents an appropriate location for the proposed dwelling, having particular regard to the effect of the proposal on the character and appearance of the surrounding area, highway safety, biodiversity and the housing strategy for the area.

Reasons

Character and appearance

5. Northorpe is a small village with a variety of house types and several examples of ribbon development. Although within the 30mph speed limit of the village, the fields and hedgerows at the bend in the road, including the appeal site, are distinctly rural in character, creating an attractive entrance into the village. In this respect, the appeal site, makes a small, but positive contribution to the character and appearance of the surrounding area.

6. Although there is variety to the housing along this part of Monson Road, there is a broad pattern to the spacing of buildings and the building line which distinguishes this group of ribbon development. The proposed dwelling's position set back into the site and spacing, away from No 32 Monson Road, would be at odds with this prevailing pattern.
7. As such, even though there is variety in the architectural style of properties in the village, the proposed dwelling would appear as an ad-hoc dwelling at the end of the group, appearing as an incongruous addition in its positioning. In this regard, it would jar with the core shape and form of this part of the village.
8. The urbanisation of this part of the field, with the development proposed, would erode the rural qualities of the settlement edge by extending the built form into the countryside and through the partial loss of hedgerow. Additional planting, whilst offering some benefits, would not mitigate these effects.
9. Although there is no underlying landscape designation at the appeal site, at this prominent position, the loss of countryside for the proposed development would significantly harm the character and appearance of the surrounding area.
10. I therefore find that the proposal would conflict with the requirements of Policies LP17 and LP26 of the Central Lincolnshire Local Plan (LP) (2017) insofar as they relate to character and appearance. These policies stipulate, amongst other things, that all development proposals must take into consideration the character and local distinctiveness of the area.
11. The proposal would also conflict with the National Planning Policy Framework (the Framework) which requires developments to be sympathetic to local character and the surrounding built environment and landscape setting, amongst other things.

Highway safety

12. The proposed access would be positioned onto Monson Road where visibility is influenced by the bend in the road and vegetation. The appellants have provided a plan showing that a visibility splay, in accordance with that requested by the Local Highway Authority, can be achieved and I have no reason to question this.
13. Given the speed limit, visibility, and amount of traffic likely to be associated with a single dwelling, I am satisfied that the proposal would not be detrimental to the safety of wider highway users and the network.
14. I therefore find that the proposal would not harm highway safety and the proposal would accord with the requirements of Policy LP13 of the LP and the Framework. These stipulate, amongst other things, that any development that has severe transport implications will not be granted planning permission.

Biodiversity

15. The development of part of the open field and removal of a small section of hedgerow would result in the loss of some habitat. Whilst I have no evidence that the appeal site makes any significant contribution to local biodiversity, equally I have no substantive evidence of the baseline value.

16. Circular 06/2005 and the Planning Practice Guidance stipulate, amongst other things, that it is essential that the presence or otherwise of protected species, and the extent that they may be affected by the proposed development, is established before the planning permission is granted. Surveys should only be required by a condition on a planning permission in exceptional circumstances.
17. The appellants state that proposed landscaping would involve additional tree and hedge planting and a garden pond. However, there is no firm evidence before me that the proposal would result in an increase in biodiversity habitat and the circumstances, in this instance, are not of such an extraordinary nature as to warrant a different course of action to that outlined in national advice.
18. I cannot therefore be satisfied, that the proposal would not have a harmful effect on biodiversity. The proposal would therefore conflict with the requirements of Policy LP21 of the LP. This stipulates, amongst other things, that all development should protect, manage and enhance the network of habitats.
19. The proposal, in this regard, would also not accord with the Framework, which stipulates, amongst other things, that if significant harm to biodiversity resulting from a development cannot be avoided, adequately mitigated, or, as a last resort, compensated for, then planning permission should be refused.

Housing strategy

20. Policy LP2 of the LP stipulates, amongst other things, that unless otherwise promoted via a neighbourhood plan or through the demonstration of clear local community support, small villages, such as Northorpe, will accommodate small scale development of a limited nature in appropriate locations.
21. Whilst the application was submitted with letters of support, no firm details were provided regarding the scope of community engagement. Although the Covid pandemic would have restricted the scope of engagement, there are no firm details before me as to who was, or was not, consulted. Based on the evidence before me, I am unable to conclude that a thorough, proportionate, pre-application consultation exercise was undertaken as required by Policy LP2.
22. Whilst there is local support, objections were also received during the application and the Parish Council did not specifically support the proposal. Given the mixed representations, and my findings on the scope of the community engagement, I cannot be satisfied that clear local community support exists.
23. Although approved applications may not have been implemented, an extant permission still forms part of the met growth allocation for the village, as defined in Policy LP4. I have no substantive evidence that these permissions will not be implemented despite the appellants assumptions. As such, even though the proposal would be a small scale development of a limited nature, the growth allocation for the village has been met by existing permissions.
24. Although I have been referred to sequential test exercises undertaken at previous applications, none are before me as part of this appeal. Whether a site is deemed an 'appropriate location' is specifically defined in Policy LP2. This includes, amongst other things, a location which does not conflict, when taken as a whole, with national policy or policies in the LP.

25. I have concluded that the proposed development would erode the countryside, not retain the core shape and form of this part of the settlement and would result in significant harm to the character and appearance of the surrounding area. Moreover, I have previously identified conflict with other policies of the LP. As such, the appeal site would not constitute an appropriate location having regard to the criteria in Policy LP2.
26. Although there are no other properties in the village for sale that meet the appellants needs, personal circumstances will seldom outweigh more general planning concerns. Nonetheless, the appellants are committed to deliver the dwelling, and the government does place considerable importance on boosting the supply of housing. The appeal site is within walking distance to the small number of facilities within the village and future occupiers would contribute to the vitality of the local rural community. However, overall, given the scale of development proposed, the associated benefits would be limited and would not, in my view, amount to exceptional circumstances.
27. Drawing the above together, the appeal site does not represent an appropriate location for the proposed dwelling, having particular regard to the housing strategy for the area. The proposal would therefore conflict with the requirements of Policies LP1, LP2, LP3 and LP4 of the LP and the Framework. These broadly, amongst other things, promote sustainable rural development whilst recognising the intrinsic character and beauty of the countryside.

Other Matters

28. There is no dispute whether the Council can currently demonstrate a 5-year supply of housing. As such, the most important policies are not out-of-date and the so called 'tilted balance' is not engaged in this case.
29. My attention has been drawn to other permissions granted by the Council. However, I have not been provided with the plans approved and so cannot make direct comparisons. Moreover, I do not have the full details of the circumstances that led to those proposals being accepted.
30. From the evidence before me, the 4 houses approved (Ref 138792 and 138535) in Northorpe have housing to the north and west. Whilst the single dwelling approved (Ref 139155) has housing to the north and opposite. The appeal site, however, is bordered by housing on one side, along Monson Road, and the proposed dwelling would be positioned in a manner that would not harmonise with the pattern of that housing.
31. Whilst the Council have granted consents for housing elsewhere on the edge of other settlements, my concerns do not relate to the principle of development on the edge of settlements. Each case has its own unique circumstances in terms of the proposal submitted, and the relationship between the respective site and settlement. I have subsequently reached my own conclusion of the effects of the proposal in this particular location based on the plans and evidence before me.
32. Concerns regarding the processing of the application are not issues that I can assess as part of this appeal, and do not affect the planning merits or effects of the proposal before me. Although the appellants were willing to make changes to the development with the view to finding a solution, I must determine the appeal based on the merits of the scheme before me.

Conclusion

33. In conclusion, although I have found that the proposal would not have a harmful effect on highway safety, the site does not represent an appropriate location for the proposed dwelling, having particular regard to the effect of the proposal on the character and appearance of the surrounding area, biodiversity and the housing strategy for the area.
34. I conclude that the proposal would conflict with the development plan when read as a whole and there are no material considerations that would indicate that the appeal decision should be taken other than in accordance with it.
35. For the reasons given above, the appeal is dismissed.

Robert Walker

INSPECTOR