

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

AGENDA

This virtual meeting will be webcast live and recorded. The video archive will be published on our website

Planning Committee

Wednesday, 29th April, 2020 at 6.30 pm

Please note: this will be a virtual meeting and is available to watch live via:
<https://west-lindsey.public-i.tv/core/portal/home>

Or click on the link below:

[Home - West Lindsey Webcasting](#)

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 Paul Howitt-Cowan
- 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, with a maximum of 3 minutes per participant. Participants must have registered in advance of the meeting and submitted their comments or questions in writing.

3. **To Approve the Minutes of the Previous Meeting** (PAGES 3 - 20)
i) Meeting of the Planning Committee held on Wednesday, 5 February 2020, previously circulated.
4. **Declarations of Interest**
Members may make any declarations of interest at this point but may also make them at any time during the course of the meeting.
5. **Update on Government/Local Changes in Planning Policy**
Note – the status of Neighbourhood Plans in the District may be found via this link
<https://www.west-lindsey.gov.uk/my-services/planning-and-building/neighbourhood-planning/>
6. **Planning Applications for Determination**
- a) 140485 - Operational Depot, Caenby Corner (PAGES 21 - 48)
- b) 139532 - Barlings Lane, Langworth, Lincoln LN3 5DF (PAGES 49 - 74)
- c) 140375 - Land off Queensway, Sturton by Stow (PAGES 75 - 96)
- d) 140513 - Land Off Main Street Osgodby Market Rasen LN8 3PA (PAGES 97 - 112)
- e) 140569 - 18 Lindholme Scotter (PAGES 113 - 133)
- f) 140540 - High Street, Scotter (PAGES 134 - 138)
7. **Determination of Appeals** (PAGES 139 - 180)

Ian Knowles
Head of Paid Service
The Guildhall
Gainsborough

Tuesday, 21 April 2020

WEST LINDSEY DISTRICT COUNCIL

MINUTES of the Meeting of the Planning Committee held in the Council Chamber - The Guildhall on 5 February 2020 commencing at 6.30 pm.

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

Councillor Owen Bierley
Councillor Matthew Boles
Councillor Michael Devine
Councillor Cherie Hill
Councillor Paul Howitt-Cowan
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 Planning Manager (Development Management)
Daniel Evans Senior Development Management Officer
Vicky Maplethorpe Area Development Officer
Martha Rees Legal Advisor
James Welbourn Democratic and Civic Officer

Apologies: Councillor David Cotton
Councillor Jane Ellis

Also in attendance: 18 members of the public

60 PUBLIC PARTICIPATION PERIOD

There was no public participation at this stage of the meeting.

61 TO APPROVE THE MINUTES OF THE PREVIOUS MEETING

The minutes of the meeting held on 8 January 2020 were agreed as a true record, and signed by the Chairman.

62 DECLARATIONS OF INTEREST

Councillor Paul Howitt-Cowan declared an interest in application number 140077; he was the Ward Member for the application, and would stand down from the Planning Committee

and speak against the application.

63 UPDATE ON GOVERNMENT/LOCAL CHANGES IN PLANNING POLICY

The Planning Manager (Development Management) updated Committee with the following pieces of information:

- Spridlington Neighbourhood Plan (NP) would form part of the development plan following its adoption at Full Council in January;
- The referendum for the Sudbrooke NP would take place on 13 February;
- Hemswell, Harpswell and Morton had all published initial drafts of NPs for consultation.

64 140077 - LAND ADJ TO 2 CHURCH STREET GLENTWORTH DN21 5DG

Members considered an application for 1 no. dwelling, including the upgrade of access, private drive and new associated garage – a redesign of approved plot 2 under application number 135838.

The Chairman highlighted to all present that there had been a site visit on 15 January following the decision of the Planning Committee to take this course of action on 8 January.

There were no officer updates at the start of this item.

The first public speaker to the item was Councillor John Latham, from Glentworth Parish Council. He raised the following points:

- A full statement from the Parish Council had been included in the report prepared by West Lindsey District Council (WLDC) officers;
- The Parish accepted that there was an extant planning consent, reflected in the Neighbourhood Plan endorsed some weeks ago;
- The matters of views and vistas went to the heart of the plan. The original application was for two dwellings; the house proposed was significantly larger. The worry was over the scale, mass and dominance in the landscape of the proposed design;
- The proposed design would stand out and be a significant structure;
- The access road to the property was narrow; a larger road would mean more vehicles, and would cause a significant access problems;
- The disposal of sewage and foul water remained a concern.

Note: Councillor Ian Fleetwood reiterated his declaration from the January meeting; he had met the applicant, a Mrs Hazel Walker at a meeting prior to the January planning meeting, but this application had not been discussed. Therefore Councillor Fleetwood felt able to take part in and vote on this item.

The second speaker was Mrs Hazel Walker, the applicant. She raised the following points:

- This was a revised application;
- There were no new dwellings proposed, nor were there any other matters to be considered. Access to the garage was the same as the previously granted

application;

- Sewage would not be discharged into the existing sewer;
- There had been some confusion about the detached garage to the front of the property; it would be a domestic garage for vehicles. There would be no workshop, commercial or otherwise;
- The proposed property was large enough for five bedrooms, however the 5th bedroom would be a home office, ideally located next to the ground floor shower room;
- The enlarged plot size could accommodate the proposed dwelling comfortably. The front of the property had sufficient parking and could accommodate the number of vehicles that would be using the property;
- There was sufficient room for emergency vehicles to access the site, with enough turning space, which was a mandatory requirement under building regulations;
- Dustbin lorries would not access the lane to the property; the bins would be wheeled to the end of the lane for collection;
- Immediate neighbours to the property were satisfied with the design, as were WLDC Planning officers. The previous design included white cladding, whereas this new design was brick and stone;
- All trees and hedges were to remain as per the previous approval;
- The revised design included a two storey front element, and a single storey at the back.

The next speakers were Mr Hall and Mr Styles, objecting to the application. They raised the following points in objection;

- No local residents have said that they were happy with the design;
- The Glentworth NP was approved in November 2019 after three years of work. Policy 3 of the NP sets out the design elements that residents wanted to see in the village from new properties;
- Policy 3.1.2 of the NP – the layout of the development should echo the current layout of Glentworth, characterised by linear development. This development would contravene this; it was an infill building in a rear garden;
- Nothing could be changed in the access lane to the proposed building without the permission of the owners of the lane. The owners of the lane were adamant that it would not be excavated;
- There was a likelihood of Great Crested Newts on the site, although this was not supported by Natural England;
- Foul water should not be allowed in this habitat, and it should not be acceptable to discharge an overflow into a stream where children play;
- No one living in the vicinity of the lane agreed that there were no problems with access;
- If permission were granted, the precedent would be set for plot one on the same side of the lane, which would exacerbate access problems.

The final speaker was Councillor Paul Howitt-Cowan, Ward member for Hemswell, which included the parish of Glentworth. He raised the following points:

- This community treasured its conservation area;
- The proposed site did not do justice to the design; the design was commendable for the village, but the proposed site was inappropriate;

- Glentworth parish would protect the highly valued features of the surrounding environment. The ways in which the overall form, massing and scale related to neighbourhood building impacted on the character and the nature of the village as a whole;
- The original approved design for this site was more appropriate, and sat more comfortably in a rural setting;
- Within the Design and Access Statement it was noted that the two proposed buildings on this access lane would change the outlook of the neighbouring residence;
- The increased ridge height was noted;
- There was increased massing in comparison to what had previously been approved;
- Glentworth deserved and welcomed quality builds in appropriate settings;
- Committee should consider a fall-back option of the original approved design.

Note: Following his speech, Councillor Howitt-Cowan retired from the Chamber.

Planning officers responded to some of the points raised during the public speaking section of the item:

- This site had extant planning permission for two dwellings, a fallback that was a significant consideration. It was for the Committee to consider the house type proposed compared to what was previously approved, and whether this met with policy;
- The ecologists had raised no concerns with drainage;
- The officer report set out the profile of the character area, which included a mix of housing styles.

Members then provided comment on the application. There were a range of views offered:

- The design was compliant with the Central Lincolnshire Local Plan (CLLP), specifically policies LP21, 26 and 27;
- One side of the village contained plenty of traditional, red brick houses;
- The design of this house would be higher than neighbouring properties and would stand out;
- For half of the year the trees around the property would not be in leaf and so the natural canopy around the design would not be applicable;
- This design would not be street facing and so could be seen as out of character with the village;
- Condition 19 of the officer's report removed permitted development rights on the site.

The recommendation as written in the report to grant the application was moved and seconded, and following the vote planning permission was **GRANTED** subject to the following conditions:

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

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

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

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

2. No development shall take place until, a scheme for the disposal of the foul and surface water drainage for the site have been submitted to and approved in writing by the Local Planning Authority. The approved details shall thereafter be implemented in full before the building(s) are first occupied.

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

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

Reason: To safeguard the character and appearance of the building and its surroundings and ensure the proposal uses materials and components that have a low environmental impact in accordance with Central Lincolnshire Local Plan Policy LP26.

4. Before development commences on site further details relating to the vehicular access to the public highway, including materials, specification of works and construction method shall be submitted to the Local Planning Authority for approval. The approved details shall be implemented on site before the development is first brought into use and thereafter retained at all times.

Reason: In the interests of safety of the users of the public highway and the safety of the users of the site.

5. No development shall take place until, a scheme of landscaping including details of the size, species and position or density of all trees to be removed, retained or planted, fencing and walling have been submitted to and approved in writing by the Local Planning Authority.

Reason: To ensure that a landscaping scheme to enhance the development is provided in accordance with Central Lincolnshire Local Plan Policy LP17 and LP26.

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

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

7. No development shall commence until, full details of the treatment of all boundaries of the site, including where appropriate, fencing, walling hedgerows to be retained, or other means of enclosure have been submitted to and approved in writing by the Local Planning Authority. The approved details shall be implemented prior to the dwellings are first occupied.

Reason: To ensure the provision of appropriate boundary treatment in the interest of the visual and residential amenity of the area in accordance with Central Lincolnshire Local Plan Policy LP17 and LP26.

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

Reason: As recommended under sections 5.2, 5.3 and 5.4 of the 'Ecology and Protected Species Survey' by Inspired Ecology Ltd dated November 2019, to protect and enhance the biodiversity value of the site to accord with the National Planning Policy Framework and LP21 of the Central Lincolnshire Local Plan.

9. No development shall take place, including ground scraping until a scheme for the protection of trees on the site (including accurate survey of trees and root protection areas and timetable for implementation of measures) have been submitted to and approved in writing by the Local Planning Authority and such measures shall be erected in the positions approved before the development is commenced and thereafter retained until completion of the development. Nothing shall be stored or placed in any area, nor shall the ground levels within those areas be altered, without prior written approval of the Local Planning Authority.

Reason: To safeguard the existing trees on the site during construction works, in the interest of visual amenity in accordance with Central Lincolnshire Local Plan Policy LP17.

10. No development shall take place until a written scheme of archaeological investigation has been submitted to and approved in writing by the local planning authority. This 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.
7. The scheme to be in accordance with the Lincolnshire Archaeological Handbook.

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

11. The local planning authority shall be notified in writing of the intention to commence the archaeological investigations in accordance with the approved written scheme referred to in condition 10 at least 14 days before the said commencement. No variation shall take place without prior written consent of the local planning authority.

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

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

12. The archaeological site work shall be undertaken only in full accordance with the written scheme required by condition 10.

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

13. Following the archaeological site work referred to in condition 10 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.

14. The report referred to in condition 13 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.

15. The development shall be carried out strictly in accordance with the method statement and mitigation measures recommended within section 5.1 (pages 13-17) of the 'Ecology and Protected Species Survey' by Inspired Ecology Ltd dated November 2019.

Reason: To ensure the development proceeds in accordance with the approved method statement in relation to Great Crested Newts to accord with the National Planning Policy Framework and LP21 of the Central Lincolnshire Local Plan.

16. 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: 19/179/Ex – 01, 19/179/Pr – 01, 19/179/Pr – 02, 19/179/Pr – 04, 19/179/Pr – 03 Revision A dated August 2019 and RDS 11230/08 dated February 2016. The works shall be carried out in accordance with the details shown on the approved plans and in any other approved documents forming part of the application.

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

17. The minimum width of the access shall be 4.5 metres for the first 10m and alterations approved under condition 4 to facilitate this shall be completed before the first dwelling is occupied and shall be retained thereafter.

Reason: To ensure safe access to the site and each dwelling/building in the interests of residential amenity, convenience and safety.

18. Prior to any of the buildings being occupied the private drive shall be completed in accordance with the details approved under condition 4.

Reason: In the interests of safety of the users of the public highway and the safety of the users of the site.

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

19. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended) Schedule 2 Part 1, Class A, B, C, D and E (or any order revoking and re-enacting that Order with or without modification), there shall be no external alterations or extensions to the building and extension including the insertion of new windows or dormer windows nor structures placed within the curtilage of the dwelling other than as authorised by this permission.

Reason: To safeguard the character and appearance of the building and its surroundings in accordance with policies LP17, LP26 of the Central Lincolnshire Local Plan.

65 140331 - LAND ADJ TO FLEETS ROAD, STURTON BY STOW LN1 2BU

Members considered an outline planning application to erect 5no. dwellings – all matters reserved at land adjacent to Fleets Road, Sturton by Stow LN1 2BU.

There were no officer updates to the report as printed.

The first speaker to this item was Councillor Gilbert from Sturton by Stow Parish Council. She raised the following points:

- The application was discussed at a meeting of Sturton by Stow Parish Council and was well attended; there was strong community rejection of this application;
- Policy 2.4.1 paragraph 4 of the CLLP highlights the protection of agricultural land, along with the enhancement of biodiversity to allow people to access wildlife and the natural environment;
- The site was bounded by hedgerows and trees; two of these have Tree Preservation Orders (TPOs);
- The site was on a single track road with a blind bend, used by walkers, cyclists. There was an access road to the recreation ground;
- The footprint of the village would be extended to the east and open up the possibility for development on the east of site;
- The proposed site was significantly higher; therefore there could be issues with new properties being able to see into neighbouring properties;
- Fleets Road was seen by many as a valuable green escape enabling health and wellbeing of the residents. There was no footpath; there had been a proposal from Lincolnshire Highways for a 1.8 metre wide footway, but this was no longer in the offing;
- The Sturton by Stow NP had not been formally adopted; however the protection of trees and hedges was very important. It had been proposed that a large portion of the hedge was to be removed. However the draft NP stipulated that any development should not harm the character of the countryside;
- There had been significant flooding issues in the village over a number of years. This particular piece of land was not accessible for four or five days due to flood water in 2019;
- A 'high risk contour' of flooding reaches within 85 metres of the site, as outlined by government departments. There was a 'low-risk contour' that ran along the road adjacent to the site.

Any development on site would contribute to flooding by removing the rainwater absorption area;

- LP2.4.5 of the CLLP refers to climate change adaptation and flood risk. It was paramount that the increased instances of flooding were managed. Current foul water drainage was inadequate and there was no mention of how this would be managed within the development. The Parish Council had received many complaints on this issue.

Note: Councillor Ian Fleetwood informed everyone present that the next speaker, Oliver Fytche-Taylor was known to longer-standing Members of the Committee due to his previous employment at West Lindsey District Council; however this had no bearing on the decision made on the application by Committee.

The last speaker on this item was Oliver Fytche-Taylor, agent for the applicant. He raised the following points:

- The site was part of narrow agricultural land, which bound the site on three sides;
- The site was located within a short walking distance of the village centre;
- The narrow width of part of the site meant that parcel of land was very difficult for modern farming techniques, and had a limited crop potential;
- The Planning Officer had accepted the principle of development in this area; the development level proposed was within local housing thresholds;
- Lincolnshire Highways and the lead local flood authority had no objections in principle to the site;
- There were issues elsewhere in the village with flooding, but the site itself was not at risk, and did not form part of the disruption in 2019. The site pre-drains east, away from flood waters. The development of the site was not seen to be a flood risk;
- Lincolnshire Highways did not object to the development in principle, and had further recommended that the development would alleviate safety concerns by virtue of the draft condition in the report;
- A new link would be established for the community to access the playing fields;
- The significance of the hedgerow and trees on the site was recognised; however it was pointed out that the Trees Officer from WLDC had no concerns. Of the two trees that had (TPOs) on the site, one was almost deceased and the other would be protected from any harm;
- The site could be enhanced through appropriate landscaping;
- Matters of odour, dust and noise had been considered by WLDC's Environment Officers; no objections had been raised and any of these areas could be appropriately addressed through conditions;
- The site represented logical expansion for the village, and would have no harm on Sturton by Stow's character.

The Planning Manager (Development Management) responded to some of the points raised, by saying that the land on site was agricultural land classified as Grade 3 (good to moderate). NPPF paragraph 78 and the NPPF and LP2 of the CLLP were looking for appropriate locations for development, whilst retaining the core shape and form of a medium village. Planning officers were satisfied and recommended that this development met this test.

The development was located in Flood Zone 1 of the government map for planning, and the sequential test which sought to local development in this zone was met. A positive drainage strategy, to ensure flooding wasn't increased elsewhere, could be conditioned.

Members provided comment on the report:

- The location was appropriate, and was adjoined by existing properties on three sides. There were no available sites in Sturton by Stow that fitted into a higher tier of the sequential test for development. The allowance for a 'medium-sized' settlement was 9 houses; this provided only 5;
- Whilst there were concerns about flooding, the narrow access road and the current lack of footpath, these would not be sufficient to reject the application;

- Sustainable drainage would be looked at for the site primarily; if that wasn't feasible then alternatives would be considered.

Following this discussion, the recommendation in the report were moved and seconded, and the application was **GRANTED** subject to conditions:

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

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

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

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

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

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

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

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

4. No development must take place until an assessment of the noise, dust and odour disturbance from the use of the farm on the site and end users has been submitted to and approved in writing by the Local Planning Authority. The assessment must include any necessary mitigation measures. Any mitigation measures required must be installed prior to the occupation of the first dwelling and thereafter maintained.

Reason: To protect the amenity of the future residents from undue noise, dust and odour to accord with the National Planning Policy Framework and local policy LP26 of the Central Lincolnshire Local Plan 2012-2036.

5. No development must take place until a desktop phase 1 contamination report has been submitted and approved in writing by the Local Planning Authority. All recommendations and remedial measures in the phase 1 contamination report must be completed prior to any works commencing on site.

Reason: In order to safeguard human health and the water environment and identify potential contamination on-site to accord with the National Planning Policy Framework and local policy LP16 and LP26 of the Central Lincolnshire Local Plan 2012-2036.

6. No development must take place until, details of the form and position of the protection measures to protect all the protected trees within, on the boundary or adjacent the site have been submitted to and approved in writing by the Local Planning Authority. The approved protection measures must be installed prior to commencement of development (including scraping of ground) and retained in place until the development is completed.

Reason: To safeguard the existing trees within, on the boundary or adjacent the site during construction works, in the interest of visual amenity to accord with the National Planning Policy Framework and local policy LP21 of the Central Lincolnshire Local Plan 2012-2036.

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

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

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

8. With the exception of the detailed matters referred to by the conditions of this consent, the development hereby approved shall be carried out in accordance with the following drawings: 868.01 Revision A dated March 2019. The works shall be carried out in accordance with the details shown on the approved plans and in any other approved documents forming part of the application.

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

9. The development hereby permitted shall not be occupied until details for the provision of a pedestrian footway, have been submitted to, and approved in writing by the Local Planning Authority. The works shall also include appropriate arrangements for the management of surface water run-off from the highway. The footway shall be completed in accordance with the approved details prior to occupation of the dwellings.

Reason: To ensure the provision of safe and adequate pedestrian access to the permitted development, without increasing flood risk to the highway and adjacent land and property.

10. The existing hedge along the southern and western perimeter of the site, shall be retained to a minimum height of 1 metre except where partial removal is required for vehicular access.

Reason: In the interest of the visual amenity of the area in accordance with the National Planning Policy Framework and policies LP17 and LP26 of the Central Lincolnshire Local Plan.

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

None.

66 140254 - MAIN STREET NORMANBY BY SPITAL LN8 2HE

Members considered application number 140254, an application for the erection of two storey and single storey extensions to the rear, including the removal of existing two storey elements, a resubmission of 139326 at The Poplars, 22 Main Street, Normanby by Spital, Market Rasen LN8 2HE.

There were no further officer updates to the printed report.

The first speaker on this application was Abigail Redmile, the applicant. She raised the following points:

- Plans have been extensively revised to address all legitimate planning concerns; planning officers feel that this adequately addressed the matter;
- Neighbours have continuously objected to this application with concerns with dominance, light and privacy;
- 'Sun studies' had been carried out to make sure that there was no additional shadowing compared to the existing structure. The results were produced using industry standard software;
- The 2.8 metre boundary wall along the rear northern boundary would have a far greater impact on light with the addition of a 45 degree angle of light passage;
- Both neighbours' concerns on privacy were not valid; the northern boundary windows were obscure and offered no view of Number 24. The existing first floor overlooking window of the southern elevation offered no view of Number 20's garden area. All that was visible from this window was a parking area and boundary;
- The current application accorded with all planning policies, and there was no planning reason for rejection of the application.

There were two objectors to the application, Julia Watson and Jane Sharman who shared the allotted time for speaking. The following points were raised:

- One of the ladies' residences was bought for its quiet location and large private garden;
- There were three main concerns; the proposed size of the extension and lack of privacy, the height and size of the proposed structure, and extra soil flow through an old 'piggyback' system in the rear garden;
- WLDC had set a precedent when granting permission for a property directly behind one of the neighbours which included the condition related to obscured windows;
- WLDC rejected the first proposal on this site which proposed building on three levels; this new proposal had not reduced the height or size of the structure in any significant way. It was believed that the applicant's requirements could be met with smaller dimensions;
- By reducing the angle of the roofs and incorporating a different style of roof on the extension the building could be considered less imposing;
- Proposed bedrooms 2 and 3 had two windows each; these were on 'bright light aspects' and could be adequately serviced by one window each. The south facing window was not required;
- Artist impressions were misleading as it showed the plot surrounded by trees;
- A site visit would be appreciated to highlight the above concerns;
- The incorrect officer plans show that the proposed two storey extension would extend back by more than 2 metres as opposed to the 1.2 metres stated in the planning report;
- The officer's report was again incorrect when it came to the height of the proposal; the roofs would be 3.9 metres, and increase of 0.7 metres on the existing roof, not the 0.4 metres as stated in the report;

- The two storey section of the proposal was 2.4 metres from the one of the neighbour's properties; this was too close. Currently the distance of the existing property from the neighbour was staggered; at its nearest point the distance between the two was 3.8 metres. The first floor bedroom wall was acceptable, but the first floor bathroom wall should come no closer than the existing boundary;
- The conclusions of the officer report did not address the loss of light to a courtyard and habitable rooms, as required by LP26 of the CLLP. The sun would be completely blocked by the proposed development at different times of the day;
- There would be significant loss of privacy and enjoyment of the section of the garden that is not currently overlooked. Two new large windows directly overlooking the courtyard, even if frosted would lead to a loss of privacy. A restriction in size to the windows, as well as them being frosted would be preferable;
- The pitch of the roofs should be 20 degrees rather than 40 degrees, along with a hipped roofline on the two storey extension parts;
- The committee cannot validly approve the proposal due to:
 - the errors in the officer report;
 - errors in the comparators in the architect's drawings were in the applicant's favour;
 - the conclusions in the report did not satisfy the objectors' concerns over loss of light;
 - in the objectors' view the report did not give weight to the loss of privacy at number 20;
- A condition should be added for reasonable working hours;
- An approval for a house of this size would set a dangerous precedent for other developments in this area.

The final speaker was Councillor Jeff Summers, Ward Member for Waddingham and Spital. He raised the following points:

- There appeared to be discrepancies in the officer report, and it was unclear why this had reached the Planning Committee stage;
- This new proposal was closer to the Post Office and Bed and Breakfast than previously. A greater level of shading would occur; an increased roof height would cast a long shadow;
- The pitch of the roof could be reduced further and still be within building regulations;
- The increased number of windows overlooking Homestead Farm was not acceptable. Removing the bedroom on the southern side of the proposed site would reduce the overlooking greatly;
- Bedroom 4 in the proposal had two windows; this could be reduced to one;
- Replacing the gable ends of the extension would reduce the impact on the Post Office;
- The roof line was too high and created a shading increase;
- The roof line of both apexes was too high; by reducing the height this would allow more light into the neighbour's patio area. The roof height could be reduced by up to one metre;
- Bedroom 2 did not need two windows; by removing the south window overlooking of Homestead Farm would be eliminated;
- The footprint of the site could be sensitively reduced.

Note: Following his contribution, Councillor Summers left the Chamber.

The Planning Manager (Development Management) then responded to some of the points made during the public speaking section of the item:

- The greatest length of the existing rear extensions currently stood at 5.8 metres, not 6.5 metres as reported; the proposal would bring this to 7.7 metres taking into account the extension – approximately a 2 metre extension;
- The height of the proposal would be 7.4 metres at its highest ridge, not 7.1 metres as reported, an increase of 30 centimetres;
- The applicant had put forward sun and daylight diagrams as requested by planning officers, and these offered comparators between the current building and the proposal. The previous application had been refused on the grounds of neighbouring impact; the proposal had now addressed these concerns in the opinion of planning officers;
- The plans were in order for the committee to determine the application, subject to the measurement clarifications given on the existing elevations.

Members passed comment on the height of the proposal, and the difference of opinion between the applicant and the objectors. The officer recommendation was moved and seconded, and following the vote, the applicant was **GRANTED** with the following conditions:

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

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

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

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

2. With the exception of the detailed matters referred to by the conditions of this consent, the development hereby approved shall be carried out in accordance with the following drawings: 12-412-02 C, 12-412-03 D received 8 January 2020. The works shall be carried out in accordance with the details shown on the approved plans.

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

3. The materials used in the development shall match those stated on the application form.

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

Conditions to be observed following the completion of the development:

4. The first floor windows on the north elevation that serve the 'bathroom' and 'en-suite' shall be obscure glazed and retained thereafter.

Reason: To protect the neighbour's amenity from undue loss of privacy from overlooking in accordance with the National Planning Policy Framework and LP26 of the Central Lincolnshire Local Plan.

5. Notwithstanding the provisions of Classes A, B,C, of Schedule 2 Part 1, of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended) (or

any order revoking or re-enacting that Order), there shall be no external alterations to the dwelling including the insertion of new windows, or dormer windows or extensions other than authorised by this permission.

Reason: To safeguard the character and appearance of the building and the local area and to avoid adverse impacts on adjoining residential amenities through loss of privacy, overlooking and over dominance in accordance with Policy LP17 and Policy LP26 of the Central Lincolnshire Local Plan.

67 140150 - BRANDYWHARF ROAD, WADDINGHAM DN21 4SW

Members considered application number 140150, an application for 1no. agricultural workers' dwelling at land at South Carr, Brandywharf Road, Waddingham DN21 4SW.

There was no officer update to the item from the printed report.

The first speaker to the application was the applicant, Mrs Tutty. She raised the following points:

- The Environment agency had raised no concerns to the application, and there were no concerns from neighbours;
- A health and safety representative felt the need for an on-site presence due to the machinery housed there;
- Mr Tutty worked long hours on the farm and would benefit from being on site, rather than commuting for four miles, which was the current arrangement;
- Theft was a huge worry and security was paramount. Anyone watching the premises would know that it warranted further protection;
- The applicant's parents used to be a full-time part of the farm; however health and age issues have meant that their role was now diminished;
- The applicant's mother would require more care on an ongoing basis;
- Mrs Tutty was taking a more active role in the farm, but also had childcare to think about. Her child could not realistically be brought onto the farm whilst both parents were working;
- Family run businesses were on the demise. The legacy of this farm had been handed down over several generations. Several self-employed contractors had been taken on to help with the farm, which demonstrated that it was performing well;
- Lincolnshire was one of the top producers of food, and it was a key location for sugar beet. There were a few tractor drivers on site, who would take time off; however Mr Tutty was largely unable to take any time off due to his 'hands-on' role on the farm;
- In the future, the Tutty's son will work on the land and would take over the contracting business;
- The importance of having the family on-site was stressed.

The final speaker to the application was Councillor Jeff Summers, ward member for Waddingham and Spital. He raised the following points:

- Farming contracts lasted for several years; this farm specialised in sugar beet. This involved using very large and expensive machines, with a value of well over £250,000;
- Lincolnshire Police had admitted that they could not adequately police the rural

- countryside. Businesses needed to be able to protect their assets;
- The business had the need to employ local people;
 - The proposed site was in Flood Zone 3 (as defined by the Environment Agency as the highest risk of flooding); however this could be mitigated by a damp proofing course;
 - This would be a family house with office space, and nothing more;
 - Policy LP1 of the CLLP had been met as there was no adverse impact arising from the development. The National Planning Policy Framework (NPPF) would not restrict the development;
 - Policy LP5 of the CLLP was referenced; the application had arisen because of the success of a young entrepreneur. The site employed 15 staff, and did not conflict with neighbouring land uses. In addition, it would not impact unacceptably on the local strategic highway network;
 - Policy LP10 of the CLLP was met as the development would meet the needs of the family by reducing the need for members of the family to commute from outside of the farm. With 15 staff to manage, it was important for the farm owner to work and live at a central point;
 - Policy LP55 was addressed as the proposal went much further in terms of development. The proposal would be close by to the owner's occupation, which would allow them to mobilise staff, minimise cost and be on hand instantly to repair faults. The need for the dwelling had been justified, it was in an appropriate location, was scaled correctly and was appropriate to the business need. It would also aid with the protection of agricultural land.

The Planning Manager (Development Management) responded to some of the points raised by the public speakers:

- There were two policy conflicts in play here between both national planning policy and West Lindsey planning policy. The NPPF stipulated that policies and decisions should avoid creating isolated homes unless there was an essential need for a rural worker to live permanently at the location. This was an 'essential' rather than a 'desirable' test;
- Was there an essential need? Security alone was not a justification. There were already dwellings located on and adjacent to the site. Therefore based on this and other points, officers feel that the essential need test had not been met;
- Dwellings should not be located within Flood Zone 3 unless there was no sequentially preferable alternative.

Members then provided comment on the application, after seeking guidance from Planning Officers:

- Farming was a very lonely and difficult occupation; it was important for farm owners to be able to protect their businesses;
- In the opinion of officers, the single dwelling did not meet LP14 of the CLLP because of the flood risk. There were indeed two dwellings already on the site, but they predated the flooding policy change of 2007. The presence of those existing buildings did not mean that a further dwelling would meet the flood risk test;
- Thieves were getting more canny, and this could be soul destroying for the farm owners;

- Mobile homes in the countryside would be subject to the same test as permanent dwellings, i.e. the test would still be whether the development was essential;
- The sequential test was a planning policy. The Environment Agency would not engage with this as they were only a flood authority. They would suggest mitigation if the sequential test had been met; planning officers did not feel that it had been met on this occasion;
- If it was considered that there was an essential need for a new dwelling on the site, then the flood risk sequential test would also be met as the entire site was in Flood Zone 3 and there would be no areas within the site at a lower risk of flooding;
- Although the applicant was living off site, it was not that far away. Had the distance been greater it may have been a different matter.

Following this discussion, the officer recommendation to refuse permission was moved and seconded, and put to the vote. Following the vote, the decision to refuse was not upheld.

Therefore the Committee considered an alternate proposal, which was moved and seconded which was to grant permission using LP55(d) of the Central Lincolnshire Local Plan as the basis for the decision. The justification was the need to have someone on the farm site at all times. Planning officers advised that conditions could be settled following a successful vote.

Following the vote, the application was **GRANTED** subject to officers formulating conditions in the following areas:

- Time of commencement;
- Drainage;
- Flood risk mitigation;
- Agricultural workers standard conditions.

68 140242 - ULSTER ROAD, GAINSBOROUGH DN21 2QX

Members considered a planning application for removal of a prefabricated double garage and construction of a double garage with additional habitable space/games room above at 12 Ulster Road, Gainsborough DN21 2QX.

It was confirmed that this application would not be before Committee if the applicant had not been a staff member.

The application was moved and seconded, and following the vote planning permission was **GRANTED** subject to the following conditions:

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

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

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

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

2. With the exception of the detailed matters referred to by the conditions of this consent, the

development hereby approved shall be carried out in accordance with drawing A-101 Rev P1 dated July 2019. The works shall be carried out in accordance with the details shown on the approved plan and in any other approved documents forming part of the application.

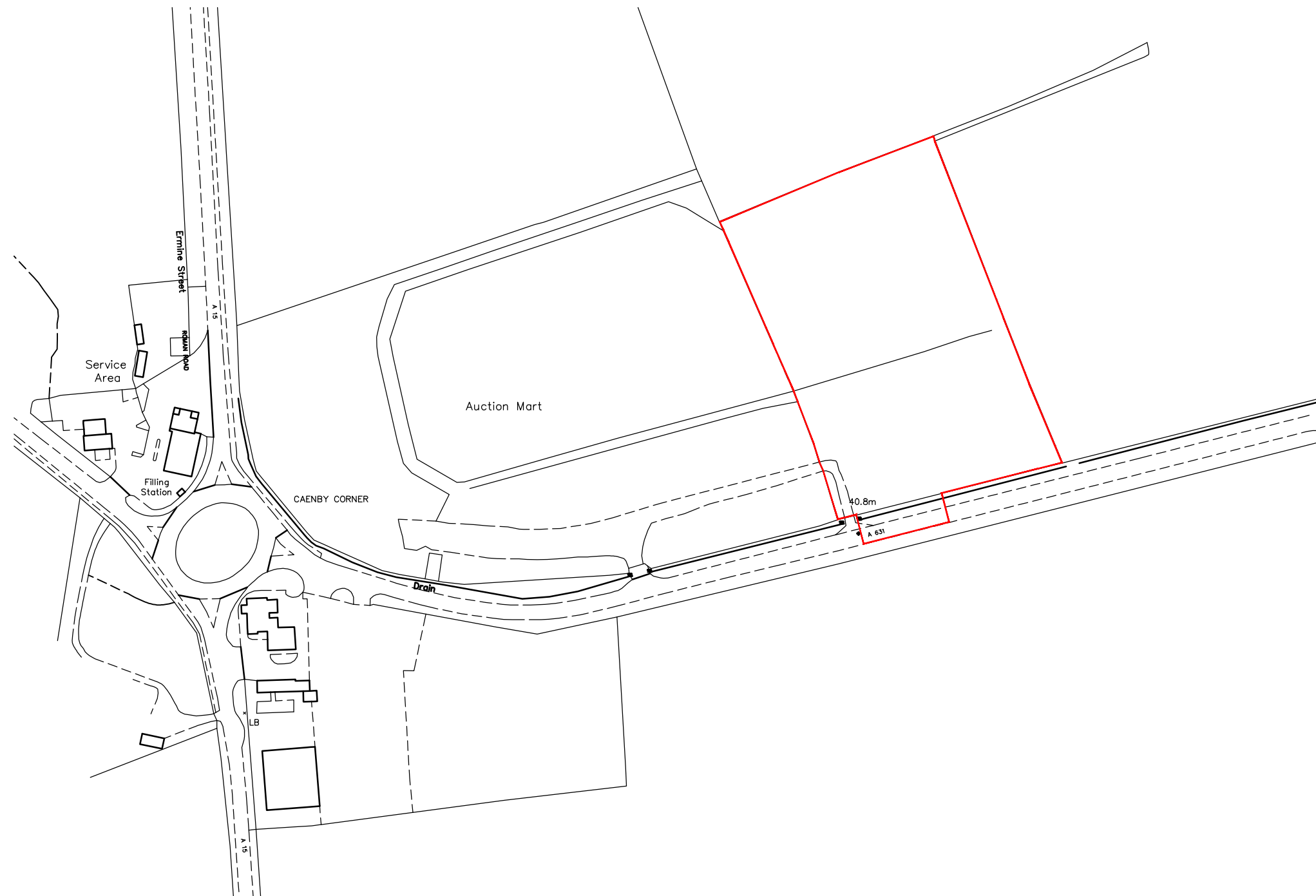
Reason: To ensure the development proceeds in accordance with the approved plans and to accord with the National Planning Policy Framework and local policies LP1, LP17 and LP26 of the Central Lincolnshire Local Plan.

69 DETERMINATION OF APPEALS

The appeals were noted by the Committee.

The meeting concluded at 8.22 pm.

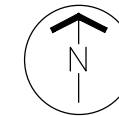
Chairman



© Whittam Cox Architects - Disclaimer:

This drawing is copyright of WCEC Group Ltd trading as Whittam Cox Architects, and shall not be reproduced nor used for any other purpose without the written permission of the Architects. This drawing must be read in conjunction with all other related drawings and documentation. It is the contractors responsibility to ensure full compliance with the Building Regulations. Do not scale from this drawing, use figured dimensions only. It is the contractors responsibility to check and verify all dimensions on site. Any discrepancies to be reported immediately.

IF IN DOUBT ASK:
Materials not in conformity with relevant British or European Standards/Codes of practice or materials known to be deleterious to health & safety must not be used or specified on this project.



Application Site Boundary
5.137 acres / 2.079 hectares

P03	16/01/20	Scale amended	WF/DC
P02	08/01/20	Application boundary amended	WF/DC
P01	03/10/19	First issue	WF/DC

No.	Date	Description	Drwn/Chkd By
CLIENT			

West Lindsey District Council

PROJECT

Operational Services Depot, Caenby Corner, West Lindsey

TITLE

Location Plan

DRAWING STATUS

Planning

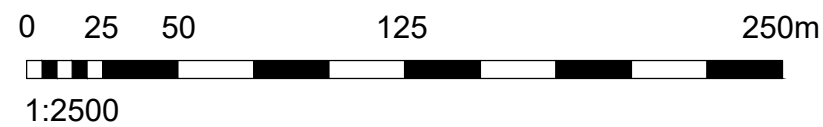
DRAWN	WF	CHECKED	DC
-------	----	---------	----

SCALE 1:2500 @ A3

DATE September 2019

Whittam Cox ARCHITECTS
Chesterfield / 01246 260265
London / 020 3388 0019
Leeds / 0113 468 2450
whittamcox.com

project originator volume level type role number status revision
180229 WCA 00 00 DR A PL000 50 P03



Officers Report

Planning Application No: 140485

PROPOSAL: Planning application to erect a new operational services depot to facilitate waste services in the region, including an operations office and staff welfare building, external yard for storage and maintenance of the vehicle fleet, bulky storage facility, staff and visitor parking, and site landscaping.

LOCATION: Land East of A15/North of A631 Caenby Corner Market Rasen Lincolnshire LN8 2AR

WARD: Waddingham and Spital

WARD MEMBER: Cllr Summers

APPLICANT NAME: Mr A Selby

TARGET DECISION DATE: 21/04/2020

DEVELOPMENT TYPE: Major - Other

CASE OFFICER: Martin Evans

RECOMMENDED DECISION: It is recommended that planning committee delegate powers to officers to grant planning permission subject to conditions following receipt of any outstanding consultation replies and matters arising as well as receipt of and any matters arising from:

- Cross sections of the site showing any land level changes
- A scheme of archaeological trial trenching

If these matters are not resolved within 6 months of the date of this planning committee the application will be reported back to the next available planning committee after the 6 months has expired.

This application is reported to planning committee because the applicant is made by an employee on the behalf of West Lindsey District Council.

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

The development has been assessed in the context of Schedule 2 of the Regulations and after taking account of the criteria in Schedule 3 it has been concluded that the development is not likely to have significant effects on the environment by virtue of its nature, size or location. Neither is the site within a sensitive area as defined in Regulation 2(1). Therefore the development is not 'EIA development'. The proposal is subject to a separate screening opinion.

Description:

This is an application for planning permission to erect a new operational services depot for West Lindsey District Council waste services including an operations office and staff welfare building with floorspace totalling 845m². A

new two lane vehicular access is proposed from the A631 leading to a 77 space car park with 4 disabled user parking spaces, 4 car share spaces, 2 electric vehicle charging spaces, 7 visitor spaces and 20 cycle parking spaces with surface water balancing pond to the front. The main two storey building would have a monopitch roof and measure 7.5m high, 15m wide and 17.5m deep. External finishing materials include single ply membrane to the roof, blue grey aluminium cladding and grey facing brickwork with feature brick coursing to the front wall. Brise soleil provide shading to the windows. This building would provide shower, changing and toilet facilities as well as office and meeting room space for staff. Three external air conditioning units would be attached the north facing elevation of the building. The proposal would provide for 80 full time equivalent employees. Opening hours are not specified because the site may be required for 24/7 use in the event of an emergency such as the need to provide sand bags in the event of a flood or fly tipping on a highway that must be cleared by staff.

The section of the site to the north of the main building would be accessed via rising arm barrier with vehicles using a circulation route to prevent the need for reversing. This area contains a refuelling station with associated self bunded tanks; 30 refuse vehicle and 10 caged vehicle parking spaces; two vehicle wash down bays with pressure washer housing; a trade and wheelie bin storage area; road sweeping deposit area; and a storage building with adjacent external storage space.

The storage building would be 50m long, 8m deep and 4.5m high at the tallest point. It would feature a monopitch roof providing double height bays in part of the building and various stores for materials collected as part of the waste collection service and associated operational storage space such as a bag store and road sweeper store. The building features a roof overhang and the same external finishing materials as the main building. A tyre trailer and skip area are located adjacent the storage building.

The proposed site layout has a 4-5m wide peripheral landscaping buffer area in which planting can take place to soften the appearance of the proposal. A large external amenity area and grassed area to the east of the main building is proposed. The front car park would be covered in tarmac whilst the rear car park would be covered in concrete. Package treatment plant would be used to treat foul water. Surface water would drain to the attenuation pond with restricted discharge to the roadside drain.

The application site is 2.08 hectares in area and located in the countryside to the north east of Caenby Corner roundabout. The site sits on a slope with the highest point being the north west corner at 46.159mAOD sloping gradually down to the south east corner at 39.449mAOD. The southern boundary of the site adjoins the A631 where there is a roadside surface water drain and existing vehicular access.

The site is currently a grass field with roadside hedge used on 6 days a year for camping and parking associated with Sturton & Stow Motor Sports Club which uses the site and the land directly to the west for race days. The club is

limited to a maximum of 6 days of events per calendar year via planning permission condition.

Development in the area is primarily clustered around Caenby Corner roundabout to the south west including a transport café with parking area, vehicle repair business, disused public house, petrol filling station, car sales area and restaurant. A dwelling known as Lyndarlea Lodge is located on the south west corner of the roundabout approximately 360m away from the site.

To the south of the site is the A631 with arable farmland beyond with 1 and 2 Cliff Cottages approximately 330m away. To the east of the site is arable farmland with Slates Farm, which contains a dwelling and intervening farm buildings, approximately 270m away. To the north of the site is arable farmland with Home Farm approximately 370m away.

The site is within a limestone minerals safeguarding area.

Relevant history:

M06/P/0318 Planning Application to change the use for grass track motor sports. Temporary 2 year planning permission. Approved 8/6/06.

121385 Planning application to remove and/or extend conditional planning permission M06/P/0318 granted 06/04/06 for a period of two calendar years. This period expires at the end of August 2008. Approved 21/2/08 on a permanent basis. Condition 6 of this permission requires egress from the events to be via the vehicular access point on the application site.

Representations:

Glenthams Parish Council:

24/1/2020

“Glenthams Parish Council has no objections to the proposal but has concerns about surface water drainage and the potential to put multiple houses at flood risk. Seggimoor Beck already floods, the latest being Nov/Dec 2019, and increased water into the beck will only exacerbate the problem. Council needs to be assured that sufficient action is being taken to mitigate any potential problems before planning permission is given.”

28/1/2020

“Further to Glenthams Parish Council's response made last week I have been asked to send an amendment to the statement regarding flooding of Seggimoor Beck in 2019. This was in fact flooding caused by blocked drains. The last flooding of the beck was in June 2007 causing significant flood damage to a number of properties. Since then water levels have risen significantly but never over topped the beck. The parish council's aim is that this remains the case and that the proposed development will manage its surface water discharge to ensure downstream watercourses do not receive any more volume of water.”

Local residents:

Residents of Slates Farm, Glenthams, Caenby Corner; Glenthams House, High Street, Glenthams object (summary):

- Loss of best and most versatile agricultural land. Such land needed more than ever because the UK has left the EU.
- Size and mass is of industrial scale in the countryside close to dwellings.
- The proposal does not consider Lindarlea Lodge.
- Proposal is in an unsuitable area. It could be on Hemswell Cliff Industrial Estate.
- Surface water flooding may occur because of the slope of the site and the attenuation pond is not big enough to cope. Runoff would go to the dyke and any pollution will go into Glenthams Beck then the River Ancholme to the detriment of the population along these water ways and wildlife. Pollution could impact on water quality and supply.
- The A631 is a red route with numerous accidents and fatalities. This is a national speed limit road with poor visibility near the proposed entrance. Vehicles, particularly motorbikes, speed in this area. The road layout should be altered with a slip road and central reservation. Comparison is made with 136274. Existing access is insufficient for the proposal.
- Proposal will not provide employment for locals or local economic benefits.
- Visual impact as this is a blot on the landscape.
- The objector wishes they had had more time to formulate their objection but they had been working out of the country until recently.
- Major commercial industrial development that will harm the countryside.
- Fields should be kept for agriculture, particularly as the UK is leaving the EU, to generate profit to sustain the economy.
- Local industrial/commercial land is available and has been for a number of years but this has been ignored in favour of a countryside site. The proposal should be on an industrial estate.
- Scale, design and appearance of this major development is out of keeping with the rural area. Proposal would dominate the countryside.
- Industrial and commercial buildings should be kept in one place for example Hemswell Cliff which is less than a mile away which has benefit of existing access and space, bus routes, footpaths, safe speed limit, noise and odour pollution, area already built up, existing safe access and egress, other companies nearby within the same industry such as recycling companies which the government can work with to create job opportunities in the local area and amenities are in place to support the large work force.
- Proposal is adjacent an Arla Farm with livestock in fields. The proposal may attract vermin which is a hazard to livestock.
- Noise and disturbance from the use to Slates Farm from vehicle movements including early morning.

- Slates farm is downwind of the site meaning noise and smells would travel across the open fields with impact on welfare and wellbeing. Staff and operational vehicle movements passing dwellings will increase the smell particularly as they leave in groups.
- Traffic- the proposal will add to the already busy A631; peak time commuters increases road traffic and longer travel journeys increases co2 emissions.
- Traffic from the proposal will slow traffic and cause it to back up on the main road at a blind corner near the roundabout. This will increase highway safety problems.
- Economy- there are two existing depots at Gainsborough and Market Rasen which could be upgraded at less cost, disturbance, impact and loss of farmland.
- This is meant to be a public service for customers therefore existing depots should be upgraded and kept within the vicinity they serve. Then staff would have less of a journey to work and would not be restricted to car. More journeys mean more air pollution.
- The proposal results in unnecessary travel when Gainsborough and Market Rasen already have public transport, footpaths, safe speed limits, areas ready made to accommodate, access and egress in place, commutable routes for workers and amenities to accommodate the workforce.
- Coronavirus could damage the economy and result in large scale unemployment meaning budgets should be kept to deal with this instead of the depot.

Residents of Jarebe, Bishop Norton Road, Glentham and Lyndarlea Lodge, Caenby Corner make general observations (summary):

- The Council released a press briefing stating the proposal is to meet needs of future new homes whereas the application infers it is to consolidate other sites.
- The Council is committed to a greener environment but the only way to access the proposal is by private vehicles due to lack of regular bus service, the footpath is rough and muddy in inclement weather and there are no cycle paths or safe cycling routes.
- It would be interesting to understand if the Council would be discriminating against existing and potential employees who are unable or unwilling to travel by car.
- Suggest Council commits to building footpaths and cycle ways from Glentham, Gainsborough and Lincoln and ensuring a regular bus service from Glentham through Caenby Corner to Lincoln and Gainsborough.
- Lyndarlea is omitted from the design and access statement and it is a concern the impact on residents has not been fully assessed [case officer note: please note this dwelling is considered in the noise assessment].

WLDC Conservation Officer:

“There are a cluster of listed buildings at Spital in the Street, including Cromwell House which has a principal architectural elevation facing south (towards the proposed site) and the nearby Norton Place (grade I listed). Norton Place has no inter-visibility the site, and I do not think the development would affect its setting. With regard to Cromwell House, there may be a distant direct view of the proposed building, which is not small, but this would be unlikely to impact on how the significance of the principal elevation is experienced. I would advise that there is no harm to the setting of listed buildings arising in this particular case.”

WLDC Environmental Protection Officer:

24/1/2020: Queries perceived inconsistencies in the noise assessment regards number of vehicle movements assessed and type of wash down facility provided. This may have implications for how noise levels for residents have been assessed. It is not clear whether an acoustic fence is proposed. The comments of residents of Lyndarlea are noted. However, the noise assessment does consider impacts on them.

12/03/2020: Following receipt of amended/additional information the only remaining query is regarding whether a wheel wash of vehicle wash is proposed and the noise impact this would have in terms of duration and frequency. It is noted an acoustic fence is not proposed.

17/3/2020: re noise pollution the proposal results in "present and not intrusive" which is above "no observed adverse effect level" but crucially below "lowest observed adverse effect level" meaning there is no requirement for mitigation.

LCC Highways and LLFA:

12/2/2020- Interim response

“Highways

Access point is acceptable however the two lane split for vehicles departing the depot is unnecessary, it also results in an access with excessive width. Could the applicant redesign the access arrangement complete with swept paths to demonstrate its suitability.”

“Drainage

The drainage strategy, along with the discharge rate is acceptable in principle. It is noted in the Flood Risk Assessment that the option of discharging surface water via infiltration has been discounted based on web based geology information and a nearby borehole log. It is recommended by the HLLFA that a site specific ground investigation report is carried out to confirm the viability of infiltration on site.”

Travel plan feedback (summary):

- Travel plan contains relevant information for a business travel plan
- Current data on staff travel should be sought along with intended travel to enable a baseline to be set for future monitoring

- Additional detail and or clarity is requested regarding- planning policy summary to be provided; appendix c- summary of bus times and link to lincsbus.info in sufficient; targets- travel plan co-ordinator (TPC) should undertake staff survey before the move to ascertain current and intended modes of travel to be used as baseline for future monitoring and to assist staff plan and prepare for the move, travel plan commencement and review date to be reviewed, is car park capacity sufficient for staff numbers and how many would work at the site?; travel plan survey and database- LCC uses an online tool to monitor travel plans which enables better access and monitoring for travel plan co-ordinator and local authority, this should be used by the TPC; travel plan measures- review of chapter 7 requires appendix c, the council could promote the cycle to work scheme and wheels to work, there could be dedicated car sharing spaces, marketing and promotion- the TPC could promote bikeweek, walk to work week and liftshare week. It is recommended that these comments are used to revise the travel plan for approval, staff surveys undertaken and the travel plan is conditioned to be in place prior to opening of the new site.

LCC Minerals and Waste:

“It is considered that having regard to the scale, nature and location of the proposed development, the applicant has demonstrated that in accordance with the criteria set out in policy M11 that the site is of a minor nature which would have a negligible impact with respect to sterilising the mineral resource. Accordingly, the County Council has no safeguarding objections.”

LCC Archaeology (summary):

- Caenby Corner lies in a rich multiperiod archaeological landscape, with Roman Ermine Street (today's A15) and adjacent to the shrunken medieval village and hospital of St Edmund at Spital in the Street, with prehistoric and high status Anglo-Saxon burial mounds (barrows) known nearby.
- As detailed in the developer's Historic Environment Feasibility Assessment, the site is thus located in an area where archaeological remains from the prehistoric period onwards may be expected.
- The geophysical survey has demonstrated that the site does appear to have been subject to modern surface disturbance.
- Subtle buried remains could be affected by deeper ground works. It is therefore recommended that a targeted programme of trial trenching be required to assess the survival and significance of any surviving remains in the areas of proposed greatest ground disturbance. From the information currently available, this could include the attenuation pond, main building, and storage building.
- Recommendation: Insufficient information is available at present with which to make any reliable observation regarding the impact of this development upon any archaeological remains. I recommend that further information is required from the applicant in the form of an archaeological trial trench evaluation, to be considered alongside the

application and previous geophysical survey. This should focus on areas proposed for the greatest depth of ground disturbance, and anomalies of potential archaeological origin noted in the geophysical survey.

Environment Agency:

No objection with environmental permit informative.

Natural England:

No objection. "Based on the plans submitted, Natural England considers that the proposed development will not have significant adverse impacts on statutorily protected nature conservation sites or landscapes."

Lincolnshire Fire and Rescue:

Object to the application on the grounds of inadequate water supply for firefighting purposes. Lincolnshire Fire and Rescue requires the installation of one fire hydrant conforming to BS750-2012 within 90m of the premises entrance in respect of this planning application to be provided at the developer's expense. Fire hydrant acceptance testing will be carried out by a Hydrant Inspector on completion and a standard hydrant marker "H" plate will be fitted nearby. Following adoption the Fire Service will be responsible for the on-going maintenance and repairs for the lifetime of the fire hydrant.

23/3/2020: Objection withdrawn following submission of water services layout.

Reconsultation

The Council received an amended travel plan, transport statement, proposed site plan, response to EPO noise queries and additional water services layout plan. A 14 day reconsultation took place which has now closed. The comments of LCC Highways and LLFA are awaited. Any responses will form an update at the meeting.

Relevant Planning Policies:

Statutory test

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

"66 General duty as respects listed buildings in exercise of planning functions.
(1) In considering whether to grant planning permission for development which affects a listed building or its setting, the local planning authority or, as the case may be, the Secretary of State shall have special regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses."

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

Development Plan

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

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

Relevant policies of the CLLP include:

Policy LP1: A Presumption in Favour of Sustainable Development

Policy LP2: The Spatial Strategy and Settlement Hierarchy

Policy LP3: Level and Distribution of Growth

Policy LP13: Accessibility and Transport

Policy LP14: Managing Water Resources and Flood Risk

Policy LP17: Landscape, Townscape and Views

Policy LP21: Biodiversity and Geodiversity

Policy LP25: The Historic Environment

Policy LP26: Design and Amenity

Policy LP55: Development in the Countryside, Part E

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

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

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

National policy & guidance (Material Consideration)

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

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

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

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

Paragraph 213 states:

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

- **National Planning Practice Guidance**

- **National Design Guide (2019)**

Main issues

- **The principle of development**
- **Sustainability of the location and highway impacts**
- **Design and impact on the character of the area**

- Residential amenity
- Heritage impacts
- Flood risk and drainage
- Ecology
- Other

Assessment:

The principle of development

The application site is in a limestone minerals safeguarding area. A minerals assessment has been submitted as required by Policy M11 of the Minerals and Waste Plan. LCC Minerals and Waste raises no objection on minerals safeguarding grounds because the development is of a minor nature which would have a negligible impact with respect to sterilising the mineral resource. The proposal complies with Policy M11 and mineral safeguarding impacts are acceptable.

The site is located in the countryside therefore Policy LP2 Tier 8 Countryside applies which states:

“8. Countryside

Unless allowed by:

a. policy in any of the levels 1-7 above; or

b. any other policy in the Local Plan (such as LP4, LP5, LP7 and LP57), development will be regarded as being in the countryside and as such restricted to:

- *that which is demonstrably essential to the effective operation of agriculture, horticulture, forestry, outdoor recreation, transport or utility services;*
- *renewable energy generation;*
- *proposals falling under policy LP55; and*
- *to minerals or waste development in accordance with separate Minerals and Waste Local Development Documents.”*

The CLLP does not define utility services. The Cambridge Dictionary defines utility as follows:

“utility noun (SERVICE)

[C] formal

a service that is used by the public, such as an electricity or gas supply or a train service”.

Under the terms of the Environmental Protection Act 1990, West Lindsey District Council is classed as a Waste Collection Authority, and as such, under section 45(1) it has a statutory duty to collect household waste from all domestic properties within its administrative area. The Council’s Waste and Recycling Collection Policies set out the services the Council provide to manage household waste in a safe and cost effective way that encourages waste minimisation and recycling.

The application entails a depot essential to the effective operation of the Council's waste and recycling collection service which is considered to be a utility as it provides a service to the public. The proposal would enable the amalgamation of the existing depots at Gallamore Lane Industrial Estate in Market Rasen and North Warren Road in Gainsborough, which would close, with associated operational and locational efficiencies by virtue of having all staff and equipment on one site and a depot located in the centre of the area it serves with excellent road links to all parts of it via the A15/A631 roundabout at Caenby Corner. It is understood both existing depots are reaching the end of their useful lives and it would not be economical to redevelop either site.

The proposal is considered to be a sui generis use as it does not fit within another use class. Therefore, the proposal does not fall to be considered under Policy LP5 which relates to business uses. Notwithstanding this, there are no apparent suitable 2 hectare sites available in nearby established industrial areas such as Hemswell Cliff to accommodate the proposal and locating a waste related depot within or adjacent a food enterprise zone is considered undesirable. More distant sites would not provide the locational efficiencies associated with Caenby Corner.

It should be noted the planning system controls the development and use of land in the public interest. The proposal is fundamental to the public interest and sustainable development because it enables waste to be collected. Without such a service large scale environmental pollution would arise with harm to human health, ecology, the water environment etc. Waste collection is an essential part of an orderly society.

Whilst the structure of Policy LP2 enables the principle of development to be justified on utility services grounds alone, it is relevant to consider countryside policy LP55 which states:

"Part E: Non-residential development in the countryside

Proposals for non-residential developments will be supported provided that:

- a. The rural location of the enterprise is justifiable to maintain or enhance the rural economy or the location is justified by means of proximity to existing established businesses or natural features;*
- b. The location of the enterprise is suitable in terms of accessibility;*
- c. The location of the enterprise would not result in conflict with neighbouring uses; and*
- d. The development is of a size and scale commensurate with the proposed use and with the rural character of the location."*

The proposal has the potential to enhance the rural economy because employment opportunities will arise for residents in the area due to the natural turnover of staff and new job opportunities arising. The site is considered to have suitable accessibility and result in no conflict with neighbouring uses as explained in more detail below. The size and scale of the proposal is commensurate with the proposed use and rural character of the area.

Policies LP2 and LP55 restrict development in the countryside, unless certain exceptions are met, in a manner consistent with the NPPF paragraph 170a requirement that policies and decisions should contribute to and enhance the natural and local environment by recognising the intrinsic character and beauty of the countryside. These policies are given full weight.

The site is not in agricultural use therefore loss of potential best and most versatile agricultural land is not a material planning consideration in this instance.

The proposal complies with Policies M11 of the Lincolnshire Minerals and Waste Plan, and policies LP2 and LP55 of the Central Lincolnshire Local Plan. The principle of development is considered to be acceptable and in compliance with the development plan.

Sustainability of the location and highway impacts

Policy LP13 states:

“All developments should demonstrate, where appropriate, that they have had regard to the following criteria:

a. Located where travel can be minimised and the use of sustainable transport modes maximised;

b. Minimise additional travel demand through the use of measures such as travel planning, safe and convenient public transport, walking and cycling links and integration with existing infrastructure;

c. Should provide well designed, safe and convenient access for all, giving priority to the needs of pedestrians, cyclists, people with impaired mobility and users of public transport by providing a network of pedestrian and cycle routes and green corridors, linking to existing routes where opportunities exist, that give easy access and permeability to adjacent areas;

d. Ensure allowance is made for low and ultra-low emission vehicle refuelling infrastructure.”

The policy also requires appropriate parking facilities for a range of vehicles for all site users along with safe vehicular access. These requirements are reflected in NPPF section 9, paragraph 103 of which states:

“103. The planning system should actively manage patterns of growth in support of these objectives. Significant development should be focused on locations which are or can be made sustainable, through limiting the need to travel and offering a genuine choice of transport modes. This can help to reduce congestion and emissions, and improve air quality and public health. However, opportunities to maximise sustainable transport solutions will vary between urban and rural areas, and this should be taken into account in both plan-making and decision-making.”

The submitted transport statement shows there are no footways adjacent to the site with the closest being the narrow footways that route around Caenby Corner roundabout. Footway provision in the area is limited as would be expected in the countryside. A cycling distance of up to 5 miles, as recommended by Cycling England, is used to identify settlements from which cycling to the site is likely to occur. These include Hemswell, Bishop Norton, Glentham, Caenby and Glentworth. Cycling would be on road. The nearest bus stops are located approximately 1.5km to the west of the site on Creampoke Crescent in Hemswell Cliff which lies within the preferred maximum walking distance for commuting bus services. The bus service is the 103 which runs from Scunthorpe to Lincoln. Considering the rural location of the proposed development, cycling would be a realistic option for local staff wishing to travel to/from the Waste Depot. Pedestrian trips are likely to be minimal given the rural location. Bus trips are also likely to be minimal given the proximity to local bus stops/services. A more likely option for staff would be to car share and staff would be encouraged to do so as part of the Travel Plan.

The proposal, in itself, is not located where travel can be minimised but significant travel demand arises from a depot of this nature regardless of its location. There is only limited opportunity for sustainable transport modes in the form of cycling and car share/electric vehicles. However, the operational need to have a single depot is clear. If this were to be developed in Gainsborough, staff from across the district and beyond would have to travel to this depot with refuse vehicles travelling huge distances to collect from the farthest reaches of the district. The same is true of a single depot in Market Rasen. Furthermore, relocating to the centre of the district from Gainsborough and Market Rasen, could reduce operational vehicle travel.

This proposal is irregular in the sense that West Lindsey District Council has a statutory duty to serve a large geographical area with its main population centres at its periphery such as Gainsborough, Caistor, Market Rasen and the Lincoln fringe villages. Therefore travel patterns are always going to be significant regardless of location.

The site would be a base for 30 refuse vehicles and 10 caged vehicles as well as 70 operational and 15 office staff with 24/7 access required. It is considered that trips associated with the proposed development will largely already be present on the highway network. These trips would be re-routed to the site due to the amalgamation of the existing depot's. The existing scheduled routes shall be undertaken as presently, and these are not proposed to be amended. Operational staff start and finish work at 06:45 and 16:45 which means they will travel outside peak highway periods whereas the 15 office staff do travel at peak highway periods. The proposal would result in 8 arrivals during morning peak period and 8 departures during evening peak period with negligible impact on the highway network. The proposal would generate 75 vehicle movements between 6am and 7am and 66 between 4pm-5pm. The proposal may add up to 2% increase on existing traffic on the A631 during the PM peak period and 20% and 17% increases to existing traffic flows in the AM and PM peak flows for the depot.

Visibility splay requirements of Manual for Streets (MfS) of 2.4m x 124m can be achieved. The site access layout has been designed to accommodate the safe access and egress of a 16.5m articulated vehicle. Swept path analysis has been undertaken to illustrate the manoeuvres of the vehicle during access and egress of the proposed development site. There is ample room for vehicles to pull off the highway whilst waiting for gates to open. The proposed depot shall accommodate 77 vehicles including 7 visitor spaces, 2 electric vehicle charging spaces, 4 car share spaces and 4 accessible parking spaces. This is based on existing demand of 35 staff vehicles with an increase in capacity due to the rural nature of the location. Electric vehicle charging spaces comply with LP13.

The submitted Travel Plan puts forward measures to reduce single occupancy car trips by promoting cycling take up and to encourage car sharing between staff as part of a travel plan to be implemented by a travel plan co-ordinator.

The proposal may not be located within a settlement but it is located in the centre of the area it serves which will assist in minimising travel required of a single depot as far as practicable in the circumstances. There is limited opportunity for sustainable travel modes but some cycling may occur, there is a fairly distant bus stop and car sharing as well as electric vehicle charging points are proposed to encourage sustainable forms of travel. Well designed, safe and convenient access for all is proposed. Ample cycle and vehicle parking is proposed as well as internal site arrangements. There is not considered to be a need for a footway link to Caenby Corner because the likely pedestrian traffic would be minimal given the development population with limited facilities at this junction to draw people in and the footpath would be approximately 300m long which would result in a disproportionately expensive and therefore unreasonable condition to impose upon the applicant.

The further comments of LCC Highways are awaited. The revised site layout appears to address its interim comments regarding access arrangements. A verbal update will be provided at the meeting if these comments are received in the intervening period.

This is considered to be a sustainable location for a proposal of this nature, with district wide use and the highway implications are acceptable in accordance with LP13 and the NPPF.

Design and impact on the character of the area

Policy LP26 requires all development must achieve high quality sustainable design that contributes positively to local character, landscape and townscape, and supports diversity, equality and access for all. It requires all development must take into consideration the character and local distinctiveness of the area and where applicable must demonstrate that they make effective and efficient use of land; maximise pedestrian permeability; respect existing topography, landscape character, relate well to the site and

surroundings with regard to siting, height, scale, massing, form and plot widths; not result in settlement coalescence; not result in ribbon development, nor extend existing linear features of the settlement and instead retain, where appropriate, a tight village nucleus; incorporate as far as possible existing natural and historic features; incorporate appropriate landscape treatment to ensure assimilation into the surrounding area; provide well designed boundary treatments and hard and soft landscaping; protect important local views; reflect or improve on the original architectural style of the local surroundings or embrace opportunities for innovative design and new technology which sympathetically complement or contrast with the local architectural style; use appropriate high quality materials which reinforce local distinctiveness.

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

Policy LP17 states:

“Character and setting

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.

Creating and protecting views

All development proposals should take account of views in to, out of and within development areas: schemes should be designed (through considerate development, layout and design) to preserve or enhance key local views and vistas, and create new public views where possible. Particular consideration should be given to views of significant buildings and views within landscapes

which are more sensitive to change due to their open, exposed nature and extensive intervisibility from various viewpoints.”

LP17 is consistent with NPPF paragraph 170 as they seek to protect valued landscapes and recognise the intrinsic character and beauty of the countryside. It is therefore attributed full weight.

The proposed buildings and site are of a necessarily utilitarian design. The overall scale is appropriate to the location and reflects the needs of the service it provides. The buildings are located far from the highway which will reduce their presence in the streetscene. External finishing materials are grey brick and grey metal cladding which are appropriate for the proposal and in the context of the mixed palette of materials in the area which includes red and buff bricks, limestone, various colours of render and metal cladding.

The large parking areas in particular will require good and effective landscaping to soften their impact on the character and appearance of the surrounding countryside. There is ample room at the boundaries to allow for hedge and tree planting to soften the appearance of the proposal in what is a relatively flat open landscape.

The main unknown is how the land levels on the site would be altered as part of this proposal. Existing topography entails an approximate 6m fall across the site as the site sits on a slope with the highest point being the north west corner at 46.159mAOD sloping gradually down to the south east corner at 39.449mAOD. The applicant has been asked to provide existing and proposed cross sections of the site to show how this would be dealt with but at the time of writing this has not been submitted. Therefore, receipt and dealing with any matters arising from this forms part of the recommendation. The likely solutions are cutting into the northern section of the site potentially with some retaining walls. Whether existing land levels are retained or they are reduced or increased, it will be possible to secure boundary landscaping to soften the appearance of the proposal to a sufficient degree such that the design, layout and resulting visual, landscape, streetscene and character impacts are considered to comply with Policies LP17 and LP26.

Residential amenity

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

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

The proposed buildings are sufficiently removed from neighbouring residential dwellings to prevent harm to residential amenity by virtue of their presence. The main consideration is the impact on residential amenity from activities on the site and traffic.

The PPG states;

“How can noise impacts be determined?

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

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

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

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

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

Paragraph: 003 Reference ID: 30-003-20190722

What are the observed effect levels?

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

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

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

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

See the noise policy statement for England for further information.

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

Noise exposure hierarchy table:

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

The Noise Policy Statement for England (NPSE) (March 2010) states;
“2.9..... Unlike air quality, there are currently no European or national noise limits which have to be met”

“2.22 It is not possible to have a single objective noise-based measure that defines SOAEL (Significant Observed Adverse Effect Level) that is applicable to all sources of noise in all situations. Consequently, the SOAEL is likely to be different for different noise sources, for different receptors and at different times. It is acknowledged that further research is required to increase our understanding of what may constitute a significant adverse impact on health

and quality of life from noise. However, not having specific SOAEL values in the NPSE provides the necessary policy flexibility until further evidence and suitable guidance is available.”

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

The applicant has submitted a noise assessment and an additional briefing note. These establish a baseline noise level at the nearest sensitive receptors to the proposed site as noted in the description above. Established prevailing weekday noise levels during key operational periods, namely early morning 06:00-07:00 and daytime period 07:00-17:00, have been used as a basis for the noise assessment. Existing noise levels are dominated by road traffic including the A15. The key noise sources from the proposed development were considered to be:

- Fixed external plant and building services;
- On-site operations;
- Movement of refuse collection and caged vehicles; and
- Road traffic noise.

Provided the recommended noise limits from fixed external plant and building services satisfy the criteria in Table 4.1, the existing residential amenity should not be adversely affected by the proposed development.

Noise emissions from intermittent on-site operations are predicted to result in low impact. This includes wheel washing, wheelie bin storage using a JCB, training area, road sweeper, 7 refuse and caged vehicle movements and 30 car movements.

Noise emissions from movement of 15 refuse collection and 5 caged vehicles is predicted to result in predominantly low impact with potential for minor adverse impact during the early morning period with the biggest impact on Slates Farm with a difference of +2db above background noise level with a minor impact predicted. The results indicate that existing residential amenity should not be adversely affected by this predominantly time compressed operation, which is generally programmed to occur early morning and mid-afternoon.

The potential impact from changes in road traffic noise over a 1-hour period is predicted to be predominantly negligible with potential for minor adverse impact due to the potential increase in percentage HGVs. Taking account of the overall increase in road traffic noise of 1.2dB, this should however be acceptable and not adversely impact the existing residential amenity.

The Council's EPO has considered the noise assessment and additional note. No objection to noise is raised. With regards to national policy the proposal is considered to fall within the present and not intrusive category which crucially,

is below the lowest observed adverse effect level. This means the noise generated by the proposal and the impact this would have on nearby sensitive noise receptors is acceptable in light of the requirements of the NPSE, PPG regarding noise and LP26. There are not considered to be any harmful impacts arising from vibration, odour, dust or air quality given substantial separation distances to sensitive receptors. The proposal is considered to achieve acceptable noise levels with no harm to residential amenity nor to that of anyone else in the area.

Heritage impacts

The aforementioned statutory test regarding the impact of development on the setting of a listed building is the primary consideration. NPPF paragraph 193 requires “When considering the impact of a proposed development on the significance of a designated heritage asset, great weight should be given to the asset’s conservation”. This level of protection is reflected in Policy LP25 which references the tests in the NPPF and is therefore consistent and given full weight.

There are a cluster of listed buildings at Spital in the Street, including Cromwell House which has a principal architectural elevation facing south (towards the proposed site) and the nearby Norton Place (grade I listed). Norton Place has no inter-visibility the site, and it is considered the proposal would not affect its setting. With regard to Cromwell House, there may be a distant direct view of the proposed building, which is not small, but this would be unlikely to impact on how the significance of the principal elevation is experienced. It is considered there is no harm to the setting of listed buildings arising in this proposal. The Council’s Conservation Officer raises no objection to the proposal.

NPPF paragraph 189 states “Where a site on which development is proposed includes, or has the potential to include, heritage assets with archaeological interest, local planning authorities should require developers to submit an appropriate desk-based assessment and, where necessary, a field evaluation.” Policy LP25 reflects this stating “If initial assessment does not provide sufficient information, developers will be required to undertake field evaluation in advance of determination of the application. This may include a range of techniques for both intrusive and non-intrusive evaluation, as appropriate to the site.”

Proposed land level changes on the site are, at the time of writing, unknown. This is pertinent to archaeological impacts because LCC Archaeology opines there is currently insufficient information available at present to make reliable observations and there is considered to be a need for trial trenching focussing on areas of greatest depth of ground disturbance and geophysical anomalies.

The applicant has been asked to provide the aforementioned cross sections showing site level changes. This should be used to inform a scheme of archaeological trial trenching which the applicant has also been asked to submit. The submission of and matters arising from this further information

form part of the recommendation in order to enable archaeological matters to be addressed before planning permission is granted, if planning committee determines this is the appropriate course of action, and to ensure compliance with Policy LP25 and the NPPF.

The heritage impacts are otherwise considered acceptable in accordance with the statutory listed building setting test, Policy LP25 and the provisions of the NPPF.

Flood risk and drainage

Policy LP14 requires the flood risk sequential test in the NPPF be carried out and is therefore inherently consistent. Policy LP14 requires proposals demonstrate that they have incorporated Sustainable Drainage Systems (SuDS) in to the proposals unless they can be shown to be impractical whereas NPPF Paragraph 165 requires this for only major developments. However, there is general consistency in requiring developments do not lead to increased risk of flooding. Policy LP14 also requires proposals demonstrate they would not adversely affect ground water quality. This is consistent with NPPF paragraph 170 which requires planning policies and decisions should contribute to and enhance the natural and local environment by.... (e) preventing new and existing development from contributing to, being put at unacceptable risk from, or being adversely affected by, unacceptable levels of soil, air, water or noise pollution or land instability. Development should, wherever possible, help to improve local environmental conditions such as air and water quality, taking into account relevant information such as river basin management plans. LP14 is attached full weight.

The application includes a flood risk assessment which also considers drainage matters. A detailed ground investigation has not been provided, with resultant reliance on British Geological Survey (BGS) mapping for underlying geological data.

The site is in flood zone 1 and is not at risk of any other form of flooding. The proposal passes the flood risk sequential test. The Environment Agency raises no objections regarding flood risk.

Surface water drainage

The FRA calculates the existing site results in an existing surface water runoff rate of 7.50litres per second in a mean annual flood.

The Building Regulations requires rainwater drainage shall discharge to one of the following, listed in order of priority:

- (a) An adequate soakaway or some other adequate infiltration system, or, where that is not reasonably practicable,
- (b) A watercourse; or, where that is not reasonably practicable,
- (c) A sewer.

The FRA assumes infiltration is not an option on the site without providing a detailed ground investigation in evidence. The FRA recommends such an investigation is carried out to further inform the development.

A ditch lies along the southern boundary of the site that would offer a suitable outfall. The ditch that passes the site becomes the Seggimore Brook, flowing east into the Norton Beck before ultimately discharging into the River Ancholme (a Main River). An onsite attenuation basin is proposed to the south of the site, adjacent to the outfall ditch where topographical levels are at their lowest to enable a gravity discharge from all areas of the site. In addition, as spatial constraints presented by the site plan limit the size of the basin, to supplement the attenuation storage a geo-cellular tank is also proposed. The geo-cellular tank will be positioned beneath vehicular car parking areas, just to the north of the proposed basin. This will intercept the run-off generated within the site itself and reduce the incidence of overland flow causing flooding across adjacent land. Detailed calculations including a climate change allowance are provided for attenuation volumes required by the proposal.

The FRA includes an outdated proposed site layout plan. Furthermore, the LLFA considers the drainage strategy, along with the discharge rate is acceptable in principle whilst recommending that a site specific ground investigation report is carried out to confirm the viability of infiltration on site.

The further comments of LCC Highways and LLFA are awaited. It is anticipated a surface water drainage condition requiring a finalised scheme accompanied by, amongst other things, detailed ground investigation will be required. Provision is made for this in the recommendation.

Foul water drainage

There are no Anglian Water foul drains in the area. As no foul water disposal options exist, it is proposed to use a package treatment plant to treat foul flows before discharging to the onsite ditch/watercourse. Packaged treatment plant options based on development population are provided in the FRA although it is not specific as to which is proposed and it is not clear whether attenuation requirements reflect foul flows from the site.

Ground water protection

The FRA demonstrates underlying geology is not sensitive in relation to ground water although it should be noted water from the site would flow into an area that is so. The Environment Agency raises no objections regarding ground water protection whilst recommending an informative regarding the potential need for an Environmental Permit which requires sites should not harm human health or pollute the environment. The FRA proposes interceptors to prevent contamination of the site runoff prior to discharge into the southern ditch/watercourse. The fuel package tank is an inner storage tank, externally encased within an outer weatherproof bund to ensure any leakage or nominal overflow situation is safely contained.

It is considered the application includes sufficient information to demonstrate it is possible to drain surface water from the site in accordance with SUDS principles without increased risk of flooding to the proposal or adjacent sites in accordance with Policy LP14 and the provisions of the NPPF. It is necessary to attach separate foul water drainage and ground water protection conditions to ensure compliance with these policies.

Ecology

Policy LP21 states “Any development which could have an adverse effect on sites with designated features and / or protected species, either individually or cumulatively, will require an assessment as required by the relevant legislation or national planning guidance.” It is consistent with NPPF section 15 in requiring “170. Planning policies and decisions should contribute to and enhance the natural and local environment by:..... (d) minimising impacts on and providing net gains for biodiversity” and “175. When determining planning applications, local planning authorities should apply the following principles: (a) if significant harm to biodiversity 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”. LP21 is consistent with the NPPF and is given full weight.

A preliminary ecological appraisal (PEA) has been submitted with the application. The site consists of managed semi-improved neutral grassland bound by hedgerows and tall ruderal vegetation. Other habitats recorded on site include bare ground, buildings and a dry ditch. No statutory designated nature sites are on or near the site.

The PEA recommends habitat compensation and enhancements that *could* include native species landscaping; making the attenuation pond wildlife friendly; retention of eastern boundary vegetation; gapping up of existing hedgerows; retention and improvement of grassland on site; artificial habitats for bats, birds and invertebrates.

Precautionary mitigation measures are recommended for amphibian at paragraph 5.11, 5.12 and 5.13, birds at 5.18, and reptile at 5.23 which are conditioned.

The PEA gives non-specific suggestions for enhancements for amphibians, bats, birds and reptiles. Examples include no number or location of bat and bird boxes or soft landscaping details which could have been provided for the periphery of the site. It is also not clear whether an attenuation pond can be suitably designed as an ecological enhancement. This results in the need for a condition to secure specific ecological enhancements in accordance with Policy LP21.

Natural England raises no objection to potential impacts on statutorily protected nature and landscape sites. The proposal is considered to have acceptable ecological impacts in accordance with Policy LP21.

Other

Lincolnshire Fire and Rescue initially objected to the lack of a fire hydrant to enable fire services to deal with an emergency at the development. The applicant has submitted an additional plan showing provision of such a hydrant to serve the development and the objection has been withdrawn.

Conclusion

Mineral safeguarding impacts are considered to be acceptable. The principle of development is found to be acceptable as it provides a statutory service essential to the public with specific operational and locational requirements. This is considered to be a sustainable location for this proposal because of the inherent travel requirements associated with the use and the geographically dispersed population centres it serves. Sustainable travel modes are promoted where possible. Sufficient on-site parking is proposed along with safe access in an area with highway capacity to accommodate trip generation. The design is necessarily utilitarian with appropriate soft landscaping space provided to soften the appearance from surrounding countryside. Impacts on the character of the area and visual amenity are acceptable. No harm to residential amenity would arise from the physical presence of the development or as a result of its operation including noise and odour impacts. There would be no harm to the setting of distant listed buildings. Archaeological matters require further information but should be acceptable. The site is at low risk of flooding. Surface, foul and the water environment matters are acceptable subject to final design conditions. The impact on ecology would be minimal with enhancements secured. A hydrant is to be provided in the interests of fire safety. Subject to the matters in the recommendation the proposal is considered to be sustainable development therefore planning permission should be granted subject to conditions:

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

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

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

Location Plan (received 21/1/2020)

Proposed Building Plan (received 21/1/2020)

Proposed Building Elevations (received 21/1/2020)

Proposed Storage Building (received 21/1/2020)

Fuel Package Tank (received 21/1/2020)

Proposed Water Services Layout (received 10/3/2020)

Proposed Site Plan (received 18/3/2020)

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

3. No development shall take place until a scheme for foul water including pipe routing, collection, treatment and disposal sufficient for the needs of the development population, and details of any attenuation requirements and the outfall have been submitted to and approved in writing by the Local Planning Authority. Development shall proceed in accordance with the approved details and the scheme shall be in place prior to the first use of the site.

Reason: To ensure appropriate foul water treatment facilities are in place to serve the development and prevent pollution and flooding of the surrounding area in accordance with Policy LP14 of the Central Lincolnshire Local Plan.

4. No development shall take place until a scheme for the prevention and interception of any pollutants from the development to the water environment has been submitted to and approved in writing by the Local Planning Authority. Development shall proceed in accordance with the approved details and the scheme shall be in place prior to the first use of the site.

Reason: To prevent pollutants from the development contaminating the water environment in accordance with Policy LP14 of the Central Lincolnshire Local Plan.

5. No development shall take place until a scheme of ecological enhancements for the site and a timetable for this taking place has been submitted to and approved in writing by the Local Planning Authority. Development shall proceed in accordance with the approved details.

Reason: To secure ecological enhancements in accordance with the requirements of Policy LP21 of the Central Lincolnshire Local Plan.

6. Development shall proceed in accordance with the precautionary mitigation measures as recommended for amphibians at paragraph 5.11, 5.12 and 5.13; birds at 5.18; and reptiles at 5.23 of the Preliminary Ecological Appraisal.

Reason: To prevent harm to protected species in accordance with Policy LP21 of the Central Lincolnshire Local Plan.

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

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

8. Before the first use of the development, a scheme of landscaping including details of the size, species and position or density of all trees and hedges to be planted (which must include planting in the peripheral landscape buffer around the site boundary) shall have been submitted to and approved in writing by the Local Planning Authority. All planting, seeding or turfing

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

Reason: To ensure that a landscaping scheme to soften the appearance of the development and provide ecological enhancements is provided in accordance with Policies LP17, LP21 and LP26 of the Central Lincolnshire Local Plan.

9. No external lighting shall be installed unless details of the number, location, design and light pollution reduction measures have first been submitted to and approved in writing by the Local Planning Authority. Lighting shall be installed in accordance with the approved details.

Reason: To minimise light pollution in the interests of the amenities of the area and ecology in accordance with Policies LP21 and LP26 of the Central Lincolnshire Local Plan.

Informatives

The Environment Agency makes the applicant aware of the following:

This development may require a permit under the Environmental Permitting Regulations 2016 from the Environment Agency.

The Environmental Permitting (England and Wales) Regulations 2016 state that permitted sites should not harm human health or pollute the environment. The operator is therefore required to have measures in place which will:

- prevent pollution
- ensure that there is no harm to human health, the quality of the environment, or the surrounding amenity
- ensure that there is no offence to a human sense or damage to material property

Human Rights Implications:

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

Legal Implications:

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



Site Location Plan
scale 1:2500

Existing Site Plan
scale 1:200

DRAWING ISSUES AND REVISIONS

12 Vickers Lane | South | Lincolnshire | LN11 9PZ

Idc LINCS DESIGN CONSULTANCY

PROJECT | Barlings Country Park
Barlings Lane
Langworth

DATE | May 2019

TITLE | EXISTING

SCALE | As shown

ORIGINAL SIZE | A1

DRAWING NUMBER | LDC2599-01

This drawing is the copyright of Idc Design Consultancy and must not be reproduced without written consent. The contractor is responsible for taking and checking all dimensions on site prior to commencement and reporting back to the architectural consultant any discrepancies. All materials specified on this drawing are to be used in strict accordance with manufacturers written instructions and current codes of practice.

All Details and Specifications on this drawing are to refer to the specific project. Should be referred to. If any deviations occur the contractor / client should refer to Idc Design Consultancy immediately as we cannot be held responsible for errors resulting from unacknowledged detail and specification changes.

Officers Report

Planning Application No: 139532

PROPOSAL: Planning application for caravan site for siting of 79no. static caravans and 109no. touring caravans.

LOCATION: Barlings Country Holiday Park Barlings Lane Langworth Lincoln LN3 5DF

WARD: Cherry Willingham

APPLICANT NAME: Mr Epton

TARGET DECISION DATE: 1/5/2020

DEVELOPMENT TYPE: Major - Other

CASE OFFICER: Martin Evans

RECOMMENDED DECISION: Approve

This application is reported to planning committee because of the consultation responses received and the complex planning history for the site.

Description:

This is an application for planning permission for the siting of 79no. static caravans and 109no. touring caravans. As part of the development the existing reception building will be moved to be closer to the access of the site. The existing caravan storage area will be relocated and provides 50 spaces. A maintenance area will be created in the northern corner of the site. The number of proposed touring caravans has been reduced based on an amended proposed site layout plan.

The existing vehicular access from Barlings Lane would be used to access the proposal. The proposed site plan uses a purple line to denote the proposed area for touring caravans which also includes storage of 50no. touring caravans and existing touring caravan toilets and amenities. The 79no. static caravans are shown surrounding the on-site ponds and on the western fringes of the site. A landscape buffer is shown to the western boundary with the dwellings fronting Barlings Lane.

The application site is 7.7ha in area. The existing site consists of a static and touring caravan site on the fringes of Langworth. The application site is almost entirely in flood zone 3 with a small portion of the western fringes of the site located in flood zone 2. To the north east the site adjoins Barlings Eau (a main river) which features a flood defence along its western boundary with the application site. To the south east of the site is a woodland. To the south west are residential dwellings lining Barlings Lane. To the north west is agricultural land.

Relevant history:

W4/1002/91 – Planning application for **touring** caravan site and extension to children’s play park and sports area. This was refused by WLDC but subsequently allowed on appeal, subject to conditions. Condition 4 related to the number of touring caravans on the site (limited to 20) and condition 5 limits the type of caravans to tourers and use as holiday rather than permanent residential.

W4/1003/91 Planning application to change use of land to extend car park and for car boot sales area. Refused 22/4/92.

W4/765/93 Planning application to use land for storage of 50 caravans. Granted subject to conditions 6/12/93.

W3/148/95 Planning application for site static caravan to provide site bailiff’s accommodation. Granted subject to condition 25/7/95.

97/P/415 planning application to site static caravan (renewal of W4/148/95) to provide site bailiff’s accommodation for further two year period. Granted subject to conditions on 15/12/97.

98/P/0992 – Change of use to hair and beauty facility including site administration office – Approved 21/4/99.

M06/P/0164 Planning application to change the use of hair and beauty salon and erect extension to form living accommodation and office with access off Barlings Lane to the north of Riverside. Refused 28/2/07.

124920 Planning application for 27 chalet style static caravans, extensive tree planting and landscaping to include circulatory roads. Also, change of use of existing reception building to include reception and accommodation for site warden, construction of storage building and gas tank. Refused 24/3/2010.

128354 – Planning application for 27no chalet style static caravans, landscaping and roads including change of use of reception to warden accommodation –Approved 2/8/12. This application approved a layout plan and both the decision and plan can be viewed on our website under ref 128354.

129076 – Certificate of Lawful Use or Operational Development approved 5/12/12- according to paragraph 9 of appeal 2205963 “9. A certificate issued on 5th December 2012 contained an error concerning a relevant date, and that was corrected by the Council by the issuing of the revised certificate dated 31st July 2013 for:

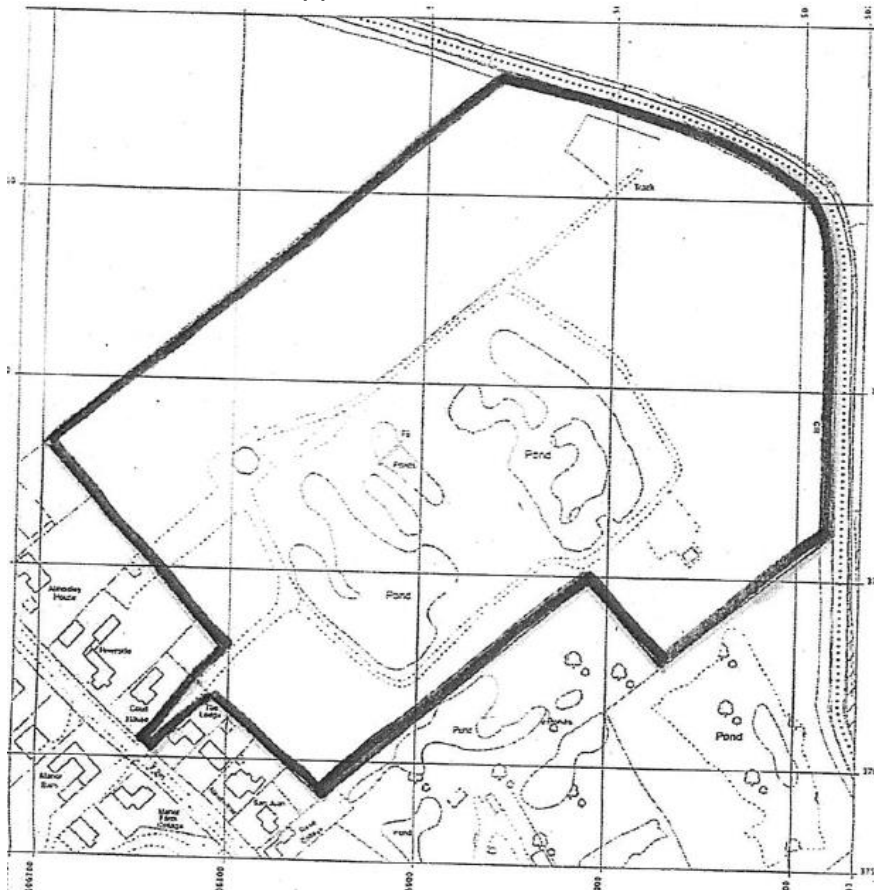
- The use of the application site as a caravan park but the siting of caravans limited to the following; The area marked cross-hatched on the attached plan for the siting of a maximum of 32 touring caravans for holiday accommodation use.

- The siting of a single static caravan for warden's accommodation in the same area in location marked on the attached plan.
- The use of the area marked hatched on the attached plan for the storage of a maximum of 50 caravans.
- The development of the lakes as annotated on the attached plan and their use for recreational fishing.

Subsequent to the granting of the Certificate an appeal was lodged (APP/N2535/X/13/2205963). It was allowed and a modified certificate of lawful use or development was issued 17/4/14. The Inspector stated "Having concluded that condition 4 is not enforceable, I consider that the Council was not entitled under section 191(1)(c) to impose a new limitation of 32 touring caravans in the LDC" The effect is that the 1993 planning permission remains in force without the limitation to 20 touring caravans in condition 4, but subject to other conditions, so far as those remain in force. The new certificate issued by the Inspector states:

"The use of the land as a touring caravan park and extension to children's play area and sports area without complying with condition No.4 of planning permission Ref: W4/1002/91 granted on appeal on 5th March 1993 (appeal ref: T/APP/N2535/A/92/213480/P7)."

The above decision applies to the land outlined in black below:



131613 – details in relation to Conditions 2, 3, 4, 5, 6 of 128354 (27 Holiday chalets).

133001 – application to vary conditions 13 and 14 of 128354. Conditions 13 and 14 related to the use of the chalets for holiday purposes and required the applicant to keep a register of occupants. This application was refused 19th August 2015 and dismissed at appeal reference APP/N2535/W/16/3143243 27/6/16.

138904 Planning application to remove condition 5 of planning permission W4/1002/91 allowed on appeal 5th March 1991 - touring caravan park use. Withdrawn 29/3/19.

The current Caravan Site Licence reference CS0043 provides for 250 touring caravans and 60 seasonal pitches, making a total of 310 tourers. In addition to this, the site is licensed for 28 static caravans.

Representations:

Cllr Darcel requests the application is determined by planning committee stating:

28/3/2020

As a district councillor my comments in July 2019 were concerned primarily with flooding on the site and about extra flood risk the development will pose to the neighbouring properties.

However, having studied the new proposed site layout and the new drainage reports, I can see that the new proposals will have more impact on the nearby residents than the previous application.

The well articulated responses from residents in July 2019 raised concerns about traffic volumes and the flood risk to both nearby properties and to the residential homes on the site itself,

This application will exacerbate their concerns on both: it will not reduce them.

Nor do I understand the advice given by the Environment Agency or by the flood consultants of a finished floor level (FFL) for each of the new dwellings of 6.5 m AOD. It will not protect them from flooding.

In November, one property in Scothern Lane had water entering the conservatory, garage, hall and kitchen and is shown on the EA digital terrain model to have a spot height of 6.51m AOD.

Clearly something is not right.

Why is it the Environment Agency insisted the FFL of 7.41m AOD for Golca, Scothern Lane, Ap No139822, and that sectional drawings of the development at the George Hotel, Ap No 139822, show a FFL of 7.8m AOD?

So why are the EA are talking about a FFL of 6.5m AOD at the caravan park? The level is 1m lower than in Scothern Lane and at the George. Clearly, from the levels map attached, created by the EA in February 2020, the properties in Scothern Lane, much of the caravan park and the properties adjacent to it in Barling's Lane are at a similar height AOD. They must all be at an equal risk of flooding.

Further, unless material for the 6,240 sq ,m. of new islands for the residential home bases is excavated from the site, the brought in soil will increase the risk of flooding to the existing properties.

The application is worse than I feared in July with all the extra touring vans now shown on the site, they will add further to the run off above that which might be expected from a green field as well as create extra traffic problems on the Barlings Lane A158 junction. LP12 &13.

All the planning documents I have seen recently stress that building in a flood plane should be avoided if at all possible. LP14. This development is not necessary and no exception should be made.

I do not wish to criticise without making a positive contribution. My suggestion would be to raise the banks of the fish ponds and the river bank to 6.5m AOD.and install a small pumping station to pump the extra run off from the site into the fish ponds.”

2/12/2019 “My request is a result of recent flooding that has occurred in Langworth and Barlings which residents were told in 2015 should not happen again, and the inconsistent advice from the EA and from the W3IDB for this Application from the advice given for 127132 for which an FFL of 7.41m above datum was specified and for Application 130773 where a FFL of 7.6m above datum was specified.

Applications 127132,130773 and 139532 all sit within the same EA Flood envelope for Langworth and Barlings so presumably safe FFLs should be the same. Details are to be sent in a separate email.

If ,as a Councillor, I can see that both the EA;s and W3IDB's advice would seem not to give future occupiers of the static caravans the same protection and safety from flooding as is expected elsewhere in the village, I have a responsibility to flag this up to the Planning Committee.

There is a 1m difference between the proposed FFL's at the Barlings site and the George Hotel and that cannot be right!
Suds may not be compulsory but some form of enhanced on site storage would help properties next door,

LP 14 a) The EA advice seems inconsistent with that given in other applications. i.e. 127132 and 130773

LP14 b) In 127132 the W3IDB estimated the effect the raised footprint of the new build would have on nearby properties. In this Application there would be 79 raised foot prints. What effect will they have on the neighbours, No calculations are given or shown.

LP14 c) No satisfactory mitigating measures appear to be shown and it would seem there will be an out flow of water from the site rather than the extra flood water being stored on the site.

LP14 d) I have seen no working evacuation policy in place for the site should the site be seriously flooded and

LP14 e) There are no positive proposals explained that will help protect the wider area from flooding.

LP 14 f) SUDs may not be compulsory but some form of enhanced on site storage is possible and would help properties next door.

LP 26 d) a number of next door properties have lodged objections and the loss of amenity for these properties needs to be considered”

28/11/2019

“As a District Councillor who has taken a keen interest in both the serious flooding that has occurred in Langworth and on the campsite at Barlings Lane over recent years and the hazardous road junction where Barlings Lane meets the A158 I must ask you not to approve this application. While I welcome the reduced car and caravan journeys that will both enter and leave the site and the provision of a pavement to join to the existing paved foot path I feel the suggested drainage provision does not meet the NPPF. The NPPF is quite clear, any development must make the area more sustainable than it was before the development commenced,

I cannot see how this will be achieved with this application. In short, in my judgement (and part of my original training was in Land Drainage) the application fails to meet LP14 a),b),c),e) and f).

The attached charts and photographs and photos previously supplied, and the attached letter clearly show how badly Langworth and properties on Barlings Lane were affected. The only reason flood water was not as high in Langworth and Barlings this year as it was in 2007 was the massive lake created at Short Ferry by the Barlings Eau bursting its bank, just west of Short Ferry Bridge. This unintended happening must have relieved Langworth and Barlings of 1000's of cubic metres of flood water, which if modelled in to the Langworth catchment area would surely have raised water levels upstream in Langworth and on the caravan site to even higher levels than were recorded in 2007. Instead, the only house flooded to my knowledge was at No 8 Scothern Lane.

I would suggest the 6.5m FDL suggested by the EA is not adequate. Parts of Scothern Lane with a mODN height of 6.7m were flooded by some 20cm of flood water last week. That the level of water did not rise higher was because of 3 residents' pumps working flat out.

Not only this, I would suggest the 69 raised platforms for Static Caravans on the site will cause water levels to rise in nearby properties, contradicting the intentions of the NPPF. I do not have suitable 3D modelling software but it is my guess that the campsite at Barlings Lane would have had at least 30cm of water added to its levels had the river bank at short Ferry not been breached. With the EA software it should be easy to calculate the effect the volume of water stored a Short Ferry would have had in raising water levels on the camp site. I would be grateful if you asked your contact at the EA to rerun the model to see if I am correct and I would suggest the attached resident's letter, based on local knowledge confirms my comments. With regards traffic, the application fails to meet the guide lines in LP13, a), b), c), g) and h). There is no bus service nearby, and there is no easy access on to the A158. While the new foot-path is welcome, there is no mention of how it will be enforced or conditioned and there is no mention of cycle-ways or of improved access onto the A 158. I would also like to remind you of the letter of the Parish Council recently sent to the Chief Planning Officer regards a lack of compliance to previous conditions to the site, and the local concern that work has already started on the project, or that there does not seem to be an adequate emergency evacuation process in place. It is possible to make the site sustainable and to meet the requirements of SUDs but the proposed measures will not achieve this. If the developer could work with the EA to achieve a scheme that would meet SUDs requirements and if it was conditioned and enforced I would be pleased to withdraw this objection."

Flooding charts for Langworth, flooding photographs and a letter to Anglian Water from a Mr Dearman were also included with Cllr Darcel's second representation.

Langworth Group Parish Council:

On 15th August 2019 the Langworth Group Parish Council held an extraordinary meeting to discuss application 139532. Having taken note of comments from the general public, at a separate public meeting held prior to the extraordinary meeting of the parish council, the council voted and does not support the application.

The Parish Council Does Not Support the Application

The parish council asked for the comments as listed below to be submitted to West Lindsey District Council who, will be asked to post the comments on the planning portal under application 139532.

Highway Considerations

- Councillors expressed disappointment that the developer or a representative from WLDC planning was not attending. Neither did either party tell us that they were not attending.
- One of the recurring concerns is traffic access and egress from Barlings Lane to the A158. The parish council is working with the Lincolnshire Road Safety Partnership looking at ways road safety can be improved at the

junction. There are no comments in the planning application that mention improvements to road Safety.

- There have been many accidents at the junction between Barlings Lane and the A158 which are not recorded as the police did not attend
- The Lincolnshire Road Safety Partnership has acknowledged the junction is problematic.
- The road width of Barlings lane is quoted in the planning application as being 10 metres. This is incorrect. The width of the road is much narrower, down to 4.5 metres in places.
- There is already a conflict between farm traffic and private vehicles using Barlings Lane. Increasing the number of touring caravans will exacerbate the situation as will the increase in traffic from an additional 79 static caravans
- To date, LCC in their capacity as Highway Authority has not commented on the application. On previous applications for development at Barlings Lane they have not made any comment or asked for the imposition of conditions to improve the highway. It is thought that LCC pay little or no attention to the applications and carry out a desktop “rubber stamping” exercise without exploring how the existing community will be affected by a significant increase in traffic and pedestrians on a non-classified road without footpaths.
- Since the site, as existing, generates pedestrian traffic, which is likely to increase, WLDC should be asked to impose a condition to enforce the developer to provide footpaths to highway standards to link with other existing footpaths.

Planning Gain

- Although local employment may be given, no other gain to the local community is envisaged and Langworth already struggles with sustainability. Previous planning applications disregard of conditions
- There has been in the region of eleven previous planning applications for this site.
- What conditions are in place is not clear and could probably be more confusing if this application is determined without due care consideration.
- The track record of compliance with planning conditions is only given ‘lip service’ by the applicant.

Application 139532

- The application description is unclear. Although they are asking for 79 static caravans and 180 touring caravans, but they seek to limit their overall numbers and quote this as a reason to allow the application. It is not clear that this is over and above anything which has already been allowed by previous planning approvals.
- As this is a new application, the 79 static caravans and 180 touring caravans are over and above what is already been applied for in previous successful planning applications. Hence, we are unsure what the true numbers are and what will or should be allowed.
- The Council is concerned that the applicant states “there is no planning control over the number of touring caravans that can be stationed on site”. Surely this should be part of the Lawful Development Certificate which was drafted by the Planning Inspectorate in 2014. As he discounts condition 4 in planning permission W4/1002/91 saying that it was immune from enforcement

action, we feel that he was derelict in not providing new limitations within his report. Furthermore, WLDC should have also identified this problem. Consequently, the applicant now feels that he can do what he wants in terms of the numbers of touring caravans.

- The applicant states in paragraph 1.2 and 5.3 of their access and design Statement “the site has approval for 60 seasonal pitches and 310 tourers and 28 static caravans the net effect being that current planning and licencing controls permit up to 338 caravans to be stationed on the site”

Seemingly, the applicant is using this as some kind of covert leverage in support of the application.

- The WLDC case officer needs to study what is and what is not permitted on the existing site and use this information when determining this application.

- In previous applications for this site, the conditions applied by WLDC have not been implemented by the developer. It needs to be clear to the applicant and to the residents of Langworth how many caravans mobile and static are allowed on the site and what conditions the applicant must comply with.

- It was stated that condition 5 of the 1991 application remains in place. That is: the site is used for touring caravans only. However, a subsequent application (128354) was allowed for 27 static chalets but this was for only part of the site. The Council believe that condition 5 still applies to the rest of the site.

- The application shows that the site is not visible from the public highway/footway. This is not the case as lodges and caravans are clearly visible from Barlings Lane, the A158 and the public highway to Newball.

- The applicant has not ticked the box for storage of LPG.

- The applicant is asking for 79 static caravans. The other application (128354) was for 27 static chalets. Is this the same thing?

- The applicant has not provided any public consultation on this application and a large degree of animosity has already developed between the residents and the applicant.

- There is a distinct lack of supporting information on the planning portal.

Local Plans NPPF

- If the application is approved the number of people on the site will be significant. The local plan says development should be in proportion to its surroundings.

- The Council considers that the proposal does not meet the policies within the local plan or the NPPF.

- LP2 Permitted growth no more than 10%

- LP7 Sustainability, it's in a flood plain, should be in scale with local surroundings.

Site licence

- There is a difference between a planning application and a site licence.

- A site licence was granted to the applicant in 2016. The licence is for 250 caravans and 60 Pitches. It was confirmed that the parish council were not consulted about the licence.

- A question raised was: why did WLDC issue a site licence without first consulting residents?

- WLDC has granted the site a licence that is referred to in the application.

- The WLDC licence is out of date since it refers to organisations and standards that no longer exist.
WLDC need to review their licence terms.
- A caravan site licence should only be issued to site after planning has been approved. If this application is approved will the applicant need to re-apply for a licence?
- In his documentation and supporting evidence, allegedly, the applicant has inferred: If this application is not determined in his favour then the fall-back position will be to site touring caravans. This contradicts the applicant other views that touring caravans are bad for the road networks and will cause problems along Barlings Lane.
- It is recognised that the inspector, when determining a previous application that went to appeal did not, specify a total number of caravans for the site. The inference giving the impression that the total number of caravans permitted to use the site is only limited by regulations governing the density, spacing and access to caravans.
- The site is alleged to be for holiday use only. Anecdotal evidence seems to suggest that the site does have residents who are not using the site as holiday accommodation. Also, some residents use the site for more than 6 months of the year. Surely this must mean that this has become their main residence which conflicts with the Local Plan
- The applicant has indicated that the site should have permanent residents and has made previous applications with this in mind

Flooding

- The application lacks detail about flood risk and procedures in the event of a flood.
- The reasons given in the flood risk assessment that the proposed development is compliant with the sequential and exceptions tests set out in the NPPF are flawed. Everyone is aware that the site has been subject to serious flooding in the recent past and at one point giving rise to the evacuation of people and animals. The Parish Council and residents are seriously concerned that the risk of flooding is very real and mitigation matters are not being taken seriously.
- Proposed hard standing areas and roadways within the site are expected to reduce the capacity for surface water to soak away.
- The site has been covered in flood water to a depth estimated as the height of a car wheel.
- The fishing ponds have been unable to contain run off/flood water in the past and there is no reason to assume it will do in the future.
- Flood risk and safety measures in the application are incorrect. An item regarding flood emergency procedures advised: “residents can move to the first floor”.

Benefit to the local economy, the concerns:

- Some doubt about how “local” is defined.
- There is no retail, outlets, in Langworth so there would be no benefit to the community in respect of patronising local retailers.
- No consideration has been given to the three main bases measuring sustainability.

- The George Hotel may gain some small seasonal benefit.
- The site may generate additional employment opportunities.
- An extension of the site is expected to create demand for supplies of everyday items such as milk, newspapers, bottled gas. It could be foreseen that the site could become insular and detached from the local community as it establishes its own retail outlets and café bar in the future. This could take business away from the George Hotel.
- WLDC LP7 is referred to in the applicant's design and access statement. The proposal to site 79 touring caravans and 180 touring caravans on the site will be of benefit to the local community. The applicant's access and design statement fail to demonstrate how the proposal will benefit the local community.
- Paragraph 5.3 of the developers' design, and access statement says: "it is not applicable to judge the development against benefits to the local economy".

Voting:

After considering the comments made at the public meeting and comments made by parish councillors and the two West Lindsey District Councillor the chairman proposed a vote.

Do any councillors support the application – None

Do any councillors object to the application – Five object, one abstention."

The Parish Council also wrote separately requesting information on the planning history be provided which was treated as a separate requires rather than a representation for consideration as part of this application.

Further objection 30/3/2020:

"Additional comments on behalf of Langworth Group Parish Councillors.

The Parish Council has already expressed concerns that conditions set for previous developments on this site have not been met e.g. landscaping and lighting levels. There are documented concerns of increased flood risk to Barlings Lane and nearby properties to the site. The requirement for a raised first floor level has been imposed in anticipation that flooding on the site may occur in future. District Councillor Darcel's letter clearly outlines the problems and concerns, the development will not improve sustainability. Barlings Lane has ditches both sides as you approach the site from the A158 and the fields have acted as soakaways for the run off of surface water. A path joining the site to existing network on the South West of Barlings Lane will impede if not remove this drainage leading to more drainage on other side. Further development of housing along this stretch of lane has recently been given. Highway Condition 20 recognises this concern requiring appropriate management of surface water run off from Barlings Lane. The provision of hard standing for dwellings and touring caravans will reduce the permeability of the site and raises concerns that this will increase problems in adjacent fields, existing and proposed new dwellings. 29/11/2019 SA Testing: The testing done by Humberside Materials Laboratory limited failed to find any suitable soakaway location. 08/01/2020 The Drainage Strategy: Appdx F proposes additional 300mm overflow pipe to Barlings Eau. If bank had not

burst at Short Ferry recently the river level would have remained near top of bank, i.e. above ground level of site, for considerable time restricting drainage from site via any gravity overflow pipe. SUDS calculations assume water will have somewhere to go? Visual evidence viewing from Barlings Lane shows surface water in to field adjacent to site has been present for several months. Suggestion that existing ponds/lake will be relied on to cope with run off from site will mean more runoff into Barlings Eau. Term "Country Park" would imply a Park not high-density housing plan. Numbers are far too high, traffic problems on Lane have already been raised. Fixed dwelling reduces numbers of caravans but not the number of journeys by cars to and from the site. Shops, facilities and tourist attractions are outside of Langworth. Proposals to link to foul water drainage have not been confirmed – concern already expressed by Parish Council to Anglian Water that sewer network did not cope in recent flood event. Adding a "high density housing settlement" to local network requires more infrastructure."

Local Residents:

Residents of San Juan, Mulberry House, Whipoorwill, Court House, Pinfold Lodge, Newholme Barlings Lane; Manor Farm, Bardney Road, Newball object to the proposal for the following summarised reasons:

- Proposal is too large. Contrary to LP2, LP4 and LP7.
- May develop into full holiday resort.
- Applicant must be made to complete other applications before this is granted.
- There have been breaches of planning control and lack of enforcement. All breaches must be remedied. Some are used as permanent homes.
- Increased traffic, highway safety including junction of Barlings Lane and A158. There is a lack of footways in Barlings Lane. No traffic plan contrary to NPPF paragraph 111. Traffic impacts not considered contrary to NPPF paragraph 102.
- May be used for residential purposes.
- Existing lighting is intrusive.
- Noise and rubbish.
- Noise, dust from existing vehicular access into neighbouring properties.
- Crushed stone internal roads create dust.
- Drainage and flooding. Contrary to NPPF paragraph 150 as this is a flood plain. Errors in flood risk assessment- reference to escape to second floor which doesn't exist; no consideration of risk to life with touring caravans located in most at risk areas; how will river levels be monitored 24 hours a day; lack of evacuation details;
- Visibility of the site from surrounding roads.
- Raising caravans will make them harder to screen.
- Impact on residential amenity due to proximity of caravans to houses, security and property value.
- No benefits to the village. Impact on services like schools and doctors.
- According to the Caravan Sites and Control of Development Act 1960 Section 5 Model Standards for Caravan Sites, a maximum of 30 vans

per acre is permissible. A total of 150 vans is considerably less than the applicants' assessment. I believe this materially affects the existing licence CS0043 and, should you agree to sanction more static vans, would also limit the total number of these.

- No mention of caravan storage or seasonal pitches.
- Cumulative impacts on the community with 137084 and 139764.
- Where would additional facilities required by caravan site licence be located?
- No health impact assessment contrary to LP9.
- Residents were assured by WL there would be no development of this site before purchasing their dwellings.
- Lack of mains sewerage and commercial waste collection.
- Minimal demand for use of the site.
- Increased carbon emissions and loss of peaceful countryside setting.

Residents of Avondale, Barlings Lane make general observations as summarised below:

- Impact on the site of nature conservation interest which are important to tackling flooding and pollution.
- Lack of information regarding impact on local habitat and environment/protection.
- Quality of location should be prioritised over quantity of pitches.
- Light pollution.
- Increased traffic and highway safety implications.
- Flood risk and impact on travelling not considered. Caravan occupants may not have time to leave the site before it is flooded.
- There would be more caravans on the site than houses in Langworth.
- Benefits outweighed by disbenefits.
- Lack of facilities in Langworth.
- Statics are not more beneficial than tourers.
- Not a sustainable development.

WLDC Growth and Projects (Visitor Economy) Tourism:

“In principle, and subject to normal planning considerations, the Growth and Projects Team (including Visitor Economy) are supportive of the application from a visitor economy perspective. Tourism is a major sector in West Lindsey bringing into the area around £126.5 million in revenue and supporting c1707 full time jobs (STEAM data 2017). Staying visitors account for 27% of all visitors to the district and is currently worth £44.76 million (STEAM data 2017) which, has grown annually since 2012. The provision of quality accommodation for visitors is an important element for future sustainable development within the district and any initiative which promotes this will add value to the current product as well as supporting the local authority aspiration of being a prosperous and enterprising district where an increased number of businesses and enterprises can grow and prosper.

In this application it is important to acknowledge that bringing more visitors into the district, who will use all the services available, will undoubtedly aid the economy of the district for local businesses and residents.”

LCC Archaeology

“This office would like to reiterate that the developer has yet to fulfil their planning conditions for previous phases of development on this site, as regards submitting the archaeological report to the local planning authority for their approval, and also depositing this report and archaeological artefacts recovered to the museum as required by conditions 8 and 9 of planning approval 128354. It is essential that the findings of the archaeological excavations are reported on and that any finds deposited and made publicly accessible, as required under the National Planning Policy Framework (section 16, paragraph 199). Without this any archaeological remains impacted by development have been destroyed without record, in breach of both national and local planning policy and in contravention of the conditions of planning approval that were applied for this purpose.

On the basis of the plans proposed, which do not appear to involve any groundworks, no archaeological input would be recommended for this present application.”

Highway and Lead Local Flood Authority (HLLFA)

10/09/2019: No objection in principle to this development.

The development will require a footway link on the southwest side of Barlings Lane connecting the development to the existing footway network, together with a suitable uncontrolled tactile crossing point at the site access. This will form part of recommended conditions to the Local Planning Authority in final comments.

Drainage: As a major development there is a requirement to deliver a surface water drainage scheme in line with sustainable urban drainage principles. It is stated in the application form that the surface water is to be discharged to on site ponds however a strategy on how this is to be achieved with more control than what is described in the Flood Risk Assessment will be required together with any necessary supporting information.”

19/2/2020: “The drainage satisfies the HA, the rate of a discharge of 1.8l/s per second is significantly lower than the existing Qbar flow rate, and the existing lakes having suitable attenuation.”

27/2/2020: Recommends a condition requiring footway link from the site to existing footways on Barlings Lane with associated informatives.

Environment Agency:

The proposed development will only meet the National Planning Policy Framework’s (NPPF) requirements in relation to flood risk if the following planning condition is included.

The development shall be carried out in accordance with the approved flood risk assessment and the following mitigation measures it details:

- Finished floor levels shall be set no lower than 6.5 metres above Ordnance Datum (AOD)
- Static caravans shall be secured to the ground

Reason To reduce the risk of flooding to the proposed development and future occupants. These mitigation measures shall be fully implemented prior to occupation and subsequently in accordance with the scheme's timing/phasing arrangements. The measures detailed above shall be retained and maintained thereafter throughout the lifetime of the development."

Flood warning and emergency response information is issued to the Council and information for environmental permits is issued to the applicant.

As requested by Cllr Darcel his representations were sent to the EA with the following response received:

"We do not wish to amend our position, and the letter (ref: AN/2019/129344/01-L01) sent on 19 August 2019 still applies.

The advice differs for the other sites referenced (your ref: 127132 and 130773) as the proximity to the main river varies between the sites. The reason for a requirement for different finished floor levels at different sites in Langworth is that the closest river levels to the site are used in assessing risk together with land levels on the site in order to estimate the depth of flooding that could potentially occur. These river levels differ further upstream of the Barlings Country Holiday Park due to a gradient in the channel."

Witham Third District Internal Drainage Board

"The site is within the Witham Third District Internal Drainage Board area. 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 acknowledges the risk and provides appropriate mitigation, including minimum FFL of 6.1m, signing up to flood warnings and having an evacuation plan."

Relevant Planning Policies:

Development plan

To the extent that development plan policies are material to an application for planning permission the decision must be taken in accordance with the development plan unless there are material considerations that indicate otherwise (section 70(2) of the Town and Country Planning Act 1990 and section 38(6) of the Planning and Compulsory Purchase Act 2004).

Here, the Development Plan comprises the provisions of the Central Lincolnshire Local Plan (April 2017); and the Lincolnshire Minerals and Waste Local Plan (December 2017 and June 2016).

Lincolnshire Minerals and Waste Local Plan

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

- Core Strategy and Development Management Policies
 - Site locations
- No relevant policies.

Central Lincolnshire Local Plan

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

Policy LP1: A Presumption in Favour of Sustainable Development

Policy LP2: The Spatial Strategy and Settlement Hierarchy

Policy LP7: A Sustainable Visitor Economy

Policy LP13: Accessibility and Transport

Policy LP14: Managing Water Resources and Flood Risk

Policy LP17: Landscape, Townscape and Views

Policy LP21: Biodiversity and Geodiversity

Policy LP25: The Historic Environment

Policy LP26: Design and Amenity

Policy LP55: Development in the Countryside

Other

National Planning Policy Framework 2019 and Planning Practice Guidance

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

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)."

Langworth and Barlings Neighbourhood Plan

West Lindsey District Council has approved the application (on 16th May 2016) by Langworth Parish Council to have the parish of Langworth and Barlings designated as a neighbourhood area, for the purposes of producing a neighbourhood plan.

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

Main issues

- **The principle of development**
- **Visual impact**
- **Residential amenity**
- **Flood risk and drainage**
- **Highway impacts**
- **Other**

Assessment:

The principle of development

The application site is very large with its south western boundary adjacent to a cluster of residential development which is slightly removed from the continuous built footprint of Langworth whilst the other boundaries of the site face countryside. For these reasons, it is considered reasonable to determine the proposal under policies relevant to the countryside. Policy LP2, tier 8 restricts development in the countryside unless allowed by, amongst others, LP7 which states:

“Development and activities that will deliver high quality sustainable visitor facilities such as culture and leisure facilities, sporting attractions and accommodation, including proposals for temporary permission in support of the promotion of events and festivals, will be supported. Such development and activities should be designed so that they:

- a. contribute to the local economy; and*
- b. benefit both local communities and visitors; and*
- c. respect the intrinsic natural and built environmental qualities of the area; and*
- d. are appropriate for the character of the local environment in scale and nature.*

Development should be located within existing settlements, or as part of planned urban extensions, unless it can be demonstrated that:

- such locations are unsuitable for the nature of the proposal and there is an overriding benefit to the local economy and/or community and/or environment for locating away from such built up areas; or*
- it relates to an existing visitor facility which is seeking redevelopment or expansion.”*

The proposal would deliver high quality visitor accommodation; would contribute to the local economy by increasing visitor spending in the area; would benefit local communities by increasing spending in the area, potentially creating employment opportunities and benefit visitors by providing an enhanced tourist facility; would respect the natural and built environmental qualities of the area by expanding within the existing site boundary and reflecting the layout and design of the adjacent existing caravan site; and would be appropriate for the character of the local environment in scale and nature as shown in the considerations below as a result of lack of identifiable technical problems with the proposal and the its nature being acceptable because caravans are part of the established nature of the area. The location of the proposal is acceptable because it relates to an existing visitor facility which is seeking redevelopment and expansion.

The proposal complies with Policy LP7 and therefore LP2. Policy LP7 is considered consistent with NPPF because paragraph 83 sets out that decisions should enable sustainable rural tourism and leisure developments

which respect the character of the countryside. These considerations are reflected in LP7 therefore it is afforded full weight.

The proposal is acceptable in principle.

Visual impact

Local Plan Policy LP17 states:

“Character and setting

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.

Creating and protecting views

All development proposals should take account of views in to, out of and within development areas: schemes should be designed (through considerate development, layout and design) to preserve or enhance key local views and vistas, and create new public views where possible. Particular consideration should be given to views of significant buildings and views within landscapes which are more sensitive to change due to their open, exposed nature and extensive intervisibility from various viewpoints.”

LP17 is consistent with NPPF paragraph 170 as they seek to protect valued landscapes and recognise the intrinsic character and beauty of the countryside. It is therefore attributed full weight.

Following a thorough review of the substantial planning history for the application site and wider caravan park it is clear that the Planning Inspectorate has formally determined via appeal reference APP/N2535/X/13/2205963 (as detailed above) that the application site and more land beyond it to the north west is able to operate as a touring caravan site without restriction on the number of tourers that may be stationed on the site. The current proposal entails 79no. static caravans and 109no. touring caravans are proposed. This is a significant and very strong fall-back position for the applicant. If the current application were refused based on the visual or character impact of additional caravans, the applicant could allow more caravans on the site than are currently proposed without the need for planning permission.

Notwithstanding the above, it is considered views of the proposal from Barlings Lane will be restricted by the intervening residential dwellings, the

woodland to the south east of the site and roadside vegetation and planting to the northern boundary of the site. The significant tree cover within the centre of the application site will also lessen the visual impact of some of the caravans.

The most significant visual impact would be experienced by residents of the dwellings to the south west of the site which back on to the proposal. The layout plan shows intervening landscaping which, subject to conditioning of further details and retention, should help lessen the visual impact. Views of the application site from the north west would be slightly limited by the 27 static caravans which separate the application site from the open farmland. There would be some long distance views from the A158. There is fairly significant planting to the eastern bank of Barlings Eau which will lessen the visual impact of the proposed touring caravan area from views from the east. There are more exposed views of the proposed touring caravan area from the north such as from the road to Newball but there is sufficient space within the maintenance area and site boundary to allow planting to take place to soften this visual impact.

The proposal is considered to have an acceptable impact on visual amenity and the character of the area in accordance with LP17.

Residential amenity

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

All of the caravans are in excess of 21m from residential dwellings which will prevent undue overlooking or any other form of harm to residential amenity for existing residents. The nature of the use as a visitor facility is not considered to fundamentally conflict with the adjacent permanent residential uses in terms of issues such as noise, disturbance or general activity associated with the use. It is necessary to add a lighting condition to prevent undue light pollution. The proposal would result in increased use of the existing vehicular access to the site which is located between two dwellings. As already noted there is a very strong fall-back position whereby the site could be filled with touring caravans which would have a broadly equivalent impact. There is not

considered to be undue harm to residential amenity resulting from the increased use of the vehicular access adjacent existing dwellings.

The impact on residential amenity complies with Policy LP26 and is acceptable.

Flood risk and drainage

The site is at high risk (flood zone 3) of river flooding from Barlings Eau whilst small parts of the site are at high and medium risk of surface water flooding. Policy LP14 and the NPPF require a flood risk sequential test. The PPG states:

“The Sequential Test does not need to be applied for individual developments on sites which have been allocated in development plans through the Sequential Test, or for applications for minor development or change of use (except for a change of use to a caravan, camping or chalet site, or to a mobile home or park home site).”

The aforementioned lawful use of the application site is as a caravan site without restriction on the number of caravans therefore no change of use to a caravan site would occur. Therefore no sequential or exceptions test is required.

The existing site does not have a specific flood warning and evacuation plan. The proposal would provide such a plan meaning there is a flood risk betterment for this site classified as more vulnerable.

There is a requirement for the proposal to have an acceptable flood risk assessment. An FRA was submitted with the application which proposed the following flood risk mitigation measures:

- The finished floor levels of the caravans shall be set at a minimum of 6.500 mAoD (aligned with the previous approval on the site).
- The proposed pitches for the caravans will be located on areas of crushed stone as will the access. The caravans will be securely fastened to the ground via steel chains fixed to insitu concrete pads. This will prevent any movement of the caravans during times of flooding.
- A Flood Warning and Evacuation System will be put into place for the new units.
- Surface water runoff shall be dealt with via direct infiltration. If the ground become saturated water will be directed to the existing lakes.

Paragraphs 5.9, 5.10 and 5.11 detail a flood warning and evacuation plan. The site will be registered with the Environment Agency’s ‘Warnings Direct’ flood warning system amongst other measures.

The EA raises no objection on flood risk grounds subject to condition requiring development in accordance with the FRA and FFL no lower than 6.5m AOD and static caravans being secured to the ground.

It is clear that touring caravans can be towed from the site before a flood to the safety of flood zone 1 which starts on Barlings Lane and the static caravans would be fixed to the ground to prevent movement in a flood, visitors would be above the flood level due to the proposed FFL and the evacuation plan should ensure people can leave before flooding occurs. The proposal would not make flooding on adjacent sites worse because the proposal shows it can deal with its own surface water. The site specific flood risk assessment is considered acceptable in accordance with Policy LP14 and the NPPF.

Foul and surface water drainage are important considerations. Policy LP14 and the NPPF require major development such as this to provide SUDS drainage where possible.

Soakaway testing has been provided showing infiltration is not viable on this site. A network of filter drains alongside the new internal access roads are proposed that will receive runoff from the new static caravans. Additionally, the filter drains will intercept runoff from the access roads. Surface water would flow to the existing lakes on the site. Water levels in the lakes are maintained by overflow pipes to Barlings Eau. The 0.5m level difference between lake water level and top of bank provides an attenuation volume that can be utilised for the anticipated increase in runoff from the new development. Existing overflow from each lake will be adjusted so that a restricted discharge will occur at the normal water level and a high level overflow provided just below top of bank level. There is capacity in the lakes to accommodate additional flows to them. The assessment of the proposed surface water drainage demonstrates that the existing lakes can provide the required attenuation volume for up to the 1 in 100 year plus climate change storm event without flood risk to the site or other areas in the vicinity being increased. The LLFA considers the drainage strategy acceptable.

Foul flows are proposed to flow to a packaged treatment plant which will discharge cleaned water to the on site lakes and then into the Barlings Eau river. Ordinarily connection to the Anglian Water foul drainage network is encouraged. The nearest connection point is approximately 300m away and Anglian Water have identified a lack of capacity in the foul water network to receive the flows from the proposed development. This is not an unusual response from Anglian Water, what this means is that Anglian Water needs to work with the applicant on their foul drainage strategy. There are a number of potential solutions, including, connecting to a different part of the network where there is capacity, or providing additional foul storage capacity at the on-site pumping station to hold back flows entering the network during peak times. These solutions are common in drainage strategies. In terms of costs the developer will have to pay for all on-site drainage works and the conveyance from the site to the connection point in the network. For this site Anglian Water would like to see a foul drainage condition is applied if permission is granted. This will ensure the applicant discusses their strategy with Anglian Water and can agree an effective solution in the event packaged treatment plant is not accepted by the Environment Agency. It is necessary to condition foul water drainage details be provided.

The proposed surface water drainage scheme is SUDS compliant and foul drainage is appropriate in accordance with LP14 and the NPPF. Policy LP14 requires proposals demonstrate that they have incorporated Sustainable Drainage Systems (SuDS) in to the proposals unless they can be shown to be impractical whereas NPPF Paragraph 165 requires this for only major developments. However, there is general consistency in requiring developments do not lead to increased risk of flooding therefore LP14 is given full weight.

Flood risk and drainage matters are acceptable.

Highway impacts

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

The existing vehicular access would be used by the proposal which is appropriate for such use. The proposed internal road layout and parking adjacent to each caravan is acceptable. Vehicles can access and egress the site in a forward gear. LCC Highways raises no objection in principle to the highway impacts of the proposal. It requires a footway connection on the southwest side of Barlings Lane to the existing footway which can be secured via condition in the interests of pedestrian safety. There are no concerns about cumulative impacts with existing and or permitted developments in the area and the junction of Barlings Lane with the A158.

The highway implications of the proposal are acceptable.

Other

Ecology- Policy LP21 is consistent with NPPF section 15 in requiring protected species are taken into account and enhancements are secured and is therefore attributed full weight. The application site is no longer recognised as a site of nature conservation interest. It is apparent from the site visit the application site primarily consists of mown lawn suitable for the stationing of caravans which is of negligible ecological value whilst the lakes and Barlings Eau would remain unaffected by the proposal. It is appropriate to secure ecological enhancements as part of the proposal via condition.

Archaeology- LCC Archaeology require no archaeological measures for this proposal.

Conclusion

The proposal entails the appropriate redevelopment and expansion of an existing tourist facility which is acceptable in principle in accordance with Policy LP7 and LP2. There would be some visual impact but this would not cause significant harm and can be mitigated by landscaping. There would be no harm to residential amenity by virtue of the nature of the use being compatible with residential dwellings and the physical impact of the caravans and vehicle movements being limited. Flood risk and drainage matters have been addressed and are acceptable. No harm to highway safety would arise and the internal site access roads and parking provision are appropriate. There are no other technical problems with the proposal therefore planning permission should be granted.

It is recommended planning permission is granted subject to the following conditions:

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

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

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

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

None.

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

2. Development shall proceed in accordance with the following approved drawings and shall be for a maximum of 79 static and 109 touring caravans: LDC2599-02B.

Reason: For the sake of clarity and in the interests of proper planning and in accordance with the terms of the application.

3. No external lighting shall be installed within the application site unless details have first been submitted to and approved in writing by the Local Planning Authority. Lighting shall be installed in accordance with the approved details.

Reason: To prevent harm to residential amenity and the character and appearance of the area in accordance with Policies LP17 and LP26 of the Central Lincolnshire Local Plan.

4. Within 6 months of the date of this permission, a scheme of landscaping including details of the size, species and position or density of all hedges and

trees to be planted and measures for the protection of trees to be retained during the course of development shall have been submitted in writing to the Local Planning Authority. The scheme approved in writing by the Local Planning Authority shall be planted in the first available planting season following their approval. Any trees or hedges which within a period of 5 years from the completion of the development die, are removed, or become seriously damaged or diseased shall be replaced in the next planting season with others of similar size and species, unless the Local Planning Authority gives written consent to any variation.

Reason: To ensure that a landscaping scheme to enhance the development and that initial plant losses are overcome is provided in accordance with Policies LP17 and LP26 of the Central Lincolnshire Local Plan.

5. Within 6 months of the date of this permission, a scheme of ecological enhancements shall be submitted in writing to the Local Planning Authority. The scheme approved in writing by the Local Planning Authority shall be installed within 6 months of their approval and retained.

Reason: To secure ecological enhancements in accordance with Policy LP21 of the Central Lincolnshire Local Plan and the provisions of the NPPF.

6. Within 6 months of the date of this permission, a detailed foul water drainage scheme shall be submitted in writing to the Local Planning Authority. The scheme approved in writing by the Local Planning Authority shall be installed for the use of each caravan before it is first used.

Reason: To ensure appropriate foul water drainage is secured in accordance with Policy LP14 of the Central Lincolnshire Local Plan.

7. Surface water drainage shall be carried out in accordance with the Drainage Strategy Report by ADC Infrastructure dated 07/01/2020 prior to the first use of each caravan.

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

8. Within 6 months of the date of this permission, details of a 1.8 metre wide frontage footway (to the southwest side of Barlings Lane), to connect the development to the existing footway network including appropriate arrangements for the management of surface water run-off from the highway, shall have been submitted in writing to the Local Planning Authority. The details approved in writing by the Local Planning Authority shall be constructed within 6 months of their approval.

Reason: To ensure the provision of safe and adequate pedestrian access to the permitted development, without increasing flood risk to the highway and adjacent land and property in accordance with Policy LP13 and LP26 of the Central Lincolnshire Local Plan.

9. The development shall be carried out in accordance with the approved flood risk assessment and the following mitigation measures it details:

- Finished floor levels for static caravans shall be set no lower than 6.5 metres above Ordnance Datum (AOD)
- Static caravans shall be secured to the ground
- These mitigation measures shall be fully implemented prior to occupation
- The measures detailed above shall be retained and maintained thereafter throughout the lifetime of the development.

Reason: To reduce the risk of flooding to the proposed development and future occupants in accordance with Policy LP14 of the Central Lincolnshire Local Plan.

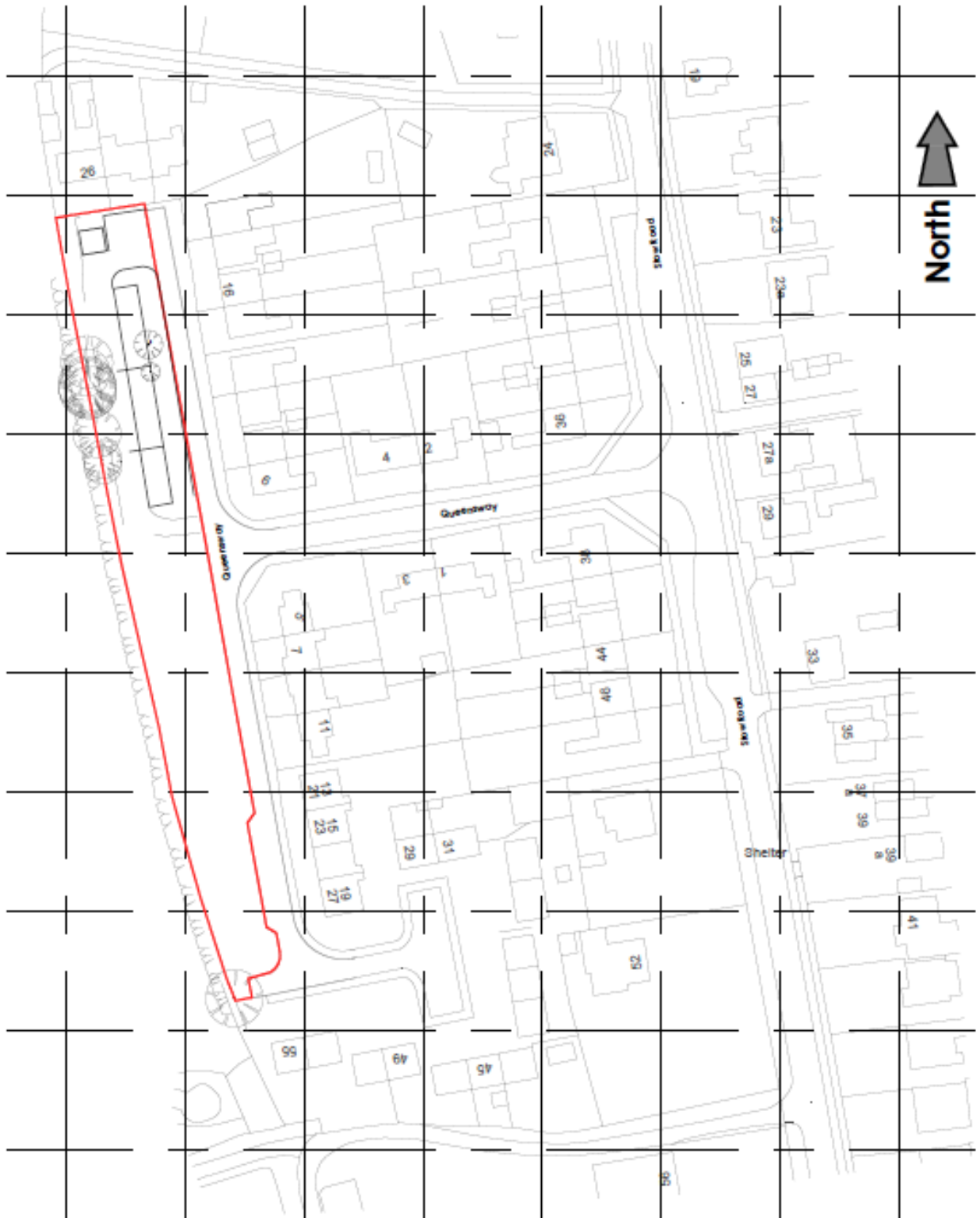
10. The development hereby permitted shall operate the flood warning and evacuation plan detailed in paragraphs 5.9 to 5.11 of the Flood Risk Assessment by LDC issue 1 dated 20/05/2019.

Reason: To reduce the risk of flooding to future occupants in accordance with Policy LP14 of the Central Lincolnshire Local Plan and the provisions of the NPPF.

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

11. The development hereby permitted shall be used for holiday accommodation only and shall not be used as a persons sole or main residence.

Reason: To ensure the development is not occupied as permanent residential accommodation as this would be contrary to Policies LP2, LP4, LP7 and LP26 of the Central Lincolnshire Local Plan.



Ordnance Survey, (c) Crown Copyright 2019. All rights reserved. Licence number 100022432

Officers Report

Planning Application No: 140375

PROPOSAL: Planning application for the demolition of 20no. garages and the construction of 14no. affordable dwellings

LOCATION: Land off Queensway Sturton By Stow Lincoln LN1 2AD

WARD: Stow

WARD MEMBER(S): Cllr Mrs T J Coulson

APPLICANT NAME: ACIS Group

TARGET DECISION DATE: 11/03/2020

DEVELOPMENT TYPE: Major - Dwellings

CASE OFFICER: Ian Elliott

RECOMMENDED DECISION: Grant permission subject to conditions and the signing of a Section 106 Agreement comprising:

- 1. Construct 14 affordable homes on the site including an agreement to sell or transfer to a registered provider**
-

Planning Committee:

The application is to be presented to the planning committee to consider whether the proposed development is compliant with the exceptional circumstances test in local policy LP2 of the Central Lincolnshire Local Plan.

Furthermore, the Parish Council has objections concerned with the risk of flooding, following recent flood events.

Proposal:

The application seeks permission for the demolition of 20no. garages and the construction of 14no. affordable dwellings

The development description was amended to include the demolition of 20 garages. It was not considered necessary to re-consult or re-advertise as the development proposed was not altered. Applying "Wheatcroft Principles", the scheme had not changed and therefore nobody has been deprived of the opportunity to comment upon a changed development.

Site:

The application site is land (0.27 hectares) in the south west part of Sturton by Stow. The site is primarily grassed with a long narrow building comprising of approximately 20 garages and some hardstanding areas providing access to the garage openings. The site is open to the north, east and south boundaries with hedging and a small area of fencing and gating to the west boundary. Neighbouring dwellings are adjacent or opposite to the north, east and south with an open field to the west.

Relevant history:

129094 - Planning application for the demolition of garages and the erection of eight affordable dwellings – 20/11/13 - Refused

130886 - Planning application for the demolition of 20no. garages and the construction of 8no. affordable dwellings – 04/03/18 - Granted with Legal Agreement.

132804 - Request for confirmation of compliance with conditions 2, 3, 4 and 5 of planning permission 130886 granted 4 March 2015 – 23/12/15 - Condition Discharge Partially (condition 2 and 4 only (condition 5 did not need to be discharged))

136520 - Request for confirmation of compliance with conditions 3(a) and (b) of planning permission 130886 granted 04 March 2015 – 17/08/17 - Condition discharged

137183 - Planning application to vary conditions 5 and 10 of permission 130886 granted 4th March 2015 re: drainage - Withdrawn by Applicant – 16/03/18

137562 - Planning application for the demolition of 20no. garages and the construction of 8no. affordable dwellings – 10/09/18 - Granted time limit and other conditions

Representations

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

Sturton by Stow Parish Council: Objections

- The application states “No flooding”. This is not the case, the area was flooded extensively during the end of November floods. The Flood Risk report addresses only the water that falls on the development area itself, it does not address the run off from the fields to the West, which was the main cause of the recent flooding in Queensway. This event has undermined the footpath, it has sunk and cracked and it is possible that this is occurring to the foundations of houses downhill from the flooding. The proposed new pipe across Saxilby Rd is not sufficient itself, this will increase the water past No 59 which is an open ditch NOT piped, as shown. The proposal relies on 54 Saxilby Road agreeing to drainage being across their land. Has this been sought? There is anecdotal evidence that the ditch on Saxilby Road (East Side) field has been filled in at points, discharging the excess water will certainly make flooding much worse for residents as it cannot flow.
- The current sewage system is up to capacity and any additional housing will add to the existing issues already identified in the area of lower High Street and Fleets Road.

- The road is very narrow with cars already parked on both sides. This development will add considerably more vehicles which will force “Fly Parking” wherever they can. This has the potential to be a serious issue for emergency vehicles needing to access the area.
- The application also states “No contaminates” and yet the parish council understand the garages, which are due to be demolished to allow this development to go ahead, may contain asbestos.

Local residents: Representations received from:

- 27 and 55 Queensway, Sturton by Stow
- 53, 58 and 64 Saxilby Road, Sturton by Stow

Objections:

Flooding

- It floods in the area and it recently has from heavy rainfall
- Parking area adjacent the bungalows (43-55) has flooded 5 times recently and nearly got to the dwellings.

Drainage

- Changes to manhole (MH04) and flow out of MH05 to MH04 will be blocked.
- Will discharge of pipes be unaffected by changes
- Culvert size/diameter is incorrect on plan. It states 450mm when in fact 400mm then 300mm.
- It appears as if the flow from the 'missing' manhole is to be deleted to the proposed drainage scheme in drawing GL-1269-01-DR-002. Given that there is evidence of errors in information submitted to the WLDC
- I urge that clear calculations and rationale can be produced from suitably qualified people that sewage and surface water drainage will be adequate.

Highways

- Need more parking.
- Parking for existing residents will be made worse.

Other

- Children need an area to play.
- More children to area with nowhere to go for recreation.

LCC Highways/Lead Local Flood Authority: No objections subject to conditions and advisory comments

Conditions recommended for off-site drainage, frontage footpath and Construction Management Plan and Method.

Strategic Housing Officer: Support
Representation received 11th February 2020:

The lack of any affordable housing being delivered in Sturton by Stow in the last 10 years and the mix of housing that is being proposed reflects the needs information that we can ascertain from the housing register. If the need wasn't reflected in both the SHMA and the housing register information, I would suggest a local survey could be undertaken to determine the specific need for affordable housing at this time in that location. However, as the housing register information identifies a clear need for the types of housing that is being delivered, I don't think a survey would be required at this time.

A project that we commissioned through Housing Lin stated that in Greater Lincolnshire we need to deliver a wider mix of housing for older people. This scheme offers bungalows specifically for people over 55 which have not been delivered in this location previously.

Housing have been working with Acis and the developer for a number of years to enable the delivery of this scheme and as a strategic housing team are fully supportive of an affordable housing scheme in this location. It is believed there is a clear identified need for housing of this type in this sustainable location.

Representation received 8th January 2020:

Below are the numbers of people who are registered for affordable housing and have expressed an interest in Sturton by Stow, this is reflected in the house types comprising 1, 2 and 3 bed properties:

1 bed: 97 44/97 over 55

2 bed: 38 6/38 over 55

3 bed: 20 1/20 over 55

4 bed: 10 2/10 over 55

I would like to see the affordable units secured through a S106 as affordable in perpetuity.

Lincolnshire Police: No objections with advice

Advice based on dwelling frontages, door chains and viewers, letter plates, intruder alarms, footpaths, gates and sheds/cycle storage.

Environment Agency: comment

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

NHS England: No contribution required

At this point in time NHS England will not be submitting a section 106 request for funding relating to the 14 dwellings at Sturton by Stow.

LCC Education: No contribution required

WLDC Public Protection Officer: No objections with comments

Surface water management:

Surface water management from this site has been a long standing issue with previous applications on this site. Agreement has previously been reached over the improvement to the existing offsite surface water system and, as part of application 137562, an ongoing management and maintenance plan was agreed to include the immediate off site system. (conditions 10 & 11 refer). This agreement should similarly be continued and conditioned with this application to ensure long term management of the system to protect the end users of this development and existing properties.

Construction management plan:

A suitable construction management plan should be submitted and approved prior to development. The plan should cover all aspects of work on the site to include demolition of existing structures, management of delivery and working times, management of waste and materials being stored on site, management of contractors vehicles, management of noise, dust, vibration etc to protect neighbours during both the demolition and construction phases.

Archaeology: No representations received to date

Anglian Water: Comments

- The foul drainage from this development is in the catchment of Sturton By Stow Water Recycling Centre that will have available capacity for these flows
- The preferred method of surface water disposal would be to a sustainable drainage system (SuDS) with connection to sewer seen as the last option. Building Regulations (part H) on Drainage and Waste Disposal for England includes a surface water drainage hierarchy, with infiltration on site as the preferred disposal option, followed by discharge to watercourse and then connection to a sewer.

IDOX checked: 2nd March 2020

Relevant Planning Policies:

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

Development Plan

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

Relevant policies of the CLLP include:

LP1 A Presumption in Favour of Sustainable Development
LP2 The Spatial Strategy and Settlement Hierarchy
LP3 Level and Distribution of Growth
LP4 Growth in Villages
LP10 Meeting Accommodation Needs

LP11 Affordable Housing
LP13 Accessibility and Transport
LP14 Managing Water Resources and Flood Risk
LP17 Landscape, Townscape and Views
LP24 Creation of New Open Space, Sports and Recreational Facilities
LP25 The Historic Environment
LP26 Design and Amenity
<https://www.west-lindsey.gov.uk/my-services/planning-and-building/planning-policy/central-lincolnshire-local-plan/>

National policy & guidance (Material Consideration)

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

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

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

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

<https://www.gov.uk/government/collections/planning-practice-guidance>
<https://www.gov.uk/government/publications/national-design-guide>

Other

Planning Committee Minutes from 16th April 2014 and 12th November 2014

Main issues

- Principle of the Development
Planning Permission 137562 dated 10th September 2018
Central Lincolnshire Local Plan 2012-2036
National Planning Policy Framework
Concluding Assessment
- Visual Impact
- Residential Amenity
- Drainage
Foul Water
Onsite Surface Water Drainage
Offsite Surface Water Drainage Improvements
- Archaeology
- Highway Safety

- Affordable Housing
- Open Space
- Accessibility

Assessment:

Principle of the Development

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

Planning Permission 137562 dated 10th September 2018:

This application was approved for 8 affordable dwellings secured through a Section 106 Legal Agreement. The development has to date not commenced on site but is extant with no conditions to discharge with 20 months left for works to commence on the site. This may be attached weight as a realistic fallback position.

Central Lincolnshire Local Plan 2012-2036:

Local policy LP2 sets out a spatial strategy and settlement hierarchy from which to focus growth. This policy identifies Sturton by Stow as a medium village and *'unless otherwise promoted via a neighbourhood plan or through the demonstration of clear local community support, the following applies in these settlements:*

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

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

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

14 dwellings are proposed – above that “typically” permitted (up to 9 dwellings), but within the parameter of that which may be supported in “exceptional circumstances”, which can be justified by local circumstances.

Local policy LP2 of the CLLP defines 'exceptional circumstances' as "*a matter for the decision maker to determine, but could be, for example, where the development delivers a community facility (see Policy LP15) substantially above and beyond what would ordinarily be required by Policy LP12 or LP15 (or any other policy in the Local Plan), and for which a clear need has been identified.*"

Local policy LP4 goes on to say that Sturton by Stow has a growth level of 15% due to its proximity to key facilities (see paragraph 3.4.4 of LP4). An updated table of remaining growth for housing in medium and small villages has been completed (dated 28th February 2020) by the Local Planning Authority to sit alongside the adopted CLLP. This confirms that Sturton by Stow has 649 dwellings which equates to a permitted growth level of 97 additional dwellings. This figure is reduced by 90 dwellings already approved. This figure does however include 8 dwellings that have been previously approved on the site (planning permission 137562).

Therefore Sturton by Stow has a remaining housing growth of 7 dwellings. This site would provide an additional six dwellings to that already accounted for (14 dwellings now proposed, with 8 already approved). The development would not therefore exceed the 15% growth allowance permitted under policy LP4.

Submitted policy LP4 additionally requires a sequential approach to be applied to prioritise the most appropriate land for housing within medium villages. LP4 states that:

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

- 1. Brownfield land or infill sites, in appropriate locations, within the developed footprint of the settlement*
 - 2. Brownfield sites at the edge of a settlement, in appropriate locations*
 - 3. Greenfield sites at the edge of a settlement, in appropriate locations*
- Proposals for development of a site lower in the list should include clear explanation of why sites are not available or suitable for categories higher up the list'*

The site is located to south west section of Sturton by Stow with adjacent residential built form to the north, east and south of the site. The site is therefore considered within the developed footprint of Sturton by Stow and is infill development, on previously developed land and meets the top criteria.

The proposed development is above the 9 dwelling limit set out in tier 5 of local policy LP2. Tier 5 also allows for development of 10 to 25 dwellings in exceptional circumstances where it can be justified by local circumstances.

Local policy LP2 of the CLLP defines 'exceptional circumstances' as "*a matter for the decision maker to determine, but could be, for example, where the development delivers a community facility (see Policy LP15) substantially above and beyond what would ordinarily be required by Policy LP12 or LP15*

(or any other policy in the Local Plan), and for which a clear need has been identified.”

The proposed development is exclusively for affordable houses in a location already considered as appropriate, with extant permission for residential development. To accord with local policy LP11 of the CLLP only requires the site to include 20% affordable housing which amounts to 3 dwellings. However only meeting the policy requirement for affordable dwellings would be policy compliant but not make the development exceptional.

It is acknowledged that providing affordable housing is not on its own considered an exceptional circumstance, however as confirmed by the Strategic Housing Officer the dwellings proposed will provide dwellings (1, 2 and 3 bedroom dwellings) which meet the registered identified need for people expressing an interest in affordable housing for Sturton by Stow. Over the last 10 years there has been an identified lack of new affordable housing in Sturton by Stow to meet this expressed need. This development proposes to provide 14 affordable homes on a development of 14 dwellings. This equates to a 100% take up of affordable housing on the site where a demonstrated local need exists over and above the policy requirement. Therefore the development can be justified a need identified by local circumstances.

It is concluded that 100% provision of affordable housing over and above the policy requirement, is an exceptional circumstance, for which a clear local need has been identified. In this regard therefore, the development is deemed to comply with policy LP2.

National Planning Policy Framework:

Paragraph 117 of the NPPF states that *“planning policies and decisions should promote an effective use of land in meeting the need for homes and other uses, while safeguarding and improving the environment and ensuring safe and healthy living conditions. Strategic policies should set out a clear strategy for accommodating objectively assessed needs, in a way that makes as much use as possible of previously-developed or ‘brownfield’ land”*

Concluding Statement:

The site is an infill plot within the settlement of Sturton by Stow therefore the site meets the highest priority for housing land as set out in the land availability sequential test of local policy LP4.

It is additionally considered that the site is an appropriate location for housing with areas of previously developed land as set out in local policy LP2.

The development would exceed the 9 dwellings “typically” permitted under policy LP2. However, the policy allows up to 25 dwellings in exceptional circumstances where proposals can be justified by local circumstances.

It is considered that the proposal on its own merits will meet the exceptional circumstances requirement and provide 14 affordable dwellings which meet a

local registered need and adds a further 6 dwellings towards the allocated housing growth for Sturton by Stow in local policy LP4 of the CLLP.

It is therefore considered that the principle of housing development on the site is acceptable subject to meeting all other material considerations and accords the LP2 and LP4 of the Central Lincolnshire Local Plan and the provisions of the NPPF.

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.

Visual Impact

Local policy LP17 states that *‘To protect and enhance the intrinsic value of our landscape and townscape, including the setting of settlements, proposals should have particular regard to maintaining and responding positively to any natural and man-made features within the landscape and townscape which positively contribute to the character of the area, such as (but not limited to) historic buildings and monuments, other landmark buildings, topography, trees and woodland, hedgerows, walls, water features, field patterns and intervisibility between rural historic settlements’.*

Developments should also *‘be designed (through considerate development, layout and design) to preserve or enhance key local views and vistas’*

Local policy LP26(c) of the CLLP states that *All development proposals must take into consideration the character and local distinctiveness of the area (and enhance or reinforce it, as appropriate) and create a sense of place. As such, and where applicable, proposals will be required to demonstrate, to a degree proportionate to the proposal, that they:*

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

According to the submitted elevation plans the development will comprise and measure approximately:

Plot	Type	Bedrooms	In metres		
			Height	Length	Width
1-6	Semi-detached	3	8.2	8.6	5.5
7-12	Semi-detached	2	5.7	8.6	8.9
13-14	Semi-detached	1	5.7	6.0	11.2

The materials schedule for each plot identified on the elevation and floor plans are acceptable. The design of the dwellings are similar to the dwellings approved in planning permission 137562.

The site is not situated within an area which is designated for its character or its special landscape value.

The application site is a long narrow strip of land which influences the layout of the proposal with 14 dwellings adjacent and fronting the highway to allow for adequate rear gardens. It is acknowledged that the rear garden spaces are modest particularly for plots 11-14 but these are one and two bedroom bungalows and on balance it is considered that there is enough garden space for the occupants to comfortably sit outside, hang out clothes with some room for children to play.

The proposal additionally removes an old long detached garage building which has a negative visual impact on the immediate street scene.

It is considered that the proposal will not have a harmful visual impact on the site or the street scene and will in particular enhance the northern section of the site. Therefore the proposal will accord to local policy LP17 and LP26 of the CLLP and the provisions of the NPPF.

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

The proposed dwellings will have neighbouring dwellings to the north, east and south. The front elevation of the existing dwellings along Queensway to the east will be at approximately 13.2 to 15.1 metres from the nearest elevation of the proposed dwellings. Plots 11 to 14 have the least separation to dwellings opposite but these plots will accommodate bungalows so are single storey in height. Therefore the development would not cause any harmful overlooking, a harmful loss of light or a harmful overbearing impact on the existing neighbouring dwellings.

It is additionally important to consider any amenity issues on the future residents:

The two storey dwellings (plots 1-6) will overlook parts of the proposed rear garden areas from the rear first floor windows, however with appropriate landscaping some privacy will be retained immediately outside the rear elevations.

Plots 7-14 are bungalows and with appropriate landscaping to the rear gardens will not cause any harmful overlooking, a harmful loss of light or a harmful overbearing impact on the future residents.

Due to the close proximity of neighbouring dwellings it is considered that a construction method statement is required to ensure the construction phase considers the amenities of neighbouring residents. A construction management plan dated 12th February 2020 has been submitted with this application. This can be conditioned on the permission.

It is considered that the proposal will not have a harmful impact on the living condition of existing and future residents and will accord to local policy LP26 of the CLLP and the provisions of the NPPF.

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

Drainage

Objections have been received in relation to surface water flooding of the area and the off-site drainage improvement scheme.

Foul Water:

The application states foul water will be discharged to the mains sewer as identified between 11 and 13/21 Queensway on plan DSA19-053 PP-001 dated December 2019 within appendix A of the Flood Risk Assessment & Drainage Strategy by DesignSpace Architecture dated December 2019. 11 and 13/21 Queensway are owned by the applicant (ACIS) therefore access to complete the work is not a problem. Anglian Water has stated that there is available capacity for the additional flows. The method of foul drainage is considered acceptable and will be conditioned on the permission.

Onsite Surface Water Drainage:

The application has included a Flood Risk Assessment & Drainage Strategy by DesignSpace Architecture dated December 2019 and a Management and Maintenance Plan for Surface Water Drainage Scheme prepared by Inspire Design and Development received 12th February 2020. The surface water drainage scheme is in appendix A of the Flood Risk Assessment & Drainage Strategy.

National Planning Practice Guidance¹ states that a hierarchy to discharging surface water run-off should be followed:-

Generally, 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.*

Particular types of sustainable drainage systems may not be practicable in all locations.

The FRA confirms that, following infiltration testing, filtration is poor, and infiltration techniques are considered to be impractical.

¹ [Paragraph: 080 Reference ID: 7-080-20150323](#) Flood Risk & Coastal Change

The FRA calculates that at present, overland flows from the 2762sqm site will either infiltrate or flow overland towards the local watercourse. It calculates the existing runoff rate will be 6.74 litres per second (l/s).

The surface water scheme proposes run-off be restricted by a controlled discharge to 3.0l/s to the local watercourse (2nd on the hierarchy), amounting to a considerable betterment on the present situation.

To allow for a 1 in 100 year flood event (plus 30% climate change allowance) – a need for 114 cubic metres on site storage is found.

Furthermore, the scheme also proposes off-site drainage works to improve the current situation (see below).

It is considered that the proposed development offers a positive drainage scheme, a betterment on the existing uncontrolled situation.

There have been no objections received from the Lead Local Flood Authority or the Authority's Public Protection Officer. Anglian water have been consulted, and acknowledge the proposed scheme would not affect their assets. The method of onsite surface water drainage is considered acceptable and will be conditioned on the permission.

Offsite Surface Water Drainage Improvements:

The application includes off site Drainage Improvement Works plan GL-1269-01-DR-002 Rev P1 dated 12th December 2017 and a Management and Maintenance Plan for offsite Surface Water Drainage prepared by Inspire Design and Development received 12th February 2020. The scheme proposes to improve the drainage scheme along Saxilby Road by:

- increasing the diameter of the pipe to 450mm from 300mm to the front of 60 and 62 Saxilby Road
- and
- install a new 450mm pipe to go from the front of 62 Saxilby Road Manhole MH04 across the highway to the south west corner of 59 Saxilby Road to Manhole MH06.

This work will be carried out and maintained by the applicant and not by a relevant body or authority. This will include regularly inspections (6 monthly), jet washing (every 2 years) and two yearly CCTV investigations (every 5 years).

This scheme was accepted in extant planning permission 137562. There have been no objections to the proposed alternative improvements scheme from the Lead Local Flood Authority and the Authority's Public Protection Officer.

A resident of Sturton has questioned the accuracy of the offsite drainage plan stating that *"it appears as if the flow from the 'missing' manhole is to be deleted to the proposed drainage scheme in drawing GL-1269-01-DR-002"*.

In response the agent has submitted an email making it clear that the CCTV Survey of the offsite drainage system was purely done underground and not above ground. Manhole cover was not located because it was not looked for by the engineer. Its presence will not be removed or the existing drain to the south blocked off as part of the offsite surface water drainage improvement. As part of the improvement Manhole 4 will now flow straight to Manhole 6 on the opposite side of Saxilby Road instead of flowing first to manhole 5.

It is therefore considered that the proposed onsite and offsite drainage methods are acceptable and will be conditioned on the permission.

On research of the planning committee minutes for 130886 (see planning policy section) it was considered by the members at that time that the off-site drainage improvement works was fundamental to the approval of planning application 130886 and that the works should be conditioned (see condition of 130886) to be completed prior to any works commencing on the site. At this moment in time the site is primarily grassed with a long garage building and some hardstanding and the development will significantly increase the built form on the site.

With this in mind it is essential that the offsite drainage works are completed before either any or too much development begins on the site. The options are to condition that the offsite drainage improvements works are completed:

- Prior to any development commencing on site
or
- Prior to the commencement of the third dwelling to allow a modest commencement on the site.

The Lead Local Flood Authority has recommended that the off-site drainage improvements works should be completed prior to first occupation. This could result in the entire development being built before the off-site drainage improvements works are completed reducing the surface water permeability of the site. This is therefore not considered an acceptable timing for completion of the offsite drainage improvements works.

After consideration it seems unreasonable to restrict all development on the site given that some hardstanding and built form exists on the site. It is therefore considered that an appropriate condition restricting the commencement of the third dwelling before the completion of the offsite drainage works.

It is considered that the proposal will not have a harmful impact on the drainage, and can be expected to have a beneficial impact that would decrease and not increase the risk of flooding. It therefore accords to local policy LP14 of the CLLP and the provisions of the NPPF.

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

Archaeology

The Historic Environment Officer at Lincolnshire County Council has not submitted any comments on the application. However no objections were raised in planning application 137562 therefore it is considered reasonable to conclude that this stance will not have altered. Therefore the development will not be expected to have a harmful archaeological impact and accords to local policy LP25 of the CLLP and the provisions of the NPPF.

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

Highway Safety

Objections have been received in relation to vehicle parking on Queensway.

The proposal introduces two single vehicular access points/driveway (Plots 1, and 14) and six double access points/driveways (Plots 2/3, 4/5, 6/7, 8/9, 10/11 and 12/13). Each driveway provides acceptable off street parking but no turning spaces. Queensway is a no through road with a 30mph speed limit. The front of the proposed dwelling allows for adequate visibility in both directions therefore a vehicle can safely back out of the drives onto the highway. There is additionally an area of parking to the far north of the site for residents and visitors. The Highways Authority at Lincolnshire County Council has no objections to the proposal.

The Highways Authority have additionally recommended the construction of a 1.8 metre wide pedestrian footpath to the front of the site to connect to the existing footpath. The site plan includes a 1.7-1.8 metre wide footpath to the front of the site apart from the frontage of plots 13 and 14. The proposed footpath is therefore acceptable but no construction details have been submitted.

Therefore subject to conditions it is considered that the proposal will not have a harmful impact on highway safety grounds therefore accords to local policy LP13 of the CLLP and the provisions of the NPPF.

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

Affordable Housing

Local Policy LP11 states that '*The strategic aim will be to deliver the 17,400 affordable dwellings that are needed to meet the needs of residents unable to compete on the open market*'. Furthermore it states that '*to help maximise what the planning system can contribute to meeting affordable housing need, then:*

a. Affordable housing will be sought on all qualifying housing development sites of 11 dwellings or more, or on development sites of less than 11 units if the total floor space of the proposed units exceed 1,000 sqm.

The applicant is a social housing provider and as the description states this application is to exclusively provide 14 affordable homes. This is considered a benefit to the development and the affordable homes will be obligated by a signed and certified Legal Section 106 Agreement.

The proposal therefore accords to local policy LP11 of the CLLP and the provisions of the NPPF.

Whilst LP11 in its entirety is not wholly consistent with the NPPF (in terms of the thresholds for requiring affordable housing) the development meets the requirement for affordable housing in both the CLLP and NPPF and is therefore attached full weight.

Open Space

Comments have been received in relation to the loss of the area for children to play.

Local policy LP24 states that *'the Central Lincolnshire Authorities will seek to:*

- *reduce public open space, sports and recreational facilities deficiency;*
- *ensure development provides an appropriate amount of new open space, sports and recreation facilities; and*
- *improve the quality of, and access to, existing open spaces, sports and recreation facilities.*

During previous site visits it was noticed that the local children do use the current grassed area for recreational uses such as playing football and riding their bicycles. However, it is not a formal recreational area.

Sturton by Stow has a recreational ground with a large grass area including a grass football pitch, small enclosed hard surfaced pitch and a skate board facility. This is approximately 900m walk from the site predominantly along the pedestrian footpaths. In addition there is a playground to the rear of the Village Hall which is approximately 650 metres away. The development will not include any areas of open space on the site.

However as a medium village the settlement accommodates an appropriate amount of recreational space and play equipment within a short and safe walking distance. It is therefore considered that the proposed dwellings will be served by more than adequate open space within the village and there does not need to be an open space contribution provided.

The proposal therefore accords to local policy LP24 of the CLLP and the provisions of the NPPF.

It is considered that policy LP24 is consistent with the contributions for open space guidance of the NPPF and can be attached full weight.

Accessibility

Local policy LP10 of the CLLP states that *'more specifically, to cater for the needs of less mobile occupants, including older people and disabled people,*

and to deliver dwellings which are capable of meeting peoples' changing circumstances over their lifetime, proposals for 6 or more dwellings (or 4 or more dwellings in small villages) must deliver housing which meets the higher access standards of Part M Building Regulations (Access to and use of buildings) by delivering 30% of dwellings to M4(2) of the Building Regulations, unless the characteristics of the site provide exceptional reasons for delivery of such dwellings to be inappropriate or impractical'.

This requirement has been communicated to the agent who has confirmed in an email dated 13th February 2020 that plots 10, 11, 12, 13 & 14 will accord with the space standards set out in M4(2). The five dwellings (35.7%) would meet the 30% requirement but no further details have been submitted.

Subject to a condition will be attached to the permission to ensure that the development meets the M4(2) standard in LP10.

It is considered that policy LP10 is consistent with the accommodation guidance of the NPPF and can be attached full weight.

Community Infrastructure Levy (CIL)

West Lindsey District Council adopted a Community Infrastructure Levy (CIL) which will be charged from 22nd January 2018. The site is within charging zone 2, where the charge would be £15 per square metre for houses.

Paragraph 65 (Reference ID: 25-065-20190901) in the CIL section of the NPPG states that '*Social housing relief is a mandatory discount that applies to most social rent, affordable rent, intermediate rent provided by a local authority or Private Registered Provider, and shared ownership dwellings. Subject to meeting specific conditions, social housing relief can also apply to discounted rental properties provided by bodies which are neither a local authority nor a private registered provider. Regulation 49 (as amended by the 2015 Regulations) defines where social housing relief applies.*

To qualify for social housing relief, the claimant must own a material interest (defined in regulation 4(2)) in the relevant land (the area granted planning permission) and have assumed liability to pay the levy for the whole chargeable development.

A charging authority may offer separate, discretionary, relief for affordable housing types which do not meet the criteria required for mandatory social housing relief and are not regulated through the National Rent Regime. When applying for relief, a claimant must provide evidence that the chargeable development qualifies for social housing relief. The Regulations provide that dwellings no longer meeting these requirements must pay the levy'.

This affordable housing development will qualify for relief from CIL providing the appropriate paperwork is submitted prior to commencement on the site. Therefore the development might not be liable to a CIL payment.

Other Considerations:

Demolition

The demolition of the garages will need to be completed in an appropriate and respectful manner given the closeness of the site to residential dwellings. The Parish Council have expressed concerns that the garages to be demolished may contain asbestos. Following a discussion the Environmental Officer agrees that the garages corrugated roof may contain asbestos but not necessarily to a harmful level.

The application has included a brief but acceptable statement on the construction management plan to remove and dispose with any known or found asbestos using a licensed contractor.

However, the removal of asbestos is covered by areas of legislation other than planning.

Conclusion and reasons for decision:

The decision has been considered against policies LP1 A presumption in Favour of Sustainable Development, LP2 The Spatial Strategy and Growth in Villages, LP3 Level and Distribution of Growth, LP4 Growth in Villages, LP10 Meeting Accommodation Needs, LP11 Affordable Housing, LP13 Accessibility and Transport, LP14 Managing Water Resources and Flood Risk, LP17 Landscape, Townscape and Views, LP24 Creation of New Open Space, Sports and Recreational Facilities, LP25 The Historic Environment and LP26 Design and Amenity of the Central Lincolnshire Local Plan 2012-2036 in the first instance and guidance contained within the National Planning Policy Framework and National Planning Practice Guidance.

In light of this it is considered that on its own merits the principle of the development is acceptable including contributing 14 affordable dwellings on an appropriate site within the developed footprint of a medium settlement and towards the housing growth in Sturton by Stow and housing supply in Central Lincolnshire. In this case the exceptional circumstances requirement is met because this exclusive affordable homes site meets a recognised local circumstance and need. The proposal will utilise part of the land which has been previously developed. The proposal will not have a significant adverse visual impact on the site, the street scene or the surrounding area. It not have a significant harmful impact on the living conditions of neighbouring dwellings, highway safety, archaeology or drainage.

Human Rights Implications:

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

Legal Implications:

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

Representors to be notified -

(highlight requirements):

Standard Letter

Special Letter

Draft enclosed

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

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

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

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

NONE

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

2. With the exception of the detailed matters referred to by the conditions of this consent, the development hereby approved must be carried out in accordance with the following proposed drawings (Unless Stated Dated 6th December 2019):

- DSA19-053 1000 – House Type A Floor, Roof and Elevation Plans
- DSA19-053 1001 – House Type B Floor, Roof and Elevation Plans
- DSA19-053 1002 – House Type C Floor, Roof and Elevation Plans
- DSA19-053 1003 Rev A dated 27th January 2019 – Site Plan

The works must be carried out in accordance with the details shown on the approved plans and in any other approved documents forming part of the application.

Reason: To ensure the development proceeds in accordance with the approved plans and to accord with the National Planning Policy Framework and local policies LP17 and LP26 of the Central Lincolnshire Local Plan 2012-2036.

3. The proposed dwellings must be constructed from the materials in the materials schedule on the three Floor, Roof and Elevation Plans listed in condition 2 of this permission.

Reason: To ensure the use of appropriate materials in the interests of visual amenity and the character and appearance of the site and the street

scene to accord with the National Planning Policy Framework and local policies LP17 and LP26 of the Central Lincolnshire Local Plan 2012-2036.

4. No occupation of the dwellings must take place until construction details for the pedestrian footpath to the front of the site as shown on site plan DSA19-053 1003 Rev A dated 27th January 2019 have been submitted to and approved in writing by the Local Planning Authority. The details submitted must also include appropriate arrangements for the management of surface water run-off from the highway. No occupation must take place until the footpath has been completed in accordance with the approved plans and details and retained for that use thereafter.

Reason: To ensure the provision of safe and adequate pedestrian access to the permitted development, without increasing flood risk to the highway and adjacent land and property.

5. The development must be completed in accordance with the foul and surface water drainage plan DSA19-053 PP-001 dated December 2019 within appendix A of the Flood Risk Assessment & Drainage Strategy by DesignSpace Architecture dated December 2019. No occupation of each individual dwelling must occur until the individual dwelling has been fully connected to the approved drainage scheme.

Reason: To ensure adequate drainage facilities are provided to serve the development and to accord with the National Planning Policy Framework and local policy LP14 of the Central Lincolnshire Local Plan 2012-2036.

6. No more than two of the dwellings hereby permitted shall commence unless the off-site surface water drainage improvement works have been completed in accordance with the Proposed Alternative Improvements plan identified on plan GL-1269-01-DR-002 Rev P1 dated 12th December 2017.

Reason: To improve and maintain adequate drainage within the area to accord with the National Planning Policy Framework and local policy LP14 of the Central Lincolnshire Local Plan 2012-2036.

7. The development must be completed in accordance with the Construction Site Management Plan dated 12th February 2020 including the removal and disposal of any known or found asbestos through a licensed contractor.

Reason: To preserve residential amenity to accord with the National Planning Policy Framework and local policy LP26 of the Central Lincolnshire Local Plan 2012-2036.

8. Before each dwelling is occupied, their vehicular access and driveway must be completed in accordance with the approved site plan DSA19-053 1003 Rev A dated 27th January 2019 and retained for that use thereafter.

Reason: To ensure safe access to the site and each dwelling/building has sufficient off street parking in the interests of highway safety to accord with the National Planning Policy Framework and local policy LP13 and LP26 of the Central Lincolnshire Local Plan 2012-2036.

9. Notwithstanding the approved plans, plots 10, 11, 12, 13 & 14 must be constructed to comply with the standards set out in Part M4(2) (Volume 1: dwellings) of the Building Regulations 2010.

Reason: To ensure the development meets the requirements for accessibility set out in Part M4(2) of the of the Building Regulations 2010 and to accord with the National Planning Policy Framework and local policies LP10, LP17 and LP26 of the Central Lincolnshire Local Plan 2012-2036.

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

10. The method of surface water drainage from the site completed in accordance with condition 5 of this permission must be managed and maintained in accordance with the Management and Maintenance Plan for Surface Water Drainage Scheme prepared by Inspire Design and Development received 12th February 2020.

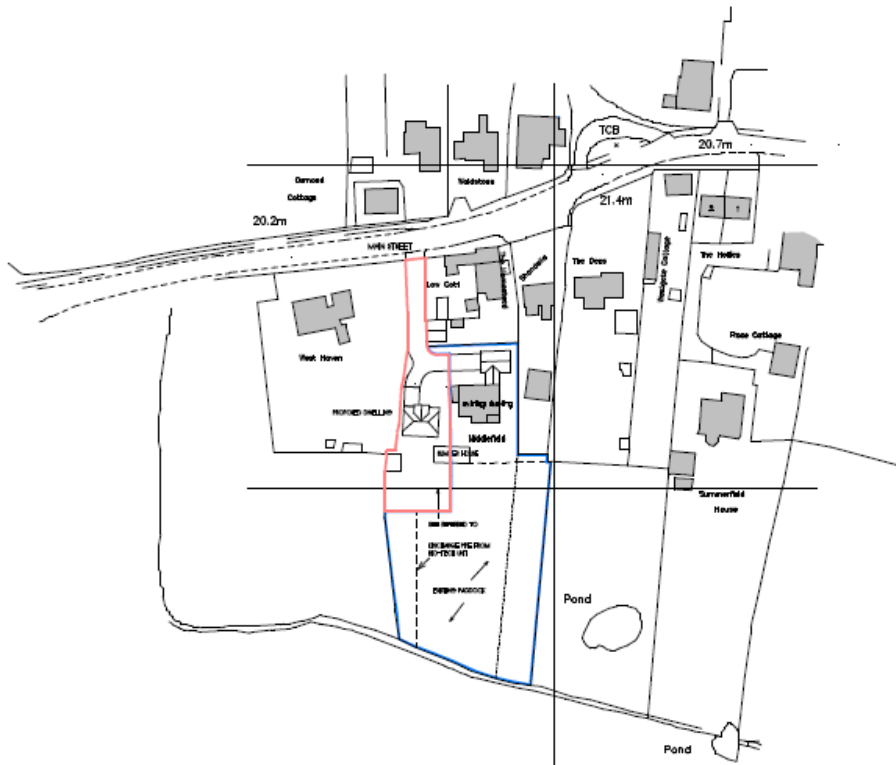
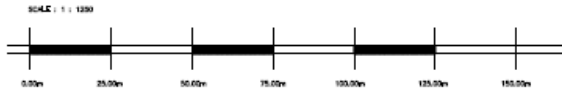
Reason: To ensure adequate drainage facilities are provided to serve the development and to accord with the National Planning Policy Framework and local policy LP14 of the Central Lincolnshire Local Plan 2012-2036.

11. The off-site surface water drainage improvement works completed in accordance with condition 6 of this permission must be managed and maintained in accordance with the Management and Maintenance Plan for offsite Surface Water Drainage prepared by Inspire Design and Development received 12th February 2020.

Reason: To maintain adequate drainage within the area to accord with the National Planning Policy Framework and local policy LP14 of the Central Lincolnshire Local Plan 2012-2036.

LOCATION PLAN

Print at A3 size



© Crocker Survey Ltd. Drawn & Copyright 2020. All rights reserved. Licence number 100022432

LOCATION PLAN 1/1250

Officers Report

Planning Application No: 140513

PROPOSAL: Outline planning application to erect 1no. dwelling - all matters reserved

LOCATION: Land Off Main Street Osgodby Market Rasen LN8 3PA
WARD: Market Rasen

TARGET DECISION DATE: 23/03/2020
DEVELOPMENT TYPE: Minor - Dwellings
CASE OFFICER: Daniel Evans

RECOMMENDED DECISION: Grant permission subject to conditions

Description:

The application is being referred to the Planning Committee for determination as there are objections from Osgodby Parish Council and the planning matters under consideration are finely balanced.

The application site comprises of an area of land located to the side (west) of Middlefield, located in the defined settlement of Osgodby.

The site is adjoined by residential properties to the east and north and the garden space of West Haven to the west. Open countryside adjoins the southern boundary of the site. Main Street adjoins the northern boundary with additional residential properties beyond. The site itself consists of an area of hardstanding/gravel which currently hosts a number of structures associated with the host property. Three mature trees are located along the western boundary. The site is bounded by a mix of hedging, fencing and more open boundaries (east). Osmond Cottage, a Grade II Listed Building is located to the north of the site.

The application seeks outline permission for 1no. dwelling with all matters reserved. Matters of access, scale, appearance, layout and landscaping are reserved for subsequent applications ("reserved matters").

Relevant history:

97/P/0831 - Outline application to erect one dwelling. Granted 17/12/97.
M01/P/1119 - ERECT ONE DWELLING. Granted 30/01/02.
M02/P/0426 - ERECT 4 BEDROOM DETACHED HOUSE AND DETACHED GARAGE (OUTLINE APPLICATION NO. M01/P/1119 REFERS, GRANTED 30/01/02). Granted 24/07/02.

Representations:

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

Osgodby Parish Council:

(in summary)

- It can not be relied upon that previously granted applications may or may not lapse and decisions to grant cannot be made on assumptions.
- The outstanding allocation for Osgodby stands at 1 dwelling according to West Lindsey District Council Monitoring of growth document published on 17th December 2019.
- Although the proposed development is deemed to be Infill brownfield site, the neighbourhood plan favours developments with strong relationships to frontages and the main roads of Osgodby. Policy 1, point 2 of the Osgodby Neighbourhood Plan states that for new residential developments in the parish, a sequential test will be applied. This development low down on the list (g) a brownfill site adjacent to the settlement area in a secondary location.
- It is to be expected that proposals for development of a site lower in the sequential test should include a clear explanation of why sites are not available or suitable within categories higher up the list.
- Linear development is a key feature of Osgodby Village with only a handful of properties in the entire village set back behind other properties. This application will be sited behind other properties and would therefore not follow the core shape and form and prevailing character of the village which is strongly and predominately linear in form.

Local residents:

2 The Homestead, Main Street, Osgodby (07/02/2020)

(in summary)

- No objections in principle.
- Land ownership queried.

2 The Homestead, Main Street, Osgodby (30/03/2020)

(in summary)

- No objections.

Osmond Cottage, Main Street, Osgodby

(in summary)

- No objections.

Low Cottage, Main Street, Osgodby

(in summary)

- There has been a surge in planning applications throughout the village.
- This would not substantiate infill according to the neighbourhood plan, as the proposed property does not front Main Street as it is set back quite a distance off Main Street.
- Given that the neighbourhood plan was drawn up to encourage growth of the village in respect of attracting young families into affordable housing, this again is not the case for the proposed property.
- The village has already hit a 25 dwelling target figure and this proposed property does not fulfill any of the said criteria or vision of the neighbourhood plan.

- Consideration also has to be given to vehicular arrangements, given that Middlefield already operate a commercial business from the property combined with private vehicles and the addition of more vehicles in a very confined space is not acceptable.
- I feel that should this application be supported, it would deter and not enhance the overall rural feel, given the close proximity of all the proposed and already under development properties.

West Haven, Main Street, Osgodby
(in summary)

- We support the proposal.

LCC Highways & LLFA:

(in summary) As this is an outline application with all matters reserved, access and layout have not been considered. Please make the applicant aware of the requirements for access, parking, visibility, turning and layout; as detailed within the Lincolnshire County Council Design Approach and Development Road Specification.

Archaeology:

(in summary) No representations received to date.

WLDC Conservation Officer:

(in summary) Thanks for the consultation and the discussions about this proposed development. I think I can agree that it may be possible to build a house on this site, but great care needs to be taken with regard to the setting. When reserved matters are submitted I will expect to see a well detailed proposal, that demonstrates how design proposals will respect the setting of the listed building opposite to ensure its setting is preserved without harm.

WLDC Trees and Landscapes Officer:

(in summary) From the site visit photos I can confirm that the two ash trees and the pine to the side of the existing driveway would not meet the criteria for a TPO. I would have no objections to the proposed development in relation to its impact to existing trees and hedges.

Relevant Planning Policies:

Planning law requires that applications for planning permission must be determined in accordance with the development plan, unless material considerations indicate otherwise. Here, the Development Plan comprises the provisions of the Central Lincolnshire Local Plan (adopted in April 2017); the Osgodby Neighbourhood Plan (made 2 July 2018); and the Lincolnshire Minerals and Waste Local Plan (adopted June 2016).

Development Plan

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

Relevant policies of the CLLP include:

LP1: A Presumption in Favour of Sustainable Development

LP2: The Spatial Strategy and Settlement Hierarchy
LP3: Level and Distribution of Growth
LP4: Growth in Villages
LP10: Meeting Accommodation Needs
LP13: Accessibility and Transport
LP14: Managing Water Resources and Flood Risk
LP17: Landscape, Townscape and Views
LP21: Biodiversity and Geodiversity
LP26: Design and Amenity

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

- ***Osgodby Neighbourhood Plan (NP)***

Relevant policies of the NP include:

Policy 1: Residential Development in Osgodby Village

Policy 4: Design and Character of Development

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

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

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

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

National policy & guidance (Material Consideration)

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

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

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

National Planning Practice Guidance -

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

Other Guidance:

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

Main issues

- Principle of Development
- Setting of Listed Building
- Other Considerations

Assessment:

Principle of Development

Policy LP2 designates Osgodby 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.

LP4 permits 10% growth in Osgodby village, which equates to 14 new dwellings. In accordance with the LPA’s most recent ‘Monitoring of Growth in Villages’ document (23/03/2020)¹, the remaining growth of the settlement is 0. Therefore, no growth remains to be accommodated within Osgodby over the plan period.

Therefore, to accord with local policy LP2 and LP4 the proposal needs to be ‘*promoted via a neighbourhood plan or through the demonstration of clear local community support*’. In the absence of a neighbourhood plan or through the demonstration of clear local community support further housing development in Osgodby would run contrary to the spatial strategy proposed by policies LP2, LP3 and LP4.

LP4 states that Local communities can, through Neighbourhood Plans or other means, deliver additional growth over the levels proposed by this Policy.

Although no evidence of local community support has been submitted with this application, Osgodby Parish Council have completed a Neighbourhood

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

Plan which was made on 2nd July 2018. This plan consequently postdates the Central Lincolnshire Local Plan which was adopted in April 2017. As part of the development plan its policies post-date and can take precedence over the CLLP, where there is any conflict within the policies (s38(5) of the Planning & Compulsory Purchase Act 2004).

Policy 1 of the NP states that *“Proposals for up to four dwellings on primary or secondary locations in Osgodby Village will be supported in principle. The settlement area of Osgodby Village is presented in Policy Diagram 1.*

2. *For new residential development in the Parish, a sequential test will be applied with priority given as follows:*

- a. Infill brownfield sites in a primary location;*
- b. Infill greenfield sites in a primary location;*
- c. Brownfield sites adjacent to the settlement area in a primary location;*
- d. Greenfield sites adjacent to the settlement area in a primary location;*
- e. Infill brownfield sites in an secondary location;*
- f. Infill greenfield sites in an secondary location;*
- g. Brownfield sites adjacent to the settlement area in an secondary location;*
- h. Greenfield sites adjacent to the settlement area in an secondary location;*

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

3. *Proposal for residential development that fulfil the requirements of this policy and that, alone or in combination with other extant permissions or developments built since 1st April 2015, would increase the number of new dwellings delivered in Osgodby Parish by more than 25, will need to be accompanied by demonstrable evidence of clear local community support for the scheme.”*

For the purposes of the NP a ‘primary location’ in Osgodby is defined as the following:

“the term “primary location in Osgodby Village” means a location which is infill or adjacent to the settlement area of Osgodby Village and where development frontage directly faces or is in close distance to either side of Main Street or Washdyke Lane, or to the eastern side of Mill Lane”.

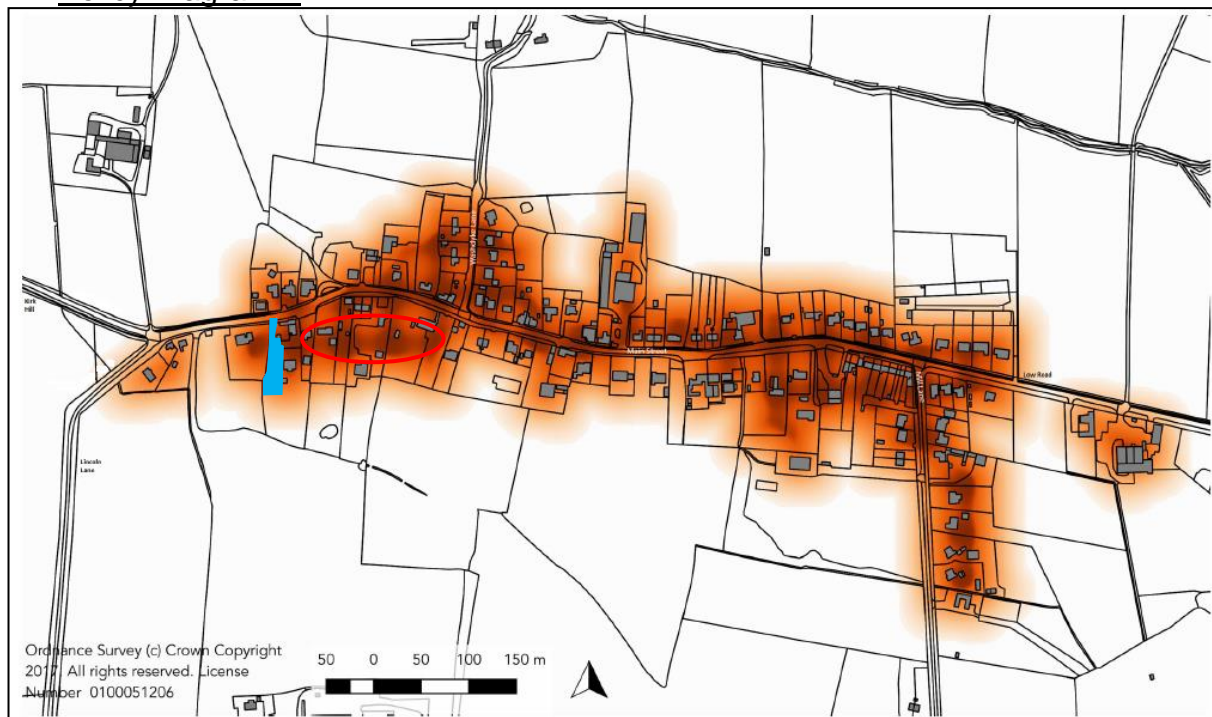
For the purposes of the NP ‘infill’ in Osgodby is defined as the following:

“Infill is considered to be any site that is completely within the settlement area and in between an otherwise continuous built up frontage of dwellings; these areas are identified as the darkest area in Policy Diagram 1”. Policy Diagram 1 is shown below and the site is shown in blue.



For the purposes of the NP 'Adjacent to the settlement area' in Osgodby is defined as the following:

“Adjacent to the settlement area is considered to be any site that is located at the borders of the settlement area, but immediately adjacent with at least one side parallel to the continuous built form; they are identified as the areas of degrading colour between the darkest and lightest areas in Policy Diagram 1”.

Policy Diagram 1



Source: Osgodby Neighbourhood Plan²

Key	
	Application Site (approximate position)
	Areas identified as 'infill' (darkest areas) located approximately 40m to the south of Main Street.

Concluding Assessment

The proposal accords with the scale of development of up to 4 dwellings. The site contains no built structures immediately to the west of the site and therefore cannot be considered an infill plot as it is not located in between an otherwise continuous built up frontage of dwellings (see definition of 'infill' on previous page). Nevertheless, the proposal would constitute a primary location (see definition of 'primary location' on previous page). Although the site primarily, except the access, does not front directly onto Main Street, the primary locations definition also allows for proposals that are in 'close distance' to Main Street. In the absence of a definition of 'close distance' within the NP, this is a matter of interpretation. The indicative site plan outlines that the dwelling will be sited approximately 40m from the southern

² <https://www.west-lindsey.gov.uk/my-services/planning-and-building/neighbourhood-planning/all-neighbourhood-plans-in-west-lindsey/osgodby-neighbourhood-plan-made/>

edge of Main Street. Whilst the settlement of Osgodby as a whole displays linear development features, there are examples within the locality whereby dwellings are set back from the highway, such as Summerfield House, which is located approximately 70m to the south Main Street. When considering the NP policy as a whole, there is a clear onus to promote housing in areas that are darkest on Policy Diagram 1. As shown above (circled in red), some of the darkest areas directly to the east of the application site are located approximately 40m to the south of Main Street, a similar distance to that of the proposed dwelling. Whilst the curvature of the road is noted, the very existence of the darkest areas set back from the highways as shown in Policy Diagram 1 would suggest that areas set back could be considered as acceptable by the policy. When considering this, along with the dwelling's position directly adjacent to 'Middlefield', it is concluded within this assessment that this site can be considered a 'close distance' to Main Street, and the site would therefore constitute a primary location. The site would therefore constitute a greenfield site adjacent to the settlement area in a primary location.

In accordance with the LPA's most recent 'Monitoring of Growth in Osgodby Parish' document (23/03/2020³), the remaining growth of the Parish is 1 dwelling. However, since the publication of the 'Monitoring of Growth in Osgodby Parish' document (23/03/2020⁴) one planning application (140535), totalling 1 dwelling, has been granted. The remaining growth of the Parish is therefore 0 dwellings.

Given that this proposal will exceed the Osgodby Neighbourhood Plan Parish growth, to accord with policy 1 of the neighbourhood plan, the proposal "*will need to be accompanied by demonstrable evidence of clear local community support for the scheme*". The application has not been accompanied by demonstrable evidence of clear local community support, and no community consultation exercise has been undertaken.

However, at the point of submitting this planning application, the 'Monitoring of Growth in Osgodby Parish' document (03/02/2020) outlined that there was remaining growth within the parish of 4 dwellings. Since the publication of the 'Monitoring of Growth in Osgodby Parish' document (03/02/2020) two planning applications (140410 & 140535), totalling 4 dwellings, have been granted. Therefore, at the point of submission of this application, there was no requirement for the application to be accompanied by demonstrable evidence of clear local community support for the scheme as per policy 1 of the NP. Whilst the development would exceed the growth target by 1 dwelling, on balance, given that the site is located within a sequentially supportable location and it is acceptable in all other regards, the proposal accords with policy 1 of the Osgodby Neighbourhood Plan and therefore the principle of development is acceptable.

³ <https://www.west-lindsey.gov.uk/my-services/planning-and-building/planning-policy/housing-growth-in-medium-and-small-villages-policy-lp4/>

⁴ <https://www.west-lindsey.gov.uk/my-services/planning-and-building/planning-policy/housing-growth-in-medium-and-small-villages-policy-lp4/>

Clarification was sought from the Parish Council regarding their consultation comments. The Parish Council have clarified their position in relation to infill which concurs with the above assessment but remain of the opinion that the site forms a secondary location. The Parish Council have provided no evidence to suggest what constitutes a 'close distance' except from suggesting that the policy promotes frontage development. Whilst I agree with this to an extent, the definition of primary location promotes "*where development frontage directly faces or (emphasis added) is in close distance to either side of Main Street*". The existence of this additional allowance in addition to frontage, suggests that some developments that do not directly front onto Main Street may be acceptable. Further interpretation of this is provided in the preceding section.

Setting of Listed Building

Osmond Cottage, a Grade II Listed Building is located to the north of the site. Section 66 of the Planning (Listed Building & Conservation Areas) Act 1990 places a legislative requirement that when considering whether to grant planning permission for development which affects a listed building or its setting, the local planning authority shall have special regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses. Setting is more than views, it is how the building is experienced.

Policy LP25 states that development proposals should protect, conserve and seek opportunities to enhance the historic environment of Central Lincolnshire. It goes on to advise that unless it is explicitly demonstrated that the proposal meets the tests set out in the NPPF, permission will only be granted for development affecting designated or non-designated heritage assets where the impact of the proposals do not harm the significance of the asset and or its setting.

Proposals will be supported where they:

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

This application accepts the principle of development and detailed design is reserved for a subsequent application. The Conservation Officer has advised that the forthcoming submission would need to demonstrate how the design proposal will respect the setting of the listed building opposite to ensure its setting is preserved without harm. For this assessment it is considered that a dwelling could be accommodated within the site without causing harm to the setting of the listed building.

Accordingly, the proposal accords with policy LP25, the provisions of the NPPF and the statutory duty.

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

Other Considerations:

Access, Scale, Appearance, Layout and Landscaping

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

Access:

The application includes an indicative site plan which identifies that the proposed dwelling will utilise the established access which serves the host dwelling, directly from Main Street. The Highways Authority (HA) have commented stating that the principle of development is acceptable and it will require a formal access construction to the HA's specification. An advice note will be placed on the decision notice in order to make the applicant aware of the highway authority's requirements for access, parking, visibility, turning and layout; as detailed within the Lincolnshire County Council Design Approach and Development Road Specification⁵ and DFT Manual for Streets⁶.

Scale and Appearance:

No elevation drawings have been included within this submission. There is a wide variety of building forms and architectural styles within the immediate vicinity of the application site. Any future details of scale and appearance through a reserved matters application would need to be informed by the locality of the site and advice contained within the Osgodby Neighbourhood Plan.

Layout:

No layout drawings have been included within this submission. Nevertheless, it is considered that the site is of a size which is capable of accommodating a single dwelling with sufficient space for parking, access and external amenity space. Please note the Highway Authority's comments with respect of the proposed layout of the site.

Landscaping:

The application has not included any indicative landscaping. The site would need to be appropriately landscaped to ensure its effective incorporation into the streetscape and surrounding landscape. An appropriate scheme of landscaping will be required for future applications.

Residential Amenity

A first-floor bedroom window is located on the western elevation of 'Middlefield'. However, it is considered that an appropriately designed and

⁵ <https://www.lincolnshire.gov.uk/transport-and-roads/strategy-policy-and-licences/control-of-new-development-affecting-the-highway/development-road-and-sustainable-drainage-specification-and-construction/87183.article>

⁶ <https://www.gov.uk/government/publications/manual-for-streets>

positioned dwelling could protect the amenities of future residents and will not harm the living conditions of neighbouring dwellings. Therefore, through a successful reserved matters application the development could accord with local policy LP26 of the CLLP and the provisions of the NPPF.

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

Foul and Surface Water Drainage

No details have been provided in relation to drainage. It is considered that foul and surface water is capable of being addressed by condition and subject to further details would accord with local policy LP14 of the CLLP and the provisions of the NPPF.

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

Community Infrastructure Levy (CIL)

West Lindsey District Council adopted a Community Infrastructure Levy (CIL) which will be charged from 22nd January 2018. The site is within zone 2 where there is a charge of £15 per square metre. This is an outline application with scale to be considered through the submission of a future reserved matters application. Therefore no accurate CIL calculation can be made. An informative will be attached to the permission making it clear that a CIL charge will be liable.

Land Ownership

Comments have been raised through the consultation period in relation to land ownership. This has been raised with the applicant who has provided an amended site location plan.

Conclusion

The decision has been considered against policies LP1: A Presumption in Favour of Sustainable Development, LP2: The Spatial Strategy and Settlement Hierarchy, LP3: Level and Distribution of Growth, LP4: Growth in Villages, LP10: Meeting Accommodation Needs, LP13: Accessibility and Transport, LP14: Managing Water Resources and Flood Risk, LP17: Landscape, Townscape and Views, LP21: Biodiversity and Geodiversity, LP25: The Historic Environment and LP26: Design and Amenity of the Central Lincolnshire Local Plan and Policy 1: Residential Development in Osgodby Village and Policy 4: Design and Character of Development of the Osgodby Neighbourhood Development Plan and Section 66 of the Planning (Listed Building & Conservation Areas) act 1990 in the first instance and the guidance contained in National Planning Policy Framework and National Planning Practice Guidance. In light of this assessment it is considered that the principle of the proposal is acceptable in principle. The proposal will not have a harmful impact on archaeology nor the setting of a nearby Listed Building. This is subject to satisfying a number of conditions and the submission of a

reserved matters application (access, scale, appearance, layout and landscaping).

Draft Conditions

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

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

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

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

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

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

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

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

None.

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

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

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

5. With the exception of the detailed matters referred to by the conditions of this consent, the development hereby approved shall be carried out in accordance with the following drawings: 20.2670.02A dated 9th Jan 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 and policy LP17 and LP26 of the Central Lincolnshire Local Plan.

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

None.

Human Rights Implications:

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

Legal Implications:

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

Representors to be notified -

(highlight requirements):

Standard Letter Special Letter Draft enclosed

Prepared by : Daniel Evans

Date : 14/04/2020

Signed: D.Evans

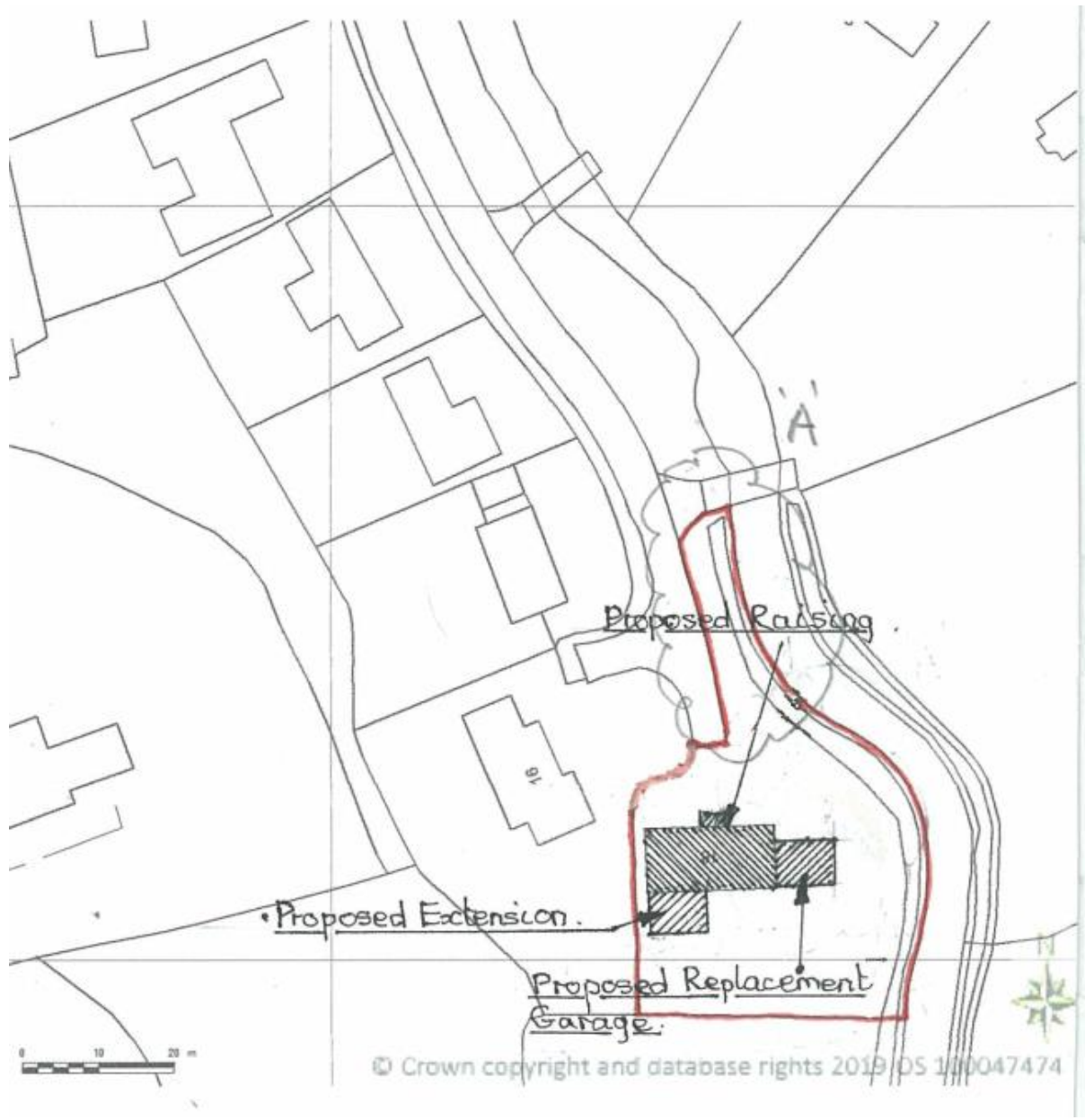
Authorising Officer: *Rachel Woollass*

Date:15/04/2020

Decision Level (tick as appropriate)

Delegated

Delegated via Members
Committee



Officers Report
Planning Application No: 140569

PROPOSAL: Planning application for replacement of a dormer bungalow with a two storey house.

LOCATION: 18 Lindholme Scotter Gainsborough DN21 3UR
WARD: Scotter and Blyton
WARD MEMBER(S): Cllr Rollins, Cllr Clews and Cllr Snee
APPLICANT NAME: Mr Calvert

TARGET DECISION DATE: 31/03/2020
DEVELOPMENT TYPE: Minor - Dwellings
CASE OFFICER: Joanne Sizer

RECOMMENDED DECISION: Refuse permission

Description: The application site is located within an established residential area of Scotter, a large village as defined by the Central Lincolnshire Local Plan (LP2). It sits within Flood Zone 3b (The Functional Flood Plain) as designated by the Environment Agency's flood maps. The site is also designated as a sand and gravel minerals safeguarding area.

The site hosts a detached residential dwelling and garage with associated garden area. The River Eau runs directly along the eastern boundary of the site. Beyond the southern boundary sits a band of trees and open designated local green space, locally known as parson's field. A neighbouring residential property (No 16) adjoins the site to the North West with other dwellings set in a line to the north and facing onto the highway (Lindholme). Further residential properties are accessed off Lindholme but these are set to the North East and on the other side of the river. These properties also sit on higher ground and are at some distance away from the site.

The grade I listed St Peters Church and grade II listed Old Rectory both sit on higher ground to the west. They are separated from the site by No 16, a band of trees and other designated important open space.

This application seeks permission for the erection of a replacement dwelling and garage. The proposed dwelling is larger in size than the existing dwelling on site. The development is proposed due to numerous flooding events that have occurred at the property and seeks to reduce the impacts of flood events to the property by raising it above the existing known flood risk levels.

The existing dwelling has an approximate width of 7.5 metres and a length of 17 metres. The eaves height is approximately 2.75 and an overall ridge height of approximately 7.5 metres. (From existing site levels).

The proposed dwelling is to be raised by approximately 1.7 metres from existing levels and incorporates a raised ramp to the front and patio to the

rear. The proposed dwelling has an approximate width of 13 metres including the rear extension and an approximate length of 24.7 metres including the garage and passageway between. The eaves height is approximately 6.75 metres and the overall ridge height is approximately 10.2 metres (from existing site levels).

The garage dimensions (separate from the house) approximately measure 7.7 metres in length (including the passage) and approximately 6.5 metres in width. The eaves height is approximately 4.2 metres and the ridge height is 7.2 metres approximately (from existing site levels).

The rear/side elevation extension dimensions (separate from the house) measure approximately 7.5 metres in length and 5.5 metres in width. The eaves height is approximately 6.7 metres and the ridge height 10.2 metres (from existing site levels).

The replacement dwelling consists of a dining room, lounge, hall, kitchen, cloaks, games room, utility and day room at ground floor. The first floor includes 5 bedrooms, a dressing room, two en-suites and a family bathroom. The garage consists of parking and storage provision at ground floor with a studio and lobby above.

Relevant history:

120812 – Erect conservatory – GC 2007

M03/P/1079 – Erect detached garage – GC 2003

W88/440/78 – Erect dwelling – PPC - 1978

Representations (In Summary):

Cllr Rollings – 11/03/20 –

I am very happy to support this proposal. Whilst I understand that the increase in height of the proposed application is bound to change the appearance of what is currently in place, not necessarily for the worse, I really feel that the impact on neighbours will be minimal.

These flood events are extremely traumatic for the adults and children who are affected and unless there is a change in the way that the EA chooses to manage and maintain the River Eau these incidences of flooding will continue and the properties that sit along the River Eau, who are affected must be allowed to adapt accordingly.

Also, it is my view that these are large family houses and the designs must be allowed to be changed to reflect modern ways of living - especially in times of flood.

Cllr Snee – 13/03/20

I am happy to support this proposal, I understand that the increase in height of the proposed application is bound to change the appearance of what is currently in place, however, I feel the impact on neighbouring properties will

be minimal. The properties in this location are currently all of an individual design.

The recent flood event experienced by the applicant was extremely traumatic for both the Adults and small children. I witnessed first-hand the devastation and emotional turmoil caused by the recent flood when visiting the family home the day after the floods. I feel unless there is a change in the way the Environmental Agency manage and maintain the River Eau these incidents of flooding will continue and the properties that sit along the river will need to adapt accordingly. This applicant is proactively wishing to make these changes for the safety and welfare of his family. In my opinion the proposed new home will also allow the applicant to make changes to reflect the modern ways of living and make more environmentally friendly choices.

Parish Council: No comments received at time of writing.

Local residents:

Tudor Lodge 11 Lindholme 21/02/20 –

Entirely support this project on the grounds that it would improve the aesthetic of our street by complementing our own property and those around it. The proposed building work shall not affect my own quality of life and cause minimal disruption to the area, in regards to parking or noise. Once completed, the proposed dwelling appears modern, tasteful and represents a vast improvement upon the bungalow that currently sits on the plot. Considering the dreadful flooding that devastated our community in the past 12 months, I believe that the proposal that my neighbours have put forward is far more sustainable than continually rebuilding their home.

7 Lindholme 22/02/20 –

As a resident on Lindholme I support this proposal. I believe it is an excellent idea due to the issues with flooding.

24/02/20 - I would welcome this development on Lindholme. I think it is the best solution to overcome the flooding this house has suffered.

16 Lindholme

16/03/20 – A statement of corrections is put forward in terms of the Flood risk information submitted for the application. This proposal will make flooding more likely and worsen the situation.

08/03/20- Objects to the proposals on the following grounds:

Biodiversity being present on the site and in the dwelling,

Flooding also due to silting and not just tidal outfall

The visual impact of the dwelling being incongruous and overwhelming on the street scene.

Loss of privacy and overlooking, presence of dwelling.

LCC Highways:

18/02/20 – 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.

The following should be an informative: Please contact the Lincolnshire County Council Street works 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.

Environment Agency

08/04/2020 - We have reviewed the FRA and consider that it satisfactorily addresses our earlier concerns, subject to the condition below. The proposed development is located in a high flood risk area. We are supporting this application because it is a replacement dwelling which will significantly increase the resilience of the property in comparison to the existing dwelling. The applicant should demonstrate that there is provision of an equivalent amount of flood plain storage in the new development compared to what is existing.

The proposed development will only meet the National Planning Policy Framework's (NPPF) requirements in relation to flood risk if the following planning condition is included:

The development shall be carried out in accordance with the approved flood risk assessment dated April 2020 and drawing numbers '19-19-Drwg 09B', '19-19-Drwg 07B' and '19-19-Drwg 03B' and the following mitigation measures they detail:

- Finished floor levels shall be set no lower than 6.84 metres above Ordnance Datum (AOD).
- Flood resilience measures shall be implemented as described on page 17 of the FRA.
- Compensatory flood storage shall be provided as shown in the submitted drawings.

Reasons

- To reduce the risk of flooding to the proposed development and future occupants.
- To reduce the impact of flooding on the property.
- To prevent flooding elsewhere by ensuring that compensatory storage of flood water is provided

These mitigation measures shall be fully implemented prior to occupation and subsequently in accordance with the scheme's timing/phasing arrangements.

The measures detailed above shall be retained and maintained thereafter throughout the lifetime of the development.

05/03/2020: We require further information on floodplain compensation before we can fully assess the application.

LCC Archaeology

08/04/20 - The specification recently submitted for a programme of archaeological monitoring and recording during the groundworks phase of this development would be sufficient to deal with the potential archaeological impacts we have already raised.

Therefore no pre-commencement archaeological condition would now be required, provided that the specification forms part of the approved plans, and suitably worded conditions are added to require the following:

- The developer to provide the local planning authority with two weeks' notice of their intention to start the archaeological works.
- The work only to progress in accordance with this agreed specification.
- That following the completion of the work on site a written report of the findings is submitted to the local planning authority.
- That any finds and documentary archive is submitted to a suitable archive or museum.

21/02/20 The development is in an area of substantial archaeological interest, where Anglo- Saxon graves were uncovered during the 19th century between the church and the river, and close to the find spot of a prehistoric log boat preserved by the waterlogged ground conditions adjacent to the River Eau. Medieval remains have also been revealed in the surrounding area. Given that the present house will have had caused some ground disturbance it is recommended that the appropriate mitigation response would be to require an archaeological scheme of works for the archaeological monitoring and recording during the groundworks phase of development.

Recommendation: Prior to any demolition or groundworks the developer should be required to commission a Scheme of Archaeological Works (on the lines of 4.8.1 in the Lincolnshire Archaeological Handbook) in accordance with a written scheme of investigation submitted to and approved in writing by the local planning authority. This should be secured by an appropriate condition to enable heritage assets within the site to be recorded prior to their destruction. Initially I envisage that this would involve monitoring of all groundworks, with the ability to stop and fully record archaeological features. This should include the grubbing out of existing foundations following demolition.

Conservation Officer:

Although quite an enlargement is proposed in terms of height, the location of the church, although close, is much elevated. I do not consider there will be

harm to the setting of the church as a result of this proposal, given the context of adjacent development on Lindholme.

Historic England:

We suggest that you seek the views of your specialist conservation and archaeological advisers, as relevant.

Building control: 20/04/2020 - The drainage strategy appears to be fine.

Relevant Planning Policies:

Planning law requires that applications for planning permission must be determined in accordance with the development plan, unless material considerations indicate otherwise. Here, the Development Plan comprises the provisions of the Central Lincolnshire Local Plan (adopted in April 2017); the Scotter Neighbourhood Plan (made 2018); and the Lincolnshire Minerals and Waste Local Plan (adopted June 2016).

Development Plan

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

Relevant policies of the CLLP include:

LP1: A Presumption in Favour of Sustainable Development
LP2: The Spatial Strategy and Settlement Hierarchy
LP4: Growth in Villages
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

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

Relevant policies of the NP include:

H4 – Small scale Residential Development
D5 – Design of New Development
T8 – Roads and Streets
T9 – Parking Standards
F11 – Flood Risk

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

<https://www.lincolnshire.gov.uk/directory-record/61697/minerals-and-waste-local-plan-core-strategy-and-development-management-policies>

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

National policy & guidance (Material Consideration)

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

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

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

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

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

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. LP25 is consistent with chapter 16 of the NPPF as they both seek to conserve and enhance the historic environment. LP26 is consistent with section 12 of the NPPF in requiring well designed places. The above policies are therefore attributed full weight.

Main issues

- Principle

- Flood risk
- Drainage
- Visual amenity including setting of Listed Buildings
- The Historic Environment (Archaeology)
- Residential amenity
- Ecology
- Highway Safety

Other matters:

- Safeguarding Minerals

Assessment:

Principle

Planning Law dictates that applications for planning permission should be determined in accordance with the development plan, unless material considerations indicate otherwise.

Policy LP2, LP3 and LP4 of the CLLP set the strategic approach to the level and delivery of housing growth across Central Lincolnshire. Policy LP2 categorises Scotter as a tier 4 large village. Policy LP2 outlines that Scotter will be a focus for accommodating an appropriate level of growth to maintain and enhance its role as a large village which provides housing, employment, retail, and key services and facilities for the local area. Most of this growth will be via sites allocated in the CLLP, or appropriate infill, intensification or renewal within the existing developed footprint.

Policy H4 of the neighbourhood plan relates to small scale residential developments and states that development will be supported within the existing built form subject to certain design criteria.

The proposed application is for a replacement dwelling located within the existing developed footprint and built form of Scotter. There would also be no overall increase in the residential units as a replacement property and consequently the proposed development accords with the principle strategy of Local Plan policies LP2, LP3 and LP4 as well as Policy H4 of the Neighbourhood Plan. The principle of development can therefore be supported subject to all other material considerations being satisfied.

Flood Risk

The site sits directly alongside the River Eau which runs along the eastern boundary. The site is shown to be in an expansive Flood Plain and designated as Zone 3b (Functional Flood Plan), the highest flood risk category.

Policy LP14 of the CLLP relates to the water environment and Flood risk and states that all development proposals in such locations will be considered

against the NPPF, including application of the sequential and, if necessary, the exception test.

Paragraph 158 of the NPPF guides that the aim of the sequential test is to steer new development to areas with the lowest risk of flooding. Development should not be allocated or permitted if there are reasonably available sites appropriate for the proposed development in areas with a lower risk of flooding. The sequential approach should be used in areas known to be at risk now or in the future from any form of flooding.

The National Planning Practice Guidance on Flood Risk and Coastal Change¹ (NPPG) offers further guidance on the Sequential test and advises that justification should be provided to why the development couldn't go elsewhere and explain why it cannot reasonably be located within an area with the lowest probability of flooding.

The Flood Risk Vulnerability and flood zone "compatibility" table (Paragraph: 067 Reference ID: 7-067-20140306)² states that in flood zone 3B (functional floodplain) it is for "*essential infrastructure that has to be there and has passed the Exception Test, and water-compatible uses*". It states that development for "more vulnerable" uses, which includes buildings used for dwelling houses, should not be permitted.

The proposals relating to a replacement dwelling within an established residential area of the village and on a site which is all designated as flood Zones 3a and 3b cannot reasonably be located within an area with a lower probability of flooding.

Dwelling house developments should not normally be permitted in flood zone 3B – however, in this instance, a dwelling already occupies the site and has been subject to flooding. The development proposes a betterment in this regard, by replacing it with a more flood resilient property. The Environment Agency, as a statutory consultee, advise that they support the replacement dwelling on the basis that it will significantly increase the resilience of the property in comparison to the existing dwelling.

Paragraph 159 of the NPPF states that where it is not possible for development to be located in zones with a lower risk of flooding, the exception test may have to be applied. Paragraph 160 of the NPPF relates to the exceptions test and guides that the application of the exception test should be informed by a strategic or site-specific flood risk assessment, depending on whether it is being applied during plan production or at the application stage. For the exception test to be passed it should be demonstrated that:

(a) the development would provide wider sustainability benefits to the community that outweigh the flood risk; and

¹ See <https://www.gov.uk/guidance/flood-risk-and-coastal-change>

² See <https://www.gov.uk/guidance/flood-risk-and-coastal-change#Table-3-Flood-risk-vulnerability>

(b) the development will be safe for its lifetime taking account of the vulnerability of its users, without increasing flood risk elsewhere, and, where possible, will reduce flood risk overall.

Both elements of the exception test should be satisfied for development to be allocated or permitted.

Table 3 also set out in the NPPG outlines Flood risk Vulnerability and Flood risk compatibility. It shows that more vulnerable uses within Flood Zones 3a should pass the exceptions test. It also outlines that more vulnerable uses within Flood Zones 3b should not be permitted.

In this respect the NPPG advises that where developments may contain different elements of vulnerability the highest vulnerability category should be used, unless the development is considered in its component parts. Based on the site being within the highest risk category 3b, Table 3 of the NPPG sets out that more vulnerable uses should not be permitted.

The erection of a new dwelling on the site would not therefore ordinarily be supported, with National Planning Policy making it clear that subject to the passing of the exceptions test, only essential infrastructure and water compatible development is permitted in such areas. Consequently the erection of a new dwelling in Zone 3b would not be permitted by the NPPF, Local Plan Policy LP14 or Neighborhood Plan Policy F11.

However, it has to be recognized that although the proposals do relate to the erection of a new dwelling, as a replacement it does not introduce completely new development on to the site, an additional residential unit, nor a more vulnerable use. The existing dwelling was constructed around 1978 and sits within an established residential area and built footprint of the village. It therefore already forms part of the expansive floodplain and as a consequence is known to be at risk of a 1 in 5 yr probability (20% in any one year) of flooding. The site does not benefit from any formal flood defences and the dwelling has in fact recently been flooded on a number of occasions within this time period.

It is therefore evident that should the current situation on site remain the same, with the site and dwelling being un-altered it would be subject to further flooding events and the occupiers subject to constant impacts on their home as a result. This consequently is the reason why the replacement dwelling is proposed and the development seeks to reduce the risk of flooding to the dwelling by raising its living accommodation above the known flood risk levels.

Consultations outside of the planning process have been undertaken by the applicant with the Environment Agency and a site specific flood risk assessment have been submitted with the application. On this basis the proposed replacement dwelling has been designed to be raised above the calculated Flood Water levels and incorporates flood resilience measures. The undercroft of the dwelling is also to be used as voids for flood water storage and calculations submitted in support of this.

A neighboring resident has raised concerns in relation to the risk of flooding in terms of information provided and how the development will impact on flooding elsewhere. The Environment Agency (EA) and Lead Local Flood Authority as relevant flood risk management authorities have been consulted as part of the assessment and determination of this planning application. The Lead Local Flood Authority have not raised any concerns. The Environment Agency have confirmed that they are satisfied with the flood resilience measures proposed by the Flood Risk Assessment and recommend that a planning condition is applied to secure them.

A drainage strategy has also been submitted with the application and proposes the use of the existing system (main for foul and soakaway/foul for surface water with some amendments. It includes provision for both the dwelling and flood water storage. No objections has been received to the strategy put forward by the EA or Building control. A condition to ensure the approved drainage strategy is implemented shall be added to any permission or if found not to be feasible during construction an alternative approved in writing and implemented prior to occupation of the dwelling.

The proposed replacement dwelling therefore offers a clear betterment to the current situation, with the property being safe for its lifetime without increasing the risk of flooding to the site or elsewhere. (Flood defenses/agreements with the EA/maintenance/mitigation measures/agreements in place – subject to conditions.

It is therefore concluded that weight can be given to the betterment that the proposed replacement dwelling will result in, in flood risk terms and support for this element of the proposals is given when weighing up all other material considerations in the determination of the application.

Visual Impact including setting of listed buildings.

When assessing the acceptability of the design of the new dwelling Local Plan Policy LP26 and Neighbourhood Plan Policy D5 give local considerations. Chapter 12 of the NPPF relates to well-designed places. LP25 also offers guidance in terms of impact on the Historic Environment and in this case the setting of the nearby grade 1 Listed Church.

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.

Local Plan Policy LP25 relating to The Historic Environment guides that Development proposals should protect, conserve and seek opportunities to enhance the historic environment of Central Lincolnshire.

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.

Similarly Neighbourhood Plan Policy D5: Design of New Development states that new development should deliver good quality design. In this case development should:

Recognise and **reinforce the distinct local character** (as detailed in the Scotter Village Character Assessment 2016) in relation to **scale, mass, form, density, character, landscape setting and materials**; Be of a **scale, height, mass and layout that respects its immediate surroundings including where appropriate, the scale and location of adjacent properties** or the character and appearance of the countryside; Be well integrated with its surroundings by reinforcing existing connections and taking any opportunities for creating new ones; and **respect and protect listed buildings and their settings, and retain key views towards these important structures (as identified in the Scotter Village Character Assessment 2016)**;

The village character assessment designates the application site in Character area D– Scotter Riverside. It notes that this area is focused along the edges of the River Eau, where the village’s northern and southern extents converge. It is one of Scotter’s most distinct and attractive Character Areas, achieving a fine balance between the built and natural environment.

More specifically in relation to Lindholme and the surrounding area it is noted that there are two different elements forming its character. The immediate neighbouring dwellings on the same level as the application site and those dwellings set on the other side of the River and on higher ground.

The dwellings within the immediate context of the site are noted to be detached properties, both two-storey and bungalows, running along a central tarmacked road which is edged on its southern side by a footpath. These properties, as is the case across much of Character Area D, display differing

approaches to size, building design and facade treatments, the only consistent characteristics being the use of red / brown brickwork.

To the rear of these properties and set on higher ground sits the Grade I listed St Peters Church. The church can be seen from Lindholme and the site itself but trees do provide some screening of views. The character assessment does not however include any key views of the Church from Lindholme which includes the application site.

The character assessment also notes that the residential properties on the other side of the river share a much more detached relationship with Lindholme's central access route. They have vast front entrances sloping up towards the properties and those close to the application site are noted to be large in size and grand in stance due to their elevated position. These dwellings are however also like their southern counterparts noted to be varying in building size, design and façade treatments.

The application site being located at the end of the highway (Lindholme) holds a prominent position within the streetscene. The existing dwelling consist of a modest dormer bungalow and constructed in brick, stone and wooden cladding, with a tiled roof. There is also a detached garage set to the front of the plot and within the street scene. The dwelling clearly has more of a visual relationship with the nearby properties to the north-west, but does have some visual connection with those on higher ground to the north east.

The proposed replacement dwelling is to be sited in the same position as the existing but the detached garage is to be moved in to the site and in-line with the proposed property. The footprint of the proposed dwelling is also to be extended to the rear.

The main element of visual change is however to the scale of the property. The proposals replace a dormer bungalow with a two storey dwelling and its presence will therefore be greater. This will however be further exacerbated by the fact that the ground floor level is to be raised by 1.725 metres above existing ground levels and also results in a ramp access to the front. Elements which have to be incorporated for flood risk purposes. Concerns from a local resident have been received in terms of visual impact on the area and the dwelling being viewed as incongruous.

The existing dwelling currently has a ridge height of 7.5 metre while the replacement dwelling will stand at 10.2 metres in height. The design of the dwelling is also significantly different to that of the existing with a much more of an imposing presence. Its roof line is hipped while previously gabled with a dormer feature giving a majority of character. The replacement dwelling gives much of its character through its expansive elevations and will no doubt be a key feature within the immediate street scene and from wider views.

Nevertheless, when taking account of the character of the area as noted in the appraisal, it is evident that the replacement dwelling will sit in an area said to have a mixture of different sized and designed properties, some noted as

having a grand stance. The replacement dwelling will therefore sit amongst other larger two storey properties, including its direct neighbour number 16. The site also holds the determining position at the end of Lindholme and consequently lends itself to hosting a larger feature property. Materials for the development have also been specified as red brick and grey tiles and are considered appropriate for the design of the dwelling and those noted in the area.

It is therefore concluded that although there is no doubt that the replacement dwelling is of a scale that will be dominant and result in a significant local change. When reflecting on the character of the immediate area as set out in the character appraisal, it is concluded that the site has the ability to host a larger dwelling without being unduly harmful to the character of the area. It has to however be recognised that the replacement dwelling due to the flood resilience measures needed will inevitably have a presence and impact which will not ideally fit with the surroundings and existing characteristics forming this element of Scotter riverside area. No comments have been received from the Parish Council in this regard and such visual impacts will therefore have to be balanced against all other material considerations in terms of their acceptability.

In terms of the replacement dwelling and its impact on the setting of the nearby grade I listed Church, consultations with Historic England and the Conservation Officer have taken place. Historic England do not raise any objections and note that advice from our Local Conservation specialist should be taken. The Conservation Officer has also not raised any concerns and has acknowledged that although quite an enlargement is proposed in terms of height, the location of the church, although close, is much elevated. As a consequence of its elevation and given the context of the adjacent development on Lindholme, it is advised that there will be no harm to the setting of the church as a result of this proposal.

It is therefore concluded that the proposals protect the significance of designated heritage asset in accordance with Local Plan Policy LP25, Neighbourhood Plan policy D5 and guidance within the NPPF.

The Historic Environment (Archaeology)

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

Planning applications for such development should be accompanied by an appropriate and proportionate assessment to understand the potential for and significance of remains, and the impact of development upon them. If initial assessment does not provide sufficient information, developers will be required to undertake field evaluation in advance of determination of the application. This may include a range of techniques for both intrusive and non-intrusive evaluation, as appropriate to the site.

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

Lincolnshire County Council Archaeology has identified that the site and surroundings have archaeological significance and advise that "Given that the present house will have had caused some ground disturbance it is recommended that the appropriate mitigation response would be to require an archaeological scheme of works for the archaeological monitoring and recording during the groundworks phase of development and this secured through appropriate conditions.

Residential amenity

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

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

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

The application site only adjoins one neighbouring property. The property known as No 16 Lindholme sits to the North West of the existing dwelling with its garden area expanding to the south of both properties. The boundary treatment between the garden areas consists of an approximately 1.5 - 1.8 metre close boarded fence to the rear and brick wall to the front.

No 16 is modern two storey detached dwelling with its front principal elevation facing east and over the front aspect of the application site and existing dwelling. The side elevation of this property also faces onto that of No 18. It hosts the main living room to the property and has French/patio doors leading to an outdoor decked area and side garden. There is also an upper floor bedroom window facing onto this element too. As a result of the siting and relationship of the two properties, No 18 Lindholme has a clear visual

presence from most front and side aspects of this neighbouring property and private garden area.

Concerns have been raised by the occupier of this neighbouring property in relation to the proposed developments and adverse impacts upon the living conditions due to the size and scale of the property and loss of privacy.

The replacement dwelling will predominately sit on the same footprint as the existing dwelling but does move the garage further into the site and out of sight from this neighbouring property. There is however also a two storey rear extension proposed which runs down the shared rear boundary of this neighbouring dwelling and forms an extension to the side elevation facing onto the neighbours living space and its private garden area.

The replacement dwelling and extension are all to be raised by 1.7 metres from the existing ground floor levels to mitigate against the risk of flooding to the site and occupiers of the dwelling. As a consequence the height and scale of the dwelling will be dramatically enlarged as would the presence of it from this neighbouring property and garden area.

The ground floor of this replacement property would in fact now be located at the top of the shared boundary wall and fence and the overall ridge height increased by over 2.5 metres and at a height of 10.2 metres in total. The extended side elevation would also span approximately 13 metre across this shared boundary.

The replacement dwelling as a result would undoubtedly have a significant impact upon the living conditions of the occupiers of No 16. The scale and mass of the west side elevation would be such that it would completely dominate the facing side of the neighbouring property, including the lounge, outdoor decked area and garden. As well as having a significance presence and stance from other aspects of the dwelling, including the upper floor accommodation.

Concerns in this regard and in relation to the raising of the garden area along the shared boundary for potential overlooking concerns have been raised with the applicant at both pre application stage and through this application process. Some concessions have been made by the applicant - through alterations to the raised garden area; removal of a window and door serving a utility room in the western (facing) elevation; and a reduction in the ridge height and pitch have been forthcoming.

However, the requested alteration to either reduce, relocate or remove the two storey 'extension' to the rear and side elevation have not been addressed. The applicant claims this element is required to justify the development costs by improving facilities and the market value of the property. It is also argued that it cannot be re-located into the site and away from the boundary as it would have impacts on the property layout and their own amenity.

However, planning decisions are made in the public interest. There is an identified impact upon the neighbour, which is a significant material consideration which weighs against the proposals. The applicant's response that mitigating the harm to the neighbour will affect his own private interests, cannot be given any weight in the overall planning balance and does not provide justification for the harm that would arise as a consequence of their proposals.

It is considered that amendments to the proposed development can be made to reduce the harm to the neighbour.

The replacement dwelling as a result of not being altered is considered to be such an expanse and mass of structure along this shared boundary and close to key indoor and outdoor living areas that its presence is harmful to the living conditions of this property. The proposal is not therefore considered to be in accordance with the safeguarding provision of Local Plan Policy LP26 and on such grounds refusal of permission would have to be recommended.

Ecology

Policy LP21: Biodiversity and Geodiversity

States: 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.

It also relevantly guides that Development proposals should ensure opportunities are taken to retain, protect and enhance biodiversity and geodiversity features proportionate to their scale, through site layout, design of new buildings and proposals for existing buildings.

In relation to Mitigation any development which could have an adverse effect on sites with designated features and / or protected species, either individually or cumulatively, will require an assessment as required by the relevant legislation or national planning guidance.

Where any potential adverse effects to the biodiversity or geodiversity value of designated sites are identified, the proposal will not normally be permitted. Development proposals will only be supported if the benefits of the development clearly outweigh the harm to the habitat and/or species. In exceptional circumstances, where adverse impacts are demonstrated to be unavoidable, developers will be required to ensure that impacts are appropriately mitigated, with compensation measures towards loss of habitat used only as a last resort where there is no alternative. Where any mitigation and compensation measures are required, they should be in place before development activities start that may disturb protected or important habitats and species.

A Preliminary Ecological Appraisal has been submitted with the application.

It advises that “some areas of the existing building were considered to offer potential to support bats, notably timber cladding present on the house walls, although no evidence of their presence was found during the survey”.

It recommends further survey work during the active season (April – September), or alternatively supervision of all works relating to the removal of timber cladding and roofing tiles from the house could be undertaken by a suitably licensed ecologist. This can be subject to a planning condition.

The Report also recommends that, since the building is clearly used for roosting and possible nesting by species of common birds, that building work should ideally avoid the active nesting season.

Recommendations are also made for the protection of badgers but it advises that mitigation should not be necessary for water voles and great crested newts.

The recommended and necessary mitigation measures set out in the report can be secured through planning conditions and with such measures in place the proposals in accordance with the provision set out in Policy LP21 and guidance within the NPPF.

Highway Safety and Parking

Policy LP13: Accessibility and Transport

States that : Development proposals which contribute towards an efficient and safe transport network that offers a range of transport choices for the movement of people and goods will be supported.

Neighbourhood Plan Policy T8: Roads and Streets but is not considered to be relevant to the development.

Neighbourhood Plan Policy T9 relates to Parking and Parking Standards and provides a guide for all new development. It guides that:

1) Adequate private parking and suitable off-street parking should be provided on all new housing developments to minimise obstruction of the highway in the interests of the safety of all road users, including cyclists and pedestrians. Parking areas should be designed to minimise the visual impact of the private car park on the street scene and on the amenity of residents.

2) Development proposals should provide the following parking standards as a minimum:

- a) 1 or 2 bedrooms = 2 spaces
- b) 3 or 4 bedrooms = 3 spaces
- c) 5 or more bedrooms = 4 spaces

The replacement dwelling does not see a material change in parking provision for the site or surrounding area. It is therefore considered that the application

makes sufficient provision for on-site car parking, with the Parish Council and the Local Highway Authority raising no concerns. The proposals are therefore considered to appropriately meet the provisions of CLLP policy LP13 and Neighbourhood Plan Policy T9.

Other matters

The site is within a Minerals Safeguarding Area. However, the site is already occupied by a dwelling, and the proposals would not lead to further sterilization of minerals.

Conclusions and balance

The application proposes to redevelop the site, replacing the existing dormer property, with a substantially larger dwelling.

The site is within flood zone 3B – where national planning policy states that development for more vulnerable uses (including dwellinghouses) should not be permitted.

However, the site is already occupied by a family dwelling, and is vulnerable to frequent flooding events.

The proposed development will result in a considerably more flood resilient property - the building will be raised and allow for flood water storage underneath.

It is considered that the larger dwelling can be accommodated within this site but will have some visual impacts on the character area.

Nonetheless, the property will sit alongside the shared boundary with a neighbouring residential property. It will result in a significantly overbearing walled elevation that will dominate the outlook of no.16 with its unavoidable presence.

These concerns have been raised with the applicant who has had the opportunity to address them. However, the applicant has not made the requested amendments, citing that it would affect their private interests which are not material planning considerations.

Overall, it is considered that the development will result in a more flood resilient property, in a location at the highest risk of flood risk, and that this may be attached great weight and can be considered positively.

However, it will have an unduly adverse effect upon the amenities of the neighbour, through its sheer dominating and overbearing presence, which can be addressed through an alternative design approach. This is contrary to policy LP26 of the Central Lincolnshire Local Plan and H4 of the Scotter Neighbourhood Plan.

Consequently it is recommended that planning permission is refused for the following reason:

1. As a consequence of its scale and positioning, the development will have a significant visual presence and overbearing impact upon the neighbouring property, to the detriment of the amenities that they may reasonably be expected to enjoy. This is contrary to policy LP26 of the Central Lincolnshire Local Plan and H4 of the Scotter Neighbourhood Plan.

Human Rights Implications:

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

Legal Implications:

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



Officer's Report
Planning Application No: 140540

PROPOSAL: Planning application for the removal of existing garage and erection of two storey side extension.

LOCATION: 21 High Street Scotter Gainsborough DN21 3TN
WARD: Scotter and Blyton
WARD MEMBER(S): Cllr Mrs L Rollings, Cllr L Clews, Cllr Mrs M Snee
APPLICANT NAME: Mrs M Thompson

TARGET DECISION DATE: 25/03/2020
DEVELOPMENT TYPE: Householder Development
CASE OFFICER: Vicky Maplethorpe

RECOMMENDED DECISION: Grant permission

Description:
The application site comprises a semi-detached house located within Scotter. The site is surrounded by other residential dwellings.
The application seeks permission to erect a two storey extension to the side of the dwelling.
The application is presented to committee as the applicant is an employee of the Council.

Relevant history:
None

Representations:	
Chairman/Ward member(s):	None received
Parish/Town Council/Meeting:	None received
Local residents:	None received
LCC Highways/Lead Local Flood Authority:	Interim response: 'The applicant is proposing to remove their garage which provides off street parking, please can the applicant demonstrate on their site plan the recommended off street parking for a three bedroom property of 2 spaces a standard space is 2.4mx5m.'
Archaeology:	No objections
IDOX:	Checked 11/3/20

Relevant Planning Policies:	
National guidance	National Planning Policy Framework https://www.gov.uk/guidance/national-planning-policy-framework National Planning Practice Guidance https://www.gov.uk/government/collections/planning-practice-

	guidance
Local Guidance	<p>Central Lincolnshire Local Plan (2012 -2036):</p> <p>LP1: A Presumption in Favour of Sustainable Development LP17: Landscape, Townscape and Views LP26: Design and Amenity</p> <p>https://www.n-kesteven.gov.uk/central-lincolnshire/local-plan/</p>
Neighbourhood Plan:	<p>Scotter Neighbourhood Plan was formally adopted by West Lindsey District Council at a Full Council Committee meeting on the 22 January 2018. Relevant policies:</p> <p>D5: Design of new development</p> <p>https://www.west-lindsey.gov.uk/my-services/planning-and-building/neighbourhood-planning/all-neighbourhood-plans-in-west-lindsey/scotter-neighbourhood-plan-made/</p>

POLICY LP26 – Design and Amenity	
Is the proposal well designed in relation to its siting, height, scale, massing and form?	Yes. The extension is stepped back from the principal elevation and sits below the existing ridge height making it subordinate to the existing dwelling. The extension reflects the design of the existing dwelling.
Does the proposal respect the existing topography, landscape character, street scene and local distinctiveness of the surrounding area?	Yes. The extension is to be built in materials and style that is in keeping with the area.
Does the proposal harm any important local views into, out of or through the site?	No the proposal does not harm any important views in this general housing area.
Does the proposal use appropriate materials which reinforce or enhance local distinctiveness?	Yes. The proposed materials are to match the existing dwelling.
Does the proposal adversely affect the residential amenity of neighbouring properties by virtue of overlooking, overshadowing, loss of light or over dominance?	No. Due to the location and positioning of windows there will be no direct overlooking of neighbouring properties and due to the size, scale and location of the extension it will not result in material overshadowing or over dominance.
Does the proposal adversely impact any existing natural or historic features?	No.

Other considerations:	
Does the proposal enable an adequate amount of private garden space to remain?	Yes. A large rear garden will remain.
Does the proposal enable an adequate level of off street parking to remain?	The Highways Officer has stated that the applicant is proposing to remove their garage which provides off street parking and requests that they demonstrate the recommended off street parking for a three bedroom property of 2 spaces can be achieved. An amended plan has been submitted which shows that the site can accommodate 2 car parking

spaces.

Conclusion and reasons for decision:

The proposal has been assessed against Central Lincolnshire Local Plan Policies LP1, LP17 and LP26 and policy D5 of Scotter Neighbourhood Plan as well as all other material considerations, including guidance within the National Planning Policy Framework. As a result of the assessment it is considered that the proposed garage is acceptable in design and amenity terms and highways safety.

Recommended conditions:

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

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

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

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

2. With the exception of the detailed matters referred to by the conditions of this consent, the development hereby approved shall be carried out in accordance with drawings 215-100 01, 215-200 01 and 215-002 02 dated Oct 19. The works shall be carried out in accordance with the details shown on the approved plan and in any other approved documents forming part of the application.

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

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

None

Human Rights Implications:

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

Legal Implications:

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

Prepared by: VJM

Date: 13/3/2020

V.M

Signed:



Authorising Officer:

Date 13th March 2020

Decision Level (tick as appropriate)					
Delegated		Delegated via Members		Committee	



Planning Committee

Wednesday, 29 April
2020

Subject: Determination of Planning Appeals

Report by:

Executive Director of Resources

Contact Officer:

Ian Knowles
Executive Director of Resources
ian.knowles@west-lindsey.gov.uk
01427 676682

Purpose / Summary:

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

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

IMPLICATIONS

Legal: None arising from this report.

Financial: None arising from this report.

Staffing: None arising from this report.

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

Risk Assessment: None arising from this report.

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

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

Call in and Urgency:

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

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

Yes

No

Key Decision:

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

Yes

No

Appendix A - Summary

- i) Appeal by Mr and Mrs J Downs against the decision of West Lindsey District Council to refuse planning permission for a conversion and extension to single storey outbuilding to form new accessible bedroom, bathroom and w/c at Corner Cottage, 27 East Street, Nettleham, Lincoln LN2 2SL

Appeal Dismissed – See copy letter attached as Appendix Bi.

Officer Decision – Refuse permission

- ii) Appeal by Mr Martin Flynn against the decision of West Lindsey District Council to impose the following condition (4) at Rothwell House, Beckside, Rothwell, Market Rasen LN7 6BD:

‘Notwithstanding the plans and details submitted with this application (Drawing reference numbers RO/WH/MF/03, RO/WH/MF/04, RO/WH/MF/05 and RO/WH/MF/13 which all show double glazed units shall be omitted) all new windows must be single glazed and match exactly in all respects the existing historic windows to include exactly matching glazing bar detail and the use of an appropriate period style glass.’

Appeal Allowed – See copy letter attached as Appendix Bii.

Officer Decision – Granted (with different condition 4)

The new condition 4 read as follows:

‘The works to which this consent relates shall be carried out in accordance with plans RO/WH/MF/03, RO/WH/MF/04, RO/WH/MF/05, RO/WH/MF/13 and RO/WH/MF/14, except where differing details are agreed in writing by the Local Planning Authority in accordance with conditions 2 and 3.’

- iii) Appeal by Mr Rob Wilkinson against the decision of West Lindsey District Council to refuse planning permission for a change of use to a public house to 3no. one bed dwellings including demolition of various rear extensions, erect 5no. three bed dwellings, and associated works at Brown Cow Inn, Lincoln Road, Nettleham, Lincoln LN2 2NE.

Appeal Dismissed – see copy letter attached as Appendix Biii.

Officer Decision – Refuse permission

- iv) Appeal by Mrs Barbara Mary Arden, Furrowfresh Ltd against the decision of West Lindsey District Council to refuse planning permission for a mixed use sustainable village extension comprising up to 325

private and affordable dwelling units (Use Class C3) community meeting rooms (Use Class D1), with ancillary pub/café use (Use Class A4) and sales area (Use Class A1), together with landscaping, public and private open space (all matters reserved) at land west of A1133, Newton on Trent, Lincolnshire LN1 2JS.

Appeal Dismissed – see copy letter attached as Appendix Biv.

Officer Recommendation – Refuse permission

Planning Committee decision – Refuse permission

- v) Appeal by Mr Richard Hughes of Fiskerton Developments Ltd against the decision of West Lindsey District Council to refuse planning permission for the demolition of part of ancillary office building to create new access and retain 384sqm crèche/children’s nursery-D1, 26no. open market dwellings, 2no. affordable dwellings, public open space, associated parking and bus stop at the former Tanya Knitwear site, Ferry Road, Fiskerton, Lincoln LN3 4HU.

Appeal Dismissed – see copy letter attached as Appendix Bv.

Officer Recommendation – Refuse permission

- vi) Appeal by Mr Niki O’Hara against the decision of West Lindsey District Council to refuse planning permission for the demolition of existing bungalow and its replacement with a two storey dwelling, outbuilding and porous driveway at Bucknell Farm, Gainsborough Road, Scotter Common, Gainsborough DN21 3JF.

Appeal Allowed – see copy letter attached as Appendix Bvi.

Officer Recommendation – Refuse permission

- vii) Appeal by Mr Jonathan Hay of Hay Farms against the decision of West Lindsey District Council to refuse planning permission for the erection of a single storey agricultural workers dwelling at Park Farm, Caistor Road, Usselby, Market Rasen, LN8 3YJ.

Appeal Dismissed - See copy letter attached as Appendix Bvii.

Officer Decision – Refuse permission



Appeal Decisions

Site visit made on 6 January 2020

by **Jonathan Hockley BA (Hons) DipTP MRTPI**

an Inspector appointed by the Secretary of State

Decision date: 6th February 2020

Appeal A: APP/N2535/W/19/3238663

Corner Cottage, 27 East Street, Nettleham, Lincoln LN2 2SL

- 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 J Downs against the decision of West Lindsey District Council.
 - The application Ref 139371, dated 26 April 2019, was refused by notice dated 26 June 2019.
 - The development proposed is the conversion and extension to single storey outbuilding to form new accessible bedroom, bathroom and w/c.
-

Appeal B: APP/N2535/Y/19/3238664

Corner Cottage, 27 East Street, Nettleham, Lincoln LN2 2SL

- The appeal is made under section 20 of the Planning (Listed Buildings and Conservation Areas) Act 1990 against a refusal to grant listed building consent.
 - The appeal is made by Mr & Mrs J Downs against the decision of West Lindsey District Council.
 - The application Ref 139372, dated 26 April 2019, was refused by notice dated 26 June 2019.
 - The works proposed are the conversion and extension to single storey outbuilding to form new accessible bedroom, bathroom and w/c.
-

Decisions

1. The appeals are dismissed.

Main Issue

2. The main issue for both these cases is the effect of the proposed development on the character and appearance of the Conservation Area and on the setting of the Old Vicarage, a Grade II listed building.

Reasons

3. The appeal site lies within the Nettleham Conservation Area (NCA). The Conservation Area is a reasonably large one and covers the older central parts of the attractive village. The settlement is centred on the village green, a large space criss-crossed by roads and footpaths, with the village church sited a short distance to the south west of this. There are a wide range of historic buildings within the NCA, often constructed in limestone rubble with red pantile roofs (with later buildings sometimes in red brick). The grain of the settlement varies between quite built up areas with properties close to footpaths, to the open nature of the village around the central green. Trees and landscaping add to the character of the area.

4. The proposal seeks to convert and extend an existing single storey outbuilding to create an accessible bedroom and wash facilities for No 27 East Street, a property which is let to holiday makers. The rear, southern wall of the outbuilding shares a wall with the northern wall of No 25 East Street, or the Old Vicarage, a Grade II listed building. Section 72(1) of the Planning (Listed Building and Conservation Areas Act) 1990 states that special attention must be paid to the desirability of preserving or enhancing the character or appearance of a conservation area. Section 66 (1) of the same act states that, when considering whether to grant planning permission for development which affects the setting of a listed building, special regard should be had to the desirability of preserving this setting.
5. Paragraph 193 of the National Planning Policy Framework (the Framework) says when considering the impact of a proposed development on the significance of a designated heritage asset (including conservation areas), great weight should be given to the asset's conservation. Significance can be harmed or lost through alteration or destruction of a heritage asset, or by development within its setting (paragraph 194). The Framework defines setting as the surroundings in which the asset is experienced. Elements of setting may make a positive or negative contribution to the significance of an asset, may affect the ability to appreciate that significance, or may be neutral.
6. Policies LP7 and LP17 of the Local Plan¹ together state that development that will deliver high quality visitor facilities such as accommodation will be supported and should be designed so that it respects the intrinsic built environmental qualities of the area, and that development proposals should have particular regard to maintaining and reacting positively to any man-made features within the townscape which positively contribute to the character of the area, such as historic buildings. Policies LP25 and LP26 of the Local Plan together state that development proposals should protect, conserve, and seek opportunities to enhance the historic environment, with proposals that affect the setting of a listed building supported where they preserve or better reveal the significance of the listed buildings, and that development within Conservation Areas should preserve features that contribute positively to the area's character and appearance, including retaining architectural details that contribute to the character and appearance of the area, and retaining and reinforcing local distinctiveness.
7. Policies E-4 and D-6 of the Neighbourhood Plan² when read together state that development proposals will be expected to safeguard listed buildings and preserve or enhance the character of the conservation area, and respect and protect local heritage assets and their settings.
8. East Street forms the main road heading to the north from the centre of Nettleham; the road heads roughly north before kinking to the north east and changing name to Scothern Road following a staggered crossroads with Deepdale Lane to the west and The Crescent to the east. The crossroads has a spacious air, with generous grass verges forming an attractive entrance to the village. The boundary to the NCA runs across this junction to run along the south side of Deepdale Lane, with No 27 East Street being set inside the boundary.

¹ Central Lincolnshire Local Plan, April 2017.

² Nettleham Neighbourhood Plan 2014-2031, December 2015

9. The Old Vicarage is an attractive substantial late 18th century 2 storey building with attic. The property is constructed in coursed limestone rubble with a red pantile roof. The 3-bay façade is based on a central 6 panelled door with fanlight, set in a wooden surround with brackets supporting a narrow flat hood. The two flanking windows and three upper floor windows are similar (although the one above the door is narrower) and have sash windows under segmental stone splayed heads. A front wall, bordering the pavement is also constructed of limestone rubble with a pantile top. The building as a whole has a strong symmetrical and rhythmic style.
10. The single storey red brick building with red lean-to pantile roof of the appeal site extends to the east of the façade of the Listed Building such that the front wall of the Old Vicarage joins up with the corner of the outbuilding. No 27 East Street, Corner Cottage, is set back from the façade of the Old Vicarage to provide more of a front garden. The building, although one house, appears as two with two front doors. The lower part of the building is constructed in rubble and at some point the red pantile roof has been raised. The additional wall that this has created is rendered on the façade. While the property is not completely symmetrical, the visual impression remains that the property is two small largely stone cottages.
11. The whole building, in its set back nature and lesser height to the Old Vicarage is subservient to the listed building and forms a pleasing composition to the eye when entering the NCA from the north, or in views from the west. The low-key nature of the existing lean to outbuilding adds to this impression.
12. The proposal would extend the western end of the outbuilding to the north to provide sufficient floorspace for the accessible bedroom to be created. In turn this would necessitate a new part dual-pitch roof and would extend the property beyond the left hand side front door of No 27, which would be subsumed into the property.
13. The removal of this front door would unbalance No 27, removing the visual effect of the two previous properties which still remains despite the building only being one house now. This effect, together with the dual-pitch roof would appear awkward and contrived in the street scene, and the regular red brick and French doors and windows of the new north elevation of the extension would appear domesticated and detract from the traditional buildings of No 25 and 27, at odds with the current outbuilding, and despite modern alterations to No 27. While I acknowledge that a dual pitch/mansard roof style can be a vernacular roof type, noting the roof on the side elevation of the Old Vicarage, in this context I consider that the alterations would draw the eye and detract from the setting of the Old Vicarage, particularly in views from the north, reducing the subservience of the group of buildings to this heritage asset. In combination such proposals would cause harm to both the character and appearance of the NCA and to the setting of the Old Vicarage
14. As the scheme is of a reasonably small scale and would not harm the fabric of the listed building, I consider that the proposal would cause less than substantial harm to the significance of both the NCA and the Old Vicarage. However, though less than substantial, there would, nevertheless, be real and serious harm which requires clear and convincing justification. Paragraph 196 of the Framework states that such harm is to be weighed against the public benefits of the proposal, including securing its optimum viable use.

15. The proposal would in effect add an additional bedroom to an existing holiday let. I note that this bedroom will be accessible, a facility unavailable elsewhere in the village, and could provide living accommodation for the appellant in future years. The construction and use of the proposed development would also provide certain limited economic and social benefits. However, I am required to give great weight to the harm that I have identified, and, whilst there are some public benefits of the scheme, these are insufficient to outweigh the less than substantial harm that the proposed development would cause to the significance of the CA and the setting of the Grade II listed building.

Other Matters

16. I note that the appellant considers that the Council's view of the scheme changed through the course of the application. If the appellant has concerns over the Council's conduct during the application these should be considered through the Council's complaints service. I have dealt with the appeal on its own merits.

Conclusion

17. To summarise, I conclude that the proposal would fail to preserve the setting, and therefore the significance of the Grade II listed Old Vicarage and would neither preserve nor enhance the character and appearance of the NCA. Although I have concluded that the proposed development would cause less than substantial harm to these heritage assets, I do not consider that the public benefits of the proposal would outweigh the clear harm caused. As such the proposal would conflict with the Framework and the Local Plan Policies LP7, LP17, LP25 and LP26, and with Neighbourhood Plan policies E-4 and D-6.
18. For the reasons given above, and having regard to all other matters raised, I conclude that the appeal should be dismissed.

Jon Hockley

INSPECTOR



Appeal Decision

Site visit made on 6 January 2020

by Jonathan Hockley BA (Hons) DipTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 6th February 2020

Appeal Ref: APP/N2535/Y/19/3232528

Rothwell House, Beckside, Rothwell, Market Rasen LN7 6BD

- The appeal is made under section 20 of the Planning (Listed Buildings and Conservation Areas) Act 1990 against the grant of listed building consent subject to conditions.
 - The appeal is made by Mr Martin Flynn against the decision of West Lindsey District Council.
 - Listed building consent Ref 139139 was granted on 1 May 2019 subject to conditions.
 - The works proposed are replacement of 4 no. unauthorised windows.
 - The condition in dispute is No 4 which states that:
'Notwithstanding the plans and details submitted with this application (Drawing reference numbers RO/WH/MF/03, RO/WH/MF/04, RO/WH/MF/05 and RO/WH/MF/13 which all show double glazed units shall be omitted) all new windows must be single glazed and match exactly in all respects the existing historic windows to include exactly matching glazing bar detail and the use of an appropriate period style glass'.
 - The reason for the condition is:
'To ensure the development safeguards the desirability and setting of the Grade II Listed Building to accord with the National Planning Policy Framework.'
-

Decision

1. The appeal is allowed and the listed building consent Ref 139139 for replacement of 4 no. unauthorised windows granted on 1 May 2019 by the West Lindsey District Council is varied by deleting condition No 4 and inserting a new condition as follows:

4. The works to which this consent relates shall be carried out in accordance with plans RO/WH/MF/03, RO/WH/MF/04, RO/WH/MF/05, RO/WH/MF/13 and RO/WH/MF/14, except where differing details are agreed in writing by the Local Planning Authority in accordance with conditions 2 and 3.

Background and Main Issue

2. Listed building consent was applied for in March 2019 for the replacement of 4 windows at Rothwell House, a Grade II listed building. Consent was granted for such works in May of the same year by the Local Planning Authority, subject to a number of conditions. Condition 4 aimed to ensure that the replacement windows being allowed were single glazed units that would match 'existing historic windows', and was imposed to ensure that the works safeguarded the desirability and setting of the listed building. The appellant considers that the condition is imprecise, unreasonable, and unnecessary.
3. The main issue in this case therefore is whether the condition is necessary and reasonable to preserve the listed building and any features of architectural or historic interest it possesses.

Reasons

4. Rothwell is a small village centred around the junction of Caistor Road and Beckside. Rothwell House is located on the southern fringes of the village. The property (listed as Rothwell Farmhouse) is an early to later 19th century 3 storey painted brick property with a slate roof. The façade of the buildings has three bays, with a central doorway flanked by pilasters and overlight set between 2 square tripartite bay windows. The first and second floors have narrow central windows with tripartite windows set either side. The second-floor windows are of a lesser height than the first-floor windows, and also lack the projecting lintels that the first-floor flanking windows possess. Bands are set between the floors, and the eaves to the slate roof are modillioned. A large modern flat roofed extension is attached to the southern gable of the house.
5. A range of ancillary buildings and a courtyard lie to the north of Rothwell House, where access to the property is also gained from Beckside. The house itself looks over a grassed and treed front garden, which is well screened from Beckside. Evidence shows that historically access would have been made to the property from directly in front of the house, with a large turning circle included fed from a single point of access.
6. Consent 139139 permits the replacement of 4 windows, with 2 on the façade and 2 on the left (north) gable. Three of the windows are made from uPVC plastic, with one an aluminium window, and the appellant seeks to replace them with double glazed timber units.
7. Evidence from the appellant notes that they purchased Rothwell House in April 2018, with a visit prior to this occurring in April 2017 with the Council, where it was confirmed that a number of windows in the property had been installed without consent. Consent 139139 concerns the most incongruous windows in the view of the appellant. From my site visit I concur that the identified windows are incongruous and cause harm to the special interest of the listed building, both in their material and appearance.
8. It is not clear when the windows in question were installed. The Council note that uPVC windows were only introduced in the late 1970s and their presence is not noted in the revised listing, from 1984, which notes that the windows at first floor level are 19th century tripartite ones. They also consider that they could take enforcement action back to the original date of listing in 1966, referring to Section 38 of the Planning (Listed Buildings & Conservation Areas) Act 1990. I appreciate in this respect that the Council have worked with the appellant both prior to and since they have purchased the property. However, it is also clear that the installation of the windows in question was not carried out by the appellant or current owner of the house and listings are not infallible.
9. Plans are provided of the new proposed windows. Aside from the double glazing aspect, these virtually replicate older 'template' windows at the property in all design features, and I note that the Council acknowledge that they would be of a similar design, 'fairly accurately copying most of the frame'. They raise concerns over the window beading, as opposed to the use of putty. While I appreciate that this has the capacity to look different, if appropriately detailed then I consider that they could have an appearance not appreciably different to painted putty. In terms of weights, the appellant notes that the use

of lead as opposed to cast iron allows for a weight of the same size to be utilised for heavier glass.

10. Historic England guidance¹ states that where a window that diminishes the significance of the building, such as a uPVC window is to be replaced the new window should be designed to be in keeping with the period and architectural style of the building, and that it may be possible to base the design on windows that survive elsewhere in the building. The same guidance also states that double glazing could be considered where a historic window retains no significant glass, and has sufficiently deep glazing rebates and is robust enough to accommodate the increased thickness and weight of insulating glass units without significant alteration (for example, late Victorian or Edwardian 'one-over-one' sash window or a simple casement), or where an existing replacement window of sympathetic design is to be retained and is capable of accommodating insulating glass units.
11. Historic windows are often of considerable importance to the significance of the listed buildings and windows on principal elevations often make a greater contribution to the significance of the listed building than windows elsewhere. However, in this case such historic windows no longer exist, and given the plans submitted, it appears to me that the only potential noticeable difference visually between the proposed replacement windows and their historic 'template' windows would be the double glazing proposed. My attention is drawn to a previous appeal decision (on a different site) where the Inspector considered the visual effect of double glazing, and I acknowledge that this thickness of glazing and seal could affect light patterns in different ways and under certain conditions make them appear slightly different to how the original windows would have looked. However, there can be no doubt that the proposed windows would be far superior to those in place at present and that the proposed windows in their form submitted would preserve the listed building and any features of architectural or historic interest it possesses. While the new windows would not match those in the listing (where listed), nor would a replacement single glazed unit be authentic, even if historic glass were to be used.
12. The Council raise concerns over the precedent that the proposal may create, given that the windows in question number only 4 of some 22 windows in total. I sincerely appreciate such concerns in this case. However, other windows at the property appear historic which is a different matter to that before me. Any proposed replacement of those windows would need to be considered on their own merits and the current nature of the other and existing windows would be a clear consideration in such a process. While noting and acknowledging Council comments over enforcement action, the 4 windows in this case were clearly not installed by the appellant.
13. My attention is also drawn to a further appeal decision in Bath. I note that the case in Bath relates to a property which forms part of a long terrace of properties where the proposal would harm the uniformity of the terrace and further note that each case should be considered on its own merits.
14. I therefore conclude that the condition is not necessary and reasonable to preserve the listed building and any features of architectural or historic interest it possesses. I do note however that an additional plan containing window

¹ Traditional Windows: Their Care, Repair and Upgrading, Historic England, 2017.

section comparisons has been submitted as part of the appeal and has been referred to by the Council. Furthermore, the existing condition 4 refers to plans that also refer to window design. I consider that a new condition to refer to such plans would be necessary and reasonable. Accordingly, I allow the appeal and vary listed building consent Ref 139139 by deleting condition No 4 and inserting a new condition referring to the submitted plans, except where these may be superseded by the results of other conditions.

Jon Hockley

INSPECTOR

Appeal Decision

Site visit made on 28 January 2020

by **Matthew Woodward BA (Hons) MA MRTPI**

an Inspector appointed by the Secretary of State

Decision date: 27th February 2020

Appeal Ref: APP/N2535/W/19/3240712

Brown Cow Inn, Lincoln Road, Nettleham, Lincoln LN2 2NE

- 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 Rob Wilkinson against the decision of West Lindsey District Council.
 - The application Ref 139176, dated 11 March 2019, was refused by notice dated 8 May 2019.
 - The development proposed is change of use of public house to 3no. one bed dwellings including demolition of various rear extensions, erect 5no. three bed dwellings, and associated works.
-

Decision

1. The appeal is dismissed.

Procedural Matters

2. The application form contains a description of development which was subsequently revised by agreement between the Council and the appellant during the consideration of the planning application. Therefore, I have used the revised description of development in the banner heading above.
3. My attention has been drawn to a separate proposal on the appeal site which was refused by the Council and is the subject of a separate ongoing appeal¹. Whilst I note that the other proposal was refused for additional reasons to those set out in the decision notice which accompanies this appeal, I have not been provided with the specific details of the proposal, so I do not know the extent to which the two cases are comparable. I have framed the main issues in this appeal having regard to the areas of disagreement between the main parties and the evidence before me.

Main Issues

4. The main issues are:
 - The effect of the proposal on the function of the Green Wedge having regard to the character of the area.
 - Whether the proposal would provide sufficient off-street parking.

¹ Appeal reference - APP/N2535/W/20/3244288

Reasons

Green Wedge

5. The appeal site lies within a wider area designated as a Green Wedge in the Central Lincolnshire Local Plan 2017 (the Local Plan). It is occupied by the Brown Cow Inn along with an area of hardstanding and a play area associated with its now defunct use as a public house.
6. Policy LP22 of the Local Plan does not preclude residential development within Green Wedges provided that the functions and aims of the policy are not compromised. In this regard, there are four main functions and aims of Green Wedges set out in Policy LP22 which, in summary, aim: to prevent the merging of settlements, preserving their separate identity, local and historic character; to create a multi-functional green lung to link to the countryside; to provide a recreational resource maximising accessibility; and to conserve and enhance local wildlife and wildlife corridors. Where a proposal would conflict with any of these functions and aims, development may be supported if it is essential for it to be located in the Green Wedge, and the benefits of the development would override the impact on the Green Wedge. In all cases, development should have regard to retaining its open and undeveloped character.
7. On my site visit I could see that the village centre of Nettleham was made up of many historic buildings, whereas the buildings located further away from the village centre displayed more variety in terms of their age and style, reflective of the organic growth of the village. The appeal site is located towards the western edge of the village some distance from its centre, and the public house within it is prominent in its setting due to its overall form and proximity to Lincoln Road. It lies at the end of a run of street facing properties which vary in their architectural style and form, although several of them have a traditional appearance. The detached, low density pattern of housing on the street and the verdant surroundings of the area gives the street a semi-rural character, reinforcing the distinctiveness of Nettleham village.
8. The proposal would involve alterations to the public house in order to convert it into three separate dwellings. I do not find the conversion of the public house to dwellings objectionable in itself. The conversion would result in sympathetic alterations to the building so that its traditional and understated form could be readily appreciated, and given its existing nature, this element of the proposal would not materially diminish the openness of area or otherwise conflict with the function of the Green Wedge.
9. However, the rear section of the site, where five dwellings are proposed, would result in additional built form which would adopt a notably different design approach. The roof of the building would have a steeper pitch than the public house and both the front and rear roof slopes would be occupied by dormers. Even though the layout and form of dwellings in the area is not uniform, and despite the set-back of the proposed terraced dwellings from the road which would also be partially screened by the converted public house, the overall scale and mass of the terraced building would be prominent in the street. Whilst the Council have not referred explicitly in their objections to the appearance of the proposed new build dwellings, to my mind the homogenous form and 'townhouse' design of them would appear out of kilter with the more

rustic and spacious form and pattern of housing prevalent in the street. Like the Council, I find that the development would be detrimental to the character of the area.

10. Moreover, the lack of visual relief between the site boundary and the proposed new build dwellings would substantially increase their prominence, emphasising the loss of openness which would result. The demolition of the extensions to the rear of the public house would not compensate for the diminishing effect the terraced dwellings would have on the openness of this part of the Green Wedge.
11. I understand that there are other houses near the appeal site against which the proposal would be seen. I saw on my site visit that several of these are particularly large and visible from within the Green Wedge. Be that as it may, the new build dwellings collectively would be larger than the converted public house and would occupy a prominent position within the appeal site, overlooking a wide expanse of open land, which would result in an uncharacteristic and obtrusive form of encroachment into the Green Wedge, contributing to the merging of settlements and reducing its openness, in conflict with a number of the functions and aims set out in Policy LP22 of the Local Plan.
12. I appreciate that the proposal would involve development on brownfield land, close to existing built form. It would also make a modest contribution towards the delivery of housing within Central Lincolnshire. However, even if I was to accept the appellant's contention that the proposed housing would fall within the developed footprint of the village, it remains the case that it would lie within a Green Wedge designation. In this regard, there is nothing in the evidence before me to suggest that there is an essential need for housing to be located within the Green Wedge, and the aforementioned benefits would not outweigh the diminishing effect the proposal would have on the important characteristics that define it.
13. Therefore, for the foregoing reasons, the development would have a harmful effect on the function of the Green Wedge, having regard to the character of the area. The proposal would be contrary to Policy LP22 of the Local Plan which requires, amongst other matters, that any development within the Green Wedge would not be detrimental to the character, role and function of it, ensuring that new developments retain its open and undeveloped character.
14. The Nettleham Neighbourhood Plan 2014-2031 (the Neighbourhood Plan) also forms part of the development plan. The Council did not refer to it in their first reason for refusal. However, the proposal also appears to conflict with Policy E-1 of the Neighbourhood Plan which requires that new developments do not restrict the visual/physical gap between Lincoln and Nettleham. Notwithstanding this, I nevertheless find that the proposal would conflict with the Local Plan for the reasons given.

Off street parking

15. Policy D-3 of the Neighbourhood Plan requires that a housing development on the scale proposed provides 21 car parking spaces. According to the submitted plans, 12 car parking spaces would be located within an area perpendicular to the proposed dwellings. However, since a decision was made on the planning application, the appellant has confirmed that additional land under their control, adjacent to the appeal site and comprising an existing parking area associated with the public house, would also be made available for car parking. Subject to the imposition of a Grampian style planning condition, the Council raises no objections to the parking proposed.
16. Having seen the existing car park on my site visit and noting its close and functional relationship with the dwellings proposed, I am satisfied that a planning condition could be imposed² in order to ensure that sufficient off-street parking spaces would be provided in accordance with the requirements set out in Policy D-3 of the Neighbourhood Plan.
17. Consequently, I am satisfied that the development would provide sufficient off-street parking. There would be no conflict with Policy D-3 of the Neighbourhood Plan which requires that a minimum number of car parking spaces are provided depending on the size of the residential development.

Other Matters

18. I note that the Council has confirmed that the public house has been vacant for some time, and other alternative public houses are operating within the village, thus the proposal would not result in the unnecessary loss of a valued community facility. I have no reason to take a different view.
19. The appellant does not consider that the Council dealt with his planning application in a co-operative manner. However, this is a matter between the main parties that has no bearing on the planning merits of the case.

Conclusion

20. Whilst I find no harm arising from the off-street parking proposed, the development would conflict with the functions and aims of the Green Wedge thus would be in conflict with the development plan. Accordingly, for the reasons given, I conclude that this appeal is dismissed.

Matthew Woodward

INSPECTOR

² Having regard to the '6 tests' set out in paragraph 55 of the National Planning Policy Framework.



Appeal Decision

Hearing Held on 28 January 2020

Site visit made on 30 January 2020

by David Reed BSc DipTP DMS MRTPI

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

Decision date: 4 March 2020

Appeal Ref: APP/N2535/W/19/3233024

Land West of A1133, Newton on Trent, Lincolnshire LN1 2JS

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant outline planning permission.
 - The appeal is made by Mrs Barbara Mary Arden, Furrowfresh Ltd against the decision of West Lindsey District Council.
 - The application Ref 138491, dated 20 July 2018, was refused by notice dated 10 January 2019.
 - The development proposed is a mixed use sustainable village extension comprising up to 325 private and affordable dwelling units (Use Class C3) community meeting rooms (Use Class D1), with ancillary pub/café use (Use Class A4) and sales area (Use Class A1), together with landscaping, public and private open space (all matters reserved).
-

Decision

1. The appeal is dismissed.

Preliminary Matters

2. The application was submitted in outline with all matters reserved for later determination. The appeal has been considered on this basis, treating the site masterplan with phasing and other supporting material as illustrative only.
3. A further reason for refusal was that insufficient evidence had been provided to establish whether the proposal would sterilise mineral resources within a minerals safeguarding area. However, further evidence was subsequently provided which satisfied the Council on this point and accordingly this reason for refusal was withdrawn well before the hearing.
4. The proposal is essentially unchanged from a previous application which was dismissed following an inquiry in March 2018 (APP/N2535/W/17/3175670).

Main Issues

5. The main issues are:
 - whether the proposal would comply with the spatial strategy of the local plan;
 - whether the location of the proposal would minimise the need to travel and maximise walking, cycling and public transport; and
 - whether the proposal would comply with flood protection policies.

Reasons

6. The proposal is for a mixed use village extension including up to 325 dwellings, village hub providing business/community space, public open space and wildlife areas on an 18 ha site north west of the village of Newton on Trent. The site comprises two fields currently used for free range chicken farming and forms part of the flat landscape to the east of the River Trent. The proposal has been developed following extensive community engagement and is intended to arrest the perceived decline of the village with additional housing, employment and other facilities to meet its needs.

Spatial strategy

7. Newton on Trent, which comprises 167 dwellings at present, is classified as a 'small village' in the settlement hierarchy defined by the Central Lincolnshire Local Plan adopted in April 2017 (the CLLP). This joint plan covering the City of Lincoln, North Kesteven and West Lindsey was prepared by a committee of the three Councils plus Lincolnshire County Council, and as such establishes the planning strategy for a large part of the County until 2036. Policy LP3 aims to deliver 36,960 dwellings over the plan period, around 64% in the Lincoln area, 12% each at the main towns of Gainsborough and Sleaford and the remainder being provided in the rest of the plan area in accordance with the settlement hierarchy and spatial strategy of the plan. The appellant does not argue that the housing policies are out of date and thus the 'tilted balance' should apply, rather that the proposal complies with the CLLP.
8. Policy LP2 defines a total of eight tiers in the settlement hierarchy for the plan area. Following the Lincoln area and the two main towns, these are Market Towns (Caistor and Market Rasen), Large Villages, Medium Villages, Small Villages, Hamlets and the Countryside. The villages are categorised by size, with large villages having over 750 houses, medium villages 250-750 houses and small villages 50-250 houses. Newton on Trent falls within the small village category with the nearest large village offering a good range of services and a railway station being Saxilby, about 5 miles away.
9. In order to meet housing needs the plan makes specific allocations for the top four tiers of the hierarchy (down to large villages) and sets a percentage target increase for the next two tiers (medium and small villages) in Policy LP4. Firm settlement boundaries are not defined by the plan, instead Policies LP2 and LP4 include criteria to determine appropriate sites for development in relation to each tier. These sites would be in addition to allocations in the upper tier settlements or, in the case of medium and small villages, the means by which they would grow as no allocations are made. The size guidance for individual housing schemes decreases down the hierarchy, with those in market towns limited to 50 dwellings, 25 dwellings in large villages, 9 dwellings in medium villages and 4 dwellings in small villages. Importantly however, there is also scope for larger schemes in certain circumstances, one of which is when there is 'clear local community support' as claimed by the appellant in this case.
10. In the absence of a neighbourhood plan or clear local community support, Policy LP2 normally restricts new housing in a small village such as Newton on Trent to schemes of four dwellings. The proposal is thus about 80 times larger than this policy guideline. In addition, Policy LP4 limits the overall growth in housing in the village to 10% over the plan period as a whole, so, in the case

- of Newton on Trent, this is a limit of 17 additional dwellings¹. Five have been permitted so far, leaving capacity for a further 12 dwellings. The proposal is thus about 19 times larger than the overall policy guideline for the village, or 27 times the remaining capacity. These multiples give a clear indication of the size of the scheme compared to the size which would normally be permitted under the spatial strategy. Indeed, the scheme is about six times larger than would normally be permitted in one of the market towns and would roughly treble the number of dwellings in the village.
11. The appellant does not dispute this but argues there is clear local community support in this case. If such support is demonstrated, neither the scheme limit in Policy LP2 nor the village limit in Policy LP4 apply and there is no upper size limit. This point was confirmed by the Council in response to questions from the appellant's advocate at the local plan examination².
 12. Paragraphs 18 and 19 of the 2018 appeal decision outline the detailed research undertaken to formulate the aims and content of the scheme. This involved extensive consultation between November 2014 and August 2015 including a community visioning day, household survey, meetings with stakeholders and a final design workshop. However, as explained in paragraphs 20-22, whilst this exercise satisfies BREEAM accreditation, there was no further consultation on the specific planning application proposals *before* submission to demonstrate community support as required by Policies LP2 and LP4.
 13. In order to rectify this problem following dismissal of the previous appeal, the appellant undertook a public consultation exercise during May 2018 prior to submitting the latest planning application. This involved sending a letter and leaflet to each household in the village, an exhibition in the church, posters, website and facebook page, all encouraging households and other stakeholders to register support or opposition to the proposal as suggested by paragraph 21 of the 2018 appeal decision. 167 local households were identified to vote via the website, exhibition or local shop, together with 52 other stakeholders such as local businesses and organisations. The Council were consulted in advance about this methodology and had no criticism of it at the hearing, Policy LP2 only requiring 'a thorough, but proportionate' exercise. Short of using an independent survey organisation or a 'Parish Poll' of individual electors, it is hard to see what else the appellant could have done.
 14. Overall, 42% of the village households responded, 43 registering support and 27 opposition, a split of 61%-39%. The response of other stakeholders was similar. The response rate was reasonable, and 61% is certainly a respectable level of support, contrasting with the more common experience of residents objecting to housing proposals. However, there is no precise definition of 'clear local community support' in either Policy LP2 or any published guidance from the Central Lincolnshire Joint Committee or West Lindsey DC, leaving the term open to interpretation³. I agree with a previous Inspector that a simple majority does not necessarily meet the development plan requirement and it is a matter for the decision maker to judge in each case⁴. In my view the greater the scale of development proposed in relation to a settlement the greater the level of community support required.

¹ 10% of 167, although subject to flood risk concerns being overcome, dealt with in the third main issue.

² Email from John Barrett 9 December 2016 re CLLP examination hearing.

³ Fenland DC have a similar policy and use a simple majority but that cannot be assumed to apply in West Lindsey.

⁴ APP/N2535/W/18/3207564

15. The appellant argues that under Policies LP2 and LP4 the demonstration of clear community support offers an equivalent route to permission for a larger scale scheme as a neighbourhood plan and therefore a simple majority as in a referendum should suffice. However, the two routes are completely different, with a neighbourhood plan being prepared by a representative body rather than a landowner/developer and undergoing an independent examination to ensure it meets certain basic conditions, including general conformity with the strategic policies of the CLLP. These include Policies LP2 and LP4, and whilst 'general conformity' allows some flexibility, strategic policies such as these should not be undermined⁵. Whilst neighbourhood plans involve a long statutory process with a series of checks and balances prior to their inclusion in the development plan, the demonstration of 'clear local community support' offers a potentially easier route which should thus be treated cautiously.
16. The village concerned is small, with only 70 households responding to the consultation. Just eight households responding differently would have changed the result. The need for caution when applying Policies LP2 and LP4 is also justified given the comments of the local plan Inspectors⁶ who observed that the policies were 'a largely un-tried and fairly complex approach... there are some risks in terms of potentially foreseeable complications and unintended consequences... nor can it be known how local communities will respond to the responsibilities placed on them by this policy...'. As explained in paragraph 10, the size of the proposal far exceeds that which would be permitted for a small village without community support. The scheme could undermine the spatial strategy of the CLLP. Significantly, whilst there were many comments in support of village growth in principle, most of those opposed to the scheme felt it was simply too large. Notwithstanding the support of the Parish Council, in these circumstances a 43-27 vote shows there are mixed views rather than the clear community support needed to satisfy Policies LP2 and LP4.
17. In any event, in addition to the need for clear community support for the size of development proposed, Policy LP4 sets a sequential test to ensure sites are in appropriate locations in relation to the settlement. As paragraphs 27 and 28 of the 2018 appeal decision explain, the test applies whether or not community support has been demonstrated for the scheme.
18. The Council does not argue that there are any suitable brownfield or infill sites within or on the edge of Newton on Trent which might accommodate housing development, so greenfield land such as the appeal site would be required for the village to expand. The test is therefore whether the site is at the edge of the settlement and in an appropriate location, defined in Policy LP2 as retaining the core shape and form of the settlement together with its character and appearance, that of the surrounding countryside and its rural setting.
19. The appeal site comprises two large fields to the north west of the village, but is only contiguous with the existing built up area for a short distance at the north end of the High Street. There would be an undeveloped gap in the High Street between the site and the property Dunham Knoll, and several fields and paddocks would remain between the southern boundary of the development and the properties fronting Dunham Road and Trent Lane. The site thus has only a tenuous connection with the edge of the settlement and would be better described as being in the countryside. As a result the proposal would greatly

⁵ National Planning Policy Framework paragraph 29.

⁶ Report to the Central Lincolnshire Joint Strategic Planning Committee paragraph 123.

extend the built up area of the village to the north and even further to the west as far as the track to the water treatment works, although any village extension of the scale proposed would cover a large area.

20. The proposal would comprise an extension of the existing High Street into the site and this would provide the only means of vehicular access. Pedestrian and cycle links would also be provided to the High Street, north to Laughterton and via the emergency access to the A57 but otherwise connections to the existing village would be poor due to the intervening land. The scheme, essentially a large cul-de-sac at one end of the settlement, would be physically detached from the host village, thus fundamentally altering the shape and form of the village from its current focus around the High Street and Dunham Road. The character and appearance of the settlement would also be adversely affected by the addition of a large new housing estate built over a relatively short period alongside the incremental, piecemeal growth of the existing village. Whilst the A57/A1133 bypasses in the 1980s had some effect on the village, facilitating new culs-de-sac such as The Brambles and The Paddocks, the appeal scheme would have a much greater impact.
21. For these reasons the proposal would not be truly contiguous with the edge of the village nor in an appropriate location as it would fail to retain both its core shape and form and its overall character. Secondly, local views of the scheme are mixed rather than constituting clear community support. It follows from these findings that the scheme conflicts with the spatial strategy of the CLLP as set out in Policies LP2 and LP4.

Minimising travel and maximising sustainable modes

22. Newton on Trent is a small village with few services and facilities reflecting its low position in the settlement hierarchy. There is some employment, a post office and small shop, outdoor recreation area, primary school and a parish church, the latter also used by the school and for social activities. In recent years the village has lost its public house, methodist church and regular bus services, now only having a pre-booked service. Residents inevitably therefore look to the large village of Saxilby, about five miles away, for a wider range of shops and doctor's surgery, and further afield to Gainsborough and Lincoln, both about 10 miles away, for the full range of facilities. Secondary schooling is at Tuxford about six miles away or in Lincoln.
23. The 2011 census indicates that about 19% of those in employment work at or from home with just 14% working within 10 km, 38% between 10-20 km in places such as Lincoln and Gainsborough and the remainder further afield. This reflects the relatively low number of job opportunities locally and demonstrates that many residents need to travel long distances to work.
24. The village is thus a poor location for major residential development as both for employment and services/facilities there would be a significant need to travel, more than would be the case for development in larger settlements. The scope for using sustainable modes is also limited with no footways or cycleways to nearby villages and no regular bus and train services nearer than Saxilby. The proposals seek to improve the position, with a community and business hub providing some facilities and jobs, expansion of the primary school, financial support for improved local bus services (perhaps a mini-bus shuttle service to Saxilby), a footway/cycleway to Laughterton, broadband and a travel plan to encourage the use of sustainable modes. However, even taken together, these

initiatives are unlikely to substantially change the overall reliance on use of the private car.

25. Indeed, the appellant's transport assessment estimates that about 73% of the trips generated by the scheme during peak hours would involve car journeys, either drivers (55%) or passengers (18%) with 23% being pedestrian trips and only about 2% each by cycle or public transport. If expansion of the primary school is not feasible, more car journeys would be needed to the alternative at Saxilby. The aim of the travel plan is to reduce the car driver percentage by 5%, but even if this is achieved the overall increase in car travel would be substantial compared to an equivalent scheme in a more promising location. The potential for cycling and public transport from the site is particularly poor given the distance to many facilities and dearth of local bus services.
26. For these reasons the location of the proposal would not minimise the need to travel or maximise walking, cycling and public transport and would thus conflict with Policy LP13 criterion (a). Whilst the proposal seeks to minimise additional travel demand as required by criterion (b) these efforts would be of limited effect and undermined by the circumstances of the site and its location in a small village. The proposal therefore conflicts with Policy LP13 overall which is a standalone policy and applies even if there is community support⁷.

Flood protection

27. In Newton on Trent the risk of flooding due to the proximity of the River Trent is a strategic constraint to development and Policy LP4 states that the planned 10% growth in households is subject to the constraint 'being overcome'. This presumably means compliance with Policy LP14 and national policy on the subject⁸. These policies seek to direct development away from areas at highest risk of flooding (the sequential test) and, if any is necessary in such areas, to ensure it is safe and does not increase risk elsewhere (the exception test).
28. In this case the site lies within flood zone 2 (medium risk) and flood zone 3 (high risk) and so the sequential test needs to be applied. The essence of the appeal scheme is a community supported expansion of Newton on Trent and so the appellant argues that the area to apply the sequential test should therefore be confined to the village. However, whilst Policies LP2 and LP4 provide for such community supported schemes if the necessary criteria are met, there is no indication in either policy that 'clear local community support' can override local or national flood protection policies. Policy LP14 includes no provision to this effect, nor national policy, and it would be surprising for community support to be determinative in a matter that requires technical evidence.
29. There is no dispute that within Central Lincolnshire, or indeed more locally, there would be many other sites within flood zone 1 (low risk) which could accommodate the amount of housing proposed, albeit not for the benefit of Newton on Trent. The sequential test is therefore not met.
30. Although the exception test does not therefore arise, the site-specific flood risk assessment demonstrates that the proposal would be safe for its lifetime without increasing risk elsewhere⁹. This would be achieved by raising the level of the residential land by 1m or so, graded back to ground level on each side,

⁷ Paragraph 36 of the 2018 appeal decision was in error in this respect.

⁸ National Planning Policy Framework paragraphs 155-165

⁹ To the agreed standard of a 1 in 100 year flood event inc climate change combined with a 1 in 5 year tidal event.

plus slightly higher finished floor levels for the dwellings, measures which may be noticeable. In addition, off-site flood defences would be improved by raising the height of a 20m section of bund to the north west and constructing a new bund about 75m long to the south of the A57. These measures would reduce flood risk for the existing village but are not dependent on the village extension and could be implemented in any event.

31. For these reasons the proposal would lie in an area with a relatively high risk of flooding and thus conflicts with both local and national flood protection policies, in particular Policy LP14, by failing the sequential test.

Other matter

32. The demand for affordable housing in Newton on Trent is relatively low and there is no evidence that a registered provider would be interested in providing such housing on the site, still less the 20% proportion normally required under Policy LP11. The ability of the site to deliver the full range of housing sought by village residents is thus in some doubt.

Planning Balance and Conclusion

33. The proposal would not be truly contiguous with the edge of Newton on Trent nor in an appropriate location as it would fail to retain the core shape and form of the village and its overall character, also local views of the scheme are mixed rather than constituting clear community support. The scheme therefore conflicts with the spatial strategy of the CLLP as set out in Policies LP2 and LP4. In addition, the proposal would not minimise the need to travel or maximise walking, cycling and public transport contrary to Policy LP13 and would conflict with flood protection policies in conflict with Policy LP14. Whilst some elements of the scheme are supported by local plan policies, for example Policies LP15 and LP24 which support new community and recreational facilities, it follows from these findings that the overall scheme conflicts with the development plan when considered as a whole.
34. The proposal would provide up to 325 dwellings, improved footpath/cycle/bus links, a village hub including business/community space, public open space and wildlife areas. These would have important economic and social benefits for the village and make a useful contribution to housing provision in West Lindsey where delivery is relatively poor. The scheme would be built to a high BREEAM standard, there would be improvements in biodiversity and a reduction in flood risk for the existing village. These benefits taken together should be given significant weight, and it is appreciated there is a good measure of support for some more housing and other facilities in the village. However, these material considerations are not sufficient to outweigh the conflict with the development plan and the harm that has been identified under the three main issues.
35. Having regard to the above the appeal should be dismissed.

David Reed

INSPECTOR

APPEARANCES

FOR THE APPELLANT:

David Manley QC	of Queens Counsel
Neil Boughey BA DipTP LLB MRTPI	Acorn Planning
Kate Hiseman MSc MCIEEM MCIEMA	Sustainable Land Trust
Christopher Groves LLB	Gunnercooke
Joanna Posnett BA MCIHT	BSP Consulting

FOR THE LOCAL PLANNING AUTHORITY:

Stephanie Hall	of Counsel
Jonathan Cadd BA MTP MRTPI	Principal Planning Officer, West Lindsey DC
Martha Rees	Legal Services Lincolnshire
George Backovic	West Lindsey DC

INTERESTED PARTIES:

Roger Pilgrim	Clerk, Newton on Trent Parish Council
Andrew Arden	Local farmer
Simon Challis	Lincolnshire County Council Education

DOCUMENTS SUBMITTED AT THE HEARING

Email from John Barrett 9 December 2016 re CLLP Examination Hearing

Draft Planning Agreement and Draft Unilateral Undertaking

Central Lincolnshire Strategic Housing & Economic Land Availability Assessment July 2015 (extract)

Representation from Roger Pilgrim, Clerk to Newton on Trent Parish Council

Copy of Community Consultation leaflet circulated within village, May 2018

Site plan for Village Community Centre planning permission in 2002

Attendance List



Appeal Decision

Hearing Held on 25 February 2020

Site visit made on 25 February 2020

by A Parkin BA (Hons) DipTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 10 March 2020

Appeal Ref: APP/N2535/W/19/3240860

Former Tanya Knitwear site, Ferry Road, Fiskerton, Lincoln LN3 4HU

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant outline planning permission.
 - The appeal is made by Mr Richard Hughes of Fiskerton Developments Ltd against the decision of West Lindsey District Council.
 - The application Ref 139023, dated 8 February 2019, was refused by notice dated 10 May 2019.
 - The development proposed is the demolition of part of ancillary office building to create new access and retain 384sqm of office space-B1, the conversion of a residential dwelling to provide 134sqm crèche/children's nursery-D1, 26no. open market dwellings, 2no. affordable dwellings, public open space, associated parking and bus stop.
-

Decision

1. The appeal is dismissed.

Preliminary Matters

2. The appeal development is a revised re-submission of a previous application¹. I have taken the date of the appeal development application from the submitted appeal form, which accords with the Council's decision notice. I have also made minor changes to the description of the development given on the appeal form so as to remove superfluous wording.
3. There is a difference between the postcode on the application form and the postcode on the Council's decision notice. I raised this matter with the main parties and there was agreement that the postcode contained on the Council's decision notice was appropriate.
4. The appeal development is an outline planning application with all matters reserved. However, a number of specific elements are detailed, including in terms of the overall quantum of development, and in the case of the office space and the creche, its spatial distribution within the site. Various plans and associated information were submitted showing options for how the proposed development could be delivered. However, these plans are indicative only and do not seek to address any of the reserved matters of the proposed development.
5. The appellant sought to amend the description of development from that contained on their application form so that it became 'mixed use development

¹ LPA Ref. 136873

with all matters reserved', removing reference to the provision of 2no. affordable dwellings, amongst other things. The appellant's expectation was that this matter would be covered during the discussions at the Hearing and a final description of the proposed development would be arrived at subsequently.

6. Government guidance is clear that *the appeal process should not be used to evolve a scheme and it is important that what is considered by the Inspector is essentially what was considered by the local planning authority, and on which interested people's views were sought*².
7. Following a brief discussion, I advised the appellant that I was not satisfied that interested parties would not be disadvantaged by such a change³. Consequently, I have determined this appeal on the basis of the development considered by the Council in refusing planning permission.
8. A draft section 106 Planning Agreement⁴ between the Council and the appellant was submitted prior to the commencement of the Hearing. Both main parties indicated that progress continued to be made regarding the Agreement, but that a short extension of time would be needed to complete this task.
9. Following a short discussion with the parties regarding the outstanding issues, with reference to Government guidance⁵, and exceptionally, I gave the main parties until the close of business on Wednesday 4 March to submit any and all planning obligations in relation to this appeal.

Main Issues

10. The main issues are:

- Whether the proposed development would be located at a sustainable location in the countryside
- The effect of the proposed development on surface water drainage and associated flood risk management
- The effect of the proposed development on affordable housing provision
- The effect of the proposed development on local health facilities.

Reasons

11. The appeal site contains a largely demolished Class B2 factory building, a vacant office building associated with the former factory use, a dwellinghouse and various incidental buildings. Much of the site is covered by hardstanding, and slopes gently upwards away from Ferry Road, before levelling-off.

Location of proposed development

12. The village of Fiskerton is located within the Lincoln Strategy Area (LSA), referred to in Policy LP3 (level and distribution of growth) of the Central Lincolnshire Local Plan 2017 (CLLP). Within the LSA, development will be focused firstly on urban regeneration, followed by sustainable urban extensions

² Paragraph M.2.1, Procedural Guide Planning Appeals – England, February 2020

³ Including with reference to the Wheatcroft Principles - (Bernard Wheatcroft Ltd v SSE [JPL 1982 P37])

⁴ Section 106 of the Town and Country Planning Act 1990

⁵ Section E.9

- to Lincoln, and finally in settlements, such as Fiskerton, which serve or are serviced by Lincoln.
13. Policy LP2 (spatial strategy and settlement hierarchy) of the CLLP sets out a hierarchy for the sustainable growth of Central Lincolnshire and identifies Fiskerton as a Medium Village (Tier 5 of the hierarchy). The supporting text to Policy LP2 states that the CLLP 'does not include defined 'settlement boundaries' around any settlements in Central Lincolnshire, and instead relies on the policy below to determine appropriate locations for development⁶.'
 14. The '***' footnote to Policy LP2, on page 11 of the CLLP, defines the *developed footprint* of a settlement as 'the continuous built form of the settlement'. The *developed footprint* term should be used throughout Policies LP2 and LP4 (growth in villages). Whilst not expressly referenced in relation to Tier 5 Medium Villages in Policy LP2, it is referenced in relation to them in Policy LP4, in the sequential test for development priorities within Tier 5 and 6 settlements. Consequently, I am satisfied that the *developed footprint* term applies to Fiskerton.
 15. The appeal site is separated from the continuous built form of Fiskerton by a distance of some 200 metres across a field and Hall Lane, on the northern side of Ferry Road. The appeal site is not isolated, the buildings it contains form part of a grouping of buildings and development on both sides of Ferry Road. Groups of buildings 'which are clearly detached from the continuous built up area of the settlement' are specifically excluded from the *developed footprint* definition in the CLLP⁷. In my view, the buildings on the appeal site are covered by this exclusion.
 16. I note the appellant's comments about the appeal site being within the functional area of the settlement, including with reference to the lit footpath along Ferry Road. However, it is located well outside the *developed footprint* of Fiskerton and is therefore in the countryside, according to the development plan. Furthermore, the separation distance between the site and the developed footprint of Fiskerton means that it is not on the edge of the settlement either. Consequently, Policies LP2 – 5. *Medium Villages* and LP4 are not directly relevant to the proposed development.
 17. The proposal would not meet any of the criteria for new housing contained in Policies LP2 – 8. *Countryside* and LP55 (development in the countryside). I note the comments made regarding the substantial weight that the National Planning Policy Framework 2019 (the Framework) attaches to the use of suitable brownfield land within settlements for homes and other identified needs⁸. However, as set out above, the appeal site is in the countryside, not within a settlement, and so this specific wording does not apply.
 18. Whilst the Framework recognises that greater flexibility may be needed in terms of the location of employment and community facilities in rural areas, no evidence has been provided to demonstrate that the creche is necessary to meet local community or business needs⁹, and I note from the discussions at the Hearing that the office development would be speculative and in any event would not require planning permission.

⁶ Paragraph 3.2.5

⁷ Part a) of the '***' footnote to Policy LP2 of the CLLP.

⁸ Paragraph 118c)

⁹ Paragraph 84 of the Framework.

19. The village contains a number of key facilities, including a primary school, a village hall, a church and a public house, and is therefore one of a number of Tier 5 settlements that are planned to grow by 15% up to 2036¹⁰.
20. There are no allocated development sites within Fiskerton. Whilst some development would be expected to come forward on infill sites, it is likely that a significant part of the residual housing requirement¹¹ would need to be provided on greenfield sites at the edge of the settlement.
21. The spatial distribution of future housing development for Fiskerton is not known. However, edge of settlement sites are likely to have better accessibility and less reliance on private cars than the appeal site, due to their generally closer proximity to the village and its facilities. Similarly, the proposed creche use at the appeal site, in the countryside and separate from the settlement, would not be accessibly located for the residents of much of Fiskerton, particularly the central and western parts.
22. The scale of the proposed development is also significant, particularly the 27 (net) new dwellings that would be provided. There is no Neighbourhood Plan for Fiskerton promoting such a scale of development. Whilst the appeal proposal is supported by the Parish Council and some others, it has not been demonstrated to my satisfaction that it has *clear local community support*¹².
23. For the previous development proposal at the appeal site¹³ the appellant undertook a number of pre-application consultation measures. These are detailed in the evidence and drew support from those that formally responded. However, this concerned a significantly different scheme to the appeal before me, and a different approach to engagement was also taken by the appellant for the appeal scheme.
24. Therefore, the scale of development would significantly exceed the number of units typically allowed on a site *within* a Tier 5 settlement, such as Fiskerton, and would also exceed the number of dwellings that in *exceptional circumstances* could be permitted on such a site¹⁴.
25. There is a bus stop close to the appeal site, serving a route to Lincoln and nearby villages. The appellant proposes to provide an improved bus turning area within the site, although no firm details of this are provided. Whilst the appeal site would have the same level of bus service as Fiskerton, no details of its frequency are in the evidence before me. A limited service would be likely to mean a reliance on private cars for future occupiers.
26. Given the location of the appeal site in the countryside, rather than in or on the edge of a settlement, this scale of development would be likely to have a detrimental impact upon the spatial strategy for Central Lincolnshire contained in the development plan, by providing a significant number of new houses in an unsustainable location.
27. The proposed mixed-use development would be on a brownfield site, would remediate contaminated land and would be unlikely to adversely affect the character and appearance of the countryside or neighbouring uses or occupiers.

¹⁰ Policy LP4 of the CLLP.

¹¹ Some 73 dwellings.

¹² '*****' footnote to Policy LP2 of the CLLP.

¹³ LPA Ref. 136873.

¹⁴ Policy LP2 – 5 of the CLLP.

28. However, on balance, I am not satisfied that the limited benefits of this major development¹⁵ would be sufficient to outweigh the harm that would be caused by its location away from the village of Fiskerton. For these reasons the proposed development would be in an unsustainable location in the countryside. It would therefore conflict with Policies LP2, LP3, LP4 and LP55 of the CLLP.

Surface water drainage and associated flood risk management

29. When I visited the site, I noted that a significant part of it was hard-surfaced, with a shallow gradient down towards Ferry Road. The appellant's drainage consultant stated that from their investigations, a significant part of the site drained into a *de facto* combined sewer, which also drained the development to the east of the appeal site.

30. The soil in this area is clay, meaning infiltration drainage would not be an appropriate solution for surface water. Furthermore, given the relatively impermeable soil and the sloping gradient of the site, surface water flows could be generated at the appeal site during intense storms.

31. The appeal proposal is in outline, with all matters reserved, including layout and landscaping. The appeal site is in land classed as Flood Zone 1 and so is at a low risk of fluvial flooding. Nevertheless, given the size of the appeal site a Flood Risk Assessment (FRA) has been produced by the appellant and has been subject to consultation, with particular regard to surface water drainage.

32. The FRA concludes that surface water would continue to be removed from the site by way of drains into the existing sewer, but with the drainage rate limited to 5 l/s to address a 1/100 year flood plus 40% allowance for climate change. This rate was considered to be acceptable by both Anglian Water and the Lead Local Flood Authority (LLFA).

33. However, both organisations objected to the submitted drainage strategy for the site and requested that a revised strategy be produced addressing their various concerns. The LLFA was particularly concerned regarding the proposed use of cellular attenuation beneath adopted highways. No such revised drainage strategy has been submitted.

34. The appellant has raised concerns with the Council's approach to engagement during the planning application process, including with regard to the Working Practice Statement listed on the decision notice, and in relation to drainage and flood risk. This, together with some problems with the appellant's business, are said to be the reasons why a revised drainage strategy, addressing the concerns of Anglian Water and the LLFA, was not prepared.

35. For whatever reason, there is no substantive evidence before me to demonstrate that an appropriate surface water drainage strategy for the proposed development could be produced, or that the appeal development would provide betterment in terms of surface water discharge rates.

36. For these reasons it has not been demonstrated that the proposed development would be acceptable, in terms of surface water drainage and associated flood risk management. It would therefore conflict with Policy LP14

¹⁵ Article 2 of the Town and Country Planning (Development Management Procedure)(England) Order 2015

(managing water resources and flood risk) of the CLLP and with the Framework, in this regard.

Affordable housing provision

37. Central Lincolnshire has an identified need to provide some 17,400 affordable homes between 2012 and 2036, although it is recognised that this need cannot be fully met through the planning system alone.
38. However, Policy LP11 (affordable housing) of the recently adopted CLLP seeks to maximise what the planning system can deliver, including for sites such as this one. The scale and location of the proposed development within the LSA means that seven of the proposed dwellings, (25%) should be affordable. The Council's Strategic Housing Officer has stated that five of these should be affordable-rented and two should be shared-ownership.
39. The proposed development would provide only two affordable-rented homes in an area where there is a significant demand. Policy LP11 allows for some flexibility in terms of affordable housing provision through negotiation, should an accurate viability assessment demonstrate that these cannot be met in full.
40. The appellant again raised concerns regarding the Council's approach to determining the application. I note that the *initial* comments of the Council's Projects and Growth Team, which reviewed the appellant's Valuation Report of 20 March 2019, were sent in the late morning on 9 May 2019, the day before planning permission was refused.
41. This does not demonstrate to me that the Council has made any meaningful attempt to engage with the appellant regarding the viability of the scheme and consequently affordable housing provision.
42. The appellant has attempted to discuss viability with the Council during the appeal process, including with regard to updates to the viability section of the Government's Planning Practice Guidance (PPG). However, there has been no direct response to the concerns raised by the Council, or to the changes to PPG. From the submitted evidence and the discussions at the Hearing, I have concerns about the robustness of the appellant's Valuation Report.
43. The Framework¹⁶ and PPG set out the Government's position with regard to viability, including standardised inputs and with regard to the development plan. The appellant has provided viability assessments for two scenarios – one of which would be for a development with seven affordable homes and one of which reflects the proposed development. The proposed development is said to be viable and the proposal containing seven affordable homes not.
44. Within the appraisals, assumptions have been made regarding the tenure split for the affordable housing, and the size and type of dwellings which would be affordable. In the absence of meaningful engagement with the Council such assumptions are not unreasonable, although the tenure mix is not fully consistent with the mix requested by the Council.
45. I note that the Valuation Report does not allow for any planning obligation costs, despite the comments of NHS England that are dealt with in more detail below. No specific allowance is made for surface water drainage and flood risk

¹⁶ Paragraph 57

- management at the site either. Whilst these would increase the overall development cost, they are directly relevant to the viability assessment.
46. An allowance of £100,000 is made for land contamination costs, but the basis for this remains unclear; it is not based upon the Geoenvironmental report of August 2014 which identifies the presence of asbestos. £100,000 is a significant allowance, and I note that the Council has queried this. Given the lack of evidence to support it within the Valuation Report, I am not satisfied that this figure is reasonable.
 47. The derivation of the Existing Use Value (EUV), which at around £400,000 is the same as the purchase price in 2008, is unclear. I note the references to the costs incurred by the appellant since the acquisition, which are not fully detailed, and that an alternative use, for storage or haulage is also considered. From the evidence and discussions, and with reference to PPG, it has not been demonstrated that the EUV is a realistic value.
 48. I am not familiar with the development sites and properties referenced at paragraph 4.4 of the Valuation Report. Whilst I have no reason to dispute the accuracy of this information, and a range of sizes and values are provided, it is not clear that any are sufficiently similar to the appeal site / scheme for a meaningful comparison to be made.
 49. The profit levels for the two appraised developments are very similar and fall within the 10-20% band that was considered to be reasonable by both parties. I note that in terms of the stated EUV the proposal to deliver seven affordable dwellings would provide only a very modest uplift, whereas the proposal for two units would be significantly more.
 50. I have already mentioned my concerns with the stated EUV and some of the cost allowances of the scheme. From the evidence and discussions, I am also not assured that the proposal is fully compliant with the current Viability section of PPG, which was updated in September 2019. Whilst I note the difficulties the appellant has had in engaging with the Council, this matter is not adequately addressed in the evidence.
 51. However, even if I were to accept the two appraisals provided by the appellant were adequate, and that two affordable homes would be viable and seven would not, it is not clear to me that two affordable dwellings would be the most that the proposed scheme could deliver, as required by the CLLP.
 52. The appellant has provided a draft Section 106 Planning Obligation, which includes the provision of two affordable homes as part of the development. This document is incomplete and so carries no weight in my decision; this means there is no mechanism through which any affordable housing could be delivered.
 53. Even if a signed and certified copy of this planning obligation were in the evidence before me, the provision of two affordable homes, rather than the seven required by Policy LP11 of the CLLP, would mean that the proposal would have only a limited benefit and would not be sufficient to outweigh the harm I have identified.
 54. For these reasons I am not content that the proposed development would be acceptable in terms of affordable housing provision. It would, therefore, conflict with Policy LP11 of the CLLP and with the Framework, in this regard.

Local health facilities

55. The proposed development would result in an increase in the local patient population of 64 people and would therefore put additional demands on existing GP services in the area. NHS England states that upgrading consulting rooms at a nearby GP practice in Cherry Willingham would address these demands, and that Section 106 contributions from the appeal scheme could be used to this end.
56. This is not a matter of dispute between the parties. With regard to paragraph 56 of the Framework, a Section 106 planning obligation to provide funds to improve local health facilities would be necessary in order to make the proposed development acceptable in planning terms, would be directly related to the development and fairly and reasonably related to it in scale and kind.
57. However, a suitably signed and certified Section 106 Planning Obligation controlling this matter has not been provided within the timescale specified at the Hearing. Consequently, the proposed development would have an adverse impact upon local health facilities and would conflict with Policy LP9 (health and wellbeing) of the CLLP.

Other Matters

58. Policy LP9 of the CLLP requires a Health Impact Assessment (HIA) to be provided for a development of this scale. However, given that this is an outline application with all matters reserved, in this case the provision of an HIA prior to the submission of reserved matters applications would have been acceptable. However, I am dismissing the appeal for other reasons and this matter has no bearing on my decision.
59. I note the various appeal decisions referenced by both parties in relation to their cases. I am not fully familiar with these cases and in any event, each appeal should be determined on its individual merits, with appropriate regard to the development plan and material considerations. These decisions do not cause me to reach a different conclusion with regard to this appeal.

Conclusion

60. For the reasons given above, and taking into account all matters raised, I conclude that the appeal should be dismissed.

Andrew Parkin

INSPECTOR

APPEARANCES

FOR THE APPELLANT:

Steve Catney	J H Walter
Laura Bartle	J H Walter
James Lambert	J H Walter
John Elliott	J H Walter
Tony Donaldson	TD Infrastructure Ltd
Alistair Anderson	J H Walter
R Hughes	
K. Pritchard	

FOR THE LOCAL PLANNING AUTHORITY:

Martin Evans	West Lindsey District Council
Russell Clarkson	West Lindsey District Council
Rachel Woollass	West Lindsey District Council
Clare Bailey	West Lindsey District Council

DOCUMENTS SUBMITTED AFTER THE HEARING

The appellant's written acceptance of the pre-commencement conditions discussed at the Hearing.

Unsigned agreed draft versions of a Section 106 Planning Agreement and a Section 106 Unilateral Undertaking.



Appeal Decision

Site visit made on 4 February 2020

by D Hilton-Brown BSc (Hons) CIEEM

an Inspector appointed by the Secretary of State

Decision date: 18 March 2020

Appeal Ref: APP/N2535/W/19/3242125

**Bucknell Farm, Gainsborough Road, Scotter Common, Gainsborough
DN21 3JF**

- 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 Niki O'Hara against the decision of West Lindsey District Council.
 - The application Ref 139569, dated 6 June 2019, was refused by notice dated 5 September 2019.
 - The development proposed is the demolition of existing bungalow and its replacement with a two storey dwelling, outbuilding and porous driveway.
-

Decision

1. The appeal is allowed and planning permission is granted for the demolition of the existing bungalow and its replacement with a 2 storey dwelling, outbuilding and porous driveway at Bucknell Farm, Gainsborough Road, Scotter Common, Gainsborough DN21 3JF in accordance with the terms of the application, Ref 139569, dated 6 June 2019 subject to the conditions set out in the schedule at the end of this decision.

Main Issue

2. The main issue is the effect of the proposed development on the character and appearance of the surrounding area due to size and scale.

Reasons

3. The proposed development would result in the demolition of the existing single storey bungalow and its replacement with a new detached 4-bedroom, 2 storey residential dwelling. The existing bungalow is located in land that is defined as countryside and an Area of Great Landscape Value.
4. The size of the proposed residential dwelling would be considerably greater than the original bungalow. The proposed property would be approximately 2.9m higher and have a 59% larger footprint than the existing structure.
5. Policy LP55, Part B (Replacement of a dwelling in the countryside), paragraph d of the Central Lincolnshire Local Plan, 2012 – 2036, adopted April 2017 (the LP), states that the replacement dwelling is of a similar size and scale to the original dwelling. Consequently, this appeal proposal does not accord with this policy requirement.

6. However, the principle of a larger replacement dwelling has already been established by the extant planning permission (136535) approved on 25 September 2017. It was considered by the Council that a dwelling larger than the existing bungalow would be required to achieve a satisfactory modern family dwelling house.
7. I have therefore acknowledged the Council's reasoning and taken into account both the fall-back position of this extant planning permission and the Prior Approval (130381), which was granted for a single storey replacement dwelling on this site. Both of these approved developments would be greater in size and scale than the existing dwelling.
8. The surrounding area consists of a variety of residential and commercial properties, which includes sizeable detached 2 storey residential properties, within spacious plots with large separation distances. Although the replacement property proposed in this appeal would be one storey higher than the existing bungalow, this would not be out of character in this locality. The size and scale of this proposed development would be in keeping with other properties in the surrounding area.
9. Furthermore, the proposed property would not be visible from the Gainsborough Road, it would be set back within its own spacious mature gardens and accessed by a quiet private lane shared by a few other residences. Additionally, it would be situated a good distance from other dwellings and would therefore not dominate or reduce the openness of the area. Moreover, it would be well screened by existing mature trees and hedgerows in most directions. This would allow the new 2 storey property to blend into its surrounding setting and prevent any significant detrimental impact on the character and appearance of the surrounding area.
10. The Council did not consider that the new dwelling would conflict with any policies relating to visual impact. They stated that the introduction of a much larger two storey replacement dwelling would not be more visually intrusive or harmful to the appearance of the open countryside or the Area of Great Landscape Value than the existing dwelling. Following my site visit and having examined the evidence before me I would agree with these findings.
11. I have also taken into consideration that when the Council approved the dormer bungalow, they considered that this proposed dwelling would be considered as the upper limit of what could be accepted in terms of size and scale when compared to the existing dwelling. However, in this case I can give this little weight, as they provided limited information to justify their reasoning.
12. I have also given consideration to the benefits that this proposal would bring. It would replace an empty bungalow, consisting of a dated corrugated cement façade, with a large modern family dwelling, which would have the benefit of contributing to the local housing supply.
13. Consequently, I conclude that the proposed development would not harm the character and appearance of the surrounding area due to its size and scale. Whilst there is conflict with policy LP55, Part B, criteria d of the LP, which requires that a replacement dwelling in the countryside is of a similar size and scale to the original dwelling. I consider in this case that the other considerations outweigh this conflict and in accordance with 38(6) of the Planning and Compulsory Purchase Act 2004 I allow this appeal.

Conditions

14. The Council have suggested a number of conditions which I have considered alongside the advice in the National Planning Policy Framework (2019) and Planning Practice Guidance. I find the majority to be reasonable and necessary in the circumstances of this case; however, some have been edited for precision and clarity and to better reflect the relevant guidance.
15. In addition to the statutory implementation condition, I also consider that it is necessary in the interests of clarity to require compliance with the submitted approved plans, unless further modified by any condition set out below. A condition requiring external materials to safeguard the character and appearance of the building and its surroundings is necessary; this will also ensure that materials have a low environmental impact.
16. The living conditions of the occupants of the neighbouring properties will be protected by a condition relating to the submission of a Construction Method Statement. While a tree protection plan including details of protective fencing will ensure that the trees and hedgerows on the site are safeguarded in the interest of visual amenity and biodiversity. I have also imposed a condition relating to driveway construction details to further ensure that the existing trees are protected during construction works.
17. Finally, to safeguard the living conditions of existing and future residents I have included a detailed surface water and foul drainage condition to promote sustainability and safeguard the site from flooding and pollution.

Conclusion

18. For the reasons given above, and having regard to all other matters raised, I conclude that the appeal should be allowed.

D Hilton-Brown

INSPECTOR

SCHEDULE OF CONDITIONS

- 1) The development hereby permitted shall begin not later than three years from the date of this decision.
- 2) The development hereby permitted shall be carried out in accordance with the following approved plans: 1902 L(0-) 001; 1902 L(0-) 010; 1902 L(--) 100; 1902 L(--) 101; 1902 L(--) 200; 1902 L(--) 300.
- 3) No development shall take place until samples of all external facing materials have been submitted to and approved by the local planning authority in writing. The relevant works shall be carried out in accordance with the approved sample details.
- 4) No development shall take place, including any works of demolition, until a Construction Method Statement has been submitted to, and approved in writing by the local planning authority.
- 5) No site clearance, preparatory works or development shall commence until there shall have been submitted to and approved in writing by the local planning authority a scheme of tree and hedgerow protection measures. The scheme shall include indications of all existing trees and hedgerows on the land, identify those to be retained and set out measures for their protection throughout the course of development
- 6) No development shall take place until details of the driveway construction method have been submitted and agreed in writing by the local planning authority. This must include an appropriate no dig above ground level system within the root protection areas of existing trees. The approved method shall be retained thereafter.
- 7) No development shall take place until details of surface and foul water drainage for the development hereby permitted have been submitted to and approved in writing by the local planning authority. The development shall be carried out in accordance with the approved details.



Appeal Decision

Hearing Held on 3 December 2019

Site visit made on 3 December 2019

by John Dowsett MA DipURP DipUD MRTPI

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

Decision date: 25 March 2020

Appeal Ref: APP/N2535/W/19/3236327

Park Farm, Caistor Road, Usselby, Market Rasen LN8 3YJ

- 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 Jonathan Hay of Hay Farms against the decision of West Lindsey District Council.
 - The application Ref: 139445, dated 14 May 2019, was refused by notice dated 19 July 2019.
 - The development proposed is the erection of a single storey agricultural workers dwelling.
-

Decision

1. The appeal is dismissed.

Main Issue

2. The main issue in this appeal is whether there is an essential need for a second rural worker to live permanently on the site.

Reasons

3. Park Farm is an established poultry farm situated adjacent to the A46 (Caistor Road) to the north of the town of Market Rasen. The farm currently comprises four large poultry sheds together with two ancillary buildings housing equipment, and a dwelling house that is occupied by the farm manager.
4. Policy LP55 of the Central Lincolnshire Local Plan 2017 (the local plan) addresses development in the countryside and sets out that new dwellings in the countryside will only be acceptable if they are essential to the effective operation of, among other things agriculture, horticulture, and forestry. It is not in dispute between the parties that the appeal site is in the countryside for the purposes of local plan policy LP55. It is also common ground that the poultry farm is an established and viable business.
5. The Council accept that there is an essential need for a worker to live permanently at the site. This need is currently met by the existing dwelling on the site, which is subject to an agricultural occupancy condition. The proposal is for a second agricultural workers dwelling and it is the essential need for a second dwelling that is disputed.

6. Much of the operation of the farm, such as feeding, access to drinking water, heating and lighting is automated and controlled by computer. It is advised in the appellant's Rural Enterprise Appraisal that the poultry buildings are equipped with alarms that are triggered in the event of a failure of one of the automated systems, or if there are build ups of carbon dioxide or ammonia. I accept that, in the interest of animal welfare, there is a need for a worker to be able to attend the site quickly in the event of the failure of one of these systems.
7. The farm raises seven flocks of chickens a year with each rearing cycle taking 42 days. The farm has two full time workers, the manager and assistant manager, and additional labour is taken on at times when this is required such as at the end of the rearing cycle when the birds are captured and removed from the buildings. The Rural Enterprise Appraisal indicates that there is a period of ten days after the end of each cycle where there are no birds on site, during which time the buildings are cleaned and prepared for the next cycle.
8. The appellant's argument put forward at the hearing was that the essential need is derived from a requirement to provide continuity of staff cover and to ensure that the burden for dealing with out of hours incidents does not fall solely on one worker.
9. No records of the numbers of out of hours alarm incidents were submitted in evidence, however, the appellant advised at the hearing that on average there are an estimated three to four out of hours incidents in each 42 day rearing period. The appellant also advised that smothering incidents, which cannot be alarmed, were rare and that environmental incidents relating to temperature, or elevated levels of carbon dioxide or ammonia, which can be remotely monitored and alarmed, were the most common. During the seven 10 periods when there are no birds present at the site, emergency out of hours call outs generally would not occur.
10. The assistant farm manager, who is the other full time employee at the farm and for whom the proposed dwelling is sought, currently lives in Market Rasen which lies approximately 3 miles to the south of the appeal site.
11. The Council identified that suitable properties were also available for sale in Osgodby, approximately 2 miles from the site, both at the time that the planning application was made and at the time of the appeal submissions. The appellants position is that the workers dwelling needs to be co-located on the farm itself as it is necessary to be within sight and sound of the buildings.
12. The proposed new dwelling would be approximately 100 metres from the nearest existing poultry building. Planning permission has been granted for two additional poultry sheds, the closest of which would be approximately 80 metres from the proposed new dwelling. In the absence of remote monitoring and alarm systems, these distances would allow for visual surveillance of the exterior of the poultry sheds, although not the interior. There were no birds present on the site at the time of the site visit and, consequently, I was unable to hear whether sound from the sheds is audible at the appeal site. Nor was any technical evidence submitted that would assist in determining this. Nonetheless, from the evidence and from the discussion at the hearing, the critical elements of the operation are remotely monitored and alarmed, which makes the argument that the dwelling has, of necessity, to be within sight and sound of the poultry units less compelling.

13. Paragraph 79 of the National Planning Policy Framework (the Framework) refers to the essential need for a rural worker to live at or near their place of work in the countryside. The Framework does not define what is meant by near, however, the wording makes it clear that a rural workers dwelling does not necessarily have to be co-located with the workplace to meet an essential need. Following the hearing site visit, I was able to visit both Osgodby and Market Rasen. The travel time to Market Rasen was approximately 10 minutes and was less to Osgodby. I noted that the roads were generally good and consider that these would be comparable travel times to attend evening or night-time incidents.
14. Based on the above, the frequency of out of hours incidents would not put an undue or unreasonable burden on the worker who is presently resident at the site. In the event that the resident worker was not available, the travel times from nearby settlements, including market Rasen where the assistant manager currently resides, are not so long as to be unrealistic and I have no substantive evidence before me that would indicate that these would result in circumstances prejudicial to animal welfare. Although there are times in the poultry rearing cycle when more regular out of hours working is required as set out in the Rural Enterprise Appraisal, these are for short periods of only a few days and, as they are part of the normal process, this could be planned for in advance. Whilst it would undoubtedly be more convenient if both of the full time workers were resident at the site, on the basis of the evidence that is before me, the frequency of unplanned for, out of hours, working is not so great that it amounts to an essential need for a second dwelling at the site.
15. My attention has been drawn to an appeal decision in the East Riding of Yorkshire¹ which it is claimed is similar to the appeal proposal. This relates to the provision of a second agricultural workers dwelling at a poultry farm of a comparable size to the operation at Park Farm. However, I do not have the full details of this case, particularly in respect of the number of out of hours incidents, which was a determinative factor in that decision. Consequently, I cannot be certain that the circumstances are the same as those before me.
16. I am also aware that the Council have granted planning permission for additional dwellings at other poultry farms within the district. From the information provided, these farms accommodate substantially larger numbers of birds than are reared at Park Farm either presently or in the future following the construction of the two additional poultry buildings that have planning permission.
17. I do not consider that either the East Riding appeal decision or the previous decisions of the Council amount to considerations that indicate a second dwelling should be permitted at the appeal site. In any event, each planning application and appeal falls to be decided on its own merits.
18. I have noted that the Council do not have concerns regarding the design of the proposed dwelling or the effect of the proposal on the surrounding landscape. The Council also accept that suitable access and drainage arrangements can be made. Nonetheless, these factors do not overcome the requirement to demonstrate an essential need for a dwelling in this location.

¹ Appeal reference: APP/E2001/A/07/2038991

19. I therefore conclude that it has not been demonstrated that there is an essential need for a second rural worker to live permanently on the site. The proposal would not comply with the relevant requirements of Policy LP55 the local plan or Paragraph 79 of the Framework.

Conclusion

20. For the above reasons, I conclude that the appeal should be dismissed.

John Dowsett

INSPECTOR

APPEARANCES

FOR THE APPELLANT:

Mr I Pick	Ian Pick Associates
Mr J Hay	Appellant

FOR THE LOCAL PLANNING AUTHORITY:

Ms D Peck	West Lindsey District Council Planning
Mr G Backovic	West Lindsey District Council Planning

INTERESTED PERSONS:

Councillor M Bowley	Osgodby Parish Council
Mr R Clarkson	West Lindsey District Council
Ms Claire Bailey	West Lindsey District Council
Ms Anne Banty	Local Resident

DOCUMENTS SUBMITTED AT THE HEARING

Copy of appeal decision APP/Y2430/W/15/3100597