



Guildhall Gainsborough

Lincolnshire DN21 2NA

Tel: 01427 676676 Fax: 01427 675170

## AGENDA

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

**Planning Committee****Wednesday, 26th May, 2021 at 6.30 pm****Council Chamber - The Guildhall****Available to watch live via: <https://west-lindsey.public-i.tv/core/portal/home>**

<b>Members:</b>	Councillor Ian Fleetwood (Chairman) Councillor Robert Waller (Vice-Chairman) Councillor Owen Bierley Councillor Matthew Boles Councillor David Cotton Councillor Michael Devine Councillor Jane Ellis Councillor Cherie Hill Councillor Mrs Cordelia McCartney Councillor Mrs Jessie Milne Councillor Keith Panter Councillor Roger Patterson Councillor Mrs Judy Rainsforth Councillor Mrs Angela White
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**1. Apologies for Absence****2. Public Participation Period**

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

**3. To Approve the Minutes of the Previous Meeting**

PAGES 3 - 12

- i) Meeting of the Planning Committee held on 31 March 2021

Agendas, Reports and Minutes will be provided upon request in the following formats:

Large Clear Print: Braille: Audio: Native Language

#### **4. Declarations of Interest**

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

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

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

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

#### **6. Planning Applications for Determination**

- |      |                                     |                |
|------|-------------------------------------|----------------|
| i)   | 142117 - Old Airfield, Reepham Road | PAGES 13 - 50  |
| ii)  | 142208 - Foxby Lane                 | PAGES 51 - 69  |
| iii) | 142916 - Depot                      | PAGES 70 - 78  |
| iv)  | 142666 - Plot 1 Eastgate, Scotton   | PAGES 79 - 98  |
| v)   | 142495 - 43 Pingle Close            | PAGES 99 - 105 |

#### **7. Determination of Appeals** PAGES 106 - 113

Ian Knowles  
Head of Paid Service  
The Guildhall  
Gainsborough

Tuesday, 18 May 2021

# Agenda Item 3

Planning Committee – 31 March 2021

## WEST LINDSEY DISTRICT COUNCIL

MINUTES of the Meeting of the Planning Committee held virtually via MS Teams and available to watch at: <https://west-lindsey.public-i.tv/core/portal/home> on 31 March 2021 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 Jane Ellis  
Councillor Cherie Hill  
Councillor Mrs Cordelia McCartney  
Councillor Mrs Jessie Milne  
Councillor Keith Panter  
Councillor Roger Patterson  
Councillor Mrs Judy Rainsforth  
Councillor Mrs Angela White

### In Attendance:

Russell Clarkson Interim Planning Manager (Development Management)  
George Backovic Principal Development Management Officer  
Martha Rees Legal Advisor  
Ele Snow Democratic and Civic Officer  
James Welbourn Democratic and Civic Officer

### Apologies:

Councillor David Cotton

## 114 REGISTER OF ATTENDANCE

The Chairman undertook the register of attendance for Members and each Councillor confirmed their attendance individually.

The Democratic Services Officer completed the register of attendance for Officers and, as with Members, each Officer confirmed their attendance individually.

## 115 PUBLIC PARTICIPATION PERIOD

The Chairman explained there was a speaker registered for Public Participation however he had been unable to join the meeting. Officers were working to contact the speaker and as such, the Committee would continue with the agenda but return to this item later in the meeting.

## **116 TO APPROVE THE MINUTES OF THE PREVIOUS MEETING**

**RESOLVED** that the minutes of the meeting of the Planning Committee held on Wednesday, 3 March 2021 be confirmed as an accurate record.

## **117 DECLARATIONS OF INTEREST**

The Vice Chairman, Councillor R. Waller, declared that he had been lobbied in favour of application number 142026 by way of an email sent in February. The Chairman added that the email had been sent to all Members.

Councillor J. Ellis declared that she would be speaking as Ward Member on application number 142026 and as such would stand down from the Committee.

Councillor M. Boles also declared that he had received emails from animals rights groups in objection to the application.

## **118 UPDATE ON GOVERNMENT/LOCAL CHANGES IN PLANNING POLICY**

The Committee heard the following update from the Interim Planning Manager (Development Management) regarding planned changes to planning policy.

### **Class E (Commercial, Business and Service) to class C3 (dwellinghouse) permitted development**

The Government was introducing legislation for England to bring forward this right from 1 August 2021. The right would allow for local consideration by the local planning authority of specific planning matters through the prior approval process. These considerations included:

- Flooding
- Impacts of noise from commercial premises
- Provision of adequate natural light to all habitable rooms
- In conservation areas only - consideration of the impact of the loss of the ground floor Commercial, Business and Service use
- Impact of the loss of health centres and registered nurseries on the provision of such local services

The right also included a vacancy requirement that would ensure the building changing use had been vacant for 3 months before the date of the application, to protect successful businesses in these premises. A size limit would also be included of 1,500 square metres of floorspace being able to change use under the right, to focus the right on medium sized high street sites which were more likely to be suitable for conversion.

To prevent gaming, the building must have been in Commercial Business and Service use for two years before benefiting from the right. The right would apply in Conservation Areas, but not in other protected land listed in Article 2(3) of the GPDO (General Permitted

Development (Order)) which included national parks and Areas of Outstanding Natural Beauty (AONBs).

### **Public Service Infrastructure permitted development**

This amended permitted development right would allow for the extension, erection or alteration of school, college, university, hospital, and for the first time, prison buildings, by up to 25% of the existing footprint of the cumulative buildings on the site, or 250 square metres, whichever is greater. The existing height restriction on new buildings was also being increased from 5 metres to 6 metres.

### **Protect unlisted statues, memorials and monuments**

The demolition of unlisted statues, memorials or monuments (“a commemorative structure”) was no longer permitted development and would require an application for planning permission.

In determining applications to remove historic statues, local planning authorities would need to have regard to the government’s policy that these should be retained and explained rather than removed.

See <https://www.gov.uk/government/news/new-freedoms-to-support-high-streets-and-fast-track-delivery-of-schools-and-hospitals-across-england-introduced-today>

### **The Town and Country Planning (General Permitted Development etc.) (England) (Amendment) Order 2021**

### **Written Statement by the Secretary of State for Housing, Communities and Local Government – 25<sup>th</sup> March 2021**

*“This Written Ministerial Statement confirms that the approach set out in my previous statement to the House of 13 May 2020, about construction working hours due to COVID-19, will remain in place until 30 September 2021. This continued flexibility is necessary due to the continued impact of COVID-19 and to support the construction industry to recover and operate safely as we emerge from the pandemic. This date will be kept under review.”*

*“Accordingly local planning authorities, having regard to their legal obligations, should not seek to undertake planning enforcement action which would result in the unnecessary restriction of retail hours between 7am to 10pm, Monday to Saturday, from Step 2 of the roadmap (no earlier than 12 April) until the introduction of Step 4 of the roadmap (scheduled for no earlier than 21 June 2021).”*

<b>Neighbourhood Plan/s</b>	<b>Headlines</b>	<b>Planning Decision Weighting</b>
Made Neighbourhood Plans	Brattleby, Caistor*, Cherry Willingham, Dunholme, Great Limber, Lea, Nettleham*, Osgodby, Riseholme, Scotter, Scothern,	Full weight

	Saxilby, Welton, Willoughton, Glentworth, Spridlington, and Sudbrooke.	
Scotton NP	Examination successful. Decision statement issued. Referendum to be held 6 May 2021.	Significant weight
Bishop Norton NP	Examination successful. Decision statement issued. Referendum to be held 6 May 2021.	Significant weight
Gainsborough NP	Examination successful. Decision statement issued. Referendum to be held 6 May 2021.	Significant weight
Morton NP	Examination successful. Decision statement issued. Referendum to be held 6 May 2021.	Significant weight
Corringham NP	Submission NP consultation (Regulation 16) underway and closes 21 May 2021.	Increasing weight
Sturton and Stow NP	Submission version of NP (Regulation 16) underway soon.	Some weight
Hemswell and Harpswell NP	Submission version of NP (Regulation 16) underway soon.	Some weight
Hemswell Cliff NP	Draft version of NP (Regulation 14) underway soon.	Some weight
Northorpe NP	Parish council has agreed to begin work on a NP.	Little weight
*Caistor NP	Review underway. Consultant appointed.	-
*Nettleham NP	Review underway. Consultant appointed.	-
Neighbourhood Plans - made (17) - in preparation (24) - to be started (42) - being reviewed (2)*	To view all of WLDC's neighbourhood plans go to: <a href="https://www.west-lindsey.gov.uk/my-services/planning-and-building/neighbourhood-planning/">https://www.west-lindsey.gov.uk/my-services/planning-and-building/neighbourhood-planning/</a>	<b>NP stage-weighting</b> -Made–full weight -Referendum successful–full weight -Examination successful/Decision Statement issued–significant weight -Submission Reg16–increasing weight -Draft Reg14 - some weight -Designated – little weight

## 119 PLANNING APPLICATIONS FOR DETERMINATION

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

## **120 142026 - POULTRY UNIT, LAUGHTERTON**

The Chairman introduced the only application of the evening, number 142026, to erect 1no. free range poultry unit with ancillary feed silos, generator, hardstanding and access on land at Naylors Hill, Newark Road, Laughterton. He reiterated that Councillor J. Ellis was to speak as Ward Member and as such would leave the meeting once she had addressed the Committee. The Principal Development Management Officer confirmed there were no updates to the report. He highlighted that the application was for an egg laying operation and that concerns regarding potential odour or animal welfare issues were not material considerations. The Chairman explained there were two registered speakers, the first of whom, the Agent for the Applicant, had submitted a statement. The Democratic Services and Civic Officer read aloud the following statement.

"This letter outlines comments in support of the above application (agenda item 6a) for consideration of the 31st March 2021 Planning Committee.

The proposed development will facilitate expansion of P. A. Arden & Son's established free range egg production business, which currently includes farms located near Newton on Trent, North Harby and Drinsey Nook. The proposed 32,000 bird free range unit will be accompanied by over 40 acres of pasture and newly planted mixed woodland ranging area. The farming operation will be associated with 'RSPCA Freedom Foods', which seeks to promote the highest animal welfare standards. Happy healthy hens typically range and forage more effectively in these expansive semi-natural environments, thus reliably producing richer eggs on a daily basis.

It is acknowledged that local residents have expressed concerns over the potential impact of the scheme upon the local highway network and levels of amenity afforded by neighbouring land users. In this context, it is emphasised that the application site was selected and carefully screened to appraise the development's environmental impact at the outset of the project. This initial process included comprehensive atmospheric dispersion modelling in order to ensure that neighbouring land users would be protected from odour nuisance and outlying habitat land safeguarded from nitrogen deposition. Consideration was given to potential trip generation and vehicle routing. The siting of the unit was examined with regard to the prevention of noise disturbance, the minimisation of flood risk and mitigation of visual impact.

On this basis, it can be stated with great confidence that the proposed development will not give rise to any significant adverse environmental effects. The new unit will utilise an advanced climate control system synonymous with a low noise signature, excellent odour reduction and creation of a dry internal environment unsuitable for fly breeding. The interior of the building will be integrated with manure conveyor belt removal systems, which enable rapid cleaning twice per week. The manure is a valuable fertiliser that will be sold to and collected by local farmers utilising tractors with covered trailers. There is simply no requirement for manure to be stored on-site or near any outlying settlement. Local residents will neither hear nor smell the poultry farm.

Despite concerns expressed by the local community, it is emphasised that the operation will generate low levels of traffic and such will ordinarily be routed between the site and A57 as opposed to through Laughterton. Delivery operations will also take place during normal working hours. It is realistically unlikely that local residents will notice any tangible change to

levels of vehicular activity experienced along the local highway network.

Existing woodland and mature field boundary hedgerows will serve to provide a good level of screening. An expansive tree planting scheme will predominantly obscure the new unit from view of the surrounding countryside in the medium to long term. The development's landscape and visual impact will be of small magnitude.

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

Lastly, should planning permission be granted, it is recommended that proposed Condition 8 be amended to state: 'There shall be no departures or arrivals to the site outside the hours of 06.00 to 19.00 unless urgently required for reasons of animal welfare or otherwise agreed in writing with the local planning authority.' Otherwise, in its present form, the condition could prevent out of hours access to the site in the advent of a crisis and/or for reasons of animal welfare."

The Chairman then invited Councillor J. Ellis to address the Committee as Ward Member. She made the following statement.

"I am standing as a ward member of Laughterton to offer my own personal view on application 142026 as I am aware that this is a contentious application.

I understand that Mr Arden's poultry units are built to the current standards where by any emissions are minimised using modern extraction systems and removal of poultry waste is done on a regular basis.

However, my constituents have concerns about potential odour emissions from the unit that I feel obliged to bring to the Committee's attention.

I would like to know if it is possible to receive some binding assurances from Mr Arden about the potential odours that residents have most concerns about?

I am also aware that animal welfare has been raised but I realise that this is not a material consideration. I understand this, but this is an emotional consideration.

However I would like to request that Committee considers both sides and these issues raised when considering this application in your normal unbiased manner.

Thank you."

**Note:** Councillor J. Ellis left the meeting at 6.55pm

The Chairman invited Members of the Committee to comment on the application. It was noted that similar concerns regarding potential odours had been raised on a similar operation however the concerns had proven unfounded and there had been no complaints from local residents. It was noted that the site was designed to allow free-roaming space for the birds which was reassuring.

Members of the Committee were happy to support the application however enquired about condition number eight and whether, as stated by the agent for the applicant, it was indeed the case that access would not be permitted even in the case of an emergency. When the Officer confirmed this to be the case, it was proposed for the condition to be amended to enable access for emergency welfare reasons. Members also sought clarification regarding the planting of trees and road access, it was confirmed that conditions four and five dealt with these matters.

On being proposed and seconded, and with the amendment to condition eight included in the proposal, the Chairman took the vote and it was unanimously agreed that permission be **GRANTED** subject to the following conditions:

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

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

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

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

2. No development shall commence, including vegetation clearance, soil stripping, earth moving or site preparation, shall take place until a Written Scheme of Investigation (WSI) has been submitted to and approved in writing by the Local Planning Authority. The WSI shall set out a strategy for archaeological investigation and shall include:

- i. The programme and method of site investigation and recording.
  - ii. The requirement to seek preservation in situ of identified features of importance.
  - iii. The programme for post-investigation assessment.
  - iv. The provision to be made for analysis and reporting,
  - v. The provision to be made for publication and dissemination of the results.
  - vi. The provision to be made for deposition of the archive created.
  - vii. Nomination of a competent person/persons or organization to undertake the works.
  - viii. The timetable for completion of all site investigation and post investigation works.
- Development shall only take place in accordance with the approved WSI, and the development shall not be occupied until the Local Planning Authority has confirmed in writing that the requirements of the WSI have been fulfilled.

**Reason:** The site is located in an area that may be of archaeological interest with a number of historical finds in proximity of the site and in accordance with policy LP 25 of the Central Lincolnshire Local Plan

**3.** No development shall commence until a surface water drainage scheme has been submitted to and approved in writing by the Local Planning Authority. The scheme shall:

Be based on sustainable drainage principles and an assessment of the hydrological and hydrogeological context of the development;

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

Provide attenuation details and discharge rates which shall be restricted to greenfield rates;

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

No building shall be occupied until the approved scheme has been completed or provided on the site in accordance with the approved phasing. The approved scheme shall be retained and maintained in full, in accordance with the approved details.

**Reason:** To ensure that the permitted development is adequately drained without creating or increasing flood risk to land or property adjacent to, or downstream of, the permitted development and in accordance with policy LP 14 of the Central Lincolnshire Local Plan.

**4.** The access improvements shown on “Drawing No.482-A-002 Rev B” must be in place prior to commencement of development and **certified as complete** in writing by the local planning authority.

**Reason:** In the interests of Highway Safety in accordance with Policy LP 13 of the Central Lincolnshire Local Plan

**5.** Notwithstanding the submitted information no development shall take place until a detailed landscaping scheme has been submitted to and approved in writing by the local planning authority. The details submitted must include the position, size, species and density of all trees be planted together with details for future maintenance.

**Reason:** To help assimilate the proposed development within its rural setting and in the interests of biodiversity in accordance with policies LP21 and LP26.

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

**6.** The development hereby approved shall be carried out in accordance with the following drawings:

- Floor Plans and Elevations F2988-01 Date October 2020

- Site Layout (including location of additional tree planting) F2988-02 Date October 2020

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

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

**7.** The development shall be carried out in accordance with the approved flood risk assessment dated 23 February 2021 and the following mitigation measures it details:

- Finished floor levels shall be set between 8.15 and 7.85 metres above Ordnance Datum (AOD) as shown in the drawing on page 40 of the FRA (ref: 717-002, Rev A) dated February 2021.
- Offices and electrical equipment shall be located in the northern section of the building with a finished floor level of 8.15 metres AOD.
- Elevated laying platforms shall be provided for the birds as described in the FRA.
- An elevated safe refuge from flooding shall be provided for the staff as described in the FRA.

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.

**Reasons:** To reduce the risk of flooding to the proposed development and future occupants and providing a safe refuge from flooding in the event of a severe flood and in accordance with Policy LP14 of the Central Lincolnshire Local Plan

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

**8.** There shall be no departures or arrivals to the site outside the hours of 06.00 to 19.00 at any time unless urgently required for reasons of bird welfare.

**Reason:** To limit noise and disturbance to dwellings in proximity of the proposed access on Newark Road in accordance with Policy LP 26 of the Central Lincolnshire Local Plan.

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

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

## **121 VARIATION TO THE AGENDA - PUBLIC PARTICIPATION**

**Note:** Councillor J. Ellis returned to the meeting at 7.13pm

The Chairman proposed a variation to the agenda in order to allow the registered speaker for item 2 of the agenda, Public Participation, to address the Committee. This was seconded and taken to the vote.

**RESOLVED** that the agenda be varied to hear item 2, Public Participation

The Chairman invited Councillor Darby of Bardney Group Parish Council to address the Committee. The Democratic and Civic Officer explained to Members that although Councillor Darby was present in the meeting, he had indicated that he was experiencing technical difficulties. In the absence of a written statement having been submitted to be read aloud, the Officer suggested Councillor Darby be invited to speak at the next meeting of the Planning Committee.

## **122 DETERMINATION OF APPEALS**

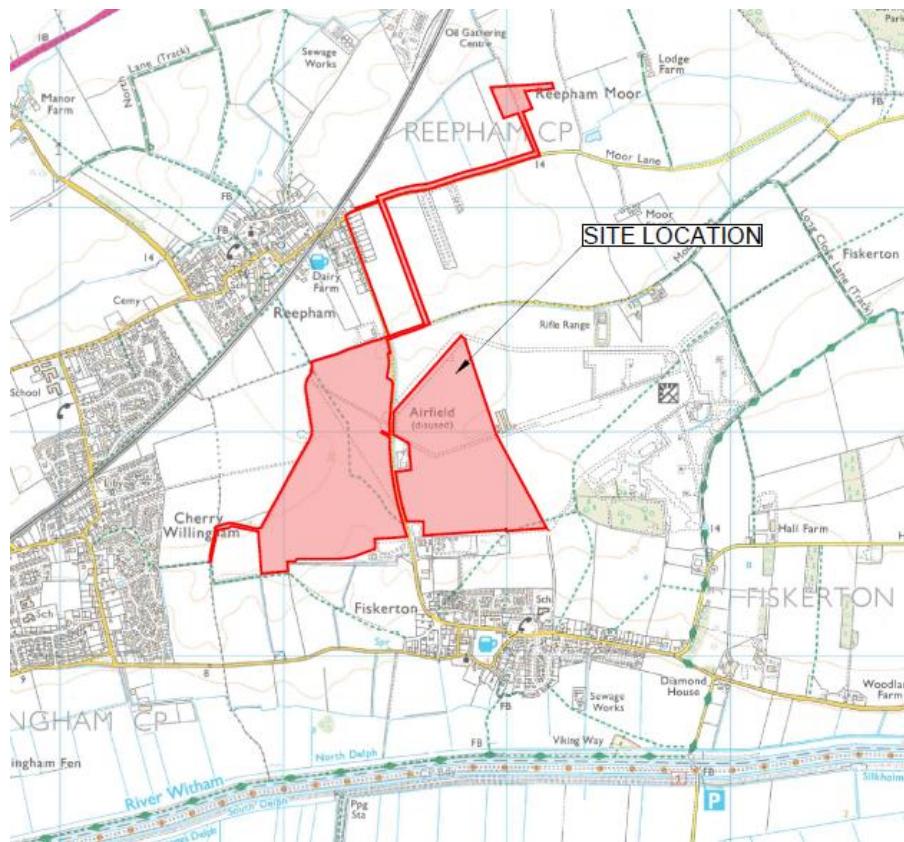
The determination of appeals was **NOTED**.

The meeting concluded at 7.18 pm.

Chairman

# Agenda Item 6a

## Site Location Plan Old Airfield Reepham Road 142117



## **Officers Report**

### **Planning Application No: 142117**

**PROPOSAL:** Planning application for construction and operation of a solar photovoltaic farm, including fencing, internal service tracks, inverters, transformer stations, cabling, CCTV, landscaping, substations and ancillary cabins.

**LOCATION:** The Old Airfield Reepham Road Fiskerton Lincoln LN3 4EZ

**WARD:** Cherry Willingham

**WARD MEMBER(S):** Cllr C Darcel

**APPLICANT NAME:** Mr Andy Fifield, "Grey Street Solar Ltd", 20 North Audley Street, London

**TARGET DECISION DATE:** 08/04/2021

**DEVELOPMENT TYPE:** Major - Other

**CASE OFFICER:** George Backovic

**RECOMMENDED DECISION:** Grant Conditional Permission

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#### **Description:**

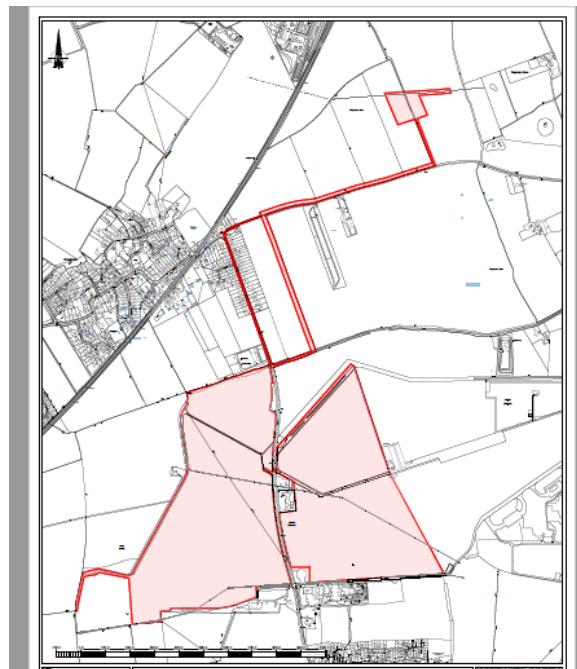
The site is located in the open countryside between Reepham to the north and Fiskerton to the south. It comprises of large fields either side of Reepham Road. Historically the application site was formerly the RAF Fiskerton Airfield, which was used in the Second World War. RAF Fiskerton opened in January 1943, and Lancaster squadrons were based there until September 1945. During the 1990s the land was sold and has since been used for agricultural purposes. There is evidence of its former use as RAF Fiskerton with the remains of hardstanding and sections of runway. It is currently arable land and as part of the planning application for the adjacent solar farm an agricultural land classification was undertaken which concluded that the land was 3b (moderate quality); limited by wetness. (Ref: 130671) To the west is the settlement of Cherry Willingham and a section of the south western boundary runs along site "CL 1181" allocated for residential development in the Central Lincolnshire Local Plan<sup>1</sup> under policy LP 52: Residential allocations – Large Villages. East of the site is a partially completed solar farm on the remains of the former airfield with a total approved site area of 70 hectares although visibility of this is limited. There are two poultry sheds located adjacent to the eastern site boundary. The landscape is generally open and relatively level in this location.

There are a number of separate Public Rights of Way in close proximity to or crossing the site. Fiskerton /120/1 runs through the western half of the site with a direct link to Reep /120/1 that runs north towards Reepham. Fiskerton 121 /1 runs to the south along part of the south western section of the site. Fiskerton 119/2 crosses a small section of the south eastern corner of the

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<sup>1</sup> <https://www.n-kesteven.gov.uk/central-lincolnshire/>

site. Part of the southern boundary on the eastern section of the site is adjacent to Primetake Ltd an ammunition manufacturer. In the far north, the site boundary extends along an arable Farm track and also encompasses a small area of an arable field to the north of Moor Lane.



**Proposal:** A large scale solar farm covering an area of approximately 74 hectares of the 84 hectare site including: Photovoltaic panels; matt finished mounting frames; inverters; transformers housed in prefabricated containers and associated cabling; a 132kV distribution network operator substation and meter point; customer substation; internal service roads; deer fencing; infra-red CCTV; temporary set down area and site access for construction and operational purposes. A scheme of landscaping and biodiversity enhancements are also proposed.

The facility will have an export capacity of 49.9MW. The proposed development will export enough electricity to power over 13,000 homes per year and offset approximately 13,300 tonnes of CO<sub>2</sub> every year, the equivalent of taking over 5,000 cars off the road. The proposed point of connection is located on the existing 132kV overhead line approximately 1km to the north of the proposal site. The panels will be arranged in rows in an east-west alignment across the site and will be angled between 10° and 35° to the horizontal and orientated south. All panels will be mounted on frames and have a height of up to 2.6m above ground level; the lowest part of the panel will be 0.75m above ground level. The rows of panels will be set to between 4m and 6m apart to avoid shadowing and allow for scheduled maintenance. Transformer and substations are proposed. The solar arrays will be secured by a 2m high deer fence or similar with wooden posts and galvanised wire. The scheme will have a lifespan of 40 years after which all equipment will be removed from site. The solar panels will be connected to small inverter units typically located on the racking of the frames. The inverters will connect to transformer stations which converts the electricity from Direct Current (DC) to

Alternating Current (AC). The transformers ensure that electricity can be transferred to the substation and then to the 'local grid' more efficiently.

The application site will be served via Reepham Road. This will provide access during the construction phase. As part of the construction phase a temporary set down area, adjacent to Reepham Road will be provided for the delivery of materials, equipment and welfare facilities.

The construction phase is expected to last 8 months.

Three "permissive routes" are to be provided. These are 3 to 4 metre wide strips of grassed land for public use following completion of the construction phase.

Once operational, the site will be manned remotely offsite. However, the site will be required to have monthly maintenance checks.

**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'.

**Relevant history:** None

**Representations:**

**Cllr Darcel:** As a District Councillor I am also concerned that a number of residents have expressed their concerns to me about the loss of open countryside views that presently greet you as you drive from Reepham to Fiskerton and the size of the development. These opinions have been expressed to me verbally over the last eight or nine months and more recently a village wide survey conducted by the Parish Council. The Parish Council also feel that there has been no proper consultation with residents or the Parish Council and that undue weight has been given to out-side groups rather than Fiskerton Parish Council in coming up with the submitted proposal. Had the Parish Council and residents actively been involved the council believes the submitted plan may well have been different? For the reasons of scale of the development, the potential loss of open countryside views and the impact the scheme on life in in the village make it important that application is reviewed by the Planning Cttee. In a village wide survey held in October 2019, 2/3rds of the responders gave the rural environment and countryside and footpaths as being their main reason for enjoying living in the village.

## **Fiskerton Parish Council: Object**

### 02.03.21

1. The Airfield is not marked as Green Wedge or protected Green Space on the CLLP Policies Map but the proposed site is an effective green wedge and an important open space between Fiskerton and Reepham and Fiskerton and Cherry Willingham. LP23. The proposal is contrary to LP 17 to protect and enhance the intrinsic value of our landscape.
2. In the CLLP "Our Vision" it states that, "The natural and historic environment will be protected". The FPC should hold WLDC to account on this especially as this proposed plan is so large (74 Ha) and will have a negative effect on the natural and historic environment. While new enhanced footpaths to Reepham are proposed, a "much used unofficial open space" north of Primetake will be lost LP17. LP24 &LP25.
3. Fiskerton PC supports low carbon energy production but not at the expense of our landscape and other assets. 74 Ha of solar panels between Reepham and Fiskerton (all in the Parish of Fiskerton) will eliminate the green space between the villages. Since 2012 Fiskerton residents have expressed the view, in multiple surveys, that they wish for the green space between Fiskerton and Reepham and Cherry Willingham to be maintained to ensure the separate identity of Fiskerton as a small rural village. LP23.
4. The CLLP Page 16 reports that "Medium Villages (E.g. Fiskerton). 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." LP4. This plan does not have local community support. FPC carried out a survey in February 2021 and 66% of respondents were against the plan. LP4 "A proposal on the edge of a village in categories 5-6 of the settlement hierarchy should be accompanied by a demonstrable evidence of clear local community support". The plan submitted does not have this support.
5. In the survey residents expressed disappointment at not being consulted and that there was very little planning gain offered to the residents. Had the Parish Council been consulted, the footpath between Fiskerton may not have been considered a priority and its provision and maintenance is considered to be the responsibility of the County Council. Had the "consultation" taken place other ideas on planning gain may have been put forward.
6. FPC approved the planning application for a large solar panel farm to the east of the airfield several years ago. This development should be completed before another application is approved.
7. Fiskerton PC would like to develop a sustainable visitor economy. This application does not meet any of the CLLP stated requirements. LP7

8. Fiskerton Parish Council does not approve this application because it contravenes the Local Lincolnshire Plan, particularly Policies LP4, LP7, LP17, LP 19, LP 20, LP 23, LP24& LP25.

This plan:

- a. Does not contribute to the local economy
- b. Is of no benefit to the local community or visitors
- c. Does not respect the local farmed environment
- d. Is not appropriate for the character of the local environment in scale and nature.

The residents of Fiskerton have indicated a full presentation and discussion should be held in the village and that they would like to see more planning gain for the village to compensate for the loss of the visual amenity and open countryside that will result from the planned development. The Parish Council believes the application should be withdrawn or delayed until after such a consultation has taken place in the Village Hall. Covid 19 has been unfortunate but a full consultation with the community needs to be held. It is part of the proper planning process.

09.02.21: Fiskerton Parish Council is overwhelmingly against this application. It will be canvassing the opinion of village residents by means of a leaflet drop questionnaire; after which a full response will be submitted to WLDC. It has been noted that the company did visit neighbouring parish of Reepham in respect of their plans, but did not visit Fiskerton - as the development is wholly within the parish of Fiskerton, councillors would like time to actively work with the company, and would appreciate the same approach, albeit having to be via a virtual meeting, as per Reepham Parish Council

Detailed changes to the submission are recommended including removal of land within the application site and its replacement on land next to but not within the red line application boundary (outside the control of the applicant). An additional 4 metres of width along the concrete strip on the south western boundary north of Primetake for the benefit of dog walkers

#### **Reepham Parish Council**

The majority of Reepham Parish Council broadly support the principle of the proposed solar farm, though it has a number of concerns and would wish to see the following taken into consideration in relation to this application:

1. It is not considered that the developers have fully discharged their obligation to undertake a proportionate community consultation. Many residents still have no idea that such an installation has been proposed or that an application has been made and this situation has been further compounded by the decision to lodge the application during the present lockdown. A situation that is likely to explain the almost total absence of any on-line comment on the planning website. Much is made in the application of the letters that were sent to properties immediately adjacent to the site and to the notices posted to advise walkers but the scale and location of this proposal is such that it will affect each and every person travelling between Reepham and Fiskerton, regardless of whereabouts in the villages they live.

A more direct approach to all residents is required to ensure that there is an appropriate level of awareness in these Covid constrained times.

However, if the WLDC is minded to consider the application on the basis of the present submission we would ask that the following concerns are addressed:

2. There are two possible routes proposed for a cable to link it to the National Grid. The Parish Council strongly object to Route 1 along Fiskerton road. This would cause significant disruption not only to the residents of Fiskerton Road whilst the work is done but to all residents of the village and traffic passing through it. Route 2 across fields is far less disruptive.

3. There will be a significant number of HGV movements through the village delivering equipment to site during construction phase. The bends through our village are not conducive to such vehicles. Some councillors wish to object to this route altogether, suggesting an alternative route from the new Lincoln bypass at the Fiskerton Road roundabout, through to Fiskerton and from there to the airfield. This would avoid the dangerous Kennel Lane/A158 junction, the multiple corners in Reepham which large vehicles find difficult to negotiate, the railway crossing that causes hold-ups, and going past the village school in the centre of the village. The route through Reepham passes through its Conservation Area and past three Listed buildings as well as several 'Landmark' buildings identified in the Conservation Area Assessment. If this route is still chosen the mitigation measures suggested by the developer, particularly the times of the day for vehicle movements do little to avoid conflict with existing traffic movements and takes no account of the long stretches of parked vehicles along High Street for most parts of the day which effectively turn this part of the route into a single track road. In addition large parts of the route through the village already have a poor road surface and this is only likely to get worse with the increased and heavier traffic proposed. Therefore, we would wish to see a contribution from the developer towards the cost of a complete resurface of the main road through the village when construction work is complete.

4. The height of the proposed fencing will be very intrusive given the extent of the development. It is noted that existing hedging will be allowed to grow to at least 2.5 to 3 metres to help screen visibility and gaps in existing hedgerows will be filled. However, this will take several years to fully establish. Further details in respect of hedgerow screening is required and assurances that sufficient hedge planting will take place to screen the development along with an assurance this will be maintained going forward including replacement of any 'failures'. The visual impact of the 'tunnel' effect that will inevitably be created by developing along both sides of the road could be mitigated to a degree by increasing the distance that the installation boundary is set back from the road.

5. Whilst the application refers to mitigating the visual impact of the solar panel array, there is no mention of mitigating the visual impact of the substation on Moor Lane. Reepham. Moor Lane is a quiet rural road giving Reepham residents easy access to open countryside. The open views of

woodland and the Wolds in the distance enhance this rural aspect. The large fenced area of the substation will be very noticeable from the Lane. A planting scheme is needed to hide this from view and enhance the biodiversity of this area. An archaeological watching brief is also needed when this is being constructed.

6. The new footpath along the Reepham Road is welcomed but the opportunity should be taken to create a cycleway/footpath here between Reepham and Fiskerton.

7. A series of permissive paths are proposed around the edge of the scheme. Can this be extended along the southern boundary of the western section? This would then create a circular route around the western block.

Given the scale and significance of the proposal it is considered appropriate to point out that a number of Parish Councillors, albeit a minority, strongly object outright to the planning application on the following grounds:

1. The sheer size of the development which will have a negative impact on the open countryside between the villages and the historical heritage of the locality. This application will alter a very large area of rural land for at least twenty five years and any benefits of footpaths etc. are not a worthy trade off.
2. There will be no beneficial economic impact for local people as it does not create any significant long term jobs.
3. Concerns regarding the maintenance of the site when the installation is finished. The existing solar farm immediately to the east of that proposed is only rough cut a few times a year and the boundary edges grow rough and messy up the fencing and is a trap for litter.
4. A hedge or trees would take years to grow to cover the view of eight foot high metal fences.

#### **Cherry Willingham Parish Council:**

1. Clarification of location for the wildflower – edge or centre?
2. It would be desirable to have a circular walk round the airfield.
3. Also suggestion of footpath along the side of Reepham Road to be a footpath/cycleway.

#### **Local residents:**

##### **2 The Holt Fiskerton (object):**

The promoters of this scheme have made no attempt to consult with local people about this development. It's about making a lot of money for some people for many years to come. The land owners, developers and designers seem to have a disregard for the destruction of arable land, visual amenity, wildlife and drainage.

I may consider supporting the scheme if there were guarantees to:

- 1) Require the developer to adopt and pay for the maintenance of the Fiskerton flood alleviation scheme.

Reason: Much of the surface water drains into the flood alleviation lagoons. As the ground hardens the fields on which the proposed solar panels are situated will be slower to absorb and soak away rain water and a larger proportion will flow into the lagoons which could risk exceeding its capacity and flooding in the village. In essence the parish will be paying for the disposal of surface water from the development site and need to be compensated.

2) When the original scheme was constructed the developer provided solar panels for the village hall and the scouts building. This provided to a small income to help with community projects. Assets created were: bus shelters, planters and seating, It would be a show of good faith from the developer if they offered to replace and improve the solar panels.

Reason: As the solar panels age their performance deteriorates and the income reduces. Newer solar panels are more efficient and would increase income and help with the maintenance of assets and delivery of projects.

3) Tidy up and keep tidy the whole site area.

Reason: The existing solar panel site is littered with all kinds of debris, fly tipped road arising's and cable drums. The proposed site is also used for fly tipping, the illegal burning of waste which is allegedly illegally transported to the site by unlicensed waste carriers. (See google earth) I can also provide photographic evidence. There is also piles of road arising's which contain waste contaminated with tar and asbestos. The whole lot should be removed and properly disposed of.

4) Construct a footpath between Fiskerton and Reepham.

Reason: the construction traffic will increase and be hazardous to pedestrians. A proper footpath is required to link the two villages.

5) Wildlife considerations. A lot of wildlife will be affected. Many rare and unusual species frequent this area including; Bats, Roe Deer, Rabbits, pheasants, snakes and hedgehogs. The developers wild life assessment if not comprehensive and ignores any provision for these species.

Reason: to maintain a safe and sustainable habitat for existing wild life.

6) As I understand it part of the site is within the Primetake exclusion zone. Primetake make or handle explosives'. There does not seem to be any risk assessment as to how electricity generating solar panels will react and how public safety will be assured if there is an incident.

Reason: The exclusion zone is there for a purpose and should be respected.

7) Landscaping and maintenance of the WW2 memorial. Improvements to the car park surfacing.

Reason: the memorial has many visitors and is used for services on Armistice Day. The facility should be enhanced.

8) It should be a condition to remove existing shipping containers.

Reason: Six shipping containers are on the site for which there is no planning consent.

9) Removal of driving school facility.

Reason. The site is being used without planning consent for the running of a driver training facility.

If the above conditions are fulfilled and there are assurances that the developer will continue to maintain the site in a clean safe and visually attractive state, only then would the application get my support.

The Old Rectory Reepham Road Fiskerton (object):

The proposed plan is too big. It is too close to the village of Fiskerton and is Damaging to the rural and visual character of the village. Since the planning application has been made, no consultation has taken place with the residents of Fiskerton, no information has been sent out to neighbouring residents and no information has been publicly posted. Your consultation with Reepham Parish Council lead to footpath access on the north and west sides.

Consultation with Fiskerton Parish Council would indicate a need for access on the southern side. There has been no problem with the public walking past the gate to the north of the Primetake site and that footpath is used regularly. Your characterisation of the land as Fenland is misleading. It is productive farmland and we all need food, preferably locally produced, as much as green energy. I support green energy production but there are many sites in Lincolnshire that can accommodate a large area of panels such as this with much less visual impact and further away from existing villages. From your earlier survey, the majority of the respondents were against the plan. Should you wish to continue with the application please consider permissive access along the southern boundary of the site and some planning gain for the residents of Fiskerton.

St Anne's Villa 1 Church Lane Reepham (General Observation):

I would wish you to take into consideration the public viewpoint that has been expressed on 6 points along Fiskerton/Reepham Road through widenmypath.com. The comments identify road safety concerns and the need for pedestrian/cycle path alongside the length of this road. These are supported by 70 responses on widenmypath.com. These views are generally in line with the comments made by both Reepham and Fiskerton Parish Councils and The Witham Valley Access Project. Fiskerton Road / Reepham Road is frequently used by walkers undertaking local walks. Cyclists use this route to access the National Route 1 cycle route/Water Railway and journeys between villages. As such it is an important link. Access to and from this site for construction or maintenance during its lifetime, represents increased risk to pedestrians and cyclists. It is my view that the provision of a shared cycle/pedestrian track alongside the proposed Solar Farm is a necessity. I feel that adequate construction, finish and maintenance to enable its safe use should be a condition prior to the commencement of the project. The recently added document "Cross Section across Reepham Road" has prompted me to write. It shows a 2m wide footpath with no cycle path provision and gives no indication of construction, surface finish or maintenance. Surrounding vegetation will soon reduce this width if it is not maintained and unless the construction and surface finish are adequate, it will not be capable of all year-round use. I would encourage the landowner, WLDC, LCC /Highways to widen their consultation over this proposal. It is important to identify the opportunities that this development could present, rather than generate fears of constraints. During the Pandemic, local footpaths and cycle routes have been heavily used. As a resident of Reepham who makes use of the local footpaths and cycle routes, I find it surprising that consultation with the wider community on whom it will impact, has not taken place and who are largely unaware. I would also urge consultation with SUSTRANS for an informed view on the potential opportunities and impact of this proposal.

**9 St Hughs Close:** (object)

This application is bought by newly incorporated shell companies with no assets on behalf of the Shanghai Electrical Company. The animus behind this application is in China and there will be no economic benefit to the ordinary resident of Cherry Willingham, Reepham and Fiskerton. This application should be referred to the Secretary of State because at the present rate of technological and climate change the power generated, on a balance of probabilities, will be in excess of 50MW on sunny summer days by the time the plant is commissioned. Failure to do so now would be Wednesbury unreasonable. If this Planning Committee proceeds to a debate and decision, I would wish to address the Committee. I keep bees and am a personal member of the BBKA and British Bee Improvers and Bee Breeders Association and the inverters will emit a low hum that will affect all insect life in the daytime, recent research has shown that bees are adversely affected by low level electro-magnetic fields and further the recent decision of Defra to allow neonicotinoids to be used on sugar beet seed this coming season, in this, the major sugar beet farming area will locally put pressure on the insect population. Nightingales sing in these trees and fields. Pipistrelle bats fly along the railway. They won't after this development which I assume will clear fell the whole area.

**Tanglin, Fiskerton Road East (The Witham Valley Access Project):**

**Witham Valley Access Project (WVAP)**

WVAP was established to campaign for the protection, extension, and improvement of public access to the countryside around the villages of Cherry Willingham, Fiskerton and Reepham and comprises of local residents who are involved in countryside activities and are regular users of the local access network. The combined knowledge of the local network (its level of use, as well as its shortcomings) held by WVAP members, is therefore extensive. Recent activities and approach to new developments. In addition to successfully campaigning for improved access to the River Witham, WVAP members have been proactive in working with Cherry Willingham Parish Council in the construction and maintenance of new paths. Much of this practical work has also involved planting and managing native trees, shrubs and wildflower grassland. Over the last year, the importance of countryside access for physical and mental health has become more evident than ever before. Informal surveys of people encountered on local footpaths have emphasised the importance of being able to walk, run and cycle on routes which link to form a network and particularly facilitate circular trips. WVAP also believes that, although the creation and retention of routes is important, these have limited value to the community unless they have a high quality setting. In this context, routes created by members of WVAP have been accompanied by the planting of native trees, shrubs and wildflower grassland wherever possible. These have been valued by users both for their visual amenity and for the biodiversity which they support, and which add so much to enjoyment of the countryside. It is within the context of the above experience that WVAP has assessed the current solar farm proposal, specifically to:-

- Ensure the protection of existing Rights of Way.

- Promote the formalisation of existing well used routes through “permissive” status.
- Advocate the creation of entirely new routes where they could form important links in the network (again, through “permissive” status)
- Promote the retention or planting of native trees, shrubs, hedges and wildflower grasslands adjoining access routes. Response to the Fiskerton West Solar Farm proposal. In our comments to the Draft Plan in June 2020, during the pre-application public consultation, we made seven requests for amendments. We have detailed these below with our further comments.
  1. We requested that steps were taken to avoid creating an oppressive 3 - 4m wide corridor between security fences along the NW/SE right of way by varying the width and planting groups of native shrubs. We note that the width of the corridor has been increased to a minimum of 12m, which is to be welcomed, but the inclusion of groups of shrubs would make a significant additional improvement to the enjoyment of the walk and we think that this should be included.
  2. Designating the existing informal route along the Northern edge of the Western area as a permissive path has been included as we requested and should be welcomed. The design detail however shows a 4m wide path hard up against the security fence and again, some shrub planting would significantly improve the setting of this path and should be included in the plans.
  3. We requested blocks of trees and shrubs along the proposed new route running parallel to Reepham Road. What is proposed is a new hedge 4m from the existing roadside hedge. The idea is good, but by planting groups of hedge shrubs, with random gaps the “corridor” effect could be reduced. This should be easy to incorporate and possibly cheaper than the current proposal, so we think that this should be pursued. The shrubs saved with this type of hedge could be used by the side of the Northern edge of the Western area boundary path.
  4. We asked that the new route parallel to Reepham Road should double as a cycleway. The route has been specified as 4m wide but a suitable surface would be required for cycling.
  5. Our suggestion of a new permissive route along the southern edge of the western part of the site (to link the two rights of way without having to use a road which has no footway) has not been included. There is no explanation in the report of community engagement as to why not. We still think that it has a lot of merit and could be developed on the surplus land outside of the security fence, so is well worth including.
  6. Our request for native trees and hedges in places along access routes seems to have (with the exceptions referred to above) been incorporated, which we welcome.
  7. We requested that the site been sown with a wildlife grass mix containing yellow rattle throughout and wildflower seed. The information given in the application is conflicting and lacks clarity. (See, in particular, Design and Access statement 3.2.2 and compare with Landscape and Visual Impact Appraisal 6.1.8.) We request that for the sake of clarity the applicants be asked to submit a description of the contents of the different seed mixes proposed and a plan showing precisely where each mix will be spread.

Additional comments:

At this stage of the planning process, we might have expected to see some details of the path construction and materials in the application but could not find any. Given the extremely heavy clay soil locally, we don't really feel that a grass surface would provide for an all year round path network. In the current winter weather, the northern edge is pretty challenging in places due to the muddy path. A path of geotextile and planings type would give a much more sustainable and usable surface. This would especially apply alongside Reepham Road.

**LCC Highways (Summary):**

13.05.21: Does not wish to restrict the grant of permission.

The proposal will generate a number of HGV's passing through the village of Reepham, as outlined in the submitted Transport Statement. In highways terms, this volume of traffic can be accommodated at the junctions within capacity and will not result in an unacceptable impact on highways safety.

There is no precise definition of "severe" with regards to NPPF Paragraph 109, which advises that "Development should only be prevented or refused on highways grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network would be severe." Planning Inspector's decisions regarding severity are specific to the locations of each proposal, but have common considerations:

- The highway network is over-capacity, usually for period extending beyond the peak hours
- The level of provision of alternative transport modes
- Whether the level of queuing on the network causes safety issues.

In view of these criteria, the Highways and Lead Local Flood Authority does not consider that this proposal would result in a severe impact with regard to NPPF.

Directions and informatics to be added to decision notice recommended.

17.02.21: Requests that the applicants provide additional information as set out below.

The existing access is unsuitable for the proposal and will need reconstructing. It is requested by the Highway Authority that a drawing is submitted by the applicant showing this intention. The construction specification will be Lincolnshire County Council's heavy duty detail, to be provided as part of a Section 184 application post planning. Design of the reconstructed access is to have a suitable width and kerbed radii.

**NATS Safeguarding:**

The proposed development has been examined from a technical safeguarding aspect and does not conflict with our safeguarding criteria. Accordingly, NATS

(En Route) Public Limited Company ("NERL") has no safeguarding objection to the proposal.

**MOD (Safeguarding) – RAF Waddington:**

I can confirm the MOD has no safeguarding objections to this proposal.

**Health and Safety Executive:**

The proposed development site which you have identified does not currently lie within the consultation distance (CD) of a major hazard site or major accident hazard pipeline; therefore at present HSE does not need to be consulted on any developments on this site.

**Unidentified Pipelines**

There is at least one unidentified pipeline in this Local Authority Area. You may wish to check with the pipeline operator where known or the Local Authority before proceeding. The details HSE have on record for these pipelines is as follows:

4140921 EDF Energy Ltd Grayingham Offtake to West Burton B Power Station

4455752 Cadent Gas Ltd Hemswell Cliff Biomethane Pipeline

**Health and Safety Executive (Explosives Inspectorate):**

11.05.21: I can confirm that the transformer location in the revised plan is now outside SD2 of the adjacent explosives site.

23.04.21: The descriptions applied to 'protected places' may be found in Schedule 5 of the Explosive Regulations 2014

A Class D protected place is a building, whether a dwelling or not.

A Class E protected place is a 'vulnerable' building.

The safeguarding plan (SGP) for the explosives site shows the Class B (green), Class D (yellow) and Class E (purple) quantity distances.

A steel shipping container housing a transformer would be captured in the definition of a building (a transformer in the open surrounded by a fence would not). One transformer station appeared in the plans that I saw in January, this is on the southern side of the proposed development and was within the Class D protected distance from the explosives site.

Comparison of the SGP and the site plans should identify the position of the transformer station within the Class D distance.

Several other buildings on the proposed development were outside the Class D distance but within the Class E distance.

Schedule 5 of ER 2014 gives the definition of a 'vulnerable' building.

I would not anticipate the buildings on site to fit the definition of a 'vulnerable'

building but we generally leave this open for the Planning Authority to check.

The view we take in CEMHD7 (the Explosives Inspectorate) is that we don't 'object' to any proposals. We merely point out that should the development go ahead we may have need to reduce the quantity of explosives on the adjacent site, which may in turn have an adverse effect on the business carried on at the explosives site.

28.01.21 HSE has reviewed the plans relating to the proposed development and notes that the proposed location of one transformer station lies within SD2 (inhabited building distance) of the licensed explosives site to the south of the proposed development, a second transformer station, a control cabin and a storage cabin lie within SD3 (vulnerable building distance) of the licensed explosives site. The current planning application appears to indicate that these proposed structures will be housed within converted steel shipping container type buildings. Provided that no buildings on the proposed site are located within the SD2 zone, or vulnerable buildings within the SD3 zone, HSE would have no comment to make on the proposed development, however if buildings of these types were permitted in these zones HSE would need to review, and possibly revise, the explosive licence at the adjacent explosives site.

**Environment Agency:**

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

**Cadent Gas:**

Searches based on your enquiry have identified that there is apparatus in the vicinity of your enquiry which may be affected by the activities specified. Can you please inform Plant Protection, as soon as possible, the decision your authority is likely to make regarding this application.

Due to the presence of Cadent and/or National Grid apparatus in proximity to the specified area, the contractor should contact Plant Protection before any works are carried out to ensure the apparatus is not affected by any of the proposed works.

**LCC Historic Services (Archaeology):**

This office has been consulted at pre-application stage and we welcome the Developer's early engagement and consideration of the potential impacts on the historic environment. With a development of this landscape scale there is the potential for multiple impacts on the historic environment, and we have taken the decision to discuss potential impacts on below ground and above ground heritage assets separately below.

**Heritage Assets of Archaeological Interest**

The propped development is in an area of archaeological interest, not only for its 20<sup>th</sup> century military history as the site of RAF Fiskerton, but also with the potential for as yet unknown buried remains of much earlier activity.

This area on the edge of the Witham Valley a short distance from Roman and medieval city of Lincoln is a landscape that has been extensively exploited since prehistoric times. A detailed discussion of which is included in the developer's Heritage Impact Assessment.

There are no known below ground remains within the area of the proposed solar farm (although remains associated with the airfield may be expected), but there are two known sites of Roman settlement close to its boundary in

both the north and southwest. In the north this centres on an area either side of Fiskerton Road between the development and the modern village where a considerable number of finds such as pottery, coins, tiles, and a spearhead have been recovered from the surface of fields in the 1960s and 70s. Recent evaluations through the planning process for a development west of Fiskerton Road have also revealed a Roman ditch. In the southwest, close the edge of modern Cherry Willingham a concentration of Roman finds has also been made, including tile and building stone, thought to indicate a villa or farmstead site. In light of these areas of higher potential, following consultation with this office the developer has carried out a geophysical survey targeting the parts of the site nearest to these known focuses of Roman activity. The results, particularly in the northern part of the site have been affected by disturbance caused by the 20th century use of the site as an airfield. However, it has indicated some potential linear features in the southwest part of the site, which should be investigated further during a programme of trial trenching to confirm their date, depth and significance. It is also recommended that Geophysical survey is followed up with trial trenches in the northern area to confirm whether the later disturbance may be masking earlier remains. The proposed development's impacts on any below ground remains will consist mostly of many thousands of post holes for the PV panels themselves which will cover the landscape. These are created in such a way that they cannot be monitored usefully by an archaeologist, and therefore it is important that evaluation takes place to fully understand what remains are being impacted (as required by NPPF 189 and CLLP Policy LP25). It is noted that the developer has already agreed to carry out this trial trenching in their heritage Impact Assessment.

#### Impacts on the site of RAF Fiskerton

As noted above the proposed development covers much of the western part of the site of the 20th century airfield, formerly Royal Air Force Fiskerton. The site represents a non-designated heritage asset in the terminology of the National Planning Policy Framework and therefore should be a material planning consideration. It is also recorded in the Lincolnshire Historic Environment Record. The airfield was built during the early part of the war in 1942 and opened in January 1943 as a base for heavy bombers under Group 5 Bomber Command. At its peak it was home 2,300 personnel, with extensive facilities including a main runway, two secondary runways, extensive perimeter tracks and dispersal points (hardstanding's), over 400 buildings such as hangars, control tower, bomb stores, messes, chapel, mortuary and numerous dispersed accommodation sites. It closed in 1946, with the accommodation buildings hastily adapted to provide emergency temporary accommodation for displaced families until 1954. Since then almost all of the buildings of the base have been demolished, and some of the runways and other hardstanding's removed to enable the site to be partially returned to agriculture. The airfield was a dominating presence in the landscape in every sense, cutting across the earlier historic landscape of fields and country roads, dwarfing the then agricultural villages of Fiskerton, Reepham and Cherry Willingham. This reflects the urgency of the national response to the war and the technical and tactical requirements of its builders in response to the threats of that historical moment. Even in its current reduced form

today the remaining sections of runways, perimeter tracks and dispersal points, continue to be prominent features in the landscape, which are instantly recognisable and illustrative of this moment in national history and Lincolnshire's role as 'Bomber County'. Although not subject to any formal designations, the site of former RAF Fiskerton remains an important part of the area's historic landscape contributing to its sense of place. Its heritage is also well-understood and valued by the public. Its significance (see Historic England's Conservation Principles) is derived primarily from its historical value, which is both illustrative and associative. The remains of the airfield are strongly illustrative of the unique events during the Second World War that led to its creation, and connect people today with this moment in time. It is also closely associated with the specific units, squadrons, and the men and women that were based here, as demonstrated by the memorial set up by the public adjacent to the site in their memory. For those who served here, and their families, the site has even greater importance. Today, even in its reduced form, the surviving runways and perimeter tracks also have aesthetic value, with their utilitarian concrete forms weathered by age and surrounded by fields preserving the character of a historic airfield which had once been a hive of activity. The site does have some evidential archaeological value, although the loss of much of the standing buildings has reduced this primarily to any below ground remains that may have survived its decommissioning. These are likely to concentrate in the areas where most activity was focused outside the proposed development at the eastern end of the airfield, where the technical site and most of the buildings were located.

This office welcomes the proposals from the developer to protect all surviving runways and perimeter tracks from impacts during development in order to preserve the physical remains and securing their continued conservation. However, despite this there will be unavoidable impacts on the setting of the airfield, as a feature within the landscape, and how it is perceived by visitors. This is because land which is currently rural in nature and still reminiscent of the character of an airfield will be covered with intrusive modern PV panels and associated infrastructure transforming the way that the heritage asset is experienced during the construction and operation of the solar farm.

It is therefore understood that the developer proposes to offset these impacts through new measure to better reveal the significance of the heritage asset for the public (in line with paragraph 200 of the NPPF). This includes proposals to install new interpretation boards about the airfield's history on the existing footpaths and proposed new permissive paths, and through the provision of "an online link to help in the provision of further outreach to the public." This office is supportive of measures such as this that utilise the rich resources of the county's heritage to create new public benefits in terms of wider outreach and interpretation, and contribute to sense of place and the enjoyment of the historic environment. The new permissive paths will also enable greater public access to the historic site than at present, better integrating it into the local community.

The provision of enhanced interpretation and online content promoting the site's heritage would be in accordance with the Government's strategy for the historic environment outlined in the NPPF (192) requiring local planning authorities to take account of:

- "a) the desirability of sustaining and enhancing the significance of heritage assets and putting them to viable uses consistent with their conservation;
- b) the positive contribution that conservation of heritage assets can make to sustainable communities including their economic vitality; and
- c) the desirability of new development making a positive contribution to local character and distinctiveness.

It also accords with the positive strategy for the historic environment within the Central Lincolnshire Local Plan (Policy LP25), which states proposals will be supported where they:

- "e) Promote opportunities to better reveal significance of heritage assets, where possible;
- f) Take into account the desirability of sustaining and enhancing non-designated heritage assets and their setting."

The Visitor Economy is a priority for the Greater Lincolnshire Local Enterprise Partnership (alongside Low Carbon Energy), and they have identified the county's aviation heritage as a market leading offer and priority in the current Greater Lincolnshire Destination Management Plan. Lincolnshire County Council, and partners including West Lindsey District Council have for this reason carried out a range of aviation heritage projects under the 'Aviation Heritage Lincolnshire' banner to enhance this offer. The provision of new interpretation and online content as part of this development should therefore be seen in this context, and designed so as to support existing efforts by the Aviation Heritage Lincolnshire partnership to ensure maximum benefit for the local community and the visitor economy.

Recommendation: It is therefore recommended that:

- 1) The developer be required to carry out a programme of targeted trial trench Evaluation informed by the results of the previous geophysical survey. This should provide the local planning authority with site specific evidence for the significance and condition of any archaeological remains that would be impacted by the development. This is in accordance with NPPF 189 and CLLP LP25.
- 2) The developer should be required by condition to design, install and maintain a series of interpretation boards along existing footpaths and proposed permissive paths, to be in place before the solar farm becomes operational. The condition should require the approval in writing by the local planning authority of a specification prior to the boards being installed which would detail the number, location and content of the boards. This should be in accordance with a brief produced by this office, in collaboration with West Lindsey District Council's Tourism Officer and Aviation Heritage Lincolnshire. This is to ensure that the boards are accurate and well-designed to offset the impacts on the historic environment, and is coordinated with wider efforts to promote the county's aviation heritage offer. This is in accordance with NPPF 192 & 200 and CLLP LP25 & LP7.

3) The developer should be required by condition to design and maintain a digital resource (either on its own website or a suitable alternative and freely accessible site) to improve outreach of the site's heritage to a wider audience, to be in place prior to the solar farm becoming operational. The condition should require the approval in writing by the local planning authority of a specification for the resource prior to its publication that should detail its design and content. This should be in accordance with a brief produced by this office in collaboration with West Lindsey District Council's Tourism Officer and Aviation Heritage Lincolnshire. This is to ensure that the resource is accurate and well-designed to offset the impacts on the historic environment, and is coordinated with wider efforts to promote the county's aviation heritage offer. This is in accordance with NPPF 192 & 200 and CLLP LP25 & LP7.

4) The developer should be required by condition to protect the surviving historic runways, perimeter tracks, dispersal points and other hardstanding's or structures of RAF Fiskerton within the red line boundary throughout the construction and operation of the solar farm. This is to ensure that measures are put in place to protect them in any construction management plan, or subsequent landscape management plans for the site, and that details of their locations are communicated to any contractor and subcontractors to reduce the potential for unintentional impacts. This need not prevent use of these hardstanding's for vehicle movements or routine maintenance provided this is consistent with their continued conservation. This is in accordance with NPPF 190 & 197 & 200 and CLLP LP25.

**Tree and Landscape Officer:**

The landscape scheme is shown on a landscape masterplan, so it shows where the planting is intended to be, and differentiates between trees and hedges, but no other information is shown, as is usual with a masterplan. The positions of the trees and hedges, including secondary hedges, shown on the plan are suitable, and should grow to provide good screening and softening of the development proposals within the landscape. Good landscaping is particularly important in this area due to the flat, open countryside character with long views across the fields.

A full scheme of landscaping plan and details should be required, to include details such as species, form, size, density, quantities etc....

**Natural England (Summary):**

Based on the plans submitted, Natural England considers that the proposed development will not have significant adverse impacts on designated sites and has no objection. Natural England welcomes the proposal to carry out ecological enhancements on site and recommends adopting the 'net gain' approach. Biodiversity net gain is a demonstrable gain in biodiversity assets as a result of a development project that may or may not cause biodiversity loss, but where the final output is an overall net gain.

**Environmental Protection:**

26.02.21 The application site is part on and part very close to an ex-military site and the applicant has advised that works which penetrate the ground (trenching and support poles across the site for the solar array) by up to 1.2m are to be undertaken, as such the desk top study to assess the site and any further work highlighted by this initial study which may be needed to mitigate against any contaminants found or suspected is in my opinion still required and is a reasonable request.

26.01.21 The area of land to be developed is a former RAF Airfield and as such may have the potential for contamination to be present on or under the land. The applicant should be aware of this previous use and undertake a suitable contaminated land phase 1 desk top study to assess for any potential contaminants which may impact construction contractors etc. during development, particularly in areas where excavation is required, including but not limited to cable trenches, piling locations and foundations. This assessment should be submitted to and approved by LPA prior to development along with any recommendations for further assessment or mitigation works. Should any contamination be suspected or found during development not previously identified and dealt with then development must cease until suitable investigations and any mitigation required has been undertaken and written approval received from LPA.

#### **Relevant Planning Policies:**

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

#### **Development Plan**

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

The policies considered relevant are as follows:

LP1 A presumption in Favour of Sustainable Development

LP14 Managing Water Resources and Flood Risk

LP17 Landscape, Townscape and Views

LP19 Renewable Energy Proposals

LP21 Biodiversity and Geodiversity

LP25 The Historic Environment

LP26 Design and Amenity

LP55 Development in the Countryside

<https://www.west-lindsey.gov.uk/my-services/planning-and-building/planning-policy/central-lincolnshire-local-plan/>

#### **Fiskerton Neighbourhood Plan**

West Lindsey District Council has approved the application by Fiskerton Parish Council to have the parish of Fiskerton designated as a neighbourhood area, for the purposes of producing a neighbourhood plan. However, at the

time of writing, no draft Neighbourhood Plan has been published that can yet be taken into account.

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

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

### **National policy & guidance (Material Considerations)**

#### **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)."*

Paragraph 148 indicates that the planning system should support the transition to a low carbon future and amongst many other things, supports renewable and low carbon energy and infrastructure. Paragraph 154 indicates that such applications should be approved if its impacts are (or can be made) acceptable.

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

#### **National Planning Practice Guidance**

This sets out the particular planning considerations that relate to large scale ground-mounted solar photovoltaic farms. These include:

- encouraging the effective use of land by focussing large scale solar farms on previously developed and non-agricultural land, provided that it is not of high environmental value;
- where a proposal involves greenfield land, whether (i) the proposed use of any agricultural land has been shown to be necessary and poorer quality land has been used in preference to higher quality land;
- and (ii) the proposal allows for continued agricultural use where applicable **and/or** encourages biodiversity improvements around arrays. See also a speech by the Minister for Energy and Climate Change, the Rt. Hon Gregory Barker MP, to the solar PV industry on

| 25 April 2013 and written ministerial statement on solar energy:  
protecting the local and global environment made on 25 March 2015.

- that solar farms are normally temporary structures and planning conditions can be used to ensure that the installations are removed when no longer in use and the land is restored to its previous use;
- the proposal's visual impact, the effect on landscape of glint and glare and on neighbouring uses and aircraft safety;
- the potential to mitigate landscape and visual impacts through, for example, screening with native hedges;
- The approach to assessing cumulative landscape and visual impact of large scale solar farms is likely to be the same as assessing the impact of wind turbines. However, in the case of ground-mounted solar panels it should be noted that with effective screening and appropriate land topography the area of a zone of visual influence could be zero.

### Main issues

- Principle
- Impact on the character and appearance of the site and wider area
- Impacts on existing Public Rights of Way
- Biodiversity and Ecology
- Archaeological and Heritage Interest
- Aircraft Safeguarding
- HSE Explosives Directorate
- Impacts arising from the Construction phase
- Highway safety
- Contamination
- Cable routing

### Assessment:

**Principle:** Paragraph 148 of the NPPF indicates that the planning system should support the transition to a low carbon future and amongst many other things, supports renewable and low carbon energy and infrastructure. Paragraph 154 indicates that such applications should be approved if its impacts are (or can be made) acceptable. National Planning Practice Guidance sets out that “deployment of large-scale solar farms can have a negative impact on the rural environment, particularly in undulating landscapes. However, the visual impact of a well-planned and well-screened solar farm can be properly addressed within the landscape if planned sensitively”

LP 19 addresses non-wind renewable energy development. Proposals for non-wind renewable technology will be assessed on their merits, with the

impacts, both individual and cumulative, considered against the benefits of the scheme, taking account of the following:

- The surrounding landscape and townscape;
- Heritage assets;
- Ecology and diversity;
- Residential and visual amenity;
- Safety, including ensuring no adverse highway impact;
- MoD operations, including having no unacceptable impact on the operation of aircraft movement or operational radar; and
- Agricultural Land Classification (including a presumption against photovoltaic solar farm proposals on the best and most versatile agricultural land).

Proposals will be supported where the benefit of the development outweighs the harm caused and it is demonstrated that any harm will be mitigated as far as is reasonably possible. It would therefore be appropriate to conclude that there is a general presumption in favour of renewable energy generation proposals subject to consideration of the detailed impacts of the proposal which follow;

#### **Impact on the character and appearance of the site and wider area**

Policy LP 17 requires proposals to 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. 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.

It is important to note that there are no statutorily protected or local landscape designations running across the site.

The layout of the arrays within the site is designed so that the existing hedgerows/trees around the site are retained. The historic sections of runway and access tracks will be retained. No runway structures will be removed as part of the development. All existing boundary hedgerows will be retained, including hedge trees. Existing “gaps” in perimeter hedgerows, will be filled with a native mixed species hedgerow mix. Hedges are to be allowed to grow up to at least 2.5-3m tall which help to screen visibility from publicly accessible areas to the solar farm. Tree and hedgerow planting will take place along the entirety of the western boundary together with additional secondary hedgerows and hedge trees to the west of Fiskerton and Reepham road. A new line of hedgerows / hedge trees is proposed along the northern boundary in the eastern section of the site. This is in line with the PPG which identifies the potential to mitigate landscape and visual impacts through, screening with native hedges.

In the gap between the boundary hedges and site security fence, grass pasture will be sown, a tussock grassland mix to naturally recolonise subject

to a low intensity management regime (an annual cut or grazing). In the main site area within the site security fence a meadow grassland seed mix will be sown and managed as meadow grassland, allowed to grow or grazed by sheep as deemed appropriate by the landowner.

No large buildings or structures are proposed within the landscape. The construction process of the solar arrays, the main land use feature of the development, is of a light footprint as the steel posts (of the panel frames) are driven into the ground with no foundations required. This construction method has minimal disturbance to ground conditions. The solar array will be no higher than 2.6 metres above ground level. The transformer stations, welfare / office and storage cabins are dispersed across the site with a maximum height of 2.9 metres. The tallest “plant /equipment” will be located where the site boundary extends along an arable farm track and encompasses a small area of an arable field to the north of Moor Lane to the northwest. This is to be a new substation which will be seen in the context of an existing pylon that it will be adjacent to. The change to the landscape is not permanent which is reflected in the PPG which states that planning conditions can be used to ensure that the installations are removed when no longer in use and the land is restored to its previous use. Conditions will be imposed to secure this.

A Landscape and Visual Impact Assessment (LVIA) has been submitted with the application. This included assessing views from dwellings within 500 metres of the site boundary and noted that

“For each individual property close to the development site, the exact degree of visibility will depend on the orientation of the property, the orientation of the windows in the property, and the degree of screening provided by localised landform, trees, hedgerows and surrounding built features.”

The LVIA also considered the West Lindsey Landscape Character Assessment in its findings.

#### West Lindsey Landscape Character Assessment (LCA)

The West Lindsey Landscape Character Assessment designates the majority of the solar array as falling within “Fenland”. A small section of the western end falls within the “Lincoln Fringe” whilst arable land to the north forming part of the wider application site is located within the “Lincolnshire Lime Woods”.

The key characteristics of fenland are defined as:

- Low-lying, flat fen-like landscape
- Large agricultural field some boundaries marked by clumps of scrubby vegetation.
- Some lines of ash and willow trees indicating the wetland nature of the landscape.

- The River Witham flood defence bund is a prominent landscape feature; generally there is little riparian planting along rivers, dykes and ditches.
- Large scale agricultural buildings with little associated planting.

The description of the LCA states:

This narrow band of low lying landscape extends from the Lincoln Fringe along the edge of the River Witham to Southrey. The landscape is very flat, with dark soils and a large-scale pattern which resembles the fenlands to the south of the county. Field boundaries are typically open, but there are a few remnant clumps of shrubby hawthorn, field maple and willows, as well as a few lines of ash and willow trees. These remnant boundaries are the few landscape features remaining; they provide some degree of screening and boundary demarcation and indicate the low-lying, wetland character of the Landscape.

Landscape Sensitivity: This is a very flat, open, fen like agricultural landscape, with occasional large structures, rivers, dykes and ditches and few other landscape features. Relatively high levels of visibility render most areas sensitive to change. The most sensitive parts of the landscape are:

- remaining trees and shrubby vegetation - vertical elements in this otherwise flat landscape they provide some screening and boundary demarcation;
- extensive views across wide open flat fields which are sensitive to the proliferation of large scale agricultural buildings, and other built development

#### Lincoln Fringe (LCA)

The key characteristics are defined as:

- Flat agricultural landscape with a number of expanded settlements.
- Medium sized fields with low hawthorn hedge boundaries and few hedgerow trees.
- Approaches to settlements generally dominated by the built form.
- Views to Lincoln Cathedral.

#### Landscape Sensitivity:

A relatively flat agricultural landscape with expanded villages and long open views. The most sensitive parts of the landscape are:

- views to Lincoln Cathedral;
- The historic village cores with village greens, churches, mature trees, stone walls etc.
- enclosure roads;
- remaining tracts of open countryside between settlements which often have a relatively nondescript character;
- Trees and hedgerows, particularly on the fringes of settlements.

A convincing case is made that the Lincoln Fringe is the most characteristic of the site itself, an agricultural landscape influenced by suburban (and historic) development. At a site specific level, the site is further influence by the historic uses of the airfield, resulting in a locally distinctive open character, combined with lack of mature vegetation and few field boundaries. The area influenced by adjoining settlements and a solar farm (under construction), intensive farming and historic oil production.

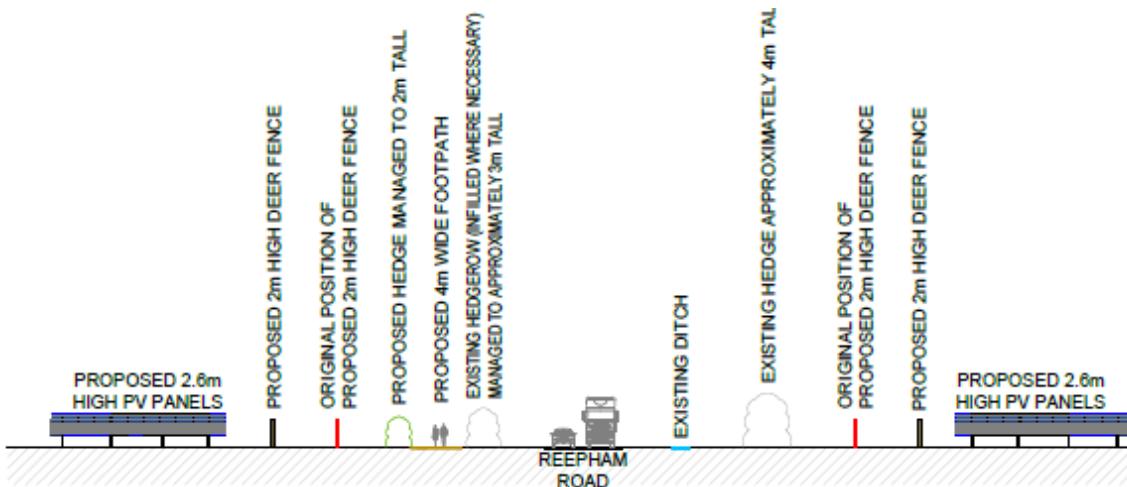
The PPG sets out that the approach to assessing cumulative landscape and visual impact of large scale solar farms is likely to be the same as assessing the impact of wind turbines. However, in the case of ground-mounted solar panels it should be noted that with effective screening and appropriate land topography the area of a zone of visual influence could be zero.

The LVIA states that “Overall, visibility is restricted by topography; the low lying and gently undulating nature of the local area does not provide opportunities for elevated medium to long distant views over the site area. Views from the main receptor to the south, Washingborough, upon locally rising land are restricted by built form and intermediate vegetation. The Fiskerton Road corridor which passes through the site and the near footpath corridors provide the greatest opportunity for visibility over the proposed development.” In terms of assessing

“Visibility of the site at a local level is relatively open, a legacy of the historic airfield use of the site, when all internal field boundaries removed, to create a flat to gently sloping site area. Although the site is open, due to the limited topographic variations, small scale local screening features, trees and scrub blocks, combine to restrict visibility, as is evidenced by the restricted local visibility to the existing solar farm to the east.”

“Although the development is likely to be perceptible to near receptors (focussed to users of Fiskerton Road and the public footpaths), due to the overall height of the panels and the actual visible extents (restricted intermediate visibility by local features) the geographical extent of effects are of a low medium scale, can be mitigated over time, and limited to a local geographical area. A low-medium level of effect is concluded when considering the geographical extent of the development, focussed to the site and immediately adjoining areas.”

The case officer does not take any issue with these findings which are considered reasonable on the basis of the evidence submitted. During the course of the application amendments were submitted increasing the distance from the solar array to both sides of Reepham Road. At its closest it will be approximately 23 metres away rising to a distance of 25 metres. A cross section is reproduced below which is useful as it indicates the intervening uses between the road and the panels.



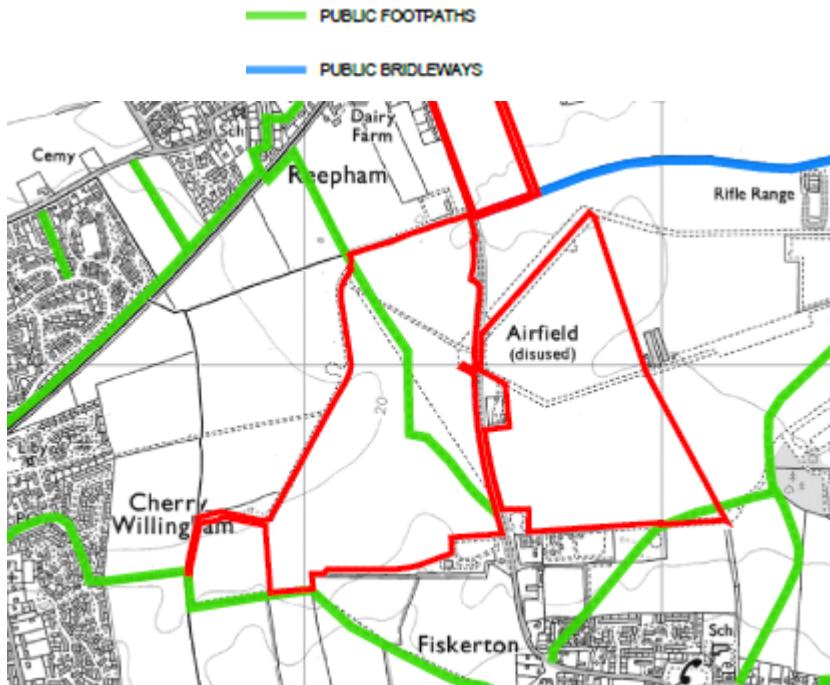
It is inevitable that there will be change to the landscape as it currently exists however there are no local ecological or statutory designations that cross the site. The historic association with the former RAF base is discussed below under Heritage Impacts where it is concluded that subject to the imposition of conditions allowing a greater understanding of the history of the site development would be acceptable. The nature of the development together with the additional landscaping shown on the masterplan that will be subject to conditions requiring details to be submitted and agreed in writing by the LPA and the retention of the majority of existing planting will help to screen and ameliorate the impact of this proposal within its rural context. Concerns have been expressed that this will erode the gap between the three villages leading to coalescence. This point would have more force if the application was seeking permission for a housing development with associated infrastructure that would lead to a permanent urbanisation of the landscape. This is not the case here as changes to the landscape will be reversible. In addition large areas of open space will remain beyond the boundary of the application site. As an example there will be a distance of approximately 400 m from the curtilage of 53 Fiskerton Road in Reepham to the application boundary. It is separated by a minimum distance of 430 m rising to 500 m from Cherry Willingham to the west. From the northern fringe of Fiskerton on Holmfield is a distance of approximately 255m.

It is concluded that subject to the imposition of conditions discussed above that the impact on the character and appearance of the site and wider area would fall within acceptable levels and accord with LP 17.

### **Impacts on existing Public Rights of Way**

Although there are a number of rights of way close to and running along the site only 2 actually cut across the application site. Public right of way (Fisk/120/1) enters the southern boundary of the site to the west of Reepham Road and leaves via the northern boundary to the village of Reepham. In the far south eastern corner of the eastern plot footpath Fisk/119/2 crosses the site. These are shown below.

#### Public Footpaths in proximity of the site



The line of Fiskerton /120/1 will remain unaltered and unobstructed by the development with a 12m wide corridor passing through the site. Similarly provision is made for Fiskerton 119/2 with a hedgerow proposed to its north separating it from the solar arrays. addition there are permissive routes proposed as part of this development. The first route will be along Fiskerton Road providing a pedestrian connection between Fiskerton and Reepham where none exists at present. The second will follow the line of an existing airfield track around the western perimeter of the site providing a connection between existing rights of way (Reep/120/1 and Cher/121/2). The final permissive route will run along the northern boundary of the western site to allow a connection to Fiskerton Road. This will allow a circular walking route to be provided. This is considered to be a benefit of the proposal as it will improve connectivity between existing rights of way. Comments made on the proposal seeking an upgrade of these permissive routes are noted but are not considered relevant to the determination of this application as it will not have any harmful impacts or displace existing provision. Highway Safety is raised as a further reason requiring this to be put in place although it is noted no highway safety objections have been raised to the proposal. The permissive paths put forward by the application are actually not a requirement of the current application and their removal would not give rise to a recommendation of refusal of planning permission.

**Biodiversity and Geodiversity:** LP 21 requires development to minimise impacts on biodiversity and geodiversity; and seek to deliver a net gain in biodiversity and geodiversity. An Ecological assessment which has incorporated a desk study, Extended Phase 1 Habitat and hedgerow surveys, habitat suitability index assessment (HSI) of ponds for great crested newts *Triturus cristatus*, ground-level assessment of trees for bat roost potential and

breeding bird surveys has been submitted. The results of which are **summarised** below:

#### Statutory Designated Sites

No statutory designated sites of international, national/regional or local nature conservation importance have been identified within 10km, 2km or 1km of the site, respectively. A portion of the site does fall within the Impact Risk Zone (IRZ) for Bardney Limewoods, Lincolnshire SSSI, which are a series of woodlands dominated by small-leaved lime *Tilia Cordata*. The closest of these Woodlands is located approximately 4.6km to the east of the site boundary.

#### Non-Statutory Sites

The desk study consultation identified three non-statutory sites of nature conservation value

- South Delph Local Wildlife Site – designated for its wetland habitats, located approximately 950m south;
- Cherry Willingham Fish Pond – pond with historical records of great crested newt, surrounded by residential development, located approximately 390m west; and
- Bush Reed, former meadow, now damp rough grassland, located Approximately 950m south.

#### Amphibians

No waterbodies considered suitable to provide breeding habitat for amphibians, including great crested newts, were present within the site. The ditches contained only small volumes of very shall water, considered to be ephemeral in nature, and therefore not providing suitable breeding habitat. The desk study identified a single waterbody within 250m of the site boundary. This was located approximately 70m north-west of the site boundary on the OS map however on inspection in the field it was found to no longer be present.

#### Reptiles

Grass snake records were provided by LERC, located 860m to the west of the site and 1km south. Small areas of suitable habitat were restricted to the site boundaries only, which were considered likely only to provide commuting and/or foraging habitat to reptiles as part of their wider environment. These boundary habitats are to remain largely unaffected by works, and therefore any impacts on reptiles are considered negligible.

The majority of arable land within the site was cultivated and therefore of negligible value for reptiles due to its homogenous structure and intensive management. The fallow arable field supported only sparse vegetation and therefore did not provide sufficient structure or cover to be suitable for reptiles.

#### Bats

One tree with low bat roost potential is located along the northern boundary. This will be retained as part of the development proposals. All boundary hedgerows, mature trees and woodland are to be retained and will be incorporated into the site wide landscape proposals, therefore commuting and foraging bats will not be impacted by the development.

#### Birds

Breeding Bird Surveys were carried out. A total of 43 bird species were recorded during the breeding bird survey. The total estimated number of Breeding species on site during the surveys was 18 - 25. The rural location provided suitable habitat for a range of common and widespread species.

#### Badgers

No records of badger setts were returned in the desk study, however records of dead badger to the south of the site indicate that badger are present within the wider area. Field surveys undertaken in 2019 and 2020 recorded one active badger sett and one active latrine within the site. The sett was considered to be a subsidiary owing to its size and number of active holes but lack of surrounding evidence such as well-worn paths or latrines. It is recommended that prior to commencement of works (including vegetation clearance), an updated badger survey should be undertaken by a suitably experienced ecologist. Mitigation measures are also set out.

#### Conclusion

The majority of the site comprises cultivated and fallow arable land of low species diversity and low ecological value. The small areas of grasslands located at the edges of arable fields and along road verges and areas of ephemeral vegetation covering hardstanding paths were limited in species diversity and size, and therefore unlikely to represent habitats of recognised conservation value. The habitats considered to be of greater ecological value within the site were restricted to the site boundaries and included the small area of broad-leaved woodland and hedgerows.

#### Ecological Enhancement Proposed

- Native species-tussock forming grassland which is to be seeded within the majority of the site, around and beneath the solar panels.
- Native species-rich wildflower grassland which is to be seeded around the outer edge of the solar farm and along paths through the site.
- Tree and hedgerow planting – using native species and good landscape planting, to create a substantive habitat corridor along the northern, western and central boundaries, linking to other areas of hedgerow habitat;
- Encouragement of planting of fruit tree and hedgerow shrubs to provide resources for invertebrates, including pollinating insects, and the fauna that preys upon them such as birds and bats;
- Provision of small gaps (13cm x 13cm) under the security fences to allow the free movement of hedgehogs and brown hare (as well as other wildlife) into the solar farm.
- Measures for protection of habitats (e.g. hedgerows and trees) during construction, and enhancement as part of the development proposals, to be provided as part of a Construction and Environmental Management Plan and Ecological Management Plan.

The loss of arable crop foraging will be replaced with seed producing verge species. Invertebrates will increase on site from the proposed significant increase in grassland habitat and a reduction in pesticide use across the site, providing increased foraging opportunities.

Subject to the imposition of conditions requiring a further badger survey to be carried out; detailed landscaping proposals to be submitted for written approval, together with a construction and environmental / ecological management plan with subsequent implementation in accordance with approved details there is no reason to withhold consent on the grounds of impact to biodiversity and geodiversity interests as the proposals would accord with LP 21.

### **Archaeology and Heritage**

Policy LP 25 sets out that development proposals should protect, conserve and seek opportunities to enhance the historic environment of Central Lincolnshire. 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.

Archaeology: There are no known below ground remains within the area of the proposed solar farm but there are two known sites of Roman settlement close to its boundary in both the north and southwest. In light of these areas of higher potential, the developer has carried out a geophysical survey targeting the parts of the site nearest to these known focuses of Roman activity to inform the application process. The results, particularly in the northern part of the site have been affected by disturbance caused by the 20th century use of the site as an airfield. However, it has indicated some potential linear features in the southwest part of the site, which LCC recommends should be investigated further during a programme of trial trenching to confirm their date, depth and significance. It is considered reasonable and proportionate to deal with this request by way of condition prohibiting commencement of development prior to the required works being carried out. On this basis subject to the imposition of appropriately worded conditions impacts on archaeology do not constitute a reason to withhold consent.

Heritage: A Heritage Impact Assessment (HIA) was submitted by the developer in support of the application. The comprehensive comments from LCC Historic Services (LCC HS) above emphasise the former RAF sites historical importance and associations. All surviving runways and perimeter tracks within the site will be retained. LCC HS conclude that there will be unavoidable impacts on the setting of the airfield, as a feature within the landscape, and how it is perceived by visitors. It is proposed as part of this application that these impacts are offset through new measures to better reveal the significance of the heritage asset for the public. Paragraph 200 of the NPPF states that “Local planning authorities should look for opportunities for new development within the setting of heritage assets, to enhance or better reveal their significance. Proposals that preserve those elements of the setting that make a positive contribution to the asset (or which better reveal its

significance) should be treated favourably. This is echoed within policy LP25 which states proposals will be supported where they:

"e) Promote opportunities to better reveal significance of heritage assets"

The proposals include the installation of new interpretation boards about the airfield's history on the existing footpaths and through the provision of "an online link to help in the provision of further outreach to the public." LCC HS "is supportive of such measures" as this that utilise the rich resources of the county's heritage to create new public benefits in terms of wider outreach and interpretation, and contribute to sense of place and the enjoyment of the historic environment. The new permissive paths will also enable greater public access to the historic site than at present, better integrating it into the local community." This could also assist the visitor economy as set out in greater detail above as the county's aviation heritage is seen as a market leading offer and priority in the current Greater Lincolnshire Destination Management Plan. As LCC HS comment "Lincolnshire County Council, and partners including West Lindsey District Council have for this reason carried out a range of aviation heritage projects under the 'Aviation Heritage Lincolnshire' banner to enhance this offer. The provision of new interpretation and online content as part of this development should therefore be seen in this context, and designed so as to support existing efforts by the Aviation Heritage Lincolnshire partnership to ensure maximum benefit for the local community and the visitor economy.

Subject to the imposition of conditions suggested by LCC HS to ensure that the development better reveals the significance of former RAF Fiskerton, there are no reasons to withhold consent on the grounds of harm to Heritage Assets and it would be in accordance with LP 25.

#### **Aircraft (Safeguarding):**

No objections are raised from the MOD or NATS to the proposal.

#### **Health and Safety Executive (Explosives Inspectorate):**

Following receipt of the original comments further clarification was sought by the case officer. In response they confirmed that they "don't 'object' to any proposals. We merely point out that should the development go ahead we may have need to reduce the quantity of explosives on the adjacent site, which may in turn have an adverse effect on the business carried on at the explosives site." In order to avoid any impact on this existing business which would not be acceptable revised plans were submitted which relocated the transformers almost 200 metres to the north of Primetake outside the exclusion zone. On this basis there would be no need for the HSE to make any changes to the operation of the existing business.

#### **Impacts arising from the construction phase**

A Construction (Traffic) Method Statement (CTMS) has been submitted to support the submission. The main traffic and transport related effects will be associated with the movement of HGVs to and from the site during the construction and decommissioning phase of the development. The

construction phase is expected to last 8 months. Access to the application site during the construction period will be via Reepham Road, utilising the existing site access to the proposed set down area. Within the site, the former runway and perimeter track will be used as internal service roads. Additional service roads will be constructed from these to access all areas of the site. As part of the adjacent consented solar farm vehicles accessed the site from the A158 to the north through Reepham as this was the most direct route. It is proposed to adopt the same route from the A158 before turning south on to Kennel Lane, then east through Reepham, then onto Reepham Road before turning west into the site access.

It is proposed that hours of operation are Monday to Friday 0800 hours to 1800 hours and Saturdays 0800 hours to 1600 hours. To avoid any conflict with schools in the area, deliveries by large vehicles will be restricted during the hours of 0815-0915 and 1500-1600 during school term time. During the construction phase there is potential for disturbance to visitors at the RAF Fiskerton Memorial. To minimise the possible disturbance, dates and times of services at the memorial are to be requested and vehicle movements will be halted during these periods.

Indicative HGV Movements are set out in the table below.

*Table 4.1 Indicative HGV Deliveries during Construction Phase*

Construction Activity	Month							
	1	2	3	4	5	6	7	8
Delivery of plant, equipment and materials	60	60	50	20	20	20	10	
Erection of security fencing and construction compound	30	30	30					
Cabling on site		20		15			10	
Delivery of inverters, transformer & control equipment				15	15	10	10	
Delivery of frames & support posts			20	20	20	20		
Delivery of PV panels			60	60	60	60		
Removal of plant and equipment							10	30
Total	90	110	160	130	115	110	40	30

The construction phase of the solar farm would result in the temporary generation of construction and staff related traffic over the 8 month construction period. During this period, there will be approximately 785 deliveries to site, which on average is equivalent of 7 deliveries each working day. This is not considered an unacceptable level. Subject to conditioning implementation in accordance with the measures set out in the CTMS impacts arising out of the construction phase do not represent a reason to withhold consent.

### **Highway Safety**

No objections are raised subject to reconstruction of the proposed access. The revised proposals have been submitted and have been confirmed as acceptable by the Highways Authority.

### **Contamination**

The requested contaminated land and intrusive investigation report has been submitted as requested.

### **Cable Routing**

There are two possible routes proposed for a cable to link it to the National Grid. Route 1 runs along Fiskerton road whilst route 2 would be across fields. The developer has requested that the choice of route be dealt with by imposition of planning condition. As route 2 would have a lesser impact it is considered appropriate to approve that route and require approval in writing to any variation.

### **Agricultural Land Classification**

The PPG encourages the effective use of land focussing large scale solar farms on previously developed and non-agricultural land, provided that it is not of high environmental value. It does not however rule out the use of agricultural land if the proposed use of any agricultural land has been shown to be necessary and poorer quality land has been used in preference to higher quality land; and (ii) the proposal allows for continued agricultural use where applicable and/or encourages biodiversity improvements around arrays. There is also a presumption in LP 19 against photovoltaic solar farm proposals on the best and most versatile agricultural land). The best and most versatile land is defined as Grades 1, 2 and 3a. As the site falls within 3b (moderate) it is of poorer quality and will encourage the biodiversity improvements set out in the PPG.

### **Other Matters**

#### Representations received.

The concerns in relation to the impacts of HGVs travelling through Reepham are noted however no highway safety concerns are raised by the Local Highway Authority. In relation to disturbance effects it is noted that these will only be for a temporary period. The request for the developer to resurface the main road through the village would not be necessary, relevant to planning and to the development to be permitted, enforceable, precise and reasonable in all other respects. Policy LP4 is not relevant to the determination of this application. Policy LP23 is quoted however the site does not fall within an area identified as a Local Green Space on the Policies Map. The reference to a “much used unofficial open space” north of Primetake being lost” is noted however this is presumably in private ownership with no rights of access and is not a relevant material consideration. Pre-application community consultation is not a requirement of the policies relating to the determination of the application. Reference to very little planning gain is noted however this is not a material consideration determining the acceptability or otherwise of this application and has no relevance. The planning conditions address the

matters relevant to make the application acceptable. The request to delay making a decision on this application to enable a public consultation to take place is not considered reasonable. Prohibition on approval of this application until the adjacent Solar Farm is completed would not be lawful. References to reports of fly tipping, untidiness of existing site use as a driving school are not relevant to the determination of the application.

### **Planning balance and conclusion**

There is a general presumption in favour of renewable and low carbon energy and infrastructure. Support is found in LP19 where the benefit of the development outweighs the harm caused and it is demonstrated that any harm will be mitigated as far as is reasonably possible. Paragraph 154 of the NPPF indicates that such applications should be approved if its impacts are (or can be made) acceptable. It is considered that the benefits of the proposal are not limited to the generation of renewable energy that would export enough electricity to power over 13,000 homes per year and offset approximately 13,300 tonnes of CO<sub>2</sub> every year, the equivalent of taking over 5,000 cars off the road. There will be no loss of the best and most versatile agricultural land. There will be an impact on the current character and appearance of the site however as the solar arrays reach a maximum height of 2.6 metres above ground level the retention of existing hedgerows / trees and making good any “gaps” in existing hedgerows together with additional landscaping is considered sufficient to help screen and ameliorate the development within its rural setting. It will be in accordance with LP21 and LP26. Due to nature of the development together with a distance of approximately 255 metres to over 500 metres from the boundaries of the site to the surrounding villages no coalescence will occur and it is noted that there is no protective landscape designation on the site. There will be an impact on the setting of part of the former RAF Fiskerton although this will be offset by proposed measures to help better reveal its significance which are supported by LCC Historic Services. Archaeological interests will be secured by condition and this will be in accordance with LP25. Ecological enhancements are proposed and adverse impacts on the interests of biodiversity are not considered to occur. It would be in accordance with the requirements of LP21. No objections are raised on the grounds of Highway Safety and the proposal would accord with LP13.

Therefore having considered the proposal against the provisions of the Development plan in the first instance, as well as against all other material considerations including the National Planning Policy Framework 2019 and National Planning Practice Guidance it is considered that the proposal would not have any unacceptable impacts and a grant of permission subject to conditions specified above is considered appropriate

**Recommendation:** Grant Planning Permission 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 be carried out until details of a trail trench evaluation informed by the results of the previous geophysical survey has been submitted to and approved in writing by the Local Planning Authority. The results of the trail trench evaluation including proposed remediation if required shall be submitted to and approved in writing by the Local Planning Authority and works on the site shall be carried out in full accordance with the details approved.

**Reason:** To ascertain the significance and condition of archaeological remains that have the potential to be impacted by the development in accordance with Policy LP 25 of the Central Lincolnshire Local Plan and paragraph 189 of the National Planning Policy Framework.

3. No development shall be carried out until a detailed Landscape Scheme which accords with the submitted "Landscape Master Plan date 24.11.20" has been submitted to and approved in writing by the Local Planning Authority. The approved details shall be carried out in the first planting and seeding seasons following the completion of the development, 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.

**Reason:** To help ameliorate the impact of the development within its rural setting and in the interests of biodiversity in accordance with policies LP17, LP21 and LP26 of the Central Lincolnshire Local Plan.

4. No development shall take place until an updated badger survey has been undertaken by a suitably experienced ecologist in accordance with the recommendation of the submitted Badger Survey Report date Nov 2020 and the results submitted for the written approval of the local planning authority;

**Reason:** In the interests of biodiversity in accordance with policy LP21 of the Central Lincolnshire Local Plan.

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

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

- Site Layout date 11.05.21 ARM1007/19/03 Revision 2;
- Permissive Footpath Details date 20.04.21 ARM1007 19 10 Revision 1;
- Reepham Road Boundary Details date 20.04.21 ARM1007 19 15 Revision 1
- PV Panel Details ARM1007/19/04 REV 0;
- Transformer Station ARM1007/19/05 REV 0;
- Substation and point of connection ARM1007/19/07 REV 0;
- Storage Cabins ARM1007/19/08 REV 0;
- Operational, Welfare and Office Cabins ARM1007/19/09 REV 0
- Security Fence Details date 29/7/2020 ARM1007/19/12
- Indicative Set Down Area date 29/9/2020 ARM1007/19/14 REV D
- Badger Survey Nov 2020
- Breeding Bird Report Nov 2020
- Ecological Appraisal Nov 2020
- Landscape Master Plan date 24.11.20 ARM1007/07/01 Revision 3
- CCTV Details date 29/7/2020 ARM1007/19/11
- Construction (Traffic) Method Statement date November 2020

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

**6.** Notwithstanding the details shown on the Proposed Cable Route drawing ARM1007/19/13 permission is granted for the route that connects to Moor Lane without using Fiskerton Road. Any variation must be submitted to and approved in writing by the Local Planning Authority.

**Reason:** To reduce potential noise and disturbance in accordance with Policy LP26 of the Central Lincolnshire Local Plan

**7.** Work shall take place on the site in full accordance with the following reports, particularly in relation to mitigation and enhancement

- Badger Survey Nov 2020
- Breeding Bird Report Nov 2020
- Ecological Appraisal Nov 2020

**Reason:** To protect the interests of biodiversity in accordance with policy LP21 of the Central Lincolnshire Local Plan and the National Planning Policy Framework.

**8.** Activities shall take place in full accordance with the Construction Traffic Method Statement with particular reference to limiting the hours of operation from Monday to Friday 0800 hours to 1800 hours and Saturdays 0800 hours to 1600 hours and at no other times and the restriction on deliveries by large vehicles during the hours of 0815-0915 and 1500-1600 during school term time.

**Reason:** In the interests of highway safety and reducing noise and disturbance in accordance with Policies LP 13 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:**

**9.** Prior to the solar farm becoming operational details of a Heritage Strategy shall be submitted to and approved in writing by the Local Planning Authority. This shall include details of the number location and content of a series of interpretation boards along existing footpaths and permissive paths and a digital resource. This will be in accordance with a brief to be produced by LCC Historic Services in collaboration with West Lindsey District Council's Tourism Officer and Aviation Heritage Lincolnshire. The approved details shall be installed prior to the solar farm becoming operational and maintained and retained thereafter.

**Reason:** To offset the impacts on the historic environment by better revealing the significance of the Heritage Asset to the Public in accordance with Policy LP 25 of the Central Lincolnshire Local Plan and paragraphs 192 and 200 of the NPPF, which will also promote the county's aviation heritage in accordance with Policy LP7 of the Central Lincolnshire Local Plan

**10.** The solar panels shall be removed from the site on or before the 26th July 2061. Following the removal of the solar panels, the site shall be reinstated to its state prior to any works commencing.

**Reason:** In the interests of visual amenity of the surrounding area to accord with the National Planning Policy Framework, local policies LP17, LP19 and LP55 of the Central Lincolnshire Local Plan 2012-2036

Prepared by: George Backovic

Date: 13th May 2021

Signed

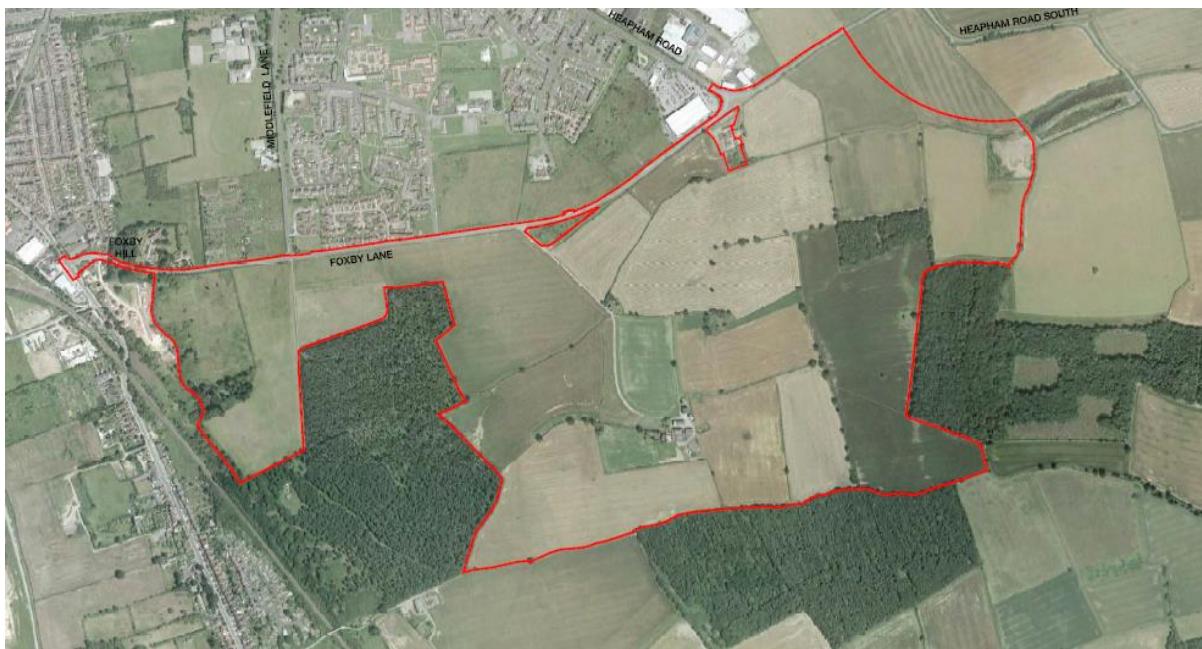


Signed:



Authorising Officer: Date: 14/05/2021

# Agenda Item 6b



## **Officers Report**

### **Planning Application No: 142208**

**PROPOSAL:** Planning application for variation of condition 16 of planning permission 138921 granted 29 August 2019 re: completion of roundabout.

**LOCATION:** Land at Foxby Lane Gainsborough Lincolnshire DN21 1PP

**WARD:** Gainsborough South West

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

**APPLICANT NAME:** Keepmoat Homes

**TARGET DECISION DATE:** 24/03/2021

**DEVELOPMENT TYPE:** Major - Dwellings

**CASE OFFICER:** Rachel Woolass

**RECOMMENDED DECISION:** Grant permission subject to the signing of the deed of variation of the s106.

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#### **Description:**

The site is within the Gainsborough Southern Neighbourhood SUE (Sustainable Urban Extension) as allocated within the Central Lincolnshire Local Plan (CLLP) (site CL1239 under policies LP39/LP48)

The site is located to the south of Foxby Lane and to the west of Park Springs and Bass Wood. The southern extent is defined by Lea Wood and Warren Wood.

The application seeks a variation of condition 16 which relates to the implementation of the roundabouts throughout the site.

It is proposed to alter the below condition –

***16. No dwelling shall be first occupied until the roundabout at the junction of Foxby Hill and Lea Road and the roundabout at Middlefield Lane have been completed that follow the principles of the approved TTHC drawings M06052-A-140 Sheets 1 to 3 dated 14<sup>th</sup> December 2010 and have been completed to a final specification submitted to and agreed in writing by the Local Planning Authority, with the exception of:-***

- the roundabout annotated as “I” on drawing M06052-A-140 sheet 2 of 3 which shall be completed before the first occupation of any dwelling other than within phase 1 as annotated on the approved drawing 10754 302 dated July 2019 Rev P01***
- the roundabout annotated as “L” on drawing M06052-A-140 sheet 3 of 3 which shall be completed before the first occupation of any dwelling other***

*than within phases 1, 2 and 3 as annotated on the approved drawing 10754 302 dated July 2019 Rev P01*

**Reason:** As recommended by the Highway Authority to ensure the provision of adequate access in the interests of highway safety in accordance with policy LP13 of the Central Lincolnshire Local Plan.

And to amend to –

**16. No dwelling shall be first occupied until the roundabout at Middlefield Lane has been completed. The roundabout at the junction of Foxby Hill and Lea Road shall be completed, prior to the occupation of the 100th dwelling or two years from the date of this permission, whichever is the earlier date. Both roundabouts shall be completed in accordance with the approved TTHC drawings M06052-A-140 Sheets 1 to 3 dated 14th December 2010 and to a final specification submitted to and agreed in writing by the Local Planning Authority, with the exception of:-**

- the roundabout annotated as “I” on drawing M06052-A-140 sheet 2 of 3 which shall be completed before the first occupation of any dwelling other than within phase 1 as annotated on the approved drawing 10754 302 dated July 2019 Rev P01
- the roundabout annotated as “L” on drawing M06052-A-140 sheet 3 of 3 which shall be completed before the first occupation of any dwelling other than within phases 1, 2 and 3 as annotated on the approved drawing 10754 302 dated July 2019 Rev P01.

**Reason:** To ensure the provision of adequate access in the interests of highway safety in accordance with policy LP13 of the Central Lincolnshire Local Plan.

**Relevant history:**

125020 – Outline planning application for 2500 new homes with associated employment land (use classes B1 Business and B2 General Industry), community services and facilities (use classes A1 shops, A2 financial & professional, A3 restaurants and cafes, A4 drinking establishments, A5 hot food takeaways, D1 non-residential institutions and D2 Assembly and Leisure, formal and informal open space and landscaping; together with the construction of new access junctions, cycleways and footpaths and associated infrastructure and facilities (access to be considered and not reserved). Permission granted 5<sup>th</sup> July 2011

138921 – Planning application to vary conditions 1, 2, 3, 6, 11, 17, 19, 20, 21, 26, and 27, and remove conditions 4, 5, 7, 8, 9, 10, 12, 13, 18, 23, and 25, of planning permission 125020 granted 5th July 2011. Permission granted 29/08/19

140081 – Reserved matters application for Phase 1 to erect 454no. dwellings, considering appearance, landscaping, layout and scale, following outline planning permission 138921 granted 29 August 2019. Permission granted 06/02/20

141697 – Planning application to remove part of hedge to provide temporary Access. Permission granted 19/11/20 with the following condition –

*3. Following the completion of the roundabout and main entrance at the junction of Foxby Lane and Middlefield Road, the temporary access shall be closed in accordance with details (to also include details of replacement of hedge) that shall first be submitted to and approved in writing and certified complete by the Local Planning Authority.*

**Reasons:** *In the interest of highway safety and visual amenity in accordance with policies LP13 and LP17 of the Central Lincolnshire Local Plan.*

**Representations:**

**Cllr Boles:** 2<sup>nd</sup> February 2021 - I object to the varying of condition 16 in the above application in the strongest terms. This condition was in part of the original application with the reason “As recommended by the Highway Authority to ensure the provision of adequate access in the interests of highway safety in accordance with LP13 of the CLLP”

With that in mind I see absolutely no grounds for this condition to be removed or altered. This change would not be “minor” as the application suggests. Quite the opposite the failure to deliver this highway infrastructure would have a huge impact on the residents in the locality and also the wider population of Gainsborough. To have this development be fully built before the infrastructure being implemented would be remise of the Council and should not be allowed to happen. All too often we are asked to grant these huge developments with the promise that vital infrastructure will follow but hardly ever does. Therefore, I cannot understand why this application would be considered as acceptable. If you were minded to approve this application I respectfully request that it is placed before the Planning Committee due to the reason above and the number of objections from the Public. Whilst I appreciate the application is deemed to be in the South West Ward, I believe that the variation affects the Gainsborough Hill Division that I represent at Lincolnshire County Council.

**No comments received following the re-consultation - 11<sup>th</sup> March 2021**

**Cllr Devine:** 1<sup>st</sup> February 2021 I object to the varying of condition 16 in the above application on the grounds of Safety. This condition was in part of application 138921 with the reason “As recommended by the Highway Authority to ensure the provision of adequate access in the interests of highway safety in accordance with LP13 of the CLLP” The condition was maintained in application 141697 temporary hedge removal as condition 3 and refers to the temporary access to be closed once the roundabout is complete, “in the interests of Highway Safety and visual amenity in accordance with LP13 LP17 of the CLLP”

I find it incredulous that the application is referred to as a “Minor” variation, this will have major implications for the area

- 1) The roundabout will not be built until prior to occupation of the 455th home, the first one in Phase 2 this may well be some time in the future and doesn’t stop the building of many more homes before the condition is met.
- 2) The temporary access will not be closed for a long time and will no doubt be used as access for residents possibly by variation of condition 3, this will be dangerous for exiting and entering the site and also for motorists clearing the top of Foxby Hill
- 3) The increased traffic at what are in effect temporary junctions will be huge, somewhere between 700 and 900 potentially, this is nowhere near minor, I am also surprised that LCC have said the junction with Lea Road is able to absorb the additional traffic of 460 homes, traffic will be backed up to Middlefield Lane at busy times.
- 4) The roundabouts should be completed as per the original application granted as this will mean less inconvenience for current residents of Uphill Gainsborough than will occur once traffic from 454 additional homes.

If you were minded to approve this application I respectfully request that it is placed before the Planning Committee due to the reason above and the number of objections from the Public I Note that the application is deemed to be in the South West Ward, however I believe that the variation affects the East Ward in this instance.

#### **No comments received following the re-consultation 11<sup>th</sup> March 2021**

**Cllr Rainsforth:** 12<sup>th</sup> February 2021 - Strongly oppose the request to vary condition 16. When the application for this development first reared its head eleven years ago we spent a full day on this alone, as you can imagine there was a lot of public opposition to it, we put on conditions that would make it a nice development, plenty of parking and green spaces. I have lost count since then how many times it’s been back for a change of conditions on one thing or another, I now don’t think it will resemble anything like was originally intended.

#### **No comments received following the re-consultation of 11<sup>th</sup> March 2021**

**Gainsborough Town Council:** 26/01/2021 - No comments

24/03/2021 – Have no comments to make on the proposed amendments

**Lea Parish Council:** 8<sup>th</sup> February 2021 - Object to this application. Foxby Lane with Lea Road is already a very busy junction especially with the garage, petrol station and cars going in and out of Aldi. There will be an increase of traffic from 450 new houses particularly approaching the A156 from Foxby Lane and this junction will become much more hazardous. A roundabout will aid traffic flow and mitigate the hazard. Condition 16 of Planning Application 138921 should not be varied.

#### **No comments received following the re-consultation - 11<sup>th</sup> March 2021**

**Local residents:** Objections received from Glindale 15 Foxby Lane, 1 Foxby Lane, 5 Plymouth Close, 66 Theaker Avenue, 3 Foxby Lane, 9 Willoughby Chase, 5 Willoughby Chase, 1 The Pines, 10 Claremont Road, 10 Maple Close, 29 Pilham Court, 69 The Pines and Warren Wood Lodge with the main concerns –

- Delay is far from satisfactory
- Junction in question has never been safe, vehicles from another 450 houses is going to make this far worse
- Junction should have been modified years ago rather than delaying it
- Condition of 141697 for temporary access requires the temporary access to be closed following the completion of the roundabout and main entrance at the junction of Foxby Lane and Middlefield Road. This permission was to enable house building and roundabout construction to proceed at the same time
- the purpose of the approved planning application for the creation of a temporary access was to assist the progression of the house building works while the roundabout was under construction. If this amendment was approved for the roundabouts to be completed prior to the occupation of the 455th dwelling (as opposed to the first) then it could involve a timescale of several years with no limit.
- The temporary access to allow roundabout and house building is in place and the construction of a roundabout could happily take place in conjunction with the ongoing major civil engineering and house building works as they progress on site.
- Amendment proposed cannot be considered as minor, its impact on highway issues on Foxby Lane would be significant
- No reason why construction, sale and occupation cannot commence with immediate effect alongside the construction of Middlefield Lane
- The reasoning behind this application is purely profit led
- Construction of the Middlefield Lane Roundabout is a relatively minor area of work. The Lea Road roundabout is to my mind much less of an issue although still highly significant
- Roundabouts improve road safety
- The assertion that the construction of the roundabouts in accordance with the current condition would somehow delay the construction sale and development of the site is unfounded
- Should be rejected for the safety of the general public
- Both roundabouts are essential
- Road safety should be a priority
- The Summary in the letter attached to the Planning Application speaks of "acceptability" of changes and "looking forward to receiving formal validation shortly" I hope this is not the case and that pre application discussions have not given the impression that approval is forthcoming.

General Observation from 6 Plymouth Close –  
Look at the plan to see how it affects me

**Following a re-consultation to change the delivery of the Middlefield Lane roundabout to prior to occupation and to deliver the Foxby Hill/Lea Road roundabout prior to occupation of the 100<sup>th</sup> dwelling –**

Support received from 1 Foxby Lane – Common sense has prevailed. The trigger points proposed for the roundabouts are sensible and logical. I think this was simply a case of the developer "trying it on" to minimise outlay and maximise profit.

Objections received from Glindale, 15 Foxby Lane and 9 Willoughby Chase –

- Whilst I fully understand the rationale behind the phasing in of the 2 roundabouts & appreciate that the roundabout at Middlefield Lane/Foxby Lane is the most important one. It is however questionable as to why the roundabout at Lea Road/Foxby Hill should be considered to be delayed, bearing in mind that there will be a further 115 new homes built close by on Middlefield Lane, with cars wanting to use the same junctions that have been mentioned above.

- On the original plans it showed traffic calming tables being constructed at the entrances to The Pines & Park Springs, when are they going to be done? Furthermore, the speed limit hasn't yet been reduced from 60 mph from Morrisons all the way along Foxby Lane, when is this going to happen & when is the speed of traffic going to be monitored, as it is used a race track, with people taking no notice of the change from 60mph to 30mph? It would appear that a major incident has to occur before anything is done nowadays. Surely prevention is better than cure.

- Infrastructure is needed sooner rather than later and John Coupland Hospital should remain open to cater for the increased population that is forecast for Gainsborough.

- no occupation of any dwelling should proceed until both roundabouts have been completed. We are already noticing more volume of traffic using this junction and do not want to wait for 100 Houses to be completed before this is completed. This could mean potentially 250 extra cars will be using this junction, which is ridiculous. Especially as the time frame to build and sell 100 new homes could go on for many years.

- Keepmoat Homes knew the terms of the Planning when they decided to take on the contract to build on the site, so they should honour the existing proposal rather than putting their profits over the public's safety.

**LCC Highways: 5<sup>th</sup> May 2021** - In transport terms there is no objection to staging the delivery of the roundabout improvements as outlined in the amended condition in the cover letter dated 10th March 2021. However with regard to the agreed S278, the scope of which is the construction of both roundabouts under one agreement, it will be necessary to amend the current agreement to include the site access roundabout only and make a

separate S278 application at a later date to construct the remaining roundabout at the junction of Foxby Hill and the A158 Lea Road.

### **Relevant Planning Policies:**

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

#### 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  
LP11: Affordable Housing  
LP12: Infrastructure to Support Growth  
LP13: Accessibility and Transport  
LP14: Managing Water Resources and Flood Risk  
LP17: Landscape Townscape and Views  
LP21: Biodiversity and Geodiversity  
LP24: Creation of New Open Space, Sports and Recreation Facilities  
LP25: The Historic Environment  
LP26: Design and Amenity  
LP28: Sustainable Urban Extensions  
LP39: Gainsborough Sustainable Urban Extensions  
LP48: Sustainable Urban Extensions – Allocations

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

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

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

- (a) *the stage of preparation of the emerging plan (the more advanced its preparation, the greater the weight that may be given);*
- (b) *the extent to which there are unresolved objections to relevant policies (the less significant the unresolved objections, the greater the weight that may be given); and*
- (c) *the degree of consistency of the relevant policies in the emerging plan to this Framework (the closer the policies in the emerging plan to the policies in the Framework, the greater the weight that may be given).*

- **Gainsborough Town Neighbourhood Plan (NP)**

On 6 May 2021 the referendum on the Gainsborough Town Neighbourhood Plan was held. Residents voted in favour of West Lindsey District Council using the neighbourhood plan to help it determine planning applications in Gainsborough. As it has been successful at referendum the Gainsborough Town Neighbourhood Plan should now be given full weight in such decision making.

Relevant policies of the NP include:

- NPP 1: Spatial Strategy
- NPP 6: Design Principles
- NPP 8: A Mix of Housing Types

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

#### **Main issues**

- Principle

#### **Assessment:**

*Principle*

The applications seeks to vary conditions 16 of planning permission 138921 granted 29<sup>th</sup> August 2019.

Under s73(2) the Council may consider **only** the question of the conditions subject to which planning permission should be granted – it is not an opportunity to reconsider the granting of planning permission.

Paragraph 55 of the National Planning Policy Framework makes clear that planning conditions should be kept to a minimum, and only used where they satisfy the following tests:

1. necessary;
2. relevant to planning;
3. relevant to the development to be permitted;
4. enforceable;
5. precise; and
6. reasonable in all other respects.

The principle of housing has already been established by the previous consent (125020). What has to be considered is the impact, if any, that the variation of the condition would have.

Condition 16 states –

**16. No dwelling shall be first occupied until the roundabout at the junction of Foxby Hill and Lea Road and the roundabout at Middlefield Lane have been completed that follow the principles of the approved TTHC drawings M06052-A-140 Sheets 1 to 3 dated 14<sup>th</sup> December 2010 and have been completed to a final specification submitted to and agreed in writing by the Local Planning Authority, with the exception of:-**

- *the roundabout annotated as “I” on drawing M06052-A-140 sheet 2 of 3 which shall be completed before the first occupation of any dwelling other than within phase 1 as annotated on the approved drawing 10754 302 dated July 2019 Rev P01*
- *the roundabout annotated as “L” on drawing M06052-A-140 sheet 3 of 3 which shall be completed before the first occupation of any dwelling other than within phases 1, 2 and 3 as annotated on the approved drawing 10754 302 dated July 2019 Rev P01*

**Reason:** As recommended by the Highway Authority to ensure the provision of adequate access in the interests of highway safety in accordance with policy LP13 of the Central Lincolnshire Local Plan.

The application seeks to amend condition 16 of planning permission reference 138921, which requires a roundabout at Foxby Hill/Lea Road and Middlefield Lane *to be completed prior to occupation of any dwellings.*

The agent states that in order to ensure construction, sale and occupation of the first phase of development at the Site can commence as soon as practicable, the Applicant is seeking minor amendments to the timing of these highway works.

They first sought to change the condition to the below –

***Prior to the occupation of the 455th dwelling, the roundabout at the junction of Foxby Hill and Lea Road and the roundabout at Middle Field Lane have shall been shall be completed that follow in accordance with the principles of the approved TTHC drawings M06052-A-140 Sheets 1 to 3 dated 14th December 2010 and have been completed to a final specification submitted to and agreed in writing by the Local Planning Authority, with the exception of:-***

- the roundabout annotated as “I” on drawing M06052-A-140 sheet 2 of 3 which shall be completed before the first occupation of any dwelling other than within phase 1 as annotated on the approved drawing 10754 302 dated July 2019 Rev P01*
- the roundabout annotated as “L” on drawing M06052-A-140 sheet 3 of 3 which shall be completed before the first occupation of any dwelling other than within phases 1, 2 and 3 as annotated on the approved drawing 10754 302 dated July 2019 Rev P01*

A Transport Assessment has been included in the application and Local Transport Projects have assessed the ability of the existing junction layout to accommodate the traffic associated with Phase 1, and have prepared a Transport Note to support this application.

The Note concludes that the junction capacity assessments, which are based on 460 dwellings and represents a worst-case scenario, demonstrates that the additional vehicle trips generated by Phase 1 could sufficiently be accommodated within the existing junction layout at Foxby Hill/Lea Road, and could operate with spare capacity. In capacity terms, the highway works proposed in condition 16 would not be required until after Phase 1 has been constructed and occupied.

The cover letter states that the proposed amendment does not seek to change the use, scale or character of the site. It is simply proposed to amend the timing of the highway works to allow much needed homes to be constructed and open to the market earlier, rather than having to wait until the works have been completed.

Policy LP13 states that any development that has severe transport implications will not be granted planning permission unless deliverable mitigation measures have been

identified, and arrangements secured for their implementation, which will make the development acceptable in transport terms.

Policy LP28 states that development of an urban extension must be planned and implemented in a coordinated way, through an agreed broad concept plan that is linked to the timely delivery of key infrastructure....Whilst phasing may be agreed, the local planning authority will need to be satisfied that the key aspects of the concept plan will be delivered. Therefore, to prevent the provision of appropriate infrastructure being either delayed or never materialising, appropriate safeguards will be put in place, normally through a Section 106 agreement, which ensure that specific aspects of the scheme are delivered when an appropriate trigger point is reached.

In order to fully understand the implications and wider implications of the change, the applicant was asked what reassurances they could provide that the change would not prevent development on phase 2 of the site i.e. what mechanisms are in place to ensure the delivery of the roundabout/s as the proposal intends for the roundabout/s to be delivered prior to occupation of the 455th dwelling. The reserved matters for phase 1 is for 454 houses. Therefore they could complete the dwellings without the delivery of both of the roundabouts.

Whilst it is noted that the Transport Assessment concludes there is capacity for phase 1 of the site, this is taken out of context. The whole application is for 2500 homes with a phased approach of infrastructure delivery. This application is dealing with phase 1 as if it is an entity on its own which is not the case. It has very real delivery implications for the wider site as the change would mean phase 2 would not only need to deliver a school and roundabout but a further 2 roundabouts also. This has the potential for wider delivery implications.

The site is part of the housing land supply of which 1,400 dwellings are anticipated to come forward in the plan period to 2036. An understanding of the delivery and mechanisms to secure the roundabouts are required to fully understand any implications they would have on the delivery of the site.

Furthermore the infrastructure plan (future traffic modelling) for the area is derived on the basis that both these roundabouts will be delivered prior to occupation. It has not been shown what implications this change could have on the future traffic modelling.

These concerns were relayed to the applicant.

Keepmoat reconsidered the above factors, and were able to confirm that the Middlefield Lane roundabout would be delivered prior to occupation and that the Foxby Lane/Lea Road roundabout could be delivered prior to the occupation of the 100th dwelling.

They state that "This new, significantly lower "trigger point" for the delivery of this key piece of highways infrastructure demonstrates Keepmoat's commitment to its delivery well in advance of the completion of Phase 1 of the development and prior to it being

necessary to mitigate the impacts of the development itself on the local highway network. This ensures that the roundabout is available to support the first phase, as well as future phases, of development."

They therefore proposed to amend the wording of condition 16 as follows:

**No dwelling shall be first occupied until the roundabout at Middle Field Lane has been completed, and prior to the occupation of the 100th dwelling, the roundabout at the junction of Foxby Hill and Lea Road shall be completed.** Both roundabouts shall be completed in accordance with the approved TTHC drawings M06052-A-140 Sheets 1 to 3 dated 14th December 2010 and to a final specification submitted to and agreed in writing by the Local Planning Authority, with the exception of:-

- the roundabout annotated as "I" on drawing M06052-A-140 sheet 2 of 3 which shall be completed before the first occupation of any dwelling other than within phase 1 as annotated on the approved drawing 10754 302 dated July 2019 Rev P01
- the roundabout annotated as "L" on drawing M06052-A-140 sheet 3 of 3 which shall be completed before the first occupation of any dwelling other than within phases 1, 2 and 3 as annotated on the approved drawing 10754 302 dated July 2019 Rev P01.

This however does not offer the full security that the Foxby Hill and Lea Road roundabout would be delivered and in a timely manner. Therefore it is suggested that the condition be worded as follows –

**No dwelling shall be first occupied until the roundabout at Middlefield Lane has been completed. The roundabout at the junction of Foxby Hill and Lea Road shall be completed, prior to the occupation of the 100th dwelling or two years from the date of this permission, whichever is the earlier date.** Both roundabouts shall be completed in accordance with the approved TTHC drawings M06052-A-140 Sheets 1 to 3 dated 14th December 2010 and to a final specification submitted to and agreed in writing by the Local Planning Authority, with the exception of:-

- the roundabout annotated as "I" on drawing M06052-A-140 sheet 2 of 3 which shall be completed before the first occupation of any dwelling other than within phase 1 as annotated on the approved drawing 10754 302 dated July 2019 Rev P01
- the roundabout annotated as "L" on drawing M06052-A-140 sheet 3 of 3 which shall be completed before the first occupation of any dwelling other than within phases 1, 2 and 3 as annotated on the approved drawing 10754 302 dated July 2019 Rev P01.

LCC Highways were consulted on the application and state that in transport terms there is no objection to staging the delivery of the roundabout improvements as outlined in the amended condition in the cover letter dated 10th March 2021. However with regard the agreed S278 highways agreement, the scope of which is the construction of both

roundabouts under one agreement, it will be necessary to amend the current agreement to include the site access roundabout only and make a separate S278 application at a later date to construct the remaining roundabout at the junction of Foxby Hill and the A158 Lea Road.

A **section 278 agreement** (or **s278**) is a **section** of the **Highways Act** 1980 that allows developers to enter into a legal **agreement** with the council (in their capacity as the **Highway Authority**) to make permanent alterations or improvements to a public **highway**, as part of a planning approval.

The S278 is a matter to be dealt with between the applicant and LCC highways. However, the implications to the S278 have been relayed to the agent by the officer.

It is considered that the amendment to the condition to complete the Middlefield roundabout prior to occupation and for the Foxby Hill/Lea Road roundabout to be completed prior to the occupation of the 100<sup>th</sup> dwelling or 2 years, whichever is the sooner, would be acceptable and would not have an unacceptable impact on highway safety.

#### *Conditions*

All conditions from the previous outline are to be transferred over with condition 16 amended as per the suggestion in the report.

#### *Other matters*

It is for the Local Planning Authority, not the applicant, to determine the “acceptability” of their application, having taken into account all representations received. “Receiving formal validation” is reference to meeting the statutory requirements for a complete or “valid” application in order for the Local Planning Authority to consider it (i.e. requisite forms, drawings, fees etc. have all been provided) – it is not a reference to the determination of the application.

#### **Conclusion**

The application has been assessed in the first instance against the provisions of the development plan policies LP1: A Presumption in Favour of Sustainable Development, LP2: The Spatial Strategy and Settlement Hierarchy, LP11: Affordable Housing, LP12: Infrastructure to Support Growth, LP13: Accessibility and Transport, LP14: Managing Water Resources and Flood Risk, LP17: Landscape Townscape and Views, LP21: Biodiversity and Geodiversity, LP24: Creation of New Open Space, Sports and Recreation Facilities, LP25: The Historic Environment, LP26: Design and Amenity, LP28: Sustainable Urban Extensions, LP39: Gainsborough Sustainable Urban Extensions, LP48: Sustainable Urban Extensions – Allocations of the Central Lincolnshire Local Plan as well as other material considerations and guidance contained within the National Planning Policy Framework and National Planning Practice Guidance and policies NPP 1: Spatial Strategy, NPP 6: Design Principles, NPP 8: A Mix of Housing Types of the Referendum version of the Gainsborough Town Neighbourhood Plan. In light of this assessment it is considered that the proposed

variation is acceptable and the amendment to the triggers of the roundabout on Foxby Hill/Lea Road would not have an unacceptable impact on highway safety.

The proposal is recommended for approval subject to the following conditions -

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

- 1.** The development hereby permitted shall be begun before the expiration of two years from the date of approval of the last of the reserved matters to be approved.

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

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

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

- 3.** Application(s) for approval of the reserved matters shall be made to the Local Planning Authority before 5th July 2023.

**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.** Development shall be carried out in chronological order as per the phasing plan 10754 302 dated July 2019 Rev P01. No development shall take place within a phase until a built development phasing plan for that phase has been submitted to and approved in writing by the Local Planning Authority. Development shall be carried out in accordance with each built development phasing plan.

**Reason:** To ensure that the development is delivered in a structured way in.

- 5.** No development shall take place on each phase until a wastewater and foul water strategy for each phase has been submitted to and approved in writing by the Local Planning Authority. The scheme for each phase shall be implemented as approved prior to the occupation of any dwellings.

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

**6.** No development shall take place within a phase until a scheme for the provision of affordable housing for that phase of the development has been submitted to and approved in writing by the Local Planning Authority. The scheme shall include the following –

- Statement justifying tenures proposed linking back to the Strategic Housing Market Assessment and Local Housing Needs Assessment work produced by West Lindsey District Council. The statement should also include how they have liaised with West Lindsey Strategic Housing Team and how this has informed tenure and splits proposed.
- Type of housing, number of bedrooms, sizes of the units and any other features;
- Marked up drawings detailing the plot numbers, housing types and sizes;
- Details of how the units will be secured, nomination agreement, and;
- Full planning viability assessment produced in line with Government guidance in place at the time.

The affordable housing shall be retained in accordance with the scheme.

**Reason:** In order to meet a specific housing need within the district in accordance with policy LP11 of the Central Lincolnshire Local Plan.

**7.** No development shall commence within each phase until a schedule of landscape maintenance for a minimum period of five years from the completion of the development of that phase has been submitted to and approved in writing by the local planning authority. The schedule shall include details of the arrangements for its implementation and the development shall be carried out in accordance with the approved details.

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

**8.** No development shall take place for each phase, including any works of demolition, until a Construction Method Statement for each phase has been submitted to, and approved in writing by the local planning authority for the relevant phase. The approved statement shall be adhered to throughout the construction period. The statement shall provide:

- i. the parking of vehicles of site operatives and visitors
- ii. loading and unloading of plant and materials
- iii. storage of plant and materials used in constructing the development
- iv. the erection and maintenance of security hoarding including decorative displays and facilities for public viewing, where appropriate
- v. wheel washing facilities

- vi. measures to control the emission of noise, dust and dirt during construction
- vii. a scheme for recycling/disposing of waste resulting from demolition and construction
- viii. The means of access and routing for demolition and construction traffic.

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

- 9.** No development shall take place on each phase until a surface water drainage strategy incorporating SUDs for each phase has been submitted to and approved in writing by the Local Planning Authority. Each scheme shall include –  
- a management and maintenance plan for the lifetime of the development which shall include the arrangement for adoption by any public or statutory undertaker or any other arrangement to secure the operation of the sustainable drainage scheme throughout its lifetime.

The approved drainage scheme for that phase shall be implemented prior to occupation of any dwelling in that phase.

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

- 10.** No development shall take place for each phase of the development until a scheme to secure the implementation of a programme of archaeological work in accordance with a written scheme of investigation for that phase has been submitted to and approved in writing by the Local Planning Authority. The works shall be carried out in accordance with the approved programme.

**Reason:** In order to ensure that satisfactory arrangements are made for the investigation, retrieval and recording of any possible archaeological remains of the site in accordance with policy LP25 of the Central Lincolnshire Local Plan.

- 11.** No development shall take place for each phase of the development until an ecological report including a mitigation strategy for that phase has been submitted to and approved in writing by the Local Planning Authority. The mitigation shall be carried out in accordance with the approved strategy.

**Reason:** To safeguard wildlife in the interests of nature conservation in accordance with policy LP21 of the Central Lincolnshire Local Plan.

- 12.** The permitted development shall not be occupied in a phase until a Travel Plan for that phase is submitted to and improved in writing by the Local Planning Authority. Those parts of the approved Travel Plan that are identified therein as being capable of implementation before occupation shall be implemented in accordance with the timetable contained therein and shall continue to be implemented for as long as any part of the development is occupied and those implemented following occupation shall be retained thereafter.

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

**13.** No development shall take place for each phase of development until a management and maintenance plan for any woodland areas for that phase has been submitted to and approved in writing by the Local Planning Authority. Each phase shall be in full accordance with their approved management and maintenance plan.

**Reason:** To ensure the appropriate management and maintenance of the woodlands in accordance with policy LP17 and LP21 of the Central Lincolnshire Local Plan.

**14.** Prior to occupation of a phase, details of cycleways and footpaths/crossings their management and maintenance and timing of delivery to serve that phase shall be submitted to and approved in writing by the Local Planning Authority. The cycleways and footpaths/crossing shall be retained for the lifetime of the development in accordance with their approved management and maintenance.

**Reason:** To encourage the use of alternative forms of transport to the site, other than the private car in accordance with policy LP13 of the Central Lincolnshire Local Plan.

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

**15.** Demolition and/or Construction works shall only be carried out between the hours of 07:00 and 19:00 on Mondays to Fridays; and between 08:00 and 13:00 on Saturdays, with no demolition and/or construction works on Sundays and Bank Holidays unless specifically agreed in writing by the local planning authority beforehand.

**Reason:** To ensure appropriate mitigation for the impact on residential amenity caused by the construction phases of the development and to accord with policy LP26 of the Central Lincolnshire Local Plan.

**16.** No dwelling shall be first occupied until the roundabout at Middlefield Lane has been completed. The roundabout at the junction of Foxby Hill and Lea Road shall be completed, prior to the occupation of the 100th dwelling or two years from the date of this permission, whichever is the earlier date. Both roundabouts shall be completed in accordance with the approved TTHC drawings M06052-A-140 Sheets 1 to 3 dated 14th December 2010 and to a final specification submitted to and agreed in writing by the Local Planning Authority, with the exception of:-

- the roundabout annotated as "I" on drawing M06052-A-140 sheet 2 of 3 which shall be completed before the first occupation of any dwelling other than within

phase 1 as annotated on the approved drawing 10754 302 dated July 2019 Rev P01

- the roundabout annotated as “L” on drawing M06052-A-140 sheet 3 of 3 which shall be completed before the first occupation of any dwelling other than within phases 1, 2 and 3 as annotated on the approved drawing 10754 302 dated July 2019 Rev P01.

**Reason:** To ensure the provision of adequate access in the interests of highway safety in accordance with policy LP13 of the Central Lincolnshire Local Plan.

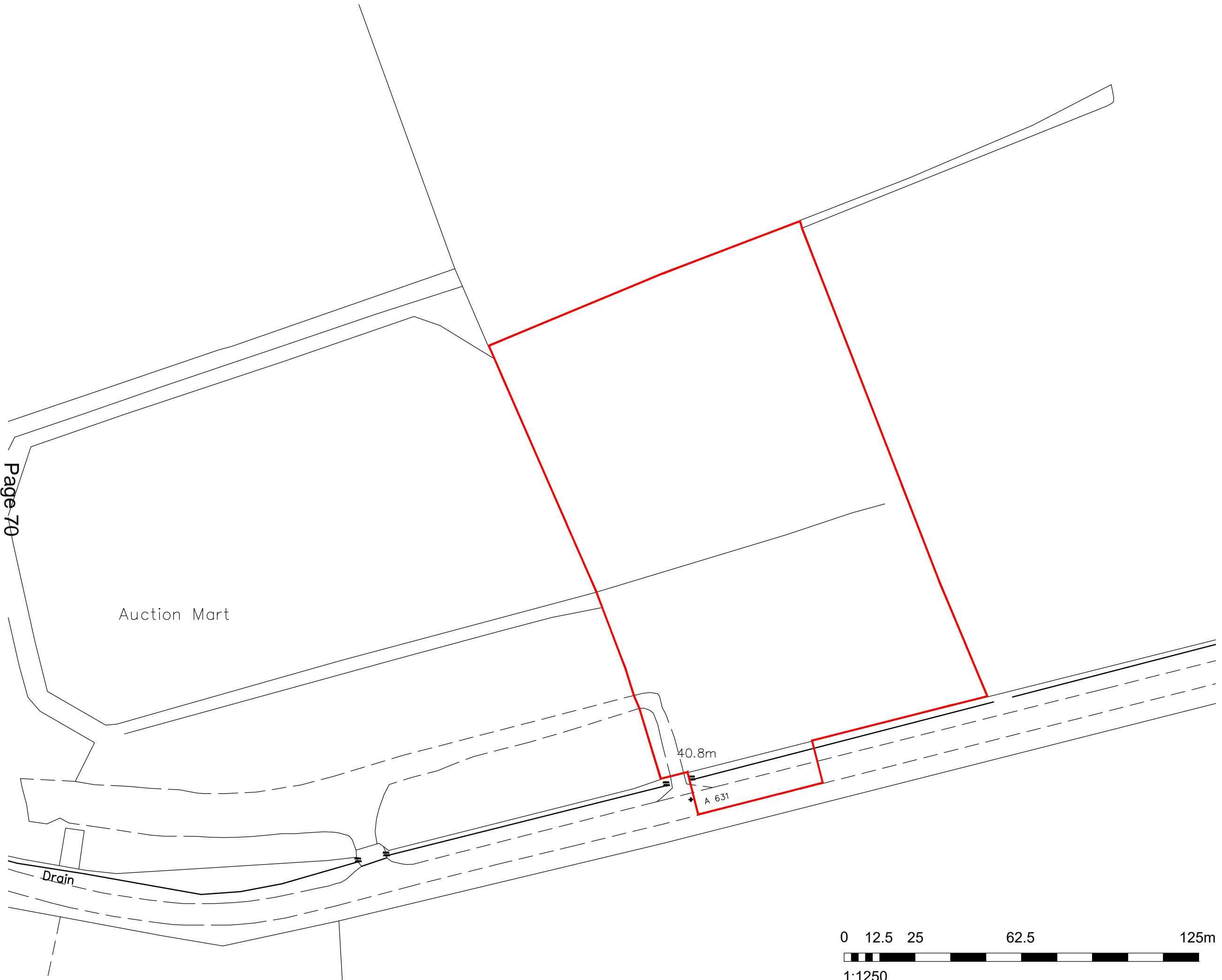
**Human Rights Implications:**

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.

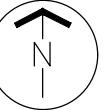
**Legal Implications:**

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

# Agenda Item 6c



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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

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  
Caerby Corner Operational Depot

TITLE  
Location Plan

DRAWING STATUS  
Planning

DRAWN	WF	CHECKED	DC
SCALE			1:1250 @ A3
DATE			September 2019

Whittam Cox ARCHITECTS Chesterfield / 01246 260261  
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 PLO00 SO P02

0 12.5 25 62.5 125m  
1:1250

## **Officers Report**

### **Planning Application No: 142916**

**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 being variation of condition 9 of planning permission 140485 granted 8 July 2020 re: approved plans

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

**WARD:** Waddingham and Spital

**WARD MEMBER(S):** Cllr Summers

**APPLICANT NAME:** Mr A Selby

**TARGET DECISION DATE:** 19/07/2021

**DEVELOPMENT TYPE:** Major - Other

**CASE OFFICER:** Martin Evans

**RECOMMENDED DECISION:** Approve.

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

#### **Description:**

Planning permission, reference 140485, "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" was granted subject to conditions on the 8<sup>th</sup> July 2020. Development has commenced. Condition 9 states:

*"9. 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)*

*0004 Rev A02 (received 13/5/2020)*

*0005 Rev A02 (received 13/5/2020)*

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

This application seeks to vary condition 9 by adding a roof plan drawing and amending the proposed site plan and elevations. The application form gives

the reason as wanting to add photovoltaic panels to the main building roof in order to provide on site renewable energy in line with national and local policy and the extent of soft landscaping adjacent the pedestrian footpath next to the access gates would be increased to address level differences on site. The amended condition 9 would state:

*"9. Development shall proceed in accordance with the following approved drawings:*

*Location Plan (received 21/1/2020)*

*Proposed Building Plan (received 21/1/2020)*

*Proposed Roof Plan rev P01 (received 19/4/2021)*

*Proposed Building Elevations (received 13/5/2021)*

*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 rev P10 (received 19/4/2021)*

*0004 Rev A02 (received 13/5/2020)*

*0005 Rev A02 (received 13/5/2020)*

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

### **Relevant history:**

140485- noted above.

141372- Request for confirmation of compliance with conditions 2, 3 and 4 of planning permission 140485 granted 08 July 2020. Approved 2/9/2020.

142188- Request for confirmation of compliance with conditions 6, 7 and 8 of planning permission 140485 granted 8 July 2020. Approved 8/2/2021.

### **Representations:**

#### **WLDC Environmental Protection Officer:**

No objection.

#### **LCC Highways:**

No objection.

#### **Environment Agency:**

No comment.

#### **Natural England:**

No comment.

### **Relevant Planning Policies:**

Planning law requires that applications for planning permission must be

determined in accordance with the development plan, unless material considerations indicate otherwise. Here, the Development Plan comprises the provisions of the Central Lincolnshire Local Plan (adopted in April 2017); and the Lincolnshire Minerals and Waste Local Plan (adopted June 2016).

## **Development Plan**

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

Relevant policies of the CLLP include:

Policy LP18: Climate Change and Low Carbon Living

Policy LP19: Renewable Energy Proposals

Policy LP26: Design and Amenity

- 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. The proposal is exempt from this policy.

## **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 acceptability of the proposed amendment.

## **Assessment:**

Relevant development plan policies state:

***"Policy LP18: Climate Change and Low Carbon Living***

*Development proposals will be considered more favourably if the scheme would make a positive and significant contribution towards one or more of the following (which are listed in order of preference):*

**Reducing demand:** by taking account of landform, location, layout, building orientation, design, massing and landscaping, development should enable occupants to minimise their energy and water consumption, minimise their need to travel and, where travel is necessary, to maximise opportunities for sustainable modes of travel;

**Resource efficiency:** development should (a) take opportunities to use sustainable materials in the construction process, avoiding products with a high embodied energy content; and (b) minimise construction waste;

**Energy production:** development could provide site based decentralised or renewable energy infrastructure. The infrastructure should be assimilated into the proposal through careful consideration of design. Where the infrastructure may not be inconspicuous, the impact will be considered against the contribution it will make;

**Carbon off-setting:** development could provide extensive, well designed, multi-functional woodland (and, if possible, include a management plan for the long term management of the wood resource which is produced), fenland or grassland. The Central Lincolnshire Biodiversity Opportunity Mapping (or subsequent relevant document) should be used to guide the most suitable habitat in a particular area.

*In principle, proposals will be supported where occupiers of existing developments (whether that be a dwelling(s) or business(es)) are seeking to reduce their resource use. However, the authority's preference, if options exist, is as set out above.*

*Proposals which address one or more of the above principles (whether in relation to an existing development or as part of a wider new development scheme) which are poorly designed and/or located and which have a detrimental impact on the landscape, the amenity of residents, or the natural and built environment, will be refused.”*

### ***“Policy LP19: Renewable Energy Proposals***

#### ***.....***

#### ***Proposals for non-wind renewable energy development***

*Proposals for non-wind renewable technology will be assessed on their merits, with the impacts, both individual and cumulative, considered against the benefits of the scheme, taking account of the following:*

- *The surrounding landscape and townscape;*
- *Heritage assets;*
- *Ecology and diversity;*
- *Residential and visual amenity;*
- *Safety, including ensuring no adverse highway impact;*
- *MoD operations, including having no unacceptable impact on the operation of aircraft movement or operational radar; and*

- Agricultural Land Classification (including a presumption against photovoltaic solar farm proposals on the best and most versatile agricultural land).

*Proposals will be supported where the benefit of the development outweighs the harm caused and it is demonstrated that any harm will be mitigated as far as is reasonably possible.*

*Renewable energy proposals which will directly benefit a local community, have the support of the local community and / or are targeted at residents experiencing fuel poverty, will be particularly supported.”*

The NPPF states:

*“148. The planning system should support the transition to a low carbon future in a changing climate, taking full account of flood risk and coastal change. It should help to: shape places in ways that contribute to radical reductions in greenhouse gas emissions, minimise vulnerability and improve resilience; encourage the reuse of existing resources, including the conversion of existing buildings; and support renewable and low carbon energy and associated infrastructure.”*

Policies LP18 and LP19 are consistent with the NPPF in encouraging renewable energy proposals. They are given full weight.

The proposed variation is to be considered favourably because it makes a contribution towards renewable energy production, the design of which would be inconspicuous as it hugs the roof slope rather than protruding significantly from it. No detrimental impacts to the landscape, the amenity of residents, or the natural and built environment are apparent. No impact on heritage assets or ecology would arise. LCC Highways raises no objections and there is no requirement to consult and there have been no representations from MoD and radar operators. Therefore, no safety issues are apparent.

The very small change to a strip of landscaping entails slightly more grass near the gated access which is an acceptable design in accordance with Policy LP26.

The proposal is considered to comply with Policies LP18, LP18 and LP26 as well as the provisions of the NPPF. Therefore, it is recommended that planning permission is granted subject to amended conditions to reflect previous condition approvals and the amendment sought:

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

None.

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

1. Foul water drainage shall proceed in accordance with the details approved in compliance with condition application 141372 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.

2. The scheme for the prevention and interception of any pollutants from the development to the water environment shall proceed in accordance with the details approved in compliance with condition application 141372 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.

3. The scheme of ecological enhancements for the site shall proceed in accordance with the details approved in compliance with condition application 141372.

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

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

4. 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 as submitted with application 140485.

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

5. External finishing materials shall proceed in accordance with the details approved in compliance with condition application 142188.

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

6. Landscaping shall proceed in accordance with the details approved in compliance with condition application 142188. 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.

7. External lighting shall be installed in accordance with the details approved in compliance with condition application 142188. No additional 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.

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.

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

Location Plan (received 21/1/2020)  
Proposed Building Plan (received 21/1/2020)  
Proposed Roof Plan rev P01 (received 19/4/2021)  
Proposed Building Elevations (received 13/5/2021)  
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 rev P10 (received 19/4/2021)  
0004 Rev A02 (received 13/5/2020)  
0005 Rev A02 (received 13/5/2020)

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

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

None.

**Human Rights Implications:**

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

**Legal Implications:**

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

# Agenda Item 6d



## **Officers Report**

### **Planning Application No: 142666**

**PROPOSAL:** Application for approval of reserved matters for Plot 1, considering appearance, landscaping, layout and scale, following outline planning permission 139520 granted 16 January 2020 to erect 9no. dwellings with access considered.

**LOCATION:** Plot 1 Land south of Eastgate Scotton Lincolnshire DN21 3QR

**WARD:** Scotter and Blyton

**WARD MEMBER(S):** Cllr M Snee, Cllr L Clews and Cllr Mrs L A Rollings

**APPLICANT NAME:** Mr and Mrs Robinson

**TARGET DECISION DATE:** 11/05/2021 (Extension until 28th May 2021)

**DEVELOPMENT TYPE:** Minor - Dwellings

**CASE OFFICER:** Ian Elliott

**RECOMMENDED DECISION:** Grant reserved matters approval

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#### **Description:**

The application seeks approval of reserved matters only for 1 dwelling, considering only the outstanding matters of **appearance, landscaping, layout and scale**, following outline permission 139520 granted 16th January 2020 with access considered.

The application site is a plot of agricultural land facing Eastgate on the 9 dwelling self-build site given outline planning permission in planning application 139520. The site is adjacent and above the level of the highway with hedging to the front north west boundary. The site is open to the north east and south east boundaries with areas of open boundary treatment and fencing to the south west boundary. Neighbouring dwellings are opposite to the south west and north west with open fields in all other directions.

There are two Listed Buildings to the west of the site. These are:

- Church of St Genwys – Grade I Listed
- Acacia Cottage – Grade II Listed

The site is also within a Sand and Gravels Minerals Safeguarding Area.

#### **Relevant history:**

135056 - Outline planning application for proposed development for 9no. dwellings with access to be considered and not reserved for subsequent applications – 12/01/17 - Granted time limit and other conditions (Planning Committee)

139520 - Outline planning application to erect 9no. dwellings with access to be considered and not reserved for subsequent applications - 16/01/20 - Granted with Legal Agreement (Planning Committee)

140545 - Application for approval of reserved matters for the erection of 1no. dwelling and detached garage with annex accommodation, considering appearance, landscaping, layout and scale - following outline permission 139520 granted 16 January 2020 (Plot 9) – 18/06/20 - Granted with conditions (Planning Committee)

Approval of reserved matters for other plots on the site have been considered, as follows:

140547 - Application for approval of reserved matters for the erection of 1no. dwelling, considering appearance, landscaping, layout and scale, following outline planning permission 139520 granted 16 January 2020 (Plot 5) – 18/03/20 - Granted time limit and other conditions

140579 - Application for approval of reserved matters for the erection of 1no. dwelling, considering appearance, landscaping, layout and scale, following outline planning permission 139520 granted 16 January 2020 (Plot 7) – 01/04/20 - Granted time limit and other conditions

140918 - Application for approval of reserved matters for appearance, landscaping, layout and scale for Plot 7 following outline planning permission 139520 granted 16 January 2020. Resubmission of 140579 (Plot 7) – 28/05/20 - Granted time limit and other conditions

141524 - Reserved matters application for Plot 4, considering appearance, landscaping, layout and scale, following outline planning permission 139520 granted 16 January 2020 to erect 9no. dwellings with access considered (Plot 4) - 19/10/20 - Granted time limit and other conditions

141546 - Reserved matters application for Plot 6, considering appearance, landscaping, layout and scale, following outline planning permission 139520 granted 16 January 2020 to erect 9no. dwellings with access considered (Plot 6) – 23/10/20 - Granted time limit and other conditions

141602 – Application for approval of reserved matters for Plot 2, considering appearance, landscaping, layout and scale, following outline planning permission granted 16 January 2020 for 9no. dwellings with access considered (Plot 2) - 21/10/20 - Granted time limit and other conditions

### **Representations:**

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

### **Scotton Parish Council: Objections**

- Planning consent for Plot 1 was for a bungalow and the proposed design appears to be a Chalet house with an additional storey.
- The proposed design is out of character to those planned within this development and with the designs within the village.
- The proposed design for drainage is not included and there does not appear to have been a model to provide evidence that soakaways will be able to cope with additional surface water within this development.

### **Local residents: Objections received from:**

32 Eastgate, Scotton  
The Old Rectory, 7 Eastgate, Scotton

#### Appearance

- The proposed bungalow is obviously of a very modern style which would be totally out of character and incompatible with the majority of dwellings along this stretch of Eastgate (the oldest part of Scotton) as well as the proposed dwellings on the rest of this site. Several buildings on Eastgate are of historical interest and some listed. The majority of dwellings on Eastgate are of red brick and tile construction and therefore this proposed bungalow would certainly not enhance the character of the Eastgate street scene or the village.
- Old Rectory itself was built in the late 1700's with further additions in the early 1800's and 1900's. We have concerns with the design elements and materials proposed for this site.

#### Landscaping

- Will there be fencing erected along our eastern boundary of 32 Eastgate – if so how high?
- Hard landscaping – there seems to be a lot, will this contribute to excess water run-off onto Eastgate, 32 Eastgate and The Old Rectory?

#### Layout

- Given that there are 9 proposed large family dwellings the assumption that each household could potentially have 3-4 cars, this would suggest that there would be an increase of between 27-36 motor vehicles travelling on Eastgate, not to mention visitors and the impact on parking in the area.

#### Residential Amenity

- The south west elevation appears to stretch for a considerable length of our eastern boundary (32 Eastgate) which would obstruct any remaining views we have to the east which combined with the proposals for Plot 9 means that our current views over open fields would be virtually non-existent as well as restricting light levels to our garden. The south west elevation has several windows which would overlook our property and impinge upon our privacy. Scotton Neighbourhood Plan policy 4 states that any development should not cause harm to the private amenity of adjacent

properties along Eastgate. The proposed orientation of this bungalow would cause harm to us.

- External lighting – if security lighting to the rear using PIR movement sensors are used we are concerned that these lights may be triggered every time we step out of the house or walk down the garden. Causing annoyance and light pollution?

#### Access

- When did the change from one access to three accesses take place as it seems excessive for nine houses? Was there ever any consultation about this material change?

#### Other

- Why is the road being widened now when there has been no need for it historically for other developments within the village?
- Impact the road widening will have on the environment. The hedgerows which are scheduled to be ripped out to make way for the three driveways (which would appear to be wider than the main carriageway of Eastgate) provide nesting and roosting sites for many types of native birds, there are also bats, hares hedgehogs and nesting pheasants within the site.  
6. Hard landscaping - what measures will be taken to manage the inevitable excess water run-off onto.

#### **Historic England:** Comment

We suggest that you seek the views of your specialist conservation and archaeological advisers, as relevant.

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

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

#### **WLDC Conservation Officer:** No objections

I have no comments to make other than that the proposed development is set back to allow a view of the church on approach to Scotton.

**LCC Minerals and Waste:** No representations received to date

**IDOX checked:** 18th May 2021

#### **Relevant Planning Policies:**

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

## Development Plan

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

Relevant policies of the CLLP include:

LP1 A presumption in Favour of Sustainable Development

LP14 Managing Water Resources and Flood Risk

LP17 Landscape, Townscape and Views

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/>

- ***Scotton Neighbourhood Plan (SNP)***

On 6 May 2021 the referendum on the Scotton Neighbourhood Plan was held. Residents voted in favour of West Lindsey District Council using the neighbourhood plan to help it determine planning applications in Scotton. As it has been successful at referendum the Scotton Neighbourhood Plan should now be given full weight in such decision making. The relevant polices are:

Policy 4 The Allocation of Land South of Eastgate

Policy 11 Safeguarding Important and Distinctive Landscape Features

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

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

The site is in a Sand and Gravels Minerals Safeguarding Area and policy M11 of the Core Strategy applies, however this was assessed during the outline planning application 139520 and no safeguarding objections were received from the Minerals and Waste Team at Lincolnshire County Council

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

## 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**  
<https://www.gov.uk/government/collections/planning-practice-guidance>
- **National Design Guide (2019)**  
<https://www.gov.uk/government/collections/planning-practice-guidance>

Other

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

<https://www.legislation.gov.uk/ukpga/1990/9/section/66>

**Main issue:**

Planning permission has already been granted. This application considers only whether to approve the reserved matters of scale, appearance, layout and landscaping.

- Scale and Appearance

In planning law<sup>1</sup>, these are defined as:

*'Appearance' – the aspects of a building or place within the development which determine the visual impression the building or place makes, including the external built form of the development, its architecture, materials, decoration, lighting, colour and texture.*

*'Scale' – the height, width and length of each building proposed within the development in relation to its surroundings.*

- Layout

*'Layout' – the way in which buildings, routes and open spaces within the development are provided, situated and orientated in relation to each other and to buildings and spaces outside the development.*

- Landscaping

*'Landscaping' – the treatment of land (other than buildings) for the purpose of enhancing or protecting the amenities of the site and the area in which it is situated and includes: (a) screening by fences, walls or other means; (b) the planting of trees, hedges, shrubs or grass; (c) the formation of banks, terraces or other earthworks; (d) the laying out or provision of gardens, courts, squares, water features, sculpture or public art; and (e) the provision of other amenity features;*

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<sup>1</sup> Article 2, The Town & Country Planning (Development Procedure) (England) Order 2015 (as amended)

## **Assessment:**

### Scale and Appearance

Objections has been received in terms of the scale and appearance of the proposed dwelling.

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'*'.

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;*

Criteria a), b) and d) of policy 4 of the SNP provides direction on the scale and material finish of the development.

Criteria a) states that "*It should include some two and three bedroom dwellings*".

Criteria b) states that "*the height of the building, or buildings, should be no higher than existing buildings in the immediate locality*".

Criteria d) states that "*the materials used for the development should take inspiration from the local vernacular around the site as described in Table 12*".

In response to this criteria in approved outline application 139520 the officer's report stated the following "*The dwellings in the locality are mixed in size, type and appearance from bungalows to two storey dwellings*". Table 12 (pg74 Eastgate) provides no reference to a preferred material pallet and only a single photograph of a dwelling with the streetscene. However it does state that the materials should take inspiration from the local vernacular.

The identity chapter (pages 14-17) of the National Design Guide places importance on the need for development to either reflect its local character or create a sense of character through the built form.

Condition 10 of outline planning permission states that:

*"The proposed dwelling to the front of the site and immediately adjacent the shared boundary with 32 Eastgate, Scotton must be a single storey dwelling."*

This condition relates to plot 1. The Parish Council have concerns that the proposed dwelling is not a single storey dwelling and appear to have an additional storey. The proposed dwelling, as identified by the floor plan, only has a ground floor therefore the development adheres to the single storey dwelling (bungalow) condition.

The 4 bedroom bungalow is proposed to have roof levels of differing height. These are (all approximate from submitted plans):

- The north east half would be 6.2 metres high (4.7 metre eaves)
- The south west half would be 3.5 metres high (2.6 metre eaves)
- 24 metres long including the front and rear projection.
- 14.2 metres wide

The dwelling and integral garage are proposed to be constructed from (see elevation plans, application form and design and access statement):

Walls:

Crest Dorking Dark Multi with grey mortar



K-Rend silicone scraped self-coloured render in Champagne



Roof Tile:

Sandtoft 20/20 interlocking concrete roof tiles – Colour Antique Slate.



Windows & Doors: Light grey uPVC or aluminium casement style.

Front and Garage Doors: Dark grey composite

Rainwater Goods: Dark grey uPVC gutters and downpipes

Fascias: Dark grey uPVC fascias and soffits

Eastgate predominantly comprises red brick dwellings with red pantile and grey concrete roofs. One dwelling is cream rendered (28 Eastgate) and one has a grey/black slate effect roof (Blackthorns). The history section of this report identifies four of the sites nine plots currently have reserved matters approval. At least Four (plot 2, 4, 5 and 7) out of six plots have approval for a red brick and slate roof finish. The proposed materials are therefore considered acceptable.

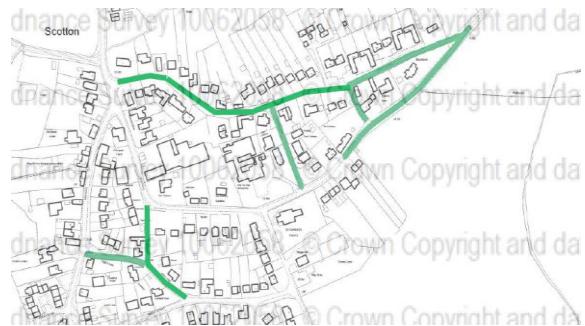
To date plot 2 (141602) is the only reserved matters application which has met the aspiration of criteria a) of policy 4. The proposed dwelling in this application will provide a four bedroom bungalow. This is acceptable as there is still the potential for further two and three dwellings on the remaining plots.

The dwellings in the locality are of a mixed scale but are predominantly two storey dwellings along Eastgate. However plot 1 as already confirmed has been conditioned to accommodate a single storey dwelling only. The plot is certainly of a size which can accommodate the proposed dwelling.

Policy 11(2) of the SNP provides protection to identified green lanes (map 10 (pg66)) and POLICY 11(3) protection of important views (view 1 on map 9 (pg65)). The important view is additionally considered in SNP policy 4 criteria h) to enable the framed view of the Grade I Listed Church to be retained as you travel into the village along Eastgate. The important view at point 1 and the green lanes are identified on the photo and map below.



(View 1 Photo)



(Green Lane Map)

It is pertinent to clarify that the indicative site plan (PF/19/03 Rev E) submitted in outline planning application 139520 identified a red dash line which demonstrated a clear path to the listed building. The Authority's Conservation Officer (CO) welcomed the indicative layout as it would "*open up and frame a view of the grade I listed church*".

This application has respected this and included the same red dashed line on the submitted site and location plan (1143.01 Rev A dated 27th April 2021). The submitted site plan additionally includes the retention of the front hedging to respect and reinforce the green lane character of Eastgate.

The general locality of the area (Eastgate/Crapple Lane) is a mix of different red brick buildings which includes yellow, white and blackened colour shades.

It is considered relevant and necessary to remove permitted development for first floor accommodation and changes to the roof. Therefore classes AA, B and C of Schedule Part 1 of the Town and Country Planning (General Permitted Development) (England) Order 2015 (or any order revoking and re-enacting that Order with or without modification)

It is therefore considered that the scale and appearance of the proposed dwelling is acceptable and would not have a harmful visual impact on the site, the street scene, the green lane or the important view and accords to local policy LP17 and LP26 of the CLLP, policy 4 and 11 of the SNP and the provisions of the NPPF.

It is considered that policy LP17, LP26, policy 4 and policy 11 are consistent with the design, character and visual amenity guidance (Chapter 12) of the NPPF and can be attached full weight.

#### Layout

An objection has been received in relation to off street parking.

Policy 4 criteria i) and j) of the SNP provides direction on garden amenity and off street parking provision. The proposed dwellings would sit in a plot measuring approximately 50 metres in length and approximately 17.5 metres in width. The layout provides sufficient off street driveway parking and space for turning to allow a vehicle to enter and leave the site in a forward gear.

The dwelling would be located approximately 14 to 16 metres from the front boundary set back into the site which still leaves a more than adequate rear garden space. Vehicular and pedestrian access to the plot is via a shared vehicular access with plot 2. The Highways Authority at Lincolnshire County Council have no objections to the proposed off street parking provision and turning spaces.

The impact of the development on the living conditions of adjoining residents will be discussed later in this report. The layout of the plot is therefore acceptable and accords to local policy LP17 and LP26 of the CLLP, policy 4 of the SNP and the provisions of the NPPF.

It is considered that policy LP17, LP26 and policy 4 are consistent with the design, character and visual amenity guidance (Chapter 12) of the NPPF and can be attached full weight.

#### Landscaping

A comment has been received in relation to the landscaping to the south west boundary.

Policy 4 criteria e) and f) of the SNP provide direction on landscaping.

Details of landscaping have been submitted on the proposed site plan (1143.01 Rev A dated 27th April 2021) and are overall considered acceptable. This includes the south west boundary being retained as existing with 1.8 metre fencing where required. The external area of the plot will be laid to grass apart from the driveway, patio area and paths to the sides of the dwelling. The driveways and patios will be conditioned to be constructed from a permeable material and retained thereafter. The landscaping includes areas of planting and some trees within the site. The planting will mitigate for the loss of hedging to form the vehicular access. Paragraph 10.4 of the submitted Design and Access Statement provides a list of the species to be planted and the planting scheme if the front hedgerow requires some infilling.

The landscaping of the site is therefore considered to be acceptable and accords to local policy LP17 and LP26 of the CLLP, policy 4 and 11 of the SNP and the provisions of the NPPF.

It is considered that policy LP17, LP26, policy 4 and policy 11 are consistent with the landscaping guidance of the NPPF and can be attached full weight.

#### **Other Considerations:**

##### Heritage

The proposal has the potential to have an impact on the setting of Church of St Genwys (Grade I Listed) and Acacia Cottage (Grade II Listed). The impact of the development on the view of St Genwys as you enter the village from the west is additionally a consideration. No objections have been received on heritage grounds.

Local policy LP25 of the CLLP states that '*Development proposals should protect, conserve and seek opportunities to enhance the historic environment of Central Lincolnshire*' and provides a breakdown of the required information to be submitted as part of an application in a heritage statement.

In the Listed Building section of LP25 it states that '*Development proposals that affect the setting of a Listed Building will be supported where they preserve or better reveal the significance of the Listed Building*'.

Policy 4 criteria h) of the SNP places importance on the "*need for the development to be set back and be able to frame the important view (View 1 on Map 9) of Grade I Listed church as approach village centre from Eastgate*"

Paragraph 193 states that '*When considering the impact of a proposed development on the significance of a designated heritage asset, great weight should be given to the asset's conservation (and the more important the asset, the greater the weight should be). This is irrespective of whether any potential harm amounts to substantial harm, total loss or less than substantial harm to its significance*'.

The impact of a development on the setting of a listed building is more than just its visual presence and annex 2 of the NPPF defines the setting of a heritage asset as:

*'The surroundings in which a heritage asset is experienced. Its extent is not fixed and may change as the asset and its surroundings evolve. Elements of a 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'.*

As previously stated the Conservation Officer welcomed the indicative layout as it would "*open up and frame a view of the grade I listed church*". The siting of the proposed dwelling set back from Eastgate respects the building line required to retain a framed view of the grade I listed church as you approach the village from Eastgate. The Conservation Officer has confirmed her view that the position of the proposed dwelling would retain the line of sight to the Listed Church.

The principle of housing on this site has already been granted (outline) planning permission, and it is an allocated housing site (A5a) in the SNP.

Therefore the siting, design and material finish of the proposed dwelling will preserve the setting of the Listed Buildings whilst retaining the framed view of St Genwys Church and accord to local policy LP25 of the CLLP, policy 4 of the SNP, the statutory duty set out in Section 66 of the Planning (Listed Buildings and Conservation Areas) Act 1990 and the provisions of the NPPF.

It is considered that policy LP25 and Policy 4 are consistent with the heritage guidance of the NPPF and can be attached full weight.

## Residential Amenity

Policy 4 criteria g) of the SNP states “*it does not cause unacceptable harm to the private amenity of adjacent properties along Eastgate*”.

The proposed dormer bungalow will have a neighbouring dwelling opposite to the north west (Old Rectory, 7 Eastgate) and adjacent to the south west (32 Eastgate). Plot 2 to the north east has reserved matters approval (141602) for a bungalow but this is yet to be built. Plot 9 to the south east has reserved matters approval for a two storey but this is yet to be built.

### *7 Eastgate and Plot 9:*

The existing dwelling to the north west is on the opposite side of the road and the front elevation of approved Plot 9 (140545) is approximately 35 metres from the rear elevation of the proposed bungalow in this application. Plot 9 (see below) as approved additionally has an outbuilding which on the plan below is positioned close to the shared boundary with plot 1. A condition (No.6) on the reserved matters approval (140545) requires detail of the final position of the outbuilding. A condition discharge application (142374) has been submitted but not determined as yet. It is not expected that the amenity of the future residents of plot 1 would be significantly affected by the final approved position of the outbuilding.



The proposed development would therefore not have a significant impact on the living conditions of 7 Eastgate or the potential future occupants of plot 9. The final approved outbuilding to plot 9 is not expected to have a harmful impact on the future occupants of plot 1.

### *Plot 2:*

Plot 2 has reserved matters approval for a single storey dwelling (see approved plans below) but no works have commenced to date.



The proposed dwelling along the shared boundary has a eaves height of approximately 3.5 metres and a ridge height of 6.2 metres with the roof falling away from plot 2. The north east elevation of the proposed dwelling would be approximately 1.9 metres from the shared boundary and 3.3 metres from the nearest south west elevation (no openings) of the dwelling approved for plot 2. The proposed size of the dwelling and position of the openings would not have a significant impact on the living conditions of the potential future occupants of Plot 2. The approved dwelling for plot 2 would likewise not harm the living conditions of the potential future occupants of Plot 1.

### *32 Eastgate:*

The proposed dwelling includes one high level window on the south west elevation but this window is purely for the purposes of light to the living area as the dwelling is single storey.

Concerns have been raised that first floor windows would overlook the rear garden of 32 Eastgate. The proposed bungalow does not have any first floor accommodation therefore there will be no overlooking from the first floor window. However the height of part of the bungalow could potentially lead to some first floor accommodation being introduced in the future through the installation of a mezzanine floor which could be served by the single first floor window. To protect the amenity of neighbouring dwellings it is considered relevant and necessary to add a condition to the permission stopping the insertion of first floor accommodation.

No openings would overlook the rear garden/elevation of 32 Eastgate due to the existing and proposed landscaping to the south west boundary. 32 Eastgate is a two storey dwelling with rear first floor windows but these will not overlook the rear private garden space of the proposed dwelling.

The south west elevation of the proposed dwelling runs along and would be approximately 2 metres from the shared boundary with 32 Eastgate. Approximately 13.5 metres would be alongside the rear garden of 32 Eastgate. Plot 1 does sit lower down than 32 Eastgate and the south west half of the proposed dwelling has an eaves level of approximately 2.6 metres and a ridge height of 3.5 metres. The higher part of the proposed dwelling is approximately 7.7 metres from the shared boundary.

The proposed scale of the dwelling and position of the openings would not have a significant impact on the living conditions of 32 Eastgate. The position of 32 Eastgate would likewise not harm the living conditions of the potential future occupants of Plot 1.

The proposal would therefore not be expected to have a significant overbearing impact, cause a significant loss of light or impact on the privacy of the existing and future neighbouring dwellings due to the separation distance, the position of openings, landscaping and ground levels. The development will accord with local policy LP26 of the CLLP, policy 4 of the SNP and the provisions of the NPPF.

It is considered that policy LP26 and policy 4 are consistent with the residential amenity guidance of the NPPF and can be attached full weight.

#### Drainage

Planning permission has been granted and this application considers only those matters that were reserved at the time of approval.

Policy 4 criteria k) of the SSNP states “*adequate foul water discharge provision to the agreed standards of Anglian Water in respect of mains drainage or the Environment Agency where a connection to the public sewerage network can be demonstrated not to be feasible*”.

A drainage condition (number 7) is attached to outline planning permission 139520 for provision of drainage facilities to service the site. This will provide a connection to the foul water only sewer which is close to the site.

#### *Foul Water:*

Site plan 1143.01 Rev A dated 27th April 2021 identifies connection from the proposed dwelling to the main sewer along Eastgate. The foul water scheme is considered acceptable and will be conditioned to be installed prior to occupation.

#### *Surface Water:*

Site plan 1143.01 Rev A dated 27th April 2021 identifies surface water being dealt with by a soakaway of suitable size in the rear garden and connection to the dwelling. Condition discharge application 142004 dated 21st December 2020 included percolation tests for the site demonstrating that the site was suitable for soakaways. As a form of sustainable urban drainage the use of a soakaway is considered acceptable. The appropriateness would be inspected by a Building Inspector as part of building regulations. The surface water scheme is considered acceptable and will be conditioned to be installed prior to occupation.

The development would accord with local policy LP14 of the CLLP, policy 4 of the SNP and the provisions of the NPPF.

For this plot only the submitted details satisfies condition 7 of outline permission 139520.

It is considered that policy LP14 and policy 4 are consistent with the drainage guidance of the NPPF and can be attached full weight.

#### Community Infrastructure Levy (CIL)

Paragraph 82 of the Community Infrastructure Levy section in the NPPG (reference 25-082-20190901) states that '*If the necessary qualification requirements are met and the application process is completed within required timescales, an exemption from the Community Infrastructure Levy will be available to anybody who is building their own home or has commissioned a home from a contractor, house builder or sub-contractor. Individuals benefiting from the exemption must own the property and occupy it as their principal residence for a minimum of 3 years after the work is completed.*'

The proposed dwelling is a self-build dwelling as secured by the legal agreement signed as part of the outline permission. The development is therefore exempt from paying a CIL contribution.

#### **Conclusion and reasons for decision:**

The decision has been considered against local policies: LP1 A Presumption in Favour of Sustainable Development, LP14 Managing Water Resources and Flood Risk, LP17 Landscape, Townscape and Views, LP25 The Historic Environment and LP26 Design and Amenity of the Central Lincolnshire Local Plan 2012-2036, policy 4 and 11 of the Scotton Neighbourhood Plan and Section 66 of the Planning (Listed Buildings and Conservation Areas) Act 1990. Furthermore consideration has been given to guidance contained within the National Planning Policy Framework, National Planning Practice Guidance and the National Design Guide. In light of the assessment the scale, appearance, landscaping and layout of the development is acceptable. The development would provide a four bedroom single storey dwelling on the site as conditioned in the outline permission and would not have a harmful visual impact on the site or the street scene and would preserve the setting of the nearby listed buildings. It would not have a harmful impact on the living conditions of neighbouring dwellings 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:**

NONE (see outline permission 139520)

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

NONE

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

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

- 1143.01 Rev A dated 27th April 2021 – Site Plan with Drainage and Landscaping details, Elevation Plans, Floor Plan and Materials Schedule

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

Reason: To ensure the development proceeds in accordance with the approved plans and to accord with the National Planning Policy Framework, local policy LP17, LP25 and LP26 of the Central Lincolnshire Local Plan 2012-2036 and policy 4 and 11 of the Scotton Neighbourhood Plan.

2. All the boundary treatments shown on site plan 1143.01 Rev A dated 27th April 2021 must be completed prior to occupation of the approved dwelling.

Reason: To ensure that the landscaping is installed in accordance with approved plan and in the interest of residential amenity to accord with the National Planning Policy Framework, local policies LP17, LP25 and LP26 of the Central Lincolnshire Local Plan 2012-2036 and policy 4 and 11 of the Scotton Neighbourhood Plan.

3. No occupation of the dwelling must take place until the proposed driveway and turning space identified on site plan 1143.01 Rev A dated 27th April 2021 has been fully completed. The driveway and turning space must be retained as such thereafter.

Reason: To ensure off street parking provision is provide prior to occupation to accord with the National Planning Policy Framework, local policy LP13 and LP26 of the Central Lincolnshire Local Plan 2012-2036 and policy 4 of the Scotton Neighbourhood Plan.

4. All hardstanding identified on site plan 1143.01 Rev A dated 27th April 2021 must be constructed from a permeable material and retained thereafter.

Reason: To reduce the risk of surface water flooding on the site and the highway to accord with the National Planning Policy Framework, local policy LP14 of the Central Lincolnshire Local Plan 2012-2036 and policy 4 of the Scotton Neighbourhood Plan.

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

5. All trees and planting identified on site plan 1143.01 Rev A dated 27th April 2021 must be carried out in the first planting and seeding season following the completion of the development, whichever is the sooner. The trees and planting must be completed in accordance with the details described in the landscaping section of the design and access statement dated 26th August 2020. Any trees or plants which within a period of 5 years from the completion of the development die, are removed, or become seriously damaged or diseased must be replaced in the next planting season with others of similar size and species, unless the Local Planning Authority gives written consent to any variation. The landscaping should be retained thereafter.

Reason: To ensure that the landscaping is installed in accordance with approved plan and to maintain the character of the area including the green lane to accord with the National Planning Policy Framework, local policies LP17, LP25 and LP26 of the Central Lincolnshire Local Plan 2012-2036 and policy 4 and 11 of the Scotton Neighbourhood Plan.

6. The proposed dwelling must only comprise ground floor living accommodation with no habitable first floor accommodation.

Reason: To protect the neighbour's rear garden area from undue loss of privacy from overlooking to accord with the National Planning Policy Framework, local policy LP26 of the Central Lincolnshire Local Plan 2012-2036 and policy 4 of the Scotton Neighbourhood.

7. Notwithstanding the provisions of Classes AA, B and C of Schedule Part 1 of the Town and Country Planning (General Permitted Development) (England) Order 2015 (or any order revoking and re-enacting that Order with or without modification) the dwelling hereby permitted must not have a first floor or any roof alterations unless planning permission has first been granted by the Local Planning Authority.

Reason: To enable any such proposals to be assessed in terms of their impact on the amenity of neighbouring dwellings to accord with the National Planning Policy Framework, local policy LP26 of the Central

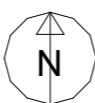
Lincolnshire Local Plan 2012-2036 and policy 4 of the Scotton Neighbourhood.

Check all dimensions on site. Do not scale from this drawing. Report any discrepancies and omissions to Hubble Architecture  
This Drawing is Copyright ©

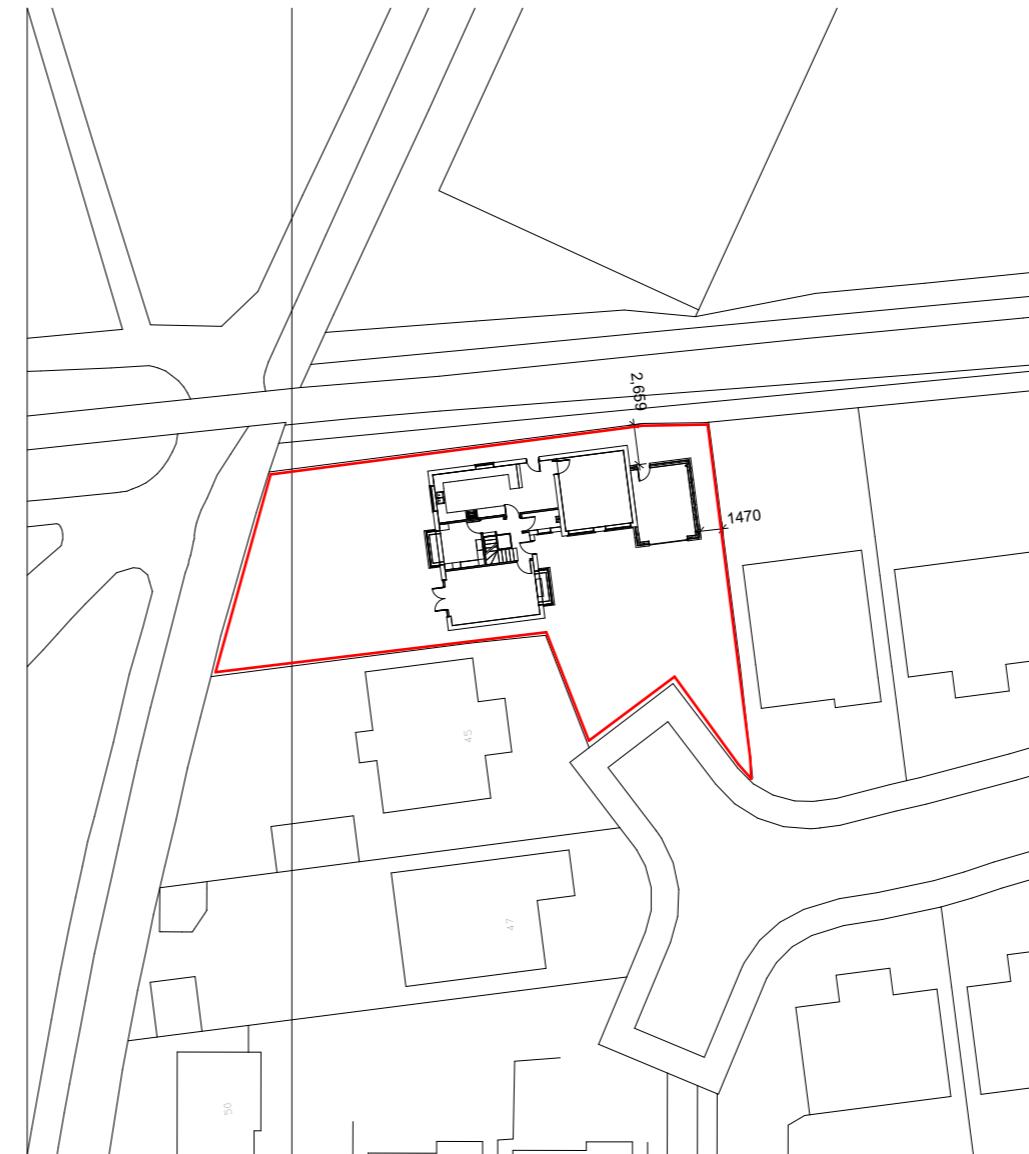
Page 99



Site Location Plan Scale 1:1250



Site Block Plan Scale 1:500



P03 Extension increased in width to avoid Severn Trent assets which are located below ground

07.05.2021

P02 Extension reposition 2m from boundary as recommended by WLDC

20.02.2021

P01 Planning Issue

17.02.2021

# HUBBLE

## ARCHITECTURE

Design - Planning - Building Regulations

Tel: 07523 895659 (Gainsborough)  
email:hubblearchitecture@outlook.com

Client

**Mr & Mrs Redwood**

Project **PROPOSED FIRST FLOOR & GARAGE EXTENSION, PINGLE CLOSE.**

Title.

**Site Location & Block Plan**

Drawing No. D04

Rev. P03

Scale @ A3 1:1250/ 500

Date 22.01.2021

Agenda Item 6e

# **Officer's Report**

## **Planning Application No: 142495**

**PROPOSAL:** Planning application for ground floor extension to form garage, together with first floor extension above.

**LOCATION:** 43 Pingle Close Gainsborough Lincolnshire DN21 1XR

**WARD:** Gainsborough East

**WARD MEMBER(S):** Cllrs D Dobbie, T Davies and M Devine.

**APPLICANT NAME:** Mr and Mrs Redwood

**TARGET DECISION DATE:** 31/05/2021 (Extension of Time Agreed)

**DEVELOPMENT TYPE:** Householder Development

**CASE OFFICER:** Mike Halsall

**RECOMMENDED DECISION:** Refuse permission.

### **Description:**

**The application is presented to the planning committee as one of the applicants is a member of staff within the council.**

The application site consists of a detached two storey 'L' shaped dwelling located on Pingle Close, within the defined settlement of Gainsborough. The site is adjoined by residential properties to the east and south. The highway adjoins the south eastern site boundary with additional residential properties beyond. There are fences to the rear and side boundaries with a Public Right of Way running parallel with the northern site boundary, beyond which are industrial buildings. The street is characterised by similar style detached two-storey dwellings with bungalows further to the east. The site lies within a minerals safeguarding area.

The application seeks planning permission for a first floor extension over an existing single storey side projection (previously a garage, converted to living accommodation) and a two-storey side extension attached to the new proposed two storey side projection.

The first floor extension would continue the ridge line of the main dwelling, whereas the two-storey extension would sit approximately 1m lower, at approximately 6m in height, and would include a front dormer window. The two storey side extension would sit approximately 1.4m forward of the existing side projection due to a manhole located to the north east of the existing dwelling.

The proposal has been formally revised twice by the applicants since submission, following discussions with the Case Officer, and full consultation has taken place on all three sets of drawings. The evolution of the proposed drawings is explained in more detail later in this report when discussing residential amenity.

### **Relevant history:**

M02/P/1138 – Erect 11 dwellings. (granted outline planning permission, application

number M00/P/558) – Reserved Matters Consent – Approved February 2003  
M00/P/0558 – Application for residential development – Outline Planning Permission  
Approved July 2001

<b>Representations:</b>	
Chairman/Ward member(s):	No representations received to date.
Gainsborough Town Council:	Responded to state they have no comments to make in relation to this application.
Local residents:	<p>41 Pingle Close – responded to the consultation on the second set of drawings, as follows:</p> <p><i>“As the neighbouring property to the proposal, we wish to support the application. We do not feel it will adversely impact our property and will not encroach on any views we have.”</i></p> <p>Responded to the current (third) set of drawings, as follows:</p> <p><i>“I have reviewed the latest updates to the application and would still like to express my support. We do not feel as though the plans will impact our property, and we are happy that our garden will remain private as it currently is.”</i></p>
LCC Highways:	Have responded with no objection to the proposed development.
Archaeology:	No representations received to date.
IDOX:	Checked 12/05/2021

<b>Relevant Planning Policies:</b>	
National guidance	<p>National Planning Policy Framework  <a href="https://www.gov.uk/government/publications/national-planning-policy-framework--2">https://www.gov.uk/government/publications/national-planning-policy-framework--2</a></p> <p>National Planning Practice Guidance  <a href="https://www.gov.uk/government/collections/planning-practice-guidance">https://www.gov.uk/government/collections/planning-practice-guidance</a></p>
Local Guidance	<p><u>Central Lincolnshire Local Plan (2012 -2036):</u>  LP1: A Presumption in Favour of Sustainable Development  LP17: Landscape, Townscape and Views  LP26: Design and Amenity  <a href="https://www.n-kesteven.gov.uk/central-lincolnshire/local-plan/">https://www.n-kesteven.gov.uk/central-lincolnshire/local-plan/</a></p> <p><i>With consideration to paragraph 213 of the National Planning Policy Framework (February 2019) the above policies are consistent with the NPPF (February 2019).</i></p> <p><u>Lincolnshire Minerals and Waste Local Plan (Core Strategy and Development Management Policies) 2016</u>  Policy M11 Safeguarding of Mineral Resources.  <a href="https://www.lincolnshire.gov.uk/residents/environment-and-planning/planning-and-development/minerals-and-waste-local-plan/">https://www.lincolnshire.gov.uk/residents/environment-and-planning/planning-and-development/minerals-and-waste-local-plan/</a></p>

	<a href="#">waste/minerals-and-waste/88170.article</a>
Neighbourhood Plan:	<p>On 6 May 2021 the referendum on the Gainsborough Neighbourhood Plan (GNP) was held. Residents voted in favour of West Lindsey District Council using the neighbourhood plan to help it determine planning applications in Gainsborough. As it has been successful at referendum the Gainsborough Town Neighbourhood Plan should now be given full weight in such decision making.</p> <p><a href="https://www.west-lindsey.gov.uk/my-services/planning-and-building/neighbourhood-planning/all-neighbourhood-plans-in-west-lindsey/gainsborough-town-neighbourhood-plan/">https://www.west-lindsey.gov.uk/my-services/planning-and-building/neighbourhood-planning/all-neighbourhood-plans-in-west-lindsey/gainsborough-town-neighbourhood-plan/</a></p> <p>Relevant policies of the GNP are:</p> <ul style="list-style-type: none"> <li>NPP1: Sustainable Development</li> <li>NPP6: Ensuring High Quality Design</li> <li>NPP7: Ensuring High Quality Design in each Character Area</li> </ul>

Main Issues	<ul style="list-style-type: none"> <li>• Design</li> <li>• Residential Amenity</li> <li>• Other Considerations</li> </ul>
Design	<p>Policy LP17 of the Central Lincolnshire Local Plan (CLLP) seeks to protect and enhance the intrinsic value of our landscape and townscape. The National Planning Policy Framework (NPPF) in Chapter 12. Achieving Well-designed Places states that the <i>“creation of high quality buildings and places is fundamental to what the planning and development process should achieve”</i>. Paragraph 127 goes on to state that planning decisions should ensure that developments are visually attractive as a result of good architecture.</p> <p>Policy NPP6 of the GNP outlines, amongst other things, that development proposals should respond to the local character of both the surrounding area and the immediate neighbouring properties. Policy NPP7 of the GNP identifies that; as appropriate to their scale and nature, development proposals should be designed to take account of the Character Area within which they are located. The application site is located within the TCA03 Middlefield Character Area within the GNP which outlines that development proposals should maintain the loose urban grain and existing range of built form including short terraces, detached and semi-detached houses and bungalows; and maintain the high proportion of two-storey, brick buildings seen through the TCA.</p> <p>The existing dwelling is a two storey family home and sits within a reasonably sized plot. This end of Pingle Close is characterised by similarly sized two storey dwellings, with bungalows further along the road to the east. The proposed extension would be visible in the streetscene, albeit not highly prominent as it is somewhat tucked in the corner at the end of the Close. Whilst the two storey side extension would sit slightly forward of the existing side projection, as this is an L shaped dwelling, it would not unbalance the property. The proposed extension would be read as subservient to the existing dwelling and would not dominate nor change the nature of the host property or harm the character of the area. The proposed externally facing materials would match those of the existing dwelling. It is considered therefore that the proposal complies with policy LP17 of the</p>

CLLP and policies NPP6 and NPP7 of the Gainsborough Neighbourhood Plan with regards to its design.

#### Residential Amenity

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

Policy NPP6 of the GNP outlines, amongst other things, that development proposals should demonstrate sensitive positioning within plots and be of such scale and form as to not dominate neighbouring properties or the streetscape.

Given the orientation of the site and positioning of the proposed extension the only potential residential amenity impacts are in relation to the property to the east, no.41 Pingle Close. Site visits were undertaken on 18<sup>th</sup> March and 29<sup>th</sup> April where the potential impacts were observed from outside of the dwelling.

#### Overlooking

There are no side windows proposed in the end elevation that would face no.41 Pingle Close and so there would be no amenity issues from overlooking as a result of the proposed development.

#### Loss of Light, Overshadowing and Dominance

##### *Evolution of the proposal*

Concern was expressed early in the assessment process by the Case Officer, that the proposed two storey side extension would impact the neighbour as it was too large and located too close to the rear garden of no.41 Pingle Close. It was requested that the distance between the proposed side elevation and the shared boundary with no.41 be increased from 1.2m to 2m and the roof changed to a pitched or hipped design in order to lessen the impacts from loss of light, overshadowing and dominance on the neighbouring property. The applicant subsequently agreed to increase the separation distance to 2m but did not consider it necessary to change the roof of the extension both in terms of the associated impacts and due to the loss of proposed extra living space. As such, revised drawings and a sunlight/overshadowing assessment were submitted by the applicant that solely showed an increase in interface distance. Consultation letters were sent by the Council seeking views on the proposed revised drawing and the sunlight/overshadowing assessment. The occupant/s of no.41 subsequently submitted a representation in support of the proposal, as detailed earlier within this report.

Further revised drawings were later submitted by the applicant which represent the current proposal to be considered by the planning committee that move the proposed extension closer to the shared boundary at no.41 Pingle Close, with a separation distance of 1.47m. A revised sunlight/overshadowing assessment was also submitted in support of the proposal and further consultation letters were sent by the Council and is ongoing at the time of writing this report. The occupant/s of no.41 have again submitted a representation in support of the proposal, as detailed earlier within this report.

Any further responses received prior to planning committee will be outlined during the committee by the relevant planning officer in attendance.

### Assessment

The height of the proposed two storey side extension is approximately 3.7m to eaves and 6m to ridge. The effect of this would be that the occupants of no.41 would have a 6m high blank gable wall located just under 1.5m from the western side of their garden.

The applicants have submitted a sunlight/overshadowing assessment that depicts a simulation of how the existing dwelling of 43 Pingle Close currently casts its shadow, compared to how it would if the proposed extension was built, with a simulation date of 15<sup>th</sup> July. However, July is when the sun is high in the sky and therefore does not represent the worst case scenario in terms of overshadowing. Best practice outlines that such assessments should be undertaken at the equinox dates of 21st March and 21<sup>st</sup> September when the sun is lower in the sky and so overshadowing is more prominent.

The above said, the assessment shows that the extended dwelling would begin to cast a shadow in the rear garden of no.41 Pingle Close at around 3pm, which would not occur until 5pm under the current situation. By 5pm almost the entire garden would be cast in a shadow by the proposed extension. This would occur at a time when most people tend to use their gardens after finishing work and is clearly a negative impact upon the amenity of no.41 Pingle Close. In reality, the overshadowing would likely be worse in Spring and Autumn when the sun is lower.

The size of the 6m gable wall and its proximity to the garden of no.41 Pingle Close would also have an overbearing / dominant impact upon the occupiers of the dwelling. It would enclose the western side of their garden and with existing tall trees located on adjoining land to the north and their own house to the south, they would be left with just one 'open' aspect to the east.

Whilst it is noted the occupant/s of no.41 Pingle Close have written in support of the proposal and express their own view that they feel it would not adversely impact their property, which is a material consideration in the determination of the application, the planning system must protect future occupants of buildings, not just current occupants.

Whether the above noted impacts would be sufficient to result in the refusal of the application is a somewhat finely balanced judgement. Weighing in favour of the proposal is the provision of additional living space for the applicants and the support of the occupants of the only dwelling that would be impacted in terms of residential amenity. There is however a question as to whether such additional living accommodation could be located within the applicants' rear garden, to the west, where there would be likely no such impact upon residential amenity.

On balance, due to the loss of light, overshadowing and dominance that would be experienced by the occupiers of no.41 Pingle Close as a result of the proposed extension, it is considered that the proposal would conflict with Policy LP26 of the CLLP and NPP6 of the GNP in relation to amenity.

### Other considerations

#### Minerals

The Lincolnshire Minerals and Waste Local Plan (Core Strategy & Development Management policies) were adopted in June 2016 and form part of the Development

Plan. The application site is within a Mineral Safeguarding Area. The site is not within an allocated Minerals Site or Waste Site/Area. Policy M11 of the Minerals and Waste Local Plan seeks to ensure that developments do not prevent the exploitation of mineral deposits as an economic resource within identified Minerals Safeguarding Areas (MSAs) without adequate justification. Within MSAs proposals for non-minerals development should be accompanied by a Minerals Assessment, unless the development falls within one of the exemptions to the Policy.

In accordance with policy M11, a householder development is exempt from being applied to the policy therefore there is no requirement to supply a minerals assessment or assess the developments impact on mineral resources.

Parking

The proposal includes for a garage and so would not reduce the level of off-street parking provision and is considered acceptable in this regard.

**Conclusion and reasons for decision:**

The decision has been considered against the policies LP17: Landscape, Townscape and Views and LP26: Design and Amenity of the Central Lincolnshire Local Plan in the first instance and guidance contained within the National Planning Policy Framework, the National Planning Practice Guidance and the new Gainsborough Neighbourhood Plan. In light of this assessment it is considered that due to the loss of light, overshadowing and dominance that would be experienced by the occupiers of no.41 Pingle Close as a result of the proposed extension, the proposal would conflict with policies LP26 of the CLLP and NPP6 of the GNP in relation to harm to residential amenity and is unacceptable.

**RECOMMENDATION: Refuse planning permission for the following reason:**

The proposed extension would have an unacceptable adverse impact on the amenity of the neighbouring occupiers in terms of loss of light, overshadowing and dominance, contrary to Policy LP26 of the Central Lincolnshire Local Plan 2012 – 2036 and Policy NPP6 of the Gainsborough Neighbourhood Plan.

# Agenda Item 7



Planning Committee

Wednesday, 26 May  
2021

**Subject: Determination of Planning Appeals**

Report by:

Assistant Director Planning and  
Regeneration

Contact Officer:

Ele Snow  
Democratic and Civic Officer  
[ele.snow@west-lindsey.gov.uk](mailto:ele.snow@west-lindsey.gov.uk)

Purpose / Summary:

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

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

## **IMPLICATIONS**

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

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

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

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

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

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

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

Are detailed in each individual item

### **Call in and Urgency:**

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

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

**Yes**

**No**

### **Key Decision:**

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

**Yes**

**No**

## **Appendix A - Summary**

- i) Appeal by Mr Wilkin (Hillen Projects) against the decision of West Lindsey District Council to refuse planning permission for the erection of seven dwellings with associated landscaping and car ports accessed from North Kelsey Road. Erection of three commercial/light industrial units to the rear of the site accessed from Enterprise Road, on land adjacent Enterprise Road and North Kelsey Road, Caistor, LN7 6QB.

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

**Officer Decision** – Refuse

- ii) Appeal by Mrs Jackie Smith against the decision of West Lindsey District Council to refuse planning permission for outline planning permission to erect a single storey bungalow with detached garage on land to the rear of 11 Middle Street, Scotton, Gainsborough, DN21 3RA.

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

**Officer Decision** – Refuse

**Committee Decision** – Refuse



## Appeal Decision

Site Visit made on 11 February 2021

**by Graham Wraight BA(Hons) MSc MRTPI**

an Inspector appointed by the Secretary of State

Decision date: 24 March 2021

**Appeal Ref: APP/N2535/W/20/3262989**

**Land adjacent Enterprise Road and North Kelsey Road, Caistor, LN7 6QB**

- 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 Wilkin (Hillen Projects) against the decision of West Lindsey District Council.
- The application Ref 140497, dated 21 January 2020, was refused by notice dated 3 June 2020.
- The development proposed is the erection of seven dwellings with associated landscaping and car ports accessed from North Kelsey Road. Erection of three commercial/light industrial units to the rear of the site accessed from Enterprise Road.

### Decision

1. The appeal is dismissed.

### Main Issues

2. The main issues are (i) the effect of the proposed development on the provision of employment land and whether there are material considerations to permit the development and (ii) the impact of odour on the occupiers of the proposed dwellings.

### Reasons

#### *Loss of employment site*

3. Policy LP5 of the Central Lincolnshire Local Plan 2017 (LP) sets out that the appeal site falls within an Important Established Employment Area (EEA) for what was previously use classes B1, B2 and B8. The policy further states that proposals for uses aside from any of these uses will be refused, unless they are clearly ancillary. Whilst including 3 commercial/light industrial units, the proposal also includes 7 dwellings, and therefore it fails to accord with Policy LP5. This conflict alone means that it fails to accord with the development plan, taken as a whole.
4. The LP which allocated the appeal site within an EEA dates from 2017, however it would appear from the information before me that the site was previously allocated on the same basis in preceding development plans. Areas of the current allocation, including the appeal site, remain undeveloped. A planning application has been submitted relating to land close to the appeal site, which raises the possibility that development could take place on it, but at this moment in time there is little certainty in this matter.
5. The time period that has passed since the adoption of the LP is not a substantial period. Planning permission was granted in 2015 for 9 B1 business units but this has not been implemented. Information relating to marketing has

been provided, but it provides only very limited details regarding the parameters within which the site was marketed. It does not therefore comprehensively demonstrate that the appeal site is not viable at the current time for solely employment use. Whilst other planning permissions were granted in the past and not implemented, these date from 1987 and 1989 and no information relating to their circumstances or to longer-term marketing has been provided.

6. The Planning Appraisal & Market Commentary (PAMC) reports a shortage of light industrial/business units across the Lincolnshire region as a whole and in particular in Caistor. Industrial occupancy in Caistor is stated to exceed 95% and the appellant's submission includes details of only one vacant unit in the area. Collectively, this does not suggest high vacancy levels in relation to existing units. Whilst the PAMC notes the implications that an oversupply of new accommodation would have on existing units, it also recognises the need for speculative schemes to come forward.
7. The PAMC concludes it would not be financially viable to develop the appeal site solely for industrial/business accommodation. However, there is no substantive evidence before me to demonstrate that this would be the case, the implications of the loss of part of the EEA to non-employment use or that the other developments in Caistor referred to would lead to market saturation. Furthermore, elsewhere in the appellant's submission there is confidence that the 3 proposed units would appeal to a wider prospective clientele, and there is nothing to demonstrate why this demand would not extend to additional units of the same specification on the appeal site.
8. There is also uncertainty in the appellant's submission as to whether the housing element is required to in effect subsidise the employment element. If the housing is needed for this reason, no details have been provided as to how a scheme would be phased to ensure that the employment element was delivered, nor is there a suggested mechanism before me to ensure that this would be the case.
9. The proposed dwellings would be accommodated on the appeal site in a manner that would not cause conflict with Policy LP26 of the LP, which refers to both design and amenity considerations. The Government's objective is to significantly boost the supply of housing and the proposal would provide 7 modern homes on a small site in a location with adequate access to services, delivering social and economic benefits. However, a fully employment-based scheme would also represent an effective and efficient use of land and would also bring social and economic benefits. There is nothing before me to suggest that such a scheme would conflict with Policy LP26 with respect to design and amenity matters.
10. Reference is made to the West Lindsey Economic Strategy 2014-2035 and to the Housing Strategy 2018-2022. However, I have not been made aware as to how these specifically would justify the loss of an allocated employment site. That the site is overgrown and somewhat unkempt does not justify the proposed development.
11. In a previous appeal decision (APP/N2535/W/17/3191949), the Inspector considered that the provision of 4 new dwellings and 2 industrial units was acceptable on part of the EEA. However, in this respect, the Inspector noted that the site currently only accommodated one small office building, the

positioning of which precluded any additional employment facilities being brought forward. They concluded that the provision of additional floor space through the erection of two units would outweigh the loss of part of the front of the site for employment purposes. These circumstances are clearly different from those of the appeal site, as there is no existing building affecting how the site can be developed.

12. Taking into account all of the considerations that have been put before me, I conclude that they do not individually or collectively outweigh the loss of the employment land and the conflict with the development plan. Therefore, it has not been demonstrated that there are material considerations present in this case to justify a decision being taken other than in accordance with Policy LP5 of the LP. Policy 6 of the Caistor Neighbourhood Plan 2013-2031 includes an overarching aim of ensuring that local business development can occur. It does not profess to guide the location or retention of such development and therefore there is no explicit conflict with it. However, this does not alter the position with respect to Policy LP5 of the LP and the development plan as a whole.

#### *Odour*

13. The site is allocated for employment use and has previously benefitted from a planning permission for offices. It is reasonable to expect that employees working at offices would not be willing to work at premises that were subject to unpleasant odour for extended periods of time. Furthermore, there are houses close to the appeal site and the information provided suggests that there have only been isolated and infrequent complaints. The fact that they have not been persistent also suggests that they have been able to be satisfactorily resolved.
14. The odour report that has been submitted with the appeal provides detailed evidence relating to wind direction, the possible sources of odour and how they could be managed. The report concludes that there would be a slight adverse impact on residents of the proposed dwellings and that odour should not prevent the development of the site for residential purposes. On the basis of the technical evidence I have before me, I conclude that any impact arising from odour would not be of a magnitude to cause harm to the living conditions of the occupiers of the proposed dwellings.
15. Therefore, the proposal would accord with Policy LP26 of the LP where it seeks to protect living conditions.

#### **Conclusion**

16. Whilst I do not find that there would be harm with respect to odour, there are no material considerations, including The Framework, that indicate the decision should be made other than in accordance with Policy LP5 of the development plan. Therefore, I conclude that the appeal should be dismissed.

*Graham Wright*

INSPECTOR



## Appeal Decision

Site visit made on 27 April 2021

by Diane Cragg DipTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 05 May 2021

**Appeal Ref: APP/N2535/W/20/3265336**

**Land to the rear of 11 Middle Street, Scotton, Gainsborough, Lincs**

**DN21 3RA**

- 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 Jackie Smith against the decision of West Lindsey District Council.
- The application Ref 141637, dated 7 September 2020, was refused by notice dated 10 December 2020.
- The development proposed is 'outline planning permission to erect a single storey bungalow with detached garage'.

### Decision

1. The appeal is dismissed.

### Procedural Matters

2. The application was submitted in outline with access and layout to be considered and appearance, scale and landscaping reserved for future consideration. The appellant's statement states that layout is a reserved matter but the application form indicates that layout is to be considered and I have drawing no JS/20/02A before me which provides details of the layout of the proposed dwelling and garage. I have considered the appeal in accordance with the details on the application form and the plans before me.
3. A decision statement (as set out under Regulation 18 of the Neighbourhood Planning (General) Regulations 2012) has been issued in relation to the Scotton Neighbourhood Plan. In accordance with the Planning Practice Guidance (PPG) where a decision statement has been issued significant weight can be attributed to the Neighbourhood Plan in decision-making. Therefore, I have considered the appeal on this basis.

### Main Issue

4. The main issue is the effect of the development on the character and appearance of the area.

### Reasons

5. Middle Street is a rural lane in an established part of Scotton village. The character of Middle Street is of irregularly sited and spaced properties of varying ages, sizes and styles generally set back from the street frontage.

6. The appeal site is an area of garden land to the side and rear of No 11 Middle Street. No 11 is a detached house set forward on its plot with an extended side garden and good-sized rear garden separated into two parts by an established hedge and a small outbuilding. The side garden area is enclosed by a brick wall on the back edge of the footpath. Although there are larger properties adjacent to the appeal site and many have been extended, the existing house does not appear significantly smaller than its neighbours.
7. The proposal is to remove the existing brick wall to provide access to the rear of the property and parking for No 11. The proposed dwelling would be sited in the rear garden beyond the established hedge. It would be centrally sited within the plot with a new driveway leading to a detached garage.
8. Properties adjacent to the appeal site have good sized rear gardens. The garden of No 11 is not unusually large in comparison with its immediate neighbours and does not appear out of character in its surroundings. The prevailing pattern of development along Middle Street is of dwellings whose principle elevations face the road and, except for ancillary domestic buildings, the rear areas of properties are used for gardens.
9. The proposed dwelling would notably intrude into the open rear garden land and introduce significant built form and areas of hard surfacing. Even though the proposed dwelling would be single storey, its location and the lack of street frontage would be at odds with the established neighbouring development. It would jar in its local context and appear as a prominent and incongruous feature which would detract from the rear garden zone.
10. Consequently, I conclude that the development would harm the character and appearance of the area and conflict with Policy LP26 of the Central Lincolnshire Local Plan adopted 24 April 2017 where it requires all development to take into consideration the character and local distinctiveness of the area and in particular to relate well to the landscape character and identity of its surroundings. It would also conflict with Policy 5 of the Scotton Neighbourhood Plan referendum version 2019-2036 which requires new residential development to have regard to the overall character of the area including the current layout of the surrounding plots and dwellings.

### **Other Matters**

11. Whilst the appellant asserts that the proposed dwelling would not detract from the living conditions of its immediate neighbours and would provide adequate parking facilities, these matters do not outweigh my concerns about the effect of the development on the character and appearance of the area.

### **Conclusion**

12. The proposal would conflict with the development plan and there are no material considerations that would outweigh that conflict. Therefore, the appeal is dismissed.

*Diane Cragg*

INSPECTOR