

AGENDA

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

Planning Committee
Wednesday, 16th June, 2021 at 6.30 pm
Council Chamber - The Guildhall

Available to watch live via: <https://west-lindsey.public-i.tv/core/portal/home>

Members:

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

1. 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 - 23)

- i) Meeting of the Planning Committee held on Wednesday 26 May, 2021.

4. **Declarations of Interest**

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

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

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

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

6. **Planning Applications for Determination**

- a) 142225 - Willingham by Stow (PAGES 24 - 44)
- b) 142758/142759 - 5-7 Market Place (PAGES 45 - 63)
- c) 142929/142532 - Carr Lane, North Kelsey (PAGES 64 - 86)
- d) 142772 - Saxilby (PAGES 87 - 104)
- e) 142645 - Old Chapel Court, Waddingham (PAGES 105 - 124)
- f) 142872 - Cliff View, Aisthorpe (PAGES 125 - 130)

7. **Determination of Appeals** (PAGES 131 - 141)

Ian Knowles
Head of Paid Service
The Guildhall
Gainsborough

Tuesday, 8 June 2021

WEST LINDSEY DISTRICT COUNCIL

MINUTES of the Meeting of the Planning Committee held in the Council Chamber - The Guildhall on 26 May 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 Jessie Milne
Councillor Keith Panter
Councillor Roger Patterson
Councillor Mrs Judy Rainsforth
Councillor Mrs Angela White

In Attendance:
Russell Clarkson Interim Planning Manager (Development Management)
George Backovic Principal Development Management Officer
Rachel Woollass Development Management Team Leader
Ian Elliott Senior Development Management Officer
Martha Rees Legal Advisor
Ele Snow Democratic and Civic Officer

Also In Attendance: 5 Members of the Public (pre-registered to speak)

Apologies: Councillor David Cotton
Councillor Mrs Cordelia McCartney

1 CHAIRMAN'S WELCOME

The Chairman opened the meeting by welcoming all present into the first face-to-face meeting in the Council Chamber since the onset of the Covid-19 pandemic in March 2020. He noted that the Planning Committee had been the first Committee to experience the world of virtual meetings and were now the first to return to the Chamber. He highlighted the safety measures that were in place, such as the desk layout adhering to social distancing as well as the cleaning, which would take place in between speakers. The Chairman also noted that the meeting continued to be webcast live and extended his welcome to those watching at home.

2 PUBLIC PARTICIPATION PERIOD

The Chairman stated there was one public speaker registered, Councillor Darby of the Bardney Group Parish Council. Councillor Darby was welcomed to the meeting and he made the following statement:

“Good Evening.

During the Planning Committee meeting held on 9 December 2020, Bardney Group Parish Council were accused of lobbying the Committee, which was illegal. The emails that were sent to the Committee Members were in fact corrections to the Officer’s report. A video and other communications that were cited were not sent by the Parish Council. These were sent by the applicant. The accusation was minuted, although not correctly, but recorded in full by the webcast.

If we step forward to the February Planning Committee meeting, Councillor Cotton apologised to the Committee for misleading them, and that lobbying was not illegal, but there was no mention of Bardney Group Parish Council. Currently, there is still an allegation against that Parish Council in written minutes, and a video cast.

To clarify on lobbying, is detailed in the Local Code of Conduct for Councillors and Officers with Planning Matters, dated May 2017. The allegation was therefore unwarranted and groundless. Any Member of the Committee, including the Chairman and those Councillors who also reside on the Standards Sub-Committee could have corrected the Councillor during the meeting.

Bardney Group Parish Council have not received either a verbal or written apology. An apology should be made public so that it can be minuted, and the good name of the Parish Council restored. Any assertion that the already made apology was sufficient, is incorrect, as the allegation has been used as truth in a matter which I'm not currently at liberty to discuss.

Thank you Mr Chairman”

The Chairman explained the statement would be shared with the relevant Officers and a response would be offered in due course.

Note: The meeting adjourned at 6.40pm and recommenced at 6.45pm

3 TO APPROVE THE MINUTES OF THE PREVIOUS MEETING

RESOLVED that the minutes of the meeting of the Planning Committee held on Wednesday, 31 March 2021 be confirmed and signed as an accurate record.

4 DECLARATIONS OF INTEREST

Councillor A. White declared that she had received a lobbying email in relation to application number 142666, Eastgate Scotton, but she had not read the email. Councillor I. Fleetwood noted this declaration was for all Members of the Committee.

Councillors M. Devine, J. Rainsforth and M. Boles declared that, whilst they had submitted comments in objection to application number 142208, Foxby Lane, the application had since been amended and they were addressing the application in front of the Committee with an open mind and no prejudice.

Councillor C. Hill declared that she was Ward Member for application number 142117, Old Airfield Reepham Road, however she would consider the application a Member of the Planning Committee.

5 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.

The Queen's Speech on 11 May 2021 announced the Planning & Environment Bills, expected in Autumn 2021.

- **The government intended to change local plans to “provide more certainty” over permissible development** - "changing local plans" so they "provide more certainty over the type, scale and design of development permitted on different categories of land". It went on to say that the changes would involve "clear land allocations in local plans" which would provide "more certainty for communities and developers ...
- **The planning bill would involve "digitising" the planning system to make it "more visual" and would aim to improve public engagement in planning.**
- **A new levy was promised to replace existing methods of securing developer contributions towards infrastructure and affordable housing** "replacing the existing systems for funding affordable housing and infrastructure from development with a new more predictable and more transparent levy". Last year's planning white paper said the Government wanted to replace the community infrastructure levy (CIL) with a "nationally set, value-based, flat-rate charge", equal to a fixed proportion of the development's value, above a yet-to-be-determined threshold.
- **Various aspects of planning decision-making would be accelerated** - The Planning Bill would aim to create "simpler, faster procedures for producing local development plans" as well as for "approving major schemes" and "assessing environmental impacts"

Changes to permitted development rights for electronic communications infrastructure: technical consultation

Members were advised of the technical consultation, available via the following link:

<https://www.gov.uk/government/consultations/changes-to-permitted-development-rights-for-electronic-communications-infrastructure-technical-consultation>

The technical consultation for increasing PD rights for telecommunications masts was open

until 14 June 2021. Officers would be preparing a response to seek that sensitive areas such as the Lincolnshire Wolds AONB and Conservation Areas would not be unduly affected.

The following update regarding Neighbourhood Plans was detailed to the Committee.

Neighbourhood Plan/s	Headlines	Planning Decision Weighting
Made Neighbourhood Plans	Brattleby, Caistor*, Cherry Willingham, Dunholme, Great Limber, Lea, Nettleham*, Osgodby, Riseholme, Scotter, Scothern, Saxilby, Welton, Willoughton, Glentworth, Spridlington, and Sudbrooke.	Full weight
Scotton NP	Referendum held on 6 May successful. To be made/adopted by Full Council on 28 June 2021.	Full weight
Bishop Norton NP	Referendum held on 6 May successful. To be made/adopted by Full Council on 28 June 2021.	Full weight
Gainsborough NP	Referendum held on 6 May successful. To be made/adopted by Full Council on 28 June 2021.	Full weight
Morton NP	Referendum held on 6 May successful. To be made/adopted by Full Council on 28 June 2021.	Full weight
Corringham NP	Submission NP consultation (Regulation 16) closes 21 May 2021.	Increasing weight
Sturton and Stow NP	Parish councils have approved joint NP for submission (Regulation 16) consultation.	Some weight
Hemswell and Harpswell NP	Consultation on submission version of NP (Regulation 16) underway soon.	Some weight
Hemswell Cliff NP	Consultation on the draft version of NP (Regulation 14) begins 7 June 2021.	Some weight
Northorpe NP	Parish Council has agreed to start work on its NP.	Little weight
*Caistor NP	Review of NP underway. Consultant appointed.	-
*Nettleham NP	Review of NP underway. Consultant appointed.	-
Neighbourhood Plans - made (17) - in preparation (24) - in pipeline (42) - being reviewed (2)*	To view all of WLDC's neighbourhood plans go to: https://www.west-lindsey.gov.uk/my-services/planning-and-building/neighbourhood-planning/	NP stage-weighting -Made–full weight -Referendum successful–full weight -Examination successful/Decision Statement issued–significant weight -Submission Reg16–increasing weight

		-Draft Reg14 - some weight -Designated – little weight
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6 142117 - OLD AIRFIELD, REEPHAM ROAD

The Chairman introduced the first application of the evening, number 142117 for construction and operation of a solar photovoltaic farm, including fencing, internal service tracks, inverters, transformer stations, cabling, CCTV, landscaping, substations and ancillary cabins at The Old Airfield Reepham Road Fiskerton Lincoln.

Note: The Chairman declared that he had been present at a meeting of the Parish Council when the developer had made a presentation. He confirmed he had had no input and remained impartial.

The Committee heard from the Principal Development Management Officer with updates to the report. He read aloud the following response from Public Protection:

“The contaminated land preliminary appraisal report supplied and associated to 142117 advises in section 6 (Conclusions and Recommendations) that there is potential for localised contaminants to be present across the site which may pose a risk (albeit low) to construction/maintenance workers. In section 7 (Further Works) recommendations are made to investigate this potential risk further during works to identify suitable foundation solutions with sampling and testing of any made ground found in locations likely to be disturbed by groundworks etc.

In view of the above no works, other than the recommended further investigation works, ought to be permitted until the recommendations within the preliminary appraisal report are undertaken and a suitable report to determine if any further action or mitigation is required has been submitted and approved by LPA.”

Additionally, the Principal Development Management Officer suggested an additional condition to be numbered as 5 with subsequent conditions renumbered accordingly, as well as additional words to be added to condition 3. These amendments were read aloud for Members’ understanding.

The Chairman explained there were two registered speakers for the item, he welcomed the first speaker, Mr Cook, Agent for the Applicant, to the meeting and invited him to make his statement.

Mr Cook made the following statement to the Committee.

“It seems that every day, there is a news report, or scientific evidence, and ultimately a warning in the media about the potentially devastating consequences our planet will face through climate change. In May, 2019, UK Parliament declared a climate emergency, and since then there has been a clear steer and policy direction to reduce or halt, climate change. Central to this is the target to be net zero by 2050, meaning that there is an equal balance between carbon emissions, capture and offsetting. This will affect people’s lives. For

example, in the way we make commodities in factories, how we travel, and how the energy we all use is generated. The requirement to achieve Net Zero is also central to decision making at a local level. In March this year, the Central Lincolnshire area made a commitment to start the review process of the local plan, and I'm quoting from the Central Lincolnshire website, that "the review process has begun to do more to reduce carbon emissions and to demonstrably assist Central Lincolnshire and becoming a carbon Net Zero sub region, as soon as it is practically possible". Whilst Lincoln City and North Kesteven have declared a climate emergency, West Lindsey has set targets to reach a net zero position by 2050. It is also understood that West Lindsey is currently developing a sustainability, climate change and environmental strategy. This strategy sets out actions the Council could take to achieve his goal of reaching net zero across these operations by 2050, and for the wider district of West Lindsey.

From the above it is clear that West Lindsey and the proposals before you today have a shared ambition to achieve net zero. Over the life of the proposal enough clean energy will be generated to power over 13,000 homes each year. This will offset over 13,000 tonnes of co2, annually, which is the equivalent of taking 5000 cars off the road. As you'll have read in the planning officers report, there is a very clear need for low carbon and renewable energy generation, but as part of this proposal, other significant benefits will be provided. For example, public access, local biodiversity and heritage. In early 2020 the applicant started an informal pre-application engagement programme with key stakeholders. Unfortunately, COVID restrictions dictated the approach to the consultation. However, local Ward Members, Parish Councils and over 250 homes and businesses were contacted or written to. Public notices were erected on site, and a project website was created, offering the opportunity to comment on the proposals.

It is clear from the feedback, that connectivity, or more specifically, off-road connectivity between the three villages was a key issue. To address this concern, the proposal includes a provision of approximately two and a half kilometres of permissive access routes along the boundaries of the Western parcel of the proposal. This is in addition to the existing public rights of way in and around the application site. Concerns were also raised over the visibility the proposal from Reepham Road in response to proposals include a comprehensive scheme of landscaping, which includes new hedgerows and reinforcement planting along the highway, and an increased setback of the panels of up to 25 metres from the highway. Within the solar farm, a grass pasture mix of tussock and meadow grass will be sown and managed for a life of the site, and this will contribute to increasing biodiversity levels in the local area.

Furthermore, in agreement with Lincolnshire County Council, information boards will be implemented along the footpath and permissive routes around the site that will provide historic information on the former RAF base, and also the solar farm operation. It is considered that the proposed development will make a significant contribution to achieving net zero through clean energy generation in West Lindsey and enhance connectivity for local communities. Therefore, the application and the Planning Officer's report demonstrates that the proposal is in accordance with a local development plan, and should therefore be approved. Thank you for your time."

The Chairman thanked Mr Cook and explained there would be a short delay while the desk was cleaned prior to welcoming the second speaker. In due course, the Chairman welcomed Councillor C. Darcel, Ward Member, and invited him to address the Committee.

Councillor Darcel made the following statement.

“Thank you Chairman. I would like to congratulate our Planning Officer, and Mr. Cook, for a wonderful presentation they have put forward in support of this scheme. Their presentation has been brilliant. I would also like to thank our Planning Officer for painting such a lovely picture of the open countryside that Fiskerton is at this moment of time. In view of the fact that the purpose of this Planning Committee is to either approve the application as it is, or reject it, and that it cannot recommend alterations to it, I would only ask this Planning Committee to reject the application for a number of reasons. These are: there was no consultation in Fiskerton as there was in Reepham. It is a huge application, and although I've got nothing against its size, I do think that should have been discussed in the village of Fiskerton, with residents in Fiskerton. I also think, the loss of open countryside and visual amenity is a significant aspect of this application. The road from Fiskerton to Reepham, I'm not too concerned about with views, either side of a road from Fiskerton to Reepham. But when you go from Reepham to Fiskerton at this moment in time, you explode into open countryside. When this application is developed, if it is developed, we will then have a narrow tunnel road all the way from Moor Lane, which is the northern boundary of the site into Fiskerton, and at the moment is all absolutely open countryside. Now, I've suggested, other people have suggested, that if the hedgelines that border the road at the moment were moved further back, then you would keep that open countryside look, and that is one thing which just has not been addressed. It is absolutely true that you have got a wide border between the hedges, south of the 'nodding donkeys', but when you are coming from Reepham heading south, you are going to lose an awful lot of that open countryside look, and I think that is a great shame.

Now, there's also a very serious loss of amenity space, at the bottom right of development between the border between Prime Take, and where the solar panels will start. At the moment, that area is very much used by dog walkers and other people who want to just take their dog for a walk, throw a ball for it, throw stick for it and everything else. At the moment, it's probably about 30 metres wide. Now I would like to see that area kept as an amenity area for the village. The village is very poor on open space and that is an important part of it. Now the other thing which I think is also interesting is, I've been to these Planning Committee meetings in the past and I've seen other applications, not nearly as ambitious as this, rejected because of destroying visual amenity and loss of open space. Dog walkers and other people did not want their sense of freedom of the open countryside destroyed and I think this will do it.

Why I'm really concerned is, I think a lot of these issues could have been addressed, if the village of Fiskerton or the Parish Council had been listened to by the applicant, and the applicant's agent. I would like you to reject the application until these issues that I've mentioned, improving the visual amenity coming out of Reepham, and keeping the open space, are addressed. It would be very easy for the applicant to do, and then I would have no objections to this application, but as it is the village is losing too much, and we're being swamped by sea of solar panels. Thank you.”

The Chairman thanked Councillor Darcel for his comments and enquired of the Officer whether he had any further comments. The Principal Development Management Officer stated that loss of amenity had been dealt with within the report, the loss of space was noted however it was private land with no right of access and he highlighted that the hedges had

been moved back.

The Chairman invited comments from the Committee. The definition of the site as being temporary was questioned, to which it was explained that the lifetime of the panels was 40 years and there was a condition for the site to be returned to its former state. In contrast, a housing estate for example would be a permanent development. In addition to returning the site to its former state, the site would be landscaped and it was conditioned that any failures in planting be replaced.

It was enquired whether the rights of way could be upgraded in order to improve access and mobility. It was explained that the developer would be responsible for maintaining the grassed area, however the site would not meet the six tests to be eligible to be upgraded. The proposal did not disrupt or interfere with the existing pathways.

Members of the Committee highlighted the green credentials of the proposal and felt it was an improvement on the look of the site as well as benefitting local wildlife with the proposed planting. Having confirmed the amended conditions, the Officer recommendation was moved and seconded and, on being taken to the vote, was agreed unanimously 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 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 includes measures to promote biodiversity 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.

5. No works other than the recommended further investigation works in the Contaminated Land Preliminary Appraisal Report shall be carried out on the site, the results of which shall be submitted to and approved in writing by the Local Planning Authority to determine if any further action or mitigation is required.

Reason: To address potential contamination risks in accordance with policy LP 16 of the Central Lincolnshire Local Plan.

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

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

- 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.

7. 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

8. 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.

9. 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:

10. 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.

11. 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 former 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.

7 142208 - FOXBY LANE

The Chairman introduced planning application number 142208 for variation of condition 16 of planning permission 138921 granted 29 August 2019 re: completion of roundabout, on land at Foxby Lane Gainsborough Lincolnshire. Members heard from the presenting Officer that in the time since publication of the report, the Agent had been in contact wishing to assure Members that the intention was not to deliver both roundabouts prior to the occupation of the 455th dwelling and this had been a mistake within the submission. She explained it was only ever the intention to amend the trigger for the Foxby Hill / Lea Road roundabout. The trigger for the Foxby Hill / Lea Road roundabout to be completed was proposed to be: prior to the occupation of the 100th dwelling, or two years from the date of the permission, whichever was the earliest date.

The Chairman thanked the Officer and noted there was one registered speaker, Emma Lancaster, Agent for the Applicant. He welcomed her to the meeting and she made the following statement to Members.

“Thank you Chairman and good evening, Members. I'm not proposing to speak for five minutes this evening, because the proposal that's before you is relatively simple. As Rachel's just explained, the proposal is for the amendment of condition 16 of the consent, which was granted some time ago for a mixed use urban extensions of South of the town. Condition 16 requires two roundabouts, one at the junction of Middlefield Lane and Foxby Lane, and another at the junction of Foxby Hill and Lea Road are delivered before any dwellings at the sites are occupied. Through this application, the developers of the first phase of residential development are requesting that the trigger point, the delivery of the roundabout at the junction of Foxby Hill and Lea Road is amended so that some homes can be occupied prior to completion.

There are several reasons for this request, namely the scale of the roundabout works and the length of time it would take to deliver them, all the while, it not being possible to occupy any of the much needed new homes at the site. Secondly, a significant upfront cost of the infrastructure works to the developers, and how this can be balanced by the revenue from sales. The application was accompanied by transport evidence which demonstrates that the roundabout in question is not required, until around 455 dwellings are occupied. However, working with your Officers, and in recognition of Ward Members' and local residents' concerns about both existing and anticipated traffic from the development, Keepmoat are proposing to amend the condition so that it requires completion of the roundabouts prior to 100 dwellings being occupied or within two years of any permission you may grant today, whichever is the sooner. This means the occupation of 100 dwellings prior to both roundabouts being complete is an absolute worst case scenario. Members will note that the proposed variation is being considered by the council's highways team who have raised no objection to the proposed staging of the roundabout improvements and agreed with the findings of the transport statement, ie, the second roundabout is not required until much later than the 100th dwelling. On this basis, and on behalf of the applicants, I hope Members feel able to support your Officer's recommendations today. Thank you.”

There was no further comment from the Officer and the Chairman invited comments from Committee Members.

Councillors J. Rainsforth, M. Devine and M. Boles reiterated their comments against the

original variation submitted however stated they found the revised approach a sensible compromise.

Having been moved, seconded and voted upon, it was unanimously agreed that permission be **GRANTED** subject to the following conditions.

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

1. The development hereby permitted shall be begun before the expiration of 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 approved 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.

8 142916 - DEPOT

The Chairman introduced planning application number 142916 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, on land East of A15/North of A631 Caenby Corner Market Rasen Lincolnshire. The Chairman made a declaration on behalf of all Members that this was regarding a Council application however all would remain impartial.

Members heard from the Development Management Team Leader that since the report had been published. a representation had been received from Glentham Parish Council who had no objections or comments to the application.

With no registered speakers, the Chairman invited comments from Members of the Committee and noted that had it not been a Council application, it would not have been presented to the Committee.

Having been moved and seconded it was unanimously agreed that permission be **GRANTED** subject to the following conditions:

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.

9 142666 - PLOT 1 EASTGATE, SCOTTON

Members gave consideration to planning application number 142666 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 on Plot 1, land south of Eastgate Scotton Lincolnshire. Members heard that one further objection had been received however it did not alter the Officer recommendation.

The Chairman stated there was one registered speaker. He invited My Bayley, Agent for the Applicant, to address the Committee. Mr Bayley made the following statement.

“Good evening my name is John Bayley of Keystone Architecture, I am the agent on behalf

of the applicants.

The reserved matters application for Plot 1 Eastgate was submitted following the outline approval, as you know, for the nine dwellings on the site. I believe this was the last reserved matters application for consideration. The outline approval restricted plot one to a single storey property to ensure the scale was appropriate in relationship to the neighbouring property at number 32 Eastgate. The house as presented is a bungalow, with a low pitch roof, to keep the scale of the property down. As mentioned, the height of the roof at the highest point is 6.2 metres in height. This is actually exactly the same height as the ridge on the neighbouring property of plot two, which is also 6.2 metres in height. As also mentioned the land is lower, by around just over a metre, to number 32 Eastgate so this property will sit lower than the two storey building to the right hand side of it, if you're looking at it from the road.

As for some of the comments made by the local residents, some of the objectors, were not viewed as material considerations and some related to the wider development of the site, which has obviously already been dealt with. Taking the more specific comments in relation to the proposal, we take these, and those raised by the Parish Council, as predominantly to do with the appearance of the property. Most of the other smaller queries and comments I believe have been dealt with by the Officer in his report. The obvious comments that we seem to view, are the old 'not in keeping' or 'out of character', this sort of wording. Yes, this design is not standard developer style housing. The property respects the design code in the Scotton Neighbourhood Plan (SNP), which identifies the materials proposed should take inspiration from the local vernacular. Those materials, as you could see on some of the evidential photographs on the slides, included red brick and render, and slate grey slate tiles as found locally in this part of Scotton and the wider area. The SNP does not include specific design restrictions governing appearance, the design of a property is and always will be subjective. The SNP does, however, include a photograph of another Keystone Architecture property on Middle Street. It was another modern property of render and cedar cladding. It uses this property as an example of not making all new buildings look the same.

Small villages in Lincolnshire, such as Scotton, grow sporadically over the years, and include buildings spanning centuries that at first glance may look quite similar, but the truth is they're not. There may be running themes, such as the materials, but a house traditionally built in the mid 1800s looks very, very different from one built in the early 1900s for example. A property built in 2021 should look like a property built in 2021, just as the house built in 1880 looks like it was built in 1880. The key is to maintain links to the vernacular forms of the area through traditional materials, setting scale, that sort of thing. We hope this bungalow is presented as an example of how this balance can be achieved. Thank you."

The Chairman thanked Mr Bayley and, with no further comment from the Officer, invited comments from Members of the Committee. With no one indicating to speak, the Chairman moved the Officer recommendation. This was seconded and on taking the vote it was unanimously agreed that permission be **GRANTED** subject to the following conditions.

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 Plan.

10 142495 - 43 PINGLE CLOSE

The Committee gave consideration to the last application of the evening, application number 142495 for ground floor extension to form garage, together with first floor extension above at 43 Pingle Close Gainsborough Lincolnshire. There were no updates from the Officer and the Chairman invited the Democratic and Civic Officer to read aloud the statement provided by the applicant. She read aloud as follows:

"I have written this note in support of our planning application 142495- 43 Pingle Close, Gainsborough.

We are proceeding with this application because it has received the full support of our neighbour and we would have amended the plans or withdrawn our application if this was not the case, as we would not want to do anything that they were not happy with.

Our neighbour's garden is north facing and as shown within the light Survey modelled by our agent, it shows that our current property already casts a shadow over our neighbour's garden in its current form and the shadowing effect of the proposed extension on the neighbour's garden is minimal, and the proposal does not cast a shadow on their property at all.

In respect to LP26, there is no "Overlooking" impact from our proposed extension and as

already mentioned there is no “Loss of Light” impact on the building and minimal impact on the bottom of the garden towards the end of the day. We have endeavoured to limit any impact from “overshadowing” by not proposing an extension that is built right up to the boundary and have instead moved the wall some c.1450mm away from the fence line.

LP26 provides guidance on the areas that should be considered, but it does not provide any objective criteria by which these areas should be measured and therefore there is a degree of subjectivity to the concerns raised by the planning officer, which are not shared by Myself, My agent and most importantly by the homeowner of the only property impacted by our proposed extension, being No 41, who have recorded their support for our application on two separate occasions. Based on these points I hope that you will be able to approve our application.

Mr Michael Redwood - Homeowner and Applicant”

The Chairman enquired whether the application would have been presented to Committee had the application not been an Officer or relation to the Council. The Interim Planning Manager (Development Management) explained that it was an unusual situation in that there was definite support from the neighbouring property, however on balance it would have been determined under delegated powers.

Members of the Committee expressed uncertainty as to whether the application should be refused or granted, given the level of support from the neighbouring property. It was felt that the impact of the proposed extension on the neighbour’s land was a risk for the current homeowners to consider. It was accepted that there would be a loss of amenity however with no objections to the proposal, there was a lack of consensus as to whether the application should be granted or refused.

The Legal Advisor advised Members that in making such decisions, planning policy indicated that consideration should be based on whether there was a loss of amenity or not, rather than whether there was support for the application or not.

With no further comments from the Committee, the Chairman moved the Officer recommendation from the Chair. Having been seconded, the Chair took the vote. With 7 for, 3 against and 2 abstentions, planning permission for application number 142495 was **REFUSED**.

11 DETERMINATION OF APPEALS

The determination of appeals was **NOTED**.

The meeting concluded at 8.19 pm.

Chairman

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 1. All dimensions are to be checked on site prior to construction.
 2. Do not scale any dimensions from this drawing.
 3. All dimensions are in millimeters, unless otherwise stated.



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Site Plan as Existing (1:500)
 0m 5m 10m 15m 20m
 0mm 10mm 20mm 40mm 60mm 80mm 100mm
 SCALE 1 : 200



Site Location Plan (1:1250)
 0m 25m 50m 75m 100m 125m
 0mm 10mm 20mm 40mm 60mm 80mm 100mm
 SCALE 1 : 1250

Rev.	Details	Issued:

Client:
 Mr & Mrs. Leak
 25 High Street
 Willingham By Stow

Project:
 Proposed Caravan and
 Glamping Site

Drawing Title:
 Site Plans as Existing

PLANNING			
Scale:	Date:	Drawn:	
As Shown @A1	Feb. 21	-	
Job No:	Dwg No:	Revision:	
21-003	PL - 001	-	

Officers Report

Planning Application No: 142225

PROPOSAL: Planning application for change of use of land from agricultural to siting of up to 12no. touring caravan pitches (4no. hardstanding and 8no. grass pitches), 2no. bell tents, 2no. glamping pods, creation of a permanent natural pond, associated access and parking and retention of building for welfare facilities.

LOCATION: 25 High Street Willingham By Stow Gainsborough DN21 5JZ

WARD: Stow

WARD MEMBER(S): Cllr Mrs T J Coulson

APPLICANT NAME: Mrs Caroline Leak

TARGET DECISION DATE: 31/05/2021

DEVELOPMENT TYPE: Major - Other

CASE OFFICER: Daniel Evans

RECOMMENDED DECISION: Grant Permission with Conditions, subject to deferral back to officers to determine following the expiry of the publicity period (18th June). Should any new material considerations arise within the intervening period, then the application may be referred back to the Committee for further consideration.

This planning application is being referred to the Planning Committee for determination following the request of the Ward Member within the 28 day 'call-in' period.

Description:

The application site comprises of an area of land to the north of Willingham by Stow. The site is located to the rear of 25 High Street. Part of the site, to the west, contains a gravel area with electrical upstands and is used as a touring caravan site¹ Current facilities include 3 hardstanding pitches and space for 5 grass pitches. Only 5 pitches are used at a time due to the limitations of the Caravan and Motorhome club certification².

The site slopes gradually from west to east and is largely grassed, with some areas of planting. A public right of way, namely Wlgm/59/5, lies on a north-west/south-east axis and runs directly across the site. Two other public rights of way lie in close proximity to the site (Wlgm/88/1 and Wlgm/59/1). The site is accessed directly from High Street via a gravelled access. Residential properties adjoin the southern and eastern boundaries, open countryside adjoins the north and a mixture of open countryside/residential gardens adjoin

¹ <https://www.caravanclub.co.uk/certificated-locations/england/lincolnshire/gainsborough/ashleigh-farm-cl/>

² As a certified site, a caravan site licence is not required, and consequently, it falls as permitted development under Part 5, Class A of the General Permitted Development Order 2015 (as amended).

the western boundary. The boundaries of the site comprise of a mixture of hedging and fencing.

The application seeks permission for change of use of the site to allow the siting of up to 12no. touring caravan pitches (4no. hardstanding and 8no. grass pitches), 2no. bell tents and 2no. glamping pods. The application also proposes the creation of a permanent natural pond, associated access and parking and retention of building for welfare facilities.

Relevant history:

128382 - Planning application for proposed extensions and alterations. Granted 11/06/2012.

129058 - Non material amendment to planning permission 128382 granted 11th June 2012. Alterations to position of kitchen windows on east elevations. Granted 17/09/2012.

134195 - Planning application for proposed conversion of farm buildings to 3no. guest bedroom accommodation units. Granted 26/05/2016.

Representations:

Chairman/Ward member(s):

Cllr. T J Coulson

This planning application has become particularly contentious. There appears to be a significant divide within the community. Parish, District and County Councillors together with our local MP have been contacted for support... have been a significant number of objections posted online. I am only able to state that on balance this application would benefit from a wider and more transparent debate.

Willingham by Stow Parish Council:

- Have concerns on the entrance from the High Street where in the past, caravans have had trouble turning into the site due to double parking issues on this section of the High Street.
- This section of the High St has parking issues, vehicles parking on each side of the carriageway due to the close proximity of the Village Hall and the local pub, making vehicle access difficult and sometimes unpassable.
- The PC would like to suggest double yellow lines on the High St, opposite the entrance (from the village hall to School Lane) to help ease traffic congestion, stop double parking and assisted in the turning of vehicles/caravans into the site, helping the flow of traffic up/down the High St.

Local residents:

Comments of support received from the following properties:

14 High Street, 22 High Street, Half Moon Inn, 23 High Street and 2 Grange Lane all Willingham by Stow, 3 Stow Road, Dutch Cottage, Gainsborough Road, Knaith, 1 Whittles Court, Sturton By Stow, The Old Cow House, 38 High Street, Upton.

Comments summarised below:

- The pub has benefited greatly from the site with only 5 pitches. We have no objections to this being expanding because due to the closure over the last year, extra tourists will be great for the pub.
- The proposal will have benefits to the wider economy, not just the adjacent pub.
- The vehicles will not all leave and enter at the same time, so I am not sure a few caravans will make much difference.
- Unlikely that occupants of caravans will be partying late at night.
- I support this application, which seems to me to be a sensitive and well thought out expansion of the current business.
- This development will be a boost to the village economy, particularly the local pub, which is the last remaining business.
- I have seen no negative impact from the current site, and as someone who regularly uses the footpath through the field, including when Caravanners and campers have been present,
- I think the proposed improvements will only enhance what is pleasant a discreet site. I also think the proposed improvements in terms of tree planting and a pond will be of significant benefit to wildlife.
- There will be busier times of course but the increase in traffic will be minimal.
- The positioning of caravans, huts and tents has all been carefully planned to minimise the visual impact on the local residents, aided by landscaping.
- The site has thus far also been a good asset to the village for the economy too.
- The caravans and the cars that tow them will be parked on the site and not the high street

Objections received from the following properties:

Melwood House, 3C High Street, 8 Dairy Farm Cottage, High Street, Southcote 13 High Street, 15 High Street, The Old Surgery, 15A High Street, 17 High Street, 19 High Street, 21 High Street, 24 High Street, 27 High Street, 29 High Street, Oakhurst 31 High Street, 33 High Street, 35 High Street, Kirkstone High Street, 1 The Hop Gardens, 2 The Hop Gardens, 3 The Hop Gardens, The Cottage, The Hop Gardens, Bethany, School Lane, 2 School Lane, The Arbour School Lane, 12 The Paddocks, Springfield House, Marton Road, 1 The Paddocks, 5 The Paddocks, 11 Stow Road, 14 Stow Road, 19 Stow Road, Willingham Methodist Church, Coachmans Cottage Willingham House, The Old School House, 6 Grange Lane, 8 Dairy Farm Cottage, 3 Reynard Court, Midsummer House 4 Reynard Court all Willingham by Stow.

Comments summarised below:

- Willingham by Stow is a country village and is not designed for a holiday destination.
- Once change of use has been granted, it is highly likely that additional units would be introduced with a further increase in visitor numbers.
- The location of the site is inappropriate.
- The proposal will create no employment.

- The proposals appear to be disproportionate to the size of the Willingham by Stow settlement.
- The proposal has no community benefits.
- There will be a significant increase in traffic.
- The proposal will create significant traffic increase and overwhelm the existing parking issues along the High Street.
- There are often vehicles parked on both sides of High Street and this can create problems for traffic turning into or out of the site, particularly larger vehicles, which in turn can cause disruption to the flow of traffic on the street.
- Child safety due to increased traffic.
- The proposal will have a negative impact on the pub because customers will not be able to park nearby.
- The proposal will result in the loss of privacy to neighbouring dwellings.
- The welfare facilities directly adjoin our boundary and are unacceptable next to our garden and dwelling.
- The proposal will create significant noise disturbance as well as odour and air pollution.
- The new parking area will cause nuisance given its proximity to dwellings.
- The proposal represents an invasion of the privacy of neighbouring properties.
- Matters in relation to the route of the public right of way through the site and boundary changes.
- The public will have to navigate around the caravans when walking through the site, this is a health and safety hazard and intimidating.
- The footpath appears to have been moved.
- The proposal will have a visual impact on the character of the site.
- The landscaping plan is not comprehensive.
- The proposal would impact negatively on the rural character of the village.
- Concerns regarding the impact on the natural environment and wildlife.
- Excavations of the pond have already taken place.
- The proposal will result in additional flood risk from the creation of the pond and all surface water being directed to it.
- Flooding of the River Till is compounded by the addition of surface water from proposed site.
- The pond will create faster run-off from the site causing flooding.
- The existing drainage infrastructure cannot cope with additional capacity.
- Matters in relation to the current use of the site and how the site has changed over time.
- Matters in relation to the planning history of the site and unauthorised works.
- Matters in relation to the consultation process and coronavirus pandemic.
- Discrepancies and inaccuracies in the submitted information.
- Various personal matters in relation to the applicants.

Environment Agency:

The Environment Agency does not wish to make any comments on this application.

LCC Highways, Lead Local Flood Authority and Rights of Way:

This proposal includes a new access and parking area for the customers using the "glamping pods". Application for S184 licence required as advised below.

Minor additional hardstanding is proposed for 4 caravan pitches, the existing 5 grass pitches for caravans is to be increased to 8 and there is some landscaping works to create a pond in low area of the site. These changes do not affect highway safety or surface water flood risk and are therefore acceptable.

There is a public footpath through the site, but this is unaffected by the proposals.

LCC Archaeology:

No representations received to date.

The Ramblers Association:

No representations received to date.

WLDC Environmental Protection:

No representations received to date.

WLDC Licensing:

No representations received to date.

WLDC Conservation Officer:

I have considered the proposed development and I am content that this will not impact harmfully on the setting of listed buildings in the vicinity (including 20 Fillingham Road, and Grange Farmhouse).

WLDC Trees and Landscapes Officer:

(in summary)

- The revised plan contains some recommendations made on the initial scheme.
- The legal route of a footpath should not be obstructed by landscaping.
- An additional 7 trees have been added to tree group 1, 9 trees to tree group 2, 3 less trees in tree group 3, 7 less trees in tree group 4, and tree group 5 has been removed altogether. No shrubs have been incorporated into the scheme for better low-level screening, other than a beech hedge around just the two witches huts.
- Some evergreens have been provided although I would generally expect British native species in a rural/countryside setting.
- It would be preferable for the slower growing trees oaks, and beech to be planted as 'feathered' trees of 1.5m or greater in height to be

planted amongst each tree group for some instant feature and softening of the site use and various structures/caravans.

WLDC Growth and Projects Team:

- In principle, and subject to normal planning considerations, the Growth and Projects Team (including Visitor Economy) are supportive of the above application from a visitor economy perspective.
- Tourism is a major sector in West Lindsey bringing into the area around £133 million in revenue and supporting c1780 full time jobs (STEAM data 2018). Staying visitors account for 28% of all visitors to the district and is currently worth £48.3 million (STEAM data 2018) which, has grown annually since 2012.
- The provision of quality accommodation for visitors is an important element for future sustainable development within the district that will add value to the district's current product that allows visitors to stay longer.
- Ashleigh Farm already provides 5 pitches for touring caravans and has planning permission to improve vehicular access and on-site parking.
- Although the tourism and hospitality industry has suffered significantly during the Coronavirus pandemic, research shows that rural destinations are recovering the quickest as they have greater potential to offer safe, socially distanced holidays and breaks. As the industry continues to recover, the rise of the 'staycation' will bring increased demand; therefore enhancing the need for a wide range of quality accommodation.
- There is currently an increase in the sales of motorhomes and touring caravans, as families wish to remain within their 'bubbles', and a there is a corresponding shortage and need for more pitches for such vehicles. The bell tents and glamping pods will provide socially-distanced accommodation for visitors who do not own such vehicles and who are looking for a unique rural staycation, close to nature but with an element of comfort.
- Both the creation of a pond, which will attract wildlife, thereby improving the site's biodiversity, and the use of solar-powered lighting, fit well with Lincolnshire County Council's aims to promote a 'green' and sustainable visitor economy.
- In this application it is important to acknowledge that bringing more visitors into the district, who will use all the services available, will undoubtedly aid the economy of the district for local businesses and residents.

Relevant Planning Policies:

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

Development Plan

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

Relevant policies of the CLLP include:

LP1: A Presumption in Favour of Sustainable Development

LP2: The Spatial Strategy and Settlement Hierarchy

LP7: A Sustainable Visitor Economy

LP13: Accessibility and Transport

LP14: Managing Water Resources and Flood Risk

LP17: Landscape, Townscape and Views

LP21: Biodiversity and Geodiversity

LP25: The Historic Environment

LP26: Design and Amenity

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

- **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 Consideration)

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

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

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

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

National Planning Practice Guidance -

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

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

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

Main issues

- Principle of Development
- Landscape and Visual Impact
- Flood Risk
- Residential Amenity
- Highway Safety and Parking

- Other Matters
 1. Setting of Listed Building
 2. Public Right of Way
 3. Biodiversity
 4. Drainage

Assessment:

Principle of Development

Planning law requires all planning applications to be determined against the provisions of the development plan, unless there are material considerations to indicate otherwise. Policy LP7 of the Central Lincolnshire Local Plan sets out the relevant development plan policy relating to a sustainable visitor economy.

The policy makes clear: ‘Development and activities that will deliver high quality sustainable visitor facilities such as... accommodation, will be supported [emphasis added]’.

It then sets out that ‘Such development should be designed so that they:

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

Policy LP7 goes on to advise that development should be located within existing settlements, or as part of planned urban extensions, unless it can be demonstrated that:

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

Tourism is a major sector in West Lindsey bringing into the area around £133 million in revenue and supporting c1780 full time jobs (STEAM data 2018). Staying visitors account for 28% of all visitors to the district and is currently worth £48.3 million (STEAM data 2018) which, has grown annually since 2012.

Part of the site is an existing facility for touring caravans, known as ‘Ashleigh Farm’. The site benefits from The Caravan and Motorhome Club certification. As a certified site, a caravan site licence is not required, and consequently, it falls as permitted development under Schedule 2, Part 5, Class A of the General Permitted Development Order 2015 (as amended). The site has been operational since August 16th 2019. There are currently three 10m x 10m permeable hardstanding pitches, each with electric hook-up and an open area

of grassland with 5 electric hook-up points. Currently, only 5 pitches are used at any one time due to the limitations of The Caravan and Motorhome Club certification (<https://www.caravanclub.co.uk/certificated-locations/england/lincolnshire/gainsborough/ashleigh-farm-cl/>). The site is used all year round, although only the hardstanding pitches are used in the winter.

The application seeks to expand the site to provide siting for up to 12no. touring caravan pitches (4no. hardstanding and 8no. grass pitches). The accommodation offer is also seeking to diversify by providing 2no. bell tents and 2no. glamping pods.

The increase in tourism provision on this site will be expected to contribute directly and indirectly to the local economy. Weight may be given to the representations of the adjacent local public house (The Half Moon Inn) which lies directly to the west of the site and whom are in support of the proposed expansion for this reason. Benefits to the local and wider economy weigh in positive favour of the development.

The proposed expansion of the facility also seeks to create a permanent natural pond within the site, this will provide an enhancement to the environmental qualities and potential for biodiversity enhancements within the site. Whilst the site does cover a large area to the north of Willingham by Stow, the density of the proposed development would not harm the spacious character of the site. Some elements of the proposal, such as the 2no. bell tents and grass caravan pitches are for seasonal use only. The bell tents will not be located on the site all year round. Overall the proposal is appropriate for the character of the local environment. Furthermore, it accords with the strategic approach set out within policy LP7, which is to locate tourism accommodation within existing settlements.

The proposed expansion of this existing visitor facility is supported by policy LP7 and is acceptable in principle.

It is considered that policy LP7 is consistent with the tourism guidance of the NPPF and can be attached full weight.

Character and Visual Impact

Policy LP26 seeks to ensure development respects the existing topography, landscape character and identity, and relates well to the site and surroundings.

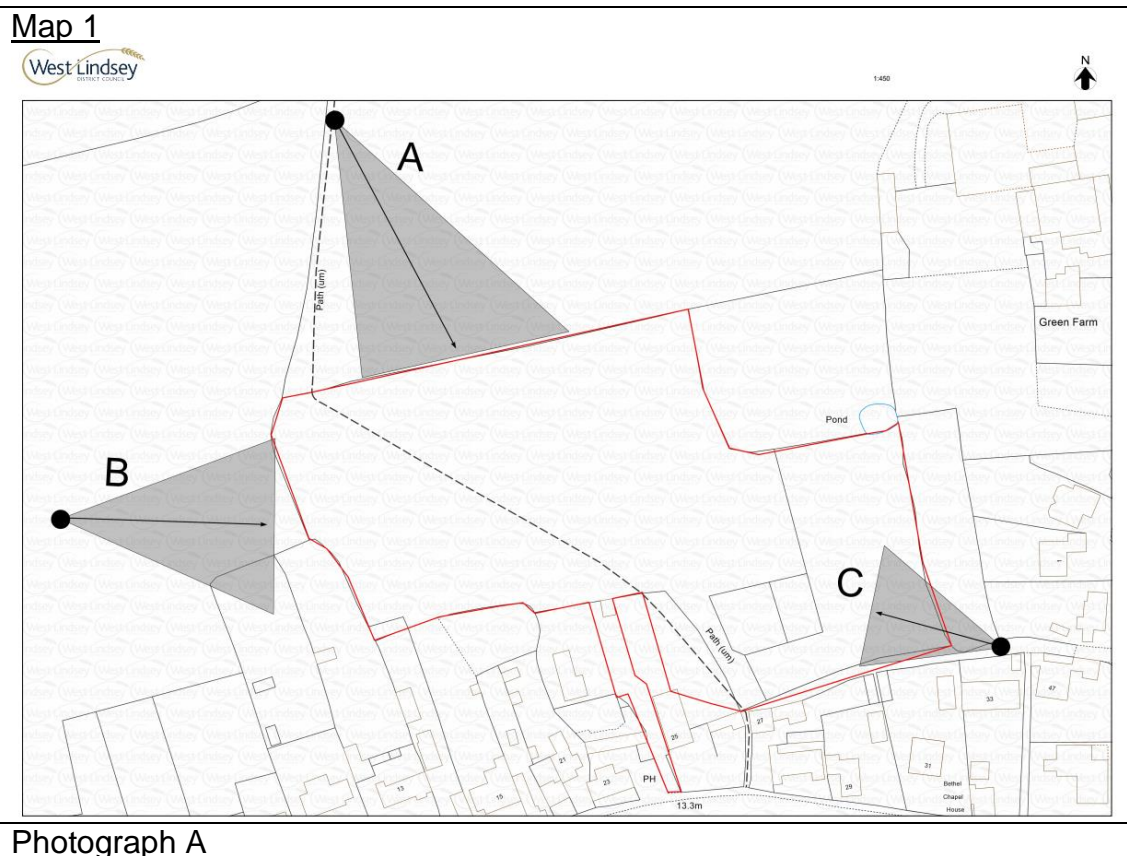
Policy LP17 states that to protect and enhance the intrinsic value of our landscape and townscape, including the setting of settlements, proposals should have particular regard to maintaining and responding positively to any natural and man-made features within the landscape and townscape which positively contribute to the character of the area.

All development proposals should take account of views in to, out of and within developments areas: schemes should be designed to preserve or

enhance key local views and vistas, and create new public views where possible.

The site is located to the north of Willingham by Stow and extends away from the developed footprint of the settlement. The site slopes gradually from west to east and is largely grassed and open in character. It is noted that there are some area of planting within the site, although these are not yet mature and there are open views across the site away and towards the settlement.

The table below is provided to illustrate the context of the site from public viewpoints surrounding the site.





Photograph B



Photograph C



The proposal seeks to provide up to 12 touring caravan pitches. The caravan pitches are located towards the northern and western parts of the site. An area of hardstanding already exists which will be extended as part of the proposal. The additional touring pitches will be located in a similar position to their existing location. The proposal also includes the siting of 2no. bell tents and 2no. glamping pods towards the eastern part of the site.

Whilst there will be an increase in numbers consideration is applied to the fact that this is an existing facility which provides up to 5no. caravan pitches within the site. As shown in photographs A and B, the site is well enclosed by mature hedgerows, as such distant views of the site from the public footpaths are largely screened. A condition will secure the retention of these existing hedgerows.

No groundworks are required for the grass pitches, bell tents and glamping pods. The 8no. grass pitches and 2no. bell tents are for seasonal use only (from April 1st to October 31st). Therefore, during from November 1st to March 31st where deciduous trees and hedgerows will likely be bare of foliage, there will only be 4 caravan pitches (hardstanding) and 2 glamping pods in use within the site. This can be subject to a planning condition.

The proposed development is supported by a comprehensive landscaping plan. The landscaping plan includes the provision of 123 new trees across the site and a significant amount of additional hedging. The proposal also includes the excavation of a permanent water feature which will provide natural visual amenity value. The provision of this landscaping plan for the site will, over time, significantly reduce the visual impacts of the proposed development. An implementation programme will be conditioned to ensure that over a 5 year period any trees or shrubs which die or are removed are

suitably replaced. The programme will also ensure that the planting is undertaken in the appropriate planting season.

Overall, the proposed density and scale of the development, taken cumulatively with the implementation of a comprehensive landscaping plan, would not lead to a significant visual impact on the character of the landscape. The proposal therefore accords with policy LP17 and LP26 of the CLLP.

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

Flood Risk

The site is located in flood zone 1 (low probability) and so is sequentially acceptable, in accordance with the NPPF and CLLP policy LP14. The current onsite risk of surface water flooding is indicated by Gov.uk mapping as very low. However, there are some minor areas of the site located at medium and high risk of surface water flooding. These areas are limited to the depression in the site level and contours of the site to the east.

In accordance with national and local policy a Flood Risk Assessment has been provided with the application.

There are minor groundworks associated with the additional permeable hardstanding caravan pitches, pathways and parking areas. These areas will all be formed from permeable surfacing. There will be no increase in impermeable hard surfacing within the site. The on-site proposed caravan, tents and glamping pods are located outside areas of localised risk. It is noted that a small area of the existing hardstanding for caravans straddles an area identified as at risk. However, in this location the existing hardstanding is set at a level slightly above the adjacent ground.

The application also proposes to create a permanent water feature (pond) within the site. This is located centrally at a low point in the site which is known to hold surface water as existing. The pond measures approx. 16m (maximum) width x approx. 35m length x approx. 1m depth. The proposed pond is **not required** to reduce or mitigate the existing surface water run-off caused by the development. However, the pond will form a natural location of attenuation that will reduce flows across the site.

It is noted that neighbouring residents have commented on the existing flood risk to the east of the site. It is noted that the area to the east of 'Hop Gardens' approximately 50m to the east of the application site, is located in flood zone 3 (High Risk), due to the location of the River Till. However, the application site falls entirely within flood zone 1 (Lowest Risk). The proposed development will not increase impermeable hard surfacing across the site and the proposed pond will form a natural location of attenuation that will reduce flows across the site.

The Lead Local Flood Authority have stated in their consultation response: ***“there is some landscaping works to create a pond in low area of the site”... “These changes do not affect surface water flood risk and are therefore acceptable”.***

Overall, the proposed siting of visitor facilities and the formation of a water feature (pond) would not increase the risk of flooding to surrounding properties. The latter will offer natural attenuation and slow the flow of surface water across the site. This accords with policy LP14 of the CLLP which seeks, together with the NPPF, to ensure that there is no unacceptable increased risk of flooding to the development site or to existing properties.

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

Residential Amenity

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

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

The proposed glamping pods are located approx. 50m to the north of the closest residential dwelling (No.27 High Street). The proposed bell tents will be located in excess of 60m to the west of the closest dwellings at 'Hopgardens'. The proposed hardstanding caravan pitches are located approximately 45m to the north of the nearest residential property (No.21 High Street) and the proposed grass pitches are located in excess of 70m from any residential property. All of the above separation distances are acceptable to protect the neighbouring properties from undue loss of privacy. This can be subject to a planning condition.

The proposed extension to the hardstanding caravan pitches are located in close proximity to the southern boundary. Adjacent to this boundary is a parcel of land which contains mature trees. The applicant has advised that this parcel of land is in the ownership of 15 High Street (Melrose House). Melrose House is located approximately 50m to the south of the application site and the area of their land adjacent to the southern boundary of the application site is bounded to the south and west by 2m high close boarded fencing. Melrose House benefits from a large garden area and it is clear from visiting the site that the parcel of land described above does not constitute their main private amenity space. Whilst the hardstanding pitches are located in close proximity to the southern boundary it is considered that the proposed siting of caravans in this location would not lead to unacceptable levels of overlooking or other loss of privacy. In the interest of amenity, the applicant

has provided additional hedging along the southern boundary to help mitigate any impacts of the proposal.

Some noise and disturbance may occur by virtue of the proposed use and the additional units on site. However, given the proposed separation to neighbouring dwellings and overall intensity of the proposed site, it is considered that the proposed tourism use will not cause significant levels of noise and disturbance that would result in significant impacts, to the unduly detrimental harm of the amenities presently enjoyed at the nearby properties.

For land use planning purposes, it is considered that the proposed use of the land would be compatible with an edge of settlement location and indeed, policy LP7 is clear in directing such uses to an existing settlement.

In what is considered to be an unlikely scenario that statutory nuisance did arise from the site from inadequate site management, then the Council does have provisions under the Environmental Protection Act to address a statutory nuisance.

The proposed water supply and waste water disposal is located to the west of the existing bathroom facilities. These facilities are already in situ by virtue of the existing use, an additional enclosure is proposed around the area to provide additional screening in the interest of amenity.

A new parking area is proposed to the front of the site which directly accesses from High Street. Given the proposed layout of the site and access, all vehicles entering the site from High Street will enter in a low gear therefore not causing a great deal of noise disturbance. It is likely that increased noise will be created by the activities of customers such as closing their car doors or talking whilst walking into the site. It is noted that background vehicular noise will already be created from High Street. The parking arrangement is similar to the arrangement approved by previous planning application 134195 and the existing boundary wall to the east will provide a suitable barrier to avoid any significant disturbance to neighbouring dwellings. It is considered that the effect of the proposal in terms of noise and disturbance is within acceptable limits and does not constitute a reason to withhold permission in accordance with policy LP26.

A footpath is provided within the site so future users can access their accommodation from the parking area without relying solely on the use of the public right of way for pedestrian access into the site.

Overall, the proposed tourism use of the site is not deemed to be incompatible with neighbouring residential uses and accords with the development plan, in particular policy LP26 in this regard.

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

Highway Safety and Parking

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

A new access and parking area is proposed to the front of the site which directly accesses from High Street. This area will provide off-street parking provision for the users of the glamping pods and bell tents. The parking and access arrangements are similar to the arrangement approved by previous planning application 134195 and are deemed to be acceptable in this instance.

Concerns have been raised by neighbours and the Parish Council with regard to highway safety. The extent of public comment relates mainly to the increase in traffic and the ability for large towing vehicles to access the site given the localised parking issues along High Street.

It is appreciated that many of the dwellings along High Street do not contain off-street parking provision and rely on street parking to the front of their dwellings. The Public House and Village Hall are also located along High Street and do not offer off-street parking provision. However, in this regard, the proposed development offers ample off-street parking provision for future users so will not result in any additional parking along High Street.

The site contains an established access from High Street which leads to the existing caravan pitches within the site. This application proposes to utilise the established existing access arrangements for the additional touring caravan pitches. The site has been operational since August 2019 with the current access arrangements. The Highway Authority have not reported any highway issues regarding the site and have stated in their consultation response that the development does **“not affect highway safety”**. To become a certified site, the Caravan and Motorhome Club require an access to be at least 12 metres in length before any gateways so that a towing vehicle including the caravan can pull off the highway before stopping. The access into the site is 14.8 metres from the carriageway edge to the gates into the site which is ample space to avoid any caravans overhanging the highway while entering the site. The applicant has advised that the existing access is approximately 5.5m wide at point of entry and maintains a width between approximately 4m and 4.5m into the site.

Overall, it is considered that the additional 7no. caravan pitches that will use the established access are unlikely to cause unacceptable highway safety issues. The proposal is therefore deemed to accord with policy LP13 of the CLLP.

It has been suggested that parking restrictions through the use of yellow lines, should be imposed. Measures to vary the speed limit and provide parking restrictions on High Street is within the control of the local highways authority and is not a matter which this planning application can control.

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

Other Matters

Setting of Listed Building

The Conservation Officer has advised that the development will not impact harmfully on the setting of nearby listed buildings. The development accords with the statutory duty and policy LP25 of the CLLP which seeks to preserve the historic environment.

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

Public Right of Way

There is an existing rights of way that runs on a north-west/south-east axis directly across the site. The existing right of way will remain unchanged by the proposal and LCC Rights of Way Team have advised that the footpath is unaffected by the proposals.

Biodiversity

The site is not located within or nearby to any designated wildlife sites. However, maintaining and enhancing a network of species and habitats including the linkages between them is important to achieving the vision and aims of the Lincolnshire Biodiversity Action Plan (revised 2015).

The proposed landscaping plan includes the provision of 123 new trees across the site as well as additional hedging. The proposal also includes the creation of a permanent water feature (pond) within the site. These areas will help to support and create a variety of species and habitats within the site and assist with the network of linkages to the wider environment.

The tree planting and creation of a permanent water feature will provide biodiversity and ecological enhancements which would accord with policy LP21 of the CLLP which seeks to ensure that all development delivers a net gain in biodiversity and geodiversity.

Drainage

There is no change to the existing foul drainage arrangements, which connect to the mains system. No capacity issues have been identified by the statutory foul drainage provider.

Conclusion and Planning Balance

The decision has been considered against policies LP1: A Presumption in Favour of Sustainable Development, LP2: The Spatial Strategy and Settlement Hierarchy, LP7: A Sustainable Visitor Economy, LP13: Accessibility and Transport, LP14: Managing Water Resources and Flood Risk, LP17: Landscape, Townscape and Views, LP21: Biodiversity and Geodiversity, LP25: The Historic Environment and LP26: Design and Amenity of the Central Lincolnshire Local Plan in the first instance and the guidance contained in National Planning Policy Framework and National Planning Practice Guidance. In light of this assessment it is considered that the proposed expansion of this existing facility will provide a high quality

sustainable tourism offer in the settlement of Willingham by Stow and will provide benefits to the local and wider economy. The proposed density and scale of the development, taken cumulatively with the implementation of a comprehensive landscaping plan, would not lead to a significant visual impact on the character of the landscape. The proposed siting of the accommodation units and the formation of a water feature (pond) would not increase the risk of flooding to surrounding properties. The proposed tourism use of the site is not deemed to be incompatible with neighbouring residential uses and the access and parking arrangements are unlikely to cause unacceptable highway safety issues. The proposal will preserve the setting of nearby listed buildings and will provide significant biodiversity enhancements to the site.

Therefore, it is recommended that the application be delegated back to Officers, to determine the application in accordance with the given resolution, following the expiry of the publicity period (18th June). Should any new material considerations arise within the intervening period, then the application may be referred back to the Committee for further consideration.

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

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

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

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

None.

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

2. Development shall proceed in accordance with the following approved drawings and the land use hereby permitted shall be for a maximum of 12 (twelve) touring caravans, 2 (two) glamping pods and 2 (two) bell tents:

- PL-001
- PL-003
- PL-004 Rev A
- PL-005 Rev E
- Specification of Glamping Pod
- Specification of Bell Tent

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

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

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

4. All planting, seeding or turfing comprised in the approved details of landscaping as shown on drawing PL-005 Rev E shall be carried out in the first planting and seeding season following the occupation of the building(s) or the completion of the development, whichever is the sooner; and any trees or plants which within a period of 5 years from the completion of the development die, are removed, or become seriously damaged or diseased shall be replaced in the next planting season with others of similar size and species, unless the Local Planning Authority gives written consent to any variation.

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

5. The proposed pond hereby approved shall not be lined with any impermeable membrane or other such impermeable material.

Reason: To accord with the recommendation of the submitted Flood Risk Assessment and to accord with the National Planning Policy Framework and policy LP14 of the Central Lincolnshire Local Plan.

6. Prior to the siting or erection of the Glamping Pods or Bell Tents the proposed parking area and footway within the site serving these facilities shall be completed in accordance with the details shown on drawing PL-005 Rev E.

Reason: In the interests of safety of the users of the public highway and the safety of the users of the site to accord with the National Planning Policy Framework and policies LP13 and LP26 of the Central Lincolnshire Local Plan.

7. Within 6 months of the date of this permission the Waste Disposal Enclosure shall be completed in accordance with the details shown on drawing PL-004 Rev A.

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

8. No trees or hedges shall be removed from the site without the prior written agreement of the Local Planning Authority.

Reason: In the interests of amenity and protection of habitats, in accordance with the provisions of the National Planning Policy Framework and policy LP21 and LP26 of the Central Lincolnshire Local Plan.

9. Notwithstanding the requirements of condition 11 and 12 of this permission, the touring caravans, glamping pods and bell tents hereby permitted shall be sited in the positions as shown on drawing PL-005 Rev E unless otherwise agreed in writing with the Local Planning Authority.

Reason: To accord with current planning policies and in the interest of visual and residential amenity in accordance with policy LP17 and LP26 of the Central Lincolnshire Local Plan.

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

10. The development hereby permitted shall be used for holiday accommodation only and shall not be used as a person's sole or main residence.

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

11. In the period between 31st October in any one year and 1st April in the succeeding year, there shall be no caravans sited on the grass pitches or stored on the site other than on the four hardstanding pitches, as shown on drawing PL-005 Rev E.

Reason: To accord with current planning policies and in the interest of visual amenity in accordance with policy LP17 and LP26 of the Central Lincolnshire Local Plan.

12. In the period between 31st October in any one year and 1st April in the succeeding year, the bell tents hereby permitted shall be removed from the site (other than if placed in storage).

Reason: To accord with current planning policies and in the interest of visual amenity in accordance with policy LP17 and LP26 of the Central Lincolnshire Local Plan.

End.



Officers Report

Planning Application No: 142758

Listed building consent application No: 142759

PROPOSAL: Planning application for change of use of first - third floor from offices to 3no. residential apartments, removal of existing and installation of timber shop front, installation of gate, removal of pantiles and installation of slate roof, removal of escape door, facade repair including brick replacement, mortar repair and stone cill replacement, structural works tying in west facade with floor, sash window repair and refurbishment and associated internal and external repairs and refurbishment.

LOCATION: 5-7 Market Place Gainsborough Lincolnshire DN21 2BP

WARD: Gainsborough South West

WARD MEMBER(S): Cllr Rainsforth and Cllr Young

APPLICANT NAME: Mr Scott

TARGET DECISION DATE: 30/06/2021

DEVELOPMENT TYPE: Change of Use

CASE OFFICER: Martin Evans

RECOMMENDED DECISION: Grant permission and consent subject to conditions.

These applications are reported to planning committee in the interests of transparency because West Lindsey District Council owns the application site.

Description:

The application site consists of 5 to 7 Market Place, a grade II listed building within the Gainsborough Town conservation area. The site is also within the town centre boundary and primary shopping area.

The applications seek planning permission to change the upper floors of the building to apartments (formerly offices), and listed building consent for works to the building including the installation of a new timber shop front.

The building is currently vacant and has previously been used as a ground floor retail unit with the first second and third floors used as office space. The ground floor retail use would remain and it is proposed to remove the existing shopfront and replace it with a traditionally designed timber shopfront. The offices would be changed into three flats, one on each floor. The side entrance gate would be replaced as would the pantile roof for slate. The remainder of the proposed works include structural tying of the front (west) elevation to the building to prevent movement and the repair and refurbishment of windows, doors and mortar.

Relevant history:

97/P/0229 Consent to internally alter existing building. Approved 14/05/97.

W33/1146/89 Change the use of shop to office (Class A2 of the Town and Country Planning (Use Classes Order) 1987). Approved 7/12/1989.

W33/405/86 Install new shop front in accordance with amended details received on 22 July 1986. Approved 24/7/1986.

W33/LB/12/86 Install new shop front in accordance with amended details received on 22 July 1986. Approved 24/7/1986.

W33/166/86 Alterations and extension to shop. Approved 17/4/1986.

W33/LB/5/86 Demolish rear extension, convert two shops into one, extend shop and restore the front elevation. Approved 17/4/1986.

Representations:

Gainsborough Town Council: No comment.

WLDC Conservation Officer:

- The replacement shopfront is welcomed which is based on authentic evidence of the last historic shop front this building had. An excellent job has been done regarding the design. A good match on brick tiles to each side of the new shopfront will be required.
- The floor surface in the shop front recessed doorway needs to be addressed as this is a key component of a traditional shopfront and no detail is provided. Some traditional black and white tiles would be appropriate.
- Removal of historic but non-original staircase and room subdivision results in less than substantial harm. Public benefits include the shopfront and bringing the building back into an optimum viable use which outweighs the harm.
- Reinstating a slate roof in place of the current pantile roof would regularise the existing unauthorised roof covering.
- Structural works are proposed but no structural report or drawings are provided. A report from a CARE registered structural engineer is required to advise on:
 - a. Exactly what structural defects there are, and;
 - b. How these can be addressed, detailing minimum necessary to alleviate any structural issues there may be, and;
 - c. Drawings and sections to demonstrate this work.
- Structural works details are required prior to determination or this can be dealt with via a pre-commencement condition.
- Repairs to the front are well contained to what is necessary. Additional specs with more detailed information will be required for some areas of proposed repairs including:
 - a. removal / replacement of damaged voussoirs,

- b. removal of damaged bricks;
- c. repointing
- Details and samples will be required for any new or replacement brick, and mortar biscuit samples will also be required (which can then be used for the new brick tiles to each side of the new shopfront too) as will sample panels of repointing, brick and voussoir replacement.
- Electricity and gas meter, and heating system extract flues and vent location details are required.
- A series of conditions are recommended to secure final details.

WLDC Townscape Heritage Officer: “I am very satisfied with the proposed works as far as the Townscape Heritage initiative [THC] is concerned – we have allowed for some structural repairs to hold the front elevation onto the rest of the building, appropriate mortar and brick repairs to the front elevation, overhaul and redecoration of the sash windows to the front elevation, shopfront and fascia replacement, and replacement of the side passage door. The THI very much takes a street scene improvement with appropriate materials approach and the proposals meet our aims for this building.”

LCC Archaeology: “The proposed development involves alterations to the Grade II shop and former townhouse at 5-7 Market Place in Gainsborough. This will involve some minor loss of historic fabric, as well as alteration and division of the historic principal upstairs rooms overlooking the Market Place. This office is minded that sufficient recording has already been carried out in the Heritage Impact Assessment, and therefore we would not recommend any further recording be required for archaeological purposes in order to meet the requirements of paragraph 199 of the NPPF.”

LCC Highways and LLFA: no objection.

Historic England: no comment.

Relevant Planning Policies:

Statutory test

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

“16 Decision on application...

(2) In considering whether to grant listed building consent for any works the local planning authority or the Secretary of State shall have special regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses”

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

(1) In considering whether to grant planning permission for development which affects a listed building or its setting, the local planning authority or, as the case may be, the Secretary of State shall have special

regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses.”

“72 General duty as respects conservation areas in exercise of planning functions.

(1) In the exercise, with respect to any buildings or other land in a conservation area, of any of the provisions mentioned in subsection (2), special attention shall be paid to the desirability of preserving or enhancing the character or appearance of that area.”

Development plan

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

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

Lincolnshire Minerals and Waste Local Plan

- Core Strategy and Development Management Policies
- Site locations

No relevant policies.

Central Lincolnshire Local Plan

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

Relevant policies of the CLLP include:

Policy LP2: The Spatial Strategy and Settlement Hierarchy

Policy LP3: Level and Distribution of Growth

Policy LP5: Delivering Prosperity and Jobs

Policy LP13: Accessibility and Transport

Policy LP14: Managing Water Resources and Flood Risk

Policy LP17: Landscape, Townscape and Views

Policy LP25: The Historic Environment

Policy LP26: Design and Amenity

Policy LP27: Main Town Centre Uses - Frontages and Advertisements

Policy LP38: Protecting Gainsborough's Setting and Character

Policy LP41: Regeneration of Gainsborough

Policy LP42: Gainsborough Town Centre and Primary Shopping Area

Other

National Planning Policy Framework 2019 and Planning Practice Guidance

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

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)."

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/>

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. The referendum result is to be reported to the Full Council of West Lindsey District Council in the near future with a view to the Gainsborough Town Neighbourhood Plan being made as part of the development plan for the parish area.

However, having now been approved at referendum, the Neighbourhood Plan now comes into force as part of the statutory development plan¹.

Relevant policies are:

NPP1 Sustainable Development

NPP 2 Protecting the Natural Environment and Enhancing Biodiversity

NPP 6 Ensuring High Quality Design

NPP 18 Protecting and Enhancing Heritage Assets

NPP 19 Improving the Vitality of the Town Centre

As it has been successful at referendum the Gainsborough Town Neighbourhood Plan should now be given full weight in such decision making, as part of the statutory development plan.

Main issues

- **Principle**
- **Design and heritage**
- **Residential amenity**
- **Other**

Assessment:

Paragraph 85(d) of the NPPF states that:

Planning policies and decisions should support the role that town centres play at the heart of local communities, by taking a positive approach to their growth, management and adaptation. Planning policies should:

¹ S38(3A) of The Planning & Compulsory Purchase Act 2004 (as amended)

(f) recognise that residential development often plays an important role in ensuring the vitality of centres and encourage residential development on appropriate sites.

Paragraph 3.6.1 of the CLLP states *“Initiatives aimed at encouraging alternative uses of upper floors can also help to ensure vital and viable centres as well as meeting housing needs and contributing towards the aims of sustainable development.”*

Policy LP2 supports substantial housing development in Gainsborough.

Policy LP41 states that *“Development proposals should assist, where possible, in meeting wider regeneration and investment objectives for Gainsborough, including the most up to date Gainsborough Masterplan. In particular, development proposals will be supported which... Strengthen the existing retail area of the town centre, through increased and/or improved retail offer, together with some complementary uses as appropriate”*

Neighbourhood Plan Policy NPP19 directly supports the proposed residential uses as it would not harm the retail offer at ground floor level and the effected uses are upper floor non-retail uses.

Loss of the existing office space is also considered under Policy LP5 *“Loss of Employment Sites and Buildings to Non Employment Uses”* which sets out the criteria such loss will be determined against stating:

*“Loss of Employment Sites and Buildings to Non Employment Uses
Conversion and redevelopment of, or change of use from, existing non-allocated employment sites and buildings to non-employment uses will be considered on their merits taking account of the following:*

- whether the loss of land or buildings would adversely affect the economic growth and employment opportunities in the area the site or building would likely serve;*
- whether the continued use of the site or building for employment purposes would adversely affect the character or appearance of its surroundings, amenities of neighbouring land-uses or traffic conditions that would otherwise be significantly alleviated by the proposed new use. It should also be shown that any alternative employment use at the site would continue to generate similar issues;*
- whether it is demonstrated that the site is inappropriate or unviable for any employment use to continue and no longer capable of providing an acceptable location for employment purposes; and*
- whether the applicant has provided clear documentary evidence that the property has been appropriately, but proportionately, marketed without a successful conclusion for a period of not less than 6 months on terms that reflect the lawful use and condition of the premises. This evidence will be considered in the context*

of local market conditions and the state of the wider national economy.”

The foreword to the Policy states:

“3.5.9 The final part of the policy relates to the conversion and redevelopment of, or change of use from, existing non-allocated employment sites. It is not the intention that such proposals shall meet all of the bullet points listed in the policy, but instead will be considered on their merits having regard to the four criteria and the evidence provided, which should be proportionate to the development proposed.”

The applicant provides the following information:

“1.2 Statement from Property & Assets team at West Lindsey

After purchase we put it on the open market and we had various viewings which came to nothing so ultimately we decided to refurbish the building. Following tender, award and commencement of works, structural problems were uncovered which stopped the works and the contract was determined. Since then the property has remained unfinished/mothballed.

When the property was marketed for office use or other

- in 2015 a performing arts group showed interest with rents levels at 2st year 6 months free then £500 for the remainder of the year. Year 2 was £12,000 and years 3-5 was £15,000pa*
- A Dutch Pancake business, Northwoods, Starkey & Brown, Pygott & Crone and a Charity were also interested at the same time*

What price it was marketed at Rents at up to £15000pa with various stepped rent incentives at commencement of the lease

The level of interest shown in the marketing

- As initial interest waned and WLDC started improvement works which were terminated. Interest to purchase the property was received in 2017 from HSR Law who were originally prepared to pay £85000 for the property in its present state believing they would have to spend 200k to finish the works off eventually following further surveys and on the advice of their building consultant they withdrew. Around the same time an investor came forward along with a Business Dev Manager of Trent Nursing but neither pursued the premise.*
- Further interest has been received in 2018 from Stallard Kane, an individual wanting a coffee shop with an hot desk office above, another that was looking at a residential conversion into flats initially offering £100,000 but reduced the offer to £55,000 after further consideration which WLDC did not accept. Linc IT also looked at the premises (for a rent of £15,000 pa) when their North Street premises was subject to*

transfer from WLDC to Market Street Renewals but this wasn't taken any further after viewing. Someone requested use of the ground floor only as a bed showroom for a rent of £10,000pa, Bell & Wright solicitors also looked at it for a potential relocate from Lord Street. There was also a butcher that wanted to look at the ground floor late 2018.

Since WLDC started to develop a business case looking at conversion of the premises into mixed use residential and retail, progressing design, costs etc and looking at the heritage funding grant opportunity our agents have withdrawn from pushing letting opportunities so over the last couple of years we have only received a couple of enquiries”

This is considered to demonstrate that whilst no recent marketing has taken place, when the property was marketed there was no conclusive interest shown. This is likely in part due to the structural issues unearthed. Whilst more recent marketing information would be preferable it is also necessary to consider that local market conditions and the state of the wider economy are against office based working due to the Covid-19 pandemic leading to home working for many formerly office based businesses with the likelihood that there will be reduced demand for such space going forward as some people continue to work from home as a preference or business decision. The relatively modest scale of the office space means its loss is unlikely to adversely affect the economic growth and employment opportunities in the area the building serves.

The loss of office space and gain of three flats is considered to comply with the requirements of Policies LP2, LP5, LP41 and NPP19.

Design and heritage

The statutory test in sections 16 and 66 of The Planning (Listed Buildings and Conservation Areas) Act 1990 is the primary consideration meaning “*special regard*” must be had to the desirability of preserving the building or any features of special architectural or historic interest it possesses. Section 72 requires special attention shall be paid to the desirability of preserving or enhancing the character or appearance of the conservation area.

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

involve activities or alterations prejudicial to the special architectural or historic interest of the building. Development proposals that affect the setting of a Listed Building will be supported where they preserve or better reveal the significance of the Listed Building. Regarding conservation areas Policy LP25 requires proposals should retain architectural details that contribute to the character and appearance of the area; where relevant and practical, remove features which are incompatible with the Conservation Area. Policy LP38 requires proposals protect, conserve and, where appropriate, enhance the benefits of heritage assets.

Policy NPP6 and LP26 requires all development must achieve high quality sustainable design that contributes positively to local character, landscape and townscape, and supports diversity, equality and access for all. It requires all development must take into consideration the character and local distinctiveness of the area. Section 12 of the NPPF seeks to achieve well-designed places. Paragraph 124 states *“The creation of high quality buildings and places is fundamental to what the planning and development process should achieve”*. Paragraph 127 requires policies and decisions ensure developments function well and add to the overall quality of the area; are visually attractive as a result of good architecture, layout and appropriate and effective landscaping; are sympathetic to local character and history, including the surrounding built environment and landscape setting, while not preventing or discouraging appropriate innovation or change.

With regards to the townscape Policy LP17 requires *“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”*.

Policy LP27 states:

“Main Town Centre Uses - Frontages

In respect of uses defined as a main town centre use, proposals for frontages or alterations to existing frontages will be permitted provided the proposal:

- a. Is of a high quality design and is sympathetic in scale, proportion and appearance to the building of which it forms part, and to the character of the surrounding street scene; and*
- b. Protects, and where possible enhances, traditional or original frontage or features that are of architectural or historic interest, particularly if the building is listed or within a conservation area; and*
- c. Is designed to allow equal access for all users.”*

The Neighbourhood Plan Policy LPP18 states:

“7. Development within the Conservation Areas or their settings should demonstrate an understanding of the history and industrial quality of the area. Development should respect the scale, building plot, height

and roofline, and complement existing materials and architectural detailing and reflect the pattern and design.

8. Development proposals for the renovation of buildings and shopfronts in the Town Centre that reinforce its historic character and comply with West Lindsey District Council's shopfront improvement scheme will be supported."

NPPF paragraph 192 requires LPA's, in determining applications, take account of (a) the desirability of sustaining and enhancing the significance of heritage assets and putting them to viable uses consistent with their conservation. Paragraph 193 requires, when considering the impact of a proposed development on the significance of a designated heritage asset, great weight should be given to the asset's conservation (and the more important the asset, the greater the weight should be). This is irrespective of whether any potential harm amounts to substantial harm, total loss or less than substantial harm to its significance. Paragraph 194 requires any harm to, or loss of, the significance of a designated heritage asset (from its alteration or destruction, or from development within its setting), should require clear and convincing justification.

Policies LP17, LP25, LP26, LP27, LP38 and NPP18 are consistent with the NPPF and given full weight.

The proposal entails replacement of the existing poor quality shopfront which detracts from the listed building, conservation area, streetscene and town centre with a traditional timber shopfront designed to reflect that which previously existed on the building. The existing unsympathetic side gate would be replaced with a wrought iron gate and the windows would be sympathetically repaired and replaced where necessary as detailed in the submitted window repair survey and schedule. The proposed external alterations represent an enhancement to these heritage assets and are well designed. It should be noted the conservation area is, placed on the Historic England heritage at risk register², as being in 'very bad' condition, but is noted to be 'improving'. The proposal makes a meaningful contribution towards addressing this. Internal changes include removal of a staircase, subdivision of the principal front room on the first, second and third floors; and the retention of historic features such as cupboards, cornicing, window linings and shutters. The small amount of harm arising from subdivision of the original floor plan and staircase removal is necessary to allow residential use and is substantially outweighed by the wider enhancements of the proposal.

Historic England make no comment. The comments of the Council's Townscape Heritage Officer are entirely supportive of the proposal. The comments of the Council's Conservation Officer are noted. It is considered that a series of conditions can be attached to secure the outstanding details suggested.

² <https://historicengland.org.uk/advice/heritage-at-risk/search-register/list-entry/6462>

Overall, the proposal is considered to result in significant heritage enhancements in accordance with the aforementioned statutory tests and policies.

Residential amenity

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

Flat sizes are listed below:

Flat 1 (1 bed) has a floorspace of 60m².

Flat 2 (2 bed) has a floorspace of 77m².

Flat 3 (2 bed) has a floorspace of 77m².

These flat sizes are above the requirements of 50m² and 61m² contained within the Technical housing standards – nationally described space standard. Whilst these standards are not adopted by the Council they indicate whether reasonable flat sizes are achieved. An overgrown area to the rear of the external fire escape would be cleared and used as amenity space for residents. Outside space is not always achievable in town centre locations therefore this is considered to be a benefit for future residents. The proposal provides suitable accommodation for future residents and is not considered to give rise to undue harm to the residential amenity of adjoining occupiers or businesses. The proposal complies with Policy LP26.

Other

No on-site car parking is proposed. There is cycle parking space adjacent the external fire escape. This is considered appropriate in a town centre location, served by public car parks and public transport, in accordance with Policy LP13.

The site is in flood zone 1 (low probability) and residential uses are at first floor and above. Existing foul and surface water drainage infrastructure would be reused. These elements are acceptable in accordance with Policy LP14.

Conclusion

The loss of office space and gain of three flats is considered acceptable in principle, and accords with the NPPF (paragraph 85) which requires that we recognise that residential development often plays an important role in ensuring the vitality of centres. Proposed physical changes are overall considered to represent a significant enhancement to the heritage assets and constitute good design. Suitable residential accommodation is proposed and no harm would arise for existing residents or businesses. The site is a town centre location where no on site vehicle parking and provision of cycle parking spaces is appropriate. There are no floor risk or drainage issues arising. It is recommended to approve both applications subject to conditions.

Conditions for Planning Application No: 142758 only:

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

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

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

7327 (08) 04 Rev C

7327 (08) 06 REV D

7327 (08) 08 REV C

7327 (08) 11 REV B

7327 (08) 12

7327 (08) 13

7327 (08) 14

SCH02 Window Repair Schedule

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

3. Prior to their installation, details of new external doors including elevations and sections at no less than 1:20 scale showing the door frame and cill details, shall have been submitted to and approved in writing by the Local Planning Authority. Development shall proceed in accordance with the approved details.

Reason: In the interests of preserving the architectural and historic interest of the listed building in accordance with Policy LP25 of the Central Lincolnshire Local Plan.

4. Prior to its installation, construction drawings for the new shop front at a scale of no less than 1:20, including sections, and details of the recessed doorway floor finish shall have been submitted to and approved in writing by the Local Planning Authority. Development shall proceed in accordance with the approved details.

Reason: In the interests of preserving the architectural and historic interest of the listed building in accordance with Policy LP25 of the Central Lincolnshire Local Plan.

5. Prior to its installation, details of any new or replacement external staircase shall have been submitted to and approved in writing by the Local Planning Authority. Development shall proceed in accordance with the approved details.

Reason: In the interests of preserving the architectural and historic interest of the listed building in accordance with Policy LP25 of the Central Lincolnshire Local Plan.

6. Prior to the removal of any external bricks and voussoir, a specification for the method of their removal shall have been submitted to and approved in writing by the Local Planning Authority. Development shall proceed in accordance with the approved details.

Reason: In the interests of preserving the architectural and historic interest of the listed building in accordance with Policy LP25 of the Central Lincolnshire Local Plan.

7. Prior to any masonry repairs to the front elevation, samples of the following shall have been submitted to and approved in writing by the Local Planning Authority.

- a. Slate
- b. Stone (for new cills)
- c. Bricks
- d. Voussoir bricks
- e. Mortar biscuits (for repointing brickwork and for pointing new brick tiles beside shopfront) with details of composition;
- f. Brick tiles (ground floor)
- g. Tiles for recessed entrance to the proposed new shopfront

Development shall proceed in accordance with the approved details.

Reason: In the interests of preserving the architectural and historic interest of the listed building in accordance with Policy LP25 of the Central Lincolnshire Local Plan.

8. Panels of sample repairs for the following shall have been approved in writing by the Local Planning Authority prior to such repairs taking place:

- a. Repointing brickwork (an area 60cm square maximum).
- b. Replacement voussoirs (extent of sample required is 1 no. voussoir replacement).

Development shall proceed in accordance with the approved details.

Reason: In the interests of preserving the architectural and historic interest of the listed building in accordance with Policy LP25 of the Central Lincolnshire Local Plan.

9. Prior to the removal of any existing internal doors, skirting boards and architraves, details of all new and replacement internal doors, architraves and skirting boards including elevations, sections and profiles at no less than 1:20 showing the location of any proposed new or replacement joinery marked on a plan shall have been submitted to and approved in writing by the Local Planning Authority. Development shall proceed in accordance with the approved details.

Reason: In the interests of preserving the architectural and historic interest of the listed building in accordance with Policy LP25 of the Central Lincolnshire Local Plan.

10. The following items are to be preserved in situ:

- a. 3no. historic cupboards including their doors and existing ironmongery noted on the approved drawings.
- b. Historic floor coverings including floorboards and lime ash floors.
- c. Original architraves and skirting boards.

Reason: In the interests of preserving the architectural and historic interest of the listed building in accordance with Policy LP25 of the Central Lincolnshire Local Plan.

11. Prior to their installation, details of proposed electricity and gas meters, and heating system extract flues and vent location details shall have been submitted to and approved in writing by the Local Planning Authority. Development shall proceed in accordance with the approved details.

Reason: In the interests of preserving the architectural and historic interest of the listed building in accordance with Policy LP25 of the Central Lincolnshire Local Plan.

12. No structural repairs shall take place until a report from a CARE (Conservation Accreditation Register for Engineers) registered structural engineer including:

- a. Exactly what structural defects there are, and;
- b. How these can be addressed, detailing minimum necessary to alleviate any structural issues there may be, and;
- c. Drawings and sections to demonstrate this work.

Has been submitted to and approved in writing by the Local Planning Authority. Development shall proceed in accordance with the approved details.

Reason: In the interests of preserving the architectural and historic interest of the listed building in accordance with Policy LP25 of the Central Lincolnshire Local Plan.

Conditions for Listed building consent application No:142759 only:

1. The works to which this consent relates shall be begun before the expiration of three years from the date of this consent.

Reason: To conform with Section 18(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 (as amended).

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

7327 (08) 04 Rev C

7327 (08) 06 REV D

7327 (08) 08 REV C

7327 (08) 11 REV B

7327 (08) 12

7327 (08) 13

7327 (08) 14

SCH02 Window Repair Schedule

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

3. Prior to their installation, details of new external doors including elevations and sections at no less than 1:20 scale showing the door frame and cill details, shall have been submitted to and approved in writing by the Local Planning Authority. Development shall proceed in accordance with the approved details.

Reason: In the interests of preserving the architectural and historic interest of the listed building in accordance with Policy LP25 of the Central Lincolnshire Local Plan.

4. Prior to its installation, construction drawings for the new shop front at a scale of no less than 1:20, including sections, and details of the recessed doorway floor finish shall have been submitted to and approved in writing by the Local Planning Authority. Development shall proceed in accordance with the approved details.

Reason: In the interests of preserving the architectural and historic interest of the listed building in accordance with Policy LP25 of the Central Lincolnshire Local Plan.

5. Prior to its installation, details of any new or replacement external staircase shall have been submitted to and approved in writing by the Local Planning Authority. Development shall proceed in accordance with the approved details.

Reason: In the interests of preserving the architectural and historic interest of the listed building in accordance with Policy LP25 of the Central Lincolnshire Local Plan.

6. Prior to the removal of any external bricks and voussoir, a specification for the method of their removal shall have been submitted to and approved in writing by the Local Planning Authority. Development shall proceed in accordance with the approved details.

Reason: In the interests of preserving the architectural and historic interest of the listed building in accordance with Policy LP25 of the Central Lincolnshire Local Plan.

7. Prior to any masonry repairs to the front elevation, samples of the following shall have been submitted to and approved in writing by the Local Planning Authority.

- a. Slate
- b. Stone (for new cills)
- c. Bricks
- d. Voussoir bricks
- e. Mortar biscuits (for repointing brickwork and for pointing new brick tiles beside shopfront) with details of composition;
- f. Brick tiles (ground floor)
- g. Tiles for recessed entrance to the proposed new shopfront

Development shall proceed in accordance with the approved details.

Reason: In the interests of preserving the architectural and historic interest of the listed building in accordance with Policy LP25 of the Central Lincolnshire Local Plan.

8. Panels of sample repairs for the following shall have been approved in writing by the Local Planning Authority prior to such repairs taking place:

- a. Repointing brickwork (an area 60cm square maximum).
- b. Replacement voussoirs (extent of sample required is 1 no. voussoir replacement).

Development shall proceed in accordance with the approved details.

Reason: In the interests of preserving the architectural and historic interest of the listed building in accordance with Policy LP25 of the Central Lincolnshire Local Plan.

9. Prior to the removal of any existing internal doors, skirting boards and architraves, details of all new and replacement internal doors, architraves and skirting boards including elevations, sections and profiles at no less than 1:20 showing the location of any proposed new or replacement joinery marked on a plan shall have been submitted to and approved in writing by the Local Planning Authority. Development shall proceed in accordance with the approved details.

Reason: In the interests of preserving the architectural and historic interest of the listed building in accordance with Policy LP25 of the Central Lincolnshire Local Plan.

10. The following items are to be preserved in situ:

- a. 3no. historic cupboards including their doors and existing ironmongery noted on the approved drawings.
- b. Historic floor coverings including floorboards and lime ash floors.
- c. Original architraves and skirting boards.

Reason: In the interests of preserving the architectural and historic interest of the listed building in accordance with Policy LP25 of the Central Lincolnshire Local Plan.

11. Prior to their installation, details of proposed electricity and gas meters, and heating system extract flues and vent location details shall have been submitted to and approved in writing by the Local Planning Authority. Development shall proceed in accordance with the approved details.

Reason: In the interests of preserving the architectural and historic interest of the listed building in accordance with Policy LP25 of the Central Lincolnshire Local Plan.

12. No structural repairs shall take place until a report from a CARE (Conservation Accreditation Register for Engineers) registered structural engineer including:

- a. Exactly what structural defects there are, and;
- b. How these can be addressed, detailing minimum necessary to alleviate any structural issues there may be, and;
- c. Drawings and sections to demonstrate this work.

Has been submitted to and approved in writing by the Local Planning Authority. Development shall proceed in accordance with the approved details.

Reason: In the interests of preserving the architectural and historic interest of the listed building in accordance with Policy LP25 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

Location Plan For Applications 142532 and 142929



Officers Report

Planning Application No: 142532

PROPOSAL: Application for approval of reserved matters to erect 6no. dwellings, considering access, appearance, landscaping, layout and scale following outline permission 135868 granted 03 May 2018.

LOCATION: Land off Carr Road North Kelsey Market Rasen LN7 6LG

WARD: Kelsey

WARD MEMBER(S): Cllr P Howitt-Cowan

APPLICANT NAME: Miss H Shepherd

TARGET DECISION DATE: 21/05/2021

DEVELOPMENT TYPE: Minor - Dwellings

CASE OFFICER: Rachel Woollass

RECOMMENDED DECISION: Grant permission

This application is presented to planning committee as this was requested at May's planning committee in 2018.

Description:

The site comprises a field off Carr Road, which is bounded by hedging. The site lies within North Kelsey which is defined as a medium village in the Central Lincolnshire Local Plan. There are residential properties to the south, residential properties including a pond to the east, Beeches Farm to the west and residential garden to the north of the site.

The application seeks approval of reserved matters to erect 6 dwellings, considering access, appearance, landscaping, layout and scale following outline permission 135868 granted 03 May 2018.

Relevant history:

135868 - Outline planning application for residential development of up to 9no. dwellings - all matters reserved. Permission granted 03/05/18

142929 - Outline planning application for residential development of up to 9no. dwellings - all matters reserved being removal of conditions 4, 5 & 6 of planning permission 135868 granted 3 May 2018 - removal of footpath provision and adoptable roads. Awaiting decision

Representations:

Chairman/Ward member(s): Cllr Morris - this site does constitute a flooding risk and that having multiple access points is just asking for trouble on such a narrow road, I would ask the planning committee to carefully consider these points when arriving at their decision.

North Kelsey Parish Council: Object to this application on the following reasons –

- There are 3 proposed access point on to Carr Road - it is felt that only one should be necessary, with internal access to plots within the site.
- Concerns raised about flooding on the road at this area
- Concerns about congestion caused by extra car parking, and the road being wide enough to accommodate all vehicles.
- Concern about impact on wildlife by removal of the hedge.

Local residents: Objections received from Hartwell Crescent, Axholme, Lyndon, Woodbine Farm, Fir Tree Cottage, Lucas House, Beck House, Lakeside Lodge, Woodpeckers and The Beeches with the main concerns –

- Excess traffic on Middle Street, already busy with farm traffic and also it will upset any natural animal conservation as hedgehogs or frogs and toads crossing
- Carr Road is a no-through road largely used by the agricultural vehicles and horses making the site unsuitable
- Access to the site would be through the village passing the primary school
- Large and agricultural vehicles already have difficulty getting down Middle Street
- North Kelsey has already had 2 housing developments in the last 2 years. Not all the dwellings have sold
- North Kelsey has been seriously over-developed
- After heavy rainfall, this piece of road floods
- Would like to see the land left as green space for wildlife and fauna as it seems within the village every green space is being built on
- Other planning applications in close proximity to the proposed site have been rejected
- Building on ever decreasing green spaces impacts wildlife and has a negative impact on the environment
- Since outline planning was granted there have been at least 17 new 3/4/5 bed properties granted planning permission and built in the village, plus several barn conversions and old property brought back into use. There has been no corresponding increase in infrastructure
- Properties are all large detached properties large detached properties intended to appeal to people moving into the village from elsewhere and are not the properties that the village needs to house younger locals who want to stay in North Kelsey – affordable property is needed to keep young people who have grown up here living in the village. North Kelsey is in danger of becoming a dormitory village for people who work elsewhere and do not contribute to the life of the village or support what little business remains such as the local farm shop.

- 3 new accesses are a danger to vehicles, pedestrians and horse riders
- 3 exits mean 3 breaks in the long established hedge
- If it is decided that the development can go ahead surely it is more sensible to allow only 1 access road into the development, determined by safety and exit visibility, with driveways to the properties branching off the access road within the development itself (see possible sketch plan attached). The four plots along the side of the road could be turned, possibly by 180 degrees so

that their back gardens face the road or it might even be necessary to reduce the number of properties on the site to 5 given the sizes proposed. The hedge will only be broken in one place which is a more ecological and aesthetically pleasing design as well as being much safer as pedestrians and other road users will only have to take account of one entry/exit for vehicles, pedestrians and presumably, since there are also stables planned, horses and their riders entering/leaving the site.

- Perhaps consideration should be given to providing a parking lane at the side of the road along the development side

- Given the high water table and mirrored terrain undulations with Lakeside Lodge, we have concerns that any topographic adjustments, however minor, would affect drainage along the east boundary of the proposed development site. The reserved matters application documentation gave no indication whether such topographic adjustments are intended. Were such topographic adjustments planned, we ask for clarification that the east boundary be afforded the same considerations regarding drainage as those taken elsewhere on the site, and request to be notified accordingly.

- Proposed south-boundary ditch adjustments made to accommodate increased surface water disposal levels (arising from the site development) may impact neighbouring infrastructure: specifically, utilities supplied through the part of the ditch fronting neighbouring properties.

- On other recent developments, of a similar size in North Kelsey, care appears to have been taken to restrict the number of access ways to the main road by having all properties serviced for vehicular traffic by one service road or cul de sac. This development should have the same feature as it will discourage residents, service vehicles and courier vehicles to park on the narrow Carr Road. Instead they will use the service road. An added benefit of this arrangement would be that those properties that do front Carr Road could then have south facing back gardens, always a selling point.

- The plans put forward exceed the 1000 square metres of gross internal floor space that was a condition of the original outline planning application. If this is the case then the plans should be revised before any consent is granted.

- note that the plans show no garages for what are large detached properties. This is inconsistent with other recent developments in the village, mainly on Brigg Road, where all detached properties have a garage included. If I was a buyer I would want to have a garage. I understand that garages would be included in the 1000 square metres of gross internal floor space calculation that has been applied to the site. I do wonder whether garages have been omitted, on purpose, so as to maximise the gross internal floor space of the properties and then have them built under some new planning application(s) at a later date. If 1000 square metres of gross internal floor space is a condition for "purposes of proper planning and to ensure that affordable housing is not required" then this should remain the case for the foreseeable future, and it should be made a condition of this consent that no garages can be built say for 10 years.

- A condition of outline planning was that the developer must provide a 1.2 m wide footpath from the development down to West Street. No details of this

footpath seem to be shown on this application. As a concerned local resident I would want to see, and have the opportunity of commenting on, this part of the plan. Constructing this footpath is not straightforward as it will in part cover the drainage trench, which the applicant plans to use for surface water drainage, and may require existing properties to sell land for its construction. The footpath construction must remain a condition of any planning approval.

- The drainage proposal has not provided sufficient information to meet the conditions laid down in the outline planning approval. Specifically I do not see any detailed information of what will happen to the surface water from the site when it leaves the development area. In order that residents, who have consistently raised flooding along Carr Road as being an issue, should have the right to critique any plans for what happens to the surface water drainage beyond the development boundary.

- In your supplementary letter dated 16th of April 2021, advising of the change of the stables building to a garden store and carport, surprised that the change does not include a garage for the large property at the rear of the development site. It appears to me that this change has been made superficially and with the intent that at some future time the garden store and car port will be converted into stables, with or without planning permission being sought. I feel it should be a condition of planning that stables will not be permitted on this site. There already exists around the village of North Kelsey much land given over to horse pasture and stables, particularly further down Carr Road and Southfield Road. If stables are permitted, either now or in the future, then to my knowledge it will represent the only ones within the village boundary. Also as previously stated, horses are one of the road safety risks and road safety will not be enhanced if horse livery is permitted in this site.

- The change of planning from a stable on drawing number to a carport/garden store just adds another building on to the site, changing the landscape.

- Hope that the build is carried out as sensitively as possible with respect to the neighbouring boundaries, ours included.

- Concerned that in the future the land which is left as paddock under this Development will then be built upon, totally destroying the beautiful, and biodiverse land that it is now.

LCC Highways and Lead Local Flood Authority: No objections - Highways

- Dwelling numbers have reduced to the point that the revised layout shown will not require the construction of an adoptable highway to serve the dwellings.

- Plots 5 and 6 will be served by a private drive.

- The frontage footway will no longer be required.

- The submitted layout is acceptable.

Drainage

- The submitted drainage strategy is acceptable in principle however the Local Planning Authority should satisfy themselves that the ultimate outfall point is secure for the lifetime of the development.

Relevant Planning Policies:

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

Development Plan

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

Relevant policies of the CLLP include:

LP1: A Presumption in Favour of Sustainable Development

LP13: Accessibility and Transport

LP14: Managing Water Resources and Flood Risk

LP17: Landscape, Townscape and Views

LP26: Design and Amenity

<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>

This application considers only whether to approve those matters of **access, layout, scale, appearance and landscaping**, that were reserved for subsequent approval ('reserved matters'), when outline planning permission was granted.

- Principle
- Appearance and Scale
- Access and Layout
- Landscaping
- Residential Amenity

Assessment:

Principle

The principle of dwellings in this location has already been established in outline permission of 135868. Therefore this application will seek to address whether the dwellings are acceptable in terms only of the outstanding reserved matters.

This application only seeks approval of the reserved matters that are outstanding following the grant of (outline) planning permission – access, appearance, landscaping, layout and scale.

Appearance and Scale

For planning purposes¹:

“appearance” means the aspects of a building or place within the development which determines 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” except in the term ‘identified scale’, means the height, width and length of each building proposed within the development in relation to its surroundings;

The national design guide sets out the characteristics of well-designed places and demonstrates what good design means in practice. This guide illustrates how well-designed places that are beautiful, enduring and successful can be achieved in practice.

The guide was published 1st October 2019.

Plot 1 consists of a lounge, dining room/snug, kitchen/dining/living area, utility room and W/C at ground floor with 4 bedrooms, one with ensuite, and a bathroom at first floor. The height to the ridge is approximately 8.4m and including the chimneys is 9.8m.

The materials are as follows –

- 1 - Roof tiles - Wienerberger 2020 Antique Slate
- 2 - Bricks - Blue/Black Engineering Brick.
- 3 - Bricks - Wienerberger Oakington Buff brick.
- 4 - Bricks - Wienerberger Reclaimed Shire Sovereign Stock.
- 5 - Gutter/Rain Water Pipes - Black - RAL 9005.
- 6 - Windows & Doors - Cream - RAL 9001.

¹ Article 2(1) of the Town & Country Planning (Development Management Procedure) (England) Order 2015 (as amended)

Plot 2 consists of a lounge, dining room/snug, kitchen/dining/living area, utility room and W/C at ground floor with 4 bedrooms, one with ensuite, and a bathroom at first floor. The height to the ridge is approximately 8.4m and including the chimneys 9.6m.

The materials are as follows –

- 1 - Roof tiles - Natural Red Concrete Tile.
- 2 - Bricks - Blue/Black Engineering Brick.
- 3 - Bricks - Wienerberger Oakington Buff brick.
- 4 - Bricks - Wienerberger Reclaimed Shire Sovereign Stock.
- 5 - Gutter/Rain Water Pipes - Black - RAL 9005.
- 6 - Windows & Doors - Cream - RAL 9001.

Plot 3 consists of a lounge, dining room/snug, kitchen/dining/living area, utility room and W/C at ground floor with 4 bedrooms, one with ensuite area, and a bathroom at first floor. The height to the ridge is approximately 8.4m and including the chimneys 9.6m.

The materials are as follows –

- 1 - Roof tiles - Wienerberger 2020 Antique Slate
- 2 - Bricks - Blue/Black Engineering Brick.
- 3 - Bricks - Wienerberger Oakington Buff brick.
- 4 - Bricks - Wienerberger Warnham Red Brick.
- 5 - Gutter/Rain Water Pipes - Black - RAL 9005.
- 6 - Windows & Doors - Cream - RAL 9001.

Plot 4 consists of a lounge, dining room/snug, kitchen/dining/living area, utility room and W/C at ground floor with 4 bedrooms, one with ensuite, and a bathroom at first floor. The height to the ridge is approximately 8.6m and including the chimneys 9.8m.

- 1 - Roof tiles - Natural Red Concrete Tile.
- 2 - Bricks - Blue/Black Engineering Brick.
- 3 - Bricks - Wienerberger Oakington Buff brick.
- 4 - Bricks - Wienerberger Reclaimed Shire Sovereign Stock.
- 5 - Gutter/Rain Water Pipes - Black - RAL 9005.
- 6 - Windows & Doors - Cream - RAL 9001.

Plot 5 consists of a lounge, dining room/snug, kitchen/dining/living area, utility room and W/C at ground floor with 4 bedrooms, one with ensuite and dressing area, and a bathroom at first floor. The height to the ridge is approximately 9.6m and including the chimneys is 11m.

- 1 - Roof tiles - Wienerberger 2020 Antique Slate
- 2 - Bricks - Blue/Black Engineering Brick.
- 3 - Bricks - Wienerberger Oakington Buff brick.
- 4 - Bricks - Wienerberger Reclaimed Shire Sovereign Stock.

- 5 - Gutter/Rain Water Pipes - Black - RAL 9005.
- 6 - Windows & Doors - Cream - RAL 9001.
- 7 - Fascias - Cream - RAL 9001.

Plot 6 consists of a lounge, dining room/snug, kitchen/dining/living area, utility room and W/C at ground floor with 4 bedrooms, one with ensuite and dressing area, and a bathroom at first floor. The height to the ridge is approximately 9.5m and including the chimneys 11m.

- 1 - Roof tiles - Wienerberger 2020 Antique Slate.
- 2 - Bricks - Blue/Black Engineering Brick.
- 3 - Bricks - Georgian Red - Imperial Handmade Brick Co.
- 4 - Bricks - Traditional Buff Waterstruck – Imperial Handmade Brick Co.
- 5 - Gutter/Rain Water Pipes - Black - RAL 9005.
- 6 - Windows & Doors - Cream - RAL 9001.
- 7 - Fascias - Cream - RAL 9001.

Plot 6 also has a carport and garden store. This was initially submitted as stables. However, the outline did not include stables as part of the proposal and therefore these were changed to a domestic building. This is approximately 6m in height and 3.7m to the eaves. The roof overhangs at the front. The materials are as follows –

- 1 - Roof tiles - Natural Slate
- 2 - Bricks - Blue/Black Engineering Brick.
- 3 - Bricks - Georgian Red - Imperial Handmade Brick Co.
- 4 - Bricks - Traditional Buff Waterstruck – Imperial Handmade Brick Co.
- 5 - Gutter/Rain Water Pipes - Black - RAL 9005.
- 6 - Windows & Doors - Pale Brown - RAL 8025.
- 7 - Fascias - Cream - RAL 9001.
- 8 - Cladding - Cedral Click Beige C02

There are various building types surrounding the site built in various different materials. The proposal would therefore not be out of keeping with the existing character of the village.

The proposal provides large dwellings rather than smaller dwelling types. The dwellings amount to less than 1000sqm and therefore the need for affordable housing is not triggered.

The proposal would be in accordance with policy LP26.

Paragraph 127 of the NPPF states that planning policies and decisions should ensure that developments:

- a) will function well and add to the overall quality of the area, not just for the short term but over the lifetime of the development;
- b) are visually attractive as a result of good architecture, layout and appropriate and effective landscaping;

c) are sympathetic to local character and history, including the surrounding built environment and landscape setting, while not preventing or discouraging appropriate innovation or change (such as increased densities);

d) establish or maintain a strong sense of place, using the arrangement of streets, spaces, building types and materials to create attractive, welcoming and distinctive places to live, work and visit;

e) optimise the potential of the site to accommodate and sustain an appropriate amount and mix of development (including green and other public space) and support local facilities and transport networks; and

f) create places that are safe, inclusive and accessible and which promote health and well-being, with a high standard of amenity for existing and future users; and where crime and disorder, and the fear of crime, do not undermine the quality of life or community cohesion and resilience.

Policy LP26 is consistent with the principles of the NPPF and is given full weight.

Access and Layout

'Access' - in relation to reserved matters, means the accessibility to and within the site, for vehicles, cycles and pedestrians in terms of the positioning and treatment of access and circulation routes and how these fit into the surrounding access network; where "site" means the site or part of the site in respect of which outline planning permission is granted or, as the case may be, in respect of which an application for such a permission has been made;

"layout" means 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;

Policy LP13 states that development proposals which contribute towards an efficient and safe transport network that offers a range of transport choices for the movement of people and goods will be supported.

The proposal provides 3 accesses on to the road. Plots 5 and 6 are served from the most northerly access. Plots 3 and 4 from the most southerly and plots 1 and 2 from the remaining access.

Concern has been raised with regards to highway safety and congestion.

Whilst there are 3 access points onto Carr Road, this is not considered to be unsatisfactory. Turning space has been provided within plots to allow a car to leave in a forward facing gear.

Given the level of housing, which is minor, no concerns are raised with regards to congestion. The properties are all provided with adequate parking.

A footpath has not been shown as the applicant wishes to remove this requirement in a variation to the outline permission. The variation application is running concurrently with this application. As the number of dwellings within the reserved matters applied for is 6, the frontage footpath is no longer required as confirmed by LCC Highways. Whilst the outline did state up to 9 dwellings, the outline has now expired therefore no further reserved matters can come forward. Should committee refuse the removal of this condition on the outline, it is requested that the reserved matters is delegated back to the officer for the plans to be amended to show a footpath.

The number of housing being applied for and the layout no longer requires the construction of an adoptable highway.

Furthermore LCC highways have been consulted upon the application and have no objections to the proposal.

It is considered that the proposal would be in accordance with policy LP13.

A resident has suggested that the four frontage plots could be turned and that their back gardens face the road.

The NPPF design guide states that successful streets are characterised by buildings facing the street to provide interest, overlooking and active frontages at ground level.

The suggested arrangement would be considered poor design and this has not been recommended.

Paragraph 109 of the NPPF states 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.

Policy LP13 is consistent with the principles NPPF and is given full weight.

Landscaping

“landscaping”, in relation to a site or any part of a site for which outline planning permission has been granted or, as the case may be, in respect of which an application for such permission has been made, means 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;

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.

Various trees including Malus Rudolph, Field Maple, Hornbeam Fastigiata along with grass, hedgerow infill, 1.8m high close boarded fencing, 1.2m high timber post and rail fencing and permeable paving are proposed for the hard and soft landscaping.

This would be acceptable and would be in accordance with policy LP17.

Paragraph 127(b) of the NPPF states that planning policies and decisions should ensure that developments:

b) are visually attractive as a result of good architecture, layout and appropriate and effective landscaping;

Policy LP17 is consistent with the principles of the NPPF and is given full weight.

Residential Amenity

Policy LP26 states that the amenities which all existing and future occupants of neighbouring land and buildings may reasonably expect to enjoy must not be unduly harmed by or as a result of development.

There are no concerns with regards to amenity. There is more than adequate separation between existing and proposed properties.

The dwellings all have a good sized gardens.

The proposal would be in accordance with LP26.

127 (f) states that planning policies and decisions should ensure that developments:

- create places that are safe, inclusive and accessible and which promote health and well-being, with a high standard of amenity for existing and future users.

Policy LP26 is consistent with the NPPF and is attached full weight.

Other matters

[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.

A resident has requested a condition be attached to say no garages to be built for 10 years. This is not necessary or reasonable would therefore not meet the 6 tests² for conditions.

It would also not be reasonable to condition the carport/garden shed to not be stables. The stables would require permission in their own right and would be determined on their own merits.

Any development on the paddock would require permission and would be considered on its own merits.

Drainage and flooding were extensively investigated and considered at outline stage. The drainage strategy has been assessed by the Lead Local Flood Authority and they have stated that the drainage proposed is acceptable in principle.

Other planning applications may have been refused in close proximity to the site. However, these applications were considered on their own merits.

With regards to infrastructure, this is a matter to be dealt with at outline stage.

Conclusion

The proposal has been considered against the Development Plan namely policies LP1: A Presumption in Favour of Sustainable Development, LP13: Accessibility and Transport, LP14: Managing Water Resources and Flood Risk, LP17: Landscape, Townscape and Views and LP26: Design and Amenity in the Central Lincolnshire Local Plan including the advice given in the National Planning Policy Framework and the National Planning Practice Guidance. The proposal is acceptable. The proposal does not have an adverse impact on neighbouring dwellings or on the prevailing character or appearance of the area and would not be detrimental to highway safety. The proposal is recommended for approval subject to the following conditions. Should the committee refuse to remove the footpath condition on the outline application, it is requested that this application is delegated back to officers to amend the plans and the plans condition be amended accordingly.

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:

² <https://www.gov.uk/guidance/use-of-planning-conditions>

None

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

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

RDS 11576 03 J	RDS 11576 11 A
RDS 11576 04 E	RDS 11576 12 C
RDS 11576 05 B	RDS 11576 13 A
RDS 11576 06 E	RDS 11576 14 A
RDS 11576 07 B	RDS 11576 15 E
RDS 11576 08 D	RDS 11576 16 A
RDS 11576 09 B	RDS 11576 17 A
RDS 11576 10 D	RDS 11576 18 C

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

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

2. Unless otherwise agreed in writing with the Local Planning Authority, the external materials shall be as stated on the plans.

Reason: To ensure the use of appropriate materials to safeguard the character and appearance of the street scene in accordance with the NPPF and Policies LP17 and LP26 of the Central Lincolnshire Local Plan.

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

3. 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 dwelling 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 policy LP17 of the Central Lincolnshire Local Plan.

Officers Report

Planning Application No: 142929

PROPOSAL: Outline planning application for residential development of up to 9no. dwellings - all matters reserved being removal of conditions 4, 5 & 6 of planning permission 135868 granted 3 May 2018 - removal of footpath provision and adoptable roads

LOCATION: Land off Carr Road North Kelsey Market Rasen LN7 6LG

WARD: Kelsey

WARD MEMBER(S): Cllr P Howitt-Cowan

APPLICANT NAME: Miss H Shepherd

TARGET DECISION DATE: 21/06/2021

DEVELOPMENT TYPE: Minor - Dwellings

CASE OFFICER: Rachel Woollass

RECOMMENDED DECISION: Grant permission

This application is presented to planning committee due to the site history.

Description:

The site comprises a field off Carr Road, which is bounded by hedging. The site lies within North Kelsey which is defined as a medium village in the Central Lincolnshire Local Plan. There are residential properties to the south, residential properties including a pond to the east, Beeches Farm to the west and residential garden to the north of the site.

The application seeks removal of conditions 4, 5 and 6 of planning permission 135868 which relates to the footpath provision and adoptable roads.

Conditions 4, 5 and 6 are detailed below –

4. No development shall take place before a scheme has been agreed in writing by the local planning authority for the construction of a 1.2 metre wide link footway and uncontrolled tactile paved crossing point, together with arrangements for the disposal of surface water run-off from the highway at the frontage of the site. The agreed works shall be fully implemented before (any of) the dwelling(s) is/are occupied. Or in accordance with a phasing arrangement to be agreed in writing with the local planning authority.

Reason: To ensure safe access to the site and each dwelling/ in the interests of residential amenity, convenience and safety and in accordance with Policy LP 13 of the Central Lincolnshire Local Plan.

5. No development shall be commenced until details of the proposed arrangements for future management and maintenance of the proposed

streets within the development have been submitted to and approved by the Local Planning Authority

Reason: To ensure that the future maintenance of the streets serving the development thereafter, are secured and shall be maintained by the Local Highway Authority under Section 38 of the Highways Act 1980 or via an established private management and maintenance company in the interests of highway safety and to ensure a satisfactory appearance to the highways infrastructure serving the development in accordance with Policies LP 13 and LP26 of the Central Lincolnshire Local Plan.

6. No development shall be commenced until full engineering, drainage, street lighting and constructional details of the streets proposed for adoption have been submitted to and approved in writing by the Local Planning Authority. The development shall, thereafter, be constructed in accordance with the approved details, unless otherwise agreed in writing with the Local Planning Authority.

Reason: In the interest of highway safety; to ensure a satisfactory appearance to the highways infrastructure serving the development; and to safeguard the visual amenities of the locality and users of the highway in accordance Policies LP 13 and LP26 of the Central Lincolnshire Local Plan.

Relevant history:

135868 – Outline planning application for residential development of up to 9no. dwellings - all matters reserved. Permission granted 03/05/18

142532 – Application for approval of reserved matters to erect 6no. dwellings, considering access, appearance, landscaping, layout and scale following outline permission 135868 granted 03 May 2018. Awaiting decision

Representations:

Chairman/Ward member(s): Cllr Morris - My own view is that this site does constitute a flooding risk and that having multiple access points is just asking for trouble on such a narrow road, I would ask the planning committee to carefully consider these points when arriving at their decision.

Parish/Town Council/Meeting: No representations received to date

Local residents: Objections received from Becks House and Lucas House with the main concerns -

- Road safety concerns. The applicant's plans show 3 direct access points from Carr Road for vehicles and pedestrians to the development. Suggestions have been made previously, by both by myself and others, that there should only be one access point to all the properties. This is an extremely good idea for enhancing road safety. If this becomes a condition for this application then I believe it will become necessary to have a condition that the access road should be constructed to an adoptable standard due to the number of dwellings it will service.

- Concerned that the condition laid down in the outline planning permission that a footpath be constructed from the development down to West Street will be removed, and that the removal will increase the pedestrian risk to those people living on the development. In the application the applicant states: "Also there is no footpath on the site side or the road, the closest footpath is a on the opposite west of West Street Junction some 140m away from the site entrance. It is impossible to provide a footpath in this location due to dykes, landscape features and site ownerships. We assume the footpath request was made by LCC when the larger 25 unit scheme was being considered. There is a full adoptable footpath on the South side of the road serving this area of the village, with crossing points to the site, making this is condition unnecessary and un-viable for the smaller scheme submitted with the reserved matters application."

The footpath was indeed a condition requested by Lincolnshire Highways, but as I read their documents, it applied to the 9 dwelling application, not the 25 dwelling one, as assumed by the applicant. It is a matter of opinion, and your view on pedestrian safety, as to whether it is "un-necessary" and "un-viable" as stated by the applicant. It is also not "impossible" to provide as the applicant would like to make out. Nothing is impossible, it is purely a matter of how much it would cost to provide the safety. The footpath condition should not be removed.

- The applicant also says that there are "crossing points to the site". There are currently no designated pedestrian crossing points to the site.

It doesn't say. Also in regard to crossing points if there are to be any then wouldn't it be safer to have just one crossing point instead of 3?

I do feel that there is a lack of knowledge and understanding, both within Lincolnshire Highways and West Lindsey Planning, as to the hazardous nature of Carr Road with its narrowness and use by farm traffic.

- Flooding risk. Consideration as to where and how the water will flow away once it has left the site does not seem to have been adequately covered. Carr Road regularly floods at the front of the development.

- As I understand it the gross internal floor space is still either at or above the 1000 square metres that was a condition of the outline planning. Therefore, it would seem to me, that the surface water volumes leaving the site will be no different to those on the original 9 dwelling application (ref no 135868).

- In order to maximise property size garages are not being built and the parking/visitor parking shown on the applicants plan does not appear in any way adequate for the size of the properties and likely number of cars each property will own - most likely, given the lack of any public transport in the area, at least 2 per property minimum plus any visitor vehicles. I repeat my comment in my objection made against application 142532 - Carr Road is not a suitable road to have overflow vehicles parked along the side of it. Vehicles already have to pull onto the verge in order to pass and, given the large farm vehicles that use Carr Road on an almost daily basis year round plus horses and riders, cars parking at the side of the road will be a serious hazard.

- Furthermore, I am astonished that highways, who on the original 9 dwelling outline planning application (135868), expressed so much concern about the development exacerbating the flooding on Carr Road, now show no concern for flooding at all. They describe themselves as the lead agency for flooding, but now seem to want to put the onus for flooding assessment on to the

District Council. The applicant must provide details of how they propose to effectively handle surface water from the site in a way that will not exacerbate the existing flooding on Carr Road.

- note that from the requested changes the applicant appears to be taking responsibility for the site internally including street lighting. If permission is granted for some form of development brightness and the number of street lights should be kept to a minimum so that as a rural area we continue to enjoy low light pollution and a dark night sky.

LCC Highways and Lead Local Flood Authority: Please see discussion in the report.

LCC Education: The County Council has no comments to make on this application in relation to education.

Lincolnshire Police: Do not have any objections to this application.

Environment Agency: We did not recommend the conditions referred to on application 135868 and therefore have no comment to make on this application.

Relevant Planning Policies:

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

Development Plan

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

Relevant policies of the CLLP include:

LP1: A Presumption in Favour of Sustainable Development

LP13: Accessibility and Transport

LP14: Managing Water Resources and Flood Risk

LP17: Landscape, Townscape and Views

LP26: Design and Amenity

<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>

Main issues

- Principle
- Conditions

Assessment:

Principle

The application seeks to remove conditions 4, 5 and of 135868 granted 3rd May 2018.

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 outline consent (135868). What has to be considered is the impact, if any, that the variation of the conditions would have.

The variation is to remove conditions 4, 5 and 6 of outline application 135868 which is the requirement of a footpath and adoptable roads.

The reserved matters application (142532) is running concurrently with this application. This application proposes only 6 dwellings out of the 9 that were approved in outline 135868. The reserved matters application was submitted in time and during the application lifetime the outline has expired for further reserved matters to come forward. Therefore, due to the time limits this site

will only propose 6 dwellings even though the application allows for up to 9. Any further dwellings would need separate permission.

Due to this time constraint and the knowledge that no further dwellings can come forward under reserved matters, we can assess the removal of the conditions in relation to the amount of dwellings proposed in 142532, which is 6 dwellings.

As the dwellings to come forward have reduced from 9 to 6 this will not require the construction of an adoptable highway to serve the dwellings. Plots 5 and 6 are to be served by a private drive. Therefore conditions 5 and 6 are no longer necessary and should be removed.

There are conflicting views from LCC Highways with regards to condition 4 and the requirement of the footpath provision.

In the reserved matters application 142532 they state that the frontage footway is no longer required. However, more recent comments suggest that a footpath could still be provided.

Given the reduction in the number of dwellings that can come forward and the footpath already in existence opposite the site, it is not deemed necessary to provide a footpath at this site.

It is recommended that all three conditions applied to for removal (4, 5 & 6) be removed from the permission.

Should members determine to keep condition 4 for the footpath provision, it is recommended that 5 and 6 still be removed.

Conditions

Condition 1 – This has been amended to reflect that the outline permission has expired for further reserved matters to be submitted.

Condition 2 – No change

Condition 3 – The time condition has been changed as a variation application cannot extend the time limit and needs to reflect this.

Condition 4 – Removed

Condition 5 – Removed

Condition 6 – Removed

Condition 7 – No change

Condition 8 – No change

Condition 9 – No change

Other matters

Flooding was considered extensively in application 135868 and is not a matter for this application. We can only consider the conditions in question.

Access is a matter for the reserved matters application.

The dwellings proposed in the reserved matters do not exceed 1000sqm. However, the condition that requires the dwellings to not exceed 1000sqm is not applied to be removed or varied and is therefore not a matter for this 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, LP13: Accessibility and Transport, LP14: Managing Water Resources and Flood Risk LP17: Landscape, Townscape and Views and LP26: Design and Amenity 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. In light of this assessment it is considered that the proposed variation is acceptable and it is recommended to remove conditions 4, 5 and 6 and grant outline permission with the conditions as per the below. Should members determine to keep condition 4, it is recommended that conditions 5 and 6 still be removed.

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

1. Application for approval of the reserved matters shall be made to the Local Planning Authority before 03/05/2021.

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

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

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

3. The development hereby permitted shall be begun before the expiration of two years from the date of 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).

4. Void

5. Void

6. Void

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

- a) Provide details of how run-off will be safely conveyed and attenuated during storms up to and including the 1 in 100 year critical storm event, with an allowance for climate change, from all hard surfaced areas within the development into the existing local drainage infrastructure and watercourse system without exceeding the run-off rate for the undeveloped site;
- b) Provide attenuation details and discharge rates which shall be restricted to 5 litres per second;
- c) Provide details of the timetable for and any phasing of implementation for the drainage scheme; and
- d) Provide details of how the scheme shall be maintained and managed over the lifetime of the development, including any arrangements for adoption by any public body or Statutory Undertaker and any other arrangements required to secure the operation of the drainage system throughout its lifetime. The development shall be carried out in accordance with the approved drainage scheme and no dwelling shall be occupied until the approved scheme has been completed or provided on the site in accordance with the approved phasing. The approved scheme shall be retained and maintained in full in accordance with the approved details.

Reason: To ensure that surface water run-off from the development will not adversely affect, by reason of flooding, the safety, amenity and commerce of the residents of this site in accordance with policy LP 14 of the Central Lincolnshire Local Plan.

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

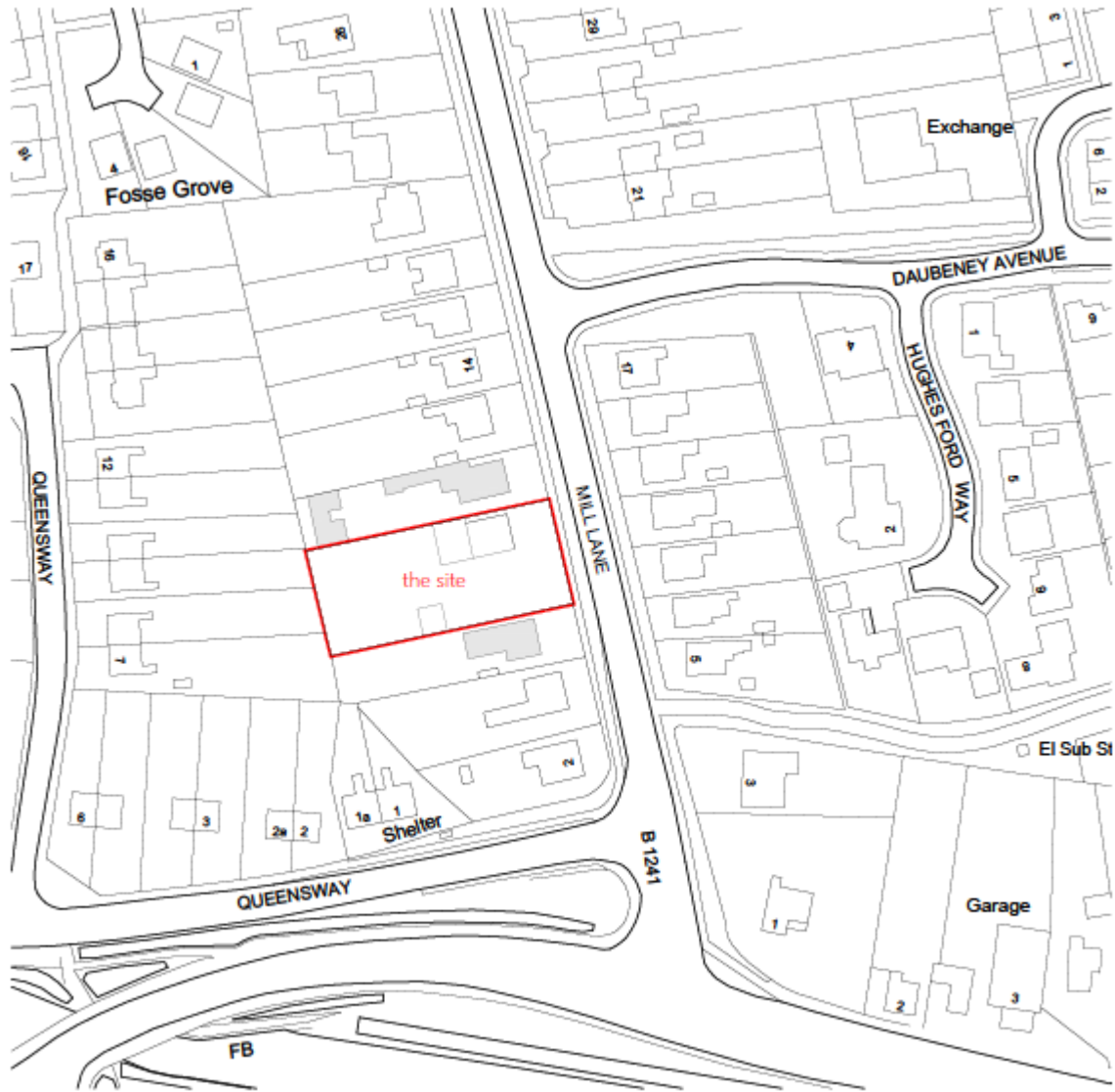
8. No more than nine dwellings shall be erected on the site. There shall be no more than 1000 square metres of combined gross internal floor space on the site.

Reason: For the purposes of proper planning and to ensure that affordable housing is not required.

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

9. The applications shall be in accordance with the recommendations within the Ecology and Protected Species Survey by Scarborough Nixon Associates Limited dated June 2017.

Reason: In the interest of nature conservation to accord with the National Planning Policy Framework and policy LP21 of the Central Lincolnshire Local Plan.



Officers Report

Planning Application No: 142772

PROPOSAL: Planning application for extension & remodelling of existing bungalow, and erect 1no. 1.5 storey bungalow including garaging & home offices.

LOCATION: Land at 8 Mill Lane Saxilby Lincoln LN1 2QD

WARD: Saxilby

WARD MEMBER(S):

APPLICANT NAME: J & J Cook

TARGET DECISION DATE: 25/05/2021

DEVELOPMENT TYPE: Minor - Dwellings

CASE OFFICER: Ian Elliott

RECOMMENDED DECISION: Grant permission subject to conditions

Planning Committee:

This application is considered necessary to present to planning committee due to third party objections from the Parish Council and neighbours. This includes the Parish Council objecting on neighbourhood plan grounds.

Description:

The application site is an unoccupied bungalow with a flat roof rear projection with garden space to the south side and rear. The rear garden includes a double garage accessed via a driveway off Mill Lane. The site is set just back from and below the level of the highway. The site gently slopes downwards from north to south. The front half of the site is screened to the north boundary by a low brick wall and vegetation with high/medium height hedging to the east boundary. The south boundary to the front half is screened by low fencing and vegetation. The rear half of the site is screened to the north, south and west boundaries by high hedging and fencing. Neighbouring dwellings are adjacent or opposite each boundary. The site is in a Sand and Gravel Minerals Safeguarding Area.

The application seeks permission for extension & remodelling of existing bungalow, and erect 1no. 1.5 storey bungalow including garaging & home offices.

The development would increase the height of 8 Mill Lane by approximately 1.2 metres to add a first floor and rooflight openings. The new build bungalow with roof accommodation would sit between 8 and 6 Mill Lane. The existing vehicular access would be widened to serve a driveway running to the back of the site where the main off street parking would be situated alongside the detached garages with home office space in the roof. Each dwelling would have its own enclosed rear garden space.

Relevant history:

141920 - Pre-application enquiry for 3no. dwelling - 24/11/2020

Concluding Statement:

Therefore the principle of the submitted development is highly unlikely to be supported in accordance with Local Policy LP2 of the CLLP, the policies of the SINP and the provision of the NPPF.

Recommendation:

It is recommended that a development which introduces two frontage facing bungalows which respect the existing building line would be likely to be supported in principle in accordance with Local Policy LP2 of the CLLP, the policies of the SINP and the provision of the NPPF.

Representations

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

Saxilby with Ingleby Parish Council: Objections

Loss of light to neighbouring properties, which can also be seen on 3D visuals as a shadow:

- Overbearing nature, in size and massing
- Extension is not subservient to the existing building
- Insufficient amenity space for dwellings
- Difficulty in accessing onto Mill Lane, as traffic backs up from the A57 junction vehicles should be able to enter and leave in forward gear; lack of car parking space as there needs to be a turning circle
- Not in-line with NDP policy 2 (a, b, c and g) or NDP 17 - does not respect existing pattern of existing development, use of materials in relation to development context – red brick is the pre-dominant material choice along Mill Lane and not white brick (Character Assessment Area G)
- If planning goes ahead CIL would be required

Local residents: Objection received from:

6 Mill Lane, Saxilby:

- The distance between No 6 and proposed new dwelling is estimated to be only around 1.5 metres which in the view of the objectors does not provide a reasonable separation level to ensure privacy levels.
- There are three windows within No 6 facing the proposed new dwelling. One of the windows is a cupboard but the other windows are a bedroom and kitchen.
- The ridge height of the proposed new dwelling is not shown on the plans but as indicated above the 3D visuals suggest the new dwelling would have a higher ridge height than No 6 and this taken together with closeness to boundary with No 6 would result in an overbearing effect on No 6.

- Given the scale and mass of the proposed new dwelling this would result in a dominant, oppressive and intrusive feeling for the residents of No 6.
- Outlook from kitchen and bedroom would be a brick wall about 1.5m away which is undesirable.
- Ambient light during the course of a day would be seriously affected particularly in relation to the (child's) bedroom but also the kitchen.
- Garages and home offices in roof space plans and 3D visuals show each garage to have two velux style windows in the home offices. The objectors are concerned that their rear garden amenity value will be affected.
- Given the location of the proposed garages, and particularly given the inclusion of home offices in the garages roof space the design does not retain the linear form of the western side of Mill Lane and could also be regarded as an introduction of an unwelcome precedent for backland housing.

3 Mill Lane, Saxilby:

- The proposed planning will not be in line with the current properties on that side of Mill Lane, the Ridge height of the proposed dwellings will be much higher than the existing properties and will look totally out of place.
- The tiny amount of space between number 6 and 8 will give the outside a very over crowded look.
- Main concern is the 9 cars/vans that will be coming and going into number 8 as the traffic situation on Mill Lane is already a huge concern for us mainly in a morning and late afternoon,
- Adding all those extra cars so close to the junction will cause more accidents.

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 Minerals and Waste: No objections

LCC Archaeology: No representations received to date

Canal and River Trust: No objections

IDOX checked: 25th May 2021

Relevant Planning Policies:

Planning law¹ requires that applications for planning permission must be determined in accordance with the development plan, unless material considerations indicate otherwise. Here, the Development Plan comprises the provisions of the Central Lincolnshire Local Plan (adopted in April 2017), the

¹ [Section 38\(6\)](#) of the Planning and Compulsory Purchase Act 2004 and [section 70\(2\)](#) of the Town and Country Planning Act 1990

Saxilby with Ingleby Neighbourhood Plan (made May 2017) and the Lincolnshire Minerals and Waste Local Plan (adopted June 2016).

Development Plan

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

Relevant policies of the CLLP include:

LP1 A Presumption in Favour of Sustainable Development

LP2 The Spatial Strategy and Settlement Hierarchy

LP3 Level and Distribution of Growth

LP10 Meeting Accommodation Needs

LP13 Accessibility and Transport

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/>

- **Lincolnshire Minerals and Waste Local Plan (Core Strategy and Development Management Policies)**

The site is within a Sand and Gravels Minerals Safeguarding Area. Policy M11 (Safeguarding of Mineral Resources) applies.

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

- **Saxilby with Ingleby Neighbourhood Plan (SINP)**

Relevant policies of the NP include:

Policy 1 Housing Mix

Policy 2 Design of New Development

Policy 17 Traffic and Movement around the Village

Character Assessment - Area G

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

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:

Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended).

<https://www.legislation.gov.uk/ukxi/2015/596/made>

Main issues:

- Principle of the Development
Central Lincolnshire Local Plan 2012-2036
Saxilby with Ingleby Neighbourhood Plan
Concluding Statement
- Flood Risk
- Minerals Resource
- Visual Impact
- Residential Amenity
- Highway Safety
- Drainage
Foul Water
Surface Water
- Archaeology
- Landscaping

Assessment:

Principle of the Development

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

Central Lincolnshire Local Plan 2012-2036:

Local policy LP2 states that '*development should create strong, sustainable, cohesive and inclusive communities, making the most effective use of previously developed land (except where that land is of high environmental value)*', and enabling a large number of people to access jobs, services and facilities locally'.

Local policy LP2 sets out a spatial strategy and settlement hierarchy from which to focus housing growth. This policy identifies Saxilby as a large village and '*to maintain and enhance their role as large villages which provide housing, employment, retail and key services and facilities for the local area,*

the following settlements will be a focus for accommodating an appropriate level of growth'. LP2 states that most of the housing growth in Saxilby will be 'via sites allocated in this plan, or appropriate infill, intensification or renewal within the existing developed footprint. In exceptional circumstances, additional growth on non-allocated sites in appropriate locations outside of, but immediately adjacent to, the developed footprint of these large villages might be considered favourably, though these are unlikely to be of a scale over 25 dwellings'

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

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

Saxilby with Ingleby Neighbourhood Plan (SINP):

Policy 1 (Housing Mix) provides guidance on housing mix with older and younger housing welcomed.

Policy 2 (Design of New Development) sets out criteria for the acceptable design of new development.

Policy 17 (Traffic Movements around the Village) provides protection from new development having an unacceptable traffic impacts on the village.

Character Area G (Mill Lane) (summarised):

- Most of the west side of Mill Lane is bungalows.
- 1960's builds yet embrace traditional vernacular.
- One of spinal routes through character area.

Concluding Statement:

The application proposes 2 bungalows with first floor accommodation in the roof space (no dormer windows). One bungalow is a remodelling of the existing bungalow (8 Mill Lane) and the other is new build bungalow to the front adjacent the existing bungalow to be remodelled.

The application is an infill and intensification development within the developed footprint of Saxilby. The character along the immediate area of Mill Lane is detached linear bungalows with similar front building lines. There are more modern dwellings to the rear of the bungalows to the east of Mill Lane as part of modern residential developments (Daubeney Avenue and Hilton Court). The bungalows to the west side of Mill Lane retain the linear form and similar plot sizes. The application site differs to the other plots around it because of its greater width.

As identified below there is an example of hipped roof bungalows and a higher gable end front facing bungalow sat side by side in the Mill Lane street scene.

Nearby along east of Mill Lane



3D Visuals



It is considered given the example nearby that the proposed gable end front facing one and a half story dwellings adjacent lower hipped roof bungalows would not have a significant harmful impact on the character of the settlement, the surrounding countryside or the rural setting and would retain the core shape and form of the settlement.

Therefore the principle of the development is considered to be acceptable as it accords with Local Policy LP2 of the CLLP, policy 2 of the SINP and the provision of the NPPF.

It is considered that policy LP1, LP2 and policy 2 are consistent with the sustainability and housing growth guidance of the NPPF and can be attached full weight.

Flood Risk

The site is identified as being in flood zone 1 (low probability) on the Environment Agencies flood risk maps (see below extract²).

² <https://flood-map-for-planning.service.gov.uk/confirm-location?easting=489770&northing=375604&placeOrPostcode=mill%20lane%2C%20saxilby>



Minerals Assessment

Guidance contained within paragraph 203-211 of the NPPF sets out the needs to safeguard mineral resources through local plan policies ‘to support sustainable economic growth and our quality of life’.

Policy M11 of the Lincolnshire Minerals and Waste Local Plan (Core Strategy and Development Management Policies) states that:

‘Applications for non-minerals development in a minerals safeguarding area must be accompanied by a Minerals Assessment. Planning permission will be granted for development within a Minerals Safeguarding Area provided that it would not sterilise mineral resources within the Mineral Safeguarding Areas or prevent future minerals extraction on neighbouring land. Where this is not the case, planning permission will be granted when:

- *the applicant can demonstrate to the Mineral Planning Authority that prior extraction of the mineral would be impracticable, and that the development could not reasonably be sited elsewhere; or*
- *the incompatible development is of a temporary nature and can be completed and the site restored to a condition that does not inhibit extraction within the timescale that the mineral is likely to be needed; or*
- *there is an overriding need for the development to meet local economic needs, and the development could not reasonably be sited elsewhere; or*
- *the development is of a minor nature which would have a negligible impact with respect to sterilising the mineral resource; or*
- *the development is, or forms part of, an allocation in the Development Plan.*

The site is within a Sand and Gravels Minerals Safeguarding Area. A Minerals Assessment has been submitted by CDM dated May 2021. The Minerals Officer at Lincolnshire County Council has no objections to the development.

The development would not sterilise a mineral resource in West Lindsey and accords with policy M11 of Lincolnshire Minerals and Waste Local Plan (Core Strategy and Development Management Policies) and the provisions of the NPPF.

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

Visual Impact

Objections have been received in relation to the scale and material finish of the development and its impact on the pattern of development.

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

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

Local policy LP26(c) states *'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 c) of Policy 2 of the SINP sets out criteria in relation to the scale, appearance, density and respecting the existing pattern of development.

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.

The proposed detached dwellings (amended No.8 Mill Lane and new build) would be one and a half storey in height with accommodation in the roof space. The detached garages include office accommodation in the roof space. The proposed dwellings and garages would be approximately (measurements taken from submitted plans):

No.8 (Amended)

- 7 metres in height (flat roofed rear structure 3.1 metres in height)

- 3.0 metres eaves height
- 17.8 metres in length (includes 6.4 metres flat roofed rear structure)
- 9.4 metres in width

New Build

- 7 metres in height
- 3.0 metres eaves height
- 17.8 metres in length
- 9 metres in width

Detached garages

- 6.2 metres in height
- 2.5 metres eaves height
- 7.8 metres in length
- 9 metres in width

The elevation and floor plans for the dwellings and the garages include a legend of materials. The immediate area to the east and west of Mill Lane has a mix of material finishes including different brick, roof tile types and render colours. The external materials listed in the legends are considered to be acceptable in terms of the immediate residential context.

The proposed increase height of 8 Mill Lane by approximately 1.2 metres and the height of the new build has already been assessed and considered acceptable in terms of character earlier in the report.

The proposal would split the existing site into two but this would create two plot sizes which would be much more in keeping with the plot sizes of the dwellings in the immediate area along the west of Mill Lane. The development through its scale, position, massing and form would relate well to the site and its surroundings and would not have a harmful visual impact on the character and appearance of the area. Therefore the proposal is deemed to accord to local policy LP17 and LP26 of the Central Lincolnshire Local Plan, policy 2 of the SINP and the provisions of the NPPF and the National Design Guide.

It is considered that policy LP17, LP26 and policy 2 are consistent with the visual amenity guidance of the NPPF and can be attached full weight.

Residential Amenity

Objections have been received in relation to privacy, loss of light and overbearing impact plus the lack of amenity for the potential future residents.

Local policy LP26 of the CLLP protects the living conditions of existing and proposed neighbouring dwellings from harmful impacts.

The proposed dwellings would have neighbouring dwellings adjoining each boundary. These are:

- 10 Mill Lane adjacent to the north boundary
- 6 Mill Lane adjacent to the south boundary
- 9 and 11 Mill Lane opposite to the east boundary
- 7, 8 and 9 Queensway adjacent to the west boundary

10 Mill Lane:

The relationship between 8 Mill Lane and 10 Mill Lane would only be changed by the increase in height of 8 Mill Lane and the introduction of the garage to the rear. The alteration to 8 Mill Lane would increase the roof height by approximately 1.2 metres. The north roof slope of 8 Mill Lane would be modestly closer to 10 Mill Lane and have a modestly steeper roof angle. The alteration to the roof could potentially have a modest harm in terms of light received to the south elevation of 10 Mill Lane but this elevation only comprises an obscurely glazed window and a small secondary window. The north roof slope of 8 Mill Lane would include a single rooflight serving an ensuite. This will be conditioned to be obscurely glazed.

The proposed garage to 8 Mill Lane would site adjacent the rear outbuilding in 10 Mill Lane. The angle of the rooflights to the front east roof plane and their cill height of 1.8 metres above floor level would stop any overlooking into the rear garden of 10 Mill Lane as shown by the line of sight annotated onto the garage section plan.

Therefore the development would not be expected to harm the living conditions of 10 Mill Lane.

6 Mill Lane

The new build dwelling will be positioned along the south shared boundary with 6 Mill Lane. The north elevation of 6 Mill Lane has three windows. As stated in the objection from 6 Mill Lane the three windows serve a:

- Bedroom - This window is nearest to the principal elevation and the sole window to the bedroom.
- Cupboard - This is the middle window, is obscurely glazed, installed at a high level and does not serve primary habitable living space.
- Kitchen - This window is nearest the rear elevation and installed at a high level. The kitchen is served by a second window on the south side elevation which benefits from direct sunlight from the south.

The Parish Council and neighbour have based comments on overshadowing on the 3D visuals submitted with the application. The agent has responded to this by stating that *“the 3d visuals are not a light/shadow study – they are a 3d visual of the site to indicate how the buildings relate to each other and their surroundings. The shadows are for artistic reasons only. The sun tracks across the horizon from the south, and not the north as is currently suggested on these images”*.

This explanation is accepted – the visuals depict shadow being cast to the south – which is inaccurate in the northern hemisphere. The 3D visuals are purely for illustrative purposes and do not accurately reflect shadow cast..

In terms of direct sunlight the sun rises from the east then moves round to the south before falling to the west. The windows on the north side elevation of 6 Mill Lane therefore would be unlikely to benefit from direct sunlight at any time of the day.

The position of the new build bungalow approximately 1.2 metres away to the north, would have some impact on the amount of daylight received by these windows. In particular it would affect the outlook from the bedroom window. However it has to be considered that 2 metre high boundary treatments such as fence panels could currently be installed on the shared boundary closer to 6 Mill Lane by the owners of 8 Mill Lane without the need for planning permission in accordance with Part 2 Class A of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended).

The new build dwelling would have no first floor openings on the gable ends. The position and angle of the rooflights to the side south roof plane plus their cill height of 1.8 metres above floor level would stop any overlooking into the rear garden of 6 Mill Lane as shown by the line of sight annotated onto the section plan.

The proposed garage to the new build would site in the rear south west corner of the site adjacent the shared south boundary with 6 Mill Lane. The gable end of the garage would cause some loss of light to the end of the garden to 6 Mill Lane. 6 Mill Lane has a rear garden measuring approximately 29 metres long and 10 metres wide therefore the loss of light would be minimal. The south gable end of the garage would be in clear view but would not cause an overbearing impact. The angle of the rooflights to the front east roof plane and their cill height of 1.8 metres above floor level would stop any overlooking into the rear garden of 6 Mill Lane as shown by the line of sight annotated onto the garage section plan.

The development would have some harm on the living conditions of 6 Mill Lane in terms of some loss of daylight to the side windows, and outlook from the bedroom window, but given the direction of the sun these windows do not receive direct sunlight and it would not be considered to a degree that would have an unduly adverse affect upon the amenities enjoyed at the neighbouring property, to the extent that planning permission should be refused.

9 and 11 Mill Lane:

These three dwellings are on the opposite side of Mill Lane and significantly separated from the site. Therefore the development would not harm the living conditions of 9 and 11 Mill Lane.

7, 8 and 9 Queensway:

These three dwellings share the rear boundary of the site. The proposed garages would be around 1 metre from the shared boundary. The rear gardens of 7, 8 and 9 Queensway are 33-35 metres in length. The position and height of the garages would only have a minor impact on sunlight received to the end of the garden areas of 7, 8 and 9 Queensway. The impact would be reduced by the roof slopes falling away from the boundary. The only first floor openings on the garages would be to the front east roof slope so no overlooking would occur onto the rear gardens of 7, 8 and 9 Queensway.

Therefore the development would not harm the living conditions of 7, 8 and 9 Queensway.

It is important to assess the living conditions of the future residents of the proposed amended and new build dwelling. It is considered that acceptable living conditions would be experienced due to the position of the proposed dwellings and garages and their openings.

The shared driveway does run adjacent the side south elevation of the amended dwelling and the north side elevation of the new dwelling. These elevations include limited openings and any noise or headlight disturbance caused would be modest due to the level of vehicle movements generated by the development.

Therefore the development accords to local policy LP26 of the Central Lincolnshire Local Plan 2012-2036 and the provisions of the National Planning Policy Framework.

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

Highway Safety

Objections have been received based on highway safety grounds.

The development would widen the existing vehicular access to 4.1 metres wide which would allow two vehicles to pass stopping the need for a vehicle to wait on Mill Lane (30mph). The observation views when entering Mill Lane appeared acceptable at the officer's site visit. The proposed development provides more than sufficient off street parking for the future residents. The Highways Authority at Lincolnshire County Council has no objections to the development.

Therefore the development would not have a harmful impact on highway safety and accords to local policy LP13 of the Central Lincolnshire Local Plan 2012-2036, policy 2 of the SINP and the provisions of the National Planning Policy Framework.

It is considered that policy LP13 and policy 2 are consistent with the Highway Safety guidance of the NPPF and can be attached full weight.

Drainage

Foul Water:

The application form states that foul water is to be disposed of to the mains sewer and a known mains sewer is identified on site plan 055C.2021.05a dated March 2021. The use of the mains is considered acceptable, however connection to the new dwelling has not been submitted.

Surface Water:

The application form states that surface water is to be disposed of to soakaways. The use of a sustainable urban drainage system (SuDs) for surface water is encouraged, however the suitability of the sites ground conditions for soakaways has not been detailed or established. A comprehensive drainage strategy has not been submitted or any percolation tests to demonstrate the porous nature of the ground.

It is therefore considered that foul and surface water would be capable of being addressed by condition and subject to these details is likely accord with local policy LP14 of the CLLP, policy 2 of the SINP and the provisions of the NPPF.

It is considered that policy LP14 and policy 2 are consistent with the drainage guidance of the NPPF and can be attached full weight.

Archaeology

To date there has been no comment received from the Historic Environment Officer at Lincolnshire County Council. The site is already occupied by a dwelling, a brick effect driveway and garaging therefore some disturbance of the ground has already occurred.

Therefore the development would not have a harmful archaeological impact and accords to local policy LP25 of the Central Lincolnshire Local Plan 2012-2036 and the provisions of the National Planning Policy Framework.

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

Landscaping

Site plan 055C.2021.05a dated March 2021 provides some detail on landscaping, particularly the retention of existing hedgerows to all boundaries. However the landscaping is not comprehensive enough and it is necessary to include a landscaping condition on the permission.

It is therefore considered that subject to further details the development would not have a harmful visual impact through landscaping and accords to local policy LP17 and LP26 of the Central Lincolnshire Local Plan 2012-2036, policy 2 of the SINP and the provisions of the National Planning Policy Framework.

It is considered that policy LP17, LP26 and D1 are consistent with the tree protection guidance of the NPPF and can be attached full weight.

Other Considerations:

Community Infrastructure Levy

West Lindsey District Council adopted a Community Infrastructure Levy (CIL) which will be charged from 22nd January 2018. Details in relation to CIL have not been received from the agent. The site is within charging zone 1, where the charge would be £25 per square metre for houses which is due prior to commencement of the development.

Conclusion and reasons for decision:

The decision has been considered against policies LP1 A presumption in Favour of Sustainable Development, LP2 The Spatial Strategy and Settlement Hierarchy, LP3 Level and Distribution of Growth, LP10 Meeting Accommodation Needs, LP13 Accessibility and Transport, LP14 Managing Water Resources and Flood Risk, LP17 Landscape, Townscape and Views, LP25 The Historic Environment and LP26 Design and Amenity of the adopted Central Lincolnshire Local Plan 2012-2036, Policy 1 Housing Mix, Policy 2 Design of New Development and Policy 17 Traffic and Movement around the Village of the Saxilby with Ingleby Neighbourhood Plan and policy M11 of the Lincolnshire Minerals and Waste Local Plan in the first instance.

Consideration has additionally been given to guidance contained within the National Planning Policy Framework, National Planning Practice Guidance and the National Design Guide. In light of this it is considered that the principle of the proposal is acceptable and will provide one new dwelling towards the housing supply of Central Lincolnshire. The development would not have a harmful visual impact on the site or the street scene and would not harm the living conditions of neighbouring dwellings and the future residents. It would not have a harmful impact on highway safety, drainage, a minerals resource and archaeology. This is subject to the approval and adhering to a number of conditions.

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

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

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

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

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

NONE

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

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

- 055C.2021.05 dated March 2021 – Site Plan
- 055C.2021.03a dated 27th March 2021 – 8 Mill Lane (remodelling) Elevation, Floor and Section Plans
- 055C.2021.01 dated March 2021 – New Dwelling Elevation, Floor and Section Plans
- 055C.2021.04 dated March 2021 – Garage/Office Elevation, Floor and Section Plans

The works must be carried out in accordance with the details shown on the approved plans including external materials 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, LP26 of the Central Lincolnshire Local Plan 2012-2036 and policy 2 of the Saxilby with Ingleby Neighbourhood Plan.

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

Reason: To ensure adequate drainage facilities are provided to serve each dwelling, to reduce the risk of flooding and to prevent the pollution of the water environment to accord with the National Planning Policy Framework, local policy LP14 of the Central Lincolnshire Local Plan 2012-2036 and policy 2 of the Saxilby with Ingleby Neighbourhood Plan.

4. No occupation must take place until a landscaping scheme has been submitted to and approved in writing by the Local Planning Authority. Details to include:
 - Type, height and position of all boundary treatments.
 - Material finish of all hardstanding (access road, driveways, patios and paths).

The scheme of landscaping must be completed in strict accordance with the approved scheme prior to occupation of each individual dwellings.

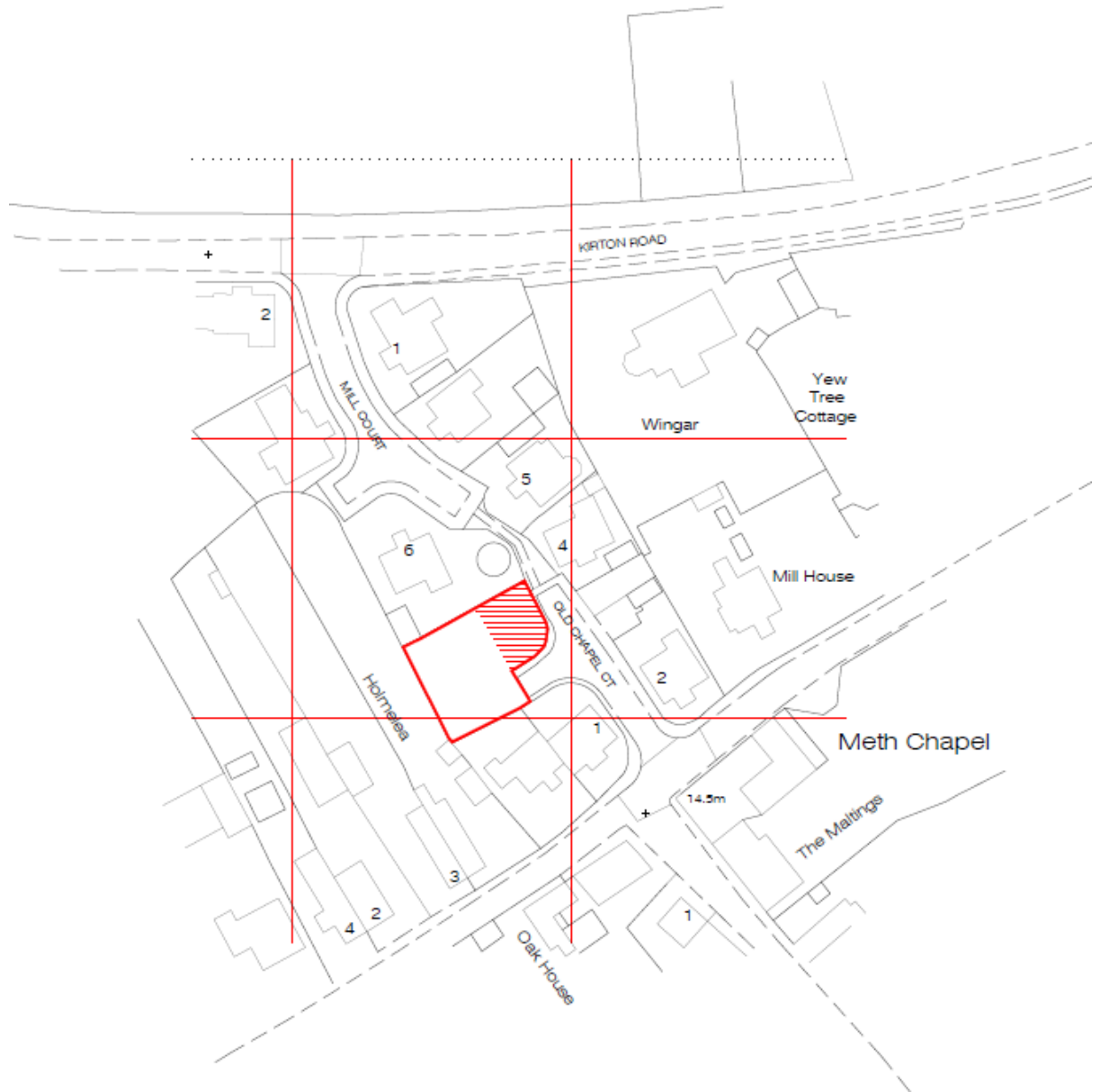
Reason: To ensure that appropriate landscaping is introduced and will not adversely impact on the character and appearance of the site or the surrounding area to accord with the National Planning Policy Framework, local policies LP17 and LP26 of the Central Lincolnshire Local Plan 2012-2036 and policy 2 of the Saxilby with Ingleby Neighbourhood Plan.

5. No occupation of each individual dwelling must take place until the shared driveway and individual turning space identified on site plan 055C.2021.05 dated March 2021 has been fully completed and retained for that use thereafter.

Reason: To ensure safe access to the site and each dwelling/building in the interests of residential amenity, convenience and safety and to allow vehicles to enter and leave the highway in a forward gear in the interests of highway safety to accord with the National Planning Policy Framework and local policy LP13 and LP26 of the Central Lincolnshire Local Plan 2012-2036.

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

NONE



Officers Report

Planning Application No: 142645

PROPOSAL: Application for approval of reserved matters to erect 1no. dwelling, considering access, appearance, landscaping, layout and scale, following outline planning permission 138417 granted 26 November 2018 - resubmission of 141752

LOCATION: Land at Old Chapel Court Waddingham Lincolnshire
Gainsborough DN21 4SD

WARD: Waddingham and Spital

WARD MEMBER(S):

APPLICANT NAME: Mr J Dawes and Mrs L Johnson

TARGET DECISION DATE: 07/05/2021

DEVELOPMENT TYPE: Minor - Dwellings

CASE OFFICER: Ian Elliott

RECOMMENDED DECISION: Grant permission subject to conditions

Description:

The application seeks reserved matters approval for access, appearance, landscaping, layout and scale for a single dwelling following outline planning permission 138417 granted 26th November 2018.

The application site is a plot of unused grassland (430m²) within the developed footprint of Waddingham. The site is well maintained and sits adjacent and above the level of Old Chapel Court. The site currently includes a stepped pedestrian access along the east boundary and a vehicular access in the south east corner. The site is part of a modest cul-de-sac arrangement. The north boundary is screened by high fence panels and the south elevation of a neighbouring dwellings outbuilding. A low brick wall screens the east and part of the south boundary. The other section of the south boundary is screened by a brick wall and pillars with fence panels. The west boundary is screened by a medium height breeze block/brick wall. Neighbouring dwellings of mixed scale and appearance are adjacent or opposite each boundary. The site is within the setting of a grade II listed building namely Waddingham Mill. It is in a Limestone Minerals Safeguarding Area with Public Rights of Way Wdgm/71/1 sat approximately 75 metres to the west.

The dwelling is proposed to be a 3 bedroom two storey dwelling with an attached single garage. The attached garage to the south of the site provides a U-Shaped built form. The proposed dwelling would measure (all approximate from submitted plans):

- 5.6 metres high (2.6 to 3.6 metre eaves)
- 17.4 metres wide including the garage
- 14 metres wide without the garage

- 14.6 metres long

The proposed garage on its own would measure (all approximate from submitted plans):

- 2.8 metres high (2.7 metre eaves)
- 3.5 metres wide
- 9.3 metres long

Relevant history:

99/P/0717 – Planning application to erect 10 dwellings and construct roads, paths and sewers – 19/09/00 - Granted time limit and other conditions

129780 – Outline planning application for 1no dwelling house, all matters reserved – 28/05/13 - Withdrawn by Applicant

130356 - Outline planning application for 1no. dwelling house, all matters reserved – 20/11/13 - Granted time limit and other conditions

137523 – Application to Discharge Section 106 Agreement dated 18 September 2000 - 22/02/18 - Granted without conditions

This Section 106 was for a single affordable house and to protect an area of open space from development. The need for the affordable house was not established within the 10 year limit so fell away. This application discharged the remaining open space reserved in the Section 106 therefore all the obligations in the original section 106 legal agreement no longer exist.

138417 - Outline planning application to erect 1no. dwelling with all matters reserved – 26/11/18 - Granted time limit and other conditions

141752 - Application for approval of reserved matters to erect 1no. dwelling, considering access, appearance, landscaping, layout and scale, following outline planning permission 138417 granted 26 November 2018 - 16/12/2020 – Withdrawn by Applicant

Representations:

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

Parish/Town Council/Meeting: No representations received to date

Local residents: Objections (summarised) received to date:

Mill Lodge, 6 Mill Court, Waddingham
 Holmlea, High Street, Waddingham
 Kirkmans, High Street, Waddingham

Layout

- The complete redesign and the revised footprint of the design exceeds the original parameter by at least 4 linear meters eastwards as detailed and

set out within the original design statement and original outline planning permission documentation under application ref 138417 in 2018.

Scale

- The new proposals currently completely shadow the whole South elevation of 6 Mill Court.
- The proposed North elevation will definitely block sunlight to the south facing garden of 6 Mill Court.
- All the other new designed elevations will impact other adjacent properties due to the increased build size footprint and heights of roof ridges and the window positions overlooking neighbouring properties and their privacy.
- Will block views of the mill from adjoining properties
- Make the area within the Old Chapel Court and views of the old mill feel compressed and claustrophobic.
- Introduce an oversized property.
- Further box in Holmlea.
- Even with the proposed removal of soil a two storey property would block the views from Kirkmans of the windmill and the surrounding agricultural land.
- The proposal is too large and it looks like this property would end up being the largest house on the Chapel Court, making it look out of place. Again this will likely devalue our property.

Appearance

- The modern industrial design is not in keeping with the surrounding properties.

Residential Amenity

- The introduction of an upstairs turret window/door and a kitchen external door on the North face will clearly overlook the private garden and property of 6 Mill Court.
- There are now windows facing onto Holmlea.
- The parking would reduce access to our garden from the rear garden gate.
- Single garage with pitched roof will restrict the open feel and the light levels within the garden and the ground floor rooms of Kirkmans.
- Proposed large patio style windows on the south-face on both the lower and second floor will look directly into the property of Kirkmans.

Other

- Block views from 6 Mill Court.
- A bungalow would be more suitable.
- Devalue property
- Concerns over impact on boundary wall particularly with lowering of land.
- Loss of affordable housing and common land
- Lead to loss of tenants to Kirkmans

WLDC Conservation Officer: Support subject to conditions

I am pleased to note that a good solution has been found for this difficult site. The modern industrial design works very well, and subject to quality of materials and finishes, will frame the grade II listed mill tower very well. I am happy to offer support for this application subject to the following conditions:

1. Approval of all external materials.

I note brick is used for parts of the building. Advisory note: This should not be a recycled brick (or a new of reclaimed appearance) but instead, a red/brown brick with its character derived from firing and not from a blended package of bricks.

2. Colour and finish of window and door treatments.

LCC Highways/Lead Local Flood Authority: No objection 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

LCC Minerals and Waste: No representations received to date

IDOX Checked: 1st June 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

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

The site is in a Limestone Minerals Safeguarding Area and policy M11 of the Core Strategy applies, however this was assessed during the outline planning application 138417 and no safeguarding objections were received from the Minerals and Waste Team at Lincolnshire County Council

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)**

Neighbourhood Plan (Material Consideration)

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

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

- **Draft Waddingham Neighbourhood Plan (DWNP)**

Waddingham Parish Council have consulted on their draft Waddingham and Brandy Wharf Neighbourhood Plan under Regulation 14. The consultation ran for a two month period and started on the 31 March 2019 and closed on the 31 May 2019. The DWNP can be given some weight in the planning decision-making, subject to the NPPF paragraph 48 test. The relevant policies are:

Policy 3 Additional Residential Development
Policy 8 General Design and Development Principles
Policy 9 Car Parking for New Residential Developments
Character Area 3 (pg52)

Other

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

Main issue:

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

In planning law¹, these are defined as:

- Access

‘Access’ - in relation to reserved matters, means the accessibility to and within the site, for vehicles, cycles and pedestrians in terms of the positioning and treatment of access and circulation routes and how these fit into the surrounding access network; where “site” means the site or part of the site in respect of which outline planning permission is granted or, as the case may be, in respect of which an application for such a permission has been made;

- Scale and Appearance

‘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;

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

Assessment:

Access

The application site will be accessed via an existing vehicular access off Chapel Court which has a 30mph speed limit. Chapel Court is a cul-de-sac which serves only 3 dwellings. The Highways Authority at Lincolnshire County Council have no objections to the position of the vehicular access. Therefore the proposal will not have a harmful impact on highway safety and accords to local policy LP13 of the CLLP, policy 8 of the DWNP and the provisions of the NPPF.

It is considered that policy LP13 and policy 8 are consistent with the highway safety guidance (paragraph 109) of the NPPF and can be attached full weight.

Scale and Appearance

Objections have been received in relation to the design, scale and appearance of the dwelling by local residents

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 d) of policy 8 of the DWNP provides direction on the scale, design and material finish of development.

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.

Additionally outline planning permission 138417 advises informally that the scale, appearance, layout and landscaping of the proposed dwelling should accord to the design brief in the design statement by Brown & Co received 8th November 2018. In summary this statement advised:

- a single storey dwelling would be an appropriate scale for this site. Rooms in the roof-space could be considered.
- area of green space that should be retained as domestic garden and not developed.
- A simple linear narrow form could accommodate a relatively steep roof pitch and create a more traditional form.
- Walls should be of red/brown brickwork with a natural red clay pantiled roof covering.
- Opening sizes and proportions should be traditional, possibly agricultural style.
- Windows and external doors should be timber with simple flush casements and detailing appropriate to a traditional agrarian outbuilding.
- Traditional clipped, bedded verges to any gables would be appropriate as would simple brickwork corbelled/dentil course eaves with drive-in rise and fall gutter brackets.
- Opening sizes and proportions should be traditional, possibly in the style of an agricultural outbuilding.
- Low indigenous planting or timber open post and rail landscaping, not close-boarded, fencing.

The dwelling is proposed to be a 3 bedroom two storey dwelling with an attached single garage. The attached garage to the south of the site provides a U-Shaped built form. The proposed dwelling would measure (all approximate from submitted plans):

- 5.6 metres high (2.6 to 3.6 metre eaves)
- 17.4 metres wide including the garage
- 14 metres wide without the garage
- 14.6 metres long

The proposed garage on its own would measure (all approximate from submitted plans):

- 2.8 metres high (2.7 metre eaves)
- 3.5 metres wide
- 9.3 metres long

The land as stated in section 8 of the HDAS *“is currently raised, by landfill and so sits approximately 600mm higher than the ‘natural’ adjacent ground (the road edge). It is proposed that the majority of this made ground will be removed. A resultant finished ground floor level around 300mm above the existing road level, is proposed”*. The ground floor level will therefore sit lower than the existing site.

The dwelling and integral garage are proposed to be constructed from (see Heritage/Design and Access Statement (HDAS)):

- grey or grey-brown brickwork facings
- hardwood boarding

- composite windows,
- pan or plain clay tiles to the primary pitched roofs
- single-ply lead grey roofing elsewhere.

The HDAS states that *“The proposal will take its primary cue, for materials from the tarred-brickwork of the mill and the clay roofs that predominate locally”*. The HDAS goes on to state that *“The HDAS states that “it is linear in form addressing the Mill forecourt, can be viewed in terms of scale and form to be redolent, or authentically resemble a structure of a minor industrial typology. The design is promoted as a high-quality contemporary solution to an intractable problem, of a literally left-over site. It marries the idea and forms of a modest industrial / agricultural range of buildings, cartshed/hayloft/ granary disposed axially to the listed Mill.”*

Old Chapel Court and Mill Court comprises a mix of red brick, yellow/buff brick and stone two storey dwellings with red pantile roofs. The Mill is has a black finish with white domed shape roof and white openings. The design statement submitted with outline application 138417 is an advisory document which does not restrict the scale of the dwelling to a single storey dwelling or the material finish. Applications for two storey dwellings can be considered and are dominant in the immediate area.

The Authority’s Conservation Officer has stated that *“a good solution has been found for this difficult site. The modern industrial design works very well”*.

The proposed dwelling would be different to all the dwellings in the immediate area but this does not necessarily mean it is unacceptable. The concept of the build is not a standard dwelling and is proposed with the Mill in mind by providing an industrial style dwelling which has some reference to outbuildings which would have been around the Mill. The proposed design is not intended to match the surrounding residential built form.

Whilst the concerns of the neighbouring residents are acknowledged it is considered that the scale and appearance of the proposal has been demonstrated and evidence as acceptable in this location, particularly its reference the Listed Mill.

It is therefore considered that subject to a materials condition the scale and appearance of the proposed dwelling would not have a harmful visual impact on the site or the street scene and accords to local policy LP17 and LP26 of the CLLP, policy 8 of the DWNP and the provisions of the NPPF. The impact of scale on the residential amenity of neighbours is assessed later in the report.

It is considered that policy LP17, LP26 and policy 8 are consistent with the design, character and visual amenity guidance (Chapter 12) of the NPPF and can be attached full weight.

Layout

Objections have been received in relation to the layout by local residents

Criteria (c) of local policy LP26 of the CLLP states that *“proposals will be required to demonstrate, to a degree proportionate to the proposal, that they:*

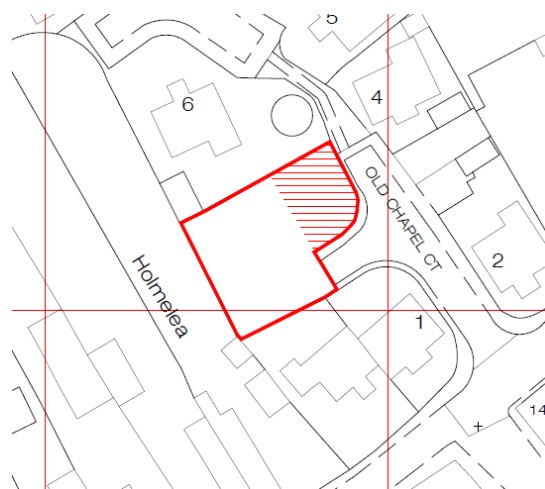
- c) Respect the existing topography, landscape character and identity, and relate well to the site and surroundings, particularly in relation to siting, height, scale, massing, form and plot widths”*

Criteria a) of Policy 8 of the DWNP states that *“development should respect existing plot boundaries, ratios, orientation and the historic buildings or traditional forms and grain of development”.*

Policy 9 of the DWNP requires 3 parking spaces for 3 bedroom dwellings.

The proposed dwelling would sit in a plot measuring approximately 429m², however the developable area of the site is reduced by condition number 7 of the outline planning permission 142907. This condition states that:

“The area highlighted red on location plan AR289(S3) 120 Revision P1 dated 22nd April 2021 must remain as grassed space.”



The area highlighted red reduces the developable area to approximately 310m².

Due to the restrictions of the site the front of the dwelling would be located adjacent the west edge of the protected area and at various points between:

- 0.9-1.3 metres from the north boundary
- 0.5-6.4 metres from the south boundary
- 1 metre and 9 metres from the west boundary

This would leave plenty of garden space to the front and private garden space to the rear. Three off street parking spaces have been provided including one garage space. The layout provides sufficient driveway but no turning space,

however given the volume of traffic using Chapel Court the use of Chapel Court for turning would be considered to be acceptable. The Highways Authority at Lincolnshire County Council have no objections to the proposed off street parking provision and lack of turning provision within the site.

The layout has received objections in terms of it restricting access to a garden gate to the rear of Kirkmans. The rear garden gate to Kirkmans appears to be along the south boundary of the site and opens onto an area of car parking which is within the application red line therefore onto private land. There would therefore no right of access to the garden gate. Although this position is not ideal any future issues if permission is granted with using the gate would need to be dealt with between the neighbours as a civil matter.

The impact of the development on the living conditions of adjoining and future residents will be discussed later in this report. The layout of the plot is therefore deemed to be acceptable and accords to local policy LP17 and LP26 of the CLLP, policy 8 and 9 of the DWNP and the provisions of the NPPF.

It is considered that policy LP17, LP26, policy 8 and 9 are consistent with the design, character and visual amenity guidance (Chapter 12) of the NPPF and can be attached full weight.

Landscaping

Criteria (g) and (h) of local policy LP26 of the CLLP states that *“proposals will be required to demonstrate, to a degree proportionate to the proposal, that they:*

- g) Incorporate appropriate landscape treatment to ensure that the development can be satisfactorily assimilated into the surrounding area;*
- h) Provide well designed boundary treatments, and hard and soft landscaping that reflect the function and character of the development and its surroundings”*

Policy 8 criteria f) of the DWNP states that:

- f) development should take inspiration from the existing predominant boundary treatments appropriate to the immediate buildings and wider character of that part of the village”*

The application provides no detail on the landscaping of the site. Site plan AR289(S3) 126 provides some illustrative indicative detail but does not provide the following:

- Boundary treatment (retained or new)
- Hardstanding materials (permeable or impermeable)
- Planting and turfing details

The site plan will be conditioned on the permission but it will be made clear that the landscaping is indicative. A landscaping condition will be conditioned on the permission to be approved and installed prior to occupation.

It is therefore considered subject to specific details of landscaping submitted at a later date that landscaping of the site is expected to be acceptable and accord to local policy LP17 and LP26 of the CLLP, policy 8 of the DWNP and the provisions of the NPPF.

It is considered that policy LP17, LP26 and policy 8 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 Waddingham Mill which is a grade II listed building. 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'*.

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'.

The Authority's Conservation Officer has stated that *"I am pleased to note that a good solution has been found for this difficult site. The modern industrial design works very well, and subject to quality of materials and finishes, will frame the grade II listed mill tower very well. I am happy to offer support for this application"*. The support of the Conservation Officer is subject to material conditions.

Having considered the advice of the Conservation Officer, and noting that residential dwellings are already placed within the setting of the Mill, it is considered that the proposed dwelling would not harm, and would otherwise preserve the setting of the Listed Building.

Therefore subject to conditions the siting, design and material finish of the proposed dwelling will preserve the setting of the Listed Building and accord to local policy LP25 of the CLLP, policy 8 of the DWNP, 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 8 are consistent with the heritage guidance of the NPPF and can be attached full weight.

Residential Amenity

Local policy LP26 of the CLLP protects the living conditions of neighbouring dwellings from unacceptable harm.

Policy 3 criteria 1(e) of the DWNP states that *“Residential developments (outside of the proposed allocated sites) that are either infilling an existing gap within the street scene or converting an existing building, will only be supported if it:*

- e) does not have an unreasonable negative impact on the private amenity of any adjoining properties*

Objections have been received from neighbouring dwellings in relation to residential amenity.

The proposed dwelling will have a neighbouring dwellings adjacent to the south (1 Old Chapel Court and Kirkmans, High Street), to the south west (Holmlea, High Street), and to the north (6 Mill Court). All measurements (approximate) are taken from the submitted scaled drawings:

1 Old Chapel Court (OCC):

The rear elevation of OCC is approximately 11.5 to 13.5 metres from the proposed south side elements of the proposed dwelling. The only window on the first floor south elevation serves a bathroom therefore would be conditioned to be obscurely glazed alongside the window on the east elevation. The dormer windows on the principle elevation would not overlook the rear garden of OCC due to the acute angle.

The proposed dwelling would not harm the living conditions of 1 Old Chapel Court due to the separation distance, position of openings and conditions on the permission.

Kirkmans, High Street (K):

The south side elevation of the main dwelling would be 4.6 metres from the shared boundary with K and 11 metres from the rear elevation of K. As stated above the first floor bathroom window would be conditioned to be obscurely

glazed. The south side elevation of the garage would be 2.8 metres high (2.7 metre eaves) and 0.6 to 0.9 metres from the shared boundary with K. The shallow lean to style roof of the garage falls away from the boundary. The south elevation of the proposed garage would be 7.5 metres from the rear elevation of Kirkmans.

The residents of Kirkmans have objected in relation to overshadowing and loss of light. In terms of direct sunlight the sun rises from the east then moves round to the south before falling to the west. The windows on the north side elevation of K therefore would be unlikely to benefit from direct sunlight at any time of the day. The application has included a shadow plan (AR2899S3)-131) identifying shaded areas on 21st April, 21st June and 21st August. The shadow plan demonstrates limited impact of shadowing on K with most of the shadowing impact coming from the rear elevation of K.

The proposed dwelling would not harm the living conditions of Kirkmans due to the separation distance, the scale of the closest structure, the position of openings and conditions on the permission.

Holmlea, High Street (H):

The main rear south west elevation of the proposed dwelling would be 8.9 metres from the shared boundary with H. The rear projection would be 2.5 metres and the garage rear elevation 0.8 metres from the shared boundary with H. The rear garden of H is 56 metres in length and 9 metres in width. The shared boundary is along the immediate garden space of H close to the rear elevation where most people would sit out.

The proposed dwelling would have rear first floor windows to the north, east and south elevations. The north window serves a bathroom therefore would be conditioned to be obscurely glazed as would the ensuite window on the south elevation. The south elevation additionally includes a first floor bedroom window. This window on a 45 degree angle would be 8.2 metres from the shared boundary and at least 18 metres from the rear elevation of H. The first floor windows on the west elevation serve a corridor which is not considered as primary living accommodation. Outbuildings belonging to H along the shared boundary provide additional screening.

The proposed dwelling would cause some overlooking and limited shadowing on the living conditions of Holmlea but not to a degree which would warrant refusal.

6 Mill Court (MC):

The north side elevation of the proposed dwelling would be 0.8 to 1.3 metres from the shared boundary with MC and would measure 5.6 metres in height. The rear elevation of MC would be 7 to 10 metres from the proposed south side element of the proposed dwelling. The rear garden of MC includes a garage outbuilding adjacent the shared boundary which would be adjacent some of the proposed dwellings north elevation.

The north elevation of the proposed dwelling only has a single first floor window which serves the staircase which is not primary living accommodation, In any case this window faces to the north east and not directly into the rear garden of MC.

The dormer windows on the principle elevation would not overlook the rear garden of MC due to the acute angle.

The shadowing plan (AR2899S3)-131) identifies some impact from overshadowing but not to a significant degree and sufficient sunlight would be received to the rear garden area.

Future residents:

It is additionally important to consider the amenity of the potential occupiers of the proposed dwelling. The amended and most up to date site plan identifies an acceptable amount of private amenity space to the rear garden area.

The proposed dwelling would therefore not be expected to significantly harm the living conditions of neighbouring dwellings and accord with local policy LP26 of the CLLP, policy 3 of the DWNP and the provisions of the NPPF.

It is considered that policy LP26 and policy 3 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.

A drainage condition (number 6) is attached to outline planning permission 142907 for provision of drainage facilities to service the site. The application provides no drainage details. The outline application suggested that surface water would be connected to the mains. Whilst connecting the surface water to the mains is acceptable National Planning Practice Guidance² states that a hierarchy to discharging surface water run-off should be followed:-

Generally, the aim should be to discharge surface run off as high up the following hierarchy of drainage options as reasonably practicable:

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

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

² [Paragraph: 080 Reference ID: 7-080-20150323](#) Flood Risk & Coastal Change

Therefore connecting surface water to the mains must be justified through evidence that a sustainable urban drainage method is not feasible. It is not considered that sufficient information has been submitted to deal with condition 6 of 142907.

Excavation

The proposal includes lowering the site to the level of the highway by excavating soil to leave a ground flood level of 300mm. No detail has been submitted in relation to the removal and disposal of the soil from the site.

Concerns have been raised regarding the impact of excavation on the boundary walls and fencing. Any future impact to the boundary treatments would be the responsibility of the land owner and would be a civil matter.

Permitted Development

It is considered relevant and necessary to remove certain permitted development rights. This is due to the sensitive nature of the site and the amenity of neighbouring dwellings and future residents. The permitted development rights to be removed would be:

- Class A (Extensions), AA (Additional Storey), B (Roof Additions), C (Other Roof Alterations), D (Porch), E (Outbuildings), F (Hard Surfaces), G (Chimneys, Flues) and H (Microwave Antenna) of 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).
- Class A (Gates, Fences, Walls) Part 2 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).

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 3 Additional Residential Development, Policy 8 General Design and Development Principles and Policy 9 Car Parking for New Residential Developments of the Draft Waddingham 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 this assessment access, scale, appearance, layout and landscaping are considered acceptable. The development would provide an acceptable three bedroom dwelling on the site and would not have a harmful visual impact on the site or the street scene and would preserve the setting of the nearby listed Mill. It would not have a harmful impact on the living conditions of neighbouring dwellings or highway safety.

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

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

NONE (See Outlined Permission 138417)

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

1. No development must take place until details of the method of removal of excavated earth from the site has been submitted to and approved in writing by the Local Planning Authority. This must include details of the use of the earth or where it will be deposited. The development must be completed in accordance with the approved details.

Reason: To ensure the excavated earth is dealt with and removed from the site in an appropriate manner to accord with to accord with the National Planning Policy Framework, local policy LP26 of the Central Lincolnshire Local Plan 2012-2036 and Policy 8 of the Draft Waddingham Neighbourhood Plan.

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

2. With the exception of the detailed matters referred to by the conditions of this consent, the development hereby approved must be carried out in accordance with the following proposed drawings (dated 12th March 2021 unless stated):
 - AR289(S3)-126 – Site Plan (Excluding indicative landscaping)
 - AR289(S3)-124 – North and South Elevation Plans
 - AR289(S3)-125 – East and West Elevation Plans
 - AR289(S3)-123 – Floor Plans

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 and LP26 of the Central Lincolnshire Local Plan 2012-2036, Policy 3, 8 and 9 of the Draft Waddingham Neighbourhood Plan and Section 66 of the Planning (Listed Buildings and Conservation Areas) Act 1990.

3. No development above ground level must take place until details of the external materials listed below have been submitted or inspected on site and agreed in writing by the Local Planning Authority.

- Sample panel of at least 1 metre square for brickwork are to be constructed on site before materials are brought to site. The panel will demonstrate the colour and texture of the brick, the mortar colour and style, and the gauge of mortar (see advisory note)
- timber cladding and colour finish
- roof materials
- rainwater goods and downpipes including the colour
- all window and domestic doors including colour and finish

Reason: To ensure the use of appropriate materials in the interests of visual amenity and the setting of the Listed Building to accord with the National Planning Policy Framework, local policies LP17, LP25 and LP26 of the Central Lincolnshire Local Plan 2012-2036, Policy 8 of the Draft Waddingham Neighbourhood Plan and Section 66 of the Planning (Listed Buildings and Conservation Areas) Act 1990.

4. No occupation must take place until a landscaping scheme has been submitted to and approved in writing by the Local Planning Authority. Details to include:

- Type, height and position of all retained or new boundary treatments.
- Material finish of all hardstanding (access road, driveways, patios and paths).
- Species, planting height, formation and position of new trees and hedging.
- Turfing

Reason: To ensure that appropriate landscaping is introduced in the interests of visual amenity and the setting of the Listed Building to accord with the National Planning Policy Framework, local policies LP17, LP25 and LP26 of the Central Lincolnshire Local Plan 2012-2036, Policy 8 of the Draft Waddingham Neighbourhood Plan and Section 66 of the Planning (Listed Buildings and Conservation Areas) Act 1990.

5. All first floor bathroom and ensuite windows must be obscure glazed and retained as such thereafter.

Reason: To protect the neighbour's private 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 3 of the Draft Waddingham Neighbourhood Plan.

6. No occupation of the dwelling must take place until the access and off street parking space identified on site plan AR289(S3)-126 dated 12th March 2021 has been fully completed and retained for that use thereafter.

Reason: To ensure safe access to the site and the dwelling in the interests of residential amenity, convenience and highway safety to accord with the National Planning Policy Framework, local policy LP13 and LP26 of the Central Lincolnshire Local Plan 2012-2036 and Policy 3 and 8 of the Draft Waddingham Neighbourhood Plan.

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

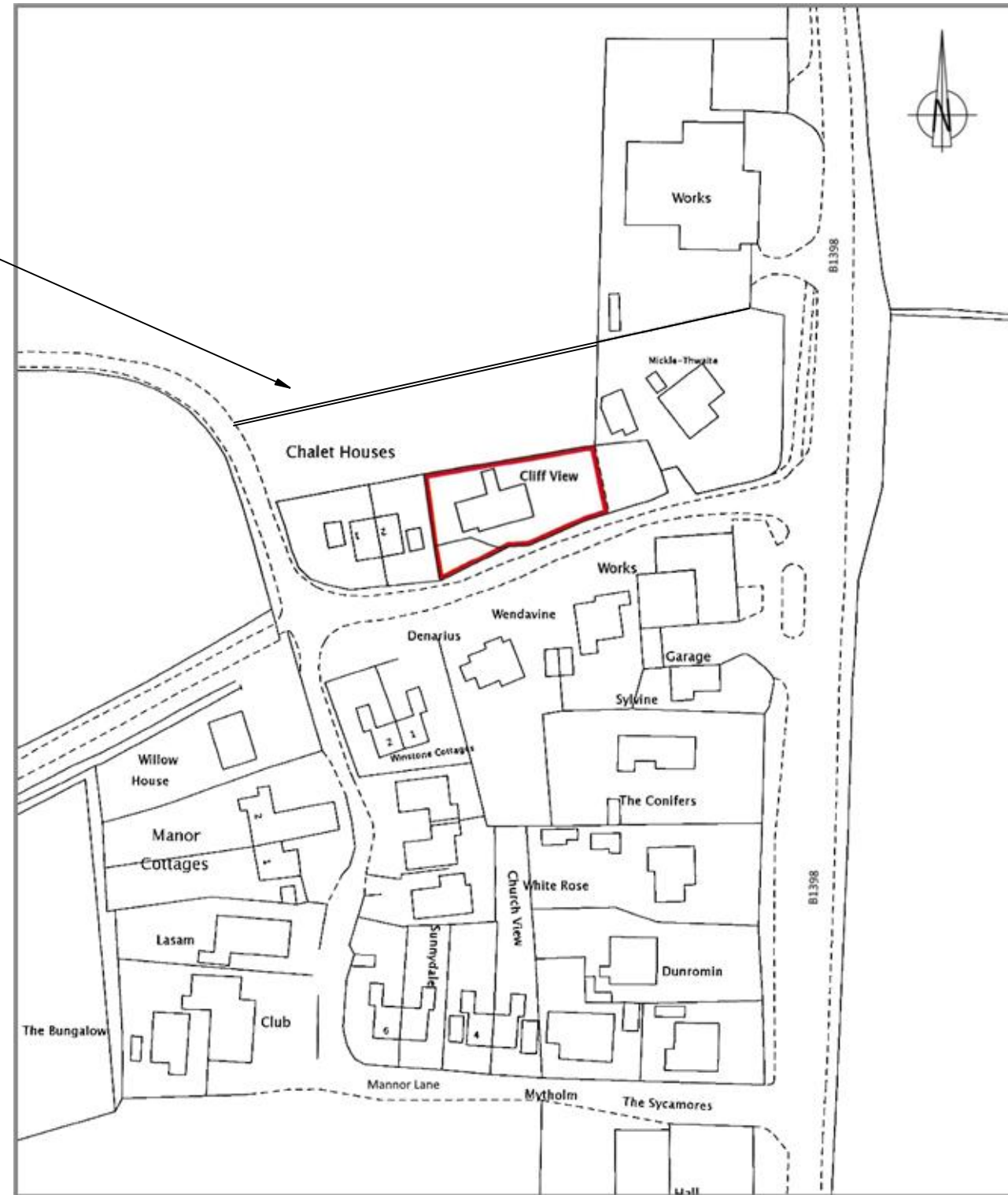
7. Notwithstanding the provisions of Classes A, AA, B, C, D, E, F, G and H of Schedule Part 1 of the Town and Country Planning (General Permitted Development) (England) Order 2015 (or any order revoking and re-enacting that Order with or without modification) the dwelling hereby permitted must not be extended and no buildings or structures must be erected within the curtilage of the dwellings 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 setting of the listed buildings and the amenity of neighbours and the future residents to accord with the National Planning Policy Framework, local policy LP17, LP25 and LP26 of the Central Lincolnshire Local Plan 2012-2036, Policy 3 and 8 of the Draft Waddingham Neighbourhood Plan and Section 66 of the Planning (Listed Buildings and Conservation Areas) Act 1990.

8. Notwithstanding the provisions of Class A of Schedule 2 Part 2 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) no gates, fences, walls or other means of enclosure must be erected within or on the boundary of the site 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 setting of the listed buildings accord with the National Planning Policy Framework, local policy LP17, LP25 and LP26 of the Central Lincolnshire Local Plan 2012-2036, Policy 3 and 8 of the Draft Waddingham Neighbourhood Plan and Section 66 of the Planning (Listed Buildings and Conservation Areas) Act 1990.

Site Location - (1 : 1250)



Public Footpath

**Cliff View Aisthorpe
Phase 3
Site Location**

Prepared By	Adam Evans
Date	14/04/21
Drawing No	CF36
Revision	1

All Dimensions are in mm unless otherwise stated

Officer's Report

Planning Application No: 142872

PROPOSAL: Planning application for front porch and single storey side and rear extensions.

LOCATION: Cliff View Church Lane Aisthorpe Lincoln LN1 2SG

WARD: Scampton

WARD MEMBER(S): Cllr R Patterson

APPLICANT NAME: Mr Adam Evans

TARGET DECISION DATE: 18/06/2021 (extension of time agreed)

DEVELOPMENT TYPE: Householder Development

CASE OFFICER: Mike Halsall

RECOMMENDED DECISION: Grant permission subject to conditions.

Description:

The application is presented to the planning committee as the applicant is related to a member of staff within the council with direct links to the Development Management Team.

The application site is a detached bungalow which is set back from the highway and is located within the settlement of Aisthorpe. The dwelling has a large front garden and driveway to the south and large side garden to the east. The application site's western, northern and eastern boundaries are 1m high timber fencing whilst the southern boundary is currently left largely open, looking onto the highway (Church Lane). The application site's neighbouring land uses to the west, south and east are residential dwellings, whilst an open field lies to the north. A Public Right of Way (Aist/39/1) is located approximately 31m to the southwest of the application site. The bungalow has been extended to the side under planning permission ref. 136886.

The application seeks permission for a front porch and side and rear extensions. The application is part retrospective as the side and rear extensions have already been erected. The proposed porch would be 2.7m wide, would project 1.5m to the front of the existing dwelling and would have a dual pitched roof of approximately 2.3m to eaves and 3.5m to ridge. The new side extension projects 2.8m to the side of the dwelling and is 2.4m in height with a flat roof. The rear extension has replaced a previous flat roofed rear extension and stretches across 9m of the existing rear elevation of the dwelling and has a mono-pitched roof which joins with the eaves of the existing dwelling, rising to 3.4m as it projects away from the dwelling.

In terms of externally facing materials, the previously approved side extension is rendered white whereas the original dwelling remains in brick. The proposed plans identify that the original dwelling and proposed new porch and rear extension will be rendered white and the windows upgraded to match the approved extension. The newly constructed side extension is of a dark timber cladding.

Relevant history:	
136886 - Planning application for single storey side extension, including removal of single storey sun room and chimney, associated boundary treatments and external window alterations – approved December 2017	

Representations:	
Chairman/Ward member(s):	No representations received to date.
Aisthorpe Parish Council:	Responded to state they have no comments to make in relation to this application.
Local residents:	<p>No.1 Chalet House, Church Lane, Aisthorpe – object to the proposal on the following grounds (summarised):</p> <ul style="list-style-type: none"> • The application is part retrospective • Ugly appearance of the rear extension • Height of the rear extension • Blocking of views • Not in keeping with the village • Don't like the externally facing materials • Flooding • Parking / highway safety / traffic <p>With regards to the application being part retrospective, as the side extension and rear extension have already been erected, Section 73A of the Town and Country Planning Act 1990 allows for such applications. This should have no bearing on the outcome of the planning application.</p>
LCC Highways:	Have responded with no objection to the proposed development.
Archaeology:	No representations received to date.
IDOX:	Checked 08/06/2021

Relevant Planning Policies:	
National guidance	<p>National Planning Policy Framework https://www.gov.uk/government/publications/national-planningpolicy-framework--2</p> <p>National Planning Practice Guidance https://www.gov.uk/government/collections/planning-practice-guidance</p>
Local Guidance	<p><u>Central Lincolnshire Local Plan (2012 -2036):</u> LP1: A Presumption in Favour of Sustainable Development LP13: Accessibility and Transport LP17: Landscape, Townscape and Views LP26: Design and Amenity https://www.n-kesteven.gov.uk/central-lincolnshire/local-plan/</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>

Neighbourhood Plan:	None.
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Main Issues

- Design
- Residential Amenity
- Other Considerations

Design

Policy LP17 of the Central Lincolnshire Local Plan (CLLP) seeks to protect and enhance the intrinsic value of our landscape and townscape. Policy LP26 of the CLLP seeks to ensure development respects the existing topography, landscape character and identity, and relates well to the site and surroundings, particularly in relation to siting, height, scale, massing, form and plot widths. The National Planning Policy Framework (NPPF) in Chapter 12. Achieving Well-designed Places states that the “*creation of high quality buildings and places is fundamental to what the planning and development process should achieve*”. Paragraph 127 goes on to state that planning decisions should ensure that developments are visually attractive as a result of good architecture.

The existing dwelling consists of a bungalow which has previously been extended to the side under planning permission ref. 136886. The proposed additional side, rear and front extensions represent modest extensions to the existing bungalow. The current appearance of the bungalow is somewhat disjointed with three contrasting external wall finishes of; brick (original dwelling); white render (previously approved side extension); and dark wooden cladding (new side extension). However, the submitted drawings identify that the original dwelling and the proposed front and rear extensions will all be rendered white to match the previously approved side extension. This will improve the appearance of the bungalow and the proposed new wooden clad side extension will then add an element of interest to break-up the mass of the otherwise all white frontage. Dark stained vertical board cladding is a traditional construction material that can be seen elsewhere across Lincolnshire and so is considered a suitable material for the side extension.

Church Lane is characterised by a mixture of bungalows and two storey dwellings, all of which are set back from the highway, including Cliff View. Due to this mixture of housing types and their positioning, it is considered that the extended property will not appear as an unusual or dominating feature in the street scene.

Whilst the rear extension takes up a large proportion of the rear garden, the property also benefits from large front and side gardens and so a suitable level of outdoor amenity space remains.

Whilst the roof of the rear extension is somewhat unconventional in form and the extension can be seen from the Public Right of Way to the rear of the dwelling, it is not a prominent feature in the street scene and is not considered to be of such a design that would justify the refusal of the planning application.

It is considered therefore that the proposal is acceptable in terms of siting, height, scale, massing and form and complies with policies LP17 and LP26 of the CLLP with regards to 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.

Given the orientation of the site and positioning of the proposed extensions the only potential residential amenity impacts are in relation to the bungalow to the west, no.2 Chalet House. No.2 has a garage to its side elevation that faces the proposed side extension and no windows are proposed to the side elevation of either the proposed side or rear extension that face No.2. All of the proposed extensions are single storey. As such, there would be no unacceptable impacts upon the residential amenity of No.2 Chalet House and it is noted that they have not responded to the consultation on the planning application.

The occupier of no.1 Chalet House, further to the west, which adjoins no.2, have raised objection to the proposal as identified above and the majority of their concerns are addressed elsewhere in this report. With regards to loss of view, given the scale and orientation of the extension in proximity to no.1 Chalet House, it is not considered there would be any such impact. That said, the loss of a particular view is not a material planning consideration in any case.

Other considerations

Parking / highways safety

The proposal would not reduce the level of off-street parking provision and is considered acceptable in this regard. Lincolnshire County Council have responded as the Highways Authority to state they have no objection to the proposal. The proposal is therefore considered acceptable in terms of parking provision and highway safety.

Impact on Public Right of Way

A Public Right of Way (Aist/39/1) is located approximately 31m to the southwest of the application site. Due to this separation distance and the nature of the proposal, it is considered there will be no harmful impact to the PRow. Both the Ramblers Association and the Public Rights of Way team at Lincolnshire County Council have been consulted on the application and have not objected to the proposal.

Flood risk

The application site is not located within an area identified as being at risk of surface water or fluvial flooding. Given the location and scale of the proposal it is not considered that flood risk is a material consideration in the determination of this planning application.

Conclusion and reasons for decision:

The decision has been considered against the policies LP13: Accessibility and Transport, 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 and the National Planning Practice Guidance.

In light of this assessment it is considered that the proposal will not harm the character

and appearance of the street-scene or the dwelling. The proposal will not result in an adverse impact on the Public right of Way and would not unduly impact the living conditions of the residents of neighbouring properties. The proposal is therefore acceptable.

RECOMMENDATION: Grant permission subject to conditions.

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:

None

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

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

Site Location ref. CF36 Rev 1
Proposed Site Plan ref. CF37 Rev 1
Proposed Model CF35 Rev 2
Floor Plans ref. CF35 Rev 2

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

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

2. The materials used in the development shall match those stated on approved drawing ref. CF35 Rev 2.

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

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

None.



Planning Committee

Wednesday 16 June
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

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 DJ and JM Frankish against the decision of West Lindsey District Council to refuse planning permission for outline application with all matters reserved for five dwellings on land to South of Clixby Lane, Grasby, DN38 6AJ

Appeal Dismissed – See copy letter attached as Appendix Bi.

Officer Decision – Refuse

Committee Decision – Refuse

- ii) Appeal by Mr Barry Cox against the decision of West Lindsey District Council to refuse planning permission for outline planning application to erect 1no. dwelling and detached garage with access to be considered and not reserved for subsequent applications at 95 Brigg Road, Caistor, Market Rasen LN7 6RX

Appeal Dismissed – See copy letter attached as Appendix Bii.

Officer Decision – Refuse

Committee Decision – Refuse



Appeal Decision

Site visit made on 27 April 2021

by **Diane Cragg DipTP MRTPI**

an Inspector appointed by the Secretary of State

Decision date: 18 May 2021

Appeal Ref: APP/N2535/W/20/3265778

Land to South of Clixby Lane, Grasby Lincs DN38 6AJ

- 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 DJ and JM Frankish against the decision of West Lindsey District Council.
 - The application Ref 141429, dated 14 July 2020, was refused by notice dated 15 October 2020.
 - The development proposed is outline application with all matters reserved for five dwellings.
-

Decision

1. The appeal is dismissed.

Procedural Matters

2. I have taken the address for the appeal site from the decision notice as this is the most accurate address provided.
3. The application is in outline with all matters reserved for future consideration. I have determined the application on this basis. However, indicative layout plans and a tree retention plan have been provided and I have taken these into consideration in so far as they describe the development.

Main Issue

4. The main issue is the effect of the development on highway safety.

Reasons

5. Clixby Lane is a narrow rural lane with no footpaths. It is a no through route accessed from Front Street and Vicarage Lane. In the vicinity of the appeal site the lane varies in width between 2.5 and 3 metres. It carries definitive footpath 29/2 which is part of the Viking Way. The entrance to footpath number 47/1 is also from Clixby Lane accessed via a kissing gate at the western side of the appeal site frontage. Beyond this entrance dwellings are located only on the north side of the lane. Properties have individual or shared driveways. Not all properties on the north side have vehicle turning areas and vehicles reverse out on to the lane.
6. The appeal site is part of a larger grassed field which is bounded by Clixby Lane to the north side. The site frontage to Clixby Lane has a grassed verge with several street trees within it and hedge planting along the boundary. The appeal site slopes down from Clixby Lane towards the south and there is a

change in land level within the site adjacent to the front boundary. There is currently no vehicular access into the appeal site. Footpath 29/2 follows the line of Clixby Lane and Footpath no 47/1 runs north/south along the appeal site's western boundary.

7. I observed during my site visit that Clixby Lane starts to narrow just beyond Bells Cottage and is single width for the rest of its length before becoming a footpath at its eastern end. There are no separate footpaths adjacent to the road and those using the definitive public footpaths share the road with vehicles. In this regard I noted at my site visit that the public footpaths are well used by walkers. I also note the comments of the Ramblers Association that the public footpath is popular with children completing their Duke of Edinburgh awards and adult walking groups and that the verge is uneven and not a suitable alternative to the tarmac road.
8. Clixby Lane changes alignment just after Bells Cottage and this, in addition to the location of boundary landscaping to the northern side of the lane, provides some restriction to forward visibility. There is no vehicle turning area along Clixby Lane with limited space at the end of the lane to turn larger vehicles.
9. The appellant anticipates that the level of traffic generated by 5 new dwellings would be low. However, 5 dwellings would generate additional traffic movement associated with their occupation, including deliveries and visitors and I consider that there would be noticeably more traffic using Clixby Lane as a result of the development.
10. The Framework promotes sustainable transport, development should be designed to give priority to pedestrian and cycle movements and create places that minimise the scope for conflicts between pedestrians, cyclists and vehicles. The development could be designed to ensure vehicles leave the appeal site in forward gear, but it would be highly likely that as a result of the development and the restricted width of the lane the number of vehicles reversing along the single section of Clixby Lane would increase in frequency and that these additional reversing manoeuvres would result in conflict between pedestrian and vehicle movements.
11. The appellant considers that the limited distance of the development from the junction of Clixby Lane and Front Street, and the fact that the road narrows only when it is past Bells Cottage, would mean that vehicles would see one another with ample time to allow a right of way. However, I am not convinced that there would be clear visibility for the reasons I have set out and providing the right of way to an oncoming vehicle on the single width section of the road would require manoeuvring within the highway.
12. Consequently, as the road acts as a shared surface, is primarily single width, has restricted forward visibility where it narrows outside Bells Cottage and supports significant pedestrian movements, development that increases its use would impose an additional safety risk to existing drivers and pedestrians. I do not have sufficient evidence to conclude that these matters would be resolved by the design of the proposed accesses, even if these accesses are shared rather than individual drives and have the potential to provide informal passing places.

13. In addition, the trees to the site frontage would be retained in accordance with the recommendations of the Preliminary Ecology Appraisal¹ and the Tree Survey Report². The County Council's Highways Authority did not raise any objections to the development but seeks a condition requiring a visibility splay of 2.4 by 43 metres at the vehicle entrance/s with all obstructions cleared above 0.6 metres in that area. I note the appellant's comments that visibility would be addressed at reserved matters stage but the indicative layout plan does not demonstrate, and I do not have enough information to conclude, that the visibility splay requirements could be achieved given the proposed retention of the trees along the site frontage and therefore if the visibility splay condition could reasonably be imposed.
14. Notwithstanding the third-party concerns about the capacity of the junctions at Clixby Lane/ Front Street and Clixby Lane/ Vicarage Lane, I have no reason to conclude that the vehicle movements associated with the development could not be accommodated at these junctions.
15. However, overall, I conclude that the proposed development would compromise highway safety for users, causing harm. This would conflict with Policies LP13 and LP26 of the Central Lincolnshire Local Plan (CLLP) where these policies seek to ensure that development provides well designed, safe and convenient access for all. It would also conflict with the National Planning Policy Framework where it seeks to ensure that safe and suitable access to sites can be achieved for all users.

Other Matters

16. There is no dispute between the main parties that the appeal site would meet the locational requirements of Policies LP2 and LP4 of the CLLP. Five dwellings would make a small contribution to the supply of housing. There would be small economic benefits in the short-term during the construction phase. New dwellings in this location would make a limited contribution to supporting local services and facilities. Given the dispersed nature of rural housing in this area, and the reliance on private car journeys, there would be limited social and environmental benefits in terms of the vitality of rural communities. These matters carry limited weight in favour of the scheme.
17. Notwithstanding the third-party representations, impacts on the living conditions of neighbours and scale and appearance of the development could be addressed at the reserved matters stage. Issues relating to foul and surface water drainage, ecology and tree retention could be addressed by planning conditions. However, these are requirements of the development plan and they do not weigh in favour of the scheme.
18. Whilst it has been brought to my attention that the building to the east of the appeal site has been granted planning permission for a business use (yet to be commenced). I have not been provided with the nature of the business proposed or its likely traffic generation.
19. I appreciate the appellant's disappointment that the matters of concern were raised following a positive recommendation to the Council's planning committee. However, this does not lead me to a different conclusion.

¹ Preliminary Ecological Appraisal Report dated 4 May 2020

² Tree Survey Report ref P2063/0620/01 V2 dated 06 July 2020

Conclusion

20. The proposal would conflict with the development plan and there are no material considerations that would outweigh that conflict. For this reason, the appeal is dismissed.

Diane Cragg

INSPECTOR



Appeal Decision

Site visit made on 18 May 2021

by **Diane Cragg DipTP MRTPI**

an Inspector appointed by the Secretary of State

Decision date: 01 June 2021

Appeal Ref: APP/N2535/W/21/3267705

95 Brigg Road, Caistor, Market Rasen LN7 6RX

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant outline planning permission.
 - The appeal is made by Mr Barry Cox against the decision of West Lindsey District Council.
 - The application Ref 141150, dated 1 June 2020, was refused by notice dated 4 August 2020.
 - The development proposed is outline planning application to erect 1no. dwelling and detached garage with access to be considered and not reserved for subsequent applications.
-

Decision

1. The appeal is dismissed.

Procedural Matters

2. I have taken the description of the development from the appeal form as this describes the development succinctly. The points raised in the description on the application form regarding the previous use of the site and the access arrangements are noted.
3. The application is in outline with all matters apart from access reserved for future consideration. I have considered the appeal accordingly and had regard to the indicative block plan only in so far as it describes the development.

Main Issue

4. The main issue is whether the appeal site is an appropriate location for the development having regard to local and national planning policies and access to services and facilities.

Reasons

5. The development plan for the district is the Central Lincolnshire Local Plan (April 2017) (the CLLP) and the Caistor Neighbourhood Plan adopted in March 2016. Policy LP2 of the CLLP sets out the spatial strategy and settlement hierarchy for the district.
6. The appeal site is located on Brigg Road to the north of Caistor, one of the market towns falling under the third level of the settlement hierarchy in Policy LP2, which is expected to take significant, but proportionate, growth in housing

and other development. Most of this growth will be through sites allocated in the local plan, or appropriate infill, intensification or renewal on non-allocated sites within the existing 'developed footprint' along with non-allocated sites in 'appropriate locations' outside of, but immediately adjacent to, the 'developed footprint'.

7. An 'appropriate location' is defined as a location which does not conflict, when taken as a whole, with national policy or policies in the CLLP, and where the development would retain the settlement's core shape and form; not significantly harm its character and appearance or that of the surrounding countryside; or the settlement's rural setting. The term 'developed footprint' is defined as the continuous built form of the settlement and excludes individual buildings or groups of dispersed buildings which are clearly detached from the continuous built-up area. It also excludes gardens and paddocks and other undeveloped land within the curtilage of buildings on the settlement's edge where land relates more to the surrounding countryside than the built-up area.
8. The appeal site is part of a larger paddock. It is separated from 95 Brigg Lane by a permissive footpath and extensive landscaping. The paddock is enclosed by hedging to its southern and eastern boundaries and has an attractive rural character. I note the appellant's land use assessment on which the appeal site and surrounding paddock are regarded as part of the associated amenity space to No 95. However, I consider the paddock to have a separate rural character to No 95. Next to the paddock there is open agricultural land before the Caistor playing fields. The appeal site is clearly separate from the developed footprint of Caistor and is not adjacent to it.
9. To the east side of Brigg Road there is a grassed field to the road frontage beyond the allocated housing site. Further north the dispersed properties are clearly detached from the continuous built up area of Caistor. Even if there is a tenuous connection identified on the appellant's land use assessment between the garden of one of these properties and the allocation to the south, the open land either side of Brigg Road creates a clear break from the developed footprint of Caistor and is part of Caistor's rural setting.
10. Overall, the appeal site is not part of, or immediately adjacent to, the developed footprint of Caistor and would not amount to an appropriate location for development under Part 3 of Policy LP2. Rather, it is in the open countryside, to which Part 8 of Policy LP2 and Policy LP55 are applicable. Both policies permit specific forms of development in the countryside. The proposal for a market dwelling would not meet any of the exceptions set out under these policies and the proposal would thus conflict with the overall spatial strategy set out under Policy LP2.
11. I accept that the appeal site is within walking distance of Caistor's services and facilities via a public footpath along a lit route and that there are other services and facilities within the group of buildings of which No 95 Brigg Road is part. The permissive footpath that runs along the northern edge of the appeal site also provides a recreational route into Caistor. In accordance with Policy LP13 the need to travel can be minimised.
12. Paragraph 78 of the National Planning Policy Framework (the Framework) promotes sustainable development in rural areas, locating housing where it will enhance or maintain the vitality of rural communities. In accordance with the Framework the proposal would also contribute towards boosting the supply of

housing and housing on small to medium sites. However, the Framework also seeks to protect the intrinsic character and beauty of the countryside and confirms that the presumption in favour of sustainable development does not change the statutory status of the development plan as the starting point for decision making.

13. Notwithstanding that Caistor is a town with services and facilities, the appeal site is in the countryside for the purposes of the development plan. The Council has established a coherent policy approach to assessing development proposals and I have not been provided with any evidence that the current approach to housing provision is failing to provide enough dwellings to meet the housing requirements for the area.
14. The appeal site is part of a larger open paddock that is separated from 95 Brigg Road by a permissive footpath. Although it is currently well screened from Brigg Road by hedges and trees it is visible at the access point. The proposed dwelling would introduce development on to an undeveloped site with a distinctly rural quality. The construction of a dwelling would be highly visible from the footpath and the road and contrary to the appeal site's intrinsic countryside character.
15. The appellant refers to several other local authority and appeal decisions. The decision at Tealby¹ was determined before the CLLP although reference was made to it, the decision was made in a different policy context and the adopted development plan was considered out of date. In the case of the Nettleton and the Whitegate Hill decisions² there had been a previous permission for a dwelling on both these sites that influenced the assessment about the suitability of the location. The policy context in the appeal decision at Osgodby³ is similar, however, the spatial strategy in the CLLP relies on an analysis of the particular site circumstances and in this respect each site must be considered on its own merits. Therefore, these other decisions do not lead me to a different conclusion in respect of the appeal proposal.
16. Overall, I have no evidence to suggest that adequate provision has not been made within a sustainable and co-ordinated growth strategy in the Council's development plan to meet the housing requirements for the area. Therefore, I can attach very limited weight to the provision of a single dwelling where such development is not supported by an up to date development plan document.
17. Consequently, although accessible to services and facilities, the proposal would not be an appropriate location for the development having regard to local and national planning policies and would conflict with Policies LP2 and LP55 of the CLLP.
18. Policy No 2 of the Caistor Neighbourhood Plan addresses the type, scale, and location of development. The policy refers to a number of criteria that apply to major new development as defined in national policy and advice. As a single dwelling could not be described as a major development, I consider that this policy is not relevant to the determination of the appeal. My attention has not been drawn by either party to any other policies within the Neighbourhood Plan that are applicable to the proposal.

¹ Local authority reference 134552

² Local authority references 139244 and 140071 respectively

³ APP/N2535/W/17/3168283

Other Matters

19. The Council indicates that the dispersed development adjacent to the appeal site could be considered a separate hamlet. However, the CLLP does not indicate that any part of Caistor is a hamlet and for the purposes of Policy LP2 and I agree with the appellant that reference to hamlet is irrelevant to the assessment of the appeal proposal.

Conclusion

20. For the reasons given above, 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