

Guildhall Gainsborough  
Lincolnshire DN21 2NA  
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## AGENDA

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

**Planning Committee**  
**Wednesday, 11th August, 2021 at 6.30 pm**  
**Council Chamber - The Guildhall**

**PLEASE NOTE DUE TO CAPACITY LIMITS WITHIN THE GUILDHALL THE PUBLIC VIEWING GALLERY IS CURRENTLY SUSPENDED**

This Meeting will be 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 Matthew Boles
- Councillor David Cotton
- Councillor Michael Devine
- Councillor Jane Ellis
- Councillor Cherie Hill
- Councillor Mrs Cordelia McCartney
- Councillor Mrs Jessie Milne
- 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 - 26)
  - i) Meeting of the Planning Committee held on 14 July 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) 143218 - Marquis of Granby, Waddingham (PAGES 27 - 47)

b) 143270 - Laughton Road, Blyton (PAGES 48 - 56)

7. **Determination of Appeals** (PAGES 57 - 64)

Ian Knowles  
Head of Paid Service  
The Guildhall  
Gainsborough

Tuesday, 3 August 2021

## WEST LINDSEY DISTRICT COUNCIL

MINUTES of the Meeting of the Planning Committee held in the Council Chamber - The Guildhall on 14 July 2021 commencing at 6.30 pm.

**Present:** Councillor Ian Fleetwood (Chairman)

Councillor Michael Devine  
Councillor Jane Ellis  
Councillor Cherie Hill  
Councillor Mrs Cordelia McCartney  
Councillor Mrs Jessie Milne  
Councillor Roger Patterson  
Councillor Mrs Judy Rainsforth  
Councillor Mrs Angela White  
Councillor Giles McNeill

**In Attendance:**

Russell Clarkson	Interim Planning Manager (Development Management)
George Backovic	Principal Development Management Officer
Ian Elliott	Senior Development Management Officer
Daniel Evans	Senior Development Management Officer
Martha Rees	Legal Advisor
Ele Snow	Democratic and Civic Officer

**Apologies:** Councillor Robert Waller (Vice Chairman)  
Councillor Matthew Boles  
Councillor David Cotton

**Membership:** Councillor Giles McNeill as substitute for Councillor Robert Waller

### 23 PUBLIC PARTICIPATION PERIOD

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

### 24 TO APPROVE THE MINUTES OF THE PREVIOUS MEETING

**RESOLVED** that the minutes of the meeting of the Planning Committee held on Wednesday, 16 June 2021 be confirmed and signed as an accurate record

### 25 DECLARATIONS OF INTEREST

The Chairman made a declaration on behalf of all Members of the Committee in relation to a lobbying email received in reference to application number 142302 (agenda item 6a).

Councillor C. McCartney stated to the Committee that, as Ward Councillor, she had not received an individual briefing relating to application number 142302 (agenda item 6a), contrary to the information in the report.

Councillor A. White declared that she was Ward Member for Nettleham, in relation to application number 142542 (agenda item 6d), however she would retain her seat as Planning Committee Member.

Councillor J. Ellis declared that she had had prior involvement in application number 142598 (agenda item 6c) and as such would step down from the Committee for the duration of that item.

Councillor C. Hill declared that she was Ward Member in relation to planning application number 142146 (agenda item 6b) however she had no prior involvement and would remain as a Member of the Planning Committee.

Councillor G. McNeill declared a personal interest in application number 142542 (agenda item 6d) in that the applicant was known to him in a previous role on the Parish Council, however he had no predetermined view of the application and would remain on the Planning Committee for that item.

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

The Committee heard from the Interim Planning Manager (Development Management) with the following update.

The consultation draft to the Central Lincolnshire Local Plan was published on 30 June and the consultation would end on 24 August. This would be the new development plan that would replace the 2017 edition. Opportunities presented by the new draft were being recognised, such as in regards to climate change, and the Central Lincolnshire Joint Strategic Planning Committee were keen to hear views from local communities and key stakeholders.

The formal response from West Lindsey District Council would be considered at the meeting of the Prosperous Communities Committee on 29 July. Members were invited to contact the Planning Policy Manager, Rachael Hughes, or access the consultation via the main website. It was anticipated that there would be further consultation in early 2022, after consideration of the responses provided during the current consultation.

With regards to the weighting of the draft local plan, it was highlighted that any weight afforded to the draft plan should be tempered in consideration of the, as yet unknown, level of unresolved objections to the draft plan.

The Committee heard that, in terms of Neighbourhood Plans, the Corringham Neighbourhood Plan was awaiting the appointment of the Examiner and it was expected that examination of the Plan would be held in August or September. Additionally, consultation was open for the Hemswell Cliff Neighbourhood Plan and that would close on 15 August 2021.

## **27 142302 - GALLAMORE LANE, MIDDLE RASEN**

The Chairman introduced the first application of the evening, planning application number 142302, outline planning application for the demolition of a dwelling and associated outbuildings and to erect a retail food store building and a detached coffee shop drive thru building - access to be considered and not reserved for subsequent applications, on land off Gallamore Lane Middle Rasen Market Rasen. With no updates from the Officer, the Chairman invited the registered speaker, Mr Keith Nutter, to address the Committee. Mr Nutter made the following statement.

“I am speaking today as the applicant and developer who will be working in partnership with national operators to deliver a high quality but sensitive development in Market and Middle Rasen.

In terms of the proposal as a whole, I think it is fair to say that our community consultation has shown that the prospect of a discount foodstore and coffee drive-thru being developed in Market Rasen has been well received and widely supported - excluding Tesco that is! For those who would like more choice and competition, then this can only be viewed as a good thing.

It's common knowledge that some people within the catchment of Market Rasen travel significant distances to undertake food shopping trips, given the limited choice on offer locally. Granted, some of these trips may have been combined with trips to work but since the pandemic there has been a considerable shift in shopping patterns. Grocery operators have continued to trade strongly despite the restrictions placed on the retail sector. However, people are certainly traveling less and with increases in the number of people working from home, a greater amount of trips are being undertaken locally. Therefore, if a better offer can be provided within the local catchment of Market and Middle Rasen then this can only be beneficial to the wider community.

Yes there will be some trade drawn from existing supermarkets including the Tesco and the Co-op but not to a significant level. More importantly, those people who live locally but currently shop elsewhere will be encouraged to shop in Market Rasen which will create more sustainable shopping patterns whilst encouraging them to rediscover other facilities within the area. It is evident that larger centres (such as Lincoln) have been disproportionately impacted by Covid-related restrictions and, as a consequence, there is a real opportunity for Market Rasen's local shops to be rediscovered.

It's understandable that Tesco raise concerns about a new development that might take some trade from their store in the future, but your officer is absolutely right when he concludes that there is no sound planning policy basis to support or justify Tesco's objection. It is not the role of the planning system to intervene in commercial competition - but rather to direct development towards sustainable locations which do not result in any adverse impacts.

On this matter, we have undertaken extensive searches throughout Market Rasen and the application site is the best located site sequentially, that is suitable, available and deliverable. The site is ideally located close to the planned housing expansion area of the

town and is well placed to serve their needs.

In order to ensure that the site is suitable, we have fully engaged with the owners of Sunnymede which is located next to the site. We have already had two face to face meetings with them during the determination of the application and it is our intention to continue this dialogue to ensure that they are content with the final scheme.

Not only will there be benefits arising from a new food shopping destination but there will also be other wider benefits including new job opportunities. I understand that there has been some debate about the numbers of jobs that might be created in the future. However, until an operator is in place it is difficult to accurately predict how many people will work at the site. What we do know from experience is that other discount stores in the UK would generally employ on average 40 people with Drive Thru facilities employing another 20. When you then factor in the construction jobs that will be created in delivering the development it is evident that there will be significant job opportunities associated with the proposed scheme at a time when the country is facing an uncertain economic future.

For all of the above reasons, I would urge you to support the planning officer's recommendation and allow Morbaine to move to the next stage of this development whereby we can secure end operators and finalise the design in detail."

The Chairman thanked Mr Nutter and, with no further comments from the Officer, invited Members of the Committee to comment. There was overall support for the application, with recognition of the benefits the proposals could bring to the local area, however Members expressed concerns as to the hours available for deliveries to take place and whether this would cause excessive disruption to local residents. The Officer highlighted that the initial hours for deliveries had been reduced and were now in line with what had been recommended by the Environmental Health team. Members recognised the objections raised by Tesco however felt that overall the merits of the application counteracted the objections raised. It was noted that the developers should continue to liaise with local residents to minimise disruption.

Having been moved and seconded. On taking the vote it was unanimously agreed that permission be **GRANTED**, alongside the signed and certified legal agreement under section 106 of the Planning Act 1990 (as amended) dated 17th June 2021 pertaining to:-

- £5000 for the processing of the alteration to the traffic regulation order and relocation of the existing speed limit terminal signs.
- £5000 for the future monitoring of the required Travel Plan,

and subject to the following conditions.

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

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

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

2. No development must take place until, plans and particulars of the **appearance, layout and scale** of the buildings to be erected and the **landscaping** of the site (hereinafter called "the reserved matters") have been submitted to and approved in writing by the Local

Planning Authority, and the development must be carried out in accordance with those details.

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

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

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

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

4. No development must take place until a noise impact assessment has been submitted to and approved by the Local Planning Authority. The noise assessment must include any necessary noise mitigation measures and a noise management policy. No operation of the site must occur until all recommended noise mitigation measures have been installed and the site must be operated in accordance with the approved noise management strategy.

**Reason:** To protect the amenity of the adjacent neighbour from undue noise to accord with the National Planning Policy Framework and local policy LP26 of the Central Lincolnshire Local Plan 2012-2036.

5. No development must take place until, a contaminated land assessments and associated remedial strategy by a suitably qualified person with nontechnical summaries, conclusions and recommendations, together with a timetable of works, have been submitted to and approved in writing by the Local Planning Authority (LPA) and the measures approved in that scheme shall be fully implemented. (Outcomes must appropriately reflect end use and when combining another investigative purpose have a dedicated contaminative summary with justifications cross referenced). The scheme shall include all of the following measures unless the LPA dispenses with any such requirement specifically in writing:

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

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

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

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

identified then the additional contamination shall be fully assessed and an appropriate remediation scheme agreed with the LPA.

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

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

6. No development must take place until details of a scheme for the disposal of surface water (including any necessary soakaway/percolation tests) from the site and a plan identifying connectivity and their position has been submitted to and approved in writing by the local planning authority.

The scheme shall:

- be based on sustainable drainage principles and an assessment of the hydrological and hydrogeological context of the development;
- provide details of how run-off will be safely conveyed and attenuated during storms up to and including the 1 in 100 year critical storm event, with an allowance for climate change, from all hard surfaced areas within the development into the existing local drainage infrastructure and watercourse system without exceeding the run-off rate for the undeveloped site;
- provide attenuation details and discharge rates which shall be restricted to 2 litres per second;
- provide details of the timetable for and any phasing of implementation for the drainage scheme; and
- provide details of how the scheme shall be maintained and managed over the lifetime of the development, including any arrangements for adoption by any public body or Statutory Undertaker and any other arrangements required to secure the operation of the drainage system throughout its lifetime.

No operation of the site must occur until the surface water drainage has been fully completed in strict accordance with approved scheme. The approved scheme must be retained and maintained in full, in accordance with the approved details.

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

7. No development must take place until details of a scheme for the disposal of foul water from the site and a plan identifying connectivity has been submitted to and approved in writing by the local planning authority. No operation of the site must occur until the foul water drainage has been fully completed in strict accordance with approved scheme. The approved scheme must be retained and maintained in full, in accordance with the approved



details.

**Reason:** To ensure adequate foul water drainage facilities are provided to serve the buildings on the site and to prevent the pollution of the water environment to accord with the National Planning Policy Framework and local policy LP14 of the Central Lincolnshire Local Plan 2012-2036.

8. No development must take place until a demolition and construction method statement including a construction management plan has been submitted and agreed in writing by the local planning authority. The approved statement(s) must be adhered to throughout the demolition and construction period. The statement must provide for:

- (i) the routing and management of traffic;
- (ii) the parking of vehicles of site operatives and visitors;
- (iii) loading and unloading of plant and materials;
- (iv) storage of plant and materials used in constructing the development;
- (v) the erection and maintenance of security hoarding including decorative displays and facilities for public viewing, where appropriate;
- (vi) wheel cleaning facilities;
- (vii) measures to control the emission of dust and dirt;
- (viii) protection of existing boundary hedging and trees
- (ix) details of noise reduction measures;
- (x) a scheme for recycling/disposing of waste;
- (xi) the hours during which machinery may be operated, vehicles may enter and leave, and works may be carried out on the site;
- (xii) A Piling Strategy, including measures for mitigation, where piling is proposed

**Reason:** To restrict disruption to the living conditions of the neighbouring dwelling and surrounding area from noise, dust and vibration and to accord with the National Planning Policy Framework and local policy LP26 of the Central Lincolnshire Local Plan 2012-2036.

9. No development must take place unless a non-licensed Great Crested Newt Method Statement has been submitted and agreed in writing by the local planning authority. The development must be completed in strict accordance with the approved method statement.

**Reason:** In the interest of nature conservation to accord with the National Planning Policy Framework and local policy LP21 of the Central Lincolnshire Local Plan 2012-2036.

10. No development must take place until construction details and position of a 1.8 metre wide footway, to connect the development to the existing footway network on the north and south side of Gallamore Lane has been submitted and agreed in writing by the Local Planning Authority. The works must include appropriate arrangements for the management of surface water run-off from the highway. No operation of the site must take place unless the footpath has been fully completed, in strict accordance with the approved scheme.

**Reason:** To ensure the provision of safe and adequate pedestrian access to the permitted development, without increasing flood risk to the highway and adjacent land and property to accord with the National Planning Policy Framework and local policy LP13 and LP14 of the Central Lincolnshire Local Plan 2012-2036.

11. No development must take place unless details including the position to improve the

public highway by means of a pedestrian refuge island have been submitted and approved in writing by the Local Planning Authority. No operation of the site must take place until the refuge island has been completed in strict accordance with the approved details and certified complete by the Local Planning Authority.

**Reason:** To ensure the provision of safe and adequate means of access to the permitted development to accord with the National Planning Policy Framework and local policy LP13 of the Central Lincolnshire Local Plan 2012-2036.

12. No development must take place until a Travel Plan has been 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 after 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.

**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 to accord with the National Planning Policy Framework and local policy LP13 of the Central Lincolnshire Local Plan 2012-2036.

13. No external lighting must be installed on the site outlined in red on location plan 7536/01 dated November 2019 unless lighting details have been submitted to and agreed in writing with the Local Planning Authority. Such details are a lighting report with an illustrated light spill diagram and operational hours of all lighting. The development must adhere to the agreed lighting plan thereafter.

**Reason:** To restrict disruption from light spill on the living conditions of the neighbouring dwelling and the open countryside to accord with the National Planning Policy Framework and local policy LP17, LP26 and LP55 of the Central Lincolnshire Local Plan 2012-2036.

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

14. With the exception of the detailed matters referred to by the conditions of this consent including the reserved matters, the development hereby approved must be carried out in accordance with the location plan 7536/01 dated November 2019 and site plan 7536/27 (strictly vehicular access only) dated February 2021. The works must be carried out in accordance with the details shown on the approved plans and in any other approved documents forming part of the application.

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

15. Apart from the non-licenced Great Crested Newt Method Statement the development hereby approved must only be carried out in accordance with all the habitat and ecological features set out in section 3.0 and all the Protection, Mitigation and Management recommendations set out in section 4.0 of the Biodiversity, Enhancement and Management Plan dated January 2021 by WYG.

**Reason:** In the interest of nature conservation to accord with the National Planning Policy Framework and local policy LP21 of the Central Lincolnshire Local Plan 2012-2036.

16. No operation of the site must take place until details to permanently close the existing accesses off Gallamore Lane have been submitted to and agreed in writing by the Local Planning Authority. The closure of the two accesses must be completed within seven days of the new access being brought into use and in strict accordance with the approved scheme.

**Reason:** To reduce to a minimum, the number of individual access points to the site, in the interests of road 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:**

17. No deliveries must take place on the site between the hours of 23:00 and 7:00.

**Reason:** To restrict sleep disturbance from vehicle, human and delivery noises on the neighbouring dwelling during the hours stated to accord with the National Planning Policy Framework and local policy LP26 of the Central Lincolnshire Local Plan 2012-2036.

18. The retail store must not operate outside of the following hours:

- 8:00 and 22:00 on a Monday, Tuesday, Wednesday, Thursday, Friday and Saturday
- 9:00 and 18:00 on a Sunday

**Reason:** To protect the amenities of nearby properties and the locality to accord with the National Planning Policy Framework and local policy LP26 of the Central Lincolnshire Local Plan 2012-2036.

19. The coffee drive thru building must not operate outside of the following hours:

- 6:00 and 22:00 on a Monday, Tuesday, Wednesday, Thursday, Friday and Saturday
- 9:00 and 18:00 on a Sunday

**Reason:** To protect the amenities of nearby properties and the locality to accord with the National Planning Policy Framework and local policy LP26 of the Central Lincolnshire Local Plan 2012-2036.

20. No extraction flues, vents or fans must be installed on the site outlined in red on location plan 7536/01 dated November 2019.

**Reason:** To protect the amenities of nearby properties and the locality from unacceptable odour nuisance to accord with the National Planning Policy Framework and local policies LP26 of the Central Lincolnshire Local Plan 2012-2036.

21. The proposed site outlined in red on location plan 7536/01 dated November 2019 must only be used for the purposes of retail and for a coffee drive thru. Any other uses including those within Class E of the Town & Country Planning (Use Classes) Order 1987 as amended, are prohibited.

**Reason:** To protect the amenities of nearby properties and to restrict the site from

inappropriate uses in accordance with the National Planning Policy Framework, local policies LP6, LP26 and LP55 of the Central Lincolnshire Local Plan 2012-2036.

## **28 142146 - FOSTERS YARD, LANGWORTH**

The second application of the evening was introduced, planning application number 142146 for the removal of all existing buildings to be replaced by 13 no. new rural enterprise units for business use (Class E(g)/B2/B8), at Fosters Yard, Station Road, Langworth, Lincoln. The Committee heard that additional comments had been received from Internal Drainage Board on Drainage Strategy, read aloud as follows:

“The watercourse is Sudbrooke Beck and at this location it is a board maintained watercourse so anything within 9m of the top of the bank requires consent from the board. As stated in the original comments the board normally maintains the watercourse from the opposite side but periodic access from this side may be required. The building closest to the watercourse should be set back to provide access. Ultimately responsibility for the stability of the bank is with the site owner and it is in their interest to provide access should they required to under remedial work. Consent will also be need for the outfall.

The drainage strategy is generally acceptable, but I would point out that water levels in Sudbrook Beck are subject to high water levels backing up from Barlings Eau so the outfall will be surcharges reducing discharge at times. The comment about ground raising is a common issue, if a plot is raised it potentially acts as a dam and prevents overland flow going where it naturally goes. So the effect can be ponding in the adjacent sites and at worst flooding. Also raising the ground can locally affect the water table which again could cause ponding or soggy ground. It is something that you should always be aware of. In this case I have not visited the site but I think it is already raised so it may not be an issue, but you will need to assess it.”

The Officer noted that there was currently access to the Beck and it was not considered reasonable or relevant to the merits of the application to impose a setback requested. There was a separate consent procedure in place that the applicants would need to engage with in connection with discharge to the Beck and due to distance to the bank. It was also highlighted to Members that there was a proposed amendment to condition 2 in the report, as read aloud. In addition to these comments, further comments had been received from Langworth Group Parish Council on amendments stating that “LGPC remained in favour, as per the previous application”.

The Chairman noted there had been two statements submitted to be read aloud to the Committee. The Democratic Services Officer read aloud the following statement, on behalf of Mr Oliver Fytche-Taylor, agent for the applicant.

“Dear Chairman,

Thank you for the opportunity to address the committee. We would like to send our apologies for not being present in person to deliver this statement to you.

This application site has been a location for continuous employment and industrial uses as far back as planning records show. Historic mapping indicates the land as a ‘yard’ or depot

at least since the early 1970's, and locally it is believed to have been in continuous industrial uses for over sixty years. Since that time, the village of Langworth has continued to grow in terms of housing. But, like many of our rural communities, employment opportunities in the immediate vicinity have sadly reduced, along with some of the village's amenities such as the post office.

Currently, Fosters Yard is not subject to planning controls in terms of vehicle movements, noise or hours of operation. It is also known that the local area has historically experienced instances of surface water flooding, particularly following prolonged periods of rainfall. Understandably this matter has been the focus of some of the consultation responses. It has been given serious attention within the planning application too.

As the officer's report and the formal consultation responses from the statutory consultees confirm, the redevelopment of the site offers a realistic opportunity for significant betterment – not only in terms of installing a permanent solution to mitigate the site's flood risk, but also to ensure that this will be properly managed in future for the lifetime of the development.

Of course, the most significant advantage that the redevelopment offers is additional employment opportunities. As an entrepreneurial Council focused on delivering sustainable growth throughout the district, including in its rural communities, the Council's positive engagement on this planning application, and the Officers recommendation for approval, are both warmly welcomed.

As many residents have said, including the Parish Council, the creation of new employment opportunities and improving the visual appearance of the site are exactly what is needed at Fosters Yard. Again, in some cases that support is related to the need to also address surface water flooding and noise concerns - and in both cases additional measures have been designed and incorporated into the development to address these concerns in full.

As a result, there are no objections from any statutory consultees.

As Members will have seen from the photos submitted with the planning application, at present the site is not a suitable environment for businesses wanting to grow or invest.

None of the existing buildings have even the most basic commodities, such as staff toilets. The units are unheated, and much of the work is carried out in the open. Overall, the site has a harmful visual impact. Furthermore there is no proper drainage within the site, and absolutely no screening or planting to protect neighbouring properties from noise or other disturbances.

This planning application would address these concerns and deliver a relatively modest, but significantly improved, rural employment site. It is designed to suit and appeal to smaller independent businesses and support new start-ups in a way that the larger, edge of town industrial sites don't generally cater for.

It is fully recognised that one of the closest properties is an objector to these proposals (the other closest resident fully supports). They have submitted several responses and repeatedly describe the application as a 'proposed industrial estate'. This could give the impression that the application seeks to change the use of the land – it clearly does not and Fosters Yard has been in industrial use and a source for local jobs for many years.

The existing businesses will remain at Fosters Yard and have purpose-built units within the new development. This will mean they can continue to operate in a much more suitable, safer and professional environment.

In its present condition the site cannot realistically sustain business uses without the significant investment proposed by the applicants. Left unchanged, this site would eventually result in the loss of rural jobs, rather than help sustain and create them.

It is also relevant that the neighbouring dwelling that objects to this proposal is the same property that only exists *because* of the industrial site.

Their property gained planning permission in 1998 (at which point the land had already been industrial uses for 40+ years) and was only permitted because of an occupancy restriction tying the property to the industrial land. It was built to serve workers at the site, but an application to remove that occupancy tie was granted by WLDC in February 2019.

The impact of noise and the uncontrolled impact of vehicle movements from Fosters Yard – both at that time and in future - was therefore considered by WLDC just over 2 years ago and deemed acceptable. The objectors therefore know that Fosters Yard is already an operational industrial site.

Despite the objection, the applicants recognised these concerns and the plans before committee tonight contain numerous improvements requested by the Officer to address the neighbour's concerns. These include changes to the roofline and scale of the building, moving the acoustic fencing as far away from the boundary as practicable and new landscaping.

As the officer confirms in their report, the proposed development is acceptable in planning terms. It meets local and national planning policy requirements. There are no objections from statutory consultees and a good level of local support is in place locally, including from the Parish Council. The applicant's investment in this site will transform Fosters Yard permanently, for the better.

We hope that the committee upholds your Officers recommendation so that this badly needed improvement work is granted permission to proceed without delay.

Thank you.”

The Democratic Services Officer then read aloud a statement provided by Mr and Mrs Hatton, objectors to the application.

“Dear Sirs

We refer to the resubmission of the above planning application and wish to object in the strongest for the reasons outlined below.

We would wish to reiterate our concerns in respect of noise and fume pollution, loss of light and intrusion in our privacy. There is insufficient visibility splay for vehicles leaving the site as you cannot see our entrance due to the angle and setback which will be dangerous for us as we exit our property.

Our concerns that the proposed industrial estate and considerable increase in commercial activities will have substantial negative impact on the residential amenity of our property and the potential to cause significant harm. The proposal is not compatible with neighbouring domestic land uses including noise, fume pollution, overbearing, loss of light and intrusion into our privacy. We are very concerned as to the increase in large commercial heavy goods vehicles passing within close proximity of our property is likely to have structural impact on our property from vibration.

The general wider area is "residential" in planning use and the proposed enterprise park is in stark contrast to this.

Health and Safety - We are deeply concerned as to the health, safety and wellbeing when considering the significant increase in the number of vehicles movements, both cars and lorries, which will pass within close proximity to the bungalow and immediately across the front of our access. The A158 is an extremely busy road and we regularly struggle to exit our property. The proposal which provides for 80 plus parking spaces, together with lorry deliveries and the alike would make it almost impossible for us to exit our property. There is a high possibility that vehicles will be sitting, with engines running every day of the week, immediately adjacent and within a few metres of our garden and patio areas. The noise, vibration and exhaust fumes from lorries and cars within feet of our gardens are of a great concern, as is the safety of our family and friends and in particular our grandchildren playing in our gardens. Visibility, as you exit our drive, is currently limited but the proposals presented would make the situation quite dangerous for us.

Visual Amenity

The siting of the proposed refuse bins which are virtually outside of ours and next doors fence line, which we feel is not only an attractant for odour and mess but also will attract vermin, however, after discussion Miss Truelove has agreed to see if the bin store can be repositioned.

Another issue to raise is the removal of top water that accumulates and floods part of our garden – is this being addressed?

Confirmation is needed as to what degree the landscaping between the rear of our property and with unit 13 – will this be mature trees or shrubs etc? Mature trees preferable to disguise buildings

Confirmation needed with regards to either the possibility of either speed ramps or similar as both the volume of traffic will increase and vibration noise drastically

What restrictions are being put in place with regards to working days/opening hours of business as this is a big concern due to the increase of traffic movement

The intensity of the proposal means it is no longer a small, localised commercial yard with little associated vehicle movement, but becomes an intensive commercial industrial estate which would be detrimental not just on our own residential amenities but those in the surrounding area.

The impact of light pollution, noise and vibration of heavy goods vehicles associated with the

increased activity of the yard will have a very significant and detrimental impact on wellbeing and amenity of our home and lives and we therefore formally request this application together with this objection be presented to the full committee.”

**Note:** Councillor I. Fleetwood declared he was County Councillor for Langworth, and a Member of the Witham Third Drainage Board, but had had no prior involvement in the application.

With no further comments from the Officer, the Chairman invited comments from Members of the Committee. There was overall support for the site, with comparisons made to similar ventures in other areas of the district that had proven successful. Consideration was given to the objections raised against the proposal, however on balance it was felt that the benefits to the local area, such as improvements to flood drainage, and merits of the application were to be supported. Members did raise concerns regarding the siting of the bins and the Officer stated that an additional condition could be included regarding this.

Having confirmed that the recommendation included the amended condition two and the additional condition regarding the bins, the proposal was moved, seconded and taken to the vote. It was unanimously agreed that permission be **GRANTED** subject to the following conditions.

#### **Additional Condition**

Notwithstanding the details shown on Drawing No. TL069-SP-08 the location of the area labelled “Bins” is not approved which shall be subject to the submission of additional details for the written approval of the local planning authority. The approved details shall be implemented in full prior to the occupation of the hereby approved units.

**Reason:** to minimise noise and disturbance to neighbours in accordance with policy LP26 of the Central Lincolnshire Local Plan

#### **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).

2. No development shall take place until a scheme for the disposal of foul and surface waters has been submitted to and approved in writing by the Local Planning Authority. This must include consideration of the effects of raising existing ground levels to the levels specified in condition 5 specifically in relation to the impact of overland flows and must also 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 details which must be in place prior to occupation of the units.

**Reason:** To ensure that the permitted development is adequately drained without creating or



increasing flood risk to land or property adjacent to, or downstream of, the permitted development and to avoid water pollution in accordance with Policy LP14 of the Central Lincolnshire Local Plan.

**3.** No development shall take place until the further investigation recommended by the geo environmental ground investigation report dated March 2021 has taken place and a method statement for the whole site has been submitted to and approved in writing by the Local Planning Authority.

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

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

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

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

- Site Plan New Units TL069-SP-08 Rev I
- Floor Plan and Front Elevation New Units (1) TL069-FP-NU1-01 Rev E
- Floor Plan and Front Elevation New Units (2) TL069-FP-NU2-01 Rev D
- Floor Plan and Front Elevation New Units (3) AJB TL069-FP-NU3-01 Rev B
- Floor Plan and Front Elevation New Units (4) Shane Bodyworks TL069-FP-NU4-01 Rev D

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

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

**5.** The development shall be carried out in accordance with the submitted flood risk assessment dated July 2020 and the following mitigation measures it details:  
Finished floor levels shall be set no lower than 7.45 metres above Ordnance Datum (AOD).  
Flood resilience and resistance measures shall be incorporated as stated in the FRA.

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

**6.** The development shall be carried out in accordance with the Construction Management

Plan and the Demolition Method Statement with the hours of operation **limited to** between 0730 hours and 1800 hours on each day Monday through to Saturday with no operations on Sundays.

**Reason:** To minimise noise and disturbance to neighbours in accordance with 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:**

7. Prior to occupation of the hereby approved units a landscaping scheme shall be submitted to and approved in writing by the Local Planning Authority.

The details shall include:

1. Planting plans;
2. Written specifications including cultivation and other operations associated with plant and grass establishment;
3. Schedules of plants, noting species, plant sizes and proposed numbers/densities
4. Tree pits including root protection details;

The approved details shall be implemented in full following completion of development or occupation of the units whichever is the sooner and any trees or plants which within a period of five 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:** In the interests of visual amenity to ensure the approved development provides satisfactory soft landscaped areas to break up the mass of what would otherwise be a large expanse of hard surfaced areas and buildings to accord with LP26 of the Central Lincolnshire Local Plan.

8. Prior to occupation of the units' details of the acoustic fencing shown on "Site Plan New Units TL069-SP-08 Rev I" shall be submitted to and approved in writing by the local planning authority. The details approved shall be implemented prior to occupation. Details of the treatment of all boundaries beyond the acoustic fencing shall also be submitted for written approval and subsequent implementation in accordance with the details approved prior to occupation.

**Reason:** This was the basis upon which the findings of the Noise Impact Assessment were prepared and in the interests of residential and visual amenity in accordance with Policy LP26 of the Central Lincolnshire Local Plan.

9. Prior to occupation of the hereby approved units' details of the external lighting (to include a light spill diagram), including proposed hours of illumination, shall be submitted to and approved in writing by the local planning authority. It shall thereafter be carried out in accordance with the details approved.

**Reason:** To avoid excessive illumination impacting harmfully on neighbours in accordance with policy LP26 of the Central Lincolnshire Local Plan.

10. The use of the units and wider site shall be restricted to between 0730 hours and 1800

hours each day, Monday through to Saturday with no use on Sundays.

**Reason:** This was the basis upon which the findings of the Noise Impact Assessment were prepared and in accordance with Policy LP26 of the Central Lincolnshire Local Plan.

11. Notwithstanding the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended) external plant is prohibited on the site until details have been submitted to and approved in writing by the Local Planning Authority. The details submitted shall demonstrate compliance with the recommendations of the Noise Impact Assessment.

**Reason:** This was the basis upon which the findings of the Noise Impact Assessment were prepared

## 29 142598 - 3 SOUTHMOOR ROAD, NEWTON ON TRENT

**NOTE:** Councillor J. Ellis stepped down from the Committee for the duration of this item and left the Council Chamber at 7.37pm

The Chairman introduced planning application number 142598, for proposed change of use from agricultural to B8 – storage, at 3 Southmoor Road, Newton On Trent, Lincoln. The Officer explained there were no updates to the application and presented the details of the application to the Committee. The Chairman stated there was one registered speaker, Mr George Machin, agent for the applicant. He invited Mr Machin to address the Committee and he made the following statement.

“Chair, thank you for the opportunity to speak on the application this evening.

The application has been recommended for approval by Planning Officers, subject to a number of conditions. These include that within 6 months, a scheme of landscaping is submitted detailing any proposed new planting. Also, in the interests of visual amenity, conditions are attached that would restrict the Storage of materials within the site to a maximum height of 2.5 metres, and also that there shall be no storage of any plant, machinery or materials or any vehicular parking within root protection areas of existing trees.

Not a single local resident has objected to this application.

The Parish Council simply request that all relevant paperwork in terms of any other permits or certificates are also put in place.

It is also worth highlighting that individual letters from businesses based locally who regularly use and employ the applicant, P&M Pavers, on jobs in the area have written into the Council to fully SUPPORT this application. All of these businesses are based in Central Lincolnshire and close to the application site.

Extracts taken from these letters are as follows:

*‘Just to confirm that we as a company work with P&M Pavers on a regular basis and because they utilize a local workforce, we encourage our customers to make the most*

*of this when carrying out landscape alterations to their properties. They have all the necessary plant and a comprehensive experienced work force that deliver a high quality standard of workmanship.'*

*'We are a local building company carrying out various construction works in the local area. We use P & M Pavers (Lincoln) Ltd for all plant and groundwork labour and materials supplies.'*

*'We are a small civil engineering company which rely on local businesses for labour, plant and materials, we use P&M Pavers for most of the time as on a phone call we can hire in suitable labour and any plant we require, because their local they are very easy to access and their rates are very favourable'*

In terms of relevant planning policy, significant weight must be given to the fact that the proposal accords with paragraph 80 of the National Planning Policy Framework in placing significant weight on the need to support economic growth and productivity, paragraph 82 in recognising the specific locational requirements of different sectors, and paragraph 83 which requires decisions to enable the sustainable growth and expansion of all types of businesses in rural areas.

The business includes 5 no. full time employees who work from the site, and the business employs approximately 50 – 70 staff members that work off-site.

Approval of this application would support economic growth and productivity, as well as enabling the sustainable growth of existing business in West Lindsey.

The existing hedges around the site assist in screening the Site and further planting is required by a landscaping condition. Consequently, the proposal does not conflict with adopted LP policy which requires employment development to not harm the character of the locality and which also seeks for non-residential developments to be of a size and scale commensurate with the proposed use and the rural character of the location.

It is clear to see that the proposed development would not result in any significant harm to the character and appearance of the area. Furthermore, there has been no suggestion of conflict with neighbouring land uses, harm to amenities of neighbouring occupiers nor any unacceptable impact on the highway network. Consequently, therefore, it is our view that the proposal is in an appropriate location for employment development.

Looking through the Council's core objectives, the Council recognise that rural diversification proposals (such as this current application) will come forward and that they should be fully supported where it can be shown that they can contribute to the local economy. Local Plan policy says that schemes should be accommodated in existing buildings wherever possible and that support will be given to any scheme that would bring about a more beneficial use.

As the Committee Report states, the Government recognise through new Permitted Development Rights that there is great potential for some properties that do not have a viable future in their lawful use (such as this application building in Newton on Trent) to be converted to commercial use. These rights were introduced to provide wider opportunities to support rural economic growth by making better and more sustainable use of existing buildings to adapt to changing circumstances and, in doing so, provide viable uses. It is in

the broad context of the above legislation that this application should be considered.

The Site is sustainably located on the edge of Newton on Trent and alongside the A57, a key transport artery into Lincoln and is perfectly located for the Applicant's business to serve the local catchment area. The visual impact on the countryside is minimal given that there are no new buildings proposed as part of this application or any changes whatsoever necessary to the design of the building or even the yard itself.

Overall, it is considered that the proposal complies with the key aims and objectives of national and local planning policy and we regard there to be no development control issues that would warrant planning permission being withheld. On this basis we hope you will support the application."

With no further comments from the Officer, the Chairman invited comments from Members of the Committee. There was widespread support for the application, with Members recognising the benefits of the proposed use for the site. With no further comments, and having been proposed and seconded, it was unanimously agreed that planning 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:**

None.

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

1. Within six months of the date of this permission a scheme of landscaping to include which existing trees are to be retained and details of the size, species, position and density of all trees, shrubs and hedging to be planted have been submitted to and approved in writing by the Local Planning Authority.

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

2. All planting, seeding or turfing comprised in the approved details of landscaping approved by condition 1 shall be carried within one year of the date of this permission; and any trees or plants which within a period of 5 years from the completion of their planting 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.

3. 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.

4. Storage of materials within the site shall not exceed a height of 2.5 metres above existing ground levels unless otherwise agreed in writing by the local planning Authority.

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

5. The development shall be carried out in accordance with the submitted flood risk assessment (ref: 2896) dated April 2021 and the following mitigation measures it details:

- Storage provisions for water vulnerable items and equipment shall be provided and set no lower than 6.18 metres above Ordnance Datum to mitigate against the risk of damage to property.

**Reason:** To reduce the risk of damage to property during a flood event, in accordance with the provisions of the National Planning Policy Framework and policy LP14 of the Central Lincolnshire Local Plan.

6. There shall be no storage of any plant, machinery or materials or any vehicular parking within the root protection areas as shown hatched on the 'Tree Protection Plan' dated 14th June 2021.

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

7. 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 Plan
- Site Layout/Block Plan
- Proposed Floor Plans and Elevations
- Tree Protection Plan
- Flood Risk Assessment 2896 / Apr 2021

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

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

**Conditions which apply or relate to matters which are to be observed following**

**completion of the development:**

None.

**Note:** Councillor J Ellis returned at 7.52pm

**30 142542 - SCOTHERN RD, NETTLEHAM**

The next application of the evening was introduced, planning application number 142542, to erect 3no. dwellings on land off 72 Scothern Road, Nettleham, Lincoln. There were no updates from the Officer and Members were presented with details of the application. The Chairman stated there had been one statement submitted by Miss Emma Truelove, applicant, and he invited the Democratic Services Officer to read the statement aloud. The following statement was made.

“Dear Chairman,

Thank you for the opportunity to address the committee. We would like to send our apologies for not being present in person to deliver this statement to you.

The application site is within an area of land allocated housing in both the Nettleham Neighbourhood Plan (known as allocation B) and Central Lincolnshire Local Plan, where it is given the reference CL4661.

The site is allocated in the Local Plan for an indicative capacity of 68 dwellings (and not 50 as stated in the objection from the Parish Council). As such, the additional numbers proposed by this application represent a very minimal increase in overall capacity.

It is obviously worth noting that whilst the figures quoted in the local plan serve as a useful guide, they are not prescriptive and nor should they be used as a barrier to growth. Precise site capacity cannot reasonably be identified until the more advanced stages of planning when a site layout is considered.

As committee members will be aware, other developments that exceeded the ‘indicative capacity’ shown in the plan on allocated sites within the village have attracted similar concerns from the parish council, but those higher capacities were subsequently allowed on the basis of good planning and design.

The delivery of additional homes without compromising either site design or land-take should be welcomed, particularly in a popular village such as Nettleham where development. Indeed, both the NPPF and the Local Plan advocate good design and the use of appropriate site densities to make best use of available land.

Paragraph 122 of the NPPF states that “*Planning policies and decisions should support development that makes efficient use of land*”.

In achieving well designed places paragraph 127 of the framework states that “*Planning policies and decisions should ensure that developments...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)”.*

This planning application would not result in demonstrable harm as a result of the minor uplift in overall housing numbers proposed by this planning application. Nor would this development cause harm to the local environment or setting, nor create a development that is wholly out of character with the village.

Instead, as confirmed by the planning officer’s positive recommendation, the development would continue to comply with the development plan when read as a whole, and it does not trigger any material policy conflicts that would justify the refusal of planning permission.

Accordingly, we trust that the Planning Committee will follow the advice provided to them in the detailed assessment presented from the planning officer and will approve planning permission for these three additional homes.

Thank you.”

The Officer clarified the difference in indicative numbers of dwellings was for 50 in the Neighbourhood Plan and 68 in the CLLP, however as the Local Plan had been adopted after the Neighbourhood Plan, it took precedence.

Members were, on the whole, not satisfied with the manner of the application and the practice of applying for additional dwellings after initial planning permission had been granted. It was highlighted that the application should be considered as a standalone application. There was concern that Nettleham as a village was being required to accept additional development as there was precedence for additional houses being granted after the original planning permission was granted for fewer dwellings. It was explained that, on this occasion, a revision to the layout had led to a more effective use of the land which led to the additional plots.

In the absence of an alternative proposal, the Chair moved the Officer recommendation and on being seconded, it was agreed by majority vote that:

The decision to grant planning permission subject to conditions be delegated to Officer’s upon the completion and signing of an agreement under section 106 of the Planning Act 1990 (as amended) pertaining to:-

1. A capital contribution of £1,897.50 to the Council towards capital infrastructure for health services necessary to serve the development.
2. A capital contribution of £68,919 to the Council towards off-site affordable housing.

and, in the event of the s106 not being completed and signed by all parties within 6 months from the date of this Committee, then the application be reported back to the next available Committee meeting following the expiration of the 6 months.



Members gave consideration to the final application of the evening, application number 142847 for conversion of existing dwelling into 2no. dwellings at Cobwebs, Middlefield Lane, Glenthams, Market Rasen.

The Chairman stated there was one registered speaker for the application, Mr Mike Dee, and he invited him to address the Committee. Mr Dee made the following statement.

“Good evening members of the planning committee.

As the agent for the application on Middlefield Lane in Glenthams, I am here today to speak in support of the proposal which has been presented to this evenings meeting with a recommendation of approval.

The original building consisted of 2 semi-detached symmetrical cottages. The previous occupier lived in one of the cottages and in 1992 decided to buy the other cottage also. The previous occupier then created a doorway opening at the ground floor level and effectively used both cottages as one dwelling from that point onwards. The opening at the ground floor level was the only modification made to allow the cottages to be used as one dwelling.

When viewing the property externally from Middlefield Lane, the building still appears to be 2 individual cottages as there are 2 front doors to each original cottage and a roof that is physically divided with ridge tiles.

Internally, the 2 original separate staircases remain in place which each lead to separate first floor areas that are still completely divided by the original party wall. The separate electrical supplies to each cottage also remain in place and from a conveyancing perspective each cottage has its own separate legal title.

Currently the existing building stands empty in an extremely poor state of repair and is unsuitable for occupation. This planning application seeks formal consent to re-instate the two cottages back into their original form which will be complemented by a complete refurbishment on each cottage to include new heating systems, wall and roof insulation, new external doors and windows and new kitchens and bathrooms.

The application has been recommended for approval by the planning officer and there have been no objections from local residents, the historic environment officer or the highways department. The parish council did raise concerns regarding parking however we have provided 2 off-street parking spaces, 1 per dwelling.

The application site is in an appropriate location under Policy LP2 and the proposal will provide additional benefits by restoring a heritage asset of local significance back into its original form of 2 cottages.

By approving this application, 2 completely refurbished cottages will be brought onto the market for occupation which forms a positive contribution when considering the under-supply of housing.

I therefore trust that the members of the planning committee can approve this application in line with the planning officer’s recommendation.”

With no further comment from the Officer, and with Members expressing support for the plan

to revert to two dwellings, the Officer recommendation was proposed from the Chair, seconded, and on taking the vote, it was unanimously agreed that planning 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:**

None.

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

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

Site Plans as Existing and Proposed / Location Plan ref. NWD-100

Floor Plans as Existing and Proposed ref. NWD-200

Elevations as Existing and Proposed ref. NWD-300

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

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

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

None.

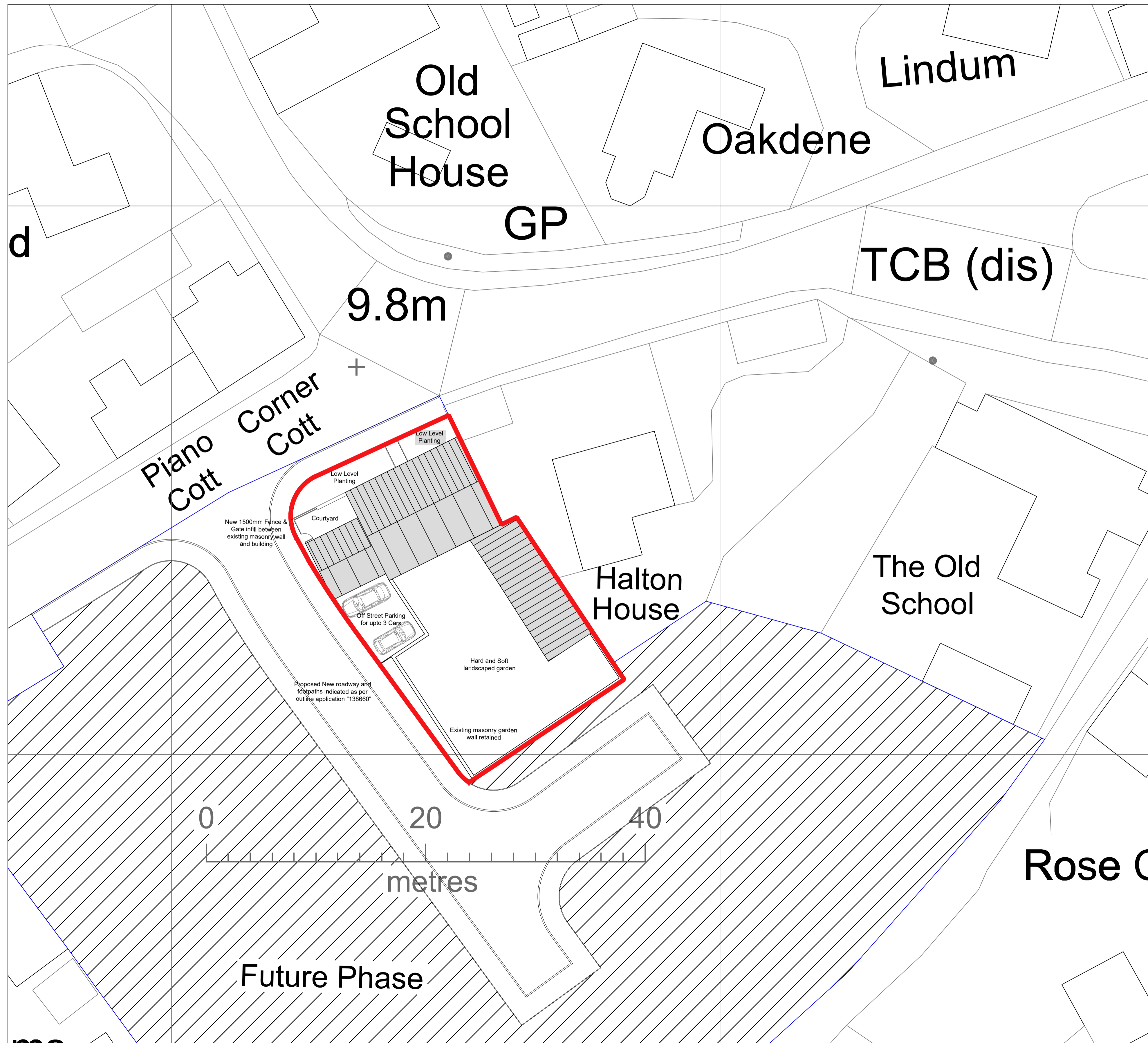
**32 DETERMINATION OF APPEALS**

The determination of appeals was **NOTED**.

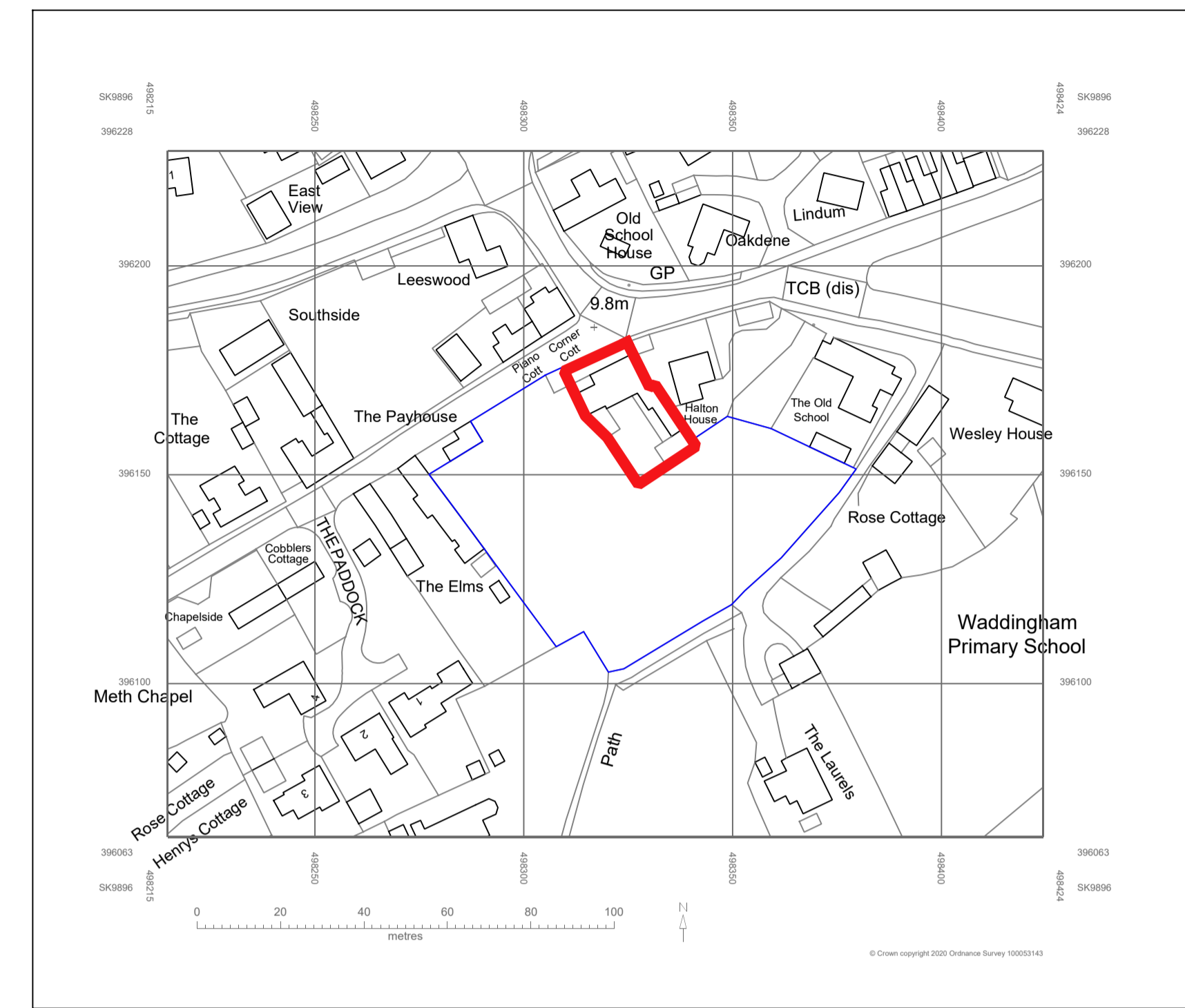
The meeting concluded at 8.13 pm.

Chairman

Do NOT scale from this drawing. Use dimensions illustrated only. All dimensions and levels are in millimeters. All dimensions and levels shall be verified onsite before proceeding with works.



Site Plan @ 1:200



Location Plan @ 1:1250

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Rev	Date	Description	By	Chk'd
01	24.02.21	Off Street Parking Indicated	PM	PRM

  
**PLATINUM**  
 Development Holdings Ltd

Lancaster House, Fountain Court,  
 Mansfield, Nottinghamshire, NG19 7DW  
 T : 01623 549838

  
**Y6 ARCHITECTURAL**  
 ARCHITECTURE AND DESIGN

22 Low Road, Worlaby, North Lincs, DN20 0LX  
 Mobile : 07841013033  
 Email : peter@y6architectural.co.uk

Drawing Status **PLANNING**

Project  
 Proposed Redevelopment Of : The Marquis of  
 Granby, High Street, Waddingham,  
 Gainsborough, DN21 4SW

Title  
**Location Plan & Proposed Site Plan**

Drawn	Checked	Date
PRM	PRM	04/02/2021
Scale	Plot at	
As Noted	A1	
Project No.	Drawing No.	Rev
011-002	103	01

Agenda Item 6a

## **Officers Report**

### **Planning Application No: 143218**

**PROPOSAL:** Planning application for change of use of public house into 1no. dwelling including removal and replacement of existing extension, update front and rear windows, and install patio doors - resubmission of 142444.

**LOCATION:** Marquis Of Granby High Street Waddingham Gainsborough DN21 4SW

**WARD:** Waddingham and Spital

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

**APPLICANT NAME:** Mr Williams

**TARGET DECISION DATE:** 11/08/2021

**DEVELOPMENT TYPE:** Change of Use

**CASE OFFICER:** Martin Evans

**RECOMMENDED DECISION:** Approval subject to conditions.

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This application is being reported to planning committee because of the relatively finely balanced nature of the application.

#### **Description:**

Planning permission is sought to change the use of the Marquis of Granby public house (sui generis use class) to a single dwelling (use class C3) with the demolition and reconstruction of a rear wing of the building with a shallower roof pitch. Windows and doors would be replaced. Two car parking spaces are proposed to the rear of the building as shown on the site plan.

The existing ground floor of the building is a public house and the first floor contains a four bedroom flat. The property is an asset of community value.

The application site is within a limestone minerals safeguarding area.

#### **Relevant history:**

The site:

142444 Planning application for change of use of public house into 1no. dwelling including removal and replacement of existing extension, update front and rear windows, and install patio doors. Refused 6/4/2021:

“The proposal fails to provide sufficient information to demonstrate that the public house, a centrally located community facility, is no longer fit for purpose and the site is not viable to be redeveloped for a new community facility, nor is there alternative provision that exists within reasonable proximity. The proposal would result in the unnecessary loss of a modest amount of potentially local employment opportunities. The proposal does not

demonstrate the site is inappropriate or unviable for any employment use to continue, nor it is clear that appropriate marketing took place on terms that reflect the condition of the premises. The proposal is contrary to Policies LP5 and LP15 of the Central Lincolnshire Local Plan and paragraphs 83 and 92 of the National Planning Policy Framework.”

Land to the west:

143052 Application for approval of reserved matters for the erection of 7no. dwellings, considering access, appearance, landscaping, layout and scale following outline permission 138660 granted 21 March 2019. Currently under consideration.

138660 Outline planning application for the erection of 7no. dwellings with all matters reserved. Approved 21/3/2019.

136796 Outline planning application for the erection of 7no. dwellings with all matters reserved. Refused 10/1/18.

130898 Planning application for 10no. dwellings including 2no. affordable dwellings with associated parking and 12no. parking bays for the public house. Refused 22/5/14. Dismissed at appeal reference APP/N2535/A/14/2222549 on 29/1/15.

129108 Outline planning application to erect 11no. 2 storey dwellings with all matters reserved-public house to remain. Withdrawn by the applicant 14/3/2013.

### **Representations:**

#### **Waddingham Parish Council:**

“I am posting this objection as Chairman on behalf of Waddingham Parish Council and its community. Please consider all of the comments on the previous planning application for the change of use of the Marquis of Granby. The refusal of this previous application was an emphatic no and the people of Waddingham do not understand why this is being reconsidered.”

The previous Parish Council comments are:

“On behalf of the Parish we wish to object to the proposal to change the use of the Marquis of Granby to a private dwelling. We ask the Planning Authority and Communities Manager to take into account the passionate views of a huge number of parishioners over the wishes of a distant developer who has no knowledge of our village and is only interested in making money. The reasons given for the proposal are all based on the premise that the pub is not viable and that there is no interest in the community for keeping the public house. The Marquis of Granby is at the centre of our community and has been successful for many years. It has always been a tenanted premises and since Wards Brewery’s ownership the building has had no money spent on

the physical building. The last two tenants have tried hard to make a success of the business but have had no support from the successive owners. It has never been an owner-occupied business. TPS stated in their documentation that there is no interest in a purchase that would keep the use as a public house. There has been viable and enthusiastic interest shown to buy it and keep it as a pub but this was turned down by TPS in favour of the new developer owners. The last tenants were making a great job of creating a welcoming meeting and eating place. Please see the comments on Trip Adviser, the comments on there do not show an unviable failure. The tenants before last ran charity events and music festivals and events. These facts were ignored by the parties involved who declared ignorance that these community activities took place. In 2018 a group of parishioners asked for the Pub and its grounds to be made an asset of community value. The Community Manager was persuaded by the developer owners that the grounds of the pub were not an asset of community value and so cut them off from the application. Planning applications were then put in to build houses on the grounds. These were fought by the Parish and were turned down by the planning authority and by the secretary of state, but after repeatedly submitting them the last application was passed. The ACV was dropped, not because the community had no interest but because the Communities Manager advised the Parish Council to drop it. This was during lockdown when it was impossible to have effective meetings. He then went on write to the developer owners, basically giving them the go ahead to change the use of the pub. He quoted the Localism Act 2011, part 5, chapter 3 subsection 88 (2) (b). "it is realistic to think that there is a time in the next 5 years when there could be non-ancillary use of the building or other land that would further (whether or not in the same way as before) the social wellbeing or social interests of the local community." Our community disagrees with this wholeheartedly. There are many, many comments on the planning portal that show this. The community's first sight of this letter was as a document on the planning application. There is also an email from Peter Mills that states "As you are (sic) aware, a full justification report was carried out and it confirmed that building is no longer viable to ran (sic) as a public house, the building was also offered to the community for other uses, but this received zero interest."

This implication that there was a lack of interest from the community is absolutely false. The community held several public meetings that had good attendance and which caused the parish to ask for the pub to be made an ACV and there was a meeting with the Communities Manager. There is now a huge groundswell of opinion throughout the community. The current government is keen for communities to keep their assets including public houses, and had this support (More than a Pub) been available at the vital time we would have made use of it. Once the pub is gone it is gone, we cannot have it back. The pub has been there for around 100 years it would be wrong to lose it completely due to the mismanagement by the owners over the last few years. We ask that you think about our community when making your decision and that you do not allow the change to the use of the building."

**Local residents:**

**Objections** have been received from residents of the following addresses summarised below:

2 Millers Court Waddingham  
3 Millers Court Waddingham  
4 Millers Court Waddingham  
Stable Cottage Church Road Waddingham  
1 Redbourne Road Waddingham  
4 Redbourne Road Waddingham  
7 The Wolds Waddingham  
8 Millstone Way Waddingham  
5 Cliff Crescent Snitterby Road Waddingham  
6 Glanford Crescent Hibaldstow  
9 South Dale Close Kirton Lindsey  
Holly Nook Cottage Silver Street Waddingham  
Summer Beck The Green Waddingham  
Sunset Cottage Snitterby Road Waddingham  
The Birches Redbourne Road Waddingham  
The Bungalow 5 School Lane Snitterby  
The Stocks Church Lane Snitterby  
West View House Joshua Way Waddingham  
9 Broadbeck Waddingham  
The Olde Workshop The Green Waddingham  
The Olives Scotter Road Scunthorpe  
The White House Brandy Wharf Road Waddingham  
Archway Joshua Way Waddingham  
Fairmount Joshua Way Waddingham  
Rose Cottage The Green Waddingham  
Belmont Lodge 1 The Wolds Waddingham  
5 Stainton Avenue Waddingham x 2  
Bramble Cottage Church Road Waddingham  
Glebe Cottage Church Road Waddingham  
Rose Cottage The Green Waddingham  
Yazmin 4 Old Chapel Court Waddingham x 2  
15 and 18 Cliff Crescent Snitterby Road Waddingham  
Abbeydale Snitterby Road Waddingham  
Hopcroft Snitterby Road Waddingham  
Wingar Kirton Road Waddingham  
The Old Cottage High Street Waddingham  
1 The Green Waddingham  
Homefield Snitterby Road Waddingham  
Holly Lodge Cliff Crescent Waddingham  
Sunnyside Cliff Crescent Waddingham  
Halton House, Silver Street, Waddingham  
The Laurels The Green Waddingham  
The Old School The Green Waddingham

- Nothing has changed since the last refusal. Previous comments still apply.

- Loss of an asset of community value.
- The new evidence remains insufficient.
- The pub is even more important because the village shop may be lost.
- The pub should not be changed into housing. It should be reopened as a pub for the benefit of the community. It is essential to the mental health and wellbeing of many residents.
- Application infers the pub was not financially viable but run by the right people the pub could be a community hub as it was in the past. The previous people running the pub have not done it properly.
- Someone is interested in taking the pub on and this should be given serious consideration.
- Pub has suffered through lack of investment.
- The date the use ended as a pub stated on the form is incorrect.
- The pub opened temporarily for a short while and proved to be a great success.
- This is the only pub in the village and as such should not be de-licensed.
- To lose this would be detrimental to the community and remove a meeting and socialising space to meet people. There are no other pubs in the village or within reasonable walking distance.
- Loss of pub is not valid considering the village will be expanding the number of dwellings in the near future.
- This will ruin what is a close knit and friendly rural community.
- Transport links are not good therefore having a place to meet, eat and drink is important.
- More interest in a pub may arise now normal life is potentially returning.
- The proposal in contrary to Policy LP15.
- Application does not demonstrate the pub is not viable.
- An owner occupier may be able to run the pub viably.
- Repair costs provided by the applicant are exaggerated.
- An application may be submitted to demolish the building.
- Other community facilities may soon be lost.
- Problems with foul drainage
- The proposal would not provide an additional housing unit on the site.
- The building has a wet cellar.

**WLDC Conservation Officer:**

Comments on the previous application:

“The Marquis of Granby public house is of a recognisable improved public house of the early part of the first third of the 20th C. The principal front is virtually symmetrical (except for the roof, which has a hip to one side) has large quadripartite vertically hung paned sash windows to the ground floor flanking a central gabled projection containing an entrance with a horseshoe door. Above are similar three light hung paned sash windows and central mock Tudor gable. The building is a very pleasant ensemble, and any changes to this need to be justified especially with regard to PVC windows and doors, which could undermine the architectural quality of this building. The rear single storey ranges are less significant.”



**LCC Highways:**

No objection “The proposal is for conversion of pub to dwelling, off street parking is proposed at the rear of the property, and it does not have an impact on the Public Highway or Surface Water Flood Risk.”

**LCC Archaeology:**

“The proposed application involves the change of use and alteration to the historic Marquis of Granby public house. The application includes some information on the area's historic environment, but does not appear recognise the building itself as a heritage asset. Although the public house has been considered as a community asset, the building is also a non-designated heritage asset in the terminology of the NPPF. Its local heritage value has been noted in the draft Waddingham & Brandy Wharf Neighbourhood Plan, and as a landmark distinctive of its historic village core character area. The Marquis of Granby Inn has stood on this site since at least 1811 (Stamford Mercury 20/09/1811), and historic photographs in the Draft Neighbourhood Plan show the public house's earlier form. The present building appears to date from the early 20th century, and is characteristic of the "improved pub" movement popular during the 1920s and 30s that sought to renew pubs as light and open spaces to serve a wider community including women and families. Its design includes elements of the popular 'brewer's Tudor' style of this period, as well as distinctiveness large arched sash windows. Although the exact date of the present building's construction is not known, it was likely rebuilt in the years shortly after 1924 when it was acquired by the expanding Sheffield brewers Ward & Co from the smaller local firm of Sutton & Bean Ltd of Brigg. Recommendation: It is recommended that the developer is required to submit a heritage impact assessment, with a proportionate assessment of the building's significance (as required by NPPF 189), describing the proposed alterations and their impact on the building's significance, justify any harms and how this can be avoided or mitigated (as required of development proposals by CLLP Policy LP25).”

**Relevant Planning Policies:****Statutory test**

Planning (Listed Buildings and Conservation Areas) Act 1990

*“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.”*

<http://www.legislation.gov.uk/ukpga/1990/9/contents>

**Development plan**

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 (April 2017); and the Lincolnshire Minerals and Waste Local Plan (December 2017 and June 2016).

### Development Plan

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

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

Relevant policies of the CLLP include:

Policy LP1: A Presumption in Favour of Sustainable Development

Policy LP2: The Spatial Strategy and Settlement Hierarchy

Policy LP4: Growth in Villages

Policy LP5: Delivering Prosperity and Jobs

Policy LP13: Accessibility and Transport

Policy LP14: Managing Water Resources and Flood Risk

Policy LP15: Community Facilities

Policy LP17: Landscape, Townscape and Views

Policy LP25: The Historic Environment

Policy LP26: Design and Amenity

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

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

The application site is within a limestone minerals safeguarding area.

Policy M11: Safeguarding of Mineral Resources applies.

### National policy & guidance (Material Consideration)

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

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

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

The most recent iteration of the NPPF was published on 20<sup>th</sup> July 2021. Paragraph 219 states:

*“However, existing 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)**

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

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

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

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

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

- **Draft Waddingham and Brandy Wharf Neighbourhood Plan**

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

The draft version (Regulation 14) of the Waddingham and Brandy Wharf Neighbourhood Plan was published for consultation purposes between 31 March 2019 and 31 May 2019.

The Plan has now reached Regulation 16 stage. This involves the final version of the Plan being produced for submission to the District Council for examination purposes.

Relevant policies are:

Policy 6: Community Facilities

Policy 7: The Protection of The Marquis of Granby Public House, Waddingham

Policy 8: General Design and Development Principles

Note Policy 3: Additional Residential Development does not apply to this proposal because the site currently contains one residential unit and this would remain the case post development.

The plan as at a relatively early stage of preparation; unresolved objections to the NP are unclear as it is noted WLDC does not get to see these objections because consultation is conducted by the NP group; the degree of consistency of these policies with the NPPF has not yet been tested. Little weight can be given to these policies at this time.

- **Draft Central Lincolnshire Local Plan**

The consultation on the Draft Central Lincolnshire Local Plan has now commenced. The consultation runs for 8 weeks from 30 June to 24 August 2021.

The very early stage of preparation, unknown extent of unresolved objection because consultation has only just commenced and untested consistency with the Framework mean very little weight is given to the policies it contains relevant to this proposal at this moment.

### **Main issues**

- **Principle of development**
- **Design, heritage and character impacts**
- **Impact on residential amenity**
- **Highways**
- **Other**

### **Assessment:**

#### **Principle of development**

##### *Minerals*

The site is within a limestone minerals safeguarding area but is exempt from the requirements of Policy M11 because this is an applications for alterations to existing buildings and for change of use of existing development.

##### *Change of use to residential*

Policy LP2 categorises Waddingham as a tier 5 medium village which will accommodate a limited amount of development in order to support its function and/or sustainability; typically, and only in appropriate locations\*\*, development proposals will be on sites of up to 9 dwellings; Policy LP4 establishes the total level of % growth for each Medium Village, and further policy requirements in respect of identifying whether a site would be suitable for development.

*“\*\* 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.”*

The proposal complies with the scale of development permitted by Policy LP2 and the appropriate location definition. Policy LP4 relates to growth in dwellings in the village. However, the site already contains a residential unit at first floor. The proposal would not result in an increase in the number of residential units on the application site therefore Policy LP4 does not apply. Policies LP2 and LP4 are consistent with the NPPF paragraph 79 requirement

for policies to “identify opportunities for villages to grow and thrive” so are given full weight.

#### *Loss of the public house*

The Draft Neighbourhood Plan attributes value to the building as a community asset. Paragraph 13.2 indicates a public desire to safeguard the site, and a policy aim (paragraph 13.5) “*To protect the public house as community meeting place and facility and enable the local community to have a say in any proposed future development of the building.*”

However, the aforementioned position with regards to the Neighbourhood Plan means only limited weight may be afforded the draft policy and it would be unreasonable to test the proposal against Policy 6 and Policy 7 in full. The loss of the public house must be tested against Policy LP15 of the CLLP which states:

#### ***“Policy LP15: Community Facilities***

*All development proposals should recognise that community facilities such as leisure facilities, libraries, **public houses**, places of worship and community halls, or any registered asset of community value, are an integral component in achieving and maintaining sustainable, well integrated and inclusive development.*

#### ***Existing facilities***

*The redevelopment or expansion of an existing facility to extend or diversify the level of service provided will be supported.*

*In most instances, the loss of an existing community facility will not be supported.*

*The loss, via redevelopment, of an existing community facility to provide an alternative land use which is not that of a community facility will only be permitted if it is demonstrated that:*

- a. The facility is demonstrably no longer fit for purpose and the site is not viable to be redeveloped for a new community facility; or*
- b. The service provided by the facility is met by alternative provision that exists within reasonable proximity: what is deemed as reasonable proximity will depend on the nature of the facility and its associated catchment area; or*
- c. The proposal includes the provision of a new community facility of similar nature and of a similar or greater size in a suitable on or offsite location.”*

The NPPF states:

“93. To provide the social, recreational and cultural facilities and services the community needs, planning policies and decisions should:

- (a) plan positively for the provision and use of shared spaces, community facilities (such as local shops, meeting places, sports venues, open space, cultural buildings, public houses and places of worship) and other local services to enhance the sustainability of communities and residential environments;
- (b) take into account and support the delivery of local strategies to improve health, social and cultural well-being for all sections of the community;
- (c) guard against the unnecessary loss of valued facilities and services, particularly where this would reduce the community’s ability to meet its day-to-day needs;
- (d) ensure that established shops, facilities and services are able to develop and modernise, and are retained for the benefit of the community; and
- (e) ensure an integrated approach to considering the location of housing, economic uses and community facilities and services.”

Policy LP15 is considered consistent with the NPPF because it seeks to resist the loss of valued community facilities and services. Policy LP15 is given full weight.

The application includes various documents that seek to establish the condition of the building, works required to it and associated costs.

The design and access statement considers that 19 new windows and 4 new doors are required with a cost of £55,084.72; the evidence with the original planning application remains valid; the applicant considers the Council’s reasoning regarding repairs to contain speculative language and that “third party reports have been provided to fully justify the costings needed to bring the property back to a standard which is what customers would expect and would provide a sustainable long term future for any business”; there are major challenges to operating a public house in a rural area with a limited customer base; it is not appropriate to say that the pub is an important facility; rural pubs are threatened by smaller potential local markets, greater reliance on passing trade or becoming a destination pub; the small local population and competition from other pubs means there is no consistent customer base for a pub; with regards to the previous refusal based on marketing they state “It has been marketed as a public house because that’s what its use is and it is unclear why the onus would be on the applicant to explore alternative uses. If that is the approach of the Council, then from the applicants perspective it is asked why the Communities Manager hasn’t steered the community towards exploring alternative uses for the village hall which would make more economic sense”; the applicant also suggests greater use could be made of the village hall as a community facility.

Example quotes for kitchen and bar catering appliances totalling approximately £14,000 are provided to show the likely cost refitting these areas.

A condition survey of mechanical and electrical services is provided. It shows they are mostly in bad condition and need replacing.

A dilapidation report provides photographs and commentary setting out the applicants views regarding the need for repairs or works to the façade, internal and external elements.

A joinery quote to replace all windows and doors is provided totalling £55,084.72.

A structural report identifies no significant structural issues; considers issues of deterioration relate to a lack of maintenance and damp; recommends some repointing; render removal and brickwork repair; chimney flashing repair; roof structure checks in the event the roof covering is replaced and installing new fixing and bracket; re-roofing of the rear projection; drain examination and repair; as a minimum we would suggest that the timber framed section of the rear extension be stripped back for a full inspection and repair or removed in full and replaced, depending on the aspirations of the property and use of the space; plasterwork and ceiling repairs, broken brick replacement, door frame and lintel repairs; making the cellar weather tight and tanking it;

A survey report and proposal regarding damp identifies guttering and rainwater systems, external joinery sealing, pointing and brickwork being the likely cause of rainwater penetration. Dampness around a chimney and condensation are identified. No firm conclusion is given regarding the presence of rising dampness. Free water ingress into the cellar is apparent with further investigation recommended.

The planning statement considers repairs to the building would total £392,300 and concludes “We feel the above highlights that the facility the building is no longer fit for purpose and along with the purchase price of the property itself means it isn’t financially viable to be redeveloped as a public house.”

The related full justification report referred to by the applicant was carried out by Freeths and provided with the previous application.

The Freeths report considers the pub was unviable, two tenants have surrendered the lease and has been vacant since November 2019; the property was put up for sale in February 2020 with no interest expressed during 10 months of marketing and the pandemic reducing the chances of a new tenant being found; In June 2020, in accordance with the relevant sections of the legislation, the Local Authority were informed of the intention to dispose of the property, under section 95(2) of the Localism Act; The Parish Council as the nominating body were then contacted by West Lindsey District Council. The Parish Council confirmed that it did not have the funds to purchase, renovate or refurbish the property on behalf of the community and a statement was put out to the local community informing them of the intention to sell. Nobody came forward as a result of that notice. The Freeths letter considers that in light of the viability issues surrounding the current use, the

lack of interest shown in the pub through the marketing of the property, and the lack of interest from the community in purchasing the property, it is considered that there is no realistic chance that the building could have a future use which would further the social wellbeing or social interests of the local community.

The Freeths letter states:

*“3.11. The parish council let residents know of the intention to sell the public house and allow them the opportunity to register an interest in purchasing the property. The statement given out to parishioners is attached as enclosure 2 which was displayed on the parish noticeboard and in the local newsletter. No local community interest was forthcoming as demonstrated in the email chain attached as enclosure 3.*

*3.12. As such it is considered that there is no realistic future use of the building which could further the social wellbeing or interests of the local community either as a public house or as a community run building.”*

The evidence submitted in the application is carried out by people with relevant expertise such as engineers, those involved in damp treatment and in the building trade. It shows the existing building is primarily in need of a series of external and internal repairs which individually are not insurmountable but collectively result in extensive works; the extent of repairs to the roof valley are unknown; the rear extension including timber frame may need rebuilding; window commentary lacks sufficient justification regarding window condition and it may be possible to recondition them; the interior of the building is clearly tired and many elements are in need of replacement or repair including toilet facilities, redecorating and floor coverings. Damp is a significant evidenced issue. External works and further investigation would likely overcome this. New kitchen equipment would be required and the beer garden requires improvements.

Overall, it is considered that the existing building and its beer garden are in a poor and declining condition. This has been exacerbated by periods of closure.

On balance it is considered the pub is “no longer fit for purpose”. The series of evidence reports submitted with the proposal show it is unlikely less significant financial investment in repairs would be sufficient to bring the pub back into useable condition.

There are a limited number of other community facilities in Waddingham, including a shop and village hall. However, none of the existing facilities offer social and local community benefits comparable with a functioning pub, which would be a place for people to meet, drink and socialise, particularly during evenings and on weekends. There are no other pubs close to the village, the nearest lie within surrounding settlements which are beyond reasonable walking distance of Waddingham. Given the location of the appeal site in the



heart of Waddingham, it is considered well positioned to serve residents of the village. Consequently, it is considered the application site comprises an important community facility, despite its current vacant and poorly maintained state.

The site has been offered for let and sale to the general public as a pub with no offers made within that marketing period. The marketing particulars refer to pub use. It does not appear to have been explicitly marketed for other community uses. The pub was offered to Waddingham Parish Council which in turn advertised this to the local community, with no offers received from the Parish Council. It is not clear that marketing took place on terms that reflect the condition of the premises given the asking price of around £150,000.00 and the suggested repair quote of £392,300. No sales comparables are provided. Given the policy presumption against the loss of this community facility, it is ordinarily expected that a range of options to ensure the property could operate as a community facility to have been explored and considered. It does not appear to have been marketed in this way. However, given the application is now supported by appropriate supporting documents it is evidenced that any alternative community use is likely to face similarly significant repair costs, even accounting for reductions related to pub use such as kitchen equipment and bar facilities.

Whilst the justification mentions viability, no business accounts are provided to demonstrate the pub is not viable when operating. It is unclear whether the recent purchase price reasonably reflects the condition of the building and its current use class, so it is not known whether it may have affected the viability of the business moving forwards.

A lack of interest in operating the public house as a going concern during the period it was on the market is not sufficient in itself to demonstrate that continued use of it would not be viable.

In addition it is noted that one party had contacted the vendors and expressed an interest, but at that time the sale was already taking place.

The applicant's case regarding criterion b is not considered to satisfy Policy LP15 because there are no other pubs within reasonable walking distance for residents of Waddingham.

Taking the above factors into account, it is considered the current proposal provides appropriate evidence to demonstrate that given necessary repairs, the existing facility is no longer fit for purpose and these would similarly render an alternative community use unviable. This complies with Policy LP15 a and the provisions of the NPPF as the loss is not unnecessary.

#### *Loss of employment*

When in use, the pub may generate a modest amount of employment. The preamble to Policy LP5 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 relevant part of Policy LP5 states:

***“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.”*

Paragraph 84 of the NPPF requires *“Planning policies and decisions should enable:..... (d) the retention and development of accessible local services and community facilities, such as local shops, meeting places, sports venues, open space, cultural buildings, public houses and places of worship.”* Whilst paragraph 82 requires policies should *“(d) be flexible enough to accommodate needs not anticipated in the plan, allow for new and flexible working practices (such as live-work accommodation), and to enable a rapid response to changes in economic circumstances.”* Policy LP5 is consistent with this by presuming against the loss of such uses unless exceptions are met and in so doing provides some flexibility. Policy LP5 is given full weight.

It is noted the market conditions are against the pub use given the prolonged forced closure due to the Covid-19 pandemic. The wider national economy cannot be said to be in good health due to the pandemic. However, there

seems to be some 'bounce-back' in the pub trade now that lockdown measures are easing.

It is considered the proposal would result in the loss of a modest amount of potentially local employment opportunities. The proposal does demonstrate the site would likely be unviable for any employment use to continue because of repair requirements. It is not clear that appropriate marketing took place on terms that reflect the condition of the premises given the asking price of around £150,000.00 and the suggested repair quote of £392,300 but it is noted that little if any interest was expressed in purchasing the property. No sale comparables are provided. On balance the proposal is considered to comply with Policy LP5.

#### *Conclusion regarding the principle of development*

The mineral safeguarding implications are acceptable. The loss of the pub and associated employment to residential use is considered acceptable in light of the merits of the case.

#### **Design, heritage and character impacts**

Policy LP17 requires 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. Policy LP26 requires all development must achieve high quality sustainable design that contributes positively to local character, landscape and townscape, and supports diversity, equality and access for all. It requires all development must take into consideration the character and local distinctiveness of the area.

Section 12 of the NPPF seeks to achieve well-designed places. Paragraph 126 states "The creation of high quality buildings and places is fundamental to what the planning and development process should achieve". Paragraph 130 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.

Policies LP17 and LP26 are consistent with the NPPF and are given full weight.

The statutory test in section 66 of the Planning (Listed Buildings and Conservation Areas) Act 1990 is the primary consideration and requires:

*"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.”*

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. 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.

NPPF paragraph 190 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 203 states:

“203. The effect of an application on the significance of a non-designated heritage asset should be taken into account in determining the application. In weighing applications that directly or indirectly affect non-designated heritage assets, a balanced judgement will be required having regard to the scale of any harm or loss and the significance of the heritage asset.”

LP25 is consistent with the NPPF and is given full weight.

None of the heritage consultees raise concern with the impact on the setting of the adjacent grade II listed building The Old School House. The proposal is considered to preserve the setting of the listed building in accordance with these heritage policies and the statutory test.

In accordance with the comments on the Conservation Officer, the Marquis of Granby public house is of a recognisable improved public house of the early part of the first third of the 20th Century. The principal front is virtually symmetrical (except for the roof, which has a hip to one side) has large quadripartite vertically hung paned sash windows to the ground floor flanking a central gabled projection containing an entrance with a horseshoe door. Above are similar three light hung paned sash windows and central mock Tudor gable. The building is a very pleasant ensemble, and any changes to this need to be justified especially with regard to new windows and doors, which could undermine the architectural quality of this building. The rear single storey ranges are less significant.

The recommendation of LCC Archaeology is noted i.e. that the building is a non-designated heritage asset; and that a heritage impact assessment is required.

The consultees do not refer to the building being on the historic environment record nor is it positively identified as a non-designated heritage asset through a formal document such as an adopted neighbourhood plan. Therefore, requesting a heritage impact assessment is considered disproportionate. The building is considered to be characterful and adds to the character and appearance of the area. The application form refers to window and door changes. Given the identified character of the existing building it is considered necessary to recommend a condition requiring details of windows and doors be approved. The rear wing proposed for demolition is less significant therefore its demolition and rebuilding is considered appropriate in heritage terms subject to details of materials, windows and doors being secured via condition. The window layout largely reuses existing openings which is appropriate to the character of the building. Bringing the property back into use will be beneficial to the streetscene in the sense it will ensure repairs and maintenance are carried out to the building.

The design, heritage and character impacts of the proposal are considered to accord with the requirements of Policies LP17, LP25 and LP26.

### **Impact on 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 130 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 174 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. Policy LP26 is given full weight.

The use of the building as a single residential dwelling and rebuilding of the rear wing are not considered to give rise to harm to residential amenity, including those of residents of Halton House to the east. In general terms, a residential use is considered more compatible with neighbouring residential uses than the existing pub use in light of potential noise and disturbance issues. The impact on residential amenity is considered acceptable in accordance with Policy LP26.

## **Highways**

Policy LP13 requires well designed, safe and convenient access for all and that appropriate vehicle parking provision is made for development users. This is consistent with NPPF paragraph 110 requiring proposals ensure safe and suitable access to the site can be achieved for all users and paragraph 111 requiring development should only be prevented or refused on highways grounds if there would be an unacceptable impact on highway safety. Policy LP13 is given full weight.

Vehicular access to the site would be through land indicated to be within the ownership of the applicant by the blue line on the site location plan. It would lead to an existing space to the rear of the building which provides two or possibly three car parking spaces which is considered sufficient for the proposal. No highway safety or capacity concerns are apparent. LCC Highways raises no concerns with the proposal following revisions to the site layout indicating the proposed parking spaces. The highway impacts are acceptable in accordance with Policy LP13.

## **Other**

### *Flood risk and drainage*

The site is in flood zone 1 (low risk) making it an appropriate location for the proposal. A reduction in hardstanding to the rear of the building will be beneficial to drainage. The existing building benefits from foul and surface water drainage infrastructure which does not require further planning input.

### *Ecology*

The proposal does not result in the need for ecological appraisals to be carried out.

## **Conclusion**

The principle of the loss of the public house and employment space is considered acceptable. Design, heritage and character impacts are acceptable subject to condition. No harm to residential amenity or highway safety would arise. There are no other technical problems with the application. Therefore, it is recommended that planning permission is granted subject to the following conditions:

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

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

2. Prior to their installation, joinery details of any new external windows and doors shall have been submitted to and approved in writing by the Local Planning Authority. Development shall proceed in accordance with the approved details. No subsequent alterations or replacement of these items shall take place unless planning permission has first been granted by the Local Planning Authority.

Reason: In the interests of securing good design in accordance with Policy LP26 of the Central Lincolnshire Local Plan.

3. Prior to their use in the development, details of external finishing materials for the rear extension 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 securing good design in accordance with Policy LP26 of the Central Lincolnshire Local Plan.

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

004 Rev 01  
005 Rev 01  
103 Rev 01

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

#### **Human Rights Implications:**

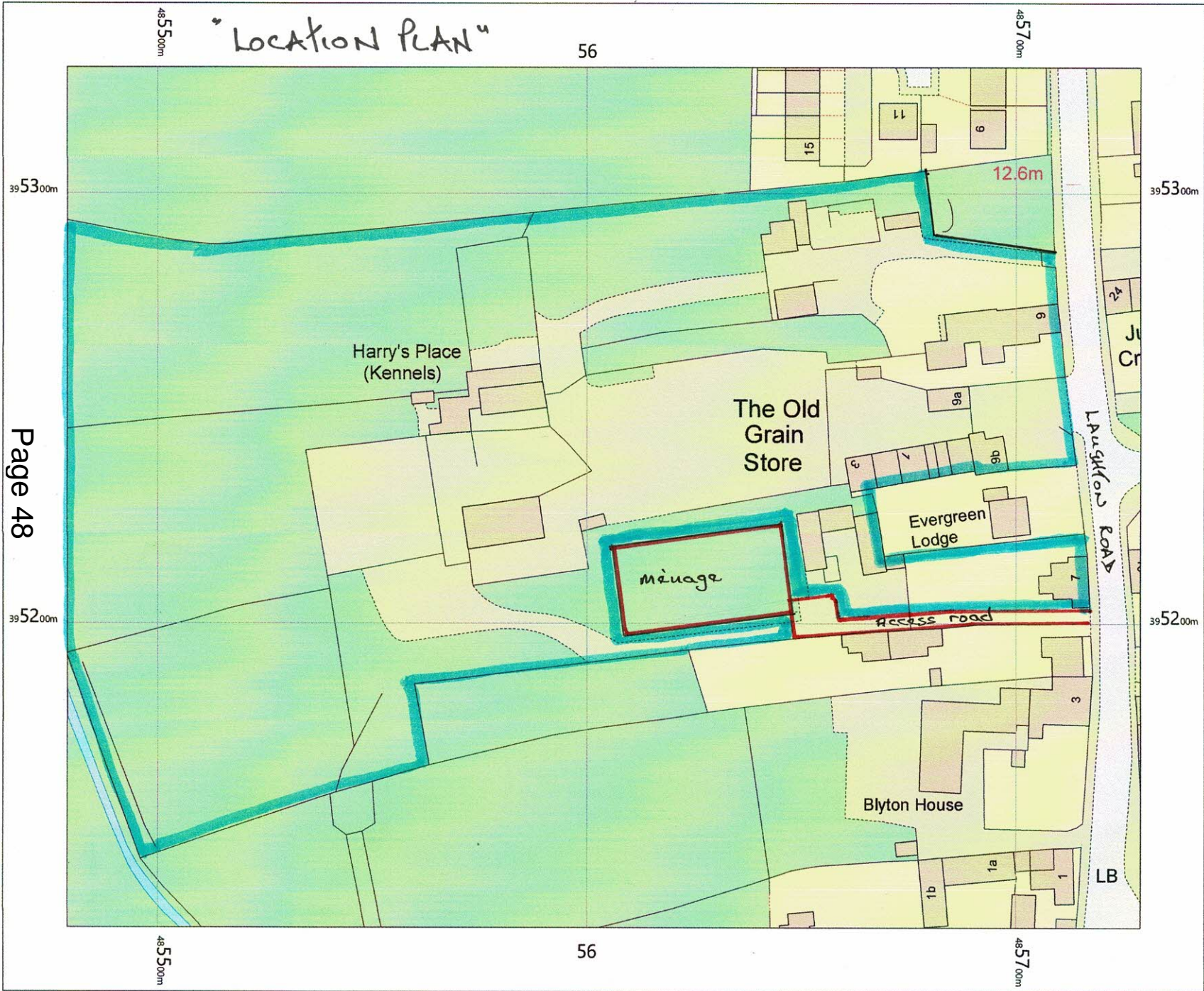
The above objections, considerations and resulting recommendation have had regard to Article 8 and Article 1 of the First Protocol of the European Convention for Human Rights Act 1998. The recommendation will not interfere with the applicant's and/or objector's right to respect for his private and family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

#### **Legal Implications:**

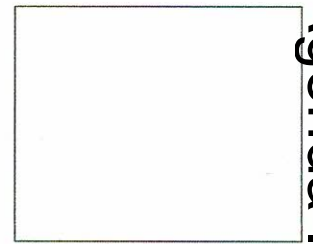
Although all planning decisions have the ability to be legally challenged it is considered there are no specific legal implications arising from this report

"LOCATION PLAN"

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HARRY'S PLACE  
9 LAUGHTON ROAD  
BLYTON  
GAINSBOROUGH  
DN21 3LS

DRG. No. HP/21/01

Thursday, June 24, 2021, ID:  
BW1-00971944  
maps.blackwell.co.uk

1:1250 scale print at A4, Centre:  
485604 E, 395229 N

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Agenda Item 6b



## **Officers Report**

### **Planning Application No: 143270**

**PROPOSAL:** Planning application for the construction of manege with 3no. lighting columns.

**LOCATION:** Land at 9 Laughton Road Blyton Gainsborough DN21 3LG

**WARD:** Scotter and Blyton

**WARD MEMBER(S):** Cllr Snee; Cllr Clews; and Cllr Rollings.

**APPLICANT NAME:** Mrs Clixby

**TARGET DECISION DATE:** 31/08/2021

**DEVELOPMENT TYPE:** Change of Use

**CASE OFFICER:** Martin Evans

**RECOMMENDED DECISION:** Grant planning permission subject to conditions.

---

This application is reported to planning committee because the applicant is a family member of a member of staff.

#### **Description:**

The proposed manege would measure 40m by 20m and is to be located on an existing paddock. A 3 rail timber fence would surround the manege. There would be 3no. lighting columns on the southern side of it. Proposed hours of use are 8am-8pm on any day.

To the east of the site is a stable block, to the south is 3<sup>rd</sup> party residential garden, to the north is a haulage yard and to the west is further paddock.

The site is in a sand and gravel minerals safeguarding area.

#### **Relevant history:**

None.

#### **Representations:**

##### **Blyton Parish Council:**

No comment.

#### **Environmental Protection:**

Advice a contaminated land condition; manure management condition; lighting; and hours of use.

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

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

#### Development Plan

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

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

Relevant policies of the CLLP include:

Policy LP1: A Presumption in Favour of Sustainable Development

Policy LP2: The Spatial Strategy and Settlement Hierarchy

Policy LP13: Accessibility and Transport

Policy LP14: Managing Water Resources and Flood Risk

Policy LP16: Development on Land Affected by Contamination

Policy LP17: Landscape, Townscape and Views

Policy LP26: Design and Amenity

Policy LP55: Development in the Countryside

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

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

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

#### National policy & guidance (Material Consideration)

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

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

The NPPF sets out the Government's planning policies for England and how these should be applied. It is a material consideration in planning decisions. The most recent iteration of the NPPF was published in July 2021. Paragraph 219 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)**

#### Draft Local 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 Central Lincolnshire Local Plan**

The consultation on the Draft Central Lincolnshire Local Plan has now commenced. The consultation runs for 8 weeks from 30 June to 24 August 2021.

The very early stage of preparation, unknown extent of unresolved objection because consultation has only just commenced and untested consistency with the Framework mean very little weight is given to the policies it contains relevant to this proposal at this moment.

#### **Main issues**

- **Principle of development**
- **Impact on residential amenity**
- **Highways**
- **Other**

#### **Assessment:**

##### **Principle of development**

The site is within a sand and gravel minerals safeguarding area meaning a minerals assessment is required by Policy M11. At the time of writing a minerals assessment has been provided and the comments of LCC Minerals and Waste Team are awaited. An update will be provided at the meeting.

The site relates more to Blyton than open countryside therefore Policy LP2 tier 5 applies. It supports limited amount of development in order to support Blytons function and/or sustainability. In appropriate locations up to 9 dwellings or 0.25 ha of employment uses are supported. Policy LP4 sets a sequential test for site development with the first tier being development of infill sites in appropriate locations within the developed footprint of the village. The site is located between the stable building and a barn to the west so is considered an infill site. This is an appropriate location as it respects the core

shape and form of the settlement and would not harm its character nor that of surrounding countryside subject to lighting considerations below. The site is considered to be within the developed footprint of the village. The site is sequentially preferable for development in accordance with Policy LP4. These policies identify “opportunities for villages to grow and thrive” in accordance with NPPF paragraph 79 so they are given full weight.

The principle of development is acceptable.

### **Impact on 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 130 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 174 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.

The nature of the proposed manege use is not considered to give rise to conflict with neighbouring uses such as the residential garden to the south provided reasonable hours of use are proposed. It is noted there are stables directly to the east. The lighting columns have the potential to cause undue harm therefore clarification of their design was sought. These are 4.5m lighting columns with anti-glare lighting fixed to the top.

Environmental Protection have recommended:

- A prior to commencement contaminated land assessment. This is reasonable given past site uses and ground works involved in the proposal. The condition is recommended below.
- A manure condition regarding collection, storage and disposal. The applicant has provided this in the amended design and access statement and the details are acceptable.
- A prior to commencement lighting assessment and that lighting should only be used during permitted hours of operation. The suggested condition does not require mitigation therefore this element has been added and the condition recommended below.
- Hours of operation are also recommended to be reduced from 8-8 every day to 9-6 on Saturdays; and 10-6 on Sundays and Bank Holidays to protect residential amenity. The applicant insists the original hours should remain because during the summer, early morning and late afternoon are preferred riding times to avoid the warmest part of the day. This is considered a reasonable response

from the applicant and provided lighting is sensitive to the residential dwellings and gardens to the south, no undue harm is envisaged from the proposed hours. This condition is recommended below.

Subject to these conditions no undue harm to residential amenity would arise in accordance with Policy LP26.

### **Highways**

Policy LP13 requires well designed, safe and convenient access for all and that appropriate vehicle parking provision is made for development users. This is consistent with NPPF paragraph 110 requiring proposals ensure safe and suitable access to the site can be achieved for all users and paragraph 11 requiring development should only be prevented or refused on highways grounds if there would be an unacceptable impact on highway safety. The policy is therefore attributed full weight.

The proposal would be accessed via an existing access to the south of 7 Laughton Road. The nature of vehicles using this access and likely increases in vehicle movements as a result of this proposal are considered to be acceptable in light of the existing access and road conditions.

The parking area to the front of the stables is ample.

The comments of LCC Highways are yet to be received and will form part of the update at the meeting.

### **Other**

Environmental Protection recommends a contaminated land condition in light of past uses of the site and ground disturbance necessary to construct the manege. This is attached in pursuance of Policy LP16.

The site is at low risk of all forms of flooding. Details of final soakaway location, design and suitability are required by condition in accordance with Policy LP14.

### **Conclusion**

The principle of development is acceptable and there would be no harm to residential amenity or highway safety. There are no other technical problems. It is recommended that planning permission is granted subject to the following conditions:

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

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

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

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

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

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

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

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

Reason: In order to safeguard human health and the water environment and identify potential contamination on-site and the potential for off-site migration

in accordance with Policy LP14 and LP16 of the Central Lincolnshire Local Plan.

3. Manure management shall take place in accordance with the details contained in the amended design and access statement.

Reason: In the interests of residential amenity in accordance with Policy LP14 of the Central Lincolnshire Local Plan.

4. Prior to the use of the lighting hereby approved, a lighting assessment with mitigation measures shall be submitted to and approved in writing by the Local Planning Authority. Development shall proceed in accordance with the approved details.

Reason: To prevent light pollution harmful to residential amenity in accordance with Policy LP26 of the Central Lincolnshire Local Plan.

5. Prior to the first use of the development details of the soakaway location, design and infiltration test shall be submitted to and approved in writing by the Local Planning Authority. Development shall proceed in accordance with the approved details.

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

6. The manege and lighting hereby permitted shall only be used between the hours of 8am and 8pm on any day.

Reason: To prevent light pollution, noise and disturbance harmful to residential amenity in accordance with Policy LP26 of the Central Lincolnshire Local Plan.

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

HP/21/01

HP/21/02A

Floodlight details received 13/7/2021 detailing the RHYNE floodlight with anti-glare shield and 4.5m light pole.

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

### **Human Rights Implications:**

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

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

**Legal Implications:**

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





Planning Committee

11 August 2021

**Subject: Determination of Planning Appeals**

Report by:

Assistant Director Planning and  
Regeneration

Contact Officer:

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

Purpose / Summary:

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

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

**IMPLICATIONS**

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

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

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

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

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

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

**Title and Location of any Background Papers used in the preparation of this report:**  
Are detailed in each individual item

**Call in and Urgency:**

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

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

**Yes**

**No**

**Key Decision:**

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

**Yes**

**No**

## **Appendix A - Summary**

- i) Appeal by Mr J Wingfield against the decision of West Lindsey District Council to refuse planning permission for 1 no. detached dwelling and garage, including demolition of outbuildings to form new access at Yew Cottage, 11 Cissplatt Lane, Keelby, Grimsby DN41 8HU

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

**Officer Decision** – Refuse



## Appeal Decision

Site Visit made on 24 June 2021

**by A Caines BSc(Hons) MSc TP MRTPI**

**an Inspector appointed by the Secretary of State**

**Decision date: 8 July 2021**

---

**Appeal Ref: APP/N2535/W/21/3271245**

**Yew Cottage, 11 Cissplatt Lane, Keelby, Grimsby DN41 8HU**

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission.
  - The appeal is made by Mr J Wingfield against the decision of West Lindsey District Council.
  - The application Ref 142086, dated 30 November 2020, was refused by notice dated 26 January 2021.
  - The development proposed is 1no. detached dwelling and garage, including demolition of outbuildings to form new access.
- 

### Decision

1. The appeal is allowed and planning permission is granted for 1no. detached dwelling and garage, including demolition of outbuildings to form new access, at Yew Cottage, 11 Cissplatt Lane, Keelby, Grimsby DN41 8HU, in accordance with the terms of the application Ref 142086, dated 30 November 2020, subject to the conditions set out in the schedule to this Decision.

### Procedural Matters

2. There was a request to undertake a site visit from a neighbouring property. However, I was able to sufficiently observe the relationship between the site and neighbouring properties from the site itself, and in conjunction with the submitted plans, make a decision under the appeal on this basis.

### Main Issues

3. The main issues are the effect of the development on the character and appearance of the area; and upon the living conditions of the occupiers of 59 and 61 Yarborough Road, with particular regard to privacy.

### Reasons

#### *Character and appearance*

4. Keelby is a 'Large Village' which under Policy LP2 of the Central Lincolnshire Local Plan 2017 (LP), will be a focus for accommodating an appropriate level of growth, including through appropriate intensification within the existing developed footprint. Policies LP17 and LP26 stipulate, amongst other things, that all development proposals must be well designed, make effective use of land, and take into consideration the character and local distinctiveness of the area.
5. The Council's officer report describes Cissplatt Lane as comprising a linear form of development. However, I observed this is only the case at the end of

Cissplatt Lane, where properties have shorter rear gardens backed by open countryside. In contrast, the appeal site is surrounded on all sides by gardens and therefore sits firmly within the nucleus of the village. The character of houses along Cissplatt Lane is varied with a mix of traditional cottages and modern detached and semi-detached properties. Differences in architectural style, form, building lines, and depths are evident on both sides of the street.

6. The proposed development would introduce a detached dwelling and garage into the rear garden of the appeal property. Although this form of backland development is not currently found on the western side of Cissplatt Lane, it does exist on the opposite side of the street. Regardless of how those developments came about, they are visible within the street scene and therefore influence the character and appearance of the area.
7. The existing garden measures in excess of 100 metres (m) in length, the majority of which is underutilised rough grassland. Yew Cottage would maintain a garden of over 30m in length and the distance between the proposed dwelling and Yew Cottage would be over 50m. As such, the resultant plot sizes for the proposed dwelling and Yew Cottage would be in proportion to the size of their dwellings, and would suitably maintain the spacious, low-density character of the surrounding area whilst making effective use of this underutilised site.
8. Given the position and scale of Yew Cottage, neighbouring properties, and the existence of mature boundary vegetation, the proposed dwelling would not be prominent or conspicuous when viewed from Cissplatt Lane. Furthermore, I am satisfied that the proposed materials, height and overall design would complement surrounding dwellings.
9. Reference has been made to a recent refusal of planning permission on adjacent land (LPA ref: 141527). However, I have not been provided with any details of that scheme. Moreover, I am not bound by the previous decisions of the Council and have determined this appeal on its own merits.
10. For all these reasons, I conclude that the development would not cause harm to the character nor appearance of the area. As such, the proposal complies with LP Policies LP2, LP17 and LP26 in these regards. The proposal also complies with the good design aims of paragraph 127 of the National Planning Policy Framework (the Framework).

#### *Living conditions*

11. The Council has raised concerns in relation to overlooking of the garden spaces of 59 and 61 Yarborough Road from the first floor bedroom windows in the rear offshoot of the proposed dwelling. However, 59 and 61 Yarborough Road have long rear gardens in excess of 100m. The windows in question would be located a further 14m from the plot boundary. Moreover, there are mature trees and other vegetation, both along the boundary and within the neighbouring gardens, that would limit the potential for overlooking. I find that, in combination, these factors are sufficient to ensure that the privacy of the occupiers of 59 and 61 Yarborough Road would be adequately safeguarded.
12. I therefore conclude that the living conditions of the occupiers of 59 and 61 Yarborough Road would not be unacceptably harmed, with particular regard to privacy. As such, the proposal complies with the 'amenity considerations' of

LP Policy LP26. It also complies with paragraph 127 of the Framework in this regard.

### **Other Matters**

13. I have noted the variety of other issues raised by the Parish Council and interested parties that have not already been encapsulated above. This includes concerns over noise, highway safety and effects on wildlife. These matters were before the Council when it determined the appeal planning application and did not feature in the reasons for refusal. Nor were there any objections raised from consultees on these matters. Based on the evidence before me, I have no reason to disagree with the Council in this regard.
14. I have also noted comments in respect of shared access and damage to party boundaries, but those are private matters between the respective landowners and cannot be addressed through the planning application.
15. Consequently, whilst I acknowledge the genuine concerns of the interested parties, none of the other issues raised alter or outweigh my findings on the main issues.

### **Conditions**

16. I have considered the conditions suggested by the Council in light of the Framework and the Planning Practice Guidance. In particular, I have had regard to the Government's intention that planning conditions should be kept to a minimum. Where necessary, I have amended the wording to ensure clarity and precision, and I have imposed only those conditions which meet the relevant tests. The appellant has given written agreement to the use of any pre-commencement conditions.
17. A condition defining the approved plans is necessary to provide certainty. Conditions concerning hard and soft landscaping, and enclosures are necessary to ensure a satisfactory appearance of the development. However, I have not included the requirement for an acoustic fence along the driveway as it is not necessary to achieve a satisfactory living environment for neighbouring occupiers given the small scale of the development. In addition, I have not imposed a condition requiring details of the external materials to be used as appropriate materials are specified in the application.
18. The appeal site is located in an area that is recognised as being of archaeological importance. It is therefore necessary to include a condition requiring a scheme of archaeological investigation prior to ground work commencing to ensure appropriate investigation and recording of any archaeology uncovered.
19. A condition to secure the implementation of the approved access and car parking details is necessary to ensure appropriate off-street parking provision to serve the development. The approval and implementation of a foul and surface water drainage scheme are necessary to ensure the satisfactory drainage of the site. Details of ecological enhancements are necessary to achieve net gain in biodiversity.

## **Conclusion**

20. There are no material considerations that indicate the application should be determined other than in accordance with the development plan. Therefore, for the reasons given, I conclude that the appeal should be allowed.

*A Caines*

INSPECTOR

## **Schedule of Conditions**

- 1) The development hereby permitted shall begin not later than three years from the date of this decision.
- 2) The development hereby permitted shall be carried out in accordance with the following approved plans: RD:4543-02; RD:4544-03A; RD:4544-04A; RD:4544-05A; RD:4544-06.
- 3) No groundwork shall commence on site until a Written Scheme of Archaeological Investigation shall have been submitted to and approved in writing by the local planning authority. The scheme shall include an assessment of significance and research questions - and:
  - i. the programme and methodology of site investigation and recording;
  - ii. the provision to be made for analysis of the site investigation and recording;
  - iii. the provision to be made for publication and dissemination of the analysis and records of the site investigation;
  - iv. the provision to be made for archive deposition of the analysis and records of the site investigation;
  - v. the nomination of a competent person or persons/organisation to undertake the works set out within the Written Scheme of Investigation;
  - vi. The provision to be made for notifying the local planning authority in advance of commencement of the site investigation.

Thereafter, the archaeological site work and archive deposition shall be undertaken in accordance with these approved details.

- 4) Before any below ground work commences, details of the proposed means of foul and surface water drainage, including any necessary soakaway/percolation tests, shall be submitted to and approved in writing by the local planning authority. The development shall not be occupied prior to completion of the approved drainage works.
- 5) Notwithstanding the details shown on the approved plans, no above ground construction works shall take place until details of all proposed hard and soft landscape works, including details of retained and new boundary treatments, hard surfaces, and landscape planting have been submitted to and approved in writing by the local planning authority. All landscaping works shall be carried out in accordance with the approved details before the end of the first planting season either following the first occupation of the dwelling or the substantial

completion of development, whichever is sooner. Any trees or plants which within a period of 5 years from substantial 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 to those originally planted.

- 6) The dwelling hereby permitted shall not be occupied until ecological enhancements, including the provision of bat and bird boxes within the site, have been implemented in accordance with details which have first been submitted to and approved in writing by the local planning authority. The ecological enhancements shall be retained thereafter.
- 7) The dwelling hereby permitted shall not be occupied until the areas shown on the approved plans for access, parking and manoeuvring of vehicles have been constructed and laid out in accordance with the approved plans and, thereafter, such areas shall be kept available at all times for those purposes.

End of Schedule