



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, 8th September, 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

- i) Meeting of the Planning Committee held on 11 August 2021

PAGES 3 - 12

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

Large Clear Print: Braille: Audio: Native Language

4. Declarations of Interest

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

5. Update on Government/Local Changes in Planning Policy

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

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

6. Planning Applications for Determination

- | | | |
|------|--|---------------|
| i) | 143441 - Depot Caenby Corner | PAGES 13 - 22 |
| ii) | 143333 - 43 Pingle Close, Gainsborough | PAGES 23 - 29 |
| iii) | 142948 - 5 Colins Walk, Scotter | PAGES 30 - 38 |

7. Determination of Appeals

As at 31 August 2021, there were no appeal determinations to be noted.

Ian Knowles
Head of Paid Service
The Guildhall
Gainsborough

Tuesday, 31 August 2021

Agenda Item 3

Planning Committee – 11 August 2021

WEST LINDSEY DISTRICT COUNCIL

MINUTES of the Meeting of the Planning Committee held in the Council Chamber - The Guildhall on 11 August 2021 commencing at 6.30 pm.

Present:

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

Councillor Matthew Boles
Councillor David Cotton
Councillor Michael Devine
Councillor Mrs Cordelia McCartney
Councillor Mrs Jessie Milne
Councillor Roger Patterson
Councillor Mrs Judy Rainsforth
Councillor Mrs Angela White

In Attendance:

Russell Clarkson	Interim Planning Manager (Development Management)
Martin Evans	Senior Development Management Officer
Martha Rees	Legal Advisor
Ele Snow	Democratic and Civic Officer

Apologies:

Councillor Jane Ellis
Councillor Cherie Hill

33 PUBLIC PARTICIPATION PERIOD

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

34 TO APPROVE THE MINUTES OF THE PREVIOUS MEETING

RESOLVED that the minutes of the meeting of the Planning Committee held on Wednesday, 14 July 2021 be confirmed and signed as an accurate record

35 DECLARATIONS OF INTEREST

There were no declarations of interest at this point in the meeting.

36 UPDATE ON GOVERNMENT/LOCAL CHANGES IN PLANNING POLICY

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

Revised NPPF / National Design Code

A revised version of the National Planning Policy Framework (NPPF) was published on 20 July 2021:

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

alongside the National Model Design Code:

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

“The policies in this Framework are material considerations which should be taken into account in dealing with applications from the day of its publication. (paragraph 218)”.

The changes, following recommendations of the Building Better, Building Beautiful Commission were to “place greater emphasis on beauty, place-making, the environment, sustainable development and underlines the importance of local design codes.”

Greater emphasis on design quality

- introducing a new test that development should be well-designed (paragraph 134). This says that *“development that is not well designed should be refused, especially where it fails to reflect local design policies and government guidance on design, taking into account any local design guidance and supplementary planning documents such as design guides and codes”*.
- the test goes on to say that "significant weight" should be given to "development which reflects local design policies and government guidance on design, taking into account any local design guidance and supplementary planning documents such as design guides and codes". Significant weight should also be given to "outstanding or innovative designs which promote high levels of sustainability, or help raise the standard of design more generally in an area", the new paragraph 133 says.

An emphasis on using trees in new developments

- The updated NPPF introduces a new paragraph 131 stating that “planning policies and decisions should ensure that new streets are tree-lined, that opportunities are taken to incorporate trees elsewhere in developments (such as parks and community orchards), that appropriate measures are in place to secure the long-term maintenance of newly-planted trees, and that existing trees are retained wherever possible”. It goes on to say that applicants and local planning authorities “should work with local highways officers and tree officers to ensure that the right trees are planted in the right places”.

Encouraging faster delivery of further education colleges, hospitals and prisons

- A new paragraph 96, which was not included in the January draft version, states: “To ensure faster delivery of other public service infrastructure such as further education colleges, hospitals and criminal justice accommodation, local planning authorities should also work proactively and positively with promoters, delivery partners and statutory bodies to plan for required facilities and resolve key planning issues before applications are submitted.”

Councils should 'retain and explain' statues rather than remove them

- A completely new paragraph 198 states: "In considering any applications to remove or alter a historic statue, plaque, memorial or monument (whether listed or not), local planning authorities should have regard to the importance of their retention in situ and, where appropriate, of explaining their historic and social context rather than removal."

Tightened rules governing when isolated homes in the countryside can be acceptable

- In paragraph 80 in the rural housing section, it sets out the circumstances in which isolated homes in the countryside can be acceptable. Previously, it said such homes would be acceptable if the design was "truly outstanding or innovative" - now the word "innovative" has been removed.

Draft Central Lincolnshire Local Plan Consultation

There was only just under two weeks left (24th August) to get consultation responses in for the Central Lincolnshire Local Plan. West Lindsey District Council's formal response was discussed and agreed at the Prosperous Communities Committee on 29 July and would be submitted this week. A summary of key areas of discussion were as follows:

- Allocation levels within some villages appear out of character in relation to rural settings and unclear why there is that level of allocation when overall numbers are reducing.
- Emphasised the importance of securing a strong and sustainable future for RAF Scampton.
- Clarity needed on the map for wind energy policies and understanding that only limited areas would be considered (map seems to be read 'the wrong way around')
- Importance to capture within the policy and supporting text heritage preservation and as the driver for regeneration in Market Rasen and Caistor needs strengthening
- Quality of design within housing development is very important and could be further emphasised
- Importance of maintaining role and validity of Neighbourhood Plans is key and shouldn't be undermined
- Concern around the inclusion of the First Homes Exception sites in the National Planning Policy Framework and the potential impact this may have on the provision for social rented housing required to meet genuine needs
- General support for greater emphasis on green infrastructure policies

Following the close of the first consultation period a full assessment of responses would be made. A summary of the responses would be presented at the next Central Lincolnshire Joint Strategic Planning Committee on 18 October 2021. The report would be made public and would be available on the Central Lincolnshire Local Plan website prior to the meeting taking place.

These responses would be used to help inform further refinement to policy. The Draft Local Plan would then be presented to the Central Lincolnshire Joint Strategic Planning Committee again early 2022 and would then again be publically consulted on in spring 2022.

This regulation 19 consultation would provide a further opportunity for councillor, resident and stakeholder comment and ultimately shape the final draft, which would be submitted to the Planning Inspectorate for Examination in Public. It was hoped that the new CLLP would be adopted later in 2022.

The following update regarding Neighbourhood Plans was provided.

Neighbourhood Plan/s	Headlines	Planning Decision Weighting
Made Neighbourhood Plans	Brattleby, Caistor*, Cherry Willingham, Dunholme, Great Limber, Lea, Nettleham*, Osgodby, Riseholme, Scotter, Scothern, Saxilby, Welton, Willoughton, Glentworth, Spridlington, Sudbrooke, Scotton, Bishop Norton and Atterby, Gainsborough, and Morton.	Full weight
Scotton NP	Made/adopted by Full Council on 28 June 2021.	Full weight
Bishop Norton NP	Made/adopted by Full Council on 28 June 2021.	Full weight
Gainsborough NP	Made/adopted by Full Council on 28 June 2021.	Full weight
Morton NP	Made/adopted by Full Council on 28 June 2021.	Full weight
Corringham NP	Submission NP consultation completed. Examiner appointed. Examination underway.	Increasing weight
Hemswell Cliff NP	Consultation on the draft version of NP(Reg14)underway. Closes 15 August 2021.	Some weight
Reepham NP	Draft Character Assessment prepared.	Little weight
Sturton and Stow NP	Parish councils have approved joint NP for submission (Regulation 16). WLDC expect to receive this in near future.	Some weight
Neighbourhood Plans - made (21) - in preparation (20) - in pipeline (42) - being reviewed (2)*	To view all of WLDC's neighbourhood plans go to: https://www.west-lindsey.gov.uk/my-services/planning-and-building/neighbourhood-planning/	NP stage-weighting -Made—full weight -Referendum successful—full weight -Examination successful/Decision Statement issued—significant weight -Submission Reg16—increasing weight

		-Draft Reg14 - some weight -Designated – little weight
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37 143218 - MARQUIS OF GRANBY, WADDINGTONHAM

The Chairman introduced the first application of the evening, application number 143218, 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 – at Marquis Of Granby, High Street, Waddingham, Gainsborough. The Committee heard from the Officer that since the report was published, two further objections had been received from residents of 2 Millstone Way, Waddingham and The Elms, High Street, Waddingham. He summarised these as follows:

- The village needs a public house, now more than ever, and people value a centre where they can socialise.
- Detrimental impact on the look and feel of the village centre to have new properties built in that location. Some comment are made regarding three storey design but this relates to a different adjacent application within the pub grounds.
- It is unclear why this application has been submitted. The applicant should have appealed the previous refusal.
- The applicant makes claims that are not material considerations namely one additional large house is not significant to the needs of local people. Smaller starter or family homes are needed for the rural community. The adjoining development is already providing two large houses; it is unclear how the site is highly sustainable; proper maintenance of the building would not have led to a situation whereby its appearance would be improved by the proposal; antisocial behaviour linked to the empty property is not evidenced; the pub also served food. It is not a material planning consideration to make assumptions about how the pub will be operated; window refurbishment costs need to be met regardless of the outcome of this application; repair costs are inflated and cheaper alternatives may be available and could be phased; internal layout changes are not a reason for non viability; It is disingenuous to put forward the costs of refurbishing the kitchen as a reason for non viability of the pub as this is ultimately a decision based on the business model to be adopted; the cellar has always been damp and had water ingress and this is due to local land levels; water used to bubble up through the car park; previous tenants claimed the cellar kept the beer in good condition.
- It is the owners responsibility to maintain the building. This is how tenants and customers are attracted. This has not been the case for this pub.
- The village hall serves different community purposes and is not suitable for pub use without significant structural changes that would affect current users renting the space.
- The addition of other services is a matter for operators to consider.
- During the consultations around developing a neighbourhood plan many alternative streams of revenue were considered such as hosting rural based events. The potential to develop a proper community hub was considered. This avenue was

closed when outline planning permission was granted for residential development in the pub grounds.

- Waddingham Parish Council has no significant capital assets and is not permitted to accrue them without reference to its residents.
- In conclusion the viability of the pub should not be based on the submission of a shopping list for refurbishment and maintenance due to the negligence of current owners/tenants to do so. There is nothing in the application that suggests any demographic or needs analysis has been undertaken

The Officer confirmed that these comments did not change the recommendation.

The Chairman stated there were two registered speakers, one to address the Committee and one who had submitted a short statement to be read aloud. He invited the first speaker, Mr J Benson, to address the Committee. Mr Benson made the following statement.

"Thank you for giving me the opportunity to represent my client at this evenings meeting. I would like to give thanks to the Council in their support throughout the planning application process which has enabled us to receive a recommendation for approval.

Planning Application 142444 was refused on 6th April this year for the same development put forward today as the Council stated that insufficient evidence was provided to evidence the fact that the public house was no longer fit for purpose or an alternative use has been sought or that there is provision close by. Despite the disappointment of this outcome we have provided all the necessary evidence from various technical specialists to confirm that the use of the building as a public house is no longer viable.

In short, to bring this building up to modern day standards to operate as a public house would cost in the region of £390000 and combined with the purchase price means that this has immediately put off any potential suitors. Seeking alternative community uses, taking away the costs of a new kitchen and bar facilities, would still be extraordinarily high. Even if the establishment was 'wet-led', and doesn't serve food but relies entirely on the sale of drinks for its business these are wholly unsustainable in rural locations as well as many urban centres. There has been a systematic change in the culture of pub use over the years and there is a clear shift that an establishment that is a 'vertical' drinking destination in a village with circa 600 people would not be successful. Given the relatively low population of the village and that of the wider geographical area, presence of nearby long standing and established public houses with continued support, there is no consistent customer base to sustain such a business in the area.

The building has been empty since 2019 and despite being actively marketed, there have been no firm expressions in purchasing the business as a going concern.

Despite objections to the proposal, the community have been less than forthcoming in looking to actively work together to obtain the necessary funds to purchase the building and use it for a public house or another community asset. In other parts of the country, where there has been a real passion from a local community to retain a public house, they have been active in pursuing avenues to move things forward in a proactive manner. However, the very nature of the objections show that they feel the onus is very much on the applicant which is totally unreasonable. There is simply no realistic chance that the building could have a future use which would further the social wellbeing or social interests of the local

community and the Council now support the recommendation to change the use of the building.

To be successful, a public house needs regular customers to sustain it and for example, simply relying on weekend visits or occasional visits is not enough to allow a business such as this to be economical. No one is denying that public houses are not of fundamental importance to village / rural life but the most successful pubs are those that are supported by the local community which enables them to thrive. There are now 10000 village halls throughout the UK that operate as village ‘hubs’ and English Rural (a specialist provider of community led and affordable rural homes) provided a Report on such ventures. Given the size of the village hall, this could easily be utilised for a mixed use arrangement but the community and Parish Council need to work together to make this happen.

Other material planning considerations such as heritage, highways, physical alterations and residential amenity were all supported in the previous application and remain so in this proposal.

If the Officers recommendation for approval is not upheld today then we will all leave this meeting knowing that the building has no future and its appearance and condition will continue to decline with an ever increasing threat of anti social behaviour looming due to the absence of occupation. I fully appreciate that the loss of public houses in villages is a highly contentious but I hope that you look at the bigger picture here and support the recommendation for approval.”

The Chairman thanked Mr Benson and invited the Democratic and Civic Officer to read the statement provided by Wendy Waite. The following statement was read aloud.

“I wish to register to be represented at the meeting to discuss the above. This is an asset of community value and should not even be considered for change of use because of this.”

With no further comments from the Officer, the Chairman invited Members of the Committee to speak, The Committee sought clarification as to whether the premise was registered as an asset of community value, and, if it was, whether the community had been afforded the opportunity to make the purchase, as was expected. It was confirmed that it was an asset of community value, the community had been afforded the opportunity to purchase the building however no offer nor arrangement had been made. Therefore the application as presented to the committee had been made.

There was significant discussion regarding the importance of pubs in rural communities and the impact of, not only a global pandemic, but the practices of breweries prior to any covid-related lockdown. It was acknowledged that significant outlay would be required to enable the pub to trade again, or indeed for the building to be used in any community sense, and that the building was in a poor state of repair.

Having been proposed and seconded, the Chairman took the vote. It was agreed that permission be **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.

38 143270 - LAUGHTON ROAD, BLYTON

The Chairman introduced the second planning application, number 143270 for the construction of manege with 3no. lighting columns on land at 9 Laughton Road, Blyton, Gainsborough. The Officer explained that, since the publication of the report, two further responses had been received. He confirmed that Lincolnshire County Council Minerals and Waste Team raised no objections regarding the impact on mineral resources and Lincolnshire County Council Highways raised no objections to the impact on the public highway. With no registered speakers, the Chairman invited comments from Members of the Committee.

There were enquiries regarding the hours of use for the lighting of the area, the materials used for the surface of the manege as well as whether it would be for personal or business use. The Officer confirmed that the hours of lighting would be conditioned for use between 8am and 8pm, the use of shredded carpet was a usual floor covering and no concerns had been raised by the Environment Protection Officer and the use would be considered business use.

With these queries clarified, and having been proposed and seconded, on taking the vote it was unanimously agreed that permission be **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 antiglare shield and 4.5m light pole.

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

39 DETERMINATION OF APPEALS

The determination of appeals was **NOTED**.

The meeting concluded at 7.14 pm.

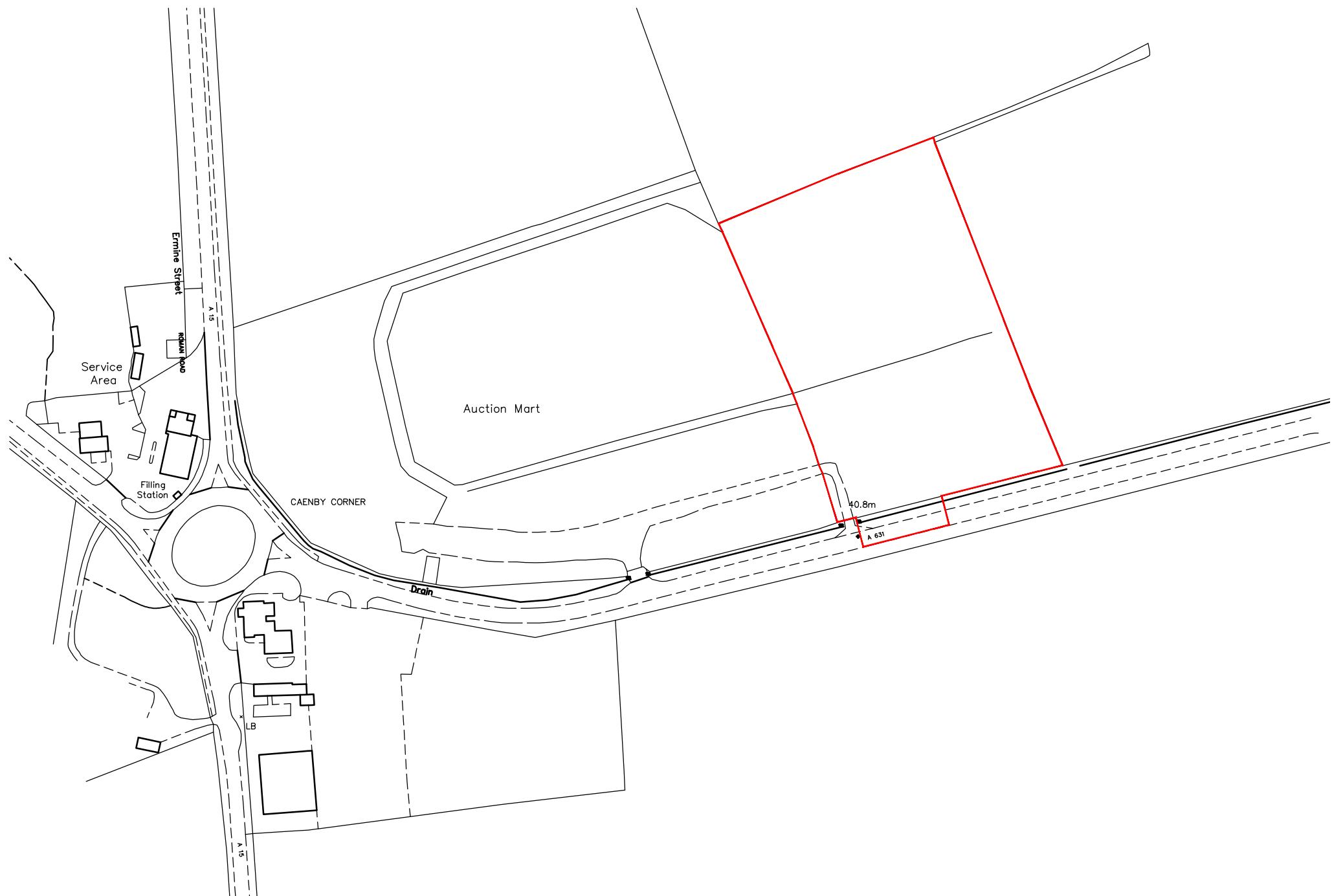
Chairman

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

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



Application Site Boundary
5.137 acres / 2.079 hectares



P03	16/01/20	Scale amended	WF/DC
P02	08/01/20	Application boundary amended	WF/DC
P01	03/10/19	First issue	WF/DC
No	Date	Description	Drwn/Chkd By

CLIENT

West Lindsey District Council

PROJECT
Operational Services Depot, Caenby Corner, West Lindsey

TITLE
Location Plan

DRAWING STATUS

Planning

DRAWN	WF	CHECKED	DC
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SCALE 1:2500 @ A3

DATE September 2019

Whittam Cox ARCHITECTS Chesterfield / 01246 26026
London / 020 3388 0019
Leeds / 0113 468 2450
whittamcox.com

Officers Report

Planning Application No: 143441

PROPOSAL: Planning application to erect a new operational services depot to facilitate waste services in the region, including an operations office and staff welfare building, external yard for storage and maintenance of the vehicle fleet, bulky storage facility, staff and visitor parking, and site landscaping being variation of condition 2, 3 and 6 of planning permission 142916 granted 27 May 2021 re: wording of conditions

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

WARD: Waddingham and Spital

WARD MEMBER(S): Cllr Summers

APPLICANT NAME: Mr A Selby

TARGET DECISION DATE: 10/11/2021

DEVELOPMENT TYPE: Major - Other

CASE OFFICER: Martin Evans

RECOMMENDED DECISION: To delegate back to officers to grant planning permission with conditions, subject to consideration of any further representations received within the consultation period which is up to and including 13th September 2021.

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

Description:

Planning permission, reference 142916, "to erect a new operational services depot to facilitate waste services in the region, including an operations office and staff welfare building, external yard for storage and maintenance of the vehicle fleet, bulky storage facility, staff and visitor parking, and site landscaping being variation of condition 9 of planning permission 140485 granted 8 July 2020 re: approved plans" was granted subject to conditions on the 27th May 2021. Development has commenced.

Condition 2 states:

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

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

Condition 3 states:

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

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

Condition 6 states:

“6. Landscaping shall proceed in accordance with the details approved in compliance with condition application 142188. All planting, seeding or turfing comprised in the approved details of landscaping shall be carried out in the first planting and seeding season following the first use of the site or the completion of the development, whichever is the sooner; and any planting which within a period of 5 years from the completion of the development die, are removed, or become seriously damaged or diseased shall be replaced in the next planting season with others of similar size and species, unless the Local Planning Authority gives written consent to any variation.

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

This application seeks to vary the wording of these conditions by changing the drawing number they refer to. This would have the effect of allowing the proposed installation of a below ground water treatment recycling plant and allowing amended tree locations to avoid the boundary line or below ground services. The applicant has provided the following statement regarding the need for the change to condition 2:

“Vehicle Wash Treatment Plant Operational Statement
This is a fully automated system without need for manual intervention. The system comprises a washing area slab laid to falls to a sump which has a rapid release bottom outlet which discharges via a diverter. When the jet wash is not in use, rainwater discharges to the sump, and the diverter allows the water to enter the surface water drainage system. If the jet wash is in use, this triggers the diverter so that wash-down water is discharged to the treatment plant. Excess treated water is stored in a sump and holding/buffer tank. When washing is stopped, the rapid discharge sump empties immediately to prevent residual effluent entering the surface water system. Jet-washing utilises recycled water which is stored in the buffer tank /sump. If this runs out then mains water is used.

Why the alternative proposal is required

The original proposal, although planning permission was granted, was not acceptable to the Environment Agency. As such an alternative proposal was presented to West Lindsey District Council (Operator), which included storing water discharged from the vehicle wash in a below ground tank until it could be taken off site, but this was not acceptable from an operational point of view. Following on a third option incorporating a fully automated below ground treatment plant which eliminated water from the vehicle wash from entering the surface water drainage ditch (alongside highway). This final solution was acceptable to all parties and applications have been submitted to the Environment Agency and WLDC Planning Department.”

Relevant history:

140485- Planning application to erect a new operational services depot to facilitate waste services in the region, including an operations office and staff welfare building, external yard for storage and maintenance of the vehicle fleet, bulky storage facility, staff and visitor parking, and site landscaping. Approved 8/7/2020.

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

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

142916 Planning application to erect a new operational services depot to facilitate waste services in the region, including an operations office and staff welfare building, external yard for storage and maintenance of the vehicle fleet, bulky storage facility, staff and visitor parking, and site landscaping being variation of condition 9 of planning permission 140485 granted 8 July 2020 re: approved plans. Approved 27/5/2021.

Representations:

WLDC Environmental Protection:

No objection.

Environment Agency:

No comment.

(Officer note- the EA has been asked to provide a fuller response as the changes to condition 2 are driven by it raising issue with pollution prevention measures via its separate Environmental Permit process).

Natural England:

No comment.

Relevant Planning Policies:

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

Development Plan

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

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

Relevant policies of the CLLP include:

Policy LP14: Managing Water Resources and Flood Risk

Policy LP17: Landscape, Townscape and Views

Policy LP21: Biodiversity and Geodiversity

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

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

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

National policy & guidance (Material Consideration)

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

<https://www.gov.uk/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 213 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***

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**

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

The very early stage of preparation, unknown extent of unresolved objection because consultation is at the time of writing underway 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

- The acceptability of the changes proposed

Assessment:

The acceptability of the changes proposed

Policy LP14 and the NPPF require protection of the water environment meaning LP14 is consistent with the NPPF and is given full weight. The pollution interception measures approved under compliance with condition application 141372, to which the Environment Agency did not raise objection and noted an environmental permit will be required from it, entailed diverting vehicle wash down water to a commercial package treatment plant for cleaning and eventual discharge to the roadside ditch.

An application for an environmental permit was duly submitted to the EA. The measures approved in 141372 were, according to the applicant, not acceptable to the EA. The applicant provided this background information as the reason for seeking the proposed variation to condition 2. The EA, at the time of writing, has provided "no comment" on this application. A fuller explanation has been sought from the EA and will form an update at the meeting.

This makes it necessary for the system to be re-designed to that proposed. If the jet wash is in use, this triggers the diverter so that wash-down water is discharged to the treatment plant. This will prevent polluted water discharging into the wider surface water system on the site and into the roadside ditch.

The proposed changes to condition 2 seek to protect the water environment in accordance with Policy LP14 and the NPPF.

Policies LP17 and LP26 require consideration of landscape impacts and incorporation of appropriate landscaping treatment to ensure that the development can be satisfactorily assimilated into the surrounding area. Paragraph 130 of the NPPF requires decisions ensure developments are visually attractive as a result of good architecture, layout and appropriate and effective landscaping. Policy LP21 requires ecological enhancements are provided as does paragraph 174 of the NPPF. These policies are consistent with the NPPF and given full weight.

The changes to ecological enhancements condition 3 and landscaping condition 6 entail moving three trees further into the site along the eastern boundary and repositioning trees along the western boundary. There would be less tree planting to the west of the main building with one tree proposed compared to the three currently permitted. However, the proposed hedge will mature to provide a reasonable level of screening and the overall number of trees proposed remains the same. The same level of ecological enhancement would be provided.

The proposed changes to conditions 3 and 6 provide ecological enhancements and appropriate landscaping in accordance with Policies LP17, LP21, LP26 and the NPPF.

It is recommended that conditions 1, 4, 5, 7 and 8 of planning permission 142916 remain unchanged.

Conclusion

The proposed amendments to conditions 2, 3 and 6 are acceptable. Therefore, it is recommended that planning permission is granted, subject to the following conditions, once the consultation period has expired:

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. Foul water drainage shall proceed in accordance with the details approved in compliance with condition application 141372 or any alternative scheme that has been submitted to and agreed in writing with the LPA and the scheme shall be in place prior to the first use of the site.

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

2. The scheme for the prevention and interception of any pollutants from the development to the water environment shall proceed in accordance with the following or any alternative scheme that has been submitted to and agreed in writing with the LPA:

Morclean drawings

BY2755 Rev 1

BY3095 Rev 2 Sheet 1

BY3095 Rev 2 Sheet 2

BY3095 Rev 2 Sheet 3

and Watermans drawings

15679 STR SA 92 0001 rev E09

15679 STR SA 95 0001 rev E05

15679 STR SA 95 0003 rev E09

The scheme shall be in place prior to the first use of the site.

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

3. The scheme of ecological enhancements for the site shall proceed in accordance with the details in ECUS drawings or any alternative scheme that has been submitted to and agreed in writing with the LPA:

13956_LD_01K

13956_LD_02J

13956_LD_03G

13956_LD_04D.

They shall be installed once the buildings are substantially complete.

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

4. Development shall proceed in accordance with the precautionary mitigation measures as recommended for amphibians at paragraph 5.11, 5.12 and 5.13; birds at 5.18; and reptiles at 5.23 of the Preliminary Ecological Appraisal as submitted with application 140485 or any alternative scheme that has been submitted to and agreed in writing with the LPA.

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

5. External finishing materials shall proceed in accordance with the details approved in compliance with condition application 142188 or any alternative scheme that has been submitted to and agreed in writing with the LPA.

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

6. Landscaping shall proceed in accordance with ECUS drawings 13956_LD_01K, 13956_LD_02J, 13956_LD_03G and 13956_LD_04D or any alternative scheme that has been submitted to and agreed in writing with the LPA. All planting, seeding or turfing comprised in the approved details of landscaping shall be carried out in the first planting and seeding season following the first use of the site or the completion of the development, whichever is the sooner; and any planting which within a period of 5 years from the completion of the development die, are removed, or become seriously damaged or diseased shall be replaced in the next planting season with others of similar size and species, unless the Local Planning Authority gives written consent to any variation.

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

7. External lighting shall be installed in accordance with the details approved in compliance with condition application 142188 or any alternative scheme that has been submitted to and agreed in writing with the LPA. No additional external lighting shall be installed unless details of the number, location, design and light pollution reduction measures have first been submitted to and approved in writing by the Local Planning Authority.

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

8. Development shall proceed in accordance with the following approved drawings or any alternative scheme that has been submitted to and agreed in writing with the LPA:

Location Plan (received 21/1/2020)

Proposed Building Plan (received 21/1/2020)

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

Proposed Building Elevations (received 13/5/2021)

Proposed Storage Building (received 21/1/2020)

Fuel Package Tank (received 21/1/2020)

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

Proposed Site Plan rev P10 (received 19/4/2021)

0004 Rev A02 (received 13/5/2020)

0005 Rev A02 (received 13/5/2020)

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

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

None.

Human Rights Implications:

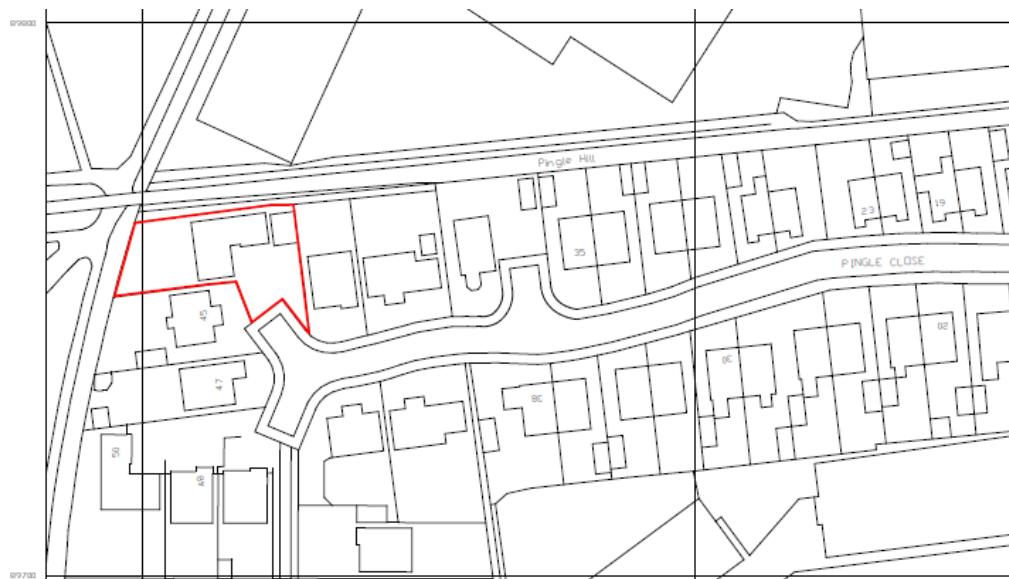
The above objections, considerations and resulting recommendation have had regard to Article 8 and Article 1 of the First Protocol of the European Convention for Human Rights Act 1998. The recommendation will not interfere with the applicant's and/or objector's right to respect for his private and family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

Legal Implications:

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

Agenda Item 6b

143333 43 PINGLE CLOSE, GAINSBOROUGH LOCATION PLAN



Officer's Report

Planning Application No: 143333

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

LOCATION: 43 Pingle Close Gainsborough Lincolnshire DN21 1XR

WARD: Gainsborough East

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

APPLICANT NAME: Mr and Mrs Redwood

TARGET DECISION DATE: 31/08/2021

DEVELOPMENT TYPE: Householder Development

CASE OFFICER: Mike Halsall

RECOMMENDED DECISION: Grant permission subject to conditions.

Description:

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

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

The application is a resubmission of a proposed extension refused by the planning committee in May 2021, in-line with the officer's recommendation, due to having an unacceptably adverse impact upon the amenity of neighbouring occupiers in terms of loss of light, overshadowing and dominance.

The current application seeks planning permission for a first floor extension over an existing single storey side projection (previously a garage, converted to living accommodation) and a single storey side extension attached to this. The current proposal represents a reduced scheme compared to that previously refused which proposed a two-storey side extension with gable wall to the side, rather than a single-storey extension with a hipped roof, as now proposed.

The first floor extension would continue the ridge line of the main dwelling and that of the single storey side extension would sit approximately 2m lower, at approximately 4.8m in height. The single storey side extension would sit approximately 2m forward of the existing side projection due to a manhole located to the north east of the existing dwelling.

Relevant history:

142495 - Planning application for ground floor extension to form garage, together with first floor extension above – refused May 2021

Representations:

Chairman/Ward member(s):	No representations received to date.
Gainsborough Town Council:	Responded to state they have no comments to make in relation to this application.
Local residents:	41 Pingle Close – responded to the consultation to state: <i>"I wish to support the proposal as the neighbouring property. We have reviewed the documents and are in full support of the application".</i>
LCC Highways:	Have responded with no objection to the proposed development.
Archaeology:	No representations received to date.
IDOX:	Checked 18/08/2021

Relevant Planning Policies:

National guidance	<p>National Planning Policy Framework National Planning Policy Framework - GOV.UK (www.gov.uk)</p> <p>National Planning Practice Guidance https://www.gov.uk/government/collections/planning-practice-guidance</p>
Local Guidance	<p><u>Central Lincolnshire Local Plan (2012 -2036):</u> LP1: A Presumption in Favour of Sustainable Development LP17: Landscape, Townscape and Views LP26: Design and Amenity https://www.n-kesteven.gov.uk/central-lincolnshire/local-plan/</p> <p><i>With consideration to paragraph 219 of the National Planning Policy Framework (July 2021) the above policies are consistent with the NPPF.</i></p> <p><u>Lincolnshire Minerals and Waste Local Plan (Core Strategy and Development Management Policies) 2016</u> Policy M11 Safeguarding of Mineral Resources. Minerals and waste – Lincolnshire County Council</p>
Neighbourhood Plan:	<p>Following a successful examination and referendum, Gainsborough Neighbourhood Plan was formally adopted by West Lindsey District Council at its Full Council committee meeting on the 28th June 2021.</p> <p>The Plan now forms part of the development plan and should be given full weight in helping determine planning applications within</p>

	<p>the Plan area.</p> <p>https://www.west-lindsey.gov.uk/my-services/planning-and-building/neighbourhood-planning/all-neighbourhood-plans-in-west-lindsey/gainsborough-town-neighbourhood-plan/</p> <p>Relevant policies of the GNP are:</p> <p>NPP1: Sustainable Development NPP6: Ensuring High Quality Design NPP7: Ensuring High Quality Design in each Character Area</p>
Central Lincolnshire Local Plan 2021 Consultation Draft:	<p>The consultation on the draft Central Lincolnshire Local Plan took place between 30th June and 24th August 2021.</p> <p>Policies of the Draft Plan which are considered relevant to this application are:</p> <p>Policy S12: Reducing Energy Consumption in Existing Buildings Policy S52: Design and Amenity</p> <p>In line with paragraph 48 of the NPPF weight may now be given to any relevant policies in the emerging plan according to the criteria set out below:</p> <p>(a) the stage of preparation of the emerging plan (the more advanced its preparation, the greater the weight that may be given);</p> <p>(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</p> <p>(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)</p> <p>As the draft CLLP is at its first stage of consultation, and the extent to which there may be any unresolved objections is yet to be established, the policies at this time carry very limited weight in the determination of this application.</p>

<p>Main Issues</p> <ul style="list-style-type: none"> • Design • Residential Amenity • Other Considerations
<p><u>Design</u></p> <p>Policy LP17 of the Central Lincolnshire Local Plan (CLLP) seeks to protect and enhance the intrinsic value of our landscape and townscape. The National Planning Policy Framework (NPPF) in Chapter 12. Achieving Well-designed Places states that the <i>“creation of high quality, beautiful and sustainable buildings and places is fundamental to what the planning and development process should achieve”</i>. Paragraph 130 goes on to state that planning decisions should ensure that developments are visually attractive as a</p>

result of good architecture, layout and effective landscaping.

Policy NPP6 of the GNP outlines, amongst other things, that development proposals should respond to the local character of both the surrounding area and the immediate neighbouring properties. Policy NPP7 of the GNP identifies that; as appropriate to their scale and nature, development proposals should be designed to take account of the Character Area within which they are located. The application site is located within the TCA03 Middlefield Character Area within the GNP which outlines that development proposals should maintain the loose urban grain and existing range of built form including short terraces, detached and semi-detached houses and bungalows; and maintain the high proportion of two-storey, brick buildings seen through the TCA.

The existing dwelling is a two storey family home and sits within a reasonably sized plot. This end of Pingle Close is characterised by similarly sized two storey dwellings, with bungalows further along the road to the east. The proposed extension would be visible in the streetscene, albeit not highly prominent as it is somewhat tucked in the corner at the end of the Close. Whilst the single storey side extension would sit slightly forward of the existing side projection, as this is an L shaped dwelling, it would not unbalance the property. The proposed extension would be read as subservient to the existing dwelling and would not dominate nor change the nature of the host property or harm the character of the area. The proposed externally facing materials would match those of the existing dwelling. It is considered therefore that the proposal complies with policy LP17 of the CLLP and policies NPP6 and NPP7 of the Gainsborough Neighbourhood Plan with regards to its design.

Residential Amenity

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

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

Given the orientation of the site and positioning of the proposed extension the only potential residential amenity impacts are in relation to the property to the east, no.41 Pingle Close.

Overlooking

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

Loss of Light, Overshadowing and Dominance

The previous proposal was refused due to the scale and close proximity of the two storey side extension to the rear garden of no.41 Pingle Close, introducing a 6m high gable wall approximately 1.4m from the shared boundary. The revised proposal, whilst still located in close proximity to the shared boundary with no.41 at approximately 1.2m, the lower eaves height by virtue of being single storey (2.6m) rather than two storey, and the hipped roof, significantly improves the relationship between the two properties.

The planning application is supported by a sun study that simulates the shadow cast by the existing dwelling, compared to the dwelling of the proposed extension was to be built, at various times of the day and months of the year. The study has been undertaken in accordance with best practice which outlines that such assessments should be undertaken at the equinox dates of 21st March and 21st September when the sun is lower in the sky and so overshadowing is more prominent. The study shows that the proposed extension would make very little difference to the overshadowing experienced by the occupiers of no.41 Pingle Close. The only real difference being at mid-afternoon when the proposed extension would cast a shadow in the north western corner of no.41's garden. This impact is slight and not of such a magnitude as to warrant the refusal of the application.

It is worth noting that no objections have been received to the proposal and one response in support from the occupant of no.41 Pingle Close.

It is considered that the proposal is acceptable in terms of overshadowing, overbearing, overlooking and dominance and would comply with Policy LP26 of the CLLP and NPP6 of the GNP in relation to amenity.

Other considerations

Minerals

The Lincolnshire Minerals and Waste Local Plan (Core Strategy & Development Management policies) were adopted in June 2016 and form part of the Development Plan. The application site is within a Mineral Safeguarding Area. The site is not within an allocated Minerals Site or Waste Site/Area. Policy M11 of the Minerals and Waste Local Plan seeks to ensure that developments do not prevent the exploitation of mineral deposits as an economic resource within identified Minerals Safeguarding Areas (MSAs) without adequate justification. Within MSAs proposals for non-minerals development should be accompanied by a Minerals Assessment, unless the development falls within one of the exemptions to the Policy.

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

Parking

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

Conclusion and reasons for decision:

The decision has been considered against policies LP17: Landscape, Townscape and Views and LP26: Design and Amenity of the Central Lincolnshire Local Plan, policy M11: Safeguarding Mineral Resources of the Lincolnshire Minerals and Waste Local Plan (Core Strategy and Development Management Policies) 2016 and policies NPP6: Ensuring High Quality Design and NPP7: Ensuring High Quality Design in each Character Area of the Gainsborough Neighbourhood Development Plan in the first instance and guidance contained within the National Planning Policy Framework, National Planning Practice Guidance and Central Lincolnshire Local Plan 2021 Consultation Draft.

In light of this assessment it is considered that the proposal will not harm the character and appearance of the street-scene or the dwelling. The proposal will not result in an adverse impact on the living conditions of the residents of neighbouring properties and will not result in an adverse impact on the sterilisation of a minerals resource. The proposal is therefore acceptable.

RECOMMENDATION: Grant planning permission, subject to 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 Location & Block Plan ref. D04 Rev P01

Proposed First Floor & Garage Extension ref. D02 Rev P10

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.

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

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

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

None.

Agenda Item 6c



Officer's Report

Planning Application No: 142948

PROPOSAL: Planning application for rear conservatory and raised terrace, including boundary treatments.

LOCATION: 5 Colins Walk Scotter Gainsborough DN21 3SR
WARD: Scotter and Blyton

TARGET DECISION DATE: 27/08/2021
DEVELOPMENT TYPE: Householder Development
CASE OFFICER: Joanne Sizer

RECOMMENDED DECISION: Grant permission subject to conditions

Description:

The application site is located within a residential area of Scotter and within a sand and gravel minerals safeguarding area. It hosts a semi-detached bungalow and associated garden area, with room for off street parking to the south-west side of the dwelling. The site slopes down from the North West to the South east resulting in the bungalow being set on higher ground than its garden area. A water course runs along the rear garden boundary. Boundary treatments consists mainly of 1.5-1.8 metres high close boarded fencing along both sides of the garden while a 1 metre post and rail fence and planting runs along the rear.

The site is surrounded by other residential properties and their garden areas and mainly consist of semi detached bungalows. The dwelling attached to the application site sits to the North east and has the same sloping garden arrangement.

This application seeks planning permission to erect a conservatory, raised platform and associated boundary treatments to the rear of the property. The conservatory, raised platform and steps accessing it, as originally applied for, have already been erected, with planning permission being sought retrospectively (s73a of the Planning Act 1990 allows planning permission to be granted to development already carried out).

The proposals are subject to amendments to those originally applied for and currently constructed. They relate to details received on 23rd July 2021.

Relevant history:

None for the site or immediate neighbouring properties.

The attached neighbouring bungalow has a conservatory and raised platform. Planning permission has not been given for these additions but property sale evidence shows that they have been present on the site for more than 4 years so are now likely to be immune from enforcement action under s171B of the Act.

Representations:

Chairman/Ward member(s):	None received to date
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Parish/Town Council/Meeting:	No comments to make.
Local residents:	<p>4 Colins Walk (owner and Occupier)</p> <p>The owner and occupiers of 4 Colins walk raise objections and concerns regarding the original scheme for the following reasons (summarised):</p> <ul style="list-style-type: none"> • Built beyond the boundary • Location of the balcony being built up to the boundary and within close proximity to the bedroom window • Overlooking and loss of privacy to garden and bedroom <p>Concerns raised over the revised scheme (summarised):</p> <ul style="list-style-type: none"> • Overlooking and loss of privacy will still not be avoided as the person standing on the platform will still have uninterrupted views of the back garden of No 4. • Quality of life will be harmed through constant overlooking. • The proposed screen will look unsightly from the back garden and overshadow the garden area within the immediate area. • Outlook out of bedroom window will be adversely affected. • The boundary wall encroaches onto my property. • The new proposals will support more people on the balcony with views into the bedroom still being afforded. • The balcony should be reduced in size and away from the boundary wall. • Report submitted in relation to boundary dispute (23/08/21)
LCC Highways/Lead Local Flood Authority:	Does not wish to restrict the grant of planning permission for this proposal the access and parking arrangements remain unchanged, therefore, it is considered that the proposals would not result in an unacceptable impact on highway safety
Archaeology:	None received to date.
IDOX:	Checked 23/08/21

Relevant Planning Policies:	
National guidance	National Planning Policy Framework National Planning Practice Guidance
Local Guidance	<p>Central Lincolnshire Local Plan (2012 -2036):</p> <p>LP1: A Presumption in Favour of Sustainable Development LP17: Landscape, Townscape and Views LP26: Design and Amenity</p> <p>The above named Policies are considered to be in accordance with the guidance in the NPPF and in line with paragraph 219 of it, full weight afforded to them in the assessment of this application.</p>
Central Lincolnshire	The consultation on the draft Central Lincolnshire Local Plan

Local Plan 2021 Consultation Draft:	<p>commenced on 30th June and will run until 24th August.</p> <p>Policies of the Draft Plan which are considered relevant to this application are:</p> <p>Policy S1: The Spatial Strategy and Settlement Hierarchy Policy S12: Reducing Energy Consumption in Existing Buildings Policy S52 Design and Amenity</p> <p>In line with paragraph 48 of the NPPF weight may now be given to any relevant policies in the emerging plan according to the criteria set out below:</p> <ul style="list-style-type: none"> (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) <p>As the draft CLLP is at its first stage of consultation, and the extent to which there may be any unresolved objections is yet to be established, the policies at this time carry very limited weight in the determination of this application.</p>
Neighbourhood Plan:	Scotter Neighbourhood Plan D5 – Design of New Development
Minerals and Waste Core Strategy and Development Management Policies:	Policy M11: Safeguarding of Mineral Resources

Policies: LP17 - Landscape, Townscape and Views and LP26 – Design and Amenity of the Central Lincolnshire Local Plan and Policy D5 - Design of new development of the Scotter Neighbourhood Plan.

Is the proposal well designed in relation to its siting, height, scale, massing and form? Does the proposal respect the existing topography, landscape character, street scene and local distinctiveness of the surrounding area? Does it respect its immediate surroundings including adjacent properties? Does it reinforce the distinct local character as detailed in the Scotter Character Assessment 2016? (Character Area H)

The existing conservatory and raised platform are located to the rear of the dwelling and due to the land levels of the rear garden are raised to meet the floor area of the bungalow. The amended location of the steps are located close to the base of the conservatory and therefore read within the same context as these elements.

The Conservatory and platform, despite being raised from the garden area are considered to be of a size, scale and design which comfortably relate to the existing bungalow and read as additions to it. The attached neighbouring property also has a similar conservatory with a raised platform set beyond its north east elevation.

The application as amended also proposes the erection of a 1.8 metre obscurely glazed screen located on the side boundary separating the raised platform with No 4. Due to the difference in land levels this screen will be 3 metres high from the base of the raised platform and even higher from the bottom of the garden where the land slopes away further. The existing fence along this boundary however follows the existing land levels and therefore increases in height up towards the property. As such the proposed screen will be seen as a progression of the existing boundary treatment and will be read in connection with the dwelling and as part of the raised platform. The eaves height of the existing conservatory on site and that on the neighbouring properties are also set higher than the proposed screen and project further from the rear elevation of the property than the glazed screen proposed. Consequently the proposed screen will not look like an alien feature which is out of place and not therefore considered to be of a size, scale or design which is significantly out of character with the host property, that attached or those surrounding.

The siting of the whole development is also noted to the rear of the property and consequently it has very little visual impact within Colins Walk street scene. There are also limited views of the rear of No 5 Colins Walk from the wider area and as such the development would also have minimal impact on the character of the wider area. The development would not therefore be detrimental to the positive characteristics of Character Area H, as set out on page 123 of the Character assessment. No concerns have also been raised in relation to impact upon the character of the area by the Parish Council.

Does the proposal harm any important local views into, out of or through the site?

No.

Does the proposal use appropriate materials which respect their surroundings and reinforce local character?

Yes. They reflect those of the host property, that attached and surrounding.

Does the proposal adversely affect the residential amenity of neighbouring properties by virtue of overlooking, overshadowing, loss of light or over dominance?

Objections were raised by the owner and occupier of the No 4 Colins Walk in relation to the proposals as submitted. Their concerns related to the raised platform, its close proximity to the boundary and the harmful impacts it results in, through overlooking and loss of privacy to the rear bedroom and garden area.

No concerns were however raised in relation to the conservatory. The conservatory is very similar to No 4's in siting, size and design, and its presence results in a mutual relationship to be present between the two properties and their occupiers. Views afforded from each conservatory allow an equal element of overlooking between them and the rear garden areas. The conservatory as submitted is not therefore considered to have an unduly adverse impact upon the living conditions of No 4 Colins Walk. The conservatory is also noted to be located to the side elevation of No 6 Colins Walk which has two secondary windows and a door in this elevation. This property also has a garden sloping down from the main dwelling but both properties have a substantial outbuilding running along their shared boundary. The dwellings are also separated by a distance of

approximately 7.5 metres, with their driveways/off street car parking areas running between. Consequently, views into the side windows/door of No 6 are already afforded via the existing driveway and views out of No 5's conservatory into these side windows not considered to be harmful. Views from the conservatory over No 6's private garden area are also limited due to the existing outbuildings providing screening and the driveways providing separation. The conservatory as submitted is not therefore considered to be harmful to the overall living conditions of No 6 Colins Walk and no objections or concerns have been received in this regard. Other neighbouring properties located to the rear of the site are noted to be sited approximately 20 metres away from their rear boundaries and over 40 metres away from the dwellings. Consequently these properties are not adversely impacted by the conservatory. The conservatory is not therefore considered to have an unduly adverse impact on the overall living conditions of the neighbouring occupiers.

The Local Planning Authority did however have concerns about the steps and raised platform as constructed having a harmful impact due to its close proximity to the boundary and loss of privacy through the ability to look directly over the fence and into the bedroom window of No 4. Consequently, contact was made with the agent and the opportunity given for a revised scheme to be submitted to try and overcome the concerns. The amended proposals now see the relocation of the steps serving the platform and the provision of a 1.8 metre glazed screen located on the side boundary separating the raised platform with No 4.

Following the amendments, concerns continue to be raised by the owner and occupiers of No 4 Colins Walk in relation to the platform still allowing overlooking of their garden area and the screen being dominant and unsightly, as well as loss of light to the window and restricting views from it.

The proposals have since been amended again to extend the length of the glazed screen. It now runs the full length of the platform along the shared boundary with No 4. No further consultation has however been undertaken in relation to this amendment due to it offering further screening to mitigate overlooking concerns which had already been raised.

In terms of the amended proposals, the relocation of the steps clearly results in them being further away from the shared boundary and the neighbouring bedroom window; and removes direct views being afforded into it when accessing the platform. The presence of the screen also provides screening between the steps and the raised platform to a level which is common place between two residential properties. Consequently, its presence and the outlook from the neighbouring bedroom window/conservatory are not considered to be unduly harmful. In terms of the presence of the screen when being viewed from the neighbouring garden area, which is on lower ground; It is recognised that its presence will be more prominent than what currently exists. However, the small area immediately underneath the bedroom window will be mainly impacted and the boundary treatment will be no more prominent than the raised conservatory within their garden area. Consideration is also given to what extensions/outbuildings could be erected or boundary treatments planted close to this boundary without needing planning permission. The provision of the glazed screen is consequently not considered to result in undue adverse impacts to the overall enjoyment of the garden area through dominance or enclosure.

In terms of loss of light and overshadowing the provision of a 1.8 boundary treatment between properties is common place and although the ground levels fall away under the

bedroom windows, the relationship between the fence and windows is the same as what would be commonly seen. The amended plans also outline the impact the development will have in terms of loss of light, showing the 45 degree angle (note the 45 degree rule is not part of planning policy – but may give an indication as to whether loss of light may be an issue). An obscurely glazed screen has also been proposed to try and reduce impact to light levels to the bedroom and garden below. Although the drawings do show that the glazed screen does encroach slightly into the 45 degree angle, the development is not considered to lead to a significant changes in light levels throughout the day or evening, with light still passing through the screen due to its opaque finish. Consequently the proposed screen/boundary treatment would not be expected to have a harmful impact through loss of light or overshadowing into the bedroom or garden area below.

In terms of overlooking from the platform into the garden area of No 4, it is noted that this will still be the case. Although views afforded directly to the garden below and the bedroom window will now be screened. It is nevertheless noted that similar views of No 4's garden area are already afforded through the neighbouring conservatory and bedroom window. This is nevertheless also the case for No 5's garden area being afforded views from No 4's conservatory and bedroom window also. It is therefore concluded that overlooking between the rear of the properties and garden areas are already present and the raised platform does not introduce overlooking which is significantly different from what is already present and experienced. This is the case with other neighbouring properties to.

Having carefully considered the neighbour's concerns, the amended proposals overall are not considered likely to have an undue adverse impact upon the living conditions of the occupiers of the neighbouring dwellings. Consequently with a condition securing the implementation of the amended scheme within a 3 month period and the retention of the screen thereafter, the amended development is considered to be in accordance with Policy LP26 of the Central Lincolnshire Local Plan.

Does the proposal adversely impact any existing natural or historic features?

No.

Other considerations:

Does the proposal enable an adequate amount of private garden space to remain?

Yes.

Does the proposal enable an adequate level of off street parking to remain?

Yes.

Safeguarding of Mineral Resource – Policy 11 of the Minerals and Waste Core Strategy and Development Management Policies :

Policy M11 sets out exemptions and includes householder development.

Land ownership and boundary disputes.

The owner of No 4 Colins Walk has noted in his response that the raised platform and boundary treatment encroaches on to land in his ownership. A report undertaken by a third party has also been submitted. Although boundary disputes are not a material consideration the Local Planning Authority needs to be sure that the correct certificate has been submitted with the application, prior to its determination. The agent has responded to an e-mail sent on 19/08/2021 and declared that the development is on land owned by the applicant and consequently Certificate A has correctly been completed and submitted with the application. The Local Planning Authority has therefore accepted and determined the application with the submission of Certificate A.

Conclusion and reasons for decision:

The proposal has been assessed against policies LP1, LP17 and LP26 of the Central Lincolnshire Local Plan 2012-2036 and M11 of the Minerals Core strategy as well as Policy D5 of the Neighbourhood Plan and draft policies of the Central Lincolnshire Local Plan Consultation and all other material consideration, including guidance within the NPPF.

As a result of this assessment the amended proposal subject to conditions is not considered to be harmfully out of character to the semi-detached bungalows or the surrounding area. Nor, following amendments, are the proposals considered to result in impacts which are unduly harmful to the residential amenity of neighbouring properties. The proposals are therefore considered to be in accordance with the Design and Amenity provisions set out in the above named policies. Grant of permission is therefore recommended.

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.

