

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, 3rd November, 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 - 14)
  - i) Meeting of the Planning Committee held on Wednesday 6 October 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) 143250 Blyton Ponds, Blyton (PAGES 15 - 35)

b) 143260 Land South of Welsey Road, Cherry Willingham (PAGES 36 - 67)

c) 143099 South Kelsey Cricket Club, Holton le Moor (PAGES 68 - 84)

7. **Determination of Appeals** (PAGES 85 - 91)

Ian Knowles  
Head of Paid Service  
The Guildhall  
Gainsborough

Tuesday, 26 October 2021

## WEST LINDSEY DISTRICT COUNCIL

MINUTES of the Meeting of the Planning Committee held in the Council Chamber - The Guildhall on 6 October 2021 commencing at 6.30 pm.

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

Councillor Matthew Boles  
Councillor Jane Ellis  
Councillor Cherie Hill  
Councillor Mrs Judy Rainsforth  
Councillor Mrs Angela White  
Councillor Owen Bierley

**In Attendance:**  
Russell Clarkson Interim Planning Manager (Development Management)  
Rachel Woollass Development Management Team Leader  
Joanne Sizer Area Development Officer  
Carol Slingsby Area Development Officer  
Martha Rees Legal Advisor  
Katie Storr Democratic Services & Elections Team Manager (Interim)

**Apologies:** Councillor David Cotton  
Councillor Michael Devine  
Councillor Mrs Cordelia McCartney  
Councillor Mrs Jessie Milne

**Membership:** Councillor Owen Bierley sat in substitution for Councillor Michael Devine.

### 48 PUBLIC PARTICIPATION PERIOD

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

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

**RESOLVED** that the minutes of the meeting of the Planning Committee held on Wednesday, 8 September 2021 be confirmed and signed as an accurate record.

### 50 DECLARATIONS OF INTEREST

Councillor Ian Fleetwood declared that regarding application 141702 (agenda item 6a) he had not had any contact with the Parish Council but had one resident contact regarding issues. He had listened to them but not made any statements. He also declared knowing the

agent for this application.

Councillor Judy Rainsforth declared that she had not been able to attend the site visit for application 142948, so would not be commenting or voting on it.

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

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

There was a new Secretary of State for Communities and Levelling Up who would be looking at the planning reforms proposed a year ago in the White Paper. Bigger announcements were expected to come.

The following update regarding Neighbourhood Plans in the district was also provided.

<b>Neighbourhood Plan/s</b>	<b>Headlines</b>	<b>Planning Decision Weighting</b>
Corringham NP	Examination completed. Waiting on decision for it being given significant weight.	
Sturton by Stow and Stow joint NP	Consultation closes 22 October.	

## **52 141702 - LAND OFF SAXON WAY, BARDNEY**

The Chairman introduced the first application of the evening, application number 141702, for the siting of 65 single story modular park homes for the over 55s on Saxon Way, Bardney. The Committee heard that the site was allocated in the local plan for development and saw the proposed site plan for 65 modular units (park homes) and expectation of layout and appearance. There would be a Section 106 completed as part of planning permission for a restriction of over 55s only. An off-site affordable homes contribution of £101,890 and an NHS contribution of £41,112.50 towards a loft extension and subsequent alteration to the ground floor at a new surgery at Woodall Spa.

The Chairman invited the first of the registered speakers to address the Committee. Cllr Robin Darby made the following statement.

“My name is Robin Darby and I'm a Councillor on Bardney Group Parish Council. The conditions imposed on the development prior to the commencement of any work had been noted. These include the foul and surface water, landscaping scheme, external lighting scheme, individual driveway parking and boundary trees and hedging.

I'd like to raise further points relevant to the application. The application form submitted on 20th of October 2020 states siting of 69 single storey modular homes for over the 55s. The traditional brick and mortar development means that the developer builds the homes to sell in phases or completed project. There is no timetable in any of the submitted documentation that indicates the number of hard standings and park homes that will be completed. It is

doubtful that the company will build all the hard standings and purchase all the homes, and move them onto the site. It is more likely to a number of hard standings will be built and the homes moved on to the site when purchased.

The concern is a protracted stop start construction phase, and the destruction caused to the local residents. And also when the site and associated landscaping will be completed.

There is also a concern regarding the trigger point for the S106, and the possibility that it may not be reached and the site becomes a mixture of park homes and moveable caravans.”

The Chairman introduced the second speaker, Mr Michael Braithwaite, to address the Committee.

“I’m Michael Braithwaite a chartered town planner and agent to the applicant Bowbridge (B&MR) Limited. Thank you for the opportunity to speak on this matter. The application site benefits from extant planning permission for 98 dwellings reference 120613, which is part implemented by the development of properties on Saxon Way and Norman Way, including 19 affordable dwellings. The site is also allocated in the adopted local plan site CL 1144 for 73 dwellings.

The principle of development is therefore well established through both the development plan, and planning application process, and history for the site. The proposal is to replace the remaining traditional built dwellings subject to the approval with 65 modular bungalows referred to as park homes, which will be restricted to occupancy by people over the age of 55.

As your officer report highlights there is a growing unmet need for dedicated housing for this age group, highlighted by the strategic housing market assessment prepared to support the local plan, West Lindsey Housing Strategy 2018 to 2022, the LIN report commissioned by West Lindsey District Council on behalf of all the authorities in the greater Lincolnshire Local Enterprise Partnership area, and the Lincolnshire homes for independence blueprint, considered by the West Lindsey Prosperous Communities committee on 26th of January 2021.

Your officers have considered the form of the proposed form of development is a popular form of development for over 55s, where it is provided elsewhere in the district. The use of park homes is also considered to be an affordable route to home ownership if you see the inspector’s decision letter referred to in the committee report. The original consent require the provision of six more affordable housing in addition to the 19 units already provided on Saxon and Norman Ways.

The current proposal, in addition to providing an affordable route to homeownership, does not generate as much value as traditional build residential scheme. As such a contribution towards offside provision of one affordable dwelling has been negotiated, taking into consideration the findings of the report prepared on behalf the applicant and assessed by the consultants on behalf of the council.

We know the affordable housing provision for the dwellings on the local plan allocation will be 20 dwellings, or 21% with an extra dwelling provided off site. This contribution together with contribution towards health care provision is considered by your officers to meet the

requirements of your policy. We request that you give favourable consideration to this application, which will deliver much needed housing to meet the needs of older people in West Lindsey. We note your officers have considered proposals in front of view this evening are in compliance with your planning policies, and will meet the needs identified in the West Lindsey Housing Strategy. Thank you again for the opportunity to speak on this matter.”

The Chairman thanked the speakers and invited further comment from the Officer. He noted the Parish Councillors concern over the deliverability of the site. It was an allocated site and a residential development. The first phase was built around Saxon Way and had not been developed since but was not currently contributing to the Council’s five year housing land supply. Planning policy guidance was clear that local authorities should not be putting conditions on capping when developments were to be completed by. It was a different form of development than the traditional brick and mortar type but there was no reason that park homes would be slower than that or vice versa.

The Chairman thanked him for his comments and opened discussion with his own questions. He found it disappointing that, under Section 106 there was only a £101,890 contribution to the community when it would normally be a contribution of c.£1.5m on a site this size. The site had porous surface and drainage facilities in other parts of village were not working as they might. The NHS contribution of £42,000 was admirable but may cause a waiting list while transferring between Bardney and Woodall Spa. He also stated he was contacted by a resident with concerns over the boundary.

The Officer responded about the contributions that the council had had assessment of the works and there were questions over viability. The NHS contribution had come from them and it needed to be clear that the contribution would benefit the Bardney branch. Anglian Water had been consulted over the drainage and stated there was capacity for foul water. The Committee could make a decision over the type of boundary if they thought it was relevant.

The Chairman asked Members for their comments.

**Note:** Councillor O. Bierley declared a non-pecuniary interest in that he knew the speaker Mr Braithwaite.

Members asked if the housing would be available to the over 55s in just West Lindsey or in the whole country and if they would be freehold or leasehold. Also whether there would be a network of footpaths connecting the site with local amenities. The Legal Adviser stated that with a section 106, there would be a cascading system with offering to local residents first.

On being proposed and seconded, and with the addition of the following conditions:

Condition 7 - the boundary has a seven foot high fence between 110 Wragby Road and the site

Condition 11 – for footpaths to connect off Field Lane to the north east corner

The Chairman took the vote and it was unanimously **AGREED** that the decision for permission to be granted, subject to conditions, be delegated to Officers, to enable the completion and signing of an agreement under section 106 of the Planning Act 1990 (as

amended) pertaining to:

- A restriction to occupation of all 65 units to the over 55's
- An off-site affordable homes contribution of £101,890
- An NHS contribution of £41,112.50 towards a loft expansion and subsequent alterations to the ground floor at a new surgery at Woodhall
- Spa.
- Open space on the site including a management and maintenance plan.

**53 142675 - HAMILTON HILL OPPOSITE POPLAR FARM, TEALBY ROAD, WALESBY**

The Chairman introduced the second application, 142675, Hamilton Hill, opposite Poplar Farm, Tealby Road, Walesby and asked the planning officer for an update. She wanted to recommend a further condition be added that was not on the report. That prior to the first use of the site that a small footway section and tactile crossing be installed to gain access to the farm over the road which contains a restaurant/café. The Committee saw photos and plans of the site.

The first speaker for this application was David Thurman from Walesby Parish Council.

“Thank you and good evening and thank you for the opportunity to speak. I'm David Thurman, Chairman of Walesby Parish Council.

We are of the opinion that this application should be rejected. This is the third such application on the sites of Poplar Farm and Hamilton Hill, which is opposite to Poplar Farm, which I think was originally part of Poplar Farm. Poplar Farm was a traditional Lincolnshire farm raising Lincolnshire Red Cattle very much fitting into the environment and I do remember when it was such.

This application and the previous two across the road at Sunnyside are replacing that farm and so the agricultural land which wasn't part of the original farm with a very large holiday camp more suited to a coastal holiday resort like Skegness, and totally inappropriate in an area of great landscape value bordering on the AONB.

The three applications together contain a provision for parking of 128 cars, two per chalet at peak, moving around and on and off the site bringing traffic issues, light pollution issues and noise issues.

This whole project has not been totally supported by the experts, your own planning decisions for the first two applications, 139788 and 141422 limited the number of cabins to maintain and enhance the rural character of the area, the setting of the Lincolnshire Wolds the AONB and to protect wildlife, and in accordance with policies LP2, LP 17 and LP 26 of the Central Lincolnshire Local Plan.

Lincolnshire Wolds countryside services include for this application the cumulative impacts from the change of use from agricultural land as submitted in this application will be detrimental to the rural character of the AGLV and the wider setting of the AONB. The findings of the landscape and visual impact assessment suggests that the development

would indeed have an impact upon the longer views from the AONB. With regard to Hamilton Hill and its historical past, no one seems to be saying that because of that, the development should not take place. Those commenting on the historical perspective, are still reserved in their opinions. Sir Edward Leigh did not feel that the development interfered with the historic setting, but did feel that the site should be officially designated a site of historical interest.

LCC historic environmental officer says that the site is a feature in the historic landscape, and that should be taken into account with regard to planning application. Historic England has concerns regarding the application on heritage grounds.

Taking all this into account, it is still Walesby Parish Council's view that this application should be rejected, at least until the impact of the environment and the economic sustainability of the two sites already approved has been seen. Thank you."

The Chairman introduced the second speaker on this application, Mr John Casswell, the applicant.

"Good evening. An awful lot of time has been spent on the design of this application predominantly focussing on environment. The lodges are eco-friendly and aren't a fixed structure. The roads and bases will be recycled and there will be no fixed concrete. The natural timber cladding exterior of the lodges blends in with the surrounding.

The plan is of low density and the lodges are 21 metres apart, instead of the six metres. Only 22 lodges on the 26 acres is extremely low in terms of numbers per acre. The site is to be sown with wildflower seed mixes to create a habitat and benefit the ecology, even more than what is present.

With regards to the history of Hamilton Hill all the concerns have been professionally addressed with positive outcomes. An archaeological survey found no significant evidence of the uprising. All authorities have been satisfied with the findings and don't wish to stop the grant of permission.

Sir Edward Leigh was concerned of the history, however, I invited him for a site visit, he was satisfied that the application wouldn't affect the area. Sir Edward was particularly happy with the application with regards to the design to site the lodges is at the bottom of the hill, and especially that they weren't a fixed structure. The Historic Environment Farm Environment Record, HEFER, which is a government based report. The whole of Poplar Farm has no historical findings.

If the site was so important there wouldn't be a major pipe running through the application site. An underground reservoir on top of the hill, a telephone mast, and a BMX bike track on top of Hamilton Hill. Tim Allen of Historic England confirms that the site is undesignated heritage asset and has no designation as an art Historic Site. This is where I've taken time to carefully design the application by citing the lodges at the bottom of the hill to lower the visibility, as opposed to right on the hill itself.

Natural England have no objection to the visual survey that will impact from the development, the site is not located in AONB and is two miles from Tealby and Walesby. The EA states there is absolutely no flood risk. Applications such as they should be



supported due to climate change, and is very likely future floating on the Lincolnshire coast will result in holiday destinations being lost.

Highways have no concerns. I've worked with Lincolnshire Highways to construct a new culver and swale at my own cost to correct the damage of part of the road, which was there before I bought the farm back in 2018. With regards to previous lodges sited the pandemic has had a huge effect on the development and still is. I managed to put the services in put still await the lodges. However, this doesn't reflect on future applications. All objections have been addressed and there is no problem. The UK holiday market has massively grown and is here to stay. And this is why I am prepared to prepared to invest in the local area. West Lindsey District Council Growth has supported this application, which also generates a huge amount of money, the local economy. The planning application has been recommended for approval by the West Lindsey's Rachel Woolass, and therefore meets planning policies. This application will be constructed biodiversity friendly, and therefore highly sustainable. Thank you for your time."

The Chairman thanked the speakers and invited further comment from the Officer. She emphasised that the site was already established as a visitor facility. Conditions placed on previous applications that numbers were restricted so the site did not have as many units built as possible to protect the landscape. This restriction was only for that site and the same restriction had been added for this application site. The landscape report conclusion was that the experience of the AONB qualities would not be harmed. It was a non-designated heritage asset but was on the Historic Environment Record now so would be flagged up on any future applications.

The Chairman invited comments from the Committee. Members acknowledged the support from West Lindsey Growth Team, the historical interest and that it encouraged visitors to the AONB and the benefits. One member asked if the lodges for use all year round. The officer responded that the lodges were only for holidays and not permanent residential.

It was moved and seconded that the report was accepted, it was unanimously agreed that permission be **GRANTED** subject to the following conditions and the addition of:

**Condition - Prior to the first use of the site that a small footway section and tactile crossing**

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

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

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

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

2. No development shall take place until a final landscaping scheme including details of the size, species and position or density of all trees/hedges to be planted, details of any removal of hedges, details of the height and materials used for any boundary treatments and the surface material of the parking spaces have been submitted to and approved in writing by the Local Planning Authority.

**Reason:** To ensure that appropriate landscaping is introduced and will not adversely impact on the character and appearance of the site to accord with the National Planning Policy Framework and local policies LP17 and LP26 of the Central Lincolnshire Local Plan 2012-2036

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

**3.** 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 details shown on the approved plans:

Forresters Lodge Elevations and Floor Plan

The Strand Elevations and Floor Plan

dmc 20605/002 Rev A

dmc 20605/003 Rev A

dmc 20605/004 Rev A

dmc 20605/005 Rev A

and in any other approved documents forming part of the application.

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

**4.** Prior to the installation of any external lighting, details of the lighting scheme (including a light spill diagram) including luminance shall be submitted to and agreed in writing by the Local Planning Authority. The scheme shall then be implemented in strict accordance with the approved plans and retained as such thereafter.

**Reason:** To maintain and enhance the rural character of the area, the setting of the Lincolnshire Wolds AONB and to protect wildlife and in accordance with policies LP2, LP17 and LP26 of the Central Lincolnshire Local Plan.

**5.** The development hereby approved shall only be carried out in accordance with the recommendations set out in the Ecological Appraisal dated April 2021 by Ecology & Forestry Ltd.

**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.

**6.** No development shall take place during the bird breeding season (1st March to 31<sup>st</sup> July) in any year until, a detailed survey is undertaken to check for the existence of bird nests. Any active nests shall be protected until the young fledged. Completion of bird nest inspection shall be confirmed by a suitably qualified person and a report submitted to and approved in writing by the Local Planning Authority before any demolition works commence.

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

**7.** No erection of the log cabins shall take place until details of the proposed surface water and foul water drainage have been submitted to and approved in writing by the Local Planning Authority. The approved details must be in place before occupation of the log cabins

**Reason:** To ensure satisfactory drainage arrangements are in place in accordance with policy LP 14 of the Central Lincolnshire Local Plan.

**8.** Before the access is brought into use all obstructions exceeding 1 metre high shall be cleared from the land within the visibility splays illustrated on drawing number DMC 20605/005 Rev A dated March 2021 and thereafter, the visibility splays shall be kept free of obstructions exceeding 1 metre in height.

**Reason:** So that drivers intending entering the highway at the access may have sufficient visibility of approaching traffic to judge if it is safe to complete the manoeuvre.

**9.** Within seven days of the new access being brought into use, the existing access onto Tealby Road shall be permanently closed in accordance with details to be agreed in writing with the Local Planning Authority.

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

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

**10.** The maximum number of log cabins on the site shall not exceed **22**.

**Reason:** This was the number considered acceptable to maintain and enhance the rural character of the area and the setting of the Lincolnshire Wolds AONB and in accordance with policies LP2, LP17 and LP26 of the Central Lincolnshire Local Plan.

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

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

**12.** The accommodation hereby permitted shall only be used for holiday accommodation and shall not be used to provide any unit of permanent residential accommodation.

**Reason:** To accord with current planning policies under which continuously occupied dwellings would not normally be permitted on the site to accord with the National Planning Policy Framework and local policy LP26 of the Central Lincolnshire Local Plan 2012-2036.

**54 142948 - 5 COLINS WALK, SCOTTER**

The Chairman introduced the final application of the evening. Number 142948, 5 Colins Walk, Scotter, for a conservatory, raised platform and associated treatments. This was following a site visit by six Members of the Committee and ideally these Members should be who vote, unless the other Members are happy they have enough information to do so. There was no Officer update and so the Chairman invited the Democratic Services Officer to read aloud the first statement from Mr Vincent Hartley.

“Dear Committee

I regret that due to other commitments I am unable to speak at the meeting. However, I would like to thank the committee for visiting the site of the planning application. Hopefully the reservations you had to initiate this visit were vindicated.

I don't want to bore you with my objections again which I have highlighted in numerous correspondence to the council but would just like to say I still totally object to the planning application.

The amended plans still do not in any way address my fundamental concerns about loss of privacy and light. The proposed screen will have an overbearing presence when you look up to the bungalow from the bottom of the garden. Not to reiterate but I believe the only acceptable solution to myself and the occupants is that the raised terrace should be taken down to ground level as it approaches to within 1.5m of the actual party wall line. The exact reduction would be approximately 1.75m as it encroaches beyond this line.

Hopefully you will not be offended by my suggestion and see that I am looking at a fair solution to this long drawn out affair.

Thank you for your time.

Yours faithfully  
Vince Hartley”

The Chairman opened for comments. A Member of the Committee asked if the screen could be extended to just under the eaves and if the stairs up to the raised platform were to have a guard rail. The Planning Officer confirmed there was a guard rail in the proposal and the raised screen was not part of the proposal.

The recommendation was proposed and seconded by Members of the Committee who attended the site visit and it was agreed that permission be **GRANTED** subject to the following conditions.

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

See condition 1 below.

**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. The development hereby permitted shall be completed within 3 months of the date of this permission and the existing steps serving the raised platform removed and demolished.

**Reason:** To confirm with Section 91 of the Town and Country Planning Act 1990 (as amended) and to safeguard the residential amenity of the attached neighbouring bungalow in accordance with Policy LP26 of the Central Lincolnshire Local Plan.

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: 237-151-03 received 23 August 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 Policy LP1 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:**

3. The 1.8 metre high timber frame screen with opaque glazing/panel and steps to be installed in accordance with conditions 1 and 2 above shall be retained and maintained in perpetuity thereafter for the lifetime of the raised platform.

**Reason:** To safeguard the amenity of the neighbouring property in accordance with Policy LP26 of the Central Lincolnshire Local Plan and guidance within the NPPF.

## **55 REPORT SEEKING CONFIRMATION OF TREE PRESERVATION ORDER SOMERBY NO1 2021**

The Committee heard from the Trees and Landscape Officer regarding a report seeking to make a Tree Preservation Order to protect two woodland tree belts, to the westerly side of St Margaret's Church and alongside the road to the north of the church, Somerby. Members heard that objections had been received from residents following trees having been cut down and the loss of bushes. The Committee saw photos from 2019 when some of the felling had been undertaken and that it was explained that the TPO would allow for no further felling in the area.

There were no further comments from the Committee and, having been moved, seconded and voted upon, it was unanimously

**RESOLVED** that, notwithstanding the objections made by the owner and other village residents, the confirmation of the Tree Preservation Order Somerby No1 2021 be **APPROVED**.

## **56 DETERMINATION OF APPEALS**

On consideration of the Determination of Appeals, a Member highlighted that 30 Wragby

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Road, Sudbrooke was listed as being dismissed when it was allowed. With no further comment, the Determination of Appeals was **DULY NOTED**.

The meeting concluded at 7.51 pm.

Chairman



## **Officers Report**

### **Planning Application No: 143250**

**PROPOSAL:** Planning application for change of use from holiday park to 9no. retirement homes for the over 50s.

**LOCATION:** Blyton Ponds Station Road Blyton Gainsborough DN21 3LE

**WARD:** Scotter and Blyton

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

**APPLICANT NAME:** Mr A Forrest

**TARGET DECISION DATE:** 30/09/2021

**DEVELOPMENT TYPE:** Major - Dwellings

**CASE OFFICER:** Ian Elliott

**RECOMMENDED DECISION:** Refuse Permission

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#### **Description:**

The application site is currently a holiday park site currently comprising:

- 5 static holiday caravans
- 3 holiday lodges
- 2 holiday cabins
- 2 holiday chalets
- 3 ponds
- Permeable Hardstanding roads/paths and grassed areas

The applicant additionally owns adjacent the site in the north west corner:

- 1 brick built dwelling (lived in by the applicant)
- 1 brick built holiday let (permission for holiday let and dwelling above)

The site is set just off Station Road and rises gradually from west to east. The site has one wide vehicular access. The boundaries of the site are screened by a mix of trees, hedging, walls and fencing. To the north is a residential dwelling with open countryside in all other directions. The lower front third/half of the site is in flood zone 2 and flood zone 3. The site is in a Sand and Gravels Minerals Safeguarding Area.

The application seeks permission for change of use from holiday park to 9no. retirement homes for the over 50s.

#### **Relevant history:**

M02/P/0319 – Planning application to site 2 static caravans for the purpose of short holiday let – 03/07/02 - Granted time limit and other conditions



M04/P/0497 – Planning application to site two static caravans and two log cabins for short term let holiday accommodation – 28/06/04 - Granted time limit and other conditions

M04/P/0882 – Retrospective planning application to use land for storage of up to 50 touring caravans – 10/12/04 - Granted time limit and other conditions

123392 – Planning Application for change of use of caravan storage area for use as area for the siting of touring caravans for holiday accommodation, use of additional land for touring caravans, siting of further static caravans, erection of 3 log cabins and alterations to roof over existing welfare facilities – 09/02/09 - Granted time limit and other conditions

127673 – Planning application for erection of proposed dwelling house & change of use of existing dwelling to short term holiday let only – 25/10/11 - Granted time limit and other conditions

127930 – Planning application for erection of a detached timber double garage – 22/12/11 - Granted time limit and other conditions

Pre-application:

142174 - Pre-application enquiry for change of use from holiday park to up to 15 retirement homes – 24/02/21

Extract 1:

*“The site would be highly likely to be considered within the developed footprint of Blyton and as the built form on the site would not drastically change the development would be expected to meet the appropriate locations definition. The site would be considered a brownfield site on the edge of the settlement therefore would be likely to have a medium priority for housing development.*

*The development would exceed the 9 dwelling limit and no evidence or justification of meeting the exceptional circumstances requirement for developments between 10 and 25 residential units has been submitted. It is unlikely that the exceptional circumstances requirement can be met.*

*The housing growth for Blyton has already been met therefore an application for housing development in Blyton would be required to complete a proportionate community consultation to demonstrate if clear community support has been achieved. This must be completed prior to submission and submitted with an application though a comprehensive community consultation report (with evidence of procedure undertaken/responses).”*

Extract 2:

*“It is therefore considered that the proposal as a whole would be highly unlikely to pass the flood risk sequential test or exceptions test given the amount of available land in flood zone 1 within the district.”*

Extract 3:

*“It is therefore considered that the principle of the proposal is highly unlikely to be supported as the development is highly likely to be considered an inappropriate location for housing due to the flood risk and is highly unlikely to pass the flood risk sequential test. If you were to demonstrate the application of a sequential test, the FRA would be needed to ensure the development can be made safe.”*

### **Representations:**

#### **Cllr M Snee:** Declaration of Interest

I wish to declare an interest in this planning application as the applicants are related to me. Therefore I will not be taking any part in this planning application.

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

Blyton Parish Council has concerns about the impact on flooding in the village if this application goes ahead. Contrary to the Flood Risk Assessment conducted by EWE Associates there is history of flooding in the area. Several months ago houses a few metres up Station Road were flooded along with houses on High Street.

Over the last couple of years Blyton has had severe floods whereby residents have needed Emergency Fire & Rescue Services to pump water from water logged homes. As continually requested by the parish council,

Before any further permanent development is granted permission in the parish, the drainage infrastructure needs improvement.

The applicant states that the site is not near a watercourse but there is one just across the road from the site.

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

63A High Street, Blyton  
9 Station Road, Blyton

#### Developed Footprint

- Extending the boundary of the village.

#### Community Support

- There has been no pre application community consultation exercise which should have been done before this application was made.
- There is no evidence of local community support for this scheme.
- The applicant has rightly got no support from Blyton Parish council.

#### Flooding

- All flood risk assessment guesstimations should be treated with a great deal of scepticism.
- Nearly 50% of this site is in flood zone 3 or 2.

- Just a few months ago houses a few metres further up Station Road was flooded out along with houses on the High Street.
- Until such a time when Blyton's drainage infrastructure is improved, only sites for new "residential" development, that are wholly in flood zone one, should be considered.
- Flooding in this area has become more problematic.

#### Residential Amenity

- 5 caravans will encroach on neighbouring properties.

#### Contamination

- Asbestos has been buried on this land will it be dug up first and correctly disposed of.

#### Ecology

- Impact on local wildlife.
- When old barns removed bats have mainly disappeared.

#### Other

- Further retirement homes not needed in village Bungalows and Caravan sites already in plentiful supply.

#### **LCC Highways/Lead Local Flood Authority:** No objections

Having given due regard to the appropriate local and national planning policy guidance (in particular the National Planning Policy Framework), Lincolnshire County Council (as Highway Authority and Lead Local Flood Authority) has concluded that the proposed development is acceptable and accordingly, does not wish to object to this planning application.

#### **Environment Agency:** No objections with advice

Whilst the application site is partially within Flood Zone 3, the proposed retirement homes are to be located entirely within an elevated section of the site, within Flood Zone 1.

Whilst the residential properties themselves will be safe and dry during an extreme flood event, access to them may be difficult. Given the potential elevated level of vulnerability of the proposed occupants, we recommend that consideration is given to the adequacy of rescue or evacuation arrangements, by consulting with emergency planners, prior to determining this application.

#### **LCC Emergency Planner:** No objections

The Environment Agency are the lead on flooding and if they have no objections then there is no reason for us to have any. The only advice I would offer is that they recommend that residents sign up to Environment Agency FWD.

#### **WLDC Environmental:** No objection subject to a contamination condition

If during the course of development, contamination not previously identified is found to be present on the site, then no further development (unless

otherwise agreed in writing with the Local Planning Authority) shall be carried out until a method statement detailing how and when the contamination is to be dealt with has been submitted to and approved in writing by the Local Planning Authority. The contamination shall then be dealt with in accordance with the approved details.

**Lincolnshire Police:** No objections with advice

Advice to the Local Planning Authority From the Environment Agency:  
Whilst the application site is partially within Flood Zone 3, the proposed retirement homes are to be located entirely within an elevated section of the site, within Flood Zone 1. We therefore have no objection to the proposals.

The site access is located entirely within Flood Zone 3a. Residential development should be safe for the 1 in 100 year plus climate change event. Based on our modelling, the site access will be flooded during this event. Whilst the residential properties themselves will be safe and dry during an extreme flood event, access to them may be difficult. Given the potential elevated level of vulnerability of the proposed occupants, we recommend that consideration is given to the adequacy of rescue or evacuation arrangements, by consulting with emergency planners, prior to determining this application.

**WLDC Strategic Housing Officer:** No representations received to date

**Lincolnshire Fire and Rescue:** No representations received to date

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

**WLDC Economic Development:** No representations received to date

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

**NHS:** No representations received to date

**IDOX checked:** 22nd September 2021

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

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

#### Development Plan

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

Relevant policies of the CLLP include:

LP1 A Presumption in Favour of Sustainable Development

LP2 The Spatial Strategy and Settlement Hierarchy

LP3 Level and Distribution of Growth

LP4 Growth in Villages

LP10 Meeting Accommodation Needs

LP13 Accessibility and Transport

LP14 Managing Water Resources and Flood Risk

LP16 Development on Land Affected by Contamination  
LP17 Landscape, Townscape and Views  
LP21 Biodiversity and Geodiversity  
LP25 The Historic Environment  
LP26 Design and Amenity

- **Neighbourhood Plan (NP)**

There is currently no neighbourhood plan to consider

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

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

National policy & guidance (Material Consideration)

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

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

Paragraph 119 states:

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

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)**
- **National Design Code (2021)**

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).*

- **Consultation Draft Central Lincolnshire Local Plan Review June 2021 (DCLLPR)**

The plan addresses a range of issues such as climate change, housing, employment, shopping and more. The consultation on the Draft Central Lincolnshire Local Plan ran for 8 weeks from **30 June to 24 August 2021**. The results of the consultation are yet to be publicised.

Relevant Policies:

- S1 The Spatial Strategy and Settlement Hierarchy
- S2 Growth Levels and Distribution
- S4 Housing Development in or Adjacent to Villages
- S20 Flood Risk and Water Resources
- S22 Meeting Accommodation Needs
- S46 Accessibility and Transport
- S48 Parking Provision
- S52 Design and Amenity
- S55 Development on Land Affected by Contamination
- S56 The Historic Environment

The draft plan review is at its first stage (Regulation 18) of preparation and is open to alterations so may be attached **very limited weight** in the consideration of this application.

**Other:**

- Central Lincolnshire Developer Contributions Supplementary Planning Document adopted June 2018
- Strategic Housing Market Assessment (SHMA) by Turley Economics dated July 2015
- West Lindsey Housing Strategy 2018-2022

**Main issues:**

- Principle of the Development
  - Central Lincolnshire Local Plan 2012-2036*
  - Community Consultation*
  - Permanent Residential Units*
  - Definition of a Caravan*
  - Housing Supply*
  - Over 50's Restriction*
  - Concluding Statement*
- Flood Risk

- Minerals Resource
- Visual Impact
- Residential Amenity
- Highway Safety
- Contamination
- Drainage
  - Foul Water*
  - Surface Water*

## **Assessment:**

### Principle of the Development

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

### *Central Lincolnshire Local Plan 2012-2036:*

Local policy LP2 of the CLLP provides a hierarchy of settlements and a definition of the developed footprint and an appropriate location. It is important to initially assess where the site sits within this hierarchy. Is it within Tier 5 (medium village) or tier 8 (Countryside).

The developed footprint is defined in LP2 as "*throughout this policy and Policy LP4 the term 'developed footprint' of a settlement is defined as the continuous built form of the settlement and excludes:*

- a) individual buildings or groups of dispersed buildings which are clearly detached from the continuous built up area of the settlement;*
- b) gardens, paddocks and other undeveloped land within the curtilage of buildings on the edge of the settlement where land relates more to the surrounding countryside than to the built up area of the settlement;*
- c) agricultural buildings and associated land on the edge of the settlement;*  
*and*
- d) outdoor sports and recreation facilities and other formal open spaces on the edge of the settlement.*

The application site is adjacent 11 Station Road with all structures on the site closely clustered together in the north section of the site. The site is not dispersed from the continuous built form of the settlement. The developed footprint definition does not exclude caravan or holiday structures from being part of the developed footprint. Therefore the site is considered to be part of the developed footprint of Blyton and Tier 5 (medium village) applies.

Tier 5 of local policy LP2 sets out the criteria and restrictions for residential development in Medium Settlements including "*in appropriate locations, development proposals will be on sites of up to 9 dwellings*" or "*in exceptional circumstances proposals may come forward at a larger scale on sites of up to 25 dwellings or 0.5 hectares per site for employment uses where proposals can be justified by local circumstances*". The definition of an appropriate location in LP2 is:

*'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'.*

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

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

- 1. Brownfield land or infill sites, in appropriate locations, within the developed footprint of the settlement*
- 2. Brownfield sites at the edge of a settlement, in appropriate locations*
- 3. Greenfield sites at the edge of a settlement, in appropriate locations*

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

The site is currently a permanent holiday park with infrastructure such as roads and parking therefore is considered as previously developed land (Brownfield Site) at the edge of the settlement.

An updated table of remaining growth (dated 24<sup>th</sup> August 2021) for housing in medium villages sits alongside the adopted CLLP. Blyton has 562 dwellings which equates to a remaining growth of 56 (10%) dwellings. Due to completions and extant planning permission there is no remaining growth in Blyton.

#### *Community Consultation:*

Given that the allocated growth to Blyton has been met the proposal to accord with local policy LP2 and LP4 needs to be *'promoted via a neighbourhood plan or through the demonstration of clear local community support'*. There is currently no designated area to which is required in order to prepare Neighbourhood Plan.

Local policy LP2 defines clear local support as a *'demonstration of clear local community support'* means that *at the point of submitting a planning application to the local planning authority, there should be clear evidence of local community support for the scheme, with such support generated via a thorough, but proportionate, pre-application community consultation exercise. If, despite a thorough, but proportionate, pre-application consultation exercise, demonstrable evidence of support or objection cannot be determined, then*



*there will be a requirement for support from the applicable Parish or Town Council'*

The application has not included a Statement of Community Involvement or Consultation. Page 7 of the Planning Statement by JR Consultants received 1st July 2021 states:

*"Prior to the submission of this application the Applicant has contacted the local Parish Council on a number of occasions to discuss the scheme. Unfortunately, the Parish Council ultimately concluded that they could not offer definitive support for the proposal until such time as they could view and review the formal planning application. It is hoped that the Parish Council will see the benefits of replacing the holiday accommodation with permanent dwellings for the older community and ultimately support the proposal. The support of the Parish Council would ultimately be sufficient to demonstrate compliance with policies LP2 and LP4."*

It is clear from this statement that an appropriate community consultation exercise has not been undertaken as communication was only attempted with the Blyton Parish Council with no residents views sought. It is noted that Blyton Parish Council remarked that they would only comment on the application when a formal application was submitted.

It is acknowledged and understood that the COVID-19 pandemic restricts the scope of a community consultation exercise but methods such as letter drops and comments via email could still be as a minimum utilised.

The consultation period of the application has included three comments. These are from the:

- Blyton Parish Council
- 63A High Street, Blyton (resident)
- 9 Station Road, Blyton (resident)

Blyton Parish Council have expressed clear concerns with the development and objections were received from the two residents.

A proportionate clear community consultation exercise has not been carried out prior to submission. There is no policy support for 9 permanent residential park homes on this site.

*Definition of a Caravan:*

The definition of a caravan is set out in section 29(1) of the Caravan Sites and Control of Development Act 1960<sup>1</sup>. Section 29(1) states that caravan means:

*"Any structure designed or adapted for human habitation which is capable of being moved from one place to another (whether by being towed, or by being*

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<sup>1</sup> <https://www.legislation.gov.uk/ukpga/Eliz2/8-9/62>

*transported on a motor vehicle or trailer) and any motor vehicle so designed or adapted, but does not include —*

- (a) any railway rolling stock which is for the time being on rails forming part of a railway system, or*
- (b) any tent.”*

Section 13(1) and (2)<sup>2</sup> of the Caravan Sites Act 1968 sets out the definition of a twin unit caravan and the dimensional restrictions. Section 13(1) states that a twin unit caravan is:

*“A structure designed or adapted for human habitation which —*

- (a) is composed of not more than two sections separately constructed and designed to be assembled on a site by means of bolts, clamps or other devices; and*
- (b) is, when assembled, physically capable of being moved by road from one place to another (whether by being towed, or by being transported on a motor vehicle or trailer),*

*shall not be treated as not being (or as not having been) a caravan within the meaning of Part I of the M1Caravan Sites and Control of Development Act 1960 by reason only that it cannot lawfully be so moved on a [F1highway] [F1road] when assembled.”*

Section 13(2) restricts the dimensions to which the caravan (single or twin unit) cannot exceed. These are:

- (a) length of 20 metres
- (b) width of 6.8 metres
- (c) overall height of 3.05 metres

Site Plan BP/21/04 dated 16th April 2021 lists that the development would provide 5 residential park static caravans and 4 residential park cabins.

However no floor plans or elevations drawings have been submitted with the application or any description of the park homes in the submitted documents to determine whether the proposed future park homes would meet the definition of a caravan or not.

If it was minded to approve the application then a condition would be attached to the permission requiring elevations and floor plans to be submitted which meet the definition of a caravan as described in section 13(1) and (2)<sup>3</sup> of the Caravan Sites Act 1968

*Permanent Residential Units:*

Paragraph 6.9 of the Central Lincolnshire Developer Contributions Supplementary Planning Document adopted June 2018 states that:

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<sup>2</sup> <https://www.legislation.gov.uk/ukpga/1968/52/section/13>

<sup>3</sup> <https://www.legislation.gov.uk/ukpga/1968/52/section/13>

*“Residential development is considered to be a development of accommodation for use as a dwelling. A dwelling includes any unit of residential accommodation such as, detached, semi-detached, terraced, apartments, flats, and **permanent park homes** (emphasis added).*

*Residential development includes*

- *Development under Use Class C3 (a-c).*
- *Self-contained accommodation in a block for a specific client group, such as older persons.*
- *Extra care or retirement living will be treated as C3*
- ***Park home accommodation** (emphasis added).”*

In accordance with this definition it can only be concluded that the proposed development would provide permanent residential accommodation (use class C3 of the UCO) in the form of park homes on this site.

#### *Housing Supply:*

As determined above the park homes would be considered as permanent residential units therefore the distinct residential use proposed would count towards the housing supply of Central Lincolnshire.

Paragraph 35 (Reference ID: 68-035-20190722) of the Housing Supply and Delivery section of the NPPG gives further supporting guidance on counting housing for older people in the housing supply. Paragraph 35 advises:

*“Local planning authorities will need to count housing provided for older people, including residential institutions in Use Class C2, as part of their housing land supply. This contribution is based on the amount of accommodation released in the housing market.”*

#### *Over 50's Restriction:*

The application has suggested restricting the occupation of the park homes to the over 50's. It is acknowledged that there is a genuine need for suitable permanent residential housing for older persons in Central Lincolnshire (West Lindsey and North Kesteven in particular) which would accord to local policy LP10 of the CLLP. However this site is located in an appropriate location within the developed footprint of Blyton therefore there would be no need to restrict the occupation of the site to the over 50's and could be sold as open market permanent park homes

#### *Discussion:*

The application proposes to introduce 9 park homes for the over 50's on a site which is considered to be within the developed footprint of the settlement. The site is predominantly previously developed land on the edge of these settlement therefore it has medium priority on the land availability sequential test in local policy LP4. The site is currently a holiday caravan park therefore introducing park homes would not harm the character of the settlement or the rural setting and would retain the core shape and form of the settlement. The site is therefore considered an appropriate location for housing development.

The application has included site layout plan BP/21/04 dated 16th April 2021 which demonstrates that the site can accommodate the proposed amount of dwellings alongside access road, parking and external amenity areas. It is unknown whether the proposed structures meet the definition of a caravan as no elevations and floor plans have been submitted with the application. The proposed park homes are considered as permanent residential units in accordance with the CLLP and the 9 units would count towards the housing supply in Central Lincolnshire.

West Lindsey and Central Lincolnshire has an evidenced identified need for suitable permanent residential accommodation for older persons whether for independent or supported living.

Blyton has already met its housing growth target for the duration of the CLLP therefore policy LP4 is engaged and there is a requirement for a demonstration of clear local community support. A proportionate community consultation process has not been completed prior to submission of the planning application. A clear demonstration of community support has not been demonstrated.

It is considered that the benefits of the development do not outweigh the lack of the demonstrable community support therefore the principle of the development cannot be supported and is contrary to local policies LP2 and LP4 of the CLLP, local policy S1 and S4 of the DCLLPR and the provisions of the NPPF.

It is considered that policies LP2 and LP4 are consistent with the sustainability and housing growth guidance of the NPPF and can be attached full weight.

#### Flood Risk

As previously acknowledged the lower front third/half of the site is in flood zone 2 and flood zone 3. The areas in flood zone 2 and 3 would not be an area occupied by living accommodation. All of the permanent residential park homes would be located within the higher part of the site in flood zone 1.

As part of the site sits within flood zone 2 and 3 local policy LP14 and the National Planning Policy Framework (NPPF) requires a sequential approach towards locating development to areas at lower risk of flooding and the submission of a Flood Risk Assessment (FRA). The application has included an FRA dated June 2021 by EWE Associates Ltd.

The proposed use of the site for nine additional dwellings is classed under Table 2 (Flood Risk Vulnerability Classification) of the NPPG as being more vulnerable. Given consideration to table 3 (Flood risk vulnerability and flood zone 'compatibility') of the NPPG the site would be required to pass the exceptions test if the sequential test is passed. The Sequential Test should be applied first to guide development to Flood Zone 1, then Zone 2, and then Zone 3.

The sequential test is applied by the Local Authority. Paragraph 33 (Ref ID: 7-033-20140306) of the NPPG states that "*the area to apply the Sequential*

*Test across will be defined by local circumstances relating to the catchment area for the type of development propose”.*

Page 6 of the submitted FRA gives minimal reference to the sequential and exceptions test referring to table 3 of the NPPG and the siting of the residential units in flood zone 1. The FRA highlights the location of the residential units as being appropriate in accordance with table 3.

Market Housing normally requires a district wide search and not just to the parish or village for more appropriate sites with a lower risk of flooding unless there are justifiable reasons to suggest otherwise. A district wide search would result in a considerable amount of more suitable land on sites of this size which are available in West Lindsey. However in this particular case an extremely high proportion of the developed part of the site and the access road/parking would be in flood zone 1. Therefore the location of the residential park homes does not require the sequential test to be triggered.

It is therefore considered that the location of the residential park homes are acceptable and are not required to pass the sequential or exceptions test.

The Environment Agency have no objections to the development but given the flood risk on the access to the site have advised consulting the Emergency Planner. The Emergency Planner is based at Lincolnshire Fire and Rescue who have been consulted and have no objections.

The FRA provides mitigation measures which would be conditioned on the permission if it was minded to approve the application.

Whilst the flood risk of the immediate access to the site is acknowledged the residential units are located entirely within flood zone 1 and are considered acceptable.

Therefore the development would not have an unacceptable flood risk on the site or the surrounding area therefore would accord with LP14 of the CLLP, local policy S20 of the DCLLPR and the provisions of the NPPF.

It is considered that policies LP14 is consistent with the flood risk guidance of the NPPF and can be attached full weight.

#### Minerals Resource

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

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

*“Applications for non-minerals development in a minerals safeguarding area must be accompanied by a Minerals Assessment. Planning permission will be granted for development within a Minerals Safeguarding Area provided that it*

would not sterilise mineral resources within the Mineral Safeguarding Areas or prevent future minerals extraction on neighbouring land. Where this is not the case, planning permission will be granted when:

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

#### Exemptions

*This policy does not apply to the following:*

- *Applications for householder development*
- *Applications for alterations to existing buildings and for **change of use of existing development, unless intensifying activity on site** (emphasis added)*
- *Applications for Advertisement Consent*
- *Applications for Listed Building Consent*
- *Applications for reserved matters including subsequent applications after outline consent has been granted*
- *Prior Notifications (telecommunications; forestry; agriculture; demolition)*
- *Certificates of Lawfulness of Existing or Proposed Use or Development (CLEUDs and CLOPUDs)*
- *Applications for Tree Works”*

The site is within a Sand and Gravels Minerals Safeguarding Area but a Minerals Assessment has not been submitted. On assessment this application is a change of use that would not intensify activity on the site which is currently used for holiday purpose. In accordance with bullet point 2 of the development is considered exempt from providing a Minerals Assessment.

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

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

### Visual Impact

An objection has been received in relation to the impact of the development on the character of the area.

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

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

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

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

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

As previously states the application form (section 16) lists the proposed 9 residential park homes as two bedroom dwellings but no elevation and floor plans have been submitted.

The site is currently well screened to all boundaries and comprises caravans and lodges permitted for holiday use. The introduction of park homes onto the site would therefore not visually alter the appearance or character of the site.

Although no elevation and floor plans have been submitted they would if minded to approve be conditioned to be submitted prior to any occupation on the site. The condition would include the requirement to meet the definition of a caravan and be a maximum two bedroom in size.

The proposed site is more than big enough to accommodate the proposed 9 units whilst providing sufficient off street parking. Each unit would have a modest private garden space to allow space for sitting out in and hanging washing. Site Plan BP/21/04 dated 16th April 2021 does not include any landscaping details including landscaping to provide some external privacy space for the residents. The garden spaces are modest but this is normal for residential park homes for the over 50's who do not necessarily want a garden

to maintain and any residents occupying the site would do so knowing the size of the plot and the modest garden sizes.

The site is not within an areas designated for its special landscape or scenic quality such as an Area of Outstanding Natural Beauty or an Area of Great Landscape Value.

It is therefore considered that the proposed development would not have a harmful visual impact on the site, the street scene or the surrounding area. Therefore subject to a comprehensive landscaping plan the proposal would accord to local policy LP17 and LP26 of the CLLP, local policy S52 of the DCLLPR and the provisions of the NPPF and the National Design Guide.

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

#### Residential Amenity

The application site shares its north boundary with 11 Station Road, Blyton. There are additionally two dwellings within Blyton Ponds. These are the Cottage which is occupied by the applicant and 17 Station Road which fronts the highway.

Site Plan BP/21/04 dated 16th April 2021 identifies that only proposed unit 5 to 9 would be close to the north boundary and the two existing dwellings on Blyton Ponds. The rear elevation of proposed units 5 to 9 would be approximately 2.5 to 6.5 metres from the north boundary. Proposed unit 9 is the closest to the existing dwellings on Blyton Ponds but is approximately 14.6 metres from the garden of The Cottage and approximately 40 metres from 17 Station Road. The position and scale of the proposed units would not be expected to harm the living conditions of The Cottage or 17 Station Road.

Each unit would have a modest private garden space which with some landscaping should allow space for sitting out without being overlooked by the neighbouring unit(s).

Therefore the development would not have a harmful impact on the living conditions of neighbouring or future residents and accords to local policy LP26 of the Central Lincolnshire Local Plan 2012-2036, local policy S52 of the DCLLPR and the provisions of the National Planning Policy Framework.

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

#### Highway Safety

Paragraph 111 of the NPPF states that *“Development should only be prevented or refused on highways grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network would be severe.”*



The proposed units would be accessed via the existing vehicular access which serves Blyton Ponds Holiday Park. Each unit would have two parking spaces with an additional 9 guest parking spaces. The proposal would not have a harmful impact on the parking currently serving the two existing dwellings on the site. No objections have been received from the Highways Authority at Lincolnshire County Council.

Therefore the development would not have a severe impact on highway safety and accords to local policy LP13 of the Central Lincolnshire Local Plan 2012-2036, local policy S46 and S48 of the DCLLPR and the provisions of the National Planning Policy Framework, particularly paragraph 111.

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

#### Contamination

The Authority's Contamination Officer has requested a pre-cautionary contamination condition is attached to any permission in case contaminants are found during the course of the development. If it was minded to approve the application then the development subject to a condition would accord to local policy LP16 of the CLLP, policy S55 of the DCLLPR and the provision of the NPPF.

It is considered that policy LP16 is consistent with the contamination guidance of the NPPF and can be attached full weight.

#### Drainage

##### *Foul Water:*

The application form states that foul water is proposed to be discharged to the mains sewer. This is the preferred option and is acceptable. No foul water drainage plan has been submitted identifying connectivity to the mains sewer.

##### *Surface Water:*

Paragraph 80 (Reference ID: 7-080-20150323) of the Flood risk and coastal change section of the NPPG states that "*Generally, the aim should be to discharge surface run off as high up the following hierarchy of drainage options as reasonably practicable:*

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

The application form states that surface water would be disposed of too soakaways. Appendix E of the Flood Risk Assessment provides a surface water drainage strategy plan with indicative connectivity to the existing ponds on the site. Either soakaways or disposal to the existing ponds would be considered as an appropriate form of sustainable urban drainage.

Therefore it is considered that foul and surface water is capable of being addressed by condition. Subject to the condition the development accords to local policy LP14 of the CLLP, policy S20 of the DCLLPR and the provision of the NPPF.

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

**Other Consideration:**

NONE

**Conclusion and reasons for decision:**

The decision has been considered against policies LP1 A presumption in Favour of Sustainable Development, LP2 The Spatial Strategy and Settlement Hierarchy, LP3 Level and Distribution of Growth, LP4 Growth in Villages, LP10 Meeting Accommodation Needs, LP13 Accessibility and Transport, LP14 Managing Water Resources and Flood Risk, LP17 Landscape, Townscape and Views, LP25 The Historic Environment and LP26 Design and Amenity of the adopted Central Lincolnshire Local Plan 2012-2036, policy M11 of the Lincolnshire Minerals and Waste Local Plan and local policies S1 The Spatial Strategy and Settlement Hierarchy, S2 Growth Levels and Distribution, S4 Housing Development in or Adjacent to Villages, S20 Flood Risk and Water Resources, S22 Meeting Accommodation Needs, S46 Accessibility and Transport, S48 Parking Provision, S52 Design and Amenity, S53 Health and Wellbeing, S56 The Historic Environment of the Draft Central Lincolnshire Local Plan Review in the first instance. Consideration has additionally been given to guidance contained within the National Planning Policy Framework, National Planning Practice Guidance, the National Design Guide and the National Design Code. In light of the above assessment it is considered that the proposed development is not acceptable as the harms of the development outweigh the benefits and is refused for the following reason:

1. The settlement of Blyton is categorised as a “medium village” under policy LP2 of the Central Lincolnshire Local Plan. The proposed development, in combination with other extant permissions and development built (since April 2012) would increase the number of dwellings over the 10% growth level set out in LP4 and would undermine the spatial strategy of the Central Lincolnshire Local Plan. The site is not promoted within a Neighbourhood Plan and the application does not provide evidence to demonstrate clear local community support. The proposal is therefore contrary to policies LP2 and LP4 of the Central Lincolnshire Local Plan.

**Human Rights Implications:**

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

**Legal Implications:**

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

**Representors to be notified -**

*(highlight requirements):*

**Standard Letter**

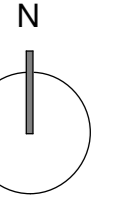
**Special Letter**

**Draft enclosed**

**Prepared by:** Ian Elliott

**Date:** 22nd September 2021

- 1. No dimensions are to be scaled from this drawing.
- 2. All dimensions are to be checked on site prior to construction.



A01	29.06.20	Red Line Boundary	
A00	21		
Status	Date Issued	Description	Issued by

**PLANNING**

**LK2**  
 Studio 2, Deepdale Enterprise Park,  
 Deepdale Lane,  
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 Client Logo

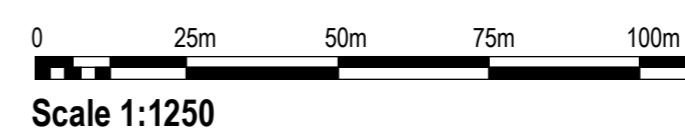
Client  
**Cherry Tree Homes**

Project  
**21 Affordable Homes  
 Wesley Road  
 Cherry Willingham**  
 Drawing Title  
**Site Location Plan**

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Scale @A1	Date	Drawn by	Checked by
1 : 1250	06/22/21	AJS	AN
Drawing No.	Current Revision		
A-10-01	A01		

## **Officers Report**

### **Planning Application No: 143260**

**PROPOSAL:** Planning application for an entry level exception site for erection of 21 no. affordable dwellings - phase 3.

**LOCATION:** Land to South of Wesley Road Cherry Willingham Lincoln LN3 4GT

**WARD:** Cherry Willingham

**WARD MEMBER(S):** Cllr Hill; Cllr Welburn; and Cllr Darcel

**APPLICANT NAME:** Mr Collins

**TARGET DECISION DATE:** 12/11/2021

**DEVELOPMENT TYPE:** Major - Dwellings

**CASE OFFICER:** Martin Evans

**RECOMMENDED DECISION:** Delegate back to officers to grant planning permission subject to conditions;  
completion of a bi-lateral section 106 agreement securing the proposal as an entry level exceptions site and the management and maintenance of the on-site public open space;  
receipt of a unilateral undertaking securing public bridleway access through the field to the south of the application site to Green Lane;  
resolution of surface water drainage matters; and  
evidence of agreement in principle from an adjacent landowner to construction road provision.

In the event these matters are not resolved within 9 months of the date of the planning committee meeting, the application will be reported back to the next available planning committee.

---

This application is reported to planning committee at the request of Cllr Welburn and because the Development Plan (comprising the Central Lincolnshire Local Plan and Cherry Willingham Neighbourhood Plan) are silent about entry level exception sites.

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

The proposal does not exceed the screening threshold of more than 150 houses or exceeding 5 hectares for residential development set out in Schedule 2, 10 (b). It is neither "schedule 1" nor "Schedule 2" development, and there is no requirement to screen the proposal.

#### **Description:**

The application site is a rectangular parcel of land to the south of a modern housing development. It is within an area informally known as “Little Cherry” or Hawthorn Road. This is physically separate from the main body of Cherry Willingham.

The site is located within a gently undulating landscape and is currently overgrown scrubland benefitting from established hedges to the western and southern boundaries. There is a mature ash tree to the western boundary. To the east, south and west is arable farmland. A wooded area known as Fox Covert is located to the south west of the site. Approximately 300m to the south of the site is a public right of way (reference Cher/133/1) which runs east to west, along Green Lane and into Cherry Willingham.

The proposal entails the erection of 21 dwellings in semi-detached and terraced format. This includes 5 bungalows in the southern part of the site. The proposal includes:

- 5No. 1 bedroom bungalows
- 10No. 2 bedroom houses
- 6No. 3 bedroom houses

The road layout would form a continuation of Wesley Road, providing a shared surface for all road users. Public open space is proposed in the south west corner of the site centred around the existing ash tree.

### **Relevant history:**

#### **Application site**

**133692** Outline planning application for residential development of 19no. dwellings - all matters reserved.

The application was refused by West Lindsey DC on the 27/04/2016 prior to adoption of the Central Lincolnshire Local Plan (CLLP). Appeal (Ref: APP/N2535/W/16/3152310) decision dated 8/11/2017 was post CLLP adoption. The Inspector considering Little Cherry Willingham to be part of Cherry Willingham and thus a **large village**. Regarding landscape impact they stated *“Whilst I am satisfied that there would not be a significant impact on the wider landscape character of the rural area, or the character and appearance of the adjacent settlement, I nevertheless conclude that the proposal would result in a limited and localised adverse landscape impact and urbanising effect.”*

Regarding accessibility they stated *“I am therefore satisfied that the location and accessibility of the site to local services and facilities would not be solely dependent upon the use of the private car. 27. As a consequence of the accessibility of the site for walking, cycling, and public transport, I am satisfied that realistic alternatives are in place to prevent reliance upon the private car for access to the services and facilities within Cherry Willingham. I have not therefore found the proposals to conflict with Policy LP13 of the Local Plan”.*

**140355-** Outline planning application to erect 19no. dwellings - third phase of scheme for housing - all matters reserved. Withdrawn 13/2/2020.

**Land to the west**

**133693** Outline planning application for residential development of 29no. dwellings-all matters reserved. Refused on 27/4/2016 prior to the adoption of the CLLP. Appeal (Ref APP/N2535/W/16/3153106) decision dated 23/11/2017 post CLLP adoption. The Inspector considering Little Cherry Willingham to be part of Cherry Willingham and thus a **large village**.

**134096** Planning application for erection of 69 dwellings. The LPA and Inspector, in considering the CLLP, determined Little Cherry Willingham to be a **hamlet**. The appeal (Ref APP/N2535/W/17/3179325) decision dated 1/12/2017 post-dates that for 3153106 by a few days but draws a different conclusion regarding how Little Cherry Willingham is to be considered stating *“In this regard I differ from a colleague Inspector who, in considering appeals on two adjoining sites on land off Wesley Road (APP/N2535/W/16/3152310 and APP/N2535/W/16/3153106), conjoined Cherry Willingham and Hawthorne Avenue. Neither this, nor the allocation of two sites ref CL4751 and CL4752 for residential development on land south of Wesley Road (Policy LP52 of the CLLP), lead me to a different conclusion in relation to this appeal.”*

Regarding accessibility, the Inspector stated the *“appeal site is less than ideally located in terms of accessibility of most day to day services and facilities in the village which would be required by future residents of 69 dwellings, other than by means of a private vehicle”* and *“On balance I conclude that there would be only limited conflict with Policy LP13 of the CLLP which seeks to minimise travel and maximise the use of sustainable transport modes.”*

Regarding landscape impact they stated *“I conclude that, whilst there would not be a significant impact on the wider landscape character of the rural area or the character and appearance of the adjacent settlement, the proposal would result in a localised adverse landscape impact and urbanising effect to the detriment of the character and appearance of the open rural countryside. It would therefore conflict with Policies LP2 and LP55 of the Local Plan, which seek to restrict development in the countryside through the application of a criteria-based approach. There would also be conflict, albeit limited, with Policy LP17 which seeks to protect the intrinsic value of the landscape and townscape, including the setting of settlements.”*

**Land to the north east of Little Cherry Willingham**

139278 Outline planning application for erection of 6no. dwellings, with access and layout to be considered and not reserved for subsequent applications-resubmission of 138166. Refused 29/5/2019. The Officer Report considers Little Cherry Willingham not being named on the settlement hierarchy an omission from the Local Plan.

**Representations (in summary):**

**Ward Councillor A Welburn:**

Formally requests the application is determined by Planning Committee stating:

“This planning application is against both the Central Lincolnshire Local Plan and the Cherry Willingham Neighbourhood Plan, but I understand that changes to the National Policy Framework re affordable housing makes this an acceptable application. Although the site is viable there are still issues especially with distance from local amenities. I am particularly concerned for children attending the Junior School as the distances are too far for many and there is no bus service in this area now.

I would like to suggest that West Lindsey take this opportunity to work with the developer and LCC footpaths to explore purchase of a 3-metre strip down the side of the field to connect this area to Green Lane and ensure that at some point in the future a proper cycle-path could be provided which would allow the connectivity which is so important to a community.

It is also important to ensure sufficient parking, as it is a fact this development would be so remote that cars become a necessity, this is ironic especially at a time when developments are supposed to be close enough to amenities or public transport to make cars unnecessary.

Please see previous statement, this site is not ideal for the proposed development in view of its position and the fact that there have been previous applications turned down at appeal. It would seem to be finely balanced between local plans and the national framework therefore I think this application should be considered by the planning committee.”

**Cherry Willingham Parish Council:**

Although the site is outside both the Central Lincolnshire Local Plan and the Cherry Willingham Neighbourhood Plan, it is an acceptable application due to the changes to the National Policy Framework re affordable housing. The applicant does seem to have considered the Neighbourhood plan. The style of the proposed dwellings is in line with the previous phases.

**Affordable Housing**

As the application is for "Affordable Housing" and states that it is aimed to meet the deficits shown within the Neighbourhood plan, we would expect that the applicant would market the properties in accordance with the criteria contained in the Neighbourhood Plan: (paragraph 8.13 including local connection prioritisation is quoted in full).

The Parish Council requests that as a condition of the approval the development is designated as “Affordable Housing” in perpetuity and the conditions above as taken from the Neighbourhood Plan are applied for the allocation of residents.

**Site connectivity**

The site is located outside the development areas contained in both the Central Lincolnshire Local Plan and the Cherry Willingham Neighbourhood



Plan and this raises issues in regard to the connectivity to both Little Cherry and the main village of Cherry Willingham. This raises concerns with the Parish Council. As the development is to be “Affordable Housing” it is likely that residents will rely to a greater extent on local services and public transport. Therefore the Parish Council would like to see better connectivity to the services in the main village: This could be achieved through a new connection from the proposed development to Green Lane in Cherry Willingham. This would relate to the following areas of the adopted Neighbourhood Plan: Extracts from Cherry Willingham Neighbourhood Plan

Page 7: Paragraph 1.16 The table below shows the issues raised by the community during consultation.

Table 1: Key issues raised by the community:

Access to other parts of the village and neighbouring villages  
Creating opportunities to enhance our existing public rights of way through policy will preserve these for the future use of the village. New development may also create opportunities for new connections to Public Rights of Way to be created.

Page 11: 3 Community Vision

The village will be a greener place with access to useable and pleasant areas of open space throughout the village and improved links to the nearby open countryside.

Page 12/13: 4 Community Objectives

Extracts from Table 2: Community Objective and policy intention

2. Future housing development

To influence the location, scale, design and type of new housing to ensure that it safeguards or improves character of local areas, meets identified local housing needs, enhances the village setting and its connection/ relationship with the surrounding countryside.

6. Public access

To preserve and enhance our existing public rights of way and encourage new connections to other areas of the Parish and neighbouring communities. Support the need for safe and attractive walking and cycling routes throughout the Parish.

7. Landscape Character and Design

To manage development in a way that minimises any negative impact on our landscape, built environment and access to the open countryside.

Page 14: 5 Neighbourhood Development Planning Policies

Page 17: Policy H1: Housing Land Allocations and Development Principles in Cherry Willingham

c) the design and layout of the scheme maximises the potential to enhance existing green infrastructure and to create new connections to nearby services and facilities and improve access to existing parts of the village.

Page 41: 14 Public access

14.2 The community would like to see the enhancement of the public access network through upgrading the condition, context and / or status of existing paths; and the creation of new off-road routes, to provide a range of safe and attractive interconnected paths and cycleways. The linking of new and existing routes will lead to the establishment of a series of circular routes, providing walking, cycling and in places horse riding options to both residents and visitors to the area. A more direct off-highway access route to the Hawthorn Avenue area of the village ("Little Cherry") which is presently detached from the village.

Policy OS3: Footpaths and cycleways

2. Developments that propose improvements to the existing public footpaths between Cherry Willingham, "Little Cherry" and Fiskerton, shall be strongly supported.

(Map 7: Public Rights of Way within Cherry Willingham Neighbourhood Plan Area is on page 42 of the Cherry Neighbourhood Plan).

Page 43: 15 Design principles for Cherry Willingham

Policy D1: Design principles for Cherry Willingham

15.6 A key requirement of any new development is to ensure that it is not just another 'bolt on' area of development, but that it contributes to wider 'place making' desires and opportunities.

15.7 To do this it must open opportunities for new and existing residents to move easily to and from the village centre and key services. Therefore, an emphasis on connections that are direct, safe and pleasant is expected from new development proposals.

15.8 Similar connections between new and existing housing is also considered important to support a well-integrated community. The Neighbourhood Plan seeks to ensure that new developments respond positively to such objectives and therefore endorses the approach identified by Building for life 12. (see Appendix 5).

(Policy D1 is quoted in full).

Page 59: Community Priority 1: The Witham Valley Access Project

19.5 Includes: • Safe footpath/cyclepath from the Hawthorn Road area to the Centre of Cherry Willingham.

**Greetwell Parish Council:**

This site is not in Greetwell Parish.

**Residents:**

Residents of 16, 17, 28, 30, 34, 36, 39, 44, 53, 57, 59, 63 and 69 Wesley Road, Cherry Willingham object (summary):

- There are enough houses on the development.
- Loss of property value.
- Impact on shift workers.
- Affordable housing should be built elsewhere, it may house some undesirable people.

- There are existing congestion and parking problems and it is hard to drive down the road due to the amount of cars. Will the proposal have sufficient parking for residents and visitors?
- Traffic would go through Wesley Road making it less safe for families and pets.
- Construction noise. Construction vehicle disturbance; damage to homes and roads; construction vehicles caused window chips, found it hard to get through and damaged a number of vehicles.
- How will the builders access the site? Wesley Road is tight and parked with vehicles due to insufficient parking. Emergency vehicles would not be able to gain access on most occasions.
- Poor water pressure and internet speeds.
- Will the [County] Council adopt Wesley Road as this has not yet happened?
- Phase 2 has not been completed to an appropriate standard and should be brought up to standard before additional building is considered. Existing estate green areas are not maintained. Electricity station looks poor. Existing estate is not electric vehicle charging friendly. Has vehicle charging been considered on the new estate?
- Access to local amenities is limited and not walkable for most people. Local comprehensive school is a 20 minute walk away and the first local shop requires a car journey. Accessing the amenities in Lincoln is now more difficult by car due to the Lincoln Eastern Bypass no longer allowing direct access to the Carlton centre for cars.
- Poor visibility for vehicles using both junctions onto Hawthorn Road making it dangerous for additional traffic especially with increases due to the Lincoln Eastern Bypass.
- Is there demand for new housing? Other local developments have better access to services and facilities.
- The site is of benefit to wildlife including Mice, Voles, Bats, Owls and spotting of Muntjac deer in the area.
- There should be an access from Green Lane to the south.
- Some adjacent gardens and fields flood.
- Negative impact on property and quality of life.

Residents of 14 Wesley Road, Cherry Willingham make general comments (summary):

- Existing lack of parking
- Proposal would generate additional traffic including access and safety concerns including children's.
- Road access and layout is tight and not suitable for construction traffic with the current amount of traffic.
- The proposal will exacerbate existing drain blockages and odour problems.
- Lack of amenities such as a suitable park for the amount of families living here.

Residents of 12 Wesley Road, Cherry Willingham support the proposal (summary):

- Well thought out plans.
- No issues with parking.
- Issues only arise due to lack of common sense from individuals.
- None of us would be living where we do if the plans were refused for our houses.

**WLDC Strategic Housing:**

“NPPF para [72] specifies “Local planning authorities should support the development of entry-level exception sites, suitable for first time buyers (or those looking to rent their first home), unless the need for such homes is already being met within the authority’s area.”

There are 2 elements to the need for the homes, the Central Lincs SHMA identifies a need for affordable housing and that need is not being met across the Central Lincolnshire Housing Market. The types and tenure of properties that are then delivered on the site should reflect the need identified through the housing register information. The D&A statement submitted as part of this application details liaison with WLDC regarding the property types and that those property types reflect the need identified by the Housing register.

Cherry Willingham housing register information 12 <sup>th</sup> July 2021				
One bedroom	Total	Of total, those over 55	Of total, those with a local connection*	Of total over 55, those with a local connection over 55
1 bed	97	47 out of 97	82 out of 97	41 out of 47
2 bed	69	15 out of 69	61 out of 69	15 out of 15
3 bed	31	1 out of 31	24 out of 31	1 out of 1
4 bed +	7	2 out of 7	6 out of 7	1 out of 2
Total	204	65 out of 204	173 out of 204	58 out of 65

\* This is based solely on address, which is only one element of the local connection criteria.

Updated figures have been sought for the housing register and the house types do still reflect the need as identified by the housing register for Cherry Willingham.

The NPPF (above) does also stipulate that the properties must be available for first time buyers or those looking to rent their first home. Due to this, all of the properties on the site will have to have a restriction that they can only be sold or rented to people who wish to buy or rent their first home. This will require a specific letting criteria set out within the S106 which secures the properties as only available for first time renters/buyers in the first instance. This will then supersede the requirement within the West Lindsey Lettings policy that bungalows and ground floor flats can only be rented to applicants who are over 55 or with a medical need.

Due to the above clause being required, I would recommend engagement with an RP as soon as possible as this could add complexity when obtaining an RP partner to purchase the properties and deliver them as affordable.

Details of which properties are to be rented and which will be available for shared ownership will also need to be agreed to ensure there is an identified need for the tenure of housing proposed.”

**WLDC Tree and Landscape Officer:**

Recommends the ash tree is retained and is given plenty of space around it and protective fencing should be erected along the outer extents of its RPA prior to work commencing in the area around it.

**LCC Highways and LLFA:**

23/7/2021:

Requests additional information.

In relation to highway matters there is no objection in principle to the layout shown subject to a better design for the transition from Phase 2's shared surface into the new phase's standard carriageway and footway arrangement. The layout needs to be amended to address this. Currently none of the estate roads that serve as access to the proposed development are adopted highway, therefore should the developer wish for the new development to be adopted, details for the previous phase's adoption will be required. The estate roads which will provide access to the new proposal, once in operation, are not suitable for construction traffic during the build out phase and therefore the HLLFA will require details for a temporary access road for construction traffic for consideration.

In relation to drainage, It has been indicated in the submitted FRA that the site will drain via soakaways and permeable paving. In order to assess the suitability of this method a number of trial pits will have to be excavated to a suitable depth and infiltration testing to BRE Digest 365 will need to be carried out at this stage. The water table depth will need logging and soaked CBR testing will also be required. Depending on the water table depth recorded, a period of bore hole monitoring may be required. For a full application the following information will be required in order for the HLLFA to assess the suitability of the sites drainage strategy:

- Drainage Strategy including adoption and/or maintenance proposals and sketch layout plans
- Detailed development layout showing surface water drainage infrastructure in line with SuDS principles
- Detailed Hydraulic calculations
- Geotechnical interpretive reports (infiltration assessment, groundwater tables, soil types etc.)
- Discharge and adoption agreements

4/10/2021: “It was agreed that the historic information and testing from the previous sites, with regard infiltration, were not suitable. I'm happy to dispense with sustainable techniques for initial surface water capture and have a

traditional sealed system of gullies and carrier pipes provided there's suitable attenuation and outfall. I will still require the relevant detailed supporting information for the new SW disposal strategy, including how it ties into the adjacent phase. I don't think it will be advisable to deal with it by condition only."

**LCC Archaeology:**

No archaeological impact.

**LCC Education:**

No contribution request because there is sufficient primary capacity locally.

**Environment Agency:**

No comment.

**Anglian Water:**

*Wastewater Treatment*

The foul drainage from this development is in the catchment of Reepham (Lincs) Water Recycling Centre which currently does not have capacity to treat the flows the development site. Anglian Water are obligated to accept the foul flows from the development with the benefit of planning consent and would therefore take the necessary steps to ensure that there is sufficient treatment capacity should the Planning Authority grant planning permission.

*Used water network*

The sewerage system at present has available capacity for these flows.

*Surface water disposal*

The proposed method of surface water management does not relate to Anglian Water operated assets.

**Lincolnshire Police:**

No objections.

**Natural England:**

No comment.

**NHS:**

No contributions are requested.

**Witham Valley Access Group:**

Object stating "This development is outside the Neighbourhood Plan and there is still no connection by footpath or cycle path between these developments and the central village and its amenities."

28/9/2021: support because we understand the developer has negotiated a bridleway through the field to the south to Green Lane. It should be stipulated this is a bridleway and included on the LCC Definitive Map so it cannot be revoked.

## **Relevant Planning Policies:**

Planning law requires that applications for planning permission must be determined in accordance with the development plan, unless material considerations indicate otherwise. Here, the Development Plan comprises the provisions of the Central Lincolnshire Local Plan (adopted in April 2017); the Cherry Willingham Neighbourhood Plan (made March 2019); and the Lincolnshire Minerals and Waste Local Plan (adopted June 2016).

### **Development Plan**

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

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

Relevant policies of the CLLP include:

- Policy LP1: A Presumption in Favour of Sustainable Development
- Policy LP2: The Spatial Strategy and Settlement Hierarchy
- Policy LP3: Level and Distribution of Growth
- Policy LP9: Health and Wellbeing
- Policy LP10: Meeting Accommodation Needs
- Policy LP11: Affordable Housing
- Policy LP12: Infrastructure to Support Growth
- Policy LP13: Accessibility and Transport
- Policy LP14: Managing Water Resources and Flood Risk
- Policy LP17: Landscape, Townscape and Views
- Policy LP21: Biodiversity and Geodiversity
- Policy LP24: Creation of New Open Space, Sports and Recreation Facilities
- Policy LP25: The Historic Environment
- Policy LP26: Design and Amenity

- **Cherry Willingham Neighbourhood Plan (CWNP)**

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

Relevant policies of the CWNP include:

- Policy H2: Housing Type, Mix and Density
- Policy OS1: Provision of new Public Open Space
- Policy OS3: Footpaths and cycleways
- Policy D1: Design Principles for Cherry Willingham

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

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

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

### **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: "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)."

- Planning Practice Guidance
- National Design Guide

### **Other**

Central Lincolnshire Developer Contributions Supplementary Planning Document and associated updates.

### **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).

The first consultation on the draft Central Lincolnshire Local Plan closed on 24<sup>th</sup> August 2021. The plan is therefore still at a relatively early stage of preparation; consultation responses are yet to be published at the time of writing although are expected to be so imminently; and Framework consistency has not yet been tested. Consequently the weight to give to the emerging policy is limited (but publication of the consultation responses may change that weighting) it given to relevant policies it contains.

Policy S1 of the draft Reg 18 Local Plan proposes to allocate "Hawthorn Avenue ('Little Cherry')" as a medium village.

### **Main issues**

- **Principle**
- **Design and character impacts**
- **Residential amenity**



- **Highways**
- **Flood risk and drainage**
- **Ecology and trees**
- **Contributions and open space**
- **Other**

## **Assessment:**

### **Principle**

Little Cherry/Hawthorn Road has not been categorised in the settlement hierarchy within the CLLP (policy LP2). This is considered to be an omission from the CLLP. The substantial gap between it and the continuous developed footprint of Cherry Willingham means it is not considered appropriate to conclude Little Cherry is part of Cherry Willingham for planning purposes. CLLP Policy LP2 Tier 7 considers a hamlet to be “a settlement not listed elsewhere in this policy and with dwellings clearly clustered together to form a single developed footprint\*\*\*. Such a hamlet must have a dwelling base of at least 15 units (as at April 2012).”

Whilst the views reached previously by a Planning Inspector are noted, It is not considered appropriate to conclude that Little Cherry Willingham is a hamlet because its current scale would qualify it as a medium village under the thresholds used in the CLLP.

The more recent CWNP does not set out any specific policies in regard to development at ‘Little Cherry’, but states the following at paragraph 9.3:

*“Little Cherry”*

*9.3 The area to the North of the parish, known locally as, “Little Cherry” is a small detached built up area with no facilities and only limited transport services to nearby larger settlements. Any development proposals which come forward in Little Cherry in the Plan period will be considered on their merits within the context provided by national planning policy and relevant policies in the CLLP. In the absence of any definitive statement in the CLLP the District Council has indicated that it will consider Little Cherry as a Small Village (within the settlement hierarchy set out in Policy LP2 of the adopted development plan) until such time as the matter is definitively resolved in any review of that Plan.*

Decision making, noted in the planning history section above, provides contradictory approaches as to how Little Cherry should be categorised. Policy S1: The Spatial Strategy and Settlement Hierarchy of the draft CLLP seeks to address this, and now proposes Hawthorn Avenue (“Little Cherry”) as a medium village in the forthcoming Plan. However, due to the early stage of preparation of this document only limited weight can be applied at this time,

and it would be unsound to base the acceptability of the principle of this proposal on this policy.

CLLP Policy LP1 states:

*“Where there are no policies relevant to the application or relevant policies are out of date at the time of making the decision, then the appropriate Council will grant permission unless material considerations indicate otherwise – taking into account whether:*

- Any adverse impacts of granting permission would significantly and demonstrably outweigh the benefits, when assessed against the policies in the National Planning Policy Framework taken as a whole; or*
- Specific policies in that Framework indicate that development should be restricted.”*

CWNP Paragraph 9.3 states “Any development proposals which come forward in Little Cherry in the Plan period will be considered on their merits within the context provided by national planning policy and relevant policies in the CLLP.”

The site is not allocated for residential development in the development plan (unlike the site immediately to the north). It comprises “countryside” and would arguably be a departure from the Plan, unless there are material considerations to indicate otherwise.

However, National Policy (a significant material consideration) now sets out support for “entry level exceptions sites”.

Both the CLLP and CWNP are silent on the matter of entry-level exception sites. NPPF Paragraph 72 states:

*“72. Local planning authorities should support the development of entry-level exception sites, suitable for first time buyers (or those looking to rent their first home), unless the need for such homes is already being met within the authority’s area. These sites should be on land which is not already allocated for housing and should:*

- (a) comprise of entry-level homes that offer one or more types of affordable housing as defined in [Annex 2](#) of this Framework; and*
- (b) be adjacent to existing settlements, proportionate in size to them<sup>35</sup>, not compromise the protection given to areas or assets of particular importance in this Framework<sup>36</sup>, and comply with any local design policies and standards.”*

*“(35) Entry-level exception sites should not be larger than one hectare in size or exceed 5% of the size of the existing settlement.”*

*“(36) i.e. the areas referred to in footnote 6 in chapter 2. Entry-level exception sites should not be permitted in National Parks (or within the*

*Broads Authority), Areas of Outstanding Natural Beauty or land designated as Green Belt.”*

Reference to footnote 6 above should be 7 due to an editorial mistake in the NPPF: The policies referred to are those in this Framework (rather than those in development plans) relating to: habitats sites (and those sites listed in paragraph 181) and/or designated as Sites of Special Scientific Interest; land designated as Green Belt, Local Green Space, an Area of Outstanding Natural Beauty, a National Park (or within the Broads Authority) or defined as Heritage Coast; irreplaceable habitats; designated heritage assets (and other heritage assets of archaeological interest referred to in footnote 68 in chapter 16); and areas at risk of flooding or coastal change.

The component parts of Paragraph 72 are addressed in detail below:

**“unless the need for such homes is already being met within the authority’s area.”**

When determining the need for such homes and whether this has been met within the authority’s area, a Parish is not an authority in this sense and so it cannot be the area of the need being met. Therefore in line with statutory instruments the authority’s area would be that of Central Lincolnshire. The Strategic Housing Market Assessment states that, as per the PPG, Lincoln, North Kesteven and West Lindsey (Central Lincolnshire) can be jointly considered as a single housing market area.

There are 2 elements to the need for the homes, the Central Lincs Strategic Housing Market Assessment identifies a need for affordable housing and that need is not being met across the Central Lincolnshire Housing Market. The types and tenure of properties that are then delivered on the site should reflect the need identified through the housing register information. The D&A statement submitted as part of this application details liaison with WLDC regarding the property types and that those property types reflect the need identified by the Housing register.

<b>Cherry Willingham housing register information 12<sup>th</sup> July 2021</b>				
<b>One bedroom</b>	<b>Total</b>	<b>Of total, those over 55</b>	<b>Of total, those with a local connection*</b>	<b>Of total over 55, those with a local connection over 55</b>
1 bed	97	47 out of 97	82 out of 97	41 out of 47
2 bed	69	15 out of 69	61 out of 69	15 out of 15
3 bed	31	1 out of 31	24 out of 31	1 out of 1
4 bed +	7	2 out of 7	6 out of 7	1 out of 2
<b>Total</b>	<b>204</b>	<b>65 out of 204</b>	<b>173 out of 204</b>	<b>58 out of 65</b>

\* This is based solely on address, which is only one element of the local connection criteria.

Updated figures have been sought for the housing register and the house types do still reflect the need as identified by the housing register for Cherry Willingham.

The NPPF (above) does also stipulate that the properties must be available for first time buyers or those looking to rent their first home. Due to this, all of the properties on the site will have to have a restriction that they can only be sold or rented to people who wish to buy or rent their first home. This will require a specific letting criteria set out within the S106 agreement which secures the properties as only available for first time renters/buyers in the first instance. This will then supersede the requirement within the West Lindsey Lettings policy that bungalows and ground floor flats can only be rented to applicants who are over 55 or with a medical need. Details of which properties are to be rented and which will be available for shared ownership will also need to be agreed to ensure there is an identified need for the tenure of housing proposed.

The proposal is considered to evidence and address an identified unmet need.

**“These sites should be on land which is not already allocated for housing”**

The proposed housing is not on an allocated housing site. The red line on the site location plan goes through the allocated site to the north for the purposes of access only. This is not considered a breach of this requirement.

**“(a) comprise of entry-level homes that offer one or more types of affordable housing as defined in Annex 2 of this Framework;”**

The proposal complies with this and it will need to be secured by section 106 agreement.

**“(b) be adjacent to existing settlements, proportionate in size to them<sup>35</sup>, not compromise the protection given to areas or assets of particular importance in this Framework<sup>36</sup>, and comply with any local design policies and standards.”**

The site is adjacent to the existing settlement. The size limit for entry level exceptions sites is larger than one hectare in size or exceeds 5% of the size of the existing settlement. Little Cherry is approximately 16 hectares in area. The 5% limit equates to 0.8 hectares. The proposal is 0.45 of a hectare which is within the size limits. The proposal does not compromise areas or assets of particular importance (as referenced) . The site is at low risk (flood zone 1) of flooding. As set out below, the proposal is considered to comply with local design policies and standards.

The 100% affordable housing proposed far exceeds the 25% requirement of CLLP Policy LP11. Additional information has been provided demonstrating in accordance with CLLP Policy LP10 that a minimum of 30% of the dwellings have been designed to meet M4(2) of the Building Regulations to help support the creation of mixed, balanced and inclusive communities and to cater for the needs of less mobile occupants, including older people and disabled people.

### *Sustainability and accessibility of the location*

Previous Inspector opinions regarding the site and adjacent site differ, with one finding compliance with CLLP Policy LP13 and the other slight conflict. It is noted that bus services in Little Cherry seem to have diminished since these appeals were considered.

According to Lincsbus.info, there is a limited bus service in Little Cherry Willingham which seems aimed at school travel with Hawthorn Road having a bus stop served by the 510 to William Farr School; the 548 to Cherry Willingham Priory Academy; and 146 to De Aston School.

There is good but unlit dual footway and cycleway provision on Hawthorn Road to Cherry Willingham with the nearest secondary school provision approximately 1.5km away (Priory Academy). The services and facilities provided at Cherry Willingham village centre, as defined in CWNP Policy R1, are approximately 2.2km away. The services and facilities at the Carlton Centre in Lincoln are approximately 3km away with access for pedestrians and cyclists along the same cycle and footway. Such access has been retained by the bridge over the Lincoln Eastern Bypass.

Within the decision notice for appeal reference APP/N2535/W/17/3179325, with regard to accessibility, the Inspector stated the “appeal site is less than ideally located in terms of accessibility of most day to day services and facilities in the village which would be required by future residents of 69 dwellings, other than by means of a private vehicle” and “On balance I conclude that there would be only limited conflict with Policy LP13 of the CLLP which seeks to minimise travel and maximise the use of sustainable transport modes.”

Ward Councillor, Parish Council, residents and the Witham Valley Access Groups concerns and objections regarding the accessibility of the site to amenities and schools, and suggested footpath provision can be noted.

CWNP Policy OS3: Footpaths and cycleways states “Developments that propose improvements to the existing public footpaths between Cherry Willingham, “Little Cherry” and Fiskerton, shall be strongly supported.”

Policy OS3 is not considered to be a “local design” policy that the proposal must comply with as set out in NPPF paragraph 71.

It is considered the site is less than ideally located for non-car based travel to services and facilities in slight conflict with Policy LP13. The majority of travel is likely to be by car with some walking, cycling and limited bus use for school travel.

Notwithstanding the above, the applicant is in the process of preparing a unilateral undertaking which would secure public bridleway access across the field to the south of the application site to the public right of way along Green

Lane. Provision of a unilateral undertaking makes this a material consideration. It would reduce the walking distance to Cherry Willingham Primary School to 1.7km as opposed to the current 3.2km walk along Hawthorn Road. The walk to the village centre would not be shortened by this route. Hawthorn Road would remain the shortest route to the Priory Academy.

In conclusion regarding the principle of development, the development plan is silent regarding entry-level exception sites and Little Cherry is not categorised within the CLLP settlement hierarchy nor the CWNP. The draft CLLP is not determinative because its policies attract limited weight at this stage. In such circumstances, CLLP Policy LP1 supports the grant of planning permission in the absence of material consideration that indicate otherwise and taking into account the explicit support given to the proposal by the NPPF. A 100% affordable housing development is to be afforded significant weight due to the recognised pronounced shortfall of such accommodation within the housing market area. There is only limited conflict with Policy LP13 of the CLLP which seeks to minimise travel and maximise the use of sustainable transport modes. The applicant will provide a unilateral undertaking to secure better connectivity for non-motorised vehicle travel to Cherry Willingham, strongly supported by CWNP policy OS3. This would reduce travel distances to Cherry Willingham Primary School for example but not all services and facilities in the village. Such provision is considered to meet the broader CWNP aspiration of securing footpath network improvements.

### **Design 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. It also requires consideration of views in to, out of and within development areas: schemes should be designed (through considerate development, layout and design) to preserve or enhance key local views and vistas, and create new public views where possible.

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

Policy H2: Housing Type, Mix and Density states:

*“Elsewhere development proposals should deliver housing at densities that reflect the specific characteristics of the site and its surrounding area (in terms of the existing built form and landscape).”*

*“Affordable Housing*

4. *Where affordable housing is to be provided on site, it must be fully integrated with the market housing throughout the development.*
5. *Affordable housing should be aesthetically indistinguishable from market housing.”*

Policy D1: Design Principles for Cherry Willingham states:

*1. Development proposals will be supported where they are of a high standard of design that have fully considered the relevant design principles, below:*

*Local character and distinctiveness*

*a) new development, particularly larger schemes, shall respect its wider surroundings, in relation to historic development patterns or building plot sizes and forms; density; topography and landscape character.*

*Architectural Quality*

*b) new development shall respect its context, and deliver high quality architecture in terms of density, height, scale, materials and detailing.*

*c) developments in prominent positions to the settlement will be of particularly high-quality design that will serve to reinforce a positive perception about the quality of the place and respect its relationship with its surroundings.*

*Environment and Landscape*

*d) any existing mature trees and boundary hedgerows, that are within or on the boundary of development sites, shall be retained and protected.*

*e) where boundary treatments are proposed, these shall incorporate a degree of native boundary planting to soften their appearance and avoid any ‘hard edges’ between the site and the adjacent or surrounding countryside.*

*f) developments shall respect the purpose of the green wedge designations as identified in Policy LP22 of the Central Lincolnshire Local Plan.*

*Accessibility and movement*

*g) new development should ensure that all people, including those with disabilities, can easily and comfortably move through and into it; prioritise safe, easy and direct pedestrian movement and the creation of a network or attractive, well-connected public spaces; establish both visual and functional relationships between different parts of a development and between the development and its wider setting.*

*Design and Construction*

*h) incorporate, where possible, any carbon reduction and renewable energy materials through the latest technology and construction methods.*

*j) where appropriate, proposals shall take inspiration from the latest Building for Life (12) guidance on good design and incorporate these principles into the proposal.*

*Parking and layout*

*j) where developments are proposing on-street parking provision, this shall be incorporated into the layout of the development through clearly defined parking bays; and*

*k) where a development is proposing a complex or block development, consideration shall be given to the inclusion of visitor parking spaces to avoid unnecessary clutter and on-street parking.”*

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, while not preventing or discouraging appropriate innovation or change (such as increased densities). Paragraph 131 requires tree lined streets.

Policies LP17, LP26, H2 and D1 are consistent with section 12 of the NPPF in requiring well designed places and are given full weight.

The CWNP Character Assessment designates the site as being in area 1D described as attractive limestone arable land, open and rolling in character. It has open rolling topography typical of surrounding agricultural land; a small area of settlement to the north recently extended; and a PROW runs through southern part of the area. Overall, the area is visually very sensitive. Southern part of area is highly sensitive to any form of development or change. It should be noted the site is in the northern section of the area. Landscape value is moderate due to scenic value due to the topography. Overall capacity is low to medium stating “No development in south of area. The views to west and south should be protected. Possibility of small area of development to the north of area as an extension to the settlement, where it will be less visually intrusive.”

It is considered the proposal would not result in a significant impact on the wider landscape character of the rural area, or the character and appearance of the adjacent settlement, but it would bring about limited and localised adverse landscape impact and urbanising effects arising from development of the site, as previously found when Planning Inspectors have considered past development of the site.

The proposal would be viewed very much as an extension to the existing housing estate from the surrounding countryside. Retention of the southern and western boundary hedgerows with some trimming back and the ash tree



are proposed. The proposal shows tree lined streets as required by the NPPF paragraph 131.

The proposal has a density of 47 dwellings per hectare. Phase 2A directly to the north has a density of 42 dwellings per hectare. The density would reflect that of the existing estate to the north. The design mirrors that of the estate to the north with dual pitched roofs, some frontage gable ends, a mixture of render, brick and timber wall treatments, and shared road surfaces. Semi-detached and terraced properties, with some forming rows and others at 90 degree angles to each other are found within the existing estate and the proposal. Building plot sizes and dwelling heights are very similar. Appropriate bin storage is provided.

The proposal would be considered to be well integrated with the market housing to the north and would be aesthetically indistinguishable from it. The shared surface and relatively flat topography of the site mean it will be easy for people, including those with disabilities, to move through the site and the footway link to the south means the proposal will have a visual and functional relationships with its wider setting. The design and construction section of the DAS aims to incorporate, where possible, carbon reduction and renewable energy materials through the latest technology and construction methods and confirms the proposal will be designed to meet the requirements of Building for Life (12) guidance on good design.

Proposed on-street visitor parking provision is incorporated into the layout of the development through clearly defined parking bays which should help to reduce on-street parking and street clutter.

The design and character impacts are considered to comply with the local design policies and standards in accordance with the CWNP, CLLP and NPPF.

### **Residential amenity**

NPPF paragraph 130 requires decisions ensure development creates a “high standard of amenity for existing and future users”. Policy LP26 requires proposals do not result in undue harm to residential amenity which is consistent with the NPPF and given full weight.

The SPD advises:

“6.21 The former Homes and Communities Agency (now Homes England) Housing Quality Indicators formerly stipulated minimum and maximum acceptable sizes for various property types. Whilst these are no longer mandatory, affordable housing providers will use them as a benchmark and normally look for provision to at least meet the minimum size standard (see Appendix 4).”

The applicant has provided a table demonstrating the gross internal area of each proposed dwelling complies with the requirements of the SPD minimum size standard. Proposed rear gardens are in the region of 7-8m in depth. The two bedroom dwellings at plots 11-14 would have 6-6.5m deep back gardens which is modest but appropriate for two bedroom units. Mutual overlooking between proposed dwellings would be largely prevented by intervening fences at ground floor, obscure glazed bathroom windows at first floor or the rooms in question being non-habitable such as utility rooms. A small amount of overlooking would arise from the north facing bedroom window of units 11 and 12 to the rear garden of unit 4 but this is not considered to be unduly harmful.

The application site is located to the south of 69 Wesley Road which has a ground floor dining room window, first floor bathroom window and second floor bedroom window approximately 6m away from the proposed side elevation of plot 5 which would feature a ground floor dining room window and first floor bathroom window. It is necessary to require all north facing windows to unit 5 be obscure glazed to prevent mutual overlooking. The physical proximity of unit 5 to 69 Wesley Road is not considered to give rise to undue harm to residential amenity by virtue of issues such as loss of light, overshadowing or overbearing. Plot 1 would be approximately 11.5m from 69 Wesley Road and at an angle to it which is an acceptable relationship.

Construction access matters are discussed in more detail in the highways section below. It is considered necessary to impose a construction management plan condition to minimise the impact upon local residents.

The proposal would not be expected to cause undue harm to any residential amenity in accordance with CLLP Policy LP26.

## **Highways**

The NPPF paragraph 110 requires appropriate opportunities to promote sustainable transport modes are taken up; safe and suitable access for all is achieved; any significant impacts from the development on the transport network (in terms of capacity and congestion), or on highway safety, can be cost effectively mitigated to an acceptable degree. Paragraph 111 states development should only be prevented or refused on highways grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network would be severe.

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

All two and three bedroom dwellings have two car parking spaces each. The one bedroom dwellings have been provided with one car parking space. The site has been designed to maximise driveway parking. Three visitor spaces are proposed in the south west area of the site. One additional visitor car space is proposed alongside the public open space in the Phase 2 area to the north of the site. The internal road layout, parking and turning provision is

compliant with the requirements of CLLP Policy LP13, and CWNP policy D1 on Parking and layout. .

A number of residents have raised objection to the impacts of vehicles moving through the tight layout of the existing estate roads during construction and occupation. The occupational traffic would be modest and acceptable for the nature of these roads. LCC Highways has stated these roads are not suitable for construction traffic and it requires details of a temporary access road for construction traffic.

The applicant has been in discussions with the landowner to the east of the application site to secure agreement in principle to the route of a temporary construction road, for the construction phase of the development only, from Franklin Way to the application site. Evidence of such agreement is to be submitted to the LPA.

Submission of such evidence enables the imposition of what is known as a 'Grampian condition'.

The judgment in the court case Grampian RC v City of Aberdeen 1983 provided that a condition may be negatively phrased or suspensive, viz it can provide that a development is not carried out, until certain works have been carried out on land not under the control of the applicant, as is the case here.

Planning Practice Guidance states:

*“When can conditions be used relating to land not in control of the applicant?*

*Conditions requiring works on land that is not controlled by the applicant, or that requires the consent or authorisation of another person or body often fail the tests of reasonableness and enforceability. It may be possible to achieve a similar result using a condition worded in a negative form (a Grampian condition) – ie prohibiting development authorised by the planning permission or other aspects linked to the planning permission (e.g. occupation of premises) until a specified action has been taken (such as the provision of supporting infrastructure). Such conditions should not be used where there are no prospects at all of the action in question being performed within the time-limit imposed by the permission.*

*Paragraph: 009 Reference ID: 21a-009-20140306*

*Revision date: 06 03 2014”*

The imposition of such a condition is not considered to give rise to undue harm to residential amenity for residents of Franklin Way or the surrounding road network because of the temporary nature of the proposal and the ability to mitigate impacts such as dust and hours of use via separate planning permission conditions. Provision of such a temporary road is considered to require planning permission in its own right. Therefore, due to the added

complexities this creates, it is considered necessary to allow a longer period for commencement of development of the proposal to 4 years instead of the usual 3 years.

### **Flood risk and drainage**

Policy LP14 requires proposals demonstrate that they have incorporated Sustainable Drainage Systems (SuDS) in to the proposals unless they can be shown to be impractical; to show that that there is no unacceptable increased risk of flooding to the development site or to existing properties; and that adequate foul water treatment and disposal already exists or can be provided in time to serve the development. NPPF Paragraph 169 requires SUDS for major developments.

There is general consistency in requiring developments do not lead to increased risk of flooding therefore Policy LP14 is given full weight.

The submitted amended flood risk and drainage assessment identifies the site is at low risk of flooding. It is proposed to raise finished floor levels 150mm above ground level to mitigate any low risk.

Surface water is proposed to be dealt with by draining it to existing storage facilities located below the existing public open space to the north of the site with discharge via the existing pumping station to Anglian Water surface water sewer. The above storage and pumping station have been designed to cater for the additional surface water from the adoptable highway, private drives and roofs of this proposed phase 3 of the development. The surface water is then pumped into the existing Anglian Water surface water sewer at manhole 8754 to the north of 33 Wesley Road to the north.

The LLFA requests further technical information to demonstrate the proposed method would work in practice.

The LLFA consider further technical assessments are required to justify this surface water drainage approach. Anglian Water raises no objections. The EA makes no comment.

The foul water from the proposed development will be discharged to the existing sewer on Phase 2 which has been sized accordingly.

Anglian Water confirms it is obligated to upgrade Reepham (Lincs) Water Recycling Centre which currently does not have capacity to treat the flows the development site and that the sewerage system at present has available capacity for these flows.

PPG Paragraph: 020 Reference ID: 34-020-20140306 states:

*“The timescales for works to be carried out by the sewerage company do not always fit with development needs. In such cases, local planning*

*authorities will want to consider how new development can be phased, for example so it is not occupied until any necessary improvements to the public sewage system have been carried out.”*

A condition is required to ensure water recycling centre upgrading works are carried out prior to occupation of the development.

Flood risk and drainage matters shall be resolved with further information from the applicant and input of the LLFA following the planning committee.

## **Ecology and trees**

Policy LP21 is consistent with NPPF section 15 in requiring protected species are taken into account and enhancements are secured. It is given full weight.

The submitted preliminary ecological appraisal considers the habitat on and near the site and the potential for protected species. It recommends additional hedgerow planting and enhancement of existing hedgerows; native tree planting; bat boxes and bat friendly lighting; good working practices regarding badger; bird mitigation regarding site clearance and vegetation works; and house sparrow boxes. The report recommends a wildlife enhancement plan is prepared to ensure that as a minimum, the recommendations contained within the report are enacted.

The block plan shows bat and bird boxes but it is unclear whether tree and hedgerow planting and hedgerow enhancements are in accordance with the recommendations. The DAS considers street lighting spillage towards hedges will be significantly screened. It is unclear how this can be the case because the open space provides a clear path for light pollution to areas of hedging.

The appraisal is sufficient to demonstrate the impact on protected is acceptable but a detailed mitigation and enhancements condition is required to ensure the recommendations of the appraisal are correctly implemented. A landscaping condition will also assist in securing tree lined streets of a type that are suitable for a constrained site of this nature in accordance with NPPF paragraph 131.

The tree survey considers the ash tree to be a category B tree, which should be retained. The proposal has been amended to ensure retention of the mature ash tree as part of the public open space and the site layout allows retention of a significant proportion of the existing hedgerows. The eastern boundary shows hedge planting on the countryside facing side of the development in order to avoid hard edges as required by CWNP Policy D1.

The Council's Tree Officer recommends the ash tree is retained and is given plenty of space around it and protective fencing should be erected along the outer extents of its root protection area prior to work commencing in the area around it.

## Contributions and open space

### *Contributions*

No developer contributions are sought by consultees.

### *Open space*

Policy LP24 requires residential development to provide new or enhanced provision of public open space, sports and recreation facilities in accordance with the standards set out in Appendix C and in compliance with the latest Central Lincolnshire Developer Contributions Supplementary Planning Document. This should as first preference be provided on-site in a suitable location. Where on site provision is not feasible or suitable within a local context, consideration of a financial contribution to the creation of a new facility or the upgrading and improvement of an existing usable facility will be considered.

#### Policy OS1: Provision of new Public Open Space

*1. New development should provide public open space to development plan standards. New public open space should be designed in a way that ensures that it is:*

- a) accessible, safe and inclusive to all; and*
- b) safeguards and enhances the natural environment and local habitats.*

*2. Where appropriate, the design and layout of the open spaces should allow habitat and species connectivity through linking new open space to existing habitats and green spaces.*

NPPF Paragraph 92 requires decisions should aim to achieve healthy, inclusive and safe places which:... (c) enable and support healthy lifestyles, especially where this would address identified local health and well-being needs – for example through the provision of safe and accessible green infrastructure. Paragraph 98 states “Access to a network of high quality open spaces and opportunities for sport and physical activity is important for the health and well-being of communities, and can deliver wider benefits for nature and support efforts to address climate change.”

Using the West Lindsey occupancy rates per dwelling based on the number of bedrooms it contains and the formula set out in the Developer Contributions SPD, 21 dwellings would result in a requirement for 555m<sup>2</sup> of on-site open space. The site layout provides approximately 570m<sup>2</sup>. The submitted unilateral undertaking also secures public access from this open space through the field to the south and onto the public right of network which is an additional benefit arising from the proposal that enhances connectivity for residents of the proposal and wider population.

Management and maintenance of on-site open space shall be secured by the s106 agreement. Delivery of the open space is secured by condition.

Contributions and open space matters are considered acceptable.

## **Other**

There are no known archaeological requirements.

The site is in CIL charging zone 1, where the Community Infrastructure Levy (CIL) charge is £25 per square metre for houses. However, an applicant may claim for exemption or relief in certain circumstances, which includes the provision of 'social housing'.

## **Conclusion**

The development plan is silent regarding entry-level exception sites and Little Cherry is not categorised within the CLLP settlement hierarchy nor the CWNP. The draft CLLP is not determinative because its policies attract little weight at this stage. In such circumstances, CLLP Policy LP1 supports the grant of planning permission in the absence of material considerations that indicate otherwise and taking into account the explicit support given to the proposal by the NPPF.

A 100% affordable housing development is to be afforded significant weight due to the recognised pronounced shortfall of such accommodation within the housing market area. There is limited conflict with Policy LP13 of the CLLP which seeks to minimise travel and maximise the use of sustainable transport modes. The applicant will provide a unilateral undertaking to secure better connectivity for non-motorised vehicle travel to Cherry Willingham via a footpath.

It is considered the proposal would not result in a significant impacts on the wider landscape character of the rural area and the proposal is designed in accordance with CWNP and CLLP requirements. No undue harm would arise to residential amenity subject to conditions, including a temporary construction access and track. The quantity and nature of occupational traffic would not be expected to harm highway safety and convenience. The internal site layout and parking provision is considered to be appropriate. Construction access and track would be secured by Grampian condition to avoid harm to highway safety and residential amenity. Ecological and arboricultural matters are demonstrably acceptable subject to conditions. Flood risk and drainage matters require final details from the applicant and further input of the LLFA. No financial contributions are sought and open space is secured via condition and section 106 agreement. There are no other technical problems with the application.

The proposal is considered broadly in compliance with both national and local policy requirements. The slight conflict with regards to the accessibility of the site to services and facilities, and proximity to sustainable forms of transport is considered to be outweighed by the need for affordable of the sort proposed

which responds to an identified need. It is considered any adverse impacts of granting permission would not significantly and demonstrably outweigh the benefits.

Therefore, is it recommended that Planning Committee delegate back to officers to grant planning permission subject to conditions; completion of a bi-lateral section 106 agreement securing the proposal as an entry level exceptions site and the management and maintenance of the on-site public open space; receipt of a unilateral undertaking securing public access through the field to the south of the application site to Green Lane; resolution of surface water drainage matters; and evidence of agreement in principle from an adjacent landowner to construction road provision; and any conditions or other measures relating to these matters. In the event these matters are not resolved within 9 months of the date of the planning committee meeting, the application will be reported back to the next available planning committee.

### **Conditions**

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

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

2. The development hereby permitted shall not commence unless planning permission has been granted by the Local Planning Authority for a temporary construction road between the application site and Franklin Way (or a suitable alternative), and said temporary construction road has been installed in accordance with the approved details. Prior to the commencement of development details shall be submitted to and approved in writing by the Local Planning Authority of measures the developer will take to ensure all construction traffic uses the temporary construction road.

Reason: Wesley Road and Cherry Paddocks are considered unsuitable to provide access to the application site for construction traffic. Therefore, an alternative temporary construction access is required in the interests of highway safety and convenience in accordance with Policy LP13 of the Central Lincolnshire Local Plan.

3. No development shall take place, until a Construction Method Statement has been submitted to and approved in writing by the Local Planning Authority. The approved Statement shall be adhered to throughout the construction period. The Statement shall provide for:

- (i) the routing and management of construction 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 during construction;
- (viii) details of noise reduction measures;
- (ix) a scheme for recycling/disposing of waste resulting from demolition and construction works;
- (x) the hours during which machinery may be operated, vehicles may enter and leave, and works may be carried out on the site;

Reason: In the interests of amenity and in accordance with Policy LP26 of the Central Lincolnshire Local Plan.

4. No development shall take place until a detailed ecological mitigation and enhancements report based on the principles established in the submitted Ecological Appraisal dated June 2021, has been submitted to and approved in writing by the Local Planning Authority. Development shall proceed in accordance with the approved details.

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

5. Protective fencing shall be erected along the outer extents of the root protection area of the ash tree prior to work commencing in the area around it. A small indent may be made to allow for construction of the car parking space within the RPA.

Reason: To protect existing trees in accordance with Policies LP17 and LP26 of the Central Lincolnshire Local Plan.

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

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

7. Prior to occupation of the development, details of foul water drainage to accommodate foul and surface flows from the proposal shall have been submitted to and approved in writing by the Local Planning Authority. There shall be no occupation of the development until off-site works are confirmed to have been completed.

Reason: To secure appropriate drainage that prevents flooding and protects the water environment in accordance with Policy LP14 of the Central Lincolnshire Local Plan.

8. Foul water drainage shall be carried out in accordance with the submitted Flood Risk Assessment and Outline Sustainable Drainage Strategy received 28/9/2021.

Reason: To secure appropriate drainage that prevents flooding and protects the water environment in accordance with Policy LP14 of the Central Lincolnshire Local Plan.

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

1290- A- 00-001\_Rev A00  
1290- A-08-002\_Rev A01  
1290- A-08-003\_Rev A01  
1290 08-006\_Rev A01  
1290 08-009\_Rev A01  
1290- A-10-005\_Rev A01  
1290- A-10-006\_Rev A03  
1290- A-08-001\_Rev A00  
1290- A-08-004\_Rev  
1290- A- 08-005\_Rev A00  
1290- A-08-007\_Rev A00  
1290- A-08-008\_Rev A00

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

10. Prior to occupation, all the north facing openings of dwelling 5 shall be obscure glazed and shall remain so in perpetuity.

Reason: To prevent mutual overlooking with the property to the north in accordance with Policy LP26 of the Central Lincolnshire Local Plan.

11. Prior to the first occupation of the development, a scheme of landscaping including details of the size, species and position or density of all trees and hedges to be planted, and areas of public open space, shall be submitted to and approved in writing by the Local Planning Authority. The details shall include tree lined streets. All planting comprised in the approved details of landscaping shall at the latest be carried out in the first planting season following the occupation of the relevant dwelling; and any landscaping which within a period of 5 years from the completion of the development dies, is removed, or becomes 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 the visual impact of the development on the area of great landscape value is minimised in accordance with the requirements of Policies LP17 and LP26 of the Central Lincolnshire Local Plan.

12. The on-site public open space shall be landscaped in accordance with the details approved under condition 11 of this permission and shall be available for use upon occupation of the 15<sup>th</sup> dwelling of the development hereby permitted. The open space shall remain available for public use at all times.

Reason: To ensure provision of open space in accordance with the requirements of Policy LP24 of the Central Lincolnshire Local Plan.

**Human Rights Implications:**

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

**Legal Implications:**

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

## Location Plan

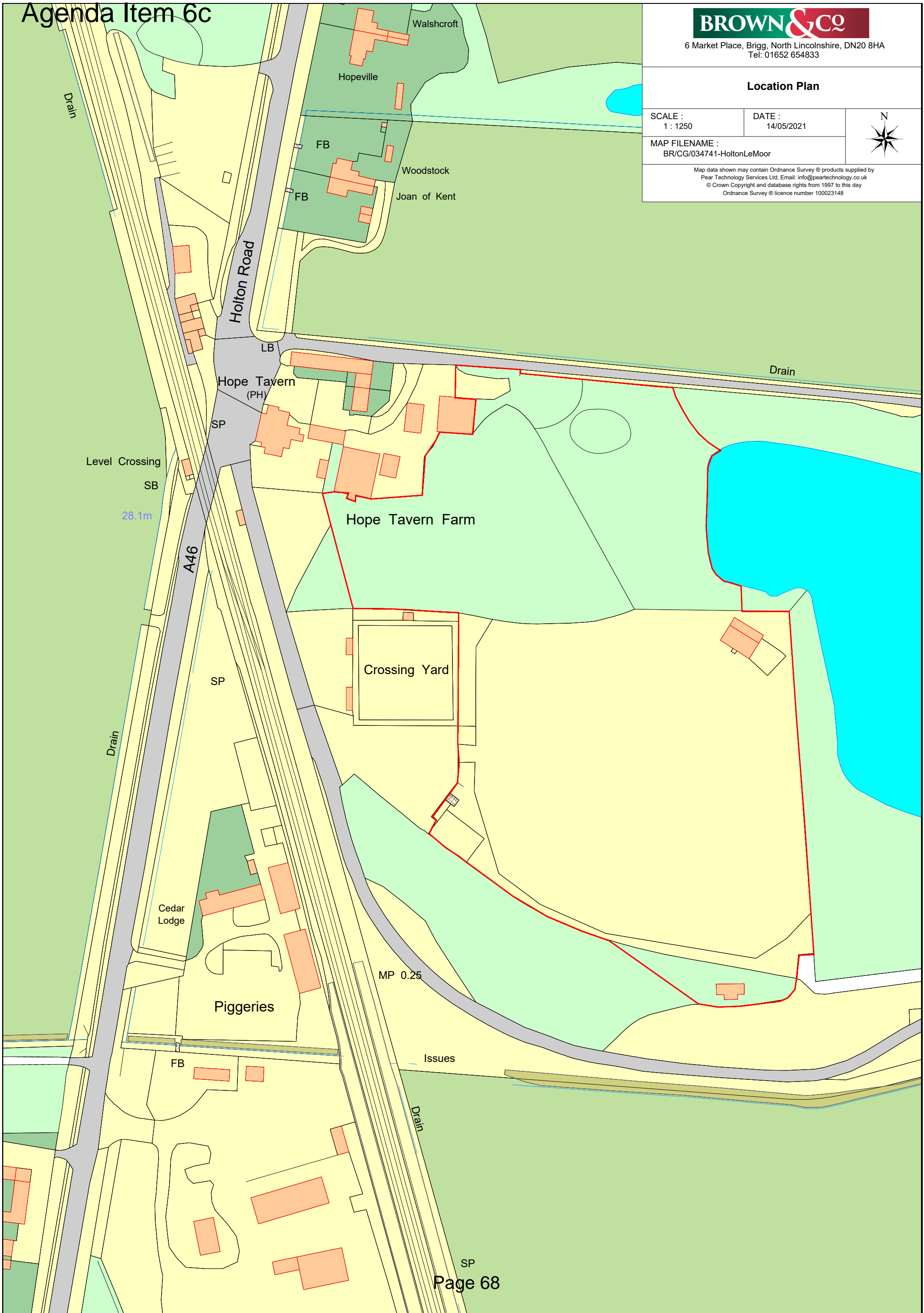
SCALE :  
1 : 1250

DATE :  
14/05/2021



MAP FILENAME :  
BR/CG/034741-HoltonLeMoor

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## **Officers Report**

### **Planning Application No: 143099**

**PROPOSAL:** Planning application for change of use from a sports pavilion to therapy centre.

**LOCATION:** South Kelsey Cricket Club Caistor Road Holton Le Moor Market Rasen LN7 6AH

**WARD:** Wold View

**TARGET DECISION DATE:** 1/10/2021

**DEVELOPMENT TYPE:** Major - Other

**CASE OFFICER:** Martin Evans

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

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This application is reported to planning committee because the loss of the cricket facilities and the gain of a therapy centre are considered to be finely balanced.

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#### **Description:**

Planning permission is sought to change the use of a disused cricket pavilion, cricket pitch and an area of woodland into a therapy centre. Three car parking space would be provided near a hay barn to the north of the site with a woodland walk leading to the building.

The proposal would be to provide indoor and outdoor counselling/therapy services to children, young people and adults in a private therapeutic setting to improve mental health and wellbeing within a rural community.

The pavilion and pitch ceased to be used for cricket purposes in 2014 and has since declined to its current unkempt state including a scrubland character to the former cricket pitch. The site is adjacent to the Holton le Moor railway level crossing and the Hope Tavern public house. The site is within an area of great landscape value within the countryside.

#### **Relevant history:**

None.

#### **Representations:**

## **Residents**

Letters of support have been received from residents of:

21 Kelsway Caistor Market Rasen  
5 Teal Close Caistor Market Rasen  
59 North Kelsey Road Caistor Market Rasen  
6 Marris Way Caistor  
Kiwi 14 Newbolt Close Caistor  
The Mill Wheel Gainsborough Road Middle Rasen  
The Vault 2 Bank Lane Caistor  
25 Nettleton Road Caistor  
The Hall Gatehouse Road Holton Le Moor  
14 Caddle Road Keelby  
14 Rawlinson Avenue Caistor  
15A Wragby Road Riddings Scunthorpe  
57 Axholme Drive Epworth  
12 Windsor Drive Caistor  
5 Canada Lane Caistor  
Plantation Lodge Holton Road Nettleton

They are summarised below:

- It would enhance the lives, wellbeing and mental health of children and adults in need of extra support
- It is a good idea
- It integrates with the rural environment
- The service is much needed in the current situation
- It reuses a brownfield site
- A good location in a countryside location for the users
- A much needed service
- It would make a big difference to the area
- It will bring income and employment to the area
- The cricket pavilion does not get used and is being left to degrade
- There is nothing like it in the area
- We need to improve mental health
- I would use this service for my daughter
- Other sites run by the applicant are excellent

General observations have been received from residents of Beck House, West Street North Kelsey Market Rasen (summary):

- Queries if this is the right location for the proposal because whilst idyllic a sports pitch would be lost and sport is good for wellbeing and is community based. There is no increase in facilities for mental health and wellbeing as it replaces one with another. A combination of both would be better.
- Notes support letters are distance from the proposal, whether they know where the site is, whether it is a suitable location, and whether they support the proposal in this location.
- The proposal is a paid for service, not free. There may have been less support if people has known this. Have other mental health organisations been consulted?

- The report does not address the loss of cricket pitch facilities.
- It is unclear whether the landowner is agreeable to the proposal. Ownership is unclear.
- The proposal is not costed. Does the Council need to know if the proposal is financially sustainable?
- Sport England policy should be supported.

**WLDC Environmental Protection:**

No comment.

**LCC Highways:**

8/7/2021: "The application proposes access to the site from the A46 at a point north of the Hope Tavern. Please can you request that the Applicant demonstrates the location of this on a drawing along with the area allocated for the parking of vehicles."

1/9/2021: Requests any permission given shall include conditions requiring the development is served only by the access to the north of the Hope Tavern; and there shall be no vehicular access via the access to the south of the Hope Tavern. There are no changes to existing drainage arrangements therefore the LLFA considers the proposal would not increase flood risk in the area.

**Network Rail:**

No observations.

**Sport England:**

13/7/2021: Objects.

*"It is understood that the site forms part of, or constitutes land last used as playing field as defined in The Town and Country Planning Development Management Procedure) (England) Order 2015 (Statutory Instrument 2015 No. 595).*

*However, as the playing field has not been used for at least five years, the consultation with Sport England is not a statutory requirement.*

*Notwithstanding the non-statutory nature of the consultation, Sport England has considered the application in light of the National Planning Policy Framework (particularly Para 97) and against its own playing fields policy, which states:*

*'Sport England's will oppose the granting of planning permission for any development which would lead to the loss of, or would prejudice the use of:*

- *all or any part of a playing field, or*
- *land which has been used as a playing field and remains undeveloped, or*
- *land allocated for use as a playing field*

*unless, in the judgement of Sport England, the development as a whole meets with one or more of five specific exceptions.'*

Sport England's Playing Fields Policy and Guidance document can be viewed via the below link:

[https://www.sportengland.org/how-we-can-help/facilities-and-planning/planning-forsport#playing\\_fields\\_policy](https://www.sportengland.org/how-we-can-help/facilities-and-planning/planning-forsport#playing_fields_policy)

*Sport England' applies its policy to any land in use as playing field or last used as playing field and which remains undeveloped, irrespective of whether that use ceased more than five years ago. Lack of use should not be seen as necessarily indicating an absence of need for playing fields in the locality. Such land can retain the potential to provide playing pitches to meet current or future needs.*

### **The Proposal and Impact on Playing Field**

*The applicant advises that cricket use ceased at the site around 2014, aerial imagery and the England and Wales Cricket Board confirm this position. The Central Lincolnshire Playing Pitch Assessment from 2013 does not apparently reference this site as Lysaghts Sports Ground but it is understood that the site was used by South Kelsey CC (confirmed by the applicant), who are referenced. The assessment concludes that all existing cricket pitches should be retained. The proposal is described as a change of use from a sports pavilion to therapy centre, the application site boundary includes the cricket field area and the adjacent woodland which would be utilised as part of the therapy on offer. The Change of Use therefore appears to relate to the whole application site.*

*The proposal therefore results in the pavilion building being unable to be used for sports purposes.*

### **Assessment against Sport England Policy**

*Whilst there is no up to date and Robust playing field evidence for West Lindsey this development would appear to further reduce the potential for cricket to return or other sports to commence at the site. In addition there is no evidence to confirm that this site is surplus to sports requirements (not just cricket) in the area.*

*The England and Wales Cricket Board advise;*

- *Not sure that it is economically viable for cricket to return to the site, as the pavilion and ground will need significant investment to bring it back into play.*
- *It is likely that most of the cricket demand was and now is being met at either Caistor CC or Market Rasen CC. But without an up to date Playing Pitch Strategy the current picture or any future demand issues are not fully understood.*



*The proposal would result in the loss of all the playing field use at the site, the conversion of the pavilion would make it difficult for sport to return to the site. It is necessary therefore to show how the proposals meets our policy and NPPF para 97, provide mitigation for the loss , or provide evidence that the site is surplus to requirements in terms of playing field use.*

*This information has not been provided to a satisfactory level of detail, the proposal does not therefore meet any of the exceptions to our policy. No mitigation for the loss is indicted and there is no up to date evidence to confirm that the site is surplus to playing field requirements in the district.*

### **Conclusion**

*In light of the above, Sport England objects to the application because it is not considered to accord with any of the exceptions to Sport England's Playing Fields Policy or with Paragraph 97 of the NPPF."*

20/7/2021: Confirmed any reference to NPPF paragraph 97 should be paragraph 99 due to the latest version of the NPPF having been issued.

21/9/2021: in response to the applicants additional justification:

*"The submitted information includes discussions with former members of the South Kelsey Cricket Club which does confirm that the site has not been used for formal cricket since 2014.*

*The applicants agent has, as far as they have been able, provided evidence around local cricket which indicates that the site is not currently required for cricket.*

*We have re-consulted the England and Wales Cricket Board, the ECB advise;*

*Our position regarding economic viability doesn't change but our concern regarding future demand remains and is perhaps strengthened by the response from Caistor Town CC with the thought of future growth and teams looking for grounds locally.*

*The Caistor Cricket Club response confirms our concern, whilst the submitted review seeks a balanced view of the significance of the loss to cricket, it is not sufficient to conclude that there is an excess of playing field provision in the catchment. Therefore without a full and detailed strategic assessment of all playing field demand, supply and future needs (not just cricket) which meets the requirements of our policy and paragraph 98 of NPPF 2021 the site cannot be considered as surplus.*

*As advised there is no up to date and robust playing field evidence for West Lindsey, there is not sufficient strategic evidence to confirm that this site is surplus to sports requirements (not just cricket) in the area. The proposal would result in the loss of all the playing field use at the site, the conversion of the pavilion would make it difficult for sport to return to the site.*

*The proposal does not therefore meet any of the exceptions to our policy. No mitigation for the loss is indicated.*

#### *Conclusion*

*In light of the above, Sport England maintains our objection to the application because it is not considered to accord with any of the exceptions to Sport England's Playing Fields Policy or with Paragraph 99 of the NPPF."*

### **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 LP1: A Presumption in Favour of Sustainable Development

Policy LP2: The Spatial Strategy and Settlement Hierarchy

Policy LP5: Delivering Prosperity and Jobs

Policy LP9: Health and Wellbeing

Policy LP13: Accessibility and Transport

Policy LP14: Managing Water Resources and Flood Risk

Policy LP15: Community Facilities

Policy LP17: Landscape, Townscape and Views

Policy LP24: Creation of New Open Space, Sports and Recreation Facilities

Policy LP26: Design and Amenity

Policy LP55: Development in the Countryside

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

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

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

#### 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:

*"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**

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

#### 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://central-lincs.inconsult.uk/CLLP.Draft.Local.Plan/consultationHome>

The first consultation on the draft Central Lincolnshire Local Plan closed on 24th August 2021. The plan is at an early stage of preparation; consultation responses are yet to be published and considered; and Framework consistency has not yet been tested. Very little weight is given to relevant policies it contains.

There is no neighbourhood plan for the area.

#### **Main issues**

- Principle
- Highway and railway safety

- Other

**Assessment:**

**Principle**

The existing use is considered to be within use class F2(c) areas or places for outdoor sport or recreation and the proposed use is within use class E(e) provision of medical or health services.

The site is not within an area that meets the Policy LP2 definition of a hamlet and is considered to be in the countryside where tier 8 of Policy LP2 permits:

**“8. Countryside**

Unless allowed by:

- a. policy in any of the levels 1-7 above; or
- b. any other policy in the Local Plan (such as LP4, LP5, LP7 and LP57), development will be regarded as being in the countryside and as such restricted to:

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

Other relevant policies are considered below. The proposal does not meet the other noted exemptions to this policy of rural restraint.

The proposal would generate employment as noted in the application form. The relevant section of Policy LP5 states:

**“Other Employment Proposals**

Other employment proposals in locations not covered by SES, ESUE, EEA and LES categories above will be supported, provided:

- there is a clear demonstration that there are no suitable or appropriate sites or buildings within allocated sites or within the built up area of the existing settlement;
- the scale of the proposal is commensurate with the scale and character of the existing settlement;
- there is no significant adverse impact on the character and appearance of the area, and/or the amenity of neighbouring occupiers;
- there are no significant adverse impacts on the local highway network;
- there is no significant adverse impact on the viability of delivering any allocated employment site; and
- the proposals maximise opportunities for modal shift away from the private car.”

It is considered unlikely that a building with this amount of land would become available within an allocated site or an existing settlement. The scale is appropriate to the area. There are no harmful character or amenity impacts. No harm to the highway network would arise. There is negligible impact on delivery of allocated sites. The site is well served by the bus stops near the Hope Tavern which provide the number 53 bus from Lincoln to Grimsby, (which also links the site to Caistor and Market Rasen) hourly bus service as an alternative to car travel. The proposal complies with Policy LP5.

Policy LP9 states:

“Proposals for new health care facilities

Proposals for new health care facilities should relate well to public transport services, walking and cycling routes and be easily accessible to all sectors of the community. Proposals which utilise opportunities for the multi-use and co-location of health facilities with other services and facilities, and thus co-ordinate local care and provide convenience for the community, will be particularly supported.”

The good bus service linking the site to the two largest nearby settlements of Caistor and Market Rasen are considered to make this site accessible to all sectors of the community. Walking and cycling are considered unlikely because of the high speed and busy nature of the A46 for such journeys and the distances involved. The proposal complies with Policy LP9.

Policy LP15 protects community facilities including those that provide for health and wellbeing, recreational and leisure needs of the community. This is considered to include the cricket facilities on the site and the proposed therapy centre. LP15 states:

“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 proposal entails a change of use from one community facility to another therefore the criteria do not apply.

Policy LP55 states:

“Part E: Non-residential development in the countryside

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

- a. The rural location of the enterprise is justifiable to maintain or enhance the rural economy or the location is justified by means of proximity to existing established businesses or natural features;

- b. The location of the enterprise is suitable in terms of accessibility;
- c. The location of the enterprise would not result in conflict with neighbouring uses; and
- d. The development is of a size and scale commensurate with the proposed use and with the rural character of the location.”

The modest job creation would assist the rural economy and is justified by means of proximity to the open space and woodland the proposed use would benefit from. Accessibility is suitable. There is no conflict with neighbouring uses. The scale is commensurate with the use and rural character of the location.

Policy LP24 relates to the creation of new open space, sports and recreational facilities rather than the loss of existing sports facilities.

NPPF paragraph 99 is a significant material consideration. It states:

“Existing open space, sports and recreational buildings and land, including playing fields, should not be built on unless:

- (a) an assessment has been undertaken which has clearly shown the open space, buildings or land to be surplus to requirements; or
- (b) the loss resulting from the proposed development would be replaced by equivalent or better provision in terms of quantity and quality in a suitable location; or
- (c) the development is for alternative sports and recreational provision, the benefits of which clearly outweigh the loss of the current or former use.”

The Central Lincolnshire Playing Pitch Needs and Evidence - October 2015 Update, page 174, states:

“Several clubs are at or approaching capacity, including

- West Lindsey – Caistor, .....Market Rasen”

Page 175, Strategic Priorities, aims to ensure there are enough facilities stating:

“C1: In partnership with the Lincolnshire Cricket Board, ensure that the amount of cricket facilities available does not impact on the opportunities to grow participation in the sport. Many clubs are nearing capacity, particularly on a Saturday and Sunday afternoon. While overall there are sufficient facilities, it is important to ensure that particularly in areas of high growth, a shortage of facilities does not constrain existing or future participation. Facilities for use by these clubs should be sought through;

- Retaining existing cricket pitches
- the ongoing development of relationships between larger and smaller clubs. This has already proved successful, with many larger clubs

using facilities owned by smaller clubs. Use of facilities at other clubs provides an important source of income for smaller clubs and may support the overall sustainability of cricket across the area

- the development of school club links and the establishment of a relationship between schools and cricket clubs. Facilities at school sites can then be used by the cricket club as the club expands. Note improvements to the quality of facilities are likely to also be required (in line with recommendation (C3) use
- the provision of a new satellite ground for clubs at capacity where this represents a sustainable option for growth.”

Paragraph 11.117 of the document “Analysis of the balance of supply and demand demonstrates that there are enough pitches to meet demand at peak time. When including all school facilities, there are 14.1 pitches not used at peak times. When excluding schools (other than those that are of appropriate quality and are used) **there are just 8.1 surplus pitches.**”

The draft CLLP consultation library contains relevant evidence behind the draft plan. The sport and open space section contains many documents that informed the current adopted CLLP. The library contains a new document entitled Sports Needs Assessment specifically for West Lindsey. The application site is not considered in this document because it explicitly excludes “fallow” sites.

This document considers there to be a sufficient quantity of sports pitch provision for the current population in West Lindsey and this is without consideration of the application site. However, based upon future population projections there will be a need of a further 3.15 cricket pitches needed up to 2040. It should be noted that further and more detailed supply and demand work is required to identify the quality of the pitches. This would determine the current carrying capacity of each pitch. It states:

“To cater for future population growth consideration should be given to allow for slight increases across all sports and pitch types. This growth will most likely be required in the southern part of the district in the areas surrounding Nettleham and Welton, but western areas close to Gainsborough and areas close to Market Rasen and Caistor to the East. Specific areas of focus cannot be determined at this point but should be balanced with other increases in adjoining local authorities due to cross boundary needs.”

Sport England playing field policy states:

“THE PLAYING FIELDS POLICY

Sport England will oppose the granting of planning permission for any development which would lead to the loss of, or would prejudice the use of:

- all or any part of a playing field, or
- land which has been used as a playing

field and remains undeveloped, or  
• land allocated for use as a playing field unless, in the judgement of Sport England, the development as a whole meets with one or more of five specific exceptions.”

The first exemption states:

“EXCEPTION 1

A robust and up-to-date assessment has demonstrated, to the satisfaction of Sport England, that there is an excess of playing field provision in the catchment, which will remain the case should the development be permitted, and the site has no special significance to the interests of sport.”

Caistor Town Cricket Club copied WLDC into its response to the applicants consultation with them. CTCC state:

“Having consulted members of the cricket club management we are of the opinion that we should support the Sport England stance. Although at the present time there is no plans for using the cricket ground that may not be the case in the future. The Hundred competition has increased interest in cricket throughout the country and this may over the next few years develop into increased participation.

Locally in the Lincs League we are seeing new clubs wanting to join the league. We are also seeing clubs like Louth and Lindum wanting to field 3 teams in the league and this can really only be achieved by the third team playing at least some, or all their games, at another venue. So, It may well be that there could be demand for cricket to be replayed at the Holton-le-Moor site by somebody in the future. We simply do not know at this time and so we believe we should not support something that will mean the end of a cricket ground in the area.”

Market Rasen CC states: “I don't think it will affect cricket in our area. I know on behalf of Market Rasen we are able to provide cricket for many people in the area, so we don't have any issues with the proposed plans.”

The Sport England objections, including the concerns of the England and Wales Cricket Board; the comments of Caistor Town Cricket Club and Market Rasen Cricket Club are noted. Sport England has confirmed it is not a statutory consultee for the purposes of this application. Its comments are therefore a general material consideration.

The applicant provided a response to the initial objection of Sport England stating they have contacted local cricket clubs with either no response or no objection being raised; it considers SE exception 1 is met through the applicants robust assessment; provides a response to CLLP Policy LP24, and NPPF paragraphs 92, 93 and 99. The applicants case relating to NPPF



paragraph 99a states “We have canvassed the relevant local bodies about the need for the existing sporting facilities for local people. No interest has been expressed.”

The above Playing Pitch Needs and Evidence document is several years old but it demonstrates there is a surplus. Sport England include the comments of the England and Wales Cricket Board noting “but our concern regarding future demand remains and is perhaps strengthened by the response from Caistor Town CC with the thought of future growth and teams looking for grounds locally”.

Whilst the cricket pitch would not be built on, the proposed change of use of the land would remove its lawful use as a cricket pitch, regardless of its current condition.

The existing pavilion is in poor condition. The pitch is in very poor condition. The site has been disused since 2014 based on available information. The site is not in a significant population centre being 8km north of Market Rasen and 4km south of Caistor although it is well served by road and bus links between the two.

Market Rasen and Caistor Cricket Clubs are both heavily constrained by their surroundings such that expansion onto adjacent sites is likely to be problematic. They are also at or near capacity as noted in the evidence document. The increased interest in cricket highlighted by CTCC and the related concerns regarding future demand expressed by the EWCB are noted.

Permitting the proposal would on the face of it be in conflict with Strategic Priority C1 which aims to ensure there are enough facilities by retaining existing cricket pitches and the provision of a new satellite ground for clubs at capacity where this represents a sustainable option for growth.

It is of note that since the Playing Pitch Needs and Evidence was first produced in 2013 and updated in October 2015, two apparently at or near capacity local cricket clubs have not taken on the application site as a satellite ground in the intervening 8 year period. On the contrary, South Kelsey cricket club has, in that time, vacated the site.

The proposal is considered to be in accordance with Policies LP2, LP5, LP9, LP15 and LP55 of the CLLP whereas the loss of the cricket facilities, considered in light of NPPF paragraph 99, associated Sport England policy and the responses of local cricket clubs is more finely balanced. The above information indicates the cricket facilities are surplus to current requirements.

In view of the above factors and the social and economic benefits associated with a therapy centre it is, on balance, recommended that the proposal is acceptable in principle.

## **Highway and railway safety**

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 or the residual cumulative impacts on the road network would be severe. The policy is therefore attributed full weight.

An additional drawing has been provided showing the route of the existing footpath through the woodland to the pavilion and the route of the vehicular access to the north of the Hope Tavern as requested by LCC Highways. The applicant confirms clients will be requested to access the site by the entrance north of the Hope Tavern and to use the parking area near the hay barn. The applicant confirms the access to the south of the Hope Tavern would not be used.

The conditions recommended by LCC Highways requiring the northern access as opposed to the southern access to the front of the Hope Tavern is used would be unenforceable because these junctions are used as through routes to other parts of the district. This was highlighted to LCC Highways and an alternative traffic management plan condition suggested to it but no response was received. The existing lawful use of the cricket pitch would generate vehicle movements using the southern access with substandard visibility.

In these circumstances, it is considered necessary to recommend a traffic management plan could be conditioned which requires the operator to inform all visitors to the site of the northern access and egress to be used, the designated parking area, walking route to the pavilion and that the access/egress to the south should not be used in the interests of highway safety. This would mitigate the risk to some degree.

Network Rail raise no concerns regarding safety of the adjacent railway line.

Highway and railway safety implications are acceptable.

### **Other**

Policy LP17 requires landscape and character impacts are of particular importance for such sites within an area of great landscape value. No external alterations are proposed to the building. Maintenance of the building and grounds would be beneficial to the character of the area.

The proposal is remote from residential dwellings therefore no undue harm to residential amenity would arise in accordance with Policy LP26.

## **Conclusion**

The proposal is considered to be in accordance with Policies LP2, LP5, LP9, LP15 and LP55 of the CLLP whereas the loss of the cricket facilities, considered in light of NPPF paragraph 99, associated Sport England policy and the responses of local cricket clubs is more finely balanced. The above information indicates the cricket facilities are surplus to current requirements.

In view of the above factors and the social and economic benefits associated with a therapy centre it is, on balance, recommended that the proposal is acceptable in principle. Highway and railway safety matters are acceptable. There are no other technical problems with the application. Therefore, it is recommended that planning permission is granted subject to conditions:

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

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

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

Floor plan showing proposed usage

Site plan

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

3. Prior to the first use of the development, a traffic management plan shall be submitted to and approved in writing by the Local Planning Authority. It shall contain details of how the site operator is to inform all visitors to the site of the need to use the vehicular access/egress to the north of the Hope Tavern, the designated parking area, walking route to the pavilion and that the access/egress to the south should not be used in the interests of highway safety. Operation of the site shall proceed in accordance with the approved details.

Reason: In the interests of highway safety in accordance with Policy LP13 of the Central Lincolnshire Local Plan.

## **Human Rights Implications:**

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

## **Legal Implications:**

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



Planning Committee

Wednesday , 3  
November 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 Samuel Routledge against the decision of West Lindsey District Council to refuse planning permission to replace all windows and the rear french doors of the property at The Old Bakery, 4 Beck Hill, Tealby, Market Rasen, LN8 3XS.

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

**Officer Decision** – Refuse



## Appeal Decision

Site visit made on 5 July 2021 by Darren Ellis MPlan

**Decision by R C Kirby BA (Hons) DipTP MRTPI**

an Inspector appointed by the Secretary of State

**Decision date: 22 October 2021**

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**Appeal Ref: APP/N2535/D/21/3274639**

**The Old Bakery, 4 Beck Hill, Tealby, Market Rasen, LN8 3XS**

- 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 Samuel Routledge against the decision of West Lindsey District Council.
  - The application Ref 142547, dated 26 February 2021, was refused by notice dated 5 May 2021.
  - The development proposed is to replace all windows and the rear french doors of the property.
- 

### Decision

1. The appeal is dismissed.

### Appeal Procedure

2. The site visit was undertaken by an Appeal Planning Officer whose recommendation is set out below and to which the Inspector has had regard before deciding the appeal.

### Procedural Matter

3. The Government published on 20 July 2021 a revised version of the National Planning Policy Framework (the Framework). Whilst I have had regard to the revised national policy as a material consideration in my decision-making, planning decisions must still be made in accordance with the development plan unless material considerations indicate otherwise. In this instance, the issues most relevant to the appeal remain unaffected by the revisions to the Framework. I am therefore satisfied that there is no requirement to seek further submissions on the revised Framework, and that no party would be disadvantaged by such a course of action.
4. The description of the development shown on the application form includes a detailed explanation to justify the proposal. However, in the interests of conciseness and clarity, in the header above I have used just the first part of the description which clearly describes the proposal.

### Main Issue

5. The main issue is the effect of the proposed development on the character and appearance of the property and whether or not it would preserve or enhance the character or appearance of the Tealby Conservation Area.



## Reasons for the Recommendation

6. The appeal site is a two-storey semi-detached property within a prominent location close to a four-way junction in the village within the Tealby Conservation Area (CA). The buildings in the CA, including the appeal property, are largely historic in nature and are constructed of stone with tiled roofs. Many buildings have timber windows of a traditional appearance that contribute to the CA's significance through, in part, their intricate detailing and historic origins. The appeal property, along with the others nearby, contributes positively towards the character and appearance of the CA and reflects the historic character of Tealby, with its windows being a vital part of its architectural style and design.
7. Although the design of the new windows and doors appears similar in the submitted drawings to the existing timber windows and doors, it is unlikely that the detailed design would be, because of the different nature of UPVC to timber, and its flatter, uniform appearance. Moreover, the use of whole glass sheets within the frame, with the glazing bars attached as decorative features as opposed to being structural would not have the finesse of the existing windows and doors with numerous sheets of glass found in the existing structural frames, irrespective of their colour. The introduction of such a modern material, with the drawbacks set out, would appear contextually incongruous and would result in the loss of historic fabric to the host property, which would be noticeable in this prominent location.
8. In reaching this view I am mindful that planning permission has been granted for UPVC windows on properties in the locality and that the attached property has UPVC windows, as have a number of other older properties in the CA. I find in the main, the context of these windows is not comparable to the appeal property, with the exception of the attached property where I find that the windows do not make a positive contribution to the significance of the CA as a designated heritage asset. Furthermore, newer dwellings in the village have UPVC windows, however their character, appearance and context differs to that associated with the appeal property. These examples do not provide justification for the proposal because of the identified harm that would be caused.
9. Given my findings, the proposal would be harmful to the appearance of the host property and would erode the positive contribution it makes to the character and appearance of the CA. It follows that the replacement windows and French doors would neither preserve or enhance the character or appearance of the CA and would result in harm to the significance of this designated heritage asset.
10. The harm that would arise would be localised and therefore, in the context of the approach in the Framework, the harm to the CA as a whole would be less than substantial. Paragraph 202 of the Framework states that where a development would lead to less than substantial harm to the significance of a heritage asset, that harm should be weighed against the public benefits of the proposal. The appellant has suggested that the proposed material may be more environmentally friendly than the loss of trees for the timber to make the frames. However, I have not been presented with substantive evidence to demonstrate that the proposed frames are more environmentally friendly in this regard.

11. I acknowledge that the proposed composite windows may be easier to maintain than timber windows. However, no substantive evidence has been submitted that demonstrates how quickly new timber windows, either with or without regular maintenance, would deteriorate to a condition that harms the appearance of the building. I also acknowledge that the existing windows are in a poor condition and that double-glazing would provide significant thermal improvements and given the current climate emergency I therefore attach moderate weight to this benefit. However, this would not outweigh the great weight I am required to give the conservation of designated heritage assets.
12. The proposed development would detract from the character and appearance of the appeal property and would neither preserve nor enhance character or appearance of the Tealby Conservation Area. As such the proposal conflicts with Policy LP25 of the Central Lincolnshire Local Plan (2017) (LP) which requires that all new development should protect, conserve or seek opportunities to enhance the historic environment, and Policy LP26 of the LP which requires development to contribute positively to local character. There would also be conflict with the statutory test contained in section 72(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 and the Framework which requires that the historic environment is conserved and enhanced.

*Other Matters*

13. The appellant states that single glazing is the only option for new timber windows due to the design of the windows, and that this would be contrary to modern building standards. However, I note the Council's conservation officer's comments, with regards to building regulations, that buildings in conservation areas are allowed to have single glazing where character would be affected. Moreover, there may be other alternatives which would be suitable to improve thermal efficiency including secondary glazing options. Accordingly, I am not convinced that there are not less harmful options for replacing the windows and French doors than that proposed.
14. I note the concerns regarding the Council's handling of the case. However, this is a matter that would need to be taken up with the Council in the first instance, and in determining the appeal I have only had regard to the planning merits of the case.

**Conclusion**

15. For the reasons given above and having had regard to all other matters raised, I recommend that the appeal should be dismissed because of the conflict with the development plan and there being no material considerations which indicate that a decision should be made other than in accordance with the development plan.

*Darren Ellis*

APPEAL PLANNING OFFICER

**Inspector's Decision**

16. I have considered all the submitted evidence and the Appeal Planning Officer's report and on that basis, I agree with the recommendation and shall dismiss the appeal.

*RC Kirby*

INSPECTOR