

Guildhall Gainsborough
Lincolnshire DN21 2NA
Tel: 01427 676676 Fax: 01427 675170

AGENDA

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

Planning Committee
Wednesday, 1st December, 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 - 12)
 - i) Meeting of the Planning Committee held on 3 November 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

- | | | |
|-------|---|-------------------|
| i) | 142221 Little London Farm North Kelsey | (PAGES 13 - 32) |
| ii) | 142247 Little London Farm North Kelsey | (PAGES 33 - 57) |
| iii) | 143410 Land North of Normanby Rise Claxby | (PAGES 58 - 79) |
| iv) | 143301 Land to the West of Reepham Village Hall | (PAGES 80 - 95) |
| v) | 143510 Land off Middle Street Ingham | (PAGES 96 - 125) |
| vi) | 143367 Land between Elizabeth Close and Hawthorn Close Glentworth | (PAGES 126 - 140) |
| vii) | 143287 Regangroom East Ferry Road Laughton | (PAGES 141 - 161) |
| viii) | 140235 Former Lindsey Shopping Centre Gainsborough | (PAGES 162 - 164) |

7. Determination of Appeals (PAGES 165 - 170)

Ian Knowles
Head of Paid Service
The Guildhall
Gainsborough

Tuesday, 23 November 2021

WEST LINDSEY DISTRICT COUNCIL

MINUTES of the Meeting of the Planning Committee held in the Council Chamber - The Guildhall on 3 November 2021 commencing at 6.30 pm.

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

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

In Attendance:
Rachel Woollass Development Management Team Leader
Ian Elliott Senior Development Management Officer
Martha Rees Legal Advisor
Ele Snow Democratic and Civic Officer

57 PUBLIC PARTICIPATION PERIOD

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

58 TO APPROVE THE MINUTES OF THE PREVIOUS MEETING

The Committee was advised of an amendment that had been made in relation to the advice from the Legal Adviser for application number 141702. The printed minutes to be signed by the Chairman included this amendment and the published minutes on the website had also been updated.

RESOLVED that the minutes of the meeting of the Planning Committee held on Wednesday, 6 October 2021 be confirmed and signed as an accurate record.

59 DECLARATIONS OF INTEREST

Councillor I. Fleetwood declared a non-pecuniary interest in relation to application number

143260 (agenda item 6b) in that he was a member of the Parish Council for Cherry Willingham. He stated that he had not discussed the application with anyone and had not had contact with the applicant or registered speaker.

Councillor C. Hill declared a non-pecuniary interest regarding application 143260 (agenda item 6b) in that she had received an email as Ward Member regarding the application but had not responding and would remain as a Member of the Planning Committee for the item.

60 UPDATE ON GOVERNMENT/LOCAL CHANGES IN PLANNING POLICY

The Committee heard from the Development Management Team Leader with the following update on Neighbourhood Plans in the district.

Neighbourhood Plan/s	Headlines	Planning Decision Weighting
Corringham NP	Examination successful. A decision statement has been issued confirming that NP should be given significant weight in planning decisions and that the referendum is to be held on 2 December.	Significant weight
Sturton by Stow and Stow joint NP	Consultation on the submission version of NP (Reg16) closed recently. Responses to consultation to be posted on WLDC website shortly. Examination process to begin.	Increasing weight

61 143250 BLYTON PONDS, BLYTON

The Chairman introduced the first application of the evening, planning application number 143250, for change of use from holiday park to 9no. retirement homes for the over 50s, at Blyton Ponds, Station Road, Blyton. The Committee heard that there had been an update regarding growth levels, with there now being a growth level of two dwellings in Blyton, compared with the stated 'zero growth' in the report. This would alter the excess of properties through this application from an excess of seven properties, down from the stated figure of nine.

The Chairman explained there were two registered speakers for the application, the first being a statement to be read aloud from the Parish Council. The Democratic and Civic Officer read the following statement.

"Unfortunately no one from Blyton Parish Council is able to attend the Planning Committee meeting tonight. However council would like to make written representation.

Blyton Parish Council is not against the application per se but it has grave concerns about the potential of the development to exacerbate flooding in the village. Surface water flooding is already a big problem in Blyton with houses and businesses on the High Street and houses on Station Road having to be pumped out on a number of occasions over the past

few years. In fact houses on Station Road in the proximity of the application site have been flooded earlier this year.

Surface water from Station Road drains into the Wash Dyke which runs close by this development and already floods the village higher up on the High Street. The potential of development of this site into permanent residences could pose further problems, for example the addition of hard standing for vehicles and impermeable garden surfaces.

Should the Planning Committee decide to approve this application, Blyton Parish Council requests that conditions be used to eliminate further risk.”

The Chairman invited the second speaker, Mr James Roberts, speaking in support of the application, to address the committee. Mr Roberts made the following statement.

“Thank you Chair and members of the committee. This application essentially seeks to swap 12 holiday lodges for nine permanent homes for people over the age of 50. These homes will be high quality lodges rather than a traditional construction. This development would therefore deliver the type of accommodation which brings wider societal benefits, as it would help provide for the ageing population in West Lindsey.

We are pleased to see that the case officer and consultees have no concerns relating to the technical impacts of the scheme. In particular, it is very clear that the proposal would not have any adverse impacts in relation to flood risk, drainage, highway safety or land contamination. It seems clear the sole issue, which has resulted in the recommendation for refusal, relates to the matter of community support.

Prior to the submission of the application, the applicant contacted the parish council to see whether they would be able to support the proposal. Unfortunately, the parish council would not confirm either way. The applicant was unable to meet and discuss the proposal with members of the local community at the time because COVID restrictions were in place and it was therefore considered the pre application consultation with the parish council would be sufficient.

Following the submission of the application, the applicant has been able to discuss the proposal with local residents. This has been supplemented by posts on Facebook and the Nextdoor website. This consultation exercise has resulted in a significant show of support from the local community.

In terms of formal support, the application has resulted in a total of 62 letters of support compared to three letters of objection. This equates to a level of support in excess of 95%. It is also considered important to know that the primary concern of the three objectors relates to drainage and flood risk. None of the proposed dwellings would be within a flood zone and the scheme has received no objections from the Environment Agency or the lead local flood authority. A poll on the Nextdoor website generated 75 votes, with 92% of people in support, 4% against and 4% no opinion. It is therefore considered that the proposal does have support from a local community as required by the local plan policy.

This application is a sustainable form of development which would not have any adverse impact. The proposal would improve the visual impact of the site, would reduce the amount of built form in the, would help enhance the local sense of community and would support

existing local services. There is a shortage of accommodation for older people looking to downsize and stay in Blyton and this proposal would help meet this demand. The existing holiday part usage is no longer viable and this development is the most sensible and productive use for the site. The applicant has now demonstrated an overwhelming level of support from the local community and the proposal is therefore fully policy compliant. I would therefore like to respectfully urge members of the committee to approve this application. Thank you.”

The Chairman thanked the speakers and invited any response from the Planning Officer. He noted that, in response to the comments from the Parish Council with regard to surface water flooding, the proposal would lead to less built up form on the site and, should the Committee be minded to approve, conditions could be imposed relating to the use of permeable surfaces, meaning issues with surface water would not be exacerbated.

The Chairman invited comments from the Committee and there followed significant discussion for what was agreed to be a very finely balanced decision. It was noted that, as the development would exceed the growth levels of Blyton, planning policy stated that pre-application support was needed from the community. It was equally noted that due to the restrictions during the pandemic, community consultation had not been as straightforward as it might have been in previous times. Members were, overall, satisfied with the proposal being built on an existing site and with the provision for over 50s, however, it was acknowledged that policy LP2 was clear in the requirement for community support to be demonstrated at the pre-application stage. Members noted that support had since been forthcoming, however this did not meet the requirement of LP2 of being pre-application.

Having been moved and seconded, the Chairman took the vote and, with a majority vote, it was agreed that planning permission be **REFUSED**.

62 143260 LAND SOUTH OF WELSEY ROAD, CHERRY WILLINGHAM

The second application was introduced by the Chairman, application number 143260 an entry level exception site for erection of 21no. affordable dwellings - phase 3, on land to South of Wesley Road, Cherry Willingham. The Committee heard the following update from the Planning Officer. It was requested that committee delegate back to officers to grant planning permission subject to:

- 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.

With regard to drainage design, the fee proposal had been obtained on the day prior to the meeting for the engineer to prepare designs for the drainage and connection into existing attenuation / pumping station, works ongoing with drainage. Regarding the unilateral undertaking for bridleway, the final engrossed unilateral undertaking had been received from the solicitors. The client's solicitors were preparing an 'associated grant of the right of access'. In relation to the S106 for affordable housing and open space, the Final Clean

Version of the agreement was sent to WLDC on 19 October.

Additionally, regarding the Haul Road access, Cherry Tree Homes originally proposed having the Haul road cutting diagonally across the field from Franklin Way. However, the adjoining land owner objected as his agricultural vehicles could only operate in straight lines. He would not be able to farm the cut off area of the field due to its triangular shape and relatively small size. The adjoining land owner of the east field had agreed in principal to Cherry Tree Homes having the access across his site. However, he was not currently willing to agree in writing to an exact route until Cherry Tree Homes paid him for the access.

The Chairman noted there were two registered speakers and invited the first, Mr Adam Skidmore from LK2 Architects, to address the Committee. Mr Skidmore made the following statement.

“Thank you, Chairman and Members of the Committee. My name is Adam Skidmore from LK2 Architects speaking in support of the application. This site has been subject to a number of historic planning applications. Previous planning submissions and subsequent appeal decisions of the site have determined that for locational purposes the site is acceptable for the development of residential housing.

The proposal is for an entry level exception site, which meets the requirements of paragraph 71 of the National Planning Policy Framework. Whilst the development of this site would extend the existing built form of the settlement, the proposed scheme for 21 affordable homes demonstrates exceptional reasons to justify the granting of a residential scheme on the site. The proposal will help to meet the identified much needed demand for affordable housing in the Cherry Willingham area in response to the strategic housing figures produced by the West Lindsey Housing Register.

The applicant is now prepared a Section 106 agreement to ensure the site is designated for affordable homes only. This section 106 agreement has now been drafted and agreed with the council. The layout scale and density of the proposed scheme complies with the relevant design principles from the Cherry Willingham Neighbourhood Plan and policies LP 17 and LP 26 of the Central Lincolnshire local plan.

Cherry Tree Homes and LK2 Architects have engaged closely with the planning officer throughout the planning period. This has resulted in further enhancements and redesigns to the application. These include all existing trees have now been retained on the site. There's been an increase in new tree planting along the street frontage in response to the latest national planning policy. There's been a provision of larger public open space on the site, and also the provision of a new public right of way to Green Lane, providing a bridleway link from Little Cherry into the main settlement of Cherry Willingham. This has been secured through the provision of a unilateral undertaking from the applicant and the adjoining landowner. All this has been done in response to feedback received during the planning authority and from local councillors during the planning consultation period.

Landscape and ecology. The application proposes a large net gain of boundary hedges and trees across the site. This softens the impact of the proposals from the surrounding area, and further supports local ecology. Bird and bat boxes have been provided in accordance with the recommendations of the ecology report to further enhance this.

It has been noted that a number of concerns have been raised about parking and access to the site by local residents. These can be addressed as follows. The application will not require any on street parking. The scheme has been designed with driveway parking to every house. The two and three bed houses have been designed with two car parking spaces each. The one bed bungalows have one space each. The site provides 37 private parking spaces and the further four visitor spaces are included to give a total of 41 spaces for our 21 houses. This is a higher ratio of spaces than the previous phase one and two developments to the north. The applicant is updating the management plan on the Phase One and Two development sites to help alleviate existing parking problems and congestion. The new road into the phase three development has been designed to adoptable standards.

To prevent construction traffic issues, the applicant has agreed in principle with an adjoining landowner to provide a whole road route into the site so that construction vehicles don't have to travel along Wesley Road to access the phase three development. We'd like to respectfully request the committee approve this application and thank you for your time."

The Chairman thanked Mr Skidmore and invited the Democratic and Civic Officer to read the statement provided by Mr Paul Varnsvery in objection to the application. The following statement was read aloud.

"I am a former resident of the neighbouring Cherry Paddocks development and write to endorse and reinforce the objections submitted by current residents of the Wesley Road development.

For whatever reasons, both the Wesley Road and Cherry Paddocks developments were constructed "from the front back", leaving the two pockets of land identified in the Cherry Willingham Neighbourhood Plan as CL4751 and CL4752, and designated as suitable for housing, 'locked' behind existing homes.

Irrespective of the status of CL4751 and CL4752 within the strategic plan, development of these two sites cannot occur without causing significant inconvenience to existing residents of Wesley Road and Cherry Paddocks, considerable risk of damage to property and private vehicles from large vehicles delivering building materials trying to navigate the completed residential roads (and damage to the roads themselves), danger to pedestrians, and potential loss of amenity.

Furthermore, residents of Cherry Paddocks, with grant support from WLDC and LCC, had to fund high-speed Internet connectivity themselves, when the "cut-price" service the developer signed up for slipped to below 2Mbps or no connection whatsoever as more homes were completed and occupied. Will the Fibre To The Cabinet service this community initiative funded suffer reductions in bandwidth if this application is constructed? If so, developers need to be compelled to finance such infrastructure as is required to maintain the current level of service.

It is no secret that the developer of Cherry Paddocks has designs on the strip of land immediately to the west of that development, an application on which (134096) was previously refused both by the WLDC planning committee and the Planning Inspectorate (APP/N2535/W/17/3179325), and has been engaged in pre-application discussions with the planning authority. Clearly, this strip of land also has the potential to provide a "haul road" and a repository for materials for application 143260.

Any such proposal should be rejected by WLDC, as the designation of said strip of land has already been tested by the previous application and appeal. Notwithstanding the noise and dust this would inflict on existing Cherry Paddocks residents (both factors which occurred when the land in question was used as an unauthorised repository and haul road for completion of Cherry Paddocks), any use of the land whatsoever for development purposes of any type should be looked at in its fullest context and no decisions taken which would cause an irrevocable change of use and create enabling development that might prejudice residents' objections to further applications.

In closing; it is in the nature of developers to be greedy. There can never be enough land to satisfy them, and even where housing needs are being addressed by local strategic plans, developers will continue to submit inappropriate planning applications. They know which “buzzwords” to use in planning applications and presentations to the planning committee, but are often found lacking, as has been alleged in other comments by Wesley Road residents, and as was found with the original “cheapskate” Internet provision at Cherry Paddocks.

Whilst the land subject of application 143260 may be designated for housing development, common sense and logic make it clear the previous strategic decisions of developers on the phasing of the existing housing developments makes construction on this site non-viable without great inconvenience and risk to the community. I urge the authority to reject the application.”

The Chairman invited response comments from the Officer who confirmed that the application was under paragraph 72 not 71 as stated by the architect.

The Chairman opened the discussions by summarising the location of the proposed development and raising concerns regarding the impact on the existing homeowners of any construction work as well as concerns regarding the access for construction traffic and the impact on the existing roads. Members of the Committee voiced further concerns regarding the access to amenities and the location being set away from the main town. It was felt that residents would have no option but to use private transport for even the basics of everyday life. The requirements of developments under paragraph 72 as entry level housing were read aloud to confirm location of such developments did need to be on unallocated land and there was not the requirement for it to be integrated in existing developments.

There was significant discussion regarding existing concerns of residents regarding access to broadband, difficulties with low water pressure as well as access to the site. It was explained that should the development be approved, it could be conditioned that construction could not commence until the construction access road had been completed.

The recommendation was moved and seconded, however on taking the vote, there was a majority vote against the recommendation and as such, the proposal was lost.

The Chairman requested an alternate proposal and, through further discussion, it was proposed that the application be refused as contrary to D1, section G of the Neighbourhood Plan, LP1, LP17 and LP26. On having this proposal seconded and put to the vote, it was agreed by majority vote that permission be **REFUSED**.

Note: The meeting adjourned at 7.48pm for a short comfort break and reconvened at 7.49pm.

63 143099 SOUTH KELSEY CRICKET CLUB, HOLTON LE MOOR

The Chairman introduced the final application of the evening, application number 143099, for change of use from a sports pavilion to therapy centre at South Kelsey Cricket Club, Caistor Road, Holton Le Moor. The Committee heard from the Planning Officer that Ward Member Councillor T. Regis had wished to lodge his approval and support for the application and had submitted the following statement: “I appreciate Caistor Cricket Club’s opinion as a duty to Sport England however the reality is that the field is no longer used for anything other than left fallow and will remain so. This application will enable a use again for this area and will help to support WLDC in our plight to continuously grow the economy.”

The Chairman noted there was one registered speaker and invited Mr Richard Alderson to address the Committee. Mr Alderson made the following statement.

“Good evening Chair and members of the planning committee. My name is Richard Alderson and I am the agent for the applicant, Gail Hyman. The application which is recommended for approval is for the change of use of a disused cricket pavilion and grounds at Holton le Moor to an indoor and outdoor therapy centre to provide counselling and therapy services to children, young people and adults. The site was selected by the applicant because it offered a private setting and a beautiful location eminently suitable for delivering therapeutic health to improve the mental health and general being within a rural community.

The applicant Gail Hyman current currently operates an online therapy service for vulnerable people from her home in Middle Rasen. Mrs. Hyman also works with young children at the Rainbow Preschool Nursery which is sited at Caistor Primary School where she is the manager. This follows 20 years of experience working in childcare, often involving working with children requiring support for additional needs. Mrs. Hyman was given the opportunity to take the tenancy of an area of land atop the moor, which was formerly the Lysaghts Sports Club Cricket Club pavilion and field. The tenancy also includes part of the adjoining woodland to the northwest of the pavilion as you saw on the map.

The application attracted a lot of interest and support from local people, as well as general observations from others. When the application was first mooted in a pre-application, the case officer raised various hurdles to be overcome if the proposal were to have any chance of approval. All of these points have been addressed to the satisfaction of the case officer. Outstanding issues for him came down to highways and the change of use of a community facility. The Highways objections were overcome by changing the site access from a potentially dangerous location to one that represents no hazard to the highway. A planning condition requiring a traffic management plan to request all visitors to the centre to use the entrance and access as shown in the application plans is suggested by the Planning Officer.

Sport England have objected to the loss of a cricket facility on the grounds that although out of use for many years, may be needed at some time in the future. On the applicant’s behalf I canvassed opinion from all the controlling bodies for cricket in Lincolnshire, but received no response from any of them. At the request of the case officer I contacted Caistor and Market Rasen cricket clubs explaining the objection from Sport England. Caistor Cricket Club

supported the view of Sport England, but Market Rasen Cricket Club did not considering that there were ample facilities provided out Market Rasen and Caistor. Caistor currently fields three senior teams and four junior teams while Market Rasen have seven senior teams and three junior teams. Both clubs are currently advertising on their websites that they are looking for more players to use their existing facilities. Interestingly, the England and Wales Cricket Board ECB felt it could be economically unviable for cricket to return to the site and also said that most of the cricket demand in the area is already met by Caistor and Market Rasen.

The officer's report states that one community facility is being replaced by another and that the social and economic benefits associated with the Therapy Centre led him to state the proposal is acceptable in principal. He found that all the relevant policies in the Central Lincolnshire Local Plan were met. Granting permission for this change of use will also result in the former pavilion being refurbished and brought back into use.

I'll close with the words of Gail Hyman the applicant, 'I'm just so passionate about this. Outdoors and green spaces enhance our wellbeing just being there, the perfect location. I respectfully ask members to support the officer's recommendation.' Thank you very much."

Note: Councillor D. Cotton declared a personal interest in that he knew Mr Alderson, however he did not know the applicant and was not compromised in his position as a Committee Member.

The Chairman thanked Mr Alderson for his comments and, with no further comment from the Officer, invited the committee to discuss.

There was discussion regarding the loss of the cricket ground, tempered with the improvement the proposed change of use would bring. A Member of the Committee enquired as to how a commercial venture could be considered a community facility and the Officer explained that whilst it was a commercial venture, it would be providing a service for the community and in terms of planning policy, the proposal was for a community facility.

Members of the Committee expressed concern about the loss of the sports facility and whether this would set a precedent, however, other Members were quick to highlight the length of time the site had been out of use, the work that would be required to bring it into use, and the improvement the proposal would bring to the site and local area.

Having been moved and seconded, the Chairman took the vote and it was agreed that permission be **GRANTED** subject to the following conditions.

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

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

2. 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.

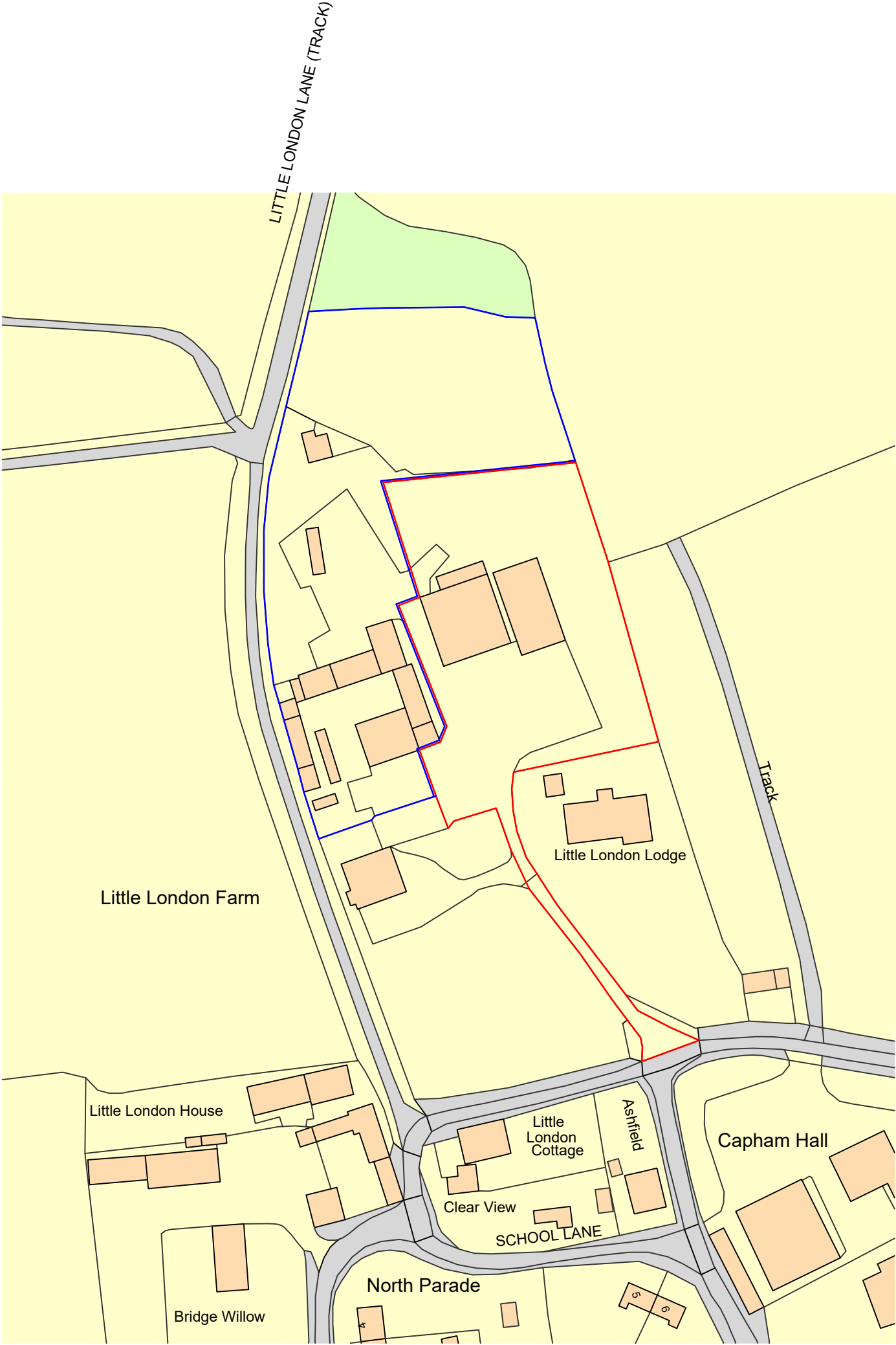
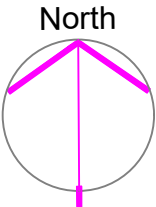
Reason: In the interests of highway safety in accordance with Policy LP13 of the Central Lincolnshire Local Plan.

64 DETERMINATION OF APPEALS

The Determination of Appeals was **DULY NOTED**.

The meeting concluded at 8.08 pm.

Chairman



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Revisions:
A (20.08.2021) northern edge of red edge land extents slightly amended.

client	
J Knapton	
project	
Little London Farm Residential Development - Outline	
drawing	
Location Plan	
date	24.11.2020
scale	1:1250 @ A3
drawn	KK
check	



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Officers Report

Planning Application No: 142221

PROPOSAL: Outline planning permission for three dwellings including demolition of existing commercial buildings - all matters reserved.

LOCATION: Land adjacent to Little London Farm Little London North Kelsey Market Rasen LN7 6JP

WARD: Kelsey

WARD MEMBER(S): Cllr P Morris

APPLICANT NAME: Executors of the Estate of Mrs A C Balderson

TARGET DECISION DATE: 03/12/2021

DEVELOPMENT TYPE: Minor - Dwellings

CASE OFFICER: Dan Power

RECOMMENDED DECISION: Grant with conditions attached.

The application is being referred to the Planning Committee for determination following objections from the Parish Council and a number of objections from local residents, and as the planning matters under consideration are deemed to be finely balanced.

Description:

The site is located within the built footprint of North Kelsey and comprises two adjacent steel portal framed buildings. To the west of the site are a number of traditional barns with more recent modern additions which are subject to planning application 142247. The traditional barns are clustered around a former dovecote. There are signs on the dovecote which state that the following businesses occupy the barns and the steel portal framed buildings subject of this application (142221):

Keith Blackburn – Plant and Machinery Refurbishment.
Riflo Engineering - Painting, Shot Blasting and Fabrication Business.

To the south of the site is a detached bungalow (Little London Lodge, Little London) with its gardens mainly to the south. To the north of the site is countryside. To the west of the site are the aforementioned traditional barns to the south of which is a former two storey detached farmhouse (Little London Farm, Little London) and its gardens mainly to the south of the farmhouse. The site and the two existing dwellings and the site to the west (subject of planning application 142247) are accessed off the same access off Little London/School Lane. There is a Public Right of Way (NKel/61/1) to the west of the site.

The application seeks outline planning permission to erect three dwellings including the demolition of the existing steel portal framed buildings on the site

with all matters reserved (being matters of access, layout, scale, appearance and landscaping).

The landowner has entered into a certified S.106 (Unilateral Undertaking) which was completed on the 10/9/2021 (The Council is not a party to the document). The Unilateral Undertaking means that the existing uses on the site of this application (142221), for any fabrication of metal and the refurbishment of mechanical or agricultural machinery and for 142247 need to cease before commencement of development. This is to ensure that no noise and disturbance occurs to the occupiers of the proposed dwelling.

The applicant has provided evidence that there was only ever one tenant on the site (Keith Blackburn). The application was validated on the 29/12/2020 and on the 27 February 2021 the tenancy agreement for Keith Blackburn was formerly ended (with an extension until the 30 June 2021 to vacate the site). It has now been confirmed that the tenant had vacated the site.

Relevant history:

Site to west

142247 – Full planning for conversion of barns to 1no. dwelling. To be determined in tandem with this application.

Representations:

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

Parish Council: Comments and objections. The state and size of existing road cannot cope with more traffic - the carriageway is already broken and falling into disrepair in many places. There are several developments already in the village with properties unsold.

The application does not give the correct amount of employees affected - this would be 7 in total not 1. The adjacent paddock is in continual use.

Concern raised about infrastructure and services within the village being over stretched, such as Primary school admissions.

Although a brown field site is it outside the housing build line of the village and would therefore represent an extension of the village into open land.

Local residents: Little London Farm, Little London, Mousehole, South Street, Rowan Lodge, Station Road, Pinfold Farm, Church Street, Eastgate House, Maidenwell Lane, Capham Hall Farm, School Lane, North Kelsey. Object for the following reasons:

- If planning was to be granted this would result in overlooking to and from the proposed dwellings.
- The planned development would inhibit future plans for my property.

- The current tenant is my employer, if the planning was granted I would be redundant and have to claim benefits whilst looking for alternative employment, where inevitably I would have to travel and be increasing my carbon footprint.
- The application site is described as an 'eyesore' but can only be seen from Little London Farm and Little London Lodge.
- Cemetery Lane/Little London Farm driveway does not have clear visibility at all or passing places. Due to the nature of Cemetery Lane (trees on either side) don't believe it is big enough to sustain any additional traffic.
- My children attend the village school and if the proposed dwellings are to be family homes I struggle to see how the school will accommodate these children.
- I am fearful that if planning is granted, revisions would quickly be made to extend this application and increase the number of dwellings substantially which then would not be in keeping with the houses nearby which are all detached substantial properties.
- I'd like to draw attention to the fact that the planning has been split into two applications, whereas this is one single site and has been for all of recent history.
- The current tenant has uninterrupted and sole access to the entire site, however I believe only leases the brick section. I believe this should be investigated as it should permit the current tenants to claim possession of the site. Planning should not be granted until the legal status is concluded.
- I would like to draw your attention to "jobs", the site currently employs 7 people. This has been the case for many years, this plan will force local business to close and the employees to travel much greater distance to commute to a place of work. Currently 5 of the employees live within 1 mile of the premises.
- 5.5c "Excludes" – "Agricultural buildings and associated land on the edge of the settlement" The buildings in question are on agricultural land and are in fact agricultural buildings, the use may have changed to commercial, but the fabric of the site is still agricultural heritage
- From my very brief research it appears there are multiple development sites available within North Kelsey which would not involve the forced business closures by this application.
- By approving this application you are shutting down local thriving business and forcing local people to travel far and wide to seek alternate employment
- To the north of the application site there is open land and a paddock which is not actively used." The paddock is in constant use, horses, livestock and poultry are managed on site.
- With two recent developments, North Kelsey has already dramatically increased the capacity for housing. The homes being developed doesn't help the local community as they cannot afford.
- The site currently under application houses a vital service to the community, a mechanic is always in demand and would surely be unable to find suitable premises within the locality.

- At present part of the farm buildings are rented and used for a successful agricultural maintenance business occupied by Mr K H Blackburn who employs several villagers and in return financially supports their families. As a local farm worker we use this firm regularly to maintain our vehicles and farm equipment.
- The land designated for industry within the village is very limited. The majority of village services have closed. The village has become a satellite, dormitory settlement for nearby towns. I would like to fight for local jobs for local people. It is important to have employment opportunities within the village in order to give North Kelsey a healthy long term future. Local jobs reduces the carbon footprint for travel as low as possible. .
- I strongly believe there has been too much growth in a village with no facilities. It would be good to see the council approve and support a thriving business employing local people instead of more and more housing.
- The site is adjacent to a public footpath and can be seen from a public road (application states not).
- The Central Lincolnshire Local Plan Policy LP4 applies a sequential hierarchy to development in Category 5 settlements which includes North Kelsey. No sequential test or evidence of clear community support has been submitted with this application.
- Planning Policy LP5 sets out the preference for local employment and specifically, the encouragement of 'micro businesses' such as that currently occupying the building which this application proposes to demolish. LP5 specifically addresses whether the loss of land or buildings would adversely affect the economic growth and employment opportunities in the area. The loss of these buildings would adversely affect the employment opportunities in the settlement of North Kelsey; there are few other businesses in the village or surrounding area and there are no obvious relocation sites in the village.
- The Local Plan places a significant emphasis on the importance of the agricultural economy in Lincolnshire, this proposal would result in the closure or forced relocation of a business which is part of, and supports, the local agricultural economy.
- No mains sewer overflow so sewerage could enter our dyke to the north of the site.
- Extra traffic would make access to our farmland north of the site difficult.

Riflo Engineering, Little London, North Kelsey: objects for the following reasons:

- I am the business owner of Riflo Engineering Ltd at the site. I live locally and can currently walk to work. If the planning application were granted, I would have to seek employment elsewhere most likely being in Lincoln, Grimsby or Scunthorpe, the local industrial areas. I would not be able to walk to work if I had to change employment and this would substantially affect the environment. I believe the government

are trying to reduce the level of CO2 where as granting this planning permission would most definitely go against the green targets set. To note there are another 4 people locally employed on the site.

- I have placed offers to purchase the proposed development site from the owner but I have been rejected. I would like to own the yard to develop and expand my business further and to update the steel buildings to suit this.
- The village school is full to capacity. If the planning is granted for additional dwellings which are to be family homes then I feel my daughter (who is currently at the pre-school) may have to travel further afield to a different school again increasing my family's carbon footprint.
- Cemetery Lane is a hazardous road to pull out onto. There is not clear visibility to the right. Further down Cemetery Lane there are no safe passing places. The lane between Little London Lodge and Little London Farm is very narrow and also there are no passing places.
- I am employed at the site by Riflo Engineering Ltd and K H Blackburn. If the application were granted, I believe with my specific skill set I would struggle to find alternate employment
- Granting the planning permission is sure to close the businesses and leave me out of work with limited employment options.

LCC Highways/ Lead Local Flood Authority: This is an outline application with all matters reserved, the principle of 3 dwellings in this location is acceptable, the site is large enough for sufficient off road parking and the proposal would not adversely impact on highway safety. Details of access would need to be assessed when applied for.

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

LCC Rights of Way: No representations received to date.

The Ramblers Association: No representations received to date.

LCC Archaeology: No representations received to date.

Environmental Protection Officer: Nuisance potential - The applicant site has potential to be impacted by way of nuisance (noise/odour/dust) from commercial undertakings that will remain as well as that of existing, continuing and potential further diversification of agricultural activity.

This potential needs to be better understood and/or mitigated in order that an appropriate assessment can be made as to the suitability of this outline proposal. It is likely that a noise assessment will be required to identify existing and potential noise and background levels.

Comment in the Planning Statement to the effect that other buildings are subject of a separate application for a dwelling ought not to negate or minimise the above unless there is to be an overall assessment.

Comment at 5.8 is also of concern:

'These buildings are not intensively used at present, but should the use intensify with a new owner or tenant, this would have serious adverse impacts on the amenity of the nearby dwellings.'

In that prior use would appear to be established and unless changed would appear to enable continuation, intensification and/or further diversification. Significant perhaps is that land use in the immediate area and that of the applicant site is commercial diversification of and agricultural whereas the more sensitive uses i.e. residential, are to the south (refer annotated plan)

Contamination - Contamination is acknowledged in the application. Any resulting permission ought to have a comprehensive contamination condition attached to it.

IDOX checked: 18/11/2021

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).

Development Plan:

The following policies are particularly relevant:

*Central Lincolnshire Local Plan 2012-2036

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.

LP5: Delivering Prosperity and Jobs

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

LP26: Design and Amenity

**With consideration to paragraph 219 of the National Planning Policy Framework (July 2021) the above policies are consistent with the NPPF (July 2021). LP1 is consistent with NPPF paragraph 11 as they both apply a presumption in favour of sustainable development. LP2, LP3 & LP4 are consistent with NPPF chapter 5 as they both seek to deliver a sufficient supply of homes. LP5 is consistent with chapter 6 of the NPPF as they both seek to create a strong and sustainable economic growth. LP13 is consistent with NPPF paragraphs 110-113 as they both seek to ensure an efficient and safe transport network that offers a range of transport choices. LP14 is consistent with paragraphs 159 to 169 of the NPPF as they both seek to*

avoid putting inappropriate development in areas at risk of flooding. LP16 is consistent with NPPF paragraphs 183 as they both seek to ascertain if the ground conditions of a particular site are suitable for the proposed use. LP17 is consistent with NPPF paragraph 130 & 174 as they seek to protect valued landscapes and recognise the intrinsic character and beauty of the countryside and are sympathetic to the built environment. LP21 is consistent with chapter 15 of the NPPF as they both seek to protect and enhance biodiversity and LP26 is consistent with section 12 of the NPPF in requiring well designed places. The above policies are therefore attributed full weight.

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

Draft Central Lincolnshire Local Plan:

The first round of consultation on the Draft Central Lincolnshire Local Plan has now completed. The consultation ran for 8 weeks from 30 June to 24 August 2021. The NPPF states:

“48. 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) 24.”

The early stage of preparation, because consultation has only just completed on the Draft Plan and untested consistency with the Framework mean some weight (but it is still limited) is given to the policies it contains relevant to this proposal at this moment.

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

Neighbourhood Plan:

No plan is currently being prepared.

National policy & guidance (Material Consideration)

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

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

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

Paragraph 219 states:

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

- **National Planning Practice Guidance**
<https://www.gov.uk/government/collections/planning-practice-guidance>
- **National Design Guide (2019)**
<https://www.gov.uk/government/publications/national-design-guide>
- **National Design Code (2021)**
<https://www.gov.uk/government/publications/national-model-design-code>

Main issues:

- Principle of the Development
- Loss of Employment
- Scale, Appearance and Layout
- Access and Highway Safety
- Foul and Surface Water Drainage
- Ecology
- Boundary Treatments, Landscaping and Trees
- Other Matters

Assessment:

Principle of Development

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

The site is located within the built footprint of North Kelsey and comprises two adjacent steel portal framed buildings. To the west of the site are a number of traditional barns with more recent modern additions which are subject to planning application 142247. The traditional barns are clustered around a former dovecote. There are signs on the dovecote which state that the following businesses occupy the barns and the steel portal framed buildings subject of this application (142221):

Keith Blackburn – Plant and Machinery Refurbishment.
Riflo Engineering - Painting, Shot Blasting and Fabrication Business.

There are existing residential dwellings immediately to the south of the site (Little London Farm and Little London Lodge). The site is brownfield land within the built footprint of the settlement. It is therefore considered to be brownfield land within the developed footprint and is within the first category of land to be developed under the land availability sequential test in Policy LP4.

In the Central Lincolnshire Local Plan, North Kelsey is designated as a medium village (LP2) within which it is acknowledged there can be up to 10% growth with small scale development of a limited nature (up to 9 dwellings per site) being accommodated. As of the 08/11/2021 the following table shows that there is remaining growth of 13 dwellings to be accommodated in North Kelsey:

<https://www.west-lindsey.gov.uk/my-services/planning-and-building/planning-policy/housing-growth-in-medium-and-small-villages-policy-lp4/>

The principle to develop three dwellings here is acceptable as the site is within the built form of the village and will contribute to the allocated housing growth apportioned to North Kelsey in the adopted Central Lincolnshire Local Plan.

Loss of Employment

Firstly it should be noted that the landowner has entered into a certified S.106 (Unilateral Undertaking) which was completed on the 10/9/2021 (The Council is not a party to the document). The Unilateral Undertaking means that the existing uses on the site of this application (142221), for any fabrication of metal and the refurbishment of mechanical or agricultural machinery and for 142247 need to cease before commencement of development. This would be a consequence of planning permission being granted on this site and it will be necessary to weigh up whether the loss of employment is justified by the proposal.

The site is located within the built footprint of North Kelsey and signs on the dovecote to the west of the site state that the following businesses occupy the site and the traditional barns to the west of the site subject of a separate planning application (142247):

Keith Blackburn – Plant and Machinery Refurbishment.
Riflo Engineering - Painting, Shot Blasting and Fabrication Business.

Representations have been received objecting to the application on the grounds of loss of employment with estimates of the number of jobs actually on site between 4 and 7.

At the time of the Officer's site visit the only activity taking place on the site was the repair of cars within some of the modern additions to the traditional barns subject of planning application 142247. This business was being undertaken by Mr Keith Blackburn and is believed to have operated on the site for over 10 years. The business has no online presence.

Examining Riflo Engineering's website and Facebook page this appears to be a business run by Mr Rick Blackburn (the son of Keith). The business celebrated its second birthday on the 14/01/2021 and is primarily located at the following address 'The Forge, Swallow Road, Thorganby, DN37 0SU' which is a steel portal framed building with outside storage space primarily to the north (east) which has the following planning history:

W111/383/75 - Construct a blacksmiths/agricultural engineering workshop and office. Granted 10/07/75.

Riflo Engineering carries out a wide variety of agricultural and non-agricultural work. It appears that the site at Little London, North Kelsey is only used when larger pieces of equipment are being refurbished and seem to mainly utilise the large steel portal framed building subject of this application (142221).

There was no evidence on site at the time of the Officer's site visit of the 7 employees cited by the Parish Council. Furthermore, the applicant has since provided evidence that there was only ever one tenant on the site (Keith Blackburn). The tenant never received planning permission for the B2 use operating from the site. There is no planning history for Riflo Engineering.

The application was validated on the 29/12/2020 and on the 27 February 2021 the tenancy agreement for Keith Blackburn was formerly ended (with an extension until the 30 June 2021 to vacate the site). It has now been confirmed that the tenant had vacated the site.

Policy LP5: Delivering Prosperity and Jobs is relevant. Loss of Employment Sites and Buildings to Non Employment Uses Conversion and redevelopment of, or change of use from, existing non-allocated employment sites and buildings to non-employment uses will be considered on their merits taking account of the following:

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

Within the supporting paragraphs for Policy LP5 it states that it is not the intention of the policy that such proposals shall meet all of the above bullet points, but instead will be considered on their merits having regard to the four criteria and the evidence provided, which should be proportionate to the development proposed.

Clear evidence has been provided that no businesses are now operating from the site. The application site also shares an access with residential properties to the south (Little London Farm and Little London Lodge). As part of the wider site was primarily used by a Car Repair Business which is a B2 use for over ten years then there was the potential to use these buildings for an unrestricted general industrial purpose without the need for a further planning application. An intensification of this use could cause potential adverse impacts on the residential amenity of nearby residents and on Cemetery Lane to the south of the site. Furthermore, the current steel portal framed buildings are in a poor state of repair and are unsuitable to be re-used for a business use.

The proposal would not adversely affect the economic growth and employment opportunities in the area in accordance with the NPPF and Policy LP5 of the Central Lincolnshire Local Plan as clear evidence has been provided that no businesses are now operating from the site.

Scale, Appearance and Layout

As scale, appearance and layout is a reserved matter the visual impact on the site and surrounding area will be fully considered and assessed at a future reserved matters stage. However, the site is considered large enough to accommodate three dwellings, which will allow for an adequate amount of outside amenity space. The site is also considered to be large enough to accommodate three dwellings without affecting the residential amenity of neighbouring dwellings and the dwelling proposed to the west through planning application 142247 and the amenity of the three dwellings proposed through this planning application. Materials will be finalised at the reserved matters stage and will be conditioned accordingly.

It is therefore considered that the site can accommodate three dwellings without affecting the residential amenity of neighbouring properties or the proposed dwellings.

Access and Highway Safety

Policy LP13 of the Central Lincolnshire Local Plans states that development proposals which contribute towards an efficient and safe transport network will be supported.

This is an outline application with all matters reserved including access and site layout. The proposal is for 3 dwellings which is a minor planning application and as such the development will not generate significant movement or disturbance.

Lincolnshire County Council Highways have indicated in principle that the proposed development is acceptable.

Whilst access and layout are a reserved matter, it is considered that the proposal can achieve a suitable access, given its current width. A reserved matters application will need to show sufficient parking. However given the size of the site, it is considered that this can be achieved.

The Highways Authority will be consulted again at the Reserved Matters stage when a detailed scheme is submitted for consideration.

Foul and Surface Water Drainage

The application form does not state how foul sewerage will be dealt with and states that soakaways will be used for the disposal of surface. The appropriateness of the intended method(s) cannot be assessed at this stage; if permission was to be granted a planning condition to secure full foul and surface water drainage details would be recommended

A condition should also be attached to the decision notice if permission was to be granted requiring that any hardstanding should be constructed from a porous material and be retained as such thereafter or should be drained within the site.

Ecology

A Preliminary Ecological Appraisal (CGC Ecology August 2020) has been submitted as part of this applications supporting documentation. The site survey for the appraisal was conducted on the 15/07/2020. The report states the following results and recommendations:

Bats - The preliminary roost assessment indicates that Buildings 1 and 5 have low potential to support roosting bats, with Building 1 also being a confirmed historic feeding roost for brown long-eared bats.

Further survey work on Buildings 1 and 5 will be required in accordance with the Good Practice Guidelines (2016), to determine the presence/absence of bats. This will involve a minimum of one evening emergence/dawn re-entry survey of the buildings during the active season for bats (May-September). If bats are found to be present then further roost characterisation surveys will be required during the active season.

Following this survey work, further advice can be provided to ensure legal compliance during the proposed works.

Common Bird Species - Any demolition/conversion works should commence outside of the active nesting season which typically runs from early March through to early September. If work starts during the bird breeding season, a search for nests should be carried out beforehand, and active nests should be protected until the young fledge.

Consideration should be given to the provision of nest boxes within the new dwellings, which will replace the nesting sites that will be lost through the conversion works. These should include at least 4 x integral Woodstone build-in swift nest box A's on the eastern elevations of the new dwellings. These integral boxes should be situated as high as possible, at a height of between 4-6 metres above ground level, just below the eaves with a clear flight-way for the birds to exit. As swifts are a colonial breeding species, the boxes should be situated together, approximately 1 metre apart. These boxes must be

installed during the construction phase, as they must be incorporated into the walls.

Replacement nest sites for swallows must also be considered, with the simplest option to allow them access into a suitable outbuilding or garage adjacent to the site (bearing in mind the number of droppings produced can be significant). If this is not possible, then a simple lean-to structure built onto an existing building on site will suffice. Nesting ledges should be provided within the lean-to, or nest cups can be installed, such as the No. 10 Schwegler swallow nest. These should be located at a suitable height to avoid the risk of predation by cats.

2 x Vivara Pro Woodstone integral house sparrow terrace nest boxes should also be installed, to give a total of 4 new nesting features. These boxes should be installed at a minimum height of 3 metres above ground, beneath the eaves on the northern or eastern elevations of the new dwellings. These boxes must be installed during the construction phase, as they must be incorporated into the walls.

Birds (Schedule 1 Species) - Buildings 1 and 2 on site are in use by barn owls as day roost sites. The roost sites used by this species are very important to the breeding success and long-term conservation of local barn owls.

It is therefore recommended that at least two replacement barn owl features or nest boxes are installed, to provide two alternative day roost sites, ideally prior to Buildings 1 and 2 being converted. Two of the following options are recommended, one of which must be a barn owl loft:

- A barn owl loft must be created on site. A small area of a roof void within one of the new dwellings or a garage can be partitioned off and a suitable access hole made, preferably on an eastern elevation gable end. There should be a clear flyway from the access hole, with no overhanging vegetation. No external lighting should be directed onto the access hole.
- Barn owl tower – a brick-built structure, which should be constructed to overlook open countryside. The ideal position would be along the northern boundary of the site overlooking the open fields. It should be noted that barn owl towers require planning permission.
- Internal box – this is the preferred box option if there is a suitable location on or close to the site. The box can be placed within a barn or outbuilding on a suitable ledge as high as possible.
- Tree mounted boxes – this option requires a suitably mature tree for fixing the box to and is best placed overlooking open countryside
- Pole mounted box – these can be difficult to erect but if used they are best placed along a hedgerow or treeline overlooking open countryside. Due to the lack of hedgerows in the area, a suitable location would be alongside the drain at the south of the site.

Following the above appraisal, a Bat Survey (CGC Ecology) was carried out on the 28/09/2020. No bats were seen to emerge from either of the buildings during the survey, although a moderate amount of bat activity was recorded

on the site. This included several passes by noctule *Nyctalus noctula*, brown long-eared bat *Plecotus auritus* and soprano pipistrelle *Pipistrellus pygmaeus*, and repeated passes and social calling by common pipistrelle *Pipistrellus pipistrellus*.

It is recommended that when the barns are converted, the following enhancements for bats are implemented:

- At least two bat roost features suitable for pipistrelle species should be incorporated into or onto the new buildings on site. The bat roost features can take the form of integral bat roost units or external boxes. These should be placed on the southern or eastern elevations at least 3m above ground level avoiding any windows or doors. The boxes must not be subjected to external lighting.
- It is recommended that lighting on site is kept to a minimum. If it is necessary to include some external lighting, this should be carefully designed to minimise disturbance to bats by using down-lights rather than up-lights and using shields to limit light spill. Any external lighting should be sensor-activated and on a timer, to limit light pollution.
- Any external lighting used should emit minimal ultra-violet light, be narrow-spectrum (avoiding white and blue wavelengths) and should peak higher than 550nm. Ideally, 'warm-white' LED lights with no UV component would be used. It should be remembered that artificial lighting disrupts and disturbs many animals, including birds and invertebrates, as well as bats.
- Plant flower borders within any landscaped areas of the site to include night scented flowers in order to attract moths and other night flying insects (which will provide foraging opportunities for bats). Species should include evening primrose *Oenothera biennis*, sweet rocket *Hesperis matronalis*, honeysuckle species *Lonicera* sp., lavender *Lavendula* sp., white jasmine *Jasminum officinale*, night-scented catchfly *Silene noctiflora*, night-scented stock *Matthiola longipetala* and soapwort *Saponaria officinalis*.

A suitably worded condition should be attached to the decision notice if it is minded to grant permission to ensure development is carried out in full accordance with the recommendations contained within the Preliminary Ecological Appraisal (CGC Ecology August 2020) and within the Bat Survey (CGC Ecology October 2020).

Boundary Treatments, Landscaping and Trees

The site has a good screening on its eastern boundary in the form of a hedgerow and there is fencing between the site and Little London Lodge to the south. The site is open to the traditional barns to the west and to the north there is some limited screening with more substantial screening further to the north in the form of trees. However, landscaping is a reserved matter.

Other Matters:

S.106 (Unilateral Undertaking)

The landowner has entered into a certified S.106 (Unilateral Undertaking) which has been completed (The Council is not a party to the document). The Unilateral Undertaking means that the existing uses on the site of this application (142221), for any fabrication of metal and the refurbishment of mechanical or agricultural machinery and for 142247 need to cease before commencement of development.

Contamination

A Phase 1 Geoenvironmental Risk Assessment by Michael D Joyce Associates (July 2021) has been submitted with this application. It identifies some previous potentially contaminative uses and due to the potential risk to end users recommends an intrusive Phase 2 Ground Investigation for the whole site. Therefore, if it is minded to grant permission an appropriate condition will be attached to the decision notice to cover site investigation, subsequent remediation and validation.

Permitted Development

The site is located on the edge of the open countryside and adjacent to a group of traditional barns subject of planning application 142247 which are recorded on the Lincolnshire Historic Environment Record, and can be considered a non-designated heritage asset. If it is minded to grant permission certain permitted development rights should be removed in order to protect visual amenity and this adjacent heritage assets.

Public Right of Way

There is a Public Right of Way (NKel/61/1) to the west of the site beyond the traditional barns. The proposal would not be detrimental to existing users and potential future users of the nearby Public Right of Way.

Balancing evaluation and conclusion:

The decision has been considered against policy 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, LP5: Delivering Prosperity and Jobs 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 and LP26: Design and Amenity of the adopted Central Lincolnshire Local Plan and the guidance contained in the National Planning Policy Framework and National Planning Practice Guidance.

The site is brownfield land within the built footprint of the settlement. The principle to develop three dwellings here is considered acceptable as the site is within the built form of the village and will contribute to the allocated housing growth apportioned to North Kelsey in the adopted Central Lincolnshire Local Plan.

It is considered that the proposal would not adversely affect the economic growth and employment opportunities in the area in accordance with the

NPPF and Policy LP5 of the Central Lincolnshire Local Plan as clear evidence has been provided that no businesses are now operating from the site. Furthermore, it is considered that appropriately designed dwellings in this location could protect residential amenity and the visual amenity of the street scene/countryside and could provide an appropriate amount of outside residential amenity space. The proposal is not considered to raise any unacceptable highways issues. The proposal would not be detrimental to existing users and potential future users of the nearby Public Right of Way.

Recommendation: Grant planning permission subject to the conditions below:

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

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

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

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

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

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

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

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

4. No development shall take place until, suitably qualified contaminated land assessments and associated remedial strategy with none technical summaries, conclusions and recommendations, together with a timetable of works, have been submitted to and approved in writing by the Local Planning Authority (LPA) and the measures approved in that scheme shall be fully implemented. [Outcomes shall appropriately reflect end use and when combining another investigative purpose have a dedicated contaminative

summary with justifications cross referenced]. The scheme shall include all of the following measures unless the LPA dispenses with any such requirement specifically in writing:

- a) The contaminated land assessment shall include a desk study to be submitted to the LPA for approval. The desk study shall detail the history of the site uses and propose a site investigation strategy based on the relevant information discovered by the desk study. The strategy shall be approved by the LPA prior to investigations commencing on site.
- b) The site investigation, including relevant soil, soil gas, surface and groundwater sampling, shall be carried out by a suitably qualified and accredited consultant/contractor in accordance with a Quality Assured sampling and analysis methodology.
- c) A site investigation report detailing all investigative works and sampling on site, together with the results of analysis, risk assessment to any receptors and a proposed remediation strategy shall be submitted to the LPA. The LPA shall approve such remedial works as required prior to any remediation commencing on site. The works shall be of such a nature as to render harmless the identified contamination given the proposed end-use of the site and surrounding environment including any controlled waters.
- d) Approved remediation works shall be carried out in full on site under a quality assurance scheme to demonstrate compliance with the proposed methodology and best practice guidance. If during the works contamination is encountered which has not previously been identified then the additional contamination shall be fully assessed and an appropriate remediation scheme agreed with the LPA.
- e) Upon completion of the works, this condition shall not be discharged until a closure report has been submitted to and approved by the LPA. The closure report shall include details of the proposed remediation works and quality assurance certificates to show that the works have been carried out in full in accordance with the approved methodology. Details of any post-remedial sampling and analysis to show the site has reached the required clean-up criteria shall be included in the closure report together with the necessary documentation detailing what waste materials have been removed from the site.

Reason: In order to safeguard human health and the water environment and identify potential contamination on-site and the potential for off-site migration as recommended by the Environment Agency and the Housing and Environmental Enforcement Manager in accordance with the NPPF and Policy LP16 of the Central Lincolnshire Local Plan.

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

5. No development other than to foundations shall take place until a scheme for the disposal of foul and surface waters (including the results of soakaway/percolation tests) have been submitted to and approved in writing by the Local Planning Authority. The development shall only be carried out in

accordance with the approved scheme and be available for use before the first occupation of the dwellings.

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

6. New hardstanding shall be constructed from a porous material or shall be appropriately drained within the site and shall be retained as such thereafter.

Reason: To ensure appropriate drainage to accord with the National Planning Policy Framework and Policy LP14 of the Central Lincolnshire Local Plan.

7. The development shall be carried out in full accordance with the recommendations contained within the Ecological Appraisal (CGC Ecology August 2020) and within the Bat Survey (CGC Ecology October 2020).

Reason: To safeguard wildlife in the interests of nature conservation in accordance with National Planning Policy Framework and Policy LP21 of the Central Lincolnshire Local Plan.

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

8. Notwithstanding the provisions of Classes A, AA, B, C, D, and E of Schedule 2 Part 1 and Class A of Schedule 2 Part 2 of the Town and Country Planning (General Permitted Development) (Amendment) Order 2015, or any Order revoking and re-enacting that Order, the building hereby permitted shall not be altered or extended, no new windows shall be inserted, and no buildings or structures shall be erected within the curtilage of the host dwelling, no new hardstanding and gates, walls or fences unless planning permission has first been granted by the Local Planning Authority.

Reason: To enable any such proposals to be assessed in terms of their impact on the living conditions of the host and neighbouring dwellings and the resulting amount of space around the host dwelling and to safeguard the character of its surroundings in accordance with Policies LP17 and LP26 of the Central Lincolnshire Local Plan.

Notes to the Applicant

S.106 (unilateral undertaking)

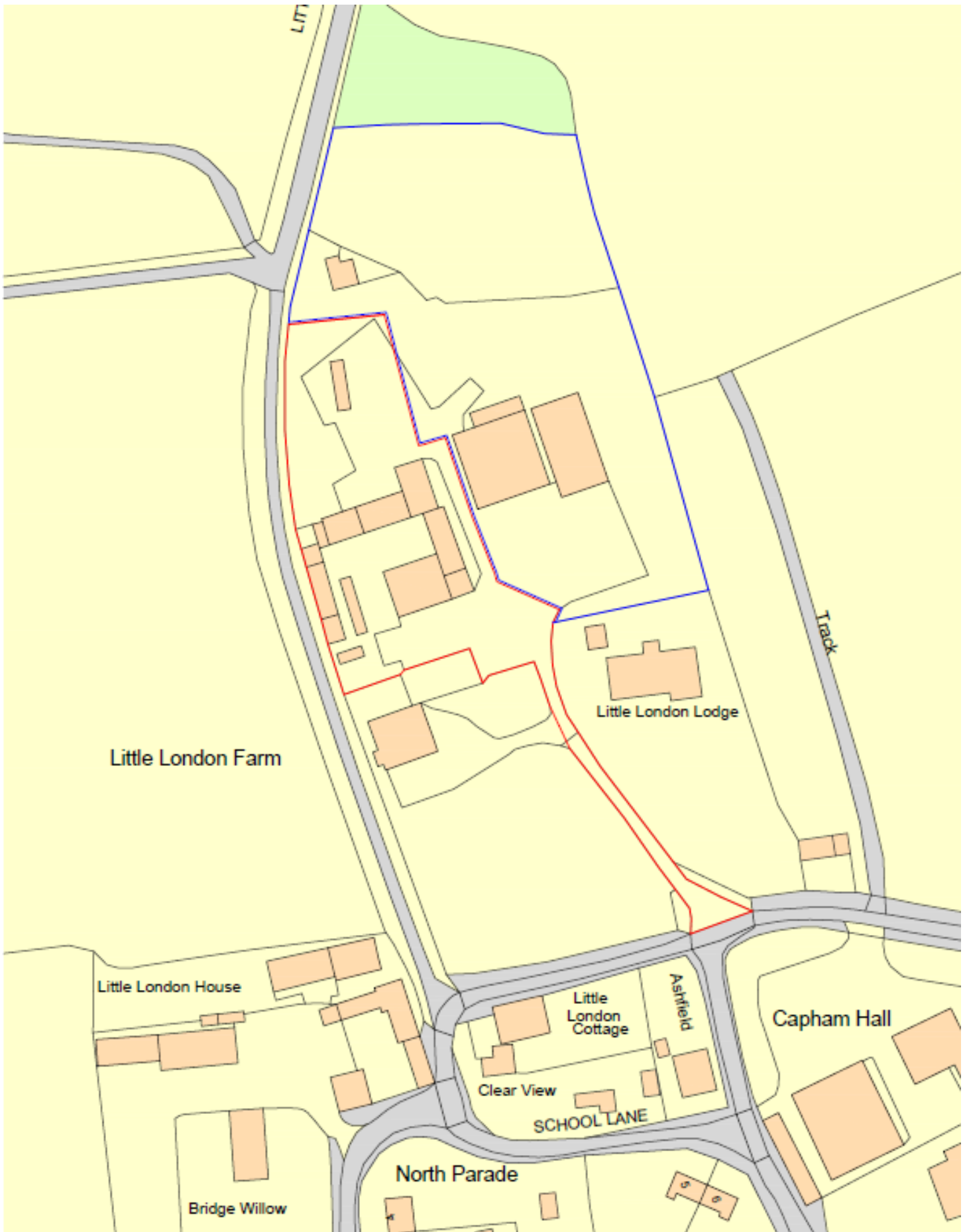
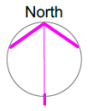
The landowner has entered into a certified S.106 (Unilateral Undertaking) which has been completed (The Council is not a party to the document). The Unilateral Undertaking means that the existing uses on the site of this application (142221), for any fabrication of metal and the refurbishment of mechanical or agricultural machinery and for 142247 need to cease before commencement of development.

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



Officers Report

Planning Application No: 142247

PROPOSAL: Planning application for conversion of barns to 1no. dwelling

LOCATION: Little London Farm Little London North Kelsey Market Rasen LN7 6JP

WARD: Kelsey

WARD MEMBER(S): Cllr P Morris

APPLICANT NAME: Executors of the Estate of Mrs A C Balderson

TARGET DECISION DATE: 03/12/2021

DEVELOPMENT TYPE: Change of Use

CASE OFFICER: Richard Green

RECOMMENDED DECISION: Grant with conditions attached.

The application is being referred to the Planning Committee for determination following objections from the Parish Council and a number of objections from local residents, and as the planning matters under consideration are deemed to be finely balanced.

Description:

The site is located within the built footprint of North Kelsey and comprises traditional one and two storey brick and pantile barns and a dovecote with more recent additions in the form of steel portal and cement fibre/asbestos sheeted buildings on the eastern side of the site and to the front of the site (south), clustered around the former dovecote. There are signs on the dovecote which state that the following businesses occupy the site and the large steel portal framed buildings to the east of the site:

Keith Blackburn – Plant and Machinery Refurbishment.
Riflo Engineering - Painting, Shot Blasting and Fabrication Business.

To the south of the site is the former two storey detached farmhouse (Little London Farm, Little London) and its gardens mainly to the south of the farmhouse and to the south east is a former agricultural workers dwelling, a detached bungalow (Little London Lodge, Little London) with its gardens mainly to the south. To the east of the site are two large steel portal framed buildings and to the north of the site is an area of land with outbuildings with open countryside beyond. The site and the two existing dwellings and the site to the east (subject of planning application 142221) are accessed off the same access off Little London/School Lane.

The buildings and farmhouse are recorded on the Lincolnshire Historic Environment Record. There is a Public Right of Way (NKel/61/1) to the west of the site.

It is proposed to convert (and to a much lesser extent re-build) the traditional outbuildings into a four bed detached dwelling. The one storey barn on the western side of the site will be converted into a bedroom wing and the two storey barn to the north will be converted into a full height living area. The single storey buildings and dovecote on the eastern side will be used for storage and a garden room/study. Existing inappropriate modern buildings will be removed. The existing access will be utilised which will lead to car parking and turning areas by the south eastern and north eastern corners of the converted barns. A garden courtyard will be created to the south and a rear garden to the north. Amended plans have been received.

The landowner has entered into a certified S.106 (Unilateral Undertaking) which was completed on the 10/9/2021 (The Council is not a party to the document). The Unilateral Undertaking means that the existing uses on the site of this application (142247), for any fabrication of metal and the refurbishment of mechanical or agricultural machinery and for 142221 need to cease before commencement of development. This is to ensure that no noise and disturbance occurs to the occupiers of the proposed dwelling.

The applicant has provided evidence that there was only ever one tenant on the site (Keith Blackburn). The application was validated on the 20/01/2021 and on the 27 February 2021 the tenancy agreement for Keith Blackburn was formerly ended (with an extension until the 30 June 2021 to vacate the site). It has now been confirmed that the tenant has vacated the site.

Relevant history:

Site to east

142221 - Outline planning permission for three dwellings including demolition of existing commercial buildings. To be determined in tandem with this application.

Representations:

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

Parish Council: The state and size of existing road cannot cope with more traffic - the carriageway is already broken and falling into disrepair in many places. There are several developments already in the village with properties unsold.

The application does not give the correct amount of employees affected - this would be 7 in total not 1. The adjacent paddock is in continual use. Concern raised about infrastructure and services within the village being over stretched, such as Primary school admissions.

Although a brown field site is it outside the housing build line of the village and would therefore represent an extension of the village into open land.

Local residents: Little London Farm, Little London, Mousehole, South Street, Rowan Lodge, Station Road, Pinfold Farm, Church Street, Eastgate House, Maidenwell Lane, Capham Hall Farm, School Lane, North Kelsey. Object for the following reasons:

- If planning was to be granted we would be majorly overlooking the properties, as they would us.
- The planned development would inhibit future plans for my property.
- The current tenant is my employer, if the planning was granted I would be redundant. I would have to travel and be increasing my carbon footprint.
- By approving this application you are shutting down local thriving business and forcing local people to travel far and wide to seek alternative employment.
- The site currently under application houses a vital service to the community, a mechanic is always in demand and would surely be unable to find suitable premises within the locality.
- At present part of the farm buildings are rented and used for a successful agricultural maintenance business occupied by Mr K H Blackburn. As a local farm worker we use this firm regularly to maintain our vehicles and farm equipment.
- The land designated for industry within the village is very limited. The majority of village services have closed. The village has become a satellite, dormitory settlement for nearby towns. It is important to have employment opportunities within the village in order to give North Kelsey a healthy long term future.
- Planning Policy LP5 sets out the preference for local employment and specifically, the encouragement of 'micro businesses' such as that currently occupying the building which this application proposes to demolish. The loss of these buildings would adversely affect the employment opportunities in the settlement of North Kelsey; there are few other businesses in the village or surrounding area and there are no obvious relocation sites in the village.
- The Local Plan places a significant emphasis on the importance of the agricultural economy in Lincolnshire, this proposal would result in the closure or forced relocation of a business which is part of, and supports, the local agricultural economy.
- I have observed that the photographs taken to accompany the application do not include the buildings used for industry which have been maintained in good repair by Mr Blackburn at his own expense.
- The application site is described as an 'eyesore' but can only be seen from Little London Farm and Little London Lodge.
- I am also concerned that Cemetery Lane/Little London Farm driveway does not have clear visibility at all or passing places. Due to the nature of Cemetery Lane (trees on either side) I don't believe it is big enough to sustain any additional traffic.
- My children attend the village school and if the proposed dwellings are to be family homes I struggle to see how the school will accommodate these children.

- I am fearful that if planning is granted for the 1 barn conversion (plus the 3 dwellings, applied for separately), revision would quickly be made to extend this application and increase the number of dwellings substantially which then would not be in keeping with the houses nearby which are all detached substantial properties.
- I'd like to draw attention to the fact that the planning has been split into two applications, whereas this is one single site and has been for all of recent history.
- The current tenant has uninterrupted and sole access to the entire site, however I believe only leases the brick section. I believe this should be investigated as it should permit the current tenants to claim possession of the site. Planning should not be granted until the legal status is concluded.
- I would like to draw your attention to "jobs", the site currently employs 7 people. Currently 5 of the employees live within 1 mile of the premises.
- 5.5c "Excludes" – "Agricultural buildings and associated land on the edge of the settlement" The buildings in question are on agricultural land and are in fact agricultural buildings, the use may have changed to commercial, but the fabric of the site is still agricultural heritage
- I strongly believe there has been too much growth in a village with no facilities. It would be good to see the council approve and support a thriving business employing local people instead of more and more housing.
- From my very brief research it appears there are multiple development sites available within North Kelsey which would not involve the forced business closures by this application.
- The homes being developed doesn't help the local community as they cannot afford.
- To the north of the application site there is open land and a paddock which is not actively used." The paddock is in constant use, horses, livestock and poultry are managed on site.
- It is land that is, or was, last occupied by agricultural buildings, and as such, is excluded from the definition of previously developed land (contrary to the application).
- The site is adjacent to a public footpath and can be seen from a public road (application states not).
- The proposed site is not within the existing settlement of North Kelsey, being situated on an area of high land beyond the edge of the village boundary.
- The Central Lincolnshire Local Plan Policy LP4 applies a sequential hierarchy to development in Category 5 settlements which includes North Kelsey. No sequential test or evidence of clear community support has been submitted with this application.
- No mains sewer overflow so sewerage could enter our dyke to the north of the site.
- Extra traffic would make access to our farmland north of the site difficult.

Riflo Engineering, Little London, North Kelsey objects for the following reasons:

- I am the business owner of Riflo Engineering Ltd at the site. I live locally and can currently walk to work. If the planning application were granted, I would have to seek employment elsewhere most likely being in Lincoln, Grimsby or Scunthorpe, the local industrial areas. This would go against the Governments green targets.
- There are another 4 people locally employed on the site.
- I have placed offers to purchase the proposed development site from the owner but I have been rejected. I would like to own the yard to develop and expand my business further and to update the steel buildings to suit this.
- The village school which my 2 children attend is full to capacity. My pre-school daughter may have to travel further if permission is granted for 3 dwellings.
- Cemetery Lane is a hazardous road to pull out onto. There is not clear visibility to the right. Further down Cemetery Lane there are no safe passing places. The lane between Little London Lodge and Little London Farm is very narrow and also there are no passing places.
- My name is Andrew and I am employed at the site by Riflo Engineering Ltd and K H Blackburn. If the application were granted, I believe with my specific skill set I would struggle to find alternative employment.

LCC Highways and Lead Local Flood Authority: The existing access is suitable and there is adequate parking and turning provision within the site curtilage to allow vehicles to access and egress in a forward gear. 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. One informative is suggested.

Archaeology: The proposed development involves the conversion of a historic farmstead known as Little London Farm. This office welcomes the developer's heritage statement, which provides a good description of the buildings in their current form and assesses their significance. As noted in the heritage statement the farmstead is recorded in the Lincolnshire Historic Environment Record, and can be considered a non-designated heritage asset in the terminology of the NPPF.

From the information provided in the heritage statement it is appears that this farmstead is of somewhat higher status, having apparently been constructed in a single campaign as a group. This would have represented a considerable capital investment during the 19th century, demonstrating the means of its builders and the influence of innovative 'model farm' design. The two storey building in the southeast corner may have been a dovecote, with the blocked Diocletian (semi-circular) window serving as an elaborate entrance/exit. Historic England's Greater Lincolnshire Historic Farmstead Character

Assessment notes the relative rarity of dovecotes in the county, and their association with higher status planned farmsteads.

It is noted that the possible dovecote building is not proposed to be converted at the present time. We would however encourage the developer to work with the local planning authority's conservation officer to ensure that this building is suitably repaired and made weathertight following the demolition of the attached sheds. It is an important part of the farmstead group and its continued conservation should be encouraged.

We note the archaeological potential of kilns identified in the Heritage Statement, but in this instance there is no specific evidence for pottery production here (only that the place name 'Little London' is sometimes associated with kiln sites), and without additional evidence we would not recommend a requirement for any below ground archaeological work associated with this development.

However, as noted above the farmstead itself is of heritage significance, with evidential value. We would therefore recommend that the developer be required to undertake historic building recording prior to any conversion, demolition or alterations. This should enable the evidential value of the building's historic fabric to be recorded prior to any alteration, replacement, or removal.

Recommendation: It is recommended that, prior to development, the developer should be required to commission a Scheme of Archaeological Works. This scheme of works will consist of full historic building recording

Conservation Officer: Can support the proposals following the submission of amended plans subject to the following conditions:

- Timber joinery details 1:20
- Notwithstanding condition for the glazed screens
- All external materials
- Sample panel
- Landscaping/boundary treatments
- Remove PD to preserve the architectural merit of the building once converted, for the long term.

The Ramblers Association: No representations received to date

LCC Rights of Way: No representations received to date

Lincolnshire Bat Group: These are very sound surveys [Ecological Reports] and we would like to draw your attention to the recommendations in the second report with regard to installation of bat boxes and, especially, lighting.

Lincolnshire Wildlife Trust: No representations received to date

Natural England: No comments to make.

Environmental Protection: The applicant site has potential to be impacted by way of nuisance (noise/odour/dust) from commercial undertakings that will remain as well as that of existing, continuing and potential further diversification of agricultural activity. This potential needs to be better understood and/or mitigated in order that an appropriate assessment can be made as to the suitability of this outline proposal.

It is likely that a noise assessment will be required to identify existing and potential noise and background levels.

Comment in the Planning Statement to the effect that other buildings are subject of a separate application [142221] for dwellings ought not to negate or minimise the above unless there is to be an overall assessment. In that prior use would appear to be established and unless changed would appear to enable continuation, intensification and/or further diversification. Significant perhaps is that land use in the immediate area and that of the applicant site is commercial diversification of and agricultural whereas the more sensitive uses i.e. residential, are to the south.

Contamination is acknowledged in the application. Any resulting permission ought to have a comprehensive contamination condition attached to it.

Economic Growth Team: Subject to normal planning considerations, the Growth Team are not supportive of this application. Local employment sites of this nature are important to the wider economy of the district. Although it is a relatively low number of jobs that appear to be connected to this site, it is important that these jobs are retained. West Lindsey have identified the need to have a thriving micro business base (Economic Growth Strategy 2013-2034). Micro-businesses offer a sustainable form of employment in rural areas although opportunities for expansion may be more restricted.

IDOX: Checked 18/11/2021

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).

Development Plan:

The following policies are particularly relevant:

*Central Lincolnshire Local Plan 2012-2036

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.

LP5: Delivering Prosperity and Jobs

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

**With consideration to paragraph 219 of the National Planning Policy Framework (July 2021) the above policies are consistent with the NPPF (July 2021). LP1 is consistent with NPPF paragraph 11 as they both apply a presumption in favour of sustainable development. LP2, LP3 & LP4 are consistent with NPPF chapter 5 as they both seek to deliver a sufficient supply of homes. LP5 is consistent with chapter 6 of the NPPF as they both seek to create a strong and sustainable economic growth. LP13 is consistent with NPPF paragraphs 110-113 as they both seek to ensure an efficient and safe transport network that offers a range of transport choices. LP14 is consistent with paragraphs 159 to 169 of the NPPF as they both seek to avoid putting inappropriate development in areas at risk of flooding. LP16 is consistent with NPPF paragraphs 183 as they both seek to ascertain if the ground conditions of a particular site are suitable for the proposed use. LP17 is consistent with NPPF paragraph 130 & 174 as they seek to protect valued landscapes and recognise the intrinsic character and beauty of the countryside and are sympathetic to the built environment. LP21 is consistent with chapter 15 of the NPPF as they both seek to protect and enhance biodiversity. LP25 is consistent with chapter 16 of the NPPF as they both seek to conserve and enhance the historic environment and LP26 is consistent with section 12 of the NPPF in requiring well designed places. The above policies are therefore attributed full weight.*

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

Draft Central Lincolnshire Local Plan:

The first round of consultation on the Draft Central Lincolnshire Local Plan has now completed. The consultation ran for 8 weeks from 30 June to 24 August 2021. The NPPF states:

“48. 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) 24.”

The early stage of preparation, because consultation has only just completed on the Draft Plan and untested consistency with the Framework mean some weight (but it is still limited) is given to the policies it contains relevant to this proposal at this moment.

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

Neighbourhood Plan:

No plan is currently being prepared.

National policy & guidance (Material Consideration)

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

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

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

Paragraph 219 states:

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

- **National Planning Practice Guidance**
<https://www.gov.uk/government/collections/planning-practice-guidance>
- **National Design Guide (2019)**
<https://www.gov.uk/government/publications/national-design-guide>
- **National Design Code (2021)**
<https://www.gov.uk/government/publications/national-model-design-code>

Main issues:

- Principle of the Development
- Loss of Employment
- Residential Amenity
- Visual Impact
- Non Designated Heritage Asset
- Foul and Surface Water Drainage
- Archaeology
- Ecology
- Highway Safety
- Other Matters

Assessment:

Principle of Development

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

The site is located within the built footprint of North Kelsey and comprises traditional one and two storey brick and pantile barns and a dovecote with

more recent additions in the form of steel portal and cement fibre/asbestos sheeted buildings on the eastern side of the site and to the front of the site (south), clustered around the former dovecote. There are signs on the dovecote which state that the following businesses occupy the site and the large steel portal framed buildings to the east of the site:

Keith Blackburn – Plant and Machinery Refurbishment.
Riflo Engineering - Painting, Shot Blasting and Fabrication Business.

There are existing residential dwellings immediately to the south of the site (Little London Farm and Little London Lodge). The site is brownfield land within the built footprint of the settlement. It is therefore considered to be brownfield land within the developed footprint and is within the first category of land to be developed under the land availability sequential test in Policy LP4.

In the Central Lincolnshire Local Plan, North Kelsey is designated as a medium village (LP2) within which it is acknowledged there can be up to 10% growth with small scale development of a limited nature (up to 9 dwellings per site) being accommodated. As of the 08/11/2021 the following table shows that there is remaining growth of 13 dwellings to be accommodated in North Kelsey:

<https://www.west-lindsey.gov.uk/my-services/planning-and-building/planning-policy/housing-growth-in-medium-and-small-villages-policy-lp4/>

The principle to develop one dwelling here is acceptable as the site is within the built form of the village and will contribute to the allocated housing growth apportioned to North Kelsey in the adopted Central Lincolnshire Local Plan.

Loss of Employment

Firstly it should be noted that the landowner has entered into a certified S.106 (Unilateral Undertaking) which was completed on the 10/9/2021 (The Council is not a party to the document). The Unilateral Undertaking means that the existing uses on the site of this application (142247), for any fabrication of metal and the refurbishment of mechanical or agricultural machinery and for 142221 need to cease before commencement of development. This would be a consequence of planning permission being granted on this site and it will be necessary to weigh up whether the loss of employment is justified by the proposal.

The site is located within the built footprint of North Kelsey and signs on the dovecote state that the following businesses occupy the site and the large steel portal framed buildings to the east of the site subject of a separate planning application (142221):

Keith Blackburn – Plant and Machinery Refurbishment.
Riflo Engineering - Painting, Shot Blasting and Fabrication Business.

Representations have been received objecting to the application on the grounds of loss of employment with estimates of the number of jobs actually on site between 4 and 7.

At the time of the Officer's site visit the only activity taking place on the site of this application (142247) was the repair of cars within some of the modern additions to the traditional barns. This business was being undertaken by Mr Keith Blackburn and is believed to have operated on the site for over 10 years. The business has no online presence.

Riflo Engineering carries out a wide variety of agricultural and non-agricultural work. It appears that the site at Little London, North Kelsey is only used when larger pieces of equipment are being refurbished and seem to mainly utilise the large steel portal framed building to the east of this site which is subject of a separation planning application (142221).

Examining Riflo Engineering's website and Facebook page this appears to be a business run by Mr Rick Blackburn (the son of Keith). The business celebrated its second birthday on the 14/01/2021 and is primarily located at the following address 'The Forge, Swallow Road, Thorganby, DN37 0SU' which is a steel portal framed building with outside storage space primarily to the north (east) which has the following planning history:

W111/383/75 - Construct a blacksmiths/agricultural engineering workshop and office. Granted 10/07/75.

There was no evidence on site at the time of the Officer's site visit of the 7 employees cited by the Parish Council. Furthermore, the applicant has since provided evidence that there was only ever one tenant on the site (Keith Blackburn). The tenant never received planning permission for the B2 use operating from the site. There is no planning history for Riflo Engineering.

The application was validated on the 20/01/2021 and on the 27 February 2021 the tenancy agreement for Keith Blackburn was formerly ended (with an extension until the 30 June 2021 to vacate the site). It has now been confirmed that the tenant has vacated the site.

Policy LP5: Delivering Prosperity and Jobs is relevant. Loss of Employment Sites and Buildings to Non Employment Uses Conversion and redevelopment of, or change of use from, existing non-allocated employment sites and buildings to non-employment uses will be considered on their merits taking account of the following:

- whether the loss of land or buildings would adversely affect the economic growth and employment opportunities in the area the site or building would likely serve;
- whether the continued use of the site or building for employment purposes would adversely affect the character or appearance of its surroundings, amenities of neighbouring land-uses or traffic conditions that would otherwise be significantly alleviated by the proposed new use. It should also be shown

that any alternative employment use at the site would continue to generate similar issues;

- whether it is demonstrated that the site is inappropriate or unviable for any employment use to continue and no longer capable of providing an acceptable location for employment purposes; and
- whether the applicant has provided clear documentary evidence that the property has been appropriately, but proportionately, marketed without a successful conclusion for a period of not less than 6 months on terms that reflect the lawful use and condition of the premises. This evidence will be considered in the context of local market conditions and the state of the wider national economy.

Within the supporting paragraphs for Policy LP5 it states that it is not the intention of the policy that such proposals shall meet all of the above bullet points, but instead will be considered on their merits having regard to the four criteria and the evidence provided, which should be proportionate to the development proposed.

Clear evidence has been provided that no businesses are now operating from the site. The application site also shares an access with residential properties to the south (Little London Farm and Little London Lodge). As part of the application site was primarily used by a Car Repair Business which is a B2 use for over ten years then there may have been the potential (subject to a certificate of lawful use) to use these buildings for an unrestricted general industrial purpose without the need for a further planning application. An intensification of this use could cause potential adverse impacts on the residential amenity of nearby residents and on Cemetery Lane to the south of the site. Furthermore, the current buildings are in a very poor state of repair and are unsuitable to be re-used for a business use.

The proposal would not adversely affect the economic growth and employment opportunities in the area in accordance with the NPPF and Policy LP5 of the Central Lincolnshire Local Plan as clear evidence has been provided that no businesses are now operating from the site.

Residential Amenity

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

A certified S.106 (unilateral undertaking) has been completed which means that the existing uses on the site of this application (142247), for any fabrication of metal and the refurbishment of mechanical or agricultural machinery and for 142221 need to cease before commencement of development.

The application seeks permission to convert (and to a much lesser extent re-build) the traditional outbuildings found on the site into a four bed detached dwelling. The one storey barn on the western side of the site will be converted

into a bedroom wing and the two storey barn to the north will be converted into a full height living area. The single storey buildings and dovecote on the eastern side will be used for storage and a garden room/study. Existing inappropriate modern buildings will be removed. The existing access will be utilised which will lead to car parking and turning areas by the north eastern corner of the converted barns. A garden courtyard will be created to the south and a rear garden to the north

It is proposed to convert existing traditional barns which lie approximately 20 metres (the single storey element) and 43 metres (the two storey element) from the nearest residential dwelling (Little London Farm) to the south. Therefore, there will be no overshadowing or over dominance issues with the proposal.

The proposal will seeks to utilise existing openings in the main. The proposed south elevation will have an opaque glazed opening at ground floor level to a bedroom in the single storey western barn range to be converted which will overlook the front garden of the barn conversion and glazing to an existing ground floor opening and an existing first floor window in the dovecote which will overlook a proposed turning area and the access driveway. Other ground floor windows to the two storey range and other outbuildings within the courtyard will be obscured by a proposed 1.5 metre high brick boundary wall which will enclose the courtyard garden. The two storey range will have three high level windows at first floor level in the proposed south elevation. The western elevation will have three roof lights and there are no proposed openings in the eastern elevation. The north elevation will look out onto the rear garden of the proposed barn conversion.

It is therefore considered that the proposed dwelling will not have a harmful impact on the living conditions of neighbouring dwellings or that of the occupants of the proposed dwelling.

Visual Impact

Local Plan 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. Where a proposal may result in significant harm, it may, exceptionally, be permitted if the overriding benefits of the development demonstrably outweigh the harm: in such circumstances the harm should be minimised and mitigated.

Local Plan Policy LP26 states that all development proposals must take into consideration the character and local distinctiveness of the area (and enhance or reinforce it, as appropriate) and create a sense of place. As such, and where applicable, proposals will be required to demonstrate, to a degree proportionate to the proposal, that they are well designed in relation to siting,

height, scale, massing and form. The policy also states that the proposal should respect the existing topography, landscape character, street scene and local distinctiveness of the surrounding area and should use appropriate, high quality materials which reinforce or enhance local distinctiveness. Any important local view into, out of or through the site should not be harmed.

The application seeks permission to convert and partly re-build traditional barns utilising existing openings in the main to create a four bed dwelling with a courtyard garden and other garden space to the south and rear garden space to the north. More modern unsympathetic additions to the traditional barns will be removed. A palette of traditional materials which will be conditioned if it is minded to grant permission will be utilised.

It is therefore considered that the proposal would not have an adverse visual impact on the street scene or the countryside and will retain and preserve the character of the traditional barn which are proposed to be converted to create a four bed dwelling.

Non Designated Heritage Asset

It is proposed to convert and to a much lesser extent rebuild a historic range of barns which are recorded on the Lincolnshire Historic Environment Record, and can be considered a non-designated heritage asset.

Policy LP25 of the Central Lincolnshire Local Plan states that development proposals should protect, conserve and seek opportunities to enhance the historic environment of Central Lincolnshire. The proposals will retain the range of barns, utilise existing openings, use a palette of traditional materials and will remove unsympathetic modern additions to the barns. The proposal is therefore considered to accord with the NPPF and Policy LP25 of the Central Lincolnshire Local Plan.

Foul and Surface Water Drainage

The application form does not state how foul sewerage will be dealt with and states that soakaways will be used for the disposal of surface. The appropriateness of the intended method(s) cannot be assessed at this stage; if permission was to be granted a planning condition to secure full foul and surface water drainage details would be recommended

A condition should also be attached to the decision notice if permission was to be granted requiring that any hardstanding should be constructed from a porous material and be retained as such thereafter or should be drained within the site.

Archaeology

The Historic Environment Officer at Lincolnshire County Council recommends that the developer undertakes a historic building record for the traditional farm buildings on the site (a condition will be attached to the decision notice if it is minded to grant permission).

Ecology

A Preliminary Ecological Appraisal (CGC Ecology August 2020) has been submitted as part of this applications supporting documentation. The site survey for the appraisal was conducted on the 15/07/2020. The report states the following results and recommendations:

Bats - The preliminary roost assessment indicates that Buildings 1 and 5 have low potential to support roosting bats, with Building 1 also being a confirmed historic feeding roost for brown long-eared bats.

Further survey work on Buildings 1 and 5 will be required in accordance with the Good Practice Guidelines (2016), to determine the presence/absence of bats. This will involve a minimum of one evening emergence/dawn re-entry survey of the buildings during the active season for bats (May-September). If bats are found to be present then further roost characterisation surveys will be required during the active season.

Following this survey work, further advice can be provided to ensure legal compliance during the proposed works.

Common Bird Species - Any demolition/conversion works should commence outside of the active nesting season which typically runs from early March through to early September. If work starts during the bird breeding season, a search for nests should be carried out beforehand, and active nests should be protected until the young fledge.

Consideration should be given to the provision of nest boxes within the new dwellings, which will replace the nesting sites that will be lost through the conversion works. These should include at least 4 x integral Woodstone build-in swift nest box A's on the eastern elevations of the new dwellings. These integral boxes should be situated as high as possible, at a height of between 4-6 metres above ground level, just below the eaves with a clear flight-way for the birds to exit. As swifts are a colonial breeding species, the boxes should be situated together, approximately 1 metre apart. These boxes must be installed during the construction phase, as they must be incorporated into the walls.

Replacement nest sites for swallows must also be considered, with the simplest option to allow them access into a suitable outbuilding or garage adjacent to the site (bearing in mind the number of droppings produced can be significant). If this is not possible, then a simple lean-to structure built onto an existing building on site will suffice. Nesting ledges should be provided within the lean-to, or nest cups can be installed, such as the No. 10 Schwegler swallow nest. These should be located at a suitable height to avoid the risk of predation by cats.

2 x Vivara Pro Woodstone integral house sparrow terrace nest boxes should also be installed, to give a total of 4 new nesting features. These boxes should be installed at a minimum height of 3 metres above ground, beneath the eaves on the northern or eastern elevations of the new dwellings. These

boxes must be installed during the construction phase, as they must be incorporated into the walls.

Birds (Schedule 1 Species) - Buildings 1 and 2 on site are in use by barn owls as day roost sites. The roost sites used by this species are very important to the breeding success and long-term conservation of local barn owls.

It is therefore recommended that at least two replacement barn owl features or nest boxes are installed, to provide two alternative day roost sites, ideally prior to Buildings 1 and 2 being converted. Two of the following options are recommended, one of which must be a barn owl loft:

- A barn owl loft must be created on site. A small area of a roof void within one of the new dwellings or a garage can be partitioned off and a suitable access hole made, preferably on an eastern elevation gable end. There should be a clear flyway from the access hole, with no overhanging vegetation. No external lighting should be directed onto the access hole.
- Barn owl tower – a brick-built structure, which should be constructed to overlook open countryside. The ideal position would be along the northern boundary of the site overlooking the open fields. It should be noted that barn owl towers require planning permission.
- Internal box – this is the preferred box option if there is a suitable location on or close to the site. The box can be placed within a barn or outbuilding on a suitable ledge as high as possible.
- Tree mounted boxes – this option requires a suitably mature tree for fixing the box to and is best placed overlooking open countryside
- Pole mounted box – these can be difficult to erect but if used they are best placed along a hedgerow or treeline overlooking open countryside. Due to the lack of hedgerows in the area, a suitable location would be alongside the drain at the south of the site.

Following the above appraisal, a Bat Survey (CGC Ecology) was carried out on the 28/09/2020. No bats were seen to emerge from either of the buildings during the survey, although a moderate amount of bat activity was recorded on the site. This included several passes by noctule *Nyctalus noctula*, brown long-eared bat *Plecotus auritus* and soprano pipistrelle *Pipistrellus pygmaeus*, and repeated passes and social calling by common pipistrelle *Pipistrellus pipistrellus*.

It is recommended that when the barns are converted, the following enhancements for bats are implemented:

- At least two bat roost features suitable for pipistrelle species should be incorporated into or onto the new buildings on site. The bat roost features can take the form of integral bat roost units or external boxes. These should be placed on the southern or eastern elevations at least 3m above ground level avoiding any windows or doors. The boxes must not be subjected to external lighting.
- It is recommended that lighting on site is kept to a minimum. If it is necessary to include some external lighting, this should be carefully

designed to minimise disturbance to bats by using down-lights rather than up-lights and using shields to limit light spill. Any external lighting should be sensor-activated and on a timer, to limit light pollution.

- Any external lighting used should emit minimal ultra-violet light, be narrow-spectrum (avoiding white and blue wavelengths) and should peak higher than 550nm. Ideally, 'warm-white' LED lights with no UV component would be used. It should be remembered that artificial lighting disrupts and disturbs many animals, including birds and invertebrates, as well as bats.
- Plant flower borders within any landscaped areas of the site to include night scented flowers in order to attract moths and other night flying insects (which will provide foraging opportunities for bats). Species should include evening primrose *Oenothera biennis*, sweet rocket *Hesperis matronalis*, honeysuckle species *Lonicera* sp., lavender *Lavendula* sp., white jasmine *Jasminum officinale*, night-scented catchfly *Silene noctiflora*, night-scented stock *Matthiola longipetala* and soapwort *Saponaria officinalis*.

A suitably worded condition should be attached to the decision notice if it is minded to grant permission to ensure development is carried out in full accordance with the recommendations contained within the Preliminary Ecological Appraisal (CGC Ecology August 2020) and within the Bat Survey (CGC Ecology October 2020).

Highway Safety

A four bed barn conversion is proposed. The existing access will be utilised off Little London/School Lane which will lead to car parking and turning areas by the south eastern and north eastern corners of the converted barns. Lincolnshire County Council Highways have no objections to this application as the existing access is considered to be suitable and there is adequate parking and turning provision within the site curtilage to allow vehicles to access and egress in a forward gear. The suggested informative will be attached to the decision notice if it is minded to grant permission.

Other Matters:

S.106 (Unilateral Undertaking)

The landowner has entered into a certified S.106 (Unilateral Undertaking) which has been completed (The Council is not a party to the document). The Unilateral Undertaking means that the existing uses on the site of this application (142247), for any fabrication of metal and the refurbishment of mechanical or agricultural machinery and for 142221 need to cease before commencement of development.

Permitted Development

It is proposed to convert and to a much lesser extent rebuild a historic range of barns which are recorded on the Lincolnshire Historic Environment Record, and can be considered a non-designated heritage asset. If it is minded to grant permission certain permitted development rights should be removed in

order to protect this non designated heritage asset, the setting of the asset and visual amenity.

Asbestos

Building Control will be involved in signing off this application in terms of building regulations. However, if removal of asbestos cement sheeting is done according to HSE rules (<http://www.hse.gov.uk/pubns/guidance/a36.pdf>), it will not usually fall into the category where it must be notified to the enforcing authority (HSE or Local Authority, depending on the premises) this would only happen if there was likely to be exposure beyond the "action level" given in the Regulations (<http://www.legislation.gov.uk/uksi/2012/632/contents/made>). A note to the applicant will be placed on the decision notice if it is minded to grant permission.

Structural Survey

A structural survey has been submitted as part of this application. A visual structural inspection was carried out by Simpkins Kenny Ltd on the 28 July 2020. The report concludes that the proposal is practical and achievable provided that the minimum structural remedial repairs stated in the report are incorporated within the scope of the works.

Contamination

A Phase 1 Geoenvironmental Risk Assessment by Michael D Joyce Associates (July 2021) has been submitted with this application. It identifies some previous potentially contaminative uses and due to the potential risk to end users recommends an intrusive Phase 2 Ground Investigation for the whole site. Therefore, if it is minded to grant permission an appropriate condition will be attached to the decision notice to cover site investigation, subsequent remediation and validation.

Public Right of Way

There is a Public Right of Way (NKel/61/1) to the west of the site. The proposal would not be detrimental to existing users and potential future users of the nearby Public Right of Way.

Balancing evaluation and conclusion:

The decision has been considered against policy 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, LP5: Delivering Prosperity and Jobs 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 and LP26: Design and Amenity of the adopted Central Lincolnshire Local Plan and the guidance contained in the National Planning Policy Framework and National Planning Practice Guidance.

The site is brownfield land within the built footprint of the settlement. The principle to develop one dwelling here is considered acceptable as the site is within the built form of the village and will contribute to the allocated housing

growth apportioned to North Kelsey in the adopted Central Lincolnshire Local Plan.

It is considered that the proposal would not adversely affect the economic growth and employment opportunities in the area in accordance with the NPPF and Policy LP5 of the Central Lincolnshire Local Plan as clear evidence has been provided that no businesses are now operating from the site.

It is also considered that the proposal would not have a harmful impact on the living conditions of neighbouring occupiers or that of the proposed dwelling and will not have a harmful visual impact on the street scene. Furthermore, it is considered that the proposal would preserve the character and appearance of this non-designated heritage asset and will not be detrimental to existing users and potential future users of the nearby Public Right of Way.

Recommendation: Grant planning permission subject to the conditions below

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 works shall take place until a full historic building recording (see notes to applicants below) of the barns (interior and exterior) has been submitted to and approved in writing by the Local Planning Authority.

Reason: To ensure the preparation and implementation of an appropriate scheme of archaeological mitigation and in accordance with the National Planning Policy Framework.

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

- a) The contaminated land assessment shall include a desk study to be submitted to the LPA for approval. The desk study shall detail the history of the site uses and propose a site investigation strategy based on the relevant information discovered by the desk study. The strategy shall be approved by the LPA prior to investigations commencing on site.
- b) The site investigation, including relevant soil, soil gas, surface and groundwater sampling, shall be carried out by a suitably qualified and accredited consultant/contractor in accordance with a Quality Assured sampling and analysis methodology.
- c) A site investigation report detailing all investigative works and sampling on site, together with the results of analysis, risk assessment to any receptors and a proposed remediation strategy shall be submitted to the LPA. The LPA shall approve such remedial works as required prior to any remediation commencing on site. The works shall be of such a nature as to render harmless the identified contamination given the proposed end-use of the site and surrounding environment including any controlled waters.
- d) Approved remediation works shall be carried out in full on site under a quality assurance scheme to demonstrate compliance with the proposed methodology and best practice guidance. If during the works contamination is encountered which has not previously been identified then the additional contamination shall be fully assessed and an appropriate remediation scheme agreed with the LPA.
- e) Upon completion of the works, this condition shall not be discharged until a closure report has been submitted to and approved by the LPA. The closure report shall include details of the proposed remediation works and quality assurance certificates to show that the works have been carried out in full in accordance with the approved methodology. Details of any post-remedial sampling and analysis to show the site has reached the required clean-up criteria shall be included in the closure report together with the necessary documentation detailing what waste materials have been removed from the site.

Reason: In order to safeguard human health and the water environment and identify potential contamination on-site and the potential for off-site migration as recommended by the Environment Agency and the Housing and Environmental Enforcement Manager in accordance with the NPPF and Policy LP16 of the Central Lincolnshire Local Plan.

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

4. With the exception of the detailed matters referred to by the conditions of this consent, the development hereby approved shall be carried out in accordance with the following drawings: 028542.04B dated 20/05/2021, 028542.05D dated 20/05/2021, 028542.06A dated 20/05/2021 and 028542.02A dated 20/08/2021. 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 in the interests of proper planning.

5. The development shall be carried out in full accordance with the recommendations contained within the Ecological Appraisal (CGC Ecology August 2020) and within the Bat Survey (CGC Ecology October 2020).

Reason: To safeguard wildlife in the interests of nature conservation in accordance with National Planning Policy Framework and Policy LP21 of the Central Lincolnshire Local Plan.

6. No development, other than to foundations level shall take place until the proposed new walling, roofing, windows, doors and other external materials have been submitted to and approved in writing by the local planning authority. The development shall thereafter be constructed in accordance with the approved details. The details submitted shall include; the proposed colour finish, rainwater goods and type of pointing to be used.

Reason: To ensure the use of appropriate materials to safeguard the character and appearance of this non-designated heritage asset in accordance with the NPPF and Policies LP25 and LP26 of the Central Lincolnshire Local Plan.

7. No development, other than to foundations level shall take place until details of all new external timber windows and doors at a scale of no less than 1:20 and glazing bars at scale of 1:1 to include method of opening, cills, headers and lintels, colour and finish are submitted and approved in writing by the local planning authority. The development shall thereafter be constructed in accordance with the approved details.

Reason: To ensure the use of appropriate materials to safeguard the character and appearance of this non-designated heritage asset in accordance with the NPPF and Policies LP25 and LP26 of the Central Lincolnshire Local Plan.

8. No development, other than to foundations level shall take place until a 1m square sample panel of the proposed new brickwork, showing the coursing of the brickwork, colour, style and texture of the mortar and bond of the brickwork have been provided on site for the inspection and approval in writing by the Local Planning Authority (the sample is to be retained on site until the new development is completed). The development shall thereafter be constructed in accordance with the approved details (see notes to the applicant below).

Reason: To ensure the use of appropriate materials to safeguard the character and appearance of this non-designated heritage asset in accordance with the NPPF and Policies LP25 and LP26 of the Central Lincolnshire Local Plan.

9. Notwithstanding the drawings supplied (Drawing No. 028542.04B dated 20/05/2021 and 028542.05D dated 20/05/2021) no development other than to foundations level, shall take place until full details of the proposed glazed screens on the east elevation of the bedroom range are approved in writing by the local planning authority. The development shall thereafter be constructed in accordance with the approved details and be complete before the dwelling is first occupied.

Reason: To ensure the use of appropriate materials to safeguard the character and appearance of this non-designated heritage asset in accordance with the NPPF and Policies LP25 and LP26 of the Central Lincolnshire Local Plan.

10. No development, other than to foundations level shall take place until a scheme for the disposal of foul and surface waters (including the results of soakaway/percolation tests) have been submitted to and approved in writing by the Local Planning Authority. The development shall only be carried out in accordance with the approved details and prior to occupation of the dwelling.

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

11. New hardstanding shall be constructed from a porous material or shall be appropriately drained within the site and shall be retained as such thereafter.

Reason: To ensure appropriate drainage to accord with the National Planning Policy Framework and Policy LP14 of the Central Lincolnshire Local Plan.

12. No development, other than to foundations level shall take place until, a scheme of landscaping including details of the size, species and position or density of any trees and hedging to be planted and boundary treatments (including boundaries within the site) and hardstanding have been submitted to and approved in writing by the Local Planning Authority. The development shall only be carried out in accordance with the approved details.

Reason: To ensure the site is visually softened by appropriate methods and to enable any such proposals to be assessed in terms of their impact on the Conservation Area/Listed Buildings in accordance with the National Planning Policy Framework and Policies LP17, LP26 and LP25 of the Central Lincolnshire Local Plan.

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

13. All planting and turfing approved in the scheme of landscaping under condition 12 shall be carried out in the first planting and seeding season following the completion of the development, whichever is the sooner; and any trees or hedging 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. The landscaping should be retained thereafter.

Reason: To ensure the site is visually softened by appropriate methods and to enable any such proposals to be assessed in terms of their impact on this non designated heritage asset in accordance with the National Planning Policy Framework and Policies LP17, LP26 and LP25 of the Central Lincolnshire Local Plan.

14. Notwithstanding the provisions of Classes A, AA, B, C, D, and E of Schedule 2 Part 1 and Class A of Schedule 2 Part 2 of the Town and Country Planning (General Permitted Development) (Amendment) Order 2015, or any Order revoking and re-enacting that Order, the building hereby permitted shall not be altered or extended, no new windows shall be inserted, and no buildings or structures shall be erected within the curtilage of the host dwelling, no new hardstanding and gates, walls or fences unless planning permission has first been granted by the Local Planning Authority.

Reason: To enable any such proposals to be assessed in terms of their impact on the living conditions of the host and neighbouring dwellings and the resulting amount of space around the host dwelling and to safeguard the character and appearance of the building and its surroundings in accordance with Policies LP17, LP25 and LP26 of the Central Lincolnshire Local Plan.

Notes to the Applicant

S.106 (unilateral undertaking)

The landowner has entered into a certified S.106 (Unilateral Undertaking) which has been completed (The Council is not a party to the document). The Unilateral Undertaking means that the existing uses on the site of this application (142247), for any fabrication of metal and the refurbishment of mechanical or agricultural machinery and for 142221 need to cease before commencement of development.

Archaeology

Please contact the Historic Environment Team at Lincolnshire County Council for advice on a brief for the Historic Building Record (condition 2) on 01522 782070.

Repointing

No works of repointing are to be undertaken until a sample panel has been agreed in writing (condition 8).

Asbestos

Building Control will be involved in signing off this application in terms of building regulations. However, if removal of asbestos cement sheets is done according to HSE rules (<http://www.hse.gov.uk/pubns/guidance/a36.pdf>), it will not usually fall into the category where it must be notified to the enforcing authority (HSE or Local Authority, depending on the premises) this would only

happen if there was likely to be exposure beyond the "action level" given in the Regulations
(<http://www.legislation.gov.uk/ukxi/2012/632/contents/made>).

Highways

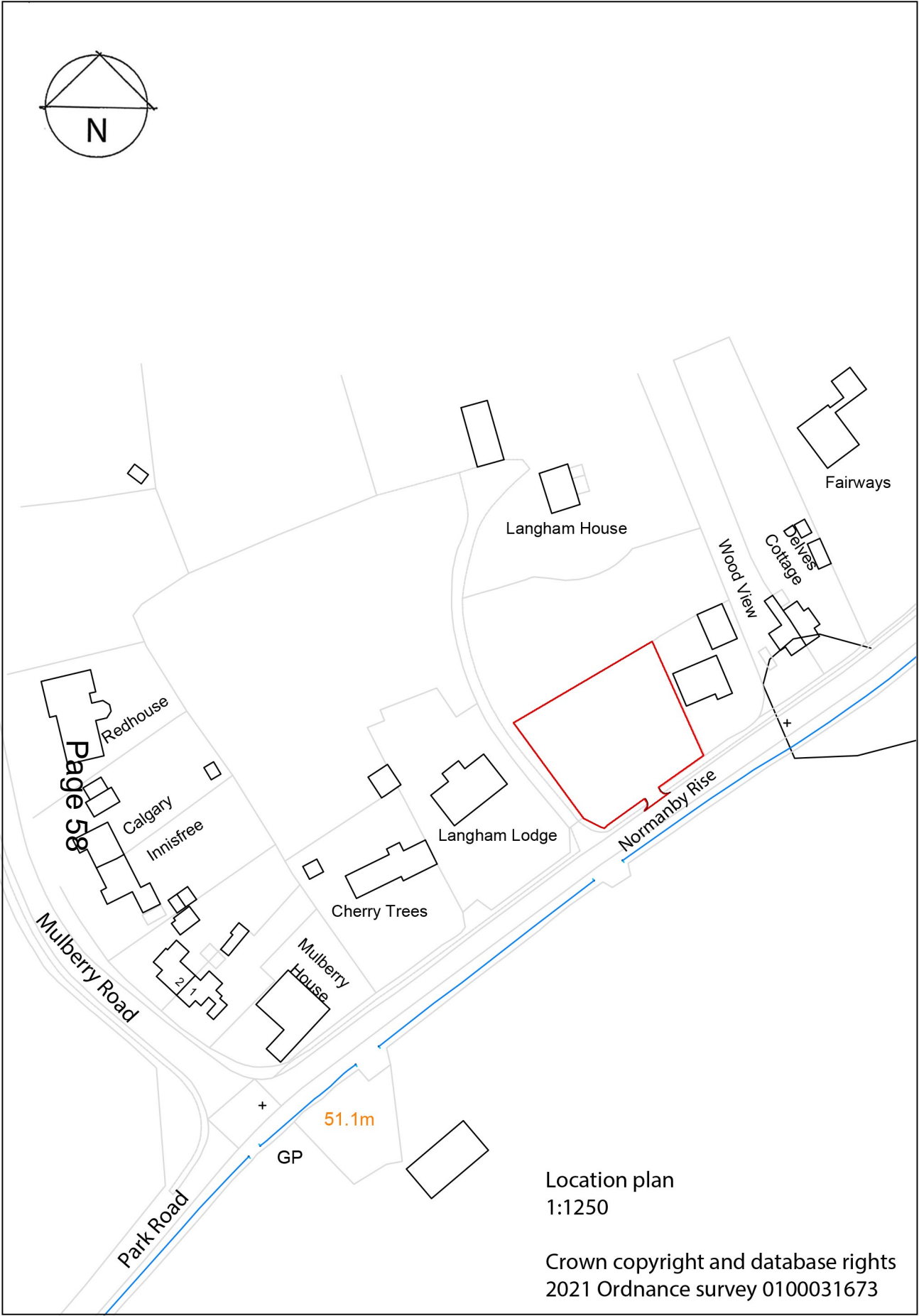
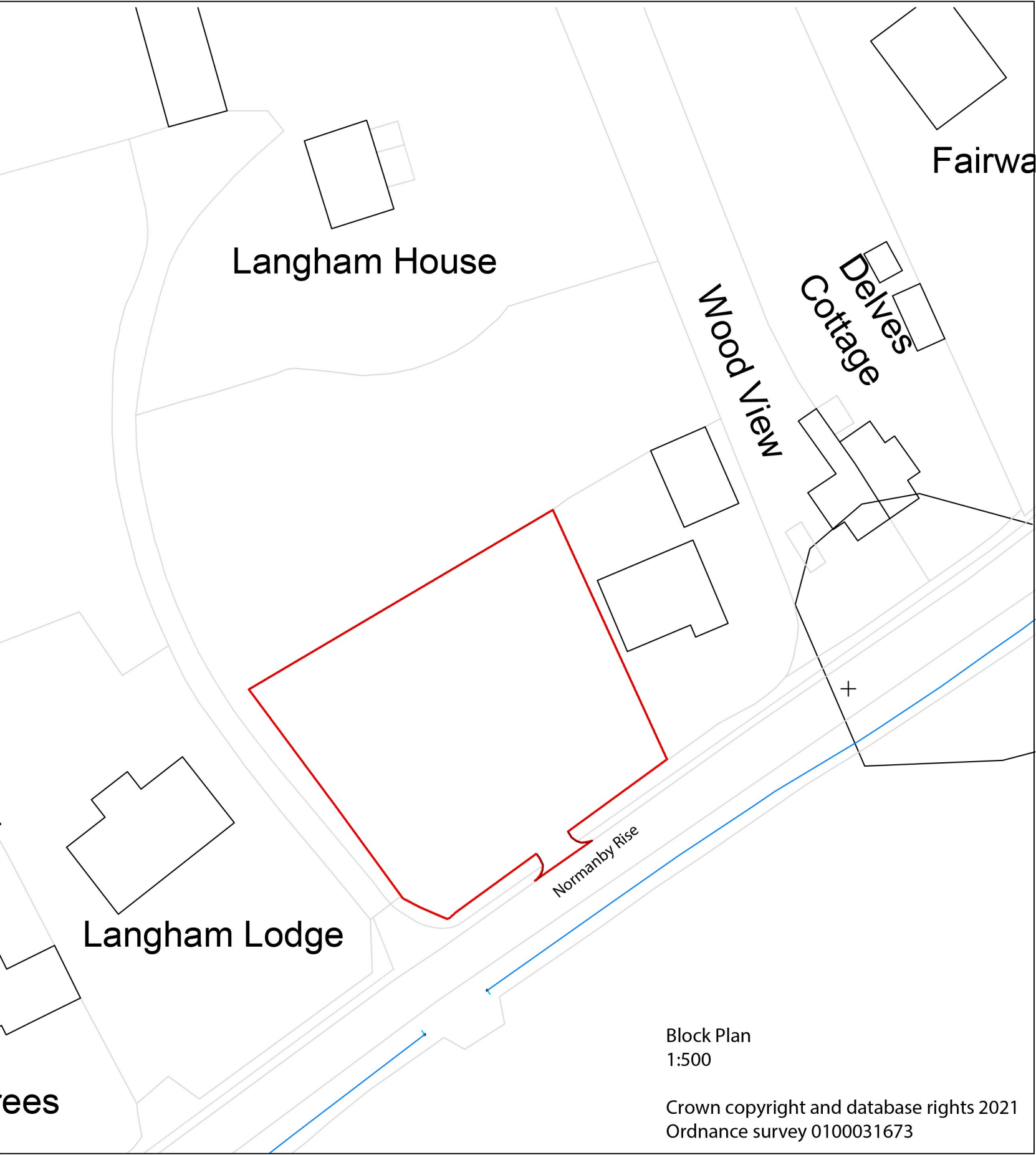
Please contact the Lincolnshire County Council Streetworks and Permitting Team on 01522 782070 to discuss any proposed statutory utility connections and any other works which will be required within the public highway in association with the development permitted under this Consent. This will enable Lincolnshire County Council to assist in the coordination and timings of these works.

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



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Normanby Rise, Claxby
Augustine John Developments
Drawing 001A/0199
09/11/21

07855 828 938
jo@motherarchitects.com
motherarchitects.com

Mother
architects

PROPOSED BLOCK AND
LOCATION PLAN
TO NOTED SCALES AT 100% A3

Officers Report

Planning Application No: 143410

PROPOSAL: Planning application for 4no. semi-detached dwellings

LOCATION: Land north of Normanby Rise Claxby Market Rasen LN8 3YZ

WARD: Wold View

WARD MEMBER(S): Cllr T Regis

APPLICANT NAME: Augustine John Developments

TARGET DECISION DATE: 03/12/2021

DEVELOPMENT TYPE: Minor - Dwellings

CASE OFFICER: Richard Green

RECOMMENDED DECISION: Refuse

The application is being referred to the Planning Committee for determination following a call in by the Ward Member and objections from the Parish Council and a number of objections from local residents.

Description:

The application site is located on the northern side of Normanby Rise, within the built foot print of Claxby. The site is currently vacant scrubland and is located within the Lincolnshire Wolds Area of Outstanding Natural Beauty (AONB), surrounded by dwellings off Normanby Rise to the north (Langham House a two storey detached dwelling), north east (Wellington House a two storey detached dwelling) and south west (Langham Lodge a detached bungalow) The highway bounds the site to the south east, beyond which is open agricultural land.

The site is allocated as "Important Open Space" in the Central Lincolnshire Local Plan.

The planning drawings have been amended four times during the determination period. The first changes followed a meeting between the applicant, the Parish Council and local residents. Changes included, but were not limited to; lowering the ridge heights by 1m, increasing garden sizes, changing externally facing materials to give a more traditional cottage design and adding bin and garden stores. The second revisions were considered as minor in nature and consisted of adding air source heat pumps to the rear of the dwellings.

A third set of amended plans were consulted up on and proposed 2 semi-detached dwellings on one half (south western section) of the site.

A meeting was held with the applicant and agent on the 03/11/2021 where the Local Planning Authority made it clear that they were concerned with the

impact on the site and surrounds and advised that a smaller development (of up to 2 dwellings) be located more centrally on the overall site, with a reduction in hardstanding. An email was sent to the agent the following day confirming this position.

A final set of amended plans were received on the 10/11/2021 and have been publicised and re-consulted upon. The planning application seeks permission to erect four semi-detached two storey dwellings (2 bed dwellings), facing Normanby Rise, with gardens to rear and space for vehicle parking to the front (six car parking spaces). One access is proposed off Normanby Rise and landscaping is shown either side of the access and to the front of the site. The street frontage, currently a substantial hedgerow will be laid in a traditional manor and under planted with new whips with more substantial landscaping either side of the entrance. The hedging will be reinstated to the east and west boundaries. The driveways will granite chip gravel with pathways to the side and terraces to the rear.

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

The development is within a 'sensitive area' as defined in Regulation 2(1) of the Regulations (the Lincolnshire Wolds Area of Outstanding Natural Beauty) and has therefore been assessed in the context of Schedule 2 of the Regulations. After taking account of the criteria in Schedule 3 it has been concluded that the development is not likely to have significant effects on the environment by virtue of its nature, size or location. Therefore the development is not 'EIA development'.

Relevant history:

The current application site

141919 - Outline planning application to erect 1 no. dwelling - all matters reserved – approved January 2021

W21/447/95 - Outline planning application to erect 1 dwelling. (Renewal of W21/203/92 dated 4/6/92) – approved September 1995

W21/1036/87 - Erect dwelling and construct access – approved May 1998 (south western half of the site only)

The current application site and land to the north-west

M02/P/1123 - Vary condition 1 of outline planning permission 98/P/0066 to erect four dwellings, further 3 years for submission of details – refused January 2003

98/P/0066 - Outline planning application to erect four dwellings (including site with existing permission) – approved March 1998

97/P/0448 - Outline planning application to erect four dwellings and amend position of existing approved dwelling in accordance with amended plan received 13 November 1997 – refused December 1997

Representations:

Chairman/Ward member(s): Cllr T Regis responded to request that the application be called-in for a committee decision due to:

“planning policy reasons that are in contradiction to the NPPF namely LP2, LP10, LP17 and LP26. The residents of Claxby Parish are not against the development of this site in principle but are not currently in favour of how it is being proposed.”

Claxby Parish Council: responded with notes from the parish meeting and a summary of its opposition to the proposal, as follows:

Overall it was felt that this:

- Was an overdevelopment of a small site, more like an urban development than something that would suit a rural village
- Was not at all in keeping with the other properties in the village,
- Was not in keeping with maintaining the integrity of AONB.
- Poses problems of traffic, (too many cars trying to access a small country road)
- Poses problems for the infrastructure (the sewers are at capacity), drainage (water run-off from a concreted-over site could cause problems)
- Unsuitable for the target customers (the village is mostly populated by retirees, and has no amenities for young families, necessitating much travelling to school/work – from an environmental point of view this is not desirable. The village has no “need” for this type of development as stated by the architect.)
- Latest regulations state that any new housing developments must include at least 25% 'affordable housing'.
- Insufficient parking causing on street parking
- Dwellings and gardens are too small
- Poor design
- Bin storage to front of the dwellings would be an eyesore.

Further comment on amended plans for two dwellings: The amended drawing shows 2 semi-detached dwellings removed from the original plans and 2 semi-detached properties remaining, but these only use half the plot, leaving space for another pair of semi-detached dwellings in the future. If this amended application is approved it will set a precedent for a similar development on the other half of the site. It would seem that the builders could intend to submit a further application at a later time to develop the other half of the plot with another 2 semi-detached houses. We have already given our objections to this site being developed with 4 properties as it is felt to be an overdevelopment of the site. Any new application should use the entire plot for 2 properties, be they 2x semi-detached or 2x detached properties.

Further comment on the latest amended plans for four dwellings:

- The Parish Council has already objected to the proposal for 4 houses on this small site, on the grounds that it is an overdevelopment of the site in a rural village in an AONB.
- The plans were then altered (cynically in our view) to remove one half of the proposed development, leaving the other half of the site open for future development.
- After objections to this proposal, the new plans revert to what is essentially the same overdevelopment of the site with 4 semi-detached houses (albeit slightly smaller) and we object again on the same basis. (Overdevelopment, strain on the infrastructure, impact on traffic on Normanby Rise, difficulty of access onto the properties and from the properties onto Normanby Rise, problems of parking, problems of space for storage (of bins for example)).
- The developers suggest there is a "need" for this type of property, to attract younger families to the village, but history has shown that young families do not do well here, as there are no facilities and transport is needed to schools, shops and amenities, and they move out after a short time because of this.
- Furthermore the style of property in the proposed development does not blend in with existing houses in the village.
- The report alludes to a previous planning application for 4 dwellings at this location. Outline planning was granted for 4 dwellings (ref 98/P/0066) on 12/03/1998. However, the plot was much bigger and covered all the land up to the property at the rear, so was probably 4 or 5 times the size of the plot being developed now.

Local residents:

- Occupant/s of Tulip Tree Cottage, Mulberry Road, Claxby
 - We understand the rationale is to attract younger families to Claxby is appropriate and therefore support the proposal in principle.
 - Chimneys would enhance the appearance of the dwellings
 - There are no measurements on the drawings and so it's hard to gauge the suitability of 4 dwellings to the size of plot
 - More space appears to be given to parking than gardens so would appear to not be appropriate for young families
 - A very disappointing amendment lacking imagination. It appears as though the only change is to reduce 4 dwellings to 2 in half the original plot with no explanation as to how the other half of the plot will be used.
 - Having initially supported the development, but with reservations we now object to the amendment.
- Occupant/s of The Laurels, Mulberry Road, Claxby
 - Development is too big for the site
 - Limited outdoor space with no allowance for waste bins, storage facilities or outdoor leisure
 - Insufficient parking would result in on-street parking – highway safety

- Possibly 5 existing affordable houses in the village, none with young families, all have better parking and outdoor spaces
- 13 Acis houses and one privately rented property in village, only one occupied by young family as unattractive to young families who would need to travel to reach amenities
- Design not in keeping with other semi-detached properties
- Detrimental impact upon the property to the rear
- Not viable for either young families or older villagers wanting to downsize.
- It suggests to us a devious route [previous plans for 2 dwellings on half of the site] to eventually get the four dwellings on the whole site as per the original application.
- The latest amended plans for 4 dwellings are objected to as previously stated.
- The developers seem determined to erect four properties on the site. In our opinion the whole site is not big enough for more than two properties and would result in over development in an A.O.N.B.
- The architect refers to the miners cottages in the village which were erected for the sole purpose of housing workers near to their place of employment. When they were no longer used for this purpose we understand that they were demolished.
- All the private two bedroom semi-detached properties in the village have been converted to larger detached dwellings.
- There does not appear to be demand for two bedroomed houses.
- It is doubtful that they would appeal to young families due to the size of the living accommodation and the lack of facilities in the village.
- The proposed development appears eco-friendly but with the amount of car journeys that would be necessary for day to day activities this benefit could be cancelled out.
- It is true that a previous planning application was approved for the land adjoining Langham House Ref 98/P/0066 but the site included ALL the land in front of the house, a much greater area to the current one.
- Occupant/s of Wold Haven, Normanby Rise, Claxby
 - Site is unsuitable for four dwellings
 - Insufficient parking would result in on-street parking – highway safety
 - Road is not wide enough for the volume of large vehicles to pass
 - Design and density of buildings not in keeping with the local area of outstanding natural beauty
 - One or two dwellings would blend better with surroundings and enhance the AONB
- Occupant/s of Langham House, Normanby Rise, Claxby (the property to the rear of the application site):
 - Overdevelopment of the site
 - I agreed to remove a row of mature conifers from border between my garden and the plot by previous owner to facilitate building the previously approved single dwelling – current owner was refusing to

- buy the plot unless trees removed – builder has gone back on his word of not overdeveloping the site
- Inadequate outside space for recreation, storage bins etc.
 - Wont attract families
 - Proposed access to road is dangerous and unacceptable as it is directly after a bend on a busy road
 - Original plan for single detached house took into account a sight line, wont exist if this plan were agreed
 - Application represents greed with no consideration of residents of the village which lies in an AONB – this should be protected at all costs.
 - The reduction in number of dwellings is laughable. Clarity should be given as the how the remaining plot is to be used?
 - Surely building in the centre of the plot to allow sensible recreational space, parking and storage around each dwelling should be observed. I suspect the developer is reluctant to do this as he plans to apply for development of the second half of the plot at a later date.
 - The planning department should also know, if they are not already aware, that the main drain for Langham House runs directly through the centre of the building plot.
 - I would support the building of two dwellings either semis in the centre of the plot or 2 detached houses on the outer edges of the plot.
 - The new amended plans still suggest the lowering of the kerb in front of the remaining land of the plot. Why?
- Occupant/s of Wellington House, Normanby Rise, Claxby (the property to the north east of the application site):
 - Unlikely to be significant demand for this type of accommodation
 - Insufficient parking would result in on-street parking – highway safety issue – large vehicles use the road, particularly in growing season, and have to mount the kerb
 - We suffer rainwater runoff backing up in our garden so properties lying below the subject site will almost certainly suffer from increased drainage problems as a result of the larger area of built over land
 - External design is very utilitarian and out of keeping with existing properties in the immediate area
 - Lack of bin storage and when put out for emptying they will constitute a hazard to pedestrians, especially at night, or impede drivers entering / exiting the site
 - The site lies in front of an existing substantial property where a 4 homes development is entirely inappropriate in this setting.
 - The reduction in the number of proposed dwellings is welcomed but what has the developer got in mind for the other half of the site.
 - The other half of the site is serviced by a dropped kerb will the developer reapply citing the initial development as a precedent.
 - Any future development should be centralised on the site.
 - No demand for this sort of housing in the village with single storey dwellings being more appropriate.
 - The external appearance of the dwelling[s] remains out of kilter with surrounding dwellings.

- The latest set of amended plans for 4 dwellings fails to mean fully address any of the concerns raised by ourselves and others. Instead, it is a backward step, clearly unmasking the developer as being hell-bent on maximising profit.
 - No demand for this form of property.
 - The external appearance of the proposed dwellings is inappropriate.
 - Outside space is inadequate.
 - Onsite parking is even more restricted.
 - The proposed gable end of the eastern-most property appears to be extremely close to our own property, and could fall foul of 'Right of Light' rules.
- Occupant/s of 3 Woodland View, Normanby Rise, Claxby
 - We note that there was originally an application submitted for one house and this progressed to four houses and now two houses on the plot.
 - We feel this application is being driven by the applicants desire to make maximum profit from the plot and demonstrates no thought to the already shared views of the residents living nearby.
 - Indeed we don't feel the applicant is being transparent or genuine in making this change to the application to build two houses instead of four.
 - We are of the view that should the application for two houses be agreed there would undoubtedly in due course be an application for two further houses to be built. Thus enabling the applicant to achieve their original plan to build four houses and achieve maximum profit from the site as per the previous application.
- Occupant/s of Red House, Mulberry Road, Claxby
 - The new plans revert to what is essentially the same overdevelopment of the site with 4 semi-detached houses (albeit slightly smaller) and we object (Overdevelopment, strain on the infrastructure, impact on traffic on Normanby Rise, difficulty of access onto the properties and from the properties onto Normanby Rise, problems of parking, problems of space for storage (of bins for example)).
 - The developers suggest there is a "need" for this type of property, to attract younger families to the village, but history has shown that young families do not do well here, as there are no facilities and transport is needed to schools, shops and amenities, and they move out after a short time because of this.
 - Furthermore the style of property in the proposed development does not blend in with existing houses in the village.
 - The report alludes to a previous planning application for 4 dwellings at this location. Outline planning was granted for 4 dwellings (ref 98/P/0066) on 12/03/1998. However, the plot was much bigger and covered all the land up to the property at the rear, so was probably 4 or 5 times the size of the plot being developed now.

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

LCC Highways has requested two informative notes be attached to the decision notice to make the applicant aware of their responsibilities within regards to new vehicular accesses to the highway and utility connections.

LCC Archaeology: No response received to date.

Environmental Protection: Responded to request a planning condition be attached to any planning consent for the proposed development relating to actions required of the developer should any contaminated land be discovered during building work.

Lincolnshire Wolds AONB Officer: *“The village of Claxby is a small settlement within the nationally protected Lincolnshire Wolds AONB and is not classed as a service village in the planning settlement hierarchy. As a wider issue the Lincolnshire Wolds AONB Partnership has recognised the challenge of successfully balancing housing demands, including meeting where possible requirements for more affordable housing units. However there is a concern regarding the current rates of infilling impacting upon a number of settlements across the AONB, more so at a time when the need for safeguarding green infrastructure and securing future biodiversity net gain are becoming increasingly important.*

We recognise that the Central Lincolnshire Local Plan (Adopted 2017) identifies Claxby as a small village within the Policy LP4 listing, but with the additional caveat of paragraph 3.4.5 - that where a settlement is within the AONB, this is recognised as a significant restraint on future housing growth; furthermore the current Local Plan also highlights the need for a conservative approach to housing allocations in rural settlements that have the additional three limitations on the grounds of sustainability, namely:

- *No/limited key facilities*
- *Are not located within 5 kms of Lincoln, Sleaford and Gainsborough population centres*
- *Are not within 2 kms of a strategic employment centre.*

All three additional factors clearly apply to the settlement of Claxby and advocate a precautionary approach to any new housing developments.

The revised designs for the two semi-detached properties are an improvement on the original submission, but remain out of character and incongruous to the neighbouring single dwellings within the surrounds of the plot. Whilst the design of the proposed properties as detailed is well intentioned, e.g. in terms of linking with a traditional miners cottage concept,

the site location at Normanby Road is itself not conducive to the proposed application for four dwellings and accompanying driveways.

The Local Plan places a high priority on the need for a demonstration of clear local support for housing developments in village settings, v=facilitated and evidenced through appropriate consultation. We understand that active dialogue has been taking place locally, but that the Parish Council continues to have concerns and is making the case for a much smaller building footprint to help ameliorate the development into its built and natural surroundings within the Lincolnshire Wolds AONB. On balance, we are not able to give our support to this application."

Further comment on amended plans for two dwellings: Returning our ongoing concerns with the resubmission for housing as detailed for Normanby Road (Planning application 143410). It looks like the development plot has simply been halved, but with no reconfiguration or detailed revised amendments to help ameliorate the new proposal in the context of the nationally protected Lincolnshire Wolds Area of Outstanding Natural Beauty.

IDOX checked: 23/11/2021

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 April 2017).

Development Plan:

The following policies are particularly relevant:

*Central Lincolnshire Local plan

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

LP21: Biodiversity and Geodiversity

LP23: Local Green Space and other Important Open Space

LP26: Design and Amenity

**With consideration to paragraph 219 of the National Planning Policy Framework (July 2021) the above policies are consistent with the NPPF (July 2021). LP1 is consistent with NPPF paragraph 11 as they both apply a presumption in favour of sustainable development. LP2, LP3 & LP4 are consistent with NPPF chapter 5 as they both seek to deliver a sufficient supply of homes. LP10 is consistent with NPPF chapter 5 as they both seek to ensure a mix of housing to meet accommodation needs. LP13 is consistent with NPPF paragraphs 110-113 as they both seek to ensure an efficient and safe transport network that offers a range of transport choices. LP14 is consistent with paragraphs 159 to 169 of the NPPF as they both*

seek to avoid putting inappropriate development in areas at risk of flooding. LP17 is consistent with NPPF paragraph 130 & 174 as they seek to protect valued landscapes and recognise the intrinsic character and beauty of the countryside and are sympathetic to the built environment. LP21 is consistent with chapter 15 of the NPPF as they both seek to protect and enhance biodiversity. LP23: Local Green Space and other Important Open Space is consistent with chapter 8 of the NPPF as they both seek to protect open space and LP26 is consistent with section 12 of the NPPF in requiring well designed places. The above policies are therefore attributed full weight.

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

Draft Central Lincolnshire Local Plan:

Policies of the Draft Plan which are considered relevant to this application are:

Policy S1: The Spatial Strategy and Settlement Hierarchy
Policy S2: Growth Levels and Distribution
Policy S4: Housing Development in or Adjacent to Villages
Policy S6: Reducing Energy Consumption – Residential Development
Policy S20: Flood Risk and Water Resources
Policy S22: Meeting accommodation needs
Policy S46: Accessibility and Transport
Policy S48: Parking Provision
Policy S52: Design and Amenity
Policy S59: Protecting Biodiversity and Geodiversity
Policy S60: Biodiversity Opportunity and Delivering Measurable Net Gains

The first round of consultation on the Draft Central Lincolnshire Local Plan has now completed. The consultation ran for 8 weeks from 30 June to 24 August 2021. The NPPF states:

“48. 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) 24.”

The early stage of preparation, because consultation has only just completed on the Draft Plan and untested consistency with the Framework mean some weight (but it is still limited) is given to the policies it contains relevant to this proposal at this moment.

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

Neighbourhood Plan

No plan currently being prepared.

National policy & guidance (Material Consideration)

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

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

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

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

- **National Planning Practice Guidance**

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

- **National Design Guide (2019)**

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

- **National Design Code (2021)**

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

Other- AONB

S85 (1) of the Countryside and Rights of Way Act 2000;

"S85(1) - In exercising or performing any functions in relation to, or so as to affect, land in an area of outstanding natural beauty, a relevant authority shall have regard to the purpose of conserving and enhancing the natural beauty of the area of outstanding natural beauty."

<https://www.legislation.gov.uk/ukpga/2000/37/section/85>

Lincolnshire Wolds AONB Management Plan 2018-2023

The five key aims of the Management Plan are to sustain and enhance:

1. the Lincolnshire Wolds' natural beauty and its landscape character
2. farming and land management in the Wolds as the primary activities in maintaining its character, landscape and biodiversity
3. recreational, tourism and interpretive activities and opportunities appropriate to the area
4. the economic and social base of the Wolds including the development and diversification of enterprises appropriate to the area
5. partnerships between organisations, the local community, landowners and others with an interest in the Wolds.

<https://www.lincswolds.org.uk/our-work/management-plan>

Main issue

- Principle of Development
- Area of Outstanding Natural Beauty / Character and Visual Impact
- Residential Amenity
- Access and Parking
- Ecology
- Foul and Surface Water Drainage
- Other Matters

Assessment:

Principle of Development

Central Lincolnshire Local Plan 2012-2036:

Local policy LP2 sets out a spatial strategy and settlement hierarchy from which to focus growth. Policy LP2 defines Claxby as a small village. Small villages are allocated small scale development of a limited nature subject to appropriate locations, unless clear local community support is demonstrated for a proposal. Proposals will be considered on their merits but would be limited to around 4 dwellings.

This policy also sets out the definition of ‘appropriate locations’ as 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 LP26). In addition to qualify as an appropriate location the site would need to retain the core shape and form of the settlement, not significantly harm the settlements character and appearance and not significantly harm the character and appearance of the surrounding countryside or the rural setting of the settlement.

The Local Plan defines the developed footprint/defined built form of the village 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 settlement; and*
- d. outdoor sports and recreation facilities and other formal open spaces on the edge of settlements.*

As noted earlier within this report, the site is allocated as “Important Open Space” in the Central Lincolnshire Local Plan and is another key consideration as to whether this site is an appropriate location for the proposal. Policy LP23 applies to proposals in such locations and states that: “An area identified as an Important Open Space on the Policies Map is safeguarded from development unless it can be demonstrated that:

- a. In the case of publicly accessible open space, there is an identified over provision of that particular type of open space in the community area and*

- the site is not required for alternative recreational uses or suitable alternative open space can be provided on a replacement site or by enhancing existing open space serving the community area; and*
- b. In the case of all Important Open Spaces, there are no significant detrimental impacts on the character and appearance of the surrounding area, ecology and any heritage assets.”*

Whilst there is an existing Outline consent on this site for a single dwelling (ref. 141919), it is not clear to what extent the above policy was considered during the determination of that application. The site is not publically accessible open space and so criterion ‘a’ of the policy does not apply. The previous application was in Outline with all matters reserved, and as such, the scale, appearance, layout, access and landscaping of the proposal was still be determined at reserved matters stage. As such, it is reasonable to conclude that a sensitively designed dwelling with appropriate landscaping, set within spacious grounds, could be accommodated within the site without detrimental impacts on the character and appearance of the surrounding area, ecology (which can be dealt with by planning conditions/informative notes) and any heritage assets (of which there are none in close enough proximity to be affected). This site was, and is, therefore considered to be acceptable in principle for a single dwelling, subject to the above considerations, and benefits from planning permission for such.

The site, whilst somewhat unkempt, is nonetheless locally valuable open space. Paragraph 5.8.5 of the CLLP identifies that *“other open spaces, including those not publicly accessible, provide breaks in the street scene and may allow views of the surrounding countryside to be enjoyed from within the settlement”*. The current proposal for four dwellings would result in the entire loss of the amenity value of the site. The street frontage, currently a substantial hedgerow will be laid in a traditional manner and under planted with new whips with more substantial landscaping either side of the entrance. The hedging will be reinstated to the east and west boundaries. The driveways will granite chip gravel with pathways to the side and terraces to the rear. All other land would be taken up by the dwellings themselves, small rear garden areas and domestic paraphernalia. It is not considered that a landscaping scheme, which could be secured by planning condition, could sufficiently overcome this harm as there is simply not sufficient space within the site. The break within the street scene would be lost as a result of this proposal. The site is too small to accommodate four dwellings that meet the required living standards, with sufficient outdoor amenity space and off street car parking, whilst not significantly harming the character and appearance of the surrounding area.

The proposal accords with the scale of development identified by policy LP2 of up to 4 dwellings. The proposed site, flanked by dwellings to the north, north east and south west and by the highway to the south east, is considered to be located within the existing developed footprint/built up form of the village. The site is however is not considered to be an appropriate location as defined in LP2. Whilst it would retain the core shape and form of the settlement, it would cause significant harm to the character and

appearance to the area and the significant, if not total, loss of an allocated Important Open Space, conflicting with policy LP23 of the CLLP. The location of the proposal is considered an inappropriate one for the development proposed and conflicts with policies LP2 and LP23 of the CLLP.

Local policy LP4 identifies that Claxby has a growth level of 10%. An updated table of remaining growth for housing in medium and small villages has been completed (dated 8th November 2021) by the Local Planning Authority to sit alongside the adopted CLLP¹. This confirms that Claxby has 80 dwellings which equates to a permitted growth level of 7 additional dwellings (this figure takes into account the one dwelling already approved by outline planning permission ref. 141919 on the application site).

Therefore Claxby has a remaining housing growth of 7 dwellings. This site would provide four dwellings and would therefore not exceed the 10% growth allowance permitted under policy LP4. Technically, the approval of this proposal would result in an increase of three dwelling approved as both this proposal and the previously approved outline proposal could not both be built as the footprints overlap. A growth level of 3 dwellings would remain as a result of this development.

Submitted policy LP4 additionally requires a sequential approach to be applied to prioritise the most appropriate land for housing within small 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 proposal is considered to represent an infill site but is not in an appropriate location and so conflicts with policy LP4 of the CLLP.

Concluding Statement:

The site is an infill plot within the settlement of Claxby and would provide four dwellings towards the allocated housing growth for Claxton in local policy LP4 of the CLLP. It is however considered that the site is not an appropriate location for four dwellings due to its allocation as Important Open Space.

It is therefore considered that the principle of erecting four dwellings on this site is unacceptable and conflicts with policies LP2, LP4 and LP23 of the

¹ <https://www.west-lindsey.gov.uk/my-services/planning-and-building/planning-policy/housing-growth-in-medium-and-small-villages-policy-lp4/>

Central Lincolnshire Local Plan and the provisions of the NPPF. Clear local community support has not been demonstrated for the proposal.

It is considered that policies LP1, 2, 3 and 4 are consistent with the sustainability and housing growth guidance of the NPPF and can be attached full weight. Policy LP23 is consistent with the guidance on promoting healthy and safe communities within the NPPF.

Area of Outstanding Natural Beauty - Character and Visual Impact

The site lies within the Lincolnshire Wolds AONB. Section 85(1) of the Countryside and Rights of Way Act 2000 requires that the local authority shall have regard to the purpose of conserving and enhancing the natural beauty of the area of outstanding natural beauty. Policy LP17 seeks to protect and enhance the intrinsic value of our landscape and townscape. The considerations of Policy LP17 are particularly important when determining proposals which have the potential to impact upon the Lincolnshire Wolds AONB. The Lincolnshire Wolds has a strong unity of visual character, characterised by open plateau hilltops, sweeping views, strong escarpments, wide grass verges and ridge-top route ways, dramatic wooded slopes and valleys, beech clumps, attractive villages often nestled in hill folds, and natural and historic features of great interest.

To accord with the provisions of Policy LP17 development 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.

Policy LP26 also states that the proposal should respect the existing topography, landscape character, streetscene and local distinctiveness of the surrounding area and should use appropriate, high quality materials which reinforce or enhance local distinctiveness. Any important local view into, out of or through the site should not be harmed.

The Lincolnshire Wolds AONB Management Plan 2018 – 2023 seeks to protect and enhance local character and distinctiveness through the highest quality of design in new development, including making space for biodiversity and tackling climate change. As noted earlier within this report, the site is an allocated Important Open Space.

It is noted there has been some local opposition to the proposal from neighbours, the Parish Council, AONB Officer and the local Ward Member in relation to matters including the design of the proposal and its impact upon the AONB.

The site is adjoined by residential properties to the north, south west and north east and is considered to be an infill plot within the built footprint of Claxby. The proposed dwellings would be viewed in the context of these

surrounding dwellings. These and other dwellings on Normanby Rise vary in terms of design, scale and appearance. There are bungalows, dormer bungalows and two storey dwellings.

Whilst it is acknowledged that the majority of those dwellings closest to the application site are detached and sit within large plots, there are many semi-detached and some terraced dwellings in relatively close proximity to the application site that sit within much smaller plots. The village contains a mixture of large detached dwellings, traditional Lincolnshire cottages and more modern detached bungalows. In terms of materials there are rendered properties, various types of brick, slate roofs and clay pantile roofs all visible on Normanby Rise. Some dwellings sit well back within their plot, away from the highway, whereas others sit much closer to the highway with small front gardens/driveways.

The proposal would deliver four semi-detached cottages with a new vehicular access point created from the highway to the front, parking to front of dwellings and gardens to rear. As noted earlier within this report, the proposed plans have been amended during the determination period in an attempt to overcome local objection to the proposal.

It is not considered that the proposal would be harmful to the wider area, i.e. the AONB. The proposal would however, as previously discussed within this report, cause significant harm to the character and appearance of the local area and the loss of an allocated Important Open Space, conflicting with policy LP23 of the CLLP. The proposal would also therefore conflict with policies LP17 and LP26 in this regard.

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

Residential Amenity

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

The ground level of the application site sits slightly lower than that of the neighbouring dwelling to the north east, Wellington House, which contains a ground floor window and first floor window within its side elevation that faces the application site. The windows are both secondary windows to habitable rooms with the main aspect windows in the front and rear of the property. The windows would be located approx. 4m and 5m respectively from the side elevation of the dwelling on Unit 4. Given that these are secondary windows, it is not considered that the proposal would have an unacceptable impact upon the windows in terms of loss of light, overshadowing or over dominance. There are two side windows in the facing elevation of the proposed dwelling on Unit 4 at ground floor that would serve a dining room and two at first floor to serve a bathroom and walk in wardrobe. None of these windows would

directly face those within the side elevation of Wellington House and so there would be no unacceptable impact from loss of privacy as a result of the proposal.

The property to the north, Langham House, would be located in excess of 44m from the rear elevation and approx. 36m from the rear boundary of the nearest proposed dwelling and so there would be no unacceptable impacts in terms of residential amenity on the occupiers of any of the dwellings.

The bungalow, Langham Lodge, located to the south west of the application site contains two side windows that face the application site, again, both are secondary windows with the main aspects being to the front and rear of the dwelling. There would be a separation distance of approx. 12m between the bungalow and the nearest proposed dwelling on Unit 1, with the driveway to Langham House and vegetation located between the two. The bungalow also sits much further back within its plot from the highway than the proposed dwellings. As such, there would be no unacceptable impacts from loss of privacy, over dominance, loss of light or overshadowing as a result of the proposal.

There would also be no overlooking due to the position of the windows in the side (west and east) elevations of the proposed 2 pairs of semi-detached dwellings.

The proposal is considered to be acceptable with regards to potential impacts upon residential amenity, and compliant with policy LP26 in this regard.

Living standards and amenity space

Representations received in objection to the proposal refer to an inadequate level of living and amenity space provided by the proposal. The applicant has increased the size of the garden areas during the determination process and provided bin and outside storage facilities. Whilst the proposed gardens are clearly smaller than others within the area, they are similar to other modern developments and other existing semi-detached and terraced dwellings within the village. The garden sizes are considered more than adequate and all dwellings meet the National Space Standards, which whilst not planning policy, are a material consideration. Overall the proposed arrangement would provide an acceptable standard of amenity for future users.

As noted by the applicant within the submitted Design and Access Statement, the properties are within 100 meters of the Villages recreational space and 250 meters from the play park. The site is located within the AONB where there are excellent links to various public footpaths and bridleways and so the dwellings are connected to both outdoor amenity space and the wider open countryside of the AONB.

Size / type of dwelling

Representations received in objection to the proposal identify that the proposed type of housing, most suited to those starting on the housing ladder or those wanting to downsize, is not a viable option for the area due to the

lack of local amenities. They also state that those wanting to downsize prefer bungalows. Policy LP10 of the CLLP identifies that new residential development should maintain, provide or contribute to a mix of housing tenures, types and sizes to help support the creation of mixed, balanced and inclusive communities. As such, it is considered that providing smaller, more affordable homes within Claxby, such as those proposed, is supported by policy LP10 of the CLLP.

Policy LP10 also identifies that proposals for 4 or more dwellings in small villages must deliver housing which meets the higher access standards of Part M Building Regulations (Access to and use of buildings) by delivering 30% of dwellings to M4(2) of the Building Regulations, unless the characteristics of the site provide exceptional reasons for delivery of such dwellings to be inappropriate or impractical. The delivery of 30% of dwellings to M4(2) standard can be controlled by planning condition.

Access and Parking

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

The planning application seeks permission to erect four semi-detached two storey dwellings (2 bed dwellings), facing Normanby Rise, with gardens to rear and space for vehicle parking to the front in the form of six car parking spaces for the four 2-bed dwellings (one per each of the four dwellings and two visitor spaces). One access is proposed off Normanby Rise.

Policy LP13 of the Central Lincolnshire Local Plan part q states *‘that appropriate vehicle, powered two wheeler and cycle parking provision is made for residents, visitors, employees, customers, deliveries and for people with impaired mobility. The number and nature of spaces provided, location and access should have regard to surrounding conditions and cumulative impact and set out clear reasoning in a note submitted with the application (whether that be in a Design and Access Statement / Transport Statement / Transport Assessment and/ or Travel Plan as appropriate, depending on the nature and scale of development proposed)’*.

An amended Design and Access Statement has been submitted which seeks to justify the proposed access and car parking arrangements. Lincolnshire County Council’s Highways Team have no objections to the scheme and is considered to be acceptable in terms of access and parking arrangements, traffic generation and highway safety.

Paragraph 110 of the NPPF states that in assessing sites that may be allocated for development in plans, or specific applications for development, it should be ensured that:

a) appropriate opportunities to promote sustainable transport modes can be – or have been – taken up, given the type of development and its location;

- b) safe and suitable access to the site can be achieved for all users;
- c) the design of streets, parking areas, other transport elements and the content of associated standards reflects current national guidance, including the National Design Guide and the National Model Design Code; and
- d) 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.

The proposed car parking and access detailed above is considered to be sufficient for four semi-detached two bed dwellings. The proposal is considered to accord with Policy LP13 of the Central Lincolnshire Local Plan and the NPPF.

Ecology and Landscaping

Policy LP21 of the CLLP states that *“All development should:*

- *protect, manage and enhance the network of habitats, species and sites of international ,national and local importance (statutory and non-statutory), including sites that meet the criteria for selection as a Local Site;*
- *minimise impacts on biodiversity and geodiversity; and*
- *seek to deliver a net gain in biodiversity and geodiversity”.*

The existing site is considered to be of low quality in terms of potential for ecological value. The proposal offers an opportunity to provide landscape planting and biodiversity enhancements, in accordance with policy LP21 of the CLLP and the provisions of the NPPF which can be secured by planning condition.

The proposal would involve the removal of a hedgerow to the front of the site along the highway. It is possible therefore that protected species could be encountered during site work, e.g. nesting birds. It is therefore considered appropriate to attach an informative note to any grant of planning permission to remind the applicant of their duty under relevant protected species legislation.

It is considered that policy LP21 is consistent with the guidance on ecology of the NPPF and can be attached full weight.

Foul and Surface Water Drainage / Flood Risk

The application form identifies that surface water will be managed by soakaway and foul water is proposed to be dealt with by connection to the main sewer.

It is considered that foul and surface water is capable of being addressed by condition and subject to further details would accord with local policy LP14 of the CLLP and the provisions of the NPPF.

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

A condition could also be attached to the decision notice if permission was to be granted requiring that any hardstanding should be constructed from a porous material and be retained as such thereafter or should be drained within the site.

Other Matters

Community Infrastructure Levy (CIL)

West Lindsey District Council adopted a Community Infrastructure Levy (CIL) which will be charged from 22nd January 2018. The site is within zone 2 where there is a charge of £15 per square metre. An informative can be attached to any grant of planning permission for the proposal making it clear that a CIL charge will be liable.

Main Drain

A neighbouring dwelling mentions that there is a main drain running through the centre of the site. If it was minded to grant planning permission an informative would be attached to the decision notice.

Recommendation: Refuse planning permission for the following reasons:

The proposal has been considered in light of relevant development plan policies, namely policies LP1: A Presumption in Favour of Sustainable Development, LP2: The Spatial Strategy and Settlement Hierarchy, LP4: Growth in Villages, LP10: Meeting Accommodation Needs, LP13: Accessibility and Transport, LP14: Managing Water Resources and Flood Risk, LP17: Landscape, Townscape and Views, LP21: Biodiversity and Geodiversity, LP23: Local Green Space and other Important Open Space and LP26: Design and Amenity of the Central Lincolnshire Local Plan in the first instance, as well as the National Planning Policy Framework, Planning Practice Guidance, National Design Guide, National Model Design Code and Central Lincolnshire Local Plan 2021 Consultation Draft.

The proposal for four dwellings on this site would cause significant harm to the character and appearance of the local area and the loss of an allocated Important Open Space. The proposal is not an appropriate location for the proposed development and clear local community support has not been demonstrated for the proposal. The proposal conflicts with policies LP2, LP4 LP17, LP23 and LP26 of the Central Lincolnshire Local Plan and is therefore recommended for refusal.

Human Rights Implications:

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

Legal Implications:

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

Agenda Item 6d



Officers Report

Planning Application No: 143301

PROPOSAL: Planning application for change of use of agricultural land to dog exercising park.

LOCATION: Land to the West of Reepham Village Hall Hawthorn Road Reepham Lincoln LN3 4DU

WARD: Cherry Willingham

WARD MEMBER(S): Cllr Mrs S C Hill, Cllr Mrs A Welburn and Cllr C Darcel

APPLICANT NAME: Mr J Good

TARGET DECISION DATE: 25/08/2021 (Extension to 5th November 2021)

DEVELOPMENT TYPE: Change of Use

CASE OFFICER: Dan Power/Ian Elliott

RECOMMENDED DECISION: Grant permission subject to conditions

Description:

The application site is a flat area of agricultural land on the northern edge of Cherry Willingham adjacent Hawthorn Road and to the west of Reepham Village Hall. There is an existing field access to the south eastern corner of the field. The north east and south east boundary is screened by hedging and open to the south west and north west boundaries. Residential dwellings are to the south east with the Village Hall to the north east. Open fields are to the south west and north west. The application site is within the Parish of Reepham but adjacent the boundary of the Cherry Willingham Parish.

The application seeks permission for the change of use of agricultural land to dog exercising park.

Relevant history:

142894 - Pre-application enquiry for change of use of agricultural land to dog exercising park – Response sent 21/05/21

Conclusion:

*"In conclusion if a planning application were to be submitted the principle of the application is **likely to be supported**, however there are outstanding issues that should be addressed."*

Representations:

Cllr A Welburn: Object and Call in to Planning Committee

Reepham Parish Council objects to this proposal as the field has been continuously and successfully farmed for many years, for me it is difficult to understand the positioning of the site when it would seem the site east of the

tennis club is not so fertile, and the proposal would fit very well between the tennis club and the cemetery.

I also question the viability of the project and therefore future proposals that may open up farm land to a new housing estate, which is against the Local Plan. I would therefore request that this is determined by the planning committee to ensure appropriate conditions are put in place should they consider approval.

Local policy LP55 Part E, F and G.

Reepham Parish Council: Objections

Local policy LP55 Part E:

This proposal is not a proven business model, is not likely to provide any employment, is not in close proximity to an existing business, would inevitably result in a conflict with the residential amenity of the residential properties on the opposite side of the road and its industrial scale of 2 metre high wire mesh fencing and gates is not commensurate with the rural character of the location.

Local policy LP55 Part F:

The financial viability of this venture is questionable, its ability to support the farm enterprise is unproven and its location is not appropriate.

Local policy LP55 Part G:

This field has been continuously and successfully farmed for many years and it is difficult to understand how the application can be justified in relation to Part G. This aspect of the policy has been ignored in the application.

Given that the proposal does not comply with many aspects of the Local Plan, it is surprising that the pre-application advice from West Lindsey District Council (WLDC) was a positive one and Reepham Parish Council strongly urges the refusal of this application.

However, should WLDC consider granting approval RPC requests that such approval be made only on the basis that:

- 1) Any approval is a temporary one for a limited period – say 2 years.
- 2) At the end of the two years a new application to be made supported by full financial accounts to prove the economic viability of the project and also allow its future to be considered in the light of any historic nuisance experienced over the trial period.

However, this is very much a pre-cautionary counter measure following the reported response from WLDC and RPC remains totally opposed to the present application being approved in any form.

Cherry Willingham Parish Council: Comments

The Parish Council is aware that there many objections from local residents. The council would like a condition that if the business failed, the land should be returned to agricultural status.

Local residents: Representation received from:

64, 66, 70, 76, 78, 80 Hawthorn Road, Reepham
7 Bellwood Grange, Cherry Willingham

Objections (summarised):

Character

- Site too large
- 2 metre high metal fence inappropriate for rural site
- Hedge to front and side of village hall should be retained
- It will look like industrial/prison yard

Highway Safety

- It will bring extra traffic to the area
- Concern with parking

Residential Amenity

- Will bring extra noise to the area
- Encourage anti-social behaviour
- Noise pollution every day will impact those living nearby and working night shifts
- Hours of 6am to 9pm includes unsocial hours.

Waste

- No provision for cleaning site of dog mess
- Will become one big dogs toilet
- How will dog waste be stored/moved

Use

No mention of monitoring the site for use and dog mess

Other

- Nuisance to tennis club and village hall
- Will lead to housing development on green belt
- Affect resale value
- No information on lighting
- Already excellent walks and dog walks area at Cherry Willingham

LCC Highways/Lead Local Flood Authority: No objections with advice Having given due regard to the appropriate local and national planning policy guidance (in particular the National Planning Policy Framework), Lincolnshire County Council (as Highway Authority and Lead Local Flood Authority) has

concluded that the proposed development is acceptable and accordingly, does not wish to object to this planning application.

WLDC Environmental Protection: Comments

Representation received 20th October 2021:

I agree that a dog waste management/odour plan should be conditioned.

With regards to the hours of use it is the 6am start that I have an issue with. There are residential properties directly opposite the proposed car park area and there is likely to be noise from both barking dogs and car door/boots slamming when residents are still sleeping.

Representation received 15th September 2021:

If you are minded to approve this application I would request a condition to ensure that waste is collected regularly by a waste contractor. With regards to potential noise, although I accept the information on how the applicant will deal with complaints and issues I still have concerns about the proposed hours of use. Therefore I stand by the suggested times in my original comments.

Representation received 21st July 2021:

Noise:

The Planning Statement suggests that the site will be available between 6am and 9pm. These hours are unsuitable due to the close proximity of residential properties and the potential for dog barking. I would therefore suggest that the earliest use should be at least 7:30am and no later than 8pm. I assume that these hours will be reduced during the winter months as no lighting is proposed.

I understand that the applicant intends to operate an online booking system for the proposed facility. I would like the applicant to confirm how many users and dogs there are likely to be at one time and how any noise will be managed? For example how will noise complaints be dealt with?

Waste:

The applicant should submit details of how dog waste will be disposed of in order to prevent odour and flies. How will users be monitored to ensure they clear up after their animals and will the proposed bin at the entrance be emptied by a waste contractor on a regular basis?

Ramblers Association: No representation received to date

Environment Agency: No representation received to date

LCC Archaeology: No representation received to date

IDOX Checked: 28h October 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.

LP13: Accessibility and Transport

LP14: Managing Water Resources and Flood Risk

LP17: Landscape, Townscape and Views

LP21: Biodiversity and Geodiversity

LP26: Design and Amenity

LP55: Development in the Countryside

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

- **Reepham Neighbourhood Plan**

West Lindsey District Council has approved the application by Reepham Parish Council to have the parish of Reepham designated as a neighbourhood area, for the purposes of producing a neighbourhood plan. There is currently no neighbourhood plan to consider.

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

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

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

National policy & guidance (Material Consideration)

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

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

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

- **National Planning Practice Guidance**

- **National Design Guide (2019)**

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

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

https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/962113/National_design_guide.pdf
<https://www.gov.uk/government/publications/national-model-design-code>

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 (DCLLP)**

The consultation on the Draft Central Lincolnshire Local Plan has now been completed and ran for 8 weeks from **30 June to 24 August 2021**. The plan addresses a range of issues such as climate change, housing, employment, shopping and more. In regards to paragraph (b) of paragraph 48 of the NPPF the consultation responses to the first (regulation 18) draft have now been published. The Summary document sets out the extent to which there were any Objections / Support / General Comment in regards to each policy. The Key Issues Report sets out a summary of the issues being raised, per policy. Finally, the consultation responses themselves can be viewed at the Consultation Hub (<http://central-lincs.inconsult.uk/CLLP.Draft.Local.Plan/listRespondents>)

Relevant Policies:

S1 The Spatial Strategy and Settlement Hierarchy
S5 Development in the Countryside
S20 Flood Risk and Water Resources
S46 Accessibility and Transport
S48 Parking Provision
S52 Design and Amenity
S56 The Historic Environment
S59 Protecting Biodiversity and Geodiversity
S60 Biodiversity Opportunity and Delivering Measurable Net Gains
S65 Trees, Woodland and Hedgerows

Policy S5 Part E and F are the principle policies. Neither policy is directly objected to in the Key Issues report and most comments are suggesting amendments rather than objections.

The draft plan review is at its first stage (Regulation 18) of preparation and is open to alterations so may be attached **limited weight** in the consideration of this application, subject to NPPF paragraph 48.

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

Other

Natural England's Agricultural Land Classification Map 2010.

<http://publications.naturalengland.org.uk/category/5954148537204736>

Main issues:

- Principle of the Development
*Central Lincolnshire Local Plan 2012-2036
Concluding Statement*
- Assessment of LP55 Part E (Non-residential development in the countryside) and Part F (Farm Diversification) of the CLLP
- Agricultural Benefit
- Visual Impact
- Surface Water Drainage

Assessment:

Principle of 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 LP55 Part E of the CLLP sets out criteria for non-residential development in the countryside.

Local policy LP55 Part F of the CLLP sets out criteria for developing proposing agricultural diversification.

Concluding Statement:

The principle of the development is acceptable subject to satisfying all other material considerations including the criteria of LP5 (Expansion of existing businesses) and LP55 Part E of the CLLP and Policy 5 Section 2 of the ONP.

Assessment of LP55 Part E (Non-residential development in the countryside) and Part F (Farm Diversification) of the CLLP

Local Policy LP55 Part E states that “*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.”*

Local Policy LP55 Part F states that “*proposals involving farm based diversification will be permitted, provided that the proposal will support farm enterprises and providing that the development is:*

- a) *In an appropriate location for the proposed use;*
- b) *Of a scale appropriate to its location; and*
- c) *Of a scale appropriate to the business need.”*

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;

The development according to the submission has been submitted to raise income to support an existing farm enterprise. Farm enterprises are rural businesses which form an important part of the rural economy.

Appropriate location of a size and scale commensurate with the proposed use (business need) and with the rural character of the location

The site is located on agricultural land opposite the north west boundary of Cherry Willingham and shares the north east boundary with the Village Hall/Tennis Club. The dog exercise area would measure approximately 75 metres by 140 metres (includes the car parking area).

Locating a dog exercise site within the developed footprint of a settlement would be challenging, and we have not seen any evidence of sequentially preferable sites. Therefore its proposed location on the edge of and opposite the developed footprint of Cherry Willingham would remain an accessible facility and is more acceptable than an isolated location where customers would have to travel by vehicle to use. The proposed size and scale is considered proportionate to the proposed use to allow room for more than one dog at a time to exercise.

The location of the enterprise is suitable in terms of accessibility;

Objections have been received in relation to highway safety and parking. The proposed 6 bay car park would be accessed via an existing agricultural access off Hawthorn Road which is a straight 40mph road. There is a grass verge between the south west boundary hedging and the highway. The 6 bay car park is additionally of an acceptable size to cater for customers and allows space for vehicle turning within the site. The proposal would only modestly increase the volume of traffic on Hawthorn Road. All customers would have to book an hour slot online which stops customers from being able to turn up whenever it suits them. The Highways Authority at Lincolnshire County Council have raised no objections to the development.

The location of the site in terms of accessibility is considered acceptable and the development would not have a harmful impact on highway safety. It would be compliant with LP13.

e) The location of the enterprise would not result in conflict with neighbouring uses; and

Objections have been received based on the potential of odour and noise disturbance from the proposed use. The neighbouring uses are residential dwellings to the south east of Hawthorn Road and the Village Hall/Tennis Club to the north east. The application states that hours of operation are proposed to be every day 6am to 9pm. Following negotiation this has been amended to 7am to 9pm.

Noise:

The proposed use would be expected to create noise from vehicle activity, people talking/shouting and dogs barking. The site is adjacent Hawthorn Road which as a busy highway connecting villages and Lincoln creates noise from vehicles and pedestrians using the public footpath (south east of Hawthorn Road). The traffic generated from the development would be modest and would not be considered to result in an unacceptable increase in noise.

The use of the site from people and their dogs would create additional noise in the area which could potentially have a disturbing impact on the local residents and the use of the village hall/tennis club. Concerns have been raised from the Authority's Environmental Protection Officer (EPO), particularly the 6am start. However a change to a 7am start has been agreed with by the applicant and accepted by the EPO. The times of operation can be secured by condition on the permission.

In an email dated 4th August 2021 the agent has stated that "The online booking system is priced on a per dog basis from 1 to 3 dogs per booking, there will be an additional option of group bookings designed for group dog walkers. We would envisage on average there will be 1-3 dogs per booking. If there was a group booking this is unlikely to be during antisocial hours as dogs need collecting or dropping off."

The Local Authority under Environmental Legislation can investigate any statutory noise issues that may occur. It would be expected that some noise would be created by the proposed development but not to the levels or consistency such that it would have a harmful impact on the neighbouring uses.

Odour:

Irresponsible use of the site by dog owners could lead to odour issues in the locality. The application has included an odour/waste management plan to deal with dog mess on the site. This includes:

- The installation of a dog bin on site.

- On site availability of bio-degradable dog waste bags.
- Regular dog bin collection.
- Regular spot checks of the site.

The odour/waste management plan is considered acceptable and will be conditioned on the permission.

The development would therefore not be expected to have a significant conflict with neighbouring uses.

It is therefore considered that the proposal will accord to local policy LP13, LP26 and LP55 of the CLLP, S5, S46, S48 and S52 of the DCLLP and the provisions of the NPPF.

It is considered that policy LP13, LP26 and LP55 are consistent with the highway safety, residential amenity and open countryside rural economy guidance of the NPPF and can be attached full weight.

Agricultural Benefit

Guidance contained within Paragraph 174 of the NPPF states that *“recognising the intrinsic character and beauty of the countryside, and the wider benefits from natural capital and ecosystem services – including the economic and other benefits of the best and most versatile agricultural land, and of trees and woodland”*.

The best and most versatile land is defined as Grades 1, 2 and 3a by policy guidance (Annex 2 of NPPF). Natural England’s East Midlands Agricultural Land Classification Map suggests the site may be grade 3 (good and moderate) but does not distinguish between grade 3a (good - best and most versatile land) or 3b (moderate land). This designates the site as potentially being productive for agricultural use, although it is noted the applicant’s statement claims it to be a *“local arable farming business with this diversification project that is located on a less productive area of arable land with a good established access”*. However, in the absence of any site specific detail it must be considered as the potential loss of BMV land. The site would mean the loss of approximately 1,050m² of agricultural land. However Natural England guidance¹ is only to take account of smaller losses (under 20ha) if they’re significant when making the [planning] decision. At 0.1ha, it is not considered to amount to a significant loss. The proposal would be fenced off for the security of the dogs but would predominantly be retained as grass which could be converted back to agricultural use in the future. In any case the agricultural land would be utilised as farm diversification to support the farm enterprise. The loss of potential BMV land is considered to be insignificant and reversible in the future.

¹ <https://www.gov.uk/government/publications/agricultural-land-assess-proposals-for-development/guide-to-assessing-development-proposals-on-agricultural-land#use-alc-to-support-your-planning-decisions>

Visual Impact

Objections have been received in relation to visual amenity.

In addition 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'*

*The considerations set out in this policy are particularly important when determining proposals which have the potential to impact upon the Lincolnshire Wolds AONB and the **Areas of Great Landscape Value** (emphasis added) (as identified on the policies map) and upon Lincoln's historic skyline.*

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

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

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

The proposed development would retain the hedgerow to the north east side and front south east boundary of the site. Hardstanding would be installed for car parking and a perimeter fence of 2 metres high to allow dogs to be let off their lead. The fencing is proposed to be a wire mesh structure with timber posts.

The site is not within an area designated for its special landscape and scenic quality. The application is on the edge of the settlement with built form to the north east and south east. The village hall adjacent includes tennis courts which are enclosed by high wire fencing and floodlights. Therefore this kind of fencing at a greater height is already present in the area. It is acknowledged that the proposed 2 metre fencing would increase the amount of fencing in the area. The proposed development would not have any external lighting. External lighting will be prohibited on the site by condition.

Any proposed lighting would require the submission of a new application for detailed scrutiny.

Therefore the development would accord with local policy LP17 and LP26 of the CLLP, local policy LP52 of the DCLLPR and the provisions of the NPPF.

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

Surface Water Drainage

The site plan identifies an area of hardstanding to provide car parking and turning space with the site. To ensure the surface water drainage qualities of the site are retained the car park will be conditioned to be constructed from a permeable material.

It is considered that the development subject to a condition would accord to local policy LP14 of the CLLP, local policy LP20 of the DCLLPR and the provisions of the NPPF.

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

Archaeology

The Historic Environment Officer (HEO) at Lincolnshire County Council has to date not made any comments on the application. There is limited excavation involved in the development therefore it is not considered that the proposal would have a harmful archaeological impact and accords with local policy LP25 of the CLLP, local policy LP56 of the DCLLPR and the provisions of the NPPF.

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

Other Considerations:

Community Infrastructure Levy

The proposed development is not liable for a CIL payment.

Conclusion and reasons for decision:

The decision has been considered against local policy LP1 A Presumption in Favour of Sustainable Development, LP2 The Spatial Strategy and Settlement Hierarchy, LP13 Accessibility and Transport, LP14 Managing Water Resources and Flood Risk, LP17 Landscape, Townscape and Views, LP25 The Historic Environment, LP26 Design and Amenity and LP55 Development in the Countryside of the Central Lincolnshire Local plan 2012-2036 and S1 The Spatial Strategy and Settlement Hierarchy, S5 Developments in the Countryside, S7 Reducing Energy Consumption – Non-Residential Development, S20 Flood Risk and Water Resources, S46 Accessibility and Transport, S48 Parking Provision, S52 Design and Amenity and S56 The Historic Environment of the Draft Central Lincolnshire Local Plan Review in

the first instance. Consideration is additionally given to guidance contained within the National Planning Policy Framework, National Planning Practice Guidance, National Design Guide and National Design Code. In light of this assessment it is considered that the principle of the proposal is acceptable in the open countryside and would support the farm enterprise by introducing a diversifying use on this agricultural field adjacent the built form of Cherry Willingham. The development will not have a significant visual harm on the character and appearance of the site or the surrounding open countryside nor significantly harm the living conditions of the nearest neighbouring occupiers. Furthermore the proposal will not have a harmful impact on highway safety, archaeology or drainage.

Human Rights Implications:

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

Legal Implications:

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

Representors to be notified -

(highlight requirements):

Standard Letter ☐ **Special Letter** ☐ **Draft enclosed** ☐

Recommended Conditions:

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

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

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

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

NONE

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

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

- ST-475/01 Revision A dated 27th October 2021 – Site Plan

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

Reason: To ensure the development proceeds in accordance with the approved plans and to accord with the National Planning Policy Framework and local policy LP17, LP26 and LP55 of the Central Lincolnshire Local Plan 2012-2036.

3. The proposed car park and turning space identified on site plan ST-475/01 Revision A dated 27th October 2021 must be constructed from a permeable material and retained as such thereafter.

Reason: To retain the surface water drainage qualities of the site to accord with the National Planning Policy Framework and local policy LP14 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:

4. The dog exercise area and car park must only operate between the hours of 7.00 and 21.00.

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

5. The development must only operate in strict accordance with the Waste/Odour Management Plan received 27th October 2021.

Reason: To ensure all dog waste is dealt with in an appropriate manner and to stop any odour disturbance from the site on the neighbouring uses to accord with the National Planning Policy Framework and local policy LP26 of the Central Lincolnshire Local Plan 2012-2036.

6. No external lighting must be installed on the site outlined in red on site plan ST-475/01 Revision A dated 27th October 2021.

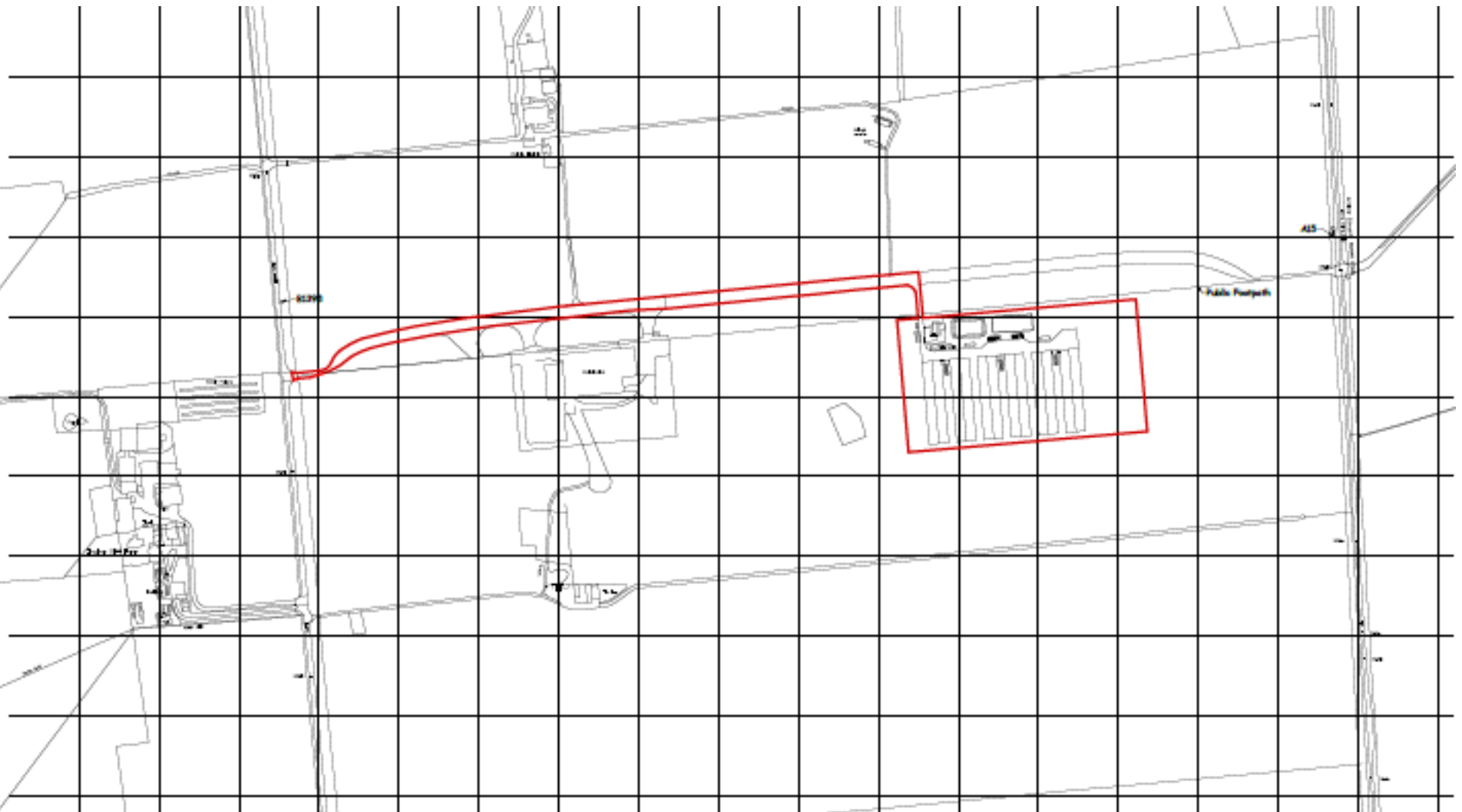
Reason: To protect the amenities of nearby properties and the locality to accord with the National Planning Policy Framework and local policies LP26 and LP55 of the Central Lincolnshire Local Plan 2012-2036.

7. Within 6 months of the dog exercise business ceasing operation the site must be returned to its former agricultural land use including the removal of all fencing, internal gates and dog bins.

Reason: To revert the site back to its former agricultural use if the dog exercise business ceases to operate to accord with the National Planning

Policy Framework and local policies LP26 and LP55 of the Central Lincolnshire Local Plan 2012-2036.

Agenda Item 6e



Officers Report

Planning Application No: 143510

PROPOSAL: Planning application for erection of poultry farm for chicken production, including 6no. poultry houses, 1no. agricultural workers dwelling and associated infrastructure.

LOCATION: Johnnies Farm Land East of Plum Products Ltd The Cliff
Ingham LN1 2YQ

WARD: Scampton

WARD MEMBER(S): Cllr R Patterson

APPLICANT NAME: Mr Alfred Rose

TARGET DECISION DATE: 08/12/2021

DEVELOPMENT TYPE: Major - Other

CASE OFFICER: Ian Elliott

RECOMMENDED DECISION: Grant permission subject to conditions and a Legal Section 106 Unilateral Undertaking to:

- Not commence construction of or allow occupation of the Agricultural Workers Dwelling until the poultry buildings are operational
-

Planning Committee:

This application has been referred to the Planning Committee due to issues raised by a third party, that are considered to be balanced.

Description:

The application site is part of a larger agricultural field set in the open countryside. The closest built form is Plum Products to the west. The agricultural field gently slopes downwards from the west and up from the track which runs adjacent to the north. The field is currently used for arable crop growing. The site is accessible down a track from the access to Plum Products off Cliff Road or an access with a locked off the A15. The site is currently screened to the north by materials covered by sheeting. The site is open to the north, east and west with screening provided nearby by boundary trees, hedging the built form of Plum Products. Agricultural fields are adjacent or opposite each boundary of the site. Plum products is nearby to the west and residential dwelling nearby to the south west and north west. The track from Cliff Road runs past Plum Products.

The site is in a Limestone Minerals Safeguarding area and is potentially contaminated land due to the former military use. Public rights of way Ingh/16/1 runs adjacent the north boundary of the site. Areas of Great Landscape Value are nearby to the north and west

The application seeks permission for erection of poultry farm for chicken production, including 6no. poultry houses, 1no. agricultural workers dwelling

and associated infrastructure.. The poultry units will accommodate a maximum of 300,000 birds (chicks) which after 38 days will be transported away from the site. Each flock cycle would last 48 days with 10 days cleaning meaning 7.5 cycles a year (2,250,00 chicks).

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

The development has been assessed as exceeding criteria 17a) of Schedule 1 (see below).

*“17. Installations for the intensive rearing of poultry or pigs with more than—
(a) 85,000 places for broilers or 60,000 places for hens”.*

Therefore an Environmental Impact Statement is required and has been submitted with the application.

Relevant history:

None

Representations

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

Ingham Parish Council: Objections

The Parish Council are concerned about the smell that could spread to the main village with an easterly wind. Please investigate the measures in place to ensure that this is controlled.

Whilst we recognise that the proposal includes a dwelling for agricultural workers, we feel that it should be noted that the Parish have already met the allocation for new dwellings as detailed in the Local Plan and the draft revised Local Plan.

The Parish Council are currently looking to refresh the play park equipment in the village. We would invite the applicant to make a gesture to the community and donate/ contribute toward the cost of this.

The Parish Council strongly suggest that Ingham Lane is significantly improved in terms of size and quality of surface to account for the inevitable increase in HGV use from the A15.

The Parish Council wish to ensure that the public footpath that runs adjacent to the applicant's site remains intact and in use.

Spridlington Parish Council: No objections

Fillingham Parish Council: No representations received to date

Cammeringham Parish Council: No representations received to date

West Firsby Parish Meeting: No representations received to date

Local residents: No representations received to date

Plum Products Ltd: Objections

We are a toy business, established over 30 years ago. We are located at The Cliff, Ingham, Lincoln, LN1 2YQ which we purchased in 2005. From these premises we sell children's toys for active play to retailers, distributors and consumers in over 50 countries around the world. Our retailers include some of the largest in the world in many countries.

The proposed development of a chicken farm under application no 143510 is barely 500 feet from our premises. All the traffic in and out of this proposed chicken farm is directly alongside our site and building and would pass our two entrances.

We employ over 50 staff. There is in addition and of utmost importance, the safety regime and sensitivity surrounding the nature of our products we are selling. Every aspect of our products gets tested and has to meet the highest standards of safety in every country.

Some of our products are stored outside on our 6.5 acre site. Furthermore we have a 65,000 sq foot facility incorporating storage, offices, product development and testing of our products. Currently we enjoy fresh clean air which is essential to us. This proposed development gives us serious concerns for the health not only of our staff, but also that any airborne contamination might adversely affect our products.

Such a development would never be allowed or approved alongside a children's playground. Plum supplies literally hundreds of thousands of homes with children with their own playground at home every single year. We have sold over 2 million trampolines alone. We provide millions of playgrounds.

Such a development would never be allowed or approved alongside a children's playground. Plum supplies literally hundreds of thousands of homes with children with their own playground at home every single year. We have sold over 2 million trampolines alone. We provide millions of playgrounds.

We object to this development in the strongest possible terms.

LCC Highways/Lead Local Flood Authority: No objection with advisory notes following submission of access widening plan.

Representation received 15th September 2021:

The existing access will require widening to accommodate two HGV's using the access simultaneously. It is recommended that this width is maintained up to the point where the existing access track widens. It is requested the applicant submits a revised access plan, in line with the above, for consideration at this stage.

WLDC Environmental Protection: No objections with comment and subject to a contamination conditions due to former military use of the site.

I understand that this site is subject to an Environmental Permit that will be regulated by the Environment Agency. Therefore all emissions to air, water and land and any noise impacts will be covered by this permit. I therefore have no comments to make on these aspects of the application.

Natural England: No objections with advice

Environment Agency: No objections

LCC Minerals and Waste: No objections

LCC Archaeology: No objections with comments

This office agrees with results of the archaeological desk-based assessment submitted which concludes that this site is of relatively low archaeological potential. We would also support proposals to preserve the surviving concrete taxiway from the former RAF Ingham Second World War airfield as part of the plans. We would therefore recommend that no further archaeological input be required in association with the proposed development.

WLDC Tree and Landscape Officer: Comments

- Some further information is required to clarify spacing between the three rows of hedge planting. See para 3 of my comments.
- Some adjustments to hedgerow plant percentages and species is required, as detailed in para 4 of my comments.
- Additional details should be required for aftercare of the landscaping to minimise risk of it dying or becoming unsuitable for its planning purpose, as detailed in para 5 of my comments.
- A minor adjustment to tree positioning along the westerly boundary is required, as detailed in para 6 of my comments.

Lincolnshire Wildlife Trust: No representations received to date

Ramblers Association: No representations received to date

IDOX checked: 15th November 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

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

LP55 Developments in the Countryside

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

- **Neighbourhood Plan**

There is currently no neighbourhood plan to consider.

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

The site is within a Limestone Minerals Safeguarding Area therefore policy M11 applies.

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

National policy & guidance (Material Consideration)

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

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

Paragraph 81 of the NPPF states:

"Significant weight should be placed on the need to support economic growth and productivity, taking into account both local business needs and wider opportunities for development."

Paragraph 84 of the NPPF states:

"planning policies and decision should enable:

- a) *the sustainable growth and expansion of all types of business in rural areas, both through conversion of existing buildings and well-designed new buildings"*

Paragraph 111 state 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.”

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 Model Code (2021)**

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

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

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

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 consultation on the Draft Central Lincolnshire Local Plan which ran for 8 weeks from **30 June to 24 August 2021** has now closed. In regards to paragraph (b) consultation responses to the first (regulation 18) draft have now been published. The Summary document sets out the extent to which there were any Objections/Support/General Comment in regards to each policy. The Key Issues Report sets out a summary of the issues being raised, per policy.

Relevant Policies:

S1 The Spatial Strategy and Settlement Hierarchy

S5 Development in the Countryside

S7 Reducing Energy Consumption – Non-Residential Buildings

S20 Flood Risk and Water Resources

S46 Accessibility and Transport
S48 Parking Provision
S52 Design and Amenity
S55 Development on Land Affected by Contamination
S56 The Historic Environment
S59 Protecting Biodiversity and Geodiversity
S60 Biodiversity Opportunity and Delivering Measurable Net Gains
S66 Best and Most Versatile Agricultural Land

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

<https://central-lincs.inconsult.uk/connect.ti/CLLP.Draft.Local.Plan/consultationHome>

Other:

Natural England's Agricultural Land Classification Map 2010

<http://publications.naturalengland.org.uk/publication/143027?category=5954148537204736>

Main issues:

- Principle of the Development
Central Lincolnshire Local Plan 2012-2036
Concluding Statement
- Assessment of local policy LP55 (Part E) of the CLLP
- Assessment of local policy LP55 (Part D) of the CLLP
- Minerals Resource
- Agricultural Benefit
- Biodiversity
- Waste Management
- Drainage
- Public Rights of Way
- Contamination

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:

The application site is located within the open countryside therefore Tier 8 (countryside) of local policy LP2 applies which allows development demonstrably essential to the effective operation of agriculture.

Local policy LP55 Part D of the CLLP sets out the criteria for new dwellings in the Countryside

Local policy LP55 Part E of the CLLP sets out the criteria for Non-residential Development in the Countryside.

Concluding Statement:

The application site is part of a larger arable field therefore the agricultural use of the land will be maintained. The use of the site as a chicken rearing unit is a use which only lends itself to be sited in an isolated open countryside locations an appropriate distance away from people and buildings, particularly residential dwellings.

The principle of the development is therefore acceptable subject to satisfying all other material considerations including the criteria listed in local policy LP55 Part D and E of the CLLP.

Assessment of local policy LP55 (Part E) of the CLLP

Local policy LP55 Part E of the CLLP states that “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 Ingham Parish Council has commented that Ingham has met its housing growth level as set out in the Central Lincolnshire Local Plan. The bungalow applied for would be in the open countryside therefore if permitted would not in any case count towards the Ingham housing growth as it is clearly outside of the settlement’s developed footprint.

*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:*

The proposed rearing units will be a standalone development but would not be completely isolated due to the position of Plum Products to the west and residential dwellings to the south west and north west.

Agricultural developments of this nature require an open countryside location sufficient distance away from people therefore the proposed open countryside location is justified and would provide three full time employment opportunities. The development would be expected to generate some off site employment as well such as jobs associated with haulage, construction/manufacturing, food processing, administration etc. Therefore the proposed rearing unit will enhance the local rural economy of the local area and the West Lindsey District.

The location of the enterprise is suitable in terms of accessibility;

The Ingham Parish Council have not objected on highway safety grounds but have requested significant improvements to the size and quality of Ingham Lane.

The proposed poultry buildings, bungalow and accompanying structures would be accessed via an existing vehicular access off Middle Street and a long track measuring approximately 850 metres. To accommodate the type of vehicles that would be visiting the site the site includes a concrete apron to the north of the rearing unit to allow for parking and turning.

The Highways Authority (HA) have recommended that the existing access needs to be widened to accommodate two HGV's using the access simultaneously. The HA have not requested any improvements to the local highway network. In response to this a site access widening plan (19188-02) and site access widening tracking plan (19188-02-1) were submitted and accepted by the HA. Subsequently the HA has no objections to the access to the site.

The site is a short journey from the A15 which provides excellent network routes to the north and south. The application has included a Transport Statement (TS) by David Tucker Associates dated 28th June 2021 providing details on Heavy Goods Vehicle (HGV) traffic generation and HGV routing. Table 4 of the TS provides a flock cycle breakdown of traffic generated identifying the busiest periods when the birds are being caught and removed from the site. The breakdown also identifies the type of vehicles used with the largest being a 16.5 HGV. Employee movements would modestly add to this traffic generation particularly if one employee is already living on site.

Paragraph 3.14 and 3.15 of the Environmental Statement (ES) states that the construction phase would last 30 weeks and *“the construction materials will be delivered into the site using HGV vehicles. Stone will be delivered using 8-wheel rigid quarry lorries; Concrete using 6-wheel rigid ready mix concrete lorries; and steel framework and sheeting using articulated lorries with flatbed trailers”*. The traffic generated by the construction phase is a temporary process.

The TA in paragraph 3.4.1 and 3.4.2 routes traffic left along Middle Street then left again onto the A15.

The HA have not objected to the detail in the Transport Statement or the highway impact at the times when traffic is generated the most.

The submitted site plan demonstrates sufficient standalone car parking for the proposed bungalow and 6 car parking spaces for visitors/employees.

The location of the enterprise would not result in conflict with neighbouring uses:

No objections have been received in relation to residential amenity but objections have been received from Plum Products which is a commercial business.

Local policy LP26 of the CLLP protects the surrounding area from unacceptable harm on the amenity of all existing and future occupants of neighbouring land and buildings. This includes noise, air quality and odour.

The nearest residential dwellings are (approximate measurement):

- Cliff Farm – 420 metres to the south west
- Park Farm – 470 metres to the north west

Plum Products is approximately 285 metres to the west.

The proposed building and structures due to the separation distance would not have an overlooking impact, overbearing impact or cause any loss of light on any of the above dwellings or business.

Following the assessment in the location of the enterprise is suitable in terms of accessibility section above the amount of vehicle movements generated will not have cause a harmful noise or head light disturbance on the residents of the village or the residents/employees in the dwellings/business listed above.

The main consideration is the impact of the development on air quality and odour. The application has included the submission of:

Objections in relation to odour and smell have been received from the Parish Council and Plum Products.

- A Report on the Modelling of the Dispersion and Deposition of Ammonia by AS Modelling & Data Ltd dated 10th July 2021 (DDA)
- A Dispersion Modelling Study of the Impact of Odour by AS Modelling & Data Ltd dated 9th June 2021 (DMSO)
- Noise Impact Assessment (NIA) by Matrix Acoustic Design Consultants dated 28th June 2021.

The DDA concludes on page 17 that “Ammonia emission rates from the proposed poultry houses have been assessed and quantified based upon the Environment Agencies standard ammonia emission factors. The ammonia emission rates have then been used as inputs to an atmospheric dispersion and deposition model which calculates ammonia exposure levels and nitrogen deposition rates in the surrounding area. The preliminary modelling predicts that at Normanby Meadows SSSI, which lies approximately 7.6 km to the north-east of the proposed poultry unit, the process contribution to annual ammonia concentrations would be well below the Environment Agencies lower threshold percentage of 20% of the Critical Level of 3.0 µg-NH₃/m³ and the Critical Load of 20.0 kg/ha/y and below 1% of the Critical Level of 3.0 µg-NH₃/m³ and the Critical Load of 20.0 kg/ha/y.”

The agent in response to the objection from Plum Products has stated that:

"The closest proposed poultry house to the Plum Products site boundary is 310m. In terms of air quality and human health issues, I would refer you to DEFRA LAQM TG16 which provides screening criteria as to when a health impact assessment is required for a poultry unit. The screening criteria are - "that the site is greater than 400,000 birds, and there is a sensitive receptor within 100m". The scale and location of the proposed development screens out for impact assessment under the statutory criteria."

Chapter 7 of The DEFRA Local Air Quality Management (LAQM) Technical Guidance (TG) 16¹ sets out the screening tools and methodology. Poultry farms are considered in paragraph 7.38, 7.39, 7.40, Box 7.2 and Table 7.3.

Table 7.3 states that PM₁₀ (Particulate Matter) is the pollutant of concern and lists the criteria for poultry farms:

"Poultry farms housing in excess of 400,000 birds (if mechanically ventilated) / 200,000 birds (if naturally ventilated) / 100,000 birds (if turkey unit) - Exposure within 100m from the poultry units"

The development would accommodate a maximum of 300,000 birds and the nearest receptor is well over 100 metres away therefore the agents statement in relation to an impact assessment is accepted.

To back up the comments the agent has submitted appeal decision APP/C3105/W/17/3166498 (Land East of College Farm, Pinchgate, Bletchington, Oxford OX5 3DY) from 25th July 2017. Paragraph 10 and 11 of the appeal decision state:

"Visitors to the commercial premises at Weston on the Green Service Station would be the closest receptors at around 110 m. Impacts at this position are predicted to fall marginally outside of the EA's benchmark. Given that any odour events are predicted to be very isolated and that visits to the commercial premises would likely be only for short periods, the probability of experiencing an odour episode would be considerably reduced."

"It is significant that the operation of the enterprise and any emissions would be tightly controlled by an Environmental Permit that has been issued by the EA. This enforces the implementation of an odour management plan to operate the poultry unit in accordance with best practice methods and the use of the best available technologies. There would be routine monitoring and reporting overseen by the EA. I am mindful that the advice at paragraph 122 of the Framework is for the planning system not to seek to control processes or emissions where these are subject to approval under pollution control regimes."

Following the publication of amended NPPF paragraph 122 of the NPPF is now paragraph 188

¹ <https://laqm.defra.gov.uk/documents/LAQM-TG16-February-18-v1.pdf>

“The focus of planning policies and decisions should be on whether proposed development is an acceptable use of land, rather than the control of processes or emissions (where these are subject to separate pollution control regimes). Planning decisions should assume that these regimes will operate effectively. Equally, where a planning decision has been made on a particular development, the planning issues should not be revisited through the permitting regimes operated by pollution control authorities.”

The DMSO on page 19 concludes that *“at all residential receptors considered surrounding the site of the proposed poultry unit at land north-east of Ingham, the odour exposure would be below the Environment Agency’s benchmark for moderately offensive odours, which is a maximum annual 98th percentile hourly mean concentration of 3.0 ouE/m³.”*

The DMSO has considered Plum Product as a receptor (number 1) in its assessment. The agent has confirmed this by email stating that *“Plum Products Ltd is detailed as receptor 1 in the odour assessment, and we have positioned the receptor marker on the eastern boundary of the property. The odour modelling predicts 2.41 European Odour Units at the eastern boundary of the Plum Products site, which is well below the Environment Agency Benchmark of 3 European Odour Units, which is the level at which a loss of amenity could occur.”*

The NIA concludes that *“On the basis that the proposed development will not result in an adverse noise impact at the nearest dwellings, we conclude that on noise grounds it is acceptable.”*

The agent has additionally confirmed in an email that the *“matters of emissions and air quality in this site fall under the remit of the Environment Agency and Environmental Permitting. The Environment Agency have already granted an Environmental Permit for this development (Permit Number XP3130DC).”*

The potential impact of air quality will be greater as the rearing cycle of 16 weeks progresses and will heavily rely on the ventilation systems installed on the building. The full 48 day cycle includes a 10 day cleanout process at the end of the 38th day which will remove the waste which causes odour to be produced. The process of dealing with waste and its impact is dealt with later in this report.

The Environment Agency have no objections nor does the Authority’s Environmental Protection Officer who confirms that the *“Environmental Permit that will be regulated by the Environment Agency. Therefore all emissions to air, water and land and any noise impacts will be covered by this permit.”*

In line with paragraph 188 of the NPPF the granted Environmental Permit is a material consideration in the determination of this application as it would control processes and emissions which would be monitored by the Environment Agency.

The development is of a size and scale commensurate with the proposed use and with the rural character of the location:

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

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

The application has included the submission of a Landscape and Visual Impact Assessment (LVIA) by Ian Pick Associates dated June 2021. The LVIA includes a photo montage of 5 viewpoints from the surrounding area and in summary concludes that:

- Negligible landscape effect.
- Minimal visual effects due to intervening vegetation, topography in the area and similar agricultural setting of the proposed scheme.
- The visual impact of the development on the open countryside has been assessed, at worst case scenario, as major/moderate (i.e. a material change) from viewpoint 3 that sits close to the site boundary.
- Mitigation measures such as tree/hedgerow planting, management of surrounding hedgerows/trees and use of materials for example green metal sheeting.

Paragraph 6.1.6 of the LVIA concludes that *“with suitable mitigation measures, the development will have a moderate visual impact and a negligible landscape impact (i.e. not a material change).”*

The proposed poultry buildings would have an agricultural appearance within its rural setting which is not completely isolated from residential, commercial and agricultural buildings. The site would additionally include a control room, feed bins, amenity block, gas tank with base, water tank with base, generator with base, plant room, dead bird store, lagoon, dirty water tank and a detached bungalow.

The highest structures on the site would be the feed bins at 8.6 metres high followed by the poultry house at 5.8 metres. The agent has submitted emails stating the buildings will be constructed from:

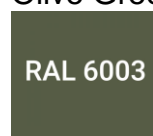
Poultry Buildings

- Steel portal frame construction.
- Walls are precast concrete to 450mm with polyester coated profile sheeting above in olive green above (RAL 6003).
- The roof covering will be polyester coated profile sheeting in olive green (RAL 6003).
- Roof mounted ventilation chimneys will be black plastic. Feed bins will be plastic and coloured olive green (RAL 6003)

Ancillary buildings (includes control rooms, plant room, amenity building and dead bird store)

- Constructed from a steel frame with profile sheet cladding for the walls and roof in olive green (RAL 6003)

Olive Green RAL 6003:

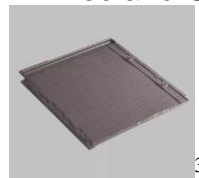


Agricultural workers bungalow

- Brick; Shire Autumn Russet 65mm Facing Brick



- Redland Cambrian interlocking slate effect roof tile.



- Doors and Window; Colour White uPVC soft coat (Reflective Low) 1.4 u value.

As already stated the proposed bungalow, rearing units and associated infrastructure would be located in an open countryside location. Views of the site were observed from the different public vantage points in the immediate and wider setting. The proposed development would be set lower than Middle Street and slightly higher than the A15.

The development would be most notably viewed from Park Farm, Plum Products and Cliff Farm as well as the adjacent public rights of way (Ingh/16/1) and public rights of way (Ingh/17A/1) which is approximately 600 metres to the south.

² <http://planning.southkesteven.gov.uk/SKDC/S18-1461/1642773.pdf>

³ <https://redland.co.uk/products/slate-range/cambrian-slate>

Views of the site can additionally be seen through the highway boundary screening along the A15 but this is a national speed limit highway which runs north to south.

Wider views of the development would be screened by land levels and nearby boundary and tree screening.

It is acknowledged that the proposed development would introduce built structures into an open countryside location. However a development of this nature requires such a location and introduces the kind of buildings and structures which are regularly seen within a rural district such as West Lindsey. Paragraph 4.3 of the ES states that *“The application site was identified as a strong candidate at an early stage in the planning process, as the site is remote from neighbours, and has good transport links to the main road network. A feasibility study was undertaken on the proposed site”*.

The LVIA makes reference to planting trees and hedging to soften the appearance of the site from viewpoint 3. It is considered that planting to the north, south and west boundaries would be considered necessary to reduce the built appearance of the site. A detailed landscaping plan has been submitted as informed by the LVIA. The site would be screened by 5 metre high hedging and trees along each boundary. The proposed screening would soften the appearance of the site from all directions. The Authority's Tree and Landscape Officer verbally made recommendations on the original landscaping plan which were overall added to the amended landscaping plan. This included more trees to the south boundary, increased height and girth of planted trees and three staggered row planting to hedging.

It is therefore considered that the proposal will enhance the rural economy, is suitable in terms of accessibility and highway safety, would not conflict with neighbouring uses, is of a size and scale commensurate with the proposed use and would not have a significant harmful visual impact on the rural character and setting of the open countryside. The proposal will accord to local policy, LP13, LP17, LP26 and LP55 of the CLLP and the provisions of the NPPF.

It is considered that policy LP5, LP13, LP17, LP26 and LP55 are consistent with the highway safety, visual amenity, residential amenity and open countryside rural economy guidance of the NPPF and can be attached full weight.

Assessment of local policy LP55 (Part D) of the CLLP

Local policy LP55 Part D of the CLLP states:

“Applications for new dwellings will only be acceptable where they are essential to the effective operation of rural operations listed in policy LP2. Applications should be accompanied by evidence of:

- a) Details of the rural operation that will be supported by the dwelling;*
- b) The need for the dwelling;*

- c) *The number of workers (full and part time) that will occupy the dwelling;*
- d) *The length of time the enterprise the dwelling will support has been established;*
- e) *The ongoing concern of the associated rural enterprise through the submission of business accounts or a detailed business plan;*
- f) *The availability of other suitable accommodation on site or in the area; and*
- g) *Details of how the proposed size of the dwelling relates to the enterprise.”*

This development has included a detached bungalow on site to be occupied by a Site/Farm Manager. It is normal practice for an occupational residential dwelling to be applied for when a rural operation has been in operation and established for a length of time.

As previously stated the development would accommodate a maximum 300,000 birds when at full capacity. Paragraph 5.1 to 6.1 of the Planning Statement provides justification for the need of an on-site bungalow including:

- Welfare of the birds
- Monitoring of the systems to stop distress to birds
- Deal with emergencies immediately

It is widely established that intensive poultry farms of this scale require 24 hour 7 days a week on site presence to enable immediate responses to situations which would distress the welfare and health of the birds. The nature of the business and its scale means that the welfare of the future accommodating birds meets an essential need for a dwelling on site.

The application cannot include any business accounts as the business is not in operation. The nearest settlement to the site is Ingham which is no more than 5 minutes from the site. However an essential need has been recognised but only once the poultry sheds have become operational.

The application has provided elevation and floor plans for a three bedroom bungalow in the north west corner of the site. The submitted bungalow is of a suitable scale when compared to the development and is located appropriately at the entrance to the site.

As previously stated it is not wholly compliant with LP55D for an occupational residential dwelling to be applied for when a rural operation has not been in operation or established for a length of time. This concern was put to the agent who responded suggesting the applicant is willing to submit a Section 106 Unilateral Undertaking to set some legal obligations to demolish the bungalow if certain time constraints were or were not met. This included if there was a permanent cessation of the business for a period of 12 months.

The basis of these obligations around demolition of a constructed dwelling is not considered as acceptable as it would be more acceptable to include an obligation not allowing the construction of the bungalow until at least one of the poultry buildings was operational. Given that 6 poultry buildings are proposed it is unlikely that operation would occur until the poultry buildings

were fully constructed as the disturbance of the construction phase would be likely to cause distress to the birds.

It is therefore considered that the use and intensity of the site would meet an essential need but only when at least one of the poultry units became operational. Given the application has included a Managers bungalow as part of the development the applicant has submitted a Section 106 Unilateral Undertaking to provide a legal obligation to not commence construction of the bungalow until at least one or all of the poultry buildings are operational (50,000-300,000 birds).

The proposal would therefore with a signed Section 106 Unilateral Undertaking accord to local policy LP55 Part D of the CLLP and the provisions of the NPPF.

It is considered that policy LP55 is consistent with the open countryside 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.*

The site is in a Limestone Minerals Safeguarding Area and the application has included the submission of a Minerals Assessment. The Minerals and Waste team at Lincolnshire County Council have no objections to the development. Therefore the development accords to policy M11 of the Lincolnshire Minerals

and Waste Local Plan (Core Strategy and Development Management Policies) and the provision of the NPPF.

It is considered that policy M11 is consistent with the mineral guidance of the NPPF and can be attached full weight.

Agricultural Benefit

Local policy LP55 Part G protects the most fertile land unless it can be justified otherwise through the criteria listed. Guidance contained within Paragraph 174 (b) states that planning policies and decisions should recognise “*the intrinsic character and beauty of the countryside, and the wider benefits from natural capital and ecosystem services – including the economic and other benefits of the best and most versatile agricultural land, and of trees and woodland*”. Annex 2 of the NPPF defines the best and most versatile agricultural land as “*land in grades 1, 2 and 3a of the Agricultural Land Classification*”.

Natural England’s East Midlands Agricultural Land Classification Map classifies the land as grade 2 (very good) agricultural land. The site is therefore productive for agricultural crop growing. The development would mean the loss of 5.5 hectares agricultural land.

The application has included the submission of an Agricultural Land Quality Assessment which concludes that “*The application site is Grade 2 agricultural land and extends to 5.5 hectares. The site is not being taken out of agriculture, but is subject to a proposal for the development of an agricultural enterprise. The proposed agricultural enterprise has an essential requirement to be located in the Countryside, and the site has exceptional characteristics which make it suitable for the proposed development.*”

Guidance from Natural England⁴ is only to take account of smaller losses (under 20ha) if they’re significant when making the [planning] decision. The loss of 5.5 hectares of agricultural land is a harm caused by the development but given the site would remain in an agricultural use for food production it is not considered to amount to a significant harm or a significant loss.

It is therefore considered that in this case the potential loss of agricultural land is considered acceptable and accords with local policy LP55 part G of the CLLP and the provisions of the NPPF.

It is considered that policy LP55 is consistent with the agricultural land guidance of the NPPF and can be attached full weight.

Biodiversity

Guidance contained within paragraph 180 of the NPPF states that ‘*When determining planning applications, local planning authorities should apply the following principles*’. The applicable ones to the development are:

⁴ <https://www.gov.uk/government/publications/agricultural-land-assess-proposals-for-development/guide-to-assessing-development-proposals-on-agricultural-land#use-alc-to-support-your-planning-decisions>

a) *'if significant harm to biodiversity resulting from a development cannot be avoided (through locating on an alternative site with less harmful impacts), adequately mitigated, or, as a last resort, compensated for, then planning permission should be refused;*

c) *development resulting in the loss or deterioration of irreplaceable habitats (such as ancient woodland and ancient or veteran trees) should be refused, unless there are wholly exceptional reasons and a suitable compensation strategy exists; and*

d) *development whose primary objective is to conserve or enhance biodiversity should be supported; while opportunities to incorporate biodiversity improvements in and around developments should be encouraged, especially where this can secure measurable net gains for biodiversity'.*

Local Policy LP21 of the CLLP states that *'All development should:*

- *protect, manage and enhance the network of habitats, species and sites of international ,national and local importance (statutory and non-statutory), including sites that meet the criteria for selection as a Local Site;*
- *minimise impacts on biodiversity and geodiversity; and*
- *seek to deliver a net gain in biodiversity and geodiversity.*

Protected Species:

The application has included a Preliminary Ecological Appraisal (PEA) dated July 2021. Page 21-23 of the PEA makes the following recommendations (summarised):

- Common reptile precautionary working practices for common reptiles to be implemented.
- Fingertip search of the development site by a suitably qualified person prior to site stripping.
- If great crested newts are discovered during site preparation, clearance, enabling or construction phases, then all works must stop until the advice of a professional/suitably qualified ecologist and Natural England is obtained, including the need for a licence.
- As a precaution, appropriate and pragmatic measures should be taken to avoid committing the offence of killing or injuring a wild bird or damaging or destroying an active nest.
- Any operations that may disturb nesting habitat should be conducted outside the main bird nesting season (March to end of August). If this is unavoidable, a pre-clearance inspection by a suitably experienced ornithologist will be required immediately prior to construction works.
- Four hedgehog nesting boxes placed in the base of the hedgerows.
- Eight bird nesting boxes of mixed design should be erected on suitable trees within the curtilage of the farm.
- Eight bat roost boxes should be erected on suitable trees within the curtilage of the farm

- No further surveys required.

Planting:

The LVIA has recommended tree/hedgerow planting to provide mitigation to soften the appearance of the site. An acceptable landscaping plan for hedging and trees has been submitted as recommended and would provide some biodiversity net gain to the site and the area.

The proposal would therefore not have a harmful impact on biodiversity and the recommended landscaping would provide a positive biodiversity net gain. Therefore subject to conditions the development accords to local policy LP21 of the CLLP and the provisions of the National Planning Policy Framework.

It is considered that policy LP21 is consistent with the biodiversity guidance of the NPPF and can be attached full weight.

Waste Management

Paragraph 3.6 of the submitted ES states that *“At the end of each flock cycle, the buildings are cleaned out and the manure removed using agricultural loaders and removed from the site for disposal via biomass power stations. Following manure removal, the buildings will be washed out with high pressure hoses and prepared for the incoming flock. The inside of the poultry buildings is drained to sealed dirty water tanks which will be emptied following each cleanout of the building by vacuum tanker.”*

The poultry litter and dirty water would therefore be removed from the site during or at the end of the 10 day cleanout period. The poultry litter would be used as biomass boiler feed. The process of managing the waste within the poultry unit and its disposal is considered acceptable.

Drainage

Foul Water:

The development includes a bungalow and an amenity block which require a suitable method to deal with foul water. Paragraph 20⁵ of the water supply, wastewater and water quality section (Reference ID: 34-020-20140306) of the NPPG states that *“Where a connection to a public sewage treatment plant is not feasible (in terms of cost and/or practicality) a package sewage treatment plant can be considered”*.

Section 4.3 of the Flood Risk and Drainage Assessment (FRDA) dated 25th August 2021 (issue A) in summary states that there are no public sewers in the vicinity of the development consequently a foul waste water treatment plant is required. The position of the treatment plant and the connections to the bungalow/amenity block are identified in appendix E on drainage plan WAC-AWP-ZZ-XX-DR-C-3300 Revision P2 dated 25th August 2021.

Surface Water:

⁵ <https://www.gov.uk/guidance/water-supply-wastewater-and-water-quality>

Paragraph 80⁶ (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 FRDA has included percolation tests which demonstrate that the land is suitable for infiltration and informed the proposed dimensions of the soakaway.

Section 4.0 of the FRDA in summary states that surface water run-off from the poultry units would initially discharge into a rainwater harvester lagoon for re-use on the site. The soakaway would deal with any overflow from the rainwater harvester lagoon. The bungalow and other ancillary buildings on the site would discharge to a separate soakaway. These methods are acceptable as sustainable urban drainage systems.

Paragraph 4.2.6.9 of the FDRA states that *“As the surface water run-off is being discharged to soakaways, peak flow control is governed by the soil infiltration rate and consequently no additional measures are necessary”*.

The position of the rainwater harvester lagoon/soakaways and the connections to all the built structures are identified in appendix E on drainage plan WAC-AWP-ZZ-XX-DR-C-3300 Revision P2 dated 25th August 2021. No objections have been received from the Lead Local Flood Authority.

It is therefore considered that the proposed foul and surface water drainage scheme is acceptable and will be conditioned to be fully completed prior to the operation of the site. The development therefore accords with local policy LP14 of the CLLP and the provisions of the NPPF.

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

Public Rights of Way

Public rights of way Ingh/16/1 runs adjacent the north boundary of the site running in a west to east direction towards the A15. Ingh/16/1 is a short public right way which starts off Middle Street and terminates at the A15 with no connection to any other public rights of way to the east.

The development would not stop or obstruct the use of the public rights of way but would alter its setting which is currently open agricultural fields, farm building and a commercial building (Plum Products Ltd). Whilst the positioning of a poultry farm in this location would have some harmful impact on the enjoyment of the user it would not be significant. The use would have

⁶ <https://www.gov.uk/guidance/flood-risk-and-coastal-change>

to walk adjacent the site but these are agricultural buildings found in an agricultural landscape.

Contamination

The Authority's Environmental Protection Officer has no objections to the development subject to a contamination condition due to the lands former military use.

The need for an initial desktop study contamination report is therefore relevant and necessary and will be conditioned on the permission. Therefore subject to a condition and future details the development would accord with local policy LP16 of the CLLP and the provisions of the NPPF.

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

Other Consideration:

Community Infrastructure Levy (CIL)

The development is not liable to a CIL payment.

Ingham Parish Council have stated that *"The Parish Council are currently looking to refresh the play park equipment in the village. We would invite the applicant to make a gesture to the community and donate/contribute toward the cost of this."*

However, this isn't relevant to the development being proposed, or necessary to make it acceptable in planning terms. It is not therefore a material planning consideration in the determination of this application, nor would it be appropriate to be secured through a planning condition or S106 agreement.

Pre-commencement conditions

The agent has agreed in writing to the proposed pre-commencement conditions

Conclusion and reasons for decision:

The decision has been considered against local policy LP1 A Presumption in Favour of Sustainable Development, LP2 The Spatial Strategy and Settlement Hierarchy, 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 and LP55 Development in the Countryside of the Central Lincolnshire Local plan 2012-2036 and S1 The Spatial Strategy and Settlement Hierarchy, S5 Development in the Countryside, S7 Reducing Energy Consumption – Non-Residential Buildings, S20 Flood Risk and Water Resources, S46 Accessibility and Transport, S48 Parking Provision, S52 Design and Amenity S55 Development on Land Affected by Contamination, S56 The Historic Environment, S59 Protecting Biodiversity and Geodiversity, S60 Biodiversity Opportunity and Delivering Measurable Net Gains and S66 Best and Most

Versatile Agricultural Land of the Draft Central Lincolnshire Local Plan Review. Furthermore consideration is given to guidance contained within the National Planning Policy Framework, National Planning Practice Guidance, National Design Guide and the National Design Model Code.

In light of this assessment it is considered that the principle of the proposal is acceptable in an open countryside location and would benefit the rural economy. The proposed Manager's bungalow is considered acceptable in this case due to the S106 legal agreement which controls the timing of its construction around the operation of the site. The development will provide a modest amount of employment opportunities.

The development would introduce an agricultural land use and buildings into an open countryside location with appropriate landscaping to soften its presence within the landscape. The development would be close to another commercial building so would not be completely isolated and with the submitted landscaping would not have a harmful visual impact on the close and wider landscape.

The Environmental Impact Assessment confirms that emissions from the proposed development, including ammonia exposure levels and nitrogen deposition rates in the surrounding area, as well as odour and noise nuisance, would be at acceptable levels and would not result in a significant environmental effect.

The impact of the processes and emissions from the development on neighbouring uses would be controlled by an Environmental Permit which has already been granted. The Environment Agency would monitor the development to ensure that standards were maintained to ensure no impact on the neighbouring and nearby land uses.

The volume of traffic generated by the development would be modest for a large proportion of each cycle and would be at its highest during the delivery and removal of birds. The traffic would arrive and leave the site via the existing access and track to be improved by a widening scheme. Most traffic would travel directly to or from the A15 which is very short journey away.

The site is not within a high or medium flood risk zone and an ecology survey by a professionally qualified person has been completed with all recommendations to be adhered to during the construction and operational phases.

The public rights of way to the north would not be harmed in terms of access to its use but the position of the proposal could be likely to impact on the enjoyment of the use.

The development would not have a harmful impact on archaeology, a minerals resource, contamination or drainage.

Having considered the Environmental Information submitted with this application it is the reasoned conclusion of the Local Planning authority that significant environmental effects would not occur.

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** ☐

Recommended Conditions:

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

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

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

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

2. No development must take place until a Construction Management Plan and Method Statement has been submitted to and approved in writing by the Local Planning Authority. The Construction Management Plan and Method Statement shall include:
 - a) the parking of vehicles of site operatives and visitors;
 - b) loading and unloading of plant and materials;
 - c) storage of plant and materials used in constructing the development;
 - d) wheel washing facilities;
 - e) the routes of construction traffic to and from the site including any off site routes for the disposal of excavated material and;
 - f) noise and dust mitigation measures
 - g) measures to maintain unrestricted access to public right of way

Ingh/16/1

The approved Construction Management Plan and Method Statement must be strictly adhered to throughout the construction period.

Reason: To ensure that the public highway is not impeded during the construction phase or affect the amenity of nearby uses to accord with the National Planning Policy Framework, local policy LP13 and LP26 of the Central Lincolnshire Local Plan 2012-2036.

3. No development shall take place until, suitably qualified contaminated land assessments and associated remedial strategy with none technical summaries, conclusions and recommendations, together with a timetable of works, have been submitted to and approved in writing by the Local Planning Authority (LPA) and the measures approved in that scheme shall be fully implemented. [Outcomes shall appropriately reflect end use and when combining another investigative purpose have a dedicated contaminative summary with justifications cross referenced]. The scheme shall include all of the following measures unless the LPA dispenses with any such requirement specifically in writing
 - a) The contaminated land assessment shall include a desk study to be submitted to the LPA for approval. The desk study shall detail the history of the site uses and propose a site investigation strategy based on the relevant information discovered by the desk study. The strategy shall be approved by the LPA prior to investigations commencing on site.
 - b) The site investigation, including relevant soil, soil gas, surface and groundwater sampling, shall be carried out by a suitably qualified and accredited consultant/contractor in accordance with a Quality Assured sampling and analysis methodology.
 - c) A site investigation report detailing all investigative works and sampling on site, together with the results of analysis, risk assessment to any receptors and a proposed remediation strategy shall be submitted to the LPA. The LPA shall approve such remedial works as required prior to any remediation commencing on site. The works shall be of such a nature as to render harmless the identified contamination given the proposed end-use of the site and surrounding environment including any controlled waters.
 - d) Approved remediation works shall be carried out in full on site under a quality assurance scheme to demonstrate compliance with the proposed methodology and best practice guidance. If during the works contamination is encountered which has not previously been identified then the additional contamination shall be fully assessed and an appropriate remediation scheme agreed with the LPA.
 - e) Upon completion of the works, this condition shall not be discharged until a closure report has been submitted to and approved by the LPA. The closure report shall include details of the proposed remediation works and quality assurance certificates to show that the works have been carried out in full in accordance with the approved methodology. Details of any post-remedial sampling and analysis to show the site has reached the required clean-up criteria shall be included in the

closure report together with the necessary documentation detailing what waste materials have been removed from the site.

Reason: In order to safeguard human health and the water environment and identify potential contamination on-site and the potential for off-site migration as recommended by the Environmental Protection Officer to accord with the National Planning Policy Framework and local policy LP16 of the Central Lincolnshire Local Plan.

4. No development must take place until the type and position (including a plan) of the following protected species measures have been submitted to and approved in writing by the Local Planning Authority.

- Four hedgehog nesting boxes (placed in the base of hedgerows within the curtilage of the farm).
- Eight bird nesting boxes (mixed design to be erected on suitable trees within the curtilage of the farm).
- Eight bat roost boxes (erected on suitable trees within the curtilage of the farm)

The nesting and roost boxes must be installed prior to any operation or occupation of the site and retained as such thereafter.

Reason: To respond to the recommendations of the Preliminary Ecological Appraisal (PEA) dated July 2021 to accord with the National Planning Policy Framework and local policy LP21 of the Central Lincolnshire Local Plan 2012-2036.

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

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

- IP/WACR/04 dated April 2021 – Site Plan
- IP/WACR/03 dated April 2021 – Poultry Houses and Control Room Elevations and Floor plans
- IP/WACR/04 dated April 2021 – Occupational Dwelling Elevation, Floor and Roof Plans
- IP/WACR/05 dated April 2021 – Amenity Block Elevation, Floor and Roof Plans
- IP/WACR/06 dated April 2021 – Ancillary Structures Elevation and Floor Plans
- IP/WACR/07 dated August 2021 – Rainwater Harvester Pond Section and Floor Plan

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

Reason: To ensure the development proceeds in accordance with the approved plans and to accord with the National Planning Policy Framework and local policy LP17, LP26 and LP55 of the Central Lincolnshire Local Plan 2012-2036.

6. The development hereby permitted must be construction from the following materials:

Poultry Buildings:

- Precast concrete walls to 450mm height with polyester coated profile sheeting elevations above in olive green above (RAL 6003).
- Polyester coated profile sheeting roof in olive green (RAL 6003).
- Black plastic roof mounted ventilation chimneys

Feed bins:

- Plastic and coloured olive green (RAL 6003)

Ancillary buildings:(control rooms, plant room, amenity building and dead bird store)

- Profile sheet clad walls and roof in olive green (RAL 6003)

Agricultural workers bungalow:

- Shire Autumn Russet 65mm Facing Brick
- Redland Cambrian interlocking slate effect roof tile
- White uPVC soft coat (Reflective Low) 1.4 u value doors and windows.

Reason: To ensure the use of materials which are appropriate to the agricultural use of the site and the open countryside to accord with the National Planning Policy Framework and local policy LP17, LP26 and LP55 of the Central Lincolnshire Local Plan 2012-2036.

7. Excluding the occupational dwelling no operation of the poultry units must take place until the surface water drainage scheme identified on drainage plan WAC-AWP-ZZ-XX-DR-C-3300 Revision P2 dated 25th August 2021 in appendix E of the Flood Risk and Drainage Assessment dated 25th August 2021 (issue A) has been fully completed. The approved surface water drainage scheme must be maintained and retained as such thereafter.

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

8. No occupation of the dwelling must take place its surface water drainage scheme identified on drainage plan WAC-AWP-ZZ-XX-DR-C-3300 Revision P2 dated 25th August 2021 in appendix E of the Flood Risk and Drainage Assessment dated 25th August 2021 (issue A) has been fully

completed. The approved surface water drainage scheme must be maintained and retained as such thereafter.

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

9. No operation of the amenity block or occupation of the dwelling must take place until it individual foul water drainage scheme identified on drainage plan WAC-AWP-ZZ-XX-DR-C-3300 Revision P2 dated 25th August 2021 in appendix E of the Flood Risk and Drainage Assessment dated 25th August 2021 (issue A) has been fully completed. The approved foul drainage scheme must be maintained and retained as such thereafter.

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

10. The development must be completed in strict accordance with landscaping plan IPA1197-11 Revision B dated 11th November 2021. All planting or turfing comprised in the landscaping plan must be carried out in the first planting and seeding season following 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 must be replaced in the next planting season with others of similar size and species, unless the Local Planning Authority gives written consent to any variation. The landscaping must be retained as such thereafter.

Reason: To ensure that additional trees and hedging are provided on the boundaries of the site to soften its appearance to accord with the National Planning Policy Framework and local policies LP17, LP26 and LP55 of the Central Lincolnshire Local Plan 2012-2036.

11. No operation of the development must take place until the access widening scheme identified on plan 19188-02 dated September 2021 has been fully completed. The approved access widening scheme must be maintained and retained as such thereafter.

Reason: To ensure safe access to and exit from the site by heavy good vehicles in the interests of highway safety to accord with the National Planning Policy Framework and local policy LP13 and LP26 of the Central Lincolnshire Local Plan 2012-2036.

12. Apart from the bat roosts, bird boxes and hedgehog boxes described in condition 4 of this permission the development hereby approved must only

be carried out in accordance with the recommendations set out on page 21-23 of the Preliminary Ecological Appraisal (PEA) dated July 2021.

Reason: To respond to the recommendations of the Preliminary Ecological Appraisal (PEA) dated July 2021 to accord with the National Planning Policy Framework and local policy LP21 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:

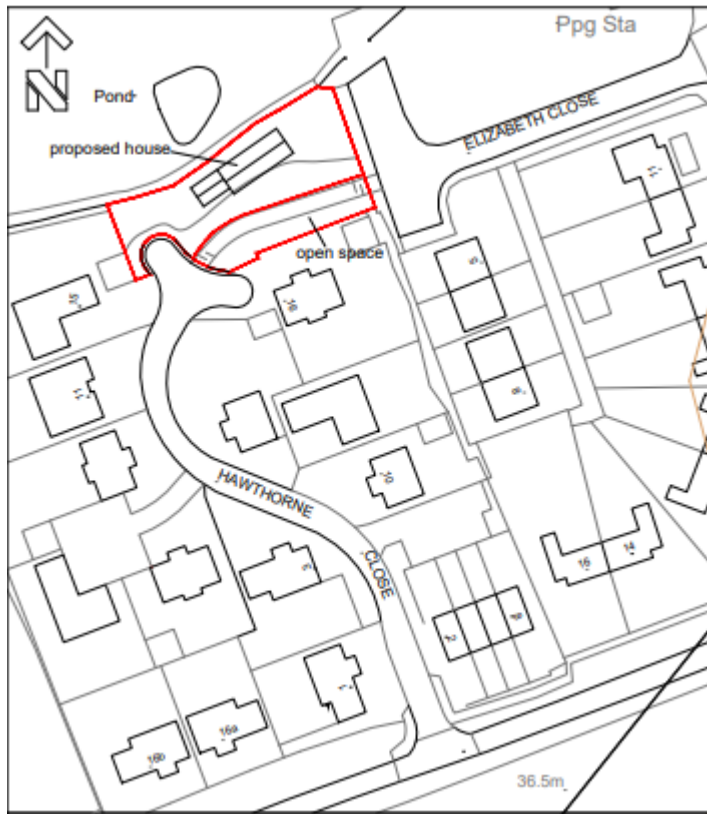
13. All animal waste and dirty water from the operation of the development must be removed from the site in accordance with paragraph 3.6 of the Environmental Statement dated July 2021.

Reason: To ensure that all manure and dirty water from the site is removed in an appropriate manner to accord with the National Planning Policy Framework and local policies LP17 and LP26 of the Central Lincolnshire Local Plan 2012-2036.

14. The bungalow hereby approved must not be occupied by any person other than the Farm/Site Manager responsible for the management of the hereby approved poultry site as outlined in red on location plan IP/WACR/01A dated September 2021 and any of their resident dependants.

Reason: The creation of permanent residential accommodation in this unsustainable location would not normally be permitted and could also undermine achievement of the Local Planning Authority's policy objectives on the management of housing supply. Residential occupation can only be supported in this instance in conjunction with an essential need for a rural operation to accord with the National Planning Policy Framework and local policy LP26 and LP55 of the Central Lincolnshire Local Plan 2012-2036

Agenda Item 6f



Officers Report

Planning Application No: 143367

PROPOSAL: Planning application for erection of 1 no. dwelling being variation of condition 3 of planning permission 141174 granted 17 September 2020 - amendment to plans.

LOCATION: Land between Elizabeth Close and Hawthorn Close Glentworth Gainsborough

WARD: Hemswell

WARD MEMBER(S): Cllr Howitt-Cowan

APPLICANT NAME: Mr A Rashid

TARGET DECISION DATE: 06/09/2021

DEVELOPMENT TYPE: Minor - Dwellings

CASE OFFICER: Vicky Maplethorpe

RECOMMENDED DECISION: Grant permission with conditions

This application has been referred to the Planning Committee on the basis of objections from the Ward Member, Parish Council and local residents on matters that are considered to be balanced.

Description:

The application site is a piece of land within the defined settlement of Glentworth. Planning permission was granted in September 2020 for 1 dwelling, following the resolution of the Planning Committee. The site is approximately 0.1 ha and was previously grassed with trees and shrubbery. Works have now commenced on site and the original route of the permissive footpath that runs through the site and connects Hawthorn Close to Elizabeth Close has been moved, this footpath is a registered Asset of Community Value. The site is located within Flood Zone 1 (low probability), on the Environment Agency Flood Map for Planning¹.

The application seeks to vary condition 3 of planning permission 141174 which states:

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 following drawings: ZD/G/P1 and ZD/G/P2 received 1st September 2020. Works shall be carried out in accordance with the details shown on the approved plans.

¹ <https://flood-map-for-planning.service.gov.uk/>

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

The current application has been submitted in order to secure amendments to the scheme comprising a retaining structure along the northern boundary of the site comprising a Gabion wall to secure the stability of the land which sits adjacent to a watercourse.

The application form confirms these works were started on 8th March 2021. S73A of the Town & Country Planning Act 1990, allows planning permission to be granted for development carried out before the date of the application.

Relevant history:

142367 - Request for confirmation of compliance with conditions 4, 5 & 6 of planning permission 141174 granted 17 September 2021. Partial discharge, 28/5/21.

141174 - Planning application for erection of 1no. dwelling, GC, 17/9/20.

Representations:

Chairman/Ward member(s): Comments received from Cllr Howitt-Cowen 'I am sufficiently aware of this PA and the problems associated with it. I understand that this PA has experienced several difficulties namely the gabion wall requires a retrospective planning application approved or it should be removed completely. There are some significant concerns and challenges -

1. The amended drawing for approval shows the baskets but they are not drawn to scale, these are as stated 1.5m high but what was omitted from the application is that they are 1m deep, that is not a 1m deep basket drawn to scale. The original hedging depth has simply been cut in half and split into hedge & basket. The reason for this is that if it was drawn to scale the house would have to move across and there is no room to do this due to the easement.

2. I think WLDC should comment on the Civil Engineering integrity of just placing these baskets onto the bottom of an existing stream to create a barrier, there is no physical boundary between the baskets and the water below or the side. This stream is key to the efficient drainage of the village and surrounding areas and is a significant change to the original application in which the function of the stream was not compromised.

3. From the recent issues with damage to Anglian Water assets it is clear the locations shown for rising mains and other pipework is not correct

I cannot support this PA receiving retrospective planning permission. It was obvious to us on the ground that this land was not appropriate for a dwelling of this scale, and I trust a thorough examination will now be given to this application and believe the overwhelming evidence does not support the granting of retrospective permission.

I am very tempted to ask for it to go to Committee, as this matter is controversial and full exposure of the problems associated with this PA are a learning curve.'

Parish/Town Council/Meeting: 'Glentworth Parish Council wishes to OBJECT to the application for retrospective planning consent and request that the LPA defer a decision until further investigations are undertaken in relation to underground services, flood risk as well as

an assessment of the damage already done contrary to the recommendations of the Ecological Report.' In summary objects from Glentworth PC mainly relate to:

- PC full supports letters of objections from neighbours.
- Plans not accurate.
- Developer has altered size and shape of the site and the line of the watercourse.
- No consent for works within the watercourse have been sought or given.
- Are the gabions a safe method of construction for their intended purpose? What is their purpose?
- Developer has removed/damaged trees contrary to the Ecological report
- LPA should require applicant to commission a full and extensive underground survey to determine what services exist.
- LPA should consult with Anglian Water and other utility providers.
- A new Ecological Survey should be commissioned.

Local residents: Comments and objections along with video footage and photographs received from no.'s 10, 14, 15, 16 Hawthorn Close, 2, 7 and 11 Church Street, 4 St Georges Hill, 4 Kexby Road and 7 Elizabeth Close. In summary the concerns and objections mainly relate to:

- Drawings inaccurate and not to scale
- Original planning application should be revoked
- Gabion boxes are significant obstruction to stream
- WLDC should comment on the civil engineering integrity of the boxes in the stream
- Damage caused to Anglian Water assets
- Piling on site cause for concern for cracking or structural damage to nearby properties
- Site not appropriate for a dwelling
- Blatant disregard to the public open space
- 2 years of worry and stress for residents. Public voice is powerful and should have been respected and listened to.
- Rising main runs through site. Not plotted accurately on plans.
- Line of watercourse now altered by gabion boxes and they are a restriction to the water flow and present the possibility of flooding and erosion.
- Looking for a formal review by the Local Government Ombudsman.
- Gabion boxes galvanised not stainless steel.
- Hedge removed to make access from Acis car park but permission not sought from Acis.
- Gabion boxes placed directly on bed of the watercourse.
- Concerns over stability of the land.
- Developer has extended the plot by digging out ground from opposite side of the stream.
- Placement of gabion boxes caused much environmental harm during construction.
- Is the developer a Riparian Owner?
- Developer has encroached onto private land by 3m.

- The site is a health and safety hazard for people and animals.
- LCC made no attempt to survey the site to assess damage to watercourse.
- No site specific Flood Risk Assessment has been carried out.
- LCC nor IDB provided comments on body of water.
- Needs to apply for consent to work near the watercourse and also needs an environmental permit due to the risk of pollution from waste water and waste water operations.
- A person who contravenes a stop notice after a site notice has been displayed, or the stop notice has been served on them, is guilty of an offence ([section 187\(1\) of the Town and Country Planning Act 1990](#)). A person guilty of this offence is liable on conviction to an unlimited fine.
- Site is fraught with issues. A sewage rising main, storm water tanks, a foul sewer, a surface water outfall, and a watercourse.
- If WLDC pass the permission for the gabion baskets, it would create more planning breaches just by passing it.
- Developer not adhering to sections of the HASAWA regarding securing access and having suitable and sufficient barriers around an excavation.
- Planners should take into surface water flooding consideration and factor in climate change impacts
- No Sustainable Drainage System (SuDS) submitted
- Gabions wont withstand the velocity of the flow
- The new drawings submitted by the developer do not now include the new landscaping and are still sitting on an easement.

LCC Highways: No objections

Environment Agency: None received

Archaeology: None received

LCC Flood Risk Team: 'I write following the site meeting which took place at Hawthorn Close, Glentworth with representatives of Lincolnshire County Council, West Lindsey District Council Planning and Upper Witham Internal Drainage Board, meeting with local residents, the Parish Clerk, Chairman of the Parish Council and local district Councillor.

The purpose of this site meeting was to discuss and consider the impact and potential flood risk implication from the watercourse as a result of the single property development at this location following concerns raised by local residents with LCC, WLDC and Upper Witham IDB. It should be noted that as this is a single property development LCC are not

a statutory consultee in this process and therefore cannot comment on the development application in a formal capacity. Consideration on this occasion was purely that of assessing the condition of the water course and potential flood risk impacts.

Following inspection of the site, it is the opinion of IDB drainage engineers that the siting of gabion walling to the bank would not have a significant impact on conveyance of water at this location due to the nature of the existing bed and angle of banks. Equally, taking these factors into consideration, enforcement action would not be appropriate due to insufficient evidence to suggest there would be a significant impact to flows in the water course. A more detailed explanation of these considerations has already been supplied to WLDC by the drainage engineers from Upper Witham Internal Drainage Board.

Taking all factors into consideration it is deemed that the siting of the gabions linked to the development are not significantly detrimental to the conveyance of water when considering the risk of flooding from the water course.'

Witham 3rd IDB: 'the board has no comments on this application, the development does not affect the interests of the board.'

Natural England: 'Natural England currently has no comment to make on the variation of condition 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 following drawings: ZD/G/P1 and ZD/G/P2 received 1st September 2020. Works shall be carried out in accordance with the details shown on the approved plans. Should the proposal be amended in a way which significantly affects its impact on the natural environment then, in

accordance with Section 4 of the Natural Environment and Rural Communities Act 2006, Natural England should be consulted again. Before sending us any further consultations regarding this development, please assess whether the changes proposed will materially affect any of the advice we have previously offered. If they are unlikely to do so, please do not re-consult us.'

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 Glentworth Neighbourhood Plan (made November 2019); 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
LP17: Landscape, Townscape and Views
LP21: Biodiversity and Geodiversity
LP23: Local Green Space and Important Open Space
LP26: Design and Amenity

**With consideration to paragraph 219 of the National Planning Policy Framework (July 2021) the above policies are consistent with the NPPF (July 2021). LP1 is consistent with NPPF paragraph 11 as they both apply a presumption in favour of sustainable development. LP2, LP3 & LP4 are consistent with NPPF chapter 5 as they both seek to deliver a sufficient supply of homes. LP10 is consistent with NPPF chapter 5 as they both seek to ensure a mix of housing to meet accommodation needs. LP13 is consistent with NPPF paragraphs 110-113 as they both seek to ensure an efficient and safe transport network that offers a range of transport choices. LP14 is consistent with paragraphs 159 to 169 of the NPPF as they both seek to avoid putting inappropriate development in areas at risk of flooding. LP17 is consistent with NPPF paragraph 130 & 174 as they seek to protect valued landscapes and recognise the intrinsic character and beauty of the countryside and are sympathetic to the built environment. LP21 is consistent with chapter 15 of the NPPF as they both seek to protect and enhance biodiversity. LP23: Local Green Space and other Important Open Space is consistent with chapter 8 of the NPPF as they both seek to protect open space and LP26 is consistent with section 12 of the NPPF in requiring well designed places. The above policies are therefore attributed full weight.*

- **Glentworth Neighbourhood Plan (NP)**

The Neighbourhood Plan was formally made on the 4th November 2019. The relevant policies are:

Policy 3: Design and Character of Development
Character Profile

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

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

- **Draft Central Lincolnshire Local Plan**

The consultation on the first Draft of the Central Lincolnshire Local Plan (Reg 18 stage ran for 8 weeks from 30 June to 24 August 2021. Policies of the Draft Plan which are considered relevant to this application are:

S48: Parking Provision
S52: Design and Amenity

The NPPF states:

“48. 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 early stage of preparation, because consultation has only just completed on the Draft Plan and untested consistency with the Framework mean some weight (but it is still limited) is given to the policies it contains relevant to this proposal at this moment.

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 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)**

Main issues:

This application is made under s73 of the Planning Act to ‘vary’ the previously approved development, through varying the approved plans condition (condition 3). Under s73, the planning authority may grant its permission subject to new conditions, forming a new and separate planning permission.

Or, if it considers that planning permission should only be granted with the original conditions – then to refuse its permission. However, the original permission (141174) remains extant and is unaffected by this decision.

However, under s73 the local planning authority shall consider only the question of the conditions to which planning permission was granted. It is not an opportunity to revisit the original permission.

- Background and principle
- Impact on streetscene and residential amenity
- Impact on watercourse/flood risk
- Assessment of other conditions

Assessment:

Background and principle

Planning permission was granted by Planning Committee on 17/9/20 for 1 dwelling. This application seeks permission to vary condition 3 of planning permission 141174 which relates to the approved plans for the inclusion of a line of gabion boxes along the northern boundary of the site. Section 73 of the Town and Country Planning Act 1990 enables an applicant to apply to develop land without compliance with conditions attached to an extant previous planning permission. Under this section the local planning authority may amend or remove conditions but may not amend any other part of the permission.

It should be noted that since the granting of application 141174 the Draft Central Lincolnshire Local Plan has been published. The early stage of preparation, because consultation has only just completed on the Draft Plan and untested consistency with the Framework mean some weight (but it is still limited) is given to the policies it contains relevant to this proposal at this moment.

Impact of proposed changes on streetscene and residential amenity

The proposed gabion boxes have been placed along the northern edge of the site along the boundary with the watercourse. They extend approx 36m along the majority of the northern boundary and are 1.5m in height.

In terms of the visual impact of the gabion boxes, whilst utilitarian in appearance it is not considered that they are unacceptable in this location, particularly given the limited visibility of the structure outside the site, which would be restricted to views from the north towards the site. Furthermore in time, gabion boxes do produce vegetation and will soften in appearance.

With regards to their impact on residential amenity due to the position of the retaining structure within the site, and in relation to the neighbouring residential properties and proposed dwelling on the site it is not considered that the structure would result in harm to residential amenity.

Therefore due the size, scale and location of the proposed gabion boxes it is considered that they will not harm the character and appearance of the streetscene or the proposed dwelling, nor the living conditions of neighbouring occupiers.

Impact on watercourse/flood risk

The gabion boxes have been placed along the northern boundary of the site. The agent confirmed that the gabion boxes are required to stabilise the bank of the stream. It should be noted that gabion boxes by their very nature are permeable structures and will allow water to flow through them with ease.

The EA surface water flood map suggests the open waterway along the northern boundary is prone to surface water flooding, showing it being 'high risk' meaning that each year this area has a chance of flooding of greater than 3.3%. The area immediately adjacent to the high risk area appears to be classed as 'low risk' meaning that each year this area has a chance of flooding of between 0.1% and 1%.

It should be noted here that this particular watercourse is not classed as a "Main River" and as such the Environment Agency would not have any involvement or responsibility. Also this area also falls outside of the designated boundary of the Witham Internal Drainage Boards. As this is classed as an "Ordinary Watercourse" any consenting and enforcement considerations lie with Lincolnshire County Council acting as Lead Local Flood Authority. The LCC Flood Risk Officer confirmed that *'in Lincolnshire we have a Memorandum of Understanding with Internal Drainage Boards across the county to carry out these functions on our behalf, taking advantage of the knowledge and experience that is held within Internal Drainage Boards. The village of Glentworth falls within what we refer to as an Extended Area for which the Internal Drainage Boards acts on our behalf as described above. For information, the guidance when considering any intervention is as follows':*

"Under the provisions of the Flood and Water Management Act 2010, and the Land Drainage Act. 1991, the prior written consent of the Lead Local Flood Authority (Lincolnshire County Council) is required for any proposed works or structures within any watercourse outside those designated main rivers and Internal Drainage Districts. At this location this Board acts as Agents for the Lead Local Flood Authority and as such any works, permanent or temporary, within any ditch, dyke or other such watercourse will require consent from the Board."

Both Anglian Water, the Environment Agency and the Internal Drainage Board (IDB) (who are acting as agent for LCC as the site lies outside the Boards Drainage District) have been consulted as part of this application and no objections have been raised albeit the IDB has stated that a Land Drainage Consent is required, however these cannot be issued retrospectively and therefore have raised no objections to the proposed development.

Concerns have been raised by local residents and the Parish Council regarding an increase in surface water flooding from the proposed gabions and that no FRA or SuDS has been submitted. It is clear that the watercourse has been altered, mainly by the siting of the gabion boxes along with some vegetation being cleared from the banks.

An officer from the IDB visited the site and recognised that the channel is still large with the gabions in place and considered that *'the culverts and channel profile further*

upstream the works that have been undertaken in the channel do not warrant any enforcement action' and concluded that they do not represent a flood risk.

A further site visit took place with 2 officers from LCC Flood Risk Team and an officer from the Internal Drainage Board. The Senior Commissioning Officer Flood Risk stated that *'Following inspection of the site, it is the opinion of IDB drainage engineers that the siting of gabion walling to the bank would not have a significant impact on conveyance of water at this location due to the nature of the existing bed and angle of banks. Equally, taking these factors into consideration, enforcement action would not be appropriate due to insufficient evidence to suggest there would be a significant impact to flows in the water course. A more detailed explanation of these considerations has already been supplied to WLDC by the drainage engineers from Upper Witham Internal Drainage Board.'*

Taking all factors into consideration it is deemed that the siting of the gabions linked to the development are not significantly detrimental to the conveyance of water when considering the risk of flooding from the water course.'

Therefore based on the information and advice received from the IDB and Flood Risk Team at LCC along with no objections raised by Anglian Water or the Environment Agency it is considered that the proposed gabion boxes will not have a significantly detrimental impact on flood risk in accordance with policy LP14 of the CLLP. Policy LP14 is consistent with chapter 14 of the NPPF.

Assessment of other conditions

Condition 1 – Time limit. Works have already commenced on site and therefore this condition is no longer required.

Condition 2 – Realign footpath. The footpath has been realigned and therefore this condition is no longer necessary.

Condition 3 – Plans conditions. This condition is subject to this application and if approved will need updating with the amended plans.

Condition 4 –Materials. Details of the materials were submitted and approved under application 142367 therefore this condition will be updated with the approved details.

Condition 5 – Drainage details. Drainage details were submitted for approval under application 142367. Therefore this condition will be updated and amended.

Condition 6 – Landscaping details. Landscaping details were submitted for approval under application 142367. Therefore this condition is no longer required.

Condition 7 – Implementation of landscaping. This condition will be updated to reflect the landscaping details submitted for approval under application 142367.

Condition 8 – Ecological Survey. This condition is still necessary to ensure the recommendations within the report are adhered to.

Condition 9 – Tree Protection measures. This condition is still necessary to safeguard the existing trees on the site during construction works.

Condition 10 – PD rights removed. This condition is still necessary to enable any such proposals to be assessed in terms of their impact on the resulting amount of space around the dwelling and to safeguard the character and appearance of the building and its surroundings.

Other matters

Land ownership - Claims have also been with regard to encroachment of the gabion boxes onto land outside the ownership of the applicant, however the agent has confirmed that the gabion boxes have been placed in their entirety, within the ownership of the applicant. The development before the Council is located within the redline shown on the site location plan. Planning permission can be applied for on land outside of the applicant's ownership – however, the application includes a signed Certificate A to state it is within their ownership. They have confirmed that they consider this has been signed correctly. Land ownership is otherwise not a material planning consideration.

Underground Drainage - A number of comments have been received during the consultation regarding the existence of mains drainage beneath the application site. The applicant has informed the LPA that there is an easement over the land and the layout of the plot has been adjusted to take account of this. To clarify, the possible impact on an easement is a private matter and is not a material planning consideration which can factor in this decision.

Structural integrity - Concerns over the safety and structural integrity of the gabion boxes have been raised. The structural integrity of the retaining structure is not a planning matter.

Structural damage - Concerns regarding structural damage to properties and noise and disturbance during the construction phase are not material planning considerations. If it is the case that damage is caused to other land or property of adjacent landowners it is a civil matter and may be addressed through private legal action.

Principle of development – Concerns have been raised with regards to the site being inappropriate for a dwelling, disregard to open space etc cannot be dealt with through this S73 application for the siting of gabion boxes and under this section the local planning authority may consider only the question of the conditions subject to which planning permission should be granted. The original permission remains intact and un-amended.

Stop Notice – Comments received with regards to a Stop Notice being served are incorrect. No such Notice has been served on the owner.

Future planning breaches – We cannot take into account the possibility of future planning breaches on the site. These will be dealt with via the correct procedure if a breach occurs.

Inaccurate plans – Third parties have raised concerns regarding the accuracy of the plans. Amended plans were submitted 13/8/21 and further amended plans submitted on 1/11/21, any other inaccuracies were not apparent during the officers site visit but the officer raised the question with the agent who confirmed that the gabions on site are in accordance with the submitted plans.

Health and Safety at Work Act (HSWA) – Concerns have been raised that the developer is not adhering to the HSWA Compliance with The Health and Safety at Work Act 1974 is a separate piece of legislation and not a planning matter.

Conclusion

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, LP21: Biodiversity and Geodiversity and LP25: The Historic Environment, LP26: Design and Amenity of the Central Lincolnshire Local Plan and Policy 3: Design and Character of Development of the Glentworth Neighbourhood Development Plan in the first instance and the guidance contained in National Planning Policy Framework and National Planning Practice Guidance.

In light of the assessment it is considered that the gabion boxes are acceptable in design and amenity terms, highways safety terms and will not increase the risk of flooding.

Recommendation: Grant planning permission subject to the conditions below:

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

1. - Void

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

2. - Void

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 following drawings: ZD/G/21 and ZD/G/P2 received 1st September 2020 and ZD/G/21P1 Rev b dated 1/11/21. Works shall be carried out in accordance with the details shown on the approved plans.

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

4. The facing materials specified in the Materials Sample Board document received 29/1/21, and approved under application 142367, shall be used in the construction of the dwelling.

Reason: To ensure the use of appropriate materials to accord with policy LP17 and LP26 of the Central Lincolnshire Local Plan and the National Planning Policy Framework.

5. The scheme for the disposal of foul and surface waters shall be carried out in accordance with the approved details under application 142367, and with the relevant consents from the water board.

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

6. - Void

7. All planting or turfing shown on plan ZD/G/21P1 Rev b dated 1/11/21 must be carried out in the first planting and seeding season following 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 must be replaced in the next planting season with others of similar size and species, unless the Local Planning Authority gives written consent to any variation. The landscaping should be retained thereafter.

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

8. The development hereby approved must only be carried out in accordance with the recommendations set out in section 5 (pages 21-22) of the preliminary ecological appraisal survey completed in August 2020 by Whitcher Ecological Consultants 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.

9. The development must be completed in accordance with the tree protection measures identified within the arboricultural method statement by AWA Tree Consultants dated May 2020. The approved protection measures must be installed prior to commencement and retained in place until the development is completed.

Reason: To safeguard the existing trees on the site during construction works, in the interest of visual amenity to accord with the National Planning Policy Framework and local policy LP17 and LP21 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:

10. Notwithstanding the provisions of Schedule 2 Part 1 (including Classes A, B, C, D, and E) of the Town and Country Planning (General Permitted Development) (Amendment) Order 2015, or any Order revoking and re-enacting that Order, the dwelling hereby permitted shall not be altered or extended, no new windows shall be inserted, and no buildings or structures shall be erected within the curtilage of the dwelling unless planning permission has first been granted by the Local Planning Authority.

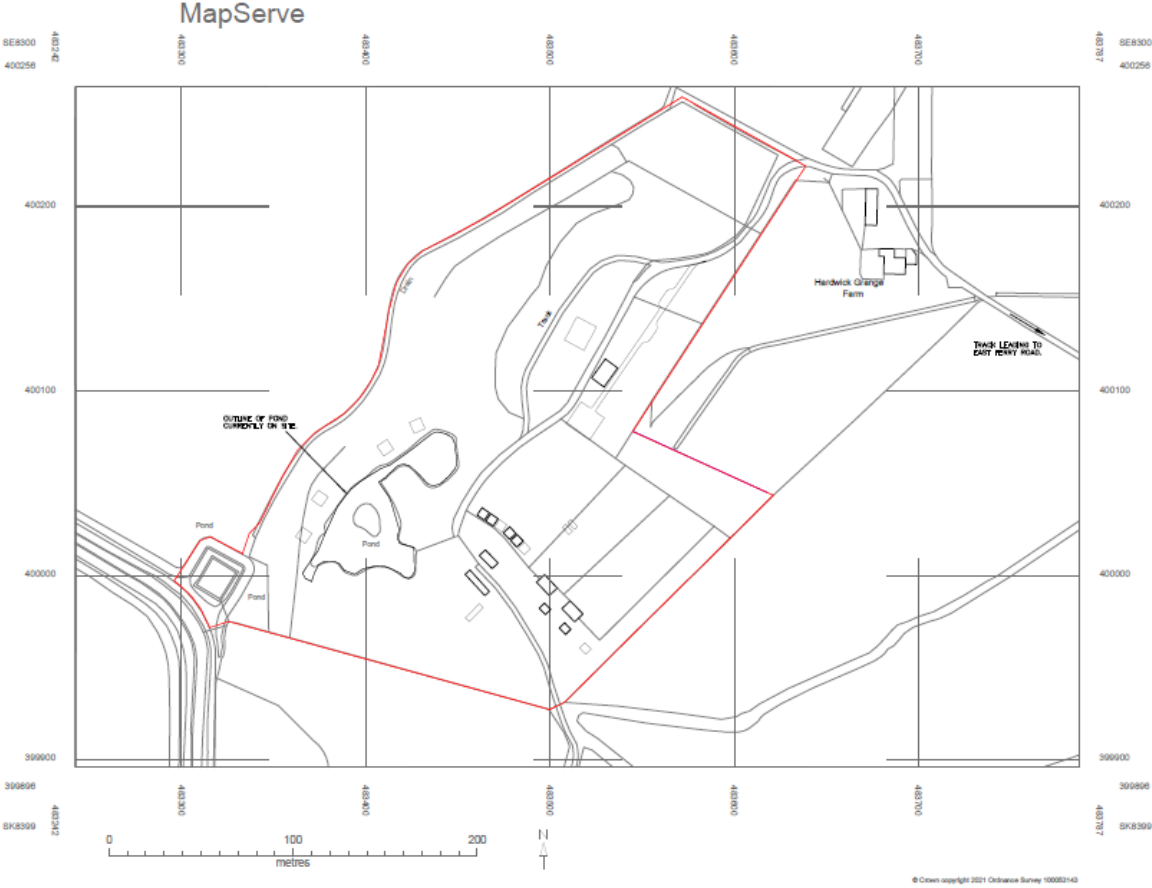
Reason: To enable any such proposals to be assessed in terms of their impact on the resulting amount of space around the dwelling and to safeguard the character and appearance of the building and its surroundings.

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.



Officers Report

Planning Application No: 143287

PROPOSAL: Planning application for access track, car park and footpaths, lodge building to create 1no. residential dwelling, kennels and office space, 3no. animal pens, conversion of caravan to onsite office space, 2no. poly tunnels, enlargement of lake and other timber structures. Retention of former kennels to use as pig shed, caravan to be used as an office, wooden structure with shed and containers for shelter/gardening activities and storage.

LOCATION: Regangroom East Ferry Road Loughton Lincolnshire DN21 3QB

WARD: Scotter and Blyton

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

APPLICANT NAME: Mr Dean Parkinson

TARGET DECISION DATE: 11/11/2021

DEVELOPMENT TYPE: Major - Other

CASE OFFICER: Rachel Woollass

RECOMMENDED DECISION: Grant permission subject to conditions

The application is presented to Planning Committee as the matters are of public interest.

Description:

The site is reached by means of a wooded track from East Ferry Road and the trees screen it entirely from that direction. By contrast the site itself is open with a few trees and groups of trees in the main body.

The applicants are already living on site in the lodge applied for. Two caravans are being used as an office and storage. Old kennels from the previous application have been converted to a pig shed with outdoor pen.

A pen for Shetland ponies has been erected within the site and planters for growing vegetables.

There is also a pen for goats and alpacas and an existing animal house.

The application seeks permission for an access track, car park and footpaths, lodge building to create 1no. residential dwelling, kennels and office space, 3no. animal pens, conversion of caravan to onsite office space, 2no. poly tunnels, enlargement of lake and other timber structures. Retention of former kennels to use as pig shed, caravan to be used as an office, wooden structure with shed and containers for shelter/gardening activities and storage.

Relevant history:

122520 - Planning application to erect poultry house for 500 hens and the change of use of land for siting of temporary mobile home for agricultural worker. Permission refused 01/12/08

124102 – Planning application to site a temporary mobile home for an agricultural worker employed in respect of a poultry farm and other farming activities on site, erect a poultry shed, retain an open sided barn and erect other associated buildings. Permission granted 01/07/09

125066 - Planning application to retain siting of mobile home, retain access and erect 4 number alternative hen houses to replace approved single hen house. Granted 31/12/09

133020 – Planning application to vary conditions 2 and 4 of planning permission 125066 granted 31 December 2009 re-change in applicant name and time period conditions. Application withdrawn 01/10/15

133468 – Retrospective planning application to retain mobile home for temporary period of 3 years for occupation of an agricultural worker in connection with the use of land for agricultural purposes. Permission granted 10/11/15

139689 – Planning application to retain mobile home for a temporary period of 3 years in association with agricultural and rural use, including the change of use of land for the keeping of animals and erection of livestock field shelter and goat hut. Permission granted 10/12/19

Representations:

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

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

Local residents: Hardwick Grange - We welcome the proposals in the main part but as highlighted in our letter attached, we seek reassurance that reasonable limitations will be made to the planning approval in order to protect our privacy, safety and home life as direct neighbours.

Living in such a peaceful setting, passing traffic is particularly notable, especially as road users are required to open and close the farmer's private gate just by our own gate, each time causing standing traffic and noise from vehicles. This single lane track which circles our home is owned and also used by the neighbouring farmers and it is impossible to pass by oncoming farm traffic, so sitting vehicles caused by congestion for visitors to the proposed site will also result in increased noise and disturbance to us in our property. Passers-by can easily see into our home as due to the road surface, surroundings and blind corner, they must drive very slowly past us, alerting our dog to begin barking on almost every occasion.

With regards the parking space and maximum capacity of visitors on site (as mentioned in the “*Design and access statement*” section 1.6 in support of this application), there are self-imposed restrictions on maximum visitor capacity outlined by the applicant which state “*that the actual number of vehicles coming onto the site will be minimal (less than four) and will be sublimated by a mini-bus that will be used exclusively by the charity involved. However, the car parking identified has been highlighted as a maximum number required at any time.*” It is also worth noting that the new access track is single lane, and so any standing traffic not able to fit in the newly built car park would also pose a highway safety risk for users.

Whilst we absolutely understand the need for access and egress to the neighbouring land and welcome the proposals generally, we would stress that increases in volume of traffic and standing traffic on these access routes would pose an invasion of our privacy and home life and increased noise and disturbance from the traffic generated by visitors to this charitable business. As such, we request that reasonable permissions are in place for the new access track which should include that ***no standing traffic should be permitted on the new access route proposed which runs along our garden fence and that the maximum capacity outlined in the proposal for 4 cars or minibus in the car park are recognised in the permitted development as an absolute maximum capacity for site visitors.*** As mentioned, these points have already been discussed and agreed informally with our neighbour the applicant (as well as the car park capacity being mentioned in their application), but for peace of mind in the long term we request that these points form a material part of the permissions for development.

The intended hours of visiting will be between 9am and 4pm Monday to Friday (no weekend visits) and that all staff (aside for the applicants themselves who will be resident there) should be off site by no later than 5pm. Our discussions and the applicant’s assurances on this matter have meant a great deal to us from the point of view of our privacy, home life, safety and security and this really is a *critical* point to our support of the application.

Repeating all the points regarding privacy and disturbance outlined above in point 1, we ***request that the planning approval is based on business operating hours of 9am to 4pm Monday to Friday with all staff excluding residents to be off site by 5pm, and no weekend visitors as suggested by the applicant.*** It would be with a very heavy heart that we contested these plans, as we do believe that they are for an incredibly good cause, but whilst that sentiment is present, we cannot support plans that are permitted at a detriment to our privacy and safety. Open hours of visiting would leave us as neighbours feeling vulnerable, unable to allow our children to play freely outdoors after school and on weekends in our garden, and to feel we can be easily overlooked in our home by strangers outside of normal work and school hours. The perimeter fence, traffic routes and animal petting areas are all very close to our garden and home where our children play, and the fencing is as such that they can easily be seen and interacted with. Outside of school and office hours it is important that we

retain our privacy when using our garden space and hope this request is considered reasonable and agreed.

“In the longer term, it is envisaged that 4No Overnight Accommodation Mobile Pods (Clear Sky Luxury Canvas Lodges) will be installed around the perimeter of the existing pond.” For the reasons already stated in item 1 and 2 above, ***we cannot and do not support plans for overnight stays as per the restricted business operating hours for visitors we are requesting in point 2*** and we have discussed these concerns post application with the applicant. With a thought to the potential mitigation of the issues which cause us distress in this matter, it would be completely draconian for the owners to place a limitation which holds visitors on site between the hours of 4pm and 9am so they are not passing our home during the night as there are not sufficient on-site amenities for overnight stays. Visitors could also not be expected to remain in their canvas tent spaces away from our fence where the animals are kept during these hours either; policing and restricting stays in such a way for the entire stay after hours would in all likelihood make for a very distressing time for guests and sit in complete juxtaposition to the ideal of this proposal which is intended to improve user’s confidence and self-awareness whilst enjoying the open air and natural setting of the venue. The obvious alternative to this would be that visitors would be allowed to roam around on site at night, along our garden fence, and be able to use the access route during night hours. This would clearly be an invasion of our privacy for all the reasons already discussed with regards traffic and being overlooked in our home. Additionally, during dark hours after 4-5pm in winter months, the view into our lit home is enhanced, fences are knee height in many places, and the idea of visitors roaming around in the dark around our property leaves us feeling vulnerable at best. Additionally, users are highlighted in the *“Design and access statement Section 1.2”* as being individuals with “behavioural challenges,” and whilst we are sure every effort and measure will be in place to maintain a calm and safe environment for their visitors, that there will of course be times when behaviour can be unpredictable, or potentially even dangerous here in the forest where at night time we are in complete and utter darkness in respect of the protected wildlife we share this space with. On this basis and the points previously explained, we feel strongly that use by visitors should be restricted to daylight hours for their own safety and that of the on-site staff, our family and animals.

Upon raising this objection to overnight stays with the applicant after the application was made and having discussed the 9-4 operating hours and how this contradicts any overnight stays, we were assured that this element of the plans was sometime in the very distant future, if even at all, but certainly not within the next few years as implied in the application. We are confident that common ground can be found on this matter, and that their use could be perhaps limited to daylight hours 9am – 4pm Monday to Friday perhaps as a further learning/discovery space, a quiet place for distressed visitors where they can feel safe and enclosed if they become overwhelmed, or as all-weather cover for day visitor use so that activities can continue in poor weather, and only as per the business hours restriction we are requesting above in point 2. We hope that the requested exclusion of this element of the plans does not cause the applicants any

distress as we have a fantastic neighbourly relationship with them and look forward to being neighbours for many years to come.

To summarise, whilst supporting the plans generally, as neighbours we reasonably request that:

1. Standing traffic is not permitted on the new access track proposed.
2. Maximum visiting vehicles on site will be restricted to the car park which would be 4 x cars/minibus at any time.
3. Business operating hours are restricted to Monday to Friday 9am to 4pm and no weekends.
4. Overnight stays are not permitted on site by the organisation, and that the only persons on site overnight would be the residents and their personal visitors.

Kelfield Grange - I have an objection regarding the access. We currently share access of the track which is a single lane which is currently used to access farm land, Hardwick House which is a very private residential dwelling and Regangroom. The lane is a single track, which I walk my dogs and ride my horse down. My house can be accessed by this track alongside with our farm land and I have concerns about people driving and walking on our private farm land and using our private track which goes down to our house, as it joins to the joint access road. The track often has lorries and farm machinery going up and down, as we run a farming business. I'm not sure how safe it is for public coming up and down this single lane and the volume of traffic due to the heavy farm duty machinery. Also, we have some buildings next to Hardwick House which are farm buildings, there is a very blind corner, which the public would have to drive round to access Regangroom. The access is not good. This is a blind corner and I would raise serious concerns about Health and Safety with the volume of traffic expected from this planning application. Again, we use the track to access our buildings at Hardwick. We have a sugar beet pad located next to these buildings at Hardwick and we store straw bales down there, hence there is farm traffic about all the time. These plans will be an invasion of privacy to us. We live where we do for privacy and this plan will be very intrusive to our privacy. Also, on the track is our farm gate, which the public would need to open and close. This gate is located outside the Hardwick dwelling and therefore would be intrusive for the family at Hardwick Grange House.

GF Robinson & Sons – Object - As the owners of land which the applicant has to use to access his property we would like to bring your attention to the following points. The applicant has right of way over a single track road through our farmyard bordered at one side by a private residence and on the other side by a concrete pad which for many years has been used to store sugar beet or straw, both crops require considerable traffic to get in and out and when loading lorries, access is limited. Any increase in traffic volume would have commercial, and also safety issues, for instance there is a blind corner at the exit of the yard and loaded grain trailers and all manner of heavy machinery connected to agriculture need to be able to move freely and safely, we have had traffic volume problems in the past with previous applicants for planning on this

land. The public roads in the immediate locality are very poor and any increase in traffic volume would create further problems.

Over a period of many years we have run a shoot (not recently because of covid restrictions) on land adjacent to the proposed development and would question the suitability of disabled people being close by this activity.

This site has been steadily developed over the period of three previous applications, mobile homes, lodges, various other buildings, lake excavation, the development continues regardless of planning approval.

If approval were granted we would ask for restrictions on amounts of traffic to be a big consideration.

LCC Highways: 18/10/21 - The proposal will require the existing access point reconstructing to Lincolnshire County Council's specification, can the applicant update the block plan to reflect this intention.

08/11/21 – No objections, one informative

Environment Agency: 01/09/21 - In the absence of a flood risk assessment (FRA), we **object** to this application.

Reasons - The application site lies mostly within Flood Zones 2 and 3, which is land defined by the planning practice guidance as having medium and high probabilities of flooding respectively. The National Planning Policy Framework (NPPF) (paragraph 167, footnote 55) states that an FRA must be submitted when development is proposed in such locations. An FRA is vital to making informed planning decisions. In its absence, the flood risks posed by the development flood are unknown. This is sufficient reason for refusing planning permission.

In accordance with the NPPF (paragraph 162), development should not be permitted if there are reasonably available sites appropriate for the proposed development in areas with a lower probability of flooding. It is for the local planning authority to determine if the sequential test has to be applied and whether or not there are other sites available at lower flood risk.

13/10/21 - The proposed development will only meet the National Planning Policy Framework's (NPPF) requirements in relation to flood risk if the following planning condition is included.

Condition: The development shall be carried out in accordance with the submitted flood risk assessment (ref: 21401) and the following mitigation measures it details:

- Finished floor levels of the lodge building and accommodation pods shall be set no lower than 7.6 metres above Ordnance Datum (AOD)

Reason

To reduce the risk of flooding to the proposed development and future occupants.

These mitigation measures shall be fully implemented prior to occupation and subsequently in accordance with the scheme's timing/phasing arrangements. The measures detailed above shall be retained and maintained thereafter throughout the lifetime of the development.

03/11/21 – We have no further comments to make and would refer you to our letter (ref: AN/2021/132221/03-L01) dated 13 October 2021 which still applies. The condition proposed in our previous response is still relevant and we would like it to be included on the decision notice.

Archaeology: No archaeological input

Relevant Planning Policies:

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

Development Plan

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

Relevant policies of the CLLP include:

LP1: A Presumption in Favour of Sustainable Development

LP2: The Spatial Strategy and Settlement Hierarchy

LP9: Health and Wellbeing

LP13: Accessibility and Transport

LP14: Managing Water Resources and Flood Risk

LP17: Landscape, Townscape and Views

LP21: Biodiversity and Geodiversity

LP26: Design and Amenity

LP55: Development in the Countryside

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

National policy & guidance (Material Consideration)

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

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

The most recent iteration of the NPPF was published in July 2021. Paragraph 219 states:

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

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

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

Draft Local Plan / Neighbourhood Plan (Material Consideration)

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

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

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

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

- **Draft Central Lincolnshire Local Plan**

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

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

- **Neighbourhood Plan**

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

The neighbourhood plan group are now consulting with the public and working towards the production of the neighbourhood development plan.

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

Main issues

- Principle and Need for a Dwelling on Site
- Impact on the Open Countryside
- Highways
- Residential Amenity
- Flood Risk

Assessment:

Principle and Need for a Dwelling on Site

There is a long and complex planning history on the site spanning over a decade.

Previous temporary permissions have been granted on the site which were limited to 3 years and for the sole use of the applicant. Two of the four buildings proposed in permission 125066 were built and whilst the permission was implemented the business never started on site and as such the permission lapsed.

The most recent permission (139689) to retain mobile home for a temporary period of 3 years in association with agricultural and rural use, including the change of use of land for the keeping of animals and erection of livestock field shelter and goat hut was granted and conditioned as follows –

1. The development is permitted for a period expiring on 10th December 2022 when the moveable dwelling and any ancillary structure shall be removed from the site unless prior to that date the planning permission has been granted by the Local Planning Authority for its retention.

Reason: *Permission has been granted in this case to enable the Local Planning Authority to assess whether the business being established requires permanent residential accommodation for a worker to live at or near his/her place of work in accordance with policy LP55 of the Central Lincolnshire Local Plan.*

2. The occupation of the mobile home shall be restricted to a person or persons solely or mainly employed, or last employed prior to retirement, or a widow or widower of such a person, and to any resident dependants of the business detailed in this application.

Reason: *The site is in a rural area where permission for new development is granted only where it is essential to meet an agricultural or other special need, in accordance with policy LP55 of the Central Lincolnshire Local Plan.*

Whilst this business did start, this has now ceased and any development or occupation by the applicant is not in accordance with this permission.

The principle of a temporary agricultural businesses has been established in the permissions 124102,125066 and 133468 although the businesses never commenced.

The application has been supported with a business plan.

The applicants run Friendz & co which is a registered charity that supports adults with a disability or mental health issue. Their aim is to help them find work by offering work experience and the opportunity to learn new skills using a person-centred approach.

This proposal is for a farm homing animals and is based on farm land covering 14.3 acres of land. They aim to offer the opportunity to work and train in the following areas:

- Husbandry / Animal Care
- Horticulture
- Farming

They will also utilise the land to provide outdoor activities to help preserve the environment and develop the natural habitat for local wildlife.

Their focus is to provide person-centred training and support to adults with physical and/or mental disabilities to progress in to work and to develop the life skills needed to grow their everyday independence. To provide the right environment that will increase self-confidence, self-esteem and self-worth.

Their main aim now is to benefit people within the local community to provide them with person centred support, training and work opportunities.

Opportunities for work experience will be within the farming industry working with animals, growing food produce and being involved in outdoor activities.

They want to deliver these opportunities through work-based training programmes; these can be gained through on-the-job training by skilled trainers. They want to also work to develop life skills, particularly with adults who would not benefit from structured training but need support to lead independent lives.

They will also offer therapeutic sessions and sensory areas.

They intend to home farm animals which they will acquire at a very young age.

They will offer the opportunity to work with the animals and to also grow different fruit and vegetables to support the community.

They state that research has shown that the mix of being in nature, being part of a group and taking part in meaningful outdoor activities improves mental and physical health, increases self-confidence and self-worth, reduces social isolation and for many, changes their lives for the better. They want to provide the opportunity for their service users to make a difference to their lives.

They will be obtaining the use of an 18-seater mini bus so that they can provide transport for their service users that are unable to travel independently or have no alternative transport method.

The applicant has stated that the facility will never be accessible to the general public, but only to users that have enrolled onto courses with the applicant.

The applicant's staff will arrive at 9.00am and will leave before 4.30pm.

The maximum number of staff on site would be six in total.

The site users will be limited to arrival and departure times as set out below.

These times will be highlighted in the contracts issued to the users. The applicant feels that this will enable them to have more control over one way traffic, both arriving and departing the site. It is also within their plans to have two people controlling the traffic via walkie talkies.

The proposed times for traffic movements for users are as follows:

9.15am to 9.45am

11.45am to 12.15pm

12.45pm to 1.15pm

3.15pm to 3.45pm

These time slots would enable the traffic movement of the applicant's users to be within a total of a 2-hour window per day, Monday to Friday.

There has been interest in site from various bodies who wish to send students for work experience. Interest from potential users of the site has also been gained.

The charity have received various grant funding for the project.

The business would see 12 users in the morning and 12 users in the afternoon. This is considered to be necessary to be conditioned due to the movements past the neighbouring dwelling, which will be discussed in more detail in the residential amenity section.

Policy LP2 states that 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.

Part E of policy LP55 states that 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 applicant has introduced animal husbandry, animal care, horticulture and farming to the site in connection with their charitable business.

The proposal is of a rural nature in association with a charitable business and is considered to be in accordance with policies LP2 and LP55.

It is considered that given the nature of the business with the animals, a countryside location is appropriate. Furthermore, the social benefits of the proposal providing key life skills to their vulnerable users is considered to be a significant material consideration.

Policy LP9 states that the potential for achieving positive mental and physical health outcomes will be taken into account when considering all development proposals.

The proposal is considered to be in accordance with policy LP9.

Paragraph 93(b) of the NPPF states that to provide the social, recreational and cultural facilities and services the community needs, planning policies and decisions should take into account and support the delivery of local strategies to improve health, social and cultural well-being for all sections of the community.

Policy LP9 is consistent with the NPPF and is attached full weight.

Part C of policy LP55 states that applications for temporary and mobile homes will be considered in the same way as applications for permanent dwellings.

Part D states that applications for new dwellings will only be acceptable where they are essential to the effective operation of rural operations listed in policy LP2. Applications should be accompanied by evidence of:

- a. Details of the rural operation that will be supported by the dwelling;
- b. The need for the dwelling;
- c. The number of workers (full and part time) that will occupy the dwelling;
- d. The length of time the enterprise the dwelling will support has been established;

- e. The ongoing concern of the associated rural enterprise through the submission of business accounts or a detailed business plan;
- f. The availability of other suitable accommodation on site or in the area; and
- g. Details of how the proposed size of the dwelling relates to the enterprise.

Any such development will be subject to a restrictive occupancy condition.

With regards to the dwelling, the site is set in the open countryside and is remote. No other property is available locally that would provide suitable accommodation and it is necessary to live on site to provide and maintain animal welfare standards.

There have been incidents on the site previously of rural crime and therefore this highlights the need for the applicant to be on site. A need which cannot be met in any other way as the site is both remote and secluded.

An occupation condition should be attached to the permission for the dwelling.

Paragraph 80(a) of the NPPF states that planning policies and decisions should avoid the development of isolated homes in the countryside unless one or more of the following circumstances apply:

- a) there is an essential need for a rural worker, including those taking majority control of a farm business, to live permanently at or near their place of work in the countryside.

Policy LP55 is consistent with the NPPF and is attached full weight.

Given the previous history of the site, and the many businesses that have not started or stayed, it would be reasonable to apply the same temporary permission to allow for the business to commence and see if it is viable going forward.

Impact on the Open Countryside

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

All development proposals should take account of views in to, out of and within 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.

The considerations set out in this policy are particularly important when determining proposals which have the potential to impact upon the Lincolnshire Wolds AONB and the Areas of Great Landscape Value (as identified on the policies map) and upon Lincoln's historic skyline.

The site is located such that its impact beyond the immediate environs of the site is limited. The site is close to the AGLV but outside it, but taking account of the nature and scale of the development, it does not conflict with policy LP17. The Site of Nature Conservation Interest nearby also overlaps part of the site but for the same reasons no significant conflict arises.

Paragraph 174 (b) states that planning policies and decisions should contribute to and enhance the natural and local environment by recognising the intrinsic character and beauty of the countryside.

Policy LP17 is in accordance with the NPPF and is attached full weight.

Highways

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

Paragraph 11 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.

Concerns have been raised from residents regarding pedestrians and vehicles using the single access track due to farm vehicles.

Given the location of the site it is highly unlikely to be reached by foot. The applicant has suggested that pedestrians use the southern gated access. However, the applicant has now been told by the Forestry Commission this would not be safe. Therefore, the likelihood is that users will be in vehicles and given the limited movements within conditioned times, it is not considered that the proposal would be detrimental to highway safety.

LCC Highways have been consulted on the proposal and state that the proposal will require the existing access point reconstructing to Lincolnshire County Council's specification. The plans were amended to reflect this and it is necessary to condition this to ensure the access point is constructed to these specifications.

No concerns were raised from LCC with regards to the amount of movement and access the business will require with 12 users in the morning and 12 users in the afternoon.

Policy LP13 is consistent with the NPPF and is attached full weight.

Residential Amenity

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

There is one immediate neighbour (Hardwick Grange) with the proposal that shares an access road to the site. This access road runs directly adjacent to this neighbour.

The officer visited the site and it is clear that there could be potential for amenity concerns given the relationship of the access road to this dwelling. The proposal initially proposed 4 overnight pods which would make the site 24/7 and would have potential harm during unsociable hours. Therefore, the pods were removed from the application.

Upon discussion with the applicants and the intended amount of students, this was stated to be 12 users in the morning and 12 users in the afternoon.

After discussing access arrangements the applicant stated that the proposed times for traffic movements for users are as follows:

9.15am to 9.45am

11.45am to 12.15pm

12.45pm to 1.15pm

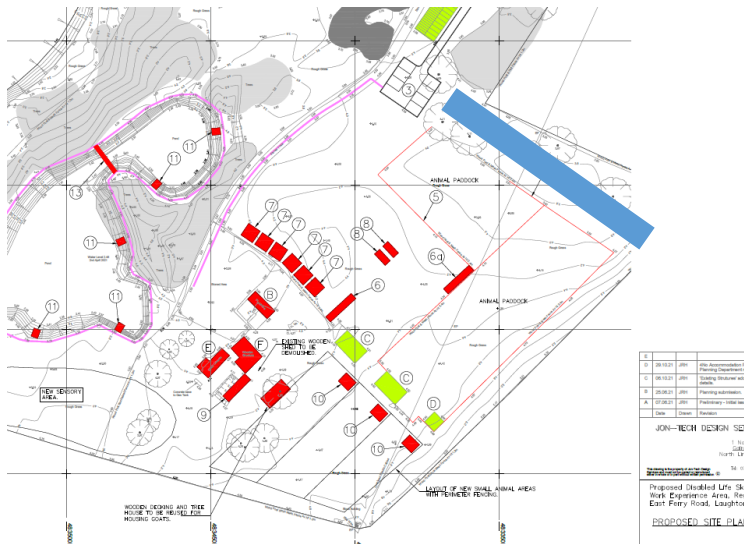
3.15pm to 3.45pm

It is considered that movement between these times would be acceptable. It would, however, be necessary to condition the opening times.

Staff will arrive for 9am and leave before 4.30pm, with a total of 6 staff. These times are also considered to be appropriate and would not impact harmfully on residential amenity. The open times of the site are Monday – Friday 9am - 4.30pm, with no time at weekends or Bank Holidays.

There may be an element of standing traffic as there is a gate to open to the proposal site. Therefore, a condition to prevent standing traffic would not be appropriate in this instance. However, given the timings of the movements, this should prevent any harmful impact on residential amenity.

Also noted on the officer's site visit is the visibility of the site in relationship to the neighbouring property's garden. The trees in between the boundary of the neighbour and the animal paddocks are deciduous and do not provide year round screening. It would be necessary to screen the development in the location highlighted in blue below with evergreen trees, in order to reduce the impact upon the neighbouring property's amenity -



This screening can be conditioned.

Paragraph 130(f) of the NPPF states that planning policies and decisions should ensure that developments create places that are safe, inclusive and accessible and which promote health and well-being, with a high standard of amenity for existing and future users; and where crime and disorder, and the fear of crime, do not undermine the quality of life or community cohesion and resilience.

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

Flood Risk

Policy LP14 states that all development proposals will be considered against the NPPF, including application of the sequential and, if necessary, the exception test.

The NPPF states the following –

162. The aim of the sequential test is to steer new development to areas with the lowest risk of flooding from any source. Development should not be allocated or permitted if there are reasonably available sites appropriate for the proposed development in areas with a lower risk of flooding. The strategic flood risk assessment will provide the basis for applying this test. The sequential approach should be used in areas known to be at risk now or in the future from any form of flooding.

167. When determining any planning applications, local planning authorities should ensure that flood risk is not increased elsewhere. Where appropriate, applications should be supported by a site-specific flood-risk assessment. Development should only be allowed in areas at risk of flooding where, in the light of this assessment (and the sequential and exception tests, as applicable) it can be demonstrated that:

a) within the site, the most vulnerable development is located in areas of lowest flood risk, unless there are overriding reasons to prefer a different location;

- b) the development is appropriately flood resistant and resilient such that, in the event of a flood, it could be quickly brought back into use without significant refurbishment;
- c) it incorporates sustainable drainage systems, unless there is clear evidence that this would be inappropriate;
- d) any residual risk can be safely managed; and
- e) safe access and escape routes

A Flood Risk Assessment has been submitted with the application.

The site is in Flood Zones 2 and 3. The lodge is classed as a highly vulnerable form of development. The Environment Agency have been consulted and raise no objections following receipt of an acceptable FRA subject to a condition on floor levels.

The need for a presence on site is accepted under policy LP55 and there are no reasonable alternative locations for the lodge as it is needed to perform a particular function and the need cannot be met in any other practical way. The proposal therefore meets the sequential test.

The proposed lodge would need to be safe for the lifetime of its users in accordance with EA advice. Subsequently the floor levels of the lodge will be raised such that they are above any potential flood water level to offset any immediate impact of flooding, reducing the risk to occupants.

The proposal initially included overnight pods for the users of the site. These are a more vulnerable type of development. This in combination with vulnerable users was not acceptable within flood zone 3 and in accordance with the NPPF that the development will be safe for its lifetime taking account of the vulnerability of its users, this element was removed from the scheme.

The proposal would be in accordance with policy LP14.

Policy LP14 is consisted with the NPPF and is attached full weight.

Biodiversity

Policy LP21 states that all development should: protect, manage and enhance the network of habitats, species and sites of international, national and local importance.

There is a pond on site that has been enlarged and is applied for retrospectively. This was enlarged by the previous owner and the applicant of this application seeks to regularise this.

The open water pond will be beneficial to wildlife in the immediate vicinity and will also provide a water source for other animals.

The ponds and surrounding land have been cleared to allow nature to develop.

Paragraph 174(a) states that planning policies and decisions should contribute to and enhance the natural and local environment by:

a) protecting and enhancing valued landscapes, sites of biodiversity or geological value and soils (in a manner commensurate with their statutory status or identified quality in the development plan).

Policy LP21 is consistent with the NPPF and is attached full weight.

Conclusion

The decision has been considered against policies LP1: A Presumption in Favour of Sustainable Development, LP2: The Spatial Strategy and Settlement Hierarchy, LP13: Accessibility and Transport, LP14: Managing Water Resources and Flood Risk, LP17: Landscape, Townscape and Views, LP21: Biodiversity and Geodiversity, LP26: Design and Amenity and LP55: Development in the Countryside of the Central Lincolnshire Local Plan in the first instance and guidance contained within the National Planning Policy Framework.

The development needs a countryside location by its very nature and requires an on-site presence to look after the welfare of the livestock and to maintain security of the site.

There is a reasonable prospect of the enterprise becoming viable after three years, therefore a temporary permission to allow time for this viability to be demonstrated is recommended.

The proposal would provide significant social benefits for vulnerable members of society.

Subject to suggested conditions, the proposal would not have an adverse impact on residential amenity or highway safety.

The proposal is in Flood Zones 2 and 3 and subject to conditions would be acceptable.

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

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

1. The development is permitted for a temporary period expiring on 2nd December 2024 when the moveable dwelling and any ancillary structures shall be removed from the site unless prior to that date the planning permission has been granted by the Local Planning Authority for its retention.

Reason: Permission has been granted in this case to enable the Local Planning Authority to assess whether the business being established requires permanent

residential accommodation for a worker to live at or near his/her place of work in accordance with policy LP55 of the Central Lincolnshire Local Plan.

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

None

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

2. The occupation of the lodge shall be restricted to a person or persons solely or mainly employed, or last employed prior to retirement, or a widow or widower of such a person, and to any resident dependants of the business detailed in this application.

Reason: The site is in a rural area where permission for new development is granted only where it is essential to meet an agricultural or other special need, in accordance with policy LP55 of the Central Lincolnshire Local Plan.

3. The development shall be carried out in accordance with the submitted flood risk assessment (ref: 21401) and the following mitigation measures it details:
- Finished floor levels of the lodge building shall be set no lower than 7.6 metres above Ordnance Datum (AOD)

Reason: To reduce the risk of flooding to the proposed development and future occupants.

4. With the exception of the detailed matters referred to by the conditions of this consent, the works hereby approved shall be carried out in accordance with the following drawings:
21401-02 E
21401-04 C
21401-05 A
21401-06 B
PRT-02-0052-000

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.

5. The business proposed in this application shall only be open between the hours of 9:00 and 16:30 Monday – Friday and shall be closed at weekends and Bank Holidays.

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

6. The proposal shall be limited to 24 users a day.

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

7. Within 3 months of the date of this permission, details of the screening to be provided, as shown on the attached plan, shall be submitted and approved in writing by the Local Planning Authority. The approved screening shall be carried out in the first planting season following the approval of the details. Any trees 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: In the interests of amenities of nearby properties and the locality to accord with the National Planning Policy Framework and local policy LP26 of the Central Lincolnshire Local Plan 2012-2036.

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

None

Human Rights Implications:

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

Legal Implications:

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

Agenda Item 6h



Officers Report

Planning Application No: 140235

PROPOSAL: Planning application for demolition of the former Lindsey Shopping Centre and proposal to develop multiplex cinema, car parking and commercial units in the following use classes, Class A1 (shops), Class A2 (financial and professional services), Class A3 (restaurants and cafes), Class A4 (drinking establishments), Class A5 (hot food takeaways) and Class D2 (assembly and leisure), together with associated works.

LOCATION: Former Lindsey Shopping Centre Market Place Gainsborough
Lincolnshire DN21 2BP

WARD: Gainsborough South West

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

APPLICANT NAME: Savoy Cinemas Ltd

TARGET DECISION DATE: 08/04/2020

DEVELOPMENT TYPE: Major - Other

CASE OFFICER: Rachel Woollass

AMENDMENT TO CONDITION 4 – ARCHAEOLOGY

The above application was seen at 11th November 2020 Planning Committee.

The principle of development was granted subject to the deferral back to officers for an improved design and any other outstanding matters. Conditions, other than plans/designs/materials were agreed with members.

The design work is ongoing along with movement of the scheme and the agent has queried condition 4 which states –

4. No development shall take place until a written scheme of archaeological investigation has been submitted to and approved in writing by the local planning authority. This should consist of set piece archaeological excavation and shall also include the following

1. An assessment of significance and proposed mitigation strategy (i.e. preservation by record, preservation in situ or a mix of these elements).
2. A methodology and timetable of site investigation and recording.
3. Provision for site analysis.

4. Provision for publication and dissemination of analysis and records.
5. Provision for archive deposition.
6. Nomination of a competent person/organisation to undertake the work.
7. The scheme to be in accordance with the Lincolnshire Archaeological Handbook.

Reason: To ensure the preparation and implementation of an appropriate scheme of archaeological mitigation and in accordance with the National Planning Policy Framework.

As part of the sale agreement, the former Lindsey Shopping Centre will be demolished. However, this condition would require the scheme of archaeological work prior to demolition. Therefore, to allow the seller to demolish and the developer/buyer to commission the archaeological work, it is proposed to amend the condition to the following –

4. No development (other than demolition) shall take place until a written scheme of archaeological investigation has been submitted to and approved in writing by the local planning authority. This should consist of set piece archaeological excavation and shall also include the following

1. An assessment of significance and proposed mitigation strategy (i.e. preservation by record, preservation in situ or a mix of these elements).
2. A methodology and timetable of site investigation and recording.
3. Provision for site analysis.
4. Provision for publication and dissemination of analysis and records.
5. Provision for archive deposition.
6. Nomination of a competent person/organisation to undertake the work.
7. The scheme to be in accordance with the Lincolnshire Archaeological Handbook.

Reason: To ensure the preparation and implementation of an appropriate scheme of archaeological mitigation and in accordance with the National Planning Policy Framework.

This would allow only works of demolition to take place and would still require the appropriate archaeological scheme of investigation prior to any further works.



Planning Committee

1 December 2021

Subject: Determination of Planning Appeals

Report by:

Assistant Director Planning and
Regeneration

Contact Officer:

Ele Snow
Democratic and Civic Officer
ele.snow@west-lindsey.gov.uk

Purpose / Summary:

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

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

IMPLICATIONS

Legal: None arising from this report.

Financial: None arising from this report.

Staffing: None arising from this report.

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

Risk Assessment: None arising from this report.

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

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

Are detailed in each individual item

Call in and Urgency:

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

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

Yes

☐

No

x

Key Decision:

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

Yes

☐

No

x

Appendix A - Summary

- i) Appeal by P Wostenholme to remove condition 2 of the planning permission granted, subject to conditions, by West Lindsey District Council for a wheeled mobile field shelter into a grass field used as grazing by horses at land off 37 Front Street, Tealby, Market Rasen, LN8 3XU.

Appeal Dismissed – See copy letter attached as Appendix Bi.

Officer Decision – Granted with conditions

Appeal Decision

Site Visit made on 5 July 2021 by Darren Ellis MPlan

Decision by Chris Preston BA (Hons) BPI MRTPI

an Inspector appointed by the Secretary of State

Decision date: 3 November 2021

Appeal Ref: APP/N2535/W/21/3270268

Land off 37 Front Street, Tealby, Market Rasen, LN8 3XU

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a grant, subject to conditions, of approval required under a development order.
 - The appeal is made by P Wostenholme against the decision of West Lindsey District Council.
 - The application Ref 141821, dated 11 November 2020, was granted approval by notice dated 13 January 2021 subject to conditions.
 - The development granted approval is a wheeled mobile field shelter into a grass field used as grazing by horses.
 - The condition in dispute is No 2 which states that: *The field shelter as shown on OS Site Plan Rev C received 12th January 2021 shall be moved into its new position within 3 months of the date of this permission. The field shelter shall remain in this position unless otherwise agreed in writing with the Local Planning Authority.*
 - The reason given for the condition is: *In the interests of visual amenity and to preserve the Conservation Area in accordance with policies LP17, LP23, LP25 and LP26 of the Central Lincolnshire Local Plan.*
-

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 appellant contends that the field shelter may not amount to operational development, such that planning permission may not be required to site it in the paddock. The correct way to determine if a development is or would be lawful is to apply for a certificate of lawful use or development under section 191 or 192 of the Town and Country Planning Act 1990, as appropriate. I note from the planning history section of the officer report that such an application was made and subsequently refused by the Council in September 2020¹. I have not been provided with details of that application and there is no indication that an appeal was made against that decision. It is not for me to determine the lawfulness, or otherwise, of the development in relation to the current proceedings. A planning application was made subsequent to the Council's refusal and it is condition 2 of that planning permission that is subject to this

¹ Planning application ref. 141375

appeal. In that context, I must consider condition 2 on its merits, based on relevant material considerations.

Background and Main Issue

4. Planning permission was granted for a timber mobile field shelter² in an open field in Tealby. The appeal site falls within the Tealby Conservation Area (CA) and the Lincolnshire Wolds Area of Outstanding Natural Beauty (AONB). Prior to the application, the shelter had been placed adjacent to the tree-line at the northern side of the appeal site. In the interests of visual appearance and the effect on the CA, condition 2 of the planning permission requires the shelter to be sited in a different position along the eastern side of the appeal site within three months of the date of the permission, and for any subsequent relocations of the shelter to be agreed in writing by the Local Planning Authority.
5. The appellant seeks to remove this condition, on the grounds that such a condition is unreasonable for a mobile field shelter and is unnecessary as the shelter would not cause harm to the character and appearance of the site and the CA regardless of its location within the appeal site.
6. The main issue therefore is whether the condition is necessary and reasonable having regard to the nature of the development and the effect of the development on the character and appearance of the appeal site and the CA.

Reasons for the Recommendation

7. The appeal site comprises the western part of a large field and is used for the grazing of horses. Residential dwellings are adjacent to the western and southern boundaries of the site. As well as being within the CA and AONB, the site is designated as open space. The historic nature of many of the buildings and the pattern of development, together with the green spaces in the village, contribute to the significance of the CA. Consequently, the open field makes a positive contribution to the attractive, green and historic character and appearance of the village and the CA.
8. Although the shelter is described as a mobile shelter, the plan submitted with the application shows it to be placed in a particular location which appears to have been arrived at following negotiation with the Council. This plan was consulted upon during the original application, and neighbours and other interested parties provided their comments on that basis.
9. The visual impact of the shelter would vary depending on its location, for example in relation to views of the CA or the AONB and in relation to how it is viewed from various vantage points, including surrounding roads, paths and residential properties, some of which are close to the boundary of the site. It isn't possible to assess the potential multitude of different locations under one planning appeal and some potential locations could have a greater impact than the location approved by the Council. For these reasons, it was therefore reasonable and necessary for the Council to impose condition 2 to restrict the location of the shelter to a specific point in the interest of the character and appearance of the CA and AONB.
10. It appears that the appellant's contention that it was unreasonable to impose the condition stems from, or is at least related to, the assertion that the mobile

² Planning application ref. 141821

shelter is not operational development for which planning permission is required. As set out above, it is not for me to determine that point. A planning application was made and a condition attached and I am satisfied that condition is reasonable and necessary for the reasons given above.

11. In addition, the removal of the condition would be contrary to policies LP17, LP23, LP25 and LP26 of the Central Lincolnshire Local Plan, all of which, amongst other things, seek to protect the character and appearance of the local area, the CA, the AONB and designated open spaces.
12. I have been referred to a previous appeal decision in 2001³ which the appellant contends is similar in nature to this appeal proposal. However, no details of the previous appeal scheme, or even the appeal decision, have been provided so I cannot compare the nature and context of the sites. Moreover, the previous appeal was in a different Local Authority area with different local policies. Consequently the 2001 appeal is not directly comparable to the scheme before me, which has been determined on its own merits.

Conclusion and Recommendation

13. For the reasons given above and having had regard to all other matters raised, I recommend that the appeal should be dismissed.

Darren Ellis

APPEAL PLANNING OFFICER

Inspector's Decision

14. 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.

Chris Preston

INSPECTOR

³ Appeal ref. APP/B1225/C/01/1057144