

Guildhall Gainsborough

Lincolnshire DN21 2NA

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AGENDA

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

Planning Committee

Wednesday, 5th January, 2022 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 - 36)

- i) Meeting of the Planning Committee held on 1 December 2021.

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

Large Clear Print: Braille: Audio: Native Language

4. **Declarations of Interest**

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

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

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

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

6. **Planning Applications for Determination**

a) 143728 Welton (PAGES 37 - 83)

b) 143301 Reepham (PAGES 84 - 100)

c) 143815 Grasby (PAGES 101 - 137)

d) 143973 Scotter (PAGES 138 - 152)

7. **Determination of Appeals** (PAGES 153 - 158)

Ian Knowles
Head of Paid Service
The Guildhall
Gainsborough

Thursday, 23 December 2021

WEST LINDSEY DISTRICT COUNCIL

MINUTES of the Meeting of the Planning Committee held in the Council Chamber - The Guildhall on 1 December 2021 commencing at 6.30 pm.

Present: Councillor Ian Fleetwood (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 Mrs Judy Rainsforth
Councillor Mrs Angela White

In Attendance:

Russell Clarkson	Interim Planning Manager (Development Management)
Rachel Woollass	Development Management Team Leader
Ian Elliott	Senior Development Management Officer
Richard Green	Planning Officer
Vicky Maplethorpe	Area Development Officer
Martha Rees	Legal Advisor
Ele Snow	Senior Democratic and Civic Officer

Apologies: Councillor Robert Waller
Councillor Roger Patterson

65 PUBLIC PARTICIPATION PERIOD

The Chairman stated there was one registered speaker under the Public Participation scheme, Councillor Robin Darby of the Bardney Group Parish Council. He explained that, given current uncertainties regarding the spread of the new strain of covid-19, Councillor Darby had submitted a statement to be read aloud on his behalf. The following statement was duly read aloud by the Democratic Services Officer:

“At the Planning Committee in December 2020, comments were made with regards to the actions of Bardney Group Parish Council and in particular an allegation in relation to lobbying. At no time during the proceedings did anyone from this Committee correct the speaker. These allegations were made in front of our residents and has done reputational damage to my council. In January, Bardney Group Parish Council, wrote to West Lindsey District Council, highlighting the error by this committee and asking for a formal apology.

At the February 2021 Planning Committee meeting Cllr Cotton apologised to this committee for his misleading comments, however this did not extend to Bardney Group Parish Council.

In May 2021, I sat before this committee and outlined the fact that Bardney Group Parish Council had still not received an apology, to which the response from the Chairman was to say, that due to the fact that he had not received prior notice of my question, a response could not be offered.

I did make a request to speak again on this issue at the September Planning Committee meeting, however due to an administration error this did not happen.

Therefore, one year on from the event, Bardney Group Parish Council would like to receive a formal public, and fully minuted, apology from this council for misleading members of the public and causing reputational damage through comments and allegations that were made by the West Lindsey District Council Planning Committee at the December 2020 meeting.”

The Chairman acknowledged the statement and explained that the matter would be raised with the Monitoring Officer for response. Councillor D. Cotton raised a Point of Information regarding previous correspondence on this matter, the Chairman reiterated for the statement to be referred to the Monitoring Officer.

66 TO APPROVE THE MINUTES OF THE PREVIOUS MEETING

RESOLVED that the minutes of the meeting of the Planning Committee held on Wednesday, 3 November 2021 be confirmed and signed as an accurate record.

67 DECLARATIONS OF INTEREST

Councillor C. Hill declared that she was the Ward Member for Cherry Willingham ward, in relation to application number 143301 (agenda item 6d) however she had had no prior communication and would deal with it as a member of the Planning Committee.

Councillor I. Fleetwood, for transparency, declared he was County Councillor for Bardney and Cherry Willingham (in relation to application number 143301, agenda item 6d) however would remain in the Chair for that item.

68 UPDATE ON GOVERNMENT/LOCAL CHANGES IN PLANNING POLICY

Members heard that there were no policy updates to note however the following summary of Neighbourhood Plans was provided.

Neighbourhood Plan/s	Headlines	Planning Decision Weighting
Made Neighbourhood Plans	Brattleby, Caistor*, Cherry Willingham, Dunholme, Great Limber, Lea, Nettleham*, Osgodby, Riseholme, Scotter, Scothern, Saxilby, Welton, Willoughton, Glentworth, Spridlington, Sudbrooke, Scotton, Bishop Norton and Atterby, Gainsborough, and Morton.	Full weight

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 this week on Thursday 2 December.	Significant weight
Sturton by Stow and Stow joint NP	Consultation on the submission version of NP (Reg16) has closed . Responses to consultation posted on WLDC website. Examination process has begun with the appointment of an examiner.	Increasing weight
Hemswell Cliff NP	Submission version to be issued (Reg16) soon.	Some weight
Hemswell and Harpswell joint NP	Submission version received. Consultation (Reg16) to commence shortly.	Some weight
Keelby NP	Expect to receive pre-submission version in near future for our comments (Reg 14).	Little weight
Grasby NP	Preparation now underway. Leaflet drop to residents to take place also to seek volunteers to help with the NP.	Little weight
Caistor NP Review*	Consultation starts early in New Year with workshops and other community engagement events.	Little weight
Neighbourhood Plans - made (21) - in preparation (20) - in pipeline (42) - being reviewed (2)*	To view all of WLDC's neighbourhood plans go to: https://www.west-lindsey.gov.uk/my-services/planning-and-building/neighbourhood-planning/	NP stage-weighting -Made–full weight -Referendum successful–full weight -Examination successful/Decision Statement issued–significant weight -Submission Reg16–increasing weight -Draft Reg14 - some weight -Designated – little weight

69 142221 LITTLE LONDON FARM NORTH KELSEY

The Chairman introduced the first application of the evening, planning application number 142221, outline planning permission for three dwellings including demolition of existing commercial buildings - all matters reserved, on land adjacent to Little London Farm, Little London, North Kelsey, Market Rasen.

With no updates from the Planning Officer, the Chairman invited the registered speaker, Leanne Pogson, Agent for the Applicant, to address the Committee. The Agent made the following statement:

“Thank you and good evening. My name is Leanne Pogson and I'm the agent representing

the applicants who are the executors of the estate of Mrs. Audrey Balderson. This application seeks outline permission for three dwellings including demolition of existing commercial buildings and has been recommended for approval by the case officer.

The site is located in a built footprint of North Kelsey and comprises of two frame buildings which are in a poor state of repair, an area of hardstanding is around that building also. There are traditional brick buildings to the west which are the subject of an application for conversion to a dwelling which will be considered by this committee after this application.

Access to the site will be by the existing vehicle access which also serves two residential dwellings to the south of application site. This access leads onto Cemetery Lane. As stated in the officer's report North Kelsey has a growth level of up to 10% and will still support 13 new dwellings before this growth limit is met. The site is within the built footprint of the settlement, is a brownfield site and is therefore within the first category of land to be developed on the land availability sequential test in policy LP4. There are no technical objections to the application, with highways, drainage, ecology and environmental health comments all being considered to be acceptable, subject to appropriate conditions. Any concerns regarding design and amenity can be designed out at reserved matter stage.

Various objections have been received in relation to the application which relates to job losses and employment. I can confirm that following the death of the owner of the site, the sole tenant of the site was given notice to leave. Notice was served on the 19th of August 2020, which confirmed the tenancy would end on the 22nd of February 2021. The notice was served before the planning applications were submitted with the hope that the planning applications would be determined soon after the site became vacant. The tenancy was extended until June 2021, due to the tenant having an operation. The site was vacated at the end of June and still remains vacant. As notice to vacate the site was given an advance of the application being submitted, and the site being vacant, there are no jobs to be lost by the proposal. The officer's report goes into more details regarding planning history and the businesses which have been advertised on the site.

As outlined in the officer's report, the site would have potential to be used for unrestricted general industrial purposes without the need for further planning application. This has caused potential serious adverse impacts on a residential manatee of neighbouring properties and on Cemetery Lane. A unilateral undertaking has been signed, which would prevent any commercial operations taking place once development commences to ensure that there will not be any mix of residential and industrial development on the site, which prevent any future industrial development unless new permission was granted.

The NPPF states there is a favour in presumption of sustainable development unless material considerations indicate otherwise. A proposed development of three dwellings is considered by the case officer in line with the Central Lincolnshire Local Plan, and the NPPF, to be sustainable. The absence of any concerns and objections by technical consultees, subject to conditions, the confirmation that we know job losses as a result of the development and the presence of a legal agreement would demonstrate that there are no material considerations which would justify refusing the application.

As such on behalf of my client, I respectfully ask Members to follow officer recommendation, local and national planning policy, and grant permission for this proposal. Thank you."

The Chairman thanked the speaker and with no further comments from the Officer, invited discussion from Members.

A Member of the Committee enquired as to whether there was asbestos sheeting in the existing buildings, to which it was explained that if there was, there was legislation as to how it would need to be dealt with. It was also confirmed that, as a reserved matters application, future applications could be seen by the Committee where necessary. Following a question from a Member, it was confirmed there were no ongoing farm activities.

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

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

1. 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.

70 142247 LITTLE LONDON FARM NORTH KELSEY

The Chairman introduced the next application, number 142247, application for conversion of barns to 1no. dwelling at Little London Farm, Little London, North Kelsey, Market Rasen. There were no updates and the Officer presented details of the application to the Committee.

The Chairman confirmed there was one registered speaker and invited Leanne Pogson, Agent, to return to the Chamber to address the Committee. The following statement was made.

“As has been said this application is associated with a previous application and seeks for planning permission for the conversion of barns to a single dwelling. Again the site is located in built footprint of North Kelsey and comprise additional one and two storey pantile barns and of the more recent additions in the form of steel port and fibre sheet roof buildings, which will be removed as part of the proposal. The barns will be converted to a single dwelling with a single storey barn converted to a bedroom, the two storey barns are a full height living area. A garden courtyard will be created to the south with a rear garden area to the north. The buildings are considered to be non designated heritage assets and worthy of retention and renovation. The proposed conversions are sympathetic to historic buildings and appropriate materials will be used in the renovations.

Conversion of the barns to residential, will ensure the retention and enhancement of these traditional buildings to preserve and enhance the character of the area. Discussions were held with a Conservation Officer by the case officer to ensure that the most appropriate design was achieved to preserve this building. Leaving the building vacant would likely result in falling into disrepair and it would be not be economically viable to renovate the building for commercial purposes, meaning conversion would be the most appropriate use.

Careful consideration has been given to the conversions by removing out of character additions and renovating the barns to replicate the original buildings as far as possible. The

barn is far enough away from existing dwellings, over 20 metres at the closest point, as not to cause any loss of privacy, overlooking or the loss of amenity to neighbouring properties. As per the previous application, the access to the site will be via the existing vehicle access off Cemetery Lane. Matters related to sustainability, employment and alternative uses are all the same for the previous application. And again, there are no technical objections which cannot be overcome by conditions. Thank you.”

The Chairman thanked the speaker and opened for comments from the Committee.

A Member of the Committee raised concerns regarding how it was intended to deal with sewage and drainage water. The Officer explained condition 10 addressed these concerns.

With no comments from Members, and having been proposed and seconded, on voting it was agreed that permission be **GRANTED** subject to the following conditions.

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

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

71 143410 LAND NORTH OF NORMANBY RISE CLAXBY

The next application was introduced, application number 143410 for 4no. semi-detached dwellings on land north of Normanby Rise, Claxby, Market Rasen. The Committee heard there had been three further representations received and these were summarised as follows.

“LCC Highways: My preference would be for them to look at providing 2 spaces per dwelling. Thanks

Local Resident: Wold Haven Normanby Rise Claxby: Despite a few cosmetic changes and moving forward of these houses, the fundamental problems of building density, parking and suitability for an AONB have not been addressed.

Reducing the development to two (perhaps detached) properties would be a far better solution.

Lincolnshire Wolds Countryside Service Manager: I have reviewed the revised plans for the four properties. I note that this is largely a return to the original submission for the site, so our concerns remain in terms of the localised impact upon the character of the nationally protected Lincolnshire Wolds Area of Outstanding Natural Beauty.

We continue to support the views of Claxby Parish Council, that the plot is too small to accommodate the proposed four residential properties and that these do not link to the existing character of adjacent properties in Normanby Road.

The difficulties in the density of the dwellings proposed for the site is further evidenced by the County Council Highway's response and its recommendation of the need for two car parking spaces per property - so a minimum of eight bays in total would be required, before allowing for any additional capacity for visitor parking.

As indicated by other respondents, I'm assuming that the previous planning application for four properties (planning ref: 98/P/0066) as detailed in the applicant's submission, was for a much larger plot and is effectively now null and void and predates the current planning policies and guidance as covered within the Local Plan and National Planning Policy Framework."

The Chairman stated there were three registered speakers and invited the first, the representative of Claxby Parish Council, to address the Committee. Mr David Beer made the following statement.

"Thank you Chairman and Members of the Committee. I am representing Claxby Parish Council. The parish council has already objected to the proposal for four houses on this small site, on the grounds that it's an overdevelopment of the site in a rural village in an area of outstanding natural beauty.

Following the objection, the plans were then altered to remove one half of the proposed development, leaving the other half of the site open for future development. After objections to the second proposal, this further alteration to the application reverts to what is essentially the same design of four semi detached houses, albeit slightly smaller, and the parish council objects again on the same basis. It's an overdevelopment of a small site in a small village in an AONB. It will put a strain on the infrastructure, The sewage treatment plant is already at capacity. With a potential of at least two cars per household it would also have a huge impact on traffic on Normanby Rise, which is already a busy thoroughfare. There'd be great difficulty of access onto the properties from the narrow road and inadequate space has been allowed for the parking and turning on the forecourt of the properties. This could cause problems of residents and guests being forced to park on the narrow and busy road. The design of the properties has not given thought to problems of parking for cars and space for storage of bins for example.

The style of property in the proposed development doesn't blend in with the existing houses

in the village. The report alludes to previous planning application for four dwellings at this location. Outline planning was granted for four dwellings on the 12th of March 1998. However, the plot in question was much bigger and covered all the land up to the property at the rear, Langham House. So it was probably three or four times the size of the plot on which the development is now proposed.

The parish council is not against development on this site per se and we suggest that two detached properties or two semi detached properties in the centre of the plot, and in a design that's in keeping with the other properties in the village, would be much more appropriate. The developer suggests there's a need for this type of property to attract younger families to the village but history has shown that young families don't do well in Claxby because there are no facilities and transport is needed to get to schools and shops and amenities. We found that young families move out just under a short time because of this. So that is the objection from Claxby Parish Council. Thank you for your time."

The Chairman thanked Mr Beer for his statement and invited the next speaker, Agent for the Applicant Mr Sam Marriott, to address the Committee. Mr Marriott made the following statement.

"Evening Chairman, Committee. I'm Sam Marriott from Mother Architects agent this application.

Back in September, following design changes that were made following a public consultation event we held within the village, we had a provisional call to committee for this application, with officer's recommendation for approval, including conditions sent to us for confirmation. It was pulled the last minute. The LPA was suddenly and surprisingly adamant that the important open space allocation under LP23 was still valid on the site with a live outline permission in place for housing. The existing permission makes no mention of LP23 which is presumed to be due to multiple historic permissions for residential developments on the site.

Initially when challenged it was admitted by the LPA that the allocation was a last minute drag and drop exercise when forming the digital mapping for the Central Lincs Local Plan, with no review from 2006 and potential in error for doing so. Clear examples of LP23 errors can be seen locally, including half of the classrooms in Osgodby primary school, three houses in Binbrook, and omissions of various public open spaces. These have been demonstrated to the LPA in a document but dismissed as likely to be resolved under review of the local plan.

However the crux of the problem with the LPAs position, regardless of the likely mapping error is that LP23 open space allocation should no longer be applicable on the site regardless, as there's a live outline permission for residential development and there's multiple historic planning permissions for housing. This is not only our view as the agent, it's the initial legal view of a legal adviser who has sat and advised at this very committee on legals many times. It's also the opinion of our planning consultant, the previous manager here, Oliver Fitch-Taylor who oversaw the Central Lincs Local Plan as this policy come to fruition, and he has produced a detailed response, which the LPA have. Alongside these challenges to the LPA, we've also been consistently proactive in efforts to design a scheme that both conforms with LP23, a policy of no design requirement, and deliver appropriate and quality infill housing development.

Initially, we halved the number of units to two on the site, leaving an area completely clear. When asked about this land, it is our view that if the LPA were correct in the application of LP23 this land could not be developed as it would be protected. For reasons unclear this was disagreed, we again revised, based on feedback, and presented four units which has been considered this evening. The existing hedges to be retained with a full depth for soft landscaping behind to drastically screen the frontage along with the central driveway replacing the previous proposed dual entrances, the driveway now offers a clear view from public realm directly between the cottages, reserving both the feeling of openness and ensuring an entrance no wider than needed for a single home, it is also heavily planted to maintain a perceived break in the streets.

Still, it is the LPA's view that this still conflicts with LP23. It is becoming increasingly clear that recommendation for refusal is based solely on an impossible application of LP23 on land with residential permission already granted, causing a domino effect across multiple policies. Every mention of appropriate location within the local plan has been drawn down on giving the appearance of robustness in the officer's recommendation. It's crucial to remember in September, this application was set to come to committee with recommendation for approval, and the scheme has been improved multiple times since then,

When LP23 is put to one side, both the current report and September's recommendation make it clear that the proposal conforms with all relevant policy. It is not considered to adversely affect any residential amenity. It is not considered to be overdevelopment. For context of the scale of this site, the village church or surrounding greenery and footpaths would fit comfortably within it. The proposal would retain the core shape and form of the settlement, provide three additional units which is within the remaining seven unit growth allowance, be of an appropriate housing type of appropriate gardens amenity and parking.

As confirmed in officer's report the application conforms to the letter when reviewed against Central Lincs Local Plan policies when LP23 is negated. The proposal is for high quality family units on a good size infill site in a wholly appropriate location. The exact type of development the local and wider policy supports. It will see the delivery of homes the policymakers repeatedly state to strive to support. It is hoped that this evening's committee will offer that support too.

I believe most agents will openly admit it's not many times they feel a sense of relief when an application comes to committee. With this instance, we welcome the opportunity. The scheme is in an unfortunate position of stalemate, self-inflicted by the LPA. The key to unlocking it is at this committee. To have a well-designed scheme that we, as a practice are genuinely proud of, reviewed on its merits and put to democratic vote. Thank you"

The Chairman thanked Mr Marriott for his time and advised that the third speaker, Councillor Tom Regis, Ward Member, had submitted a statement to be read aloud. He asked the Democratic Services Officer to read the statement, which she did as follows.

"Following the Parish Council's original objection to the application for 4 semi detached properties on this small site, the plans were then altered to remove one half of the proposed development, leaving the other half of the site open for future development. The Parish Council objected to this on the grounds that the building of two properties on the left half of the site would not be in keeping with the line of existing properties on the road, as it would leave an unnecessary gap. This proposal was also seen by the Parish Council as a ploy to

build two properties now, then apply for a further two properties at a later date.

After objections to the amended plans, the most recent alteration to the application reverts to what is essentially the same design as the original, of 4 semi-detached houses (albeit slightly smaller) and the Parish Council wish to object again on the same basis, that it is an over-development of a small site in a rural village in an AONB.

The Parish Council is not against development on this site per se, and would suggest that 2 detached properties, or two-semidetached properties in the centre of the plot, with plenty of land and garden or recreation area around the properties would be much more appropriate.

The style of property in the proposed development does not blend in with existing houses in the village and the council would be more inclined to approve a design for 2 properties that is more in keeping with other properties in the village.”

The Chairman invited comment from Planning Officers and it was explained that the proposal was considered to be overdevelopment of the site, with a smaller development being in keeping with the area.

Members of the Committee expressed support for the refusal, on the basis of the proposal being over-developed for the land and surrounding area. There were concerns raised regarding amenities for young families and the amount of hard surfacing contained within the proposal. It was felt that a more sympathetic development could be produced.

Having been moved and seconded, the Chairman took the vote and it was unanimously agreed that permission be **REFUSED**.

72 143301 LAND TO THE WEST OF REEPHAM VILLAGE HALL

The next application was introduced as planning application number 143301, for change of use of agricultural land to dog exercising park, on land to the West of Reepham Village Hall, Hawthorn Road, Reepham, Lincoln. The Chairman requested any updates from the Planning Officer and it was explained that a further comment had been received from the Environmental Protection Officer, accepting the waste management plan, providing a contact number was added. That number was added to the plan by the applicant so there was a point of contact for residents or anyone using the site. The start time of 7am had also been accepted. The Officer then detailed the application for the Committee.

The Chairman explained there were three registered speakers, all of whom had submitted statements to be read aloud, and he asked the Democratic Services Officer to begin.

The first statement from the applicant, Joe Good, was read as follows:

“Mr Chairman and members of the planning committee, I am the applicant and local farmer and would like to introduce my proposed project.

This farm diversification proposal came forwards following a huge increase in dog owners over lockdown, and in turn a huge increase in dog walkers. Unfortunately many people are unable to keep to public footpaths which results in trespass causing crop loss, and

disturbance to wildlife which we are very keen to preserve. This is when the idea came to light.

The proposal consists of 2.5 acres of purpose sown dog grass with 2m high secure dog fencing and small car parking area for customers using this facility. People will be able to privately hire the exercise field for 1 hour slots from our website and receive a unique code to enter the dog park at the time of the booking.

The dog park is likely to attract:

- People training their young dogs
- Training dogs for a better recall
- Exercise for reactive dogs
- General off lead exercise

We will supply bio-degradable dog waste bags held within a dispenser. Supplied dog waste bin will be collected regularly by Biffa as stated in our waste/ odour management plan along with further details. Signage will be on site reminding customers of the rules and etiquette, mainly to promote picking up behind your pets. We will spot pick the field on a regular basis and monitor.

The proposal is located on a relatively unproductive field corner with existing access to Hawthorn road, screened by mature hedging. We feel a safe dog facility of this nature is missing, with only 1 other in Lincoln over 12 miles away.

Having spoken with local residents, the feedback we received was positive. Having liaised with a planning officer through a pre-application process, the feedback was positive.

A farm diversification project like this would bring positivity to the local farming business, whilst delivering a bespoke facility in Reepham.

Many Thanks,
Joe Good”

The second statement, from Ellis Purvis, was read as follows:

“The proposed times of 7 am are not ideal, this means people will be arriving before 7 am with potentially loud dogs and people hanging around. If the gates are not open they will be waiting outside on the road which is essentially outside our house which would cause a nuisance. Even if the gates are open it is still too close and the noise will be the same.

Is there a need for this? Has market research been done that proves that this is a need in the area? If so why does this need to be so close to residential property. Can this not be done opposite other agricultural land as there is ample amount on this road. This makes us question the motives. Could the land not be behind (north) of the Village Hall which would take it away from residential and put it out of sight.

We feel this would not enhance the area and potentially bring it down. This is planned directly opposite my house to which I have just built and planned an extension based around looking into the field which will now not be the case. This will affect the value of my house and the build therefore if I knew this prior, we may not have gone ahead with the build. The

proposed fence and carpark are not aesthetically pleasing and sounds very industrial even with the wood post fence proposed it still has wire fence between.

Lastly has the wildlife impact been assessed, we often see wild deers roaming in this area and would be a shame to lose that.

We therefore strongly object to the proposal.

Regards,
Ellis & Sarah Purvis”

The third and final statement, from Gary Brader, was read aloud as follows:

“Good evening Committee. We are residents living opposite the planned dog exercise area on Hawthorn Road. We have lived here since 2013 and one of the reasons for the purchase of the house was the lovely view across the open fields.

I strongly object to these plans because

1. Our main worry is that once the land has been converted from Agricultural to leisure use it would then become easier in the future to put in an application for planning for housing development. That would seriously effect the value of the homes opposite and seriously increase traffic. Can you assure us this will not be the case?

2. I feel that a 6 foot high steel mesh perimeter fence would be most unattractive.

3. I do not see the need for a new enclosed dog exercise area when we live in the countryside with many public bridleway's in close proximity including access to nearby field areas and the old airfield is very close by. I cannot see any reason the landowner would want to do this other than for future development of another kind for his own benefit. Once again I ask can you assure us this will not be the case?

In conclusion: we cannot see the benefit of this to anyone other than the landowner! Why would he do this and to what end?

If possible I would like to receive the minutes from the meeting in order to see the responses.

Many thanks for your time and consideration.

Kind regards
Gary Brader”

The Chairman thanked the Democratic Services Officer and invited further comment from the Planning Officer. He noted that it would not be reasonable to request an ecology report, housing was dealt with under a different policy and the application for consideration by the Committee was as presented.

The Chairman opened discussions for the Committee and there were considerable concerns raised regarding the potential number of dogs allowed on the site, the potential for parking

issues for local residents, the start time of sessions, particularly on weekend mornings as well as associated noise with animals and vehicle movements. Members suggested amended conditions regarding operational times and limiting the number of animals allowed at any one time. There were questions raised as to the viability of the proposal however it was highlighted that it was not the role of the Committee to assess viability, rather to decide whether the site and location was suitable for the application as presented.

There was significant discussion as to whether the hours of operation could be limited, for example shorter hours, earlier finishing times in winter months, longer hours in summer months. It was also suggested that the number of dogs should be limited in an effort to minimise disruption to local residents.

Members were advised by the Legal Adviser that the start time of operations had already been amended from 6am to 7am, with no objections raised by the Environmental Protection Officer. Should there be problems arising regarding noise complaints, these would be dealt with under other legislation and whilst conditions could be used to limit hours of operation, it had to be considered whether it was a reasonable and enforceable condition. It was noted that concerns regarding people using the site in darkness were not for the Committee to condition against and it was personal choice of the users as to whether they wished to walk their dogs after dark.

There was also uncertainty amongst Committee Members as to whether there was a need for such a site, however it was highlighted that the Committee were to decide whether it was a suitable location, rather than whether there was a need for it.

On hearing the repeated concerns of the Committee, and having had no proposer for the recommendation to grant permission, the Chairman proposed that the application be deferred for the next available meeting, on the understanding that further details were sought from the applicant regarding hours of operation, particularly through winter months, and numbers of dogs allowed at any one time. On having this proposal seconded, the vote was taken and it was unanimously agreed that the application be **DEFERRED** to the next available meeting.

73 143510 LAND OFF MIDDLE STREET INGHAM

The Chairman introduced the next application for consideration, number 143510 for erection of poultry farm for chicken production, including 6no. poultry houses, 1no. agricultural workers dwelling and associated infrastructure, at Johnnies Farm, land East of Plum Products Ltd, The Cliff, Ingham. The Officer updated the Committee that a signed completed copy of the unilateral undertaking had been received that day and there had been a comment received from the Department of Levelling Up Housing Communities stating they had no comment to make in relation to the environmental statement submitted with the application.

The Chairman stated there was one registered speaker, Mr Ian Pick, Agent for the Applicant. Mr Pick made the following statement.

“Thank you Chairman, Members. These planning applications involve a very complex process. Significant site selection criteria is required before we put forward these planning

applications into the planning system. The issues that we need to address with these types of planning applications relate to residential amenity. The sites need to be remote from neighbours in order to comply with the Environment Agency's rules for environmental permitting for the protection of amenity so, in terms of putting these applications forward, we have to model noise, we have to model odour, to make sure it complies with the Environment Agency criteria for the granting environmental permit. That was all done prior to submitting this planning application and the development site was compliant with those rules.

We also have to look at ammonia impact to offsite sites of ecological importance, which is following Environment Agency and Natural England criteria. We're looking at whether the development will have an adverse impact on ancient woodlands, local wildlife sites, special scientific interest or special areas of conservation. Our ammonia impact assessment for this development showed it was compliant with the Natural England and Environment Agency thresholds for the development. We've also got to look at highways. These developments require HGV access for food deliveries and the collection of the birds to take them to the factory and the removal of the manure, so we need good access to the main road network.

In terms of this site, we have the two tier consenting process. We need planning permission to build it and we need an environmental permit to operate it. We've already been granted the environmental permit to operate by the Environment Agency, and that covers matters of disposal of waste, residential amenity, noise, odour, ammonia, drainage. In terms of the highways' impacts of the development, we have been in negotiation with the Highway Authority, who came back to us wanting some improvement to the highway access. We have agreed to, and provided plans for, widening of the entrance and widening of the access road into the site so that two HGVs can pass. In terms of the ammonia issue, we are fully compliant with environmental permitting and Natural England regulations.

In terms of the consultation on this application, we've presented an application for a poultry unit. This type of development generally attracts some level of opposition, just for the nature of what it is. In this instance, we've got very few negative comments on this application. We do have concerns raised by the parish council with regard to odour and we've also got concerns raised by plum play with regard to odour issues. I can assure the Committee and the parish council and plum play that we have considered those issues in terms of our site selection and our odour impact assessment, and the Environment Agency are satisfied that there will not be a negative impact on any residents, or plum play, and the environmental permit has been granted to that effect.

Furthermore, in terms of the management of waste from this site, we have secured a contract to pull this into one of the litter burning power stations. We're not proposing any field heaps around the farm, we're not proposing any land spreading, we have simply, at the end of each cycle, lorries will come to the site will be loaded, sheeted and off it will go into the biomass power station and be disposed of for renewable energy purposes.

We've gone through a very significant process. We've been through full environmental impact assessments. We've been through a permit application with the Environment Agency and everything points to the direction that this site is exceptional for the proposed use. There are very few sites that we put forward, or very few sites that we look at, that are entirely suitable for this use and very few sites attract very little objection. This is one of them. The application has been recommended for approval and has no objection from any statutory

consultee. It is respectfully requested that planning permission is granted. Thank you.”

The Chairman thanked Mr Pick for his statement and, with no further Officer comment, invited Members of the Committee to speak.

A Member of the Committee enquired as to the road safety implications of increased HGV use on the road leading to the site and it was highlighted that Highways Agency had been involved and any concerns raised had already been addressed with the applicant. Members appreciated that developments of this nature tended to attract high levels of objections, which was not the case for this application.

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

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

1. The development hereby permitted 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 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

74 143367 LAND BETWEEN ELIZABETH CLOSE AND HAWTHORN CLOSE GLENTWORTH

Note: Councillor D. Cotton left the room at 8.24pm and returned at 8.26pm

The next application was introduced by the Chairman. Planning application number 143367, seeking permission for erection of 1no. dwelling being variation of condition 3 of planning permission 141174 granted 17 September 2020 - amendment to plans, on land between Elizabeth Close and Hawthorn Close, Glentworth, Gainsborough. The Planning Officer explained that there had been further representations received from number 16 Hawthorn Close. These were received beyond the consultation date and summarised as follows.

"The submitted plans may or may not be to scale. The applicant has significantly underestimated the size of the plot for the sole purpose of this work proposed. The watercourse has been moved entirely beyond the red boundary. Not all information has been provided in the Officer's report. From a site meeting that took place, a conversation hasn't been reported between Witham Internal Drainage Board and Lincolnshire County Council flood team regarding some information it said if it had come forward, we would have asked for the boxes to be set further back. The LCC flood team and Witham Internal Drainage Board have not provided any evidence to prove the alterations to the watercourse will not cause surface water flooding."

Note: Councillor I. Fleetwood declared a non-pecuniary interest as he was a member of the Witham Third Drainage Board but had held no conversation regarding the application.

The Chairman stated there were three speakers, the first of whom had submitted a statement to be read aloud and he asked the Democratic Services Officer to do so.

The statement from Glentworth Parish Council was read as follows.

“Introduction

This statement is being made to request that the Planning Committee either refuse the application or defer a decision on the basis that the proposed development, even with the suggested alterations, is of an inappropriate scale for the site; the plans in front of the Committee are inaccurate and not to scale; there is an unknown risk in respect of surface water flooding as a result of work already done; and that the proposed solution to stabilising the bank of the watercourse is inappropriate. It is worth noting here that at the site meeting referenced in the report, the representative of the IDB stated that had an application for the works undertaken and proposed been made originally, or the original application referred to them, it would ‘likely have been refused’. The site meeting is mentioned on p130 of the report but there is no reference to this comment, although it was made in front of several witnesses.

All of these are material consideration that the Planning Committee should take into account and whilst the report addresses some aspects, it is the view of the Parish Council and the residents that the assurances of the developer and his agent are insufficient.

Background

Members of the Committee will be aware from the report and the comments on the Planning Portal of the strength of feeling this development and application has generated. On behalf of the Parish Council, I understand that many of the issues raised are not material in the context of the TCPA, but they do reflect the significant detrimental impact on local residents that the work done to date has had and ongoing concerns about the site. What is pertinent and material is that the need for this application supports the original contention that the site is not suitable for the proposed development.

The Parish Council, of course, understands that regardless of the decision in respect of this application there is an extant consent for a dwelling, that cannot be withdrawn. However, we would recommend that this application provides the Planning Authority with the opportunity to ensure that how that extant consent is implemented is appropriate for the location and minimises any further harm to the immediate surroundings of the site.

Specifics in the report

We should like to draw attention to some specific issues mentioned in the report, that are also referenced in comments you have received.

Plans not to scale – evidence has been supplied that both the overall site plans and the specifics in relation to the gabion baskets are not to scale. We note that the applicant’s agent has provided statements to the effect that the plans are accurate and that the totality of the development is within the ownership of the applicant. However, we believe it is incumbent on the LPA to assure itself of these issues, not to solely rely on one parties statement, particularly when it relates to the matter of flood risk and when there is evidence to the contrary;

Watercourse alterations – as the report states (penultimate para on p135), some work to the watercourse has already been made but it inaccurately states that this is limited to the placing of gabion baskets in the watercourse. Significant photographic evidence has been submitted to demonstrate that the line, width and quite probably depth of the original watercourse has been changed – none of this work was authorised (or requested) within the original consent. The sole purpose of this work has been to extend and alter the size and shape of the development platform – photographic evidence showing the pegging out of the site and how that relates to the watercourse has been submitted, reflecting that the submitted plans are not an accurate reflection of what has been done.

Underground services – as with the comments from residents and the Parish Council to the original application, the question of the location of underground services and the impact of the development on these has not been adequately addressed. It came as little surprise to residents that at an early stage of the initial works the rising main was damaged, resulting in sewage spilling onto neighbouring properties and an extended period of disruption and pumping out by Anglian Water. We do not believe that this application should be granted or any further work should progress until the issue of underground services, easements and the impact on neighbouring properties is fully understood. It is worth noting that one of the reasons this site was not developed by Ben Bailey when the rest of Hawthorn Close was built was the understanding that there are extensive underground services.

Ecological Survey – the Parish Council notes and is pleased to see that Conditions 8 and 9 of the original consent are being retained. However, these are now broadly meaningless as the work done already has caused significant damage to the ecology of the area. As already mentioned, the unauthorised alterations to the watercourse will have caused significant damage to animal and plant life living in and adjacent to the watercourse. Additionally, as the Parish Council have pointed out to the Planning Enforcement Officer, the work done on the North bank of the watercourse (on land outside the development area and not in the applicant's ownership) may have caused severe damage to trees, contrary to what the Ecological Survey stated."

The five minute time limit was reached and so the Chairman requested the Officer cease reading. The next speaker, Sarah Pickering-Patterson was invited to address the Committee. She made the following statement, during which slides she had provided were shown to the Committee.

"This statement is being made requesting that the Planning Committee refuse the application.

The Planning Officer states in the report, the applicant's agent has provided statements that the site plans are accurate, and the entirety of the land and development is within the ownership of the developer which includes a signed Certificate A. However, Official copies of the HM Land Registry Title Deed Plans for 16 Hawthorne Close and for the development plot show otherwise. The agent and developer have made false declarations, even if unknowingly, the planning consent is invalid.

The Title Deeds in comparison with the site plan show parts of the development land encroaching on other people's land towards the Southern, Northern and Eastern boundaries marked in red. Part of the land on the southern boundary belongs to me. No notice has been served to me.

In terms of a legal position, Article 12 of the Town & Country Planning (Development Management) Procedure Order 2010, imposes a requirement, that all applications for planning permission must be accompanied by the correct certificate. This process has not been followed properly by the developer and Certificate, B, C or D should have been submitted, rendering this application and the original planning permission consent, invalid whether planning permission has been passed or not. This is not a boundary issue; this is a planning issue due to certificate A being signed. Even if unknowingly the permission consents are invalid.

Section 65(5) of the Town & Country Planning Act 1990 says that a local planning authority shall not “entertain” any application for planning permission where these requirements have not been satisfied. Signed Certificate A cannot lawfully be determined as the developer does not own all the land within the red line of boundary of the site plans.

The site plans are annotated ‘Do no scale, work only figured to dimensions. This means regardless of any information on the plans, they are not drawn to scale, are indicative only, and are subject to verification by a full site survey. This gives the developer room for manoeuvre to put the dwelling and the gabion wall exactly where they want to. If a complaint was raised that the gabions were larger, or the dwelling was built in the wrong place potentially breaching the plans, the LPA cannot establish this using these drawings. To ensure the development and gabion wall is built in accordance with the plans, adequate scale drawings are needed.

The applicant has significantly underestimated the size of the plot and the sole purpose of this work, has been to extend and alter the size and shape of the development platform, in order to fit the dwelling on the plot. The 2 pictures on the screen in front of you, show just how much land the developer has taken to extend the plot. You can clearly see the watercourse and the gabion wall are well beyond the red boundary line which is out of their ownership. There have also been trees cut down and damage to the vegetation on the northern boundary where he has breached the conditions in the original consent relating to the Ecological Survey. This is supposed to be protected but it’s been destroyed.

The photograph and HM Land Registry Title Plans on the screen, shows how the developer resized the plot. The developer pegged out the house but it didn’t fit and the back of the house overhung the watercourse. This proves that the watercourse and the gabion wall are beyond the red boundary line on the site plans.

As evidenced in the timeline of the photographs on screen, the watercourse has been moved in its entirety beyond the red boundary line on the site plans. The developer extended the plot by digging out the ground from the other side of the watercourse, dragging the soil forward to make the plot bigger. This is land beyond the red boundary line on the site plans.

The watercourse is a vital piece of infrastructure that carries away the surface water from Glentworth. The watercourse has been made much narrower from 2m to 6 inches in places, as evidenced in the photos on the screen.

At the site meeting, Witham IDB stated had an application been made before the works were completed, it would ‘likely have been refused’. This was made in front of several witnesses. There is no reference to this in the report.

I sent evidence to the Planning Officer via email of Witham IDB stating to LCC Flood Team “It is not good and if it had come forward for consent, we would have asked for the front of the gabions to be set further back”. There is no reference to this in the report.

Conclusion:

I therefore ask that the Planning Committee refuse this application based on all the facts evidenced, but in particular, that signed Certificate A cannot lawfully be determined, because the developer does not own all the land within the boundary of the site plans invalidating all of the planning permissions.”

The Chairman thanked the speaker for her time and invited the final speaker, Councillor P. Howitt-Cowan, speaking as Ward Member, to address the Committee. Councillor Howitt-Cowan made the following statement.

“Thank you for allowing me to speak this evening in the light of your crowded agenda. The last two speakers have provided you with some very concerning details, and in my humble opinion, this retrospective planning application is possibly the worst one I've ever come across. It is from beginning to end a dangerous cocktail and a textbook case for planning training.

Let's together look at the very beginning. The builder purchased a piece of land avoided by previous developers to build a dwelling and not carried out the measurements and discovers the dwelling this committee approved will not fit the piece of land. The land is too small for the substantial dwelling he proposes. He has already advertised it for sale because he has built it and he has a huge problem. He therefore identifies the southern boundary where a stream runs and without permission sets to with gabions to claim land in order for his proposed dwelling to fit. This is encroachment but others would use another term to describe this kind of action and this has deliberately interfered with a watercourse.

He is then forced to apply for retrospective planning permission. And you have heard that had he applied originally, he would most likely not have been granted permission. Therefore why grant it retrospectively? Flooding is an important consideration due to climate change and we were told that the water course was only assessed for its current flow and not for the future problems that could arise potentially so there is room for significant flooding possibly in the future.

But this stream is an important conduit of flood water in this village. The excavation of the stream has affected its ecology, damaging animal life, plant life and even the trees on the north side of the stream, which is outside our remit. We should be better stewards of conserving not vandalising it.

Moreover, more seriously, we have heard doubt cast on the paperwork for this application. It appears that it has been taken at face value. Official copies of Her Majesty's land registry title deeds plans for 16 Hawthorn Close and for the development plot reinforce doubt the agent and developer have, it is alleged, made false declarations even if unknowingly, the planning consent is invalid. False application by default invalidates all applications. The process the applicant has followed may be fundamentally flawed because of the questions about land ownership. Apparently he has declared he owns all the land but there is very

strong evidence he does not. The certificate A submitted with the original application may well be wrong, which would mean the original consent is invalid. For the LPA, you'll appreciate this could have serious consequences and suggest deferral to check this property, would be the minimum outcome of this meeting.

Where may we go with this one? Defer for future investigation, or refuse outright retrospective planning permission, which would mean that the builder would have to reapply for a dwelling with the correct measurements that would fit the piece of land he has purchased, subject to all his paperwork being in order and thereby not interfering with the stream. Thank you”

The Chairman thanked Councillor Howitt-Cowan for his time, and, before opening the floor to comments, noted that there had been several mentions of incorrect certificates and whether the application was valid for the Committee to determine. He enquired of Planning Officers to clarify.

It was explained that the site had extant planning permission that would not be superseded. The Committee was being asked to look at a variation of the conditions and the original planning permission would stand. With regards to comments from the drainage board, they did not grant planning permission, their comments would not relate to the granting or otherwise of planning permission. In relation to land ownership, it was noted that permission could be sought for land outside of an individual's ownership and the concern as to whether the title deeds were accurate was an administrative matter outside the remit of the Planning Committee. It did not affect the decision making considerations of the Committee. These comments were echoed by the Legal Adviser and the Chairman opened for comments from the Committee.

There was considerable discussion as to the sizing of the property, the question over the land ownership and the comments regarding the alteration of the watercourse. The position of the Committee, in considering the application for variation of conditions, was reiterated. A Member of the Committee quoted the comments from Lincolnshire County Council, where there were no issues raised, and it was confirmed that the purpose of gabion boxes was to shore up the banks of the watercourse.

There was further discussion regarding the concerns raised by both the Parish Council and the objector, however, on citing the purpose of the application, there was acceptance amongst some Members of the Committee that such concerns did not impact the decision to be made by the Committee.

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

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.

75 143287 REGANGROOM EAST FERRY ROAD LAUGHTON

Planning application number 143287 was introduced, seeking permission 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, at Regangroom, East Ferry Road, Laughton.

The Chairman advised there were no speakers registered, and, with no updates from the Officer, opened for comments from the Committee.

Members were supportive of the arrangements at the location and, whilst a Member of the Committee raised concerns regarding vehicle movements on the farm land, it was confirmed that it was a shared access and there was right of access for a number of residents.

Having been moved and seconded, the Chairman took the vote and it was agreed that permission be **GRANTED** 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

76 140235 FORMER LINDSEY SHOPPING CENTRE GAINSBOROUGH

The Chairman introduced the final planning application of the evening, number 140235 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, at the former Lindsey Shopping Centre, Market Place, Gainsborough.

It was explained that, as part of the sale agreement, the former Lindsey Shopping Centre would be demolished. However, the existing 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 was 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.

The Committee were advised that the following response had been received from Archaeology:

“Yes in principal that would be fine, provided that demolition is clearly defined as only removing existing buildings down to current ground level. If they want to grub out existing foundations or do any other disturbance below the current ground surface that needs to trigger the archaeological requirements.

It is really difficult to know what remains might survive here as so little work has happened in the middle of Gainsborough. It's possible everything was destroyed when the current buildings went up, but it is also possible that very significant remains from the Saxon and medieval town may still survive here which would need to be recorded very carefully.

Therefore it is suggested to put other than demolition to ground level only.”

Having been proposed and seconded, it was unanimously agreed that permission be **GRANTED**.

77 DETERMINATION OF APPEALS

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

The meeting concluded at 9.20 pm.

Chairman



Officers Report

Planning Application No: 143728

PROPOSAL: Planning application to erect 49no. dwellings with associated highways works, earthworks to create drainage attenuation pond, landscaping and boundary treatments.

LOCATION: Land North of Hawks Road Welton Lincoln

WARD: Dunholme and Welton

WARD MEMBER(S): Cllr Mrs D M Rodgers, Cllr S England and Cllr Mrs C M Grimble

APPLICANT NAME: Lindum Group Ltd and ACIS Group Ltd

TARGET DECISION DATE: 20/12/2021

DEVELOPMENT TYPE: Major - Dwellings

CASE OFFICER: Ian Elliott

RECOMMENDED DECISION: Grant permission subject to conditions and be delegated to the Chief Operating Officer, to enable the completion and signing of an agreement under section 106 of the Planning Act 1990 (as amended) pertaining to:-

- 12 no. affordable homes as identified on the site layout plan (Reference: J2102 – 00103J). The tenure split will 50% shared ownership and 50% affordable rent. ACIS Group Limited will be the registered provider.
- An NHS contribution of £30,992.50 to reconfigure existing space at the Welton Surgery to create larger clinical space and more flexibility to deliver clinical services to manage the projected patient increase.
- An open space management and maintenance plan.

Planning Committee:

The application is being referred to the Planning Committee for determination following public consultation representations from the Ward Member, Welton Parish Council and local residents, on relevant planning matters.

Description:

Full permission is sought for 49 dwellings comprising 12 two bedroom, 27 three bedroom and 10 four bedroom dwellings with associated open space, attenuation pond and infrastructure. Twelve of the dwellings (24%) would be affordable houses.

Site:

The application site is an area of greenfield land (2.35 hectares) to the north, east and west of Welton. The northern section of the site slopes gently upwards from west to east. The southern section slopes gently upwards from north to south then flattens the closer you get to the furthest south boundary. The site is in an overgrown condition with a number of small trees within the northern section and on the inside of the length of the public rights of way to

the east boundary. The north and east boundaries are screened by hedging with occasional gaps. The south boundary is screened by fence panels, hedging and post and rail fencing. The west boundary is screened by a mix of trees and hedging. Open fields are to the north and east with residential dwellings to the south and west.

The application site is part of a wider allocated housing site in the Central Lincolnshire Local Plan 2012-2036 under CL1490 measuring 4.15 hectares. Public rights of way Welt/54/1 runs along the east boundary of the site.

Relevant history:

Application Site:
None

Land to the East of Halfpenny Close, and North of The Hardings, Welton:
130995 – Planning application for erection of 50no. residential dwellings, to include 31no. affordable and 19no. open market dwellings – 05/03/15 - Granted with Legal Agreement

133300 – Application for non-material amendment to planning permission 130995 granted 5 March 2015 - addition of sheds to rear gardens, change in southern boundary treatment and bow top fencing added to balancing pond – 01/09/15 - Granted without conditions

134263 - Planning application to vary condition 9 of planning permission 130995 granted 5 March 2015-boundary treatments – 07/07/16 - Granted time limit and other conditions

Representations

Cllr S England: Objections

I feel this application is premature the review of the CLLP is not complete. It presents a risk of over development the large Beal Homes site is far from built out so it is difficult to predict the long term effect on the village infrastructure health and education and traffic being of concern. There is also the proposal to remove trees this is quite clearly against the wish of The Queen who wishes for a green canopy and following on from the prime ministers statement yesterday to plant more trees. The thought of our council agreeing to remove some seems at best perverse!!

Cllr D M Rodgers: Comment

As an elected representatives of Dunholme and Welton Ward, I hereby call in Planning Application Number 143728, for consideration by the Planning Committee in due time and in due course.

Welton Parish Council: General Observations

Members have had the opportunity to visit the site and found there to be an abundance of wildlife including birds, bats, butterflies and numerous varieties of flora and fauna. There are hundreds of self-set trees at varying degrees of

maturity and although the council accepts this is an allocated site within the Local Plan and the need for future development, this is environmental vandalism. Following encouragement from government in their 25 year environmental plan to make sure there are high quality, accessible, natural spaces close to where people live and work, and for more people to spend time in them to benefit their health and wellbeing and The Queen's Green Canopy, a unique tree planting initiative created to mark Her Majesty's Platinum Jubilee in 2022 which invites people from across the United Kingdom to "Plant a Tree for the Jubilee"; the council is opposed to the destruction of this area at a time when there is a large development currently being built in the village which will meet the needs of those seeking market and affordable homes. The infrastructure in the village is already at breaking point with nowhere for cars to park; only one food store servicing 6000 residents in Welton alone, not counting those who use these services from surrounding villages.

Public Rights of Way Footpath number 54 runs along the perimeter of the site, it is a well walked path and provides a real "country walk"; if this development takes place this amenity will be diminished. The village has few rural walks and this one is particularly valued.

Should permission be granted, the council requests that consideration be given to the road on the eastern side of the development be opened up to form a continuous road around the development and not come to a dead end when accessing from Hampden Close.

Properties should be eco-friendly in providing electric vehicle charging points, storage for bicycles, ground/air source heat pumps and those that are south facing have solar panels – when these are installed when being built it is more economical. They should also consider planting hedges between properties rather than erecting fences, as they absorb CO², don't blow down or become dilapidated and encourage wildlife.

With regard to highway safety issues, access to the site is via a very narrow road (Halfpenny Close) which has cars parked along it making it difficult to pass and often leads to one vehicle having to give way. With the increased traffic generation this could cause issues to accessing and exiting the site, in particular to pedestrian safety for children walking to and from school, those with prams and mobility aids. There are also concerns about the safety of the junction with Hawkes Road being so close to driveways of properties.

Local residents: Representations received from:

Objections:

28, 30 Hampden Close, Welton

4, 11, 15, 20, 22 Hawks Road, Welton

14, 25, 27 The Hardings, Welton

9, 73a Eastfield Lane, Welton

32 Rivehall Avenue, Welton

3 The Eshing, Welton

25 Lincoln Road, Welton
2 Swen Close, Welton
Cammeringham Grange, The Cliff, Cammeringham

Biodiversity

- Loss and destruction of habitat.
- Given the recurring problems with chafer bugs in the village, perhaps the planners would consider laying the green areas to wildflower, rather than grass.
- Grows many different rare orchids.
- Birds, mammals and insects thrive here.
- Haven for wildlife – foxes, owls, bats, birds, snakes etc.
- Ecology survey incorrect.
- Impact on wildlife including deer.
- Hedgerows need to be protected.

Residential Amenity

- Concerned a two storey dwelling is planned to rear of 30 Hampden Close and would have direct view into living room/bedroom.
- Overlooking from plot 44 and 45 on 27 The Hardings from two storey dwellings.
- Privacy issues on 27 The Hardings and other properties on Hampden Court and The Hardings.
- Headlight glare from use of access road from plots 44, 45, 46 and 47 on 27 The Hardings.
- Do not want a building site or an obtrusive residential development on doorstep.
- Disruption from construction building work.
- Loss of view over open fields.

Character

- Can Welton take any more housing development without losing its character and without any increase in amenities.
- Sense of village being lost and no longer exists.

Highway Safety

- Put busy traffic onto Hawks Road which is block paved with no safe footpath.
- Welton is becoming congested and dangerous especially around school pick up/drop off time.
- Many paths in Welton are becoming worn, uneven and dangerous.
- Village cannot support more cars.
- Man access junction to proposed development and its location on the safety of residents, road users, dog walkers, disabled and young children.
- Dead end 6 dwelling section of Hawks Road where people tear round the corner and brick wall on the corner creates a blind bend. Putting Hawks Road access near this is dangerous with 60 vehicles coming and going.
- There is street parking for visitors on Hawks Road.
- There is no path network on either side of Hawks Road.

- Hawks Road access should be a continuation of existing road.
- Hawks Road unsuitable for heavy traffic.
- Northfield Road/Halfpenny Close is saturated with parked vehicles.
- Traffic calming measures and parking restrictions need to be investigated before support.
- Call for robust traffic survey at similar sized development.
- Would roads be kept clean by operator?
- The predicted traffic impact is grossly underestimated.

Drainage

- Sewers are unfit for purpose and increased demand.
- IDB have concerns around increased flood risk to new and existing properties.

Pollution

- Through the removal of positive trees, flowers etc. and adding negative development.
- Vehicles would generate pollution.
- Air pollution would degrade surfaces of historic buildings.

Neighbourhood Plan

- The site is not specifically referenced in the neighbourhood plan.

Footpath

- Only footpath in the village where walkers can experience the pleasure of a real country walk
- Popular and well-loved walking and dog walking route

Ownership

- Plan drawing on page 4 is inaccurate as it is over the end of 15 Hawks Road driveway

Infrastructure

- Welton does not have the infrastructure. This is the 5th proposal in 5 years.
- No expansion of facilities within the village.
- Even with extension doctors surgery will struggle to cope.
- No parking in the village to get to the shops.
- St Mary's Primary School is full to bursting.
- William Farr is oversubscribed.
- Manor Park cannot accommodate all of the young footballers.

Other

- Vast majority of housing not bought by locals.
- Houses not suitable for first time buyers who will be priced out the market.
- No need as hundreds of houses have already been approved in Welton/Dunholme.
- Will destroy a peaceful place which has value to health and wellbeing.

- Full environmental impact survey to be completed by independent enquiry before approving.

LCC Highways/Lead Local Flood Authority: No objection subject to conditions and advice

Conditions recommended are:

- Construction Management Plan and Method Statement
- Completion of Public Highway Improvements
- Completion of Estate Road and Associated Footways
- Travel Plan
- Surface Water Drainage

Environment Agency: Does not wish to comment
It does not appear to match any of the criteria on our consultation checklist.

WLDC Strategic Housing Officer: Comment

Representation received 15th December 2021:

The requirement for affordable housing on this site is 25% which equates to 12 units. After discussions with the developer and Registered provider, it has been agreed this will be delivered as 50% shared ownership and 50% affordable rent in line with the NPPF requirement for 10% of the site to be delivered as a low cost home ownership option and the layout of the site which makes it more acceptable to the Registered Provider to deliver the housing as 6 units of affordable rent and 6 units of shared ownership.

Representation received 30th September 2021:

Policy LP11 of the Central Lincolnshire Local Plan requires developments within the Lincoln Strategy Area to which this site is located to deliver 25% of all dwellings as affordable housing. With a development of 49 houses, this equates to 12.25 units of affordable housing. The application details 12 houses will be provided as affordable which meets this requirement.

The NPPF requires 10% of all housing on site to be delivered as a low cost home ownership tenure which on this site will equate to 5 (4.9 rounded) units. This is not in addition to the affordable housing requirement and can be delivered within the 12 units. The new Government initiative First Homes has now also been brought in via Ministerial Statement and requires 25% of all affordable housing contributions to be First Homes. First Homes can be the low cost home ownership option required by the NPPF. The Central Lincolnshire Local Plan Supplementary Planning Document requires the tenure split of affordable housing on site to be 70% affordable rented and 30% shared ownership. Below is a breakdown of the required tenure for the affordable housing on this site based on all of these requirements;

3 units First Homes
3 units shared ownership
6 units affordable rent

These tenures will need securing through the S106 and the developer will need to inform WLDC of which of these units will be which tenure as this is not currently detailed on the application.

WLDC Environmental Officer: No objections subject to contamination conditions

LCC Archaeology: No objections

Natural England: No objections with advice

Lincolnshire Wildlife Trust: Objections

In its current form, we do not see how the Proposed Site Plan can deliver the minimum of 10% Biodiversity Net Gain now required under the Environment Act 2021. With the recent enactment of the Environment Bill the 'Biodiversity Duties' of local authorities have been strengthened and legal requirements are now in place that require Local Planning Authorities to deliver more than is captured in Central Lincolnshire Local Plan Policy LP21.

We would therefore wish to see a Preliminary Ecological Assessment (PEA) or equivalent document incorporate a BNG Feasibility Study that would establish clearly how a minimum of 10% BNG would be delivered on-site. We would only be happy to see this achieved by offsetting offsite if the full mitigation hierarchy had been observed and other reasonable alternatives had been exhausted. We note that at this stage in the application, no Landscape and Ecological Management Plan (LEMP) has been submitted. We would expect to see such a plan show clearly how BNG (as calculated by the above means) could be delivered.

We support mitigations proposed in the Ecology Report for nesting birds, bats and directional clearance to reduce risk to amphibians and reptiles.

We note that the inspection completed in April 2021 did not identify any physical evidence or field signs of protected species within the survey area. However, we have received information from local residents that 'snakes' (most likely to be grass snakes) have been seen on site. We would request that this be given professional consideration and surveyed for in advance of ground disturbance as an additional precaution.

We note that the grassland survey was undertaken early in the year before full detail of the habitat could have been surveyed and that two species are recorded as present which are used as indicator species for species-rich neutral grassland in Local Wildlife Site assessments. This suggests that the 'unmanaged grassland' may contain further botanical interest. We support the recommendations made in the Tree and Landscape Officer Comment and Ecology Report to infill gaps in boundary hedgerows with a diverse selection of native shrubs.

The western boundary contains a drainage feature and has the potential to be the most ecologically important stretch of boundary. We note from the

Proposed Site Plan that Public Open Space would be located at this location, but we would want to see this area utilised more fully to deliver multifunctional sustainable urban drainage (SUDs) incorporating biodiverse marginal, and wetland native planting.

All internal boundaries should be permeable to hedgehogs where possible and lighting should avoid spilling onto potential bat commuting corridors; i.e. boundary hedgerows and tree lines.

We hold the view that the retention, widening, infilling and increase in height, and diversity of native boundary vegetation would be a key element in delivering biodiversity net gain on this site as well as the retention of more mature trees – especially those recorded as providing notable habitat value for bats. In addition, species rich, neutral grassland would appear to be a further biodiversity opportunity based on the local soil type which would act as an ecologically valuable and complementary fringing habitat to appropriate scrub and tree planting or ideally retention.

WLDC Tree and Landscape Officer: Comments

If these plans are intended to show a proposed scheme of landscaping, then some alterations are required to positioning, hedgerow planting, and information is required to give species, size and form.

LCC Education: No contribution required

There is sufficient primary capacity in the locality. There would have been a secondary education request of £135,931 and a sixth form request of £18,427, however at the present time that is still covered by Community Infrastructure Levy so no request is made at this point.

NHS: Contribution required to be secured by S106 Legal Agreement

The above development is proposing 49 dwellings which, based on the average of 2.3 person per dwelling for the West Lindsey District City Council area, would result in an increase in patient population of 113.

The Welton Surgery currently has 12 clinical rooms (this does not include the extension as it is not officially open at the moment). The surgery has 100% utilisation rate. The practice is providing primary care to a patient list size of 9,454 (list size as on 1st July 2021).

The Welton Surgery will use the funding to reconfigure existing space to create larger clinical space and more flexibility to deliver clinical services to manage the projected patient increase.

The PCN is working to employ additional staff to increase capacity within primary care and as more care is moved to the community from secondary care closer to individuals home

The contribution requested for the development of £30,992.500 (£632.50 x 49 dwellings.)

After reviewing the practice response regarding their capacity to accommodate the increase in patient numbers arising from this development, it's requested that the trigger point for the release for funds for health care be set at payment of all monies upon completion of 50 percent of the dwellings for each phase of the development. This will ensure the practices are not placed under undue pressure.

To ensure that there is sufficient time carry out the works and allow the s106 funds to be spent in the most appropriate way, a repayment period of 10 years from receipt of the final payment transfer (for the entire development) to the relevant NHS body will be required.

The funding is required for the development for the Land North of Hawks Road, Welton for a contribution to allow further expansion or reconfiguring of the Welton Medical Centre to cover the extra capacity created by 49 dwellings.

Anglian Water: Comments

Assets Affected

No known Anglian Water assets affected.

Wastewater Treatment

The foul drainage from this development is in the catchment of Dunholme Water Recycling Centre that will have available capacity for these flows.

Used Water Network

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

Surface Water Disposal

The surface water strategy/flood risk assessment submitted with the planning application relevant to Anglian Water is unacceptable Anglian Water will only permit the 1 in 1 year rate as a maximum discharge rate. We would therefore recommend that the applicant needs to consult with Anglian Water and the Lead Local Flood Authority (LLFA). We request a condition requiring a drainage strategy covering the issue(s) to be agreed.

Witham Internal Drainage Board: Comments

Further input and consultation from the Board is requested, prior to full approval being granted by LPA.

North into Private/Riparian watercourse, then into Board maintained 2008 – Eastfield Drain

The first proposal (Page 9 of 37 and Conclusion of FRA & DS) explains surface water discharge to the North of the site, restricted to green field rate, into a private / riparian watercourse before discharging into the Board maintained 2008 – Eastfield Drain, approximately 550m to the north of the site. At the time of writing, the application does not appear to highlight the proposed watercourse to be utilised and an assumption was made it may be

the watercourse to the East of the site. If so, further investigation may be required as to the current fall of this watercourse and its connection to the Board maintained 2008 - Eastfield Drain.

Under the terms of the Land Drainage Act. 1991 the prior written consent of the Board is required for any proposed temporary or permanent works or structures within any watercourse including infilling or a diversion. Under the terms of the Board's Byelaws, the prior written consent of the Board is required for the introduction of any water into the district, whether directly or indirectly. Additionally, the prior written consent of the Board is required for any proposed temporary or permanent works or structures in, under, over or within the byelaw distance of 9m of the top of the bank of a Board maintained watercourse. Consent Application forms can be downloaded from the Board's website.

Consideration must be given to the route of flow downstream of the site from the discharge point to an appropriately maintained watercourse. Are there any off site works or the need for increased maintenance required to safeguard the site discharge for the life of the development. (Culvert/Field crossing) A permanent undeveloped strip of sufficient width should be made available adjacent to the top of the bank of all watercourses on and from the site to allow future maintenance works to be undertaken. Suitable access arrangements to this strip should also be agreed. Access should be agreed with the Local Planning Authority, LCC and the third party that will be responsible for the maintenance in consultation with the Internal Drainage Board where a watercourse is subject to Byelaws.

All Surface water discharging in to proposed Attenuation Basin, then Southwards into Anglian Water Surface Water system

The second proposal (FRA Appendix D – Studio 11 Drawing titled Proposed Drainage Strategy (Dwg No: 546-S11-00-SI-SK-C-9000 Rev: /) shows all SW drainage falling to the Attenuation Basin, then a restricted discharge (Hydrobrake @ 8l/s – Southwest corner) into the Anglian Water surface water drainage system via an existing manhole (SWMH9355) which is proposed to be redeveloped. It is unclear if this then eventually discharges into EA Main River – Welton/Dunholme Beck.

Where Surface Water is to be directed into a Mains Sewer System the relevant bodies must be contacted to ensure the system has sufficient capacity to accept the additional Surface Water. The Board also requests that the applicant identify the receiving watercourse that the sewer discharges into and provide details on the potential effect that the proposed discharge may have on the receiving watercourse.

Overall, the Board has a major concern over the long-term maintenance of methods and arrangements such as the use of riparian water courses and attenuation basins and the difficulties of enforcing them. As the Local Planning Authority West Lindsey DC must ensure provisions are put in place to safeguard the long-term maintenance of such, so there is no increased

flood risk to the new and existing properties, as currently the only way to enforce this is through the provisions in the planning process.

WLDC Economic Development: No representations received to date

WLDC Waste Services: No representations received to date

Lincolnshire Police: No representations received to date

Ramblers Association: No representations received to date

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 Welton by Lincoln Neighbourhood Plan (made 5th September 2016); 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

LP9 Health and Wellbeing

LP10 Meeting Accommodation Needs

LP11 Affordable Housing

LP12 Infrastructure to Support Growth

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

LP24 Creation of New Open Space, Sports and Recreation Facilities

LP25 The Historic Environment

LP26 Design and Amenity

LP52 Residential Allocations – Large Villages

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

- ***Welton by Lincoln Neighbourhood Plan (WNP)***

Relevant policies of the NP include:

Policy H1 Type, Size and Mix

Policy D1 Village Character

Policy D2 Safe Environment

Policy EN1 Environmental Capital
Policy EN2 Habitat
Policy EN3 Flood Risk
Policy T2 Cycling
Policy W1 Healthcare
Policy W2 Sports and Recreation
Policy ED1 Improving Education

Welton by Lincoln Village Character Assessment

The site is not within a specified character area as set out in figure 32 (page 35) of the Character Assessment. The site is adjacent to Area I and to a lesser extent Area K.

- ***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/residents/environment-and-planning/planning-and-development/minerals-and-waste/88170.article>

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 2021.

Paragraph 68 states:

"strategic policy-making authorities should have a clear understanding of the land available in their area through the preparation of a strategic housing land availability assessment. From this, planning policies should identify a sufficient supply and mix of sites, taking into account their availability, suitability and likely economic viability. Planning policies should identify a supply of:

a) specific, deliverable sites for years one to five of the plan period and

b) specific, developable sites or broad locations for growth, for years 6-10 and, where possible, for years 11-15 of the plan."

Paragraph 70 states:

"Neighbourhood planning groups should also consider the opportunities for allocating small and medium-sized sites (of a size consistent with paragraph 68a) suitable for housing in their area."

Paragraph 119 states:

“Planning policies and decisions should promote an effective use of land in meeting the need for homes and other uses, while safeguarding and improving the environment and ensuring safe and healthy living conditions.”

Paragraph 131 states:

“Trees make an important contribution to the character and quality of urban environments, and can also help mitigate and adapt to climate change. Planning policies and decisions should ensure that new streets are tree-lined, that opportunities are taken to incorporate trees elsewhere in developments (such as parks and community orchards), that appropriate measures are in place to secure the long-term maintenance of newly-planted trees, and that existing trees are retained wherever possible. Applicants and local planning authorities should work with highways officers and tree officers to ensure that the right trees are planted in the right places, and solutions are found that are compatible with highways standards and the needs of different users.”

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/collections/planning-practice-guidance>

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

<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
S2 Growth Levels and Distribution
S4 Housing Development in or Adjacent to Villages
S6 Reducing Energy Consumption – Residential Development
S20 Flood Risk and Water Resources
S21 Affordable Housing
S22 Meeting Accommodation Needs
S44 Strategic Infrastructure Requirements
S46 Accessibility and Transport
S47 Walking and Cycling Routes
S48 Parking Provision
S50 Creation of New Open Space, Sports and Leisure Facilities
S52 Design and Amenity
S53 Health and Wellbeing
S55 Development on Land Affected by Contamination
S56 The Historic Environment
S59 Protecting Biodiversity and Geodiversity
S60 Biodiversity Opportunity and Delivering Measurable Net Gains
S65 Trees, Woodland and Hedgerows
S79 Housing Sites in Large Villages (WL/WELT/003)

In the key issues report following the consultation period no issues were raised in relation to allocated site WL/WELT/003 in draft policy S79. One representation of support was submitted from Lindums.

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.

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

Other:

Central Lincolnshire Developer Contributions Supplementary Planning Document - Adopted June 2018

<https://www.n-kesteven.gov.uk/central-lincolnshire/local-plan/supplementary-planning-documents-and-guidance-notes/>

Environmental Bill 2021

<https://bills.parliament.uk/bills/2593>

Main issues:

- Principle of the Development
Central Lincolnshire Local Plan 2012-2036
Welton by Lincoln Neighbourhood Plan
Discussion
Concluding Statement
- Affordable Housing
- Developer Contributions
National Health Service
LCC Education
Open Space
Community Infrastructure Levy
- Health Impact Assessment
- Visual Impact
- Residential Amenity
- Highway Safety
- Drainage
Foul Water
Surface Water
- Archaeology
- Biodiversity
Trees
Protected Species
- Landscaping
- 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:

Local policy LP2 sets out a spatial strategy and settlement hierarchy from which to focus growth. Local policy LP2 states most housing development proposals in Welton (Large Village) will be '*via sites allocated in this plan, or appropriate infill, intensification or renewal within the existing developed footprint*'.

Local Policy LP52 identifies sites within large villages which are allocated primarily for residential use. This Welton site is identified by allocation reference CL4490 as land at The Hardings, Welton (4.15 hectares) for an indicative/remaining capacity of 50 dwellings.

Welton by Lincoln Neighbourhood Plan (WNP):

As referenced above the made Welton Neighbourhood Plan is part of the Development Plan and has full weight in the decision making process. The relevant policies are listed in the policy section above.

Policy H1 sets out that development of over 10 dwellings must demonstrate how the mix, type and scale of dwellings has taken account of local need.

Policy D1 sets out that development should respect local character and include wildlife features.

Policy D2 requires development to be safe and accessible environments.

Policy EN1 protects biodiversity and promotes net biodiversity gain. Protects watercourses from degradation and pollution.

Policy EN2 encourages habitat creation and enhancement.

Policy EN3 promotes that use of sustainable urban drainage systems to reduce surface water run off.

Policy T2 Cycling encourages new cycleways, paths and secure storage facilities.

Policy W1 Healthcare would support development which expands or provides new healthcare facilities.

Policy W2 would support the development of public sports and recreation facilities.

Policy ED1 would support development which improves William Farr Comprehensive School and St Mary's Primary School.

Discussion:

The application proposes to construct 49 dwellings on part (2.35 hectares) of an allocated site which adjoins a number of boundaries of the settlement of Welton. Allocated site CL1490 in total covers 4.15 hectares of land and has already been subject of an approved planning permission (130995) for 50 dwellings which has been fully built out. Planning permission 130995 covered 1.7 hectares of the site leaving more than half of the allocated site undeveloped.

This current application is for up to 49 dwellings on 2.35ha – a development density of 20.9 dwellings per hectare (dph).

Local policy LP52 of the CLLP identifies that allocated site CL1490 is appropriate for an indicative/remaining capacity of 50 dwellings towards the growth of Welton and the Central Lincolnshire housing supply.

Page 26 of the WNP identifies the site as site 1 (land off Halfpenny Close) and that construction is underway. Page 26 additionally states *that “The WNP does not propose housing numbers for any site.”*

Local policy S79 of the DCLLP which has some limited weight in the decision making process as emerging policy, proposes to continue the allocation of the undeveloped site in question as WL/WELT/003 (Land at The Hardings, Welton) for an indicative 42 dwellings on 2.26 hectares of land.

The subject of indicative numbers attached to allocated sites has been considered previously by the Local Planning Authority, the Local Plans Team and Planning Inspectors.

Paragraph 10.2.1 of The CLLP includes that *“The indicative numbers of dwellings are used to demonstrate how the Local Plan requirement can be met. It is emphasised that they are only ‘indicative’, and do not represent a fixed policy target for each individual site.”*

Paragraph 10.2.2 of the CLLP states that “Developers are encouraged to produce the most appropriate design-led solution, taking all national policies and other Local Plan policies into account, in arriving at a total dwelling figure for their site, and they need not be constrained by the figure that appears in the column headed ‘indicative dwelling figure’.”

Paragraph 119 of the NPPF guides that *“planning policies and decisions should promote an effective use of land in meeting the need for homes and other uses, while safeguarding and improving the environment and ensuring safe and healthy living conditions.”*

The Local Plans Team have commented stating that *“whilst the Local Plan has an indicative dwelling figure of 50..., this indicative figure should not be viewed as a ceiling and proposals at allocated sites should be based on the most appropriate design-led solutions taking into account wider policies. For the avoidance of any doubt, I would not see these ‘additional’ dwellings as being contrary to the allocation because they are over the indicative figure, provided that the design is appropriate for the site and satisfies the other policies in the plan.”*

A recent appeal decision is considered relevant as the application for 63 dwelling at Hawthorn Road, Nettleham was conditioned for a maximum of 50 dwellings to meet the indicative number in the CLLP and the Neighbourhood Plan. This condition was appealed against and allowed. In summary the planning inspector set out that the indicative number was not a rigid maximum, the relevant policies had flexibility and the site in question was of a scale large enough to accommodate 63 dwellings. The inspector in paragraph 17 of the appeal decision stated that:

“In this case, layout is a reserved matter and the details presented with the application are indicative; however, they show that 63 dwellings could be delivered on the site at a density of 20 dwellings per hectare (dph), which

would accord with the maximum permissible density set out in the NNP, and the size of the site given in the CLLP.”

“Regardless, the development proposed in this case would be compliant with the Council’s own density parameters, and I am not persuaded that there is any justification for limiting the development to 50 dwellings on the basis of density.”

As this is a full application it has included site layout plan J2102-00106 Rev C dated 26th August 2021 which demonstrates that the remainder of the allocated site can accommodate the proposed amount of dwellings alongside infrastructure and an area of open space.

To put into perspective planning permission 130995 permitted 50 dwellings on 1.7 hectares of land equating to approximately 29 dwellings per hectare. This application proposes 49 dwellings on 2.35 hectares of land equating to 20 dwellings per hectare. The development is therefore of low density, providing generous sized plots whilst relating well to the surrounding residential built form of the area.

As previously stated the layout demonstrates a density and form which is appropriate to the adjoining residential area and provides a good mix of dwellings including affordable housing on site to suit the needs of all ages.

The development would make effective use of the remaining area of the allocated site. The proposal would provide contributions to local national health facilities to retain the standard and quality of service provided to the community whilst supporting the local economy within the village. The site would include the required quantity of open space whilst being located within reasonable walking distance of play equipment and the park (Manor Park and Welton Sports and Social Club).

Concluding Statement

The principle of housing development on the site has been established by its allocation status (CL1490) in the CLLP.

The NPPF (Chapter 11) encourages the effective use of land – it states that *“Planning policies and decisions should promote an effective use of land in meeting the need for homes and other uses”* (paragraph 119) and even that *“local planning authorities should refuse applications which they consider fail to make efficient use of land, taking into account the policies in this Framework”* (paragraph 125).

The application proposes the development of an allocated site at 21dph. Combined with previous development, this would result in 99 dwellings across 4.15ha – an overall gross density of 24dph. This accords with the formula used in the CLLP¹ to estimate site capacity – which would calculate a 4.15ha site in this location at 94 dwellings overall.

¹ LP48-LP54 residential allocations Evidence Report (April 2016)

The application has demonstrated that the remainder of the allocated site is capable of accommodating a density of 49 dwellings at an appropriate density whilst satisfactorily incorporating the development into the community. The development therefore accords with local policies LP1, LP2 and LP52 of the CLLP, policy H1 of the WNP, draft local policy S1, S2 and S79 of the DCLLPR and the provisions of the NPPF.

It is considered that policies LP1, LP2, LP52 and H1 are consistent with the sustainability and housing growth guidance of the NPPF and can be attached full weight.

Affordable Housing

Local policy LP11 of the CLLP states that ‘*affordable housing will be sought on all qualifying housing development sites of 11 dwellings or more*’. Criteria b (i) equates that to 25% (Lincoln Strategy Area (Excluding SUE’s)) of the dwellings on site being affordable housing.

The WNP is not silent but does not include a specific policy on affordable housing but section 6.3 (pg26-27) has a statement of intent stating that “*The WNP recognises the need to provide housing that is affordable and accessible. The Parish Council will, by working with relevant agencies, monitor and review future need. With building work ongoing for many years, it should be possible to react to such need, perhaps using the Community Right to Build. Entitlement and priority to affordable housing will be set by WLDC Home Choice*”.

The Authorities Homes, Health and Wellbeing Team Manager confirms that the amount of affordable housing proposed by the development meets the required number for a 49 dwelling development in Welton and “*After discussions with the developer and Registered provider, it has been agreed this will be delivered as 50% shared ownership and 50% affordable rent in line with the NPPF requirement for 10% of the site to be delivered as a low cost home ownership option and the layout of the site which makes it more acceptable to the Registered Provider to deliver the housing as 6 units of affordable rent and 6 units of shared ownership.*”

Paragraph 1.2 of the planning statement states that “the new homes will comprise a mix of houses and bungalows (for over 55s) and will also include 12 affordable homes to be managed by ACIS (a local registered provider)”. This equates to 24.5% of the dwellings being affordable homes which accords with the required provision for Welton.

The agent has submitted heads of terms to ensure the provision of affordable homes is legally obliged through a signed and certified S106 agreement created by the Authorities legal team.

The development is therefore in accordance with the affordable housing contribution required by local policy LP11 of the CLLP, draft local policy S21 of the DCLLPR and the provisions of the NPPF.

It is considered that policy LP11 is not wholly consistent with the affordable housing for major developments guidance of the NPPF and can be attached some weight.

Developer Contributions

Objections have been received from residents in relation to the impact of the development on the local medical centre and Primary School.

Local policy LP9 of the CLLP states that *'The Central Lincolnshire authorities will expect development proposals to promote, support and enhance physical and mental health and wellbeing, and thus contribute to reducing health inequalities. This will be achieved by:*

- a) *Seeking, in line with guidance at policy LP12, developer contributions towards new or enhanced health facilities from developers where development results in a shortfall or worsening of provision, as informed by the outcome of consultation with health care commissioners'*

Local policy LP12 of the CLLP states that *'developers will be expected to contribute towards the delivery of relevant infrastructure. They will either make direct provision or will contribute towards the provision of local and strategic infrastructure required by the development either alone or cumulatively with other developments'*.

Policy W1 and ED1 supports development which would expand and/or improve local health and educational facilities within the village.

National Health Service (NHS):

The Locality Improvement and Delivery Manager at the NHS has requested a contribution of £30,992.50 (£632.50 x 49 dwellings). This will help create larger consultation space and more flexibility to deliver clinical services at the Welton Surgery to manage the projected patient increase. This would facilitate both collaboration and integrated working of health and wellbeing services, to meet the projected increase in the patient population. Whilst supporting the sustainability of key services in the community enabling an equitable health care provision across the patient population.

LCC Education:

The Strategic Development Officer (SDO) at Lincolnshire County Council has not requested a contribution towards primary schools as there is sufficient capacity in the area. Secondary school contributions would be covered by the Community Infrastructure Levy.

The agent has submitted heads of terms to ensure the NHS contribution is paid in a timely manner at agreed trigger points through a signed and certified S106 agreement created by the Authorities legal team. Therefore these contributions will ensure that the development will not have a significant harm on the community value of the Welton Surgery.

The development is therefore in accordance with local policy LP12 of the CLLP, policy W1 and ED1 of the WNP, draft policy S44 of the DCLLP and the provisions of the NPPF.

It is considered that policy LP12, W1 and ED1 are consistent with the infrastructure contributions guidance of the NPPF and can be attached full weight.

Open Space:

Local policy LP24 of the CLLP states that *'The Central Lincolnshire Authorities will seek to:*

- *reduce public open space, sports and recreational facilities deficiency;*
- *ensure development provides an appropriate amount of new open space, sports and recreation facilities; and*
- *improve the quality of, and access to, existing open spaces, sports and recreation facilities.*

'Residential development will be required to provide new or enhanced provision of public open space, sports and recreation facilities in accordance with the standards set out in Appendix C and in compliance with the latest Central Lincolnshire Developer Contributions Supplementary Planning Document (or similar subsequent document)'. It additionally states that the first option is for it to 'be provided on-site in a suitable location'.

Policy W2 of the WNP would support the development of public sports and recreation facilities.

Appendix C of the CLLP provides the standards required for category 4 settlements in the hierarchy of local policy LP2. It declares that the local usable greenspace should be at a level of 1.5 hectares per 1000 population.

It is preferred that the greenspace is provided on site but if not feasible then an offsite contribution to improve existing facilities will be considered.

Appendix C additionally sets out accessibility and quality standards to open space play provision within the area. These standards are:

Open Space Type	Accessibility Standards	Quality Standard
Amenity Green space over 0.2 hectare	Local (LAP) - 400m or 5 minute walk	Good and above as defined by Green Flag standards or any locally agreed quality criteria.
Formal Equipped Play areas	Local Equipped Area of Play (LEAP) - 400m or 5 minute walk	Good and above as defined by Fields in Trust standards and/or any locally

	Neighbourhood Equipped Area of Play (NEAP) - 1200m or 15 minute walk	agreed quality criteria.
Playing Field provision	Local provision - 1200m or 15 minute walk Strategic provision - 15km distance or 15 minute drive	Good and above as defined by sport England Governing body standards or locally agreed quality criteria.

According to The Fields in Trust website ²(FIT) (previously the National Playing Fields Association (NPFA)) *standards have 3 categories of equipped play areas. These are local areas for play (LAP), local equipped area for play (LEAP) and neighbourhood equipped area for play (NEAP). The main characteristics of each category are:*

LAP (Local Area for Play)

The LAP is a small area of open space specifically designated and primarily laid out for very young children to play close to where they live.

LEAP (Local Equipped Area for Play)

The LEAP is an area of open space specifically designated and laid out with features including equipment for children who are beginning to go out and play independently close to where they live.

NEAP (Neighbourhood Equipped Area for Play)

The NEAP is an area of open space specifically designated, laid out and equipped mainly for older children but with the play opportunities for younger children as well.

Manor Park Sports Ground is an approximate 800m (via Halfpenny Close, Northfield Road and Hackthorn Road) walk from the proposed vehicular access of the site. Manor Park Sports Ground is accessible on foot via lit public footpaths and comprises the following facilities:

- Large pavilion (includes a library)
- Large car park
- Full and junior sized football pitches
- Enclosed Artificial pitch
- Enclosed Crown Bowling Green
- Skate Park
- Fully fenced young children's play area
 - 3 springy rides
 - 1 climbing frame
 - 1 toddler climbing/slide combination
 - 2 young child swing

² <http://www.softsurfaces.co.uk/blog/playground-surfacing/lap-leap-neap-play-area/>

1 toddler swing

The Welton Sports and Social Club is an approximate 900m walk (via Halfpenny Close, Northfield Road, Hackthorn Road and Ryland Road) from the proposed vehicular access of the site and comprises the following facilities:

- Social club
- Modest car park
- Football pitch (no goals)
- Grass space
- 1 Older and 1 younger climbing frame
- 3 older children swings
- 2 toddler swings
- 4 springy rides
- 1 toddler slide
- 1 toddler roundabout
- 6 benches
- 3/4 bins

In light of the facilities listed above Manor Park Sports Ground and Welton Sports and Social Club are considered to be a Neighbourhood Equipped Area for Play (NEAP).

When compared against the standards table in appendix C Mulsanne Park and Welton Sports and Social Club are within the 1200m or 15 minute walk limit for a NEAP. The open space on the site would provide a LAP within 400 metres. There would not be a LEAP within 400 metres but these are available with adult supervision via lit public footpaths.

The presence of a Public Rights of Way adjacent the east boundary would provide a further close useful mode of outdoor exercise to the residents and provide public access to walks within the open countryside. The presence of the Public Rights of Way is a bonus to the potential future residents and would provide an added benefit.

Site layout plan J2102-00106 Rev C dated 26th August 2021 identifies an area of public open space which will provide an onsite local area of play (LAP). It is approximated that the area of proposed public open space to the west of the site is 3,470m². In total the site is 23,500m² (2.35 hectares) in size which equates to 14% (3,470m²) of the site set aside for public open space. Paragraph 10.8 of the Central Lincolnshire Developer Contributions Supplementary Planning Document (DCSPD) adopted June 2018 provides a table to enable an assumption of housing developments population creation.

In this case the open space figure can be calculated as the application is a full application including elevation and floor plans. The development would comprise:

12 x 2 bedroom dwellings (average 1.7 people)
27 x 3 bedroom dwellings (average 2.3 people)
10 x 4 bedroom dwellings (average 3.1 people)

The average number of people per dwelling size in West Lindsey is set out in paragraph 10.8 of the DCSPD. Therefore the average population can be calculated as follows:

$12 \times 1.7 = 20.4$ people
 $27 \times 2.3 = 62.1$ people
 $10 \times 3.1 = 31$ people

Therefore the amount of people that on average would populate the development is 113.5 people. If you divide this figure by 49 you get the average population for the whole development which equates to 2.3 people per dwelling.

The overall average of people is then multiplied by the dwellings (2.3×49) which equates to the development accommodating on average 113 (112.7) people. Therefore the development would increase the population of Welton by approximately 113 people.

To derive at the amount of public open space the development should deliver it is necessary to calculate the proposed population increase against the amount of greenspace the development should deliver (preferably on site):

$113 \text{ (average people per dwelling)} / 1000 \text{ population} \times 1.5 \text{ hectares} = 0.1695$ hectares or 1695m^2

Therefore using these figures the area of open space proposed on the site plan ($3,470\text{m}^2$) is more than double the required 1695m^2 .

The development would provide double the policy requirement of open space provision (LAP) on the site and would be connected to a public right of way for access to open countryside walks. The development would also be located within acceptable walking distances of existing open space facilities with good quality play equipment (NEAP) in the village but would not be within 400 metres of a LEAP. The nearest LEAP is approximately 800 metres away but is accessible by lit pedestrian footpaths.

Therefore cumulatively the development particularly with the large area of open space would accord with local policy LP9 and LP24 of the CLLP, draft policy S50 and S53 of the DCLLPR and the provisions of the NPPF.

Maintenance and management of the public open space has been included in the S106 Heads of Terms so will be legally obliged through a signed and certified S106 Legal Agreement.

It is considered that policies LP9 and LP24 are consistent with the public open space and health guidance of the NPPF and can be attached full weight.

Health Impact Assessment

Local policy LP9 states that planning has a vital role *‘in creating and supporting strong, vibrant and healthy communities, in terms of physical and mental health, is well recognised and is a key element in delivering **sustainable development** (Bold format added)’*. Criteria (b) of LP9 states that *‘In the case of development of 25 dwellings or more, or 0.5ha or more for other development, developers submitting a fit for purpose Health Impact Assessment (HIA) as part of the application or master planning stage where applicable, and demonstrating how the conclusions of the HIA have been taken into account in the design of the scheme. The HIA should be commensurate with the size of the development’*.

The agent submitted a Health Impact Assessment (HIA) on 30th November 2018. This has satisfactorily answered all the themes set out in the HIA checklist and is commensurate to the size of the proposal. This together with the contribution to enhance medical facilities within Welton and provide open space on site is deemed to accord with local policy LP9 of the CLLP, draft policy S53 of the DCLLP and the provisions of the NPPF.

It is considered that policies LP9 is consistent with the health guidance of the NPPF and can be attached full weight.

Visual Impact

Objections have been received in relation to character and the sense of loss of a village.

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;

Policy D1 (village character) of the WNP sets out that development should respect local character.

The application does not include any specific external materials for the dwellings and garages. The application form simply states brick and red clay pantile materials but no window or door details. The development would be expected to be constructed from an acceptable mix of brick and roof materials for the area with different colour finishes to the windows. This would stop the development from having a uniform appearance and will add some visual interest. It is considered necessary and reasonable to recommend that all external materials can be conditioned on the permission.

The dwellings are proposed to be (all approximate from submitted plans):

Plot	Name	Type	Bed	Height	Eaves	Width	Length
1	Richmond	2 Storey	4	8.4	5.2	8.7	15.5
2	Regent (h)	2 Storey	4	8.2	5.2	9.4	8.7
3	Regent (h)	2 Storey	4	8.2	5.2	9.4	8.7
4	Gloucester (h)	2 Storey	4	8.2	5.1	9	10.8
5	Balmoral	3 Storey	3	10.1	5.7	5.2	10
6	Balmoral	3 Storey	3	10.1	5.7	5.2	10
7	Greenwich	2 Storey	3	8.5	5.2	5.3	8.8
8	Greenwich	2 Storey	3	8.5	5.2	5.3	8.8
9	Regent (h)	2 Storey	4	8.2	5.2	9.4	8.7
10	Gloucester (h)	2 Storey	4	8.2	5.1	9	10.8
11	Balmoral	3 Storey	3	10.1	5.7	5.2	10
12	Balmoral	3 Storey	3	10.1	5.7	5.2	10
13	Gloucester	2 Storey	4	8.2	5.1	9	10.8
14	Eltham	2 Storey	2	8.3	5.2	4.6	8.6
15	Lacey B	2 Storey	2	8.8	5.6	9.2	8.8
16	Osbourne	2 Storey	3	9	5.2	7	9.1
17	Greenwich	2 Storey	3	8.5	5.2	5.3	8.8
18	Greenwich	2 Storey	3	8.5	5.2	5.3	8.8
19	Gloucester (h)	2 Storey	4	8.2	5.1	9	10.8
20	Greenwich	2 Storey	3	8.5	5.2	5.3	8.8
21	Greenwich	2 Storey	3	8.5	5.2	5.3	8.8
22	Kingsbourne	2 Storey	3	9	5.2	8.9	7
23	Kingsbourne (h)	2 Storey	3	9	5.2	8.9	7
24	Greenwich	2 Storey	3	8.5	5.2	5.3	8.8
25	Greenwich	2 Storey	3	8.5	5.2	5.3	8.8
26	Greenwich	2 Storey	3	8.5	5.2	5.3	8.8
27	Greenwich	2 Storey	3	8.5	5.2	5.3	8.8
28	Gloucester	2 Storey	4	8.2	5.1	9	10.8
29	Kingsbourne	2 Storey	3	9	5.2	8.9	7
30	Greenwich	2 Storey	3	8.5	5.2	5.3	8.8
31	Greenwich	2 Storey	3	8.5	5.2	5.3	8.8
32	Greenwich	2 Storey	3	8.5	5.2	5.3	8.8
33	Greenwich	2 Storey	3	8.5	5.2	5.3	8.8
34	Brompton	2 Storey	4	8.1	5.2	8.5	10.3
35	Kingsbourne (h)	2 Storey	3	9	5.2	8.9	7
36	Eltham	2 Storey	2	8.3	5.2	4.6	8.6
37	Eltham	2 Storey	2	8.3	5.2	4.6	8.6

38	Beaumont	2 storey	3	8.5	5.2	5.3	8.8
39	Beaumont	2 storey	3	8.5	5.2	5.3	8.8
40	Beaumont	2 storey	3	8.5	5.2	5.3	8.8
41	Beaumont	2 storey	3	8.5	5.2	5.3	8.8
42	Albany	2 storey	2	8.4	5.2	4.6	8.5
43	Albany	2 storey	2	8.4	5.2	4.6	8.5
44	Albany	2 storey	2	8.4	5.2	4.6	8.5
45	Carlton CA	Bung	2	5.5	2.5	11.1	8.9
46	Carlton CA	Bung	2	5.7	2.7	10.9	8.9
47	Carlton CA	Bung	2	5.7	2.7	10.9	8.9
48	Carlton CA	Bung	2	5.7	2.7	10.9	8.9
49	Carlton CA	Bung	2	5.7	2.7	10.9	8.9

Key:

H = Handed Drawing

Bung = Bungalow

Each plot will have the following garage provision:

Type	Plot Number
Detached Single	2, 3, 5, 6, 7, 8, 9, 11, 12, 16, 17, 18, 20, 21, 24, 29, 30, 31, 32, 33, 35
Detached Double	23
Integral Single	1, 4, 10, 13, 19, 28, 34
No	14, 15, 22, 24, 25, 26, 27, 36, 37, 38, 39, 40, 41, 42, 43, 44, 45, 46, 47, 48, 49

The proposed dwellings will predominantly be two storey in scale with 5 bungalows on plots 45 to 49 and 4 three storey dwelling on plots 5, 6, 11 and 12. The bungalows are positioned to the south part of the site and predominantly share a boundary with dwellings off the Hardings. The site would comprise:

- 16 detached dwellings
- 30 semi-detached dwellings
- 3 terraced dwellings

The proposed development includes numerous house types in terms of scale and appearance. None of the two or three storey dwellings proposed are considered overly large in terms of height ranging from approximately 8.1 metres to 10.1 metres high. The variety of designs and the concept of positioning the same design on different parts of the site would provide a more appropriate development than if the designs were concentrated in one particular area.

The site is shares parts of the south and west boundaries with modern residential dwellings some of which have been constructed with the last 5 to 10 years. The density of the development as previously confirmed is lower

than the density of the surrounding modern developments with generous plots sizes and open space.

It is therefore considered that the layout, scale and appearance of the dwellings would not have a harmful visual impact on the site, the street scene or the settlement edge of Welton and accords to local policy LP17 and LP26 of the CLLP, policy D-1 of the WNP, draft policy LP52 of the DCLLPR and the provisions of the NPPF.

It is considered that policy LP17, LP26 and policy D-1 are consistent with the design, character and visual amenity guidance of the NPPF and can be attached full weight.

Residential Amenity

Objections have been received in relation to residential amenity concerns particularly from the residents of 27 The Hardings and 30 Hampden Close.

Local 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.”*

Section 7 of the WNP states that there should be “no unacceptable loss of light to neighbouring properties”.

The proposed development is of a low density which enables good separation between the dwellings on the site and the existing dwellings on the shared boundary off The Hardings, Hampden Close and Hawks Road.

27 The Hardings:

27 The Hardings would share a boundary with proposed plot 45 which would comprise a bungalow, along with a shared driveway serving plots 45 & 46. Plot 45 does not propose windows within its side elevation. This alongside appropriate landscaping would not be expected to unduly harm the living conditions of 27 The Hardings from overlooking, an overbearing impact, loss of light or headlight glare.

30 Hampden Close:

30 Hampden Close would also share a boundary with proposed plot 45 which would comprise a bungalow. There would be approximately 23 metres between the rear elevation of 30 Hampden Close and plot 45. Plots 42, 43 and 44 are to the north west of 30 The Hardings but a considerable distance away. The nearest plot to 30 The Hardings would be plot 42 at approximately 27 metres away. This alongside appropriate landscaping would not be expected to harm the living conditions of 30 Hampden Close from overlooking, an overbearing impact or a loss of light.

The development would therefore not be expected to harm the living conditions of the existing neighbouring dwellings or the living conditions of the future residents.

Resident comments have additionally be made in relation to disturbance from the construction phase. Although the construction phase is temporary it can last a number of months when constructing 49 dwellings. To ensure the construction phase would not have an overly disturbing impact on the existing residents it is considered relevant, reasonable and necessary to attach a recommended construction management plan condition to the permission.

Therefore overall the development would not be expected to harm the living conditions of the existing or future residents and would accord with local policy LP26 of the CLLP, section 7 of the WNP, draft policy LP52 of the DCLLPR and the provisions of the NPPF.

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

Highway Safety

Objections have been received in relation to Highway Safety.

Local policy LP13 of the CLLP 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 would be supported.”*

Whilst the WNP does comprise a parking policy (T1) it is considered that this policy is based on public parking for the village and not residential parking for individual dwellings.

The proposed development would have two new vehicular access points. One of Hawks Road serving Plots 1 to 17 and one off Hampden Close serving plots 38 to 49. The proposed development would include adoptable roads and private drives as identified on Site plan J2102-00196 Revision D dated 23rd November 2021.

Each 2, 3 and 4 bedroom dwelling is served by adequate off street parking provision for driveway parking or driveway/garage parking. There is limited turning spaces provided however the development is made up of a number of small cul-de-sacs and private drives with no through roads. Therefore off street provision is acceptable and would not be expected to harm highway safety

The Highways Authority at Lincolnshire County Council have no objections to the development subject to recommended conditions.

One of the conditions recommended by the Highways Authority is to provide details of:

- Stone surfacing of public footpath 54 from the northernmost part of the site for its full length (excluding the areas which are already metalled) to Eastfield Lane;
- Uncontrolled dropped tactile crossings across Eastfield Lane outside number 25, across Eastfield Lane on the eastern side of Northfield Road

junction, across Hackthorn Road at the junction with Ryland Road and at the lined crossing point outside 9 Ryland Road; and

- Improvement to the bus stop outside 79 Ryland Road to 160mm raised kerbs for 5m with 2 transition kerbs.

The public right of way within the east boundary of the site (see photos below) is currently a grassed footpath with areas worn by pedestrian use.



The condition recommends the stoning of the public rights of way from the north boundary of the site to Eastfield Lane where not already metalled.

They have additionally requested a dropped tactile crossing across Eastfield Lane outside number 25 and improvements to the bus stop outside 79 Ryland Road.

Paragraph 58 of the NPPF states that *“planning conditions should be kept to a minimum and only imposed where they are necessary, relevant to planning and to the development to be permitted, enforceable, precise and reasonable in all other respects”*.

The Highways Authority have stated that *“No the development would not be unacceptable on the grounds of highway safety”* should the improvements in the condition not be made.

Whilst the recommended condition by the Highways Authority is acknowledged it is on balance considered that they are not relevant, necessary or reasonable to make the development acceptable in planning terms.

Therefore the development would not have a severe harmful highway safety impact and would accord with local policy LP13 and LP26 of the CLLP, S46 and S48 of the DCLLP and the provisions of the NPPF.

It is considered that policy LP13 and LP26 are consistent with the Highway Safety guidance of the NPPF and can be attached full weight.

Drainage

Objections have been received from residents.

Paragraph 169 of the NPPF guides that *“Major developments should incorporate sustainable drainage systems unless there is clear evidence that this would be inappropriate. The systems used should:*

- a) *take account of advice from the lead local flood authority;*
- b) *have appropriate proposed minimum operational standards;*
- c) *have maintenance arrangements in place to ensure an acceptable standard of operation for the lifetime of the development; and*
- d) *where possible, provide multifunctional benefits.”*

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

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

Particular types of sustainable drainage systems may not be practicable in all locations. It could be helpful therefore for local planning authorities to set out those local situations where they anticipate particular sustainable drainage systems not being appropriate.”

Criteria f of the flood risk section of local policy LP14 of the CLLP requires that *“they have incorporated Sustainable Drainage Systems (SuDS) in to the proposals unless they can be shown to be impractical.”*

Criteria m of the protecting the water environment section of local policy LP14 of the CLLP requires that *“that adequate foul water treatment and disposal already exists or can be provided in time to serve the development”.*

Policy EN3 of the WNP requires that *“Appropriate sustainable urban drainage systems have been incorporated into the proposals unless they can be shown to be impractical”*

The application has included a Flood Risk and Drainage Strategy (FRDS) Revision 01 by Studio 11 dated 5th September 2021. The FRDS includes a preliminary drainage strategy (Appendix D) and percolation test results (Appendix G).

Surface Water:

The Internal Drainage Board (IDB) and Anglian Water have made comments in relation to surface water drainage. Anglian Water have however also recommended a condition to sort any matters of concern.

The IDB have commented on both proposed methods although they acknowledge that each proposal is still under investigation. In summary the IDB state the following on the methods:

North into Private/Riparian watercourse, then into Board maintained 2008 – Eastfield Drain

- The watercourse to be utilised is not highlighted but it is assumed it may be the watercourse to the east of the site.

- If so further investigation may be required as to the current fall of this watercourse and its connection to the board maintained 2008 Eastfield Drain.
- Rate of flow downstream of the site from the discharge point to an appropriately maintained watercourse.
- A permanent undeveloped strip of sufficient width should be made available adjacent to the top of the bank of all watercourses on and from the site to allow future maintenance works to be undertaken. Suitable access arrangements to this strip should also be agreed.

All Surface water discharging in to proposed Attenuation Basin, then Southwards into Anglian Water Surface Water system

- all SW drainage falling to the Attenuation Basin, then into the Anglian Water surface water drainage system via an existing manhole.
- The Board also requests that the applicant identify the receiving watercourse that the sewer discharges into and provide details on the potential effect that the proposed discharge may have on the receiving watercourse.

Page 16-17 of the FRDS provides detail on infiltration rates and the water table concluding that *"In summary, both the depth to the water table and actual testing results show that infiltration is not viable for this site"*.

As infiltration is not viable for the site the FRDS has identified a ditch to the west of the site which flows. This as a surface water body is second on the hierarchy list above and is a form of sustainable urban drainage system. The ditch is owned by the Internal Drainage Board therefore requires their consent to connect to.

The FRDS the adds that if connection to the ditch is not granted *"a surface water connection into the Anglian Water sewer has been considered through the pre-planning wastewater assessment. They have confirmed 8254, in Halfpenny Close"*.

Surface water highway drainage would be directed to a filter drain which is normally a gravel/stone filled trench with a perforated lining. The gravel collects particles to prevent pollutants entering ground water. In this case due to the high water table the trench will have an impermeable lining and convey the water to the attenuation basin which will in turn discharge the surface water to the water body or manhole 8254 at 6 litres per second and not the 8 litres per second stated in the FRDS.

The attenuation basin has been designed to store all storms up to and including the 1 in 100 year plus 40% climate change plus 10% UC storm events. Flows into the watercourse would be restricted so that there will be no increase in water

Surface water from the roofs and drives would be discharge directly to the piped system and into private gullies.

The agent has confirmed that *“To give a definitive scheme, we propose to connect into the Anglian Water sewer shown as 8254 on the screen shot below. This has been agreed in principle (subject to and AW S106 agreement upon planning) through a pre-development report (attached for reference), with the only stipulation being that it is restricted to 6l/s. My current model was restricting this to the Q_{BAR} rate, which gave a figure of 8l/s. I have remodelled this at 6l/s, and it has increased the water level in the pond by 65mm, and given the tolerances within the free board I built in, this is still within a safe range, and is for the very rare storm of 1 in 100 year + 40%CC + 10% UC (for the residential areas). Looking at AW’s comments, they were happy for this to be a condition, to be vetted further through the S104 stage”.*

The Lead Local Flood Authority at Lincolnshire County Council have no objections to the principle of the surface water drainage strategy but have recommended a condition to provide final details to be approved.

Under the before mentioned hierarchy – a surface water sewer connection may be acceptable, where infiltration, or directing to a surface water body is not feasible. It has been shown that infiltration is not feasible – and so, if the surface water body cannot be achieved, a sewer connection can be accepted.

A planning condition would allow the Local planning Authority to scrutinise this – but is not considered an obstacle to granting permission on this allocated site.

Foul water:

Paragraph: 020 (Reference ID: 34-020-20140306) of the water supply, wastewater and water quality section of the NPPG states:

“When drawing up wastewater treatment proposals for any development, the first presumption is to provide a system of foul drainage discharging into a public sewer to be treated at a public sewage treatment works (those provided and operated by the water and sewerage companies). This will need to be done in consultation with the sewerage company of the area.”

Page 26 of the FRDS states that there is an adopted Anglian Water pumping station nearby and the nearest adoptable sewer has been confirmed as 8201. Anglian Water have confirmed that *“The foul drainage from this development is in the catchment of Dunholme Water Recycling Centre that will have available capacity for these flows”.*

The development would therefore discharge wastewater into the existing public sewer which has capacity and is the preferred option according to national guidance.

The proposed use of a Sustainable Urban Drainage system for surface water is acceptable as is connection to the foul sewer for foul water. It is however still considered relevant and necessary to condition comprehensive drainage details on the permission as recommended by the Lead Local Flood Authority and Anglian Water.

Therefore subject to a condition the development is considered to accord with policy LP14 of the CLLP, policy EN3 of the WNP, draft policy S20 of the DCLLP and the provisions of the NPPF.

It is considered that policy LP14 and EN3 are consistent with the drainage guidance of the NPPF and can be attached full weight.

Archaeology

The Historic Environment Officer at Lincolnshire County Council has no objections to the development therefore the development would not harm any items of archaeological interest. The development accords with policy LP25 of the CLLP, draft policy S56 of the DCLLP and the provisions of the NPPF.

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

Biodiversity

Objections have been received from residents on the loss of trees and impact on protected species. A holding objection has also been received from the Lincolnshire Wildlife Trust based on evidence for the development to provide a 10% net biodiversity gain in line with the Environment Act 2021. They also requested a further survey following comments received on the siting of snakes on the site.

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.*

Policy EN1 of the WNP protects biodiversity and encourages net biodiversity gain where possible.

Guidance contained within paragraph 174 and 179 of the NPPF encourages the protection and enhancement of protected species (fauna and flora) and providing net biodiversity gains.

Protected Species:

The application has included an Extended Phase 1 Ecology Survey (EPES) by CBE Consulting dated 9th September 2021. This report is very recent up to date assessment therefore the request of Lincolnshire Wildlife for a further survey is not considered reasonable or necessary.

The EPES in summary recommends that:

Birds

- Measures to avoid disturbance to any nests or nesting activity will need to be considered within any development.
- bird boxes could be erected at suitable positions.

Bats

- Bat boxes could be erected at suitable positions

Reptiles

- Measures to protect reptiles will be required as part of any ground preparation work associated with this development.
- Habitat creation measures such as the provision of artificial refugia suitable for grass snake should be included within the development proposals.
- Refugia suitable for reptiles could be constructed in suitable positions in landscaped areas where these will be accessible to these species.

Amphibians

- Measures to protect amphibians should be taken as part of any proposed development.

Hedgehog

- Refugia suitable for hedgehogs could be constructed in suitable positions in landscaped areas where these will be accessible to these species.

Planting

- The landscape areas shown within the conceptual development plan should utilise native species to promote diversity

Trees:

The application has included a Tree Survey (TS) by CBE Consulting dated 16th September 2021. There are no protected trees on or adjacent the site and the small trees within the site could be removed from the site by the land owner without the need for permission from the Local Planning Authority. The TS makes a number of recommendations in section 4.2 to meet best practice principles and figure 4 identifying the root protection areas of the boundary trees.

The proposal would not be expected have a harmful impact on biodiversity and the recommendations have the potential to overall provide a positive biodiversity net gain. It is considered relevant and necessary to attach a condition for an ecology enhancement and management plan to evidence a biodiversity net gain. Therefore subject to conditions the development accords to local policy LP21 of the CLLP, policy EN1 of the WNP, draft policy S59, S60 and S65 of the DCLLPR and guidance contained within the NPPF.

The Lincolnshire Wildlife Trust has commented on the Environment Act 2021 and the requirement of the Bill to provide a 10% net biodiversity gain. The Environment Act 2021 received royal assent on 9th November 2021. The government website (10/11/21) states that *“Work on implementing Environment Act policies is well underway. We have started work on*

*developing legally binding environmental targets*³. There are therefore no legally binding targets at the moment such as a 10% net biodiversity gain to consider as a planning material consideration.

The legal status of the Environment Bill has been confirmed in writing by a legal officer who states that *“whilst the Environment Act 2021 is now law, the relevant part concerning 10% biodiversity net gain has not yet been enacted. Therefore at present, you are to rely only on LP21 in respect of biodiversity net gain.”*

Therefore subject to conditions the development accords to local policy LP21 of the CLLP, local policies S59, S60 and S65 of the DCLLP and the provisions of the National Planning Policy Framework.

It is considered that policy LP21 and EN1 are consistent with the biodiversity guidance of the NPPF and can be attached full weight.

Landscaping

Paragraph 131 of the NPPF states that *“trees make an important contribution to the character and quality of urban environments, and can also help mitigate and adapt to climate change. Planning policies and decisions should ensure that new streets are tree-lined, that opportunities are taken to incorporate trees elsewhere in developments (such as parks and community orchards), that appropriate measures are in place to secure the long-term maintenance of newly-planted trees, and that existing trees are retained wherever possible. Applicants and local planning authorities should work with highways officers and tree officers to ensure that the right trees are planted in the right places, and solutions are found that are compatible with highways standards and the needs of different users.”*

The removal of the existing small trees from the site would require compensating for by the planting of trees around the development as part of a landscaping plan. Site plan J2102-00196 Revision D dated 23rd November 2021 includes the planting of trees and hedging which would more than compensate for the loss of the existing trees on the site. The Authority's Tree and Landscape Officer has recommended that alterations are required to the landscaping scheme in terms of positioning, hedgerow planting, and information is required to give species, size and form.

Site plan J2102-00196 Revision D dated 23rd November 2021 does indicate the positioning trees to the front of plots within the street scene but cannot be considered to introduce tree-lined streets. As further details are required and more trees are encouraged within the street scene it is considered that a comprehensive landscaping plan and management scheme is addressed through a condition on the permission.

³ <https://www.gov.uk/government/news/world-leading-environment-act-becomes-law>

The proposal would be expected to accord with local policy LP17 and LP26 of the CLLP, Policy D1 of the WNP, draft policy S52 of the DCLLPR and guidance contained within the NPPF.

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

Contamination

Local policy LP16 of the CLLP states that *“Development proposals must take into account the potential environmental impacts on people, biodiversity, buildings, land, air and water arising from the development itself and any former use of the site, including, in particular, adverse effects arising from pollution.*

Where development is proposed on a site which is known to be or has the potential to be affected by contamination, a preliminary risk assessment should be undertaken by the developer and submitted to the relevant Central Lincolnshire Authority as the first stage in assessing the risk of contamination.

The application has included a Geo-Environmental Assessment (GA) by deltasimons dated September 2021. The Authority’s Environmental Protection Officer has no objections subject to conditions due to the GA recommending that a remediation strategy is prepared in relation to the re-use of topsoils.

Therefore subject to conditions the development accords to local policy LP16 of the CLLP, local policies S55 of the DCLLPR and the provisions of the National Planning Policy Framework.

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

Other Considerations:

Local Plan prematurity

Comments have been raised as to whether it is premature to consider this application in view that the Central Lincolnshire Local plan is under review. Paragraphs 49-50 set out that there are only very limited circumstances that would justify a refusal on prematurity grounds and that this “will seldom be justified where a draft plan has yet to be submitted for examination”.

Furthermore planning law requires decisions to be made in accordance with the current development plan – as set out above, the site is allocated for residential development in the Central Lincolnshire Local Plan 2012-2036.

Construction Management Plan

Given the proximity of neighbouring dwellings and the temporary disturbance caused by the development it is considered necessary and reasonable to add

a construction management plan condition to the permission to reduce and control the extent of the disturbance.

Community Infrastructure Levy (CIL)

The development is liable to a CIL payment at £25 per square metre of floor space created.

Building Regulation M4(2) Compliance

Local policy LP10 of the CLLP states that *“more specifically, to cater for the needs of less mobile occupants, including older people and disabled people, and to deliver dwellings which are capable of meeting peoples’ changing circumstances over their lifetime, proposals for 6 or more dwellings (or 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”*

Site plan J2102-00196 Revision D dated 23rd November 2021 confirms that dwelling types Eltham (plot 14, 36 and 37), Albany (plot 42, 43 and 44), Beaumont (plot 38, 39, 40 and 41) and Carlton (plot 45, 46, 47, 48 and 49) would meet the M4(2) standard. This equate to 30% (15 of the 49) of the dwellings meeting the standard as required by local policy LP10.

Conclusion and Reasons for decision:

The decision has been considered against policies LP1 A presumption in Favour of Sustainable Development, LP2 The Spatial Strategy and Growth in Villages, LP3 Level and Distribution of Growth, LP9 Health and Wellbeing, LP10 Meeting Accommodation Needs, LP11 Affordable Housing, LP12 Infrastructure to Support Growth, 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, LP24 Creation of New Open Space, Sports and Recreation Facilities, LP25 The Historic Environment, LP26 Design and Amenity and LP52 Residential Allocations – Large Villages of the Central Lincolnshire Local Plan 2012-2036, policy H1 Type, Size and Mix, D1 Village Character, D2 Safe Environment, EN1 Environmental Capital, EN2 Habitat, EN3 Flood Risk, T2 Cycling, W1 Healthcare, W2 Sports and Recreation, ED1 Improving Education of the Made Welton by Lincoln Neighbourhood Plan and draft policy S1 The Spatial Strategy and Settlement Hierarchy, S2 Growth Levels and Distribution, S4 Housing Development in or Adjacent to Villages, S6 Reducing Energy Consumption – Residential Development, S20 Flood Risk and Water Resources, S21 Affordable Housing, S22 Meeting Accommodation Needs, S44 Strategic Infrastructure Requirements, S46 Accessibility and Transport, S47 Walking and Cycling Routes, S48 Parking Provision, S50 Creation of New Open Space, Sports and Leisure Facilities, S52 Design and Amenity, S53 Health and Wellbeing, 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 S65 Trees, Woodland and Hedgerows of the Draft Central Lincolnshire Local Plan Review in the first instance. Furthermore consideration has been given to guidance contained within the

National Planning Policy Framework, National Planning Practice Guidance, National Design Guide and National Design Model Code.

The site is allocated for an indicative 50 dwellings under CL1490 of the Central Lincolnshire Local Plan therefore the principle of housing on the site has been established. The allocated site does already have 50 dwellings built out on the site covering 1.7 hectares leaving over half the site (application site 2.35 hectares) remaining. The proposed 49 dwellings would provide the most effective use of the land and provide a low density housing development with generous plot sizes. The proposal has proven that the site can accommodate 49 dwellings including 12 affordable homes towards the housing supply in Central Lincolnshire. The site additionally has the room for all the associated infrastructure including a sufficient amount of on-site usable greenspace. The site is in the sustainable location of Welton with good public transport links and all facilities/services within an acceptable walking distance away.

The proposed development would not have an unacceptable harmful visual impact or have a harmful impact on the living conditions of existing and future neighbouring dwellings. The proposal would not have a harmful impact on highway safety, archaeology, drainage, biodiversity, contamination or increase the risk of flooding. It would provide the required infrastructure contributions. The proposal is therefore acceptable subject to the signing of a Section 106 Agreement and satisfying a number of pre-commencement conditions.

Human Rights Implications:

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

Legal Implications:

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

Representors to be notified -

(highlight requirements):

Standard Letter ☐

Special Letter ☐

Draft enclosed ☐

Prepared by: Ian Elliott

Date: 13th December 2021

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 may take place until a 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 must be fully implemented. [Outcomes must appropriately reflect end use and when combining another investigative purpose have a dedicated contaminative summary with justifications cross referenced]. The scheme must include all of the following measures unless the LPA dispenses with any such requirement specifically in writing
 - a) A proposed remediation strategy must be submitted to the LPA. The LPA must approve such remedial works as required prior to any remediation commencing on site. The works must 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.
 - b) Approved remediation works must 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 must be fully assessed and an appropriate remediation scheme agreed with the LPA.
 - c) Upon completion of the works, this condition must not be discharged until a closure report has been submitted to and approved by the LPA. The closure report must 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 must 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 as recommended by Environmental Protection in accordance with Policy

LP16 of the Central Lincolnshire Local Plan and the provisions of the National Planning Policy Framework.

3. No development must take place until an ecology enhancement and management plan has been submitted to and approved in writing by the local planning authority. The ecology enhancement and management plan must evidence (and quantify) a biodiversity net gain and be informed by the recommendations of the Extended Phase 1 Ecology Survey (EPES) by CBE Consulting dated 9th September 2021. The development must be completed in strict accordance with the approved details of the ecology enhancement and management plan and retained and maintained thereafter.

Reason: In the interest of nature to accord with the National Planning Policy Framework, local policy LP21 of the Central Lincolnshire Local Plan 2012-2036 and policy EN1 Environmental Capital and EN2 Habitat of the Welton by Lincoln Neighbourhood Plan.

4. No development must take place until a construction method statement and plan has been submitted and agreed in writing by the local planning authority. The approved statement(s) must be adhered to throughout the construction period. The statement must provide for:
 - (i) the routing and management of traffic including any off site routes for the disposal of excavated material;
 - (ii) the parking of vehicles of site operatives and visitors;
 - (iii) loading and unloading of plant and materials;
 - (iv) storage of plant and materials used in constructing the development;
 - (v) the erection and maintenance of security hoarding including decorative displays and facilities for public viewing, where appropriate;
 - (vi) wheel cleaning facilities;
 - (vii) measures to control the emission of dust and dirt;
 - (viii) protection of the public right of way along the east boundary;
 - (ix) details of noise reduction measures;
 - (x) a scheme for recycling/disposing of waste;
 - (xi) the hours during which machinery may be operated, vehicles may enter and leave, and works may be carried out on the site;
 - (xii) strategy stating how surface water run off on and from the development will be managed during construction and protection measures for any sustainable drainage features. This should include drawing(s) showing how the drainage systems (permanent or temporary) connect to an outfall (temporary or permanent) during construction.

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

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 (unless stated dated July 2021):

- J2102-00106D dated 23rd November 2021 – Site Plan including open space
- J2102-00111 – Eltham Elevations, Floor, Roof and Section Plan
- J2102-00112 – Greenwich Elevations, Floor, Roof and Section Plan
- J2102-00113A dated 25th August 2021 – Balmoral Elevations, Floor, Roof and Section Plan
- J2102-00114A dated 25th August 2021 – Osbourne (Handed) Elevations, Floor, Roof and Section Plan
- J2102-00115A dated 25th August 2021 – Kingsbourne Elevations, Floor, Roof and Section Plan
- J2102-00116A dated 25th August 2021 – Kingsbourne (Handed) Elevations, Floor, Roof and Section Plan
- J2102-00117 – Brompton (handed) Elevations, Floor, Roof and Section Plan
- J2102-00118 – Richmond Elevations, Floor, Roof and Section Plan
- J2102-00119 – Regent (handed) Elevations, Floor, Roof and Section Plan
- J2102-00120A dated 25th August 2021 – Gloucester Elevations, Floor, Roof and Section Plan
- J2102-00121A dated 25th August 2021 – Gloucester (handed) Elevations, Floor, Roof and Section Plan
- J2102-00132A dated 25th August 2021 – Beaumont Elevations, Floor, Roof and Section Plan
- J2102-00133A dated 25th August 2021 – Carlton Elevations, Floor, Roof and Section Plan
- J2102-00134 – Carlton Elevations, Floor, Roof and Section Plan
- J2102-00135A dated 26th August 2021 – Albany Elevations, Floor, Roof and Section Plan
- J2102-00141 – Single Garage (Door Left) Elevations, Floor, Roof and Section Plan
- J2102-00142 – Single Garage (Door Right) Elevations, Floor, Roof and Section Plan
- J2102-00143 – Double Garage (Door Left) Elevations, Floor, Roof and Section 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 LP26 of the Central Lincolnshire Local Plan 2012-2036.

6. No development above ground level must take place until a comprehensive external materials schedule for all dwelling types and garages listed in condition 5 have been submitted to and approved by the Local Planning Authority. The external material details to include:
- Brick Type
 - Roof Type
 - Windows and Doors including colour finish
 - Rainwater Goods including colour finish

The development must be completed in strict accordance with the approved materials schedule.

Reason: To safeguard the character and appearance of the building and its surroundings and ensure the proposal uses materials and components that have a low environmental impact and to accord with the National Planning Policy Framework, local policy LP17 and LP26 of the Central Lincolnshire Local Plan 2012-2036 and policy D1 of the Welton by Lincoln Neighbourhood Plan

7. No development above ground level must take place until a detailed surface water drainage scheme for the site, based on sustainable urban drainage principles has been submitted to and approved in writing by the Local Planning Authority. If a full sustainable urban drainage system scheme is incapable of being delivered then comprehensive justification of this must be submitted. The scheme must:
- be based on sustainable drainage principles and an assessment of the hydrological and hydrogeological context of the development;
 - provide flood exceedance routing for storm event greater than 1 in 100 year;
 - provide details of how run-off will be safely conveyed and attenuated during storms up to and including the 1 in 100 year critical storm event, with an allowance for climate change, from all hard surfaced areas within the development into the existing local drainage infrastructure and watercourse system without exceeding the run-off rate for the undeveloped site;
 - provide attenuation details and discharge rates which must be restricted to 6 litres per second;
 - provide details of the timetable for and any phasing of implementation for the drainage scheme; and
 - provide details of how the scheme must be maintained and managed over the lifetime of the development, including any arrangements for adoption by any public body or Statutory Undertaker and any other arrangements required to secure the operation of the drainage system throughout its lifetime.

No dwelling must be occupied until the approved scheme has been completed or provided on the site in strict accordance with the approved phasing. The approved scheme must be retained and maintained in full, in strict accordance with the approved details.

Reason: To ensure that surface water is adequately and appropriately drained on the site and without creating or increasing flood risk to land or property, nor drainage network adjacent to, or downstream of, the permitted development to accord with the National Planning Policy Framework, local policy LP14 of the Central Lincolnshire Local Plan 2012-2036 and policy EN3 of the Welton by Lincoln Neighbourhood Plan.

8. No development above ground level must take place until details of a scheme for the disposal of foul sewage have been submitted to and approved in writing by the Local Planning Authority. Development must thereafter proceed in strict accordance with the details and be operational before the first dwelling is occupied.

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

9. No occupation must take place until all of that part of the estate road and associated footways that forms the junction with the main road and will be constructed within the limits of the existing highway, must be laid out and constructed to finished surface levels in accordance with details to be submitted to, and approved in writing by, the Local Planning Authority.

Reason: In the interests of safety, to avoid the creation of pedestrian trip hazards within the public highway from surfacing materials, manholes and gullies that may otherwise remain for an extended period at dissimilar, interim construction levels to accord with National Planning Policy Framework, local policy LP13 of the Central Lincolnshire Local Plan 2012-2036.

10. No occupation must take place until those parts of the approved Travel Plan that are identified therein as being capable of implementation before occupation must be implemented in accordance with the timetable contained therein and must continue to be implemented for as long as any part of the development is occupied.

Reason: In order that the permitted development conforms to the requirements of the National Planning Policy Framework, by ensuring that access to the site is sustainable and that there is a reduced dependency on the private car for journeys to and from the development to accord with National Planning Policy Framework, local policy LP13 of the Central Lincolnshire Local Plan 2012-2036.

11. No occupation must take place until a comprehensive landscaping plan and comprehensive planting/management/aftercare statement has been submitted to and approved in writing by the Local Planning Authority. The landscaping plan to include details of:

- All hardstanding
- Retained trees and hedging
- New hedging and trees including position, species, planting height and planting arrangement.

The development must be completed in strict accordance with the approved landscaping and management details.

Reason: To ensure the development site is appropriately landscape in its setting to accord with the National Planning Policy Framework, local policies LP17 and LP26 of the Central Lincolnshire Local Plan 2012-2036 and policy D1 of the Welton by Lincoln Neighbourhood Plan.

12. The development must be completed in accordance with the M4(2) schedule identified on site plan J2102-00106D dated 23rd November 2021.

Reason: To ensure the development meets the requirements for accessibility set out in Part M4(2) of the Building Regulations 2010 and to accord with the National Planning Policy Framework and local policies LP10, LP17 and LP26 of the Central Lincolnshire Local Plan 2012-2036.

13. No occupation of each individual dwelling must take place until its individual access and driveway identified on site plan J2102-00106D dated 23rd November 2021 has been fully completed and retained for that use thereafter.

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

14. If during the course of development, contamination not previously identified is found to be present on the site, then no further development (unless otherwise agreed in writing with the Local Planning Authority) must be carried out until a method statement detailing how and when the contamination is to be dealt with has been submitted to and approved in writing by the Local Planning Authority. The contamination must then be dealt with in accordance with the approved details.

Reason: In order to safeguard human health and the water environment as recommended by Environmental Protection in accordance with Policy

LP16 of the Central Lincolnshire Local Plan and the provisions of the National Planning Policy Framework.

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

NONE

Agenda Item 6b



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

Introduction:

The planning committee on 6th December 2021 resolved to defer this planning application for further information. The information required by the planning committee to allow for further deliberation was:

- Times of operation
- Seasonal times of operation
- Maximum dog numbers per hour booking

The agent was contacted and through the applicant responded to these questions by stating that the applicant was willing to suggest the following hours and dog numbers.

Hours of Operation:

- November 1st to the end of February
Mon-Sat 7am to 7pm
Sun 8am-7pm
- March 1st to October 31st
Mon-Sat 7am to 9pm
Sun 8am to 9pm

Dog Numbers:

Dog numbers would be a maximum of 3 dogs on the site per hour before 9am.

After 9am the site could have some group bookings which they envisage would be done by dog trainers for socialisation and integration sessions. After

9am the maximum amount of dogs on the site per hour could be up to 15 dogs.

These amended seasonal hours of operation and the dog numbers proposed are considered acceptable. The hours of operation condition will be amended to replicate the hours above and a new condition added on dog numbers.

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, 72, 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.
- We have small children and live opposite the proposed site 9pm including Sundays, which is too late to be open especially when children are trying to sleep!

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 walk areas at Cherry Willingham
- The land could be sold or rented to another farm to provide much needed food crops.
- This application is not likely to be a long term business as other similar sites have closed due to lack of support

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: 13th December 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 DCLLPR 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.

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*

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>

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** ☐

Prepared by: Ian Elliott

Date: 13th December 2021

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:

- November 1st to the end of February
Monday to Saturday 7am to 7pm and Sunday 8am-7pm
- March 1st to October 31st
Monday to Saturday 7am to 9pm and Sunday 8am to 9pm

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 be operated in strict accordance with the following dog numbers allowed on site at any one time:

- a maximum of 3 dogs and their owner(s) before 9am on any day during the approved operational hours in condition 4.
- A maximum of 15 dogs and their owners during any other approved operational hours in condition 4.

Reason: To protect the amenity of nearby and the locality properties from excessive noise disturbance from a large group of dogs to accord with the National Planning Policy Framework and local policy LP26 of the Central Lincolnshire Local Plan 2012-2036.

6. The development must only operate in strict accordance with the Waste/Odour Management Plan received 22nd November 2021.

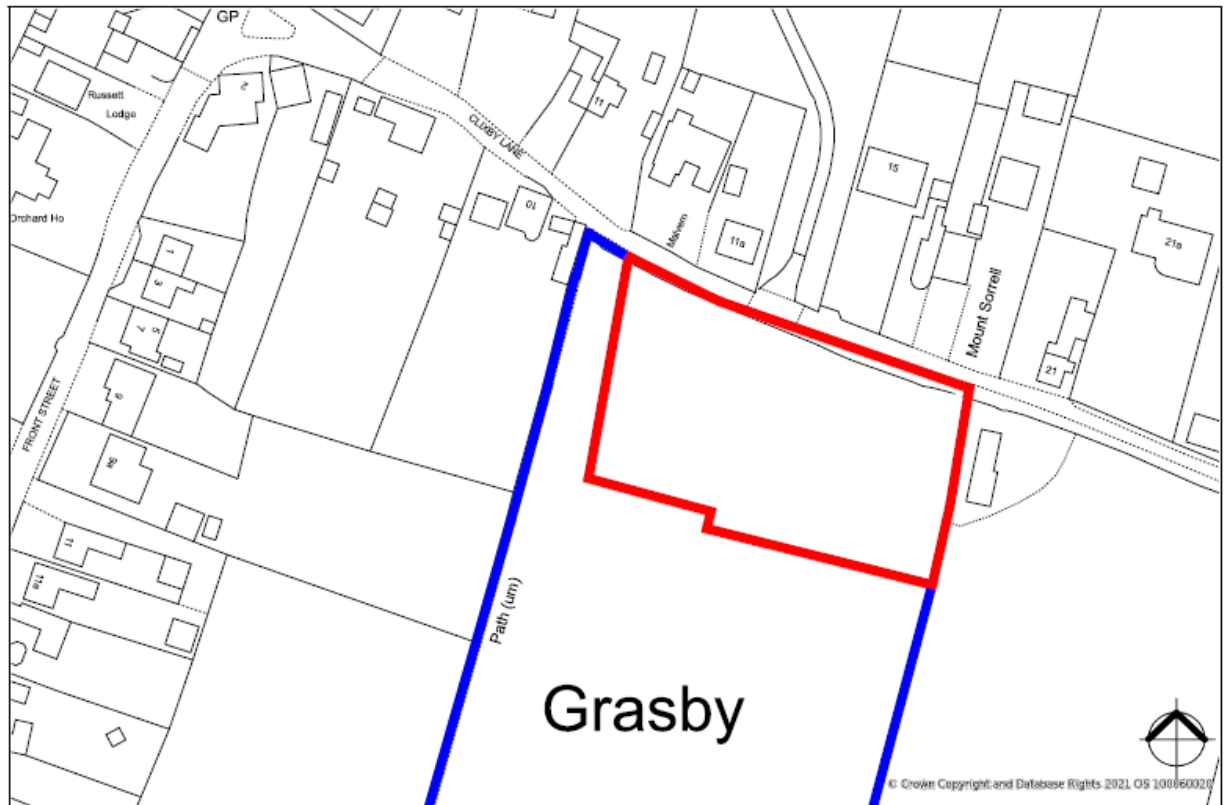
Reason: To ensure all dog waste is dealt with in an appropriate manner and to stop any odour disturbance from the site on the neighbouring uses to accord with the National Planning Policy Framework and local policy LP26 of the Central Lincolnshire Local Plan 2012-2036.

7. 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.

8. 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.



Officers Report

Planning Application No: 143815

PROPOSAL: Outline planning application for the erection of up to 4no. dwellings with access to be considered and not reserved for subsequent applications - resubmission of 141429.

LOCATION: Land to South of Clixby Lane Grasby Lincs DN38 6AJ

WARD: Kelsey

WARD MEMBER(S): Cllr P Morris

APPLICANT NAME: DJ & JM Frankish

TARGET DECISION DATE: 01/12/2021

DEVELOPMENT TYPE: Minor - Dwellings

CASE OFFICER: Ian Elliott

RECOMMENDED DECISION: Grant permission subject to conditions

The application is being referred to the Planning Committee for determination in view of the number of public consultation representations from the Ward member, Parish Council and local residents, and in light of the site's recent planning history, considered to be finely balanced matters.

Description:

The application site comprises of an area of agricultural land located on the Southern side of Clixby Lane, on the eastern side of Grasby.

The site fronts onto the highway and currently forms part of a larger agricultural field which runs to the south. An existing dwelling is located directly to the west of the site and a detached brick building which has planning permission for a business use (not yet operational) to the east. The highway adjoins the northern side of the site with additional residential properties opposite, which stretch along the northern side of Clixby Lane. The dwellings along Clixby Lane are mainly frontage properties and are a mixture of appearance, scale and age. Agricultural fields are located to the south. The site slopes down from north to south and contains no significant defining features. The northern boundary is defined by a number of mature frontage trees and hedge planting separating the site from the highway. The eastern and western boundaries are formed from a mix of fencing and hedging providing separation from the neighbouring uses. The southern boundary is open to the remaining field. The public right of way Gras/29/2 (part of the Viking Way) and Gras/47/1 lies along the northern and western boundary respectively.

The application seeks outline permission for 4no. dwellings with access to be considered and not reserved for subsequent applications.

This follows the refusal of planning permission for five dwellings, earlier in the year. A subsequent appeal against that decision was dismissed (see planning history).

Relevant history:

W39/758/75 - Outline application for residential development - 15/01/76 – Refused

W39/765/75 - Outline application for proposed residential development - 12/02/76 – Refused

140614 - Pre-application enquiry to erect 4no. dwellings - Supported March 2020.

141429 - Outline planning application for 5no. dwellings - with all matters reserved - 15/10/20 – Refused (Planning Committee) – Appeal Dismissed 19/05/21 (APP/N2535/W/20/32657780) (See Appendix A)

Reason for refusal:

“The development would not contribute towards a safe transport network for pedestrians or vehicular movement when considering the impact on Clixby Lane and surrounding highway network. The development also fails to maximise pedestrian permeability and avoid barriers to movement through careful consideration of street layouts and access routes. The proposal is therefore contrary to Policy 13 and Policy LP26 of the Central Lincolnshire Local Plan and provisions of the National Planning Policy Framework.”

Relevant extracts from appeal decision include:

Paragraph 7:

“I observed during my site visit that Clixby Lane starts to narrow just beyond Bells Cottage and is single width for the rest of its length before becoming a footpath at its eastern end. There are no separate footpaths adjacent to the road and those using the definitive public footpaths share the road with vehicles. In this regard I noted at my site visit that the public footpaths are well used by walkers. I also note the comments of the Ramblers Association that the public footpath is popular with children completing their Duke of Edinburgh awards and adult walking groups and that the verge is uneven and not a suitable alternative to the tarmac road.”

Paragraph 8:

“Clixby Lane changes alignment just after Bells Cottage and this, in addition to the location of boundary landscaping to the northern side of the lane, provides some restriction to forward visibility. There is no vehicle turning area along Clixby Lane with limited space at the end of the lane to turn larger vehicles.”

Paragraph 9:

“The appellant anticipates that the level of traffic generated by 5 new dwellings would be low. However, 5 dwellings would generate additional traffic

movement associated with their occupation, including deliveries and visitors and I consider that there would be noticeably more traffic using Clixby Lane as a result of the development.”

Paragraph 11:

“The appellant considers that the limited distance of the development from the junction of Clixby Lane and Front Street, and the fact that the road narrows only when it is past Bells Cottage, would mean that vehicles would see one another with ample time to allow a right of way. However, I am not convinced that there would be clear visibility for the reasons I have set out and providing the right of way to an oncoming vehicle on the single width section of the road would require manoeuvring within the highway.”

Paragraph 12:

“Consequently, as the road acts as a shared surface, is primarily single width, has restricted forward visibility where it narrows outside Bells Cottage and supports significant pedestrian movements, development that increases its use would impose an additional safety risk to existing drivers and pedestrians. I do not have sufficient evidence to conclude that these matters would be resolved by the design of the proposed accesses, even if these accesses are shared rather than individual drives and have the potential to provide informal passing places.”

Paragraph 13:

“I note the appellant’s comments that visibility would be addressed at reserved matters stage but the indicative layout plan does not demonstrate, and I do not have enough information to conclude, that the visibility splay requirements could be achieved given the proposed retention of the trees along the site frontage and therefore if the visibility splay condition could reasonably be imposed.”

Paragraph 15:

“However, overall, I conclude that the proposed development would compromise highway safety for users, causing harm. This would conflict with Policies LP13 and LP26 of the Central Lincolnshire Local Plan (CLLP) where these policies seek to ensure that development provides well designed, safe and convenient access for all. It would also conflict with the National Planning Policy Framework where it seeks to ensure that safe and suitable access to sites can be achieved for all users.”

Representations

Cllr P Morris: Comment

As you are aware an outline PA 141429 was submitted for this site and refused on 15th of October 2020 because it was contrary to Policy 13 and Policy LP26 of the Central Lincolnshire Plan and the provisions of the National Planning Policy Framework.

I have examined the new submission (PA 143815) carefully and in particular the Transport and Access Technical Note within - in my opinion the stated

evidence has been cherry picked and doesn't support a reason why this application should be granted. In the summary 3.3. The words 'If we are to assume' and 'It can be assumed' appear in the summary, therefore it is more than reasonable for me to come to the conclusion that this evidence is based on assumptions and not based on actual reality.

I would therefore respectfully request that this application goes to the planning committee to be carefully looked at and then refused because it is still contrary to Policy 13 and Policy LP26.

Grasby Parish Council: Objections (summarised)

Having discussed the matter at length during our meeting on 17 November, as a Parish Council we are objecting to the application in the strongest possible terms for the following reasons:-

- Although only outline in nature, the application lacks any detail on important matters such as design detail, layout, drainage, provision of services and construction process.
- Highways – despite the technical highways report submitted by the applicant and the changes in access arrangement proposed by this second application, we still consider that this issue is crucial to the application and it has not been addressed satisfactorily by either the applicant or the Highways Authority. As previously advised Clixby Lane is an extremely narrow (only 2.8 metres wide in some places) single track no through road with no footways and limited lighting serving several residential properties. In the past, emergency and other large vehicles, such as refuse collection HGV's, have had problems negotiating the Lane.
- Clixby Lane also forms part of the Viking Way long distance footpath and as such is heavily used by walkers (sometimes with pushchairs and runners. Given the narrowness of the Lane, any increase in traffic will just add to what is already a dangerous situation and it is anticipated that the development of 4 detached houses would create a significant increase in daily traffic movement, despite the conclusion by the highways consultants that there would be no appreciable increase in traffic.
- Ecology – An ecology survey has been undertaken, however this was done earlier in the year in early spring when all sorts of flora and fauna are not yet visible. As can be seen from several comments, there is much anecdotal evidence that a number of species are present in the semi-unimproved pasture which has been managed with a 'light touch' over recent years. We are also concerned that there will be a loss of habitat if the current area of hedge and scrub along the western boundary is severely cut back.
- Trees - It has come to light that the trees planted along the southern verge of Clixby Lane and referred to in the tree survey carried out by CBE Consulting (T1 – T7 comprising Field Maple and Sycamore) were planted by Grasby Parish Council in celebration of the Queen's Silver Jubilee in 1977 and as such we consider that the loss of any of these 40+year old trees would be a significant loss to the amenity of the village which came together at the time to celebrate a significant milestone in the Monarch's reign. The application proposes the removal of T2 to facilitate the new

access arrangement and we consider that this is a loss of amenity to the village which lacks tree cover anyway.

- Privacy and over-looking – although the application site lies lower than Clixby Lane and the residential properties situated on the north side, we consider that it is inevitable that two storey dwellings will be built and these will overlook those existing properties immediately adjacent, leading to a loss of privacy and potentially loss of light.
- Archaeology – in the previous Planning Statement, reference is made to the ancient ‘Ridge and Furrow’ that is present in field, however there does not appear to be any mentioned. How this landform will be protected in the future.
- Disturbance – if planning permission is granted then clearly there will be a lot of disturbance to the residents of Clixby Lane and more widely the village as a whole when the construction phase takes place. Disturbance will come in the form of noise, dust, fumes and mud and there will have to be numerous traffic movements by lorries.
- Infrastructure Services - although perhaps not a direct planning issue, all sewage and associated services, such as surface water run-off need to be reviewed, surveyed and proven to withstand additional housing development.

Local Residents: Representation received to date from (Summarised)

Objections

Addresses within Grasby:

Rose Cottage, Malvern, Clixby Lane, Grasby
7, 10, 11, 13, 15, 17, 19, 21, 21A, 23 Clixby Lane, Grasby
1, 3, 9, 9A, 13, 17 Front Street, Grasby
Blossom Cottage, 1 Vicarage Lane, Grasby
Bentley House, 3, 5, 6, 12 Bentley Lane, Grasby
14, 20 Station Road, Grasby
1, 11 Church Hill, Grasby
2, 4 Wilmore Lane, Grasby
1 Churchside, Grasby

Addresses outside Grasby:

2 Riby Road, Keelby
8 Roxton Avenue, Keelby
Bruff House, Southfield Road, North Kelsey
Park House Farm, Foxby Lane, Gainsborough
23 High Street, Kexby
91 Mill Road, Lincoln
32 Grove Road, Tiptree
34 Finvoy Road, Ballymoney
14 Southfield Road, Scartho
1 Grey Close, Stansted
Torksey Road, Urmston
Portland, Station Road, Ludborough
21 Aldrich Road, Cleethorpes
The Farmhouse, Wrayton

Plymouth Road, Scunthorpe

Highway Safety

- Contrary to LP13(a), LP13(c) and LP26(b).
- Changing from 2 to 1 access and 5 to 4 dwellings does not make it any safer. Nothing has changed in terms of highway safety.
- No turning facility for vehicles.
- Visibility splays are incorrect.
- Danger for residents, dog walkers, cyclists, runners, horse riders and Duke of Edinburgh users
- Significant risk to highway and pedestrian safety on popular walking route (Viking Way).
- Clixby Lane is narrow at only 3 metres wide and would not support the additional traffic.
- Highway impact largely unchanged from previous application 141429 and national inspector conclusion still valid.
- Lane would be busy with cars coming and going.
- Construction traffic would regularly block the lane and impact condition of road.
- No room for site traffic.
- The passing place remains a questionable proposal, only seeking to endanger yet another tree, reduce rain absorption by making a hardstanding and creating a hazard for pedestrians and vehicles.
- The present lanes will not sustain the weight of construction traffic.
- When deliveries are made, or essential services maintenance is carried out, Clixby Lane is completely blocked and access to and from houses difficult as there is nowhere to pass. This can only be achieved by the workmen and neighbours 'shuffling' vehicles about into driveways.

Biodiversity

- Loss of tree, hedging and wildlife.
- Noise, pollution and disturbance result in loss of wildlife.
- Ecology report understates the importance of this paddock.
- Small fields attracts variety of owls.
- Thriving pond in orchard of Bentley House ignored by ecology survey. Supports frogs, toads, newts etc.
- Bats living within 100 metres.
- Wildflowers.
- Tree 1 should remain and not be removed.

Residential Amenity

- Headlight glare into 19 and Malvern Clixby Lane, Grasby.
- Detrimental impact on neighbouring amenity
- Disturbance from construction phase.
- Take away views from 9A Front Street.
- Effect on a quiet country lane.
- Loss of countryside view.

Heritage

- Impact on archaeology under Viking Way.

Character

- Impact on a charming rural lane.
- Undermine pleasant rural setting of village.
- Dramatic effect on Clixby Lane.
- Turning nice country village into a built up area.

Drainage/Flood Risk

- Concerns about drainage arrangements and foul drainage is a recurring problem.
- Soakaways and existing drainage system is not workable solution as site at top of hill and Bentley Lane/Station Road become rivers during heavy rainfall.
- Concerns foul drainage on application form states unknown.
- Grasby sewerage system is overloaded.
- Water table is full and site is regularly waterlogged.
- More concrete laid would lead to the run off being worse.

Infrastructure

- Village infrastructure could cope with anymore housing with no shops, doctors, post office, schools etc.

Other

- Field is an ancient meadow.
- Need to preserve green spaces.
- In times of trying to be conscious of carbon footprint is digging up an ancient field what we need.
- Small contribution towards housing supply.
- Value of property.
- Bins will be everywhere.
- Damage to properties from HGV movements.
- Drawing also shows a gap in the hedging on the East side – there is no gap in the hedging.
- The Proposed Site Access Arrangement (November 2021) does not show trees T4, T5, T6 even though they can be clearly seen on the photo.

Supports

Within Grasby:

20, 39 Vicarage Lane, Grasby
11 Front Street, Grasby

Outside Grasby:

2 Manor Close, Eagle
Holly Tree House, Main Street, Swine
82 Granville Street, Grimsby
35 Patrick Street, Grimsby

- Beneficial impact on community.
- Reducing numbers is considered an appropriate response.
- Scheme adequately mitigates concerns detailed within inspectors report.
- 5 to 4 dwellings will decrease vehicular movements.
- Adequate space provided on site for vehicle to exit in forward gear.
- Will welcome families into the village to support School, Hall, Pub and Church.
- Clear lack of availability of family home.
- Well thought through application.
- Great to see land utilised and well thought out.

LCC Highways/Lead Local Flood Authority: No objections with condition and 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.

The principle of development is acceptable. As this is an outline application with only access for consideration, layout has not been considered. Please make the applicant aware of the requirements for parking, visibility, turning and layout; as detailed within the Lincolnshire County Council Design Approach and Development Road Specification.

WLDC Environmental Protection: No objection subject to a condition

Recommended Condition

If during the course of development, contamination not previously identified is found to be present on the site, then no further development (unless otherwise agreed in writing with the Local Planning Authority) shall be carried out until a method statement detailing how and when the contamination is to be dealt with has been submitted to and approved in writing by the Local Planning Authority. The contamination shall then be dealt with in accordance with the approved details.

Lincolnshire Ramblers Association: Objections

As the road is very narrow and has no footpath any further traffic will be potentially dangerous to walkers using the Viking Way. This route is nationally recognised and used by walkers from outside the area and by youths doing The Duke of Edinburgh's award. This will sometimes involve walking in the dark as part of the challenge.

Cutting back the hedges either side although widening the path and improving vision it would not improve the walking surface and would therefore do little to improve the safety.

LCC Archaeology: No representation received to date

WLDC Tree and Landscape Officer: No objections with advice

Representation received 1st December 2021:

Although the access road has now been moved to a similarly close position to T1 as it had previously been to T3, the extent of encroachment and the RPA coverage of the intended cellular confinement system is with modern arboricultural standards.

Therefore I have no objections to the proposals. Though, it would be preferable for the road to be roughly centralised between T1 and T3, as shown on previous app 141429 and as recommended in my previous comments, to minimise risks to tree roots, and it would remove the need for a cellular confinement system.

Representation received 28th October 2021:

A cellular confinement system has been proposed at the site entrance where it meets the highway. A cellular confinement system should be installed on top of existing ground levels. This raises questions about how such a system could be installed to meet the level of the highway without excavations through the slightly higher grass verge that the trees are growing on. Although this is an 'Outline' application and such details are normally submitted with a 'RM' application, access is included in this application, so if outline planning permission is minded to be granted, then information should first be required as explained above, including a cross-section of existing levels, as part of this outline application to demonstrate that a 3-dimensional cellular confinement system could actually be installed at the access to meet the highway level whilst still avoiding root damage. If excavations and root damage cannot be avoided or minimised for its installation then there's no point specifying it, and the access should be moved further from the tree, even if this means the removal of T1.

The passing place also poses a risk to tree roots but no information has been supplied regarding its construction i.e. materials and installation is close proximity to T3. It should be moved further away or details should be provided to show it can be constructed utilising tree-friendly means to minimise risk to roots, prior to a decision being made on this application.

I have no objections to the removal of sycamore T2.

Natural England: No objections with advice

Lincolnshire Wildlife Trust: No representation received to date

IDOX checked: 13th December 2021

Relevant Planning Policies:

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

Development Plan

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

Relevant policies of the CLLP include:

LP1 A Presumption in Favour of Sustainable Development

LP2 The Spatial Strategy and Settlement Hierarchy

LP3 Level and Distribution of Growth

LP4 Growth in Villages

LP10 Meeting Accommodation Needs

LP13 Accessibility and Transport

LP14 Managing Water Resources and Flood Risk

LP16 Development on Land Affected by Contamination

LP17 Landscape, Townscape and Views

LP21 Biodiversity and Geodiversity

LP25 The Historic Environment

LP26 Design and Amenity

LP55 Development in the Countryside

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

- ***Grasby Neighbourhood Plan***

West Lindsey District Council has approved the application by Grasby Parish Council to have their parish designated as a neighbourhood area for the purposes of producing a neighbourhood plan. The neighbourhood plan group are now working towards the production of the neighbourhood plan. To date, there is no published draft plan and therefore the neighbourhood plan cannot be attributed any weight in the determination of this application.

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

- ***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)***

<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 111 states:

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

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 Model Code**

<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

S2 Growth Levels and Distribution

S4 Housing Development in or Adjacent to Villages
 S5 Development in the Countryside
 S6 Reducing Energy Consumption – Residential Development
 S20 Flood Risk and Water Resources
 S22 Meeting Accommodation Needs
 S46 Accessibility and Transport
 S48 Parking Provision
 S52 Design and Amenity
 S55 Development on Land Affected by Contamination
 S56 The Historic Environment
 S59 Protecting Biodiversity and Geodiversity
 S60 Biodiversity Opportunity and Delivering Measurable Net Gains
 S65 Trees, Woodland and Hedgerows

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.

<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>

Minutes of Planning Committee dated 14th October 2021

<https://democracy.west-lindsey.gov.uk/ieListDocuments.aspx?Cld=173&Mld=2413&Ver=4>

Manual for Streets by Communities and Local Government Department for Transport 2007

https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/341513/pdfmanforstreets.pdf

Main issues:

- Principle of the Development
Central Lincolnshire Local Plan
Agricultural Benefit
Concluding Statement
- Access

Assessment

Principle of Development

Policy LP2 designates Grasby as a small village and states that in relation to development within small villages *“Unless otherwise promoted via a neighbourhood plan or through the demonstration of clear local community support, the following applies in these settlements:*

- *they will accommodate small scale development of a limited nature in appropriate locations.*

- *proposals will be considered on their merits but would be limited to around 4 dwellings, or 0.1 hectares per site for employment uses.*

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

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

Policy LP4 establishes the total level of % growth for each Small Village, and further policy requirements in respect of identifying whether a site would be suitable for development. Grasby is allocated a 10% growth level, which equates to 20 new dwellings. In accordance with the LPA’s most recent ‘Monitoring of Growth in Villages’ document (21/11/21)¹, the settlement of Grasby can still support 10 new dwellings before it meets its housing growth limit.

Policy LP4 also sets a sequential approach to the priority of potential development sites. Stating *“in each settlement in categories 5-6 [small and medium villages] 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.”

**** See definitions of ‘appropriate locations’ and ‘developed footprint’ in Policy LP2.”*

It is therefore necessary to consider if the proposed application site can be considered as an appropriate location and whether the site meets the LP4 sequential approach.

The application accords with the scale of development (around 4 dwellings) and there is adequate growth remaining in the settlement of Grasby to accommodate the proposal. The application site is an area of undeveloped agricultural land located towards the east of Grasby. This area of Grasby is characterised by a form of development which is largely linear along Clixby

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

Lane. The site is adjoined by residential properties on two sides (west and north) and a detached brick built structure to the east. Whilst the development of the site would extend the residential development along the southern side of Clixby Lane, the development along the northern side of Clixby Lane extends further to the east of the application site. The site is not expected to significantly harm the character and appearance of the settlement, its rural setting or the surrounding countryside and therefore, considered to be, in principle, an appropriate location and would not significantly harm the settlement's character and appearance nor that of the surrounding countryside. The planning inspector previously found no conflict with policies LP2 and LP4 of the CLLP.

However, development of the site for five houses was previously found, at appeal, to conflict with policies LP13 and LP26 because it would compromise highway safety for users, causing harm. This will therefore need to be considered further.

Agricultural Benefit:

Guidance contained within Paragraph 170 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. The site would mean the loss of approximately 4,500m² of agricultural land.

Guidance from Natural England² is only to take account of smaller losses (under 20ha) if they're significant when making the [planning] decision. The loss of 0.45 hectares of agricultural land is a harm but it is not considered to amount to a significant harm or a significant loss.

Concluding Statement

The development would be within the dwelling limit for housing developments in small village. The site would not constitute infill but would fall as a greenfield site at the edge of the settlement, in an appropriate location. Whilst this falls into tier 3 of the LP4 sequential test, there are no known reasonably available sites within Grasby which fall into higher tiers of the sequential test. The development would lead to an insignificant loss of agricultural land. The previous planning appeal found no conflict with policies LP2 and LP4.

² <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>

The principle of the development is therefore found to be acceptable and would accord with local policy LP2, LP4 and LP55 part G of the CLLP and the provisions of the NPPF.

It is considered that policy LP2, LP4 and LP55 Part G are consistent with the sustainability, housing growth and best/most versatile land guidance of the NPPF and can be attached full weight.

Access

As stated, the earlier appeal for five houses (and two accesses) was dismissed after the Planning inspector concluded that *“the proposed development would compromise highway safety for users, causing harm.”*

At that time, two accesses were proposed and the Inspector found *“I do not have enough information to conclude, that the visibility splay requirements could be achieved given the proposed retention of the trees along the site frontage and therefore if the visibility splay condition could reasonably be imposed.”*

This latest application now proposes one access, to serve four houses.

Objections have been received in relation to the proposed vehicular access. The inspector commented on the lack of visibility splay information and that *“Clixby Lane changes alignment just after Bells Cottage and this, in addition to the location of boundary landscaping to the northern side of the lane, provides some restriction to forward visibility.”*

The Highways Authority at Lincolnshire County Council have no objections to the development on highway safety grounds.

It is important to remind that refused and dismissed at appeal application 141429 was an outline application with all matters reserved but included two vehicular access points on the indicative site plan.

This application has included access to be considered and not reserved for a subsequent reserved matters application. Site Plan 21/776/1D dated 9th December 2021 identifies a single vehicular access off Clixby Lane towards the north west corner of the site partly opposite Malvern, Clixby Lane and partly opposite 11a Clixby Lane.

Site Plan 21/776/1D dated 9th December 2021 was submitted during the application to re-position the access around 7 metres to the north west of the front boundary. A 14 day re-consultation was instructed to all the relevant consultees and neighbours.

The application included a site visit by the case officer including taking in views from the position of the proposed access. It is acknowledged that Clixby Lane narrows to a single track road but from the access you can clearly view along Clixby Lane to the junctions with Front Street and Main Street.

Section 7.7 of Manual for Streets guides on the required visibility splays for new accesses of a highway where a 20mph speed limit is considered relevant. The new access considering the stopping sight distances in table 7.1 of Manual for Streets requires a visibility splay of 2.4 metres x 25 metres.

The applicant has stated that “Access kerb radii of 6m have been provided and the achievable visibility splay for the access has been shown, with 25m provided for a set back distance of 2.4m. Based on on-site observations, it has been assumed that speeds would be no greater than 20mph as the existing nature of Clixby Lane acts to calm traffic speeds; this level of visibility therefore accords with Manual for Streets [MfS] standards for a 20mph design speed. The minimum forward visibility required for a road at 20mph (a distance of 25m) is shown to be achieved west along Clixby Lane from the site access. Measurements on site confirm that forward visibility from the proposed Site access would be approximately 90m”.

Acceptable visibility splays have now been identified on the site plan.

The proposed splay measures 14 metres wide narrowing to an indicative 5.1 metres wide. This would provide adequate room for a vehicle exiting the site to wait at the access and allow a vehicle to driving towards the site and enter the site before it moves away.

Layout has been reserved for subsequent approval therefore turning space within the site cannot be fully considered. However the application provides an indicative layout on plan 21/776/1D dated 9th December 2021 which demonstrates that the site is of a size which is capable of accommodating four dwellings with sufficient space for a suitably wide access road, parking, vehicle turning space and external amenity space. Advice on layout is provided later in the report. The indicative layout now identifies a turning space for delivery vehicles to the north of the dwelling adjacent the public rights of way, which means that vehicles would be able to enter and exit the site in a forward gear. As the plan is indicative, it is recommended that a condition is applied to ensure this is provided within the final layout.

The objections and assessment of the planning inspector are respectfully acknowledged and considered in the determination of the application. Additionally no objections from the Highways Authority are considered who did not object to the two accesses in planning application 141429 either. Therefore following a site visit it is considered that a single vehicular access point is acceptable and would not have a severe impact on highway safety. The development therefore accords to local policy LP13 of the CLLP and the provisions of the NPPF.

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

Other Considerations:

Scale, Appearance, Layout and Landscaping

Details of scale, appearance, landscaping and layout cannot be assessed at this stage as they are reserved for subsequent approval.

Scale and Appearance:

Scale and appearance are reserved matters, and the application has not included any indicative elevation plans or sketches at this stage. There is a mixture of property styles, forms and ages within the immediate vicinity of the application site. Any future details of scale and appearance through a reserved matters application would need to be informed by the locality of the site. The future design approach and the materials palette should take inspiration from the surrounding character of the area.

It is however considered that the site has the capacity to accommodate up to four dwellings of an appropriate scale and appearance.

Layout:

The northern side of Clixby Lane consists of a row of properties which front the highway in a rather arbitrary building line. The properties which lie to the south of Clixby Lane directly front, or are in very close proximity to, the highway edge. Clixby Lane is characterised by a largely linear form of development. The frontage properties are a mixture of style, form and age. The submitted indicative site plan (21/776/1D dated 9th December 2021) outlines that the proposed dwellings will form front facing plots onto Clixby Lane reflecting the character of the locality.

Whilst layout is a “reserved matter”, the application provides an indicative layout which clearly demonstrates that the site is of a size which is capable of accommodating four dwellings with sufficient space for a suitably wide access road, parking, vehicle turning space and external amenity space, without unduly harming the amenity of neighbouring land or unduly harming the prevailing character.

Landscaping:

Landscaping is a “reserved matter” and the application has not included any indicative landscaping. The site would need to be appropriately landscaped to ensure its effective incorporation into the streetscape and surrounding countryside.

Objections have been received in relation to the impact of the development on existing trees.

The northern boundary of the site contains a row of well-established frontage trees. A revised tree report by CBE Consulting dated 19th November 2021 has been submitted as part of the application which sets out which trees are to be removed or retained. In relation to the latter there are a number of mitigation measures in order to preserve the trees during and after the development such as protective fencing and using a cellular confinement

system to construct the access and immediate access road. Such tree protection measures can be secured by an appropriately worded condition.

T2 Sycamore is the only frontage tree to be removed for access into the site. The WLDC Trees and Landscapes Officer has been consulted on the application and although would prefer the access to sit more centrally between tree 1 and 3 accepts the proposed protection methods and has no objections to the removal of T2 or the development.

Subject to the above the development could reasonably be expected to accord with local policy LP17 of the CLLP and the provisions of the NPPF.

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

Highway Safety

As stated previously, the earlier appeal dismissed the proposal for 5 dwellings having concluded *“that the proposed development would compromise highway safety for users, causing harm.”*

Objections have been received from the ward member, Grasby Parish Council and residents in relation to highway and pedestrian safety.

The proposed development has reduced the amount of accesses from two indicative vehicular access points in 141429 to one vehicular access point. A passing place is additionally proposed along the front of the site to the east of the vehicular access.

As listed in the planning history section of this report an outline application with all matters reserved for 5 dwellings was refused following resolution by the planning committee on highway and pedestrian safety grounds.

Subsequently an appeal was lodged and dismissed where the inspector concluded *“However, overall, I conclude that the proposed development would compromise highway safety for users, causing harm. This would conflict with Policies LP13 and LP26 of the Central Lincolnshire Local Plan (CLLP)”*. The main points from the inspector’s assessment are in summary:

- No separate footpaths and users including children doing their Duke of Edinburgh Award of definitive footpaths share the road with vehicles.
- Clixby Lane narrows just beyond Bells Cottage and the location of boundary landscaping to the northern side of the lane, provides some restriction to forward visibility.
- There is no vehicle turning area along Clixby Lane with limited space at the end of the lane to turn larger vehicles.
- I consider that there would be noticeably more traffic using Clixby Lane as a result of the development including deliveries and visitors.
- I am not convinced that there would be clear visibility for the reasons I have set out and providing the right of way to an oncoming vehicle on the

single width section of the road would require manoeuvring within the highway.

- Consequently, as the road acts as a shared surface, is primarily single width, has restricted forward visibility where it narrows outside Bells Cottage and supports significant pedestrian movements, development that increases its use would impose an additional safety risk to existing drivers and pedestrians.
- I do not have enough information to conclude, that the visibility splay requirements could be achieved given the proposed retention of the trees along the site frontage and therefore if the visibility splay condition could reasonably be imposed.

Clixby Lane has not been altered since the time of the previous decision. It will remain a shared surface, being used both by pedestrians on the public right of way, and by vehicles serving properties along Clixby Lane (currently 20 dwellings). It narrows at Bells Cottage, approximately 81 metres north west of the proposed site entrance.

Key considerations following that decision, is that it has reduced the number of homes by one, to four in total, and should reduce the traffic it would have generated. This would increase the overall number of homes on Clixby Lane from 20 to 24, a 16.66% increase.

Furthermore, the access has been reduced to one, with a visibility splay of which meets the 2.4 metre x 25 metre requirement.

In addition, the layout has been revised to demonstrate that a dedicated turning space can be accommodated on the site, to allow vehicles to enter and exit in first gear.

The Highways Authority have not submitted any objections to the proposed access on grounds of highway safety.

The application has included a Transport and Access Technical Note (TSTN) by SLR dated July 2021. The TSTN sets out in section 2.0 (page 4) that the recommended visibility splays as required by the inspector can be achieved from the proposed access and are noted on site plan 21/776/1D dated 9th December 2021.

The TSTN adds that *“The drawing includes swept path analysis which demonstrates that two cars could pass within the access junction and that a car would be able to turn within the site to exit in forward gear. The location of the Site access further west ensures that the use of the narrow section of Clixby Lane by the additional vehicles is limited. In addition the achievable junction visibility and the forward visibility will ensure that vehicles travelling from the Site will be able to see approaching vehicles allowing them to give way accordingly.”*

The TSTN concludes that *“The design of the proposed Site access includes both good junction visibility and good forward visibility, ensuring that vehicles*

travelling from the site can see all road users. The number of vehicles predicted to be generated by the proposed development in any one hour are low and so the safety of Clixby Lane is not considered to be detrimentally affected. As such, there are no highways grounds for refusal of the proposed development and the proposals are considered to be acceptable. As the proposed development provides safe and suitable access the proposals are not contrary to the guidance as set out in National Planning Policy Framework (NPPF)."

The assessment of this application included a site visit by the case officer which included walking to the site from the junction with Front Street and then observing views from the position of the access to the east and west along Clixby Lane. It is additionally acknowledged that Clixby Lane forms part of the Viking Way which is well trodden and popular public rights of way.

Clixby Lane is a shared surface for vehicles and pedestrians and has dwellings along it with driveways only accessible along Clixby Lane. The shared surface status of Clixby Lane is clear as you walk along it to all users whether local people or visitors using the Viking Way. Therefore pedestrians walking along the road would be well aware of the potential of vehicles traveling east and west along it.

The TSTN in section 3.3 (page 8-9) states that *with five dwellings TRICS predicts that there would be up to 9 arrivals and 9 departures in one day" and "This low level of additional vehicle movements is not likely to increase the chances of two vehicles meeting at the narrow section."* It is unknown why the TSTN relates to five dwellings when this development is for four dwellings and the guidance is a new document submitted with this application.

However table 3.2 of the TSTN determines that the daily number of trips generated by four dwellings would be 15 trips (7 departures and 8 arrivals). This would be three less than a 5 dwelling (see table 3.2) development therefore further decreasing the modest amount of vehicle movements and reducing the potential for two vehicles to meet.

Views from the proposed access looking west (see photo below) make it clear that both the junctions with Front Street and Main Street would be in view before pulling out onto Clixby Lane which would allow an oncoming vehicle to be seen and waited for.



Views looking east (see below photo) would additionally be clear given the length of the grass verge and straightness of Clixby Lane to the east.



As advised by Highways the vehicular access would need to be wide enough to allow the oncoming vehicles to pass the waiting vehicle. The indicative layout on site plan 21/776/1D dated 9th December 2021 demonstrates a road width of 5.1 metres which is more than sufficient for this to occur. It would be considered necessary and reasonable to add a condition to ensure that any reserved matters application met the width restriction for the first 10 metres of the vehicle access and road.

Views from Bell Cottage (see white/cream building on the photo below) were additionally observed where the inspector noted that Clixby Lane started to narrow. From this position as you travel towards Clixby Lane you can clearly see the area where the vehicular access is proposed.



The application additionally includes a passing place to the east of the proposed access. The position of the passing place would not be in view as you travel east along Clixby Lane nor would Clixby Lane be wholly visible as you travel west from the dwellings to the east of the proposed access position. The passing place would therefore allow a vehicle to wait whilst another passes although the amount of traffic generated to the east of the proposed access would rarely make this happen.

Comments have been made about the impact of the construction vehicles in terms of highway safety and the impact on the condition of Clixby Lane. The use of Clixby Lane by construction traffic would be expected to have some disruptive impact on the use of Clixby Lane but this would only be temporary whilst materials were being delivered. The condition of Clixby Lane is the consideration of the Highways Authority at Lincolnshire County Council who have not objected.

With all of these considered and visiting the site it is considered that Clixby Lane is a shared no through highway predominantly for vehicles with its pedestrian use increased due to its status as part of the Viking Way. Visibility of the access as you travel east along Clixby Lane, visibility from the access to the west and the speed of the highway would allow acceptable and safe visibility for vehicle users as well as pedestrians, cyclist and horse riders.

The development is expected to generate an additional 15 trips a day on the lane. Whilst there is some conflict as a shared space between vehicles and pedestrians, it is considered that the additional traffic generated would not in itself, result in a significant compromise of highway safety. Furthermore, this latest design has sought to bring forward acceptable visibility splays, and ensure vehicle turning can be achievable.

It is therefore considered that the proposal subject to reserved matters in particular the layout of the access road would not have a severe highway and pedestrian safety impact and would now accord with local policy LP13 of the CLLP and the provisions of the NPPF.

Residential Amenity

In the appeal decision, the Inspector concluded at that time, *“notwithstanding the third-party representations, impacts on the living conditions of neighbours and scale and appearance of the development could be addressed at the reserved matters stage.”*

Objections have been received in relation to residential amenity. Indicative site plan (ISP) 21/776/1D dated 9th December 2021 demonstrates that 4 dwellings would be expected to be designed and positioned to provide more than sufficient separation distance between the existing and proposed dwellings. The site would enable acceptable private external amenity space for each new dwelling.

Objections have been received in relation to vehicle headlight glare during hours of darkness and disturbance from the construction phase. The proposed access would be opposite half of 11A Clixby Lane and half Malvern, Clixby Lane. Vehicles leaving the site would for a very short period point towards parts of these properties and in particular 11A which is positioned closer to Clixby Lane.

The proposed development of 4 dwellings would not generate a significant enough amount of journeys to cause a significant impact through headlight glare.

Given the location of the site along Clixby Lane it is considered relevant, reasonable and necessary to attach a construction management plan condition to the permission to ensure the development does not cause a significant impact on the neighbouring dwellings.

Therefore, subject to a successful reserved matters application the development would be expected accord with local policy LP26 of the CLLP and the provisions of the NPPF.

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

Archaeology

The Historic Environment Officer has not commented on this application but had no objections in planning application 141429 and there is no material evidence to contradict this position. It is therefore not considered that the proposal would have a harmful impact on items of archaeological interest and accords to local policy LP25 of the CLLP and the provisions of the NPPF.

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

Drainage

Objections have been received in relation to drainage.

The application form states that surface water is proposed to be dealt via a soakaway/watercourse system which is encouraged as a form of sustainable urban drainage.

No method of foul drainage is stated on the application form. Paragraph 20 (Reference ID: 34-020-20140306) of the water supply, wastewater and water quality section of the NPPG states

“When drawing up wastewater treatment proposals for any development, the first presumption is to provide a system of foul drainage discharging into a public sewer to be treated at a public sewage treatment works (those provided and operated by the water and sewerage companies). This will need to be done in consultation with the sewerage company of the area.”

It would therefore be preferred that foul drainage is connected to the existing sewer system if a connection is available with sufficient capacity.

Foul and surface water drainage matters is considered acceptable in principle, subject to receiving further details through a condition. The development would therefore be expected to accord with policy LP14 of the Central Lincolnshire Local Plan 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.

Flood Risk

The site is in flood zone1 and is not within an area identified by the Environment Agency as at risk from surface water flooding.

Ecology

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.*

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:

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’.

The application has included a Preliminary Ecological Appraisal Report (PEAR) dated 4th May 2020. On submission (6th October 2021) the ecology report was under 18 months old so considered still to be acceptable. Page 14-15 of the PEAR makes the following recommendations (summarised):

Habitats – No further surveys required. Hedging to the north, east and west and mature deciduous trees along northern boundary to be retained. Planting soft landscaping.

Bats - The site is considered to only offer limited foraging capacity given the size of the site and the habitat composition. No further survey work required. Recommendations provided in relation to external lighting on site and for a scheme of bat boxes.

Great Crested Newts – The site offers limited potential for Great Crested Newt and no further survey or mitigation work is required.

Birds - No active or historical nests were seen during the field survey. There was no evidence of the site supporting bird species listed on Schedule 1 of the Wildlife and Countryside Act 1981 (as amended). No further Breeding bird survey work is required. Recommendations provided for when vegetation/ground clearance works are to be undertaken and for a scheme of bird boxes.

Reptiles - The application site as a whole is considered to offer limited opportunities for reptile species and no further survey or mitigation work is required.

As set out above, policy LP21 states that all development should seek to deliver a net gain in biodiversity and geodiversity. A scheme of ecological enhancements will be required by condition to ensure all recommendations are adhered to.

The proposal would therefore not have a harmful impact on biodiversity and subject to conditions the development would accord 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.

Public Right of Way

There are two existing rights of way that run along Clixby Lane (the 'Viking Way') and to the west of the site. As shown on the proposed site plan, the public right of way to the west of the site extends into the field to the south-east and does not follow the exact route which is shown on the LCC definitive map. The application proposes to realign the right of way to a similar position as shown on the definitive map, outside of the application site boundary.

The LCC Rights of Way Team have not commented on this application but had no objections to the development proposal and it is considered that the proposal would not harm the functions of the rights of way.

The Lincolnshire Ramblers Officer has commented based on safety due to the increase in vehicular movements along Clixby Lane. No concerns in relation to highway safety along Clixby Lane have been raised by LCC Highways as part of their consultation response. Clixby Lane is a public highway located within a primary residential area which is subject to speed restrictions, therefore, the associated traffic volume and speed is low. Accordingly, the development is considered to be acceptable in this regard.

The Highway Authority have requested that a condition be added to the decision requesting that the kissing gates on the public right of way are upgraded to Wicket Gates. However, the current kissing gates are not located within the site boundary and are not impacted by the proposed development.

Therefore it is considered unreasonable and not relevant to the proposed development and would not therefore meet the "six tests" (NPPF paragraph 55) for a planning condition.

Contamination

The Environmental Protection Officer has recommended a pre-cautionary contamination condition to be attached to any permission. This is considered as reasonable and necessary.

The proposal would therefore not have a harmful contamination impact and subject to a condition would accord to local policy LP16 of the CLLP and the provisions of the National Planning Policy Framework.

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

Community Infrastructure Levy

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. This is an outline application with scale to be considered through the submission of a future reserved matters application. Therefore no accurate CIL calculation can be made at this stage. An informative will be attached to the permission making it clear that a CIL charge would be liable.

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, LP25 The Historic Environment and LP26: Design and Amenity of the adopted Central Lincolnshire Local Plan 2012-2036 in the first instance and S1 The Spatial Strategy and Settlement Hierarchy, S2 Growth Levels and Distribution, S4 Housing Development in or Adjacent to Villages, S5 Development in the Countryside, S6 Reducing Energy Consumption – Residential Development, S20 Flood Risk and Water Resources, S22 Meeting Accommodation Needs, 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 and S65 Trees, Woodland and Hedgerows of the Draft Central Lincolnshire Local Plan Review. Furthermore consideration is additionally given to guidance contained within the National Planning Policy Framework, National Planning Practice Guidance, National Design Guide and National Design Model Code.

In light of this it is considered that the principle of the proposal is acceptable and will provide four dwellings in an appropriate location towards the housing supply for Grasby and Central Lincolnshire. The position and visibility splays of the single vehicular access is considered acceptable and would not have a severe harmful impact on highway and pedestrian safety. This is subject to satisfying a number of conditions and the submission of a reserved matters application (scale, appearance, layout and landscaping).

Human Rights Implications:

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

Legal Implications:

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

Representors to be notified -

(highlight requirements):

Standard Letter ☐

Special Letter ☐

Draft enclosed ☐

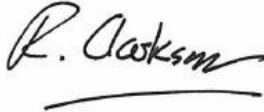
Prepared by: Ian Elliott

Date: 14th December 2021

Signed:



Authorising Officer:



Date: 14/12/2021

Draft Conditions

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

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

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

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

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

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

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

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

4. The details of layout to be submitted in accordance with condition 2 of this permission must include:
- The approved access and proposed access road to be at least 5.1 metres in width for the first 10 metres from the front boundary.
 - An acceptable vehicle turning space (not driveway) within the site to enable a vehicle to enter and exit in a forward gear.

- The access as approved with a visibility splay in both directions of 2.4 metres x 25 metres.

Reason: To allow two vehicles to pass each other within the site. To provide acceptable turning space within the site and to ensure required visibility splays are met. This would reduce the potential of two vehicles meeting along the narrow section of Clixby Lane in the interests of highway and pedestrian safety to accord with the National Planning Policy Framework and local policy LP13 and LP26 of the Central Lincolnshire Local Plan 2012-2036.

5. No development must take place until details of the position of three bat boxes and three open nest bird boxes, as per the recommendations of the Preliminary Ecological Appraisal Report by Curtis Ecology dated 4th May 2021 has been submitted to and approved by the Local Planning Authority. The approved bat and bird boxes must be installed prior to occupation of the site and retained as such thereafter.

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

6. No development must take place until a demolition and construction method statement has been submitted and agreed in writing by the local planning authority. The approved statement(s) must be adhered to throughout the construction period. The statement must provide for:
 - (i) the parking of vehicles for site operatives and visitors;
 - (ii) loading and unloading of plant and materials including hours of the day;
 - (iii) storage of plant and materials used in constructing the development;
 - (iv) the erection and maintenance of security hoarding including decorative displays and facilities for public viewing, where appropriate;
 - (v) wheel cleaning facilities;
 - (vi) measures to control the emission of dust and dirt;
 - (vii) details of noise reduction measures;
 - (viii) a scheme for recycling/disposing of waste;
 - (ix) the hours during which machinery may be operated, vehicles may enter and leave, and works may be carried out on the site;
 - (x) protection of the use and users of the Viking Way;
 - (xi) measures to prevent or limit the blocking of access and egress for the residents of Clixby Lane opposite and to the east of the site.

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

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

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

- Location Plan received 6th October 2021
- Site Plan 21/776/1D dated 9th December 2021 (Vehicular Access and Passing Place Only)

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

Reason: To ensure the development proceeds in accordance with the approved plans and to accord with the National Planning Policy Framework and policy, LP13, LP17 and LP26 of the Central Lincolnshire Local Plan.

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

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

9. No occupation must take place until a detailed construction specification for the single passing place to the front of the site as identified on site 21/776/1D dated 9th December 2021 has been submitted to and approved in writing by the local planning authority. The single passing place must be completed in strict accordance with the approved details and prior to occupation of any dwelling. The passing place must be retained as such thereafter.

Reason: To improve and provide a passing place along Clixby Lane to the east of the proposed access 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.

10. Apart from the bat and bird boxes in condition 4 of this permission the development hereby approved must only be carried out in accordance with the recommendations set out Preliminary Ecological Appraisal Report by Curtis Ecology dated 4th May 2021.

Reason: To respond to the enhancement recommendations of the Preliminary Ecological Appraisal Report by Curtis Ecology dated 4th May 2021 to accord with the National Planning Policy Framework and local policy LP21 of the Central Lincolnshire Local Plan 2012-2036.

11. The development must be completed in strict accordance with the tree protection measures identified on tree protection plan (figure 4) and in section 4.1, 4.2 and 4.3 of the revised tree report by CBE Consulting dated 19th November 2021. All tree protection measures must be installed prior to commencement of the development and retained in place until the development is fully completed. The cellular confinement system must be a no dig construction and retained as such thereafter.

Reason: To safeguard the existing trees on or adjacent 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.

12. If during the course of development, contamination not previously identified is found to be present on the site, then no further development (unless otherwise agreed in writing with the Local Planning Authority) shall be carried out until a method statement detailing how and when the contamination is to be dealt with has been submitted to and approved in writing by the Local Planning Authority. The contamination shall then be dealt with in accordance with the approved details.

Reason: In order to safeguard human health and the water environment as recommended by Environmental Protection in accordance with Policy LP16 of the Central Lincolnshire Local Plan.

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

NONE

Notes to the Applicant

Highway Informative

The highway improvement works referred to in the above condition are required to be carried out by means of a legal agreement between the landowner and the County Council, as the Local Highway Authority.

The permitted development requires the formation of a new/amended vehicular access. These works will require approval from the Highway Authority in accordance with Section 184 of the Highways Act. The works should be constructed in accordance with the Authority's specification that is current at the time of construction. Relocation of existing apparatus, underground services or street furniture will be the responsibility of the applicant, prior to application. For application guidance, approval and

specification details, please visit <https://www.lincolnshire.gov.uk/licences-permits/apply-dropped-kerb> or contact vehiclecrossings@lincolnshire.gov.uk

The road serving the permitted development is approved as a private road which will not be as a Highway Maintainable at the Public Expense (under the Highways Act 1980). As such, the liability for the future maintenance of the road will rest with those who gain access to their property from it.

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. For further guidance please visit our website via the following links:

Traffic Management - <https://www.lincolnshire.gov.uk/traffic-management>
Licences and Permits - <https://www.lincolnshire.gov.uk/licences-permits>

Hedgerows

It is recommended that the *“proposed mixed indigenous hedge planting to southern boundaries of new dwellings”* as shown on drawing 2020 029201 05 A is maintained at a height of at least 2m to increase its benefit for nesting birds and that planting schedule utilises suitable species such as; hawthorn, blackthorn, field maple, spindle, wayfaring tree, guelder rose, buckthorn, hazel, field rose, dog rose, wild privet, holly, ivy and bramble.

Community Infrastructure Levy

Please be aware that as of the 22nd January 2018 West Lindsey District Council implemented a Community Infrastructure Levy and that eligible development granted on or after this date will be subject to this charge.

The development subject to this Decision Notice could fall within the definitions held within the adopted charging schedule and as such may be liable to pay the levy. For further information on CIL, processes, calculating the levy and associated forms please visit the Planning Portal www.west-lindsey.gov.uk/cilforms and West Lindsey District Council's own website www.west-lindsey.gov.uk/CIL

Please note that CIL liable development cannot commence until all forms and necessary fees have been submitted and paid. Failure to do so will result in surcharges and penalties

Appeal Decision

Site visit made on 27 April 2021

by Diane Cragg DipTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 18 May 2021

Appeal Ref: APP/N2535/W/20/3265778

Land to South of Clixby Lane, Grasby Lincs DN38 6AJ

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant outline planning permission.
 - The appeal is made by DJ and JM Frankish against the decision of West Lindsey District Council.
 - The application Ref 141429, dated 14 July 2020, was refused by notice dated 15 October 2020.
 - The development proposed is outline application with all matters reserved for five dwellings.
-

Decision

1. The appeal is dismissed.

Procedural Matters

2. I have taken the address for the appeal site from the decision notice as this is the most accurate address provided.
3. The application is in outline with all matters reserved for future consideration. I have determined the application on this basis. However, indicative layout plans and a tree retention plan have been provided and I have taken these into consideration in so far as they describe the development.

Main Issue

4. The main issue is the effect of the development on highway safety.

Reasons

5. Clixby Lane is a narrow rural lane with no footpaths. It is a no through route accessed from Front Street and Vicarage Lane. In the vicinity of the appeal site the lane varies in width between 2.5 and 3 metres. It carries definitive footpath 29/2 which is part of the Viking Way. The entrance to footpath number 47/1 is also from Clixby Lane accessed via a kissing gate at the western side of the appeal site frontage. Beyond this entrance dwellings are located only on the north side of the lane. Properties have individual or shared driveways. Not all properties on the north side have vehicle turning areas and vehicles reverse out on to the lane.
6. The appeal site is part of a larger grassed field which is bounded by Clixby Lane to the north side. The site frontage to Clixby Lane has a grassed verge with several street trees within it and hedge planting along the boundary. The appeal site slopes down from Clixby Lane towards the south and there is a

change in land level within the site adjacent to the front boundary. There is currently no vehicular access into the appeal site. Footpath 29/2 follows the line of Clixby Lane and Footpath no 47/1 runs north/south along the appeal site's western boundary.

7. I observed during my site visit that Clixby Lane starts to narrow just beyond Bells Cottage and is single width for the rest of its length before becoming a footpath at its eastern end. There are no separate footpaths adjacent to the road and those using the definitive public footpaths share the road with vehicles. In this regard I noted at my site visit that the public footpaths are well used by walkers. I also note the comments of the Ramblers Association that the public footpath is popular with children completing their Duke of Edinburgh awards and adult walking groups and that the verge is uneven and not a suitable alternative to the tarmac road.
8. Clixby Lane changes alignment just after Bells Cottage and this, in addition to the location of boundary landscaping to the northern side of the lane, provides some restriction to forward visibility. There is no vehicle turning area along Clixby Lane with limited space at the end of the lane to turn larger vehicles.
9. The appellant anticipates that the level of traffic generated by 5 new dwellings would be low. However, 5 dwellings would generate additional traffic movement associated with their occupation, including deliveries and visitors and I consider that there would be noticeably more traffic using Clixby Lane as a result of the development.
10. The Framework promotes sustainable transport, development should be designed to give priority to pedestrian and cycle movements and create places that minimise the scope for conflicts between pedestrians, cyclists and vehicles. The development could be designed to ensure vehicles leave the appeal site in forward gear, but it would be highly likely that as a result of the development and the restricted width of the lane the number of vehicles reversing along the single section of Clixby Lane would increase in frequency and that these additional reversing manoeuvres would result in conflict between pedestrian and vehicle movements.
11. The appellant considers that the limited distance of the development from the junction of Clixby Lane and Front Street, and the fact that the road narrows only when it is past Bells Cottage, would mean that vehicles would see one another with ample time to allow a right of way. However, I am not convinced that there would be clear visibility for the reasons I have set out and providing the right of way to an oncoming vehicle on the single width section of the road would require manoeuvring within the highway.
12. Consequently, as the road acts as a shared surface, is primarily single width, has restricted forward visibility where it narrows outside Bells Cottage and supports significant pedestrian movements, development that increases its use would impose an additional safety risk to existing drivers and pedestrians. I do not have sufficient evidence to conclude that these matters would be resolved by the design of the proposed accesses, even if these accesses are shared rather than individual drives and have the potential to provide informal passing places.

13. In addition, the trees to the site frontage would be retained in accordance with the recommendations of the Preliminary Ecology Appraisal¹ and the Tree Survey Report². The County Council's Highways Authority did not raise any objections to the development but seeks a condition requiring a visibility splay of 2.4 by 43 metres at the vehicle entrance/s with all obstructions cleared above 0.6 metres in that area. I note the appellant's comments that visibility would be addressed at reserved matters stage but the indicative layout plan does not demonstrate, and I do not have enough information to conclude, that the visibility splay requirements could be achieved given the proposed retention of the trees along the site frontage and therefore if the visibility splay condition could reasonably be imposed.
14. Notwithstanding the third-party concerns about the capacity of the junctions at Clixby Lane/ Front Street and Clixby Lane/ Vicarage Lane, I have no reason to conclude that the vehicle movements associated with the development could not be accommodated at these junctions.
15. However, overall, I conclude that the proposed development would compromise highway safety for users, causing harm. This would conflict with Policies LP13 and LP26 of the Central Lincolnshire Local Plan (CLLP) where these policies seek to ensure that development provides well designed, safe and convenient access for all. It would also conflict with the National Planning Policy Framework where it seeks to ensure that safe and suitable access to sites can be achieved for all users.

Other Matters

16. There is no dispute between the main parties that the appeal site would meet the locational requirements of Policies LP2 and LP4 of the CLLP. Five dwellings would make a small contribution to the supply of housing. There would be small economic benefits in the short-term during the construction phase. New dwellings in this location would make a limited contribution to supporting local services and facilities. Given the dispersed nature of rural housing in this area, and the reliance on private car journeys, there would be limited social and environmental benefits in terms of the vitality of rural communities. These matters carry limited weight in favour of the scheme.
17. Notwithstanding the third-party representations, impacts on the living conditions of neighbours and scale and appearance of the development could be addressed at the reserved matters stage. Issues relating to foul and surface water drainage, ecology and tree retention could be addressed by planning conditions. However, these are requirements of the development plan and they do not weigh in favour of the scheme.
18. Whilst it has been brought to my attention that the building to the east of the appeal site has been granted planning permission for a business use (yet to be commenced). I have not been provided with the nature of the business proposed or its likely traffic generation.
19. I appreciate the appellant's disappointment that the matters of concern were raised following a positive recommendation to the Council's planning committee. However, this does not lead me to a different conclusion.

¹ Preliminary Ecological Appraisal Report dated 4 May 2020

² Tree Survey Report ref P2063/0620/01 V2 dated 06 July 2020

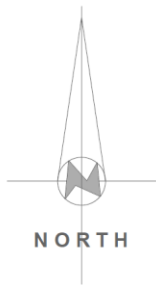
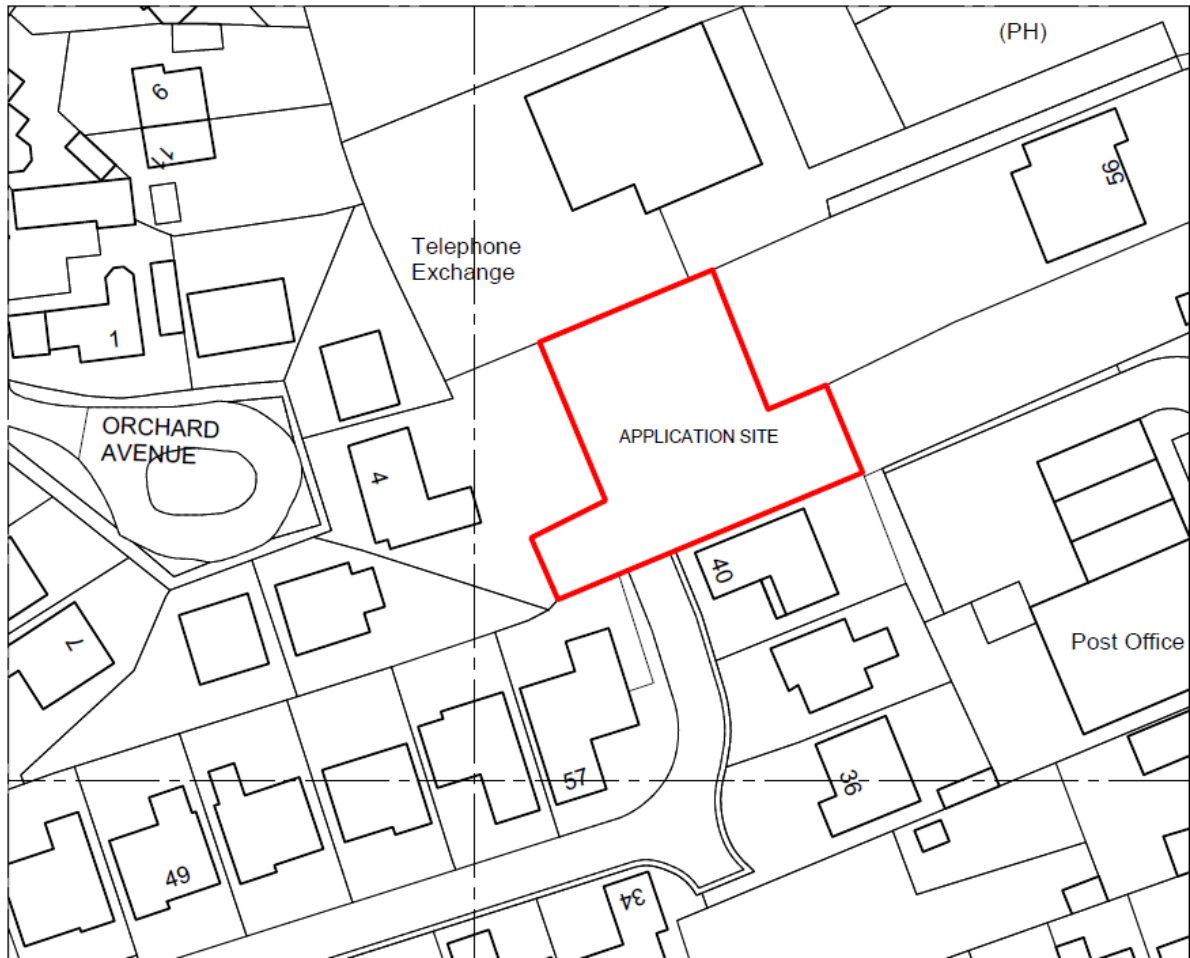
Conclusion

20. The proposal would conflict with the development plan and there are no material considerations that would outweigh that conflict. For this reason, the appeal is dismissed.

Diane Cragg

INSPECTOR

Agenda Item 6d



Officer's Report

Planning Application No: 143973

PROPOSAL: Planning application for 2no. dwellings with associated detached garages being variation of condition 5 of planning permission 140625 granted 14 April 2020 - Amended drawings

LOCATION: Land off Astley Crescent Scotter Gainsborough DN21 3SL

WARD: Scotter and Blyton

APPLICANT NAME: Mr. and Mrs. R Blythe

TARGET DECISION DATE: 07/01/2022

DEVELOPMENT TYPE: Minor - Dwellings

CASE OFFICER: Richard Green

RECOMMENDED DECISION: Grant with conditions attached.

This application has been referred to the Planning Committee at the request of the Ward Member, and following objections from third parties.

Description:

The application site was a vacant piece of land at the end of Astley Crescent located within the built footprint of Scotter. Construction is now underway to erect two dwellings and garages granted under planning permission 140625. To the north off the site is a telephone exchange and to the south are two detached two storey dwellings (No.40 and No. 57 Astley Crescent). To the west is a dormer bungalow (No.4 Orchard Avenue) and its rear garden. To the east is a detached two storey dwelling (No.56 High Street) and its long rear garden and land subject of an outline planning permission to erect one dwelling (140437).

The site already has planning permission (140625) which is currently under construction to erect two 5 bed detached dwellings which will be accessed off Astley Crescent. Plot 1 is a two and half storey dwelling with accommodation in the roof space with an approximate height of 8.3 metres, as is Plot 2. Each dwelling benefits from a small front garden to the south and private rear gardens to the north. Plot 1 to the west benefits from a detached double garage and two car parking spaces to the south west of the dwelling. Plot 2 benefits from a detached double garage to the south east and two car parking spaces in front (to the south) of the dwelling. An access road to the south of the garage to Plot 2 is shown on the proposed site plan leading to the site with the benefit of planning permission (140437).

This application (143073) seeks to vary condition 5 (plans) of planning permission 140625. The changes are shown on the following drawing(s): 1378.01A dated 24/11/2021, 1378.02A dated 24/11/2021, 1378.03A dated 24/11/2021, 1378.04A dated 24/11/2021, 1378.05A dated 24/11/2021, 1378.06 dated September 2021 and 1378.07A dated 24/11/2021. The following amendments are proposed:

- The dwellings have been increased in width by +0.29m (Plot 1) and +0.54m (Plot 2). Plot 1 was previously 10 metres (11.16m including front projection) and Plot 2 was 10.1 metres (11.2 metres including front projection).
- Plot 1 would still have a first floor window and a ground floor door and window in its east (side) elevation but these are now re-positioned slightly under 143073.
- Plot 2 would still have a first floor window and a ground floor door and window in its west (side) elevation but these are now re-positioned slightly under 143073.
- The garages have been repositioned slightly within the plot and have been altered as shown below:
 - Plot 1 – +4.7m to ridge and +2.55m to eaves (previously +4.3m to the ridge and +2.06m to the eaves) and Plot 2 – +4.4m to ridge and +2.55m to eaves (previously +4.3m to the ridge and +2.06m to the eaves).
 - Plot 1 – Has an additional personnel door in a side elevation and Plot 2 – Has a personnel door and a window in its side elevation.

Relevant history:

124802 – Full application to erect two dwellings. Granted 22/03/2010 (similar site plan layout to this application 140625 but two storey 4 bed detached dwellings with approximate ridge height of 7.4 metres).

129783 – Extension of time limit in regards to 124802. Granted 24/05/2013.

140625 - Full planning application for 2no. dwellings with associated detached garages. Granted 14/04/2020.

142016 - Request for confirmation of compliance with conditions 2, 3, & 4 of planning permission 140625. Conditions discharged 24/03/2021.

Land to the east:

140437 - Outline planning application to erect 1no. dwelling - access, layout and scale to be considered and not reserved for subsequent applications. Two storey detached four bed dwelling with integral single garage and access taken off Astley Crescent with a ridge height of approximately 7.4 metres. Granted 27/03/2020.

Dwellings to the south:

M04/P/1100 – Reserved Matters to erect a detached two storey five bed dwelling approximately 7.5 metres to the ridge. Granted 10/11/2004 (No.40 Astley Crescent).

121171 – Full plans to erect a detached 2.5 storey dwelling five bed dwelling approximately 8.9 metres to the ridge. Granted 12/12/2007 (No.57 Astley Crescent).

Representations:

Cllr M Snee: Please can I request on behalf of many of my constituents that application 143973 is brought before the planning committee. This will ensure full transparency of the

application because of the previous breaches of Planning (application 140625) and the necessary enforcement action that had to be taken for this site.

Scotter Parish Council: This application does not comply with Scotter Neighbourhood Plan on the following points, Policy H4: Small Scale Residential Development Policy D5: Design of New Development. This application does not comply with the Central Lincolnshire Local Plan on the following points, Policy LP26: Design and Amenity

Specifically the scale of these 2, 3 storey houses is not in keeping with the surrounding properties. The size and height are excessive for that area and will have a considerable negative impact on the one storey neighbouring properties.

The property on plot 2 has been built above ground level. This may impact the neighbouring properties in respect of surface water drainage and flooding. This area of Scotter already has an existing problem with the drainage during heavy rain fall. This development has an obligation to ensure that the neighbouring properties are not adversely affected and we would suggest this needs investigating.

The original planning granted had considerable objection noted from residents due to size and scale, the new plans now show that the property has increased on both accounts without justification. The Parish Council would like to comment that Scotter Neighbourhood Plan has been completely disregarded in this planning application and request that an explanation of how these properties comply with Policy H4 and D5 be provided. We also request that this application be taken to planning committee for full consideration.

Local residents: 54 (Sun and Anchor Public House) and 56 High Street, 57 Aslley Crescent and 4 Orchard Avenue Scotter object to the application for the following reasons, in summary:

- This was already a poor development (granted under 140625).
- Application 143973 is a completely new application and should be afforded a comprehensive appraisal and not be regarded as a mere tweaking of the original
- As my business has been flooded twice in four years I really think that this will have a massive impact on drainage around me.
- The increased surface area covered by the larger buildings will further reduce the ability of the ground to absorb rainwater. This will increase this risk of flooding on neighbouring land; it should be noted the village's telephone exchange shares a boundary with the site.
- It is unusual to show garage doors opening into inwards – a bit difficult with vehicles in situ – but just as well as, certainly with Plot 2, there would be no room to open it outwards due to the close proximity to the boundary fence.
- Any eventual approval of planning should be mindful of the need to put in place safeguards such as ensuring that anti-social hours of work are eliminated and that all interested parties are able to give representation eg Emergency Services.
- The ridge height of the garage to Plot 1 is located next to our garden fence at the bottom of our rear garden and we are concerned about the obstruction of our view and over shadowing especially as the ridge has risen to 4.7 m from the previously permitted 4.2 m (140625).

- This means that we are now looking at a wall of brick of almost 3m above our fence line.
- Plot 1 does not lie directly behind our property [No.57 Astley Crescent], the extremely large windows extending from ground floor to roof, mean our once private property will in fact now be completely overlooked.
- As we have seen on this latest application 143973, the house on plot 2 will now be 8.84m to ridge height which is a significant breach of the maximum height of 8.3m previously granted under application 140625. Both houses will also be wider (plot 1 has increased from 8.5m to 8.79m and plot 2 from 8.5m to 9.04m) and additional doors and windows have been included in the garages.
- We also have major concerns about flooding due to the extensive nature of this build leaving very little opportunity for surface absorption of water. During the build of the garage, we have experienced excessive flooding onto our land. With heavy rainfall, water has migrated under our fence line by approximately 1.5m, rendering our garden a boggy mess. Photographic evidence was submitted to West Lindsey District Council on 29th January 2021 to illustrate this issue. Whilst the original application 140625 did provide for the disposal of foul and surface water, there are no visual signs of any such measures being put in place as yet.
- Throughout the build, there have been several occasions when we have been subjected to building noise and disruption at times, we consider to be unsociable and inconsiderate. As a result, we would also respectfully ask that a condition be placed on application 143973, stipulating building times deemed acceptable by West Lindsey District Council.
- The garages and houses that were granted permission in application 140625 were already out of context. The height, scale and consequent massing effects of the proposed 3-storey houses on neighbouring properties are inappropriate.
- The current application proposal 143973 indicates even more substantial buildings and therefore has an even further detrimental effect on neighbouring properties. In our case [No.4 Orchard Avenue], the size and mass of any proposed development have always been a concern as our house is sited approximately 6 feet below the level of the building site, thus exaggerating the effect when compared to a property on the same level as the site.

LCC Highways and Lead Local Flood Authority: The proposal is for 2 dwellings and it does not have an impact on the Public Highway or Surface Water Flood Risk. 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.

Archaeology: No representations received to date.

LCC Minerals and Waste: No representations received to date.

IDOX: Checked 22/12/2021.

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), the Scotter Neighbourhood Plan (adopted in January 2018) and the Lincolnshire Minerals and Waste Plan (The Core Strategy & Development Management policies (CSDMP) adopted in June 2016).

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

LP13: Accessibility and Transport

LP14: Managing Water Resources and Flood Risk

LP17: Landscape, Townscape and Views

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 are consistent with NPPF chapter 5 as they both seek to deliver a sufficient supply of homes. 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 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/>

Scotter Neighbourhood Plan

Policy H4: Small Scale Residential Development

Policy D5: Design of New Development

Policy T9: Parking and Parking Standards

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

Lincolnshire Minerals and Waste Plan

The Core Strategy & Development Management policies (CSDMP) were adopted in June 2016 and form part of the Development Plan. The application site is within a Mineral Safeguarding Area (MSA). Policy M11 applies.

The Site Locations were adopted in December 2017. The site is not within an allocated Minerals Site or Waste Site/Area.

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 Development
- Residential Amenity
- Visual Impact
- Garden Space
- Highway Safety
- Landscaping and Boundary Treatments

- Other Matters

Assessment:

Principle of Development

The principle of development to erect 2 dwellings and associated garages has already been established following the grant of full planning permission (140625). It would accord with policy LP2 of the CL Local Plan which seeks to focus growth to large villages such as Scotter through “appropriate infill, intensification or renewal within the existing developed footprint”.

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.

It is proposed to build two, 2.5 storey five bed dwellings with accommodation in the roof space with detached garages. Each dwelling has an approximate height of 8.3 metres and the garage to Plot 1 is approximately 4.7 metres to the ridge and 2.55 metres to the eaves and the garage to Plot 2 is approximately 4.4 metres to the ridge and 2.06 metres to the eaves.

Plot one to the west of the site is located approximately 16.6 and 11 metres from No.57 and No.40 Astley Crescent respectively. This plot is also located approximately 20.7 metres to the east of No.4 Orchard Avenue or 16.5 metres from its rear single storey conservatory. It can be noted that the dwelling at no.4, sits below the application site, with its rear garden sloping upward in an easterly direction up to the site level. The proposed south (front) elevation has a triple height window element across three floors which will overlook the front garden, driveway and the access from Astley Crescent. The other second floor windows (and two roof lights) will have the same outlook and will also look out onto the side (north) elevation of No.40 Astley Crescent with two small windows to bathrooms and another window to a stairwell at first floor level in this elevation. The proposed north (rear) elevation will look out onto the rear garden afforded the proposed dwelling with the telephone exchange beyond. The proposed side (east) elevation will have a small window and door to a utility and toilet (obscure glazed) at ground floor level and a window at first floor level to a bathroom (obscure glazed) and a roof light. A small roof light is also proposed in both the west and east (side) elevations of the front off shoot. Whilst the side elevation will be visible from 4 Orchard Avenue, it will be at the end of the garden and would not be expected to have an unduly adverse effect upon the amenities that may be enjoyed at that property. Overall, it is not considered that the proposed development would have a significantly adverse impact upon the amenity enjoyed at neighbouring properties, in regards to overlooking and over dominance regarding Plot 1.

Plot Two to the east of the site is located approximately 12 metres from the side of No.40 Astley Crescent. The proposed front (south) elevation which has a triple height window element across three floors and other windows on the first floor and two roof lights will look out onto the side (north) elevation of No.40 Astley Crescent which has two small windows to bathrooms and another window to a stairwell at first floor level in this

elevation. The proposed south (rear) elevation will look out onto the rear garden afforded the proposed dwelling with the telephone exchange beyond. The proposed side (west) elevation will have a small window and door to a utility and toilet (obscure glazed) at ground floor level and a window at first floor level to a bathroom (obscure glazed) and a roof light. The proposed side (east) elevation will have no openings apart from a roof light. There are no residential amenity concerns in regards to overlooking and over dominance regarding Plot 2 (including to the new dwelling granted planning permission under 140437 which is located approximately 18.5 metres away from the side (east) elevation of Plot 2).

The garage proposed for Plot 1 is located approximately 5.6 metres to the north of the rear conservatory of No.57 Astley Crescent and has a maximum height of approximately 4.7 metres to the ridge which is located approximately 9 metres to the north of the rear conservatory of No.57. The garage has an eaves height of approximately 2.55 metres, which would be adjacent the shared boundary with the neighbour, with the ridgeline set into the site. Whilst the occupants of No.57 have raised concerns as to the impact upon their property and amenity, at the scale proposed, it is not considered that the presence of the garage will have an unduly adverse effect to the extent that the amenities enjoyed at the property would be significantly affected.

There are no residential amenity concerns in regards to overlooking and over dominance regarding the garage to Plot 2 which measures approximately 4.3 metres to the ridge and 2.06 metres to the eaves. The garage is located approximately 6 metres to the north east of No.40 Astley Crescent and approximately 7.9 metres to the west of the new dwelling granted planning permission under 140437.

There are also no residential amenity concerns regarding the access to the new dwelling granted planning permission under 140437.

It is therefore considered that the proposal will not have an unduly harmful impact on the living conditions of neighbouring dwellings or those of the proposed dwellings. The proposal is in accordance with the NPPF and local policy LP26 of the Central Lincolnshire Local Plan and Policy D5 of the Scotter Neighbourhood Plan.

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, 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 application seeks permission to erect two 5 bed detached dwellings which will be accessed off Astley Crescent. Plot 1 is a two and half storey dwelling with accommodation in the roof space with an approximate height of 8.3 metres as is Plot 2. Each dwelling benefits from a detached single storey double garage.

The nearest neighbouring dwellings to the proposed dwellings are No.40 and No.57 Astley Crescent to the south which are also large five bed detached dwellings with No.57 also being a 2.5 storey dwelling with accommodation in the roof space and with an approximate ridge height of 8.9 metres. There is also no overall prevailing design in the locality with No.40 and No.57 being of different designs, the dormer bungalows to the south, the telephone exchange to the north and the detached 2 storey dwelling to the east (No.56 High Street) and the 2 storey detached dwelling to the east with planning permission (140437).

The site layout of the proposed dwellings and garages is nearly identical to those granted under previous planning permissions on the site (124802, 129783 and most notably 140625). The footprint of the proposed dwellings and garden space is also similar to those of No.40 and No.57 Astley Crescent.

In terms of design and visual impact the proposed dwellings and garages will not dominate neighbouring properties which also have no overriding prevailing design and with the use of appropriate materials the proposal is considered to be in keeping with the street scene. The proposal is considered to be in accordance with the NPPF and local policies LP17 and LP26 of the Central Lincolnshire Local Plan and policy H4 of the Scotter Neighbourhood Plan.

Garden Space

The development provides for an acceptable amount of private rear amenity space for the proposed new dwellings comparable to the private amenity space afforded to No.40 and No.57 Astley Crescent which are also five bed detached dwellings.

Highway Safety

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. Policy T9 of the Scotter Neighbourhood Plan requires 4 car parking spaces for dwelling with 5 bedrooms or above.

The application seeks permission to erect two 5 bed detached dwellings which will be accessed off Astley Crescent. Both dwellings will have a detached double garage and 2 car parking spaces.

Lincolnshire County Council (LCC) Highways do not object and do not wish to make any observations in regards to this proposal.

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 detailed above is considered to be sufficient for the proposed dwellings and the proposal is considered to accord with Policy LP13 of the Central Lincolnshire Local Plan, Policy T9 of the Scotter Neighbourhood Plan and the NPPF.

Landscaping and Boundary Treatments

The existing boundary (a hedgerow) and fences will be retained on the western and southern boundaries respectively. It is proposed to erect 1.8 metre high wooden fencing on all the other boundaries of the site, including the boundary between the two plots. The garden areas on the proposed site layout plan are shown as grass to the front and rear (and a patio to the rear) apart from some planting to the front (south) of the plots.

Other Matters:

Conditions

As a variation of condition application (143973) will create a brand new permission in itself, a review of conditions originally imposed on 140625 needs to be undertaken. Without this any new permission would be unrestricted.

Application 142016 discharged conditions 2 (written scheme of archaeological investigation), 3 (external materials) and 4 (Foul and Surface Water Drainage),

The development is already under construction, therefore Condition 1 (Time) of 140625 does not need to be carried forward to this permission.

An amended Condition 5 (Plans) will be carried forward to this permission (143973) as will conditions 6 (Hardstanding), 7, 8 and 9 (Archaeology), 10 (Removal of Permitted Development Rights). Any informatives that need to be will be carried forward from permission 140625 to this permission (143973).

Foul and Surface Water Drainage

A condition was attached to planning permission 140625 and the appropriateness of the intended scheme for foul and surface water drainage was discharged under application 142016.

A condition will be carried forward from planning permission 140625 to this application (143973) requiring that any hardstanding should be constructed from a porous material and be retained as such thereafter or should be drained within the site.

Site Level

The site is generally flat, as are its surroundings. Although the majority of the garden to No.4 Orchard Avenue is on the same level as the site, No.4 Orchard Avenue which is approximately 20 metres (or 16 metres to its rear conservatory) from the site is at a lower level but the proposal (Plot 1) has a good separation distance and is less than one metre higher than the dwelling permitted under a previous permission (124802). Also the back half of Plot 1 (northern portion approximately five metres) slopes down from the ridge to approximately 5.2 metres in height (the ridge is approximately 8.3 metres in height).

Permitted Development

Certain permitted development rights will be removed to enable any such proposals to be assessed in terms of their impact on the living conditions of the proposed and neighbouring dwellings and the resulting amount of space around the proposed dwellings to safeguard the character and appearance of the proposed dwellings and their surroundings. This condition will be carried forward from planning application 140625 and includes removal of permitted development rights to alter or extend the dwellings, no new windows shall be instead in the dwellings and no buildings or structures shall be erected within the curtilage of the dwellings.

Minerals and Waste

Approximately half of the application site is within a Mineral Safeguarding Area (MSA). Policy M11 of the Core Strategy & Development Management policies (CSDMP 2016) therefore applies. The site has dwellings on all sides apart from a telephone exchange to the north and is relatively small in size. It is considered that the development is of a minor nature which will have a negligible impact with respect to sterilising the mineral resource. The development permitted through 140625 is also under construction.

Flood Risk

The site is located within Flood Zone 1 (Low risk of flooding) and Lincolnshire County Council Local Lead Flood Authority have no comments or objections to make on this issue. Nor does the Environment Agency map identify the site as being at risk of surface water flooding.

Noise

If there is unreasonable construction noise or at an unreasonable hour this can be dealt with by Environmental Protection legislation.

Conclusion and reasons for decision:

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, LP13: Accessibility and Transport, LP14: Managing Water Resources and Flood Risk, LP17: Landscape, Townscape and Views, LP26: Design and Amenity of the adopted Central Lincolnshire Local Plan in the first instance and policies contained in the Scotter Neighbourhood Plan (Policy H4: Small Scale Residential Development, Policy D5: Design of New Development and Policy T9: Parking and Parking Standards) and the guidance contained in National Planning Policy Framework and National Planning Practice Guidance.

The principle of development to erect 2 dwellings and associated garages has already been established following the grant of full planning permission (140625). It is considered

that the proposed dwellings will not have a negative effect on the residential amenity and visual amenity of the street scene and will provide an appropriate amount of outside residential amenity space and off street car parking.

Recommendation: Grant planning permission subject to the conditions below

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

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

None.

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

1. The local planning authority shall be notified in writing of the intention to commence the archaeological investigations in accordance with the approved written scheme (approved under application 142016), at least 14 days before the said commencement.

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

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

2. The development shall only be carried out using the agreed materials approved under application 142016.

Reason: To ensure the use of appropriate materials in the interests of visual amenity and the character and appearance of the site to accord with the National Planning Policy Framework and Policy LP26 of the Central Lincolnshire Local Plan.

3. The development shall only be carried out in accordance with the approved foul and surface water drainage scheme (approved under application 142016) and completed prior to occupation of the dwelling it serves.

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

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: 1378.01A dated 24/11/2021, 1378.02A dated 24/11/2021, 1378.03A dated 24/11/2021, 1378.04A dated 24/11/2021, 1378.05A dated 24/11/2021, 1378.06 dated September 2021 and 1378.07A dated 24/11/2021. 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. 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.

6. The development shall proceed wholly in accordance with the approved scheme of archaeological works approved by condition 1 of this permission.

Reason: To ensure the satisfactory archaeological investigation and retrieval of archaeological finds in accordance with the National Planning Policy Framework

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

7. Following the archaeological site work referred to in condition 6 a written report of the findings of the work shall be submitted to and approved in writing by the local planning authority within 3 months of the said site work being completed.

Reason: To ensure the satisfactory archaeological investigation and retrieval of archaeological finds in accordance with the National Planning Policy Framework

8. The report referred to in condition 7 and any artefactual evidence recovered from the site shall be deposited within 6 months of the archaeological site work being completed in accordance with a methodology and in a location to be agreed in writing by the local planning authority.

Reason: To ensure the satisfactory archaeological investigation and retrieval of archaeological finds in accordance with the National Planning Policy Framework

9. Notwithstanding the provisions of Classes A, AA, B, C, D and E of Schedule 2 Part 1 of the Town and Country Planning (General Permitted Development) (Amendment) Order 2015, or any Order revoking and re-enacting that Order, the dwellings 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 dwellings unless planning permission has first been granted by the Local Planning Authority.

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

Informative

Conditions

As a variation of condition application (143973) will create a brand new permission in itself, a review of conditions originally imposed on 140625 needs to be undertaken. Without this any new permission would be unrestricted.

Application 142016 discharged conditions 2 (written scheme of archaeological investigation), 3 (external materials) and 4 (Foul and Surface Water Drainage),

The development is already under construction, therefore Condition 1 (Time) of 140625 does not need to be carried forward to this permission.

An amended Condition 5 (Plans) will be carried forward to this permission (143973) as will conditions 6 (Hardstanding), 7, 8 and 9 (Archaeology), 10 (Removal of Permitted Development Rights).

Notes to the Applicant

Highways

The permitted development requires the formation of an amended vehicular access. These works will require approval from the Highway Authority in accordance with Section 184 of the Highways Act. The works should be constructed in accordance with the Authority's specification that is current at the time of construction. Relocation of existing apparatus, underground services or street furniture will be the responsibility of the applicant, prior to application. For approval and specification details, please contact vehiclecrossings@lincolnshire.gov.uk

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.



Planning Committee

5 January 2022

Subject: Determination of Planning Appeals

Report by:

Assistant Director Planning and
Regeneration

Contact Officer:

Ele Snow
Senior 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 Mr Andrew Stinchcombe against the decision of West Lindsey District Council to refuse planning permission for a side extension to create a garage and a roof top balcony at 104 Park Lane, Burton Waters, Lincoln, LN1 2WP.

Appeal Dismissed – See copy letter attached as Appendix Bi.

Officer Decision – Refuse



Appeal Decision

Site visit made on 16 November 2021

by K Savage BA(Hons) MPlan MRTPI

an Inspector appointed by the Secretary of State

Decision date: 06 December 2021

Appeal Ref: APP/N2535/D/21/3279814

104 Park Lane, Burton Waters, Lincoln, LN1 2WP

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission.
 - The appeal is made by Mr Andrew Stinchcombe against the decision of West Lindsey District Council.
 - The application Ref 143162, dated 4 June 2021, was refused by notice dated 23 July 2021.
 - The development proposed is a side extension to create a garage and a roof top balcony.
-

Decision

1. The appeal is dismissed.

Main Issue

2. The main issue is the effect of the proposal on the living conditions of neighbouring occupants at 102 Park Lane.

Reasons

3. The appeal site is a semi-detached dwelling located in Burton Waters, a planned residential development set around a manmade marina. Dwellings are arranged with the rear elevations facing the water and jetties at the end of the gardens. To the south of the site is a communal space some 8.4 metres wide containing a path leading to a footbridge at the rear which crosses the water. 102 Park Lane lies to the south of the path.
4. The proposed side extension would infill the space between the side wall of the house and the side boundary wall to the property. The boundary wall would be built up from 2 metres high to 3.8 metres high, where it would form an enclosing wall to the proposed roof terrace.
5. From what I saw of the site and its surroundings, dwellings within the Burton Waters development have been designed to maximise views towards the marina, with each dwelling having one or more balconies to the rear elevation facing the water. These vary in design, with some inset behind the rear wall of adjoining dwellings, some projecting from the rear wall, and some Juliet balconies. However, they are generally modest in size, with the balconies I could see around the appeal site capable of comfortably accommodating around 1 to 2 occupants at a time.
6. The positioning of the balconies close to each other, alongside the low boundary treatments between the rear gardens, and the proximity of dwellings across the water, means intervisibility already exists within the development, and with it an expectation for occupants that views will occur at times from

nearby properties. The garden and first floor balcony of No 102 are overlooked by the balconies to No 100 on its southern side. Views are also possible from the footbridge at the rear and from properties across the marina.

7. However, the orientation of the balconies and the subtle stepping of the rear elevations reduces the extent to which lateral views are likely to take place between balconies and nearby gardens. The modest size of the balconies also limits the number of people who can use them, and also the range of activities possible on them. Given their size and orientation towards the marina, which is intended to draw the eye of the observer, I consider that the degree of overlooking from these vantage points is likely to be intermittent and incidental. Moreover, I saw that to its northern side, No 102 retains a degree of privacy due to the height of the boundary walls and the separation from the appeal site created by the communal footpath, with only a small Juliet balcony at first floor level of the appeal dwelling affording views towards No 102.
8. The proposed roof terrace to No 104 would extend the full 10 metre depth of the side elevation, and project 3 metres in width out to the site boundary. It would be orientated not towards the marina, but towards No 102. The proposed terrace would be considerably larger than any nearby balcony. It would be at a height that would enable direct views over the boundary fence of No 102 and across a large portion of its garden. It would be capable of accommodating large numbers of people for extended periods of time, and could be used for a number of activities including cooking, dining and other social gatherings. The size of the terrace would therefore significantly increase the propensity for extended periods of use, which would intensify the degree to which No 102 would be overlooked, and the number of people who would overlook it. This would be invasive for occupants of No 102 compared to the existing situation and would result in a harmful loss of privacy.
9. Moreover, though not explicitly referred to by the Council, I share the concerns of the occupant at No 102 that given the number of people who may be accommodated on the terrace at one time, and its elevated level above the boundary walls, there would be an increased risk of gatherings causing undue noise and disturbance to occupants of No 102, compared to gatherings at garden level where the boundary walls would offer screening and a degree of noise suppression.
10. I have had regard to the other balconies referred to by the appellant which are argued to be similar to that proposed, including some set at right angles to each other. However, these appear to be an original part of the design, and incorporate a privacy screen between them which reduces the degree of intervisibility. Others shown are not referenced by address, but appear from the photographs supplied to relate to different parts of the development, with differences in their size, design and relationship to other properties. As such, I do not regard these as directly comparable to the proposed scheme. In any event, the assessment of the effect on living conditions is inevitably a site specific one. Therefore, I do not regard these examples as establishing a precedent for the proposal before me, which I have considered on its own planning merits.
11. I acknowledge the appellant's desire to extend the property whilst retaining the existing aspect to the south afforded by the Juliet balcony at first floor level. However, the plans show that the door of the Juliet balcony would be retained,

and therefore this aspect would still exist. Indeed, the view from within the property would only be affected because of the raised walls proposed to enclose the terrace. As such, I am not persuaded that a terrace above the extension is necessary to maintain a southerly aspect for the appellant.

12. For these reasons, I conclude that the proposal would cause significant harm to the living conditions of neighbouring occupants. This would conflict with Policy LP26 of the Central Lincolnshire Local Plan (April 2017), which requires 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, including with respect to overlooking and noise. There would also be conflict with the aims of the National Planning Policy Framework which seeks a high standard of amenity in developments for all existing and future users.

Other Matters

13. The Council did not refuse permission on the grounds of harm to the character and appearance of the area. Having regard to the site and surroundings, I am satisfied that the scale of the building and proposed materials would be in keeping with the prevailing character. However, the absence of harm in these respects is a neutral factor in the planning balance, weighing neither for nor against the proposal.

Conclusion

14. For the reasons set out, I conclude that the harm identified to neighbours' living conditions results in conflict with the development plan, taken as a whole. There are no material considerations in this case which indicate that permission should nevertheless be granted in spite of this conflict. Therefore, the appeal should be dismissed.

K. Savage

INSPECTOR