

Guildhall Gainsborough
Lincolnshire DN21 2NA

Tel: 01427 676676 Fax: 01427 675170

AGENDA

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

Planning Committee

Wednesday, 30th March, 2022 at 6.30 pm

Council Chamber - The Guildhall

PLEASE NOTE DUE TO CAPACITY LIMITS WITHIN THE GUILDHALL WE WILL BE OPERATING A REDUCED PUBLIC VIEWING GALLERY

Those wishing to simply view the meeting will be able 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 David Dobbie
Councillor Cherie Hill
Councillor Mrs Cordelia McCartney
Councillor Mrs Jessie Milne
Councillor Peter Morris
Councillor Roger Patterson
Councillor Mrs Judy Rainsforth
Councillor Jeff Summers
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 - 21)

- i) Meeting of the Planning Committee held on 2 March 2022.

4. Declarations of Interest

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

5. Update on Government/Local Changes in Planning Policy

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

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

6. Planning Applications for Determination

- i) 142751 & 143621 - Planning Permission and Listed Building Consent. Nettleham Hall, Nettleham (PAGES 22 - 50)
- ii) 142952 - Full Planning application for the construction of a drying shed for food processing (B2). Manor Farm, Brigg Road, Clixby (PAGES 51 - 83)
- iii) 144197 - Full planning application for change of use of existing field to domestic use to grow seasonal fruit and vegetables. 3 Walmsgate, Barlings Lane, Langworth (PAGES 84 - 93)
- iv) 144171 - Planning application for change of use to 9no. retirement homes. Blyton Ponds, Blyton (PAGES 94 - 117)
- v) 143957 - Planning application to erect 1no. detached dwelling and creation of vehicular access. Land adjacent to Manor Cottage, Saxby (PAGES 118 - 133)
- vi) 143877 - Planning application to erect 1no. dwelling. Land adjacent to 5 Beck Hill, Tealby (PAGES 134 - 148)

7. Determination of Appeals

(PAGES 149 - 173)

Ian Knowles
Head of Paid Service
The Guildhall
Gainsborough

Tuesday, 22 March 2022

WEST LINDSEY DISTRICT COUNCIL

MINUTES of the Meeting of the Planning Committee held in the Council Chamber - The Guildhall on 2 March 2022 commencing at 6.30 pm.

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

Councillor Michael Devine
Councillor David Dobbie
Councillor Mrs Cordelia McCartney
Councillor Mrs Jessie Milne
Councillor Peter Morris
Councillor Roger Patterson
Councillor Mrs Judy Rainsforth
Councillor Jeff Summers
Councillor Mrs Angela White

In Attendance:
Russell Clarkson Interim Planning Manager (Development Management)
Martha Rees Legal Advisor
Ian Elliott Senior Development Management Officer
Daniel Evans Senior Development Management Officer
Richard Green Planning Officer
Ele Snow Senior Democratic and Civic Officer

Apologies: Councillor Matthew Boles
Councillor David Cotton
Councillor Cherie Hill

97 PUBLIC PARTICIPATION PERIOD

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

98 TO APPROVE THE MINUTES OF THE PREVIOUS MEETING

RESOLVED that the minutes of the meeting of the Planning Committee held on Wednesday, 2 February 2022 be confirmed and signed as an accurate record.

99 DECLARATIONS OF INTEREST

Councillor I. Fleetwood declared that all the Members of the Planning Committee had received an email at 11.28 AM on the day of the meeting a solicitor's letter from Richard

Buxton for agenda item 6b, application number 143701. The Chairman stated that he had skimmed the letter, and summary, but said he had not read it in detail.

Councillor C. McCartney declared that she was Ward Member for agenda item 6b, application number 143701. She would speak to the Committee as a Ward Member on the application, but as such would step down from the Committee for the rest of that item.

100 UPDATE ON GOVERNMENT/LOCAL CHANGES IN PLANNING POLICY

Members heard an update provided by the Planning Manager. He gave a brief update on the changes. He stated that on the Hemswell and Harpswell joint Neighbourhood Plan, they had submitted a plan, with the Submission consultation planned for 14 April. The Officer also spoke about the Central Lincolnshire Local Plan, which had been agreed on Monday 28 February. Members heard that it was to go for public consultation, including further publication and press release.

West Lindsey District Council Neighbourhood Plans Update – March 2022		
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, Morton, and Corringham.	Full weight
Sturton by Stow and Stow joint NP	Examination almost completed. Examiner's report should be available shortly.	Increasing weight
Hemswell and Harpswell joint NP	Submission consultation (Reg16) now underway – ends 14 th April 2022.	Increasing weight
Hemswell Cliff NP	Submission version (Reg16) to be made available by parish council shortly for final consultation and examination.	Some weight
Keelby NP	Draft version (Reg 14) considered by parish council last month.	Little weight
Reepham NP	Expect to receive (Reg 14) consultation version shortly.	Little weight
Caistor NP Review*	Steering group formed last month. Terms of reference and engagement strategy to be agreed.	Little weight
Scothern NP Review*	Scope of review being considered by parish council.	Little weight
Blyton PC	Interested in preparing a neighbourhood plan.	
Scampton PC	Interested in preparing a neighbourhood plan.	
Neighbourhood Plans - made (22) - in preparation (19) - future (42) - being reviewed (4)*	To view all of WLDC's neighbourhood plans please 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

101 142855 - PLANNING APPLICATION FOR AN AUTOMOTIVE RESEARCH AND DEVELOPMENT CENTRE... "BLYTON PARK DRIVING CENTRE", KIRTON ROAD, BLYTON

The Chairman introduced the first application of the meeting, application number 142855, for an Automotive Research and Development Centre at Blyton Park Driving Centre, Kirton Road, Blyton. This item had been deferred from the Committee's previous meeting, with a site visit having taken place in the intervening time.

The Planning Officer stated that there were no other updates from the report. The Chairman stated that there were three registered speakers regarding the application. He then invited the first, Mr Alistair Wood, Agent for the Applicant, to address the Committee.

Mr Wood stated that following the site visit, Members should better understand the Driving Centre's operation on a typical day. The agent stated that the main Research and Development facility was to diversify the business and driving centre. The agent stated that the site operated every day.

Regarding the potential noise, the agent stated that the noise was monitored, and that any issue regarding potential increased noise would not be the case. The speaker referred to the new accommodation of electric vehicles, giving way to a net reduction in noise. The agent aimed to specifically answer queries from the objector raised at the previous meeting regarding noise level issues. The agent stated that the old airfield had been used for motor vehicles for a long time, referencing that the burial ground started operation in 2010, with the current set up of the driving centre having existed at the time. He referred to issues of increased usage, stating that usage would have a net reduction and stated that the driving centre had worked with the Green Burial site regarding notification of funerals, and reaffirmed that they would still co-operate with the business regardless of any decision made by the Committee.

With regards to the points about the usage of other buildings, the agent stated that the proposed building had to be close to the track in order to facilitate the necessary research and development aspects of the proposal. He explained that it was low profile within the landscape, designed to not appear out of place, and whilst also contemporary, was supposed to reflect previous buildings on the site, notably the air tower. He went on to state that granting the application would allow for the business to diversify and expand locally, in addition to the development of electric cars generally. The agent concluded by stating that the applicant and application would work with the local plans.

The Chairman thanked Mr Wood for his comments and noted that the first of the registered objectors to the application, Mr and Mrs Hatch, had submitted a statement to be read on their behalf. He invited the Democratic Services Officer to read the following statement.

"Dear Sir/ Madam,

"I am writing to give my statement about our concerns with the proposed development of the Blyton Racetrack.

"Our main concerns are the following.

“One. Noise. The current system of measuring noise is inadequate being just one unit and on the first corner. It is almost laughable that the site itself can monitor its own noise levels. Motorbike track days are significantly louder than car track days. However, the organisers promote publicly on social media sites how to 'avoid' or 'bypass' the noise restrictions. Advice such as short-shifting near the sound meter, taking the first corner in third gear, not second, before going full throttle after the monitoring station. The Gtec Performance Ducati days even boast about how loud they are. It is general knowledge in the racing community (evidence on public social media sites and multiple forums mocking the supposed noise control) that you can be loud at Blyton Race Track as no-one cares or does anything about it. It is essential this measuring device is independently managed and multiple measuring devices should be used at various points on the track. This would then have a fair assessment of what the noise levels actually are.

“Two. Increase usage: Adding to the amenities of the track (such as the pit garages) will make the business more attractive to potential users and hence more popular. Whether it is for electric use or not, it will become more popular - fact. The planning officers should look carefully at hours of use per day/week, not just bookings per day. Some current bookings can be for very short periods of the day, just one or two hours. The comment 'we are running at full capacity' is simply not true.

“Three. Inaccurate description of intended use. I hope the planning officers have carefully looked at this application and not been blind-sided by the possible 'green element'. What if the green element doesn't happen? Possibly too late then for the residents. If this application did not mention wind power, charging points, solar panels etc – would this application be considered?

“Four. Eye-sore – We hope this application does not obtain approval but if it does, please consider locations where additional buildings can be built where they will not be seen by residents. I believe this is achievable behind the current green storage / party shed.

“Thank you for reading out our statement.”

The Chairman then invited the second objector, Mr Gordon Tulley, to address the Committee.

At the beginning, the speaker inferred that he had previously had a lot of experience with manufacturing tyres, and felt qualified to speak on the effect of tyres. During his statement, Mr Tulley made reference to slides on the screen, showing the effect of tyres had on noise. Regarding this matter, he stated that at 50 miles per hour, the decibels on an electric car would be 107.5 decibels, which was far in excess of the permitted noise level.

In his statement, the speaker spoke about 'green washing' and referred to the Competition and Markets Authority's new standards, in that relevant information should not be omitted or hidden and the business had to consider the total impact of services.

The speaker went on to mention the past banning of electric vehicles on the site, including quite recently in November 2021 for track days. He referred to a report provided by the business in its consideration for the application and noted that it only had the word 'tyre' once in the whole report, something he considered to be something of an omission. He added that, in his experience, there were no .track tyres for electric cars available, inferring

that road tyres made far more noise due to the grooves in the tyres. He concluded his statement by noting that there were no high-speed charging ports for cars planned in the application.

The Chairman thanked Mr Tulley for his statement. With no further comments from the Officer, the Chairman invited comments from the Committee.

The Chairman stated that he had found the site visit useful. Members who had attended the site visit, and those who had visited independently also found visiting the site beneficial, stating that it placed the application into context.

Regarding the issue of tyre noise, Members commented that they did not expect tyre noise to be an issue. One Member raised that he had experience of driving an electric car, and that due to the severely reduced engine noise, the main thing he could hear was tyre noise. Another Member commented that during the site visit, even with the wind blowing, the noise from the track was not excessive.

On the building issue, a Member commented that what they looked at was the actual site plan, including the proposed building, turbines, and solar panels. The Member then went on to state that he did not think this development would impact the noise level. Regarding some of the objections and the usage of the site, one Member stated that these objections were about existing use on an established site, whilst the application was looking at the future use. The Member went on to state that they were satisfied with the internal operation of the Driving Centre, and the actions taken to work with the neighbours of the applicants.

With the application 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. The developer must notify the Ministry of Defence, at least 14 days prior to the commencement of the development, of the following information:

- a) the date of the commencement of the erection of wind turbine generators;
- b) the maximum height of any construction equipment to be used in the erection of the wind turbines;
- c) the date any wind turbine generators are brought into use;
- d) the latitude and longitude and maximum heights of each wind turbine generator, and any anemometer mast(s).

Details of the notification to the MoD shall be submitted to the Local Planning Authority prior

to the commencement of development.

See also advice note below.

Reason: In the interest of maintaining aviation safety.

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 to accord with the National Planning Policy Framework and local policy LP16 and LP26 of the Central Lincolnshire Local Plan.

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

4. The drainage scheme as shown on drawing: 'BLTN-BSP-ZZ-00-DR-C-SK240 Rev P01' and 'Novo UK42 Gravity' shall be installed prior to the use of the building commencing and shall be retained and maintained in working order for the lifetime of the development.

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

5. Prior to development above damp proof course, details of a historic interpretation board including details of its proposed location and contents shall be submitted to and approved in writing with the Local Planning Authority. The board shall be installed prior to the use of the building commencing and shall be maintained during the lifetime of the development.

Reason: To ensure that the board is accurate and well-designed to suitably offset the impacts on the historic environment in accordance with policy LP25 of the Central Lincolnshire Local Plan and the National Planning Policy Framework.

6. Any site clearance works must be carried out outside of the breeding bird season (1st March to 31st August inclusive) in accordance with the recommendations of the Preliminary Ecology Appraisal by Brooks Ecological Ref: ER-5622-01A dated 09/08/2021.

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.

7. The materials used in the development shall match those stated on the following drawing(s): BLY-03 dated 12 May 2021.

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

8. 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: BLY-02B dated 03 Aug 2021, BLY-03 dated 12 May 2021 and BLY-05A dated 03 Aug 2021. The works shall be carried out in accordance with the details shown on the approved plans and in any other approved documents forming part of the application.

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

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

9. Development shall proceed in accordance with S. & D. Garritt Ltd. REPORT OF NOISE IMPACT ASSESSMENT. No body work or panel beating shall take place in the pit garage units.

Reason: In the interest of residential amenity and to accord with policy LP26 of the Central Lincolnshire Local Plan.

10. No lighting shall be installed on the site unless details including hours of illumination have been submitted to and approved in writing by the Local Planning Authority. It shall then be operated in accordance with the approved details.

Reason: To safeguard the occupants of nearby housing from excessive illumination in accordance with Policy LP26 of the Central Lincolnshire local Plan.

11. The use hereby permitted shall not be operational outside the following times; between 0700hrs and 1900hrs Monday to Sunday including Bank Holidays.

Reason: In the interests of residential amenity and to accord with the National Planning Policy Framework LP26 of the Central Lincolnshire Local Plan.

102 143701 - PLANNING APPLICATION FOR THE SITING OF 2NO. FEED BINS, MANOR FARM MAIN ROAD KINGERBY MARKET RASEN LN8 3PU

The Chairman introduced the second application of the meeting, application number 143701, for the siting of 2no. feed bins at Manor Farm, Main Road, Kingerby Market Rasen, LN8 3PU.

The Planning Officer provided several updates to his report. Members heard that residents had made further representations regarding comments already made, including damage to water mains. The Officer stated that he had also received a letter from a solicitor regarding the application and went on to summarise the letter contents. The Officer then gave a presentation on the main features and designs of the application, showing site plans, photos of the silos, the farm, and the nearby area.

The Chairman noted there were four registered speakers on the application and invited the first speaker, the agent for the applicant, Mr Ian Pick, to address the Committee.

During his statement, Mr Pick stated that the application was only for two feed bins. He noted that it had been an existing livestock building for about 50 years and been both a cattle and pig shed. He explained that there had been communication with the Planning Enforcement Team and that under Section 55 of the Town and Country Planning Act, building for agricultural purposes did not need planning permission. He reiterated that the application was just related to feed silos and highlighted that the site was lawfully used for pigs.

The Chairman thanked Mr Pick and invited the second speaker, Mr David Chambers, to address the Committee.

In his statement, Mr Chambers stated that he lived 220 metres away from the site in question. Regarding the aspect that the Committee was only looking at the silos, he stated that he found it nonsensical, referencing the disturbances due to the site and stated that he had serious concerns about the legality of the proposals. He noted in the recent history of the silos that they were installed two years ago to reduce traffic, but 1500 pigs had been moved in a few days after the installation. He highlighted that the impact of the new silos being the size they were meant intensification and that it did require planning approval.

Mr Chambers stated that further works meant the site basically had a new building and he asserted that the building was being used illegally due to the lack of change of use application. He explained he had sent an objection 18 months ago regarding the livestock units but had only received one phone call, no letter, stating that it was the farmer's right to choose. In reference to page 11 of the Officer's report, Mr Chambers stated that noise was problematic at all times of the day.

In relation to the change of use, Mr Chambers explained that he had contacted the Planning Manager but had not received an update on outstanding legal matters. He asserted there were ten properties within 250m of the site, downwind from the prevailing wind and that any units for agriculture needed to be 400m away. By way of conclusion, he stated that an Environmental Impact Assessment was required to be carried out, as he considered the farm to be an intensive unit.

The Chairman thanked Mr Chambers for this statement, however noted that the full time allocation had been taken, although there was a second registered objector. The Chairman invited the second speaker, Mr MacNeill, to make a brief statement to the Committee, acknowledging that his speech was additional time. Mr MacNeill made the following statement.

"This application could have been easily mistaken for a minor agricultural development and examined in isolation. However, the two feed bins are indicative of a material change of the use of Manor Farm, where substantial upgrades have been made to existing dairy buildings facilities and now house around 8000 pigs per year. I would ask the Committee to consider the strength of feeling in the community, the numerous letters of objection as evidence of the majority of locals being deeply opposed to the material change of the use of Manor Farm, and the objective unit being so close to homes. We would ask that this majority view to be taken to Council".

The Chairman thanked Mr MacNeill for the brevity of his speech and invited the final speaker, Local Ward Member Councillor Cordelia McCartney, to address the Committee.

Councillor McCartney referenced the strength of local objections, stating that her comments echoed those concerns and objections raised by residents, as well as Ward Member Councillor J. McNeill, and Sir Edward Leigh, MP for the Gainsborough constituency. She stated that the silos stood several metres above the existing buildings and that, in addition to the visual intrusiveness of such height, the increased feed capacity could lead to an increase in the number of pigs housed on the site. She recognised that the increased size of the silos would likely lead to a reduction in traffic to the farm, however, she requested that should this application be granted, there should be a condition to specify timings, movements, and the type of vehicles used to deliver the food for the feed silos.

Councillor McCartney commented on the use of the building and site, stating that the building had mainly been used for storage of arable crops and straw. She explained that pigs were brought into the building in the middle of the first Covid-19 lockdown, stating that around 2000 pigs had been moved on site. In her conclusion, Councillor McCartney requested that the Committee reject the application and request an Environmental Impact Assessment. She also requested that further investigations be undertaken regarding the use of the property.

Note: Councillor C. McCartney withdrew from the meeting at 7.14pm and left the room.

The Chairman thanked Councillor McCartney and invited any response from the Officer. He stated that, as detailed in the report, the application was to consider the feed silos alone, not the general use of the site. The Chairman sought further context from the Legal Adviser, who confirmed the statement of the Planning Officer and clarified that ordinarily, the application would have gone ahead under permitted development with prior approval from the local planning authority, it was only the lack of seeking prior approval that had led the application to coming before the Committee.

The Chairman thanked the Planning Officer and Legal Adviser for their clarifications and invited comments from the Committee.

Regarding the scope of the application, one Member commented that there were no objections from the statutory authorities in the Officer's report, including that there was no harm to the heritage aspect of the site. The Member concurred with the Legal Adviser and stated that she was not commenting on intensive pig farming.

Regarding the retrospective nature of this application, a Member queried the meaning of that aspect. Officers responded to that query, pointing out that the two silos were put up before any permission was granted, with enforcement being involved that led to this retrospective application being made.

In the site's history, Members heard that it had been granted in outline in 1975, with an additional granting as a reserved matter in 1976. Members learnt that though it stated dairy and was built as a dairy unit, this did not restrict the use and what animals could be housed. A Member said that it was a large unit built at that time.

With regard to the distance from other properties, Members heard that the nearest property was approximately 37m away from the silos, situated to the northwest of the northern feed bin. The Planning Officer asserted that there was only a once a week delivery, following information supplied by the applicant. The Officer stated it would not be unreasonable for the deliveries to be once a week but recognised the environmental protection legislation regarding disturbances if the deliveries were undertaken at an inconvenient time. A Member asserted that conditions to limit disruptions had been made for less intrusive noise-related problems.

There were concerns raised that due to the size of the silos, they were an eyesore to nearby residents, in addition to the impact of the smell, which would not be masked by the belt of trees. In response to this concern, there were comments from other Members that sights, sounds and smells of this nature were to be expected when living in a rural area.

In relation to the mention of an Environmental Impact Assessment, the Planning Manager reiterated that, as set out in the report, the application did not meet the category for an Environmental Impact Assessment. This would have been the case whether the application was retrospective or not.

During the debate in this item, a motion of refusal was proposed for this application. The Member who initially proposed this motion expressed concerns over properties being under

400m away from the silos in contravention of LP24. The Member then stated issues due to LP13 regarding transport accessibility. The farm and silos were situated down a narrow, unpaved road, taking heavy and large vehicles. The Member also stated that LP26 was relevant, as the design and amenity of the application regarding extensions and alterations did not contribute positively. The Member said that amenities for existing and future occupants of neighbouring land and building may reasonably expect to enjoy, not to be unduly harmed by or as a result of development. The motion to refuse was duly seconded.

The Planning Manager stated that LP24 related to creating new open spaces and informed the Committee that this was not relevant in this application. The Officer also expressed that LP26 for agricultural buildings would not have a bearing on the determination of this application. In response to the points raised about access and amenity, the Legal Adviser stated that contrary to LP13, Lincolnshire County Council Highways, on pages 56 and 57 of the report pack, said the road was acceptable and did not wish to object. Regarding points raised to LP26 regarding the amenity, the Officer stated that this was not contravening a standard silo design. The Officer also informed Members that there was more scope for the Planning Committee to look at the disturbance of filling the silos but emphasised some mitigation level was possible. The Officer then reiterated that this application would have been considered in a permitted development context. The Officer said the main reason for coming to the Planning Committee's attention was that the applicant did not apply for planning permission for the silos before construction. Based on this clarification of circumstances, the proposal to refuse permission was withdrawn by the moving and seconding Members.

From the Chair, Councillor I. Fleetwood proposed that a condition be added to the granting of the application, specifying the delivery timings for the feed bins. The Planning Manager informed the Committee that it would have to be specific, enforceable, and reasonable. The Chairman initially proposed an 8am to 8pm time slot for the delivery of the pig feed, then amended to sunset. Upon advice from the Planning Manager that the end time needed to be specific, the Chairman amended his proposal that the conditioned hours be between 8am and 4pm on weekdays, excluding bank holidays. This proposal was duly seconded.

With the Officer recommendation, with the addition of the new condition, 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:

NONE

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

NONE

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

1. 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:

- IP/HDFC/02 dated September 2021 – Site Plan
- IP/HDFC/03 dated September 2021 – Elevation and Floor Plans

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, local policy LP17, LP26 and LP55 of the Central Lincolnshire Local Plan 2012-2036 and policy 9 of the Osgodby Neighbourhood Plan.

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

2. All deliveries to the two feed bins hereby approved must take place on a weekday (Monday to Friday excluding bank holidays) between the hours of 8:00 and 16:00.

Reason: To protect the amenities of nearby properties and the locality to accord with the National Planning Policy Framework, local policy LP26 of the Central Lincolnshire Local Plan 2012-2036 and policy 4 of the Osgodby Neighbourhood Plan.

Note: Councillor C. McCartney returned to the meeting at 7.56pm.

103 144217 - FULL PLANNING APPLICATION FOR 2NO. BUNGALOW DWELLINGS - RESUBMISSION OF APPLICATION 143410. LAND NORTH OF, NORMANBY RISE, CLAXBY

The Chairman introduced the third application of the meeting, application number 144217, for 2no. bungalow dwellings - resubmission of application 143410, at land North of Normanby Rise, Claxby, Market Rasen. The Planning Officer stated that there was no update regarding the application and gave a short presentation on the main features of the application.

The Chairman stated there was one registered speaker for the application and invited the applicant, Mr Merrigan, to address the Committee.

Mr Merrigan thanked the Planning Officer and Planning Manager for their time and efforts over the last weeks since the previous rejection of the application in working on an application that had near universal support. He commented that he could not remember a time that an application had come to the Planning Committee that had had been supported by every consultee, including the Parish Council, the AONB, and the West Lindsey District Council Planning department. He added that this demonstrated that working together facilitated an agreeable solution that could deliver high quality sustainable homes, in addition to increased employment, both for the applicant, and local merchants who would construct the proposed properties. Mr Merrigan finished his statement by thanking the Committee, and expressed that he hoped to provide quality homes in Claxby.

The Chairman thanked Mr Merrigan for his statement and invited comments from the Committee.

Members noted the difference between this application and the one previously refused by the Committee. One Member pointed to the design and the layout on the proposed properties, and that this proposal had no negative comments in the application. Later in the item, an additional Member raised similar commendations about the application. Another Member also raised that the engagement with the Parish Council was good, and that the applicants had taken on board local interest and comments about the proposed site.

The issue of parking was drawn to attention by a Member's question about ensuring there was enough space. The Member stated that with a narrow road, and with the site located in a rural location, it would be difficult if there was no condition about parking. The Member also remarked that it would be difficult to move combine harvesters in rural areas such as Claxby without suitable off-road parking arrangements. The Officer confirmed that there was sufficient space made in the application for parking, with it provided off-road, and a single garage for each property. He also confirmed that there was no objection from Lincolnshire County Council's Highways department.

Another concern raised was regarding the hedges proposed on the site, in reference to condition 9. A Member questioned whether the hedge on the property needed restocking. The Officer explained that there were hedges existing on the southern boundary, stating that the condition meant they had to be kept, with another planned to be laid on the Western side.

With the application having been proposed and seconded, on voting 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. The development hereby permitted shall be begun before the expiration of three years from the date of this permission.

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

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

None.

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

2. With the exception of the detailed matters referred to by the conditions of this consent, the development hereby approved shall be carried out in accordance with the following drawings: 020/0199 dated 20/12/2021, 020/0199 dated 14/12/2021 and 030/1099 dated 20/12/2021. 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.

3. 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 accord with the National Planning Policy Framework and Policy LP26 of the Central Lincolnshire Local Plan.

4. 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.

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. 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 Lincolnshire Wold AONB in accordance with the National Planning Policy Framework and Policies LP17 and LP26 of the Central Lincolnshire Local Plan.

7. 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:

8. All planting and turfing approved in the scheme of landscaping under condition 6 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 the Lincolnshire Wold AONB in accordance with the National Planning Policy Framework and Policies LP17 and LP26 of the Central Lincolnshire Local Plan.

9. The hedge along the southern boundary and western boundary of the site as shown on Drawing No. 030/1099 dated 20/12/21, must be laid and/or planted prior to the occupation of the approved dwellings, and shall be retained and maintained at a height of not less than 1.8 metres in perpetuity.

Reason: To ensure the site is visually softened by appropriate methods and to protect the Lincolnshire Wolds AONB in accordance with the National Planning Policy Framework and Policies LP17 and LP26 of the Central Lincolnshire Local Plan.

10. 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 dwellings and its surroundings in accordance with Policies LP17 and LP26 of the Central Lincolnshire Local Plan.

104 143981 - PLANNING APPLICATION FOR CHANGE OF USE FROM FORMER METHODIST CHAPEL TO A DWELLING TO INCLUDE INTERIOR ALTERATIONS AND EXTERIOR REFURBISHMENT THE FORMER METHODIST CHAPEL, WICKENBY ROAD, LISSINGTON

The Chairman introduced the final application of the evening, application number 143981, for change of use from former Methodist Chapel to a dwelling to include interior alterations and exterior refurbishment at The Former Methodist Chapel, Wickenby Road, Lissington, Lincoln, LN3 5AE. The Planning Officer stated that there was no further update on the report made to the Committee. The Officer gave a short presentation on the plans and main features of the application.

Note: Councillor D. Dobbie left the meeting at 8.08pm and returned at 8.09pm

The Chairman stated there were no registered speakers for this application and invited comments from the Committee.

One Member stated that she used to regularly drive past this property and respected the comments from the local authority. She explained it had been empty for some time, and, with it being located in the heart of the village, she hoped it would become an asset.

Clarification was sought by a Member regarding the parking on top of the septic tank and soakaways, asking if this was usual practice. The Officer commented that there was a condition, No.7, which stated notwithstanding the submitted plan (which showed a septic tank) that full details of the proposed scheme for foul and surface water drainage must be submitted to the Local Planning Authority and approved by the Local Planning Authority. The Officer then stated that the applicant was aware of comments from building control that a septic tank was not suitable for the site.

Another Member queried about fire safety concerns, with only one access door into the property proposed. The Officer clarified that this was an application that had been granted previously in 2017 and had then expired. The Officer then went on to state this was a matter for Building Control.

Other Members drew their comments to the potential upkeep that the application presented. One Member commended the conditions as it kept the historic nature of the property intact, and another stated that the proposed application would tidy up the area, with a good vision of the area.

With the application 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 chapels (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.

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: LC2020-02 dated 10/11/2021, LC2020-04 dated 10/11/2021 and LC2020-01 dated 10/11/2021. 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.

4. The materials used in the development shall match those stated on the application form and drawing No. LC2020-04 dated 10/11/2021.

Reason: To ensure the use of appropriate materials to accord with the National Planning Policy Framework and Policy LP25 and LP26 of the Central Lincolnshire Local Plan.

5. The stone plaque on the front (south eastern) elevation of the building as shown on Drawing No. LC2020-04 dated 10/11/2021 shall be retained thereafter.

Reason: To ensure the use the heritage of this non-designated asset is preserved in accordance with the National Planning Policy Framework and Policy LP25 of the Central Lincolnshire Local Plan.

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

6. The dwelling hereby permitted shall not be occupied until the two large ground floor windows to the north west (rear) elevation (Drawing No: LC2020-02 dated 10/11/2021 and LC2020-04 dated 10/11/2021) have been fitted with obscured glazing and retained as such thereafter.

Reason: To prevent unacceptable levels of overlooking on neighbouring properties, in accordance with the National Planning Policy Framework and Policy LP26 of the Central Lincolnshire Local Plan.

7. Notwithstanding Drawing No. LC2020-02 dated 10/11/2021, no occupation of the proposed dwelling, other than internal repairs shall take place until a scheme for the disposal of foul and surface waters (including the results of soakaway/percolation tests if necessary) 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.

8. No occupation of the proposed dwelling, other than internal repairs shall take place until detailed plans showing the location, design and materials of proposed facilities for the disposal and storage of any refuse/recyclable materials, including details of any bin storage, have been submitted to and approved in writing by the Local Planning Authority. The approved details shall be available for use prior to the uses first commencing and shall be permanently retained thereafter, unless otherwise first approved in writing by the Local Planning Authority.

Reason: In the interest of public health, residential amenity, visual amenity and highway safety in accordance with the NPPF and Policies LP13, LP17 and LP26 of the Central Lincolnshire Local Plan.

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

None.

105 DETERMINATION OF APPEALS

During this item, the Chairman stated that Members should be aware of likely changes to the Central Lincolnshire Local Plan, the Neighbourhood Plans, and the National Planning Policy Framework. The Chairman then advised Members to read and to stay informed of the changes.

The determination of the appeals were **NOTED**.

The meeting concluded at 8.16 pm.

Chairman



Location Key Plan - 1:2500

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Existing Site Plan - 1:500

NOTES	REV.	DATE	CHECK	NOTES
Contractors must verify all dimensions on site before commencing work or preparing shop drawings. Dimensions are not to be scaled from this drawing.				
All information is subject to statutory consents, rights of light and survey.				
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WITHERFORD WATSON MANN
architects

PROJECT
Nettleham Hall

CLIENT
Tom & Ella Hood

SCALE / FORMAT 1:500@A1
DATE 15.03.2021
DRAWN / CHECKED GM / CW
STATUS For-Planning

DRAWING
Proposed Site Plan

DRAWING NUMBER
NET_P_002

ISSUE

*

1-3 Coate Street, London E2 9AG, United Kingdom
T +44(0) 20 7613 3113
www.wmmarchitects.co.uk mail@wmmarchitects.co.uk



Officers Joint Report Planning Application No: 142751 & Listed Building Consent Application No: 143621

142751 PROPOSAL: Planning application for change of use of Nettleham Hall and Diggers Cottage to 2no. dwellings with extensions, alterations, associated landscaping and vehicle access. Also, alterations and repairs to gates.

143621 PROPOSAL: Listed building consent for repair and conservation of the gates and piers; and partial demolition, conservation, alterations and extensions of Nettleham Hall and Diggers Cottage.

LOCATION: Nettleham Hall and Lodge Site Hall Lane Nettleham Lincoln LN2 2ND

WARD: Nettleham.

WARD MEMBER(S): Cllr Mrs A White; Cllr J Oliver

APPLICANT NAME: Mr and Mrs Hood

TARGET DECISION DATE: 01/04/2022

DEVELOPMENT TYPE: Minor - Dwellings

CASE OFFICER: Andrew Keeling

RECOMMENDED DECISION: Grant planning permission and listed building consent subject to conditions, and S106 unilateral undertaking subject to the following Heads of Terms:

From commencement of the Nettleham Hall dwelling works:

Within 24 months of commencement of building works to make safe the gates /metal work by carrying out the following actions.

- To dismantle the metal work in accord with the approved methodology.
- To store the metal work in a safe place (workshop of the appointed metal work specialist)
- To make the stonework of the gates which is to remain on the site safe.

Within 36 months of commencement of building works to commence work on the gates (metalwork) in accordance with the approved methodology.

Within 72 months of commencement (or in a period which is agreed in writing with the Local Planning Authority as a variation to this S106 legal agreement) to have completed the restoration of the gates (metal work and stonework).

Within 72 months of commencement, to put together a maintenance regime for the on-going maintenance of the gates for the next 10 years. This maintenance agreement shall be reviewed every 5 years from its agreement with the LPA.

These are amended terms and were received on the 22/03/2022. Historic England have been consulted and comments are awaited.

This application has been referred to the planning Committee, as the proposed development is not considered to be wholly compliant with all policies within the Development Plan, and officers consider that there are material considerations to justify any departure.

Description:

The application site consists of a set of gates with piers, which are a grade I listed building, and the remnants of the long abandoned and partially collapsed curtilage listed Nettleham Hall and Nettleham Hall Cottage (also known as Diggers Cottage), and associated grounds. The site has been reclaimed by dense tree growth.

The site forms part of a cluster of development in the countryside to the west of Nettleham and to the east of the University of Lincoln Riseholme campus. Development immediately to the north includes a range of farm buildings and a dwelling known as Hall Farm; and to the north east are 1 and 2 Hall Farm Cottages. The wider area is characterised by gently rolling arable farmland with occasional wooded areas.

It is proposed to demolish parts of Nettleham Hall such as part of the second floor of the southern and western elevation, part of the western elevation and some internal walls. New buttresses would be built to provide structural support for some remaining walls. The remaining side wings of the southern elevation would be used as walled gardens. A new building would be constructed in the central area of the southern wing. The former great hall would be used as a courtyard garden. A new western wing would be constructed and together with the northern and southern wings would form the new accommodation. Reinstated gardens, a southern lawn, driveways, entrance paths, acoustic heat pump enclosure and parking area are proposed.

It is proposed to demolish existing side wings and the roof of Diggers Cottage and erect a single storey L shaped extension to the side and rear. A courtyard garden, walled garden and cottage garden are proposed. A parking area and bin compound would be located adjacent to the secondary access.

It is proposed to restore the gates, which are grade I listed (List entry Number 1165868)¹. Grade I buildings are of exceptional interest – only 2.5% of listed buildings are Grade I. The Listing Entry description, is as follows:

SK 97 NE NETTLEHAM HALL LANE

4/46 Gates and piers to Nettleham Hall 31.1.52 (formerly listed

¹ <https://historicengland.org.uk/listing/the-list/list-entry/1165868?section=official-list-entry>

as Iron Gates I of Nettleham Hall)

Gates, gate piers, flanking wall and screen. Gates of c.1720 by Francis or William Smith and c.1890 piers and flanking wall and screen. Ashlar and wrought iron. Central double gates with square section bars with curly finials, figured rails and spearhead terminations to base, curlicue side panels and elaborate overthrow with central circular panel and foliage decoration. To either side are square ashlar gate piers with recessed panels and dentillated cornices with knops. Beyond are single C18 pedestrian gates with overthrows matching the central ones. To the outer sides are square ashlar piers with plain cornices. Before the gate to either side are curving flanking ashlar walls surmounted by C19 screen of plain railing with spiked terminals, ramped up towards the pierced iron piers at either end. The gates came from the demolished church of St. Peter at Arches Lincoln and lead to the derelict C18 Nettleham Hall.

Listing NGR: SK9934575916

The gates are also on the Historic England heritage at risk register². Their condition is noted as “very bad” with priority “A - Immediate risk of further rapid deterioration or loss of fabric; no solution agreed”. The register provides the following description:

“Gate and gate piers, circa 1720. Attributed to Francis or William Smith of Warwick. Relocated from the demolished St Peter at Arches Church in Lincoln and once led to Nettleham Hall. Ironwork is in very poor condition and some stonework is displaced. Some of the Victorian railings have been stolen from the side walls and stonework has been damaged. The repair of the gates has been discussed in the context of wider development proposals. Historic England has visited and provided advice.”

The application is accompanied by a S106 unilateral undertaking, which proposes that in the event of receiving permission, the developer shall:

Within 24 months of work commencing on site

- To dismantle the metal work in accord with the approved methodology.
- To store the metal work in a safe place (workshop of the appointed metal work specialist)
- To make the stonework of the gates which is to remain on the site safe.

² <https://historicengland.org.uk/advice/heritage-at-risk/search-register/list-entry/46232>

Within 36 months of commencement of works on the dwellings to commence work on the gates (metal work).

And within 72 months of commencement of works on site to have completed the restoration of the gates.

These are revised heads of terms (21/03/2022) and are much improved over the original proposals. They tie the repair of the gates to commencement of works on site and not occupation as previously proposed. The gates should be repaired and back on site within 6 years of commencement of works on site.

These are now being considered by Historic England.

Relevant history:

W6/974/78 Residential development refused in 1978.

Representations:

Nettleham Parish Council:

16/9/2021 and 28/5/2021: No comment/supports the application.

WLDC Conservation Officer:

Thank you for the consultation on the application for Listed Building Consent for the above, and also the revised planning application. I note that following Counsel advice, the ruin of the hall and Diggers Cottage are deemed listed by virtue of curtilage to the grade I listed gates to Nettleham Hall. I welcome in principal proposals that will give the ruined hall and Diggers Cottage a new use, involving consolidation and repair of both structures. A key element also, is that this new use will not only conserve for the future the ruin of the hall, but will also result in the appropriate repair of the grade I listed gates, which have been on the Historic England 'at risk' register since its inception more than twenty years ago. It must be accepted that gates, however important, can only have a use as originally intended, and that is as a visual landmark, denoting what it leads to, which originally was a fine country house. Since 1936, after a disastrous fire, the ruin of the hall has stood, incapable of any new use without an intervention and some vision, which this proposal provides, and which without, there is no impetus to the owner of the gates to repair and maintain this very significant designated heritage asset, or indeed the hall ruin. We have been through a long pre-application process and have provided advice in quite some detail. We also have a very detailed package of information supplied since our last meeting, where we considered my response provided in relation to 142751 dated 29 June 2021. This consisted of advice that the proposed level of demolition for Nettleham Hall ruin consisted of works that would cause a high level (substantial) harm to key architectural elements of significance.

I am pleased to note that revised proposals have been received, however, concerns still remain re extent of demolition. I now advise as follows:

1. Nettleham Hall Gates – I am pleased to note that we have a set of detailed drawings for the gates, and that repairs are intended. A detailed method statement has been provided for the repair of the gates, which is welcomed however, I cannot see a specification and methodology for the full scope and extent of repairs. Historic England advise that this should be supplied as part of this application so please can you advise the applicant this is required now and for further comment from Historic England. This needs to cover their concerns about reinstatement of missing elements (which should be based on an assessment of which are key elements of the design, and which, once we have a detailed methodology could be agreed via a specific condition. I am concerned too that the bulk of the overthrow is proposed for replacement). Again, all of this needs to be addressed in the extent of repairs and methodology as required by Historic England and we need this methodology prior to any determination in order to share this with Historic England. No timescale is provided either with regard to commencement and completion of repairs to the gates. I am concerned that the gates must be repaired as this element forms a central argument put forward by the applicant for the repair and reuse of the ruined hall and Diggers Cottage. A watertight legal agreement is required to ensure that the gates are properly repaired, and in a timely fashion, again as noted by advice provided by Historic England.

So we need a timetable too prior to any approval so we can tie this to the Legal agreement.

2 Once we have a full specification and methodology, supported by Historic England, we can then finalise the consent and conditions will be needed to control the works which cover:

- a. Supply of a photographic survey (CAD based and measurable) of the gates for a record prior to removal (as a record to ensure authentic reinstatement of any temporarily dismantled elements, and as a record should there be a failure to comply with any condition, or that funding (which is not insubstantial in terms of a spend on the Hall ruin and Diggers Cottage) fails to result in the repair and reinstatement of the gates in a timely manner that the LPA has a record on which to base any necessary legal action to have the gates reinstated;
- b. Sample panels will be required of both stone repairs, iron work repairs and final paint colour and finish.
- c. We will need to agree on the elements of reinstatement of missing elements which cannot be left to the specialist ironworker. This also needs input from Historic England and the LPA conservation officer.

2. Nettleham Hall Ruins – I am pleased to note that the plans supplied for LBC (and the revised plans for the PP) do now show the retention of the second floor and classical pediment on the principal (southern) elevation of the ruined hall. I note also a heritage statement (which was not made available to us for the site meeting as promised) which has a thorough history and development describing the building, citing Marc Girouard (as it should if a country house is involved). However, I am concerned about the conclusions of the statement in relation to the significance, in that the ruin of Nettleham Hall is assigned the same level of significance (low-moderate) as Diggers Cottage. I cannot countenance this assessment method as reasonable as the two are clearly not at all of the same level of architectural significance. I would suggest that Diggers

Cottage is of limited significance and that the ruin of Nettleham Hall holds at a high level of significance, the highest significance relating to the remaining classical facades on the south and east elevations, and other features such as the remaining wall of the great hall (and these features are noted in the heritage statement as being of high significance, despite the overall assessment of 'low to moderate' in the same statement).

This causes me concern that the HIA element is not sufficiently robust in relation to the hall ruin. I think a more helpful way of considering the significance of the hall ruin would be by comparative study. A short search on the National List Historic England for 'ruined country house', brings up 313 results, and once filtered for grade demonstrates there are 72 country house ruins that are listed (27 at Grade I, 16 at Grade II* and 29 at Grade II) and further 110 that are scheduled monuments (see attached capture at the end of my comments). So for example, the following <https://historicengland.org.uk/listing/the-list/listentry/1328909> (RUINS OF TREHANE HOUSE AND GARDEN WALL ADJOINING TO EAST) is readily comparable. There is no named architect, the house was ruined by fire in 1946, is roofless and has, by comparison, a less interesting principal architectural frontage, but this is nevertheless, grade II listed. Other ruined country houses such as Sutton Scarsdale Hall and Witley Court are well known, and of higher grading but there are plenty at grade II to make a comparison (indeed we have already in our own district the ruins of the old Northorpe Hall at grade II). There are many other examples too. So under paragraph 195 of the NPPF states: Local planning authorities should identify and assess the particular significance of any heritage asset that may be affected by a proposal (including by development affecting the setting of a heritage asset) taking account of the available evidence and any necessary expertise. They should take this into account when considering the impact of a proposal on a heritage asset, to avoid or minimise any conflict between the heritage asset's conservation and any aspect of the proposal. In essence, my assessment of the asset differs from that provided by the applicants heritage statement in that Nettleham Hall ruin is of high significance (and likely to be of sufficient merit to be listed in its own right). The demolition of the first floor of the canted bay is not what was advised on site, reducing this to a neatly finished castellated appearance. My advice was that we would consider proposals which dismantled in part, 3 in the style of a ruin. I cannot see any structural report that advises that this is not possible, so what is the reason for finishing the first floor of the canted bay in the style proposed? Moreover the heritage statement cites the canted S bay to be of high architectural significance. A review of this element of the proposed alterations is required. I think a review of the heritage statement is needed too.

The Hall ruin is either worthy of conserving and bringing a new use to it because of its special architectural and historic interest, or it isn't. The applicant seems to think it is worth spending over £2M on doing so, on the premise that it will ensure the gates have a future (yet these need a possible expenditure of around £250K).

I also advise that the hall ruin is of sufficient merit to warrant a consolidation, repair and a new use, but the heritage statement belittles the significance to such an extent that it leaves the matter open to question from our members as

to why these do not align. If I were to agree with the heritage statement (which I do not) that the significance of the hall ruin is low-moderate, then it is not important enough a structure to depart from our local plan in the first place. As we have already established, this is not a full on enabling development, so we do need some absolute clarity from the submission. We also need a full justification based on the need to bring a new use to, conserve and repair the hall ruin. 3. Diggers Cottage is of far less architectural merit but is of some historic interest, and again as this involves large extensions and alterations, this is also departure from LP55, and the main reason for supporting large extensions and alterations is to ensure that both the gates and the hall ruin can come to fruition. Again we could not support this approach unless there were an overriding heritage reason, which is to support the repair re-use and conversion of the hall ruin and to ensure the repair of the gates. Diggers Cottage will consist of a very desirable new house once complete. If we were dealing with two structures the same significance as Diggers Cottage, we would not be seeking to depart from our local plan using the special architectural and historic interest of these structures as a reason. The reason we support Diggers Cottage is as a package to ensure that the works to consolidate and repair Nettleham Hall Ruin and the repair of the gates comes to fruition. This was all explained on site at our last meeting.

A further comment in the heritage statement notes that they accept for the time being, the determination of the LPA that the hall ruin and Diggers Cottage are listed by virtue of curtilage. What does this mean? Does this mean when we have made a very special case to our planning committee and the applicant has consent that a further challenge is coming? I would advise that the same conditions need to go on the PP as the LBC. As already mentioned, any attempt to undermine the significance or protection of the hall ruin, does the applicant no favours when it comes to a departure from the local plan. I would not think Planning Committee will think much of a legal challenge after trying to support the applicant to make best use of his heritage assets. The above sounds like I am not I support of a scheme here, but I very much am, and I can see the architects have real vision. All that is needed is an acceptance of the significance of the hall ruin by the applicant and agent, rather than seeing this building as something of far less significance, and to accept the significance of this structure and work with it in a respectful manner when it comes to retention of historic features. I am supportive of the remainder of the proposed works, subject to some further clarification, additional detail and final revisions as follows:

- i. A full methodology and specification for the works (both enabling and full). There may also be some urgent works too but prior to any work being undertaken we need to know the difference between any urgent works (generally non-invasive such as support scaffold's, etc.) and also, at some point, we need to see the building free of vegetation prior to any works (see further below re capping's etc.).
- ii. Timetable (which will include the gates and Diggers Cottage too); The above are required prior to determination. 4 Once we have the above and the revisions are in accordance with the advice provided, then I shall hopefully be in a position to support this proposal in full, which

will then, hopefully accord with policies LP25 (and with clear reasoning as to the significance and why it is imperative that both the gates and the hall ruin are conserved). We will still need by way of conditions:

- b. A fully detailed record of the structure as is (for both the HER, and for our records prior to any works being undertaken);
- c. photo survey (e.g., cloud point, CAD based and measurable electronically).
- d. Capping's, copings and finishes. The proposed elevations will require that some features, such as the classical pediment the top of the southern elevation need a formal finish. However, there are other elements, where various types of copings are proposed. I am concerned that this approach could result in taking away the ruined character, noted so well by Pevsner (and the heritage statement supplied) that 'Despite half a century of decay, much of the Georgian stone shell remains. The passing of the years enhances the impressiveness'. The capping and coping details and the sense of consolidated ruin rather than altered and capped off ruin are two very different things. Many sketches and details are supplied, but several areas are still covered with ivy and other vegetation, so details in respect of capping must really be left for a final decision as to detail once vegetation is removed. A notwithstanding condition may cover this element of the works.
- e. Sample panels of works for repair (including repointing), enabling and new dwelling;
- f. All materials for approval, including samples.

We now need:

- a) a timetable for the whole site (HE want this too) and;
- b) a methodology and specification for works (HE want this too for the gates and we need it for the remainder of site);
- c) revisions to the south elevation – canted bay as per previous advice.
- d) amendments to the heritage statement with regard to the level of significance assigned (it has to be important enough for us to depart from the local plan on LP55 but also must accord with LP25 – at the moment, the heritage statement concludes the canted bay is of high significance. So in essence, the works are harmful to elements of high significance, and with that much I agree. However, the overriding reason for taking this to planning committee as a departure is that the hall ruin and the gates are of high (very high in the case of the gates) significance, this warrants a departure from the local plan. This is very much undermined by an assessment stating the hall ruin is of low-moderate significance overall.
- e) A legal agreement based on the timetable once we have it.

Careful consideration has been given to the Listed Building Officer comments. With regard to the final points a to e headed "we now need" the following is concluded/advised)

- a) A timetable had now been proposed that is shorter than originally suggested and ties commencement of works on the buildings to

commencement of works on the gates. The final comments of Historic England are awaited.

- b) A methodology statement has been submitted and Historic England are satisfied with it (see HE comments below dated 2nd November 2021)
- c) The revisions to the south elevation are submitted
- d) It is not considered necessary to request that the heritage statement be amended. The level of significance afforded to the hall is a matter of judgement for the LPA to determine. The level of significance is what the LPA say and not what the applicant's say in supporting information.

Summary of the Listed Building Officer Comments

The scheme (as amended) is supported as it has significant heritage benefits, repairing the gates and bringing back into use the historic Hall. However these benefits have to be secured and controlled through conditions and a section 106 to ensure that they are firstly carried out, secondly carried out properly and finally carried out in a timely manner.

WLDC Tree and Landscape Officer:

6/9/2021: The arboricultural impact assessment including tree survey details are appropriate. An arboricultural method statement should be conditioned to secure details of tree protection and driveway access installation.

4/6/2021: Tree loss should be expected if the site is to be brought back into use. The referenced tree survey should be provided. The proposals appear to be designed sympathetically to the site and its current wild appearance. I have no objections to the proposals in principle with the information submitted, though more specific details specific for this site are required, such as what areas are to have the cellular confinement system installed, what species are the category A & B trees, tree RPA measurements, which trees are intended to be removed, protective fencing type and positions.

LCC Highways and LLFA:

No objection. Recommends informatives regarding access and works within the highway.

Historic England:

11/6/2021 comments on planning application:

"Significance

Nettleham Hall gates are listed grade I due to their exceptional architectural and historic interest and are within the top 3% of listed buildings/structures in the country. The gates themselves date from around 1820, possibly designed by Francis or William Smith, and were relocated to the site of Nettleham Hall in the mid-19th century from St Peter at Arches church in Lincoln. The listed structure consists of the wrought iron double gates, a pair of flanking pedestrian gates with piers, and later 19th century railings and flanking wall. The ornate ironwork and finely detailed early masonry make a key contribution to the significance and special interest of the gates.

Whilst not listed in its own right, the ruined Nettleham Hall is undoubtedly a heritage asset. Its significance mainly lies in its character as a 'romantic ruin' and the surviving historic fabric, some of which is finely detailed in a Classical style. Altogether the ruined hall makes a striking sight and its scale and surviving fine architecture clearly demonstrate today that an historic, high status residence once stood at this location.

The ruins of the hall make an important contribution to the setting and significance of the listed gates. The gates, once they had been relocated, were meant to stand at the entrance to a high status residence - Nettleham Hall - and the surviving ruins give meaning to the location and historic use of the gates. The fact that the gates are not currently in use and the driveway to the hall no longer exists and is overgrown detracts greatly from the setting and significance of the gates.

Condition of the gates and hall

The gates, railings, gate piers and flanking low-level walls are described as being in 'Very Bad' condition in Historic England's Heritage at Risk Register. They have been on the register for many years and are currently recorded at 'Category A - Immediate Risk of further rapid deterioration or loss of fabric, no solution agreed'. The condition of historic fabric is declining and is highly vulnerable. Some ironwork elements are missing, broken or badly corroded. Particularly badly corroded elements have caused some significant 'jacking' of masonry. Stonework in such locations is badly damaged and or displaced. Stonework and ironwork have suffered as a result of anti-social behaviour - vandalism and theft. The isolated location of the site, the fact that the gates are not in use and the site is unoccupied with limited natural surveillance means that the gates are particularly vulnerable to repeated incidents of theft and vandalism.

Some elements of the ruined hall are structurally unsound. A programme of vegetation management was underway at the time of our visit and Heras fencing had been put in place which is welcome.

Impact of the proposed scheme

The proposed scheme includes the repair of the gates and reinstatement of the driveway between the gates and hall, conversion and extension of the ruined hall to form a principal residence, and the repair and extension of Digger's Cottage as a new residence. It is encouraging to see the whole site being considered together so that the interdependencies of the heritage assets can be addressed.

We very much welcome this initiative to repair the grade I listed gates. Once properly repaired, the gates would regain much of the significance which has been lost. Appropriately done, reinstating the Hall as a principal dwelling on the site would be the optimal use of this heritage asset and, with the reinstatement

of the driveway, would also greatly enhance the setting and significance of the listed gates.

Legislation, policy and guidance

As you are aware, the statutory requirement to have special regard to the desirability of preserving a listed building or its setting or any features of special architectural or historic interest which it possesses (section 66(1) of the Planning (Listed Buildings and Conservation Areas) Act, 1990) must be taken into account by your authority in determining this planning application. Our advice is provided in line with the National Planning Policy Framework (NPPF), the NPPF Planning Practice Guide, and in good practice advice notes produced by Historic England on behalf of the Historic Environment Forum including Managing Significance in Decision-Taking in the Historic Environment. There is a presumption in favour of sustainable development in the NPPF (paragraphs 10 and 11, NPPF). Achieving sustainable development means that the planning system has three overarching objectives - economic, social and environmental (paragraph 8, NPPF). The environmental objective includes contributing to protecting and enhancing our built and historic environment (paragraph 8, NPPF). The NPPF states that when considering the impact of a proposed development on the significance of a designated heritage asset, great weight should be given to its conservation (paragraph 193, NPPF). Any harm or loss to significance 'should require clear and convincing justification' (paragraph 194, NPPF).

Position

As noted above, Historic England would very much welcomes the repair of the listed gates. Their removal from the Heritage at Risk register would be a significant public benefit of the proposed scheme. Restoring the driveway and the reuse of the gateway to access to the hall, restored as a new dwelling, would also reduce the risk of further vandalism which would be a further public benefit. We advise that the scope and extent of repairs will need to be agreed with your authority and the repairs would need to be carried out to an agreed timetable with a clear deadline for the works.

The condition assessment of the gates by Anwick Forge identifies missing and damaged elements and is very useful as an important step in determining the basis for a scheme of appropriate repairs. There are very many missing elements. The level of reinstatement should ensure that the significant elements of design are reinstated, including detailing, whilst avoiding an overly restored appearance.

We very much support in principle the creation of a new home using, in part, the ruined structure of the Hall. We defer to your authority it terms of detailed design and the justification provided for elements of the proposed works, particularly loss of historic fabric. In broad terms, as much as possible of the surviving fabric should be retained with elements being removed only where justified. The proposed new elements would be clearly read as different to the surviving historic fabric which is welcome. We also support in principle the

repair and reuse of Diggers Cottage and defer to your authority in terms of detailed advice.

Recommendation

Historic England has no objection to the application on heritage grounds. Your authority should take these representations into account in determining the application. If there are any material changes to the proposals, or you would like further advice, please contact us. Please advise us of the decision in due course."

The HE comments on the LBC dated 23/9/2021 include the following additional paragraph "We advise that the full scope and extent of repairs would need to be agreed with your authority and the repairs would need to be carried out to an agreed timetable with a clear deadline for the works, and to an agreed methodology. The Heritage Statement refers to a repair methodology being submitted as part of the application. However, this does not appear among the application documents on your website. We recommend that a methodology is submitted as part of this application and we would be happy to provide further comments as appropriate."

This advice was relayed to the applicant and further information, a methodology, was submitted. Historic England then made the following comments dated 2nd November 2021: -

Historic England Advice We note the inclusion of the method statement for the repair of the grade I listed Nettleham Hall gates in the application for listed building consent. We also note the further information submitted regarding the gates themselves. We advise that all applied decoration on the ironwork be removed (if any survives), then ironwork cleaned, decorated and then reassembled. In this way, complete coverage (and therefore protection) of components can be achieved. The removal of applied details may reveal evidence of a former decorative scheme though this may be unlikely given the condition. Your authority should agree a suitable decorative scheme which should be informed, as far as possible, by evidence of existing paintwork or historic research. On other matters our advice remains as set out in our letters of 23 September 2021 and 11 June 2021.

Recommendation Historic England has no objection to the applications on heritage grounds. Your authority should take these representations into account in determining the applications. If there are any material changes to the proposals, or you would like further advice, please contact us. Please advise us of the decisions in due course.

LCC Archaeology:

21/5/2021: It should also be noted that the hall, lodge and gates are situated in what remains of a historic park (including mature trees, driveways and paths, walled garden etc) which is recorded in the Lincolnshire Historic Environment Record. This designed landscape should, in addition to its ecological value, also

be considered as a heritage asset the significance of which merits consideration in any planning decision. We would therefore recommend that the developer be required to commission a programme of historic building recording to ensure that a record of the building is created prior to any further impacts on the historic fabric taking place. In addition, given the national significance of the historic gates we would also recommend that copies of the anthology (consisting of condition reports and details of conservation interventions) detailed in the Methodology Statement be required by a separate condition to be submitted to the local planning authority and Lincolnshire Historic Environment Record within three months of the work taking place.

Natural England:

13/9/2021 and 13/5/2021: No comment/objection.

Relevant Planning Policies:

Statutory test

The Planning (Listed Buildings and Conservation Areas) Act 1990 states:

“16 Decision on [Listed Building Consent] application...

(2) In considering whether to grant listed building consent for any works the local planning authority or the Secretary of State shall have special regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses”

“66 General duty as respects listed buildings in exercise of planning functions.

(1) In considering whether to grant planning permission for development which affects a listed building or its setting, the local planning authority or, as the case may be, the Secretary of State shall have special regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses.”

Development Plan

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

Here, the Development Plan comprises the provisions of the Lincolnshire Minerals and Waste Local Plan (December 2017 and June 2016); the Central Lincolnshire Local Plan (April 2017); and the Nettleham Neighbourhood Plan (March 2016).

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

Relevant policies of the CLLP include:

Policy LP1: A Presumption in Favour of Sustainable Development

Policy LP2: The Spatial Strategy and Settlement Hierarchy

Policy LP13: Accessibility and Transport

Policy LP14: Managing Water Resources and Flood Risk
Policy LP17: Landscape, Townscape and Views
Policy LP21: Biodiversity and Geodiversity
Policy LP25: The Historic Environment
Policy LP26: Design and Amenity
Policy LP55: Development in the Countryside

- ***Nettleham Neighbourhood Plan (NP)***

Relevant policies of the NP include:

Policy E-4 Historic buildings and the Conservation Area
Policy D-1 Access
Policy D-2 Pedestrian and Cycle Access
Policy D-3 Parking Provision (New Housing)
Policy D-4 Water Resources and Flood Risk
Policy D-5 Residential Developments in the Open Countryside
Policy D-6 Design of new development.

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

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

National policy & guidance (Material Consideration)

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

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

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

- ***National Planning Practice Guidance***
- ***National Design Guide***

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).

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

The most relevant policy in the draft plan is policy S56: The Historic Environment. This supports the retention and repair of heritage assets. There have been some objections with regard to the wording of this policy but it is supported in principle.

Main issues

- **The principle of development**
- **Design and heritage impacts**
- **Residential amenity**
- **Highways**
- **Flood risk and drainage**
- **Ecology and trees**

Assessment:

The principle of development

The site is in a limestone Minerals Safeguarding Area designated by Policy M11 of the Lincolnshire Minerals and Waste Plan. The submitted minerals assessment demonstrates the impact upon mineral resources would be negligible in accordance with the policy and is therefore compliant with policy in this regard.

The site is in the countryside where Policy LP2 Tier 8 Countryside applies, in the Central Lincolnshire Local Plan (CLLP). It restricts development to, amongst others, proposals allowed by Policy LP55. LP55 Part A states:

“Part A: Re-use and conversion of non-residential buildings for residential use in the countryside

Where a change of use proposal to residential use requires permission, and where the proposal is outside the developed footprint of a settlement listed in the settlement hierarchy, then the proposal will be supported provided that the following criteria are met:

- a. Comprehensive and proportionate evidence is provided to justify either that the building can no longer be used for the purpose for which it was originally built, **or** the purpose for which it was last used, or that there is no demand (as demonstrated through a thorough and robust marketing exercise) for the use of the building for business purposes; and
- b. The building is capable of conversion with minimal alteration, including no need for inappropriate new openings and additional features; and
- c. The building is of notable architectural or historic merit and intrinsically worthy of retention in its setting.”

Nettleham Hall and Diggers Cottage are considered to be abandoned. As such these are non-residential buildings proposed for re-use and conversion for residential use in the countryside. The proposal would result in the buildings being used for the purposes they were originally built which complies with criterion a.

The proposal involves extensive alterations and extensions to the buildings in conflicts with criterion b.

The gates are grade I listed and the hall and lodge are considered to be listed by virtue of curtilage (considered further under heritage below) which means they satisfy c.

Policy D-5 of the Neighbourhood Plan is more restrictive to residential development by requiring new residential developments will be resisted unless they are adjacent to the existing continuous built form of Nettleham and that isolated dwellings in the countryside will not be supported. The policy is silent regarding re-use of historic buildings in the countryside.

Paragraph 30 of the NPPF states: -

30. Once a neighbourhood plan has been brought into force, the policies it contains take precedence over existing non-strategic policies in a local plan covering the neighbourhood area, where they are in conflict; unless they are superseded by strategic or non-strategic policies that are adopted subsequently.

The CLLP was adopted in 2017 after the neighbourhood plan and therefore takes precedence over the neighbourhood plan.

This site is not considered to benefit from paragraph 80 of the NPPF which permits isolated homes in the countryside in certain circumstances for the following reason. The meaning of the word ‘isolated’ was the subject of the ‘Braintree’ judgments (1 Braintree District Council v Secretary of State for Communities and Local Government & Others [2017] EWHC 2743 (Admin) of 15 November 2017, and subsequently in the Court of Appeal judgment of 28 March 2018) and should be given its ordinary objective meaning of ‘far away from other places, buildings or people; remote’. The Appeal Court Judge stated that whether a proposed new dwelling is, or is not, ‘isolated’ in this sense will be a matter of fact and planning judgment for the decision-maker in the particular circumstances of the case in hand.

This site contains two buildings that are neighbours to each other and there are three other residential dwellings a short distance to the north and north east of the site as well as a significant collection of farm buildings to the north. The site is not isolated therefore Paragraph 80 should not apply.

The alterations and extensions to the curtilage listed buildings go beyond what is permissible under LP55 Part A b. However, there are exceptional circumstances relating to the restoration of the grade I listed gates and re-use of the remaining elements of the curtilage listed buildings arising from the proposal.

Paragraph 208 of the NPPF states: -

Local planning authorities should assess whether the benefits of a proposal for enabling development, which would otherwise conflict with planning policies but which would secure the future conservation of a heritage asset, outweigh the disbenefits of departing from those policies.

In this case the restoration of the gates is to be given significant weight when considering the general conflict with the local plan policies, especially LP55.

The proposal is considered to be development that will secure the future of the grade 1 listed gates, which are of exceptional significance and have for many years been on the Historic England Heritage at Risk Register, and the curtilage listed buildings.

Policy LP25 of the CLLP supports development proposals where they: -

d. Protect the significance of designated heritage assets (including their setting) by protecting and enhancing architectural and historic character, historical associations, landscape and townscape features and through consideration of scale, design, materials, siting, layout, mass, use, and views and vistas both from and towards the asset;

e. Promote opportunities to better reveal significance of heritage assets, where possible;

f. Take into account the desirability of sustaining and enhancing non-designated heritage assets and their setting.

This proposal achieves all 3 of these by repairing the gates and bringing back into use the Hall.

Policy E4 of the Neighbourhood Plan also supports development proposals which safeguard listed buildings.

Design and heritage impacts

Are Nettleham Hall and Diggers Cottage listed buildings?

The statutory definition of a Listed Building (under s1(5) of the Listed Buildings Act) is as follows:

(5)In this Act “listed building” means a building which is for the time being included in a list compiled or approved by the Secretary of State under this section; and for the purposes of this Act—

(a)any object or structure fixed to the building;

(b)any object or structure within the curtilage of the building which, although not fixed to the building, forms part of the land and has done so since before 1st July 1948,

Shall... be treated as part of the building.

The gates were listed in 1952, and this notes the hall was derelict at that time. The hall and lodge have no current use and are still in the same ownership, and they were built before 1st July 1948. A recent court case, R (Hampshire CC) v Blackbushe Airport Ltd [2021] EWCA Civ 398, requires the LPA to draw a conclusion on the extent of the curtilage of the listed gates and whether this includes the hall and cottage. It is considered that the land should be treated as if it were part and parcel of the building. The land is so intimately associated with the listed building that it leads to the conclusion that the former forms part and parcel of the latter. This includes the hall and cottage.

Consideration

The statutory tests in sections 16 and 66 of The Planning (Listed Buildings and Conservation Areas) Act 1990 are the primary considerations for these listed and curtilage listed buildings.

Policy LP25 states that : -

Development proposals will be supported where they:

- d. Protect the significance of designated heritage assets (including their setting) by protecting and enhancing architectural and historic character, historical associations, landscape and townscape features and through consideration of scale, design, materials, siting, layout, mass, use, and views and vistas both from and towards the asset;
- e. Promote opportunities to better reveal significance of heritage assets, where possible;
- f. Take into account the desirability of sustaining and enhancing non-designated heritage assets and their setting.

Where proposals affect the significance of an asset the application must, proportionally, describe and assess significance of the asset; identify the impact the proposal would have on significance and special character of the asset;

provide clear justification for the proposal, especially if harm to significance arises, so that harm can be weighed against public benefits. Unless it is explicitly demonstrated that the proposal meets the tests set out in the NPPF, permission will only be granted for development affecting designated or non-designated heritage assets where the impact of the proposal does not harm the significance of the asset and/or its setting. Permission to alter a listed building will be granted where the LPA is satisfied the proposal is in the interests of the buildings preservation and does not involve activities or alterations prejudicial to the special architectural or historic interest of the building. Development proposals that affect the setting of a Listed Building will be supported where they preserve or better reveal the significance of the Listed Building.

NPPF paragraph 197 requires LPA's, in determining applications, take account of (a) the desirability of sustaining and enhancing the significance of heritage assets and putting them to viable uses consistent with their conservation. Paragraph 199 requires, when considering the impact of a proposed development on the significance of a designated heritage asset, great weight should be given to the asset's conservation (and the more important the asset, the greater the weight should be). This is irrespective of whether any potential harm amounts to substantial harm, total loss or less than substantial harm to its significance. Paragraph 200 requires any harm to, or loss of, the significance of a designated heritage asset (from its alteration or destruction, or from development within its setting), should require clear and convincing justification.

Policy LP26: Design and Amenity, Policy E-4 Historic buildings and the Conservation Area states Development proposals will be expected to safeguard listed buildings in the Plan area , and Policy D-6 Design of new development reinforce the need for high quality design that conserves and enhances heritage assets.

Policy LP17 requires consideration is given to the protection and enhancement of the landscape by having regard to historic buildings.

Policy LP17, LP25, LP26, LP27 and Policy E-4 and D-6 are consistent with the NPPF and are given full weight.

Nettleham Hall is a former country house, now derelict after a serious fire approximately 80 years ago. The building is a very picturesque ruin, but if action is not taken soon to consolidate this structure, the house could be lost altogether. Adjacent is Diggers Cottage, also now abandoned but not fire damaged, and the estate is accessed by a very fine set of 18th century wrought iron gates, set within 19th century piers with flanking walls and pedestrian gates, which were listed in 1952 at grade I. The gates are in very poor condition and require specialist repairs.

Historic England and the Conservation Officer note the exceptional architectural and historic interest of the grade I listed gates and the associated heritage value of Nettleham Hall. Its significance mainly lies in its character as a 'romantic ruin' and the surviving historic fabric, some of which is finely detailed in a Classical style. Altogether the ruined hall makes a striking sight and its

scale and surviving fine architecture clearly demonstrate today that an historic, high status residence once stood at this location. There is considered to be a collective value in the gates, hall and cottage given their past interrelationship and shared setting.

Physical alterations to the hall and cottage to enable reintroduction of residential use, whilst in conflict with one criterion in Policy LP55, represents an opportunity to secure restoration of gates of exceptional architectural and historic interest that are currently in a “very bad” condition that are likely to continue to deteriorate without intervention, and to secure the future of the hall which is of high significance and the cottage which is of lesser significance. A residential presence is likely to ensure future maintenance and to provide a sense of belonging and surveillance that would deter further vandalism and theft of the gates.

A series of revisions have been secured including clarification of the extent of repairs to the gates and retention of a greater proportion of Nettleham Hall such as one of the canted bays to the southern wing, the second floor and pediment, and eastern wing portico. These amendments ensure retention of the most significant remnants of the grand country house. The proposed new elements would be clearly read as different to the surviving historic fabric which is good design and acceptable in heritage terms.

Historic England and the Conservation Officer support the principle and physical works to these heritage assets. The submitted unilateral undertaking will ensure the gates are appropriately restored, in a timely manner and that their future maintenance for 10 years will also be secured. This is a significant material consideration. A series of conditions are recommended and attached in the interests of preserving and enhancing these heritage assets. LCC Archaeology advises a historic building recording exercise is undertaken.

The restoration works to the gates are entirely positive and ensure their long term future. The proposal does not harm the gates (and seeks to preserve and enhance the heritage asset). Once properly repaired, the gates would regain much of the significance which has been lost.

The hall proposals are considered to result in less than substantial harm to its significance as a designated heritage asset. The proposal represents the optimal viable use of it and, with the reinstatement of the driveway, would also greatly enhance the setting and significance of the listed gates. Restoring the driveway and the reuse of the gateway to access to the hall, restored as a new dwelling, would also reduce the risk of further vandalism which would be a further public benefit.

The cottage proposals result in no harm to significance and represent the optimal viable use of this heritage asset. The proposal would sustain and enhance the significance of heritage assets and put them to viable uses consistent with their conservation.

It should also be noted that the hall, cottage and gates are situated in what remains of a historic park (including mature trees, driveways and paths, walled garden etc) which is recorded in the Lincolnshire Historic Environment Record. The proposal entails partial restoration of elements of this historic park such as the southern lawn, reinstating driveways and walled gardens. These restorative works will further enhance the setting of the buildings.

Summary Design and Heritage

The NPPF at paragraph 48 allows LPA's to give weight to the securing the conservation of a heritage asset even where the development is in conflict with other planning policies. Policies LP 25 of the CLLP and E 4 of the Neighbourhood Plan also support the repair, retention and re-use of Listed Buildings and non-designated Heritage Assets.

These policies are to be given full weight with substantial weight given to the proposed heritage benefits.

Residential amenity

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

There would be a 55m gap between the hall and cottage. The cottage would be 35m from Hall Farm. Ample accommodation and garden space is proposed. There is a 25m gap between the hall and adjacent general purpose agricultural buildings. These do not house livestock. The proposal would provide acceptable accommodation that is not constrained by adjacent land uses. Residential amenity impacts are acceptable and in compliance with CLLP Policy LP26 and NP Policy D6

Highways

Policy LP13 requires well designed, safe and convenient access for all and that appropriate vehicle parking provision is made for development users. Policy D1 requires there to be sufficient highway capacity to accommodate the proposal. Policy D2 requires pedestrian and cycle access to the development. Policy D3 sets parking standards for 3 or 4 bedrooms = 3 spaces, 5 or more bedrooms = 4 spaces. This is consistent with NPPF paragraph 110 requiring proposals ensure safe and suitable access to the site can be achieved for all users and paragraph 111 requiring development should only be prevented or refused on highways grounds if there would be an unacceptable impact on highway safety. These policies are given full weight.

Access to both properties would be via the reinstated secondary access and or the restored principal gated access, which have suitable visibility along this

national speed limit road and there are no highway capacity issues. Access by cycle would be possible along this road and Nettleham village centre is approximately 2km on foot along public rights of way reference Nthm/146/1 and Nthm/145/1.

The five bedroomed hall has in excess of the four car parking spaces required by Policy D3. The three bedroomed cottage has the three parking spaces required by the policy.

LCC Highways raises no objections to the proposal. Highway matters are considered acceptable.

Flood risk and drainage

The site is at low risk of all forms of flooding (flood zone 1). Foul and surface water drainage arrangements are not clarified within the application. A condition can secure final details of both in accordance with Policy LP14 and D4 to prevent pollution of the environment.

Ecology and trees

Policy LP21 is consistent with NPPF section 15 in requiring protected species are taken into account and enhancements are secured and is given full weight. Policy LP17 requires consideration is given to the protection and enhancement of the landscape and Policy LP26 requires existing planting is retained where possible and proposed planting is secured.

The submitted preliminary ecological appraisal identified barn owl was roosting in one of the eastern rooms. This is not a regular roost looking at the number of pellets on the ground. No other protected species were identified on the site. A precautionary method statement for bats is recommended. Bird, bat and lighting mitigation is recommended. Non-specific ecological enhancements are proposed. No further surveys are recommended unless works take place during bird nesting season.

The submitted arboricultural impact assessment including tree survey details some felling, pruning and clearances will be required to implement the proposals, improve the quality of retained specimens, maximise health and safety, and promote the long term integrity of the treescape. This includes the need to gain access to this overgrown site, provision of amenity space around the dwellings and discussion of the potential to retain specimen trees.

Tree loss should be expected if the site is to be brought back into use. The submitted assessment is appropriate. An arboricultural method statement should be conditioned to secure details of tree protection and driveway access installation.

Other

The proposed air source heat pump and small brick enclosure shown on the site layout are supported by Policy LP18 as a means of renewable energy production.

Conclusion

The proposal entails alterations and extensions, to form two dwellings, in the remnants of Nettleham Hall and Diggers Cottage that exceeds what is ordinarily allowed by Policy LP55 Part A.

The proposal would ensure the restoration of grade I listed gates. It would also ensure consolidation with alterations and extensions of the remnants of the hall and cottage by bringing them back into their optimal viable residential use. The proposals are supported by the NPPF paragraph 208; CLLP Policy LP25 and NP Policy E4.

The proposal is very well designed and entails substantial heritage benefits to heritage assets of national significance which are acceptable subject to conditions. These policy supported benefits are to be given substantial weight.

There would be no undue harm to residential amenity. No harm to local highways would arise. Flood risk, drainage, ecological and arboricultural matters are acceptable subject to condition.

The conflict with Policy LP55 Part A is considered to be significantly and demonstrably outweighed by the substantial heritage benefits arising from the proposal. It is recommended that planning permission and listed building consent are granted subject to conditions.

Conditions for planning permission 142751:

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 demolition/development shall take place on the site until a Scheme of Archaeological Works including historic building recording (on the lines of 4.8.1 in the Lincolnshire Archaeological Handbook) in accordance with a written scheme of investigation has been submitted to and approved in writing by the Local Planning Authority. This must enable heritage assets within the site to be recorded prior to their alteration or destruction. This scheme of works will consist of a programme of full historic building recording focusing on the hall and cottage.

Reason: To ensure heritage assets are recorded prior to their alteration in accordance with Policy LP25 of the Central Lincolnshire Local Plan.

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

3. As an initial operation an arboricultural method statement including details of tree protection during development and tree friendly driveway access installation shall have been submitted to and approved in writing by the Local Planning Authority. Development shall proceed in accordance with the details approved.

Reason: To ensure tree retention in accordance with Policy LP17 and LP26 of the Central Lincolnshire Local Plan.

4. Before work begins on works of repair (including repointing), enabling works and new dwellings, of the works for that dwelling/building shall be made on site. The Local Planning Authority shall be notified in writing of their availability for inspection and shall agree the materials of those building works in writing. The approved sample panels shall be retained on site until the work is completed. Development shall proceed in accordance with the approved details.

Reason: In the interests of preserving the architectural and historic interest of the listed buildings in accordance with Policy LP25 of the Central Lincolnshire Local Plan.

5. Prior to their use in the development, details of all external finishing materials shall be submitted to and approved in writing by the Local Planning Authority. The LPA may ask that samples of each type are provided on site for inspection. Development shall proceed in accordance with the approved details.

Reason: In the interests of preserving the architectural and historic interest of the listed buildings in accordance with Policy LP25 of the Central Lincolnshire Local Plan.

6. The repairs to the gates and stonework shall be carried out in accordance with the submitted method statement headed Nettleham Hall Gates & Railings Methodology Statement and received by the LPA in May 2021.

Reason: In the interests of preserving the architectural and historic interest of the listed buildings in accordance with Policy LP25 of the Central Lincolnshire Local Plan.

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

Insert Drawing Numbers

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

8. Development shall proceed in accordance with the mitigation measures detailed in the preliminary ecological appraisal.

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

9. Prior to occupation of the development a detailed scheme of ecological enhancements shall be submitted to and approved in writing by the Local Planning Authority. The approved scheme shall be installed within 6 months of occupation of the relevant dwelling.

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

10. Prior to occupation of the development, details of foul and surface water drainage shall have been submitted to and approved in writing by the Local Planning Authority. The agreed details shall be installed prior to occupation of the relevant dwelling.

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

11. Prior to its installation and construction details of the heat pump and enclosure shall have been submitted to and approved in writing by the Local Planning Authority. Development shall proceed in accordance with the approved details.

Reason: To ensure an appropriate design and impact upon the setting of heritage assets in accordance with Policy LP25 of the Central Lincolnshire Local Plan.

12. Notwithstanding the submitted details, prior to their installation details of all means of enclosure and hard surfacing shall be submitted to and approved in writing by the Local Planning Authority. Development shall proceed in accordance with the approved details.

Reason: To ensure sensitively designed means of enclosure and hard surfacing materials are installed that are appropriate to the setting of listed buildings in accordance with Policy 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. Copies of the anthology in relation to the grade I listed gated, consisting of condition reports and details of conservation interventions, as detailed in the Methodology Statement, shall be submitted to the Local Planning Authority and Lincolnshire Historic Environment Record within three months of the work to the gates being completed.

Reason: To appropriately document the works to the gates of national significance in accordance with Policy LP25 of the Central Lincolnshire Local Plan.

14. Notwithstanding the provisions of The Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended), following completion of the two dwellings hereby permitted, no further alterations, additions or extensions shall be added to them unless planning permission has first been granted by the Local Planning Authority.

Reason: To ensure the impacts of such changes to these historic buildings and their setting is appropriate in accordance with Policy LP25 of the Central Lincolnshire Local Plan.

Conditions for listed building consent 143621

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

1. The works to which this consent relates shall be begun before the expiration of three years from the date of this consent.

Reason: To conform with Section 18(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 (as amended).

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

2. No demolition/development shall take place on the site until a Scheme of Archaeological Works including historic building recording (on the

lines of 4.8.1 in the Lincolnshire Archaeological Handbook) in accordance with a written scheme of investigation has been submitted to and approved in writing by the Local Planning Authority. This must enable heritage assets within the site to be recorded prior to their alteration or destruction. This scheme of works will consist of a programme of full historic building recording focusing on the hall and cottage.

Reason: To ensure heritage assets are recorded prior to their alteration in accordance with Policy LP25 of the Central Lincolnshire Local Plan.

Reason: To ensure an accurate measurable record of the buildings exists for use in the development to ensure sympathetic restoration is carried out in accordance with Policy LP25 of the Central Lincolnshire Local Plan.

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

3. Before work begins on works of repair (including repointing), enabling works and new dwellings, of the works for that dwelling/building shall be made on site. The Local Planning Authority shall be notified in writing of their availability for inspection and shall agree the materials of those building works in writing. The approved sample panels shall be retained on site until the work is completed. Development shall proceed in accordance with the approved details.

Reason: In the interests of preserving the architectural and historic interest of the listed buildings in accordance with Policy LP25 of the Central Lincolnshire Local Plan.

4. Prior to their use in the development, details of all external finishing materials shall be submitted to and approved in writing by the Local Planning Authority. The LPA may ask that samples of each type are provided on site for inspection. Development shall proceed in accordance with the approved details.

Reason: In the interests of preserving the architectural and historic interest of the listed buildings in accordance with Policy LP25 of the Central Lincolnshire Local Plan.

5. The repairs to the gates and stonework shall be carried out in accordance with the submitted method statement headed Nettleham Hall Gates & Railings Methodology Statement and received by the LPA in May 2021.

Reason: In the interests of preserving the architectural and historic interest of the listed buildings in accordance with Policy LP25 of the Central Lincolnshire Local Plan.

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

Insert drawing numbers

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

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

7. Copies of the anthology in relation to the grade I listed gates, consisting of condition reports and details of conservation interventions, as detailed in the Methodology Statement, shall be submitted to the Local Planning Authority and Lincolnshire Historic Environment Record within three months of the work to the gates being completed.

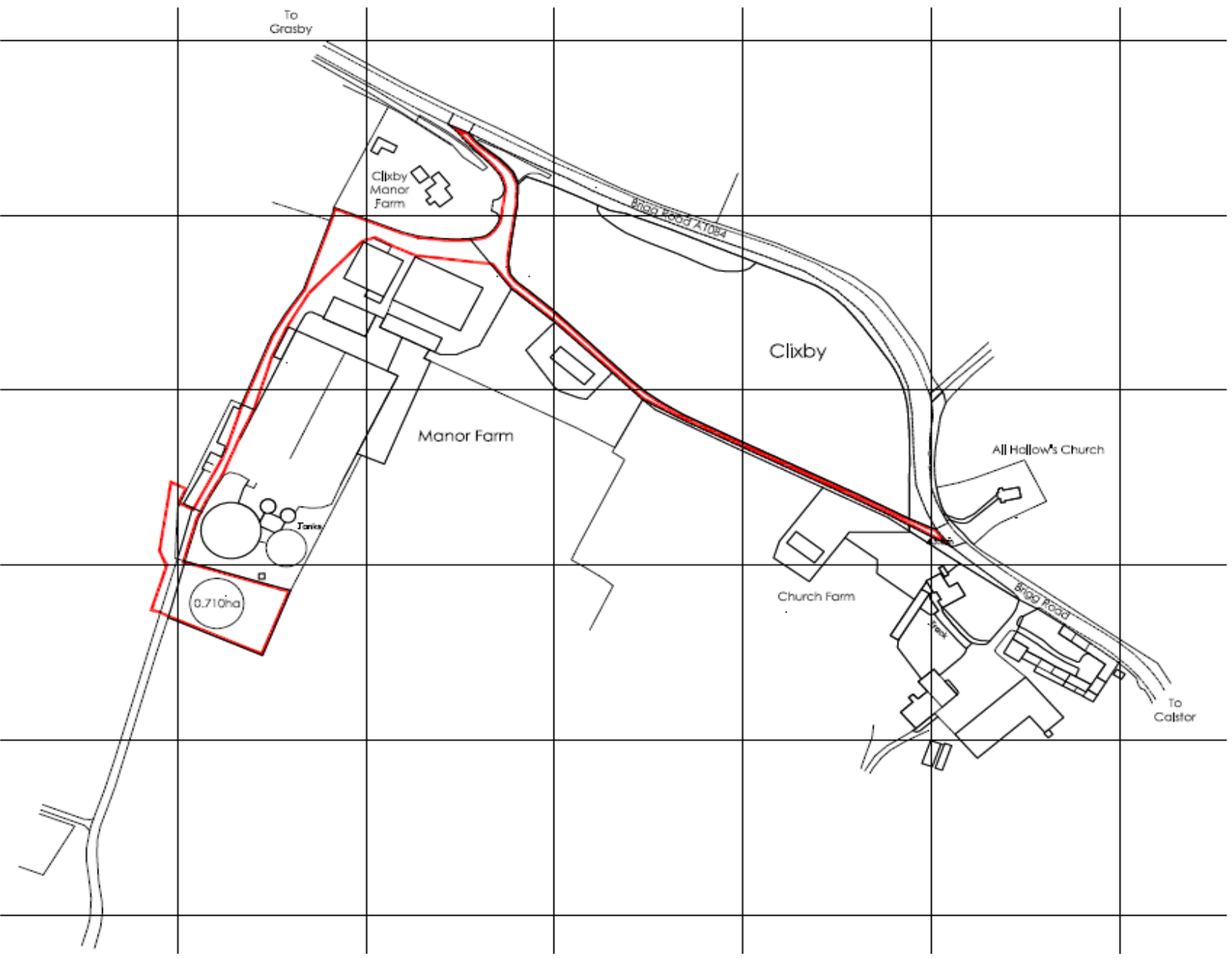
Reason: To appropriately document the works to the gates of national significance in accordance with Policy LP25 of the Central Lincolnshire Local Plan.

Human Rights Implications:

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

Legal Implications:

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



Officers Report

Planning Application No: 142952

PROPOSAL: Planning application for the construction of a drying shed for food processing (B2)

LOCATION: Manor Farm Brigg Road Clixby Barnetby LN7 6RT

WARD: Kelsey

WARD MEMBER(S): Cllr P Morris

APPLICANT NAME: R C Woolliams & Sons LTD

TARGET DECISION DATE: 01/04/2022

DEVELOPMENT TYPE: Minor - all others

CASE OFFICER: Richard Green

RECOMMENDED DECISION: Refuse planning permission.

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

Description:

The site is part of a working farm located south of Brigg Road (A1084), approximately 860 metres to the south east of the built footprint of Grasby. In April 2013 planning permission (reference 129445) was granted to construct an Anaerobic Digestion (AD) plant, including technical building and flare stack, storage, digester and hydrolyser tanks, earth bund, silage clamps and associated infrastructure. A further permission was granted in June 2016 (ref 133563) to install an agricultural dryer and associated storage bay immediately to the north of the four large green tanks that form part of the AD plant. The permissions have been implemented.

The application site is located immediately to the south of the Anaerobic Digestion (AD) plant, which in turn is located to the south of the farmstead (Manor Farm) which comprises a traditional farm house near to Brigg Road with modern corrugated or brick steel portal framed agricultural buildings beyond (to the south of the farmhouse).

The application site comprises surplus soil from the construction of the AD plant which is located immediately to the north of the site. The site is surrounded by agricultural fields on all other sides. The nearest neighbouring property to this application site is Clixby House, Church Farm located approximately 274 metres to the north east of the application site with Church Farmhouse itself approximately 342 metres to the north east of the application site. There is a closer property to the application site (The Beeches, Manor Farm also to the north east of the site) but this is in the ownership of Manor Farm. There is a row of tall poplars along the eastern edge of the farmstead.

There are a number of small woodland and copse areas surrounding the site on the outer edges of the surrounding fields. A public right of way which forms part of the Viking Way long distance footpath runs through the farmstead to the north of the existing farm buildings (Gras/29/2). The public right of way is approximately 214 metres from the application site at its closest point. The track to the west of the site leads south to land associated with the holding. To the north the track links the site to the rest of the farmstead and two points of access onto Brigg Road.

The application seeks permission to erect a drying shed to be used for food processing (B2) which will connect to the adjacent AD plant so it can utilise waste heat from this existing facility. The proposed drying shed would be approximately 24 metres in length, 18.5 metres in width and 8 metres in height. The building would have two access doors, both on the north elevation. The building would be clad in green metal cladding.

The drying shed would be used to dry fish for human consumption. Fish would be delivered in sealed plastic containers. The building would have the capacity to air dry 1200kg of fish in 24 hours at 30 degrees. Once dried the fish will weigh only 20% of their original weight. The final product will be transferred to Grimsby once a week for distribution. Waste water from the drying process will be collected in sealed underground tanks for disposal once every two months. The only other expected waste will be from welfare facilities (toilets) and general site hygiene (washing equipment and floors) for which a package treatment plant is proposed.

The proposal would see the creation of 15 full time and part time jobs equating to 10 FTE jobs in the local area.

An Odour Control Appraisal and Assessment (Redmore Environmental 16 February 2022) has been submitted alongside amended plans showing a 14 metre high odour dispersal stack located immediately to the south of the proposed drying shed (located at the south western corner of the drying shed).

It should be noted that a permit will be required from the Environment Agency in order to be able to implement any approval.

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

The development is neither Schedule 1 nor Schedule 2 development. The proposal is considered to be 7. Food Industry b) Packing and canning of animal and vegetable products under Schedule 2 and falls below the threshold of 1000 sq metres of floorspace specified within the schedule. Therefore the development is not 'EIA development'.

Relevant history:

On the application site - No recorded planning history

Site immediately to the north:

129445 - Planning application for installation of anaerobic digestion plant, including technical building and flare stack, storage, digester and hydrolyser tanks, earth bund, silage clamps and associated infrastructure granted 30/04/2013.

130345 – Request for confirmation of compliance with conditions 3 and 4 of planning permission 129445 granted 30 April 2013 granted 22/10/13.

130415 – Application for non-material amendment to planning permission 129445 granted 30 April 2013-relocation of flare stack and increase length of silage clamps granted 31/10/2013.

132088 - Application for non-material amendment to planning permission 129445 granted 30 April 2013-amended layout plan and landscaping scheme granted 2/2/2015.

133563 - Planning application for installation of agricultural dryer and associated storage bay. Granted 06/06/2016.

Representations

Cllr P Morris (Ward Councillor): Firstly, this is entirely the wrong place to build and operate a fish processing plant, this is a rural location bordering an AONB and the proposed site would be within yards of the Viking Way which is used by thousands of tourists each year. Tourism is a valuable part of the local economy and the noise and particularly the odour that this processing plant would inevitably produce would seriously undermine and damage local tourism focused businesses.

According to the current Central Lincolnshire Local Plan (Section 26) any new development MUST take into consideration adverse impact on air quality from odour.

I would also highlight PA140497 which was a similar proposed development in Caistor which was refused planning by WLDC and was again refused on appeal.

I am also disappointed with LCC Highways response to this application which will only increase the dangers on the A1084 because of the increased traffic movements on the road, as far as I am aware they have not even made a site visit.

Other objections have highlighted that the landscaping conditions from the original AD plant still have not been completed, although it has been operational for some years, this hardly inspires confidence that the applicant will adhere to their new plans for screening the proposed processing plant.

Further comment 13/03/2022 - Having read the environmental report closely I would like to draw everyone's attention to a sentence near the end of their reply " The proposed activity is not usually found in an inland agricultural area and such may be more appropriate elsewhere." This says it all.

Cllr Tom Smith (County Councillor): Contrary to the DE&S statement because of the food stuff that is being dried at the proposed site there is a significant impact on the village of Grasby and to a lesser extent the market town of Caistor the proposals also fail to move away from the private car as a mode of transport contrary to LP5. Furthermore, there is local concern that this will exacerbate an already long standing issue of harming the appearance of the local area as previous conditions relating to planting and other conditions to prevent noise have not been discharged appropriately.

Additionally, contrary to the statements made the development will require all employees to use the private motor vehicle which is contrary to section A of policy LP13 as despite what the applicant states the alternatives means of travel are unrealistic. I would contend further that the development is contrary to policy LP26 on the following grounds subsection R and S. In respect of policy LP55 the proposals fail the test set out in subsection A as the AD plant is a separate business and not related as such the proposals must comply with the first part of subsection A and in my view it fails to do so there is no justifiable means for such a business to have a rural location when the end product must be transported to Grimsby and there are ample empty units close by the products end destination. Furthermore, due to the nature of the food stuff being dried I contend that it is not compatible with the neighbouring land use that being residential properties.

Turning to the NPPF the applicant sites paragraph 154 I contend that the effects of said development cannot be made acceptable on the local population of Grasby namely the intense smell that would emanate from the development all year round being worse during summer and months where fog was present. Also the applicant highlights paragraph 83 of the NPPF subsection B it is my view that if this proposal is allowed this would substantially undermine subsection C of the same paragraph of several businesses that are tourism focused that are already established in Grasby.

The following information was also forwarded by the Cllr: Searby and Owmbly have now been informed of the planning application at Clixby. While this was mentioned at our meeting, some people cycled over from Searby to the Show yesterday and told me that they can smell the coffee being roasted at Elsham Wold Industrial Estate sometimes in Searby. I have checked and it is 3.8 miles between these points. Caistor is 2.2 miles from Clixby and Searby is 2.5 miles.

Grasby Parish Council: At the Parish Council meeting held on 21 July 2021 this matter was discussed at length at the open forum at which at least 12 residents were present along with the District Councillor, County Councillor and Parish Councillors.

Given the arguments put forward by local residents in our community as a Parish Council we object to the application in the strongest possible terms for the following reasons:-

- Odour/Smell – This is a major concern. A number of residents have experience of working in or adjacent to fish processing plants in Grimsby and on the Humber Bank. Their experience is that the smell generated by these factories is intolerable and cannot be suppressed by any mechanical or technological means. Although an odour assessment has been requested of the applicant, we feel that this will not adequately deal with the odours that will inevitably emerge and any retrofitting of odour suppressant simply will not work.
- Environment – as mentioned above there is a cluster of fish processing businesses in Grimsby and the surrounding areas for good reason. There seems to be no sense in transporting product to and from Grimsby in wet then dry state as this just increases food miles which is very much against the grain. If there is excess heat to use from the plant, then it should be used to generate more electricity - exactly what the plant was built to produce in the first place. If there is waste heat then it should be used for proper agricultural processes, such as drying grain, rather than an industrial process. Many residents made the point that this is a farming/agricultural area and not an industrial estate.
- Wastewater - Paragraph 3.9 of the Access & Design Statement states “wastewater from the drying process will be collected in sealed tanks for disposal.” However, there is no explanation as to how the wastewater will be dealt with. There is a discrepancy with the application which states that the proposal does not involve the disposal of trade wastes or effluent.
- Environment Agency – we are surprised that the EA have not commented on this application, we consider that it is in their remit to do so especially given the odour, wastewater, noise and light pollution implications of the application.
- Highways – we take issue with Lincolnshire County Council (LCC) Highways response to the application in that they have ‘no objections’. A site visit is required, rather than a pure desk study. The application site has access and egress to the A1084 by two narrow singletrack lanes to the north and to the east, both have extremely difficult sight lines especially for slow moving HGV’s exiting the site – the increase in HGV’s taking access to the site will increase the risk substantially. We consider that the access is unsuitable and request that Highways withdraw their current response and undertake a site visit before responding again. It should be noted that the A1084 is classed as one of the country’s most dangerous roads.
- Noise – The operating hours stated in the application appear to indicate that the drying plant will run 24/7. Residents, particularly those on Clixby Lane, Vicarage Lane, Front Street and Churchside are already disturbed by the constant noise from the AD plant and additionally the reversing beepers from loaders/tractors and trailers when the maize harvest is being undertaken and the consequent

biomass brought into the plant for storage. This disturbance will only be exaggerated by the proposed fish drying plant.

- Light Pollution – Again, the proposal will involve increased lighting used during the winter months and creating further light pollution for residents especially if the plant is run 24/7.
- Landscaping – It has been pointed out that the landscaping conditions imposed by the original application have not been implemented or the trees have failed. This was supposed to ‘hide’ the AD plant from surrounding views, but it is not the case. The new application suggests trees will be planted on the top of a 6-metre-high bund as screening, we are of the opinion that this will just not work and will fail just like the previous attempt.
- PA140497 – we are aware of the recent Planning Inspectorate Appeal decision regarding a site off North Kelsey Road, Caistor which is within 2 miles of this application site. The appeal was dismissed by the inspector for the following reasons:-

The main issues are (i) the effect of the proposed development on the provision of employment land and whether there are material considerations to permit the development and (ii) the impact of odour on the occupiers of the proposed dwellings Central Lincolnshire Local Plan – under section 26 of the current plan any development must take into consideration adverse impact on air quality from odour. This is not mentioned in the Design & Access Statement submitted with the application.

Further representation 03/03/2022:

- Disagree with the methodology and findings of the Odour Control Appraisal and Assessment.
- The odour stack proposed is 14 metres (46 feet) high, in what appears to be stainless steel. This can hardly be described as agricultural and would look completely out of place in this rural landscape.
- No account has been taken of topography (or it has been conveniently obscured). The ground level at the site of the proposed discharge stack is 35m above sea level hence the top of the proposed discharge stack is 49 m above sea level which corresponds with the road level of the A1084 about 300 meters away. The discharge would also be below the level of some of the key public buildings in Grasby, for example Grasby All Saints School (55m), Grasby Church (50m), Cross Keys Public House (62m) and Mill Farm (68m).

North Kelsey Parish Council: The entrance and exit to the site are on blind bends, with additional traffic movement already impacting this area, due to the biomass plant, which was installed in 2015. An Increase in heavy traffic on surrounding rural roads from HGVs bringing the fish and packaging, skip lorries taking waste fish, waste water HGVs, would have a major detrimental impact. There is a lack of transportation links which would be required by the commuting of the workforce. The economic benefit of creating jobs is greatly reduced due to a mainly mechanised factory. Smell, noise and light pollution

are all major concerns, which may impact local villages for miles around the site, with the biomass plant already contributing to this, despite previous considerations. There will be an impact on tourism at the local caravan park and walkers on the Wolds Way and Viking Way, an area designated as an Area of Great Landscape Value. This industrial process is more appropriate for an industrial site/docks than a rural area. Landscaping and tree planting requirements from the 2015 biomass plant planning permission have not been completed, as set out in the permissions previously granted. The energy created by the biomass, meant for local housing will be negated by this plant, which will need considerably more than the biomass can supply. Major concerns have been expressed with regard to high water usage, and its source, along with contaminated waste water which will be discharged into the sewage system. The product produced is not destined for the UK food market.

Searby and Owmbly Parish Council: Following a unanimous decision at our meeting on 12.9.21, I am instructed to lodge our objection to the proposal. We are very concerned about the lack of provision for removing the odour which will obviously arise from the fish drying process, and its effect on the present tourism in the area, let alone that planned for by WLDC, and the knock on effect on jobs in that sector; the poor sustainability of the proposed project re transport; and the effect upon our Countryside, and the plans to achieve AONB.

Bigby Parish Council: 1. As a village in a rural area, residents are well used to agricultural smells that emerge from the farmed fields on an irregular basis. As the crow flies, Bigby is approximately 3.25 miles from the proposed development. On a windy day, the noxious fish smells emitted from the site will undoubtedly reach Bigby. These smells will be released on a regular basis and are not the normal, natural smells associated with rural Lincolnshire. This site is totally in the incorrect place for the process of drying fish. 2. There is concern about the Carbon Footprint involved in transporting the fish from and to Grimsby. (This has been detailed in other online comments and is fully supported by Bigby Parish Council.) 3. Another concern is the increased flow of traffic along the A1084, including access to the proposed development, which are currently located at Clixby bends and after the bends towards Grasby, which is a blind exit from the farm is. 4. Furthermore, what is the proposed route from Grimsby docks to Clixby? Will the lorries come from Grimsby Docks along the A180 to Barnetby Top and then use the unclassified road from Melton Ross to Bigby as a short cut to the A1084? The unclassified road is already used as a rat run with far more traffic moving through Bigby than LCC Highways give credit for. Even if this is not the designated route, it may be used as a detour.

In conclusion, Bigby Parish Council wholeheartedly supports the many online comments expressing concern about this application. These, along with its own concerns, support the view that this site is totally in the incorrect place for the process of drying fish.

Local residents: No.3, 4, 5, 12 (x3), 16 & Bentley House, Bentley Lane, 2, 4, 6 9 & 10 (x2) Wilmore Lane, 7 (x2), 11, 11a (x2), 12 & 13 (x2) Front Street, 3

(x2), 7 (x2), 11a, 15 (X4), 19, 21a (x2), 21, 23, Malvern & Mount Sorrell, Clixby Lane, 1 & 5 Church Side, 1, 2, 3, 4, 26, 30 (x2), 31, Tennyson Villa (x2) & Dovecote House (x2), Vicarage Lane, 1, 3, 6, 8, 11, 13 Church Hill, Hillside House & The Old Chapel, Main Street, 3, 4, 6, 8 (x2), 14, 20, 29 & 39d Station Road, Mill Rise & The Cottage, Brigg Road, Clixby Top Farm & Grasby Top Farm, Grasby Wold Lane, 5 & 6 The Old Quarry, 1 Holland Drive (x2), Reading Room Cottage [incomplete address] and Willow Farm, Middletons Lane, Grasby. Coppice House, Brigg Road. Moortown. 6 Westerby Court & 5 Manor Gardens, Brigg Road, South Kelsey. Highfield Farm, West Holmes Lane, 6 Wold Gardens & Holly Corner, High Street, Beck House, West Street and Setcops Farm, Cross Lane, North Kelsey. West Barn Cottage, Caistor Road, North Kelsey Moor. 4 Riby Road, Copse View, North Kelsey Road, 109A Brigg Road, 43 Lincoln Drive, 16 Tennyson Close, 90 North Street, Teesdale, Moor Lane and Sandbraes Farm, Sandbraes Lane, Caistor. 2, 6, 17, 19, 35, 40, 43, 57 & 59 Wolds Retreat, Brigg Road, Fonaby [2 further representations from Wolds Retreat with incomplete addresses], Hogarth, Main Street, Howsham, Monument House, Main Road & North Wold House, Somerby Top, Wold Lane, Somerby. Tithe House, Ivy House & Whimbrel, Owmbly Hill, Anfield House & Rosedene, Wold View, Owmbly. The Cottage, Main Street, The Manor, High View, Back Lane and 1 The Chestnuts, Searby and 15 Front Street, Tealby. Station Road, Hull [Incomplete address], 44 Plymouth Road, Scunthorpe and 4 Railway Terrace, Sowerby, Thirsk. Object to the application for the following reasons, in summary:

Odour concerns

- Regardless of the filtration systems or enclosed water system put in place the smell still escapes and can travel a long distance and is very unpleasant to say the least.
- I note an odour assessment has been requested, but how can this be accurate when the facility and the process does not yet exist. It will come from the applicants advisors who will provide a favourable report.
- The impact on the houses closest to this development on Clixby bends with the wind blowing in the right direction, will force them to close their windows and stay indoors. The smell will render properties worthless.
- Will affect local residents and businesses.
- The weather severely impacts the conditions [of the proposal]. On a rainy day the smell is bearable, on an average day when it is sunny the smell is horrendous. On days with wind the smell travels for miles and would severely impact on the village of Grasby in their spacious gardens and homes.
- The processing of fish and the potential release of trimethylamine (TMA) is a common problem and causes significant issues, distress and impacts on the surrounding areas of these types of processing units.
- No odour abatement control methods are identified in the application documents.
- The smell issue relates to the activities within the building, but also to the delivery to and removal from the site of the fish and the contaminated water the process will generate.

- The local primary school children will have to endure the smell in class and outdoors.
- The stench will cling to washing.
- We are assuming that if the Odour Assessment is considered accurate, and as such, forms the basis for consent to proceed with planning permission, what will be the clauses which proves accountability if the assessment is incorrect, and how will the communities be compensated?
- Odour from the anaerobic digester plant on the same site is detectable in the village, dependant on wind and operations being carried out. Fish odour will be substantially worse.
- It is necessary for people to be able to enjoy their gardens and homes without being subjected to having to close windows and stay indoors due to odour and fume polluted air.
- The Odour Report - Everyone knows that the prevailing wind of the UK is from the southwest, but the wind statistics in the report clearly show that over 20% of the winds come from directions that will affect Grasby Village. This equates to approximately 2.5 months of fish odours plaguing our village.
- The planning officer has the power to insist that appropriate odour control systems are implemented in the final design (E.g. Activated Carbon Filters).
- The Noise Assessment report reveals that the roller shutter doors could be open for the whole of the daytime in addition there are open doors and six fans exchanging the air with the outside. So, odour from fish processing will leave the building.
- The odour report is inadequate.
- How can the planning application can be approved without an Environmental permit being approved.
- What if the Odour mitigation system proves to be inadequate should permission be granted.
- The applicant's odour report has failed to take into account best practice, attribute odour classification appropriately or realistically consider those who could be affected.
- Revised Plans [with dispersal stack] fail to mitigate concerns and there is a total disregard for the odour report submitted by the residents.
- It is clear that the full abatement measures are considered too costly and that the burden must be accepted by the community in the form of a 14m stack on top of the proposed shed.
- The erection of a stack to vent the odours at a height of 14m rather than at the ridge height of 7m does nothing to address odour concerns. The odours created will continue to be emitted without any abatement controls to reduce them.
- The application is contrary to guidance from the environment agency 'H4 odour management'.
- The mitigation proposed is not highly effective and relies upon good operating discipline to maintain it only to a level that will work some of the time.

- The data used and choices made in the Odour Appraisal & Assessment report are wrong.
- The increase in the vent stack height may reduce the obnoxious odour within the processing work area but will spread said odour much further afield.

Traffic / Highway safety concerns

- This plant will need HGVs pulling into and from the site via Clixby Bends which are on a severe gradient. The entrance/exit is on blind bends where there have already been accidents.
- Traffic generation is stated at one HGV per day however, no mention is made of the capacity of the drying shed. Are the owners building in potential for business growth?
- There will be traffic generated by the employees.
- A traffic survey should be undertaken.

Location

- From experience this proposal is a bad idea, it should be confined to a proper Industrial estate, as there is plenty of fish processing plants and factories in Grimsby, where they are combined all together and the smell captured in one place.
- Object most strongly to the proposed application on the basis of the unsuitability of the location and nuisance to the surrounding area.
- How disappointing to have this area of beauty spoilt by the odour of fish.
- A more suitable location for such a plant is nearer to where the fish originate and NOT near to any residential areas. Fish drying is an industrial process and should be located alongside similar industries in a port town such as Grimsby.
- It also creates unnecessary food miles adding to more environmental issues when there are already plants nearer to the docks where these fish could be processed.
- In my opinion, this intended business is best situated in an already established industrial area where residents are not affected by it.
- The addition of this development will be seriously detrimental to this Area of Great Landscape Value (AGLV) both in terms of the visual amenity and the potential for noxious smells being emitted.
- Is this a joke? An application to build a smelly fish factory in an Area of Outstanding Natural Beauty?
- This development introduces another industrial building with its associated hardstanding, car parking and lighting that is out of character.
- The only thing that appears to be driving locating this fish drying factory in this remote rural setting, is a free source of heating to dry the fish.
- The discharge stack would be clearly visible from the surrounding area including the Viking Way creating a scar on the views of the Wolds and creating industrialisation of what is a rural area

Viking Way and Tourism

- We object to this due to the smell and disruption to the Viking Way public right of way. The Viking way route which is frequented by many visitors all year round is very close to this proposal.
- The Viking Way runs adjacent to the proposed site. It is heavily used by walkers, and even cyclists, who would be placed in potential danger by 5 weekly HGVs delivering wet fish, the single weekly HGV collecting the dried fish, the indeterminate number of HGVs removing the waste water and the cars of the workforce entering/leaving the site.
- The proposal will be visible from the footpath.
- Tourism is being encouraged in this area to boost the economy, particularly in nearby Caistor, a fish factory will detract from the rural setting.
- Tourism could be affected as people staying in Caistor Lakes, Wolds View, and other local amenities could be severely affected due to smells from his proposed development.
- It will degrade the countryside and put walkers and cyclists off from choosing this area and put them off from using the refreshment establishments on their walking and cycling routes.

Anaerobic Digester and Noise

- It is my understanding that in 2015 when planning permission was granted for the bio mass plant. A condition was that many trees of different variety including Birch, Aspen alongside Holly and Hawthorn were to be planted. Have these trees and shrubs ever been planted?
- Residents are already aware of some noise from the anaerobic digestion plant already situated there especially at night (every night, 365 days a year). Further noise from a continuously running drying process plant can only but make this worse.
- The fans will cause increased noise levels.

Fossil Fuels and Green Energy

- The design and access statement fails to mention that many of the points used to sell the AD plant, such powering many local houses, will be negated by this project. Significant power will be used for powering the 6 large fans, conveyors, packaging plant, refrigeration plant, lighting and welfare facilities.
- Burning fossil fuels to transport fish inland and then back to Grimsby will have a far greater environmental impact than the saving made in utilising a bit of waste heat, especially when you factor in all 10 staff, plus support services travelling to Clixby by car or van. The waste heat would be far better utilised for a local agricultural process such as crop drying or storage.
- The applicant already has an AD plant for which he got planning permission to generate electricity. He now says he wants to use the 'excess heat' to dry fish.
- If the reason for seeking permission for such a development is to utilise surplus energy that is produced through the Bio process why isn't due consideration being given to an alternative use for the energy such as using it to heat a glass house to produce food for human consumption.

Other comments

- Does not comply with policies in the Central Lincolnshire Local Plan or the NPPF.
- Application form and plans are inaccurate.
- The design and access statement fails to address how waste from the process will be safely stored and prevented from contaminating the natural environment.
- How will the inevitable solid waste generated be dealt with? Damaged product (fish) and packaging entering the natural environment will be a magnet for vermin, including seagulls.
- I would like to emphasise that in Planning Application 140497 and its rejection, if it is not acceptable to build houses near a fish plant then logically it cannot be acceptable to build a fish plant near houses. There will be a high water usage from a local bore hole and large quantities of waste water will need to be removed from the site.
- The one in Stallingborough was forced to close due to the stench of the fish, not suitable for a small village.
- Very few jobs will be created for local residents due to mechanisation and food processing is associated with low paid/low skilled jobs.
- There is no public transport to this location as was stated in the application documents.
- Very few jobs will go to local people.
- Health, wellbeing, mental health. This proposal will also severely impact detrimentally on the enjoyment of our homes.
- I also note that the working hours are unrestricted in the application itself and request that limits should be applied should the permission be granted.
- Will lead to ecological destruction.
- Will conditions be enforced if this proposal is granted?
- We have only one local public house with an outside facility that also serves food. The Crossed Keys is in very close proximity of the proposed plant. If the wind was in the wrong direction, it would render the outside area unusable and having to close windows.
- The proposed facility will handle 1200kg (1.2 tonnes) of raw fish and over 24 hour period and convert this into 240kg of packaged product. What remains is 960kg of liquid, evaporated material and odour every day. If this application is the first of its kind then it may well set precedents for other applications of a similar nature.
- There are countless farms within West Lindsey that have been given planning permission to operate anaerobic digesters, all of which will produce waste heat 24/7.
- Optimistic assertion that the proposal as it stands can support 10 full-time equivalent jobs.
- Light pollution
- Inadequate landscaping.
- Lack of information in the application on how the process will actually be carried out.

- The surplus heat that is being produced by the Bio plant could be harnessed and used to produce food more akin to this area such as the glass house production of micro herbs, fruit and veg.

Letters have also been received on behalf of a group of more than 20 concerned residents from Grasby, Owmbly & Searby dated 21/09/2021 and a further letter received 4 March 2022. The letters cover the matters outlined above and technical details in regards to Odour Assessments.

1 Somerby Green, Somerby, Mill Farm, Garden Mill Farm, Brigg Road, Grasby, 16 Fountain Street, 1 Millfields, 95 Brigg Road & 27 Nettleton Road Caistor, 17 Moorhen Close, Market Rasen, 27 St Peters, Close, Great Limber, Greenholme, High Street & Hill Farm, Grasby Road, North Kelsey, The Bungalow, Moortown Road, Nettleton, 24 Trinity Road, Scunthorpe and Blackberry Barn, Car Colston Road, Screveton. Support the application for the following reasons:

- Won't affect anyone. Nice to see some enterprise. Great idea.
- Possibility to generate local jobs. Fail to see the negatives. Business should be encouraged locally.
- I see this as having a positive impact only as it will bring jobs to the local area. I doubt very much there will be any issues regards generating noise, smell etc. and do not see why this should not be given full approval.
- What a fantastic thing for the local area, I for one can't wait to try fish jerky especially when it's using green energy, this project needs as much support from us all, fish is a great source of omega 3 which has lots of health benefits.
- I think it is a great idea to use the heat up from the plant than to just let it be wasted and brings in a new product to the area and room for growth and potential jobs.
- We need to invest in local employment, not run it out of down because people don't understand the process. The complaints about the smell seem irrelevant as the wind report suggests. Grasby shouldn't and hasn't been affected.
- Any agriculture development which creates jobs for local people can only be a good thing in my opinion. Local people can't survive on tourism and hospitality alone.
- Has anybody thought that the applicant isn't going to build a plant in his own back garden if the smell is going to be so overwhelming.
- I regularly use the footpath that runs adjacent to the A&D plant and have never noticed a bad smell from the plant which they normally do, so I can't imagine the drying shed will have much of an impact (if any).
- I note many objections on grounds of odour from residents living several miles away. If the plant was located in Grimsby as some suggest tens of thousands of residents would be as close to the plant as these objectors so I fail to see how these can be reasonable concerns.

LCC Archaeology: No archaeological input required.

LCC Highways and Lead Local Flood Authority: 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.

Economic Development: No representations received to date.

Natural England: Natural England has no comments to make on this application.

Lincolnshire Wildlife Trust: No representations received to date.

The Ramblers Association: No representations received to date.

Environmental Protection: I have reviewed the Noise Report by NoiseAssess reference 13174.01.v1 dated April 2021. I confirm that the report is satisfactory and I have no objections to the proposal on noise grounds.

I do have some concerns about the odour impact of this proposal and I understand that you have requested an odour assessment.

Further comments received 26/08/2021: I accept that the assessment has been carried out following the IAQM 'Guidance on the Assessment of Odour for Planning v1.1' document and that a qualitative risk based approach is justified in this instance. However, although the assessment concludes that odour impacts will not be significant (with either a slight or negligible impact at the nearest receptors) I am concerned that in a real situation this may not be the case.

I note that decaying fish will not be stored at the site and that all operational processes will occur within the drying shed. These points should be conditioned if the application is approved.

The Odour Assessment also states that the facility will have three drying rooms and that 'air extracted from each room will be emitted to atmosphere via dedicated vents at roof level'. I have looked the plans for the proposed building and these vents have not been included on the plans.

Therefore I would like the applicant to provide me with some additional information:

- Can you advise me of any similar facilities currently in operation so that I can research actual odour impacts?
- More details on the process that will take place in the drying rooms.
- Details on the proposed vents.
- What odour abatement will be used in the facility?

The Odour Assessment also points out that 'activities to be undertaken at the site will be covered by the Environmental Permitting (England and Wales) Regulations (2016) and the operations will require a Part B Environmental Permit from WLDC'.

Our department has not yet been approached regarding this permit. Any additional information provided to us this stage will be useful in the permit application process.

26/08/2021 16/09/2021 - I have reviewed the additional information relating to odour provided by the agent an email dated 31/08/2021 in response to my original comments [see above].

1. I note the invite to witness a trial at the site, however due to leave commitments and workload this has not been possible to date.
2. The information regarding the venting system and louvres does not appear to include any odour abatement. Therefore the current proposals mean that air from the drying rooms will disperse into the atmosphere without treatment. I am concerned that this could potentially cause odour issues.
3. I understand that the client does not wish to address the Environmental Permit until the planning has been addressed, however it would be useful to have a discussion about the required permit at an early stage.
4. The Odour Management Plan for the Anaerobic Digestion Plant dated 26 February 2013 is a similar document to what will be required for this proposal, however as the processes are very different I do not feel it is relevant to this application.

As odour abatement options for the facility have not been provided I do not feel that my initial concerns have been fully addressed. Therefore I am still of the opinion that there is a potential for odour issues at this site.

01/12/2021 – Firstly, I have looked at the Odour Issues Review by Michael Bull and Associates dated 13 September 2021.

This report is written by a very experienced odour expert who has been involved in producing odour guidance for the planning system. I therefore believe that this report should be given a great deal of credibility. Although the review does not completely disagree with the odour assessment carried out by Redmore Environmental it highlights some gaps in the assessment approach and also suggests that the impact of the odour from the fish processing plant may have been underestimated. It also suggests that the cumulative odour from the site should have been assessed.

As I mentioned in my earlier comments, the review also states that information has not been provided on how the odours will be controlled and ventilated from the building and although the vents are mentioned they are not shown on the plans.

I have subsequently read the email from the agent dated 28 October 2021 confirming that the applicant now intends to install odour abatement measures

at the facility. They have confirmed that the system will include 'carbon filters on the air extraction system, linked with appropriate vent discharge heights'. In principle I agree with this approach however I would wish to see an assessment to back this up and demonstrate the effectiveness.

The agent has requested for the full details of the odour abatement system to be conditioned, however I do not feel comfortable with this as ideally we should be provided with evidence that the proposals will mitigate the odour prior to a decision. Also, as mentioned by Michael Bull and Associates, the odour abatement system may require a change in the visual appearance of the proposal (elevated stacks etc.).

If you are minded to grant the application I concur with the conditions suggested by Michael Bull and Associates, however in order to protect the residents further I would also suggest a pre-commencement condition that an assessment is carried out by a suitably qualified person to determine the details of the odour abatement system required. This should include (but not be limited to) calculations to show required stack heights, flow rates, carbon specification and overall effectiveness of the mitigation. This information should be submitted to us and agreed prior to any development taking place.

Prior to the first operation of the facility a verification report should be provided to us to evidence that the agreed odour abatement system (condition above) has been implemented.

The odour from the site (and therefore the effectiveness of the odour abatement system) should be assessed and a further report submitted within 3 months of operation (condition suggested by Michael Bull and Associates).

I also reiterate the need for a condition for an odour management plan (also recommended by Michael Bull and Associates) and the conditions that operational processes must take place inside the unit and no waste fish products to be stored on site as previously requested.

08/03/2022 - I have reviewed the Odour Control Appraisal and Assessment Report Ref. 4693-1r1 dated 16 February 2022 by Redmore Environmental in conjunction with the earlier odour report and my previous comments.

My first observation would be that the applicant has carried out an options appraisal and has moved away from the earlier decision to use carbon filters largely due to the cost implications. I appreciate that high level discharge of emissions via a dispersion stack could be a suitable odour control option, however I am disappointed that our department was not involved in any discussions around this or informed earlier of this change.

This option means that emissions will be released into the atmosphere untreated and it is therefore paramount that the stack is correctly designed. I note that 'the parameters for the dispersion stack were determined based on information obtained from technology providers as part of the Options

Appraisal and information provided by the applicant', however no stack calculations or design justification have been provided in this report.

Aside from the options appraisal exercise and the conclusion to use a dispersion stack I am of the opinion that we are not much further forward than we were in December as this report does not address the gaps in the original report.

As pointed out by the Odour Issues Review by Michael Bull and Associates (13/09/21) the odour from the plant may have been underestimated and I still believe this to be the case. This review also suggested that the cumulative odour from the site should have been assessed and this has not been considered to date.

The potential odour from the development has been classified as 'moderately offensive' and therefore has an assessment criterion of 3.0ouE/m³ as the 98th percentile of hourly average concentrations using the EA benchmark. It has been given this classification due to 'food processing', however, one could argue that the smell of drying fish is more offensive than other food processing odours due to the subjective nature of odour perception. Also this odour is out of context with the area ('location' factor) which may again make it more offensive. I therefore believe that the benchmark figure should be somewhere between 1.5ouE/m³ and 3.0ouE/m³. If this is the case the odour impact at receptors R1 – R4 would be classed as 'moderate' using IAQM Guidance 2018 (based on 'most offensive' odours).

In general there are still uncertainties surrounding the potential odour impacts of this development as the report is based on estimates and modelling. Estimations of future releases from the stack are based on monitoring data reported for a 'similar facility', however limited information has been provided about this facility.

I take on board that if permission is granted the proposed activity will require an Environmental Permit under the Environmental Permitting (England and Wales) Regulations (2016) and as such detailed consideration of odour emissions will be required for the application process. This will also include conditions to restrict environmental impacts (including odour) beyond the boundary of the site, however there may still be a residual odour which needs to be considered at this stage.

Due to the points above I believe that the actual odour impacts of this proposal will not be fully ascertained unless the facility is operating. I requested that the applicant provide me details of other similar facilities in my comments of 26 August 2021. This would have enabled me to research 'real-life' odour impacts, however the information was not provided. The proposed activity is not usually found in an inland agricultural area and as such it may be more appropriate elsewhere.

If you are minded to grant the application I would wish to see conditions for the following:

Pre-commencement conditions - Details and justification for the use of high level discharge of emissions via a dispersion stack option. This should include justification and design specification.

A noise impact assessment for the above extraction system.

Prior to first operation - A verification report should be provided to us to evidence that the agreed odour abatement system (condition above) has been implemented.

Condition for an odour management plan (also recommended by Michael Bull and Associates).

During operation - The odour from the site (and therefore the effectiveness of the odour abatement system) should be assessed and a further report submitted within 3 months of operation (condition suggested by Michael Bull and Associates).

All operational processes must take place inside the unit.

No waste fish products to be stored on site.

IDOX: Checked 22/03/2022

Relevant Planning Policies:

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

Development Plan:

The following policies are particularly relevant:

*Central Lincolnshire Local Plan 2012-2036:

LP1: A Presumption in Favour of Sustainable Development

LP2: The Spatial Strategy and Settlement Hierarchy

LP5: Delivering Prosperity and Jobs

LP13: Accessibility and Transport

LP14: Managing Water Resources and Flood Risk

LP17: Landscape, Townscape and Views

LP18: Climate Change and Low Carbon Living

LP21: Biodiversity and Geodiversity

LP26: Design and Amenity

LP55: Development in the Countryside

**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 is consistent with NPPF chapter 2 as they both seek to deliver sustainable growth. LP5 is consistent with chapter 6 of the NPPF as they both seek to create a strong and sustainable*

economic growth. LP13 is consistent with NPPF paragraphs 110-113 as they both seek to ensure an efficient and safe transport network that offers a range of transport choices. LP14 is consistent with paragraphs 159 to 169 of the NPPF as they both seek to avoid putting inappropriate development in areas at risk of flooding. LP17 is consistent with NPPF paragraph 130 & 174 as they seek to protect valued landscapes and recognise the intrinsic character and beauty of the countryside and are sympathetic to the built environment. LP21 is consistent with chapter 15 of the NPPF as they both seek to protect and enhance biodiversity. LP26 is consistent with section 12 of the NPPF in requiring well designed places and LP55 is consistent with paragraph 80 and paragraph 174 of the NPPF as they both seek to avoid isolated new homes in the countryside and both recognise the intrinsic character and beauty of the countryside. 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/>

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. However, there is not a draft Plan in circulation that may otherwise be taken into consideration with this application.

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
- Agricultural Land
- Residential Amenity
- Visual Impact
- Highway Safety and Parking
- Foul and Surface Water Drainage
- Ecology
- Climate Change
- Other matters

Assessment:

Principle of Development

The proposed site is located within the open countryside and is seeking permission for the construction of a drying shed for food processing (use class B2) which will connect to the adjacent Anaerobic Digestion (AD) plant so it can utilise waste heat from this facility.

Tier 8 of policy LP2 advises that unless allowed by any other policy in the Local Plan (such as LP4, LP5, LP7 and LP57), development will be restricted to:

- *"that which is demonstrably essential to the effective operation of agriculture, horticulture, forestry, outdoor recreation, transport or utility services;*
- *renewable energy generation;*
- *proposals falling under policy LP55; and*

- *to minerals or waste development in accordance with separate Minerals and Waste Local Development Documents”.*

This opens the application to be assessed against policies LP5 and LP55 in order to determine whether the principle is acceptable.

Part E of LP 55 sets out its policy for “non-residential development in the countryside” as follows:

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.*

Policy LP5 referred to above supports the delivery of economic prosperity and job growth to the area subject to certain criteria being met. This sets out a hierarchy as follows based upon the designation of the location for the development:

- Strategic Employment Sites (SES)
- Employment provision within Sustainable Urban Extensions (ESUEs)
- Important Established Employment Areas (EEA)
- Local Employment Sites (LES)

This application site is not located within any of the four designations and would therefore be considered under ‘Other Employment Proposals’.

In considering ‘Other Employment Proposals’ policy LP5 states:

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

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

Assessment of local policy LP5 (Other Employment Proposals) and LP55 (Part E) of the CLLP:

In summary these policies combined assess:

- Whether there are more appropriate sites or buildings within allocated sites or within the built up area of an existing settlement.
- The appropriateness of the location in terms of maintaining or enhancing the rural economy or by means of proximity to existing established businesses or natural features.
- The appropriateness and impact of the size and scale of the development on the rural character of the locality.
- Any conflict with neighbouring uses or amenity of neighbouring occupiers
- Any unacceptable impact on the highway network and accessibility

It is considered that the location of the development may potentially be justified for a countryside setting as such a use has the potential to conflict with neighbouring land uses if located within the built footprint of an existing settlement or on an allocated employment site many of which are located close to residential dwellings or incompatible neighbouring uses. The location will also allow the waste heat produced from the adjacent existing AD plant to be used for the 100% of the energy requirements of the drying process. The waste heat currently needs to be vented off regularly.

The Design and Access Statement submitted with the application states that the proposal will see the creation of 15 full time and part time jobs equating to 10 FTE jobs in the local area. On the whole the proposal is in line with the aims on the NPPF in particular Paragraph 84 which states that planning decisions should enable the sustainable growth and expansion of all types of business in rural areas, both through conversion of existing buildings and well-designed new buildings and that the development and diversification of agricultural and other land-based rural businesses will also be supported. Paragraph 85 goes on to state that decisions should recognise that sites to meet local business and community needs in rural areas may have to be found adjacent to or beyond existing settlements, and in locations that are not well served by public transport. It is considered that the proposal would enhance the rural economy.

The proposed drying shed is approximately 24 metres in length, 18.5 metres in width and 8 metres in height. The scale of the proposal is not in itself significant and is commensurate with what is usually to be expected of agricultural buildings. However, It is also now, following amendments, proposed to erect a 14 metre high dispersal stack to the south of the proposed drying shed which will have a visual impact on the landscape.

However, the principle of development cannot be supported as it is considered that the proposal will impact on the rural character of the locality and on the amenity of neighbouring occupiers (see relevant sections below).

The proposal therefore does not accord with policy LP5 and LP55 of the Central Lincolnshire Local Plan and the provisions of the NPPF.

Agricultural land

The High-Level Natural England maps indicate the site is in Agricultural Land Classification (ALC) 3 – Good to moderate, as is most of the agricultural land to the south of the A1084 (Brigg Road).

Policy LP55 part G of the Central Lincolnshire Local Plan seeks to protect the best and most versatile agricultural land ('BMV'). The site is located on good to moderate land and there are no known other available sites of poorer agricultural quality which could serve the proposal in the locality. The site is also small (approximately 0.27 Hectares) and is currently not farmed as it comprises surplus soil from the construction of the AD plant which is located immediately to the north of the site.

Residential Amenity

It is proposed to erect a drying shed will be used to dry fish for human consumption. Fish is delivered in sealed plastic containers. The building will have the capacity to air dry 1200kg of fish in 24 hours at 30 degrees. Once dried the fish will weigh only 20% of their original weight. The final product will be transferred to Grimsby once a week for distribution. Waste water from the drying process will be collected in sealed underground tanks for disposal once every two months. The only other expected waste will be from welfare facilities (toilets) and general site hygiene (washing equipment and floors) for which a package treatment plant is proposed.

In terms of traffic generation, the proposed development will involve one HGV a day to deliver fish to be dried and one HGV a week to deliver the processed product to Grimsby for distribution. This equates to a maximum of 6 HGV trips per week. There will be no more than 10 staff on site at any one time.

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.

Noise – A Noise Assessment (NoiseAssess Ltd) was produced in April 2021.

The assessment considers the potential impact of noise breakout from the proposed shed, noise from HGV movements and loading/unloading and mechanical services noise. The noise breakout from the proposed building and the noise from plant and vehicle movements / deliveries have been calculated and summed at the nearest residential property.

The report makes the following conclusions:

- The cumulative noise has been assessed in accordance with British Standards (BSI). The assessment results indicate that noise from the site will have a low noise impact during both the daytime and night-time periods.

- British Standards also advises that the potential noise be considered in context. The assessment in context supports the conclusion of the British Standards assessment that the noise from the site will have a low impact.
- The results of this assessment indicate that noise impact can be adequately controlled and therefore it is recommended that consent for the development should not be refused on noise grounds.

The Noise Impact Assessment has been advised to be acceptable by Environmental Protection. Based on the above it is considered that potential noise issues do not, alone, represent a reason to withhold consent in regards to this proposal.

However, these matters do not overcome the conflict with policy cited above.

Odour – The application as originally submitted did not include an Odour Assessment. After being requested by the Case Officer an Odour Assessment by Redmore Environmental was subsequently submitted on the 3 August 2021. In terms of Odour the following information was submitted up until the determination of this application:

- 26/08/2021 - Environmental Protection asked for additional information on odour abatement and on similar facilities so odour impacts could be researched.
- 31/08/2021 – The agent provided a response to the comments made by Environmental Protection.
- 16/09/2021 – Environmental Protection in response stated that they still had concerns in regards to odour abatement.
- 13/09/2021 - An Odour Issues Review by Michael Bull Associates (dated 13 September 2021 was submitted on behalf of local residents.
- 28/10/2021 – Comments provided by the agent in response to Environmental Protection comments.
- 01/12/2021 - Environmental Protection in response responded to the Odour Issues Review by Michael Bull and Associates and responded to the latest comments by the applicant's agents. The applicant now intends to install odour abatement measures at the facility. They have confirmed that the system will include 'carbon filters on the air extraction system, linked with appropriate vent discharge heights'. The agent has requested for the full details of the odour abatement system to be conditioned, however I do not feel comfortable with this as ideally we should be provided with evidence that the proposals will mitigate the odour prior to a decision.
- 16/02/2022 - An Odour Control Appraisal and Assessment Report (Redmore Environmental, 16 February 2022) was subsequently submitted by the agent. The report indicated that high-level discharge of emissions from drying operations via a dedicated dispersion stack [carbon filters too costly] is likely to represent the most suitable odour control solution for the site. Amended plans showing a dispersal stack of 14 metres in height were subsequently received.

- 08/03/2022 - Environmental Protection in response *'Aside from the options appraisal exercise and the conclusion to use a dispersion stack I am of the opinion that we are not much further forward than we were in December as this report does not address the gaps in the original report. In general there are still uncertainties surrounding the potential odour impacts of this development as the report is based on estimates and modelling. Estimations of future releases from the stack are based on monitoring data reported for a 'similar facility', however limited information has been provided about this facility.'*

It is considered that there are still gaps in the information West Lindsey have requested in terms of Odour. Estimations of future releases from the stack are based on monitoring data reported for a 'similar facility', however limited information has been provided about this facility and the actual odour impacts of this proposal will not be fully ascertained until the facility is operating and it unlikely to be possible to reduce the potential harm identified from Odour through the imposition of reasonable conditions.

The Local Planning Authority have worked with the agents and Environmental Protection to try and resolve issues with regards to odour. However, fundamental areas of concern still exist in respect to Odour.

It is therefore considered that there is still a risk that the proposed development would produce a level of Odour which would materially impact on the amenity of nearby residential dwellings contrary to Policy LP26 of the Central Lincolnshire Local Plan and the provisions of the NPPF.

Visual Impact

It is of relevance in the consideration of potential impacts to note that the landscape is not a designated Area of Great Landscape Value (AGLV) nor does it fall within the Lincolnshire Wolds Area of Outstanding Natural Beauty (AONB).

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.

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

All development proposals should take account of views in to, out of and within development areas: schemes should be designed (through considerate development, layout and design) to preserve or enhance key local views and vistas, and create new public views where possible.

The existing AD plant comprises three silage clamps (storage bays) constructed of concrete and open at the southern end (67.5 metres long and 60 metres in width). Beyond is the AD plant itself which comprises 2 hydrolysers 5.2 metres in height and 8 metres in diameter with 3 metre high flare stacks, a CHP unit engine with an associated office and control room, a domed digester tank reaching a height of 10.5 metres and a diameter of 22 metres and a storage tank which has a diameter of 32 metres and reaches a height of 13 metres. The four tanks mentioned above are constructed in concrete and clad in corrugated steel sheeting finished in green.

The proposed drying shed is approximately 24 metres in length, 18.5 metres in width and 8 metres in height. The building will have two access doors, both on the north elevation. The building will be clad in green metal cladding and is located immediately to the south of the much larger digester tanks and will therefore be seen in context with the existing much larger structures that are already on site.

Secondly, landscaping is proposed around the site in the form of a landscaping bund to the west and south of the site. No landscaping is proposed on the eastern boundary. In the wider landscape there is a row of tall poplars along the eastern edge of the farmstead. There are a number of small woodland and copse areas surrounding the site on the outer edges of the surrounding fields.

However, amended plans have now been received showing a 14 metre high dispersal stack towards the southern end of the site which will be seen from the A1084 and the Viking Way. The stack would have been better placed next to the domes of the AD plant to the north but as it is the location of the stack will further industrialise this rural location. This part of the proposal is not acceptable in visual impact terms and will not be absorbed into the landscape. The proposal will therefore create an unacceptable visual impact in this rural location contrary to Policy LP17 and LP26 of the Central Lincolnshire Local Plan and the provisions of the NPPF.

Highway Safety and Car Parking

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

In terms of traffic generation, the proposed development would involve one HGV a day to deliver fish to be dried and one HGV a week to deliver the processed product to Grimsby for distribution. This equates to a maximum of 6 HGV trips per week. There will be no more than 10 staff on site at any one time. The proposal therefore includes 10 parking spaces. Parking is to be located to the north west of the site a short distance from the building.

Lincolnshire County Council Highways have been consulted on the application and raise no objections to the proposal.

The NPPF indicates that permission 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. It is considered that there would not be an unacceptable effect on highway safety and the proposal is considered to accord with Policy LP13 of the Central Lincolnshire Local Plan and the NPPF.

However, these matters do not overcome the conflict with policy cited above.

Foul and Surface Water Drainage

The application states that foul sewage will be dealt with through a package treatment plant and that surface water will be dealt with by a way of a disposal to a pond/lake. Waste water from the drying process will be collected in sealed underground tanks for disposal once every two months by DM Boyles Ltd who are a wastewater management company.

If it was minded to grant planning permission a condition should therefore be attached to the decision notice requiring that no development other than to foundations level shall take place until full foul sewerage details and a scheme for the disposal of surface water from the site (including the results of soakaway/percolation tests if applicable) have been submitted to and approved in writing by the local planning authority.

A condition would also need to be attached to the decision notice if it is minded to grant planning permission requiring that any hardstanding shall be constructed from a porous material and be retained as such thereafter or shall be drained within the site.

However, these matters do not overcome the conflict with policy cited above.

Ecology

The application site comprises a surplus soil from the construction of the AD plant which is located immediately to the north of the site

A Preliminary Ecological Appraisal (BM Ecology) dated February 2021 has been submitted as part of this application's supporting documentation. The site was surveyed on the 4 February 2021 and states the following results and recommendations:

- The Site is not located within 2 km of a Statutory Designated Site and is not located within a SSSI risk zone as such there is a negligible risk of the development having an adverse impact on the conservation interests of such Sites.
- The proposed development will not occur within a locally designated wildlife site and LERC provided no records of Local Wildlife Sites (LWS) within 2 km of the Site. The Site is not connected to any locally designated sites through ecological or hydrological features and as

such there is a negligible risk of the development having an adverse impact on the conservation interests of such Sites.

- The Site is dominated by a large spoil heap with bare ground, poor semi-improved grasslands and ruderal as well as a pebbled area with an in use large commercial freezer and associated materials. The habitats within the Site are of limited ecological value and are widespread within the wider area and as such are considered as being of ecological value within the immediate zone of influence of the Site only.
- It is understood that a line of trees will be planted along the west of the Site to provide screening, similar to that of the anaerobic digestion plant. The planting of such a scheme provides an opportunity to enhance the biodiversity value of the Site. As such, any new trees planted within a landscaping scheme should be British native species and preferably of local provenance. It is recommended that a mix of at least five species from the following list should be included within the planting scheme: oak *Quercus robur*, sessile oak *Quercus petraea*, hawthorn *Crataegus monogyna*, rowan *Sorbus aucuparia*, blackthorn *Prunus spinosa*, elder *Sambucus nigra*, hazel *Corylus avellane*, holly *Ilex aquifolium*, beech *Fagus sylvatica*, field maple *Acer campestre*, spindle *Euonymus europaeus*, alder *Alnus glutinosa*, alder buckthorn *Frangula alnus*, cherry *Prunus avium*, crab apple *Malus sylvestris*, dogwood *Cornus sanguinea*, wych elm *Ulmus glabra*, English elm *Ulmus procera*, guelder rose *Viburnum opulus*, hornbeam *Betulus fastigiata*, common lime *Tilia x europaea*, large leaved lime *Tilia platyphyllos*, small-leaved lime *Tilia cordata*, whitebeam *Sorbus aria* and/or yew *Taxus baccata*.
- The Site is generally considered to be of negligible foraging value for bats and there is limited linear habitat to the Site and the Site is not considered to be on a commuting route for bat species.
- Given that the Site is located within a dark rural area a sensitive lighting plan should be incorporated into the design. Measures should include:
 - Lighting must not be directed or spill onto the bordering trees to the north-east of the Site.
 - Lighting should only be used where genuinely required.
 - The use of covers/hoods to be installed on any external lights to reduce light spill.
 - The use of low-pressure sodium lamps or high-pressure sodium lamps instead of mercury or metal halide lamps should be used where possible.
 - The height of the lighting column should be as short as possible to reduce light spill and ecological impact.The lighting design should be in accordance with the following document: Bat Conservation Trust (2018). Bats and Artificial Lighting in the UK: Bats and the Built Environment Series.
- Great Crested Newts are not considered to be a constraint to the proposed development.
- There is a risk that individual grass snakes may visit the Sites on occasion – although likely to be very low due to the size of the Site and

unsuitable habitat adjacent to the Site. Given the risk (although considered low) of individual 'common reptiles' (grass snakes) occurring within the Site, the precautionary Method Statement detailed within Section 5 should be fully adhered to.

- The Site is highly unlikely to be a location used by significant assemblages of breeding or wintering birds. Common species such as wren or dunnock may nest within the grasses and ruderal if left unmanaged in the spring and summer. The young treeline bordering the north-west corner of the Site has higher potential to support common nesting passerines such as dunnock, robin, blackbird and blue tit, although it is understood that this would be retained as part of the development. No evidence of a bird nest was recorded during the field survey.
- As a precautionary measure, it is recommended that any vegetation clearance works is undertaken outside of the bird nesting period of March to August (inclusive). If this is not possible, works within the Site during the bird nesting period (March to August inclusive) may require supervision by a suitably qualified ecologist. The supervising ecologist would advise all site personnel of the potential presence of nesting birds, their legal protection and the need to minimise disturbance of nesting birds. The supervising ecologist would also check for active bird nests prior to works during March-August. In line with current legislation (The Wildlife & Countryside Act 1981), if active nests are present, these must be retained in situ undisturbed by the works until the nests are no longer active.
- Badgers are highly mobile animals and can excavate setts over short periods of time. As there may be a prolonged period between the Site survey and the actual development, it is recommended that an update badger walkover is undertaken prior to the commencement of any ground works. As a purely precautionary and standard measure, in the unlikely event that a badger sett is found during the development process, work must stop immediately, and advice sought from a suitably qualified ecologist.
- Hedgehogs may occasionally forage and commute through the Site, but there is no real potential for sheltering within the Site. Given the findings, other mammals such as otter and water vole are not considered to be a constraint to the proposed development. In the interest of animal welfare, during construction any deep excavations should be either fenced-off, covered overnight or fitted with an exit ramp to avoid the trapping of mammals.

A suitably worded condition will also be attached to the decision notice if it is minded to grant permission to ensure development is carried out in full accordance with the recommendations contained within the Preliminary Ecological Appraisal (BM Ecology) dated February 2021.

However, these matters do not overcome the conflict with policy cited above.

Climate Change

Policy LP18 of the Central Lincolnshire Local Plan states that development proposals will be considered more favourably if the scheme would make a positive and significant contribution towards one or more of the following (which are listed in order of preference):

- Reducing demand
- Resource efficiency
- Energy production
- Carbon off-setting

The proposal will utilise the waste heat generated from the neighbouring AD plant to fuel the drying shed. In terms of traffic generation, the proposed development will involve one HGV a day to deliver fish to be dried and one HGV a week to deliver the processed product to Grimsby which is a relatively short distance away for distribution. This equates to a maximum of 6 HGV trips per week. There will be no more than 10 staff on site at any one time. It is therefore considered that the development can be considered to be in line with Policy LP18 of the Central Lincolnshire Local Plan and the provisions of the NPPF as the proposal will create a low-carbon employment generating use by utilising the adjacent AD plants waste energy.

However, these matters do not overcome the conflict with policy cited above.

Other Matters:

Public Right of Way - A public right of way (Gras/29/2) which forms part of the Viking Way long distance footpath runs through the farmstead to the north of the existing AD plant and large modern agricultural buildings that are to the north of the proposal and provide a good level of screening (The public right of way is approximately 214 metres from the application site at its closest point).

There are two access points into the site from Brigg Road and with ten employees on site and 6 HGV movements a week it is considered that this level of traffic will not unduly affect the users of the Public Right of Way.

As such it is considered that the proposal would not be detrimental to existing users and potential future users of the nearby Public Right of Way. However, views from the Viking Way (albeit over a distance) would be taken of the proposed dispersal stack.

Landscaping – A landscaping bund is proposed to the west and to the south of the site and the proposed species are specified in the Preliminary Ecological Appraisal (BM Ecology) dated February 2021. If it is minded to grant permission appropriate conditions will be attached to the decision notice to secure this landscaping and to secure landscaping on the eastern boundary.

However, these matters do not overcome the conflict with policy cited above.

AD Plant Landscaping (129445) – A number of representations comment that the landscaping approved and conditioned by the AD plant permission has not been implemented.

This matter is being investigated and dealt with by the Council's Planning Enforcement Team.

140497 – Objectors have cited the refusal of planning permission for 7 dwellings and 3 light industrial units on land adjacent Enterprise Road Caistor (appeal APP/N2535/W/20/3262989 dismissed). One of the reasons for refusal was that *'the proposed dwellings would be exposed to an unduly harmful odour impact from the adjacent seafood processing business.'* The proposed dwellings would have been adjacent to the seafood processing business unlike the current application under consideration and the seafood business operates a different process to the proposal under consideration. It is also worth noting the Inspector in their appeal decision had the following to state in relation to Odour:

'13. The site is allocated for employment use and has previously benefitted from a planning permission for offices. It is reasonable to expect that employees working at offices would not be willing to work at premises that were subject to unpleasant odour for extended periods of time. Furthermore, there are houses close to the appeal site and the information provided suggests that there have only been isolated and infrequent complaints. The fact that they have not been persistent also suggests that they have been able to be satisfactorily resolved.'

14. The odour report that has been submitted with the appeal provides detailed evidence relating to wind direction, the possible sources of odour and how they could be managed. The report concludes that there would be a slight adverse impact on residents of the proposed dwellings and that odour should not prevent the development of the site for residential purposes. On the basis of the technical evidence I have before me, I conclude that any impact arising from odour would not be of a magnitude to cause harm to the living conditions of the occupiers of the proposed dwellings.'

15. Therefore, the proposal would accord with Policy LP26 of the LP where it seeks to protect living conditions.'

This decision (140497) is not material to the determination of this current application.

Lighting - The application form states that the proposal is a 24 hours operation. As such if it was minded to grant permission an appropriate condition would be attached to the decision notice to seek full details of the proposed lighting scheme in this rural location.

However, these matters do not overcome the conflict with policy cited above.

Objectors Comments – All of the comments are addressed in the assessment above.

Recommendation: Refuse planning permission for the following reasons:

The decision has been considered against policies LP1: A Presumption in Favour of Sustainable Development, LP2: The Spatial Strategy and Settlement Hierarchy, LP5: Delivering Prosperity and Jobs, LP13: Accessibility and Transport, LP14: Managing Water Resources and Flood Risk, LP17: Landscape, Townscape and Views, LP18: Climate Change and Low Carbon Living, LP21: Biodiversity and Geodiversity, LP26: Design and Amenity and LP55: Development in the Countryside of the Central Lincolnshire Local Plan in the first instance and the guidance contained in National Planning Policy Framework and National Planning Practice Guidance.

In light of the above assessment it is considered that the principle of the proposal is not acceptable and is refused for the following reasons:

1. The development due to Odour issues has the potential to adversely impact upon the amenities of neighbouring properties, and would not accord with Policy LP26 of the Central Lincolnshire Local Plan and the provisions of the NPPF.
2. The proposed 14 metre high dispersal stack in particular is not acceptable in visual impact terms and will not be absorbed into the landscape. The proposal will therefore create an unacceptable visual impact in this rural location contrary to Policy LP17 and LP26 of the Central Lincolnshire Local Plan and the provisions of the NPPF.

Human Rights Implications:

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

Legal Implications:

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

Officers Report

Planning Application No: 144197

PROPOSAL: Planning application for change of use of existing field to domestic use to grow seasonal fruit and vegetables.

LOCATION: Land rear of 3 Walmsgate Barlings Lane Langworth, Lincoln LN3 5DF

WARD: Cherry Willingham

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

APPLICANT NAME: Mr Steven Harper

TARGET DECISION DATE: 01/04/2022

DEVELOPMENT TYPE: Change of Use

CASE OFFICER: Richard Green

RECOMMENDED DECISION: Refuse planning permission.

The application is being referred to the Planning Committee for determination as it is considered to be a balanced decision.

Description:

The application site (approximately 2600 square metres / 0.26ha) comprises agricultural land on the edge of the built footprint of Langworth. The land is directly to the north east of the rear of No.3 Walmsgate, Barlings Lane (the host dwelling) and a cemetery. The land can be accessed via a track to the side (south west) of No.1 Walmsgate, Barlings Lane. The site is surrounded by open countryside apart from the rear garden of No.3 Walmsgate and the cemetery.

The application seeks a change of use of the agricultural land as described above to domestic use (garden land) to grow seasonal fruit and vegetables for the residents of 3 Walmsgate. The submitted statement of use also states that the area will contain a mix of vegetable plots, raised borders and various planted fruit trees. The application form indicates that *“Any buildings that may be erected on the area in due course will be in line with this use i.e. a domestic greenhouse for plant propagation and raising tender crops and domestic type shed/workshop for housing tools and equipment needed to care for the owned land”*.

The applicant has provided further justification for the proposal on the 14 March 2022, including an indicative proposed site layout plan on *‘how the applicant would like to develop the area’* which does not form part of the planning application for determination, but is for indicative purposes.

Relevant history:

139953 - Planning application to erect 3 no. detached dwellings. Granted 28/10/2019.

140483 - Planning application to vary conditions 2,3,4,5,6,7 and 8 of planning permission 139953 granted 28th October 2019. Granted 28/02/2020.

Representations:

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

Parish Council: My Council has no comments; and was unanimously in favour.

Local residents: 2 Walmsgate Barlings Lane Langworth: Objects for the following reasons:

- We are opposed to the proposal in its current state predominantly due to environmental and potential legal/anti-social concerns. However, we would not oppose the growing of seasonal fruit and vegetables on a smaller scale.
- A generally accepted/standard size of an allotment needed to sustain a family of four, providing enough room for crop rotation throughout the year, is approximately 250 square meters (1-3). Conversely, the proposed area of the paddock to be used to grow produce is more than ten times this number and there is no mention of the size or situation of the associated out buildings.
- As a consequence, we fear the sheer scale of the proposed plan may add to visual pollution and detract from the current unobstructed view of our garden, paddock and surrounding landscape.
- Moreover, as next-door neighbours we share the private road leading to 3 Walmsgate's paddock which is situated between our paddock and rear garden, meaning any disturbances from increased traffic to install and maintain an allotment of such size will uniquely and unavoidably affect us.
- Additionally, it is worth taking into account that plot one of our three house development is currently unsold and the future residents would be even more affected by disturbances as the adjacent private road runs the entire length and width of the property.
- Risk of food going to waste.
- Furthermore, if this excess produce was to be sold on it would ultimately contravene restrictions laid out in the deeds of the property.
- The extensive and persistent use of herbicides, pesticides and manure soaking into the ground could potentially travel downhill and add to the pollution in the river Barlings Eau.
- Detriment to wildlife.
- Finally, in reference to section 24 of the Application for Planning Permission, the applicant has previously stated to us that he had involvement in local council politics, which we perceived to mean that he is or was a councillor.

Willowfield, Barlings lane, Langworth: We approve of this submission for the land to be used as domestic fruit growing area. It will not make any difference at all to the lane. A lovely idea to not build on it and instead utilise it for growing edible fruits. It's a quality piece of land which would lend itself for exactly this use.

LCC Highways and Lead Local Flood Authority: This proposal 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 archaeological input required.

IDOX: Checked 22/03/2022.

Relevant Planning Policies:

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

Development Plan:

The following policies are particularly relevant:

*Central Lincolnshire Local Plan

LP1: A Presumption in Favour of Sustainable Development

LP2: The Spatial Strategy and Settlement Hierarchy

LP9: Health and Wellbeing

LP14: Managing Water Resources and Flood Risk

LP17: Landscape, Townscape and Views

LP26: Design and Amenity

LP55: Development in the Open Countryside

**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 is consistent with NPPF chapter 2 as they both seek to deliver sustainable growth. LP9 is consistent with NPPF chapter 8 as they both seek to deliver healthy and safe communities. 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. LP26 is consistent with section 12 of the NPPF in requiring well designed places and LP55 is consistent with paragraph 80 and paragraph 174 of the NPPF as they both seek to avoid isolated new homes in the countryside and both recognise the intrinsic character and beauty of the countryside. The above policies are therefore attributed full weight.*

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

Draft Central Lincolnshire Local Plan:

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

Policy S1: The Spatial Strategy and Settlement Hierarchy (numerous unresolved objections through the first round of consultation see below).
Policy S2: Growth Levels and Distribution (numerous unresolved objections).
Policy S5: Development in the Countryside (numerous unresolved objections).
Policy S20: Flood Risk and Water Resources (3 unresolved objections).
Policy S52: Design and Amenity (2 unresolved objections).
Policy S53: Health and Wellbeing (5 unresolved objections).
Policy S66 Best and Most Versatile Agricultural Land (No objections).

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/>

Langworth and Barlings Neighbourhood Plan

Langworth Parish Council has approval from West Lindsey District Council for the parish of Langworth and Barlings to be recognised as a designated area for the purposes of producing a neighbourhood plan. The Parish Council is to seek volunteers to help lead with the plan's preparation. However, at the time of writing there is no plan in circulation that may be taken into consideration when determining this application.

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
- Other Matters

Assessment:

Principle of Development

The application seeks a change of use of the agricultural land to domestic use (garden land) to grow seasonal fruit and vegetables.

The NPPF in paragraph 92 states that planning decisions should aim to achieve healthy, inclusive and safe places which enable and support healthy lifestyles, especially where this would address identified local health and well-being needs – for example through the provision of safe and accessible green infrastructure, sports facilities, local shops, access to healthier food, allotments and layouts that encourage walking and cycling.

Policy 9 of the Central Lincolnshire Local Plan seeks to enhance the role of allotments, orchards, gardens and food markets in providing access to healthy, fresh and locally produced food which helps promote, support and enhance physical and mental health and wellbeing. This Policy is proposed to carry over into the Draft Central Lincolnshire Local Plan under Policy S53: Health and Wellbeing.

However, it is considered that the public benefits of growing fruit and vegetables proposed on this land are limited as the proposal is indicated as being only to serve the occupants of No. 3 Walmsgate, Barlings Lane, Langworth. If permission were granted the permission would be attached to

the land (i.e. the property at 3 Walmsgate) and not with the applicant. These matters of healthy living and access to healthier food therefore should carry some limited weight in consideration of the application.

According to the advice of the National Society of allotment and Leisure Gardeners Ltd, allotments are typically measured in 'poles' an old measurement dating back to Anglo-Saxon times. A typical allotment is up to ten poles – around 250 square metres. By comparison, the application site is ten times that – at around 2,600 square metres. It is therefore unclear as to the need for such a large garden area to serve a single property, which the application does not explain or substantiate.

The application site is in the countryside outside the built foot print of Langworth. Policy LP2 of the Central Lincolnshire Local Plan in section 8 states that development in the countryside will not be granted for development unless it is necessary for agriculture, horticulture or a use of land which necessarily requires a location in the countryside such as proposals falling under Policy LP55 of the Central Lincolnshire Local Plan.

Policy LP17 of the Central Lincolnshire Local Plan 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. No buildings or boundary treatments are proposed through this application and as stated below in the Visual Impact section of this report if it is minded to grant permission certain permitted development rights can be removed such as the right to erect outbuildings and boundary treatments which will help to keep the site free from visual clutter.

Clearly garden use does not need to be located within the open countryside. Barlings Lane in this location has a strong linear form of development with dwellings fronting the lane with rear gardens. This proposal does not relate well to the existing built foot print and relates more to the open countryside around it. A projection of approximately 65 metres to the rear of the host dwelling No.3 Walmsgate, Barlings Lane would be jarringly at odds with the form and character of the settlement creating an alien and discordant garden layout which would result in encroachment into the open countryside beyond. The proposal is considered to be contrary to both the NPPF and Policy LP55 of the Central Lincolnshire Local plan which recognise the importance of protecting the countryside and therefore the proposal is unacceptable.

It is therefore considered overall that, there are some limited benefits in providing healthier food options for the occupants of 3 Walmsgate. This would be limited to the occupants of the dwelling, and so any public benefits arising are accordingly tempered.

However, it would amount to a 2,600 square metre incursion into the open countryside. There are concerns as to how this relates to the countryside and it would be considered to be a departure from development plan policy.

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 noise, overlooking, overshadowing, loss of light or over dominance.

This application seeks a change of use of the agricultural land as described above to domestic use (garden land) to grow seasonal fruit and vegetables. The submitted statement of also states that the area will contain a mix of vegetable plots, raised borders and various planted fruit trees. The area will also contain a hobby greenhouse used for propagation and growing soft fruit and a shed/workshop to be used for storing gardening tools and machinery to maintain the area and the land beyond its perimeter.

The site is located to the rear of the host dwelling (No.3 Walmsgate, Barlings Lane) and a cemetery and therefore should not affect the residential amenity of nearby dwellings. However, there is some concern about the proposed access to the land to the side of Woodfeld and No.1 Walmsgate, Barlings Lane in regards to the lack of detail within the application about the proposed use of the land and how intensive it might become.

However, if it is minded to grant this application certain permitted development rights should be removed such as the erection of outbuildings so the use of this land does not become overly intensive. It is therefore considered that the proposal will not be likely to harm the living conditions of neighbouring occupiers.

These matters do not overcome the conflict with policy cited above.

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.

Policy LP26 also states that the proposal should respect the existing topography, landscape character, streetscene and local distinctiveness of the surrounding area and should use appropriate, high quality materials which

reinforce or enhance local distinctiveness. Any important local view into, out of or through the site should not be harmed.

This application seeks a change of use of the agricultural land as described above to domestic use (garden land) to grow seasonal fruit and vegetables. The submitted statement of also states that the area will contain a mix of vegetable plots, raised borders and various planted fruit trees. The area will also contain a hobby greenhouse used for propagation and growing soft fruit and a shed/workshop to be used for storing gardening tools and machinery to maintain the area and the land beyond its perimeter.

The site is located to the rear of the host dwelling (No.3 Walmsgate, Barlings Lane) and a cemetery and is considered to be countryside which relates more to the countryside around it. If it is minded to grant permission certain permitted development rights can be removed such as the right to erect outbuildings and boundary treatments which will help to keep the site free from visual clutter. Nonetheless, the application does indicate that (whilst not part of this application) it is their intention that *“The area will also contain a hobby greenhouse used for propagation and growing soft fruit and a shed/workshop to be used for storing gardening tools and machinery to maintain the area and the paddock beyond its perimeter.”* It therefore has the potential for harm, if limited, to the character and appearance of the countryside beyond.

Other Matters:

Agricultural Land

The High-Level Natural England maps indicate the site is in Agricultural Land Classification (ALC) 3 – Good to moderate as is most of the land in and around Langworth. The map does not distinguish between grade 3a and 3b – 3A land qualifies as “best and most versatile (‘BMV’) land.

Policy LP55 part G seeks to protect the best and most versatile agricultural land. The site is located within one of the best and most versatile categories. However, the land is not currently used for an intensive agricultural use. It is considered that the proposal to grow fruit and vegetables on the land would mean the land is being used for an appropriate use and could easily revert back to intensive agricultural production

However, these matters do not overcome the conflict with policy cited above.

Paddock and Stable Block

There is a paddock and stable block to the south east of the site with no planning history. It is unclear whether this is a lawful use. However, such a use is considered likely to be appropriate under Policy LP55 of the Central Lincolnshire Local Plan as it is a recreational use that may justify a countryside location. The principle of development can therefore be supported subject to other material considerations.

Recommendation: Refuse planning permission for the following reasons:

The proposal has been considered in light of relevant development plan policies, namely policies LP1: A Presumption in Favour of Sustainable Development, LP2: The Spatial Strategy and Settlement Hierarchy, LP4: The decision has been considered against Policy LP1: A Presumption in Favour of Sustainable Development, LP2: The Spatial Strategy and Settlement Hierarchy, Policy 9 – Health and Wellbeing, LP14: Managing Water Resources and Flood Risk, LP17: Landscape, Townscape and Views, LP26: Design and Amenity and LP55: Development in the Countryside of the adopted Central Lincolnshire Local Plan in the first instance and the guidance contained in National Planning Policy Framework and National Planning Practice Guidance.

In light of the above assessment it is considered that the principle of the proposal is not acceptable and is refused for the following reasons:

1. Garden use does not need to be located within the open countryside. Barlings Lane in this location has a strong linear form of development with dwellings fronting the lane with rear gardens. This proposal does not relate well to the existing built foot print and relates more to the open countryside around it. A projection of approximately 65 metres to the rear of the host dwelling No.3 Walmsgate, Barlings Lane would be jarringly at odds with the form and character of the settlement creating an alien and discordant garden layout which would result in encroachment into the open countryside beyond. The proposal is considered to be contrary to the NPPF and Policy LP55 of the Central Lincolnshire Local plan which both recognise the importance of protecting the countryside and therefore the proposal is unacceptable.

Human Rights Implications:

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

Legal Implications:

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



Officers Report

Planning Application No: 144171

PROPOSAL: Planning application for change of use from holiday park to 9no. retirement homes for the over 50s resubmission of 143250,

LOCATION: Blyton Ponds Station Road Blyton Gainsborough DN21 3LE

WARD: Scotter and Blyton

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

APPLICANT NAME: Mrs A Forrest

TARGET DECISION DATE: 08/04/2022

DEVELOPMENT TYPE: Major - Dwellings

CASE OFFICER: Ian Elliott

RECOMMENDED DECISION: Grant permission subject to conditions

Planning Committee:

The application is being presented to the planning committee because the applicants' partner is a relative of a ward member.

Description:

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

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

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

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

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

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

Relevant history:

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

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

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

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

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

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

143250 - Planning application for change of use from holiday park to 9no. retirement homes for the over 50s – Refused (Planning Committee Resolution) – 04/11/21

Reason for refusal:

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

Pre-application:

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

Extract 1:

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

The development would exceed the 9 dwelling limit and no evidence or justification of meeting the exceptional circumstances requirement for developments between 10 and 25 residential units has been submitted. It is unlikely that the exceptional circumstances requirement can be met. The housing growth for Blyton has already been met therefore an application for housing development in Blyton would be required to complete a proportionate community consultation to demonstrate if clear community support has been achieved. This must be completed prior to submission and submitted with an application though a comprehensive community consultation report (with evidence of procedure undertaken/responses)."

Extract 2:

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

Extract 3:

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

Representations:

Cllr M Snee: Declaration of Interest

I will not be making any observations on this planning application, I am declaring an interest as the applicant is the partner of a relative.

Blyton Parish Council: Objections

Blyton Parish Council wishes to reiterate its concerns raised in previous applications for this site that it has grave concerns about the potential of the development to exacerbate flooding in the village. Despite the applicants assurances that there is no flood risk, local knowledge and recent history show this is not the case.

Surface water flooding is already a big problem in Blyton with houses and businesses on the High Street and Station Road having to be pumped out on a number of occasions over the past few years. Surface water from Station Road drains into the Wash Dyke which runs close by this development and already floods the village higher up on the High Street.

The potential of change of use for this site from holiday to permanent residences could pose further problems. Should the Planning Dept decide to approve the application, Blyton Parish Council requests that conditions be used to negate further risk.

Local residents: Representations received from:

Supports

2 Kirton Road, Blyton:

I think this would be good for the village and for people of my age or above. The area is well looked after and is in a quiet area on the edge of the village.

4A High Street, Blyton:

I am happy to support this application. It is less visible than the approved development of Grace Park, holiday park and should have no further impact on the village than the existing units.

10 Gainsborough Road, Blyton:

I have no objection to this going ahead

6 Sandbeck Lane, Blyton:

This can only be beneficial to the village & its residents. The site is currently well kept and I can't see that this would change.

15 Station Road, Blyton:

As the immediate neighbour to the south of the property I have no reason to object to this proposal. I have read the objection from the parish council and as one of the houses that have been flooded in the past I want to reassure the planning committee that the ponds have nothing to do with it. Run off from the fields behind the properties near the railway line and poor management of the washdyke (the local name of the stream across the road) are the reasons for it. At no time since 1983 when I bought my property has there been a problem of any description with the pond site.

It can be noted that out of these five resident representations made during the application consultation period only 15 Station Road, Blyton commented during the community consultation period undertaken by the applicant.

Objections

None Received

LCC Highways/Lead Local Flood Authority: No objections

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

Environment Agency: No representations received to date

Previous representation received on application 143250:

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

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

LCC Emergency Planner: No objections with advice

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

WLDC Environmental: No representation received to date

Previous representation received on 143250:

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

Lincolnshire Police: No objections

WLDC Strategic Housing Officer: No representations received to date

Lincolnshire Fire and Rescue: No representations received to date

LCC Archaeology: No representations received to date

WLDC Economic Development: No representations received to date

LCC Education: No representations received to date

NHS: No representations received to date

IDOX checked: 15th March 2022

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

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

- **Neighbourhood Plan (NP)**

There is currently no neighbourhood plan to consider

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

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

<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 July 2021.

Paragraph 119 states:

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

Paragraph 219 states:

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

- **National Planning Practice Guidance**

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

- **National Design Guide (2019)**

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

- **National Design 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 (DCLLP)**

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
 S20 Flood Risk and Water Resources
 S22 Meeting Accommodation Needs
 S46 Accessibility and Transport
 S48 Parking Provision
 S52 Design and Amenity
 S55 Development on Land Affected by Contamination
 S56 The Historic Environment

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

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

Other:

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

Main issues:

- Principle of the Development
Central Lincolnshire Local Plan 2012-2036
Community Consultation
Permanent Residential Units
Definition of a Caravan
Housing Supply
Over 50's Restriction
Concluding Statement
- Flood Risk
- Minerals Resource
- Visual Impact
- Residential Amenity
- Highway Safety
- Contamination
- Drainage
Foul Water
Surface Water

Assessment:Principle of the Development

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

Central Lincolnshire Local Plan 2012-2036:

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

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

- a) *individual buildings or groups of dispersed buildings which are clearly detached from the continuous built up area of the settlement;*
- b) *gardens, paddocks and other undeveloped land within the curtilage of buildings on the edge of the settlement where land relates more to the surrounding countryside than to the built up area of the settlement;*

- c) *agricultural buildings and associated land on the edge of the settlement; and*
- d) *outdoor sports and recreation facilities and other formal open spaces on the edge of the settlement.*

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

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

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

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

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

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

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

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

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

An updated table of remaining growth (dated 4th March 2023) for housing in medium villages sits alongside the adopted CLLP. Blyton has 562 dwellings which equates to a remaining growth of 56 (10%) dwellings. Due to completions and extant planning permission Blyton has a remaining growth of 2 dwellings.

Community Consultation:

Given that there is only two dwellings of allocated growth left for Blyton the 9 residential unit development as a whole to accord with local policy LP2 and LP4 needs to be '*promoted via a neighbourhood plan or through the demonstration of clear local community support*'. There is currently no designated neighbourhood area for Blyton which is required in order to prepare a Neighbourhood Plan.

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

The application has included details of the Community Consultation process in the submitted Planning Statement by JR Consultants. Page 4-5 of the Planning Statement states:

- 375 letters were posted within the village of Blyton.
- Social Media were posted online (Facebook and other local community sites)
- Written to the Blyton Parish Council

The planning statement concludes that "*the applicant has demonstrated community support for the proposal.*"

To demonstrate and evidence this statement the application included a copy of all the representation received and a consultation plan outlining the letter drop area. After going through all the responses the consultation generated 66 responses. This included three comments from different occupants of 1A Laughton Road, Blyton and two different occupants from 1B Laughton Road, Blyton.

Of these comments:

- 53 were from within the village of Blyton
- 4 were not addressed
- 2 were not addressed precisely enough
- 6 were from outside the village
- 1 did not confirm whether they supported or objected

Therefore 65 of the 66 comments were supportive with 1 comment not confirming if they supported or objected to the development.

In addition the social media comments submitted which were again all supportive did not include any postal addresses.

Therefore for the purposes of demonstrating community support only the 53 fully completed and addressed comments received can be taken into consideration.

The consultation period of the application has included five comments from residents. All of these support the development and only one of the addresses had commented through the applicant's community consultation process.

It is acknowledged and understood that the COVID-19 pandemic restricts the scope of a community consultation exercise by making face to face meetings difficult to organise and also attract attendance. It is considered that the letter drop and posts on social media is an acceptable community consultation exercise carried out prior to submission, and proportionate to the scale of development that is proposed. The community consultation exercise received a good amount of responses resulting in 100% support from the response received.

Definition of a Caravan:

The definition of a caravan is set out in section 29(1) of the Caravan Sites and Control of Development Act 1960¹. Section 29(1) states that caravan means:

“Any structure designed or adapted for human habitation which is capable of being moved from one place to another (whether by being towed, or by being transported on a motor vehicle or trailer) and any motor vehicle so designed or adapted, but does not include —

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

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

“A structure designed or adapted for human habitation which —

- (a) is composed of not more than two sections separately constructed and designed to be assembled on a site by means of bolts, clamps or other devices; and*

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

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

(b) is, when assembled, physically capable of being moved by road from one place to another (whether by being towed, or by being transported on a motor vehicle or trailer),

shall not be treated as not being (or as not having been) a caravan within the meaning of Part I of the M1 Caravan Sites and Control of Development Act 1960 by reason only that it cannot lawfully be so moved on a [F1highway] [F1road] when assembled.”

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

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

Site Plan BP/21/04 Rev A dated 16th April 2021 lists that the development would provide 9 residential park Homes.

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

It is therefore considered relevant and necessary to attach a condition to the permission requiring elevations and floor plans to be submitted which meet the definition of a caravan as described in section 13(1) and (2)³ of the Caravan Sites Act 1968

Permanent Residential Units:

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

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

Residential development includes

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

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

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

Housing Supply:

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

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

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

Over 50's Restriction:

The application has suggested restricting the occupation of the park homes to the over 50's (although they have not committed to this through a S106 unilateral undertaking). It is acknowledged that there is a genuine need for suitable permanent residential housing for older persons in Central Lincolnshire (West Lindsey and North Kesteven in particular) which would accord to local policy LP10 of the CLLP. However this site is located in an appropriate location within the developed footprint of Blyton therefore there would be no need to restrict the occupation of the site to the over 50's and could be sold as open market permanent park homes.

Discussion:

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

The application has included site layout plan BP/21/04 Rev A dated 16th April 2021 which demonstrates that the site can accommodate the proposed amount of dwellings alongside access road, parking and external amenity areas.

It is unknown whether the proposed structures meet the definition of a caravan as no elevations and floor plans have been submitted with the application. The proposed park homes are considered as permanent residential units in accordance with the CLLP and the 9 units would count towards the housing supply in Central Lincolnshire.

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

Blyton has only 2 dwellings left to meet its housing growth target for the duration of the CLLP therefore only two of the park homes would be acceptable. Policy LP4 is engaged for all 9 park homes to be acceptable and there is a requirement for a demonstration of clear local community support. A proportionate community consultation process has been completed prior to submission of the planning application. A clear demonstration of community support has been demonstrated from the responses received as part of the community exercise.

It is therefore considered that the principle of the development is acceptable and accords to local policies LP2 and LP4 of the CLLP, local policy S1 and S4 of the DCLLPR and the provisions of the NPPF.

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

Flood Risk

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

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

The proposed use of the site for nine additional dwellings (park homes) is classed under Table 2 (Flood Risk Vulnerability Classification) of the NPPG as being highly vulnerable. The FRA is incorrect in classing the proposed use as more vulnerable on page 6. Given consideration to table 3 (Flood risk vulnerability and flood zone 'compatibility') of the NPPG the site would be required to pass the exceptions test if the sequential test is passed. The Sequential Test should be applied first to guide development to Flood Zone 1, then Zone 2, and then Zone 3.

The sequential test is applied by the Local Authority. Paragraph 33 (Ref ID: 7-033-20140306) of the NPPG states that *"the area to apply the Sequential Test across will be defined by local circumstances relating to the catchment area for the type of development propose"*.

Page 6 of the submitted FRA gives minimal reference to the sequential and exceptions test referring to table 3 of the NPPG and the siting of the residential units in flood zone 1. The FRA highlights the location of the residential units as being appropriate in accordance with table 3 (see table 1.1 of the FRA). Again table 1.1 of the FRA is incorrect in the section of the table it has highlighted. It should highlight the tick (development is appropriate) in flood zone 1 in the high vulnerable column.

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

The Environment Agency have not commented on this application but had no objections to the same development in refused planning application 143250. The Environment Agency in refused planning application 143250 advised that given the flood risk on the access to the site it is advised to consult the Emergency Planner. The Emergency Planner is based at Lincolnshire Fire and Rescue and have confirmed that they have no objections to the development but advise the site to be signed up to the Environment Agencies flood warning system.

The FRA on page 15 provides mitigation measures including the signing up to the Environment Agencies flood warning system. The mitigation measures will be conditioned on the permission.

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

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

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

Minerals Resource

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

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

"Applications for non-minerals development in a minerals safeguarding area must be accompanied by a Minerals Assessment. Planning permission will be granted for development within a Minerals Safeguarding Area provided that it would not sterilise mineral resources within the Mineral Safeguarding Areas or prevent future minerals extraction on neighbouring land. Where this is not the case, planning permission will be granted when:

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

Exemptions

This policy does not apply to the following:

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

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

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

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

Visual Impact

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

Local policy LP17 states that '*To protect and enhance the intrinsic value of our landscape and townscape, including the setting of settlements, proposals*

should have particular regard to maintaining and responding positively to any natural and man-made features within the landscape and townscape which positively contribute to the character of the area, such as (but not limited to) historic buildings and monuments, other landmark buildings, topography, trees and woodland, hedgerows, walls, water features, field patterns and intervisibility between rural historic settlements’.

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

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

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

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

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

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

No elevation and floor plans have been submitted with the application but they will be conditioned to be submitted prior to any occupation on the site. The condition would include the requirement to meet the definition of a caravan and be a maximum two bedroom in size.

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

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

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

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

Residential Amenity

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

Site Plan BP/21/04 Rev A dated 16th April 2021 identifies that only proposed unit 6 to 9 would be close to the north boundary and the two existing dwellings on Blyton Ponds. The rear elevation of proposed units 6 to 9 would be approximately 2.7 to 6.5 metres from the north boundary.

Proposed unit 9 is the closest to the existing dwellings on Blyton Ponds but is approximately 12.7 metres from the garden of The Cottage and approximately 28 metres from 11 Station Road and 40 metres from 17 Station Road. The position and scale of the proposed units would not be expected to harm the living conditions of The Cottage, 11 Station Road or 17 Station Road.

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

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

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

Highway Safety

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

The proposed units would be accessed via the existing vehicular access which serves Blyton Ponds Holiday Park. Each unit would have two parking spaces with an additional 9 guest parking spaces. The proposal would not have a harmful impact on the parking currently serving the two existing

dwellings on the site. No objections have been received from the Highways Authority at Lincolnshire County Council.

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

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

Contamination

The Authority's Contamination Officer has not commented on this application but requested a pre-cautionary contamination condition in refused planning application 143250. This condition is considered necessary and relevant and will be attached to the permission in case contaminants are found during the course of the development. The development subject to a condition accords to local policy LP16 of the CLLP, policy S55 of the DCLLP and the provision of the NPPF.

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

Drainage

Foul Water:

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

Surface Water:

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

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

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

Therefore it is considered that foul and surface water is capable of being addressed by condition. Subject to the condition the development accords to

local policy LP14 of the CLLP, policy S20 of the DCLLPR and the provision of the NPPF.

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

Other Consideration:

M4(2) of Building Regulations (Accessible and Adaptable Dwellings)

Local policy LP10 of the CLLP states that *“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, **unless the characteristics of the site provide exceptional reasons for delivery of such dwellings to be inappropriate or impractical** (emphasis added)”*.

The requirement of 30% of the units meeting M4(2) of the Building Regulations requires a common sense approach. A park home site is not subject to building control regulations in the same manner as a site which comprises standard bricks and mortar dwellings.

It is considered that the characteristics of the development constitute an exceptional reason. The development falls outside the scope of building regulations and would therefore not be liable to provide units to M4(2) of the Building Regulations.

It is considered that policy LP10 is consistent with the accessibility guidance of the NPPF and can be attached full weight.

Conclusion and reasons for decision:

The decision has been considered against policies LP1 A presumption in Favour of Sustainable Development, LP2 The Spatial Strategy and Settlement Hierarchy, LP3 Level and Distribution of Growth, LP4 Growth in Villages, LP10 Meeting Accommodation Needs, LP13 Accessibility and Transport, LP14 Managing Water Resources and Flood Risk, LP17 Landscape, Townscape and Views, LP25 The Historic Environment and LP26 Design and Amenity of the adopted Central Lincolnshire Local Plan 2012-2036, policy M11 of the Lincolnshire Minerals and Waste Local Plan and local policies S1 The Spatial Strategy and Settlement Hierarchy, S2 Growth Levels and Distribution, S4 Housing Development in or Adjacent to Villages, S20 Flood Risk and Water Resources, S22 Meeting Accommodation Needs, S46 Accessibility and Transport, S48 Parking Provision, S52 Design and Amenity, S53 Health and Wellbeing, S56 The Historic Environment of the Draft Central Lincolnshire Local Plan Review in the first instance. Consideration has additionally been given to guidance contained within the National Planning Policy Framework, National Planning Practice Guidance, the National Design Guide and the National Design Code. In light of the above assessment it is considered that the proposed development has completed an acceptable community consultation exercise prior to submission which has demonstrated

clear community support for the proposed development. The development is additionally in an appropriate location for permanent residential units therefore is acceptable in principle. The proposed development would not have an unacceptable harmful visual impact on the site or the surrounding area. It would not cause unacceptable harm to the living conditions of neighbouring dwellings or have an unacceptable harmful impact on highway safety, flood risk, drainage or contamination. This is subject to a number of 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: 15th March 2022

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 confirm 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 proposed drawings:

- AF/20/01 received 7th January 2022 – Location Plan

- BP/21/04 Rev A dated 16th April 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 LP4, LP17 and LP26 of the Central Lincolnshire Local Plan 2012-2036.

3. No occupation must take place on site until full elevation and floor plans details for all 9 park homes have been submitted to and approved in writing by the Local Planning Authority. The development must be completed in accordance with the approved details.

Reason: The safeguard the character and appearance of site and the surrounding area to accord with the National Planning Policy Framework and local policy LP17 and LP26 of the Central Lincolnshire Local Plan 2012-2036.

4. No occupation must take place on site 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 of each individual park home must occur until the park home has been fully connected in accordance to the approved drainage scheme.

Reason: To ensure adequate drainage facilities are provided to serve each park home, 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.

5. If during the course of development, contamination is found to be present on site, then no further development (unless otherwise agreed in writing by 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 to accord with the National Planning Policy Framework and local policy LP16 of the Central Lincolnshire Local Plan 2012-2036.

6. No occupation must take place until a comprehensive landscaping scheme has been submitted to and approved in writing by the Local Planning Authority. Details to include:

- Landscaping used to provide an area of privacy for the occupants of each Park Home.
- Material finish of all new or retained hardstanding

The development must be completed in strict accordance with the approved landscaping scheme.

Reason: To ensure that appropriate landscaping is introduced and will not adversely impact on the character and appearance of the site and provide some privacy for the occupants to accord with the National Planning Policy Framework, local policies LP17 and LP26 of the Central Lincolnshire Local Plan 2012-2036 and S52, S59, S60 and S65 of the Draft Central Lincolnshire Local Plan Review.

7. No occupation of each individual park home must take place until the visitor vehicle parking area and the park homes individual vehicle parking spaces identified on BP/21/04 Rev A dated 16th April 2021 have been fully completed and retained for that use thereafter.

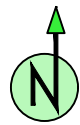
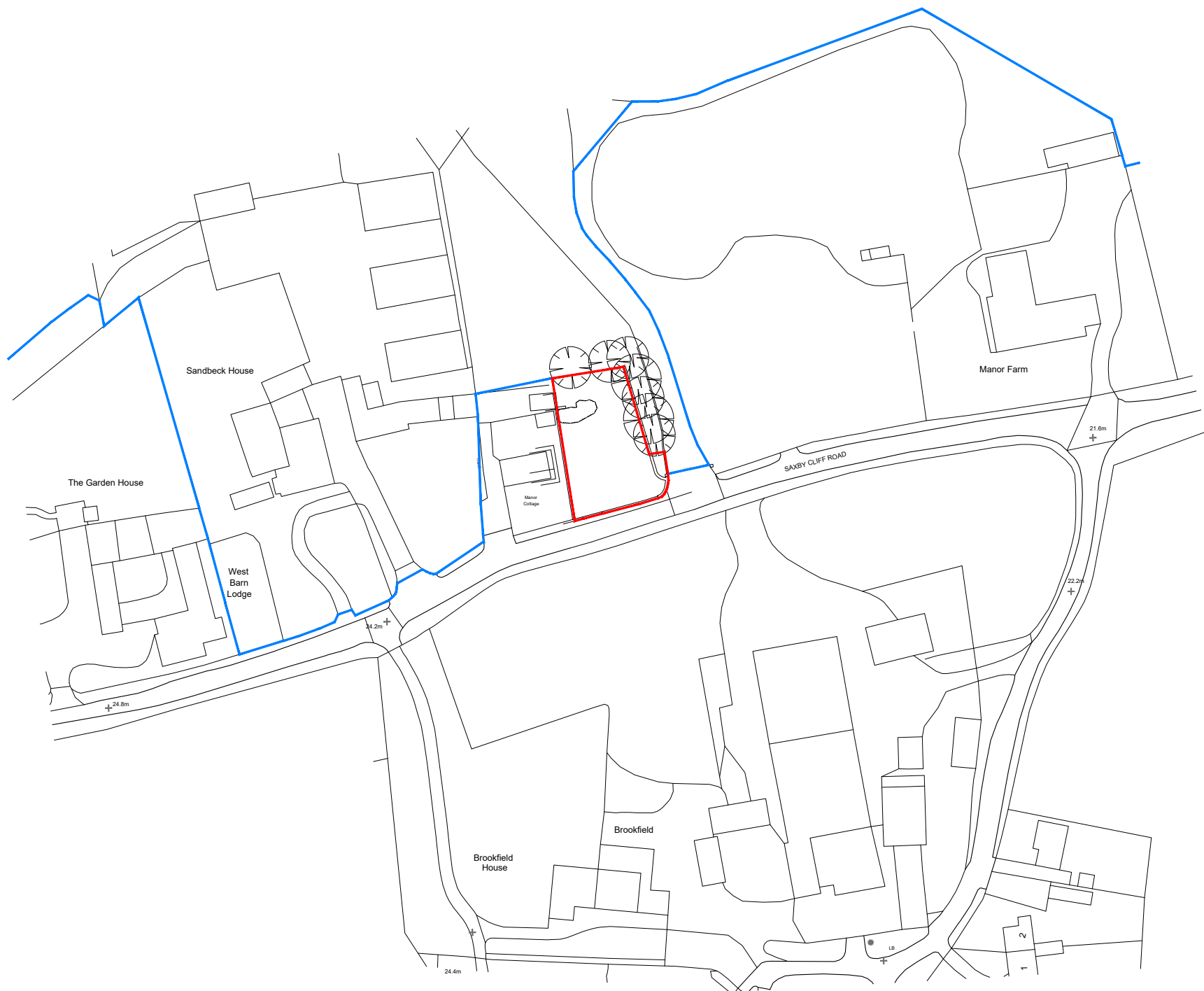
Reason: To ensure each park home has sufficient off street parking prior to occupation in the interests of highway safety to accord with the National Planning Policy Framework and local policy LP13 and LP26 of the Central Lincolnshire Local Plan 2012-2036.

8. The development must be completed in strict accordance with the mitigation measures described in section 5 (page 15) of the Flood Risk Assessment by EWE Associates Ltd dated June 2021. The mitigation measures must retained thereafter.

Reason: To prevent flooding and protect the future residents to accord with the National Planning Policy Framework and local policy LP14 of the Central Lincolnshire Local Plan 2012-2036.



T: 07368 911052
mail@andrewcloverplanninganddesign.co.uk
www.andrewcloverplanninganddesign.co.uk



Project	Proposed Dwelling	
Location	Saxby Cliff Road, Saxby	
Drawing Title	Site Location Plan	
Status	Planning Application	
Date	28.10.2021	
Scale	1:1250 @ A3	
Drawing No.	8221-02	Rev

1. This drawing is for illustrative purposes and for planning approval only. It should not be used for construction and therefore risk identification under the Construction (Design & Management) Regulations has not been carried out.
2. This drawing is the property of Andrew Clover Planning and Design and must not be reproduced without prior written consent.
3. Do not scale from this drawing, use printed dimensions only.

Officers Report

Planning Application No: 143957

PROPOSAL: Planning application to erect 1no. detached dwelling and creation of vehicular access

LOCATION: Land adj Manor Cottage Cliff Road Saxby Market Rasen LN8 2DQ

WARD: Waddingham and Spital

Ward Member: Cllr J Summers

TARGET DECISION DATE: 31/03/2022

DEVELOPMENT TYPE: Minor - Dwellings

CASE OFFICER: Joanne Sizer

RECOMMENDED DECISION: Refuse permission

This application has been referred to the planning committee as it is supported by the Ward Member on balanced planning matters, over the interpretation of Saxby under policy LP2 (settlement hierarchy), and it is recommended that planning permission is refused.

Description: The application site is located in Saxby and consists of a piece of grass land enclosed by front and side boundary walls. It is within a Health and Safety Executive hazardous installations consultation zone.

A residential property (Manor Cottage) adjoins the site to the West while a track serving agricultural buildings to the North runs along its Eastern boundary. Manor Farm House, a Grade II listed building sits approximately 80 metres to the East of the site and Grade I listed St Helens Church is located approximately 115 metres to the South West. Public right of way Saxb/9/1 runs past the west boundary of Manor Cottage and runs north to South through Saxby.

This application seeks permission to erect one new dwelling.

Relevant history:

None on the site.

West Barn Cliff Road – 139218 Planning application for sub-division of West Barn into 2no. dwellings, forming West Barn and West Barn Lodge – Concluded Saxby not to fall within the definition of a hamlet. – 2019.

Representations:

Cllr Summers:

The village of Saxby is an exemplar form of how a village should be cared for. The Neave family originally came to the village in the second half of the 1800 s. Through the generations it is clear to see how they have meticulously developed the asset to not only create an idyllic rural village to meet their needs but also create a community. Being significant landowners they have meticulously farmed the immediate area and grown the opportunities for employment in both arable and livestock sectors.

The village like so many is split by a road, Saxby Cliff Road, creating what might appear to be a North South divide. Nothing could be further from the truth. This is a community comprising of more than 15 houses creating the classification of a hamlet as per The Central Lincolnshire Local Plan. St.Helens Church sits to the south of the village some 115 metres distant of the proposed development of which you claim, The Harm would be "LESS THAN SUBSTANTIAL" in causing harm to the designated heritage assets. Here i disagree for the following reasons.

1. whilst standing in the grounds of the church and viewing the northern aspect along Saxby cliff road nothing stands out of character in any way.
2. Farm buildings, cottages and farm houses all sit sympathetically within the parish.

Of the buildings which would be described as significantly harmful and creating conflict to the setting of the historic church, then the red bricked house with a newly added large extension only 20 metres adjacent the church would fit perfectly. Also the house to the rear of the church with a Victorian gable end i see as equally conflicting and harmful. Both houses are of a different period.

It has been said by those involved in planning, new build should reflect it's period whilst sympathetically blending in with its surrounds. Here we have an application to build a new house, made of stone, cornered with brick, identical in those features in several other houses along the street scene and delicately imitating an agricultural barn. There is most certainly no conflict or harm being caused to the much loved St Helens Church or any other aspect of this village.

I can fully support this application.

Should this application be considered for refusal then i respectfully request it goes to committee for a decision.

Parish Meeting: None received to date.

Local residents:

The Old Rectory – objects to the proposals as summarised below:

- Impact upon the Listed Church, views and historical landscape
- Impact upon the historical form of the village.
- The development does not enhance or benefit the village
- Guidance suggests that Saxby is a hamlet and infilling of the environment is relevant. However, there is no guarantee that the new dwelling will be for a local family residency as numerous other properties in the village are privately tenanted. The new build is not therefore locally required.

- The appearance of the proposed dwelling is not in keeping with the local environment.

LCC Highways and Lead Local Flood Authority: Does not wish to restrict the grant to permission but permission should include highway conditions/informative(s).

Health and Safety Executive:

- The proposed development site which you have identified does not currently lie within the consultation distance (CD) of a major hazard site or major accident hazard pipeline; therefore at present HSE does not need to be consulted on any developments on this site. However, should there be a delay submitting a planning application for the proposed development on this site, you may wish to approach HSE again to ensure that there have been no changes to CDs in this area in the intervening period.
- There is at least one unidentified pipeline in this Local Authority Area. You may wish to check with the pipeline operator where known or the Local Authority before proceeding

National Grid: None received to date.

Archaeology: The proposed development is located within the historic core of the shrunken medieval village of Saxby. The developer's Heritage Impact Assessment has also demonstrated that historic maps show that buildings have formerly stood in the southwest corner of the site, which may have been vernacular mud and stud cottages. The location within the shrunken medieval village of Saxby also means that there is potential for remains of historic settlement and activity on this site prior to the village's later decline. Medieval pottery has also been recovered from a similar modern garden nearby to the east of the proposed development. It is therefore recommended that the developer be required to commission a scheme of archaeological works consisting of the archaeological monitoring and recording of all groundworks, with the ability to stop and fully record archaeological features.

The Ramblers: None received to date.

Historic England: Thank you for your letter of 22 November 2021 regarding the above application for planning permission. On the basis of the information available to date, we do not wish to offer any comments. We suggest that you seek the views of your specialist conservation and archaeological advisers, as relevant. It is not necessary for us to be consulted on this application again, unless there are material changes to the proposals. However, if you would like detailed advice from us, please contact us to explain your request

West Lindsey Conservation:

Planning permission is sought for the erection of a two storey detached dwelling in Saxby. It would be to the immediate east of Manor Cottage.

St. Helen's Church, listed at grade I, is located approximately 115m to the south of the application site and Manor Farmhouse, listed at grade II, is located approximately 80m to the east.

The Local Planning Authority must have regard to its statutory duty under section 66 of the Planning (Listed Buildings and Conservation Areas) Act 1990 in determining this application, in that it must have special regard to the protection of listed buildings and their settings in considering planning applications.

Saxby is a small historic settlement and most of the built form is traditional in its style, with much of it related to the local farming industry. Dwellings tend to be found within spacious plots. The setting of heritage assets is established through a number of factors including the character of the locale in which they are found. The two designated heritage assets are experienced within this setting and it positively contributes to their significance.

It is my opinion that the proposed dwelling would have the appearance of a modern-style dwelling, rather than that of a barn as described in the submitted documents. The design would be jarring against the established traditional built form in the settlement and as such, the proposed dwelling would be highly conspicuous, particularly so in this prominent location on the main route through the settlement.

In considering the small size of the settlement and its established traditional character, the proposed dwelling's impact would be relatively large. It would alter the atmosphere of Saxby through seeking attention rather than blending in. This would have a negative impact upon the setting of the nearby listed buildings.

In considering the National Planning Policy Framework 2021 (the NPPF), the harm to the designated heritage assets would be less than substantial. The NPPF is clear that harm of any level is undesirable and great weight should be given to the conservation of heritage assets. The identified harm must be clearly and convincingly justified in terms of public benefits (paragraphs 200 and 202 of the NPPF).

Whilst there could be the opportunity for the plans to be amended to reduce impacts, I understand there are concerns regarding the principle of the development that would need to be overcome before dealing with the specifics of design or siting.

Relevant Planning Policies:

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

Development Plan

- ***Central Lincolnshire Local Plan 2012-2036 (CLLP)***
- ***<https://www.n-kesteven.gov.uk/central-lincolnshire/local-plan/>***

Relevant policies of the CLLP include:

LP1: A Presumption in Favour of Sustainable Development

Policy LP2: The Spatial Strategy and Settlement Hierarchy

Policy LP13: Accessibility and Transport

Policy LP14: Managing Water Resources and Flood Risk

Policy LP17: Landscape, Townscape and Views

Policy LP25: The Historic Environment

Policy LP26: Design and Amenity

Policy LP55: Development in the Countryside

- **Neighbourhood Plan (NP)**

Saxby Parish are not currently preparing a Neighbourhood Plan

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

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

National policy & guidance (Material Consideration)

- **National Planning Policy Framework (NPPF)**
- <https://www.gov.uk/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 February 2019.

Paragraph 213 states:

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

- **National Planning Practice Guidance**
- **National Design Guide (2019)**
- **National Design Code (2021)**

Draft Local Plan / Neighbourhood Plan (Material Consideration)

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

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

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

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

- **Draft Central Lincolnshire Local Plan**
- <https://central-lincs.inconsult.uk/CLLP.Draft.Local.Plan/consultationHome>

The first consultation on the draft Central Lincolnshire Local Plan ran between 30th June and 24th August 2021

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

Policy S1: The Spatial Strategy and Settlement Hierarchy

Policy S5: Development in the Countryside

Policy S6: Reducing energy Consumption – Residential development

Policy S20 Flood Risk and Water Resources

Policy S52 Design and Amenity

Policy S56: The Historic Environment

However, as the draft CLLP is at its first stage of preparation and there are still unresolved objections, the policies at this time carry very limited weight in the determination of this application.

Other:

Section 66 of the Planning (Listed Buildings and Conservation Areas) Act 1990 - In determining this application special regard to the protection of listed buildings and their settings must be given in the consideration of planning applications.

<https://www.legislation.gov.uk/ukpga/1990/9/section/66>

Main issues

- Principle of development
- Design and visual amenity and impact upon the Historic Environment
- Neighbouring amenity
- Highway Safety
- Drainage
- Archaeology

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. Here, the Development Plan comprises the provisions of the Central Lincolnshire Local Plan (adopted in April 2017) and due to the type of development and location of the site Policies LP1 Presumption in favour of Sustainable Development, LP2 the Spatial Strategy and Settlement Hierarchy and LP55 Development in the Countryside are considered relevant. Policy LP2 and part D of Policy LP55 is considered to be in accordance with Chapter 5 of the NPPF. Full weight is therefore afforded to them in the assessment and determination of this application.

Policy LP2 focuses on delivering sustainable growth for Central Lincolnshire that meets the needs for homes and jobs, regenerates places and communities, and supports necessary improvements to facilities, services and infrastructure. It sets out a hierarchy for development proposal depending on their location. Saxby is not noted in any of the settlements designated in tiers 1-6 of the hierarchy due to the lack of services and facilities within it. Consideration must therefore be given to it qualifying as a Hamlet as defined in tier 7 or having a Countryside Location as set out in tier 8.

Tier 7 of Policy LP2 defines Hamlets as:

“7. Hamlets

*For the purposes of this Local Plan, a hamlet is defined as a settlement not listed elsewhere in this policy and with dwellings **clearly clustered together to form a single developed footprint***. Such a hamlet must have a dwelling base of at least 15 units** (as at April 2012). Within such hamlets, single dwelling infill developments (i.e. within the developed footprint*** of the village and within an otherwise continuous built up frontage of dwellings) in appropriate locations** will be supported in principle.”*

Policy LP4 defines the ‘developed footprint’ of a settlement as *the continuous built form of the settlement and excludes:*

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

In the determination of application 139248 in 2019 at West Barn, Cliff Road Saxby, the officer report concluded that Saxby did not meet the definition of a Hamlet as set out in Policy LP2. This was because dwellings in Saxby were not considered to be clearly clustered together to form a single developed footprint and there is a clear divide between the dwellings on the northern side of Saxby Cliff Road and those clustered around the agricultural buildings to

the south. Consequently it was concluded that there is no continuous built form because of the large grassed areas that separates them. This decision is a material consideration in the determination of this application.

In the assessment of this application and from the site visit undertaken by the officer, it is clear that Saxby meets the 15 dwelling base requirement in tier 7 of Policy LP2. However, the matter of the dwellings being clustered together to form a single developed footprint is not such a clear cut matter. The dwellings are in fact set amongst and separated by pockets of undeveloped land, open space, agricultural buildings and agricultural land. The conclusion reached in planning application 139248 is therefore understood. However, the matter of the 15 dwellings being clustered together and identified as the single developed footprint is subjective, open to interpretation and the matter of Saxby meeting the definition of a hamlet is therefore finely balanced.

The ward member has set out in their representations that they consider Saxby is a hamlet as defined in Policy LP2, with its rural character being noted and similar to other village hamlets in the district. If the committee should agree that Saxby is a hamlet then the requirements set out in Tier 7 of Policy LP2 would be relevant for consideration in determining the principle of development. This policy sets out that:

*Within such hamlets, **single dwelling infill developments** (i.e. within the developed footprint*** of the village and **within an otherwise continuous built up frontage of dwellings**) in appropriate locations** will be supported in principle.”*

“Infill” is defined within the glossary (annex D) of the CLLP as “Development of a site between existing buildings.”.

The development in this regard proposes a single dwelling but having undeveloped land bordering it would not constitute infill development or within an area having a continuous built up frontage of dwellings. Consequently, if Saxby was considered to be a Hamlet, the site would not be considered an appropriate location for the development and not in accordance with the requirements of Policy LP2 (Tier 7).

Alternatively, if the committee do not consider that Saxby is a hamlet as defined in tier 7 of Policy LP2, the development of the site would fall within tier 8 of Policy LP2’s hierarchy and considered to be in a countryside location.

For a countryside location Policy LP2 guides:

“8. Countryside

Unless allowed by:

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

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

The proposals in this instance are considered to be relevant to those falling under Policy LP55 and consequently Part D New dwellings in the countryside is principally relevant and states:

Part D: New dwellings in the countryside

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

Applications should be accompanied by evidence of:

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

Any such development will be subject to a restrictive occupancy condition.

The supporting statement submitted with the application does not include any justification for the dwelling which relates to its essential need to the effective operation of rural operations as set out in Policy LP2. Consequently the proposed development does not meet the requirements of Policy LP55 and the principle of a new dwelling in this location is not supported by it.

Principle conclusion:

It is considered, consistent with previous applications, that Saxby is not “clearly clustered together to form a single developed footprint” and does not meet with the CLLP definition of a hamlet. Consequently, as development within the countryside, and as set out in tier 8 of Policy LP2, no justification for the dwelling which relates to its essential need of the effective operation of a rural operation has been provided and the development is not therefore in accordance with the requirements of Policy LP55.

However, If the committee should determine that Saxby is a Hamlet as defined in tier 7 of Policy LP2, the development of the site is still not considered to constitute infill development or within an area having a continuous built up frontage of dwellings. Consequently, the site would not be considered an appropriate location for the development and not in accordance with the requirements of Policy LP2 (Tier 7). It is therefore recommended that

the principle of development overall is not in accordance with Central Lincolnshire Local Plan policies LP2 and LP55.

Design, visual amenity and impact upon the Historic Environment.

The application site is currently open grass land which is enclosed by low front and side boundary walls. It faces onto Cliff Road, sits immediately to the east of Manor Cottage and approximately 80 metres to the West of Manor Farmhouse, a grade II listed building. Grade I St Helens Church is also located approximately 115 metres to the South West. Public right of way Saxb/9/1 runs along the West Boundary of Manor Cottage and runs north to South through Saxby affording views through it. The site therefore has clear visual presence along the highway, from the surrounding area and within the setting of the two nearby listed buildings.

In such cases Section 66 of the Planning (Listed Buildings and Conservation Areas) Act 1990 - In considering whether to grant planning permission or permission in principle for development which affects a listed building or its setting, the local planning authority or, as the case may be, the Secretary of State shall have special regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses

Policy LP25 also relates to The Historic Environment and relevantly guides that:

Development proposals will be supported where they:

d. Protect the significance of designated heritage assets (including their setting) by protecting and enhancing architectural and historic character, historical associations, landscape and townscape features and through consideration of scale, design, materials, siting, layout, mass, use, and views and vistas both from and towards the asset. This policy is in accordance with Chapter 16 of the NPPF and full weight therefore afforded to it in the determination of this application.

Special regard therefore needs to be given to the siting, size, scale layout, design and materials of the proposed dwelling to ensure the setting of the nearby listed buildings are preserved. Consideration must however also be given to these matters to ensure they respect and protect the character of the area. Policies LP17 and LP26 are also relevant in this regard and state that development must

LP17: protect and enhance the intrinsic value of our landscape and townscape, including the setting of settlements, as well as maintain and respond positively to any natural and manmade features within the landscape which positively contribute to the character of the area.

Policy LP26 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.

These policies are considered to be in accordance with parts 12 and 15 of the NPPF and full weight therefore afforded to them in the assessment of this application.

In relation to the application site and the character of Saxby it is noted that it has always remained predominantly undeveloped. Saxby is an area formed by a mixture of residential and farm buildings which are all set amongst areas of open land/fields and therefore very rural in nature. The dwellings and buildings within the area are also noted to be traditional in style and due to the scattered nature of the buildings amongst the undeveloped areas, their individual presence are elevated and collectively form a strong distinctive character and sense of place; which is connected to its agricultural and historical roots.

The two listed buildings and how they are experienced within this distinctive and local historic character is considered to positively contribute to them and to their significance. The undeveloped nature of the application site and its position between the listed Manor Farm House and Manor Cottage clearly forms part of the historical form of Saxby. The development of the site would clearly impact upon this and how the Listed Farm House is experienced, especially because of their prominent positioning along Cliff Road.

Views of the site are also afforded from and towards the grade I listed Church and both can be read in the same context due to its prominent location on the main route through Saxby. It is because of its location that the development of the site would have a clear presence and impact upon the character of the area, including the setting of the Listed Church. In relation to the proposed development and the design of the proposed dwelling, the conservation officer has raised concerns over the modern appearance of it. Its design, detail and fenestration features are not considered to result in a barn type building as stated in the supporting statement, nor is it in-keeping with the established traditional built form in the settlement. It is therefore considered that the proposed dwelling would jar against the traditional characteristics of the buildings forming the character of the area and as a result would have a highly conspicuous presence in a prominent location. Because of this and due to the small scale of Saxby, the development would have a relatively large impact upon its distinct character. Its presence would consequently be at odds with and detrimental to the distinct local and historical character of Saxby and would alter the atmosphere of the area. The presence of the dwelling would therefore also result in a negative/harmful impact upon the setting of the nearby listed buildings and the development not considered to be in accordance with Policies LP17, LP25 and LP26 of the Central Lincolnshire Local Plan. This conclusion is also shared by a number of residents within the village.

When considering harmful impacts on designated heritage assets and the guidance set out in the National Planning Policy Framework 2021 (the NPPF); it is clear that harm of any level is undesirable and great weight should be given to the conservation of heritage assets. However, where less than

substantial harm has been identified it guides that the identified harm must be clearly and convincingly justified in terms of public benefits (paragraphs 200 and 202 of the NPPF). The public benefits in this regard are considered to be minimal and based upon a small contribution to Central Lincolnshire's Housing supply and the economy through the construction works associated with the development. Such benefits do not therefore outweigh the harmful impact the development of the site has on the local and historical character of Saxby and the setting of the two nearby designated heritage assets. The development is not therefore considered to be in accordance with paragraphs 200 and 202 of the NPPF and do not preserve the setting of the heritage assets as required by section 66 of the of the Planning (Listed Buildings and Conservation Areas) Act 1990.

The ward member does not however agree that the design and siting of the dwelling is harmful to the character of the village nor significance of the nearby Heritage Assets. The dwelling in their opinion is of its time, while sympathetically blending in with its surroundings. Its design is said to model that of an agricultural barn and is to be constructed in stone cornered with brick, which are noted to be within several other houses along the street scene. The Ward member therefore gives support to the development.

Neighbouring Amenity:

CLLP Policy LP26 sets out Amenity Considerations and guides that all 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. This policy is considered to be in accordance with paragraph 130 of the NPPF and full weight afforded to it in the assessment of this proposal.

The proposed dwelling will be sited to share a side by side relationship with Manor Cottage and has a separating distance of 5.3 metres between them. The ridge height of the proposed dwelling is also approximately 6.6 metres in height and consequently the relationship the two properties would share is not considered to be unusual or harmful through impacts of presence/dominance, overlooking and shadowing/loss of light. The amount of private amenity serving each dwelling would also be similar as would the relationship the new dwelling would share with the neighbouring buildings and uses. The level of amenity for the proposed dwelling and that of Manor Cottage are therefore considered to be acceptable and in accordance with Policy LP26 of the Central Lincolnshire Local Plan.

Highway Safety:

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 will be supported. This policy is considered to be in accordance with Chapter 9 of the NPPF and full weight afforded to it in the determination of this application.

A new access will be formed to serve the dwelling by removing part of the existing wall facing onto the track running along the eastern boundary of the site. The site plan also indicates that space to the east side of the dwelling be utilised for off road parking provision. The Local Highway Authority have not raised any concerns/objections the proposed access or parking provision but have requested standard informative relating to works being undertaken in the public highway. The development is therefore considered to be in accordance with Policy LP13 of the CLLP.

Drainage:

Policy LP14 - Managing Water Resources and Flood Risk also relates to adequate drainage provision for the site. This Policy is relevantly in accordance with Chapters 14 and 15 of the NPPF and full weight afforded to it.

The site is located in flood zone 1 having a low probability of flooding and is also in a low risk area for surface water flooding as identified on the Environment Agency Flood maps. No drainage details have been provided with the application and the supporting statement notes that the securing of them can be dealt with through a planning condition. With the use of a condition securing an adequate drainage scheme and its implementation, the development is considered to be in accordance with Policy LP14 of the CLLP.

Archaeology:

The Archaeology section of Local Plan Policy LP25 states that Development affecting archaeological remains, whether known or potential, designated or undesignated, should take every practical and reasonable step to protect and, where possible, enhance their significance. This policy is considered to be in accordance with Paragraph 194 of the NPPF and full weight afforded to it in the determination of this application.

Lincolnshire County Council Archaeology have advised that the proposed development is located within the historic core of the shrunken medieval village of Saxby. The developer's Heritage Impact Assessment has also demonstrated that historic maps show that buildings have formerly stood in the southwest corner of the site, which may have been vernacular mud and stud cottages. The location within the shrunken medieval village of Saxby also means that there is potential for remains of historic settlement and activity on this site prior to the village's later decline. Medieval pottery has also been recovered from a similar modern garden nearby to the east of the proposed development.

They have therefore recommended that the developer be required to commission a scheme of archaeological works consisting of the archaeological monitoring and recording of all groundworks, with the ability to stop and fully record archaeological features. With such a condition in place the development is considered to protect any archaeology on the site through

written preservation in accordance with Policy LP25 of the Central Lincolnshire Local Plan.

Other matters

No consultation responses have been received in relation to the site being in a health and safety executive hazardous installations consultation zone.

Potential amendments to the scheme: although it was indicated by the Conservation Officer that some amendments to the scheme may reduce the harmful impact the proposed development would have on the character of the area and setting of the nearby heritage assets. And the agent noted the potential willingness for his client to alter the scheme; no amendments were sort by the Local Planning Authority. This is due to the principle of development not being supported by Central Lincolnshire Local Plan Policies and the historically undeveloped nature of the site and its prominent position within Saxby.

Conclusion and Reasons for refusal of permission.

The application has been assessed against Policies LP1, LP2, LP13, LP14, LP17, LP25, LP26 and LP55 of the Central Lincolnshire Local Plan as well as all other material considerations including policies in the draft Central Lincolnshire Local Plan and guidance within the NPPF. As a result of this assessment the proposals are not considered to be infill development or within an area having a continuous built up frontage of dwellings nor is its rural location justified through an essential need to the effective operation of a rural operation. The siting and design of the dwelling is also not considered to respect the character of Saxby or preserve the setting of the nearby listed building. The site is not therefore considered to be an appropriate location for development and not in accordance with Policies LP2, LP 17, LP26 and LP55 of the Central Lincolnshire Local Plan and refusal of permission is recommended for the following reasons:

1. The proposals are not considered to be infill development or within an area having a continuous built up frontage of dwellings nor is its rural location justified through an essential need to the effective operation of a rural operation. The site is not therefore considered to be an appropriate location for development and does not meet the requirements of Policies LP2 and LP55 of the Central Lincolnshire Local Plan.
2. The development of the application site and the design of the proposed dwelling would result in a harmful impact upon the locally distinct and historic character of Saxby and the setting of the nearby heritage assets. The development is not therefore in accordance with the requirements of Policies LP17, LP25 and LP26 of the Central Lincolnshire Local Plan, as well as section 66 of the Planning (Listed Buildings and Conservation Areas) Act 1990 and guidance within the NPPF.

Human Rights Implications:

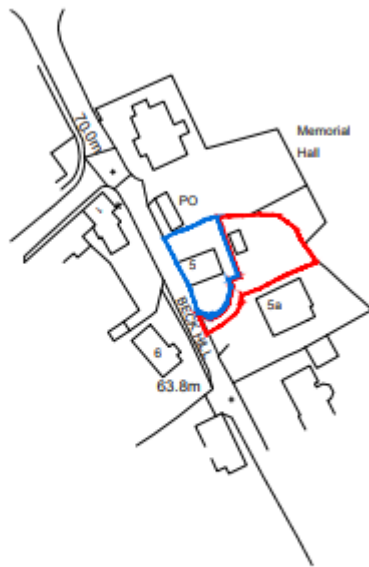
The above objections, considerations and resulting recommendation have had regard to Article 8 and Article 1 of the First Protocol of the European Convention for Human Rights Act 1998. The recommendation will not interfere with the applicant's and/or objector's right to respect for his private and family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

Decision Level: committee.

Agenda Item 6f



SITE LOCATION PLAN
scale 1:1250



Officers Report

Planning Application No: 143877

PROPOSAL: Planning application to erect 1no. dwelling.

LOCATION: Land adj 5 Beck Hill Tealby Market Rasen LN8 3XS

WARD: Market Rasen

WARD MEMBER(S): Cllr McNeil, Cllr Bunney, Cllr McCartney

APPLICANT NAME: Mr Nik Ferrier-Hanslip

TARGET DECISION DATE: 23/12/2021

DEVELOPMENT TYPE: Minor - Dwellings

CASE OFFICER: Vicky Maplethorpe

RECOMMENDED DECISION: Grant permission

Description: The application site comprises the rear garden of no. 5 Beck Hill. The site is within Tealby Conservation Area and is within the setting of The Brick House, a grade II listed house. To the east of the site is a play park and garden to Tennyson d'Eyncourt Memorial Hall which is covered by a woodland group TPO. The rest of the site is surrounded by a mix of modern and traditional dwellings. The site is also located within an Area of Outstanding Natural Beauty.

The application seeks permission to erect a detached 3 bedroomed dwelling with accommodation spread over 3 floors, including rooms in the roofspace and basement living rooms.

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

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

Relevant history:

140646 – Pre-application for 1 dwelling

139079 - Planning application to erect 1no. dwelling, Refused, 10/5/19, Dismissed at appeal, 29/10/19. Grounds for refusal summarised below:

'...due to its height and form, it would appear similar if not larger in scale than No 5 when viewed from the street and dominant over the adjacent bungalow at No 5A where a jarring disparity in height would be evident.'

'In terms of layout, the proposal would result in a new dwelling with limited garden space and a much reduced garden to No 5, in contrast with the site surroundings which are generally characterised by dwellings set in spacious plots with mature gardens'

providing an attractive, verdant character to the CA. Given the size of the proposed dwelling and its proximity to Nos 5 and 5A, it would appear squeezed between the existing buildings in a contrived manner, with loss of existing planting and insufficient space for meaningful new planting, particularly trees. In this regard, there would be conflict with the requirements of the Tealby Village Design Statement.'

'As a result of its composition and orientation, the dwelling would appear discordant in comparison to the attractive symmetry of the front elevation of No 5.'

Representations:

Chairman/Ward member(s): None received

Parish/Town Council/Meeting: *'Tealby Parish Council would like to object to the application for this development. This is not an acceptable sized plot for the proposed development. The site proposed does not consider the space between and around the neighbouring residents, with the form, size and character of the proposed residential infill development being unacceptable for the size of this plot. The development would be sited too close to the village green, village shop and village hall, and would be adjacent to numerous listed buildings. Tealby Parish Council object as the development does not afford adequate privacy for the occupants of adjacent residential properties. The proposed development would not result in a benefit in environmental and landscape terms.'*

Local residents: 3 letters of objection from Lark Rise 5A Beck Hill, Hillstone House, 8 Beck Hill Tealby and 4 Beck Close Binbrook. Objections are summarised below:

- Inappropriate development in small village
- Overcrowding/overdevelopment
- Out of character with rest of area
- Highway and pedestrian safety
- The basement/swimming pool could increase possibility of subsidence
- Proposal may renew springs in the area that were a previous problem
- Noise and disturbance during the construction works
- Proximity to no. 5A could threaten structural integrity of property
- Loss of privacy
- The driveway is not a shared drive. Applicants only have 'Right of Way' over it.

LCC Highways: No objections, request informative

Archaeology: *'The proposed development is located within the core of the historic settlement of Tealby. The village of Tealby was recorded as a large settlement in early medieval documentation, with multiple manors recorded at 1086. The village appears to have thrived during the medieval period, with little impact from the Black Death, but suffered a decline in the post medieval period lasting into the 19th century. The proposed development is on one of the village's historic streets in an area where former settlement remains might be expected. This means that there is a high potential for it to destroy archaeology that could provide evidence about the village's history and development.'* Request Scheme of Archaeological Works condition.

Conservation Officer: The Conservation Officer was involved throughout the pre-application where advice was given on the design and detailing of the proposed dwelling. No objections have been raised subject to material details.

Tree Officer: 'I have no objections to the proposals, providing the recommendation within the Watson Lindsey Arboricultural Report & Impact Assessment are followed. Details in the report with regards to tree protection are shown at item 5.5. and in Appendix 3 in the report. Tree-friendly construction methods for parking area base i.e. cellular confinement system, are as detailed at item 5.6. and detailed at Appendix 6 in the report. Positions are shown on the Tree Protection Plan at Appendix 8 of the report. New utilities should be installed outside the RPA of tree T4.'

Idox: Checked 16/2/22

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

LP13 Accessibility and Transport

LP17 Landscape, Townscape and Views

LP25 The Historic Environment

LP26 Design and Amenity

**With consideration to paragraph 219 of the National Planning Policy Framework (July 2021) the above policies are consistent with the NPPF (July 2021). LP1 is consistent with NPPF paragraph 11 as they both apply a presumption in favour of sustainable development. LP2 is consistent with NPPF section 2 as they both seek to deliver sustainable growth. LP13 is consistent with NPPF paragraphs 110-113 as they both seek to ensure an efficient and safe transport network that offers a range of transport choices. 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. LP25 is consistent with section 16 of the NPPF as it seeks to conserve and protect the historic environment. LP26 is consistent with section 12 of the NPPF in requiring well designed places. The above policies are therefore attributed full weight.*

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

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

National policy & guidance (Material Consideration)

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

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

The most recent iteration of the NPPF was published in July 2021. Paragraph 219 states:

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

- **National Planning Practice Guidance**
- *National Design Guide (2019)*
- **Listed Building Legal Duty**
Section 66 of the Planning (Listed Buildings and Conservation Areas) Act 1990
- **CA Legal Duty**
Section 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990

Draft Local Plan / Neighbourhood Plan (Material Consideration)

Parish not currently preparing a NDP.

Draft Central Lincolnshire Local Plan (Material Consideration)

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

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).

Relevant policies include:

S1 The Spatial Strategy and Settlement Hierarchy
S2 Growth Levels and Distribution
S46 Accessibility and Transport
S48 Parking Provision

S52 Design and Amenity

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) may be given to the policies it contains relevant to this proposal at this moment.

Main issues

- Principle and background
- Impact on residential amenities
- Impact on streetscene/conservation area
- Impact on listed building
- Highways
- Impact on trees
- Other matters

Assessment:

Principle and background

The application has been through extensive pre-application advice following a previously refused application and dismissed appeal. The current proposal reflects that of previous discussions between the agent, planning officer and conservation officer to overcome the appeal dismissal.

Policy LP2 designates Tealby as a 'Medium Village' within the settlement hierarchy in which unless otherwise supported via a neighbourhood plan or through the demonstration of clear local community support (neither of which apply here), it will accommodate development proposals on sites of up to 9 dwellings in appropriate locations. To qualify as an appropriate location, the site, if developed, would:

- Retain the core shape and form of the settlement
- Not significantly harm the settlements character and appearance; and
- Not significantly harm the character and appearance of the surrounding countryside or the rural setting of the settlement.

However policy LP2 also states that throughout this policy the term 'developed footprint' if a settlement is defined as the continuous built up area of the settlement and excludes;

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

Policy LP4 permits 15% growth for Tealby with the remaining growth (as of 11th February 2022) considered to be 15 dwellings. Therefore the proposal would not exceed the anticipated growth. LP4 sets a sequential test for site development 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**

The site is garden land and is considered to fall within tier 3, a greenfield site at the edge of the settlement. The site is within the developed footprint of the village. Therefore the proposal is deemed to be in an appropriate location as it retains the core shape and form of the settlement and does not significantly harm the settlement's character and appearance.

Development is deemed to accord with policies LP2 and LP4.

Impact on 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. The policy also applies to future occupants of development proposals under consideration.

The site is located to the rear of no. 5 Beck Hill, a detached stone cottage and is directly adjacent no. 5a, a detached bungalow.

The proposed dwelling is in a 'T' shape, with accommodation provided within the roofspace of part of the dwelling with a ridge height of 6.6m and eaves height of 3.3m, the other section will be set at a height of 4.7m and have a ridge height of 2.5m.

Garden areas to the front and rear of the host dwelling will remain and the proposed dwelling will have adequate outdoor amenity space surrounding it. Concerns have been raised by 5A Beck Hill with regards to loss of privacy. One window, serving a bedroom is proposed at first floor level which faces south east towards no. 5A, over the front of the bungalow and its driveway, and 1 ground floor window and 3 sets of patio doors serving living space. However these windows look onto a mature laurel hedge which runs along the shared boundary with no.5A.

Therefore it is considered that due to its siting, orientation with neighbouring dwellings and positioning of windows it is considered there would not be any undue adverse effects on the residential amenity of no's 5 and 5a Beck Hill.

Impact on streetscene/conservation area

Local Plan Policy LP26 states that all development proposals must take into consideration the character and local distinctiveness of the area (and enhance or reinforce it, as appropriate) and create a sense of place. As such, and where applicable, proposals will be required to demonstrate, to a degree proportionate to the proposal, that they are well designed in relation to siting, height, scale, massing and form. The policy also states that the proposal should respect the existing topography, landscape character, street scene and local distinctiveness of the surrounding area and should use appropriate, high quality materials which reinforce or enhance local distinctiveness. Any important local view into, out of or through the site should not be harmed.

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'*.

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

The application site is located within Tealby Conservation Area, in the setting of Listed Buildings and in an Area of Outstanding Natural Beauty (AONB).

The Tealby Conservation Area (the CA) covers the older parts of the village, with All Saints Church the focal point a short distance to the north of the appeal site. The CA Appraisal (1992) states that the village owes much of its charm to its natural setting, the informal nature of its street pattern, the overall looseness of its development and the unspoilt character of the older part of the settlement.

Concerns have been raised by 3 residents, 2 within the village and 1 from Binbrook and the Parish Council regarding the design and impact the proposed dwelling will have on the conservation area.

An Assessment of Significance and supporting statement has been submitted with the application which has identified the nearby heritage assets and assessed the impact of the new dwelling upon them.

Following the refusal of application 139079 and subsequent dismissed appeal a pre-application was submitted and the proposed dwelling has evolved through discussions with the agent, planning officer and conservation officer during this period. Amendments have been made to the size, scale and design of the dwelling reflecting those discussions and attempting to overcome the reasons for dismissal at appeal.

The site slopes up towards the north east and concerns were previously raised regarding the height and form of the proposed dwelling as *'it would appear similar if not larger in scale than No 5 when viewed from the street and dominant over the adjacent bungalow at No 5A where a jarring disparity in height would be evident'*. Cross sections have been provided with this application which show the ground levels of the proposed and host dwelling. The plans show it being subservient to the host dwelling having its ridge and eaves heights set below that of the host dwelling and given its size, scale and position it will not dominate the adjacent bungalow, 5A Beck Hill.

Concerns have been raised by third parties with regards to over-development of the site. The Planning Inspector previously said *"In terms of layout, the proposal would result in a new dwelling with limited garden space and a much reduced garden to No 5, in contrast*

with the site surroundings which are generally characterised by dwellings set in spacious plots with mature gardens providing an attractive, verdant character to the CA.” It is accepted that the host dwelling will have a reduced garden area, however it will retain a front garden and rear patio area with parking alongside for 2 vehicles and due to the reduced size of the proposed dwelling it is considered that the proposed dwelling has sufficient amenity space around it, along with parking space.

The proposed dwelling is to be constructed from traditional materials, including stone with brick detailing and a pantile roof. This is considered acceptable as Tealby is a predominantly stone built village.

It is considered that due to its size, scale and appearance the proposed dwelling will not dominate the host or neighbouring property and will not appear prominent when viewed from Beck Hill.

It is therefore considered that due to its design, siting, scale and mass the proposed dwelling relates well to its context and will not cause harm to the streetscene and Conservation Area or AONB. The proposal is therefore in accordance with the NPPF and policies LP17, LP25 and LP26 of the Central Lincolnshire Local Plan.

Impact on listed building

The site is located near to a Grade II listed building, No.1 Brick House, located to the north west of the site.

Local policy LP25 of the CLLP states that *‘Development proposals should protect, conserve and seek opportunities to enhance the historic environment of Central Lincolnshire’* and provides a breakdown of the required information to be submitted as part of an application in a heritage statement.

In the Listed Building section of LP25 it states that *‘Development proposals that affect the setting of a Listed Building will be supported where they preserve or better reveal the significance of the Listed Building’*.

Guidance contained within Paragraph 189 of the NPPF states that *‘In determining applications, local planning authorities should require an applicant to describe the significance of any heritage assets affected, including any contribution made by their setting. The level of detail should be proportionate to the assets’ importance and no more than is sufficient to understand the potential impact of the proposal on their significance’*.

Paragraph 193 states that *‘great weight should be given to the asset’s conservation (and the more important the asset, the greater the weight should be). This is irrespective of whether any potential harm amounts to substantial harm, total loss or less than substantial harm to its significance’*

The application has included the submission of a Statement of Significance. This has identified the heritage assets and provided an assessment of the impact. The nearest listed building is No.1 Brick House, Grade II listed, which is located to the north west of the site. The submitted Statement of Significance states that *‘The study area is not expected to be visible from this building due to the sloping topography and location of the village shop building between the two sites.’*

The Conservation Officer raised no objections to the proposal.

It is considered that due to the size, scale and massing of the proposed dwelling it will not cause harm to the nearby listed building in accordance with policy LP25 of the CLLP.

Highways

The block plan shows parking arrangements for the dwellings. Access is to be via the existing access to the host dwelling and parking for the host dwelling will be along the east boundary. Parking for the proposed dwelling will be along the south east boundary. Both parking will provide two spaces. Concerns have been raised by the Parish Council and neighbouring residents regarding highway issues. The highways officer has viewed the plans and has raised no objections to the proposal.

It is therefore considered that the proposal accords with policy LP13 of the CLLP.

Impact on trees

Directly to the east of the site is a group TPO (Tree Preservation Order)/Woodland Tealby 1954 however the Tree Officer has confirmed that none of the trees within or adjacent to the site are covered by a TPO, the they are all within the Tealby conservation area, adding to the character of the area. An Arboricultural Report and Impact Assessment has been submitted with the application. This identifies all trees on and adjacent to the application site along with their retention category, life expectancy and current condition.

The Tree Officer has stated that 'Although the report says when T3 is considered collectively alongside trees T4 to T7, the loss of amenity by the removal of T3 will be significantly reduced (as T4 to T7 will still be there). However, if a dwelling is built in the intended position, the impact on visual amenity would not just be the loss of T3, because in views from Beck Hill, views of sycamores T5 to T7 would be blocked by the new dwelling, leaving just T4 still visible along with the few trees next door at 5A Beck Hill. In effect, removing the visual amenity of T5 to T7 currently seen in the above photo. Please note that T5 to T7 are also low quality category C trees, that would receive permission to be removed if a tree application were to be made for their removal! Collectively the trees do provide good visual amenity to the area, but we also need to consider their current condition and BS cascade chart category C.' The Tree Officer goes on to say that she has no objections to the proposals, 'providing the recommendation within the Watson Lindsey Arboricultural Report & Impact Assessment are followed.' Therefore on balance and subject to conditions it is considered that the impact of the proposed dwelling on the existing trees on and adjacent the site is acceptable in accordance with policies LP17 and LP26 of the CLLP.

Other matters

- Noise and disruption during the construction phase. Concerns have been raised regarding this. Construction of a single dwelling would not be expected to have an undue impact on neighbours. In the event any statutory noise and nuisance did arise, there are provisions under areas of law outside of Planning law.
- Potential subsidence. There is no evidence that would indicate that this would be a likely consequence of development. This is a matter in terms of appropriate build quality, and not a consideration as to whether or not to grant planning permission.

- Potential for natural springs to reform. Concerns have been raised that springs in the ground could reform during/following construction of the dwelling. However, there is no evidence that would suggest that this would arise as a consequence of development.
- A comment was received regarding the access to the site and that 'The driveway is not a shared drive. Applicants only have 'Right of Way' over it.' The agent has confirmed that this is correct and the applicants have a right of way over the driveway.

Conclusion

The proposal has been considered against the Development Plan namely 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, LP13: Accessibility and Transport, LP17: Landscape, Townscape and Views, LP25: The Historic Environment and LP26: Design and Amenity of the Central Lincolnshire Local Plan along with advice given in the National Planning Policy Framework and the National Planning Practice Guidance. The proposed dwelling would be in an appropriate location with no unacceptable impacts considered to arise on adjoining residential amenities or on highway safety and will not have a harmful visual impact on the site, the surrounding area or the Area of Outstanding Natural Beauty and will preserve the character and appearance of the Tealby Conservation Area and the setting of nearby listed buildings.

Recommended 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 development shall take place until a written scheme of archaeological investigation has been submitted to and approved in writing by the local planning authority (see notes to applicants below). The local planning authority shall be notified in writing of the intention to commence the archaeological investigations in accordance with the approved written scheme, at least 14 days before the said commencement. This scheme shall 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.

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:

3. The archaeological site work shall be undertaken only in full accordance with the written scheme required by condition 2.

Reason: To ensure the satisfactory archaeological investigation and retrieval of archaeological finds to accord with the National Planning Policy Framework and policy LP25 of the Central Lincolnshire Local Plan.

4. Following the archaeological site work referred to in condition 3 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 to accord with the National Planning Policy Framework and policy LP25 of the Central Lincolnshire Local Plan.

5. The report referred to in condition 4 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 to accord with the National Planning Policy Framework and policy LP25 of the Central Lincolnshire Local Plan.

6. No development, other than to foundations level, shall take place until full details (and samples) of all external materials) have been submitted to and approved in writing by the Local Planning Authority. The approved details shall be implemented and retained thereafter.

Reason: To ensure the use of appropriate materials within the Conservation Area in the interests of the character and appearance of the site and its surroundings which include listed buildings in accordance with the National Planning Policy Framework and policies LP17, LP25 and LP26 of the Central Lincolnshire Local Plan.

7. No development, other than to foundations level, shall take place before a sample panel of the stone and brick work, of no less than 1 metre square, has been constructed on site and approved in writing by the Local Planning Authority. The samples shall utilise local stone, which shall match the existing host dwelling exactly in terms of colour, texture, size of masonry components, coursing, and also the colour and texture of the mortar, which shall match the original pointing on the host dwelling in all respects. New brickwork shall consist of a new handmade red brown brick and not reclaimed bricks. The sample shall be located on site and maintained for reference

for the duration of the construction of all the walls. Once approved the development shall be constructed in strict accordance with the approved panels.

Reason: To ensure the use of appropriate materials within the Conservation Area in the interests of the character and appearance of the site and its surroundings which include listed buildings in accordance with the National Planning Policy Framework and policies LP17, LP25 and LP26 of the Central Lincolnshire Local Plan.

8. Rainwater goods shall be traditional in design, half round, coloured black, spike fixed rise and fall gutters and shall thereafter be maintained and retained.

Reason: To ensure the use of appropriate materials within the Conservation Area in the interests of the character and appearance of the site and its surroundings which include listed buildings in accordance with the National Planning Policy Framework and policies LP17, LP25 and LP26 of the Central Lincolnshire Local Plan.

9. No development, other than to foundations level, shall take place until full details of all new windows and doors have been submitted to and approved in writing by the Local Planning Authority. Details shall include elevations of proposed windows with sections through horizontally and vertically, showing cill and header details at scale of no less than 1:20, method of opening, glazing bars, colour and finish. The approved details shall be installed in accordance with the approved details and thereafter maintained and retained.

Reason: To ensure the use of appropriate materials within the Conservation Area in the interests of the character and appearance of the site and its surroundings which include listed buildings in accordance with the National Planning Policy Framework and policies LP17, LP25 and LP26 of the Central Lincolnshire Local Plan.

10. Prior to the installation of any roof covering, full details of the rooflights shall be submitted to and approved in writing by the Local Planning Authority. The approved details shall be installed in accordance with the approved details and thereafter maintained and retained.

Reason: To ensure the use of appropriate materials within the Conservation Area in the interests of the character and appearance of the site and its surroundings which include listed buildings in accordance with the National Planning Policy Framework and policies LP17, LP25 and LP26 of the Central Lincolnshire Local Plan.

11. No development, other than to foundations level, shall take place before full details of all eaves and verge treatments are to be supplied for approval in writing by the LPA prior to any development above ground level.

Reason: To ensure the use of appropriate materials within the Conservation Area in the interests of the character and appearance of the site and its surroundings which include listed buildings in accordance with the National Planning Policy Framework and policies LP17, LP25 and LP26 of the Central Lincolnshire Local Plan.

12. No development, other than to foundations level, shall take place until details of foul and surface water disposal (the drainage system to be used should include the

results of soakaway/percolation tests) have been submitted to and approved in writing by the local planning authority. These details should include a plan showing the position of the drainage and location of the connections to the proposal.

Reason: To ensure adequate drainage facilities are provided to serve the development to accord with the National Planning Policy Framework and Policy LP 14 of the Central Lincolnshire Local Plan.

13. No development, other than to foundations level, shall take place before details of the finish and colour of surface material for the driveways have been submitted to and approved in writing by the Local Planning Authority. The development shall be constructed in accordance with the approved details and thereafter retained.

Reason: To ensure the use of appropriate materials within the Conservation Area in the interests of the character and appearance of the site and its surroundings which include listed buildings in accordance with the National Planning Policy Framework and policies LP17, LP25 and LP26 of the Central Lincolnshire Local Plan.

14. 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: LDC2848-PL-02A dated December 2019. 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.

15. The development shall commence in accordance with the recommendations contained within the Watson Lindsey Arboricultural Report & Impact Assessment prepared by Watson Lindsey dated 17th January 2022. Specifically with regards to tree protection shown at item 5.5. and in Appendix 3 in the report; Tree-friendly construction methods for parking area base i.e. cellular confinement system, as detailed at item 5.6. and detailed at Appendix 6 in the report; Positions as shown on the Tree Protection Plan at Appendix 8 of the report

Reason: To ensure that the development is carried out in a way which is not detrimental to the health of the trees and the visual amenity of the area in accordance with policy LP17 of the Central Lincolnshire Local Plan.

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

16. Notwithstanding the provisions of Classes A, B, C, D and E of Schedule 2 Part 1, Class A of Schedule 2 Part 2 and Class A Schedule 2 Part 14 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 buildings or structures shall be erected within the curtilage of the dwelling, no fences, gates or other means of enclosure shall be erected or constructed of any gate, fence, wall or other means of enclosure within the curtilage and no solar

panels affixed to 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 setting of the nearby listed buildings and Conservation Area and to accord with the National Planning Policy Framework and policies LP17, LP25 and LP26 of the Central Lincolnshire Local Plan.

Human Rights Implications:

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

Legal Implications:

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



Planning Committee

Wednesday, 30 March
2022

Subject: Determination of Planning Appeals

Report by:

Assistant Director Planning and
Regeneration

Contact Officer:

Andrew Warnes
Democratic and Civic Officer
andrew.warnes@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 Cirsh Properties against the decision of West Lindsey District Council to refuse planning permission for outline application for the erection of five two-bedroom bungalows for over-55 occupation at land to the rear of The Rookery, Scotter, Gainsborough DN21 3FB.

Appeal Dismissed – See copy letter attached as Appendix Bi.

Officer Decision – Refused

- ii) Appeal by Mr Vaddaram against the decision of West Lindsey District Council to refuse planning permission for demolition of the existing dwelling and erection of a large house of multiple occupation (sui generis use class) with associated access alterations, vehicle parking and landscaping - resubmission of planning application 140180 at Rosemary Villa, 30 Wragby Road, Sudbrooke, Lincoln LN2 2QU

Appeal Allowed – See copy letter attached as Appendix Bii.

Costs Dismissed – see costs letter attached as Appendix Biia.

- iii) Appeal by Mr Ralff against the decision of West Lindsey District Council to refuse planning permission for 'Change of use of land to Park. Stationing of vehicle for hot and cold foods. Provision of seating. Provision of raised area for seating, activities and entertainment. Provision of seating benches. Provision of wooden picket fencing at 1.5 metres height. Provision of metal storage shed. Provision of wheelie bin womery' at land at the corner of Spital Street and North Street, Gainsborough.

Appeal Dismissed – See copy letter attached as Appendix Biii.

Committee Decision – Refuse

Costs Dismissed – see costs letter attached as Appendix Biia.



Appeal Decision

Site visit made on 15 February 2022

by Diane Cragg Dip TP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 4 March 2022

Appeal Ref: APP/N2535/W/21/3285181

Land to the rear of The Rookery, Scotter, Gainsborough DN21 3FB

- 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 Cirsh Properties against the decision of West Lindsey District Council.
 - The application Ref 142582, dated 2 March 2021, was refused by notice dated 27 April 2021.
 - The development proposed is outline application for the erection of five two-bedroom bungalows for over-55 occupation. All matters reserved other than access.
-

Decision

1. The appeal is dismissed.

Preliminary Matters

2. The appeal scheme is an outline proposal, with access to be considered at this stage, and with all other matters reserved. I have considered the appeal on this basis. The proposed plan shows the access arrangements and indicates how 5 dwellings could be accommodated on the site. I have taken this drawing into account in so far as it relates to the access arrangements. Where the plan refers to future reserved matters, I have taken it to be for indicative purposes only.

Main Issues

3. The appellant has provided a reptile survey as part of the appeal documentation. The Council considers that the survey provides evidence that no reptiles are within the site and therefore reason for refusal No 4 need not be pursued.
4. Therefore, the main issues are:
 - whether the appeal site is an appropriate location for the proposed development having regard to national and local planning policies;
 - whether the proposed development would integrate into the surrounding built environment with particular regard to the proposed access arrangements;
 - the effect of the development on the living conditions of No 3 Bellbutts View.

Reasons

5. The appeal site comprises land described as a grassed paddock on the periphery of Scotter. The land adjoins paddock land to the south and open countryside to the west. Broadly to the north and east the appeal site borders residential properties facing Bellbutts View, Rooklands and The Rookery. Access to the land is via an existing access track from Bellbutts View.
6. Policy LP1 of the Central Lincolnshire Local Plan April 2017 (CLLP) seeks to deliver sustainable growth. Policy LP2 provides the spatial strategy and settlement hierarchy for Central Lincolnshire during the plan period 2012-2036 and is focussed upon delivering sustainable growth that meets the need for homes and jobs, regenerates places and communities, and supports necessary improvements to facilities, services, and infrastructure.
7. Policy LP2 identifies Scotter as a 'Large Village' where most of the growth, including housing, is intended to be delivered via sites allocated in the plan, or appropriate infill, intensification, or renewal within the existing developed footprint. Policy LP2 states that, in exceptional circumstances, additional growth on non-allocated sites in appropriate locations outside of, but immediately adjacent to, the developed footprint of the large villages might be considered favourably.
8. In accordance with the CLLP the Scotter Neighbourhood Development Plan 2017 – 2036 (NP) allocates two sites for housing development and in addition through Policy H4 supports small scale residential development within the existing built form of the settlement subject to certain criteria related to the character and appearance of Scotter and mix of dwellings (to accord with Policy H3) being satisfied. The text to Policy H4 states that paddocks do not form part of the built form of the settlement where land relates more to the surrounding countryside than the built-up area of the settlement.
9. Policy LP2 of the CLLP and Policy H4 of the NP are generally consistent with the National Planning Policy Framework (the Framework) where it states that to promote sustainable development in rural areas, housing should be located where it will enhance or maintain the vitality of rural communities. Planning policies should identify opportunities for villages to grow and thrive, especially where this will support local services.
10. The appeal site is part of a larger paddock area with further paddock land extending southwards. Although the land is adjacent to residential properties to two of its boundaries, the rear boundaries of these properties are well defined, and the domestic curtilages are clearly distinct in character to the appeal site. The appeal site has a tranquil atmosphere which accords with its rural setting to the south and west. The character of the site relates to the open countryside and is not part of the developed footprint of Scotter in the terms described in Policy LP2 or the NP.
11. The appeal site is not allocated for development and the proposal would conflict with Policy H4 of the NP but in terms of Policy LP2 the parties agree that the proposed development is on land beyond, but immediately adjacent to, the developed footprint of Scotter and is an appropriate location. Therefore, it is necessary to consider whether there are exceptional circumstances for the additional growth.

Exceptional circumstances

12. Policy LP2 defines 'exceptional circumstances' as a matter for the decision maker and gives the example of where the development would deliver a community facility above and beyond what would ordinarily be required and for which a clear need has been identified.
13. The NP allocates sites and sets out policies to meet its requirement to provide 10% growth over the plan period. The NP consultation highlighted, amongst other things, a requirement for bungalows to allow elderly residents to downsize, but the NP also acknowledges a need for small dwellings for first time buyers and housing policies in the NP seek a mix of housing.
14. Although the appellant states that no sites have been found in Scotter to provide bungalows for over 55's there is limited evidence that the spatial strategy, which sets out policies to provide for a mix of dwellings to meet identified need including older people in the CLLP and the NP, is failing to provide adequately for over 55's within the developed footprint of the village or on allocated sites. Thus, there is no indication that the CLLP and NP are not meeting the Framework requirements to identify opportunities (in rural areas) for villages to grow and thrive and provide the size, type and tenure of housing needed for different groups in the community. The provision of bungalows specifically for over 55's is not therefore an exceptional circumstance in this case.
15. The appellant refers to the proximity of services and facilities. Within Policy LP2 large villages such as Scotter are acknowledged as having key services and facilities and therefore are a focus for accommodating an appropriate level of growth. The NP identifies land to meet required growth in Scotter in accordance with its status as a large village under Policy LP2, therefore, the site's proximity to services and facilities is not an exceptional circumstance.
16. The appellant also indicates that the adjacent land within the appellant's ownership would provide allotments for residents and the wider community. However, there is no planning permission in place for allotments on the adjacent land and no means of securing their provision as part of the proposed development before me. I therefore attach little weight to such facilities being provided.
17. Overall, based on the evidence before me, I conclude that 'exceptional circumstances' in the terms of Policy LP2 of the CLLP have not been demonstrated. In the absence of any demonstrable 'exceptional circumstances' to justify development in a location outside the developed footprint of Scotter, the appeal site would not be a suitable location for development having regard to national and local planning policies. The development would conflict with Policy LP2 of the CLLP and Policies H4 and D5 of the NP. It would also conflict with the Framework, where in rural areas it requires planning decisions to be responsive to local circumstances and support housing developments that reflect local needs.

Built environment

18. The existing grassed track between 3 and 4 Bellbutts View provides access to the appeal site. The width of the initial section of the access is constrained and high hedges are immediately adjacent to it. The existing track takes a 90

- degree turn next to a two-storey building to the rear of 3 Bellbutts View and proceeds on an incline to the site.
19. The development would be served via an extended section of private access road on the line of the existing track. The access would be enclosed and of a limited width for the initial straight section from Bellbutts View. After the bend, the access would be a long section of road on an incline sited between rear gardens and open countryside. The access would be a circuitous route, with no active frontage and there would be no alternative pedestrian or cycle linkages to adjacent residential sites.
 20. The width of the initial section of the access from Bellbutts View is not sufficient for two vehicles to pass and visibility would be restricted because of the 90-degree bend. Vehicles may be forced to reverse due to the single width of the access and the limited forward visibility. There would also be limited visibility of pedestrians where vehicles emerge on to Bellbutts View because of the height of existing hedges at the access point, particularly if vehicles are reversing. Even if traffic speeds are low here, pedestrians and cyclists would be deterred from using the route because of the limited refuge space and potential conflict with vehicle movements.
 21. After the bend, the length of the access, its incline, and the lack of connection with the adjacent built environment would deter walkers and cyclists from using it. Consequently, the site does not establish good walking and cycling routes to facilities and would not encourage patterns of movement that reduce reliance on the car.
 22. The Council may underestimate the physical capabilities of over-55's but the appellant is proposing bungalows for older residents, aimed at those looking to downsize. It is not an unreasonable assumption that future residents may be preparing for a time when there are some restrictions to their physical capabilities. As the proposal is to restrict occupation to older residents the proposed access arrangements should provide for their future needs.
 23. I appreciate that a separate footpath could be provided over part of the access route at the rear of the site, but access is not a reserved matter, and this is not the proposal before me. In any case, the provision of a footpath would not overcome the concerns I have set out above.
 24. Overall, I conclude that the proposed development would not integrate into the surrounding built environment with particular regard to the proposed access arrangements and would conflict with Policies LP2 and LP26 of the CLLP and Policies H4, D5 and T8 of the NP where these policies seek, among other things, that development is designed to maximise pedestrian permeability and avoid barriers to movement through careful consideration of street layouts and access routes and prioritise pedestrian movements. It would also conflict with the Framework where it seeks to ensure that developments create places that are safe, inclusive and accessible.
 25. Although reference is made to Policy H3 of the NP in the reason for refusal, I find no specific conflict in respect of this main issue with Policy H3 which is relevant to major developments.

Living conditions

26. No 3 Bellbutts View is a detached property in a large plot. It has a detached garage which has annexed living accommodation above and a conservatory to the side elevation. The garage building sits on the boundary with the proposed access route at the point where it bends through 90 degrees. The access would be close to the rear garden space and manoeuvring of vehicles would be likely to occur close to the property due to the road alignment and width. In addition, vehicles travelling along the access at night would illuminate the rear area of No 3, because of the limited other light sources. The conservatory, outside patio and rear windows in the annex and the main house would all experience additional noise and disturbance due to the close proximity of the access road to the property.
27. Given the length, construction, and proximity of the access to No 3 the development would detract from the living conditions of the occupiers of that property. In this regard, the development would conflict with Policy LP26 of the CLLP and Policies H4 and D5 of the NP where these require development to respect its immediate surroundings and the amenities of existing occupants of neighbouring land and buildings.
28. As per the previous main issue there is no specific conflict with Policy H3 of the NP which relates to major development.

Other Matters

29. I acknowledge that Lincolnshire Fire and Rescue considers their concerns may be overcome by the appellant providing an automatic sprinkler system at their own expense, however, given my assessment above I have not found it necessary to resolve whether such a system would be suitable or could be sought by an appropriately worded condition.
30. I note that the appellant proposes to construct the dwellings to high environmental standards but in the absence of the site being well related to the existing built environment and the likely reliance on car use, I attach little weight to this matter.

Conclusion

31. The proposal would conflict with the CLLP and the NP in respect of the location of the proposed development, the integration of the development into the built environment and the living conditions of No 3 Bellbutts View. I attach substantial weight to these conflicts.
32. As the NP and the CLLP provide allocations and a strategy for meeting its housing needs within Scotter, I attach limited weight to the benefits of providing housing for over 55's. In addition, the social and economic benefits would be small.
33. Overall, for the reasons given above, I conclude that the proposal would conflict with the development plan and there are no material considerations, including the Framework, that would outweigh that conflict. Therefore, the appeal is dismissed.

Diane Cragg, INSPECTOR



Appeal Decision

Site visit made on 22 February 2022

by William Cooper BA (Hons) MA CMLI

an Inspector appointed by the Secretary of State

Decision date: 4th March 2022

Appeal Ref: APP/N2535/W/21/3280194

Rosemary Villa, 30 Wragby Road, Sudbrooke, Lincoln LN2 2QU

- The appeal is made under section 78 of the Town and Country Planning Act 1990 as amended against a refusal to grant planning permission.
 - The appeal is made by Mr Sath Vaddaram, Vaddaram Ltd against the decision of West Lindsey District Council.
 - The application Ref: 142148, dated 12 December 2020, was refused by notice dated 4 February 2021.
 - The development proposed is described as demolition of the existing dwelling and erection of a large house of multiple occupation (sui generis use class) with associated access alterations, vehicle parking and landscaping - resubmission of planning application 140180.
-

Decision

1. The appeal is allowed and planning permission is granted for demolition of the existing dwelling and erection of a large house of multiple occupation (sui generis use class) with associated access alterations, vehicle parking and landscaping at Rosemary Villa, 30 Wragby Road, Sudbrooke, Lincoln LN2 2QU in accordance with the terms of the application, Ref: 142148, dated 12 December 2020, and the plans submitted with it, subject to the conditions on the attached Schedule A.

Application for costs

2. An application for an award of costs was made by Mr Sath Vaddaram, Vaddaram Ltd against West Lindsey District Council. This application is the subject of a separate decision.

Preliminary Matter

3. A new version of the National Planning Policy Framework (the Framework) was published in July 2021. The parties have had opportunity to comment on the engagement of this new policy document in relation to the appeal, and so will not be disadvantaged by my consideration of it.

Main Issue

4. The main issue in this case is whether the proposal would be suitable in terms of a) the effect of the proposed development on the living conditions of neighbouring occupiers of No 28 Wragby Road, with particular regard to noise and vibration disturbance, air quality, land use compatibility, and b) development function and quality.

Reasons

5. The appeal site comprises a two-storey detached house at one end of a row of four detached dwellings. The host row is located on the south-eastern side of the A158 Wragby Road. A public footpath runs alongside one side of the appeal property, and beyond that fields lie beyond three sides of the row of dwellings.
6. The proposal would entail an eight bedroom house of multiple occupation (HMO), with four parking spaces at the front, and to the rear four more parking spaces accessible through an archway in the building, and a garden area.
7. A Noise Impact Assessment (NIA) of the proposal has been prepared by the appellant's acoustics, noise and vibration consultants since the previous appeal dismissal¹. Much of the side boundary between the appeal property and No 28 is open, which contributes to the locational suitability of the NIA, to relevantly assess the noise impact of the proposal.
8. I observed during my site visit, albeit a snapshot in time, that in front of the host row of dwellings Wragby Road is an apparently busy stretch of A-road with a 50mph speed limit, and a steady stream of car and lorry traffic passing relatively close by in both directions. This resulted in an almost constant whooshing sound of vehicle noise, noticeable from the front and rear of the appeal property. As such, the proximity of the road and its associated vehicle noise is a distinctive factor in the setting of the site.
9. Within this context, up to eight cars at the proposed development would be a minor proportionate addition to vehicular volume and soundscape, on and in the vicinity of the appeal site.
10. Furthermore, the proposal would include the addition of some perimeter walling, including along the side boundary with No 28. The Council's Environmental Protection Officer considers that such an acoustic barrier would be a suitable solution in containing actual and perceived effects of vehicle movements. Within the road noise context, and given the NIA's indication that the proposal would not cause significant additional noise, and the addition of the perimeter wall would be acoustically positive, I agree on this point.
11. Also, the south-eastern side wall of the proposed building's archway access to the four rear parking spaces would provide further separation of vehicle movement from the neighbouring property.
12. The proposed rear garden space is at the bottom of the garden, furthest away from the host row of houses, and not adjoining much of No 28's rear garden. Also, it is unlikely that all the residents of the HMO would regularly use the rear garden at once. Together these factors indicate it is unlikely that the proposal would result in an intensity of garden activity that would harmfully detract from neighbours' enjoyment of their garden.
13. As indicated by the Council's Senior Development Management Officer², licensing regulations could be used to control occupancy levels at the property. Also, even if other persons were, for example, to visit the up to eight envisaged residents of the HMO, the quantity of proposed parking spaces and area of

¹ Appeal Ref: APP/N2535/W/20/3245962 (the 2020 appeal decision).

² As stated on page 150 of the Minutes of the Planning Committee, 3 February 2021.

- garden would not increase beyond those assessed, and so would limit the scope for more comings and goings and activity on the site.
14. Furthermore, appropriate details of waste storage and management arrangements can be secured by planning condition
 15. Given this combination of factors, I find that within the context of the residential row of detached houses facing an apparently busy stretch of A-road, the proposal is not likely to result in an unduly harmful increase in noise and vibration impacts, and air quality impacts from odour, fumes, smoke, dust and other sources, for neighbouring occupants of No 28 Wragby Road. As such, amenity considerations r and s of Policy LP26 of the Central Lincolnshire Local Plan (LP) would be satisfied.
 16. Furthermore, the proposed boundary wall would help to visually contain vehicle and other domestic light at the proposed HMO. Within the context of the residential row, this would avoid a harmful increase in artificial light spill or glare from the appeal proposal for neighbouring occupants of No 28 Wragby Road. As such, amenity consideration q of Policy LP26 of the LP would be satisfied.
 17. In terms of how the proposal would fit in with the character of the area, the Inspector in the 2020 appeal decision found that the proposed building and roof form, front elevation line and ridge alignment with the host row, viewed in conjunction with dwellings to the south-west would together help make the scale and appearance of the proposed development acceptable. I agree on this point. Furthermore, I attach a planning condition for retention of the appeal site's perimeter hedging adjoining the countryside, as suggested by the previous Inspector, to further help protect local character.
 18. Also, the proposal would provide modern en-suite HMO accommodation with off-street parking in a detached building of sympathetic design, thus adding to local housing choice in the village, within the context of an existing row of detached dwellings that is accessible to the A158.
 19. Consequently, the proposed development is likely to function well during its lifetime, and add to the quality of the area. As such, the proposed development would accord with paragraph 130 (a) of the Framework³. Also, it would be compatible with neighbouring land uses, in accordance with amenity consideration m of Policy LP26 of the LP.
 20. I therefore conclude that while the proposal would entail an intensification of residential activity and occupation at the end of this row of dwellings, it would not harm the living conditions of neighbouring occupants of No 28 Wragby Road, in terms of noise and disturbance, artificial light glare, air quality and land use compatibility. It would also deliver acceptable development function and quality.
 21. As such, the proposal would not conflict with amenity considerations m, q, r and s of Policy LP26 of the LP and criterion b) of Local Design Principle 2 of Policy 9 of the Sudbrooke Neighbourhood Plan, which together seek to ensure

³ Previously numbered as paragraph 127a) in the superseded version of the Framework.

that development achieves suitable design quality, including by safeguarding residents living conditions.

Other Matters

22. The proposal would provide residential accommodation on a residential site, albeit in a larger and intensified form, perimeter hedging would be retained, and a garden area adjoining countryside would be included, with scope for birds and other wildlife to use it. As such, the proposal would be acceptable in terms of wildlife interest.
23. Given the identified acceptability of various aspects of the proposal, and that each development proposal is to be determined on its own merits, allowing this appeal would not establish an inappropriate precedent.

Conditions

24. The conditions suggested by the Council have been considered against the tests of the Framework and advice provided by Planning Practice Guidance. They have been broadly found to be reasonable and necessary in the circumstances of this case. I have made minor drafting changes in the interests of precision.
25. In addition to the standard commencement condition, a condition is necessary requiring that the development is carried out in accordance with the approved plans, in order to provide certainty. A condition relating to drainage is necessary to secure appropriate drainage provision. A condition covering vehicular space is necessary in the interests of highway safety. A condition regarding waste is attached to ensure appropriate waste storage and collection arrangements. Conditions regarding materials and hedging are attached to safeguard the character and appearance of the area. A condition covering boundary walling is necessary in the interests of the living conditions of neighbours.

Conclusion

26. The proposed development would adhere to the development plan and there are no other considerations which outweigh this finding. Accordingly, for the reasons given, the appeal succeeds.

William Cooper

INSPECTOR

Schedule A) Conditions

- 1) The development hereby permitted shall begin not later than three years from the date of this decision.
- 2) The development hereby permitted shall be carried out in accordance with the following approved plans: L-ADD-026 - 01 Site Location Plan; L-ADD-026 - 02, 1:500 Block Plan; L-ADD-026 - 03 Existing Site Plan; L-ADD-026 - 04 Existing Floor Plans; L-ADD-026 - 05 Existing Elevations; L-ADD-026 - 10 Proposed Site Plan; L-ADD-026 - 11 Proposed Ground & First Floor Plans; L-ADD-026 - 12 Proposed Second Floor & Roof Plans; L-ADD-026 - 13 Proposed Elevations; L-ADD-026 - 14 Proposed Street Elevation.
- 3) No development above foundation level shall take place until there shall have been submitted to and approved in writing by the local planning authority details of the means of foul and surface water drainage, including percolation tests. The approved details shall be implemented in full prior to occupation of the development.
- 4) Prior to occupation of the development hereby permitted, the vehicular access amendments, vehicular access through the building, and parking and turning areas, as shown on drawing L-ADD-026-10 shall be provided. The measures implemented as approved shall be retained thereafter.
- 5) Notwithstanding the submitted details, prior to occupation of the development hereby permitted there shall have been submitted to and approved in writing by the local planning authority details of waste storage and collection arrangements. The details as approved shall be adhered to thereafter.
- 6) Prior to their use in the development, details of the external finishing materials shall be submitted to and approved in writing by the local planning authority. Development shall be implemented in accordance with the approved details.
- 7) The existing boundary hedge along the north-eastern and south-eastern perimeters of the site, as illustrated on Proposed Site Plan drawing L-ADD-026 - 10, shall be preserved during construction, and retained and maintained thereafter as a green screening element alongside the adjoining right of way and countryside.
- 8) Prior to commencement of the development hereby permitted, details of boundary wall heights and highway visibility splays shall be submitted to and agreed in writing by the local planning authority. The walling as approved shall be constructed prior to the first occupation of the development, and retained and maintained while the development is in use.



Costs Decision

Site visit made on 22 February 2022

by William Cooper BA (Hons) MA CMLI

an Inspector appointed by the Secretary of State

Decision date: 4th March 2022

Costs application in relation to Appeal Ref: APP/N2535/W/21/3280194 Rosemary Villa, 30 Wragby Road, Sudbrooke, Lincoln LN2 2QU

- The application is made under the Town and Country Planning Act 1990 as amended, sections 78, 322 and Schedule 6, and the Local Government Act 1972, section 250(5).
 - The application is made by Mr Sath Vaddaram, Vaddaram Ltd for a full award of costs against West Lindsey District Council.
 - The appeal was against the refusal of planning permission for as demolition of the existing dwelling and erection of a large house of multiple occupation (sui generis use class) with associated access alterations, vehicle parking and landscaping - resubmission of planning application 140180.
-

Decision

1. The application for an award of costs is refused.

Reasons

2. Planning Practice Guidance (PPG) advises that, irrespective of the outcome of the appeal, costs may only be awarded against a party who has behaved unreasonably and thereby caused the party applying for costs to incur unnecessary expense in the appeal process.
3. The application centres on the applicant's claim that the Council: (a) made vague, generalised and inaccurate assertions about the proposal's impact, which were not supported by objective analysis and evidence; and (b) persisted in objections to elements of a scheme which an Inspector previously indicated to be acceptable.
4. PPG indicates that local planning authorities will be at risk of an award being made against them if they make vague, generalised and inaccurate assertions about the proposal's impact, not supported by objective analysis and evidence, or persist in objecting to elements of a scheme which an Inspector has previously indicated to be acceptable.
5. In respect of matter (a) I see some evidence in the Council's Appeal Statement, and the Planning Committee Minutes of 3 February 2021 of the rationale behind their decision to refuse planning permission.
6. It will be clear from my appeal decision that I have reached a different view from the Council regarding the impacts and suitability of the proposed development. Nevertheless, given the importance of safeguarding neighbours' living conditions, and some local residents' concerns about noise and other

matters, the Council was entitled to reach their planning judgement on matters cited in the reasons for refusal.

7. Regarding matter (b), the submission of the appellant's Noise Impact Assessment post-dates the previous Inspector's appeal decision¹. As the NIA was not available to the previous Inspector, they did not indicate their view on its content and application to the previous appeal case. Furthermore, as the previous Inspector dismissed the previous appeal on noise grounds, they did not previously indicate the appeal scheme to be acceptable. Consequently, the Council did not persist in objections to elements of a scheme which an Inspector previously indicated to be acceptable.
8. To conclude, I find that in relation to matters (a) and (b), the Council's behaviours was not unreasonable

Conclusion

9. I therefore find that unreasonable behaviour resulting in unnecessary or wasted expense, as described in the Planning Practice Guidance, has not been demonstrated. Accordingly, the application for costs fails.

William Cooper

INSPECTOR

¹ Appeal Ref: APP/N2535/W/20/3245962, dated 15 July 2020.



Appeal Decision

Site visit made on 23 November 2021

by E Worthington BA (Hons) MTP MUED MRTPI

an Inspector appointed by the Secretary of State

Decision date: 09 March 2022

Appeal Ref: APP/N2535/W/21/3270518

Land at the corner of Spital Street and North Street

- 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 Steven Ralff against the decision of West Lindsay District Council.
 - The application Ref 141017, dated 3 May 2020, was refused by notice dated 7 January 2021.
 - The development proposed is described as 'Change of use of land to Park. Stationing of vehicle for hot and cold foods. Provision of seating. Provision of raised area for seating, activities and entertainment. Provision of seating benches. Provision of wooden picket fencing at 1.5 metres height. Provision of metal storage shed. Provision of wheelie bin womery'.
-

Decision

1. The appeal is dismissed.

Procedural Matters

2. Since the proposal is in a conservation area and relates to the setting of a number of listed buildings, I have had special regard to sections 16(2), 66(1) and 72(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 (the Act).
3. The appellant's name is spelt as Ralff on the planning application form, but as Ralf on the Certificate B and the Council's decision notice. However, since Ralff is also used on the appeal form, I have used this spelling in my heading above.
4. At the time of my visit the use of the site as a park had commenced and some of the development referred to in the application and shown on the plans had taken place. However, since it has not been implemented in its entirety (the storage unit for example was not in place), I will continue to refer to the scheme overall as a proposal.
5. The decision notice refers to the effect of the proposal on nearby listed buildings and non-designated heritage assets. Whilst the County Court Building and 12 North Street are specifically mentioned, no other buildings are identified. Additionally the Conservation Officer's comments refer to other listed buildings in close proximity the site. The Council has clarified which these are, and in the interests of fairness the appellant has been given the opportunity to provide further comments in relation to them. These buildings are therefore also considered in my decision.

Application for Costs

6. An application for costs has been made by Mr Steven Ralff against West Lindsay District Council. The application is the subject of a separate Decision.

Main Issues

7. The main issues are whether the proposal would preserve or enhance the character or appearance of the Gainsborough Britannia Conservation Area, and whether it would preserve the settings of nearby listed buildings and non-designated heritage assets.

Reasons

Conservation Area

8. The appeal site is an open area of land in a prominent location on the corner of North Street and Spital Terrace in the centre of Gainsborough. It is within the Gainsborough Britannia Conservation Area which covers part of the central area of the town. This includes a mix of residential, commercial and industrial uses and is centred on the Britannia Works, a substantial Grade II listed former industrial building.
9. The character and appearance of the conservation area includes a variety of high quality historic buildings in a formal urban setting with some open spaces at key junctures and reflects the prosperity and growth of Gainsborough in the 19th century. I consider that the significance of the conservation area, in so far as it relates to this appeal, is mainly derived from the quality and variety of the historic buildings, the use of high quality local materials and traditional detailing, and the relationship of the buildings to each other and the spaces around them that make up the distinctive and cohesive townscape. As an open green space in a key and prominent roadside position at an important road junction which is recognised as a primary entrance/gateway to the town centre, the appeal site contributes positively to the historic character and appearance of this part of the conservation area.
10. Whilst I note that the Conservation Area Appraisal (CAA) identifies the appeal site as a negative factor within the conservation area (it is described as a weak corner and poor open space and is identified on the accompanying plan as a negative influence and lost corner), I consider that these findings relate predominantly to the condition and maintenance of the site.

Settings of the listed buildings and non-designated heritage assets

11. There are a number of listed buildings nearby, as well as other buildings which the Council identifies as non-designated heritage assets. The County Court Buildings, Market Street, is a Grade II* listed building (Ref:1063525) to the south west of the appeal site. Built in 1759 it is a grand and elegant civic building of some stature, and as a Grade II* building it is particularly important and of more than special interest.
12. 14 Spital Terrace is a Grade II listed building (Ref: 1063492) and is an early 19th century two storey grey brick house on the south side of Spital Terrace to the east of the appeal site. Cleveland House at 16 Spital Terrace adjoins No 14 on its eastern flank and is also Grade II listed (Ref: 1168458). This is an

attractive early 19th century two storey house in pale brick. The listings for Nos 14 and 16 also indicate that numbers 10 to 24 (even) Spital Terrace form a group of which Nos 10 and 12, and 18 to 24 (even), are of local interest. This group which form a cohesive collection of two storey properties constructed of pale brick and historically occupied as houses.

13. Turning to the non-designated heritage assets, the former Post Office Building at 12 North Street, now the Heritage/Welcome centre is an imposing, three storey red brick and ashlar building which turns the corner into Spital Terrace and dates to 1904. It is a strong corner feature built up to the back edge of the pavement in a prominent position highly visible at the busy road junction. Further to the east, 11 Spital Terrace is on the north side of Spital Street and is the former temperance hall built in the late 19th century.
14. Despite their different ages and architectural styles and types, and accepting that they all have their own particular features of interest and significance, there is nevertheless a cohesiveness to this impressive concentration of town centre buildings. Thus, this grouping of heritage assets has a shared significance. Insofar as relating to this appeal, this common significance is derived from their historic interest as town centre buildings which collectively provide evidence of the role and status of the town and its historic development.
15. The settings of these buildings, and the contribution they make to the significance of those assets, in so far as they relate to this appeal, is derived from the rich historic character of the urban townscape and its buildings, streets and spaces.
16. The Framework defines setting as the surroundings in which a heritage asset is experienced. The appeal site is an open corner site in a prominent position which has a presence in North Street and Spital Terrace. Whilst it is screened by buildings in longer range views on approach from the south on North Street and from the east along Spital Terrace, the appeal site is highly visible on approach from the north along North Street including at its junction with Roseway. From here more open views of the site are possible despite the slight curve of North Street and the existing buildings there. It is also prominent on approach from the west along the initial section of Spital Street when leaving the roundabout.
17. The County Court Buildings are located to the south west of the appeal site, on a prominent junction at the corner of Market Street and Beaumont Street. Whilst it is not in particularly close proximity to the appeal site, this important building is seen as a strong terminating feature when looking south down North Street with the appeal site in the foreground. Whilst Cleveland House at 16 Spital Street is separated from the appeal site by 14 Spital Terrace, the appeal site adjoins the flank wall of Nos 10 and 12 Spital Terrace and is directly at the western end of this group which includes the listed buildings at Nos 14 and 16. Views of the flank of this grouping from the west are taken with the appeal site in the foreground.
18. The former Post Office Building at 12 North Street occupies the corner opposite the appeal site and has a direct and facing relationship with it with high levels of intervisibility. The former Temperance Hall is also on the other side of Spital Terrace opposite the appeal site a little to the east, but more oblique views between that building and the appeal site are still possible.

19. This being so, the collection of buildings are close to the appeal site, some over-look it or border it, and others form part of the back drop to it. Overall I consider that there is inter-visibility to varying extents between all the identified buildings (or groups of buildings) and the appeal site, and that some contextual views of the buildings include the appeal site. Thus the appeal site has a visual relationship with the buildings and the urban townscape, and therefore contributes to their settings. I have had special regard to this matter in considering the appeal.

The effect of the proposal

20. The proposal seeks the use of the site as a pocket park and the siting of a catering vehicle which will serve hot and cold food and drink. It also includes seating, raised areas, fencing, raised planters and a storage shed. I understand that the site was previously unkempt and overgrown and that the proposal would result in improvements to the appearance of the site and the public realm whilst for the most part retaining the site's open nature.
21. That said, in placing the catering vehicle and the storage shed on the site, the proposal would introduce two sizeable units to what was an open area. The catering vehicle would be a significant moveable trailer measuring around 7.5 metres by 2.1 metres that would have a wood effect external finish and corrugated metal roof. The description of development refers to a metal storage shed and the proposed site plan indicates a metal shed in the area immediately adjacent to the catering vehicle measuring 5.18 metres by 3.6 metres. However, the photos submitted with the application show a timber storage shed, and the graphic in the appeal statement refers to a timber clad container.
22. In any event, both of these proposed units would be considerable in size and have a modern and somewhat rudimentary appearance and makeshift feel. Due to their functional design, utilitarian pre-fabricated nature and use of basic low quality materials, they would not be appreciated as development with any architectural quality or merit. They would fail to replicate the high quality materials, detailing and materials that characterise the conservation area, and as a result would stand out as incongruous and jarring additions to the site.
23. I have had regard to the nearby highway infrastructure including the pedestrian/traffic control paraphernalia such as railings, street lights, traffic lights close to the site, along with the noise from vehicles, as well as the other development nearby referred to by the appellant, including the Methodist church on North Street and the KFC on Roseway. However, even in this context, I consider that the proposal would appear unduly discordant and intrusive.
24. I have also considered the appellant's suggestion that the colour of the catering vehicle could be changed and controlled via a planning condition, but have seen no evidence to suggest what alternative finish is intended or to explain what specific mitigation this measure would provide. I also note the suggestion that landscaping could be provided, but have seen no details as to what is proposed in this regard or where it would be provided. Thus, I am not persuaded that these factors would lessen the proposal's unsatisfactory appearance to any meaningful extent.

25. The appeal site is in a prominent position on an important road junction at a primary entrance/gateway to the town centre. It is also within a sensitive historic townscape and has a visual relationship with a number of heritage assets as described. I accept that the catering vehicle and the shed would not take up all of the site, the majority of which would remain open and landscaped. Whilst I have seen nothing to suggest that they would not be permanently sited there, I also acknowledge that given their pre-fabricated nature the units could be readily removed from the site and that the development would be easily reversible.
26. Nevertheless, in introducing built form into an otherwise open green space and creating a crude utilitarian collection of buildings of an unsympathetic design within the settings of the nearby historic buildings, the proposal would unacceptably detract from the open space and historic townscape and diminish the contribution of the settings of those buildings to their significance. For these reasons I find that the proposal would fail to preserve the settings of the nearby listed buildings and non-designated heritage assets.
27. In undermining the settings, which also contribute to the historic significance of the conservation area, the proposal would also detrimentally affect how the conservation area is experienced. I therefore consider that the proposal would cause harm to the significance of the conservation area and would fail to preserve its character and appearance.

Heritage Balance

28. I therefore conclude on the main issues that the proposal would fail to preserve or enhance the character or appearance of the Gainsborough Britannia Conservation Area and would not preserve the settings of the nearby listed buildings and non-designated heritage assets. I give this harm considerable importance and weight in the balance of this appeal.
29. The Framework considers non-designated heritage assets at paragraph 203 and indicates that the effect of an application on the significance of a non-designated heritage asset should be taken into account in determining the application. In weighing applications that directly or indirectly affect non-designated heritage assets, a balanced judgement will be required having regard to the scale of any harm or loss and the significance of the heritage asset.
30. The Framework advises at paragraph 199 that when considering the impact of a proposal on the significance of a designated heritage asset, great weight should be given to the asset's conservation. Paragraph 200 goes on to advise that significance can be harmed or lost through the alteration or destruction of those assets or from development within their setting and that this should have a clear and convincing justification. I find the harm to be less than substantial in this instance, but nevertheless of considerable importance and weight. Paragraph 202 requires that less than substantial harm should be weighed against the public benefits of the proposal, including where appropriate, securing its optimum viable use.
31. The site was previously overgrown and fenced off. It has been cleared and tidied, the metal security fence removed, and the Council acknowledges that visual improvements to the public realm arising from the proposal would enhance the site which is recognised as a negative factor in the CAA. The use

- of the site as proposed would also bring the open space element back into active maintenance and management and help to ensure that it does not fall back into neglect.
32. The site would be run by a charitable community organisation and provide a new social community facility within the town centre. The appellant intends to run a range of family activities and events for all and create a new vibrant community space providing food, drinks and entertainment. Third parties support the proposal which they consider would bring life to this part of town, provide locally sourced produce and freshly cooked food, and create a unique experience for visitors. Additionally the proposal would lead to a diversification of the food and drink offer in the town, provide some potential employment opportunities, and contribute to the regeneration of the town centre. These are all public benefits of the proposal.
33. However, given the proposal's limited scale in terms of business activity, the economic benefits that would arise to the vitality and viability of the town centre, job creation and regeneration would be modest. Additionally, I am mindful that the benefits outlined that would arise from the provision of a new food and drink facility/social venue on the site could be gained via an alternative less harmful scheme.
34. Furthermore, I have seen nothing to demonstrate that improvements to the open space and use of the site as pocket park could not be provided in the absence of the appeal scheme or are necessarily dependent on the siting of the catering vehicle and the storage shed. Whilst I understand that prior to the appellant taking over the site it was derelict and fenced off with no public access, the CAA indicates that historically there always appears to have been open space at this junction. It also recognises the potential for landscaped environmental improvement and enhanced planting there. The appellant's heritage statement refers to the formalisation of the historic default use of the site as public open space in the guise of a pocket park. As such, it appears that the site has longstanding use as an accessible open space.
35. The benefits of the proposal are thus tempered by these factors. Accordingly, I give the public benefits arising from these matters only limited weight. No other public benefits have been put forward which would outweigh the harm to the designated heritage assets I have identified. Thus, I find that overall the public benefits of the proposal would not outweigh the harm to the significance of the designated heritage assets that I have identified. That the proposal was recommended for approval by the case officer does not alter my view.
36. The proposal would thus be contrary to Policy LP25 of the Central Lincolnshire Local Plan (Local Plan) which requires proposals to protect, conserve and seek opportunities to enhance the historic environment. It would also be at odds with Local Plan Policy LP26 which requires all development to achieve high quality sustainable design that contributes positively to local character, landscape and townscape and supports diversity, equality and access for all. Furthermore it would fail to align with Local Plan Policy LP38 which requires development to seek to make a positive contribution to the built and natural environment and quality of life in Gainsborough and to protect, conserve and where appropriate enhance the benefits of heritage assets through sensitive development and environmental improvement (a).

37. The reason for refusal also refers to Policy NPP18 of the emerging Gainsborough Neighbourhood Plan which seeks to protect and enhance the heritage assets and states that (amongst other things) development in the conservation areas should demonstrate an understanding of the history and industrial quality of the area (7) and must demonstrate that any public benefits should on balance outweigh harm to the heritage value of these heritage assets (9). The Council's statement confirms that this has now been 'made' and forms part of the development plan. The proposal would also be contrary to this policy.
38. For these reasons the proposed development and works would fail to satisfy the requirements of the Act and paragraph 197 of the Framework and would be in conflict with the development plan.

Other Matters

39. I have considered the possibility of granting a temporary planning permission (since a permission with a limited period would to some extent lessen the scheme's impact on heritage assets and reduce the amount of resultant harm). However, the Guidance indicates that circumstances where a temporary permission may be appropriate include where a trial run is necessary in order to assess the effect of the development on the area, or where it is expected that the planning circumstances will change in a particular way at the end of that period. It has not been put to me that such circumstances apply in this instance, and I am conscious that the proposed use has been in operation since 2020. On this basis I am not convinced that a temporary permission is justified.
40. Reference is made to the appeal proposal being preferable to previously proposal for flats on the site. I have seen no further details of that scheme or as to the possibility or likelihood of it being implemented and confirm in any event that I have considered the proposal on its own planning merits and made my own assessment as to its impacts. As such, this is not a reason to allow development I have found to be harmful.
41. I note the appellant's view that the catering vehicle is a non-permanent use of land and is not operational development. I also acknowledge that he considers some elements of the proposal (such as the flower beds, planters, decking and planting, and picnic tables and benches) not to require planning permission and the fence to be permitted development. Within the context of an appeal under Section 78 of the Act it is not within my remit to formally determine whether the proposed development requires planning permission.
42. In order to establish these matters the correct approach is for the appellant to make an application under section 191 or 192 of the 1990 Act for a certificate of lawful use or development. The elements highlighted by the appellant form part of the appeal proposal and so are for me to consider on their merits when looking at the scheme as a whole. In the absence of any further information that would allow a comparison to be made, or to suggest that this alleged fallback position would be more harmful than the appeal scheme, this matter adds no weight in favour of the appeal scheme.

43. The appellant refers in detail to the calling in of the planning application to planning committee and the conduct of members at the meeting. Whilst this matter is also referred to in the appellant's costs application and my Costs Decision, I confirm that this is a matter between the Council and the appellant. It has no bearing on the planning merits of the case considered in this Decision.

Conclusion

44. For the reasons set out above, and having regard to all the other matters raised, I conclude that the appeal should be dismissed.

E Worthington

INSPECTOR

Costs Decision

Site visit made on 23 November 2021

by E Worthington BA (Hons) MTP MUED MRTPI

an Inspector appointed by the Secretary of State

Decision date: 09 March 2022

Costs application in relation to Appeal Ref: APP/N2535/W/21/3270518 Land at the corner of Spital Street and North Street

- The application is made under the Town and Country Planning Act 1990, sections 78, 322 and Schedule 6, and the Local Government Act 1972, section 250(5).
 - The application is made by Mr Steven Ralff for a full award of costs against West Lindsay District Council.
 - The appeal was against the refusal of planning permission for change of use of land to Park. Stationing of vehicle for hot and cold foods. Provision of seating. Provision of raised area for seating, activities and entertainment. Provision of seating benches. Provision of wooden picket fencing at 1.5 metres height. Provision of metal storage shed. Provision of wheelie bin womery.
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Decision

1. The application for an award of costs is refused.

Procedural Matter

2. The application for costs does not indicate if a full or partial award is sought. However, since the appellant considers the appeal to be unnecessary, I have considered the application as being for a full award of costs.

Reasons

3. The National Planning Guidance (the Guidance) advises that where a party has behaved unreasonably and this has directly caused another party to incur unnecessary or wasted expense in the appeal process, they may be subject to an award of costs.
4. One of the aims of the costs regime is to encourage local planning authorities to properly exercise their development management responsibilities and only rely on reasons for refusal which stand up to scrutiny on the planning merits of the case, not to add to development costs through avoidable delay.
5. The appellant refers to two examples of unreasonable behaviour set out in the Guidance. Preventing or delaying development which should clearly be permitted having regard to its accordance with the development plan, national policy and any other material considerations, and refusing planning permission on a planning ground capable of being dealt with via conditions.
6. Whilst the appellant indicates that these points are discussed in detail in the appeal statement, no further details are given in the costs application. Additionally, matters of unreasonable behaviour and wasted expense are not specifically addressed or explained in the appeal statement.

7. The Guidance¹ is clear that any application for costs will need to clearly demonstrate how any alleged unreasonable behaviour has resulted in unnecessary or wasted expense. The appellant's appeal statement considers the discussion of the appeal scheme at planning committee in some detail and raises concerns in this regard. These centre on the alleged the pre-determination of the scheme by elected members but do not allege unreasonable behaviour. That said, the appellant's reply to the Council's costs response indicates that the elected members considered non-planning matters, failed to take account of the updated Conservation Officer's comments, and refused to enter into discussion with the committee members/the case officer to allow points to be addressed. It is these actions that the appellant considers to be unreasonable.
8. The Guidance indicates that costs cannot be claimed for the period during the determination of the planning application. Whilst I am able to consider behaviour and actions at the time of the planning application, costs can only be awarded in relation to unnecessary or wasted expense at the appeal. As set out in my Appeal Decision, I have found that proposed development would be harmful and have dismissed the Appeal. I have come to this view based on all the evidence before me. On this basis, I am not persuaded that the Council has relied on reasons for refusal which do not stand up to scrutiny on the planning merits of the case, or added to development costs through avoidable delay. Thus, since the appeal could not have been avoided, the appellant has not been put to unnecessary or wasted expense.
9. In line with the advice in the Guidance, for the reasons set out in my Appeal Decision, since I consider that the local planning authority has refused a planning application for a proposal that is not in accordance with the development plan, and no material considerations including national policy indicate that planning permission should have been granted, there is no grounds for an award of costs against the local planning authority for the unreasonable refusal of the application.
10. I am therefore content that the Council has not behaved unreasonably and the appellant's costs in mounting the appeal were not unnecessarily incurred. Consequently, the application for an award of costs is refused.

E Worthington

INSPECTOR

¹ Paragraph 032 Reference ID: 16-032-20140306