

## AGENDA

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

**Planning Committee**  
**Wednesday, 25th May, 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 - 12)
  - i) Meeting of the Planning Committee held on 27 April 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**

- a) 144526 - Land at Eastfield Lane, Welton (PAGES 13 - 46)
- b) 144639 - Church Farm, Church Lane, Stainton By Langworth (PAGES 47 - 60)
- c) 144395 - Barnaby, 18 Rasen Road, Tealby (PAGES 61 - 75)
- d) 144620 - 1 Maltings Court, Market Rasen (PAGES 76 - 79)

7. **Determination of Appeals**

As at 17 May 2022, there were no appeal determinations to be noted.

Ian Knowles  
Head of Paid Service  
The Guildhall  
Gainsborough

Tuesday, 17 May 2022

## WEST LINDSEY DISTRICT COUNCIL

MINUTES of the Meeting of the Planning Committee held in the Council Chamber - The Guildhall on 27 April 2022 commencing at 6.30 pm.

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

Councillor David Cotton  
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 Development Management Team Manager  
Martha Rees Legal Advisor  
Rachel Woollass Development Management Team Leader  
Ian Elliott Senior Development Management Officer  
Richard Green Planning Officer  
Joanne Sizer Area Development Officer  
Katie Storr Democratic Services & Elections Team Manager  
Andrew Warnes Democratic and Civic Officer

**Also In Attendance:** Three members of the public

**Apologies:** Councillor Matthew Boles  
Councillor Michael Devine  
Councillor Cherie Hill

### 117 PUBLIC PARTICIPATION PERIOD

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

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

**RESOLVED** that the minutes of the meeting of the Planning Committee held on Wednesday, 30 March 2022 be confirmed and signed as an accurate record.

## **119 DECLARATIONS OF INTEREST**

The Chairman made a non-pecuniary declaration on behalf of all Members of the Committee that attended the site visit, in relation to application number 144197 (agenda item 6b), that at the close of the meeting, the Chairman invited the objectors to give comment to the application, and the Committee did listen, but provided no other comment or debate subsequently to the statement.

Councillor D. Cotton declared a non-pecuniary personal interest, in relation to agenda item 6b, application number 144197, as he felt acquainted with the applicant and was not able to give an impartial view and stepped down from the Committee for the duration of that item.

Councillor D. Cotton declared that he was a Parish Councillor for Saxilby and Ward Member for Saxilby, in relation to agenda item 6c, application number 144491, but he would remain on the committee for that item, and speak as a Member of the Planning Committee.

Councillor J. Summers declared that he was Ward Member for Waddingham and Spital, in relation to agenda item 6a, application number 143957, and had given a previous opinion on the application. He 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.

Councillor J. Summers declared that he was Ward Member for Waddingham and Spital, in relation to agenda item 6d, application number 144418, and had given a previous opinion on the application. He 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.

Councillor J. Summers also declared, for transparency, that he had met the applicants before, in relation to agenda item 6b, application number 144197, and had discussed the application in question.

Councillor C. McCartney declared that she had not been able to attend the site visit in relation to agenda item 6b, application number 144197, and though would stay in the room for the item, would not comment or vote on the item.

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

The Development Management Team Manager advised the Committee that there were no updates to Government or Local Changes in Planning Policy since the previous Planning Committee Meeting on 30 March 2022.

## **121 143957 - LAND ADJ MANOR COTTAGE, CLIFF ROAD, SAXBY, MARKET RASEN**

The Chairman introduced the first item of the meeting, planning application number 143957, to erect 1no. detached dwelling and creation of vehicular access, at Land adjacent to Manor Cottage, Cliff Road, Saxby, Market Rasen. The Officer informed the Members of the Committee that there were no updates to the report, with the application deferred at the last committee meeting for a site visit, which took place on 7<sup>th</sup> April.

The Chairman invited the only Speaker, Local Ward Member Councillor Jeff Summers, to address the Committee.

The Member stated that he was at the site visit and that it was evident that it was a hamlet. He believed that there was no one single aspect with any strength to have this application refused. He expressed that the proposed development fitted the street scene perfectly and felt that LP 26 had to be considered.

**Note:** Councillor J. Summers stepped down from the Committee for the rest of this item and left the Council Chamber at 6.41 pm.

The Chairman then invited comments from Members of the Committee.

Debate ensued, and observations were made by Members from the site visit. These comments included the property's design, with Members commenting that the proposed design was the reverse of the properties in the surrounding area of Saxby. There was a possibility of conditioning the materials to be more in keeping with the nearby properties.

There was also consideration regarding the hamlet nature of the application. One Member commented that there was too much distance between the properties for Saxby to be classed as a hamlet, and being one long line of houses. There was a remark that the proposed application was development in the countryside, contrary to LP2. A separate Member commented that the impact on the church as highlighted in the report was not in view, and noted that the hamlet definition was a bit redundant with Lincolnshire villages being small farms around development.

The Development Management Team Manager informed Members that the Local Plan no longer had defined settlement boundaries and if Saxby was a hamlet, it would have to meet the written definition as defined by LP2, section 7 of the Central Lincolnshire Local Plan. The key issue was whether the buildings were "clearly clustered" together as a single developed footprint. The Officer also confirmed that the proposed application would be considered under stricter categorisation if it was deemed not to be a hamlet.

The Officer advised that for material changes, the Committee would have to either reject the application and wait for a future application, or defer the item for the officers to discuss with the applicants and agent.

Having been moved and seconded, the Chairman took the vote and, with a majority vote, it was agreed that planning permission, as detailed in the Officer's recommendation, be **REFUSED**.

**Note:** Councillor J. Summers returned to the Council Chamber at 6.52 pm.

**Note:** Councillor D. Dobbie left the meeting at 6.52 pm.

## **122 144197 - LAND REAR OF 3 WALMSGATE, BARLINGS LANE, LANGWORTH**

**Note:** Councillor D. Cotton stepped down from the Committee for this item and left

the Council Chamber at 6.52 pm.

The Chairman introduced the next item of the meeting, application number 144197, for change of use of existing field to domestic use to grow seasonal fruit and vegetables, at Land rear of 3 Walmsgate, Barlings Lane, Langworth, Lincoln.

The Officer informed the Members of the Committee that there were no updates to the report, with the application deferred at the last committee meeting for a site visit, which took place on 7th April, followed by a short presentation. The Chairman then invited the first speaker, Steve Harper, the applicant for the application, to address the Committee. The applicant made the following statement.

After giving thanks for the site visit, the applicant stated that he would not repeat his previous remarks that expressed how he would use the land. He professed that he exclusively owned the field and that the lane around the back of the properties was only shared to facilitate access for all three Walmsgate dwellings.

The applicant explained that if the application was refused, the vehicles used to work the site would have to be sited at the front of the property. He asserted that previous comments about other neighbours objecting were incorrect. The speaker concluded by stating that he wanted to improve the land behind his property and use it for sustainable farming.

The Chairman thanked the speaker for his statement and invited the second speaker, Rick Poolton, an objector, to address the Committee. The objector made the following statement.

After giving thanks for the site visit, the speaker stated that he hoped the deferment would have given a chance for the applicant to answer the questions posed to him at the previous meeting. He reiterated that he felt that the application was a 'trojan horse' and that the applicant would be able to build on 50% of the land if the application was granted.

The speaker asserted that the proposed site was six times the size of the applicant's home, with over 200 metres to use. Mr Poolton felt that the applicant had not answered what he would do with the other 90% of the land, fearing it was on a commercial scale and would likely have a significant impact on his family's lives.

The speaker confirmed that he shared a private stone track, which allowed access to his paddock, and that allowing for possibly industrial-sized machinery would affect his health. The speaker concluded that the possible detriment would impact his human rights on his health, which included a possible ostentatious building.

The Chairman thanked the speaker for his statement and invited the Legal Adviser to comment on concerns about the impact on human rights made by the objector. The Legal Adviser drew Members' attention to the Officer's report on page 46 of the public report pack and stated that every Officer did consider the human rights implications for the individuals in each application when considering their recommendations.

The Chairman then invited comments from the Planning Officer and Development Management Team Manager. The Team Manager advised that the Members had to consider the application before them and that it was for a change from agricultural to a domestic use. It would allow the applicant to erect domestic outbuildings on up to 50% of the land as a permitted development right, There was a possibility of conditioning the application to remove said rights, but the Officer recalled that the applicant had previously stated this was a factor in making the application.

The Chairman then invited comments from Members. Debate ensued, and Members used

information learnt at the site visit to highlight their points.

Responding to a comment about the change of use and removing any permitted development rights for future occupiers, the Development Management Team Manager confirmed that any conditions would have to be reasonable and relevant. A temporary permission could be considered but The Officer stated that the applicant was looking to make a permanent change of use, which this application would give, in particular, the ability to build fixtures without conditions.

The Officer also advised that due to its agricultural use, the existing use would not fall within the definition of development.

Members also debated about the look of the application, with converse opinions on whether the developed site would be noticeable. Members also mentioned concerns about what would happen should the application be granted.

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

**Note:** Councillor D. Cotton returned to the Council Chamber at 7.19 pm.

### **123 144491 - LAND REAR OF 45 MILL LANE, SAXILBY**

The Chairman introduced the next item of the meeting, application number 144491, to erect 1no. dwelling, at Land rear of 45 Mill Lane, Saxilby, Lincoln. The Officer stated that there was no update to the report and gave a short presentation on the application. With no registered speakers, the Chairman invited comments from Members.

Debate ensued, and on the siting of the proposed application, Members debated the appropriateness of the 'back land' development, with some referencing that no other property in the area with similar settings in the local area. There were also comments that the proposed application was being 'shoe-horned' into the parcel of land. However, another Member thought 'back land' development was okay and felt the design was appropriate and spacious enough for anyone to live at the proposed development.

Members also gave reference to local planning policies and the broader Saxilby developments. Some Members concurred with the objection from Saxilby Parish Council and agreed that the proposed development contradicted the Saxilby Neighbourhood Plan. There was a broad discussion on developments in the fringe villages surrounding Lincoln. One Member expressed that there was enough permitted development at both the Church Lane and Sturton Lane sites, referencing that the highways in Saxilby were already at 95% capacity.

**Note:** Councillor D. Cotton declared that he was a Parish Councillor for Saxilby with Ingleby Parish Council.

In response to the street setting and the policy compliance, the Planning Officer commented that the application did conform with policy 2 of the Saxilby Neighbourhood plan, as it was within the footprint of the village, and that the design was appropriate in the scene, particularly with it being a small single-storey dwelling.

The Development Management Team Manager stated that the recommendation of granting considered the Central Lincolnshire Local Plan and the parish's Neighbourhood Plan. He

advised Members that though the Parish Council disagreed with the Officer's recommendation, it was the responsibility of the Planning Committee to determine whether they considered it complied with policy, in respect the pattern of development, in that it had to be appropriate, have scale and respect density.

Having been moved and seconded that the application be granted, the Chairman took the vote and with a majority vote against the written recommendation, the proposal was **LOST**.

The Chairman sought an alternate proposal. Members of the Committee expressed that the reasons for refusing the application were based on the proposal causing 'back fill' development. Members also noted that the proposed application was contrary to the Saxilby Neighbourhood Plan, specifically concerning Policy 2 of the Neighbourhood Plan.

This was proposed, seconded, and on taking the vote, it was agreed that permission be **REFUSED** for the following reasons:

*The form of development would be out of character and keeping with the prevailing area, contrary to Policy 2 of the Saxilby with Ingleby Neighbourhood Plan and the supporting Character Assessment.*

#### **124 144418 - SKITTLESTONE COTTAGE, FRONT STREET, NORMANBY BY SPITAL**

The Chairman introduced the next application of the meeting, planning application number 144418, to convert barn into dwelling being removal of condition 4 of planning permission 98/P/0752 granted 24 November 1998 - occupancy condition, at Skittlestone Cottage, Front Street, Normanby By Spital, Market Rasen. The Officer informed Members that there were no updates, and that gave a short presentation on the application, explaining that this application was to remove the occupancy condition.

The Chairman explained that there was one statement submitted from the applicant to be read aloud by the Democratic Services Officer, with the statement from Adele Morris. The following statement was read.

“Dear WLDC Planning Committee. As I currently live in South Africa, I am unable to attend your committee meeting therefore I would like to make a personal statement.”

“Health & financial implications regarding my planning application.”

“As I have not received any response to my complaints regarding the separate sale of The Old Beer House & The Beer Barn, I assume nothing has been done regarding this breach of the same planning condition as mine. This sets a precedence for my application.”

“As per my comments on Page 5 of my complaint (see attached) regarding WLDC’s Enforcement Action statement: ‘Local Planning Authorities should, where relevant, have regard to the potential impact on the health, housing needs and welfare of those affected by the proposed action...’”

“I wish to highlight my personal circumstances and health issues as WLDC have deemed this an appropriate subject which may influence their Planning Department decisions. I have been unable to sell them together for 7 years under the current restriction despite five different buyers trying to purchase them but were unable to proceed due to the restriction.”

“I have not lived there since 2014 & they have suffered considerable decay due to a company illegally letting them to tenants when the company reneged on our contract and



ceased paying the mortgage & refused to make repairs for the damage caused by their tenants.”

“I have cashed in my pension to pay for the refurbishment and cleaning of both properties in order to market them for sale – yet again. Due to the tenants actions, I have had a number of County Court Judgements place against my name which I discovered after I emigrated. This has had a great impact on my ability to raise any finance for further repairs.”

“I am unable to pay: the mortgage, the debts raised by the illegal tenants & my properties have been broken into by bailiffs looking for the tenants. I am disabled & have been unable to work since 2017. I have: Chronic widespread pain syndrome (fibromyalgia); Chronic fatigue syndrome; Chronic irritable bowel syndrome; Chronic mild cognitive dysfunction; Depression - hugely exacerbated by this ongoing situation.”

“Since I emigrated, I have been diagnosed with the following: Scoliosis - causing constant back pain; Brittle bone disease - causes bones to break without specific cause. Since October 2021, a chiropractor crushed a vertebrae in my spine. I have to wear a back brace the majority of the time. I broke my right wrist in a fall then several toes simply from stubbing my foot.”

“Had I remained in the UK, I would be able to claim disability benefit, housing benefit, etc but I am unable to receive any form of benefit and am totally reliant on my husband despite never being unemployed or claiming benefits in the last 56 years. The sale of my property represents the only income I am able to receive until I claim my state pension. I do not now have a financially secure future.”

“My properties represent my entire future financial security which will have to support me until I die. However, my application to separate my properties is NOT financially driven. I am currently at risk of having my properties repossessed unless sold within the next two months.”

“Further delay will result in the properties becoming derelict and therefore a financial burden to WLDC and a complete eyesore within an otherwise beautiful village affecting house prices nearby.”

“All estate agents have advised my properties will sell as separate units much more easily than together, see Pygott & Crones statement. If sold separately, both properties represent affordable housing for young families wanting to move to the village. My properties will be sold by auction within a month of your decision.”

“Each property has always been separately served for electric, water & oil. I have paid separate Council Tax on each property since 2005 & a further double Council Tax fine for an ‘empty property’ since I separated from my first husband in 2010 - as ‘I can’t live in both properties at once - if I live alone’.”

“Each has its own Land Registry number & details – See attached. Should you have any queries at all regarding my application please don’t hesitate to contact me.”

The Chairman thanked the Democratic Services Officer for reading the statement and invited the Local Ward Member Councillor Jeff Summers to address the Committee.

The Member noted that he had been a long-time advocate for the area and fully sympathised with the applicant, expressing feelings that the statement reflected an honest assessment of the applicant. He remarked that the applicant was losing money due to the properties being empty and the shocking state of disrepair caused by tenants. Having

experience with the area, the Member commented that there could be some possibility of using net curtains to increase the privacy between the two properties and other properties surrounding the proposed application site.

The Member then commented that the access and egress were similar to other granted applications by West Lindsey District Council, with thousands already built. The Member expressed that the Parish Council supported the application and that the concerns about LP26 were more about new build properties. He concluded that there was enough distance separating the relevant properties for privacy reasons and the possibility of using net curtains to increase privacy.

**Note:** Councillor J. Summers stepped down from the Committee for the rest of this item and left the Council Chamber at 7.49 pm.

The Chairman then invited the Development Management Team Leader to respond. The Officer stated that the damaged properties from previous tenants, were for a civil matter and that the personal circumstances surrounding the applicant were not a material consideration. The applicant is responsible for maintaining the property. The Officer then advised that with it dismissed at appeal and previously refused twice, and having been through 3 different local plans, there was still a concern about the amenity in the application. The separation between the windows was around 9.5m, less than the 21-metre general rule for residential properties.

Debate ensued, and Members discussed the application size and addressed some of the applicant's comments. Though there was sympathy for the applicant's situation, there was an agreement with the Planning Inspector's report when the application was last refused, and that there was a lack of amenity with the properties. There were also multiple comments that the properties would have been shoe-horned into the space available.

Having been moved and seconded, the Chairman took the vote and, with a unanimous vote, it was agreed that planning permission, as detailed in the Officer's recommendation, be **REFUSED**.

**Note:** Councillor J. Summers returned to the Council Chamber at 7.57 pm.

## **125 144360 - MARQUIS HOUSE, HIGH STREET, WADDINGHAM, GAINSBOROUGH**

The Chairman introduced the final application of the meeting, planning application 144360, for change of use of public house into 1no. dwelling including removal and replacement of existing extension, update front and rear windows, and install patio doors - resubmission of 142444 being variation of condition 2 of planning permission 143218 granted 12 August 2021 - amended windows and doors, at Marquis House, High Street, Waddingham, Gainsborough.

After a short presentation and with no updates to the report, the Chairman explained that there was one statement from Waddingham Parish to be read aloud by the Democratic Services Officer. The following statement was read.

"Waddingham Parish Council wish to make the following statement."

The Parish believes that, as the building is in a prominent position at the entrance to the village, the windows and doors at the front of the building should be replaced with ones that

reflect the heritage and character of the building. They should also give the maximum thermal and sound efficiency as possible.”

The Chairman thanked the Democratic Services Officer for reading the statement and invited comments from Members of the Committee.

Debate ensued, and observations were made about the design of the windows, with Members approving the usage commenting that the proposed windows do not lose the character of the building.

Members also felt that granting the application would not affect the nearby listed properties or the heritage. One Member expressed concerns about the submission from the conservation officer, and stated there was potential for confusion in the possible granting of the application due to the historic nature of the building.

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

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

1. The development hereby permitted must be begun before the end of the 24th August 2024.

**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. All windows and doors must be installed in strict accordance with plan 008 Rev 03 dated 23rd March 2022.

**Reason:** To ensure the windows and doors installed are appropriate to the site and the area including the setting of the nearby listed building to accord with the National Planning Policy Framework, local policy LP17, LP25 and LP26 of the Central Lincolnshire Local Plan and policy 8 of the Draft Waddingham and Brandy Wharf Neighbourhood Plan.

3. The rear extension hereby approved must be completed in strict accordance with the external materials approved in condition discharge application 143703 dated 7th October 2021.

**Reason:** To ensure the external materials used are appropriate to the site and the area including the setting of the nearby listed building to accord with the National Planning Policy Framework, local policy LP17, LP25 and LP26 of the Central Lincolnshire Local Plan and policy 8 of the Draft Waddingham and Brandy Wharf Neighbourhood Plan.

4. 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:

Approved in 143218:

- 103 Rev 01 dated 24th February 2021 – Site Plan

- 004 Rev 01 dated 14th March 2021 – Floor Plans
- 005 Rev 01 dated 14th March 2021 – Blank Side Elevation Plan Only

Approved in 144360:

- 008 Rev 03 dated 23rd March 2022 – Elevation and Window/Door details plan
- 009 Rev 00 dated 24th March 2022 – Window Detail

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, LP25 and LP26 of the Central Lincolnshire Local Plan 2012-2036 and policy 8 of the Draft Waddingham and Brandy Wharf Neighbourhood Plan.

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

NONE

## **126 DETERMINATION OF APPEALS**

There were no appeal determinations for noting.

The meeting concluded at 8.12 pm.

Chairman



# **Officers Report**

## **Planning Application No: 144526**

**PROPOSAL:** Outline planning application for residential development of 109no. dwellings, with access to be considered and not reserved for subsequent applications.

**LOCATION:** Land at Eastfield Lane Welton Lincoln Lincolnshire

**WARD:** Dunholme and Welton

**WARD MEMBERS:** Cllr Mrs D M Rodgers; Cllr S England and Cllr Mrs C M Grimble

**APPLICANT NAME:** Turley Farms Ltd

**TARGET DECISION DATE:** 02/06/2022

**DEVELOPMENT TYPE:** Major - Dwellings

**CASE OFFICER:** Rachel Woolass

**RECOMMENDED DECISION:** Refuse permission

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The application is presented to committee following the request of a Ward Member.

### **Description:**

The application site extends to 6.53 hectares and is situated immediately adjacent the north-eastern boundary of the village. The northern and eastern boundaries to the site are characterised by existing hedgerows with open countryside beyond. The southern-most section of the eastern boundary is bordered by the hedgerow adjacent to Eastfield Lane. There is an existing hedgerow along the site's entire southern boundary with existing dwellings immediately beyond and the continuation of Eastfield Lane which turns westwards into the centre of Welton.

The western boundary is demarked by hedgerow. The land immediately beyond the site's western boundary is currently allocated for housing and a recent full planning application was granted approval for 49 dwellings with attenuation pond, landscaping and boundary treatments in February 2022 (WLDC Planning Reference Number: 143728).

Public footpath WELT/54/1 runs along the western boundary.

The application site is currently in agricultural use as an arable field. The levels fall from a high point of approximately 18m AOD in the site's north western corner to approximately 15m AOD in the site's south eastern corner. There is an existing footpath which joins Eastfield Lane in the south to Mill Lane in the north, running immediately adjacent to the site's western boundary. There is an existing field entrance from Eastfield Lane in the site's south eastern corner.

Planning permission is being sought (in outline) to erect 109 dwellings on the site, with associated accesses, public open space and landscaping arrangements.

All matters of layout, scale, appearance and landscaping are reserved for subsequent approval ('reserved matters').

Access is to be considered with this application. Drawings submitted with the application show a singular vehicle access to the site. This access would be taken from Eastfield Lane, where the road bends around from a north to an east direction out of the village. The plans indicate pedestrian access to the public footpath on the western boundary (WELT/54/1) would be provided. They also indicate that vehicle and pedestrian walkways would run up to the western boundary.

**Relevant history:**

None

**Representations:**

**Cllr Mrs D M Rodgers:** As a District Councillor for Dunholme and Welton, I am deeply concerned by the implications of Planning Application No 144526, and ask that it be referred to the Planning Committee, where a wide range of implications can be carefully and comprehensively considered.

A Central Lincolnshire Local Plan was adopted in April 2017. Inset No 24 identified five areas for new development in Welton, and the area identified in Planning Application No 144526 was not among them. The reason is to be found in a Residential Allocations Evidence Report that was published in April 2016 when the site was rejected (see page 508). At that time, it was described as 'Land at Ryland, Welton', and was designated CL2175. The conclusion states "it is not a logical extension to the village" and "there are better sites available".

I was not made aware of the change in the Central Lincolnshire Local Plan Consultation Draft, dated June 2021, where I now notice that the site is described as "Land north of 77 Eastfield Lane" and has been re-designated WL/WELT/008A".

It is noted that the Consultation Draft states: "Site to be phased back after WELT/100A (195 houses off Prebend Lane) and WELT/007 (104 houses east of Prebend Lane)". A provision which the applicant seems to be contesting.

It is also noted that the Consultation Draft states: "Access preferred via development at adjoining allocation to the west". A preference which is also being contested by the applicant. Approval was recently given for the building of 49 houses on the adjoining site, and the applicant now offers the use of land to the east, with access to the north of 77 Eastfield Lane.

The applicant suggests that this would relieve construction traffic congestion on the existing estate, and this may well be true in the short term; but I closely monitored the build of the first 50 houses on the Land at the Hardings, where the transport plan was well managed with minimal impact. On the other hand, the applicant's proposal would have a permanent impact if a thoroughfare was to be created from Eastfield Lane to Hawks Road and onwards to Hackthorn Road.

The proposed Eastfield Lane access is on a right angled corner, which is shared by a gate onto farmland which is not part of this proposal. To the east, the lane is narrow, it is

lined with grass verges, drainage ditches, and hedgerows, and there are several blind bends. For the afore-going reasons, the suggestion that this would provide direct access to the site from the A46, is unacceptable, because the lane also joins the A46 on another dangerous bend.

Clearly this is why the Consultation Draft of the Central Lincolnshire Local Plan prefers a westerly access to the proposed site, and has given priority to the more accessible sites on the westerly edge of the village, and it needs to

be remembered that the Local Plan consultation does not end until 6 May 2022.

Please ensure that these matters are drawn to the attention of the Chairman of the Planning Committee and ask that they be considered by the Committee in due course.

**Welton Parish Council:** This application relates to a site that was considered and rejected in the current Central Lincolnshire Local Plan (CLLP). The site remains unchanged and there are other allocated sites in the Plan that have not been developed; not to mention the allocated sites that have been and are being developed creating an additional 539 homes and potentially 1,130 more residents. There is no justification for granting this application outside the CLLP. This application is premature and based on the assumption that this site will be allocated in the forthcoming CLLP review which is still under consultation and has not been adopted by the local planning authorities, nor approved by the Secretary of State.

The applicants refer to 'emerging neighbourhood planning'. This proposal is incompatible with the existing made Welton Neighbourhood Plan. Welton Parish Council is about to start working on its review which will be written in the context of the new CLLP, when that is finalised. No application for this site should be considered until it has been confirmed in the CLLP nor until the new neighbourhood plan for Welton has been completed in full knowledge of all the approved development sites contained in the CLLP.

The application should not be considered until a response from LCC Highways has been received.

The proposed site entrance is on a narrow country lane and on a very bad bend leading to another equally as bad, before entering the village; Eastfield Lane is narrow throughout its length from the A46 (to the east) and the junction with Ryland Road in Welton. Both these junctions are dangerous, with poor visibility and the added problem of entering a national speed limit at the eastern end. Accidents happen regularly at both these junctions, although few are reported as vehicles usually end up in the ditch with no injuries to the occupants.

Eastfield Lane itself, is barely wide enough for two small vehicles at any point in its length and even narrower at one or two points. Large farm machinery often travels along this lane, particularly during harvest time and if the A46 is closed due to an accident at the Scothern junction. The number of cyclists and pedestrians walking from the village to the coffee shop at the A46 junction has increased due to its popularity. Consideration needs to be given to the impact on the equine establishment on Eastfield Lane and that horses extensively use this lane. There is also the Riding Stables in the centre of the village with riders using the lane to access the open countryside. There is no footpath and pedestrians have to share the carriageway with vehicles and also taking into account the new distance rules for passing cyclists at 1.5 metres and horses



at no more than 10mph at 2 metres distance. A difficult achievement on this stretch of the lane especially when vehicles are negotiating the bends and vehicles egressing from the proposed development.

If this is the only access point, as appears on the plan, this could not be managed safely and the comments from Highways intimate that any suggested resolution would be impractical. It also appears from the applicants' submission that the proposed junction onto Eastfield Lane would be further compromised by a field access immediately alongside it.

Traffic movements are also likely to be exacerbated by the apparent intention that there should be a road connection between this site and another on Hawks Road in Welton. Eastfield Lane is already used as a 'rat run' through the centre of the village between the A46 and the A15, connecting two major trunk roads. The junction with Ryland Road is problematic in that turning into Eastfield Lane from the direction of Dunholme there are two options, taking the first turn means you cannot see any oncoming traffic as it is on a blind bend, the second option is to traverse part-way round the bend and turn right at the T junction, both are not without danger from oncoming traffic. With the increased number of

vehicles, not only for this proposed development, but also for the one already granted off Hawks Road, this could mean an additional 200 vehicles a day taking several journeys, especially if transporting children to and from school.

This site is in a poor position, in principle, for an extension of the built environment in Welton, which was one of the reasons for its rejection in 2017. Residents would be at the extreme outskirts of the village and far from its amenities and over 1km from the nearest bus stop. Children would be living at or beyond 2kms from William Farr School and more than 1.7km from the primary school, which is over the recommended distance for walking to

school and, whatever the hopes for changing behaviour, it is unlikely that journeys to school or to the village centre would be on foot or by bicycle, adding to parking problems in the village centre and around the schools. Other sites under consideration in the draft CLLP are closer to the centre of the village and would be less likely to have this impact.

The site has an abundance of wildlife including birds, bats, butterflies, grass snakes, deer and numerous varieties of insects and flora and fauna. Following encouragement from government in their 25 year environmental plan to make sure there are high quality, accessible, natural spaces close to where people live and work, and for more people to spend time in them to benefit their health and wellbeing; the council is opposed to the destruction of this area at a time when there is a large development currently being built in the village which will meet the needs of those seeking market and affordable homes.

The government is also encouraging farmers to grow more cereal crops, and this would be a better use for this land in the current climate.

The infrastructure in the village is already at breaking point with nowhere for cars to park; only one food store servicing 6000 residents in Welton alone, not counting those who use these services from surrounding villages.

The Health Centre is at full capacity and finding it difficult to recruit more GPs and medical staff. This development would put additional demands on the existing GP

services for the area and additional infrastructure would be required to meet the increased demands, creating needs for at least another 250 patients.

The Landowner is offering access for construction traffic to the new development via Hawks Road, this is totally unsuitable as was expressed by Councillors at WLDC when granting permission for the extension to that development. The entrance to Hawks Road is via a very winding narrow estate road surrounded by residential properties. Cars are often parked on the road, barely allowing for one car to pass, let alone construction traffic.

Children play in the open spaces in front of the houses on Northfield Road, Hawks Road and Hampden Close and this increase in traffic would pose a danger to them, when we are trying to encourage children to play outside and for pedestrian safety walking to and from school, those with prams and mobility aids.

With regard to sewerage and drainage, it is noted from Anglian Water's response that the applicant has not consulted with them and as this lane is liable to flooding; would suggest they do so before this application can even be considered by WLDC.

The Planning Committee should be mindful when granting permission for future applications, that properties should be eco-friendly in providing electric vehicle charging points, storage for bicycles, ground/air source heat pumps and those that are south facing being fitted with solar panels – if these are installed when properties are being built it is more economical. They should also consider planting hedges between properties rather than erecting fences, as they absorb CO<sup>2</sup>, don't blow down or become dilapidated and encourage wildlife.

The Council requests that members of the WLDC Planning Committee should carry out a site visit prior to considering the application and that determination should be by the WLDC Planning Committee and not delegated to an Officer.

**Local residents:** Objections received from 1 Eastfield Lane, 15 Musgraves Orchard, 21 Eastfield Close, 21 Eastfield Lane, 63A Eastfield Lane, 8 School Drive, 9 Eastfield Close, 9 Ryland Road, The Oaks Eastfield Lane, 1 Dovecote Drive, 15 Dunholme Close, 9 Ayam Close, ( Eastfield Lane, 24 Eastfield Close, 2 Musgraves Orchard, 13 Northfield Road, 17 Willow Way, 35 Musgraves Orchard, 60 Eastfield Lane, 58 Stonecliff Park, Garland Hayes 2 Dovecote Drive, 50 Eastfield Lane, 11 Musgraves Orchard, 15 Musgraves Orchard, 17 Eastfield Lane, 48 Eastfield Lane, 59 Eastfield Lane, Hedgerow Cottage 73A Eastfield Lane, 5 Musgraves Orchard, 50 Eastfield Lane, 68 Cliff Road, 95 Ryland Road, 21 Musgraves Orchard, 46 Stonecliff Park, 49 Eastfield Lane, 51 Cow Pasture Way, 57 Ryland Road, 58 Eastfield Lane, 63 Eastfield Lane, 65 Eastfield Lane, 69 Eastfield Lane, Field House 3 Dovecote Drive, 12 Eastfield Close, 2 Eastfield Close, 23 Eastfield Lane, 63 Ryland Road, 75 Eastfield Lane, Ryland Cottage 51 Eastfield Lane, Sharlands Eastfield Close, 12 Musgraves Orchard, 38 Eastfield Lane, 46 Eastfield Lane, Merriott 11 Eastfield Lane, Shimla Lodge 77 Eastfield Lane, 14 Eastfield Close, 15 Norbreck Lane, 17 Norbreck Lane, 60 Eastfield Lane, 7 Eastfield Close, 9 Manor Court, The Three Owls 53 Eastfield Lane, 1 The Eshings, 19 Eastfield Close, 71 Eastfield Lane, 73 Eastfield Lane, Ryland Manor 12 Eastfield Lane and 58 Eastfield lane with the main concerns (in summary) –

- Housing development on this site was rejected by West Lindsey District Council in 2016 (ref CL2175). The Council concluded "this site...is not a logical extension to the village. The likely access road would need significant works to achieve widths required to serve a development here.... there is a substantial level of growth in Welton from sites with planning permission. There are better sites available." Nothing has changed.
- There are already a number of new housing developments in Welton for which planning permission has already been granted, these should be completed first before any new developments are planned.
- The site to the north of Eastfield Lane was not included in the Welton neighbourhood plan as a site for development. That plan, which expressed the wish of local residents, should be respected.
- A requirement, if approval is granted, should be for every house to be as environmentally compatible as possible and the fitting of solar panels and GS heat pumps should be designed in by the developer.
- In the villages of Welton & Dunholme there are 3 major housing developments currently underway, with one other due to commence imminently. Jointly these are providing in the region of 70+ new houses per annum for the next 5-8 years.
- Regarding the travel report, St Marys School, the Coop, the Surgery etc are all 1 mile away, minimally, from this proposed development (walking along Eastfield Lane and Ryland Road). . The nearest bus stop is more than half a mile away so probably unsuitable for the less mobile. William Farr School is 1.4 miles away. Realistically, most people who would be living on this site would not be walking to the amenities in the village, they would be using their vehicles.
- Eastfield Lane is an old part of the village with Grade II listed buildings and its character should be protected however this development will have a severe detrimental effect.
- This application is premature and based on the assumption that the site in question will be designated the upcoming review of the CLLP. Whilst I appreciate that a landowner may submit a planning application at anytime, it is to be hoped that this particular submission will be subject to the EXISTING CLLP that does NOT allocate this site.
- This development will result in a loss of amenity. This area is popular with walkers, cyclists, horse riders etc.
- The proposed new housing site is currently arable farmland. It is not desirable to lose arable farmland when the UK should be encouraging locally sourced crops to reduce the environmental impact of imports.
- Housing on brownfield sites like RAF Scampton (West Lindsey) would better meet housing development. Here there is room to build new infrastructure and amenities to support new housing development.
- No new housing developments should be approved in Welton until after the new Central Lincolnshire Local Plan (CLL) is drawn up, after adequate consultation with communities affected.
- No new housing developments should be approved in Welton until after the new Welton Neighbourhood Plan is drawn up, after adequate consultation with the villagers.
- Consideration must be given to our adverse loss of privacy and subsequent overlooking into our property.

- No reference has been made about how builder traffic will enter or leave the site
- No energy plan appears to have been submitted as part of this application and it is therefore impossible to judge the developer's plans to mitigate gas and electricity usage.
- Infrastructure and amenities are at breaking point
- Extra traffic on Eastfield Lane will be unbearable
- Open countryside is diminishing fast and habitat for animals and birds is being destroyed
- Existing schools and medical facilities struggle with the existing demand, adding to this will only exacerbate this problem
- Speed limit at the site entrance is unsafe
- Disruption from construction traffic
- Roads and infrastructure need sorting first before more major developments
- Site provisionally designated in the draft CLLP following a public consultation which local residents were not informed about
- Development would seriously damage the peaceful and semi-rural character of the Ryland Area
- Habitat and wildlife impacts are not adequately represented
- Highway safety concerns for vehicle users, pedestrians, cyclists and horse riders
- Development is incompatible with the Welton Neighbourhood Plan
- Village centre does not have the parking doctors or shops to support any more housing
- Build on the edge of Lincoln where the work and shops are.
- Eastfield Lane is too narrow to support the likely volume of traffic
- Flooding concerns
- No site notice posted
- Construction will lead to a substantial increase in noise and pollution
- New homes would lead to noise and pollution
- Not properly consulted on the development
- Application provides no details of street lighting.

General observations from 46 Eastfield Lane, 40 Brinkall Way and 23 Eagle Drive –

- sewerage - this area suffers from blockages/overflow already due to surface water, heavy rainfall. The pumps often are not able to cope resulting in back-up.
- the entrance to the proposed site - I would disagree with the description of a "slow bend" the two bends in the vicinity are more like 90 degrees, the addition of an entrance on such a bend would seem to be asking for trouble. In addition only one access route is also of concern, particularly regarding refuse collection, emergency services etc. when it would seem that the proposed development could be linked into the adjacent development to the west which would allow for a choice of access instead of all concentrated on a dangerous bend in a narrow lane.
- There is also a worry regarding the water table and contamination of water source.
- What is being proposed to improve the infrastructure. We already have 3 recent builds with an extension on Prebend Lane being approved. The doctors still struggle to provide appointments car parking at the coop is already minimal and the schools struggle with

placements. Stop approving applications and improve these areas first. Make more affordable housing available.

- Will the road be widened leading into welton as people tend to come round the corners quickly and I often have to swerve onto the grass verge. With the increasing amount of traffic this development will produce I believe it is essential that the road is widened

**Welton Family Health Centre:** I am commenting on behalf of Welton Family Health Centre as the Practice Manager and representative of the views of the Partners of the Practice.

The Surgery feels appropriately concerned regarding the vast number of applications that are being proposed, and agreed, within our Practice area. Our Practice area is widespread which means that we are affected by applications made within many villages, not just those made within Welton.

Currently, the Practice is advertising for two additional GP's to join our team but unfortunately with little success. It is recognised nationally that there is a shortage of Doctors coming into General Practice and this is felt even more so in Lincolnshire. We are extremely concerned that the approval of even more planning applications would mean that our already stretched resources would reach a critical level whereby we are required to close our Practice list to new patients or to reduce our Practice boundary, therefore putting increased pressures on other local Practices and colleagues. Patients are already feeling the impact of an increase in our list size and this is reflected in the demand for appointments.

There are also concerns in relation to the practicalities of additional patients being registered with the surgery. Parking within the village is limited, particularly for the Practice and an increase in patient numbers attending the surgery would lead to more cars parked on the roads surrounding the village schools which may lead to an increase in accidents, especially for school children.

There are several unfinished developments within our Practice boundary that we have not yet felt the full impact from. Until the houses are occupied and patients register with the Practice it is hard for us to predict how our list size will increase.

Developers may claim that S106 monies are made available to the Practice, however the strict criteria attached to these payments means that any amount granted under S106 can only be spent on building development. This is not where our need is most significant at the moment and S106 monies cannot be spent on increasing staffing levels or resources, even if these were readily available to us.

In summary, we feel that the significant increase in approved applications for the villages within our Practice boundary has reached saturation point for a safe level of care for our patients within our current resources and we would urge this and any further applications to take these factors into account.

### **LCC Highways and Lead Local Flood Authority:**

#### *Highways*

The submitted Transport Assessment is a fair a reasonable representation of the proposed developments impact on the existing highway network and it is considered acceptable.

Access point shown is acceptable as it offers adequate visibility in both directions. Eastfield Lane will require widening of the carriageway and the provision of a footway, to extend the existing footway into the site and provide adequate carriageway width. These improvement works will require the culverting of one or both existing roadside ditches and as such will be dependent on gaining the relevant permissions and consents.

Further highway improvements will be required as follows:

- Stone surfacing upgrade of the existing Public Right of Way that runs adjacent to the site.
- The provision of tactile crossing points at the following locations – Eastfield Lane, outside No. 25; Junction of Eastfield Road/Northfield Road; Junction of Hackthorn Road/Ryland Road and Ryland Road, outside No. 9.
- Level surface upgrade of the bus stop outside No. 79 Ryland Road.
- 3 No. passing places along Eastfield Lane between the development site and the A46/Eastfield Lane junction

The above improvements are to form part of recommended conditions to the Local Planning Authority as part of final comments.

The existing speed limit traffic regulation order on Eastfield Lane will require extending to encompass the site access, a sum of £2800 will be required for the HLLFA to process this change.

Please see comments for amendments to the submitted Travel Plan, further comments and potential S106/improvement requests may follow once consultation with Lincolnshire County Council Transportation has concluded. Further comments to follow. Layout is a reserved matter, however the indicative layout shown as part of this application is acceptable in general. A reserved matters application to determine the final layout must show pedestrian and vehicle links to the adjacent site, as shown.

#### *Drainage*

The submitted drainage strategy is acceptable in principle, as is the proposed discharge rate. The outfall will require further investigation to confirm its suitability and security for the lifetime of the development. It is requested that this investigation is carried at this time and the details submitted for consideration by the HLLFA.

**Anglian Water:** The foul drainage from this development is in the catchment of Dunholme Water Recycling Centre that will have available capacity for these flows. The preferred method of surface water disposal would be to a sustainable drainage system (SuDS) with connection to sewer seen as the last option. Building Regulations (part H) on Drainage and Waste Disposal for England includes a surface water drainage hierarchy, with infiltration on site as the preferred disposal option, followed by discharge to watercourse and then connection to a sewer.

We note the applicant states the SuDS scheme may / will be adopted by Anglian Water. As yet the applicant has not engaged with us, therefore we cannot comment, at this stage, on the proposals suitability. Anglian Water encourage the use of SuDS and if the developer wishes us to be the adopting body for all or part of the proposed SuDS scheme the Design and Construction Guidance must be followed.

**Witham Third District Internal Drainage Board:** It is noted Surface water discharge from the proposed development will be via surface water pump from the attenuation pond, at a proposed 5 l/s into a riparian watercourse running parallel to Eastfield Lane. Under the terms of the Land Drainage Act. 1991 the prior written consent of the Board is required for any proposed temporary or permanent works or structures within any watercourse including infilling or a diversion. Consideration must be given to the route of flow downstream of the site from the discharge point to an appropriately maintained watercourse.

**LCC Education:** As the development would result in a direct impact on local schools, a contribution is therefore requested to mitigate the impact of the development at local level. This is a recognisable and legitimate means of addressing an impact on infrastructure, accords with the NPPF (2019) and fully complies with CIL regulations; we feel it is necessary, directly related, and fairly and reasonably related in scale and kind to the development proposed in this application. The contribution requested is £395,111.

**NHS England:** The development will impact Welton Family Health Centre, Lindum Medical Practice, Ingham Medical Centre, Brayford Medical Practice as the development is within their catchment area. The contribution requested is £68,942.50. Lincolnshire Clinical Commissioning Group (LCCG) wishes for the Section 106 contribution from the development of 109 dwellings on Land at Eastfield Lane, Welton to contribute to the expansion in capacity through remodelling/changes to layout or extension to existing facilities within the IMP Primary Care Network (PCN) at Welton Family Health Centre, Ingham Medical Centre, and Lindum Medical Practice. Alternatively the funding may, where appropriate, be used to support expansion in capacity at an alternative general practice site as required to meet the local population health need. Funding could be used to develop patient facilities and improve patient services for these practices within IMP PCN boundary.

**Strategic Housing:** The Central Lincolnshire Local Plan policy LP11 requires for sites in the Lincoln Strategy Area over 11 units to deliver 25% of the dwellings on site as affordable housing. The NPPF requires 10% of all dwellings built on site to be available as a low cost home ownership tenure. Alongside that, under the new ministerial statement, from the 28th December 2021 25% of all affordable housing contributions are required to be First Homes – which can contribute towards the low cost home ownership requirement. The Central Lincolnshire Local Plan Developer Contributions SPD requires the affordable housing tenure split to be 70% affordable rented and 30% shared ownership. However, due to policies brought in since the adoption of the plan, it is not always possible to achieve this tenure split. In order to meet the requirements of Local and National Planning Policy, the split of affordable housing on this site should be as follows:  
60% affordable rented  
15% shared ownership

## 25% First Homes

The planning statement for the site details the understanding of policy LP11 and the requirement to secure the required affordable housing through a S106 agreement. The S106 will need to secure 25% of the dwellings to be delivered as affordable housing with the above tenure split and the trigger for delivery being 50% of all open market dwellings and the details of the property types and location to be agreed at reserved matters.

**Lincolnshire Police:** Do not have any objections

**Natural England:** Has no comments to make on this application.

**Environment Agency:** Does not wish to make any comments on this application.

**Archaeology:** No archaeological input required.

Idox checked 06/05/22

## 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); the Welton by Lincoln Neighbourhood Plan (made September 2016); and the Lincolnshire Minerals and Waste Local Plan (adopted June 2016).

### Development Plan

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

Relevant policies of the CLLP include:

LP1: A Presumption in Favour of Sustainable Development

LP2: The Spatial Strategy and Settlement Hierarchy

LP3: Level and Distribution of Growth

LP9: Health and Wellbeing

LP10: Meeting Accommodation Needs

LP11: Affordable Housing

LP12: Infrastructure to Support Growth

LP13: Accessibility and Transport

LP14: Managing Water Resources and Flood Risk

LP17: Landscape, Townscape and Views

LP18: Climate Change and Low Carbon Living

LP21: Biodiversity and Geodiversity

LP24: Creation of New Open Space, Sports and Recreational Facilities

LP26: Design and Amenity



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

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

Relevant policies of the NP include:

Policy H1 – Type, Size and Mix  
Policy D1 – Village Character  
Policy D2 – Safe Environment  
Policy EN1 – Environmental Capital  
Policy EN2 - Habitat  
Policy EN3 – Flood Risk  
Policy T2: Cycling  
Policy W1: Healthcare  
Policy W2: Sport & Recreation

<https://www.west-lindsey.gov.uk/sites/default/files/2022-02/Welton%20NP%20Neighbourhood%20Development%20Plan.pdf>

- **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)**

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

Draft Local Plan / Neighbourhood Plan (Material Consideration)

NPPF paragraph 48 states that Local planning authorities may give weight to relevant policies in emerging plans according to:

*(a) the stage of preparation of the emerging plan (the more advanced its preparation, the greater the weight that may be given);*

*(b) the extent to which there are unresolved objections to relevant policies (the less significant the unresolved objections, the greater the weight that may be given); and*

*(c) the degree of consistency of the relevant policies in the emerging plan to this Framework (the closer the policies in the emerging plan to the policies in the Framework, the greater the weight that may be given).*

- **Draft Central Lincolnshire Local Plan**

Review of the Central Lincolnshire Local Plan commenced in 2019. The 1st Consultation Draft (Reg18) of the Local Plan was published in June 2021, and was subject to public consultation. Following a review of the public response, the Proposed Submission (Reg19) draft of the Local Plan has been published (16th March) - and this is now subject to a further round of public consultation (expiring 9th May 2022).

The Draft Plan may be a material consideration, where its policies are relevant. Applying paragraph 48 of the NPPF (above), the decision maker may give some weight to the Reg19 Plan (as the 2nd draft) where its policies are relevant, but it is advised that this is still limited whilst consultation is taking place and the extent to which there may still be unresolved objections is currently unknown.

The site as applied for relates to WL/WELT/008 this site has been rejected in the draft CLLP. The reason for its rejection is that the site would extend the built footprint into countryside to the north. Other sites are preferable (see WELT/008A).

Site WL/WELT/008A is proposed to be allocated instead. This covers the majority of the application site, but not the triangular area of land in the northern part of the application site. The commentary in the draft CLLP states that the allocation site has revised boundaries to better reflect the existing built line of the village to the north. The site is considered a sustainable location which would provide access to a range of services within the village, including schools. The site is proposed to be allocated. Highways comments on the site are as follows –

No further comments. As per WELT/008 Access would need to be positioned on bend to enable the full 2.4 x 215 metre visibility required for a 60 mph road to be achieved. Eastfield Lane would need to be widened to a minimum of 5.5 metres with a 2 metre frontage footway to link to the existing footway on Eastfield Lane. The presence of roadside ditches on Eastfield Lane will make this difficult to achieve. Please also refer to comments on WELT/003 if access to be provided through this site. If both to be delivered then two access points may be required.

WELT/003 comments says a Section 106 contribution for a minimum of £100K required towards the A46/Lincoln Road junction improvement.

## **Main issues**

Planning law<sup>1</sup> requires that applications for planning permission must be determined in accordance with the development plan, unless material considerations indicate otherwise. The relevant documents of the Development Plan are the Central Lincolnshire Local Plan (adopted April 2017) and Welton by Lincoln Neighbourhood Plan (made September 2016)

The following are considered the most relevant considerations:

- Development Plan policy - principle of residential development
- Emerging Policy and other material considerations
- Highways
- Infrastructure
- Affordable Housing
- Flood Risk and Drainage
- Ecology

## **Assessment:**

### *Development Plan Policy - Principle of residential development*

The application seeks outline permission for a residential development of 109no. dwellings, with access only to be considered and not reserved for subsequent applications. Appearance, layout, landscaping and scale are not for determination in this application.

Welton is defined as a large village in the CLLP. Policy LP2 of the CLLP states that:

*“To maintain and enhance their role as large villages which provide housing, employment, retail, and key services and facilities for the local area, the following settlements will be a focus for accommodating an appropriate level of growth. Most of this growth will be via sites allocated in this plan, or appropriate infill, intensification or renewal within the existing developed footprint. In exceptional circumstances, additional growth on non-allocated sites in appropriate locations outside of, but immediately adjacent to, the developed footprint of these large villages might be considered favourably, though these are unlikely to be of a scale over 25 dwellings / 1 ha per site (whichever is the smaller).”*

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<sup>1</sup> Section 38(6) of the Planning and Compulsory Purchase Act 2004; and section 70(2) of the Town & Country Planning Act 1990

The site is not allocated in the Central Lincolnshire Local Plan and does not amount to the appropriate infill, intensification or renewal within the existing developed footprint. The development seeks a major residential development on open countryside, adjacent to the developed footprint of the village.

Policy LP2 does allow for neighbourhood plans to promote more development than the listed criteria through the neighbourhood plan.

The proposal is not allocated for residential development within the Welton by Lincoln Neighbourhood Plan.

CLLP policy LP2 does set out that:

*“In exceptional circumstances, additional growth on non-allocated sites in appropriate locations outside of, but immediately adjacent to, the developed footprint of these large villages might be considered favourably, though these are unlikely to be of a scale over 25 dwellings / 1 ha per site (whichever is the smaller).”*

The application seeks planning permission for 109 dwellings, on a site with an area of 6.53ha. It is considerably in excess of the scale of development which the policy indicates might be considered favourably in exceptional circumstances.

Whilst the applicant’s accompanying planning statement recognises policy LP2, it does not seek to engage with the policy in any meaningful way. It does not address the “exceptional circumstances” policy or seek to set out why “exceptional circumstances” should be applied here.

The proposal has not demonstrated exceptional circumstances. Should the application have demonstrated exceptional circumstances, the proposal would still need to meet the criteria of 25 dwellings or a 1 ha site. The proposal for 109 dwellings on 6.6ha would be contrary to this.

The proposal would therefore be a significant departure from the development plan. It would be wholly contrary to policy LP2 of the Central Lincolnshire Local Plan. Policy LP2 is clear that “most of” Welton’s planned village growth will be via sites allocated in the plan. There are four Welton sites allocated in the CLLP (policy LP52). Of these, all have planning permission and development is taking place across Welton.

It can be noted that the southern section of the site (3.59ha) had been put forward for inclusion in the Central Lincolnshire Local Plan and considered at the time the CLLP was drawn up. It was given an indicative capacity of 81 dwellings. However, it is set out in the accompanying LP48-LP54 Residential Allocations Evidence Report (April 2016)<sup>2</sup> that site CL2175 had been rejected at the time, the report concluded as per the following:

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<sup>2</sup> Document H0006 <https://www.n-kesteven.gov.uk/central-lincolnshire/planning-policy-library/>

*“This site is reasonably well located for access to the village centre and its services and facilities. It is reasonably well connected to the village as development would not extend beyond existing built extents, but it is not a logical extension to the village. The likely access road would need significant works to achieve widths required to serve a development here. It is within an area categorised as grade 3 agricultural land and is in agricultural use. It is near to some grade 3 listed buildings, but it is not considered that development here would impact on their setting. There are no major constraints on this site, but there is a substantial level of growth in Welton from sites with planning permission. There are better sites available.”*

Consequently, the site was considered at the time and rejected from inclusion as an allocation within the development plan, at the expense of other preferred sites.

The application site is not considered to amount to “appropriate infill, intensification or renewal within the existing developed footprint” and does not put forward any exceptional circumstances for unallocated development on land adjacent the development footprint (and far exceeds the scale of development indicated by the policy).

In accordance with planning law, the application proposes development that would amount to a clear and significant departure from the Development Plan, and it therefore falls to be refused planning permission, unless there are material considerations that would indicate otherwise.

#### *Emerging Policy and other material planning considerations*

As set out above, the proposed development would consist a significant departure from the development plan. Planning permission should be refused, unless there are material considerations that would indicate otherwise.

A significant consideration is national policy, primarily through the National Planning Policy Framework (NPPF, July 2021). Paragraph 11 sets out a “presumption in favour of sustainable development where certain criteria are met.

Paragraph 11 of the NPPF states that plans and decisions should apply a presumption in favour of sustainable development.

For **decision-taking** this means:

- c) approving development proposals that accord with an up-to-date development plan without delay; or
- d) where there are no relevant development plan policies, or the policies which are most important for determining the application are out-of-date, granting permission unless:

- i. the application of policies in this Framework that protect areas or assets of particular importance provides a clear reason for refusing the development proposed; or
- ii. any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in this Framework taken as a whole.

The CLLP is not silent – there are relevant policies relevant to the scale and nature of development in the village, particularly policy LP2. The CLLP is not considered to be “out of date”. The LPA can demonstrate a 5yr HLS (5.35yrs) and achieves the housing delivery test (175%)<sup>3</sup>. Paragraph 11 is therefore not engaged.

Emerging policy may also be a material consideration. NPPF paragraph 48 (a significant material consideration) sets out 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 review of the Central Lincolnshire Local Plan commenced in 2019. The 1st Consultation Draft (Reg18) of the Local Plan was published in June 2021, and was subject to public consultation.

The site WL/WELT/008 site status in the Reg 18 draft plan was reasonable alternative. Comments were received and representatives of the site confirmed availability. They requested phasing of the site be removed from the wording. - Environment Agency: In catchment of Dunholme WRC which has capacity issues.

Site WL/WELT/008A site status was new allocation without permission

Following a review of the public response, the Proposed Submission (Reg19) draft of the Local Plan has been published (16th March) - and this is now subject to a further round of public consultation (expiring 9th May 2022).

Consequently, the draft CLLP is a material consideration. The weight that may be given to it is for the decision-maker to decide, having considered the criteria at NPPF paragraph 48. The site status in Reg 19 draft of the CLLP is to be allocated with a

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<sup>3</sup> <https://www.gov.uk/government/publications/housing-delivery-test-2021-measurement>

different boundary (as detailed below) and not as submitted. It is advised that the weight that may be given is still limited whilst consultation is taking place and the extent to which there may still be unresolved objections is currently unknown. Indeed, the application has drawn significant public comment and much objection. It is quite possible that the application site may now receive further representations at the Local Plan stage.

The applicant recognises the site's inclusion in the draft CLLP. The applicant notes that there was only one representation at the reg18 stage, from the applicant themselves. The applicant states *"Although it is acknowledged there are objections to policy S79 in relation to other draft allocated sites, there are no objections to this specific site, the subject of this application. This means paragraph 48 (b) of the NPPF 2021 advises that greater weight should be afforded to this allocation. It is also considered that bringing this site forward now before the new CLLP policy is adopted is not premature."*

The planning statement states that "The site has been proposed for a residential development allocation in the Central Lincolnshire Local Plan Consultation Draft (June 2021). The site's allocation reference is WL/WELT/008A and identifies the site as promoted for low density development of up to 109 dwellings (<7 per acre)."

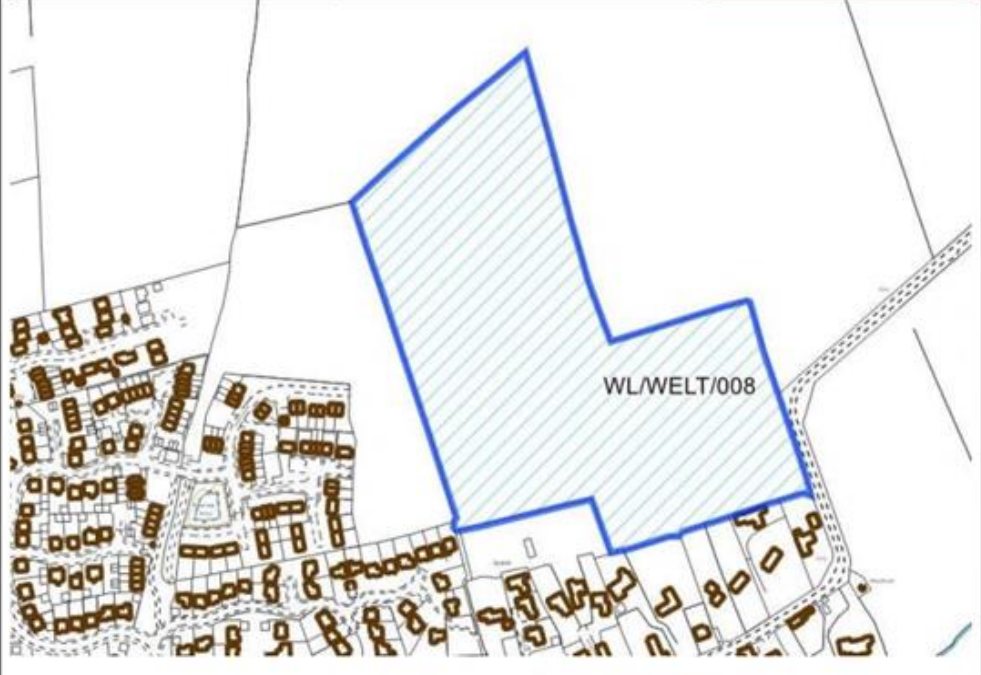
The red line submitted does not correspond to WL/WELT/008A. What has actually been submitted is the site outlined in WL/WELT/008 which has been rejected in the proposed allocations for the draft CLLP.

Application site proposed –




Rejected site WL/WELT/008 –



Ref: <b>WL/WELT/008</b>	Site Address: Land north of 77 Eastfield Lane, Welton	Status: Rejected
		

The draft plan proposes a different boundary to be allocated as shown in WL/WELT/008A.

Ref: WL/WELT/008A	Site Address: Land north of 77 Eastfield Lane, Welton	Status: Allocate (New allocation without planning permission)
		

The applicant has not submitted the red line as per WL/WELT/008A. It includes land to the north, which is outside of the proposed allocation site. The indicative plan submitted with the application suggests this triangular area of land would be landscaped / used as open space, without dwellings.

The applicant considers the emerging policy may be given “greater weight” due to the absence of unresolved objections to the site allocation at the initial reg 18 public consultation stage.

The applicant also notes that paragraph 49 sets out the following:

*in the context of the Framework – and in particular the presumption in favour of sustainable development – arguments that an application is premature are unlikely to justify a refusal of planning permission other than in the limited circumstances where both:*

*(a) the development proposed is so substantial, or its cumulative effect would be so significant, that to grant permission would undermine the plan-making process by predetermining decisions about the scale, location or phasing of new development that are central to an emerging plan; and*

*(b) the emerging plan is at an advanced stage but is not yet formally part of the development plan for the area.*

In response the applicant states that “...*It is also considered, at the time of writing, the plan-making process is only at an early stage of production, it is currently at the Regulation 18 stage and the CLLP Policy Team will only be moving to the Pre-Submission Publication Stage (Regulation 19) on 14th March. This means it does not meet criteria b in paragraph 49 of the NPPF for a suitable justification for refusal.*”

However, whilst accepting that the plan “*is only at an early stage of production*” the applicant does not consider how this affects the weight that may be attached the emerging policy under paragraph 48(a).

However, the test in planning law is to determine the applicant against the development plan, unless there are material considerations that would indicate otherwise.

As previously set out, the development would comprise a significant departure from the development plan, and would be in direct conflict with policy LP2.

The Central Lincolnshire Local Plan is not considered to be “out of date”. The Local Planning authority can demonstrate a five year housing land supply. The local planning authority has comfortably met the Housing Delivery Test. Nor is the Local Plan otherwise silent on the matter – policy LP2 is clearly engaged. The CLLP was subject to public examination and found to be “sound” by the Government’s Planning Inspectorate.

The test therefore is whether sufficient weight should be given to the emerging draft policy, that would now justify a departure from the adopted Local Plan.

The Local Plan is still considered to be at an emerging stage – it is at its reg19 public consultation at the time of writing. It has yet to be submitted to the Planning Inspectorate – it is yet to be subject to public examination.

It is still at public consultation. Whilst the applicant gives weight to the limited representations given at the Reg18 stage, we are yet to establish the extent to which there may be unresolved objections arising at this second round of public consultation. The applicant themselves state, that the plan-making process is “*only at an early stage of production*”.

The very act of making the application has drawn significant public comment and much objection. It is quite possible that the application site may now receive further representations at the Local Plan stage.

The amount of weight that may be given to emerging policy is ultimately for the decision-maker, having considered NPPF paragraph 48. Whilst some weight may be given to the emerging policy, it is a substantial way away from nearing adoption. It is considered that the limited weight that may be afforded the draft policy at this time, is not anywhere near substantial enough to justify a departure from the adopted Central Lincolnshire Local Plan.

The Local Planning Authority (LPA) informed the agent of the concerns and lack of compliance with policy LP2 and the limited weight which we consider the draft plan may be given at this time.

The LPA suggested that the applicant considers withdrawing their application due to the clear conflict with the development plan. This offer was declined.

The agent has stated in communication that the LPA have been unreasonable giving the applicant 14 days to respond to the LPA's request for withdrawal of the application and that the LPA should wait for the draft local plan consultation to end and give an extension of time to the application in order for an outcome of the draft plan and its allocations.

. The Local planning authority has a statutory duty to determine the application within 13 weeks, unless an extension of time has been agreed in writing with the applicant. The NPPF (paragraph 47) states that *"Decisions on applications should be made as quickly as possible, and within statutory timescales unless a longer period has been agreed by the applicant in writing"*.

The applicant in effect seeks that the local planning authority now withholds from determining their application until the emerging policy has advanced further. However, for the reasons set out, it is not considered that the emerging policy amounts to justification to enable a significant departure from the development plan. It is within the applicant's own control to make their application at a time when they consider planning policy supports their proposals and it is not considered to be reasonable for the applicant to make an application only to state that they do not consider it should be determined at this time because they seek emerging policy to advance further.

The LPA is not obliged to extend the application in order to wait for the Inspector to scrutinise objection on the draft reg 19 CLLP.

The LPA are however obliged to determine the application and a decision can be made after statutory consultation has taken place (21 days or 24 days where it falls over a bank holiday) or in the case of West Lindsey after 28 days due to extra days given to Ward members and the Parish Councils.

The agent states that an informed decision at this time could not be made. However, the applicant has made their application at this time and it falls to WLDC, as the local planning authority to determine it. This is the process for all planning applications.

In their letter of 14<sup>th</sup> April 2022, the applicant puts forward that *"the CLLP is not at such an advanced stage as stipulated in paragraph 50 of the NPPF and it is difficult, if not impossible, to envisage a situation in which the Council could reasonably argue that any approval of the Application will be so substantial as to prejudice the CLLP, which paragraph 50 of the NPPF requires."*

However, paragraph 50 is not being engaged here. It is not proposed that permission be refused because to do so, would substantially prejudice the outcome of the emerging CLLP.

The correct test is paragraph 48, and the amount of weight that may be afforded the emerging policy as a material consideration. It is noted that the applicant still considers the policy is still *“not at such an advanced stage”* As set out above, it is not considered that such weight may be given to the emerging policy, that it would justify what would be a significant departure from the extant development plan.

With regards to the draft allocation and unresolved objections, what we can see from this application is a significant level of objection to the proposal and the allocation of WL/WELT/008A and that residents and the Parish Council believe there to be better sites in the village that are more sustainable.

The proposal would be wholly contrary to policy LP2 which carries full weight. The site put forward in this application relates to WL/WELT/008 and not WL/WELT/008A. WL/WELT/008 has been rejected in the draft CLLP.

### Highways

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.

A Transport Assessment has been submitted with the application. This concludes –

- Vehicular access to the site is to be provided via an existing farm access which is to be redesigned as part of the proposals to form a simple priority T-junction with Eastfield Lane on the eastern boundary of the site. It is expected that suitable parking provision is to be provided to accommodate the likely parking demand generated by the site. Additional pedestrian access is to be provided via a footpath on the western boundary of the site.
- The required visibility splays of 2.4m x 120m to the right and 2.4m x 215m to the left of the access appear to be achievable, subject to vegetation clearance within the highway boundary.
- The site is located within a 2km walking distance of the entire villages of Welton and Dunholme. The site is located within a reasonable cycle ride (circa 8km) of areas including Welton, Nettleham, Scothern and a northern section of Lincoln. The nearest bus stops to the proposed development site are located on Ryland Road, within an approximately 700m walk to the west of the site access junction, providing access to/from key destinations including Market Rasen and Grimsby. Lincoln Central Rail Station is located approximately 10.5km to the south of the site and provides regular services to Doncaster, Sheffield, Peterborough, Leicester, Grimsby Town and London King's Cross.

- A road casualty study showed that five PICs occurred within the study area around the proposed development site during the five year study period. Analysis of the study collisions has not revealed any identifiable existing collision issues associated with the expected movements of the proposed development. If the internal roads and access junction are designed with due consideration to road safety, with appropriate highway design features incorporated into the detailed design, then the proposals should not have a detrimental road safety impact on the local highway network and should not adversely affect the safety of other road users.
- The trip generation projections indicate that the development could be expected to generate up to 53 two way trips during the AM peak hour and 52 during the PM peak hour.
- The distribution and assignment of traffic across the local highway network has shown that only slightly in excess of 30 two way trips are expected to occur at local junctions with Welton village (Eastfield Lane/Ryland Road/Dunholme Road priority junction, the Ryland Road/Hackthorn Road mini-roundabout and the Ryland Road/Lincoln Road/Cliff Road priority junction). Therefore, it is considered that the proposed development is not expected to have a significant impact on the operation of these junctions. It is expected that the site would generate less than 30 two way vehicle movements at busier junctions on the wider highway network during the AM and PM peak hours, including at the Eastfield Lane A46 Junction, the Lincoln Road/A46 junction and the Health Lane/A15 junction.
- Based on the assessments within this TA, it is considered that the proposed development would not be expected to have a significant impact on the operation of the local highway network. Therefore, as the impact of the proposals at the site is not expected to be severed, the proposals are considered to be in accordance with the 'National Planning Policy Framework' (NPPF) which 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" (MHCLG, 2021).
- It is concluded for the assessments within this TA that the proposed development would not be expected to have a significant impact in terms of sustainable travel, traffic impact and road safety.

LCC Highways have been consulted on the application and state that the submitted Transport Assessment is a fair a reasonable representation of the proposed developments impact on the existing highway network and it is considered acceptable. Access point shown is acceptable as it offers adequate visibility in both directions. Eastfield Lane will require widening of the carriageway and the provision of a footway, to extend the existing footway into the site and provide adequate carriageway width.

These improvement works will require the culverting of one or both existing roadside ditches and as such will be dependent on gaining the relevant permissions and consents.

Further highway improvements will be required as follows:

- Stone surfacing upgrade of the existing Public Right of Way that runs adjacent to the site.
- The provision of tactile crossing points at the following locations – Eastfield Lane, outside No. 25; Junction of Eastfield Road/Northfield Road; Junction of Hackthorn Road/Ryland Road and Ryland Road, outside No. 9.
- Level surface upgrade of the bus stop outside No. 79 Ryland Road.
- 3 No. passing places along Eastfield Lane between the development site and the A46/Eastfield Lane junction

These improvements can be conditioned.

In the adjacent site, which has full planning permission (143728), an access is shown to the east of this site to connect to the west of the application site should this application site be allocated.

The applicant has not demonstrated that access can be gained from their site from the west and allow connectivity by vehicles in approved site 143728. There are questions as to whether there may be a ransom strip and whether good connectivity can be achieved through the site.

The application only appears to propose pedestrian access to the west. The accompanying Transport Statement only makes reference to vehicular access to be provided from Eastfield Lane to the east. It also says cyclists will be expected to access the site via the Eastfield Lane access. It says “three pedestrian-*only* accesses are to be provided on the western boundary of the site, connecting to the existing footpath that runs along the sites western boundary. Pedestrians are also expected to access the site via Eastfield Lane, with a footway proposed on the western side of the carriageway..”

The existing speed limit traffic regulation order on Eastfield Lane will require extending to encompass the site access, a sum of £2800 will be required for the HLLFA to process this change. This can be secured by s106.

A Travel Plan has been submitted with the application. Although the travel plan is structured to contain all the elements required in a Travel Plan it is presented in a very ‘academic’ way, it lacks commitment and the measures provided are promotional.

LCC Highways have provided comments and request a revised travel plan. A final travel plan can be conditioned.

The proposal, subject to conditions, would be in accordance with policy LP13.

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

- a) appropriate opportunities to promote sustainable transport modes can be – or have been – taken up, given the type of development and its location;
- b) safe and suitable access to the site can be achieved for all users; and
- c) any significant impacts from the development on the transport network (in terms of capacity and congestion), or on highway safety, can be cost effectively mitigated to an acceptable degree.

Policy LP13 of the CLLP is consistent with the NPPF and should be attached full weight.

#### Infrastructure

Policy LP12 states that all development should be supported by, and have good access to, all necessary infrastructure.

#### *Infrastructure*

Planning Permission will only be granted if it can be demonstrated that there is, or will be, sufficient infrastructure capacity to support and meet all the necessary requirements arising from the proposed development.

Developers will be expected to contribute towards the delivery of relevant infrastructure. They will either make direct provision or will contribute towards the provision of local and strategic infrastructure required by the development either alone or cumulatively with other developments.

LCC Education have been consulted on the application and state that as the development would result in a direct impact on local schools, a contribution is therefore requested to mitigate the impact of the development at local level. The contribution requested is £395,111.

NHS England have also been consulted on the application. The development will impact Welton Family Health Centre, Lindum Medical Practice, Ingham Medical Centre, Brayford Medical Practice as the development is within their catchment area. The contribution requested is £68,942.50.

Both these contributions can be secured by a s106 planning obligation.

The comments from the Welton Health Centre are noted. The NHS advises the Local Planning Authority that monies secured contribute to the expansion in capacity through remodelling/changes to layout or extension to existing facilities within the IMP Primary Care Network (PCN) at Welton Family Health Centre, Ingham Medical Centre, and Lindum Medical Practice. Alternatively the funding may, where appropriate, be used to support expansion in capacity at an alternative general practice site as required to meet



the local population health need. Funding could be used to develop patient facilities and improve patient services for these practices within IMP PCN boundary.

Paragraph 20(c) of the National Planning Policy Framework states that Strategic policies should set out an overall strategy for the pattern, scale and quality of development, and make sufficient provision for community facilities (such as health, education and cultural infrastructure).

Policy LP12 is consistent with the NPPF and is attached full weight.

#### Affordable Housing

Policy LP11 states that affordable housing will be sought on all qualifying housing development sites of 11 dwellings or more, or on development sites of less than 11 units if the total floorspace of the proposed units exceed 1,000 sqm.

The Central Lincolnshire Local Plan Developer Contributions SPD requires the affordable housing tenure split to be 70% affordable rented and 30% shared ownership. However, due to (national) policies brought in since the adoption of the plan, it is not always possible to achieve this tenure split.

In order to meet the requirements of Local and National Planning Policy, the split of affordable housing on this site should be as follows:

60% affordable rented

15% shared ownership

25% First Homes

The planning statement for the site details the understanding of policy LP11 and the requirement to secure the required affordable housing through a S106 agreement. The S106 will need to secure 25% of the dwellings to be delivered as affordable housing with the above tenure split and the trigger for delivery being 50% of all open market dwellings and the details of the property types and location to be agreed at reserved matters.

Paragraph 65 of the NPPF states that where major development involving the provision of housing is proposed, planning policies and decisions should expect at least 10% of the homes to be available for affordable home ownership.

Whilst LP11 in its entirety is not wholly consistent with the NPPF (in terms of the thresholds for requiring affordable housing) the development meets the requirement for affordable housing in both the CLLP and NPPF and is therefore attached full weight.

#### Flood Risk and Drainage

Policy LP14 states that development proposals should demonstrate that certain criteria are met with regards to drainage and these are listed g-r within the policy.

Policy LP14 also states that all development proposals will be considered against the NPPF, including application of the sequential and, if necessary, the exception test.

Policy EN3 of the NP states that development proposals should seek to reduce surface water run off through sustainable drainage strategies (SuDS). Drainage schemes must not increase flood risk elsewhere. SuDS schemes should provide for simple and straightforward maintenance.

A Flood Risk Assessment and Drainage Strategy have been submitted with the application. This summarises –

- The site falls in Flood Zone 1 (low probability of flooding) on the Environment Agency maps and the proposals are considered to be 'Less Vulnerable' in terms of flood vulnerability (Table 3) which is considered to be appropriate development in terms of flood zone compatibility (Table 4).
- The residential properties are not shown to be at risk from overland surface water flooding on the maps produced from the Environment Agency.
- The surface water drainage for the development should be installed in accordance with Section 6 of this report to ensure the development does not increase the risk of flooding to other parties.
- This report has considered potential sources of flooding to the site, including fluvial, groundwater, surface water, existing sewers, water mains and other artificial sources.
- Overall, this report demonstrates that the flood risk to the site is reasonable and acceptable.
- The report also demonstrates that the foul and surface water drainage networks for the new development can be designed and constructed to meet the requirements of local planning policies.
- Surface water run-off from the development will be attenuated and discharged by means of a pumped outfall at an agreed restricted run-off rate to the neighbouring water course.
- Foul water waste from the development will be discharged to the public foul water sewer located to the south of the site.
- Suitably worded conditions can be applied to the grant of planning permission to control the delivery of the development in the usual manner.

LCC Highways and Lead Local Flood Authority have been consulted on the Flood Risk Assessment and Drainage strategy and state that the submitted drainage strategy is acceptable in principle, as is the proposed discharge rate. The outfall will require further investigation to confirm its suitability and security for the lifetime of the development. It is requested that this investigation is carried at this time and the details submitted for consideration by the HLLFA.

Anglian Water have also been consulted on the application and state that the foul drainage from this development is in the catchment of Dunholme Water Recycling Centre that will have available capacity for these flows.

It is considered that the detail requested can be conditioned within a final drainage strategy.

The proposal subject to conditions is considered to be in accordance with policy LP14 of the CLLP and policy EN3 of the NP.

NPPF paragraph 156 states that strategic policies should be informed by a strategic flood risk assessment, and should manage flood risk from all sources. They should consider cumulative impacts in, or affecting, local areas susceptible to flooding, and take account of advice from the Environment Agency and other relevant flood risk management authorities, such as lead local flood authorities and internal drainage boards.

Paragraph 167 states that when determining any planning applications, local planning authorities should ensure that flood risk is not increased elsewhere. Where appropriate, applications should be supported by a site-specific flood-risk assessment.

Paragraph 169 of the states that major developments should incorporate sustainable drainage systems unless there is clear evidence that this would be inappropriate.

Policy LP14 of the CLLP and policy EN3 of the NP are consistent with the NPPF and attached full weight.

### Ecology

Policy LP21 states that all development should:

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

Policy EN1 of the NP states that development will be required to minimise impacts on biodiversity and provide net gains in biodiversity where possible.

An ecological appraisal has been submitted with the application. This recommends the following –

### FURTHER SURVEYS

There is currently no requirement for any further surveys. Any effects on habitats or species can be reasonably predicted and with sufficient confidence to inform the necessary mitigation

measures.

## MITIGATION AND ENHANCEMENT MEASURES

### *Birds.*

Active bird nests are protected by law. The removal of any habitat suitable for use by nesting birds must be undertaken outside the nesting bird season, which typically runs from March to August inclusive. If this is not possible, an ecologist must carry out a search for active nests before work begins. Any active nest must be cordoned off and left until the young have fledged.

The scope to provide nesting opportunities for birds is limited to incorporating discreet nest boxes into houses. A wide range of box types is readily available and a detailed plan setting out the number, design and location of boxes can be submitted by way of reserved matters application.

### *Bats.*

Similarly, the scope to provide roosting opportunities for bats is limited to incorporating discreet roost boxes into houses. As with birds, a wide range of box types is readily available and a detailed plan setting out the number, design and location of boxes can be submitted by way of reserved matters application.

### *Hedgehogs.*

Any re-landscaping of the western boundary hedgerow that requires the removal of bramble scrub and/or hedgerow planting should ideally be carried out between March and November when hedgehogs are not hibernating.

Site fencing will be designed to enable the free movement of hedgehogs between gardens and the wider landscape. Where timber fence panels and gravel boards are used, this can be achieved on Site by cutting a gap measuring 130mm x 130mm from the bottom edge of a panel in the least disturbed part of the garden. With concrete gravel boards, it will require a cut-off saw with a diamond blade, however, some manufacturers are now doing this during the pour, which achieves a neater finish. In all cases, during installation, an upturned brick, block or concrete slab must be set in the ground directly below the opening to form a threshold, thus maintaining the size of the opening and keeping it clear of obstructions.

### *Biodiversity Net Gain.*

Given the low value of the Site, achieving 10% Biodiversity Net Gain is considered feasible on site. Once the scheme has been finalised, it is recommended the impacts be assessed against the baseline in order to calculate the losses/gains. The landscaping design can then be amended to achieve the 10% Biodiversity Net Gain target and be delivered by way of a Biodiversity Management Plan.

These mitigation and enhancement measures can be conditioned.

It is considered that subject to conditions, the proposal would be in accordance with policy LP21 of the CLLP and EN1 of the NP.

Paragraph 179(b) of the NPPF states that to protect and enhance biodiversity and geodiversity, plans should promote the conservation, restoration and enhancement of priority habitats, ecological networks and the protection and recovery of priority species; and identify and pursue opportunities for securing measurable net gains for biodiversity.

Policy LP21 of the CLLP and policy EN1 of the NP are consistent with the NPPF and attached full weight.

#### *Other matters*

The application has been consulted upon as per the legislation.

An energy plan is not required to be submitted with the application.

#### Conclusion

The proposal has been considered against the Development Plan namely policies, LP1: Presumption in Favour of Sustainable Development, LP2: The Spatial Strategy and Settlement Hierarchy, LP3: Level and Distribution of Growth, LP11: Affordable Housing, LP12: Infrastructure to Support Growth, LP13: Accessibility and Transport, LP14: Managing Water Resources and Flood Risk, LP17: Landscape, Townscape and Views, LP21: Biodiversity and Geodiversity and LP26: Design and Amenity in the Central Lincolnshire Local Plan, policies Policy H1 – Type, Size and Mix, Policy D1 – Village Character, Policy D2 – Safe Environment, Policy EN1 – Environmental Capital and Policy EN3 – Flood Risk of the Welton by Lincoln Neighbourhood Plan and the draft review of the Central Lincolnshire Local Plan including the advice given in the National Planning Policy Framework and the National Planning Practice Guidance. The proposal is recommended for refusal for the following reason:

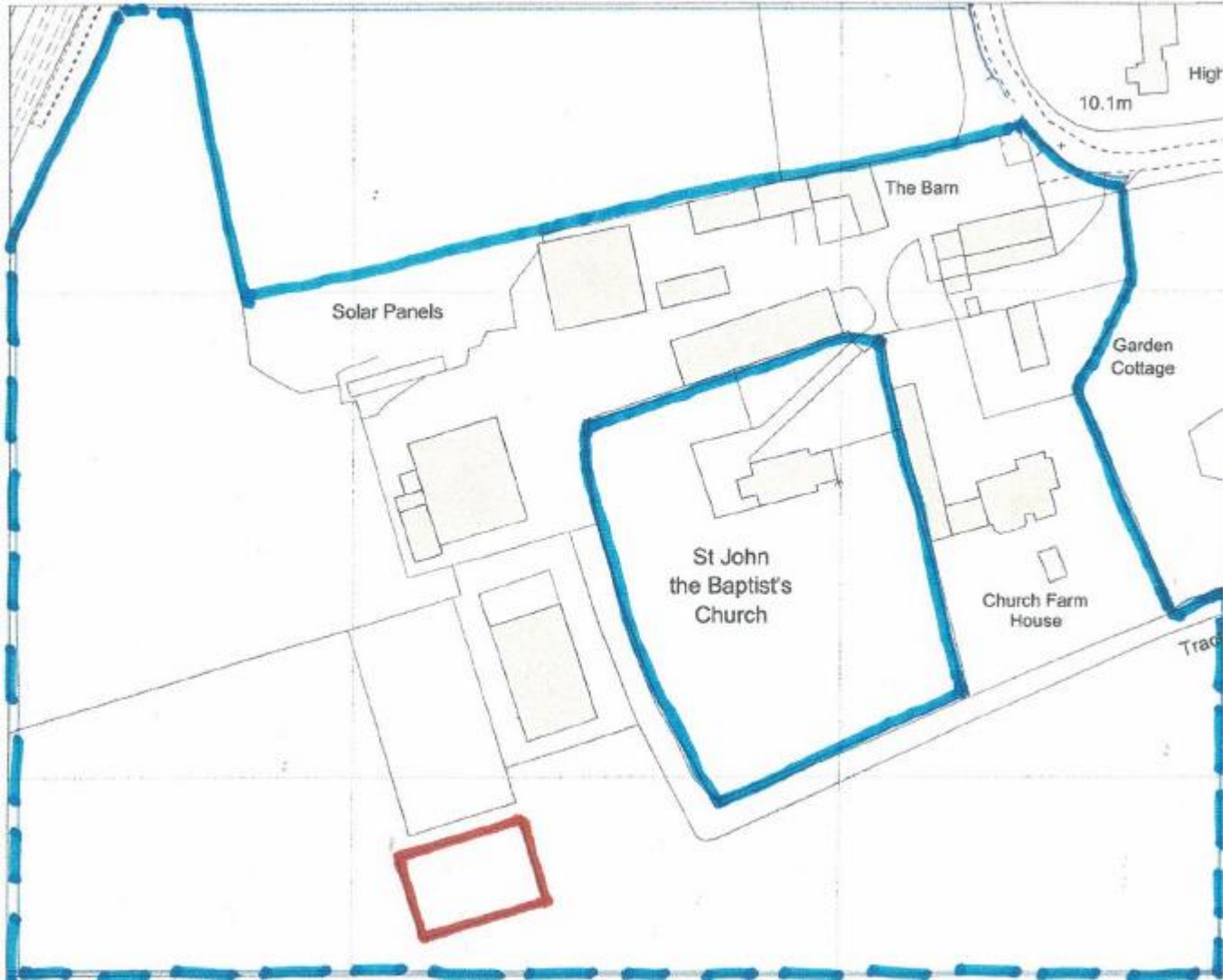
1. The proposal exceeds the level of development permitted by policy LP2 of the Central Lincolnshire Local Plan (CLLP) and is not promoted by the Welton by Lincoln Neighbourhood Plan (NP). The proposal has not demonstrated exceptional circumstances. The site is not within the built up area of Welton and is not allocated for housing. The proposal is therefore contrary to policy LP2 of the CLLP. The emerging policy of the review of the Central Lincolnshire Local Plan is attached weight, but in accordance with paragraph 48 of the NPPF, is not considered to carry such weight that would otherwise justify a significant departure from the extant development 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: 144639**

**PROPOSAL:** Planning application for construction of an agricultural storage building

**LOCATION:** Church Farm Church Lane Stainton By Langworth Lincoln LN3 5BL

**WARD:** Cherry Willingham

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

**APPLICANT NAME:** Mr Robert Smith

**TARGET DECISION DATE:** 27/05/2022

**DEVELOPMENT TYPE:** Minor - all others

**CASE OFFICER:** Richard Green

**RECOMMENDED DECISION:** Refuse permission

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The application is being referred to the Planning Committee for determination as it is considered to be a balanced decision (the development would be considered to benefit the rural economy, but would be harmful to the setting of a nearby heritage asset).

#### **Description:**

The Farm is located on the south western edge of Stainton by Langworth and comprises a number of mainly modern steel portal framed agricultural buildings, or re-clad older buildings to the north and west of the Grade II Listed Church of St John the Baptist. Church Farm House is located to the south east of the Church. To the north and west of the Church in particular there are a number of old and modern agricultural buildings including two agricultural buildings directly to the north of the church and two directly to the west (a manege has been granted under application 143416 to the west of one of these two buildings). The farm has an in and out access comprising an access off Church Lane and another access off Stainton Lane which comprises an un-made track to the south of the Church Farm House and the church yard which then goes around the western boundary of the church yard to the buildings described above.

The application seeks permission to erect a general storage agricultural building located on a 607 hectare agricultural unit. The building will be sited to the south west of the Church (approximately 75 metres away) and church yard (approximately 33 metres away), immediately to the south of the manege. The closest existing agricultural building is located approximately 17 metres to the north east. There is a gap of approximately 30.5 metres between the front of the building and the access to the east, this area will presumably be given over to hardstanding for storage and a turning area.



The proposed agricultural building will be approximately 24.1 metres in length and 16.15 metres in width and a maximum height of approximately 7.46 metres. The building will be constructed from pre-cast concrete panels (grey) at the bottom up to 3 metres in height, with juniper green metal sheeting above. The entrance door in the east elevation will be metal and the roof will be fibre cement (grey).

**Relevant history:**

**144241** - Application for prior notification to erect steel framed building for storage of farm materials. Prior Approval Refused/ Full Planning Permission Required 03/02/2022:

*'It is considered that the location of the proposed building would have a detrimental impact on the setting of the Grade II Listed Church. In terms of listed buildings, the setting is not just defined as the curtilage or what can be seen from the listed building but should take account the view of the listed building in relation to the new development as seen from other positions.*

*The most important view of the church is from the south and south east from Stainton Lane and to a lesser extent from Langworth Road. It is considered that the location of the proposed building would have a detrimental impact on the setting of the Grade II Listed Church as it is located to the south of the main cluster of farm buildings to the north and beyond the southern boundary of the church yard. The applicant was offered the opportunity to move the proposed building elsewhere on the agricultural unit but no agreement could be reached. It is therefore considered that the siting of the proposed building is not acceptable.*

*The proposal would therefore not be permitted development under the Town and Country Planning (General Permitted Development) (England) Order 2015 (As Amended), as it does not comply with the criteria outlined in Schedule 2, Part 6, Class A, Section A.2. Paragraph (2) (d) (i).'*

**143416** - Planning application for change of use from an area of hard standing to an equestrian manege/exercise area. Granted 14/12/2021 [to the north of the current application site].

**139307** - Application for prior notification for erection of agricultural machinery store. Prior approval required and granted 01/05/2019 [to the north east of the current application site].

**127927** – Agricultural Determination for proposed agricultural shed to replace existing steel silos. Prior approval not required 25/11/2011 [to the north east of the current application site].

**97/P/0044** – Use of land to park one HG vehicle and up to two trailers with movement only between 6.45am and 8.00pm. Refused 28/05/1997 [to the north east of the current application site].

**96/P/0434** – Planning application to use land to park one HG vehicle and up to two trailers. Granted 01/11/1996 [to the north east of the current application site].

**Representations:**

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

**Parish Council:** Unanimously in favour.

**Chair of St John the Baptist PCC:** I write as the Chair of St John the Baptist, Stainton by Langworth PCC. The PCC of St John the Baptist has no objection to this proposal. The church continues to function as a place of worship on Sundays, and is available for weddings, funerals and baptisms for which shared public access and parking is necessary.

**Local Residents:** The Old Vicarage, Church Lane, Stainton By Langworth - A previous application (144241) was made for a building in the same place, and that was refused. The siting of the building hasn't changed, therefore nothing should have changed with regards to approving the application. There is a comment in the supporting documentation relating to building 333 having permission. Looking at the site plan, building 333 shouldn't have been passed. However, that doesn't mean the proposed building should be passed. Two wrongs don't make a right.

Church Farm House, Church Lane, Stainton By Langworth - I agree entirely with the comments of the conservation officer. The setting of the church should be maintained and not further eroded by ribbon growth of the farm buildings around the graveyard. The church is an important part of the community hosting weddings funerals and regular worship. The historic building setting is important to preserve in its original context with views to the south and west preserved as much as possible. There is no reason why any additional farm buildings needed cannot be placed to the rear of the existing sheds thus preserving the setting of the church.

**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.

**Archaeology:** No archaeological input required.

**Conservation:** The proposed agricultural storage building would be located to the southwest of the listed building. This is beyond the existing main cluster of farm buildings. The building would provide approximately 288 square metres of general agricultural storage. An area of hardstanding would presumably be required for the new building although there is no information about this in the application. The building would be clad in juniper green metal sheeting with a

natural grey sheeting for the roof. This is a typical approach to modern agricultural buildings and would match the existing modern agricultural buildings to the north of the site. The building would undoubtedly be visible in the landscape from public and private vantage points. The scale and height of the proposed building would be a prominent feature within the setting of the listed building.

There is a clear visual connection between the listed building and the application site which forms part of its setting. The setting of the listed building is not just defined as the curtilage or what can be seen from the listed building but should take account of the view of the listed building in relation to the new development as seen from other positions. The most important view of the church is from the south and southeast from Stainton Lane and to a lesser extent from Langworth Road. The new agricultural storage building would be visible on approach views to the listed building and from views within its curtilage. The open landscape that was originally around the church has previously been eroded in part by other farm buildings. The remaining openness of the setting of the listed building are desirable to preserve. Overall, there would be a cumulative impact from the existing and proposed agricultural building which would harm the setting of the listed building and the way it is appreciated. The harm is considered to be less than substantial.

Where there is harm, there should be clear and convincing justification for that harm and a balanced judgment must be made as to whether the public benefits would outweigh that harm. Guidance about public benefits for this purpose is set out in the Historic Environment Chapter of the PPG. This refers to anything which delivers the economic, social or environmental objectives of sustainable development. The PPG makes clear that the public benefits must flow from the development and must be of a nature or scale that would benefit the public at large.

The applicant has submitted evidence that other sites have been considered but have been assessed by the applicant as not being feasible due to a number of reasons including highway issues and solar panels. The applicant has not demonstrated any public benefits from the proposed development. Therefore, unless further information is submitted for consideration, it is recommended that planning permission is refused.

**LCC Minerals and Waste:** No representations received to date.

**Environment Agency:** The Environment Agency does not wish to make any comments on this application.

**National Grid Plant Protection:** No representations received to date.

**Health & 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.

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. The details HSE have on record for these pipelines is as follows:

- 4140921\_ EDF Energy Ltd Grayingham Offtake to West Burton B Power Station
- 4455752\_ Cadent Gas Ltd Hemswell Cliff Biomethane Pipeline

### **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) and the Lincolnshire Minerals and Waste Local Plan (adopted June 2016).

### **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

LP13: Accessibility and Transport

LP14: Managing Water Resources and Flood Risk

LP17: Landscape, Townscape and Views

LP25: The Historic Environment

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. 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. LP25 is consistent with chapter 16 of the NPPF as they both seek to conserve and enhance the historic 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:

The 1st Consultation Draft (Reg18) of the Local Plan was published in June 2021, and was subject to public consultation. Following a review of the public response, the Proposed Submission (Reg19) draft of the Local Plan has been

published (16th March) - and this is now subject to a further round of public consultation (expiring 9th May 2022). 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 Draft Plan may be a material consideration, where its policies are relevant. Applying paragraph 48 of the NPPF (above), the decision maker may give some weight to the Reg19 Plan (as the 2nd draft) where its policies are relevant, but this is still limited whilst consultation is taking place and the extent to which there may still be unresolved objections is currently unknown

<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 otherwise be taken into consideration.

#### Lincolnshire Minerals and Waste Plan

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

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

#### National policy & guidance (Material Consideration)

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

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

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

#### Listed Building Legal Duty

Section 66 of the Planning (Listed Buildings and Conservation Areas) Act 1990

<https://www.legislation.gov.uk/ukpga/1990/9/section/66>

#### **Main Issues:**

- Principle of Development
- Listed Building
- Impact on Neighbouring Properties
- Impact on the Countryside
- Other Matters

#### **Assessment:**

##### Principle of Development

The site is part of a 607 hectare agricultural unit with the proposed agricultural storage building located to the south west of other agricultural buildings. Policy LP55 (Part E) states that proposals for non-residential development in the open countryside will be supported provided that the rural location of the enterprise is justifiable to maintain or enhance the rural economy.

The applicant's supporting statement sets out the following:

*"Church Farm is the farmstead for 1,500 acres producing 2,000 tons of wheat, 600 tons of barley, 250 tons of oilseed rape, 240 tons of beans, 130 tons of dried peas, 70 tons of linseed, 3,300 tons of dry crop produce and around 600 tons of straw for energy production. It includes some 13,600sq.ft of storage buildings at present. Based on the average tonnage grown this shows a shortfall of 3,000 sq.ft. of useable building which the current planning application seeks to rectify and hopefully provide some slight leeway for the future. It is also a fact that there is a current expansion in the variety of crops grown and segregation of storage is increasingly required."*

It is considered that, as a working farm, the proposed building would be alongside established agricultural buildings and would at least maintain, if not enhance, the rural economy. It would be compliant with policy LP55.

However, the development would be deemed to take place within the setting of a Grade II Listed Building. Policy LP25 is engaged, and the Council is placed under a general duty to 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”* when discharging its planning functions.

#### Listed Building

The application seeks permission to erect a general storage agricultural building which will be sited approximately 75 metres to the south west of the Grade II Listed Church of St John the Baptist and approximately 33 metres to the south west of the church yard.

S.66 of the Listed Buildings Act 1990 places a legislative requirement that when considering whether to grant planning permission for development which affects a listed building or its setting, the local planning authority 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.

Paragraph 202 of the NPPF states that where a development proposal will lead to less than substantial harm to the significance of a designated heritage asset [including its setting], this harm should be weighed against the public benefits of the proposal.

Policy LP25 of the Central Lincolnshire Local Plan 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.*

The setting of the listed building is not just defined as the curtilage or what can be seen from the listed building but should take account of the view of the listed building in relation to the new development as seen from other positions. Planning Practice Guidance (Paragraph: 013 Reference ID: 18a-013-20190723) states that

*‘All heritage assets have a setting, irrespective of the form in which they survive and whether they are designated or not. The setting of a heritage asset and the asset’s curtilage may not have the same extent.*

*The extent and importance of setting is often expressed by reference to the visual relationship between the asset and the proposed development and associated visual/physical considerations. Although views of or from an asset will play an important part in the assessment of impacts on setting, the way in which we experience an asset in its setting is also influenced by other environmental factors such as noise, dust, smell and vibration from other land uses in the vicinity, and by our understanding of the historic relationship between places. For example, buildings that are in close proximity but are not visible from each other*



*may have a historic or aesthetic connection that amplifies the experience of the significance of each.*

*The contribution that setting makes to the significance of the heritage asset does not depend on there being public rights of way or an ability to otherwise access or experience that setting. The contribution may vary over time.*

***When assessing any application which may affect the setting of a heritage asset, local planning authorities may need to consider the implications of cumulative change.'***

The site is located in a prominent location with a good proportion of the building located beyond the southern boundary of the churchyard and to the south of the main cluster of farm buildings and would therefore be very perceptible in the landscape when viewed from the south east from Stainton Lane in particular and from the south and south west from Scothern Lane/Langworth Road.

There is a clear visual connection between the listed Church and the application site which forms part of its setting with the open landscape that was originally around the church having been previously eroded in part by other farm buildings. Whilst it is recognised that there are existing buildings within this setting, it is considered that harm does arise from these buildings, that will cumulatively be increased as a result of the proposed development. As the above quoted guidance states, *“local planning authorities may need to consider the implications of cumulative change.”*

The remaining openness of the setting of the listed building is desirable to preserve, with the proposal creating a further cumulative impact which would harm the setting of the listed building and the way it is appreciated.

In this case the public benefits of the proposal are limited to the wider benefits to the rural economy, and these would not outweigh the harm caused to the significance of the Listed Building by further impacting on the setting of the Listed Building contrary to S.66 of the Listed Buildings Act 1990, the NPPF and Policy LP25 of the Central Lincolnshire Local Plan.

The applicant has been asked to consider alternative locations for the building – ideally to the west, and behind the existing buildings, whereupon it would be screened and have a lesser impact on the church setting. The applicant has dismissed these in the supporting statement to this application as being unfeasible for the following reasons (See related map below):

*Area 1 - The area is too small and for development to take place the existing (10 years unexpired) agreement for the solar panels would have to be bought out (if it could be). There is also the problem of relocating the vehicle wash facility.*



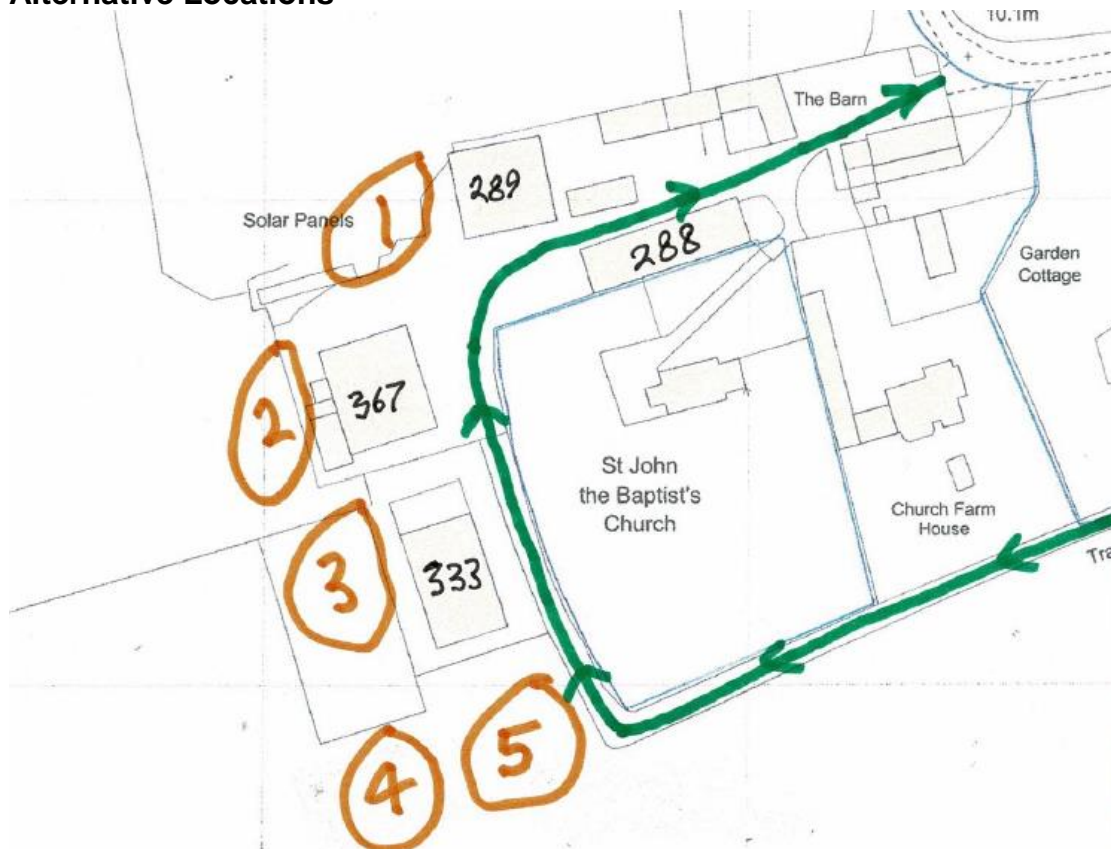
*Area 2 - Access would not be possible without demolishing the stables and even then it would involve turning/reversing unless a large concrete hard standing was provided as well. Briefly, development of this area would destroy the one-way system operation.*

*Area 3 - This is the manege and again development of the northern end would impinge on the traffic system. Development of the southern end would be similarly unhelpful though lorries could be reversed which would be a lot less than ideal. The fact also is that the manege costed a lot of money and this would all be wasted if the new building destroyed it.*

*Area 4 - This is the suggested siting and it fits properly with the traffic system by leaving an open area east of it and lorries could use this to park etc.*

*Area 5 - From a business point of view this would destroy use of the current site for no apparent gain. The area is also a helpful "safety valve" by allowing outside straw bale storage at crucial times.*

### Alternative Locations



It is considered that Area 3 would remain preferable. It is acknowledged that it would result in cost to the applicant, who would need to relocate the manege, however, this isn't considered to outweigh the harm that would arise from placing the building within the Listed Building Setting, creating a further cumulative impact by further encroaching on the setting of the Listed Church.

### Impact on Neighbouring Properties

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, noise, loss of light or over dominance.

The nearest neighbouring dwelling (Church Farm House, Church Lane) is located approximately 112 metres to the north east of the application site with boundary treatments and a church yard in between the proposal site and this neighbouring dwelling. It is therefore considered that the proposal will not have an adverse impact on the residential amenity of neighbouring residential properties.

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

### Impact on the Countryside

Local Plan Policy LP17 states that to protect and enhance the intrinsic value of our landscape and townscape, including the setting of settlements, proposals should have particular regard to maintaining and responding positively to any natural and man-made features within the landscape and townscape which positively contribute to the character of the area, such as (but not limited to) historic buildings and monuments, other landmark buildings, topography, trees and woodland, hedgerows, walls, water features, field patterns and intervisibility between rural historic settlements. Where a proposal may result in significant harm, it may, exceptionally, be permitted if the overriding benefits of the development demonstrably outweigh the harm: in such circumstances the harm should be minimised and mitigated.

Local Plan Policy LP26 states that all development proposals must take into consideration the character and local distinctiveness of the area (and enhance or reinforce it, as appropriate) and create a sense of place. As such, and where applicable, proposals will be required to demonstrate, to a degree proportionate to the proposal, that they are well designed in relation to siting, height, scale, massing and form. The policy also states that the proposal should respect the existing topography, landscape character, street scene and local distinctiveness of the surrounding area and should use appropriate, high quality materials which reinforce or enhance local distinctiveness. Any important local view into, out of or through the site should not be harmed.

Paragraph 174 of the NPPF states planning policies and decisions should recognise the intrinsic character and beauty of the countryside.

The proposed agricultural building is located in a prominent location with a good proportion of the building located beyond the southern boundary of the churchyard and to the south of the main cluster of farm buildings and would therefore be very perceptible in the landscape when viewed from the south east from Stainton Lane in particular and from the south and south west from Scothern Lane/Langworth Road

It is therefore considered that the proposed building will visually harm the open and undeveloped character of this countryside location contrary to the NPPF and Policy LP17 and LP26 of the Central Lincolnshire Local Plan.

**Other matters:**

Flood Risk

According to the following government website (Flood Map for Planning) the site is located within Flood Zone 1;

<https://flood-map-for-planning.service.gov.uk/>

Minerals and Waste

The application site is located in the countryside to the south of existing agricultural buildings and a manege. A sand and gravel extraction company would not be interested in extracting from this site for the following reasons:

- a) The site is small in scale and is close to existing agricultural buildings and a manege and the noise, dust and vibration nuisance would be too great.
- b) The owner of the land would not be willing to make the land available for mineral extraction and the other nearby residents would not find a quarry an acceptable neighbour to their houses.
- c) In view of the above it is highly unlikely that planning permission would be granted for this use in this location.

Lincolnshire County Council Minerals and Waste have been consulted but have made no comments or objections on this application. Although a Minerals Assessment has not been submitted it is considered in this case that the development would have a negligible impact on a Minerals Resource.

Pipelines:

If it was minded to grant permission a note to the applicant would be added to the decision notice following comments made by the Health & Safety Executive in regards to nearby pipelines.

**Recommendation: Refuse planning permission for the following reasons:**

The proposal has been considered against policy LP1: A presumption in Favour of Sustainable Development, LP2: The Spatial Strategy and Settlement Hierarchy, LP13: Accessibility and Transport, LP14: Managing Water Resources and Flood Risk, LP17: Landscape, Townscape and Views, LP25: The Historic Environment, LP26: Design and Amenity and LP55: Development in the Countryside of the Central Lincolnshire Local Plan in the first instance and Policy M11 of the Lincolnshire Minerals and Waste Plan and guidance contained within the National Planning Policy Framework and National Planning Practice Guidance and Section 66 of the Planning (Listed Buildings and Conservation Areas) Act 1990.

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 public benefits of the proposal are limited, and would not outweigh the harm caused to the significance of the Listed Building by further impacting on the setting of the Listed Building contrary to S.66 of the Listed Buildings Act 1990, the NPPF and Policy LP25 of the Central Lincolnshire Local Plan.
2. The proposed building will visually harm the open and undeveloped character of this countryside location contrary to the NPPF and Policy LP17 and LP26 of the Central Lincolnshire Local Plan.

**Human Rights Implications:**

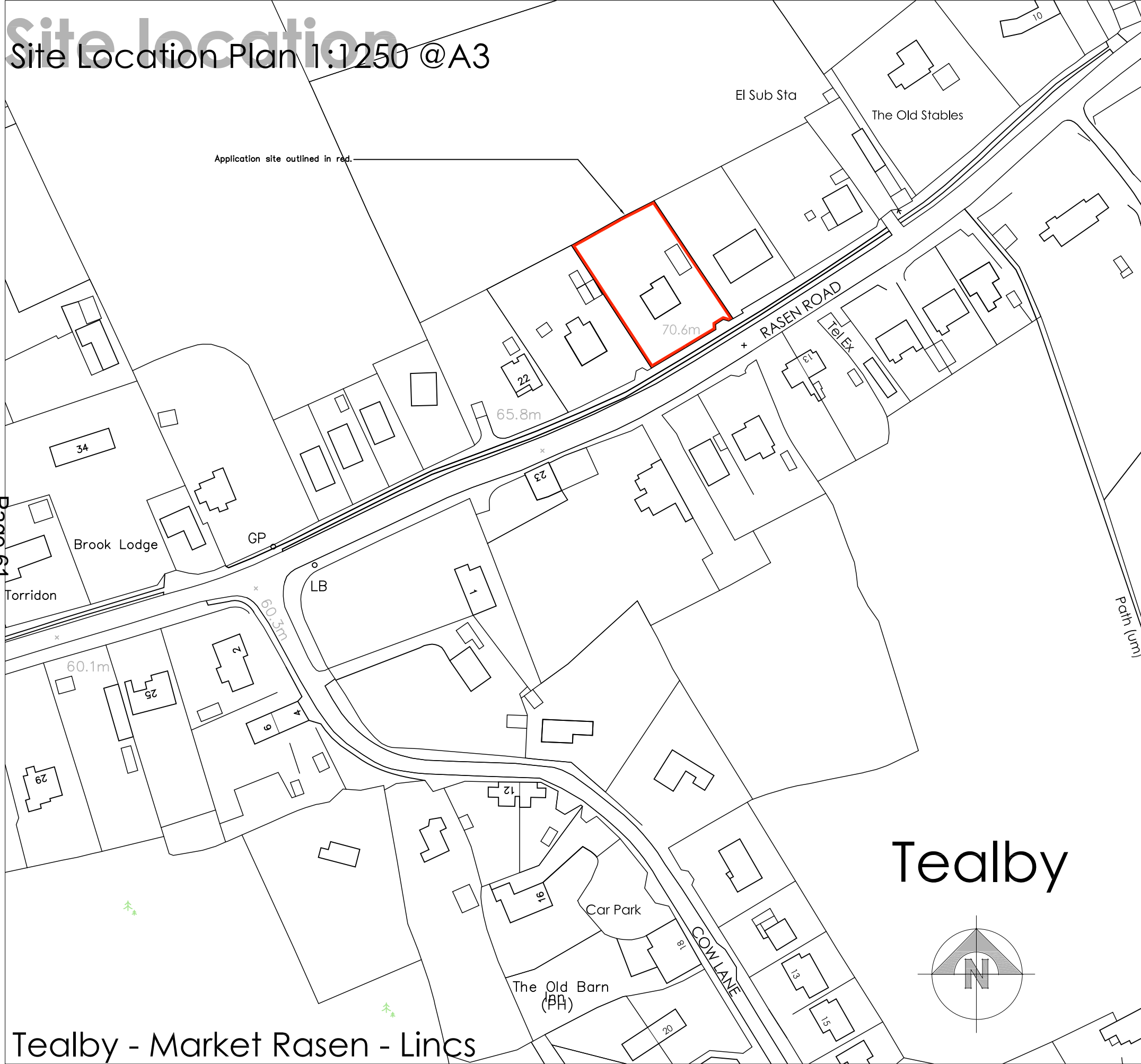
The above objections, considerations and resulting recommendation have had regard to Article 8 and Article 1 of the First Protocol of the European Convention for Human Rights Act 1998. The recommendation will not interfere with the applicant's and/or objector's right to respect for his private and family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

# Site Location Plan

1:1250 @A3



Application site outlined in red.

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#### Revisions

a	Neighbouring dwelling updated	23.02.2022
b	Neighbouring dwelling updated	09.03.2022

Client  
Mr & Mrs Bond

Project  
Extensions & Alterations to Dwelling

Address  
18 Rasen Road Tealby -  
Market Rasen, Lincolnshire

Drawing  
Site Location Plan

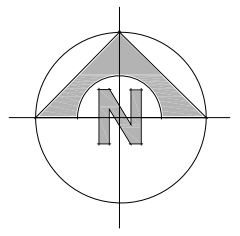
Scale  
1: 1250 @ A3

Date  
October 2021

Drawing No.  
1788B/ 21 / 10b

Tealby - Market Rasen - Lincs

## Tealby



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2 Sadler Court | Lincoln | Lincolnshire | LN6 3BG

Agenda Item 6c

# Officer's Report

## Planning Application No: 144395

**PROPOSAL:** Planning application for extensions and alterations to existing dwelling

**LOCATION:** Barnaby 18 Rasen Road Tealby Market Rasen LN8 3XL

**WARD:** Market Rasen

**WARD MEMBER(S):** Cllr S Bunney, Cllr J McNeill, Cllr Mrs C E J McCartney

**APPLICANT NAME:** Mr and Mrs Bond

**TARGET DECISION DATE:** 05/04/2022 (Extension until 27<sup>th</sup> May 2022)

**DEVELOPMENT TYPE:** Householder Development

**CASE OFFICER:** Holly Horton

**RECOMMENDED DECISION:** Grant permission, subject to conditions

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### Description:

This application has been referred to the planning committee following third party representations from Cllr S Bunney, Cllr J McNeill, the Parish Council, and members of the public, who all object to the proposed development.

The application site is located in the village of Tealby, on the north western side of Rasen Road. The site consists of a detached dormer bungalow with a large two-storey flat roof extension to the rear. It has a private garden to the rear, detached garage and off-road parking provision to the side, and a small garden area to the front. Other residential properties adjoin the site to the north east and south west, with the open countryside to the north and north west, and the highway located to the south east. The dwelling is set back from the highway by approximately 7.5 metres and the site is also on a hill which slopes down in a south westerly direction.

The dwelling is within an Area of Outstanding Natural Beauty and lies just outside of the Tealby Conservation Area which is approximately 20 metres to the east of the application site's easternmost boundary. The boundary of the Conservation Area can also be found approximately 60 metres to the south of the application site's southernmost boundary.

The proposals have been amended following submission, and relate to drawings received on 6<sup>th</sup> April 2022.

The application seeks permission to erect a two-storey side extension with single storey side extension adjoined, single storey rear extension with roof terrace, and raise the ridge height of the existing dwelling. The existing garage would be removed. The ridge height of the dwelling would increase by approximately 1.3 metres to take the height of the house to approximately 7.9 metres. The two-storey extension would extend from the north east elevation by approximately 5.3 metres and would have a length of approximately 10.9 metres. It would have a height to the eaves at the front of approximately 4.2 metres and at the rear of approximately 5.3 metres, and a height to the ridge of approximately 7.8 metres. The single storey utility extension would extend from the north east elevation of

the proposed two-storey extension and would have dimensions of approximately 2.5 metres by 7.5 metres, with a height to the eaves and ridge of approximately 2.3 and 3.7 metres respectively. The single storey rear extension would extend from the rear of the dwelling by approximately 4.3 metres and would span the entire length of the house, and would have a height of approximately 3.2 metres. The roof terrace would be on top of the single storey rear element and would have two wooden privacy screens at either end at a height of approximately 1.8 metres.

**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:**

W108/548/76 – Extension to dwelling – Unconditional consent (1976)  
 CR/150/62 – Erect a double garage to replace existing single garage – U (1963)

**Representations:**

Chairman/Ward member(s):	<p>19/04/2022 – Cllr Stephen Bunney – Objects to the proposal as summarised below:</p> <ul style="list-style-type: none"> <li>• Having considered the amendments, my views on the application haven’t changed from comments made on March 16<sup>th</sup> 2022.</li> </ul> <p>24/03/2022 – Cllr John McNeill – Objects to the proposal as summarised below:</p> <ul style="list-style-type: none"> <li>• Policy LP17 of the CLLP applies. The design and size of the proposed development will have a significantly negative impact on the immediate area, including a substantial effect on the views of Tealby village and the surrounding areas.</li> <li>• The proposal significantly increases the size of the property and would be imposing on the built landscape of the area, and would be out of character with Tealby village.</li> <li>• The development will impinge on the neighbouring properties including overlooking and loss of light.</li> <li>• Development is contrary to Policy LP26 of the CLLP.</li> </ul> <p>16/03/2022 – Cllr Stephen Bunney – Objects to the proposal as summarised below:</p> <ul style="list-style-type: none"> <li>• The proposed extension substantially increases the size of the property and will become an immense/imposing property which will be out of character for the area.</li> <li>• Will impinge on the neighbours including overlooking their property and effecting their source of natural light.</li> <li>• The development does not meet Policy LP26 of the CLLP.</li> </ul>
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	<ul style="list-style-type: none"> <li>The size/design of the development will have a negative impact on the immediate area and also affect the views/vistas of the wider village and surrounding areas. Therefore, is contrary to Policy LP17 of the CLLP.</li> </ul>
Tealby Parish Council:	<p>20/04/2022: Object to the proposal as summarised below:</p> <ul style="list-style-type: none"> <li>The proposal is too large for the plot, overdevelopment and disproportionate to the existing structure on site.</li> <li>Given the size of the development, inadequate driveway/parking is left for the property.</li> <li>Considerable loss of light to the neighbouring property.</li> <li>Loss of privacy to neighbouring property.</li> <li>The views of the AONB, the vista between Rasen Road and Castle farm/Viking Way will be blocked by the overdevelopment of the property.</li> </ul>
Local residents:	<p>Hillcrest, 16 Rasen Road  Hazel Mount, 20 Rasen Road  17 Rasen Road  Jesmond Cottage, 14 Rasen Road  22 Rasen Road  12 Rasen Road  Tudor Cottage, 23 Rasen Road  White Cottage, 6 Rasen Road  Holtwood Cottage, Bayons Park  The Grange, Sandy Lane  3a Kingsway  7 Beck Hill</p> <p>Crowswood, Hall Drive, Walesby</p> <p>Object and raise the following concerns to the development (summarised):</p> <p>Amended Plans (comments from the original plans still stand):</p> <ul style="list-style-type: none"> <li>Direct overlooking due to separating distance between extension and No.16.</li> <li>Shadow survey has no credibility and is limited to a snap shot of 4 times within a 24-hour period, and does not demonstrate detrimental effect of the proposed extension on loss of light.</li> <li>45-degree rule should apply</li> <li>Increase in ridge height is misleading and would have further negative impacts.</li> <li>Enormous roof terrace would create noise pollution and invade the privacy of the gardens of neighbouring properties.</li> <li>Loss of views of Castle Farm from the road.</li> <li>No obscure glass panel on the side of the proposed terrace would prevent privacy being lost to the</li> </ul>



neighbouring dwellings. It has increased in size and therefore means more people can congregate.

- Concerns around the house being used as a holiday home with 6 proposed bathrooms and issues surrounding noise and nuisance associated with that.

Original (superseded) plans:

- Loss of light and overshadowing
- Significant uplift in developed footprint of the site.
- Unbalanced double storey extension that extends very close to the boundary with No.16 Rasen Road.
- Outlook from No.16 will be permanently changed which will be totally dominant and destroy existing views.
- New windows and large roof terrace would lead to direct overlooking and a clear loss of privacy to neighbouring properties – impacting the enjoyment of the properties and their garden areas.
- No.18 Rasen Road is in an elevated position in relation to No.20 therefore overlooking would be increased due to the gradient of the land.
- Design is totally out of character as most properties in the area are in the centre of the plots, not right up to the boundary line as is proposed here.
- Contrary to LP26 of the CLLP.
- Overly dominant, imposing and excessive development that would negatively impact the street scene. Could set a precedent for future development in the vicinity, eventually leading to a decline in the beauty of the village and the AONB.
- The dwelling has already previously been extended.
- Loss of sense of space and loss of privacy.
- Loss of sunlight into garden of No.16 in winter months
- Loss of light into lounge area of dwelling throughout the year.
- Impact on air to the surrounding properties.
- Adverse noise and vibration
- Adverse impact upon air quality from odour, fumes, smoke dust and other sources.
- The extension will affect the views and compromise the setting of the local buildings due to the views over the Wolds, the Viking Way and Castle Farm being seriously affected by this development.
- Contrary to the Lincolnshire Wolds Management Plan (2018-2023).
- Development would place greater pressure on the existing drainage infrastructure and there's no indication as to how surface water will be managed to ensure there would be no detrimental impact.

	<ul style="list-style-type: none"> <li>• Contrary to Policy LP25 of the CLLP as no heritage statement has been submitted to assess impact on the Tealby Conservation Area.</li> <li>• Property is destined to be a holiday rental – a large number of adults would lead to an increase in noise levels, ruining the peace and tranquillity of the village.</li> <li>• Insufficient parking provision for the size of the dwelling.</li> <li>• A similar balcony was removed from the application at 17 Rasen Road previously due to concerns raised by WLDC.</li> <li>• No attempt to mitigate the risk of overlooking from the roof terrace.</li> <li>• Approving this application makes it much more likely that the ‘proposed future garage’ would be allowed.</li> <li>• Impact of noise/light from the proposal when walking along the Viking Way.</li> <li>• The house could be turned in to a HMO in the future.</li> <li>• Contrary to the NPPF.</li> </ul>
LCC Highways/Lead Local Flood Authority:	<p>20/04/2022 – No further comments. 22/02/2022 – LCC Highways does not wish to restrict the grant of permission.</p> <p>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. Accordingly, Lincolnshire County Council (as Highway Authority and Lead Local Flood Authority) does not wish to object to this planning application.</p>
Archaeology:	No representations received to date.
Conservation Officer:	<p>13/04/2022 – No objections:</p> <ul style="list-style-type: none"> <li>• Having considered the amended plans and the evidence provided within the Heritage Statement, I am not of the opinion that the proposal would cause harm to how the Tealby Conservation Area or any other heritage assets are experienced.</li> </ul> <p>16/03/2022 – Further information required:</p> <ul style="list-style-type: none"> <li>• The boundary of the Tealby conservation area lies just over 20m to the east of 18 Rasen Road’s boundary (one dwelling in between). The boundary of the conservation area can also be found approximately 60m to the south of the dwelling’s boundary (with Rasen Road and a dwelling in between). Tealby conservation area is a designated heritage asset.</li> <li>• In this case, I would suggest the applicant provides a Heritage Statement that outlines how they have considered the conservation area in preparing their proposals, and how the proposals would avoid harm to its significance.</li> </ul>
Environmental	12/04/2022 – No additional comments.

Protection:	18/03/2022 – Request the following conditions: <ul style="list-style-type: none"> <li>Hours of construction work: Construction works shall only be carried out between the hours of 8 am and 6pm on Mondays to Fridays; and at no time on Saturdays, Sundays and Bank Holidays unless specifically agreed in writing by the Local Planning Authority beforehand. REASON: To protect the amenity of the occupants of nearby dwellings in accordance with West Lindsey Local Plan First Review Policy STRAT1.</li> <li>Radon: The site is in an area which has elevated radon levels. Please can a radon informative be added to this application.</li> </ul>
Tree Officer:	Has no concerns that the development will harm the retention of the trees that lie to the north west of the proposed extensions/alterations.
Lincolnshire Wolds AONB Officer:	No representations received to date.
Public Protection:	No representations received to date.
IDOX:	Checked on 05/05/2022

<b>Relevant Planning Policies:</b>	
National guidance	<p>National Planning Policy Framework  National Planning Practice Guidance  National Design Guide  National Model Design Code</p> <p><a href="https://www.gov.uk/government/publications/national-planning-policy-framework--2">https://www.gov.uk/government/publications/national-planning-policy-framework--2</a>  <a href="https://www.gov.uk/government/collections/planning-practice-guidance">https://www.gov.uk/government/collections/planning-practice-guidance</a>  <a href="https://www.gov.uk/government/publications/national-design-guide">https://www.gov.uk/government/publications/national-design-guide</a>  <a href="https://www.gov.uk/government/publications/national-model-design-code">https://www.gov.uk/government/publications/national-model-design-code</a></p> <p><u>Statutory Duty</u>  Section 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990  <a href="https://www.legislation.gov.uk/ukpga/1990/9/section/72">https://www.legislation.gov.uk/ukpga/1990/9/section/72</a></p> <p>General Duty regards Area of Outstanding Natural Beauty  Section 85 of the Countryside and Rights of Way Act 2000</p> <p>Lincolnshire Wolds Area of Outstanding Management Plan 2018-2023  <a href="https://www.lincswolds.org.uk/our-work/management-plan">https://www.lincswolds.org.uk/our-work/management-plan</a></p>
Local Guidance	<p>Central Lincolnshire Local Plan (2012 -2036):</p> <p>LP1: A Presumption in Favour of Sustainable Development</p>

	<p>LP17: Landscape, Townscape and Views  LP25: The Historic Environment  LP26: Design and Amenity</p> <p>With consideration to paragraph 219 of the National Planning Policy Framework (July 2021) the above policies are consistent with the NPPF (July 2021).</p> <p>Full weight is being given to these policies in the determination of the application.</p> <p><a href="https://www.west-lindsey.gov.uk/my-services/planning-and-building/planning-policy/central-lincolnshire-local-plan/">https://www.west-lindsey.gov.uk/my-services/planning-and-building/planning-policy/central-lincolnshire-local-plan/</a></p>
Neighbourhood Plan:	Parish not currently preparing a plan
Draft Central Lincolnshire Local Plan:	<p>In line with paragraph 48 of the NPPF, weight may now be given to any relevant policies in the emerging plan according to the criteria set out below:</p> <p>(a) the stage of preparation of the emerging plan (the more advanced its preparation, the greater the weight that may be given);  (b) the extent to which there are unresolved objections to relevant policies (the less significant the unresolved objections, the greater the weight that may be given); and  (c) the degree of consistency of the relevant policies in the emerging plan to this Framework (the closer the policies in the emerging plan to the policies in the Framework, the greater the weight that may be given).”</p> <p>Review of the Central Lincolnshire Local Plan commenced in 2019. The 1st Consultation Draft (Reg18) of the Local Plan was published in June 2021, and was subject to public consultation. Following a review of the public response, the Proposed Submission (Reg19) draft of the Local Plan has been published (16th March) - and this is now subject to a further round of public consultation (expiring 9th May 2022).</p> <p>The Draft Plan may be a material consideration, where its policies are relevant. Applying paragraph 48 of the NPPF (above), the decision maker may give some weight to the Reg19 Plan (as the 2nd draft) where its policies are relevant, but this is still limited whilst consultation is taking place and the extent to which there may still be unresolved objections is currently unknown.</p> <p><a href="https://central-lincs.inconsult.uk/connect.ti/CLLP.Draft.Local.Plan/consultationHome">https://central-lincs.inconsult.uk/connect.ti/CLLP.Draft.Local.Plan/consultationHome</a></p>

**Local Plan Policies LP26: Design and Amenity, LP17: Landscape, Townscape and Views and LP25: The Historic Environment**

Is the proposal well designed in relation to its siting, height, scale, massing and form?
Whilst it is noted that objections have been raised on these grounds, it is considered that the proposed development, following revisions, would be appropriate and in accordance with the development plan (particularly policies LP17 and LP26) in this regard. See below for further analysis.
Does the proposal respect the existing topography, landscape character, street scene and local distinctiveness of the surrounding area?
Concerns have been raised by two Ward members, Tealby Parish Council, neighbouring dwellings and local residents in regards to the development being overly excessive and out of character with the surrounding area.  The dwellings in the surrounding area forming Rasen Road are mixed in size and design including single storey, one and a half storey and two storey dwellings. The dwellings are all set back from the highway within their plots. The character of the area is therefore considered to be mixed with no established vernacular or clear conformity other than all being detached dwellings and set back into their plots. The development is also within the Lincolnshire Wolds AONB.  Whilst it is acknowledged that the proposed extensions would result in a significant increase from that of the existing built mass when perceived from the highway, which would consequently significantly increase the presence of the dwelling, it is a spacious plot and it is considered that there is ample space within the site to accommodate larger scale extensions. The raising of the roof height by approximately 1.3 metres would further increase the presence of the dwelling however it is considered that this would be acceptable in relating to the existing dwelling and its architectural frontage, and would respect the street scene context in which it would be viewed. It would not be out of scale with surrounding properties. The introduction of the gable roof design at the rear of the dwelling is considered to improve the appearance of the dwelling when viewed from the Viking Way and the wider AONB as it would replace the existing large expanse of flat roofing which is viewed prominently when walking along the Viking Way, and would therefore better reflect and respect the character of the area. It is considered that the proposals are of a size and scale that are noted to be in-keeping with the host property and would be proportionate to the size of the plot/garden area.
Does the proposal harm any important local views into, out of or through the site?
No. The views towards Castle Farm from Rasen Road are not considered to be adversely affected by the proposed development as there would still be views to the south west of the site.
Does the proposal use appropriate materials which reinforce or enhance local distinctiveness?
Yes. The materials for the two-storey side extension would be reclaimed brickwork from the original house and new bricks to match the original as close as possible, with roofing to match the existing. At the front and side, the windows would be white uPVC which would match the existing, and grey uPVC at the rear. The single storey rear and side extension would be off-white render. Whilst it is noted that off-white render would differ to the existing red-brick, only the front elevation of the utility would be visible within the street scene and is therefore considered to not have an unacceptable harmful impact on the street scene or character of the area. In addition, the rendered rear extension would be visible from the Viking Way and the wider AONB however the dwelling at No.22 Rasen Road is fully rendered and many of the outbuildings at No.20 Rasen Road are also rendered in an off-white colour therefore it is considered that the rendering of the single

storey extension would not have an unacceptable impact on the character of the area and would therefore be acceptable.

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

Concerns have been raised by two Ward members, Tealby Parish Council, neighbouring dwellings and local residents in regards to overlooking, over shadowing, loss of light and over dominance.

### Overlooking

Currently, the first-floor windows at the rear of the property overlook the non-immediate rear area of the neighbouring gardens (No.16 and No.20), and is similar in nature to the overlooking experienced by most properties in this area with a first-floor element. Whilst overlooking would be increased with the additional window at first floor level at the rear, it is considered that this would not have a further unacceptable harmful impact on neighbouring properties, due to the existing views that are experienced from the first-floor windows of the existing dwelling. The windows at first floor level on the south western elevation would remain the same. The windows at first floor level on the existing north eastern elevation serve two bedrooms and an en-suite and the proposed two-storey side extension would have one window that would serve an en-suite bathroom. This would be required to be obscurely glazed to protect the privacy of the occupants of the neighbouring property to the north east, therefore a condition would be attached in regards to this. The insertion of roof lights on the front roof scape and on the front elevation of the side extension, due to their siting, would not be expected to cause any overlooking that would be deemed unacceptably harmful due to the separating distancing between neighbouring properties. The windows at ground floor level are not considered to give rise to any unacceptable impacts in regards to overlooking due to their size, scale and siting in relation to neighbouring properties.

In regards to overlooking from the proposed roof terrace, 1.8 metre high privacy screens - constructed from either oak or red cedar wooden slats – would be situated at both the north eastern and south western sides of the roof terrace, and as such, it is considered that the immediate garden areas of both neighbouring properties (No.16 and No.20) would remain private. Therefore overall, the proposals are considered to be acceptable in this regard.

### Over dominance

The proposed extensions and alterations would result in the presence of the dwelling being more visually prominent to the occupiers of the dwellings located to the north east and south west of the site (No.16 & No.20 Rasen Road). It is considered that this presence would not be expected to be unacceptably harmful to the living conditions of the occupiers of No.16, due to the separating distance of approximately 7.0 metres between the north easternmost elevation of the proposed the two-storey extension and the south westernmost side elevation of No.16. There would be a separating distance of approximately 5.4 metres between the north easternmost elevation of the single storey extension and the south westernmost side elevation of No.16. The distance between the south westernmost elevation of the host dwelling and No.20 would remain the same with the increased ridge height and single storey rear extension/roof terrace being more visible. It is therefore considered that whilst the proposed extensions would increase the

presence of No.18 when viewed from No.16 and No.20, they would not have an unacceptable over bearing impact on the dwellings.

Loss of light/ overshadowing

Following concerns over the potential loss of light and overshadowing of neighbours, the applicant was requested to provide a sun and shadow study. The agent has confirmed that the software used to produce the sun and shadow study is industry standard software. In regards to loss of light and overshadowing, the proposed extensions would be set to the west of the neighbouring dwelling (No.16). It should also be noted that the site lies on a hill and therefore is situated on land lower than the neighbouring dwelling to the north east.

The Local Planning Authority are required to assess the impact over and above the impact of the existing house and whether the proposed extensions and alterations would cause such a significant issue with loss of light and overshadowing that it would significantly harm the amenities of the neighbouring property. In this case, only one neighbour would be affected (No.16), they are set to east of the host dwelling and are also situated on land higher than the application site. The rear of No.16 is north west facing and therefore does not benefit from any direct sunlight due to the positioning of the house and the light that enters these rooms is already secondary light and not sunlight. There are three south west facing windows on the side elevation of No.16, one is obscurely glazed and serves an un-habitable room, and the other two serve the 'lounge area'. It should also be noted that a large bay window with patio doors also serves the lounge along the north west elevation.

A sun and shadow study has been supplied within the application to show a visualisation of the proposed shadowing effect that the proposed extensions/alterations would cause on No.16. The light assessment shows the anticipated shadowing effects from four equidistant timeframes across a 12-month period including 21<sup>st</sup> March, 21<sup>st</sup> June, 21<sup>st</sup> September, 21<sup>st</sup> December. The assessment concludes the following:

21<sup>st</sup> December and 21<sup>st</sup> June: The proposed extensions and alterations would have no impact over and above the overshadowing that already arises from the existing dwelling.

21<sup>st</sup> March and 21<sup>st</sup> September: It is considered that whilst the proposed extensions would reduce light, it would not be for sustained periods of time, the only issue arrives during the late afternoon where there is already an issue from the existing house.

Therefore, the impact of the extensions and alterations over and above the existing dwelling is considered to not be significantly harmful to the living conditions of the neighbouring dwelling (No.16).

To conclude, whilst the report appreciates that the proposal would cause overshadowing during the late afternoon period of the late autumn and early winter months only, this would not be a significantly unacceptable impact over and above the shadowing caused by the existing house. As such, it is considered that the proposal would not cause significant sustained overshadowing impacts throughout the year that would significantly impact the living conditions of the occupiers of No.16. Therefore, this would not warrant a refusal of the application.

The objections in relation to the '45-degree rule' have been noted however from the assessment I have made, it is considered that the existing dwelling at No.16 would not be unacceptably overshadowed or experience unacceptable levels of loss of light by the proposed extensions/alterations. The '45-degree rule' arising from the Building Research Establishment is used as a rule of thumb to determine whether or not more detailed daylight and sunlight calculations are required. However, it is not set out within national planning policy or guidance, and is not a policy of the development plan, against which decisions must be made. In this instance – the applicant has provided more detailed shadowing assessments that have been taken into consideration.

Therefore, it can be concluded that the proposals overall would not have a significant detrimental impact upon the living conditions of the occupiers of the neighbouring properties and are therefore considered acceptable.

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

No. The Conservation Officer has been consulted and has commented that having considered the amended plans and the evidence provided within the Heritage Statement, they are not of the opinion that the proposal would cause harm to how the Tealby Conservation Area or any other heritage assets are experienced. It is therefore considered that the proposals are acceptable in this regard and would preserve the setting of the Tealby Conservation Area.

The Tree Officer has been consulted and has commented that they have no concerns that the development would harm the retention of the trees that lie to the north west of the proposed extensions/alterations. The proposal is therefore considered to be acceptable in this regard.

The Authority is placed under a general duty (s85 of the Countryside and Rights of Way Act 2000) that *"In exercising or performing any functions in relation to, or so as to affect, land in an area of outstanding natural beauty, a relevant authority shall have regard to the purpose of conserving and enhancing the natural beauty of the area of outstanding natural beauty."*

It is considered that the proposed development would not be harmful to, and would otherwise conserve the purpose of the AONB.

**Other considerations:**

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

Yes.

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

Concerns have been raised by the Parish Council, neighbouring properties and local residents in regards to parking provision.

There appears to be enough parking for a 6 bedroom dwelling. In addition, the Local Highways Authority have been consulted and have not objected to the proposal or its impact on off street parking.

**Other matters**

The development would benefit from householder permitted development rights. In view of the extensions and alterations proposed, it is recommended that a condition is applied to remove permitted development rights in order to ensure the residential amenity of the



neighbouring dwellings and character of the area is protected.
<b>Response to Environmental Protection comments:</b>
It is considered that it is not reasonable or necessary to restrict working hours/hours of construction at this site. They would be for a limited period and additional restrictions could prolong the duration of works. A radon informative would be added to the decision notice as requested by Environmental Protection.
<b>Response to neighbour comments:</b>
<ul style="list-style-type: none"> <li>• Every application is assessed on its own merits therefore any previous and future application will have been/will be assessed as such.</li> <li>• The proposed development would be an extension to an existing dwelling that is positively drained. Given the nature of the proposed extension, it is considered that any impact on surface water would be limited, and the request for a surface water drainage scheme would be unnecessary. The dwelling is also not in an area at risk from flooding or in an area at risk from surface water flooding, therefore the proposal is considered to be acceptable in this regard.</li> </ul>

<b>Conclusion and reasons for decision:</b>
The decision has been considered against Policy LP1: A Presumption in Favour of Sustainable Development, LP17: Landscape, Townscape and Views, LP25 The Historic Environment and LP26: Design and Amenity of the Central Lincolnshire Local Plan in the first instance as well as the General Duty regarding Area of Outstanding Natural Beauty - Section 85 of the Countryside and Rights of Way Act 2000 and the Lincolnshire Wolds Area of Outstanding Management Plan 2018-2023. Guidance contained in the National Planning Policy Framework, National Planning Practice Guidance, National Design Guide, National Model Design Code and the Central Lincolnshire Local Plan 2021 Consultation Draft has also been taken into consideration.  In light of this assessment it is considered that subject to the recommended conditions, the proposal is acceptable and will preserve the character and appearance of the Area of Outstanding Natural Beauty. It will not harm the character and appearance of the street scene or the dwelling or have an unacceptable impact on the living conditions of the residents of neighbouring properties.

**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.

**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:**

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: 1788B / 21 / 24d dated 29<sup>th</sup> March 2022, 1788B / 21 / 22c dated 29<sup>th</sup> March 2022 and 1788B / 21 / 23c dated 29<sup>th</sup> March 2022. The works shall be carried out in accordance with the details shown on the approved plans and in any other approved documents forming part of the application.

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

3. The development must be completed in strict accordance with the external materials listed on the application form and on drawing 1788B / 21 / 24d dated 29<sup>th</sup> March 2022.

Reason: To ensure the use of appropriate materials to accord with the National Planning Policy Framework, Policy LP26 of the Central Lincolnshire Local Plan, and Policy D1 of the Neighbourhood Plan.

4. Prior to first occupation of the approved development, the north east facing window on the first floor of the two-storey extension shall be glazed in obscure glass and thereafter retained in perpetuity.

Reason: To safeguard the residential amenities of nearby residential properties and avoid overlooking in accordance with Policy LP26 of the Central Lincolnshire Local Plan.

5. Prior to first occupation of the approved development, the privacy screens at either end of the roof terrace shall be installed and thereafter retained in perpetuity.

Reason: To safeguard the residential amenities of nearby residential properties and avoid overlooking in accordance with Policy LP26 of the Central Lincolnshire Local Plan.

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

6. Notwithstanding the provisions of Class A, B and E of Schedule 2 Part 1 of The Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended) (or any order revoking and re-enacting that Order), following the commencement of the development hereby permitted, there shall be no further alterations, additions or enlargement to the dwelling and its roof, or additional buildings within its curtilage, unless planning permission has first been granted by the local planning authority.

Reason: To safeguard the residential amenity of adjoining dwellings and to safeguard the character and appearance of the building and its surroundings and in accordance with the National Planning Policy Framework and Policy LP17 and LP26 of the Central Lincolnshire Local Plan.

### **Notes to the Applicant**

There is potential for raised levels of radon in this area. Suitable measures ought to be taken during construction to mitigate any impact upon subsequent inhabitants.

### 1 The Maltings Court, Market Rasen, LN8 3AZ



**NOTES**

ALL NECESSARY DIMENSIONS SHALL BE CHECKED ON SITE BEFORE ANY WORK IS PUT IN HAND. DO NOT SCALE.

**REVISIONS**

Letter	Amendment	Drawn	Date

**Housing**



Guildhall Marshall's Yard,  
Gainsborough  
DN21 2NA

CLIENT	West Lindsey District Council	
PROJECT	1 Maltings Court	
TITLE	Existing Site Plan	
DRAWN	DJAM	CHECKED VE
DATE	30/03/22	APPROVED VE
FILE REF	DRAWING No.	SCALE 1:1250
		REVISION NO

# Officer's Report

## Planning Application No: 144620

**PROPOSAL:** Application for a lawful development certificate to convert bathroom to wet room including removal of airing cupboard and other internal alterations to a Listed Building.

**LOCATION:** 1 Maltings Court Market Rasen Lincolnshire LN8 3AZ  
**WARD:** Market Rasen

**TARGET DECISION DATE:** 25/05/2022  
**DEVELOPMENT TYPE:** Certificates of Lawful Development  
**CASE OFFICER:** Daniel Evans

**RECOMMENDED DECISION:** Grant Certificate

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The application is being referred to Planning Committee because West Lindsey District Council are named as the 'Agent' for the proposed application.

### **Description:**

The application site relates to 1 Maltings Court, a GII listed building in Market Rasen.

The Historic England official listing describes the property as follows:

*“Early 19C brick Maltings with slate and pantile roofs. Front 9 bay, 4 storey range with steep pitched slate roof, small square windows with iron bars, brick voussoirs and sills, internally wooden sliding shutters. Central squashed arch carriage opening, with modern gates leading to cobbled courtyard, here double 2 flights of steps going up to central door over arch. Above weather-boarded hoist house, gabled with slate roof. Two later ranges with shallow pitched pantile roofs, one of 11 bays the other of 14, both 3 storey. Between them 2 square oasthouses, one behind the other, with pantile hipped roofs”.*

The application has been submitted to confirm whether Listed Building Consent is required for the works to convert a bathroom into a wet room including the removal of an airing cupboard.

### **Relevant history:**

None relevant to the proposal.

### **Representations:**

Conservation Officer:

In summary –

Based on the information provided, the work would not affect any historic or significant fabric and so we will not need to seek an LBC application at this time.

### **Relevant Planning Policies:**

Planning (Listed Building and Conservation Areas) Act 1990 (as amended).

Section 7 – “Subject to the following provisions of this Act, no person shall execute or cause to be executed any works for the demolition of a listed building or for its alteration or extension in any manner which would affect its character as a building of special architectural or historic interest, unless the works are authorised.”

Section 26H – “A person who wishes to ascertain whether proposed works for the alteration or extension of a listed building in England would be lawful may make an application to the local planning authority specifying the building and describing the works”.

### **Main issues**

- Whether the works proposed would affect the listed building’s character as a building of special architectural or historic interest.

### **Assessment:**

Listed building consent is needed for works to listed buildings which affect their ‘character’ as buildings of special architectural and historic interest, as defined within the Act.

The application has been submitted to confirm whether Listed Building Consent is required for the works to convert a bathroom into a wet room including the removal of an airing cupboard.

The proposal includes the following works:

- Asbestos survey: works consist of a 2mm inspection holes to the flooring, walls and ceiling to determine if the materials contain asbestos. The flooring, wall and ceiling cover are not original, but new finishes.
- Extend copper pipework: No loss to historic fabric is proposed, only extending the current shower feed to its new level on the same wall. All new pipework will be surface mounted.
- Rerouting of pipework: As above. Removing the existing pipework to the bath and putting new angles to the proposed shower. Surface mounted again.
- Liquid DPM: DPM will be laid on the existing floor after the existing floor covering is removed. So to protect the new flooring from any moist coming from the floor. The existing flooring is screed, not considered to be original flooring.
- Waste pipework into SVP: No loss to historic fabric. This is to make a hole in the existing SVP, so the shower waste can go in. It will be a modern SVP.
- Change to location of bathroom furniture: The only attached “furniture” is the retro fitted airing cupboard that will be removed so there is more room for bathing. All waste will be going into the SVP which is an existing waste pipe.
- Extractor fan: An upgrade to the existing fan is proposed. No external works are required to the extractor.
- Reposition light switch and power socket: This is to cap off the existing power points inside the airing cupboard that is being removed. No historic fabric will be effected. No new switches/sockets are proposed.

- New consumer unit: This will be on the outside of the bathroom. New wiring will be needed to wire it in. This will be mounted on the bathroom wall near the door on the outside of the bathroom. The wiring will be fitted on an existing circuit so no surfaces or fabric will be disturbed.

The proposed works would not result in the loss of historic fabric, or aspects of the building which contribute towards its special historical or architectural interest. Having taken into consideration the advice of the WLDC Conservation Officer it is concluded that the works proposed would not affect the listed building's character as a building of special architectural or historic interest.

Therefore, Listed Building Consent is not required.

### **Conclusion**

The works proposed would not affect the listed building's character as a building of special architectural or historic interest. Therefore, Listed Building Consent is not required and the proposed works are therefore lawful for the purposes of the Planning (Listed Building and Conservation Areas) Act 1990 (as amended).