

Guildhall Gainsborough  
Lincolnshire DN21 2NA

Tel: 01427 676676 Fax: 01427 675170

## AGENDA

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

### **Planning Committee**

**Wednesday, 10th August, 2022 at 6.30 pm**

**Council Chamber - The Guildhall**

#### **Members:**

Councillor Ian Fleetwood (Chairman)  
Councillor Robert Waller (Vice-Chairman)  
Councillor Matthew Boles  
Councillor David Cotton  
Councillor Michael Devine  
Councillor David Dobbie  
Councillor Cherie Hill  
Councillor Mrs Cordelia McCartney  
Councillor Mrs Jessie Milne  
Councillor Peter Morris  
Councillor Roger Patterson  
Councillor Mrs Judy Rainsforth  
Councillor Jeff Summers  
Councillor Mrs Angela White

#### **1. Apologies for Absence**

#### **2. Public Participation Period**

Up to 15 minutes are allowed for public participation. Participants are restricted to 3 minutes each.

#### **3. To Approve the Minutes of the Previous Meeting**

(PAGES 3 - 21)

- i) Meeting of the Planning Committee held on 13 July 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) 144201 - Land to the rear of Belmont, Legsby Road, Market Rasen (PAGES 22 - 47)
- b) 144574 - Land off Church Road, Upton (PAGES 48 - 74)
- c) 144010 - 18 South Drive, Stow (PAGES 75 - 91)
- d) 144347/144977 - The Hub, 1 East Street, Nettleham (PAGES 92 - 98)
- e) 144830 - Hillcrest, Grimsby Road, Caistor (PAGES 99 - 111)
- f) 143527 - Land off Brigg Road, Moor Town, Market Rasen (PAGES 112 - 130)
- g) 144955 - Land at Britannia Mill, Upton Road, Kexby (PAGES 131 - 144)

## 7. **Determination of Appeals** (PAGES 145 - 159)

Ian Knowles  
Head of Paid Service  
The Guildhall  
Gainsborough

Tuesday, 2 August 2022

## WEST LINDSEY DISTRICT COUNCIL

MINUTES of the Meeting of the Planning Committee held in the Council Chamber - The Guildhall on 13 July 2022 commencing at 6.30 pm.

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

Councillor Matthew Boles  
Councillor David Cotton  
Councillor Michael Devine  
Councillor David Dobbie  
Councillor Mrs Cordelia McCartney  
Councillor Mrs Jessie Milne  
Councillor Peter Morris  
Councillor Roger Patterson  
Councillor Mrs Judy Rainsforth  
Councillor Mrs Angela White  
Councillor Christopher Darcel  
Councillor John McNeill

**In Attendance:**  
Russell Clarkson Development Management Team Manager  
Martha Rees Legal Advisor  
Ian Elliott Senior Development Management Officer  
Holly Horton Development Management Officer  
Andrew Warnes Democratic and Civic Officer

**Also In Attendance:** 12 Members of the Public.

**Apologies:** Councillor Cherie Hill  
Councillor Jeff Summers

**Membership:** Councillor John McNeill sat as substitute for Councillor Jeff Summers.  
Councillor Christopher Darcel sat as substitute for Councillor Cherie Hill.

## 17 PUBLIC PARTICIPATION PERIOD

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

## 18 TO APPROVE THE MINUTES OF THE PREVIOUS MEETING

**RESOLVED** that the minutes of the meeting of the Planning Committee held on Wednesday, 15 June 2022 be confirmed and signed as an accurate record.

## 19 DECLARATIONS OF INTEREST

Councillor P. Morris declared a personal interest, in relation to agenda item 6e, application number 144759, as he had a close relationship to the applicant, and knew him well. He would step down from the Committee for the item, and leave the Chamber.

Councillor J. Milne declared, in relation to agenda item 6e, application number 144759, that she knew too much information about the application, and could not give an impartial judgment on the application. She would step from the Committee for the item, and leave the Chamber.

Councillor J. McNeill declared, in relation to agenda item 6e, application number 144759, that he was going to speak as a supporter for the application. He stated that he would state his points, and leave the Chamber.

## 20 UPDATE ON GOVERNMENT/LOCAL CHANGES IN PLANNING POLICY

The Development Management Team Manager informed Members of local changes to planning policy. This included that the Sturton by Stow and Stow joint Neighbourhood Plan was formally adopted at the full Council meeting on 4 July 2022. Members also heard that the Hemswell and Harpswell joint Neighbourhood Plan had its examiner appointed.

Neighbourhood Plan/s	Headlines	Planning Decision Weighting
Sturton by Stow and Stow joint NP	Made by Full Council meeting on 4 <sup>th</sup> July 2022.	Full weight
Hemswell and Harpswell joint NP	Examiner appointed and examination starts soon.	Increasing weight

## 21 144645 - LAND REAR OF 7 WATERFORD LANE, CHERRY WILLINGHAM

The Chairman introduced the first application of the meeting, planning application number 144645, for 3no. bungalows with rooms in the roof space including single garages and all associated works at Land rear of 7 Waterford Lane, Cherry Willingham.

**Note:** Councillor I. Fleetwood declared that he was Chairman of Cherry Willingham Parish Council. He stated that he did not deal with planning applications in his role as chairman of the parish council, and has made no representations on planning applications.

The Officer stated that there were no updates to his report, and gave a short presentation on the application. The Chairman then invited the registered speaker, the agent for the application, Kevin Coupland to address the Committee. The following statement was made.

The agent thanked the committee, and highlighted the positive neighbourhood consultation process, with no public objections and one registered neighbour supporting the application. It was referred that the boundary issues were dismissed, and that the objections from Cherry Willingham Parish Council were vague. The agent stated that the objection regarding the access road was mistaken, as the access had been increased in width and was approved by Lincolnshire County Council Highways. The speaker also stated that in fire engine access, this was enough, and was also supported by the domestic sprinkler system for the 3 properties.

Regarding objections about density of the application, the agent stated that this was not the case. He stated the studies and drawings from the application submission showed that it was not of high density, and that the location for the development was not challenged by Planning or the Parish Council. Members also heard that there were no statutory bodies objecting to the application, and that the building lines were fine for the development. He summarised that the application was acceptable for development.

The agent progressed to state that the Neighbourhood Plan issues raised by Cherry Willingham Parish Council were aimed at larger developments, such as local character, environment and landscaping. The agent asserted that the trees on the site would be retained. The agent then stated the accessibility of the properties was good, and was of sound design, and followed building control regulations. The agent concluded his statement to reassert that the application stood to scrutiny, held no consultee objections, and hoped for the Committee's approval.

In response to the statement from the agent, the Senior Development Officer clarified that though the drive on the site does narrow, Lincolnshire Highways did not object to the application and the access for emergency vehicles was a matter for building control through building regulations.

The Chairman then invited comments from Members of the Committee. Debate ensued, and Members brought up points about the density of the proposed site, with comments that referred to nearby, similar developments. Members also discussed the design of the properties, and that statutory bodies had no objected to the application, which included the access for fire engines.

Members also commented the site plans shown in the presentation were out of date, and that these incorrectly showed the easement size. Members also felt that the application site did not have too high of density.

In response to a query about the slope off on the land as shown on the drawings, this was confirmed to be a natural feature.

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

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

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

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

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

NONE

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

2. With the exception of the detailed matters referred to by the conditions of this consent, the development hereby approved must be carried out in accordance with the following proposed drawings:
  - 1768P-22-26c dated 18th May 2022 – Site Plan
  - 1768P-22-27 dated February 2022 – Plot 7a Floor Plans
  - 1768P-22-28 dated February 2022 – Plot 7a Elevation Plans
  - 1768P-22-29 dated February 2022 – Plot 7b Floor Plans
  - 1768P-22-30 dated February 2022 – Plot 7b Elevation Plans
  - 1768P-22-31 dated February 2022 – Plot 7c Floor Plans
  - 1768P-22-32a dated 1st April 2022 – Plot 7c Elevation Plans
  - 1768P-22-33 dated April 2022 – Plot 7a and 7b Garage Elevation and Floor Plans
  - AMS22-01 dated 24th May 2022 – Tree Protection Plan (Appendix A of the Arboricultural Method Statement by Brown Bear Tree Care dated 24th May 2022)

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 and LP26 of the Central Lincolnshire Local Plan 2012-2036 and policy H3 and D1 of the Cherry Willingham Neighbourhood Plan.

3. The development must be completed in strict accordance with the Arboricultural Method Statement by Brown Bear Tree Care and Tree Protection Plan (AMS22-01) dated 24th May 2022. All tree protection measures must be installed prior to works commencing and retained in place until the development is fully completed. The areas identified on the Tree Protection Plan for a cellular confinement system must be completed using a no dig/excavation method.

**Reason:** To appropriately protect and safeguard the protected trees and trees to be retained on the site to accord with the National Planning Policy Framework, local policy LP21 of the Central Lincolnshire Local Plan 2012-2036 and policy D1 of the Cherry Willingham Neighbourhood Plan.

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

**Reason:** To ensure adequate drainage facilities are provided to serve each dwelling, to reduce the risk of flooding and to prevent the pollution of the water environment to accord with the National Planning Policy Framework, local policy LP14 of the Central Lincolnshire Local Plan 2012-2036 and policy D1 of the Cherry Willingham Neighbourhood Plan.

5. No occupation must take place until a landscaping scheme has been submitted to and approved in writing by the Local Planning Authority. Details to include:
  - Type, height and position of all boundary treatments.
  - Material finish of all hardstanding (access road, driveways, patios and paths).
  - Species, planting height, formation and position of all new and retained trees and hedging.

**Reason:** To ensure that appropriate landscaping is introduced and will not unacceptably harm the character and appearance of the site to accord with the National Planning Policy Framework, local policies LP17 and LP26 of the Central Lincolnshire Local Plan 2012-2036 and policy D1 of the Cherry Willingham Neighbourhood Plan.

6. The development must be completed in strict accordance with the external materials identified on the elevation plans listed in condition 2 of this permission.

**Reason:** To ensure the use of appropriate materials in the area to accord with the National Planning Policy Framework, local policy LP17 and LP26 of the Central Lincolnshire Local Plan 2012-2036 and policy D1 of the Cherry Willingham Neighbourhood Plan.

7. No occupation of each individual dwelling must take place until the vehicular access, private drive to the dwelling and its individual driveway identified on site plan 1768P-22-26c dated 18th May 2022 has been fully completed and retained for that use thereafter.

**Reason:** To ensure safe access to the site and each dwelling/building in the interests of residential amenity, convenience and safety and to allow vehicles to enter and leave the highway in a forward gear in the interests of highway safety to accord with the National Planning Policy Framework, local policy LP13 and LP26 of the Central Lincolnshire Local Plan 2012-2036 and policy D1 of the Cherry Willingham Neighbourhood Plan.

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

8. All planting or turfing comprised in the approved details of landscaping must be carried out in the first planting and seeding season following the completion of the development, whichever is the sooner; and any trees or plants which within a period of 5 years from the completion of the development die, are removed, or become seriously damaged or diseased must be replaced in the next planting season with others of similar size and

species, unless the Local Planning Authority gives written consent to any variation. The landscaping should be retained thereafter.

**Reason:** To ensure that additional trees are provided within the site to mitigate for the trees which are to be removed to accord with the National Planning Policy Framework, local policies LP17 and LP26 of the Central Lincolnshire Local Plan 2012-2036 and policy D1 of the Cherry Willingham Neighbourhood Plan.

## **22 143891 - LAND OFF MAIN ROAD & CHURCH HILL, RIBY**

The Chairman introduced the next item of the meeting, application number 143891, to erect 5no. detached dwellings with associated boundary treatments, landscaping, private access drive and altered existing farm access, on Land off Main Road & Church Hill, Riby. The Officer informed the Members of the Committee that there were no updates on the application. A short presentation was then given by the Officer.

The Chairman advised that there were no Speakers registered, and invited comments from Members of the Committee.

Members debated the proposed site, the properties design, and the location of it. Comments included that the application connected to Riby and the Yarbrough Estate in the village. The Officer clarified following a comment from a Member that the site plan was not an indicative plan as this was a full application.

In response to a query about the levels of growth mentioned in the Officer's report, Members learnt that this was expected to last until 2036. It was also learnt in a similar line of questioning that should the application be granted, only applications with community support could be given approval in the future.

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

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

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

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

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

10. No development must take place until a construction method statement and plan has been submitted and agreed in writing by the local planning authority. The approved statement(s) must be adhered to throughout the construction period. The statement must provide for:

- (i) the routeing and management of traffic including any off site routes for the



- disposal of excavated material;
- (ii) the parking of vehicles of site operatives and visitors;
- (iii) loading and unloading of plant and materials;
- (iv) storage of plant and materials used in constructing the development;
- (v) the erection and maintenance of security hoarding including decorative displays and facilities for public viewing, where appropriate;
- (vi) wheel cleaning facilities;
- (vii) measures to control the emission of dust and dirt;
- (viii) details of noise reduction measures;
- (ix) a scheme for recycling/disposing of waste;
- (x) the hours during which machinery may be operated, vehicles may enter and leave, and works may be carried out on the site;

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

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

11. 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:

- dmc 21614/001 Rev A dated 3rd April 2022 – Site Plan
- dmc 21614/002 Rev A dated 3rd November 2021 – Plot 1 Elevation, Floor and Roof Plans
- dmc 21614/003 dated October 2021 – Plot 2 & 3 Elevation, Floor and Roof Plans
- dmc 21614/004 dated October 2021 – Plot 4 Elevation, Floor and Roof Plans
- dmc 21614/005 Rev A dated 3rd April 2022 – Plot 5 Elevation, Floor and Roof Plans

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

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

12. No development above ground level must take place until all external materials in the construction of the dwellings have been submitted to and approved by the Local Planning Authority. The external material details to include:

- Brick/Stone Type
- Roof Type
- Windows and Doors including colour finish
- Rainwater Goods including colour finish

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

**Reason:** To safeguard the character and appearance of the building and its surroundings

including the Area of Great Landscape Value and ensure the proposal uses materials and components that have a low environmental impact and to accord with the National Planning Policy Framework and local policy LP17 and LP26 of the Central Lincolnshire Local Plan 2012-2036.

13.No development above ground level must take place until details of a scheme for the disposal of foul sewage and surface water from the site (including the results of any necessary soakaway/percolation tests and connectivity plan) have been submitted to and approved in writing by the Local Planning Authority. No occupation must occur until the approved scheme has been installed. The development must be completed in strict accordance with the approved drainage scheme and retained as such thereafter.

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

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

- All hardstanding
- All boundary treatments
- Retained trees and hedging
- New hedging and new trees including position, species, planting height and planting arrangement.
- New infill planting to the front hedgerow including position, species, planting height and planting arrangement.

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

**Reason:** To ensure the development site is appropriately landscaped in its setting to accord with the National Planning Policy Framework and local policies LP17 and LP26 of the Central Lincolnshire Local Plan 2012-2036.

15.No development above ground level must take place until details have been submitted to demonstrate that at least 2 of the 5 dwellings, as a minimum, meet standard M4(2) of the Building Regulations 2010. The development must be completed in strict accordance with the approved details.

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

16.No occupation must take place until details of the type and position of 3 integral bat boxes, 2 house sparrow nest boxes, 2 swift nest boxes and 2 starling nest boxes have been submitted to and approved in writing by the Local Planning Authority. The approved boxes must be installed in strict accordance with the approved details and retained as such thereafter.

**Reason:** To respond to the enhancement recommendations of the Preliminary Ecological Appraisal (PEA) by CGC Ecology dated June 2021 to accord with the National Planning Policy Framework and local policy LP21 of the Central Lincolnshire Local Plan 2012-2036.

17. In addition to the bat and bird described in condition 8 of this permission the development hereby approved must otherwise only be carried out in accordance with the recommendations set out in section 5 (page 14-17) of the Preliminary Ecological Appraisal (PEA) by CGC Ecology dated June 2021.

**Reason:** To respond to the enhancement recommendations of the Prelim accord to accord with the National Planning Policy Framework and local policy LP21 of the Central Lincolnshire Local Plan 2012-2036.

18. No occupation of plot 1 must take place until its vehicular access off the A1173 and driveway identified on site plan site plan dmc 21614/001 Rev A dated 3rd April 2022 has been fully completed and retained for that use thereafter.

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

19. No occupation of plots 2, 3, 4 and 5 must take place until the access off the A1173, the private drive and each plots individual access and driveway identified on site plan site plan dmc 21614/001 Rev A dated 3rd April 2022 has been fully completed and retained for that use thereafter.

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

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

20. All planting and turfing comprised in the approved details of landscaping approved through condition 6 of this permission must be carried out in the first planting and seeding season following the completion of the development, whichever is the sooner; and any trees or plants which within a period of 5 years from the completion of the development die, are removed, or become seriously damaged or diseased must be replaced in the next planting season with others of similar size and species, unless the Local Planning Authority gives written consent to any variation. The landscaping should be retained thereafter.

**Reason:** To ensure that additional trees are provided within the site to mitigate for the trees which are to be removed to accord with the National Planning Policy Framework and local policies LP17 and LP26 of the Central Lincolnshire Local Plan 2012-2036.

## **23 144201 - LAND TO THE REAR OF BELMONT, LEGSBY ROAD, MARKET RASEN**

The Chairman introduced the next item of the meeting, application number 144201, for change of use to caravan site with associated infrastructure and landscaping, including formation of new access, at Land to the rear of Belmont, Legsby Road, Market Rasen, LN8 3DZ.

The Development Management Team Manager confirmed that there was an update to the report, which was a reversal of a recommendation from the Environment Agency. The sewage issue was possibly conditional, and the Officer confirmed that should the Committee have been minded to grant the application, condition 7 should be amended. The Officer then gave a short presentation on the application.

The Chairman then noted that the large number of registered speakers for this item. The Chairman then invited the first registered speaker, the Town Council Representative, Councillor Taylor of Market Rasen Town Council, to address the Committee. The Representative made the following statement.

The Representative hoped that the Members had read the statement submitted by Market Rasen Town Council, and the report, which highlighted key considerations which included precedence, ecology, environment, roads, landscaping, views and sustainable development. The speaker asserted that this was contrary to six local plan regulations, and declared that it was contrary to LP55, paragraph c. The Representative stated that this provision read that mobile homes should be treated the same as permanent homes.

The speaker commented, as regular user of nearby woods, that the application would disrupt the wildlife and affected LP7. The Representative stated that the new 79 caravans would affect the biodiversity of the area, and a massive extension of the area, not within existing settlements. Regarding the biodiversity, the speaker explained that it was unlikely to be sheltered. The

The Chairman thanked the Representative for his statement.

**Note:** The Chairman made the declaration that the previous speaker was a former Member of West Lindsey District Council, and was known to several Members of the Committee.

The Chairman noted that, in an agreed upon decision as one-off due to the volume and length of the statements, there were five registered speakers in the applicant/agent/supporters' category. The Chairman then invited the first, the agent for the application, Nayan Ghandi, to address the Committee. The agent made the following statement.

The agent stated that the applicant supported the Officer's recommendation, and could see the conditions for the applications. Members heard that the applicant and agent had worked with the Officer to reach a suitable recommendation. The agent explained that the application site was adjacent to the Market Rasen Race Course, and offered an alternative experience for those visiting the area. It was explained that the site would operate all year round, and intended to draw visitors from around the country, which included in the low season.

The agent then asserted that the application was supported by local business owners, and drew on that the site would lead to an increase of 1.5 million pounds in spending, which secured jobs and the area. The agent stated that this responded to the Visitor Economy Strategy recently discussed at another Committee, and the need for economic development. The agent stated that LP7 of the Central Lincolnshire Local Plan had been met, and that the application complied with the planning policy framework.

The agent stated that the application would create a visitor hub and clarified that the site was for holiday use only, and agreed with the proposed condition restricting the site to holiday use. Speaking on this, the agent stated that

The agent then asserted that there would be biodiversity net gain, and would create venue space for the area. The agent then concluded his statement to state that there were multiple statements of support, and reasserted that the application was policy compliant, had the NPPF compliance, and significant benefits for the town.

The Chairman thanked the agent for his statement, and then invited the Democratic and Civic Officer to read the four registered statements out altogether. The first was from Valerie Kirman. This was read aloud by the Democratic and Civic Officer.

“Market Rasen, like many other places now, is losing trade, small businesses etc. But unlike many other places it is uniquely placed to become a centre for tourism and leisure. Situated at the foot of the beautiful Lincolnshire Wolds, there is access for walking and cycling. Willingham Forest, Walesby Woods, the conservation area are within easy reach. There is a lovely walk over to Tealby. The Golf Club and The Racecourse would benefit from this proposal, making it a true recreational and leisure area.”

“It would bring in much needed income and generate new jobs in the town and the environs. Travel to other places of interest e.g. Lincoln, Horncastle and Louth and the East Coast resorts would be very enjoyable days out from Market Rasen hub. For a place not to descend into apathy, it needs to move forward, be dynamic from which the town and it's people will benefit. Thank you.”

The second statement was from Carol King. This was read aloud by the Democratic and Civic Officer.

“I would like to say that I think it would be an asset to Market Rasen and other business, for the planning application to be approved.”

The third statement was from Bettie Sweet. This was read aloud by the Democratic and Civic Officer.

“Ideal plot, location set between golf course and race course. Perfect site for leisure/tourism. Would significantly increase footfall to shops and businesses in town. In last six months the town has seen many closures of shops as not enough people using facilities. Potential increase of people to use expensive new leisure centre which is currently not being used to full capacity. Support Market Rasen and surrounding areas. E.g. Wolds, Louth, Lincoln, Gainsborough, Grimsby and coastal areas. Support Lincolnshire Heritage and History. Support nature, significant planting etc. included in the plan. Lots of public ways, bridle ways

for off road activities. On national cycle route and vast network of cycle trials both on and off road. Significant potential financial benefit for the town and surrounding areas. More people to keep local transport viable and sustain a regular service to the town if used more."

The fourth and final statement was from Allan and Pauline Tench. This was read aloud by the Democratic and Civic Officer.

"As residents of Legsby Road we wish to state that we have no objection in principle to the scheme. It seems a very good idea for the town."

The Chairman then stated that there were three registered objectors to the application. The first was a statement from Mrs Sheila Brookes. This was read out by the Democratic and Civic Officer. The following statement was read out.

"Dear Committee, I oppose this suggestion on several grounds. This is a very quiet agricultural area of rural Lincolnshire. The approach lane has an "upside" & a "down side", yet some of the caravans will sleep up to eleven people, that will be three cars per van. A lot of traffic on a country lane that accommodates only one car in each direction."

"Also the meadow is a wildlife habitat, the owner is aware of this as she has frequently posted photos that she has taken to friends & associates. These have included Barn Owls, Brown Owls, Buzzards, & Kites, including nesting pairs. She has also sent pictures of hares, hedgehogs, stoats & weasels, and numerous toads & frogs. All would be lost."

"There is no plan for entertainment or sports facilities on site, this means that people will be driving out on a daily basis. Some may go into Market Rasen, taking the short route through the small estate of bungalows to reach Tesco's. The estate is not built for this type of traffic."

"When the caravan occupants choose to drive away from the direction of Market Rasen on the narrow country lane, after less than a 1/2 mile they will be on the Lindsey Trail for the next third of a mile. The Lindsey Trail is the longest round route in the country for the ridden & driven horse, mostly off road. It was opened in 2012 by Sir Edward Leigh, & received an Access Award from the British Horse Society. Please do not allow this quiet rural area with all round woodland to become a camp site and rat run."

The Chairman thanked the Democratic and Civic Officer for reading out the statement. He then invited the next registered objector, Carol Turner, to address the Committee. The speaker made the following statement.

"I believe most areas regarding why the above mentioned application should be refused have already been covered by the email sent to West Lindsey Council by the Market Rasen Town Council dated 11th March 2022. I myself agree with all their objections regarding Precedent, Ecology, Environment, Biodiversity, Traffic-Roads, Landscape and views and Sustainable Development. Basically, the proposal is for 80 static caravans which in itself is excessive for the site. 165 car parking spaces?? The application does not say if the homes are to be occupied for twelve months of the year, or if they may become permanent homes?"

"The populations of the nearest villages to the site are Legsby approximately 200 people and Linwood less than 200 people. Therefore, in essence a completely new village is being

proposed for this Legsby Road site. If each static caravan houses only six people which I understand some are able to accommodate eight or more, there would be a population of over 450 people a sum greater than that of the two nearest villages combined. In ten years' time who will take responsibility for a site that could become a derelict eyesore to this beautiful area of Market Rasen countryside?"

The Chairman then invited the third registered objector, Lyndsey Horstwood, to address the Committee. The following statement was made.

The speaker stated that following the objections made by Market Rasen Town Council, the proposed application was right next door to residential properties, with some being in residence for 90 years. The objector referred to possible noise pollution caused by the site. The speaker progressed to state about possible flooding for residential properties, and on the roads being exacerbated, with an assertion that the buffer zone was not sufficient.

The objector progressed to state that the proposed new access was too close to nearby other properties' entrances, and that it was on a country road. The speaker then explained that on race days on the adjacent racecourse, the traffic flows the opposite way, going to Legsby, and this would lead to significantly larger amounts of traffic. The speaker stated that the nearby Legsby had single vehicle access roads and was not suited for the application. The speaker then stated that in a previous refused application, traffic access, the countryside area, character harm and vehicle access to local amenities were given as reasons for refusal. The speaker said that this would be worse as that refused application was for 50 properties.

The speaker stated that housing development was preferable to the application's static caravans, and that the year-round usage of the site was longer than in other caravan sites. The objector concluded there was considerable opposition by the local Lindsey Trial Touring Park to the applications, referenced that there were many developments ongoing in Market Rasen, and that it was already a massive site in the previous refused application.

The Chairman then stated that the final registered speaker was a Local Ward Member, Councillor Stephen Bunney. The following statement was read aloud by the Democratic and Civic Officer.

"Apologies for not appearing in person but I have a longstanding prior engagement. I address tonight's planning committee in my capacity as one of the local district councillors for the Market Rasen Ward and as Chair, Mayor, of Market Rasen Town Council."

"It is generally agreed that there is a need for economic development in Market Rasen to improve both the infrastructure and facilities for residents and visitors. 'Visitor Economy' and 'Active Leisure' have been identified as leading drivers to bring this development about. There is also common agreement that the beauty of the natural environment and wildlife, particularly in the area surrounding the built-up area of the town, is a major asset for the community. The challenge faced by planners is to balance the two, so that the any development does not adversely impact the natural environment and community."

"The proposed plan for 79 mobile homes on Legsby Road represents a major build for the site and will inevitably alter the view and ecology of the area. Conditions set as part of proposed planning approval may well mitigate some of the negative effects and indeed,

could enhance nature in the area. However, it needs to be recognized that there is a high chance that not all these conditions will be completed to the standard required by the local community and planners. Conditions imposed inevitable take the form, that plans need to be submitted and approved by officers before the development stage takes place. As they will not be directly consulted, the danger is that the views and knowledge of the locals – who know the area best – will not be fully considered, resulting in the mitigation measures being below par.”

“The current economic climate means that everyone is looking to keep costs as low as possible. In such circumstances mitigation measures are at risk of being rushed and trimmed back – which means that there is a likelihood that they will not be as effective as desired. I appreciate that enforcement procedures exist to protect against this but, with all due respect, enforcement is not an easy process and isn’t always 100% applied.”

“If the planning proposals were for permanent homes the planning officer explains in his report that the scheme would not be granted permission. The officer also writes in the report that in the planning process caravans are to be treated in the same light as permanent homes. It would therefore seem to me that the same reasons for decisions should apply and so planning approval for the mobile homes should not be granted. In reading the detailed application forms I got the impression that if the expected demand for tourist units did not hold there was a possibility that the units could be sold/leased as long-term residencies. This would build permanency into the scheme, which as explained in the previous paragraph would be against officer advice.”

“The plans for the project as submitted imply that the site will be operating for 12 months a year. Whereas other sites in the vicinity have limits of 7 and 8 months accordingly. I believe that for consistency reasons the timings on the proposed project should be similar. This could have a negative influence on the projects business plan. Placing pressure on the owners to convert the units to undesirable permanent residencies.”

“The Central Lincolnshire Plan [CLP] requires planners to favour sustainable development [CP1] and to promote a sustainable visitor economy [CP7]. On the surface the project, as proposed, satisfies both criteria. The key word is SUSTAINABILITY [defined by Collins Dictionary as ‘to keep from failing or sinking - to keep alive - to endure’]. We need to ask the questions are the site, Legsby Road and Market Rasen able to support a project of 79 mobile home units both now and into the future?”

“Recent proposals for Mobile Homes on the B1203 Tealby Road would suggest not. Only 1 of several dozen granted planning permission, by this committee, has been built. If the Legsby Road site does have a better building and occupation rate than the Tealby Road set up the extra numbers of holiday makers will certainly change the ambience of the area by influencing noise, traffic, footpath use etc. This is likely to have an adverse effect on the number of clients using the ‘adult based’ caravan sites along the road, reducing their attractiveness and occupancy, with a consequent reduction in the economic potential of these businesses. In short, the area will be too full of holiday makers!”

“In common with most of the local residents who have commented on the planning portal I conclude that the sheer size of the project is inappropriate for the site and planning permission should be refused. I appreciate that the developers argue that their proposals will enhance aspects of the natural environment but on balance believe the overall effect will



be detrimental and so do not meet LP 17, LP21 and LP55 of the CLP. I also believe that the projects economic and community benefits do not stack up in the short and medium run and so do not meet the Sustainability test required for LP1 and LP7.”

In response to the statements made, the Development Management Team Manager stated that in response to the year-long opening, the legislation for this was changed in 2010 to allow for year-round opening. Regarding the flood risk comments, the Officer stated that the drainage could be conditioned in order to provide indicative details. The Officer then progressed to comment that the access and roadway to the site already had visitor access. For the raised transportation issues, the Officer clarified that the Transport statement submitted by the applicant was reasonable, with vehicle movements between 7 am and 7 pm being around 140 vehicles on a typical weekday, and that the adjacent Legsby Road had capacity.

The Chairman then invited comments from Members of the Committee. Debate ensued, and Members brought up multiple points, which included the access/egress of the site, the usage of caravans, density, and the effect on light and noise pollution of the local area. Members also asserted to the conditions on the road and surrounding areas on race days at the adjacent racecourse.

In response to a clarification, Members learnt that Market Rasen did not have a neighbourhood plan for planning policy and was a designated area. In response to a similar query, there was no planning standards to measure density, though admitted that this had been previous consideration, and the Legal Advisor clarified that this would be governed and licensed with pre-existing regulations for caravan sites. Regarding the noise and lightening issues raised, the Development Management Team Manager said these would be controlled by the environmental protection and regulatory teams. He also stated that street lamps on the site could be conditioned, and that any issues around the transient population would be minimal.

In response to a comment about the use of caravans, the Development Management Team Manager explained that it was LP7 that was engaged, not LP55. It was explained that the previously refused applications was for homes, and due to the transient nature of the users for this possible site, different policies applied. The Officer stated that these were not mobile homes or touring caravans, and so had different regulations attached. In a related query about the year-round nature of the site, Members heard that this would be more market led, with minimal traffic expected in winter months.

In a response to a query about the possible conditioning of blocking permanent use, the Officer explained that any decision had to test for reasonable, and was a standard condition. The Officer stated that this was commonplace, and used Torksey as an example. Members then heard that for enforcing any breach of conditions, it was within 10 years of the local Planning Authority to enforce any breaches.

In response to a query about the registered supporters out of the District in the report, the Development Management Team Manager stated that by law, the Planner has to take into consideration the weight, but that it was up to the Committee the weight they took the letters. It was explained that it was not a referendum, but what they were stating which was the main consideration regarding planning.

In response to a query about the flood zone, the Development Management Team Manager said that the existing water courses were on both sides of the site, and that the water was to run off naturally.

A Member of the Committee proposed a site visit. This was in order to better understand the proposed site's location and layout, and to review the access /egress points to the site due to the possible high occupancy rate.

Having been proposed, and seconded and, on taking the vote, it was

**RESOLVED** that the application be deferred for decision at the next available meeting, in order for a site visit to be undertaken.

## **24 144761 - 11 THE GRANTHAMS, DUNHOLME**

The Chairman introduced the next item of the meeting, application number 144761, for 1.8m high Pallas fence to front and side boundaries, at 11 The Granthams, Dunholme, Lincoln, LN2 3SP. The Development Management Team Manager highlighted, in a short presentation, the unusualness of the application, and emphasised several key points, such as the medical and personal reasons for the application, which warranted the Officer's recommendation for granting the application with the condition.

There were no registered speakers, and the Chairman invited comments from Members of the Committee. Many Members commented that they supported the reasoning behind the fencing, and some referenced individual experiences that related to the personal, medical reasons behind the application.

Responding to a query about the removal of the fencing for future owners', the Legal Advisor stated that a conveyancer should inform that purchaser of this planning condition, and any others that might apply. The Officer clarified that the legal maxim of 'Buyer's Beware' was recommended.

In response to queries about the condition's wording in order to be precise, reasonable, and enforceable, that it had to meet the five tests. The Legal Adviser stated that the reason for the fence for medical reasons meant it would be challenging for non-medical experts, including the Council, to decide whether the child reaching majority no longer needed the fence. In response to a later query, Members learnt that the child's medical condition was severe.

In a later comment response, the Legal Adviser detailed that if Members were unhappy with the condition as printed in the agenda, it could be amended to suit the Committee's preferences.

Members heard that due to not fully knowing the domestic arrangements, and that any changed circumstances could be dealt with by Planning, this condition was precise and enforceable. The Officer explained that though he was understanding of the concerns raised, he stated that he did not foresee the situations raised that would affect the planning condition.

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

1. This permission is granted to, and is for the benefit of Mrs Eloise Rimmer only. Once Mrs Rimmer no longer resides at 11 The Granthams the fencing shall be removed, no later than one month from the date of her departure from the property.

**Reason:** It is considered the personal circumstances of the applicant are a material consideration in the determination of this application.

## **25 144759 - LAND TO THE REAR OF 5 MILL LANE, CAISTOR**

**Note:** Councillor P. Morris stepped down from the Committee for this item and left the Council Chamber at 8.15 pm.

**Note:** Councillor J. Milne stepped down from the Committee for the remainder of the meeting and left the Council Chamber at 8.15 pm.

The Chairman introduced the final application of the meeting, application number 144759, for 1no. dwelling with detached garage, at Rear of 5 Mill Lane, Caistor, Market Rasen, LN7 6UA. The Development Management Officer explained that the applicant was related to an elected Member of the Council, and this was the reason for its consideration by the Committee. The Officer gave a short presentation of the application.

The Chairman invited the registered speaker, a supporter of the application, Councillor John McNeill, to address the Committee. The following statement was made.

The Member stated that he was representing the applicant, Mr Oliver Lawrence, and expressed that he was satisfied with the Officer's report. Though it was a full planning application, the Member articulated that the applicant wanted full transparency, even with the minor variation to the previously granted application. The Member concluded his statement that the applicant was grateful for the additional support.

**Note:** Councillor J. McNeill left the Council Chamber at 8.19 pm.

The Chairman then invited comments from Members of the Committee. Debate ensued, and Members were content with the proposed changes, with queries related to clarifying the proposed design. In response, Members learnt that there was to be one less window, and a 8 inch increase of the property's ridge height.

In response to a query, the Development Management Team Manager confirmed that if the applicant was not related to an elected Member of the Council, this would have been handled under Officer delegation, and would not have come to the Committee's attention.

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

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

None (development has already commenced).

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

None.

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

1. With the exception of the detailed matters referred to by the conditions of this consent, the development hereby approved shall be carried out in accordance with the following drawings: ldc-3597-BR-01 B dated 23rd September 2021, ldc-3597-BR-02 B dated 23rd September 2021, LDC3683-PL-01 dated March 2022, ldc-3597-PL-07 dated April 2022 and ldc-3597-BR-03 B 11th August 2021. The works shall be carried out in accordance with the details shown on the approved plans and in any other approved documents forming part of the application.

**Reason:** To ensure the development proceeds in accordance with the approved plans and to accord with the National Planning Policy Framework, Policy LP17 and LP26 of the Central Lincolnshire Local Plan and Policy 3 of the Caistor Neighbourhood Plan.

2. No development above damp proof course level for the proposed garage shall take place until, details of all external and roofing materials for the detached garage to be used have been submitted to and approved in writing by the Local Planning Authority and the development shall only be carried out using the agreed materials.

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

3. Before the dwelling is occupied, the access and turning space shall be completed in accordance with the approved plan drawing number LDC3683-PL-01 dated March 2022 and retained for that use thereafter.

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

4. The development hereby permitted shall not be used or occupied until the sewage disposal works have been completed in accordance with the approved plans and retained as such thereafter.

**Reason:** In the interest of water quality and the residential amenities of future occupiers in accordance with the National Planning Policy Framework and Policy LP14 of the Central Lincolnshire Local Plan.

5. Details of a scheme for the disposal of surface water from the site (including the results of any necessary soakaway/percolation tests and connectivity plan) shall be submitted to the Local Planning Authority within 3 months of this decision. have been submitted to the

Local Planning Authority for written approval. No occupation must take place until the approved scheme has been installed, and shall thereafter be retained as such.

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

**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.

**Note:** Councillor P. Morris returned to the Council Chamber at 8.24 pm.

**Note:** Councillor J. McNeill returned to the Council Chamber at 8.24 pm.

## **26 DETERMINATION OF APPEALS**

There were no comments or statements in this item.

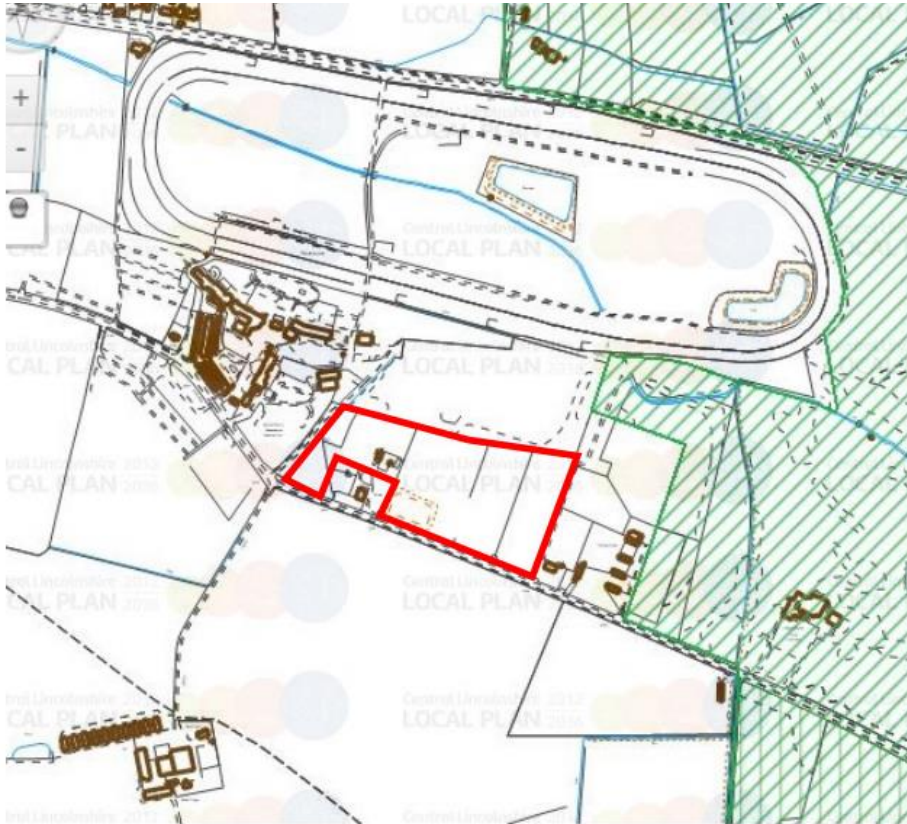
The determination of the appeals were **DULY NOTED**.

The meeting concluded at 8.25 pm.

Chairman

# Agenda Item 6a

CHANGE OF USE TO CARAVAN PARK, LAND TO REAR OF BELMONT, LEGSBY ROAD REF 144201



## **Officers Report**

### **Planning Application No: 144201**

**PROPOSAL:** Planning application for change of use to caravan site with associated infrastructure and landscaping, including formation of new access.

**LOCATION:** Land to the rear of Belmont Legsby Road Market Rasen LN8 3DZ

**WARD:** Market Rasen

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

**APPLICANT NAME:** Green Park Homes

**TARGET DECISION DATE:** Extension of Time to 12.08.2022

**DEVELOPMENT TYPE:** Major - Other

**CASE OFFICER:** George Backovic

**RECOMMENDED DECISION:** Grant conditional permission

---

The application was deferred for a site visit by the July Planning Committee. This was carried out on 20<sup>th</sup> July 2022.

This application has been referred to the planning committee as the recommendation to grant planning permission is in conflict with representations made by Market Rasen Town Council and other third parties, who object to the development on various planning matters relevant to the proposed development.

...

The site currently comprises an area of land approximately 3.9 Hectares used for agricultural purposes and paddocks, bordering and used in connection with a residential property (Belmont) along Legsby Road in Market Rasen. The site is bordered to the north and west by the Market Rasen Racecourse, and its associated caravan site; to the south by Legsby Road and agricultural land; and to the east by the Lindsey Trail caravan site and beyond, by a golf course (Market Rasen Golf Club).

A change of use to a caravan site is proposed and an indicative masterplan has been submitted showing 79 units on the site. A new access is proposed at the eastern end of the site onto Legsby Road.

#### **Relevant history:**

Central Section of Site: 137053 - Outline planning application for residential development all matters reserved. Refused 22.01.18.

138375 - Outline planning application to erect 1 dwelling all matters reserved. Refused 07.11.18.

1. The application site is not an appropriate location for market housing development and is in an unsustainable location where residents will have to rely on the use of the car to access retail, employment, medical, educational and other services and facilities. The site falls within the open countryside and there is no evidence or justification that the dwelling is essential to the effective operation of rural operations. The proposed development is therefore contrary to local policies LP1, LP2 and LP55 of the Central Lincolnshire Local Plan and the provisions of the National Planning Policy Framework, particularly paragraph 79.

Appeal submitted and dismissed. Ref APP/N2535/W

“7. The appellant has identified that the site is a 20-minute walk from schools, a supermarket, shops, Festival Hall, leisure centre, doctors surgery and dentist. However, I am not convinced that access to the facilities would be via a desirable route for families with young children, older people and those with mobility issues. This is because of the unlit, high speed nature of the road and the absence of a footpath along part of the route, even if the grass verge that exists is well maintained.

8. The appellant has identified alternative walking routes into Market Rasen. Although they would be traffic free, from my observations on my site visit they would not address the other concerns identified. The occupants of the dwelling in all likelihood would be reliant on the car to access services and facilities to meet day to day needs. I do not therefore consider the proposal would support the provisions of paragraph 103 of the NPPF which states that planning should actively manage patterns of growth to support the use of public transport and walking.”

Land to the west:

W61/451/75 - Application to site 60 touring caravans. GC 11/09/75.

Land to the east:

133092- Change of use of land to form touring caravan site and paddocks with 24 pitches and amenity building, to include sanitary facilities and shop-resubmission of 132232. GC 10/08/15.

**Representations:**

**Chairman/Ward member(s):**

**Market Rasen Town Council: Object**

Market Rasen Town Council (MRTC) considered the proposal at the Planning and Development Committee on the 9th of March 2022. MRTC feels that there are many issues related to this proposal that need to be fully scrutinised, hence MRTC have made the decision to request that this application is “called in” to be considered by the West Lindsey District Council Planning Committee. MRTC’s concerns fall into the following categories, Precedent, Ecology, Environment, Biodiversity, Traffic – Roads, Landscape and Views and Sustainable Development, as detailed below with references to the Central Lincolnshire Local Plan (LP)



Precedent: In 2018 planning permission was refused twice for permanent dwelling on this site. Applications 137053 and 138375. The applicant unsuccessfully appealed against the decision on application 138375. It was decreed that the site is inappropriate for development as it falls within open countryside and that it is an unsustainable location as residents will have to rely on the use of the car to access retail and services etc. It was seen to be contrary to LP1, LP2 and LP55. Since 2018 nothing has changed regarding developments in the area. LP55 paragraph C clearly states that mobile homes are to be treated the same as permanent homes – therefore the precedent for the permanent homes applies to this static home development.

Ecology, Environment, Biodiversity: There is a rich diversity of wildlife in the area including various species of owls and small mammals. The static Caravans and lodges will inevitably reduce the available habitat and subsequently have a negative effect on the wildlife.

The increased light, noise and air pollution from the site will have a negative effect on the natural habitat. The site is within 300m of Linwood Warren – a designated Site of Specific Scientific Interest [SSSI]. The proposed increased numbers of visitors and temporary residents in the area will increase the risk of damage to this area and its unique habitat. It is clear then that the development goes against LP21.

Traffic – Roads: The site is located on the B1202, Legsby Road. It runs from the junction on Willingham Road [A631] out of town past De Aston School, the local cemeteries to the racecourse. This section is largely residential on both sides and is pavement. It is reasonably narrow and struggles to take the traffic that uses it – especially the HGVs. Beyond the racecourse towards Legsby Village the road becomes even narrower. There are more bends and no pavement. For a fair distance the road runs through high hedges and woodland that make it very dark – adding to its risk – especially at night-time. The system cannot safely absorb the extra vehicles and pedestrians which will be produced by the proposed development

The proposed development is 1.8km from the centre of Market Rasen as the crow flies. This inevitably means that a large proportion of the development's occupants will use their cars to go shopping, visiting local amenities etc. The road system cannot manage these. The development does not meet the requirements of LP13.

Landscape and Views: As a significant area of open meadow cum grazing land the proposed development is clearly an open space of land in a rural area. The open areas of the racecourse and golf club along with the local woods and Linwood Warren add to the rurality of the area. The adjacent touring caravan site is limited in its numbers and is consequently well, spaced out. The bungalows and house on Legsby Road into Market Rasen are set in spacious gardens all adding to the low-density countryside type environment. The development with its 80 dwellings [79 holiday/second homes and 1 for The Manager] along with 169 parking spaces and the associated buildings will

come across as a densely packed community that is far from open or rural. It will therefore have a negative impact on the landscape and therefore does not meet LP17.

The local plan in LP1, LP7, LP55 requires commercial development to be economically beneficial and sustainable to the local economy. Currently, the two touring caravan sites in the area run for limited periods of the year [Racecourse 8 months, Lindsey Trail 7months] – they are also required to adopt restrictions on the light and noise from the site [curfews at 10.30pm]- it would be accepted that the new development would be expected to adopt the same. The inevitable high density produced by the 80 caravans, 169 parking spaces and associated buildings will make such restrictions difficult to enforce.

The developers say that the project will create the equivalent of four full time jobs. However, as the site will be closed for some months of the year these jobs will be seasonal and so have a lower impact on the economy than that at first might be assumed. The developers in their submission place great emphasis on the racecourse being a major source of their business. Race meetings are sporadic throughout the year – many of which will be in the closed period - so whilst during permissible meetings the customer basis will be higher in between time it will fall away. This means the benefits to local traders will be sporadic, which does not meet the sustainable criteria.

In recent years planning permission for several static holiday homes and lodges have been granted for the land around Sunny Side Up on the outskirts of Market Rasen – on the Tealby Road B1203. As yet only one of these has been constructed and even though the economy is moving into a post Covid 19 stage there is little sign of the development continuing. Again, suggesting that there are concerns around the economic sustainability of such projects in this area.

#### **Local residents:**

##### **Lindsey Trail Touring Park Object:**

The Lindsey Trail Touring Site is situated on land that initially belonged to the Golf Course, this land was kept by the golf course as very well-kept greens, neatly trimmed and trees kept tidy. The land when given to the Race View property became pastureland. When the Lindsey Trail Touring Park received planning permission for the site, the land went back to being used for recreational purposes. The site which measures approximately 110m x 38m and has only 24 touring pitches, the owners of the site has given back more land than this to nature and wildlife, this was part of the requirements of the planning permission. The owners have planted over 800 trees and hedging and have put up 17 nest boxes for small birds and 2 owl boxes in conjunction with the Environment agency. The grass on the touring park is left as long as possible in the dandelion season and left to seed, this attracts many seed eating song birds. Where the touring park toilet block is situated, this used to be a deep litter poultry house, so there has been a building on this area for more than 60 years. This toilet block had to be built to resemble stables and stained black to fit in with the rural countryside area. The touring park is only open 7 months of the year, and no flood lighting was permitted.

The Lindsey Trail Touring Park is an adult only site, who come to the site for a quiet, peaceful and restful stay, where they can see/hear the birds and wildlife and where there is no light pollution or noise. There is a strict light pollution policy (no floodlights on site, campfires or disco lights) and curfew on excessive noise by 10.30pm to 8.30am. Plus no group bookings allowed. This is twofold – 1. Not to disturb native wildlife that has resided prior to the campsite and not to 2. The residential property and the golf course which is 160m away. This application goes against the ethos of the Lindsey Trail Touring Park, respecting both neighbours and nature.

The Touring site is limited to open 7 months of the year, the Racecourse camp site opens for 8 months of the year so this is different to the proposed application which wishes to open for 12 months of the year, with potential residents on the development for the whole year.

The amount of extra traffic on the road ways is an issue and concern for potential horse riders/carriage drivers and cyclists who come to the Touring Park to access the local Lindsey Trail and quieter country roads

The Lindsey Trail Touring Site of 24 pitches is around 140 metres from the golf course car park, so this would make the nearest neighbours the Steward of the Golf Course which is approximately 160 metres from the nearest caravan to them, and there is also a policy on site no noise after 10.30pm to 8.30am. The caravans on the Lindsey Trail Touring Park are also 110 metres from the residential property. The proposed application is only approximately 30 meters from the residential property, the reception and holiday caravans and lodges will be therefore very close to our property. We fully appreciate that residents on holiday will want to enjoy themselves and therefore the noise level will be an issue. Therefore, we have major concerns that the buffer zone is no way sufficiently big enough next to residential properties, there is no proposed suitable fencing/green screen to limit noise and view.

Race View, Legsby Road: **Object** (Summary).

Size of the proposed development; closeness to a residential property; Noise level; Traffic on the road - causing more difficulties on Race Days; Floodlighting: The effect on the environment; Views/landscaping; Over saturation of the market.

Dog Kennel Lodge, Legsby Road: **Object.**

Legsby Road, mentioned as the leisure mile, already has the Racecourse which has been known to close the road on some race days, preventing a route to my home and race marshals stopping through traffic. There's already a campsite at the racecourse and a new one adjacent to the golf club further down for tourers. Legsby Road is entirely unsuitable for the amount of traffic already generated which has to negotiate walkers, cyclists, horse riders and dog walkers. Static caravans and lodges in the numbers envisaged would require the widening of the highway and an extension to the public footpath for the whole of its length in order to allow for safe, increased holiday footfall and vehicular access.

Dog Kennel Farm, Legsby Road: **Object.**

This development is in the quiet open countryside, the road approaching it from Market Rasen is a narrow, one lane in each direction & cannot be widened at the Rasen end due to the Bungalows & their gardens. It then runs past the racecourse before reaching Belmont. This narrow road is already quite busy & frequently closed to through traffic on race days. There is then a long stretch through meadows before continuing past the forest & an SSSI before a very abrupt right bend. The traffic associated with this proposed site would make the road unusable by walkers, cyclists & horse riders. With 79 vans, some accommodating 11 people, that would be two or even three cars/van making trips in & out of Market Rasen, making the road far too busy for vulnerable road users. Also given these numbers what infrastructure will be in place for the considerable sewage output? In addition street lighting on site, is proposed. This would light up a dark area of meadow, forest & woodland, ruining the habitat of many birds & wild creatures. Furthermore, no signage regarding the intention to develop this land has been displayed at all. People passing by do not know what a major change could be imminent.

#### Woodhill Farm, Legsby Road **Object.**

The proposal is for 80 caravans which in itself is excessive for the site. 165 car parking spaces. Legsby Road is not able to support this input of additional traffic without the road being widened, a footpath from the Racecourse to the Golf Course being instated and the 30mph speed limit to extend to the Golf Course. The road is sometimes closed during race meetings which would also affect the site. The road is not in a good state of repair at present and I worry that articulated Lorries and the additional vehicle usage can only make it worse. The planning application does not say if the caravans are to be occupied for twelve months of the year. The smaller touring caravan areas on Legsby Road are only open for seven months of the year. Neither does it say if the caravans themselves have a planning application lifespan. On many sites ten years is the limit for a caravan. It would be very unsightly in time to come if the site was not made to be kept up to standard and could easily become an eyesore for such a beautiful area. The landscaping needs to be kept in keeping with the area hopefully the high hedge and all trees especially in the small wooded area to the side of the entrance to the racecourse will be retained and further trees planted. (Should permission be granted).

The sewage system, water and drainage needs to be seriously looked at as the Anglian Water have had various problems in this area for the locals especially on Horse Racing days. Also there are only four recycling areas shown on the site for what could be up to 480 people??

If the planning application had been made for 80 permanent houses it would have been immediately rejected (See various other applications on Legsby Road which have been refused). This I do not understand as if given permission these caravans are no different to permanent homes the infrastructure is just the same. Housing, Lighting (pollution), hard Landscaping (roads etc.), Noise levels. Having pointed out the above concerns my greatest fear is the effect on the countryside. Rural and Natural England are aiming to provide and protect wildlife areas. I note that Natural England have made no comment to the application but are asking yourselves to consult your own ecology services for their advice. (Hopefully this will be done)? Myself as a farmer have great respect for the wildlife and birdlife we

are so lucky to have in our area. The lighting, noise and the development of this highly congested site can only be detrimental to our wildlife. I call on you to look very carefully at Planning Application 144201 and hope that a satisfactory and realistic decision may be reached.

Clearwell Legsby Road: Object:

The Application form states that there are trees and hedges on the site and that could influence the development and important to local landscape character, the form itself states that if you answer yes to both questions a tree survey should be provided. In this case I would go on to ask for a full arboricultural impact assessment given that the access, footpaths, proposed units etc. all fall within root protection areas of a number of trees on the site. There has been no consideration of this as part of the submission, so how are the council able to assess this aspect. Given the significant scale of the development and the fact the proposed units are not connected to mains drains a Foul Sewerage Assessment should be provided. Further details are therefore required given this application is a supposedly fully detailed scheme.

The site location plan does not truly reflect the site including visibility splays to the front of the site which are required. Legsby Road is not flat along the side of the site, a significant dip is present outside Belmont, so I assume the 160m visibility splay is along the flat part of Legsby Road. (Drawing R-21-0121-002)

The site access shown on the vehicle tracking does not reflect, the proposed entrance and access onto the site this needs clarifying and plans updating. Inaccuracies in width and layout. The proposed entrance does not match the layout of the road within the site. The vehicle tracking does not show ability for vehicle to enter and exit in forward gear, how does an articulated vehicle turn around? The vehicle tracking plan does not show refuse vehicles ability to get around the site to collect refuse given location of refuse collection points. No passing places provided throughout site.

The proposal is for 79 units no waste management plan is provided as part of the application.

The site is set within the open countryside, no proposed landscaping plans have been submitted as part of the proposal. Given the location of the site a detailed landscaping scheme should be submitted to fully understand the impact of the proposal on the surrounding landscape.

The proposal is set within open countryside, there appears to be a significant number of lit elements on the site. No detailed lighting scheme and impact assessment has been provided that could have an impact on biodiversity and the character of the surrounding area.

Within the Preliminary Ecological Appraisal, submitted alongside this application, paragraph 5.3.2 within the Development Constraints and Recommendations chapter advises further survey work is required and states:

'At least one brown long-eared bat was noted to be using the bungalow and field signs of bats were recorded. In accordance of the latest industry guidelines, further assessment is required in order to ascertain the nature and

status of the roosts within the bungalow and then use this information to prepare a detailed mitigation strategy for the site. The further survey work required is as follows:

1. January/February 2022 – a hibernation survey of the bungalow
2. May-September 2022 - 3 evening/dawn surveys of the bungalow to be undertaken with the use of ultrasonic bat detectors, in order to ascertain the species present, the location and status of the roosts. A team of 3 surveyors will be required in order to cover all elevations of the building. In addition, the site will require appropriate lighting to ensure the site boundaries and woodland areas are not illuminated or are subject to directional, low level lighting only.'

Not only has the additional survey work not been submitted as part of this application but that survey work is required to be carried out between May and September. Which surpasses the 8-week determination date for some time. The application therefore should be withdrawn until such a time that these reports can be carried out.

Whilst the application proposes a caravan park, the only details of the proposed units are plan views sizes. Details of the proposed units need to be provided, together with detail of the reception unit, to fully understand the size scale and impact on the surrounding area. I am also confused on the usage of the properties, Clause 4.2.1 of the transport policy states units are for holiday let purposes only, but elsewhere units as a mixture of residential and holiday lets.

In addition to the above concerns about the application material in general, as part of the application submission, the application has failed to acknowledge and take into consideration the impact of a number of caravans in close proximity to the property known as Belmont and the impact this has on neighbouring living conditions of present and future occupiers of the property. To my surprise, the planning statement and supporting application makes little reference to the impact the proposal has on neighbouring living conditions; this is deeply concerning given the impact the proposal will have on this property and private amenity area. What is more concerning is the lack of information submitted with the application to enable full assessment of this issue as part of the planning assessment of the proposal.

The proposal would result in at least seven units including outdoor amenity areas sitting immediately on the boundary of this property the application shows serious flaws in the design and layout of the site and I have serious concerns with this relationship. In particular, the oppressive noise and potential overlooking of the units to the dwelling and primary amenity areas. No noise impact assessment has been submitted. For these reasons, the development would have an unacceptable impact and cause significant and unfounded harm to the living conditions of Belmont, as a result of noise, Lighting, overlooking and loss of privacy. Through the sites design, layout and impact on neighbouring living conditions, the proposal would not result in a high quality of design that can be supported. In this respect, the proposal would conflict with section 12 of the Framework. In this respect, the proposal

would also conflict with the Framework's objective of seeking a good standard of amenity for all existing and future occupants of land and buildings.

The Chase Legsby Road **Object:**

The road is totally unsuitable for such a large infrastructure. It is a narrow road and would need widening to support the extra vehicle use, which can't be done.

5 Stable Way Market Rasen: **Object**

Well this is a marmite application! People from outside the locale seem in favour, local people less so and I am amongst these. This is a rural road used by walkers, cyclists etc. to access our countryside, it is dangerous enough being a near single track road. I have read MRTC response and feel that they have more than adequately relayed my views against this application, my only additional comment is how long before the owner/applicant applies for a full 12 months occupation as has happened elsewhere, and what would the response be?

The Conifers Legsby Road: **Support**

These extra facilities for caravans should enhance the area and improve amenities.

Villa Farm Stables Villa Barns Partridge Drive Rothwell: **Support**

Absolutely Brilliant Idea to bring visitors to the area, walking, cycling the races much needed revenue to local shops and business.

**Letters of support received from outside West Lindsey:**

50 Sandringham Avenue Whiston Rotherham:

The addition of a well-run 79 unit site will bring a number of people into Market Rasen and hopefully support the town centre shops and public houses.

62 Way Lane, Cambridge:

I've have many happy memories visiting Market Rasen but have been saddened by the decline of facilities and closure of shops and businesses in recent years. What was a charming market town with the added attraction of the racecourse has become sparse with thriving attractions. I think the proposed plans could only enhance the area and create opportunities for local people to find employment and hopefully open up more businesses which the enterprise would create. I understand the concern shown by some people but the footpaths I understand will not be affected and wildlife habitat will be retained. We need to expand to enable more places for people to come to Market Rasen and hopefully have the chance to regenerate the town to its former charm.

Gaylin Kiln hill, Ludford:

I think the project would be a big asset to Market Rasen town if the application goes ahead.

55 Edward Seago Place Brooke Norwich:

Market Rasen is a lovely traditional market town set in wonderful scenery but like many similar towns needs to move forward or wane. This proposal will enhance the vision of a new 'industry' of leisure and tourism, bringing support

for the Racecourse and the Golf Club and shops and businesses in the town. It will have a strong ecological ethos, tying it in with the nature reserve and Willingham Forest. This can only bring benefits to the whole of the area.

9 Chapel Lane Lincoln:

I wish to support the application for a static caravan park on the edge of Market Rasen. Being a Yellowbelly I have been attending the races at Market Rasen for many decades and I have been saddened by the degeneration of the once vibrant town. The planned ponds will bring birds and be very beneficial to varied wildlife. I think that the proposed static caravan park can only be a huge bonus bringing jobs and business to the lacklustre town.

19 Grove Street Kirton in Lindsey:

I would strongly support this application as i believe it would be a huge asset to the town. It will bring in a boost to tourism which would be beneficial to the businesses in the town. This application would enhance the surrounding areas leisure and tourism offerings and is in an ideal location. This would blend in to the locality and would be a prestigious asset which is strongly needed to give tourists a new choice of local accommodation for people wanting and needing to stay at Market Rasen.

Endymion Tatenhill Lane Rangemore Burton upon Trent:

I have lived in the area for over 30 years before moving to my current address. Market Rasen needs 5\* holiday facilities. The town is struggling so increasing visits by tourist will put it on the map. The development will support the local economy and generate more support for the natural and cultural heritage. Visitors to the Race Course and the beautiful Wolds will benefit from 5\* second homes or holiday caravans and lodges.

104 Keymer Road Hassocks (Mid Sussex):

Having carefully looked at the planning documents available online, I would like to give this proposal my wholehearted support. I have family connections to Lincolnshire and Grimsby and this fixed caravan site will be a welcome stopping place when visiting. There are already touring caravan sites in the area which my sister has used when visiting and this fixed caravan site will be a good complement. The online documents show thorough background work has been done and I think the proposed site will be an asset to Market Rasen and the surrounding area. The provision of good pedestrian access will also be compatible with cycle access and the location is ideal for exploring on and off road possibilities in Willingham Woods, the Wolds, Market Rasen and the neighbouring towns and villages.

43 Nursery Close Hurstpierpoint (West Sussex):

With multiple family connections to Lincolnshire, particularly to Rasen, we have always been disappointed by the lack of good quality self-catering accommodation suitable for families in the area. This development will provide a very welcome alternative for those visitors who do not wish to camp and who do not have their own caravan or motor home. As a tourist destination, Rasen is well positioned as a base for enjoying the attractions in the area, including the delights of the Wolds and the local Lindsey Trail, part of which we walked on our last visit. This development would also make an ideal base for touring the area by cycle, especially as Rasen sits along National Cycle Route 1. Having looked at the plans for the park, we believe this is a well-considered design that will provide a beautiful holiday destination for visitors.



We do take note of the comments regarding traffic on the Legsby Road and, having visited the areas on race days, we know that this can be an issue. However, that is only on race days and the traffic problem is a matter for the race course. For the vast majority of the time, traffic is simply not an issue on this road, in our experience.

Harlands Cottage Balcombe Road Haywards Heath (West Sussex):

Having visited the area in the past, this proposal would be of great interest, including visits to the nearby racecourse. The proposal seems to be well thought through, with some shielding being provided by hedgerows and an interesting possible addition of a footway. Having known friends in this area it would be a place I'd happily stay and the potential boost to the local economy is clear.

**Environmental Protection:**

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

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

**LCC Highways:**

05.05.2022: No objections and requests the following condition be imposed:

The development hereby permitted shall not be occupied before a footway, to connect the development to the existing footway network, has been provided in accordance with details that shall first have been submitted to, and approved in writing by, the Local Planning Authority. The works shall also include appropriate arrangements for the management of surface water run-off from the highway.

Reason: To ensure the provision of safe and adequate pedestrian access to the permitted development, without increasing flood risk to the highway and adjacent land and property.

There is no precise definition of "severe" with regards to NPPF Paragraph 111, which advises 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." Planning Inspector's decisions regarding severity are specific to the locations of each proposal, but have common considerations:

- The highway network is over-capacity, usually for period extending beyond the peak hours
- The level of provision of alternative transport modes

- Whether the level of queuing on the network causes safety issues.
- In view of these criteria, the Highways and Lead Local Flood Authority does not consider that this proposal would result in a severe impact with regard to NPPF.

As Lead Local Flood Authority, Lincolnshire County Council is required to provide a statutory planning consultation response with regard to drainage on all major applications. This application has submitted a suitable drainage strategy and therefore the Lead Local Flood Authority does not consider that this proposal would increase flood risk in the immediate vicinity of the site.

30.03.2022: No objection in principle, the access arrangements are acceptable. A footway link connecting the development site to the existing footway infrastructure on Legsby Road will be required, to provide safe access for pedestrians to and from the site. It is recommended that a suitable width link is provided along the western side of Belmont and along the public highway from that point. Can the applicant submit details for consideration.

The submitted drainage strategy is acceptable in principle.

**Natural England:** (Summary) No comments to make on this application. The lack of comment from Natural England does not imply that there are no impacts on the natural environment, but only that the application is not likely to result in significant impacts on statutory designated nature conservation sites or landscapes. It is for the local planning authority to determine whether or not this application is consistent with national and local policies on the natural environment.

**Tree and Landscape Officer:**

There is indicative planting shown on the Master Plan but there are no details regarding species, sizes, quantities etc. There is an existing good quality dense hedgerow along the southerly site boundary alongside the highway, with trees and hedge also along the easterly boundary, and a bund and trees along the westerly boundary. The northerly boundary has various trees but no low-level screening such as a hedgerow, so there would be clear views between caravan site and the land just to the north. Details on species and their position, sizes, quantities etc.... should be required as part of a scheme of landscaping. The landscaping shown on the Master Plan would add various scattered trees behind the frontage hedgerow and would help screen the intended caravans. It is just plots 69 and 70 where there would be no planting between the caravans and the front boundary hedge. The proposed positions for the rest of the landscaping is appropriate. It would be preferable for a mixed native hedgerow along the northerly boundary to be included in a scheme of landscaping.

**LCC Historic Services:** No archaeological impact

**Environment Agency:**

08.07.2022: We are pleased that the applicant consulted Anglian Water as we advised and we welcome the commitment to connect to mains, subject to further investigation to confirm feasibility. Although it would be preferable to have the investigation completed at this stage, we are satisfied that the foul drainage strategy can be finalised through a planning condition, as you have suggested. We therefore **withdraw our objection** subject to the imposition of the following planning condition.

Prior to occupation of any caravans on the site full details of the proposed means of surface water and foul water disposal must be submitted to and approved in writing by the Local Planning Authority. Foul drainage shall be to the main public sewer unless detailed evidence is submitted demonstrating that this is not feasible, for costs or practicality reasons. The agreed details must be implemented in full prior to occupation.

16.03.2022: We object to the proposed development as submitted because it involves the use of a non-mains foul drainage system in circumstances where it may be reasonable for the development to be connected to a public sewer but no justification has been provided for the use of a non-mains system. We recommend that the application should be refused on this basis.

This objection is supported by planning practice guidance on non-mains drainage which advises that the first presumption must be to provide a system of foul drainage discharging into a public sewer (ref ID 34-020-20140306). Only where, having taken into account the cost and/or practicability, it can be shown to the satisfaction of the local planning authority that connection to a public sewer is not feasible, should non-mains foul sewage disposal solutions be considered.

### **Relevant Planning Policies:**

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

#### Development Plan

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

Relevant policies of the CLLP include:

- LP1: A Presumption in Favour of Sustainable Development
- LP2: The Spatial Strategy and Settlement Hierarchy
- LP3: Level and Distribution of Growth
- LP7: A Sustainable Visitor Economy
- LP13: Accessibility and Transport
- LP 14: Managing Water Resources and Flood Risk
- LP17: Landscape, Townscape and Views
- LP21: Biodiversity and Geodiversity

LP26: Design and Amenity  
LP55: Development in the Countryside.

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

Draft Local Plan / Neighbourhood Plan (Material Consideration)

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

- (a) *the stage of preparation of the emerging plan (the more advanced its preparation, the greater the weight that may be given);*
- (b) *the extent to which there are unresolved objections to relevant policies (the less significant the unresolved objections, the greater the weight that may be given); and*
- (c) *the degree of consistency of the relevant policies in the emerging plan to this Framework (the closer the policies in the emerging plan to the policies in the Framework, the greater the weight that may be given).*

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

Review of the Central Lincolnshire Local Plan commenced in 2019. The 1st Consultation Draft ("Reg 18") 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 Draft ("Reg 19") of the Local Plan was published in March 2022, and was subject to a further round of consultation. On 8th July 2022, the Local Plan Review was submitted to the Planning Inspectorate in order for it to commence its examination.

The Draft Plan may be a material consideration, where its policies are relevant. Applying paragraph 48 of the NPPF, the decision maker may give some weight to relevant policies within the submitted “Reg 19” Plan, with the weight to be given subject to the extent to which there may still be unresolved objections to those policies (the less significant the unresolved objections, the greater the weight that may be given)

**Relevant Policies:**

S1 The Spatial Strategy and Settlement Hierarchy  
S2 Growth Levels and Distribution  
S4 Housing Development in or Adjacent to Villages  
S6 Reducing Energy Consumption – Residential Development  
S19 Resilient and Adaptable Design  
S20 Flood Risk and Water Resources  
S22 Meeting Accommodation Needs  
S46 Accessibility and Transport  
S48 Parking Provision  
S52 Design and Amenity  
S56 The Historic Environment

**Main issues**

- Principle
- Highway Safety
- Landscape and Visual Impact
- Biodiversity
- Noise and Disturbance
- Foul Drainage

**Assessment:**

CLLP policies LP2, LP7, LP13 and LP55

The site is located outside any defined settlement and falls to be considered as “countryside” under the spatial strategy and settlement hierarchy of LP 2:

*“Unless allowed by:*

*a. policy in any of the levels 1-7 above; or*

*b. any other policy in the Local Plan (such as LP4, LP5, LP7 and LP57), development will be regarded as being in the countryside and as such restricted to:*

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

This allows the application to be assessed against LP 7 in order to determine whether the principle is acceptable.

There is no support available under LP 55 as “applications for temporary and mobile homes will be considered in the same way as applications for permanent dwellings”. Part D deals with applications for new dwellings which are “only acceptable where they are essential to the effective operation of rural operations listed in policy LP2”. However, in this instance, the development is primarily for lodge holiday accommodation.

Part E does set out its policy for “non-residential development in the countryside” as follows:

*Proposals for non-residential developments will be supported provided that:*  
*a. The rural location of the enterprise is justifiable to maintain or enhance the rural economy*  
*or the location is justified by means of proximity to existing established businesses or natural features;*  
*b. The location of the enterprise is suitable in terms of accessibility;*  
*c. The location of the enterprise would not result in conflict with neighbouring uses; and*  
*d. The development is of a size and scale commensurate with the proposed use and with the rural character of the location.*

It is considered however, that this policy should not be read in isolation, but alongside LP7 which sets out a direct policy in relation to “A Sustainable Visitor Economy” and which provides locational parameters for such developments.

The supporting text (section 3.7) of the Central Lincolnshire Local Plan (CLLP) explains that “*The visitor economy is one of the most important sectors of Central Lincolnshire’s economy.*” It explains that, whilst Lincoln is the principal visitor destination in Central Lincolnshire, that “*Rural Central Lincolnshire also makes a significant contribution to the visitor economy, with many visitors attracted to the waterways, walking and cycling routes, aviation attractions and other attractions across the area which are varied and numerous.*”

The Greater Lincolnshire Local Enterprise Partnership (GLLEP) recognises the visitor economy as one of the top three strongest economic sectors within Greater Lincolnshire and identified this sector as one of the priorities for growth. In order to achieve this, policy LP7 “*aims to encourage sustainable growth in the visitor economy*”. It explains that “*The tourism offer of more urban areas is different to that in rural areas where the scale and types of visitor economy uses need to be in scale with their surroundings.*”

**Policy LP7** which supports “sustainable rural tourism and leisure” is in accordance with paragraph 84 of the NPPF which refers to sustainable rural tourism and leisure developments and is afforded full weight.

#### Policy LP7: A Sustainable Visitor Economy

Development and activities that will deliver high quality sustainable visitor facilities such as culture and leisure facilities, sporting attractions and accommodation, including proposals for temporary permission in support of the promotion of events and festivals, will be supported. Such development and activities should be designed so that they:

- a. contribute to the local economy; and
- b. benefit both local communities and visitors; and
- c. respect the intrinsic natural and built environmental qualities of the area; and
- d. are appropriate for the character of the local environment in scale and nature.

Development should be located within existing settlements, or as part of planned urban extensions, unless it can be demonstrated that:

- such locations are unsuitable for the nature of the proposal and there is an overriding benefit to the local economy and/or community and/or environment for locating away from such built up areas; or
- it relates to an existing visitor facility which is seeking redevelopment or expansion.

In terms of the second bullet point of LP7 the site would not relate as a matter of fact to an existing visitor facility. Nevertheless, an important material consideration is its location close to the existing Market Rasen Racecourse Caravan and Touring site to the west and the “Lindsey Trail Touring Park” to the immediate east. Although these were granted permission under different development plans it adds some weight to the view that such proposals are not readily contained within existing settlements. It would be within an area where existing tourism and leisure facilities are already established.

Whilst it is not within an “existing settlement” it is noted that it is on the periphery of one of our two established Market Towns which are a focus for growth and which would directly benefit from the proposal. On balance this is considered a suitable location for the development. Policy further requires that there be an overriding benefit to the local economy and/or community and/or environment.

#### Overriding benefit to local Economy

The preceding sections of this report make clear the importance of Tourism to the local visitor economy. The policy requires “overriding benefits” to the local economy. The applicants have used the British Holiday and Home Parks Association (BH&HPA) commissioned report prepared by Roger Tym and Partners to determine the economic impact of holiday caravans in 2012. This was produced over 10 years ago and the applicants have used this as the basis of their submission. Page 11 of the Planning Statement submitted is reproduced in part below:

*“In this regard, the British Holiday and Home Parks Association (BH&HPA) commissioned Roger Tym & Partners to determine the economic impact of holiday caravans in 2012. The following table sets out the estimated economic benefits of the proposed development (based on the submitted masterplan) extrapolating the data and calculating it according to 2021 values (the latest annual figure) using the Bank of England’s Inflation Calculator. This assumes*

*of course that the rate of contribution to the economic remains the same as it was in 2012. Table 1: Estimated Economic Benefits of the Proposed Holiday Caravan Park at Belmont (in 2021, using official inflation rates)*

	Privately Owned Holiday Caravan	Park Letting Fleet
Park Expenditure per Unit	£359,823	£585,643
Visitor Expenditure Per Unit	£387,120	£933,058
Total Spend Per Unit	£746,943	£1,518,701
Total GVA Per Unit Per Annum	£336,497	£684,904

(GVA stands for Gross Value Added)

*During the operation of the holiday accommodation, tourists are envisaged to create employment and help to sustain jobs in the local area by visiting local attractions, shops and establishments which are usual activities for visitors to an area. Indeed, the likely overall spend is estimated to range from £746k to £1.518million in any given year, with a GVA boost to the local area of between £336k and £685k. “*

This is noted and it is also claimed that following completion the site would provide “8 full time equivalent jobs within the site including grounds keepers, receptionists, cleaners and maintenance operatives.”

By way of comparison, an application for 84 holiday lodges (Ref: 138145) set out that 3 full time equivalent jobs would be created. If it is assumed that only 3 full time jobs would be created this is still a benefit of the application although it would be difficult to describe it as an “overriding benefit”.

#### Overriding benefit to the local community

The argument advanced principally relates to additional custom within Market Rasen supporting the retention of existing services and facilities and a benefit from the provision of a new footpath to users of the Lindsey Trail touring park. This is a benefit of the proposal but would not be considered to be an overriding benefit.

#### Overriding benefit to the Environment

This is put forward principally on the basis of additional planting in the form of new hedgerows and native trees together with 2 attenuation ponds that would improve the bio diversity value of the site. This would be required by policy LP21 as a result of what is being proposed in any event and cannot be claimed as an overriding benefit.

#### Concluding Statement

The principle of the proposal on balance is capable of attracting support given its specific location adjacent existing holiday accommodation to both sides of the site. This is subject to assessing the detailed impacts of the proposal which is set out below.

#### **Highway Safety:**

A considerable number of objections have been raised on this matter with specific reference to conflicts between different users of the road including



walkers, cyclists and horse riders. These objections are noted. The Highways Authority has however, not raised any objections to the proposal subject to the provision of a new footpath which the applicant has accepted. On this basis notwithstanding the objections received there is no reason to withhold consent on the grounds of harm to highway safety. It would be in accordance with LP13.

### **Landscape and Visual Impact**

There are no public rights of way on the site. "Linw/162/1" is on agricultural land to the south at a distance in excess of 300m. Whilst Linw/764/1, is approximately 300m to the southeast. It is noted that there are no statutory landscape designations on the site. To the east beyond the Lindsey Trail Caravan Park is a large Area of Great Landscape Value (AGLV) which includes Willingham Woods.

The legal definition of a caravan was established in the Caravan Sites and Control of Development Act 1960. It was modified in 1968 to include twin-unit mobile homes and again in 2006 when the sizes were increased. This meant that the overall height (measured internally from the floor at the lowest level to the ceiling at the highest level) could not exceed 3.05m. It is on this basis that the reasonable assumption was made that it would be below 4m in height externally.

A Landscape and Visual Impact Assessment (LVIA) was submitted with the application. Sections of this are reproduced below:

*"Summary of Visual Effects Views of the Site are generally constrained by hedgerows, trees and landform. Furthermore, the scale of the proposed development and low height of features (<4m) results in few opportunities to view the proposed development in the context of the existing landscape. Where views are predicted they are at a longer distance, Viewpoint 2 from a Public Right of Way adjacent to Woodhill Farm."*



## Viewpoint 5 from Byway Linw/764/1



*It will result in a change to the character of the site to one accommodating holiday lodges and associated infrastructure including open recreational space. The existing boundary hedgerows of the site (with the exception of removal of a section for the new access) will be retained as will the wooded copse in the western corner and mature trees to the eastern and northern boundaries. The enclosed nature of the site, limited intervisibility with the surrounding landscape and scale of the development, comprising low height (<4m) temporary structures will result in few perceivable impacts to the surrounding landscape. There will be a slight intensification of development in the local area, which will not typically be observed beyond the local area around the site.*

The conclusion reached is reasonable. Whilst the character of the site will undoubtedly change as a result of the proposal the change this creates is not considered to be one of significant harm. It will be necessary to condition the requirement for a scheme of landscaping incorporating a “mixed native hedgerow along the northerly boundary” as recommended by the Tree and Landscape Officer.

### **Biodiversity**

LP21 requires development to minimise impacts on biodiversity and geodiversity. A preliminary ecological appraisal has been submitted. The results are summarised below.

Reptiles: The site is considered to have moderate potential for use by the common reptile. There are many sites with higher value habitats for reptiles to the north-east, east and south-east of the site.

Great Crested Newts: There are many records for great crested newts from the area; the majority originate from Linwood Warren approximately 500 metres from the survey site. Given the quality of the habitats associated with Linwood Warren and the Local Wildlife Sites located to the east of the survey

site, it is considered unlikely that newts would seek out shelter and feeding opportunities on the site.

Bats: There are no trees on the site identified as having features with potential to support roosting bats. A Hibernating bat was spotted within the roof void of the existing bungalow which falls outside the application site.

Birds: Common species. The hedgerows, trees, scrub, grassland and buildings on site all have high potential for nesting birds.

Schedule 1 species. The site, was not deemed suitable for nesting by any Schedule 1 bird species.

Water vole No sign of water vole was recorded and the potential for this species to occur is very low.

The habitats and plant species recorded on the site are common and widespread in the local area and in the country.

The habitats of significance for local biodiversity are Hedgerows; Broad-leaved woodland; Trees and scrub. Where possible these habitats should be retained although it is noted that one of the hedgerows would meet the criteria to class as 'important'. It will be necessary to remove sections of hedgerow in connection with access to the site and ensuring adequate and safe visibility; in mitigation it is recommended that at least an equivalent length (preferably more) is replanted using locally native and appropriate species.

#### Recommendations

- Sets out precautionary working practices for great crested newt
- Any works to the trees, scrub, buildings and hedgerows should commence outside the active nesting season which typically runs from March through to late August. If work commences during the bird breeding season, a search for nests should be carried out before it begins, and active nests should be protected until the young fledge.
- Consideration should be given to the provision of nest boxes within the development. As the UK sparrow population has suffered a severe decline of late it is recommended terrace sparrow boxes are placed around the site on any permanent structures created as part of the development (reception buildings or storage buildings).
- Recommendations for ecological enhancement: Removal of the existing hedgerows on the site should be avoided where possible and kept to a minimum if unavoidable. Any removal of hedgerows should be compensated for by re-planting at least the amount that is lost using native species. Grassed areas between the caravans on the site should be seeded with appropriate wildflower mixes. Seeding of any amenity areas between the caravans should use a flowering lawn mixture, such as Emorsgate Seeds, which is resistant to regular mowing.

It is noted that objections have been received stating that the application cannot be properly considered in the absence of the recommended further

surveys. These surveys, however, relate to the presence of bats within the existing bungalow which does not form part of the application. Concerns have been raised about lighting on the site having a negative impact. No floodlights are proposed. What is proposed will be directional based modern low-level lighting (e.g. bollard lighting) to avoid any light spillage. Details of lighting will be conditioned. On this basis subject to this and the imposition of conditions in relation to precautionary working practices and ecological enhancement there is no reason to withhold consent on biodiversity grounds. It would be in accordance with LP21.

### **Noise and disturbance**

It is noted no objection has been raised by Environmental Protection to the proposal. The Masterplan shows distance separation ranging from 12m to 50m from the eastern boundary of the site with the Nature Trail Park and what is believed to be an associated dwelling. A condition will require adherence to it. On this basis there is no reason to withhold consent on the grounds of noise and disturbance. It would be in accordance with LP26.

### **Previous refusals of permission**

The pattern of activity and usage of holiday accommodation is of a different character and nature to permanent residential use. A dwelling could need regular and repeated access to schools, employment and medical services as an example. This would not be the case for people in holiday accommodation and this is reflected in the appeal decision. A condition will be imposed ensuring holiday accommodation use only.

### **Foul Drainage**

This matter is capable of being dealt with by the imposition of the condition as recommended by the Environment Agency.

### **Planning balance and conclusion**

This is an application for a caravan park on a site between two existing sites offering holiday accommodation. In this context whilst not meeting the delivery of “overriding benefits” set out by LP 7 on balance the location can be supported in principle. The objections raised on the grounds of highway safety are noted but are not accepted by the authority responsible for highway safety. Visual and ecological impacts as set out above are not considered a reason to withhold permission and other matters in relation to drainage and noise and disturbance are capable of being dealt with by appropriately worded conditions. Overall it would accord with the provisions of the Central Lincolnshire Local Plan.

### **Recommendation: Grant Permission subject to the following conditions**

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

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

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

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

2. No site clearance or other works shall commence on site until details of the proposed external appearance of the caravans and reception building have been submitted to and approved in writing by the Local Planning Authority. The caravans placed on the site must be in accordance with the approved details

**Reason:** In the interests of safeguarding the character and appearance of the site and wider area in this rural location in accordance with policy LP 26 of the Central Lincolnshire Local Plan.

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

3. Works shall take place on the site in full accordance with the recommendations of the Preliminary Ecological Appraisal prepared by Helen Scarborough dated 7<sup>th</sup> February 2022. In particular the precautionary working practices for great crested newt and reptile species; any works to the trees, scrub, and hedgerows should commence outside the active nesting season which typically runs from March through to late August. If work commences during the bird breeding season, a search for nests should be carried out before it begins, and active nests should be protected until the young fledge.

**Reason:** In the interests of biodiversity in accordance with policy LP21 of the Central Lincolnshire Local Plan.

4. The site shall be laid out in accordance with Masterplan P206C16-13-REV F and the number of caravans must not exceed 79.

**Reason:** As the development was considered acceptable on this basis in the interests of the character and appearance of the site and wider area and impacts on neighbouring dwellings 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:**

5. The caravans shall be used as holiday accommodation only and shall not be occupied as a person's sole or main place of residence. The owners/operators shall maintain an up-to date register of the names of all occupiers in individual caravans in the site, and of their main home addresses, and shall make this information available at all reasonable times and upon request, to the Local Planning Authority.

**Reason:** Permission is granted on the basis of holiday accommodation, in which policy LP7 of the Central Lincolnshire Local Plan has been applied. The site is in a location in which permanent residential occupation unrelated to holiday use would not be permitted and would otherwise be contrary to policy LP55 of the Central Lincolnshire Local Plan.

6. The development hereby permitted shall not be occupied before a footway, to connect the development to the existing footway network, has been provided in accordance with details that shall first have been submitted to, and approved in writing by, the Local Planning Authority. The works shall also include appropriate arrangements for the management of surface water run-off from the highway.

**Reason:** To ensure the provision of safe and adequate pedestrian access to the permitted development, without increasing flood risk to the highway and adjacent land and property in accordance with Policies LP13 and LP14 of the Central Lincolnshire Local Plan

7. Prior to occupation of any caravans on the site full details of the proposed means of surface water and foul water disposal must be submitted to and approved in writing by the Local Planning Authority. Foul drainage shall be to the main public sewer unless detailed evidence is submitted demonstrating that this is not feasible, for costs or practicality reasons. The agreed details must be implemented in full prior to occupation

**Reason:** To ensure a satisfactory scheme of drainage is provided in accordance with policy LP14 of the Central Lincolnshire Local Plan

8. Prior to occupation of any caravans on the site full details of both hard and soft landscape proposals shall be submitted to, and approved in writing by, the local planning authority. These details shall include, as appropriate, car parking layouts; other vehicle and pedestrian access and circulation areas; hard surfacing materials; and minor artefacts and structure (e.g. refuse or signs.). Soft landscaping details shall include planting plans; specifications (including cultivation and other operations associated with plant and grass establishment); schedules of plants, noting species, planting sizes and proposed numbers/densities where appropriate; A hedge along the northern boundary of the site in native species must form part of the submitted proposals.

All hard and soft landscape works shall be carried out in accordance with the approved details prior to the occupation of any part of the development or in accordance with a timetable approved in writing by the local planning authority. Any trees or plants which, within a period of five years after planting, are removed, die or become seriously damaged or defective, shall be replaced in the next planting season with others of species, size and number as originally approved, and permanently retained.

**Reason:** In the interests of helping to assimilate the site within its rural location and in the interests of biodiversity in accordance with policies LP17, LP21 and LP26 of the Central Lincolnshire Local Plan.

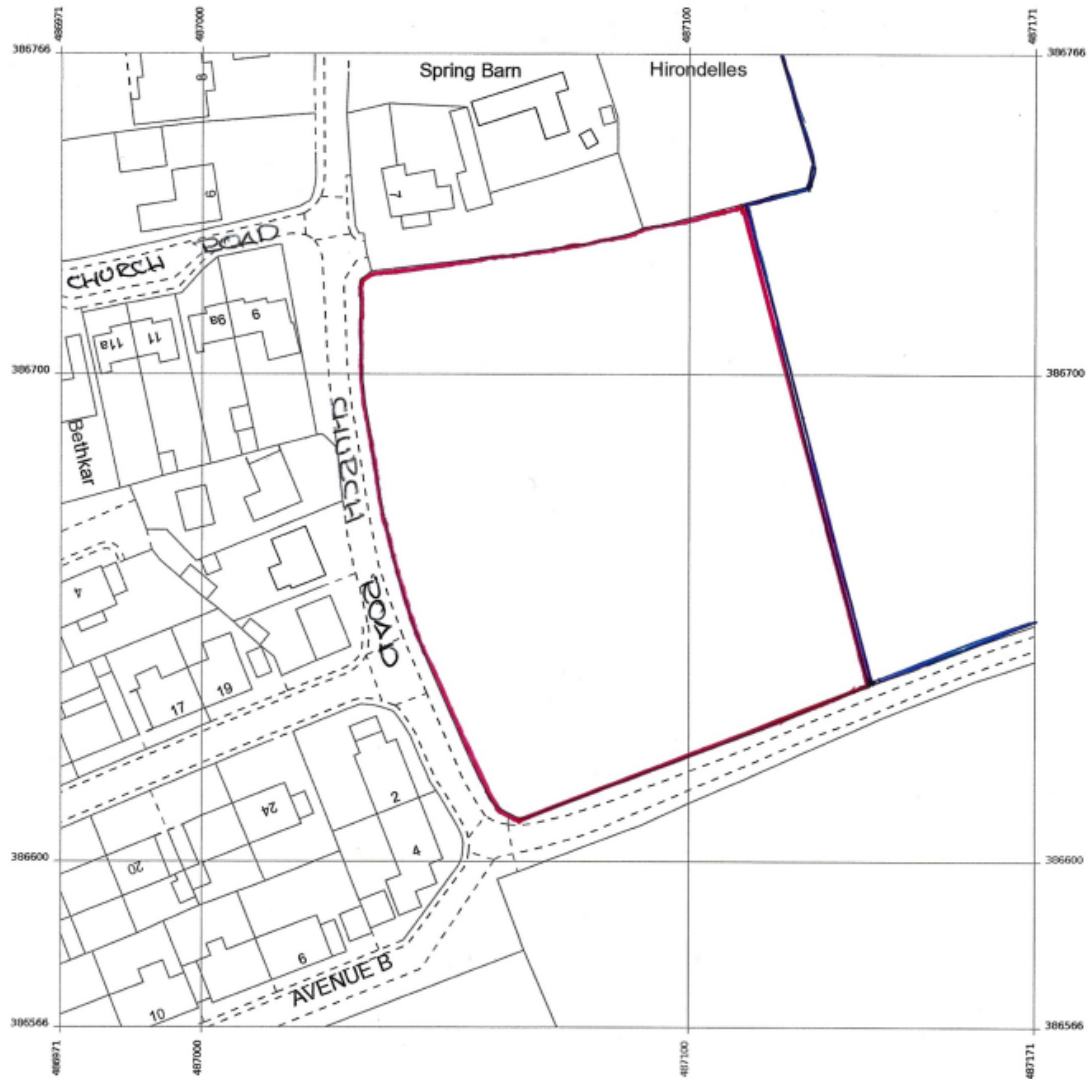
**9.** Prior to the occupation of the caravans details of 4 sparrow boxes and their location across the site must be submitted to and approved in writing by the Local Planning Authority. The details approved must be implemented prior to occupation of caravans on the site.

**Reason:** In the interests of biodiversity in accordance with policy LP21 and specifically as the UK sparrow population has suffered a severe decline.

**10.** No external lighting shall be erected unless full details of the position, type and light intensity of all external lighting has been provided and proposed mitigation in relation to the proposed lighting to minimise light pollution has been submitted to and approved in writing by the Local Planning Authority. The approved external lighting shall only be carried out in accordance with the approved details and retained as such thereafter.

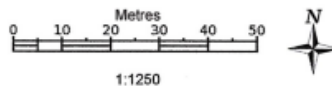
**Reason:** To ensure that there is minimal light spill from the site which would have an impact on this mostly unlit night environment in accordance with the NPPF and Policy LP17 and LP26 of the Central Lincolnshire Local Plan.

# Agenda Item 6b



Produced 20 Jan 2022 from the Ordnance Survey MasterMap (Topography) Database and incorporating surveyed revision available at this date.

The representation of a road, track or path is no evidence of a right of way. The representation of features as lines is no evidence of a property boundary.



Supplied by: Stanfords 20 Jan 2022  
Licence: © Crown Copyright and  
database rights 2022 OS100035409  
Order Licence Reference: OI1518875  
Centre coordinates: 487071 386666



## **Officers Report**

### **Planning Application No: 144574**

**PROPOSAL:** Planning application to erect 5no. detached dwellings with attached garages.

**LOCATION:** Land to the east of Church Road Upton Gainsborough  
DN21 5NS

**WARD:** Lea

**WARD MEMBER(S):** Cllr Mrs JB Milne

**APPLICANT NAME:** Mr D Churchill

**TARGET DECISION DATE:** 09/05/2022 (Extension of time agreed until 31st August 2022)

**DEVELOPMENT TYPE:** Minor - Dwellings

**CASE OFFICER:** Ian Elliott

**RECOMMENDED DECISION:** Grant permissions subject to condition and the signing of a S106 Legal Agreement for:

- **An offsite affordable housing contribution of £92,326.00.**
- 

#### **Description:**

The application site is a grassed overgrown agricultural field (0.92 hectares) to the south east of Upton which is adjoining Upton's built form to the north and adjacent to the west. The site is relatively flat with an extremely modest downward slope from west to east. The Church sits to the west with a track along the south boundary towards the sewage works. The north boundary is screened by a mixture of high and low hedging, low fencing and an occasional tree. The east boundary is open with high hedging and trees to the south boundary. Low hedging screens the west boundary with a single tree. Neighbouring dwellings are adjacent or opposite to the north and west. Open agricultural fields sit adjacent or opposite to the east and south. The site is a Sand and Gravel Minerals Safeguarding Area with Public Rights of Way Upto/51/1 adjacent the west boundary.

The application seeks permission to erect 5no. detached dwellings with attached garages.

#### **Relevant history:**

138896 - Outline planning application for the erection of up to 5no. dwellings - all matters reserved – 21/02/19 – Granted time limit and other conditions

142078 - Outline planning application for the erection of up to 5no. dwellings - all matters reserved being removal of condition 9 of outline planning permission 138896 granted 21 February 2019 re: total number and size of dwellings – 20/01/21 - Refused

144299 - Application for approval of reserved matters for the erection of 5no. dwellings, considering access, appearance, landscaping, layout and scale, following outline planning permission 138896 granted 21 February 2019 – 24/03/22 – Withdrawn by Applicant

### **Representations**

#### **Cllr J Milne: Objection**

I wish to request that the above application goes to planning committee the reasons are :-

Church Road is restricted in places where only one vehicle can travel along, the road is of poor quality with very bad surfaces in places and does have a tendency to flood in certain places too. There are no footpaths and pedestrians can be hidden from cars approaching from High Street also the entrance and exit from High street and onto High Street comes out on to a blind bend. These houses are not within keeping of the rest of Church Road which are mainly bungalows. The village of Upton has reached it allotted allocation already. And affordable housing is more essential.

#### **Upton Parish Council: Objections**

The Parish Council are aware that the applicant has gone for s106 in compliance with the National Planning Policy Framework and local policy LP11 of the Central Lincolnshire Local Plan 2012-2036. However, this affordable housing contribution will not benefit Upton what so ever. The applicant still intends to build the size of housing as was in the original planning application 144299, which was withdrawn when it was pointed out that this breached this planning policy and condition 9 as was set in the planning application 138896. These 5 dwellings all have double garages, which potentially in turn mean that each household would have at least 2 cars, as well as visitors and local tradespersons visiting. Church Road is only 1 car wide in places with no footpaths. The road is very badly potholed and floods on many occasions. Perhaps this s106 contribution could go towards improvements for Church Road instead of benefiting another Parish at the detriment to the residents of Church Road, Upton. We also would welcome more affordable housing. All these big builds are making it impossible for families to stay local.

This part of Church Road is predominantly bungalows and the impact of these 2 storey dwellings will swamp this area and considerably ruin the views and vistas in this historic part of the village. This area including, Main Street, Ave A and Ave B was built by the American Airforce after World war 11 and is unique in itself. These 5, two storey dwellings would be completely out of character for this part of Upton. Bungalows of similar size would be more acceptable and would not look out of place. For these reasons the Parish Council strongly objects to this planning application, and hope that these matters are taken into consideration before any decision is made. The Parish Council would also like the reassurance of the case officer that if planning is

granted, that all 16 conditions as set in the original planning application 138896 are strictly adhered

**Local residents:** Representations received from:

Hirondelles, 5a Church Road, Upton  
7 Church Road, Upton

Objections (summarised):

#### Highways

- The access road to the top field is excessive compared to current access
- Location of access is unsuitable
- Church Road not suitable for large farm traffic.
- Church Road not suitable for any more traffic as a single track road.
- Development will make it dangerous for walkers.

#### Trees/Hedging

- Object to hedging on boundary being cut back.
- The willow tree on our side and its roots are not being protected.

#### Drainage

- Worried about surface water run-off onto 7 Church Road
- Increase the flood risk

#### Ecology

- Proposed field sees a lot of wildlife including barn owls and other birds of prey.
- Cutting back hedges detrimental to birdlife
- Spotted a Great Crested Newt close to field in our garden (7 Church Road)
- The preliminary ecology report contains at least one factual inaccuracy. The pond in the residential garden to the south of the site is stated to be less than one year old. The pond has in fact been in situ for many years and any assumptions made regarding the wildlife that it supports are therefore potentially inaccurate.
- The report also states that the site is a poor hunting ground for barn owls, yet these have been observed hunting on this land.
- Relying upon a desk search for the presence of species seems a poor substitute when comments have already been made by local residents regarding the actual presence of these species.

#### Other

- Houses exceed size allowed in outline permission and should be reduced

#### **Homes, Health and Wellbeing Manager:** Comment

The size of the dwellings proposed units on the above site exceeds 1000sqm which would trigger an affordable housing contribution under policy LP11 of the Central Lincolnshire Local Plan. However, that has now been superseded by the NPPF paragraph 64 which states affordable housing should only be

sought on major developments. The NPPF defines major developments as “For housing, development where 10 or more homes will be provided, or the site has an area of 0.5 hectares or more.” The site is 0.92 hectares in size and so will still trigger an affordable housing contribution. With the location of the site, the contribution would be 20% of the units proposed to be delivered as affordable, on a site of 5 that would equate to 1 unit. Although the Central Lincolnshire Local Plan states that all delivery of affordable housing must be on-site, I feel that due to the size of the proposed dwellings, none of them would be suitable to be delivered as affordable on the proposed site plan. With this in mind, an affordable housing commuted sum could be provided in lieu of on-site delivery. The current commuted sum for affordable housing in the nonLincoln Strategy Area is £92,326 per dwelling which would mean that it would be a total of £92,236 commuted sum required on this site. The contribution would be required to be secured through a S106 with a preferred trigger of payment on completion of 50% of the dwellings on site.

**LCC Highways/Lead Local Flood Authority:** No objections subject to a condition and advisory notes

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.

**Anglian Water:** No objections

No building will be permitted within the statutory easement width of 3 metres from the pipeline without agreement from Anglian Water. As per the submitted drawing, this requirement is met and so I can confirm the proposed site plan is acceptable to Anglian Water.

**LCC Archaeology:** No objections subject to a condition

The proposed development is located in an area of archaeological potential within the boundary of the medieval village of Upton, adjacent to a historic street in an area where historic settlement might reasonably be expected. A cropmark of a probable medieval boundary ditch has also been identified as crossing the site north to south as part of the National Mapping Project by the Royal Commission on the Historical Monuments of England. This boundary may represent the boundary between the developed medieval village and the open fields beyond, which would suggest that medieval settlement.

Recommendation: Prior to any groundworks the developer should be required to commission a Scheme of Archaeological Works (on the lines of 4.8.1 in the Lincolnshire Archaeological Handbook) in accordance with a written scheme of investigation submitted to and approved in writing by the local planning authority. This should be secured by an appropriate condition to enable heritage assets within the site to be recorded prior to their destruction. Initially I envisage that this would involve monitoring of all groundworks, with the ability to stop and fully record archaeological features.

**NHS:** No contribution required

**LCC Education:** No contribution required

The County Council has no comments on this consultation in relation to education as it is below 10 houses and deemed to not generate any additional children.

**LCC Minerals and Waste:** No objections

**WLDC Tree and Landscape Officer (Verbal):** No objections

No objections to tree protection detail or the landscaping plan and planting details.

**Ramblers Association:** No representations received to date

**IDOX checked:** 25th July 2022

### **Relevant Planning Policies:**

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

### Development Plan

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

Relevant policies of the CLLP include:

LP1 A Presumption in Favour of Sustainable Development

LP2 The Spatial Strategy and Settlement Hierarchy

LP3 Level and Distribution of Growth

LP4 Growth in Villages

LP10 Meeting Accommodation Needs

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

LP25 The Historic Environment

LP26 Design and Amenity

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

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

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

<https://www.lincolnshire.gov.uk/residents/environment-and-planning/planning-and-development/minerals-and-waste/88170.article>

National policy & guidance (Material Consideration)

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

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

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

Paragraph 219 states:

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

- **National Planning Practice Guidance**

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

- **National Design Guide (2019)**

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

- **National Design Model Code**

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

Draft Local Plan / Neighbourhood Plan (Material Consideration)

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

- (a) *the stage of preparation of the emerging plan (the more advanced its preparation, the greater the weight that may be given);*
- (b) *the extent to which there are unresolved objections to relevant policies (the less significant the unresolved objections, the greater the weight that may be given); and*
- (c) *the degree of consistency of the relevant policies in the emerging plan to this Framework (the closer the policies in the emerging plan to the policies in the Framework, the greater the weight that may be given).*

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

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 which expired on 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 this is still limited whilst consultation is taking place and the extent to which there may still be unresolved objections is currently unknown.

**Relevant Policies:**

S1 The Spatial Strategy and Settlement Hierarchy  
S2 Growth Levels and Distribution  
S4 Housing Development in or Adjacent to Villages  
S6 Reducing Energy Consumption – Residential Development  
S19 Resilient and Adaptable Design  
S20 Flood Risk and Water Resources  
S21 Affordable Housing  
S22 Meeting Accommodation Needs  
S44 Strategic Infrastructure Requirements  
S46 Accessibility and Transport  
S48 Parking Provision  
S50 Creation of New Open Space, Sports and Leisure Facilities  
S52 Design and Amenity  
S56 The Historic Environment  
S59 Protecting Biodiversity and Geodiversity  
S60 Biodiversity Opportunity and Delivering Measurable Net Gains  
S65 Trees, Woodland and Hedgerows  
S66 Best and Most Versatile Agricultural Land

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

- ***Neighbourhood Plan***

West Lindsey District Council has approved the joint application by Upton and Kexby Parish Councils to have their parishes designated as a neighbourhood area for the purposes of producing a neighbourhood plan. The neighbourhood plan group are now working towards the production of the neighbourhood plan. There is therefore currently no neighbourhood plan to consider.

**Other:**

Natural England's East Midlands Agricultural Land Classification Map 2010  
Development Management Procedure Order 2015  
Central Lincolnshire Developer Contributions Supplementary Planning Document adopted June 2018

**Main issues**

- Principle of the Development  
*Central Lincolnshire Local Plan 2012-2036*  
*Minerals Resource*

*Agricultural Benefit*  
*Concluding Assessment*

- Affordable Housing
- Infrastructure Contributions
- Visual Impact
- Residential Amenity
- Highway Safety
- Drainage
- Archaeology
- Biodiversity

**Assessment:**

Principle of the Development

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

*Central Lincolnshire Local Plan 2012-2036:*

Local policy LP2 sets out a spatial strategy and settlement hierarchy from which to focus housing growth. This policy identifies Upton as a small village and *'unless otherwise promoted via a neighbourhood plan or through the demonstration of clear local community support, the following applies in these settlements:*

- *they will accommodate small scale development of a limited nature in appropriate locations.*
- *proposals will be considered on their merits but would be limited to around 4 dwellings, or 0.1 hectares per site for employment uses.*

Local policy LP2 states around 4 dwellings and not a maximum or up to 4 dwellings therefore 5 dwellings has to be considered an acceptable number providing the location is acceptable and the site can accommodate 5 dwellings.

Local policy LP2 states that *'throughout this policy, the term 'appropriate locations' means a location which does not conflict, when taken as a whole, with national policy or policies in this Local Plan (such as, but not exclusively, Policy LP26). In addition, to qualify as an 'appropriate location', the site, if developed, would:*

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

Local policy LP4 goes on to say that Upton has a growth level of 10%. An updated table of remaining growth for housing (dated 22nd April 2022) in medium and small village's states that Upton has 217 dwellings which



equates to a remaining growth of 22 dwellings. Since the publication of this growth level there has been 18 further dwellings approved with a remaining level of growth in Upton of 4 dwellings.

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

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

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

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

The site is located to an east and south edge of Upton. The site has adjacent built form to the north and west in the form of residential dwellings and developing this corner will square off the settlement edge of Upton. There is no dwelling directly to the east or south of the site. Therefore, the site when looking north and west appears part of the settlement but in contrast to this when looking east and south the site appears part of the open countryside. The site is a grassed agricultural field therefore is a greenfield site at the edge of the settlement.

On investigation of Upton through the authority's internal mapping system (Earthlight) and officers site visit there appears to be limited opportunity for housing development of up to five dwellings within the settlement. Therefore although this site is considered as a greenfield edge of settlement site it is still considered appropriate and will square off the built form if this section of the village.

The proposed development proposes 5 dwellings when as stated previously the remaining growth of Upton is 4 dwellings. Therefore, one of the dwellings in accordance with local policy LP2 of the CLLP should require a demonstration of clear community support with a community consultation completed prior to submission of an application.

Local policy LP2 of the CLLP states that *"throughout this policy and Policy LP4 the term 'demonstration of clear local community support' means that at the point of submitting a planning application to the local planning authority, there should be clear evidence of local community support for the scheme, with such support generated via a thorough, but proportionate, pre-application community consultation exercise. If, despite a thorough, but proportionate, pre-application consultation exercise, demonstrable evidence of support or objection cannot be determined, then there will be a requirement for support from the applicable Parish or Town Council. If an applicant is in doubt as to*

*what would constitute a ‘thorough, but proportionate, pre-application consultation exercise’, then the applicant should contact the applicable local planning authority.”*

On submission of this application the remaining housing growth for Upton was 0 as identified by the housing growth table dated 4th March 2022. However this table included planning permission 138896 which was for 5 dwellings on the identical site as this application. Planning permission 138896 expired on 22nd February 2022 meaning that the housing growth increased by 5 dwellings. Therefore on submission there was no requirement for the applicant to complete a community consultation prior to submission and it would be unreasonable to request this at this stage as this would require withdrawal of the application and re-submission once a community consultation exercise was completed for the single dwelling.

#### *Minerals:*

Guidance contained within paragraph 203-211 of the NPPF sets out the needs to safeguard mineral resources through local plan policies ‘to support sustainable economic growth and our quality of life’. Policy M11 of the Lincolnshire Minerals and Waste Local Plan (Core Strategy and Development Management Policies) states that:

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

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

The application has included the submission of a Minerals Assessment. The Minerals and Waste team at Lincolnshire County Council have no objections to the development as it will have ‘a negligible impact with respect to sterilising the mineral resource’.

Therefore the proposal would not unacceptably sterilise a minerals resources in West Lindsey. The development therefore would accord with policy M11 of Lincolnshire Minerals and Waste Local Plan (Core Strategy and Development Management Policies) and the provisions of the NPPF.

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

*Agricultural Benefit:*

Guidance contained within Paragraph 170 of the NPPF states that '*Planning policies and decisions should contribute to and enhance the natural and local environment by:*

- a) protecting and enhancing valued landscapes, sites of biodiversity or geological value and soils (in a manner commensurate with their statutory status or identified quality in the development plan);*
- b) recognising the intrinsic character and beauty of the countryside, and the wider benefits from natural capital and ecosystem services – including the economic and other benefits of the best and most versatile agricultural land, and of trees and woodland'*

The field is classed in Natural England's East Midlands Agricultural Land Classification Map as grade 3 (good to moderate). This designates the site as being fairly productive for agricultural use. The application form states that the site has an agricultural field use of 0.92 hectares. The land appeared unused at the officer's site visit with no animals grazing or crop production. The grassed condition of the site would suggest that animal grazing was possible but not with the gaps in some of the boundary hedging. The development would lead to a loss of agricultural land but the land is not of the highest quality and its loss is not considered significant.

*Concluding Assessment:*

The proposed development is within the dwelling limit (around 4) set out in local policy LP2. Upton currently has a remaining housing growth of 4 dwellings therefore one of the dwellings in strict accordance with local policy LP2 of the CLLP requires a demonstration of clear community support on submission. However on submission of the application Upton had no remaining housing growth but this included the 5 dwellings approved in 138896 on the same site. No community support was required as this application when submitted had a neutral impact on the remaining housing growth in Upton. It would be unreasonable to request a community consultation exercise is completed due to the change in the housing growth situation during the timeline of the application.

The site in accordance with the land availability sequential test in LP4 has the lowest priority for housing, however it has been demonstrated that there is no other appropriate or available land for up to 5 dwellings in the settlement and this development will square off this section of the village. The site passes the sequential test in LP4 and is considered a sustainable appropriate location for housing development. It will not mean the loss of productive agricultural land or significantly sterilise a minerals resource in West Lindsey.

Therefore the principle of the development is acceptable and accords to Local Policy LP1, LP2, LP3 and LP4 of the CLLP, Policy M11 of the LMWLP and the provisions of the NPPF.

It is considered that policy LP1, LP2, LP3, LP4 and M11 are consistent with the sustainability, housing growth and minerals guidance of the NPPF and can be attached full weight.

#### Affordable Housing

The submitted full application is for 5 dwellings on a site measuring 0.92 hectares. The proposed floor space created by the development would be in the region of 1,355m<sup>2</sup> for the dwelling and 282 m<sup>2</sup> for the attached garages totalling over 1,600m<sup>2</sup>.

The Development Management Procedure Order 2015 states that major development means development where:

*'(c) the provision of dwellinghouses where—*

*(i) the number of dwellinghouses to be provided is 10 or more; **or** (emphasis added)*

*(ii) the development is to be carried out on a site having an area of 0.5 hectares or more and it is not known whether the development falls within sub-paragraph (c)(i)'.*

Therefore as the amount of dwellings was described in the application (up to 5) then the application was correctly validated as a 'minor dwellings' application.

Local policy LP11 states that *'to help maximise what the planning system can contribute to meeting affordable housing need, then:*

*a. 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.*

*and*

*Where a site qualifies for affordable housing, the percentage sought will be:*

*i. Lincoln Strategy Area (excluding SUEs\*) 25%*

*ii. Lincoln Strategy Area SUEs\* 20%*

*iii. Other SUEs\* 15%*

*iv. Elsewhere 20%'*

Paragraph 64 of the NPPF states that the *'provision of affordable housing should not be sought for residential developments that are not major developments'.*

However Annex 2 of the NPPF defines major development as *"for housing, development where 10 or more homes will be provided, or the site has an area of 0.5 hectares or more".*

Therefore although the site would be below the 10 dwelling threshold it would be above the 0.5 hectares (0.92 hectares) therefore identifying the application as a major development, under the NPPF definition for the purposes of paragraph 64.

Therefore an affordable housing contribution can be sought as the site is considered a major development and the floor space created would exceed the threshold of 1,000m<sup>2</sup> local policy LP11 of the CLLP.

The Homes, Health and Wellbeing Manager (HHWM) has confirmed that *“the current commuted sum for affordable housing in the non-Lincoln Strategy Area is £92,326 per dwelling which would mean that it would be a total of £92,236 commuted sum required on this site. The contribution would be required to be secured through a S106 with a preferred trigger of payment on completion of 50% of the dwellings on site.”*

The HHWM goes on to state that *“although the Central Lincolnshire Local Plan states that all delivery of affordable housing must be on-site, I feel that due to the size of the proposed dwellings, none of them would be suitable to be delivered as affordable on the proposed site plan. With this in mind, an affordable housing commuted sum could be provided in lieu of on-site delivery.”*

The application on submission included a heads of terms for *“a contribution of £92,326.00, in lieu of an on-site affordable housing dwelling”*. The Section 106 has been instructed and is currently being created.

It is therefore considered that the proposed development by providing an offsite affordable housing financial contribution would accord to local policy LP11 of the CLLP and the provisions of the NPPF.

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

#### Infrastructure Contributions

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

#### *LCC Education:*

Paragraph 8.3 of the Central Lincolnshire Developer Contributions Supplementary Planning Document adopted June 2018 states that *“Planning contributions for additional school capacity will only be sought where appropriate and on sites of eleven or more residential units or on sites of less than 11 units if the total floorspace of the development exceeds 1000 square metres.”*

Lincolnshire County Council Education have recommended that no contribution is sought for this application.

#### *National Health Service (NHS):*

Paragraph 9.7 of the Central Lincolnshire Developer Contributions Supplementary Planning Document adopted June 2018 states that *“However, planning contributions for additional or improved health facilities will only be sought where appropriate and on sites of eleven or more residential units, or on development sites of less than 11 units if the total floorspace of the proposed units exceed 1,000 sqm”*.

The NHS has recommended that no NHS contribution is sought for this application.

#### *Open Space:*

The table in Paragraph 10.2 of the Central Lincolnshire Developer Contributions Supplementary Planning Document adopted June 2018 sets out when an onsite contribution for open space is required. Developments between 1-9 residential units would not be required to provide on-site open space provision.

The table does state that off-site contributions to existing strategic playing fields and local greenspace provision are required where there is a need/opportunity are identified. Upton and Kexby have a joint playing field which is approximately 700 metres to the site via public footpaths. It is not considered that there is a need/opportunity identified for an offsite provision to the playing field.

#### Visual Impact

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

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

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

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

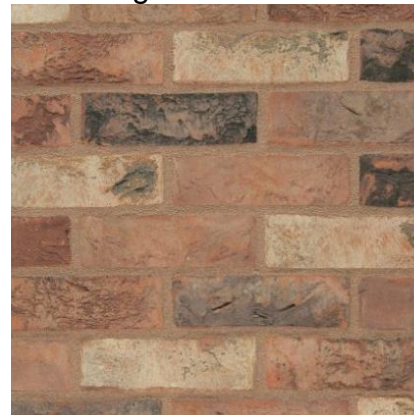
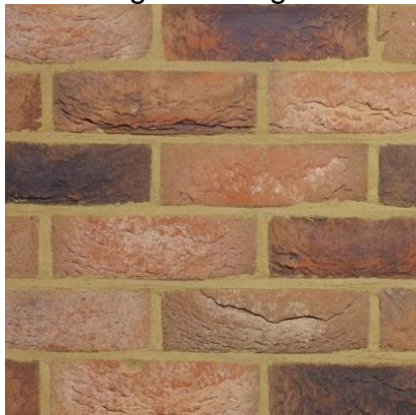
The Identity chapter (pages 14-17) of the National Design Guide places importance on the need for development to either reflect its local character or create a sense of character through the built form.

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

Plot	Bed	Height	Eaves	Width	Length	Garage
1	4	7.3	5	21.5	10.3	Attached Double
2	4	7.2	5	22	12.5	Attached Double
3	4	7.3	5	21.5	10.3	Attached Double
4	4	7.3	5	22	12.5	Attached Double
5	4	7.2	5	22	12.5	Attached Double

The proposed materials would be:

- Wienerberger Heritage Blend Brick or Wienerberger Jasmin Blend Brick



- Wienerberger Old English Natural Red clay pantiles or Wienerberger 2020 Natural Red traditional clay roof pantiles
- Off-white/cream Upvc frames with double glazed units doors and windows

The proposed dwellings would be wide dwellings with gable end and monopitch elements to the front. The surrounding area comprises a mix of dwelling sizes and designs. To the west are bungalows with two storey dwellings to the north and north west. The existing two storey dwellings vary in design including a number of modern new builds.

The proposed five dwellings would sit within a large site providing low density housing well separated with large gardens.

It is therefore considered that the proposed development would not have an unacceptable harmful impact on the site or the surrounding area and accords to local policy LP17 and LP26 of the CLLP and the provisions of the NPPF.

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

### Residential Amenity

Local policy LP26 states that *“The amenities which all existing and future occupants of neighbouring land and buildings may reasonably expect to enjoy must not be unduly harmed by or as a result of development.”*

The proposed dwellings are well separated from the existing dwellings to the north, west and north west and from each other. The siting of the dwellings and the separation distance ensures that the future occupant of each dwelling would have acceptable private external amenity spaces.

Therefore the development would not be expected to harm the living conditions of the existing or future residents and would accord with local policy LP26 of the CLLP and the provisions of the NPPF.

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

### Highway Safety

Objections have been received in relation highway safety.

Local policy LP13 of the CLLP States that *“development proposals which contribute towards an efficient and safe transport network that offers a range of transport choices for the movement of people and goods would be supported.”*

Paragraph 11 of the NPPF states that *“Development should only be prevented or refused on highways grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network would be severe”.*

The proposed development would introduce two new vehicular access points off Church Road. One serving plots 1, 2 and field access and one serving plots 3, 4 and 5.

Each 4 bedroom dwelling is served by adequate off street parking provision from driveways with turning provision and garage parking. Therefore off street provision is acceptable and would not be expected to harm highway safety

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

Site plan 272021-02 Rev 0 dated 24th January 2022 identifies a new pedestrian footpath to the front of the site which sits between the two new accesses. There is no footpath along Church Road to the west of the site until you reach the junction with Main Street. The introduction of the pedestrian footpath would provide safe access and connection to the existing footpath which provides safe access to the remainder of the village particular the recreational ground, the public house and small shop. Details of construction would be required to be secured by condition.



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

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

#### Drainage

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

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

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

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

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

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

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

#### *Foul Water:*

The application form states that foul water will be disposed of to the mains sewer which is the preferred method.

#### *Surface Water:*

Surface water is proposed to be dealt with through a sustainable urban drainage system (SuDs) which is encouraged but an exact method is not specified.

Therefore it is considered that foul and surface water drainage is capable of being addressed by condition and would be expected to accord with local policy LP14 of the CLLP and the provisions of the NPPF.

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

#### Archaeology

It has been highlighted by the Historic Environment Officer at Lincolnshire County Council Archaeology that the proposed development lies *'in an area of archaeological potential within the boundary of the medieval village of Upton, adjacent to a historic street in an area where historic settlement might reasonably be expected. A cropmark of a probable medieval boundary ditch has also been identified as crossing the site north to south as part of the National Mapping Project by the Royal Commission on the Historical Monuments of England. This boundary may represent the boundary between the developed medieval village and the open fields beyond, which would suggest that medieval settlement.'*

Consequently it has been recommended that prior to any ground works the developer should be required to commission a scheme of Archaeological Works which should be secured by appropriate conditions to enable heritage assets within the site to be recorded prior to their destruction. Initially this would involve monitoring of all groundwork's. Therefore a suitable pre-commencement condition will be attached to the planning permission. Therefore the development would accord with local policy LP25 of the CLLP and the provisions of the NPPF.

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

#### Biodiversity

Objections have been received from residents on the loss of trees and impact on protected species.

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

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

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

#### *Protected Species:*

The application site was assessed by DeltaSimons Limited in December 2018 as part of a previously approved outline permission (138896) for 5 dwellings.

The Preliminary Ecological Appraisal dated January 2019 published by DeltaSimons submitted in 138896 recommended:

#### Nesting Birds

- Timing of site clearance activity and periods when an experienced ecologist is required on site.

#### Bats

- Lighting
- Further surveys are only required should any management works be required to any of the trees assessed as offering BRP (Tree TN1-4 in figure 2) that are currently due to be retained.

#### Badgers, Hedgehogs and Brown Hares

- Precautionary measures during construction

#### Other

- Site protection measures
- Appropriate native planting for the area and biodiversity.
- Two open fronted nest boxes, two small holed nest boxes and a starling box.
- Two Schwegler 2F bat boxes should be installed on mature trees on-Site.

This application has included a new Preliminary Ecological Appraisal (PEA) dated July 2022 by DeltaSimons which included a further site visit on 10th June 2022. The PEA has incorporated the recommendations in the 2019 with the addition of the following:

- Lighting Plan to consider the presence of bats with details of advised position and type lighting.
- Hedgehog fencing throughout the development.

#### *Trees:*

The application does not include any protected trees on the site or adjacent the boundaries but trees are present adjacent the north and south boundaries. A tree protection plan (TPP-211221-01 Rev A) dated 21st December 2021 has been submitted identifying the position and type of measures used to protect the adjoining trees and their roots.

The Authority's Tree and Landscape Officer has no objections to the development or the protection measures submitted.

Landscaping is assessed later in the report but the development includes a number of new trees within the site which would increase the presence of trees in the area and provide a biodiversity gain.

The proposal would not be expected have a harmful impact on biodiversity and the recommendations have the potential to overall provide a positive biodiversity net gain. It is considered relevant and necessary to attach

ecology and trees related conditions. Therefore subject to conditions the development accords to local policy LP21 of the CLLP and guidance contained within the NPPF.

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

### **Other Considerations:**

#### Anglian Water Pipeline Easement

The application site has an underground pipeline running through it. The site plan takes account of the pipeline in terms of the layout and Anglian Water have not objected stating that *“no building will be permitted within the statutory easement width of 3 metres from the pipeline without agreement from Anglian Water. As per the submitted drawing, this requirement is met and so I can confirm the proposed site plan is acceptable to Anglian Water”*.

#### Landscaping

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

The application has included landscaping plan LMP-221221-02 Rev B dated 16th March 2022. The landscaping plan includes the loss of hedging to the front of the site to make way for the vehicular accesses but also includes the infilling of hedging to be retained and the planting of a variety of trees throughout the site. The Authority's Tree and Landscape Officer has verbally accepted the landscaping plan and the planting details.

Details of fencing is additionally provided including appropriate post and rail fencing to the east boundary. No details have been submitted in relation to hardstanding but this would be conditioned to be constructed from a permeable material.

The landscaping of the site is considered acceptable and would provide an increased amount of trees to the area.

#### Public Rights of Way

Public Rights of Way Upto/51/1 (shared surface used by vehicles and pedestrians) runs adjacent the west boundary of the site. No representations have been received from the Rights of Way Officer at Lincolnshire County Council. The proposed development will increase the amount of traffic using

Church Road but not to a degree which will harm or obstruct the use of the public rights of way.

#### Community Infrastructure Levy (CIL)

West Lindsey District Council adopted a Community Infrastructure Levy (CIL) which will be charged from 22<sup>nd</sup> January 2018. The site is within zone 2 where a charge of £15 per square metre would be liable prior to the commencement of the development.

#### Pre-commencement conditions

The agent has confirmed in writing that the recommended pre-commencement conditions are acceptable.

#### **Conclusion and reasons for decision:**

The decision has been considered against policies LP1 A presumption in Favour of Sustainable Development, LP2 The Spatial Strategy and Settlement Hierarchy, LP3 Level and Distribution of Growth, LP4 Growth in Villages, LP10 Meeting Accommodation Needs, LP11 Affordable Housing, LP12 Infrastructure to Support Growth, LP13 Accessibility and Transport, LP14 Managing Water Resources and Flood Risk, LP16 Development on Land Affected by Contamination, LP17 Landscape, Townscape and Views, LP21 Biodiversity and Geodiversity, LP25 The Historic Environment, LP26 Design and Amenity and LP55 Development in the Countryside of the adopted Central Lincolnshire Local Plan 2012-2036 and the Lincolnshire Minerals and Waste Local Plan in the first instance and guidance contained within the National Planning Policy Framework, National Planning Practice Guidance, National Design Guide and the National Design Model Code. In light of this it is considered that the principle of the proposal is acceptable and would provide up to five dwellings in an appropriate location to meet the housing growth target for Upton and Central Lincolnshire. The development would contribute an off-site affordable housing contribution. It would not have a harmful visual impact on the site or the surroundings or harm the living conditions of existing and future neighbouring dwellings. The proposal would not harm highway safety, ecology, trees, archaeology or drainage subject to satisfying a number of conditions.

#### **Human Rights Implications:**

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

#### **Legal Implications:**

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

#### **Representors to be notified -**

*(highlight requirements):*

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

**Decision Level** (tick as appropriate)

Committee ✓

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

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

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

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

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

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

3. No development shall take place until a written scheme of archaeological investigation has been submitted to and approved in writing by the local planning authority. This scheme shall include the following
  1. An assessment of significance and proposed mitigation strategy (i.e. preservation by record, preservation in situ or a mix of these elements).
  2. A methodology and timetable of site investigation and recording.
  3. Provision for site analysis.
  4. Provision for publication and dissemination of analysis and records.

5. Provision for archive deposition.
6. Nomination of a competent person/organisation to undertake the work.
7. The scheme to be in accordance with the Lincolnshire Archaeological Handbook.

Reason: To ensure the preparation and implementation of an appropriate scheme of archaeological mitigation and in accordance with the National Planning Policy Framework and local policy LP25 of the Central Lincolnshire Local Plan 2012-2036.

4. The local planning authority shall be notified in writing of the intention to commence the archaeological investigations in accordance with the approved written scheme referred to in condition 6 at least 14 days before the said commencement. No variation shall take place without prior written consent of the local planning authority.

Reason: In order to facilitate the appropriate monitoring arrangements and to ensure the satisfactory archaeological investigation and retrieval of archaeological finds in accordance with the National Planning Policy Framework and local policy LP25 of the Central Lincolnshire Local Plan 2012-2036.

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

5. With the exception of the detailed matters referred to by the conditions of this consent, the development hereby approved must be carried out in accordance with proposed plan:
  - 272021-02 Rev 0 dated 24th January 2022 – Site Plan
  - 272021-03 Rev 0 dated 20th January 2022 – Plot 1 and 3 Elevation and Floor Plans
  - 272021-04 Rev 0 dated 20th January 2022 – Plot 2 and 5 Elevation and Floor Plans
  - 272021-05 Rev 0 dated 20th January 2022 – Plot 4 Elevation and Floor Plans
  - LMP-221221-02 Rev B dated 16th March 2022 – Landscaping Plan
  - TPP-211221-01 Rev A dated 21st December 2021 – Tree Protection Plan

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

Reason: To ensure the development proceeds in accordance with the approved plans and to accord with the National Planning Policy Framework and local policy LP17, LP21 and LP26 of the Central Lincolnshire Local Plan 2012-2036.

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

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

7. The development hereby permitted must not be occupied before a 2 metre wide footway, to connect the development to the existing footway network, has been provided in accordance with details that shall first have been submitted to, and approved in writing by, the Local Planning Authority. The works shall also include appropriate arrangements for the management of surface water run-off from the highway. The footway and surface water drainage must be completed in strict accordance with the approved scheme and retained as such thereafter.

Reason: To ensure the provision of safe and adequate pedestrian access to the permitted development, without increasing flood risk to the highway and adjacent land and property to accord with the National Planning Policy Framework and local policy LP13 and LP26 of the Central Lincolnshire Local Plan 2012-2036.

8. The proposed development must be completed in strict accordance with tree protection plan TPP-211221-01 Rev A dated 21st December 2021. All tree protection measures must be installed prior to commencement of the development and retained in place until the development is fully completed.

Reason: To safeguard the existing trees adjacent the site during construction works, in the interest of visual amenity to accord with the National Planning Policy Framework and local policy LP21 of the Central Lincolnshire Local Plan 2012-2036.

9. Prior to completion of the first dwelling details of the type and position of two open fronted bird nest boxes, two small holed bird nest boxes, a starling nest box and two bat boxes as per the recommendations of the Preliminary Ecological Appraisal dated June 2022 by DeltaSimons have been submitted to and approved by the Local Planning Authority. The bird and bat boxes must be installed in the approved locations prior to occupation of any dwelling.

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



10. Apart from the details approved in condition 9 of this permission the development hereby approved must only be carried out in accordance with the recommendations set out in the Preliminary Ecological Appraisal dated June 2022 by DeltaSimons

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

11. All areas of onsite hardstanding must be constructed from a permeable material and retained as such thereafter.

Reason: To reduce the risk of flooding to the proposed development and future occupants to accord with the National Planning Policy Framework and local policy LP14 of the Central Lincolnshire Local Plan 2012-2036

12. The archaeological site work shall be undertaken only in full accordance with the written scheme required by condition 6.

Reason: To ensure the satisfactory archaeological investigation and retrieval of archaeological finds in accordance with the National Planning Policy Framework and local policy LP25 of the Central Lincolnshire Local Plan 2012-2036.

13. Following the archaeological site work referred to in condition 14 a written report of the findings of the work shall be submitted to and approved in writing by the local planning authority within 3 months of the said site work being completed. .

Reason: To ensure the satisfactory archaeological investigation and retrieval of archaeological finds in accordance with the National Planning Policy Framework and local policy LP25 of the Central Lincolnshire Local Plan 2012-2036.

14. The report referred to in condition 15 and any artefactual evidence recovered from the site shall be deposited within 6 months of the archaeological site work being completed in accordance with a methodology and in a location to be agreed in writing by the local planning authority.

Reason: To ensure the satisfactory archaeological investigation and retrieval of archaeological finds in accordance with the National Planning Policy Framework and local policy LP25 of the Central Lincolnshire Local Plan 2012-2036.

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

NONE



REF 144010

18 SOUTH DRIVE, STOW



LOCATION  
PLAN

## **Officers Report**

### **Planning Application No: 144010**

**PROPOSAL:** Planning application for Two dwellings

**LOCATION:** 18 South Drive Stow Lincoln LN1 2DH

**WARD:** Stow

**WARD MEMBER(S):** Cllr Mrs Tracey Coulson

**APPLICANT NAME:** Mr M White, Prestige Developments Ltd.

**TARGET DECISION DATE:** 6<sup>th</sup> July 2022

**DEVELOPMENT TYPE:** Minor - Dwellings

**CASE OFFICER:** George Backovic

**RECOMMENDED DECISION:** Grant permission, with conditions

---

This application is referred to the Planning Committee following representations made by Stow Parish Council in regard to its compliance with the newly adopted Sturton by Stow and Stow Neighbourhood Plan.

#### **Description:**

The application as submitted was for a variation of house types although the permission, which was granted in 2017 expired on 1<sup>st</sup> May 2021 and I have no evidence before me that would indicate that development had lawfully “commenced” in accordance with s.56 of the Town & Country Planning Act 1990. In view of this ambiguous position and on this basis the application is being considered as an application for two new dwellings although it is noted that the permission for the single dwelling granted on plot 2 remains extant until 3<sup>rd</sup> August 2023 (and is considered to be a realistic fallback position).

The applicant has confirmed that their preference would be to implement the current application rather than the extant one. This was in a response to a query from the case officer as the area covered by extant plot 2 is slightly larger than that submitted for this application.

Planning permission is sought for two dwellings within the large garden of The Old Rectory, Stow. The dwelling would be accessed via the existing vehicle access and a new shared driveway to be 5m wide. The dwellings would be located at the end of the access road in the south west corner of the site.

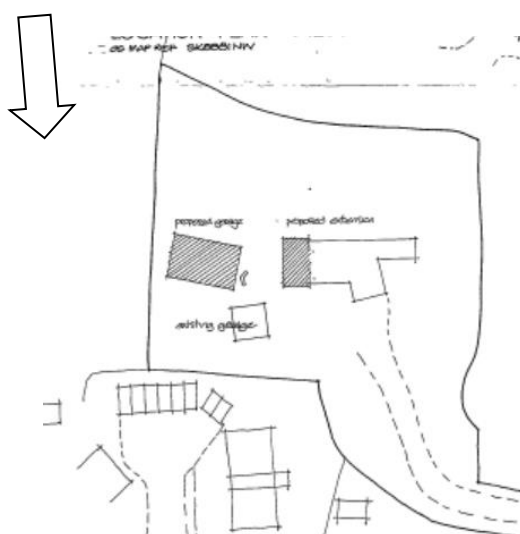
Plot 1 has a width of 22m with a length of 39m. A two and a half storey 6 bed pitched roof detached house with 2 bedrooms within the roofspace illuminated by rooflights on the rear slope of the roof is proposed. Eaves height is 5.4m rising to a ridge of 9.2 m above ground level. It will also have a one and a half storey gable roofed projection from the front elevation on the eastern end of the dwelling, 4.2m to eaves and 6.8m ridge.

A detached double garage is proposed at right angles to the main house approximately 3m from the boundary with “Horseshoe House” (HH) to the west. This is a large detached house with a detached garage and outbuildings set in a large garden. The existing boundary is shown below. The main body of the house is located approximately 25m beyond this boundary. The closest building to plot 1 is a detached garage with a blank gable end facing the site.



The location of the garage and the residential curtilage is shown below and is taken from plans approved in 2004 for an extension to Horseshoe House and a detached garage/ store (Ref: M04/P/1334). The side (western) elevation of plot 1 at its closest will be 7.9m from the boundary and 12.5 m from a first-floor balcony on the rear elevation of plot 1.

Application Site



To the north of plots 1 and 2 are the rear garden areas of dwellings that face onto St Marys Crescent. From the front of plot 1 to the rear boundary at its closest is a distance of 12.9m. Measured from the nearest window in the new dwelling to the rear boundary this rises to a 32m separation distance.

Plot 2 has a width of 22 m and a length of approximately 39 m. The design is virtually identical to that of plot 1 with the main change being the introduction of dormer windows to the one and a half storey offshoot providing illumination to the bedroom accommodation compared to a window in the gable end of plot 1. There is a distance from the front of plot 2 to the rear boundaries of dwellings that face St Marys Crescent of 22 m rising to 26m. It is located

approximately 30 m from "The Old Rectory" to the west and approximately 50m from the boundary with Orchard House, a large detached dwelling to the east of the site.

**Relevant history:**

136472 Planning application to erect 2 dwellings. Approved 5th October 2017.

141102 Request for confirmation of compliance with conditions 1 - 7 of planning permission 136472 granted 5 October 2017. Approved 9/6/2020.

140893 Application for 1 dwelling, plot 2 with associated private drive access. Approved 4<sup>th</sup> August 2020.

**Representations:**

**Chairman/Ward member(s):** No comments received.

**Stow Parish Council** (Summary):

15.05.22: Since our response of 14/1/22, the Sturton by Stow & Stow Neighbourhood Plan (SbS&SNP) has passed inspection and is being voted upon in a referendum later this month (May 26th). The SbS&SNP decision notice says: - "Government planning guidance advises that where a decision statement has been made detailing the intention to send a neighbourhood plan to referendum, such as for the Sturton by Stow and Stow Neighbourhood Plan, that plan can be given significant weight in planning decision-making, so far as the plan is material to the application."

This clearly indicates that WLDC should take the SbS&SNP into account when considering this amendment of application, no 144010. This SbS&SNP states that local residents do not want to see anymore large 5/6-bedroom houses, with numerous bathrooms, built in Stow. Rather, they want to see smaller, lower cost housing being built, that both local younger and retired people could afford and move into, thus maintaining the viability of the local community.

14.01.22: We wish to withdraw our response of 'no objection' to the revised design. We do **object**, inter alia due to the huge increase in size of the houses proposed in 144010 compared with those in previous application 136472, and due to the failure to identify how foul sewage will be handled. There is a very disturbing tendency for applicants to obtain planning permission for small, attractive houses, then sell the land on which planning permission has been granted to a developer who then alters the design to much larger houses. When approving these increased size developments, WLDC is making rulings which are contrary to the wishes of the residents in our Parish.

23.12.21: No objections to the design changes indicated in application 144010, but would like to see the finishes proposed for the buildings, for our comment before construction is allowed to commence.

**Local residents:** 4 representations have been received from Horseshoe House **objecting** to the application

Objection (summary)

The proposed plans are the wrong type and size of dwelling and they are totally inappropriate. The sheer size of the newly proposed 3 storey property would have significant visual and environmental impact. The building is proposed to be sited extremely close to our boundary hedge which significantly increases its impact as the plans depict a monumental expanse of brickwork and vast amount of roof tile. The current proposal is both imposing, oppressive and will significantly impact on our enjoyment of our property and its surroundings.

The newly proposed property is also significantly closer to our boundary and in no way resembles the house that was granted from the original planning permission. The proposed large balcony on the second floor overlooks our entire back garden and is close to and directly adjacent to our hot tub, sunbathing deck and summerhouse. This is our tranquil area of retreat that we have developed for much valued family leisure and well-being time.

The original application sited “affordable housing” as one of the planning objectives, yet the proposed building has obviously been targeted at the high-end executive market and does not meet the local housing needs of our community. There are no details about boundary walls or fencing required for privacy yet there are 2 doors opening onto the boundary which will create significant noise.

The local residents on South Drive and St Marys Crescent expressed concern about the increased traffic on a very narrow road on the approach to the site during the original planning application (136472.) The newly proposed dwellings are designed for large families which significantly increases traffic flow as they will have a higher number of occupants and predictably more vehicles and noise.

There are 3 major mature ash trees standing on our land, close to our boundary between our property and the proposed Plot 1. Current guidance states that buildings should not be built within 21m of this type of mature tree therefore a full tree survey should be submitted. We are extremely concerned that damage could be caused to the tree roots since the proposed building is extremely close to the boundary. The proposed garage appears to be sited at a distance of only 1m from our boundary and watercourse and mature ash tree.

There are two 11 KV, pole mounted, high tension cables, running close and parallel to this boundary, directly above the proposed building plans for Plot 1.

“Is your proposal within 20m of a watercourse “has been ticked “No”. This is incorrect. There are 2 watercourses, one that runs along the adjoining boundary and another along the southern boundary of the proposed development. Our dyke provides important drainage both to our property and garden and it adjoins the drainage systems of the surrounding farmland, but this has also not been declared in the application.

There is no indication as to the location of the proposed soakaway. The proposed plot is situated on heavy clay therefore we are also extremely concerned about surface water drainage. The size of the proposed property will also significantly increase demands on water and sewage management, and we question whether a soak away would cope with the amount of surface water run-off.

There are numerous errors and omissions in the submitted Design and Access Statements.

West Lindsey Local plan states that backland or tandem developments are “unusually granted permission”

It is contrary to Policy RES 1 – Housing Layout and Design.

Our garage (omitted from the original planning application site plan) was designed in 2004 and built in 2005 with the future in mind. It was designed and constructed, so that it can be easily converted to a bungalow when we retire (within the next 2 years if not before.) This has always been the plan and we intend to run a bed and breakfast business from this “dwelling”. We are in the process of having our plans drawn and will be following this with an application to apply for change of use. This pre-existing building is directly adjacent and in close proximity to the newly proposed dwelling and garage. We request that you take this into consideration also as it is already built and does not impede or affect other surrounding properties at present.

The applicant’s original concept was to apply to build 2x low level bungalows. This has significantly changed beyond recognition since 2017 and could be construed as “planning creep.” The development appears to be being applied for on an ad hoc basis, despite a series of stringent conditions, originally imposed by West Lindsey relating to the granted permission for this infill tandem development (136472.) Stow is a Tier 6 settlement and has limited capacity for development. It is therefore vitally important that any granted development addresses local need and ensures that any developments are sympathetic to their surroundings.

The landscaping conditions were approved by West Lindsey in 2020 however the application 140893 submitted with these plans failed to notify Horseshoe House as an adjacent property, during the consultation process.

**LCC Highways:** Does not wish to restrict the grant of permission.

**Landscape and Tree Officer:** Having looked at the proposed landscaping on Dwg No. 129/21/07/E, the planting scheme appears suitable.

**Relevant Planning Policies:**

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



provisions of the Central Lincolnshire Local Plan (adopted in April 2017) and the Lincolnshire Minerals and Waste Local Plan (adopted June 2016).

#### Development Plan

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

Relevant policies of the CLLP include:

Policy LP1: A Presumption in Favour of Sustainable Development

Policy LP2: The Spatial Strategy and Settlement Hierarchy

Policy LP3: Level and Distribution of Growth

Policy LP4: Growth in Villages

Policy LP13: Accessibility and Transport

Policy LP14: Managing Water Resources and Flood Risk

Policy LP17: Landscape, Townscape and Views

Policy LP26: Design and Amenity

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

- ***Sturton by Stow and Stow Neighbourhood Plan (NP)***

On 26 May 2022 the referendum on the Sturton by Stow and Stow Neighbourhood Plan was held. Residents voted in favour of West Lindsey District Council using the neighbourhood plan to help it determine planning applications in the Sturton by Stow and Stow parish areas. The Neighbourhood Plan was formally “made” at the Full Council meeting of 4<sup>th</sup> July 2022, and now forms part of the statutory development plan against which decisions must be made. Full weight in decision making is now given to the policies it contains.

<https://www.west-lindsey.gov.uk/planning-building-control/planning/neighbourhood-planning/all-neighbourhood-plans-west-lindsey/sturton-stow-stow-neighbourhood-plan-made>

Relevant policies of the NP include:

Policy 1: Sustainable Development

Policy 2: Residential Development Management

Policy 4: Housing Mix and Affordability

Policy 5: Delivering Good Design

Policy 13: Flood Risk

<https://www.west-lindsey.gov.uk/planning-building-control/planning/neighbourhood-planning/all-neighbourhood-plans-west-lindsey/sturton-stow-stow-neighbourhood-plan-made>

- ***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 February 2019. Paragraph 213 states:

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

- **National Planning Practice Guidance**
  - **National Design Guide (2019)**
  - **National Design Model Code (2021)**
- 
- **Consultation Draft Central Lincolnshire Local Plan Review June 2021 (DCLLPR)**

Review of the Central Lincolnshire Local Plan commenced in 2019. The 1st Consultation Draft ("Reg 18") 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 Draft ("Reg 19") of the Local Plan was published in March 2022, and was subject to a further round of consultation. On 8th July 2022, the Local Plan Review was submitted to the Planning Inspectorate in order for it to commence its examination.

The Draft Plan may be a material consideration, where its policies are relevant. Applying paragraph 48 of the NPPF, the decision maker may give some weight to relevant policies within the submitted "Reg 19" Plan, with the weight to be given subject to the extent to which there may still be unresolved objections to those policies (the less significant the unresolved objections, the greater the weight that may be given)

S1 The Spatial Strategy and Settlement Hierarchy  
S2 Growth Levels and Distribution  
S6 Reducing Energy Consumption – Residential Development  
S20 Flood Risk and Water Resources  
S22 Meeting Accommodation Needs  
S46 Accessibility and Transport  
S48 Parking Provision  
S52 Design and Amenity  
S65 Trees, Woodland and Hedgerows

## **Main issues**

Principle

Impacts on amenities of existing residents

Design

Drainage

Highway Safety

Noise and Disturbance

## **Assessment:**

### **Principle: LP2, LP4 of the CLLP and Policy 2 and policy 4 of the NP**

Policy LP2 designates Stow a tier 6 small village where unless otherwise promoted via a neighbourhood plan or through the demonstration of clear local community support\*\*\*\*, the following applies:

- It will accommodate small scale development of a limited nature in appropriate locations\*\*.
- proposals will be considered on their merits but would be limited to around 4 dwellings.

Policy LP4 establishes the total level of % growth for Stow, and further policy requirements in respect of identifying whether a site would be suitable for development. Policy LP4 permits 10% growth in Stow. The latest monitoring of growth update information shows the remaining growth for Stow is 0 dwellings. This, however, includes the 2 dwellings previously granted approval on the site so there will not be an increase in the number of dwellings.

LP4 sets a sequential test with priority given to brownfield land or infill sites, in appropriate locations, within the developed footprint of the settlement. The previous applications passed the sequential test and were considered an appropriate location for development.

The Parish Council have made representations, stating that under the Neighbourhood Plan, residents “want to see smaller, lower cost housing being built...”. The NP forms part of the statutory development plan against which decisions must be made.

Policy 2 of the Neighbourhood Plan provides support for the location of housing within “built up areas”.

Policy 2 states that *“Proposals for residential development of up to...four dwellings in Stow, on infill and redevelopment site will be supported where...a) they fill a gap in an existing frontage, or on other sites, within the existing or planned built-up area\* of the villages (as shown in Policy Map 2.1 and Policy Map 2.2);*

These are shown on “Policy Map 2.2 Stow Built Up Area”, and the site lies within it.

Criteria (f) states that *“f) the proposed development does not result in back-land development, unless it is demonstrated that a particular back-land development will not unacceptably reduce the amenities\*\* which neighbouring residents may reasonably expect to enjoy;”*

The development would be within the formal “built up area” within the plan, but to the rear of dwellings within St Marys Close. However, it is within an area where residential dwellings are already established, with Horseshoe house to the west, and Orchard House and 18 South Drive to the east. It is considered therefore to meet the criteria for an “infill” plot. An assessment of neighbouring amenity is provided further in this report.

Policy 2 does not set out any criteria restricting the size of new dwellings.

Policy 4 of the Neighbourhood Plan states “New residential development should provide a range of housing types and a mix of tenures based on identified housing needs in the most up-to-date housing needs assessment available at parish or District, or housing market area level.”.

The development proposes two large, six bedroom dwellings. The most recent Housing Needs Assessment for Central Lincolnshire (April 2020)<sup>1</sup> considers:

*“Households with dependent children are expected to see the strongest growth... followed by single person households and couples without children...”*

*“There is also implied to be a **relatively sizeable need for two-bedroom properties (28%) and homes with at least four bedrooms (22%)**. Substantially fewer households (7%) would be expected to need only one bedroom, albeit acknowledging that this is influenced by the stock of housing that is currently available. It is estimated that meeting this need could require over two thirds (69%) of new homes to be houses, surpassing the more limited contribution of bungalows (20%) and flats (11%). This does, however, provide only an illustrative interpretation of available evidence, which should be used for guidance and monitoring purposes but should not be prescribed as an explicit requirement for individual sites given that they will need to respond to changing market demands and take account of viability considerations.”*

The Housing Needs Assessment does therefore consider the evidence implies a need for larger family homes, with households with dependent children seeing the most growth. Whilst the “mix” across the site is limited, only two dwellings are being proposed.

Whilst the concerns of the Parish Council are recognised, it is considered therefore that the development would not be in direct conflict with policy 4.

This is noted although it is not a prohibitive policy and for a small scale development of 2 dwellings it does not represent a reason to withhold

---

<sup>1</sup> Document HOU001 (<https://www.n-kesteven.gov.uk/central-lincolnshire/planning-policy-library/>)

consent. The principle of the development is therefore accepted and supported. Detailed considerations are set out below.

### **Impacts on Neighbours**

Policy LP26 requires that amenities which all existing and future occupants of neighbouring land and buildings may reasonably expect to enjoy must not be unduly harmed by or as a result of development. NP policy 2 (c) says new dwellings will be supported if certain criteria are met, including that “c) they do not unacceptably reduce the privacy and/ or amenity of nearby properties;”

This is consistent with section 12 of the NPPF Achieving well-designed places and in particular paragraph 130 f) create places that are safe, inclusive and accessible and which promote health and well-being, with a high standard of amenity for existing and future users, and is afforded full weight in the determination of this application.

The objections to the proposal from Horseshoe House (HH) are noted. The closest building on plot 1 to HH would be the detached double garage. It measures 6.4m x 6.3m, is 2.5m to eaves with a ridge of 4.9m. The roof slope falls away from the boundary which is approximately 3m to the west. The blank rear elevation would be approximately 7m from the blank rear gable end of the garage within the residential curtilage of HH. Measured from the plans approved in 2004 this shows a footprint of 13m x 8m with an eaves of approximately 3m rising to ridge of approximately 5.7m.

At ground floor level on the side (eastern) elevation will be a double set of bi-fold glazed doors to an “open plan living area”, 7.9m from the boundary. Views will be restricted by the existing hedgerow running along the boundary through which views of the upper sections of the existing buildings are partly visible. Complaints about noise from this opening have been made by HH on the potential impacts on their enjoyment of their outside garden area, however the development proposed is for a dwellinghouse, and noise generated from its residential use would not be expected to result in having an unduly adverse effect upon a neighbouring property. Objections on the grounds of an oppressive outlook are also made although with a distance of almost 8m from the side of plot 1 to the boundary with HH this is not accepted as a significant issue particularly with the main dwelling being approximately a further 25m away.

At first floor level on this elevation is a narrow window serving an ensuite shower room. As this is not serving a main habitable room, it is not conducive to active overlooking, and this arrangement is considered acceptable.

The case officer has been informed by the applicants’ representative that there appears to be an ownership dispute with some of the existing hedgerow being removed. On this basis the applicants have agreed to a 1.8m fence being placed along this boundary to deal with any potential further removal of the hedgerow in order to restrict visibility. This is secured by condition.

The other ground floor windows that face west do so at distances of 12.2 m and 15.2 m. At first floor level a balcony at a distance of 12.2m is proposed to the rear of the dwelling. Views to the west and east will be restricted by 3 obscure glazed side panels. The two panels closest to the rear wall are labelled as 2m in height and this tapers down to a height of approximately 1m. This will limit visibility together with the distances involved.

No adverse impacts are considered to arise on HH that would justify a refusal of permission from Plot 1. Plot 2 is even further away from HH and will have negligible to no impact. Concerns have been raised about potential damage to trees within the garden area of HH with a request for a tree survey to be carried out. This is not reasonable or proportionate. The trees are not subject to a Tree Preservation Order. This would be a private matter and not relevant to the consideration of the application. Drainage and highway safety concerns have also been raised by HH. These issues are addressed later in this report.

Distance separation of between approximately 32m rising to 45m from the nearest windows on plots 1 and 2 that face the rear boundaries of dwellings that face onto St Marys Crescent ensure no adverse impacts. Orchard House is located over 50m to the east and this distance separation will ensure negligible to no impacts.

No adverse impacts on existing residential amenities will arise principally due to the layout proposed, distance separation and existing or proposed boundary treatment and it would be in accordance with LP26 and Policy 2 (1(c)) of the Neighbourhood Plan. Furthermore, it would meet Policy 2 (1(f)) which states that:

*“the proposed development does not result in back-land development, unless it is demonstrated that a particular back-land development will not unacceptably reduce the amenities\*\* which neighbouring residents may reasonably expect to enjoy;”*

As set out before, development would take place within the designated “built area” where residential development is already established. Whilst neighbour comments are noted, as set out above, it would not be expected to unacceptably reduce neighbouring amenities and would comply with policy 2 (1(f)).

### **Design LP26**

Policy LP26 requires high quality design that that contributes positively to local character, landscape and townscape.

NP policy 2 states that new dwellings should be “well designed and in keeping with their local surroundings, and respect the character of the area - including any heritage assets;”

Policy 5 sets out the Neighbourhood Plan policy on “Good Design”. As appropriate to their scale nature and location, developments should demonstrate good quality design and respect the character and appearance

of the surrounding area. This will be done by assessing it against the Character Area (CA) chapter of the Neighbourhood Profile. It is located within CA 3 – Stow Village.

These policies are consistent with section 12 of the NPPF Achieving well-designed places and is afforded full weight in the determination of this application.

Within Character Area 3 are “Layout Types” 1 is mainly low-density housing ranging from very large houses to small cottages, many houses with large gardens or a small acreage. These houses are mainly situated along through roads, but some are on mews-style developments. Layout Type 2 is some higher density housing on the west side of South Drive, on St Mary’s Crescent, and in a row opposite Manor Farm. This variety is reflected in the different house types that can be viewed from within the site and is reproduced below.

Existing housing (photographs taken from the application site). The large house is the Old Rectory (18 South Drive) with the houses to the left facing St Marys Crescent. The house on the right is located to the east of the site.



There is no established design or vernacular architecture in the area although the predominant material is brick. The traditional design of the brick faced units is described at the start of this report and is considered suitable and appropriate. The objections from the Parish Council in relation to the increase in size from that originally approved are noted, however, the large plot size allows the increase in size without any adverse impacts arising. Materials are those that have been previously approved on this site. A landscaping scheme forms part of the application and is considered suitable, a condition will be imposed requiring implementation and replacement planting if required. It would be in accordance with LP26, and policies 2 (1(b)) and policy 5 of the Neighbourhood Plan.

### **Flood risk and drainage**

Policy 13 of the Neighbourhood Plan recommends use of sustainable drainage systems where practical and for development not to increase flood risk. Policy LP14 of the CLLP requires proposals demonstrate that they have incorporated Sustainable Drainage Systems (SuDS) in to the proposals unless they can be shown to be impractical whereas NPPF Paragraph 169 requires this for only major developments. However, there is general consistency in requiring developments do not lead to increased risk of flooding therefore Policy 13 and LP14 are given full weight.

The site is in flood zone 1 (Low Probability Land having a less than 1 in 1,000 annual probability of river or sea flooding) therefore the main considerations are the means of foul and surface water drainage. The parish have objected on the grounds that disposal of foul waters is unknown. The extant permission for a single dwelling proposed connection to a mains sewer which is the preferred option and this can be conditioned. Surface water will drain to soakaways which is considered appropriate and accords with Policy 13 and LP14.

### **Highway Safety:**

LP13 is consistent with NPPF paragraphs 110-112 as they both seek to ensure an efficient and safe transport network. No objections are raised by the Highways Authority to the proposal. Adequate onsite parking and turning provision is made. It would be in accordance with LP13 and NP policy 2 (1(d) and (e)).

### **Noise and Disturbance**

Objections made on the grounds of increased noise and disturbance from 2 dwellings are noted although next to existing dwellings these are rarely grounds to refuse consent. The proposed use is compatible with a residential area. This remains the case. Development would be compliant with LP26 and NP policy 2 in this regard.

### **Other Matters**

Superseded policy: Reference is made to policies contained within the former PPG3 (superseded in 2012 by the NPPF) and West Lindsey Local Plan. This has been superseded by the Central Lincolnshire Local Plan and no longer forms part of the statutory development plan. It is not a material consideration. This application has been assessed against the provisions of the current development plan, namely - Central Lincolnshire Local Plan (2017) and Sturton by Stow and Stow Neighbourhood Plan, made 4<sup>th</sup> July 2022.

Alleged "errors" in the submitted Design and Access Statement. The comments made are noted however this is document is not determinative and the application has been considered under the umbrella of the Development Plan and any other material considerations.

Future plans of neighbours: The plan to convert the existing garage of Horseshoe House into a bungalow / Bed & Breakfast (which would require planning permission) is not a relevant material consideration.

Impact on neighbours Trees: This is considered a private matter and not relevant to the consideration of this application.

Lack of consultation with Neighbours on approved Landscaping proposals on previous scheme:

This is not a requirement and is not relevant to the consideration of the current application.

### **Planning balance and conclusion**

This is an application for 2 dwellings on land previously granted permission for the same number of dwellings. Subject to the imposition of safeguarding conditions no adverse impacts are considered to arise and the development



would be in accordance with policies LP13, LP14, LP17 and LP26 of the Central Lincolnshire Plan and Policies 1, 2, 4, 5 and 13 of the Sturton by Stow and Stow Neighbourhood Plan and permission is recommended.

**Recommendation: Grant Permission subject to the following conditions**

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

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

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

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

None.

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

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

Site Layout with boundary details and Landscaping Dwg. No. 129/21/07/E  
Plot 1 Ground Floor Plans and Front Elevation Dwg. No. 129/21/01/B  
Plot 1 Floor Plans and Elevations Dwg. No. 129/21/02/B  
Plot 1 Garage Details Dwg. No. 129/21/05  
Plot 2 Ground Floor Plan and Elevations Dwg. No. 129/21/03  
Plot 2 Ground Floor Plan and Elevations Dwg. No. 129/21/04  
Plot 2 Garage Details Dwg. No. 129/21/05

**Reason:** To ensure the development proceeds in accordance with the approved plans in the interests of proper planning.

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

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

4. No development, other than to foundations level shall take place until a scheme for the disposal of foul waters have been submitted to and approved

in writing by the Local Planning Authority. Foul drainage shall be to the main public sewer unless detailed evidence is submitted demonstrating that this is not feasible, for costs or practicality reasons. The agreed details must be implemented in full prior to occupation.

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

**5.** The materials used in the development shall match those previously approved by application 141102 on 9<sup>th</sup> June 2020

Facing Bricks- Ibstock Alderley Rustic Blend  
Roof tiles- Sandtoft Humber plan tiles- Natural red

Any variation must be approved in writing by the Local Planning Authority.

**Reason:** As these are the materials proposed and considered acceptable to secure a satisfactory visual appearance 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.** All planting, seeding or turfing comprised in the approved details of landscaping shown on Dwg. No. 129/21/07/E shall be carried out in the first planting and seeding season following the occupation of the buildings or the completion of the development, whichever is the sooner; and any trees or plants which within a period of 5 years from the completion of the development die, are removed, or become seriously damaged or diseased shall be replaced in the next planting season with others of similar size and species, unless the Local Planning Authority gives written consent to any variation.

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

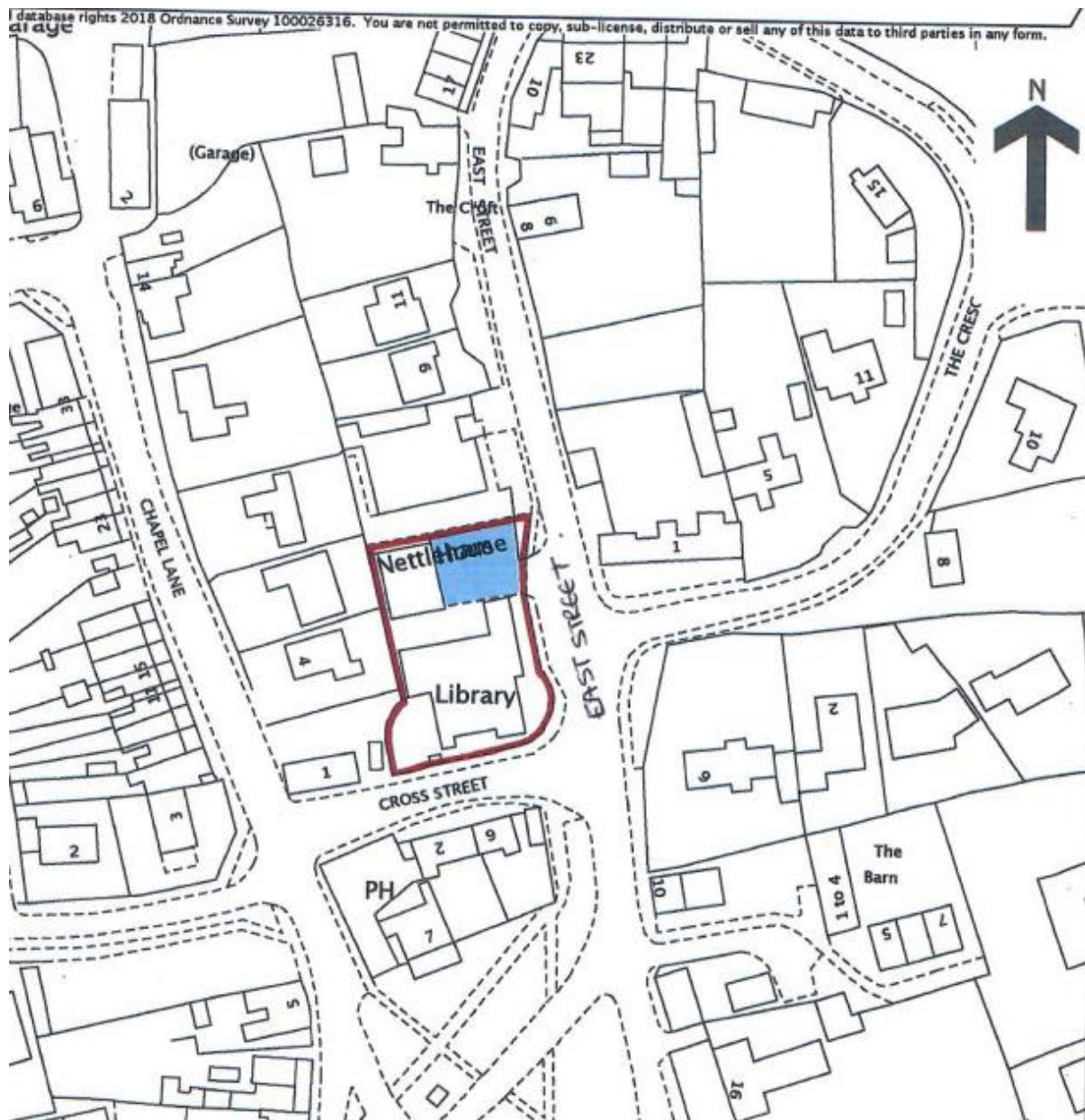
**7.** The boundary fencing shown on Dwg. No. 129/21/07/ E must be implemented in full prior to occupation of any dwelling and retained thereafter.

**Reason:** To restrict overlooking of neighbouring dwellings in accordance with LP26.

**8.** 2m high glazed screens to the sides of the first-floor balconies on the rear elevations shall be in place prior to occupation of the dwellings and maintained thereafter.

**Reason:** To restrict overlooking of neighbouring dwellings in accordance with LP26.

# Agenda Item 6d



## **Officer's Report**

### **Planning Application No: 144347 and 144977**

**144347 PROPOSAL:** Application for a lawful development certificate for the installation of planters, benches.

**144977 PROPOSAL:** Application for a lawful development certificate for the installation of bike racks

**LOCATION:** Nettleham Library 1 East Street Nettleham Lincoln LN2 2SL

**WARD:** Nettleham

**WARD MEMBERS:** Cllr J Oliver, Cllr A White

**APPLICANT NAME:** Mr M Dodds

**TARGET DECISION DATE:** 29/04/2022

**EXTENSION OF TIME:** 11/8/2022

**DEVELOPMENT TYPE:** Certificates of Lawful Development

**CASE OFFICER:** Vicky Maplethorpe

**RECOMMENDED DECISION:** Grant certificates

---

These applications have been referred to the Planning Committee on the basis that the original applicant is Ward Member for Nettleham.

#### **Description:**

The application site comprises a village 'hub' which houses a library and cafe and provides a venue for local groups and activities. The building is within the village centre of Nettleham. The site is within the conservation area and Flood Zones 2 (medium probability) and 3 (high probability). To the north of the site is a small business centre, to the south west is a public house and the rest of the site is surrounded by residential dwellings.

There are two applications under consideration:

- 144347 is for a Certificate of Lawful Development for the existing wooden planters and 11 benches; and
- 144977 is for a Certificate of Lawful Development for 2 metal bike racks, proposed.

The application seeks certificates from the local planning authority in order to establish whether the above works would be lawful for planning purposes.

#### **Relevant history:**

WR/423/68 – Erection of library district headquarters and garage in respect of which outline planning permission was granted - CP

134505 - Planning application for change of use to A3 cafe while continuing to provide library services and office space - GC, 22/8/16

137428 - Request for confirmation of compliance with conditions 1,2,3 and 4 of planning permission 134505 granted 22 August 2016 – CD  
139210 - Application for advertisement consent for 3no. non-illuminated wall mounted signs, GC, 21/5/19  
143965 - Advertisement consent to display 1no. non-illuminated fascia sign, GC, 3/2/22.  
145126 - Application for a lawful development certificate to provide a small takeaway element and the showing of occasional films, Undetermined.

## **Representations:**

Planning Practice Guidance<sup>1</sup> on Lawful Development Certificates, sets out that *“There is no statutory requirement to consult third parties including parish councils or neighbours. It may, however, be reasonable for a local planning authority to seek evidence from these sources, if there is good reason to believe they may possess relevant information about the content of a specific application. Views expressed by third parties on the planning merits of the case, or on whether the applicant has any private rights to carry out the operation, use or activity in question, are irrelevant when determining the application.”*

Representations have been received from a local resident: 2 letters from 1 Cross Street, including minutes from a meeting held at The Hub:

*‘Please see attached comments from myself and my wife. We have met with Hub on this and i have attached the minutes they issued which to date very few items have been dealt with with the exception of removing 1 bench and a light bulb along with a visit from a lady regarding the singing. As you will see the meeting was attended by the applicant along with all of the trustees.’*

*‘Far to much seating , no parking provided for visitors. Current trading hours are make no consideration to the local neighbours.’*

## **Relevant Planning Legislation:**

### **National guidance**

The Town and Country Planning (General Permitted Development) (England) Order 2015 (As Amended).

Town and Country Planning Act 1990 Sections 191 and 192 as amended:

### **Section 191 Certificate of lawfulness of existing use or development**

*(1)If any person wishes to ascertain whether—*

*(a)any existing use of buildings or other land is lawful;*

*(b)any operations which have been carried out in, on, over or under land, are lawful, or*

*(c)any other matter constituting a failure to comply with any condition or limitation subject to which planning permission has been granted is lawful, he may make an*

---

*application for the purpose to the local planning authority specifying the land and describing the use, operations or other matter.*

*(2) For the purpose of this Act uses and operations are lawful at any time if-*  
*(a) no enforcement action may then be taken in respect of them (whether because they did not involve development or require planning permission or because the time for enforcement action has expired or for any other reason) and;*  
*(b) they do not constitute a contravention of any of the requirements of any enforcement notice then in force.*

*(3) For the purposes of this Act any matter constituting a failure to comply with any condition or limitation subject to which planning permission has been granted is lawful at any time if-*  
*(a) the time for taking enforcement action in respect of the failure has then expired; and*  
*(b) it does not constitute a contravention of any of the requirements of any enforcement notice or breach of condition notice then in force.*

#### Section 192 Certificate of lawfulness of proposed use or development.

*(1) If any person wishes to ascertain whether—*  
*(a) any proposed use of buildings or other land; or*  
*(b) any operations proposed to be carried out in, on, over or under land, would be lawful, he may make an application for the purpose to the local planning authority specifying the land and describing the use or operations in question.*  
*(2) If, on an application under this section, the local planning authority are provided with information satisfying them that the use or operations described in the application would be lawful if instituted or begun at the time of the application, they shall issue a certificate to that effect; and in any other case they shall refuse the application.*

#### Section 55 and 57 of the Town and country Planning Act:

Planning permission is only needed if the work being carried out meets the statutory definition of 'development' which is set out in [section 55 of the Town and Country Planning Act 1990](#).

[Section 57 of the Town and Country Planning Act 1990](#) directs that all operations or work falling within the statutory definition of 'development' require planning permission.

#### The National Planning Policy Guidance

#### Lawful Development Certificates –

<https://www.gov.uk/guidance/lawful-development-certificates>

A local planning authority needs to consider whether, on the facts of the case and relevant planning law, the specific matter is or would be lawful. Planning merits are not relevant at any stage in this particular application or appeal process.

In determining an application for a prospective development under section

192 a local planning authority needs to ask “if this proposed change of use had occurred, or if this proposed operation had commenced, on the application date, would it have been lawful for planning purposes?”

An application needs to describe precisely what is being applied for (not simply the use class) and the land to which the application relates. Without sufficient or precise information, a local planning authority may be justified in refusing a certificate. This does not preclude another application being submitted later on, if more information can be produced.

In the case of applications for proposed development, an applicant needs to describe the proposal with sufficient clarity and precision to enable a local planning authority to understand exactly what is involved.

Precision in the terms of any certificate is vital, so there is no room for doubt about what was lawful at a particular date, as any subsequent change may be assessed against it.

### **Main issues**

- Are the works classed as operational development and do they require an application for planning permission?

### **Assessment:**

A Certificate of Lawful Proposed Use or Development will clarify whether a proposed use or development is lawful for planning purposes (or otherwise requires the Local Planning Authority’s planning permission). These are not applications seeking planning permission from the Council. The planning merits raised by these applications are not for consideration. It is simply a technical assessment made using evidence, fact, and legal consideration of the permitted development rights.

Planning permission is only needed if the work being carried out meets the statutory definition of ‘development’ which is set out in [section 55 of the Town and Country Planning Act 1990](#).

To assess whether operational development has taken place the council must have regard to the tests of size, physical attachment and permanence to decide that as a matter of fact and degree the planters, benches and bike rack constitute development.

It should be noted that the existing benches and planters and proposed bike racks are sited within the existing curtilage of the planning unit and not on the public footpath and therefore it is considered that no change of use has taken place.

### **Existing Benches and Planters (144347):**

There are 11 wooden picnic benches in total on the grassed and hardstanding areas surrounding ‘The Hub’. These are not physically attached or fixed to the ground.

Placing the freestanding, unfixed, non-permanent tables within the established curtilage of the business premises in association with the existing use does not amount to development and therefore planning permission is not required.



Turning to the planters, these are arranged in two groups along parts of the boundary of the site. The applicant confirmed the size of the planters as: single planter adjacent Cross Street measures 36x410x63cm and the 3 planters grouped together measure 34x131x62cm , 225x35x60cm, 231x60x37cm.

The Town and Country (General Permitted Development) (England) Order 2015 (As Amended) Schedule 2 Part 2 Minor Operations Class A allows for the erection, construction, maintenance, improvement or alteration of a gate, fence, wall or other means of enclosure.

It is considered that the planters form a means of enclosure along parts of the boundary of the application site. Under Schedule 2, Part 2, Class A of the Town and Country Planning (General Permitted Development) (England) Order 2015 the proposal would **not** be permitted if:

(a) the height of any gate, fence, wall or means of enclosure erected or constructed adjacent to a highway used by vehicular traffic would, after the carrying out of the development, exceed— (i) for a school, 2 metres above ground level, provided that any part of the gate, fence, wall or means of enclosure which is more than 1 metre above ground level does not create an obstruction to the view of persons using the highway as to be likely to cause danger to such persons; (ii) in any other case, 1 metre above ground level;

The planters are 63cm in height.

(b) the height of any other gate, fence, wall or means of enclosure erected or constructed would exceed 2 metres above ground level;

The planters are 63cm in height.

(c) the height of any gate, fence, wall or other means of enclosure maintained, improved or altered would, as a result of the development, exceed its former height or the height referred to in paragraph (a) or (b) as the height appropriate to it if erected or constructed, whichever is the greater; or

This is not applicable.

(d) it would involve development within the curtilage of, or to a gate, fence, wall or other means of enclosure surrounding, a listed building.

The Hub is not a listed building.

The existing planters therefore conform with Part 2, Class A of the GPDO in regards to the erection of a means of enclosure.

#### Proposed Bike Racks (144977):

With regards to the bike racks, which will measure 0.35 in height by 1.60 wide and 0.43m in depth and will be permanently fixed to the ground, it is considered that this element can be defined as '*de minimis*' in planning terms meaning that this operation is too minor to constitute development. A judgement of fact and degree has been carried out, having regard to scale, nature and effect, as to whether any operation or development has taken place, and as the works are so minimal and small it is concluded that the works do not warrant an application for planning permission.

#### Other matters:

A neighbour raises concerns with the proposed works stating *“Far to much seating , no parking provided for visitors. Current trading hours are make no consideration to the local neighbours.”*

However, this application considers only whether or not the proposed works would be lawful or not for planning purposes (without requiring planning permission).

Legislation and guidance is clear that *“Planning merits are not relevant at any stage in this particular application or appeal process”*<sup>2</sup> and that *“Views expressed by third parties on the planning merits of the case, or on whether the applicant has any private rights to carry out the operation, use or activity in question, are irrelevant when determining the application.”*<sup>3</sup>

#### **Recommendation:**

- It is considered that in respect to application **144347** for the placement of freestanding, unfixed, non-permanent tables they do not amount to development.

The proposed planters are permitted development as defined within the Town and Country Planning (General Permitted Development) (Amendment) (No. 2) (England) Order 2015 (GPDO) As Amended.

- Issue the certificate for application **144977**, proposed bike racks. In respect to the minor nature of the works as described for the bike racks it can be considered as ‘de minimis’ in planning terms and does not comprise development requiring an application for planning permission.

#### **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.

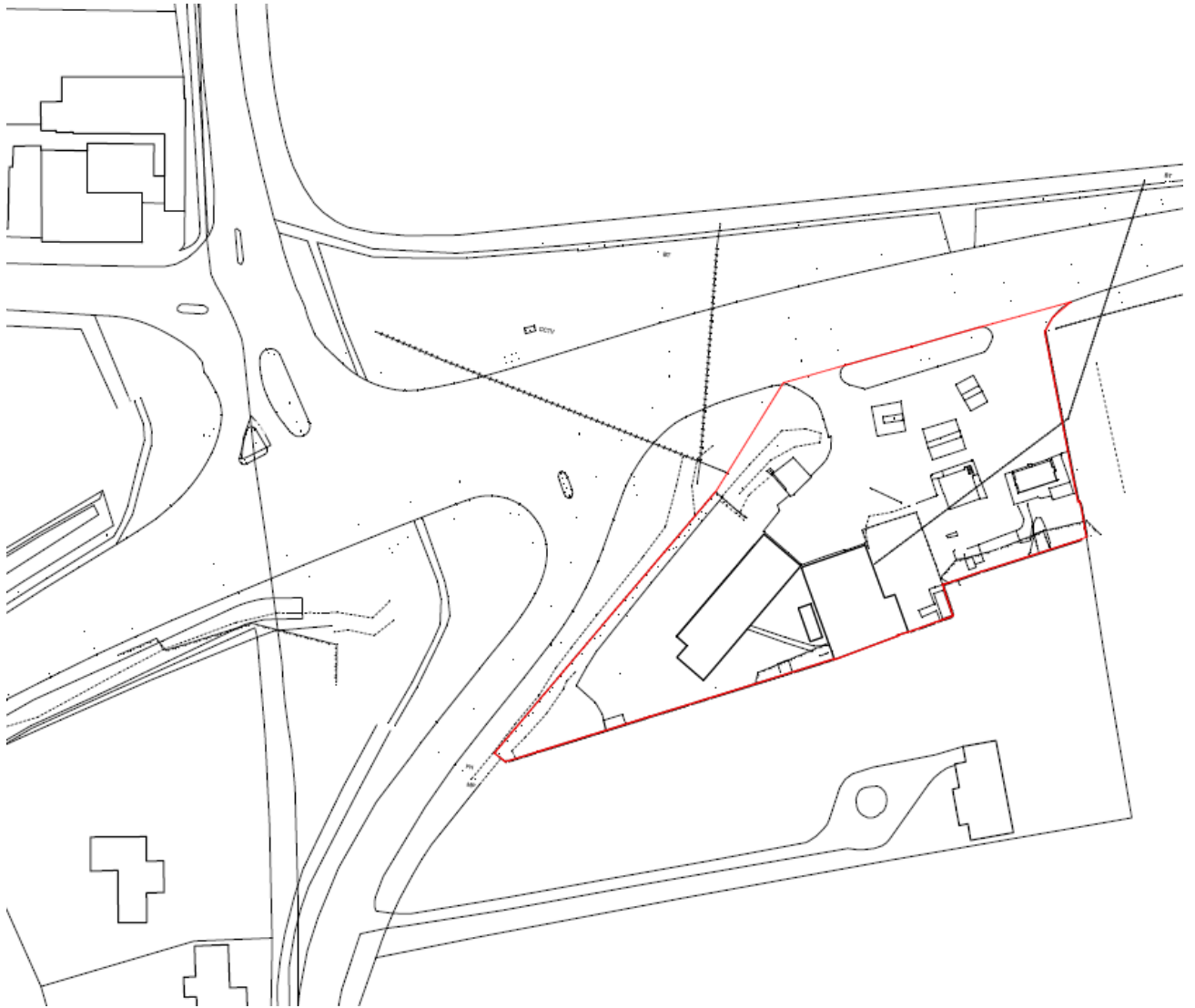
#### **Legal Implications:**

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

---

<sup>2</sup> Paragraph: 009 Reference ID: 17c-009-20140306

<sup>3</sup> Paragraph: 008 Reference ID: 17c-008-20140306



## **Officers Report**

### **Planning Application No: 144830**

**PROPOSAL:** Planning application seeking removal of condition 21 of planning permission 139273 granted 31 May 2019 re: storage of materials, goods, waste or any other articles (relating to development of 17no. rural enterprise units, consisting mainly of business use along with a retail unit, cafe and office. Demolition of existing buildings).

**LOCATION:** Hillcrest Grimsby Road Caistor Market Rasen LN7 6JG

**WARD:** Caistor and Yarborough

**WARD MEMBER(S):** Cllr O Bierley & Cllr A T Lawrence

**APPLICANT NAME:** Mr Oliver Lawrence

**TARGET DECISION DATE:** 12/08/2022

**DEVELOPMENT TYPE:** Minor - Manufacture/Storage/Warehouse

**CASE OFFICER:** Richard Green

**RECOMMENDED DECISION:** Refuse.

---

This application has been referred to the Planning Committee, as the applicant is from the immediate family of a Councillor (Councillor Mrs A T Lawrence).

#### **Description:**

The site is located outside of the built footprint of Caistor (in the parish of Cabourne) to the south of the A46 and to the east of the B1225 (to the east of the cross roads of the A46 and the A1173/B1225). The site is approximately 870 metres in walking distance from the centre of Caistor (The Market Place). The site has planning permission (135031) and has been redeveloped for 17 rural enterprise units, a retail unit, café and office following the demolition of the existing buildings and a subsequent permission 139273 allowed for a D2 Assembly and Leisure use (now use class E) on the site.

The nearest residential dwelling (Hillcrest House) is located approximately 19 metres to the south of the site at its closest point and there is a Grade II Listed Dwelling (Top House, Farm) located approximately 161 metres to the north west of the site. The site is within the Lincolnshire Wolds Area of Outstanding Beauty.

The previous planning permission (139273) was granted on the 31/05/2019, subject to conditions with the following description:

‘Planning application to vary condition 24 of planning permission 135031 granted 14 December 2016-allow local business to use the site (D2 Use)-resubmission of 138836.’

Condition 21 of planning permission 139273 currently states

*'21. There shall be no storage of materials, goods, waste or any other articles on the site otherwise than inside the buildings without the prior written approval of the Local Planning Authority.*

**Reason:** *In the interest of residential and/or visual amenity in accordance with policies LP17 and LP26 of the Central Lincolnshire Local Plan.'*

This application seeks to remove condition 21 of planning permission 139273. The accompanying letter states "it is considered that the condition is not required and is overly restrictive, hampering the running of businesses within the site".

It may be noted that application had originally sought to amend the condition on the original 2016 permission. However, as the applicant subsequently "amended" that permission in 2019 by varying conditions and implemented it, it has been agreed with the applicant that the condition on the 2019 permission is now the applicable condition.

### **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:**

**139273** - Planning application to vary condition 24 of planning permission 135031 granted 14 December 2016-allow local business to use the site (D2 Use)-resubmission of 138836. Granted 31/05/2019.

**138836** - Planning application to vary condition 24 of planning permission 135031 granted 14 December 2016-allow local business to use the site (D2 Use). Refused 07/03/2019.

**136232** - Request for confirmation of compliance with conditions 2,3,4,5,6,7,9 and 10 of planning permission 135031 granted 14 December 2016. Conditions partially discharged 30/10/2018.

**135031** - Planning application for proposed 17no. rural enterprise units, consisting mainly of business use along with a retail unit, cafe and office. Demolition of existing buildings. Granted 14/12/2016.

**135007** – Planning permission for change of use from A1 Retail to D2 Gymnasium. Refused 16/12/2016.

**128839** - Retrospective planning application for the change of use from Workshop to A1 Retail. Granted 10/9/2012.

**Representations:**

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

**Caistor Town Council:** No objection/comments.

**Cabourne Parish Meeting:** No representations received to date.

**Local residents:** Hillcrest, Caistor Top, Caistor (x2) – Firstly, I would like to state that ever since the application was granted to build an industrial estate next to my property we have endured constant noise disturbance and harassment from the owners of the land and tenants.

I note the conditions set out in planning permission 135031 including condition 7,11,21 and can confirm categorically that these conditions are continually being breached by the owners and the users of the adjoining industrial estate, The dust mess and noise from people working outside of the buildings is a continual harassment.

There is a considerable amount of storage outside of the buildings including packaging materials cardboard and a shipping container which is used for extra storage, some of these items represent a fire hazard. We have effectively lost the use of half our garden.

The neighbours are in continual breach of the planning conditions and I have complained to the local authority on a number of occasions. It seems to me that the relaxing a further planning condition about the materials outside of the buildings will only serve to increase both the noise and nuisance

Due to the amount of waste currently stored on the industrial estate; in breach of planning conditions; we are already experiencing problems with rats and it is becoming completely unacceptable.

Considering there is already a clear condition on the planning permission not to store these materials outside of the buildings, and which is already causing us nuisance, I think that the removal of the storage conditions would only make matters worse. It will put us in a situation where the council will have no control over the use of the industrial estate and the owners will basically be able to get away with whatever it is they wish to do regardless of our rights.

There will also be considerable increase in the amount of outside activity on the site if they are allowed to store materials rather than inside buildings. IT is clear that these planning conditions, including condition 23 are necessary for the reasons already stated in the planning permission.

The condition is quite clear and straight forward and is without doubt; and considering the problems we have already encountered; very reasonable in the circumstance.

I therefore request that rather than granting the planning permission, it is turned down and further that the local planning enforcement department should insist on the observance of the other conditions within the existing permission in order to bring some level of peace to myself and my wife. I therefore ask that this application is refused.

Red Roofs, Horncastle Road, Caistor – Condition 23 [135031] has already been flagrantly ignored and broken. Furthermore the storage unit and piles of cardboard are a vermin hazard and can readily be seen from the B1225. Screening was a prerequisite for the original planning permission being granted. The trees have been chopped down to make way for an ugly fence and have not been replaced.

The development is on the edge of an area of outstanding natural beauty, not an industrial zone and the storage tank and piles of cardboard are a detriment to the AONB. Additionally a delivery lorry for the site destroyed the grass verge in front of the residential home of Red Roofs trying to turn round to reach the site

**Occupiers:** 10-12 Hillcrest Park, Caistor: Supports the application for the following reasons:

- I have been a tenant from the outset [2.5 years] and have never experienced any noxious, pungent, hazardous, food waste, environmental, or health issues from the tenants therein nor do I see any evidence this would change as a consequence of permitting the commercial properties to operate as per this application.
- We have brought employment and prosperity to Caistor. In line with West Lindsey's vision, I currently employ 9 local people
- Our waste is particularly recyclable being either once used cardboard or new wooden crates.
- To be able to continue our successful business at Hillcrest we do need to be able to hold transient recyclable waste for short periods (we have fortnightly collections of cardboard bales) and monthly for the wooden crates which we collapse into a tidy stack ready for despatch.
- We want to support West Lindsey's objectives with recycling and we are also actively looking to become carbon neutral. We receive our components in new wooden crates which are placed in our unit within the day of delivery until the day we unpack ready for assembly onsite (when we collapse the crate ready for recycling together with the cardboard from the components).
- We, like all other tenants have no food, hazardous, or noxious waste.
- I respectfully ask that West Lindsey Council support this application to allow tenants to operate in a way that is conducive to any commercial site of this nature particularly in relation to inert materials for recycling

and the environmental benefits of being able to hold things on site and operate in an environmentally friendly way.

**Lincolnshire Wolds AONB Officer:** No representations received to date.

**LCC Highways and Lead Local Flood Authority:** Condition does not relate to Highway Authority.

**Growth and Regeneration:** No comments to make.

**Environmental Protection:** I am satisfied that materials and goods can be stored outside on the site as long as they do not give rise to dust, odour or pests.

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

**Health and Safety Executive:** HSE does not advise, on safety grounds, against the granting of planning permission in this case.

There is at least one unidentified pipeline in this Local Authority Area. You may wish to check with the pipeline. 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

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

**Conservation Officer:** No representations received to date.

**Relevant Planning Policies:**

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

**Development Plan:**

The following policies are particularly relevant:

Central Lincolnshire Local Plan 2012-2036

LP1: A Presumption in Favour of Sustainable Development

LP2: The Spatial Strategy and Settlement Hierarchy

LP5: Delivering Prosperity and Jobs

LP6: Retail and Town Centres in Central Lincolnshire

LP13: Accessibility and Transport

LP14: Managing Water Resources and Flood Risk

LP16: Development on Land Affected by Contamination



LP17: Landscape, Townscape and Views  
LP26: Design and Amenity  
LP55: Development in the Countryside

*\*With consideration to paragraph 219 of the National Planning Policy Framework (July 2021) the above policies are consistent with the NPPF (July 2021). LP1 is consistent with NPPF paragraph 11 as they both apply a presumption in favour of sustainable development. LP2 is consistent with NPPF chapter 2 as they both seek to deliver sustainable growth. LP5 is consistent with chapter 6 of the NPPF as they both seek to create a strong and sustainable economic growth. LP6 is consistent with chapter 7 of the NPPF as they both seek to ensure the vitality of town centres. LP13 is consistent with NPPF paragraphs 110-113 as they both seek to ensure an efficient and safe transport network that offers a range of transport choices. LP14 is consistent with paragraphs 159 to 169 of the NPPF as they both seek to avoid putting inappropriate development in areas at risk of flooding. LP16 is consistent with NPPF paragraphs 183 as they both seek to ascertain if the ground conditions of a particular site are suitable for the proposed use. LP17 is consistent with NPPF paragraph 130 & 174 as they seek to protect valued landscapes and recognise the intrinsic character and beauty of the countryside and are sympathetic to the built environment. 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:

Review of the Central Lincolnshire Local Plan commenced in 2019. The 1st Consultation Draft ("Reg 18") 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 Draft ("Reg 19") of the Local Plan was published in March 2022, and was subject to a further round of consultation. On 8th July 2022, the Local Plan Review was submitted to the Planning Inspectorate in order for it to commence its examination.

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 relevant policies within the submitted "Reg 19" Plan, with the weight to be given subject to the extent to which there may still be

unresolved objections to those policies (the less significant the unresolved objections, the greater the weight that may be given).

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

Caistor Neighbourhood Plan:

Policy 1 – Growth and the presumption in favour of sustainable development

Policy 2 – Type, scale and location of development

Policy 3 – Design Quality

Policy 7 – Community Facilities

Policy 8 – Leisure Facilities

<https://www.west-lindsey.gov.uk/planning-building-control/planning/neighbourhood-planning/all-neighbourhood-plans-west-lindsey/caistor-neighbourhood-plan-made>

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)."*

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

- **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>

Other- AONB

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

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

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

### Lincolnshire Wolds AONB Management Plan 2018-2023

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

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

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

### **Main issues**

- Implications of removing condition 21 of planning permission 139273.
- Other Matters

### **Assessment:**

The application seeks the removal of Condition 21 of planning permission 139273. This condition stated that *‘there shall be no storage of materials, goods, waste or any other articles on the site otherwise than inside the buildings without the prior written approval of the Local Planning Authority.* The condition was imposed in the interest of residential and visual amenity. When considering an application for amendments or removal of an original planning condition, planning law requires the local planning authority to consider only the question of the conditions subject to which planning permission should be granted.

As such the planning authority can only consider the implications of removing the condition, in this case the removal of a condition restricting storage of materials to inside buildings on the site. The principle of the overall development and other planning considerations cannot be revisited as part of this application.

The reason for the imposition of the condition was given as: ‘In the interest of residential and/or visual amenity in accordance with policies LP17 and LP26 of the Central Lincolnshire Local Plan.’

The nearest residential dwelling (Hillcrest House) is located approximately 19 metres to the south of the site with the garden of this dwelling running the full length of the southern boundary of the site subject of this application.

Local Plan Policy LP26 states that planning permission will be granted for new development provided the proposal will not adversely affect the residential amenity of neighbouring properties by virtue of overlooking, overshadowing, loss of light, over dominance, noise and odour. The policy also applies to future occupants of development proposals under consideration.

It is considered that removing this condition would allow the unrestricted outside storage of materials, goods and waste across the site and would have the potential to adversely impact the residential amenity of this neighbouring dwelling as outside storage is not an adequate solution to the storage of commercial waste on this site as it is not compatible with the neighbouring residential use and would be likely to have an adverse impact on residential amenity through odour and dust. It can be noted that third parties, including the adjacent neighbour, have cited that the site has been operating in breach of the condition – and that they have been suffering with nuisance as a consequence.

In their application, the applicant refers to the original grant of planning permission (135031) and states:

*“The storage of waste was agreed via the discharge of conditions process. The site previously had a commercial use which did not prohibit the storage of goods/materials. It should also be noted that the Environmental Protection Officer made no reference to issues resulting to outdoor storage. It is submitted that the external storage of good and materials will not have any detrimental impact on the amenity of the neighbouring dwelling given the existing landscaping and boundary separation between the properties. The storage of materials/goods by their very nature do not cause any more noise or nuisance issues then the movement of vehicles.”*

Seeking that the matter wasn't properly considered at the time the original permission was granted, is not convincing – the condition was applied and its reason clearly stated *“Reason: In the interest of residential and/or visual amenity in accordance with West Lindsey Local Plan First Review Policy STRAT1.”*

Furthermore, two of the most immediate neighbours object to the proposed removal of the condition, setting out that breaches of the condition are causing nuisance, and seeking effective enforcement of the condition. The applicant's claim that external storage *“will not have any detrimental impact on the amenity of the neighbouring dwelling given the existing landscaping and boundary separation between the properties”* is not therefore overly convincing.

The applicant has not put forward any alternative proposed mitigation scheme or provision that could otherwise be taken into account – they seek the condition be removed in its entirety, allowing site operators to store external materials without any form of restriction.

It is considered that the condition was originally applied in the interests of residential amenity – the application has not demonstrated that the condition is no longer necessary in this regard.

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

To accord with the provisions of Policy LP17 development proposals should have particular regard to maintaining and responding positively to any natural and man-made features within the landscape and townscape which positively contribute to the character of the area, such as (but not limited to) historic buildings and monuments, other landmark buildings, topography, trees and woodland, hedgerows, walls, water features, field patterns and intervisibility between rural historic settlements.

LP17 also states that “The considerations set out in this policy are particularly important when determining proposals which have the potential to impact upon the Lincolnshire Wolds AONB and the Areas of Great Landscape Value (as identified on the policies map) and upon Lincoln's historic skyline”.

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

Recent photographs provided by Red Roofs, Horncastle Road, Caistor (and as seen on a site visit on the 01/07/2022) show the storage of a large amount of cardboard and wood located towards the south western corner of the site which is open (northern boundary) to the road (B1225) beyond as there is a boundary treatment of wire mesh fencing in this location. There is also unsightly boundary treatments and a shipping container located on this part of the site.

This storage appears to be taking place on an area that was authorised for landscaping and tree planting.

The applicant states *“The layout of the completed site and the boundary treatments creates an enclosed courtyard type development screening the internal area of parking and hardstanding. Any storage of material/goods will therefore be well screened for views into the site and will not be detrimental to the AONB.”*

However, it is evident that the external storage of materials that has taken place in breach of the condition, is clearly visible and open to views from outside of the application site. The applicant's claim that it is adequately screened is not convincing.

The application has not proposed any mitigation strategy (through screening / landscaping, for instance) that may otherwise be taken into consideration.

It is considered that removing this condition would allow the unrestricted outside storage of materials, goods and waste across the site and would harm the natural beauty of this landscape and have a visual impact on the street scene contrary to the NPPF and Policy LP17 and LP26 of the Central Lincolnshire Local Plan and the Lincolnshire Wolds AONB Management Plan.

Paragraph 56 of the National Planning Policy Framework states that planning conditions should only be imposed where they are:

1. Necessary
2. Relevant to planning
3. Relevant to the development permitted
4. Enforceable
5. Precise
6. Reasonable in other respects

When considering whether the condition should be removed, it is necessary to assess the retention of the condition against the six tests, outlined above. As shown above the condition is necessary, relevant to planning and the development permitted, it is precise, enforceable and reasonable.

It is considered that the condition is still needed to protect residential and visual amenity and would meet the six tests stated above. Having considered the application – the condition is still considered to be necessary and reasonable. It is therefore considered that the application to remove the condition should be refused.

## **Other Matters**

### Health & Safety

A neighbour claims there are health and safety breaches taking place on site. This application considers only the matter of condition 23 on the planning

permission – matters of health & safety are covered by legislation outside of the planning system.

#### Landscaping and Boundary Treatments

The following application (136232) discharged condition 2 (Landscaping and Boundary Treatments). The details discharged showed grass, a fence and 4 trees in the south western corner of the site. On the time of the site visit (01/07/2022) this area on the grass embankment contained 3 'bushes' and within the site the area was given over to hard standing and materials were being stored (wood and card board) and contained a shipping container. A green mesh fence has been erected with some wooden fencing behind.

**136232** - Request for confirmation of compliance with conditions 2,3,4,5,6,7,9 and 10 of planning permission 135031 granted 14 December 2016. Conditions partially discharged 30/10/2018.

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

It is considered that the condition sought to be removed meets the six tests stated in Paragraph 56 of the NPPF.

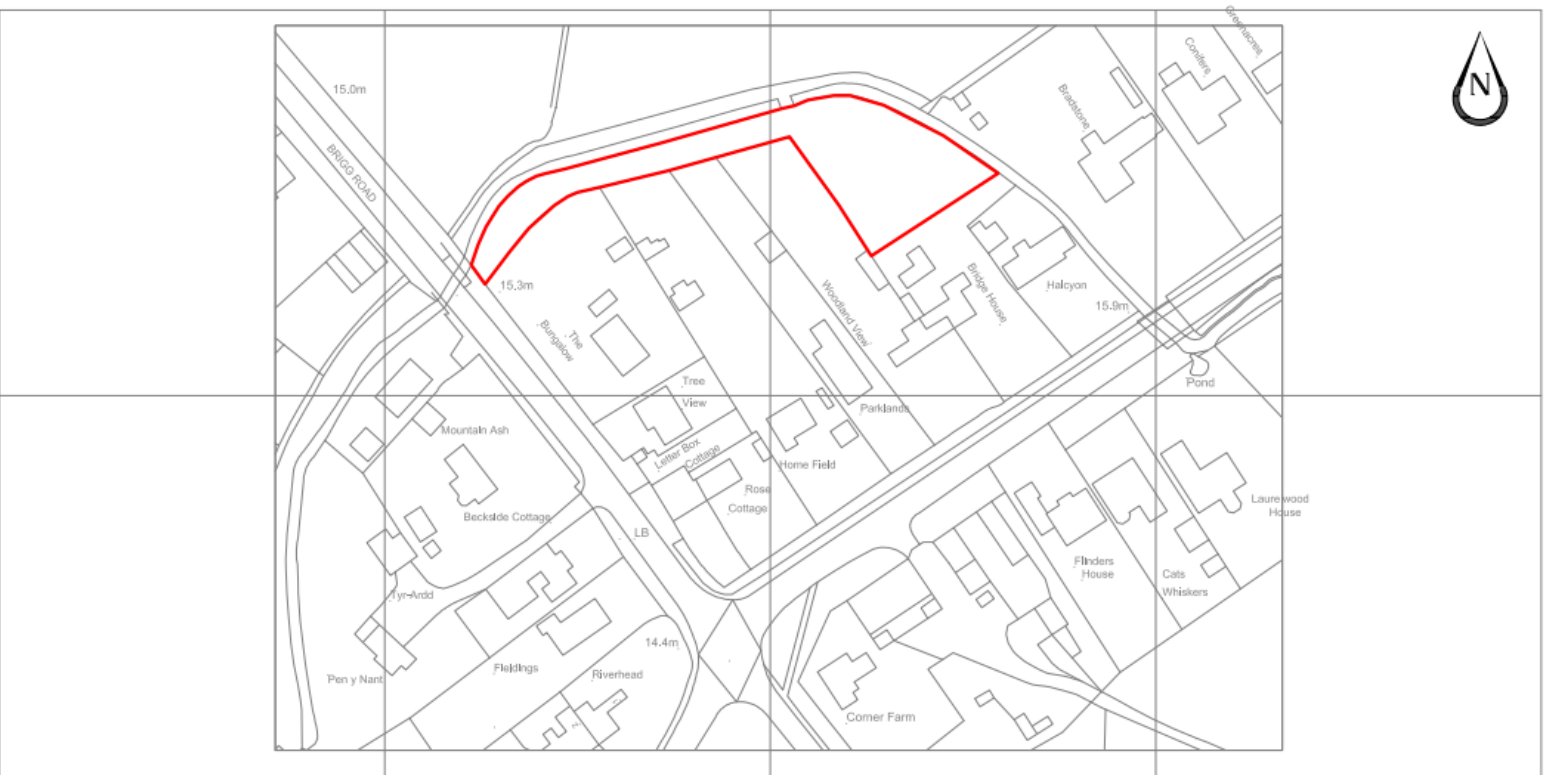
Removing this condition would allow the unrestricted outside storage of materials, goods and waste across the site, without any mitigation measures, and would have the potential to adversely impact the residential amenity of neighbouring dwellings contrary to the NPPF and Policy LP26 of the Central Lincolnshire Local Plan. It is also considered that the removal of this condition would harm the natural beauty of this landscape which is located within the Lincolnshire Wolds AONB and have a visual impact on the street scene 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.





## **Officers Report**

### **Planning Application No: 143527**

**PROPOSAL:** Planning application to erect 1no. dwelling including associated access and private garden.

**LOCATION:** Land off Brigg Road, Moor Town, Market Rasen

**WARD:** Kelsey Wold

**WARD MEMBER(S):** Cllr P Morris

**APPLICANT NAME:** Mr John Chuck

**TARGET DECISION DATE:** 04/10/2021

**DEVELOPMENT TYPE:** Minor - Dwellings

**CASE OFFICER:** Danielle Peck

**RECOMMENDED DECISION:** Grant planning permission with conditions

---

**The application is referred to the Planning Committee for determination due to the large number of third party objections that have been received.**

**Description:** The application comprises of an area of land within the settlement of Moortown. The main body of the site (where the dwelling is proposed) is adjoined by other residential dwellings and their garden areas to the east, south and west, to the north of the site is an existing water course with established hedging beyond. The water course runs along the north boundary and follows the boundary of the site to the east. An existing access point is located off Brigg Road to the south west, this is a tree lined access road measuring approximately 90m in length.

The application seeks planning permission for the erection of a bungalow with accommodation in the roofspace and a maximum ridge height of 7m. The proposed dwelling would sit to the north west of dwellings known as Bridge House and Halcyon which face on to Station Road. The proposed block plan shows paths surrounding the proposed dwelling and leading through the garden of Bridge House. It is anecdotally reported that this relates to a private right of way but this route/access does not form part of the application site as it is not located within the red line of the site.

#### **Relevant history:**

**120989-** Planning application to erect a detached house and garage. Refused 18/10/2007:

#### **Representations:**

**Cllr Morris:** “I have been asked by South Kelsey Parish Council to join them in objecting to this planning application. I have read the application carefully and agree with their summary and would also object to this application on the same grounds.”

### **South Kelsey and Moortown Parish Council**

Comments/objections:

1. House too large for the plot
2. House will dwarf the surrounding properties and not in keeping with the area
3. IDB report states no flooding- it is known the area continues to flood during heavy rainfall from surface water and from Nettleton Beck especially now so many trees have been removed.
4. The IDB conditions must be met should permission be given for a smaller property.
5. The access to the site is very close to the Beck with its continual use could potentially cause the bank to collapse
6. The application is inaccurate because a woodland has been removed from the site causing wildlife to disappear. It is known there are no TPO's in place.

### **Local Residents**

Objections have been received from residents of:

- Flinders House, Station Road, Moortown
- Oaklands Station Road Moortown
- Bridge House Station Road Moortown
- Halcyon, Station Road, Moortown
- Bradstone, Station Road, Moortown
- Beckside Cottage Brigg Road Moortown
- Conifers Station Road Moortown
- Letterbox Cottage Brigg Road Moortown

(In summary):

- Should be connected to Anglian Water mains sewerage, which was installed in 2020, to avoid environmental harm and further flood risk.
- The proposal will increase surface water run-off in an area at high risk of surface water flooding. The proposal will increase flooding elsewhere. Construction of adjacent houses has made flooding worse.
- The stream bank should be assessed for stability as it may collapse and cause flooding.
- Access to Brigg Road may be unsafe due to vehicle speeds.
- Significant tree removal has taken place. It was of ecological value prior to the removal and site clearance. Suitable tree planting should be secured as should ecological enhancement.
- The property is too large for the site. The proposed dwelling is out of place and character with existing homes.
- A previous application was refused on the site, reference 120989. The same sustainability of location and design grounds apply and are worse.
- A TPO should have been in place on the cleared trees and should be placed on those remaining.

- A development at Acorn House had to be sympathetically designed, unlike the proposal.
- Overlooking, overbearing, blocks light and views, spoils use of neighbours rear gardens.
- Loss of property value.
- The Council should visit the site before a decision is made.
- Back garden development is not appropriate in Moortown and would set an unwanted precedent.
- There is a lack of interest on houses in Moortown- they take a long time to sell and there is a high turnover of ownership.
- The application form has been completed with inaccuracies; works have commenced; the owner probably knew permission had been refused in the past; the applicant could have had pre-application advice with the Council; access to Brigg Road and pipework has been installed; the applicant has made the site vacant through his actions to circumvent planning procedure; correspondence with the enforcement team is included;
- Proposal may breach the Human Rights Act, 1998, in particular Protocol 1, Article 1. This states that a person has the right to peaceful enjoyment of all their possessions, which includes the home and other land. Additionally, Article 8 of the Human Rights Act, 1998.
- Lack of services and amenities. Occupants must travel for any facilities.
- Accessibility of their rear plot compromises security. There have been trespassers.
- Was an ecological appraisal carried out?
- Some adjacent residents are unwell and may be overlooked by the development.

Residents of The Bungalow Brigg Road Moortown support the proposal (summary):

- Moortown and Lincolnshire require more planning applications.
- The proposal is a single dwelling not a housing estate which is in keeping with local infrastructure.
- People should look at the bigger picture and see that application have been approved in local villages.
- Plot is ideal for a single dwelling only.
- Wildlife is thriving in the area.
- Proposal makes sense on a once derelict piece of land.

**LCC Highways:** Suggests informative's regarding a new access and works within the highway are recommended. No objection is raised.

**Environment Agency:** no formal comment but advises "However, I note the proposal to dispose of foul sewage to a private treatment plant. It would be preferable for the dwelling to connect to the main foul sewerage network in line with the foul drainage hierarchy, if this is practicable. You may wish to explore this with the applicant."

**Ancholme IDB:** General guidance on drainage options is provided and advice that its consent may be required.

**WLDC Tree and Landscape Officer:** These track-side trees form an important green edge to that area of the village.

Looking at Google street views it looks like they've already got rid of one big tree near the entrance, but I can't tell if any others have also gone or just the one tree. Ideally we should have had a tree survey submitted as that would have informed us the best way forward for the track. I see in your attachments there is a diagram for the upgrade of the track, to include a geo-textile membrane with two grades of rubble/stone over it. The membrane will just be a material layer to keep the stone and soil as two distinct layers so they don't mix together, and should prevent the stone getting embedded into the soil and prevent the soil working its way up the stone. None of this is proposing 'tree-friendly' materials or method.

It is clear from Google street view images that the track has been previously used but does not appear to have been well-worn. It will be that past use will have caused some compaction across that side of the trees, but regular future use would exacerbate ground compaction and root damage. The proposed 'upgrade' of the track will not help matters.

That being said, if a tree survey was to be done and the trees were found to be category C then they would be of low quality and should not pose a constraint to development. However, if some trees are found to be category A or B trees then we would be looking to minimise ground compaction and have the track upgrade carried out in a 'tree-friendly' method across the tree RPAs. This would generally mean using a cellular confinement system to spread the loading of vehicles.

A tree survey should be required to inform us what the quality of each tree is along that track, and what is the extent of each tree's RPA. We would then know if or where cellular confinement system is needed to avoid harm to the trees.

**IDOX Checked:** 20<sup>th</sup> July 2022

### **Relevant Planning Policies:**

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

#### Development Plan

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

Relevant policies of the CLLP include:

Policy LP1: A Presumption in Favour of Sustainable Development

Policy LP4: Growth in Villages

Policy LP13: Accessibility and Transport  
Policy LP14: Managing Water Resources and Flood Risk  
Policy LP17: Landscape, Townscape and Views  
Policy LP21: Biodiversity and Geodiversity  
Policy LP26: Design and Amenity

*\*With consideration to paragraph 219 of the National Planning Policy Framework (July 2021) the above policies are consistent with the NPPF (July 2021). LP1 is consistent with NPPF paragraph 11 as they both apply a presumption in favour of sustainable development. LP2 is consistent with NPPF 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. LP16 is consistent with NPPF paragraphs 183 as they both seek to ascertain if the ground conditions of a particular site are suitable for the proposed use. LP17 is consistent with NPPF paragraph 130 & 174 as they seek to protect valued landscapes and recognise the intrinsic character and beauty of the countryside and are sympathetic to the built environment.. LP26 is consistent with section 12 of the NPPF in requiring well designed places. The above policies are therefore attributed full weight.*

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

- **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)."*

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

- **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>

Draft Local Plan / Neighbourhood Plan (Material Consideration)

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

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

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

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

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

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 has now been subject to a further round of public consultation which expired on 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 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/>

**South Kelsey Neighbourhood Plan**

West Lindsey District Council has approved (on 27<sup>th</sup> July 2017) the application by South Kelsey Parish Council to have the parish of South Kelsey designated as a neighbourhood area, for the purposes of producing a neighbourhood plan. There is no draft plan to consider.

**Main issues**

- Principle of Development
- Flood Risk and Drainage
- Visual Amenity/Character

- Residential amenity
- Highways
- Ecology and trees

## **Assessment:**

### Principle of Development

The application site is located within the settlement of Moortown. Policy LP2 designates Moortown a small village, stating:

#### **6. Small Villages**

*Unless otherwise promoted via a neighbourhood plan or through the demonstration of clear local community support\*\*\*\*, the following applies in these settlements:*

- *they will accommodate small scale development of a limited nature in appropriate locations\*\*.*
- *proposals will be considered on their merits but would be limited to around 4 dwellings, or 0.1 hectares per site for employment uses.*

*Policy LP4 establishes the total level of % growth for each Small Village, and further policy requirements in respect of identifying whether a site would be suitable for development.*

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

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

*“\*\*\*\* throughout this policy and Policy LP4 the term ‘developed footprint’ of a settlement is defined as the continuous built form of the settlement and excludes:*

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

Policy LP4 permits 10% growth in Moortown. The Monitoring of Growth in Villages table dated 10/06/2022 shows Moortown has remaining growth of 6 dwellings.

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

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

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

The principle of development falls to be considered within policy LP2 and LP4 and whether or not the site is an 'appropriate location' and meets the LP4 sequential test.

The application accords with the scale of development (around 4 dwellings) and there is adequate growth remaining in the settlement of Moortown to accommodate the proposal.

The settlement of Moortown is largely concentrated around the cross road junction between the B1205 (Kelsey Road and Station Road), and the B1434 (Brigg Road and Holton Road). With dwellings sprawling in a linear form on each sides of the four roads.

The site is adjoined by residential properties and their garden areas on three sides (east, south and west). The development would not extend any further back than those properties and their garden areas to the east, along Station Road.

The site is, therefore, considered to be an appropriate location and would not significantly harm the settlement's character and appearance nor that of the surrounding countryside. With regard to LP4, the site for the new dwelling would not constitute infill and would therefore fall as a greenfield site at the edge of a settlement, in an appropriate location. Whilst this falls into tier 3 of the LP4 sequential test, there are no available sites within Moortown which fall into higher tiers of the sequential test. Overall, the proposal accords with LP2 and LP4 and therefore the principle of development is acceptable.

#### Flood risk and Drainage

Both the NPPF and CLLP require a sequential test to the location of development in areas at risk of flooding it taken and both encourage SUDS.

The application site and its access are in flood zone 1 (low risk for river and sea flooding); the main body of the site is at very low risk of surface water flooding whilst a small section of the access to Brigg Road is at low risk of surface water flooding.

Government guidance and the Building regulations (Approved document H) sets out a hierarchy of drainage options that must be considered and discounted in the following order:



1. *Connection to the public sewer;*
2. *Package sewage treatment plant (which can be offered to the Sewerage Undertaker for adoption);*
3. *Septic Tank;*
4. *If none of the above are feasible a cesspool*

The application indicates that foul water is proposed to package treatment plant and surface water to soakaway. Only the location of these items is provided. No justification is provided regarding why connection to the Anglian Water foul sewer is not practicable. In the event permission is granted a condition will secure further information with regards to this requiring clear justification to be provided in accordance with the above guidance.

The applicant has advised that surface water will be disposed of via soakaway. This represents the preferred methods of surface water drainage as set out within the NPPG. No percolation testing has been undertaken however, it is considered that means of proposed foul and surface water drainage could be conditioned if permission were to be granted.

#### Visual Amenity/Character

Policy LP17 requires that to protect and enhance the intrinsic value of our landscape and townscape, including the setting of settlements, proposals should have particular regard to maintaining and responding positively to any natural and man-made features within the landscape and townscape which positively contribute to the character of the area. It also requires consideration of views in to, out of and within development areas: schemes should be designed (through considerate development, layout and design) to preserve or enhance key local views and vistas, and create new public views where possible.

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

A number of residents have raised concerns about the design and its suitability for the area. It is noted that a previous application at the site for a dwelling was refused on design grounds.

The current proposal has a similarly large footprint to the previously refused proposal but the design and appearance is different to that refused. The proposal has a maximum ridge height of 7m and features a hipped main roof, front and rear gable ends, chimney, and full height glazing to the north facing elevation. Roof lights are also proposed in the east, south and west roof slopes to serve rooms in the roof space. The surrounding area features a wide range of dwelling designs or varying ages including Bridge House and Woodland View which are traditional two storey buildings with modest front projections; Halcyon a two storey building; Bradstone a bungalow; Conifers a bungalow with

accommodation in the roofspace; Parklands and Home Field are bungalows; Oaklands, Cats Whiskers and Flinders House are substantial two storey properties with front gable ends.

The proposed dwelling sits in an area of mixed designs, materials and scales. Overall, it is considered that the proposed dwelling is acceptable in terms of scale and appearance and would accord to Policies LP17 and LP26 of the CLLP.

### Residential Amenity

NPPF paragraph 130 requires decisions ensure development creates a “high standard of amenity for existing and future users”. Policy LP26 requires proposals do not result in undue harm to residential amenity and requires consideration of issues such as compatibility with neighbouring land uses; overlooking; overshadowing; and loss of light which is consistent with the NPPF and given full weight.

The southern elevation of the proposal would be approximately 7.5m from the common boundary with Bridge House with a separation distance of approximately 24m between the elevations of the main houses. The separation distance to Halcyon would be approximately 29m. Both existing neighbours have single storey rear outbuildings that would provide some screening from the proposal. One roof light serving a bathroom would face these neighbouring properties. Other openings are at ground floor. The full height glazing would overlook countryside to the north which is acceptable. The side roof lights are not considered to result in undue overlooking of neighbouring properties. The south and east boundaries of the site are relatively open to neighbouring garden areas, as no details of boundary treatments have been submitted it is considered that further information could be secured via condition. In addition to this and considering the sites relatively central position in between neighbouring gardens, it is reasonable to remove permitted development rights for alterations to the roof so enable the Local Planning Authority to fully assess any overlooking impacts that may arise from the installation of such things as dormer windows.

Use of the access to Brigg Road would not cause undue harm to residential amenity. The proposal would also provide reasonable accommodation and garden space.

Overall it is considered that the impact on residential amenity is acceptable subject to conditions and accords to Policy LP26 of the CLLP.

### Highways

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

Access to the dwelling would be taken from Brigg Road, down an existing access track. The Highways Authority have reviewed the application and have no objections to the proposal, and have advised that informatives are added to any grant of permission. The

access is noted to be narrow at some points, at its narrowest point it would be c.2.8m in width, this is considered wide enough for a car. Considering that the proposal is for one dwelling there is no requirement for passing places. The access is not regularly used at present, however the applicant has stated that it is used by large tractors who maintain the banks of the water course, and this is currently on an intermittent basis.

Overall, the access is considered safe and suitable for the proposed use and appropriate vehicle parking and turning is proposed within the site. The proximity to the watercourse is noted, however no objections have been received from the internal drainage board.

### Ecology and Trees

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.

A Preliminary Ecology Survey has been provided with the application dated October 2021 by CGC Ecology. In terms of protected species the following was described in the survey:

#### Bats

Local bats are highly likely to be using the survey area and adjacent habitats, and the development of the site may have an impact on the availability of commuting routes and foraging areas for bats within the local landscape. There will be no requirement for bat activity surveys providing strict lighting restrictions are implemented to ensure that bats can continue to use the site for foraging and commuting once the development has been completed.

#### Birds

Many species of birds were found to be using the site. The report recommends that any removal/management of the trees or any demolition of the sheds should commence outside the active nesting season which typically runs from early March through to early September. If work commences during the bird breeding season, a search for nests should be carried out beforehand, and active nests protected until the young fledge.

#### Water Vole

According to the current proposals, there will be no impact to Nettleton Beck and no need for any further survey work. However, if the plans change and the banks of the beck or the beck itself are to be impacted, then further survey work will be required in order to comply with the most recent guidelines and to remain legally compliant.

The recommendations section of the report recommends that lighting restrictions will need to be controlled in order to minimise the impact on bats that may be using the site as a commuting route or for foraging. Other ecological enhancements include 2 x sparrow boxes and 1 bat box to be installed. These measures can be controlled through condition. Overall, the proposal, subject to conditions is considered to be acceptable in terms of the impact on ecology.

### *Trees*

There are several large and mature trees which line the access lane to the site from Brigg Road. It is acknowledged that these trees are not protected by any tree preservation orders nor are they located within a conservation area. However, it is considered that these trees add value to the visual amenity of the area and form a pleasant green edge to this part of the village especially when approaching from the north.

As stated above the access is currently on an intermittent basis. Whilst only one dwelling is proposed, this would of course be an increase in the vehicle movements along the track which could cause compaction and damage to the roots of these trees. The applicant has provided details of a proposed surface for the access track, comprising of a layer of membrane with rubble and stone over, this would not be a suitable solution that would protect the long term impact on the roots of the trees. No tree survey has been submitted, this would ideally indicate what Category of health the trees are in and if they should pose a constraint to development. A tree survey would inform the LPA of the category (A, B or C) of each of the trees along the track.

With regard to Section 197<sup>1</sup> of the Town and Country Planning Act 1990, (Planning Permission to include the appropriate provision for preservation and planting of trees) it states that;

*It shall be the duty of the local planning authority—*

*(a) to ensure, whenever it is appropriate, that in granting planning permission for any development adequate provision is made, **by the imposition of conditions, for the preservation** or planting of trees; and*

*(b) to make such orders under section 198 as appear to the authority to be necessary in connection with the grant of such permission, whether for giving effect to such conditions or otherwise.*

With consideration to Section 197 of the TCPA, It is considered reasonable to condition that no further trees are removed at the site until a full tree report is submitted which details the health of the trees along the access track. Furthermore it is necessary to also request that an Arboricultural Method Statement is also provided which will detail appropriate tree protection measures for the access track.

---

<sup>1</sup> [Town and Country Planning Act 1990 \(legislation.gov.uk\)](https://www.legislation.gov.uk/ukpga/1990/6/section/197)

Overall, with the imposition of conditions it is considered that the proposal would accord to Policy LP21 of the CLLP as well as the National Planning Policy Framework and the NPPG.

#### Community Infrastructure Levy (CIL)

West Lindsey District Council adopted a Community Infrastructure Levy (CIL) in January 2018. The site is within zone 2 where there is a charge of £15 per square metre.

#### Conclusion and reason for decision

The decision has been considered against policies LP1 A presumption in Favour of Sustainable Development, LP2 The Spatial Strategy and Settlement Hierarchy, LP3 Level and Distribution of Growth, LP10 Meeting Accommodation Needs, LP13 Accessibility and Transport, LP14 Managing Water Resources and Flood Risk, LP17 Landscape, Townscape and Views, LP25 The Historic Environment and LP26 Design and Amenity of the adopted Central Lincolnshire Local Plan 2012-2036 and guidance contained within the National Planning Policy Framework, National Planning Practice Guidance, the National Design Guide and the National Design Model Code. In light of this the principle of the development is acceptable and would provide one dwelling within the developed footprint of Moortown and would be in an appropriate location. The development would not have an unacceptable harmful visual impact on the site, the street scene or the surrounding area and would not harm the living conditions of neighbouring dwellings or the future residents. The development would not have a harmful impact on protected trees, highway safety, ecology, drainage or archaeology. The application is recommended for approval subject to a number of conditions.

## **Recommended Conditions**

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

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

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

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

2.No trees shall be removed from the site until a full Tree Survey/Report (complying with BS5837:2012) has been submitted to the Local Planning Authority. The report shall detail the health of each the trees along the access track. If the report concludes that any of the trees are Category A or B, then an Arboricultural Method Statement shall also be submitted to and approved in writing by the Local Planning Authority.

**Reason:** In the interests of visual amenity and to safeguard the trees which are considered to positively contribute to the area to accord with the National Planning Policy Framework, local policy LP21 of the Central Lincolnshire Local Plan 2012-2036.

3.The access road hereby approved shall not be brought into use until details of the materials to be used in its construction have been submitted to and approved in writing by the Local Planning Authority. The materials must take into account the recommendations of the Arboricultural Method Statement as required by condition 2 of this permission.

**Reason:** In the interests of visual amenity and to safeguard the trees which are considered to positively contribute to the area to accord with the National Planning Policy Framework, local policy LP21 of the Central Lincolnshire Local Plan 2012-2036.

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

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:

- Site Location Plan JC/01 received 9 August 2021;
- Site Layout Plan JC/04 Rev B received 8 October 2021;
- Proposed Elevations, Sections and Floor Plans JC/05 received 9 August 2021.

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 and LP26 of the Central Lincolnshire Local Plan 2012-2036.

5.No construction works above ground level must take place until details of a scheme for the disposal of foul and surface water (including any necessary soakaway/percolation tests) from the site and a plan identifying connectivity and their position has been submitted to and approved in writing by the local planning authority. Details must include a written justification that the disposal of foul sewerage has taken into account the drainage hierarchy as detailed in the National Planning Practice Guidance. No occupation must occur until the approved scheme has been carried out. The approved scheme must be retained as such thereafter.

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

6.No development shall take place above damp proof course level until details of all external facing materials have been submitted to, and approved in writing by the Local Planning Authority. The development shall thereafter proceed in accordance with the approved details.

**Reason:** In the interests of visual amenity in accordance with policies LP17 and LP26 of the Central Lincolnshire Local Plan.

7.No occupation of the dwelling hereby approved shall take place until a landscaping scheme has been submitted to and approved in writing by the Local Planning Authority. Details to include:

- Type, height and position of all boundary treatments;
- Material finish of all hardstanding (driveways, patios and paths);
- Species, planting height, formation and position of new trees and hedging.

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

8.All planting comprised in the approved details of landscaping must be carried out in the first planting and seeding season following the completion of the development, whichever is the sooner; and any trees or plants which within a period of 5 years from the completion of the development die, are removed, or become seriously damaged or diseased must

be replaced in the next planting season with others of similar size and species, unless the Local Planning Authority gives written consent to any variation. The landscaping should be retained thereafter.

Reason: To ensure that additional trees are provided within the site to mitigate for the trees which are to be removed to accord with the National Planning Policy Framework and local policies LP17 and LP26 of the Central Lincolnshire Local Plan 2012-2036.

9.The development hereby approved must only be carried out in accordance with the recommendations set out in Section 5 (pages 13-19) of the Ecology survey completed by CGC dated October 2021.

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

10.The development shall not be brought into use until details of the position of the one bat box and two bird nest boxes, as per the recommendations of the Ecological Assessment completed by CGC dated October 2021 has been submitted to and approved by the Local Planning Authority.

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

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

10.Notwithstanding the provisions of Classes B and C of Schedule 2 Part 1 of the Town and Country Planning (General Permitted Development) (England) Order 2015 (or any order revoking and re-enacting that Order with or without modification) the roof of the dwelling hereby permitted must not be altered unless planning permission has first been granted by the Local Planning Authority.

Reason: To enable any such proposals to be assessed in terms of their impact on the area on residential amenity to accord with policy LP26 of the Central Lincolnshire Local Plan 2012-2036.

**Notes to Applicant**

**Highways**

The permitted development requires the formation of a new/amended vehicular access. These works will require approval from the Highway Authority in accordance with Section 184 of the Highways Act. The works should be constructed in accordance with the Authority's specification that is current at the time of construction. Relocation of existing



apparatus, underground services or street furniture will be the responsibility of the applicant, prior to application. For application guidance, approval and specification details, please visit

<https://www.lincolnshire.gov.uk/licences-permits/apply-dropped-kerb>

or contact [vehiclecrossings@lincolnshire.gov.uk](mailto:vehiclecrossings@lincolnshire.gov.uk)

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

Traffic Management - <https://www.lincolnshire.gov.uk/traffic-management>

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

### **CIL**

Please be aware that as of the 22<sup>nd</sup> January 2018 West Lindsey District Council implemented a Community Infrastructure Levy and that eligible development granted on or after this date will be subject to this charge. The development subject to this Decision Notice could fall within the definitions held within the adopted charging schedule and as such may be liable to pay the levy. For further information on CIL, processes, calculating the levy and associated forms please visit the Planning Portal [www.west-lindsey.gov.uk/cilforms](http://www.west-lindsey.gov.uk/cilforms) and West Lindsey District Council's own website [www.west-lindsey.gov.uk/CIL](http://www.west-lindsey.gov.uk/CIL)

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

### **Internal Drainage Board**

ANY surface water discharge into ANY watercourses in, on, under or near the site requires CONSENT from the Drainage Board.

If the surface water were to be disposed of via a soakaway system, the IDB would have no objection in principle but would advise that the ground conditions in this area may not be suitable for soakaway drainage. It is therefore essential that percolation tests are undertaken to establish if the ground conditions are suitable for soakaway drainage throughout the year.

If surface water is to be directed to a mains sewer system the IDB would again have no objection in principle, providing that the Water Authority are satisfied that the existing system will accept this additional flow.

If the surface water is to be discharged to any ordinary watercourse within the Drainage District, Consent from the IDB would be required in addition to Planning Permission and would be restricted to 1.4 litres per second per hectare or greenfield runoff.

No obstructions within 9 metres of the edge of an ordinary watercourse are permitted without Consent from the IDB.

DO NOT SCALE FROM THESE DRAWINGS CHECK ALL MEASUREMENTS ON SITE PRIOR TO ANY MANUFACTURE OR FABRICATION FOR FIT AND PURPOSE AND PRIOR TO ORDERING OF ALL MATERIALS

Proposed Residential Development  
Britannia Mill, Upton Road, Kexby  
Gainsborough, Lincolnshire  
for Mr. Mrs. R. Gore

DRAWN *D.J.BICKLEY*

DATE 14TH APRIL 2022

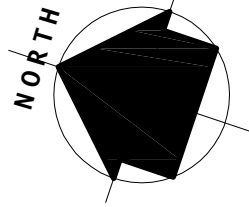
SCALE 1:1250 (AT A3)

REVISION

DRAWING NUMBER

BMKOPP/22/01  
"LOCATION PLAN"

**dave bickley**  
**building design services**  
station farm, pilham, gainsborough, lincs, dn21 3nu  
telephone: 01427 629 189 mobile: 07530 056 841



? Crown copyright 2020 Ordnance Survey 100053143

LOCATION PLAN (scale 1:1250)

## **Officers Report**

### **Planning Application No: 144955**

**PROPOSAL:** Outline planning application to erect 3no. bungalows with all matters reserved.

**LOCATION:** Land at Britannia Mill Upton Road Kexby Gainsborough DN21 5NF

**WARD:** Lea

**WARD MEMBER(S):** Cllr Mrs J Milne.

**APPLICANT NAME:** Mr Ron Gore

**TARGET DECISION DATE:** 13/07/2022 (EOT until 11/08/2022)

**DEVELOPMENT TYPE:** Minor - Dwellings

**CASE OFFICER:** Daniel Evans

**RECOMMENDED DECISION:** Grant Permission Subject to Conditions

---

The application is being referred to the Planning Committee for determination as the planning matters under consideration are deemed to be finely balanced.

#### **Description:**

The application site comprises of land to the rear of Britannia Mill, Upton Road, Kexby. The site is currently occupied by an existing large Industrial building used as a Warehouse and Distribution facility by Barrier Healthcare (the Applicant's business).

The site is adjoined by two residential properties to the west, the recreation ground to the north and open (agricultural/paddock) land to the east and south.

The site lies within a minerals safeguarding area and within the Upton/Kexby green wedge.

The application seeks outline permission for 3no. dwelling with all matters reserved for subsequent applications. Matters of access, scale, appearance, layout and landscaping are therefore all reserved for subsequent approval.

#### **Relevant history:**

None relevant to the proposal.

#### **Representations:**

Chairman/Ward member(s):

None received.

Kexby Parish Council:

We should declare an interest since the proposed development is on land owned by the Chairman of our Parish Council. The other Council members were given the opportunity of a meeting without the Chairman to discuss the proposal but they felt that this was unnecessary as no-one on the Council had any objections.

Local residents:

None received.

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 impacts.

Idox Checked: 11/07/2022

**Relevant Planning Policies:**

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

Development Plan

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

Relevant policies of the CLLP include:

LP1: A Presumption in Favour of Sustainable Development

LP2: The Spatial Strategy and Settlement Hierarchy

LP3: Level and Distribution of Growth

LP4: Growth in Villages

LP10: Meeting Accommodation Needs

LP13: Accessibility and Transport

LP14: Managing Water Resources and Flood Risk

LP17: Landscape, Townscape and Views

LP21: Biodiversity and Geodiversity

LP22: Green Wedges

LP26: Design and Amenity

LP55: Development in the Countryside

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

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

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

National policy & guidance (Material Consideration)

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

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

*"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 Planning Practice Guidance
- National Design Guide (2019)

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).*

- **Central Lincolnshire Local Plan Review Consultation Draft June 2021**

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 has now been subject to a further round of public consultation which expired on 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 this is still limited whilst extent to which there may still be unresolved objections is unknown.

#### Upton and Kexby Parishes Neighbourhood Plan

Whilst designated as a Neighbourhood Area in November 2019, to date there is no Neighbourhood Plan in circulation. The above NP is not at a stage where it can be afforded any weight.

#### **Main issues**

- **Principle of Development**
- **Green Wedge**
- **Minerals**
- **Other Matters**
  - Residential Amenity
  - Foul and Surface Water Drainage
  - Access, Scale, Appearance, Layout and Landscaping
  - Community Infrastructure Levy

#### **Assessment:**

##### Principle of Development

The proposal seeks to redevelop the site to provide 3no dwellings. The principle of development is guided by policies LP2, LP4 and LP55 which provide guidance in relation to residential development. In addition to this, policy LP5 provides guidance in relation to the loss of a business site.

##### New Dwellings

Kexby is identified as a tier 6 'Small Village' within LP2 of the CLLP. The 'developed footprint' of a settlement is defined within LP2 as "*the continuous built form of the settlement and* ***excludes:***

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

The application site is an existing business site located off Upton Road. The site is adjoined by two residential properties to the west with agricultural land beyond the highway and the recreation ground to the north. To the east and south of the site are open fields/paddocks. The nearest dwellings to the east are approximately 50m detached from the boundary of the site. It is considered that this site is clearly detached from the continuous built up area of the settlement. Therefore, for the purposes of LP2, the site would be categorised within tier 8 as 'Countryside'.

With reference to tier 8, policy LP2 states that: *“Unless allowed by:*

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

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

Policy LP55 seeks to guide development in the open countryside across Central Lincolnshire. The proposal is for a new dwelling within the open countryside therefore Part D of Policy LP55 would apply. Part D allows new dwellings in the countryside where they are essential to the effective operation of rural operations listed in policy LP2. Applications should be accompanied by evidence of:

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

*Any such development will be subject to a restrictive occupancy condition.*

No information has been provided within the applicant's submission which states that the dwelling will be used for a rural operation as above. The application form advises that the proposed development is for 3no. open market dwellings. Therefore, the principle of open market dwellings in this countryside location, conflicts with the policy LP2, LP4 and LP55 of the Central Lincolnshire Local Plan.

#### Loss of Business Site

The site is currently occupied by an existing large Industrial building used as a Warehouse and Distribution facility by Barrier Healthcare (the Applicant's business). Policy LP5 advises that the conversion and redevelopment of, or change of use from, existing non-allocated employment sites and buildings to non-employment uses will be considered on their merits. Taking account of the employment opportunities in the area; impacts on the character and appearance of the area and residential amenity; and, if it can be demonstrated that the site is inappropriate or unviable for any employment use to continue.



The submission does not directly address the criteria of LP5 however, the applicant has advised that the business will be re-locating to a new building on a larger site on the Somerby Way Industrial Site in Gainsborough. The applicant also advises that the existing building is poorly insulated, expensive to heat and run and cannot be extended or upgraded easily to suit modern business needs.

Although an existing feature within the landscape, the removal of this existing business site would provide significant benefits to the character and appearance of the area. The removal of the business use would also provide some limited benefits to the amenity of neighbouring dwellings and traffic conditions.

Overall, it is considered the proposal would generally conform with the requirements of Policy LP5.

#### Concluding Assessment

The site is clearly detached from the continuous built up area of Kexby and is considered to be in the 'countryside'. The proposal does not demonstrate that there is an essential need for three new dwellings in this countryside location. The principle of open market dwellings in this countryside location conflicts with the policy LP2, LP4 and LP55 of the Central Lincolnshire Local Plan.

To grant permission for the 3no. open market bungalows in this countryside location would represent a departure from the development plan.

In this case the application relates to an existing business site which consists of a large commercial building together with areas of hardstanding, ground mounted solar panels and several smaller ancillary structures.

The existing commercial building is large and very prominent from the north, particularly views across the recreation ground. The proposal would remove this large commercial building from the green wedge and countryside which would be a significant benefit to the character and appearance of the area and the green wedge. This matter weighs in significant favour of the development.

The layout of the 3no. dwellings would be contained within the same footprint as the existing business site. As such, the proposed development would not result, or contribute towards, the physical coalescence between Kexby and Upton. Furthermore, the current business on site is re-locating to a new building on a larger site on the Somerby Way Industrial Site in Gainsborough, an area where future business and investment should be centred.

It is noted that there have been some recent planning applications for residential development to the south of this site which have been refused. The site is materially different from the adjacent undeveloped land as this is a previously developed site and the redevelopment of the site would remove a large commercial building from the green wedge which is considered to be a significant benefit to the character and appearance of the area and the green wedge.

On balance, the proposed benefits of the redevelopment of this previously developed site, notably the removal of the large commercial building, would offer significant benefits to the character and appearance of the area and the green wedge. The benefits are considered to outweigh the conflict identified relating to the principle of 3no. open market dwellings in this countryside location. The development is found to be acceptable in all other regards and the proposal is therefore recommended for approval subject to the conditions set out below.

### Green Wedge

The site lies within the Upton/Kexby green wedge. Policy LP22 states: *“Within the Green Wedges planning permission will not be granted for any form of development, including changes of use, unless:*

- a. it can be demonstrated that the development is not contrary or detrimental to the above functions and aims; or*
- b. it is essential for the proposed development to be located within the Green Wedge, and the benefits of which override the potential impact on the Green Wedge”.*

The Upton/Kexby green wedge serves a function to prevent the coalescence of the two villages.

The application site is contained within the same footprint as the existing business site. As such the proposed development would not result, or contribute towards, the physical coalescence between Kexby and Upton. It is considered that subject to a reserved matters submission, the proposal could comply with policy LP22.

### Minerals

The application site lies within a Sand and Gravel Mineral Safeguarding Area (MSA). Policy M11 of the LMWLP seeks to ensure that developments do not prevent the exploitation of mineral deposits as an economic resource within identified MSAs without adequate justification. Within MSAs proposals for non-minerals development should be accompanied by a Minerals Assessment, unless the development falls within one of the exemptions to the Policy. As the appropriate authority, Lincolnshire County Council should be consulted before any planning approval is given for non-exempt developments in MSAs.

The application site is an existing business site in very close proximity to residential dwellings. Given the scale of the proposed site, it is considered that the proposed development would have a negligible impact on the sterilisation of the mineral resource. The proposal therefore accords with policy M11 of the LMWLP.

- **Other Matters**

- Residential Amenity

There are residential properties which adjoin the application site to the west. It is considered that three bungalows could be designed and positioned so as

not to harm the living conditions of neighbouring dwellings. Subject to a successful reserved matters application the development could accord with local policy LP26 of the CLLP and the provisions of the NPPF.

- Foul and Surface Water Drainage

The site is in flood zone 1 which is sequentially preferable and therefore meets the test within policy LP14 (and NPPF paragraph 162). The application form states that surface water is proposed to be dealt via a soakaway system. The site is not within an area identified by the Environment Agency as at risk from surface water flooding. It is anticipated that subject to receiving further details, the development will introduce a positive drainage strategy where there currently is the absence of such.

Flood risk, foul and surface water drainage matters are considered acceptable in principle, subject to receiving further details, the scheme accords with policy LP14 of the Central Lincolnshire Local Plan.

- Access, Scale, Appearance, Layout and Landscaping

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

*Access:*

Planning law requires<sup>1</sup> that *“where access is a reserved matter, the application for outline planning permission must state the area or areas where access points to the development proposed will be situated.”*

The application includes an indicative site plan which identifies that the proposed dwellings will be accessed via the existing access into the site. The Highways Authority (HA) have no objection to the proposed access or on highway safety grounds. It is considered that the proposed access arrangements are acceptable in principle. An advice note will be placed on the decision notice in order to make the applicant aware of the highway authority's requirements for access, parking, visibility, turning and layout; as detailed within the Lincolnshire County Council Design Approach and Development Road Specification<sup>2</sup> and DFT Manual for Streets<sup>3</sup>.

*Scale and Appearance:*

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

---

<sup>1</sup> Article 5(3) of the Town & Country Planning (Development Management Procedure) (England) Order 2015 (as amended)

<sup>2</sup> <https://www.lincolnshire.gov.uk/transport-and-roads/strategy-policy-and-licences/control-of-new-development-affecting-the-highway/development-road-and-sustainable-drainage-specification-and-construction/87183.article>

<sup>3</sup> <https://www.gov.uk/government/publications/manual-for-streets>

It is however considered that the site has the capacity to accommodate three bungalows of an appropriate scale and appearance.

*Layout:*

The submitted indicative site plan outlines three individual plots, with all dwellings facing west (towards the access). Whilst layout is a “reserved matter”, the application provides an indicative layout and it is clear that the site is of a size which is capable of accommodating three dwellings with sufficient space for parking, turning a vehicle and external amenity space, without unduly harming the amenity of neighbouring land or unduly harming the prevailing character.

*Landscaping:*

Landscaping is a “reserved matter” and the application has not included any indicative landscaping. The site would need to be appropriately landscaped to ensure its effective incorporation into the streetscape and surrounding countryside. All boundaries which adjoin the field/paddock area should be planted with mixed native hedgerow, and a condition will ensure the relevant details are submitted with the ‘reserved matters’ submission.

Subject to the above the development could reasonably be expected to accord with local policies LP17 and LP26 of the CLLP and the provisions of the NPPF.

- Community Infrastructure Levy

West Lindsey District Council adopted a Community Infrastructure Levy (CIL) which will be charged from 22nd January 2018. The site is within zone 2 where there is a charge of £15 per square metre. This is an outline application with scale to be considered through the submission of a future reserved matters application. Therefore no accurate CIL calculation can be made at this stage. An informative will be attached to the permission making it clear that a CIL charge would be liable.

**Conclusion**

The decision has been considered against policies LP1: A Presumption in Favour of Sustainable Development, LP2: The Spatial Strategy and Settlement Hierarchy, LP3: Level and Distribution of Growth, LP4: Growth in Villages, LP10: Meeting Accommodation Needs, LP13: Accessibility and Transport, LP14: Managing Water Resources and Flood Risk, LP17: Landscape, Townscape and Views, LP21: Biodiversity and Geodiversity, LP22: Green Wedges; LP26: Design and Amenity and LP55: Development in the Countryside of the Central Lincolnshire Local Plan and Policy M11 Safeguarding of Mineral Resources of the Lincolnshire Minerals and Waste Local Plan (Core Strategy and Development Management Policies) 2016 and in the first instance and the guidance contained in National Planning Policy Framework and National Planning Practice Guidance.

In light of this assessment it is considered that the site is clearly detached from the continuous built up area of Kexby and is considered to be in the

'countryside'. The proposal does not demonstrate that there is an essential need for three new dwellings in this countryside location. The principle of open market dwellings in this countryside location conflicts with the development plan.

The existing commercial building is large and very prominent from the north, particularly views across the recreation ground. The proposal would remove this large commercial building from the green wedge and countryside which would be a significant benefit to the character and appearance of the area and the green wedge. The layout of the 3no. dwellings would be contained within the same footprint as the existing business site. As such, the proposed development would not result, or contribute towards, the physical coalescence between Kexby and Upton.

On balance, the proposed benefits of the redevelopment of this previously developed site, notably the removal of the large commercial building, would offer significant benefits to the character and appearance of the area and the green wedge. The benefits are considered to outweigh the conflict identified relating to the principle of 3no. open market dwellings in this countryside location.

All other matters such as the impact on drainage, highway safety, mineral safeguarding and residential amenity are found to be acceptable subject to conditions. The proposal is therefore recommended for approval, subject to the following conditions.

### **Conditions**

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

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

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

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

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

3. The development hereby permitted must be begun before the expiration of two years from the date of final approval of the reserved matters or, in the

case of approval on different dates, the final approval of the last such matter to be approved.

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

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

4. The reserved matters (landscaping) referred to in condition 2 above must include full details (size, species, density and position) for the provision of a mixed native hedgerow to eastern and southern boundaries of the site (see 'Hedgerow Advice' note below).

**Reason:** In the interest of the visual amenity in accordance with policies LP17 and LP26 of the Central Lincolnshire Local Plan.

5. No development shall take place until a scheme of ecological enhancements including the provision of Bat and Bird boxes within the site, have been submitted to and approved in writing by the Local Planning Authority.

**Reason:** To protect and enhance the biodiversity value of the site to accord with the National Planning Policy Framework and LP21 of the Central Lincolnshire Local Plan.

6. No development shall take place until details of a scheme for the disposal of foul/surface water (including any necessary soakaway/percolation tests) from the site and a plan identifying connectivity and their position has been submitted to and approved in writing by the local planning authority. No occupation shall occur until the approved scheme has been carried out.

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

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

7. Any tree, shrub or plant forming part of the scheme approved under the details of landscaping and the hedging scheme (condition 4) which within a period of 5 years from the completion of the development dies, is removed, or becomes seriously damaged or diseased shall be replaced in the next planting season with another tree, shrub or plant of similar size and species, unless the Local Planning Authority gives written consent to any variation.

**Reason:** In the interest of the visual amenity in accordance with policy LP26 of the Central Lincolnshire Local Plan.

8. With the exception of the detailed matters referred to by the conditions of this consent, the development hereby approved shall be carried out in accordance with the following drawings: BMKOPP/22/01. 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 site location plan.

9. The 3no. (three) dwellings hereby permitted shall be single storey only.

**Reason:** The development hereby approved was only considered acceptable on this basis in accordance with policy LP17, LP22 and LP26 of the Central Lincolnshire Local Plan.

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

None.

**Notes to the Applicant**

**HIGHWAYS**

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

[vehiclecrossings@lincolnshire.gov.uk](mailto:vehiclecrossings@lincolnshire.gov.uk)

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

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

Please be aware of the highways authority's requirements for access, parking, visibility, turning and layout; as detailed within the Lincolnshire County Council Design Approach and Development Road Specification<sup>4</sup> and DFT Manual for Streets<sup>5</sup>.

**HEDGEROW ADVICE**

It is recommended that the mixed native hedgerow required by condition 4 is maintained at a height of at least 2m to increase its benefit for nesting birds and that planting schedule utilises suitable species such as; hawthorn, blackthorn, field maple,

---

<sup>4</sup> <https://www.lincolnshire.gov.uk/transport-and-roads/strategy-policy-and-licences/control-of-new-development-affecting-the-highway/development-road-and-sustainable-drainage-specification-and-construction/87183.article>

<sup>5</sup> <https://www.gov.uk/government/publications/manual-for-streets>

spindle, wayfaring tree, guelder rose, buckthorn, hazel, field rose, dog rose, wild privet, holly, ivy and bramble.

**COMMUNITY INFRASTRUCTURE LEVY**

Please be aware that as of the 22<sup>nd</sup> January 2018 West Lindsey District Council implemented a Community Infrastructure Levy and that eligible development granted on or after this date will be subject to this charge. The development subject to this Decision Notice could fall within the definitions held within the adopted charging schedule and as such may be liable to pay the levy. For further information on CIL, processes, calculating the levy and associated forms please visit the Planning Portal [www.west-lindsey.gov.uk/cilforms](http://www.west-lindsey.gov.uk/cilforms) and West Lindsey District Council's own website [www.west-lindsey.gov.uk/CIL](http://www.west-lindsey.gov.uk/CIL)

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





Planning Committee

Wednesday, 10  
August 2022

**Subject: Determination of Planning Appeals**

Report by:

Assistant Director Planning and  
Regeneration

Contact Officer:

Andrew Warnes  
Democratic and Civic Officer  
[andrew.warnes@west-lindsey.gov.uk](mailto:andrew.warnes@west-lindsey.gov.uk)

Purpose / Summary:

The report contains details of planning applications that had been submitted to appeal and for determination by the Planning Inspectorate.

**RECOMMENDATION(S): That the Appeal decisions be noted.**

## IMPLICATIONS

**Legal:** None arising from this report.

**Financial:** None arising from this report.

**Staffing:** None arising from this report.

**Equality and Diversity including Human Rights:** The planning applications have been considered against Human Rights implications especially with regard to Article 8 – right to respect for private and family life and Protocol 1, Article 1 – protection of property and balancing the public interest and well-being of the community within these rights.

**Risk Assessment:** None arising from this report.

**Climate Related Risks and Opportunities:** None arising from this report.

**Title and Location of any Background Papers used in the preparation of this report:**

Are detailed in each individual item

### Call in and Urgency:

**Is the decision one which Rule 14.7 of the Scrutiny Procedure Rules apply?**

i.e. is the report exempt from being called in due to urgency (in consultation with C&I chairman)

**Yes**

☐

**No**

**x**

### Key Decision:

A matter which affects two or more wards, or has significant financial implications

**Yes**

☐

**No**

**x**

## **Appendix A - Summary**

- i) Appeal by Mr Roger Waldock against the decision of West Lindsey District Council to refuse listed building consent to demolish an old outside toilet and attached wood/coal store barn and erect new garden room and artist studio at The Old Parsonage, Bishop Norton Road, Glentham, Market Rasen, LN8 2EU.

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

**Officer Decision** – Refuse

- ii) Appeal by Mr Brian Trendell against the decision of West Lindsey District Council to refuse planning permission for change of use of land from open space to residential garden at 3 Fenton Fields, Fenton, Lincoln, LN1 2GE.

**Appeal Allowed** – See copy letter attached as Appendix Bii.

**Officer Decision** – Refuse

- iii) Appeal by Mr John Wingfield against the decision of West Lindsey District Council to refuse planning permission for Outline application to remove an existing dwelling, several small outbuildings, and erect 3no. new dwellings - all matters reserved - resubmission of 141527 at 57 Yarborough Road, Keelby, Grimsby, DN41 8HT.

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

**Officer Decision** – Refuse

- iv) Appeal by Mr Lawrence Warne against the decision of West Lindsey District Council to refuse planning permission for 1no. dwelling with integral garage and new vehicle access - resubmission of 143046 at 28 Nettleton Road, Caistor, Market Rasen, LN7 6NB.

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

**Officer Decision** – Refuse



---

## Appeal Decision

Site visit made on 3 May 2022

**by Patrick Hanna MSc MRTPI**

**an Inspector appointed by the Secretary of State**

**Decision date: 1 July 2022**

---

**Appeal Ref: APP/N2535/Y/21/3283847**

**The Old Parsonage, Bishop Norton Road, Glenthams, Market Rasen LN8 2EU**

- The appeal is made under section 20 of the Planning (Listed Buildings and Conservation Areas) Act 1990 against a refusal to grant listed building consent.
  - The appeal is made by Mr Roger Waldock against the decision of West Lindsey District Council.
  - The application Ref 142364, dated 28 January 2021, was refused by notice dated 22 April 2021.
  - The works proposed are described as being 'to demolish an old outside toilet building not used for over 50+ years and the attached wood/coal store barn that is in a poor state of repair. We purchased this property 2 years ago and uncovered this from overgrown vegetation we are slowly and sympathetically restoring it for us and future generations. This planning proposal is to clear this area after demolition and rebuild a new garden room and artist studio for our retirement hobbies'.
- 

### Decision

1. The appeal is dismissed.

### Procedural Matter

2. The Proposed Arrangements drawing submitted with the appeal is a revised drawing dated July 2021, after the application for listed building consent had been refused by the Council. An appeal should not be the process by which to evolve a scheme, in the interests of fairness to all parties including those who should have been consulted on any changes. Therefore, I have considered the proposal on the basis of what was before the Council at the time of it making its decision.

### Main issue

3. The main issue is whether the proposed works would preserve the special architectural or historic interest and setting of the Grade II listed building known as The Old Parsonage.

### Reasons

4. The Old Parsonage is situated on the west side of Bishop Norton Road in the village of Glenthams. The listed building is a two-storey, 5-bay dwelling constructed of limestone and identified within the statutory list description as being a former parsonage of late 18th century origin (List Entry Number: 1064185). The listed building's primary rubble limestone frontage is articulated by modern sliding sashes and faces towards an enclosed garden. The grounds and traditional ancillary structures within the site's boundaries all comprise a part of the listed building's setting.

5. A detached and disused outhouse, comprising a former outside toilet and attached store, is situated towards the site's western boundary and within the setting of the principal listed building. Ostensibly, the outhouse was constructed before 1 July 1948 within the curtilage of the principal Grade II listed building.
6. The appellant attests to the former privy being disused for in excess of fifty years, while the Council's conservation officer considers it to be a rare survival of an 18th century outhouse. Paragraph 194 of the National Planning Policy Framework requires applicants to describe the significance of any heritage assets that may be affected by a proposal including any contribution made by their setting. From my own observations and without evidence from the appellant to the contrary, I take the outhouse to have formed part of the land before 1 July 1948, therefore within the curtilage of the Grade II listed Old Parsonage and covered by the same statutory protection.
7. The listed building continues to reflect the traditional local vernacular, implicit in the identification of its group value (G.V.II) within the statutory list description. Notwithstanding its state of disrepair, the rudimentary form of the outhouse structure denotes a historic functional association with the principal dwelling and reflects a hierarchy of use and function within the listed building's grounds and setting.
8. From the evidence available to me, and from my own observations, I consider the significance and special interest of the Old Parsonage is drawn in part from its historic use as a parsonage as well as from its surviving historic fabric, form and layout. The grounds and traditional ancillary structures within its setting also contribute to the listed building's significance and special interest.
9. The proposal is to demolish the former privy and replace it with a 1.5 storey garden studio constructed of rubble limestone with brick detailing and timber windows. Wholesale demolition of the outhouse would inevitably result in a loss of historic fabric as well as undermine legibility of the way the historic hierarchy and function is understood.
10. Whilst the replacement garden studio would be constructed of sympathetic and quality materials, in relation to the extant structure the footprint of the replacement building would be much larger. The scale and massing of the proposed structure would be a competing and intrusive feature alongside the principal elevation of the Old Parsonage as seen from the garden. The proposed arched door and window design fails to relate to the simpler window proportions of the Old Parsonage. On that basis, the proposal would undermine the differentiation in scale and hierarchy that currently reveals the Old Parsonage as the primary structure and the outhouse as having a secondary, subordinate relationship to it.
11. Whether or not noticeable from public vantages, and notwithstanding that a considerable area of garden would remain, the proposal would be a dominating domestic intrusion within the setting of the Old Parsonage. In combination with the inherent loss of traditional fabric, the proposals would, in my judgement, detract from the integrity and special interest of the listed building, which would not be preserved.
12. The degree of harm to the Old Parsonage as a designated heritage asset would be less than substantial, which should be weighed against the public benefits of

the proposal, including securing the optimum viable use of the listed building. No evidence has been advanced that would indicate that the proposal would secure the optimum viable use of the listed building as a single dwelling, nor has it been demonstrated that the proposal is the least harmful option. Other than some very short-term economic benefits associated with the demolition and construction phases, the convenience afforded by the additional garden space it would provide would be of personal advantage to the appellants. Satisfying the personal circumstances and wishes of the appellants does not amount to a wider public benefit. Overall, there would not be public benefits sufficient to outweigh the material harm to the designated heritage asset, which must be given considerable importance and weight.

### **Conclusion**

13. For the reasons given above, I find that the proposed works would fail to preserve the listed building, its setting or its features of special architectural interest, contrary to the clear expectations in Section 16(2) of the Planning (Listed Buildings and Conservation Areas) Act 1990. Even though the overall harm would be less than substantial in this case, this overarching statutory duty must be given considerable importance and weight. I therefore conclude that the appeal should be dismissed.

*Patrick Hanna*  
INSPECTOR



---

## Appeal Decision

Site visit made on 7 June 2022

**by C Coyne BA (Hons) DipTP MRTPI**

**an Inspector appointed by the Secretary of State**

**Decision date: 11 July 2022**

---

**Appeal Ref: APP/N2535/W/22/3291383**

**3 Fenton Fields, Fenton, Lincoln LN1 2GE**

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission.
  - The appeal is made by Mr Brian Trendell against the decision of West Lindsey District Council.
  - The application Ref 143522, dated 3 August 2021, was refused by notice dated 12 November 2021.
  - The development proposed is described on the application form as 'The area of land concerned is adjacent to No 3 Fenton Fields. Although previously designated as open space it has been maintained by us since we moved into the property in Oct 2007. The land has now been purchased by us from the Parish Council. There is a covenant on the land as part of the purchase that states that it may be used as garden land by the adjacent property (3 Fenton Fields). This application for change of use from Open Space to Residential Garden Land in accordance with the said covenant. The land is only to be used as a garden with the existing wall remaining in place'.
- 

### Decision

1. The appeal is allowed and planning permission is granted for change of use of land from open space to residential garden at 3 Fenton Fields, Fenton, Lincoln LN1 2GE in accordance with the terms of the application, Ref 143522, dated 3 August 2021, and the plans submitted with it, subject to the following conditions:
  - 1) Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 (or any order revoking and re-enacting that Order with or without modification), the development hereby permitted shall not be altered through the enlargement, improvement, or other alteration of the host dwellinghouse and no fences, gates or walls shall be erected within the additional curtilage and no new hardstanding shall be installed within the additional curtilage.

### Preliminary Matter

2. The Council has described the development as 'change of use of land from open space to residential garden'. I note that the appellant has also utilised this description on their appeal form. I consider that this revision provides a succinct and accurate description of the proposal and I have therefore determined the appeal on this basis.

### **Main Issue**

3. The main issue is whether the appeal site is a suitable location for a residential garden having regard its public amenity value.

### **Reasons**

4. The Council has raised a concern in that the proposed change of use of the appeal site from public open space to a residential garden would lead to the loss of its function and purpose of helping to soften the built environment of the area and for the benefit of residents thereby also having an adverse impact on the associated public amenity value of the land.
5. The appeal site was provided as an area of public open space as part of the residential development to which it belongs as well as several other similar small areas of public open space nearby. Given its size, narrowness, and location I consider the functional public amenity value of the site to be visual.
6. The appellant owns this land having purchased it from the Parish council and the associated s106 legal agreement has been amended accordingly. The proposal would not erect a high fence or wall on the outer boundary of the appeal site closest to the footpath and while I note that a low railing has been installed this does not obscure views of this land. The proposal would also not move the existing higher boundary wall to encompass the appeal site. Since purchasing the property the appellant has also planted some trees and shrubbery on the site which in my view improve its visual amenity value when compared to the other area of public open spaces nearby which are bare grassed areas.
7. Furthermore, given its location next to the public footpath and the fact that they already have a back garden on the other side of the wall, I consider it likely that the use of the proposed garden area by occupiers of the host property would be less frequent than their use of the back garden. Consequently, I consider that the proposal would create a more ornamental garden that would not have an adverse impact on the visual public amenity value of the appeal site, nor would it negate the associated public benefit that it provides.
8. I therefore conclude that the appeal site is a suitable location for a residential garden having regard its public amenity value. Accordingly, it would not conflict with the relevant requirements of policies LP17, LP24 and LP26 of the adopted Central Lincolnshire Local Plan.

### **Conditions**

9. In the interest of public amenity and the living conditions of the occupiers of the host dwelling I have imposed a necessary condition prohibiting the alteration of the proposed additional residential garden as a result of any future development within its curtilage or that of the host property.

### **Conclusion**

10. For the reasons set out above I conclude that the appeal should be allowed.

*C Coyne* INSPECTOR





---

# Appeal Decision

Site visit made on 9 June 2022

**by Paul Martinson BA (Hons) MSc MRTPI**

**an Inspector appointed by the Secretary of State**

**Decision date: 13 July 2022**

---

**Appeal Ref: APP/N2535/W/21/3283435**

**57 Yarborough Road, Keelby, Grimsby DN41 8HT**

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant outline planning permission.
  - The appeal is made by Mr John Wingfield against the decision of West Lindsey District Council.
  - The application Ref 142902, dated 22 April 2021, was refused by notice dated 8 June 2021.
  - The development proposed is described as: 'outline application to remove an existing dwelling, several small outbuildings, and erect 3no. new dwellings - all matters reserved - resubmission of 141527'.
- 

## Decision

1. The appeal is dismissed.

## Preliminary Matters

2. The appellant has provided a preliminary ecological appraisal and bat survey at the appeal stage in order to address the Council's reasons for refusal on this matter. However, it is important that what is considered at appeal is essentially what was considered by the Council in making its decision. Given the lack of formal consultation I have concluded that it could be prejudicial to the interests of interested parties to take these additional documents into account, particularly as the effect on bats is a concern highlighted in third party comments. I have therefore determined the appeal on the basis of the documents on which the Council made its decision.
3. The application is in outline form with all matters reserved for future consideration. I have dealt with the appeal on this basis, and I have treated the submitted plans as being illustrative only.
4. The application follows an earlier refusal<sup>1</sup> of outline planning permission for the development of a larger part of the site for 5 dwellings.

## Main Issues

5. The main issues are:
  - the effect of the proposed development on the character and appearance of the area; and
  - the effect of the proposed development on protected species.

---

<sup>1</sup> 141527.

## Reasons

### *Character and Appearance*

6. Development along this side of Yarborough Road comprises of dwellings positioned close to the road occupying the frontage of long plots extending away from the road. There are occasional glimpses between buildings along driveways and accesses that give an indication of the length of some of the plots. Development within the plots tends to be limited to small scale and single storey outbuildings, although often these are screened by the frontage development. The near consistent linear arrangement of dwellings along this side of Yarborough Road, with their extensive, predominantly undeveloped plots forms a clear and coherent pattern of development that contributes to the character of the area.
7. The appeal site comprises of an existing detached dwelling positioned close to the road frontage and set within a large plot consistent with the prevailing character. It is proposed to demolish the existing dwelling and construct the new dwellings within the plot. The indicative plans show that one of these would be positioned to the front of the site occupying a similar footprint to the existing dwelling, with two dwellings in the rear garden. This would form a row of detached dwellings extending back into the site.
8. Whilst being mindful that these plans are only indicative, in my view this is logically the way the site would likely be developed. The provision of three properties extending to the rear of the site would represent a clear conflict with the established pattern of development along Yarborough Road. The additional two dwellings to the rear would fail to front the road and would be significantly divorced from the otherwise consistent arrangement of dwellings. As such it would appear as an incongruous and ad hoc form of development that would be at odds with the prevailing pattern of development.
9. The provision of a vehicular access to serve each dwelling would likely allow views across it so that the harm would be experienced in views from outside the site where the contrast with the distinctive pattern of development would be clear. It would also be visible from the neighbouring dwellings.
10. Whilst a large dwelling has been constructed within the rear garden at 75 Yarborough Road that is visible in the streetscene, it is a single dwelling (rather than two additional dwellings as is proposed here) and as such both properties retain lengthy rear gardens as is characteristic in the area. Nevertheless, this is an isolated example of such development with the majority of other properties having long rear gardens. Whilst some of those contain outbuildings, these are clearly visible as such and therefore do not justify the erection of two dwellings within the curtilage at the appeal site.
11. My attention has been drawn to a recent appeal decision<sup>2</sup> which allowed the construction of a new dwelling in the rear garden of 11 Cissplant Lane (No 11), backing onto the appeal site. In this regard I accept that the backland development forms part of the character of Cissplant Lane, however, this is a separate road that meets Yarborough Road at a junction some distance away from the appeal site. The backland development at Cissplant Lane is not visible in public views in the vicinity of the appeal site. Furthermore, the new

---

<sup>2</sup> APP/N2535/W/21/3271245.

development at No 11 would be unlikely to be visible, given the substantial distances involved. The pattern of development along Cissplant Lane therefore has limited relevance in the context of this appeal.

12. The appellant has directed me to new housing development adjacent to the Recreation Ground opposite, however this forms part of a wider pattern of development enclosing that area of public open space and does not appear as backland development of residential gardens. It is therefore not comparable to the case before me.
13. I accept that the appellant has sought to address the Council's concerns following the previous refusal however, for the above reasons I conclude that the proposal would result in harm to the character and appearance of the area. There would therefore be conflict with Policy LP26 of the Central Lincolnshire Local Plan (2017) (the CLLP) which seeks to ensure new development proposals take into consideration the character and local distinctiveness of the area and, amongst other things and in summary, relate well to the existing site and surroundings.

### *Protected Species*

14. The appeal site lies adjacent to mature trees. The site also contains buildings, all of which are proposed to be demolished. These could be used by roosting bats or nesting birds. Third party comments refer to the site being used by bats.
15. Bats<sup>3</sup> and wild birds<sup>4</sup> are protected by law and their presence is a material consideration when a development proposal is being considered which would be likely to result in harm to the species or its habitat. There is a statutory duty on me to have regard to the conservation of biodiversity<sup>5</sup>.
16. ODPM Circular 06/2005 states that it is essential that the presence or otherwise of protected species, and the extent that they may be affected by the proposed development, is established before the planning permission is granted, otherwise all relevant material considerations may not have been addressed in making the decision.
17. The appellant provided no ecological surveys in support of the application. In the absence of such surveys, and on the basis of the information before me, I cannot be certain whether protected species are present or the extent to which they may be affected. Furthermore, if protected species were affected, I cannot be certain as to what mitigation, if appropriate, may be required.
18. In this regard, paragraph 180 of the Framework states that if significant harm to biodiversity resulting from development cannot be avoided, adequately mitigated, or, as a last resort, compensated for, then planning permission should be refused.
19. I therefore cannot conclude that the proposal would not adversely affect protected species, specifically bats and nesting birds. The proposal would therefore conflict with Policy LP21 of the CLLP and paragraph 174 (d) of the

---

<sup>3</sup> Conservation of Habitats and Species Regulations (2017) & Wildlife and Countryside Act (1981).

<sup>4</sup> Wildlife and Countryside Act (1981).

<sup>5</sup> Section 40 of the Natural Environment and Rural Communities Act 2000, as amended.

Framework which amongst other things, seek to minimise impacts on and provide net gains for biodiversity.

**Conclusion**

20. For the reasons given above, having considered the development plan as a whole and all other relevant material considerations, I conclude that the appeal should be dismissed.

*Paul Martinson*

INSPECTOR

---

# Appeal Decision

Site visit made on 14 June 2022

**by J Downs BA(Hons) MRTPI**

**an Inspector appointed by the Secretary of State**

**Decision date: 14 July 2022**

---

**Appeal Ref: APP/N2535/W/22/3292805**

**28 Nettleton Road, Caistor, Market Rasen LN7 6NB**

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission.
  - The appeal is made by Mr Lawrence Warne against the decision of West Lindsey District Council.
  - The application Ref 143805, dated 5 October 2021, was refused by notice dated 6 December 2021.
  - The development is described as "Proposed residential dwelling with integral garage and new vehicle access".
- 

## Decision

1. The appeal is dismissed.

## Main Issues

2. The main issues are:
  - the effect of the appeal proposal on the living conditions of existing occupants of 28 Nettleton Road and future occupants of the appeal proposal; and
  - the effect of the appeal proposal on the character and appearance of the area.

## Reasons

### *Living Conditions*

3. The appeal proposal would be sited in close proximity to No 28 with a narrow strip of garden separating them. No 28 has several windows that would look directly towards the appeal proposal. Although the appeal proposal would be set at a lower level and have a hipped roof which would slope away from No 28, there would be an enclosing effect on those windows in the rear elevation of No 28. This would have an oppressive impact for the residents of No 28, and the outlook from those windows would be unacceptably harmed due to this proximity.
4. Future occupants of the appeal proposal would also suffer from an unacceptable level of outlook which would be exacerbated by the appeal proposal being set at a lower level than the existing dwelling, making it appear an imposing structure. While I acknowledge two of those rooms would be bedrooms where a lesser level of outlook may be acceptable, and that the living space has a number of openings on different elevations, the lack of a pleasant outlook would be detrimental to the living conditions of those future occupants.

5. Both properties would have an acceptable overall amount of private garden space. However, the usability of the garden of the appeal proposal would be adversely affected by its topography which includes some steep changes in level towards Cromwell Rise. This would result in the appeal proposal having an unacceptable amount of usable private garden space.
6. I conclude in relation to this main issue that the appeal proposal would have a detrimental effect on the living conditions of occupants of 28 Nettleton Road and unsatisfactory living conditions for future occupants of the proposed dwelling. In these respects, it would not be appropriate infill and would not provide a reasonable standard of amenity for existing and future occupants. This would not comply with Policies LP2 and LP26 of the Central Lincolnshire Local Plan April 2017 (CLLP).

*Character and appearance of the area*

7. The appeal site occupies a prominent position due to the open space immediately adjacent and the layout of the surrounding public highway. The surrounding area has a variety of dwelling types, but with a common feature of being set back from the public highway.
8. The proximity of the appeal proposal to the existing dwelling would be somewhat atypical in the context of this area, where the dwellings are generally set apart within spacious plots. It would be set back from the public highway and have a contemporary appearance from the use of large, glazed elements on the front elevation to Cromwell View and the proposed use of render and timber cladding. This would be reinforced by the multi-level nature of the proposal. However, there is no one prevailing dwelling type in the surrounding area, there is no clear regular layout, plot size or pattern of development. While the proposal would be different to the dwellings of the surrounding area, in my view there would not be any harm arising from this.
9. The size and scale of the appeal proposal would be perceived differently from different viewpoints due to the design. It would be at its greatest when viewed from Cromwell View at the junction with Chichester Drive, where both storeys would be clearly visible. However, given this location at the junction and the adjacent property on Cromwell Rise having a two-storey appearance, it would not appear out-of-scale with the surrounding properties. Viewed from Navigation Lane/Cromwell View, the scale would be lesser due to the dwelling being set into the slope, and the appeal proposal could be assimilated into the surrounding area by an appropriate condition requiring landscaping along the boundary.
10. In relation to this main issue the proposal would have an acceptable effect upon the character and appearance of the area. This would be of sufficiently high quality design that would contribute positively to local character, integrating with the existing environment. As such, the appeal proposal would comply with CLLP Policy LP26 and Policy 3 of the Caistor Neighbourhood Plan 2013-2031. The site is close to the Caister Conservation Area. Given my conclusions on this main issue, I do not consider that it would cause harm and would therefore preserve the character and appearance of the CA.

## **Other Matters**

11. I note several references in the appellants case that the dwelling is for use by a family member. These are personal circumstances and the permanent dwelling would remain for the longer term after those circumstances may have changed. The appellant has put forward a possible fallback position of siting a caravan in the rear garden. Their statement makes clear this is not a preferable option. It is not clear from the presented evidence that this would be a lawful fallback position to the appeal proposal. Even if this were a realistic alternative to the proposal, it may be a more temporary solution to accommodating these needs rather than a permanent dwelling that would cause the harm I have explained above. I attach limited weight to these matters.
12. The appellant also states that the appeal proposal could provide appropriate accommodation for older people or could provide a more affordable option for people wishing to live in the area. I have no mechanism before me to limit occupation of the dwelling to meet these or any other specific local need. Notwithstanding, an additional dwelling, even if it is not limited to who could occupy it, would be of some benefit to the supply of housing, particularly as the site is in an accessible location in a Market Town within the Settlement Hierarchy identified in CLLP Policy LP2. I give a moderate amount of weight to this as a benefit of the proposal.
13. While I consider that the appeal proposal would have an acceptable effect in relation to the second main issue, this and other benefits of the scheme would not outweigh my conclusion on the first main issue. Even though there is some support for the appeal proposal within the development plan, it is not acceptable when considering the plan when read as a whole.

## **Conclusion**

14. For the reasons given above, and having regard to all other matters raised, the appeal should be dismissed.

*J Downs*

INSPECTOR